

112TH CONGRESS
2D SESSION

S. 3608

To modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2012

Mrs. GILLIBRAND (for herself, Mr. DURBIN, Ms. LANDRIEU, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, 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 “Voter Empowerment Act of 2012”.

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

Sec. 1. Short title; table of contents.

TITLE I—VOTER REGISTRATION MODERNIZATION

Sec. 100. Short title.

Subtitle A—Promoting Internet Registration

- Sec. 101. Requiring availability of Internet for voter registration.
 Sec. 102. Use of Internet to update registration information.
 Sec. 103. Provision of election information by electronic mail to individuals registered to vote.
 Sec. 104. Clarification of requirement regarding necessary information to show eligibility to vote.
 Sec. 105. Effective date.

Subtitle B—Automated Registration of Certain Individuals

- Sec. 111. Automated voter registration.
 Sec. 112. List maintenance, privacy, and security.
 Sec. 113. Promoting accuracy of Statewide voter registration lists.
 Sec. 114. Definitions.
 Sec. 115. Effective date.

Subtitle C—Other Initiatives To Promote Voter Registration

- Sec. 121. Same day registration.
 Sec. 122. Acceptance of voter registration applications from individuals under 18 years of age.
 Sec. 123. Annual reports on voter registration statistics.

Subtitle D—Availability of HAVA Requirements Payments

- Sec. 131. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

Subtitle E—Prohibiting Interference With Voter Registration

- Sec. 141. Prohibiting hindering, interfering with, or preventing voter registration.
 Sec. 142. Establishment of best practices.

TITLE II—ACCESS TO VOTING FOR INDIVIDUALS WITH DISABILITIES

- Sec. 201. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
 Sec. 202. Pilot programs for enabling individuals with disabilities to register to vote and vote privately and independently at residences.
 Sec. 203. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

TITLE III—PROHIBITING VOTER CAGING

- Sec. 301. Voter caging and other questionable challenges prohibited.
 Sec. 302. Development and adoption of best practices for preventing voter caging.
 Sec. 303. Severability.

TITLE IV—PROHIBITING DECEPTIVE PRACTICES

- Sec. 401. Prohibition on deceptive practices in Federal elections.
- Sec. 402. Modification of penalty for voter intimidation.
- Sec. 403. Sentencing guidelines.
- Sec. 404. Reporting violations; corrective action.

TITLE V—DEMOCRACY RESTORATION

- Sec. 501. Rights of citizens.
- Sec. 502. Enforcement.
- Sec. 503. Notification of restoration of voting rights.
- Sec. 504. Definitions.
- Sec. 505. Relation to other laws.
- Sec. 506. Federal prison funds.
- Sec. 507. Effective date.

TITLE VI—ACCURACY, INTEGRITY, AND SECURITY OF ELECTIONS

- Sec. 600. Short title.

Subtitle A—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 601. Paper ballot and manual counting requirements.
- Sec. 602. Accessibility and ballot verification for individuals with disabilities.
- Sec. 603. Additional voting system requirements.
- Sec. 604. Availability of additional funding to enable States to meet costs of revised requirements.
- Sec. 605. Effective date for new requirements.

Subtitle B—Requirement for Mandatory Manual Audits by Hand Count

- Sec. 611. Mandatory manual audits.
- Sec. 612. Availability of enforcement under Help America Vote Act of 2002.
- Sec. 613. Guidance on best practices for alternative audit mechanisms.
- Sec. 614. Clerical amendment.

TITLE VII—PROVISIONAL BALLOTS

- Sec. 701. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

TITLE VIII—EARLY VOTING AND VOTING BY MAIL

- Sec. 801. Early voting and voting by mail.

TITLE IX—ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS

- Sec. 901. Extending guarantee of residency for voting purposes to family members of absent military personnel.
- Sec. 902. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 903. Enforcement.
- Sec. 904. Revisions to 45-day absentee ballot transmission rule.
- Sec. 905. Use of single absentee ballot application for subsequent elections.
- Sec. 906. Application of UOCAVA to Commonwealth of Northern Mariana Islands.
- Sec. 907. Effective date.

TITLE X—POLL WORKER RECRUITMENT AND TRAINING

- Sec. 1001. Leave to serve as a poll worker for Federal employees.
 Sec. 1002. Grants to States for poll worker recruitment and training.
 Sec. 1003. Model poll worker training program.
 Sec. 1004. State defined.

TITLE XI—ENHANCEMENT OF ENFORCEMENT

- Sec. 1101. Enhancement of enforcement of Help America Vote Act of 2002.

TITLE XII—FEDERAL ELECTION INTEGRITY

- Sec. 1201. Prohibition on campaign activities by chief State election administration officials.

TITLE XIII—OTHER ELECTION ADMINISTRATION IMPROVEMENTS

- Sec. 1301. Treatment of universities as voter registration agencies.
 Sec. 1302. Minimum notification requirements for voters affected by polling place changes.
 Sec. 1303. Voter information response systems and hotline.
 Sec. 1304. Reauthorization of election assistance commission.
 Sec. 1305. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.
 Sec. 1306. No effect on other laws.

1 **TITLE I—VOTER REGISTRATION**
 2 **MODERNIZATION**

3 **SEC. 100. SHORT TITLE.**

4 This title may be cited as the “Voter Registration
 5 Modernization Act of 2012”.

6 **Subtitle A—Promoting Internet**
 7 **Registration**

8 **SEC. 101. REQUIRING AVAILABILITY OF INTERNET FOR**
 9 **VOTER REGISTRATION.**

10 (a) REQUIRING AVAILABILITY OF INTERNET FOR
 11 REGISTRATION.—The National Voter Registration Act of
 12 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting
 13 after section 6 the following new section:

1 **“SEC. 6A. INTERNET REGISTRATION.**

2 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
3 ONLINE REGISTRATION.—

4 “(1) AVAILABILITY OF ONLINE REGISTRA-
5 TION.—Each State, acting through the chief State
6 election official, shall ensure that the following serv-
7 ices are available to the public at any time on the
8 official public websites of the appropriate State and
9 local election officials in the State, in the same man-
10 ner and subject to the same terms and conditions as
11 the services provided by voter registration agencies
12 under section 7(a):

13 “(A) Online application for voter registra-
14 tion.

15 “(B) Online assistance to applicants in ap-
16 plying to register to vote.

17 “(C) Online completion and submission by
18 applicants of the mail voter registration applica-
19 tion form prescribed by the Election Assistance
20 Commission pursuant to section 9(a)(2), includ-
21 ing assistance with providing a signature in
22 electronic form as required under subsection
23 (c).

24 “(D) Online receipt of completed voter reg-
25 istration applications.

1 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
2 A State shall accept an online voter registration applica-
3 tion provided by an individual under this section, and en-
4 sure that the individual is registered to vote in the State,
5 if—

6 “(1) the individual meets the same voter reg-
7 istration requirements applicable to individuals who
8 register to vote by mail in accordance with section
9 6(a)(1) using the mail voter registration application
10 form prescribed by the Election Assistance Commis-
11 sion pursuant to section 9(a)(2); and

12 “(2) the individual provides a signature in elec-
13 tronic form in accordance with subsection (c) (but
14 only in the case of applications submitted during or
15 after the second year in which this section is in ef-
16 fect in the State).

17 “(c) SIGNATURES IN ELECTRONIC FORM.—For pur-
18 poses of this section, an individual provides a signature
19 in electronic form by—

20 “(1) executing a computerized mark in the sig-
21 nature field on an online voter registration applica-
22 tion; or

23 “(2) submitting with the application an elec-
24 tronic copy of the individual’s handwritten signature
25 through electronic means.

1 “(d) CONFIRMATION AND DISPOSITION.—

2 “(1) CONFIRMATION OF RECEIPT.—Upon the
3 online submission of a completed voter registration
4 application by an individual under this section, the
5 appropriate State or local election official shall send
6 the individual a notice confirming the State’s receipt
7 of the application and providing instructions on how
8 the individual may check the status of the applica-
9 tion.

10 “(2) NOTICE OF DISPOSITION.—As soon as the
11 appropriate State or local election official has ap-
12 proved or rejected an application submitted by an in-
13 dividual under this section, the official shall send the
14 individual a notice of the disposition of the applica-
15 tion.

16 “(3) METHOD OF NOTIFICATION.—The appro-
17 priate State or local election official shall send the
18 notices required under this subsection by regular
19 mail, and, in the case of an individual who has re-
20 quested that the State provide voter registration and
21 voting information through electronic mail, by both
22 electronic mail and regular mail.

23 “(e) PROVISION OF SERVICES IN NONPARTISAN
24 MANNER.—The services made available under subsection

1 (a) shall be provided in a manner that ensures that, con-
2 sistent with section 7(a)(5)—

3 “(1) the online application does not seek to in-
4 fluence an applicant’s political preference or party
5 registration; and

6 “(2) there is no display on the website pro-
7 moting any political preference or party allegiance,
8 except that nothing in this paragraph may be con-
9 strued to prohibit an applicant from registering to
10 vote as a member of a political party.

11 “(f) PROTECTION OF SECURITY OF INFORMATION.—
12 In meeting the requirements of this section, the State shall
13 establish appropriate technological security measures to
14 prevent to the greatest extent practicable any unauthor-
15 ized access to information provided by individuals using
16 the services made available under subsection (a).

17 “(g) USE OF ADDITIONAL TELEPHONE-BASED SYS-
18 TEM.—A State shall make the services made available on-
19 line under subsection (a) available through the use of an
20 automated telephone-based system, subject to the same
21 terms and conditions applicable under this section to the
22 services made available online, in addition to making the
23 services available online in accordance with the require-
24 ments of this section.

1 “(h) NONDISCRIMINATION AMONG REGISTERED
2 VOTERS USING MAIL AND ONLINE REGISTRATION.—In
3 carrying out this Act, the Help America Vote Act of 2002,
4 or any other Federal, State, or local law governing the
5 treatment of registered voters in the State or the adminis-
6 tration of elections for public office in the State, a State
7 shall treat a registered voter who registered to vote online
8 in accordance with this section in the same manner as the
9 State treats a registered voter who registered to vote by
10 mail.”.

11 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
12 USING ONLINE REGISTRATION.—

13 (1) TREATMENT AS INDIVIDUALS REGISTERING
14 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
15 VOTER IDENTIFICATION REQUIREMENTS.—Section
16 303(b)(1)(A) of the Help America Vote Act of 2002
17 (42 U.S.C. 15483(b)(1)(A)) is amended by striking
18 “by mail” and inserting “by mail or online under
19 section 6A of the National Voter Registration Act of
20 1993”.

21 (2) REQUIRING SIGNATURE FOR FIRST-TIME
22 VOTERS IN JURISDICTION.—Section 303(b) of such
23 Act (42 U.S.C. 15483(b)) is amended—

24 (A) by redesignating paragraph (5) as
25 paragraph (6); and

1 (B) by inserting after paragraph (4) the
2 following new paragraph:

3 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
4 TIME VOTERS USING ONLINE REGISTRATION.—

5 “(A) IN GENERAL.—A State shall, in a
6 uniform and nondiscriminatory manner, require
7 an individual to meet the requirements of sub-
8 paragraph (B) if—

9 “(i) the individual registered to vote
10 in the State online under section 6A of the
11 National Voter Registration Act of 1993;
12 and

13 “(ii) the individual has not previously
14 voted in an election for Federal office in
15 the State.

16 “(B) REQUIREMENTS.—An individual
17 meets the requirements of this subparagraph
18 if—

19 “(i) in the case of an individual who
20 votes in person, the individual provides the
21 appropriate State or local election official
22 with a handwritten signature; or

23 “(ii) in the case of an individual who
24 votes by mail, the individual submits with
25 the ballot a handwritten signature.

1 “(C) INAPPLICABILITY.—Subparagraph
2 (A) does not apply in the case of an individual
3 who is—

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

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

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

15 (3) CONFORMING AMENDMENT RELATING TO
16 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
17 Act (42 U.S.C. 15483(d)(2)(A)) is amended by
18 striking “Each State” and inserting “Except as pro-
19 vided in subsection (b)(5), each State”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) TIMING OF REGISTRATION.—Section 8(a)(1)
22 of the National Voter Registration Act of 1993 (42
23 U.S.C. 1973gg–6(a)(1)) is amended—

24 (A) by striking “and” at the end of sub-
25 paragraph (C);

1 (B) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (C) by inserting after subparagraph (C)
4 the following new subparagraph:

5 “(D) in the case of online registration
6 through the official public website of an election
7 official under section 6A, if the valid voter reg-
8 istration application is submitted online not
9 later than the lesser of 30 days, or the period
10 provided by State law, before the date of the
11 election (as determined by treating the date on
12 which the application is sent electronically as
13 the date on which it is submitted); and”.

14 (2) INFORMING APPLICANTS OF ELIGIBILITY
15 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)
16 of such Act (42 U.S.C. 1973gg–6(a)(5)) is amended
17 by striking “and 7” and inserting “6A, and 7”.

18 **SEC. 102. USE OF INTERNET TO UPDATE REGISTRATION IN-**
19 **FORMATION.**

20 (a) IN GENERAL.—

21 (1) UPDATES TO INFORMATION CONTAINED ON
22 COMPUTERIZED STATEWIDE VOTER REGISTRATION
23 LIST.—Section 303(a) of the Help America Vote Act
24 of 2002 (42 U.S.C. 15483(a)) is amended by adding
25 at the end the following new paragraph:

1 “(6) USE OF INTERNET BY REGISTERED VOT-
2 ERS TO UPDATE INFORMATION.—

3 “(A) IN GENERAL.—The appropriate State
4 or local election official shall ensure that any
5 registered voter on the computerized list may at
6 any time update the voter’s registration infor-
7 mation, including the voter’s address and elec-
8 tronic mail address, online through the official
9 public website of the election official responsible
10 for the maintenance of the list, so long as the
11 voter attests to the contents of the update by
12 providing a signature in electronic form in the
13 same manner required under section 6A(c) of
14 the National Voter Registration Act of 1993.

15 “(B) PROCESSING OF UPDATED INFORMA-
16 TION BY ELECTION OFFICIALS.—If a registered
17 voter updates registration information under
18 subparagraph (A), the appropriate State or
19 local election official shall—

20 “(i) revise any information on the
21 computerized list to reflect the update
22 made by the voter; and

23 “(ii) if the updated registration infor-
24 mation affects the voter’s eligibility to vote
25 in an election for Federal office, ensure

1 that the information is processed with re-
2 spect to the election if the voter updates
3 the information not later than the lesser of
4 7 days, or the period provided by State
5 law, before the date of the election.

6 “(C) CONFIRMATION AND DISPOSITION.—

7 “(i) CONFIRMATION OF RECEIPT.—

8 Upon the online submission of updated
9 registration information by an individual
10 under this paragraph, the appropriate
11 State or local election official shall send
12 the individual a notice confirming the
13 State’s receipt of the updated information
14 and providing instructions on how the indi-
15 vidual may check the status of the update.

16 “(ii) NOTICE OF DISPOSITION.—As

17 soon as the appropriate State or local elec-
18 tion official has accepted or rejected up-
19 dated information submitted by an indi-
20 vidual under this paragraph, the official
21 shall send the individual a notice of the
22 disposition of the update.

23 “(iii) METHOD OF NOTIFICATION.—

24 The appropriate State or local election offi-
25 cial shall send the notices required under

1 this subparagraph by regular mail, and, in
2 the case of an individual who has re-
3 quested that the State provide voter reg-
4 istration and voting information through
5 electronic mail, by both electronic mail and
6 regular mail.”.

7 (2) CONFORMING AMENDMENT RELATING TO
8 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
9 Act (42 U.S.C. 15483(d)(1)(A)) is amended by
10 striking “subparagraph (B)” and inserting “sub-
11 paragraph (B) and subsection (a)(6)”.

12 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
13 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
14 tion 8(d)(2)(A) of the National Voter Registration Act of
15 1993 (42 U.S.C. 1973gg-6(d)(2)(A)) is amended—

16 (1) in the first sentence, by inserting after “re-
17 turn the card” the following: “or update the reg-
18 istrant’s information on the computerized Statewide
19 voter registration list using the online method pro-
20 vided under section 303(a)(6) of the Help America
21 Vote Act of 2002”; and

22 (2) in the second sentence, by striking “re-
23 turned,” and inserting the following: “returned or if
24 the registrant does not update the registrant’s infor-

1 mation on the computerized Statewide voter reg-
2 istration list using such online method.”.

3 **SEC. 103. PROVISION OF ELECTION INFORMATION BY**
4 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
5 **ISTERED TO VOTE.**

6 (a) INCLUDING OPTION ON VOTER REGISTRATION
7 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
8 CEIVE INFORMATION.—

9 (1) IN GENERAL.—Section 9(b) of the National
10 Voter Registration Act of 1993 (42 U.S.C. 1973gg–
11 7(b)) is amended—

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

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

16 (C) by adding at the end the following new
17 paragraph:

18 “(5) shall include a space for the applicant to
19 provide (at the applicant’s option) an electronic mail
20 address, together with a statement that, if the appli-
21 cant so requests, instead of using regular mail the
22 appropriate State and local election officials shall
23 provide to the applicant, through electronic mail sent
24 to that address, the same voting information (as de-
25 fined in section 302(b)(2) of the Help America Vote

1 Act of 2002) which the officials would provide to the
2 applicant through regular mail.”.

3 (2) PROHIBITING USE FOR PURPOSES UNRE-
4 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-
5 CIALS.—Section 9 of such Act (42 U.S.C. 1973gg-
6 7) is amended by adding at the end the following
7 new subsection:

8 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
9 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
10 chief State election official shall ensure that any electronic
11 mail address provided by an applicant under subsection
12 (b)(5) is used only for purposes of carrying out official
13 duties of election officials and is not transmitted by any
14 State or local election official (or any agent of such an
15 official, including a contractor) to any person who does
16 not require the address to carry out such official duties
17 and who is not under the direct supervision and control
18 of a State or local election official.”.

19 (b) REQUIRING PROVISION OF INFORMATION BY
20 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-
21 ica Vote Act of 2002 (42 U.S.C. 15482(b)) is amended
22 by adding at the end the following new paragraph:

23 “(3) PROVISION OF OTHER INFORMATION BY
24 ELECTRONIC MAIL.—If an individual who is a reg-
25 istered voter has provided the State or local election

1 official with an electronic mail address for the pur-
2 pose of receiving voting information (as described in
3 section 9(b)(5) of the National Voter Registration
4 Act of 1993), the appropriate State or local election
5 official, through electronic mail transmitted not later
6 than 7 days before the date of the election involved,
7 shall provide the individual with information on how
8 to obtain the following information by electronic
9 means:

10 “(A) The name and address of the polling
11 place at which the individual is assigned to vote
12 in the election.

13 “(B) The hours of operation for the polling
14 place.

15 “(C) A description of any identification or
16 other information the individual may be re-
17 quired to present at the polling place.”.

18 **SEC. 104. CLARIFICATION OF REQUIREMENT REGARDING**
19 **NECESSARY INFORMATION TO SHOW ELIGI-**
20 **BILITY TO VOTE.**

21 Section 8 of the National Voter Registration Act of
22 1993 (42 U.S.C. 1973gg-6) is amended—

23 (1) by redesignating subsection (j) as sub-
24 section (k); and

1 (2) by inserting after subsection (i) the fol-
 2 lowing new subsection:

3 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
 4 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
 5 ELIGIBILITY TO VOTE.—For purposes meeting the re-
 6 quirement of subsection (a)(1) that an eligible applicant
 7 is registered to vote in an election for Federal office within
 8 the deadlines required under such subsection, the State
 9 shall consider an applicant to have provided a ‘valid voter
 10 registration form’ if—

11 “(1) the applicant has accurately completed the
 12 application form and attested to the statement re-
 13 quired by section 9(b)(2); and

14 “(2) in the case of an applicant who registers
 15 to vote online in accordance with section 6A, the ap-
 16 plicant provides a signature in accordance with sub-
 17 section (c) of such section.”.

18 **SEC. 105. EFFECTIVE DATE.**

19 (a) IN GENERAL.—Except as provided in subsection
 20 (b), the amendments made by this subtitle (other than the
 21 amendments made by section 104) shall take effect Janu-
 22 ary 1, 2014.

23 (b) WAIVER.—Subject to the approval of the Election
 24 Assistance Commission, if a State certifies to the Election
 25 Assistance Commission that the State will not meet the

1 deadline referred to in subsection (a) because of extraor-
 2 dinary circumstances and includes in the certification the
 3 reasons for the failure to meet the deadline, subsection
 4 (a) shall apply to the State as if the reference in such
 5 subsection to “January 1, 2014” were a reference to
 6 “January 1, 2016”.

7 **Subtitle B—Automated**
 8 **Registration of Certain Individuals**

9 **SEC. 111. AUTOMATED VOTER REGISTRATION.**

10 (a) COLLECTION OF INFORMATION BY SOURCE
 11 AGENCIES.—

12 (1) DUTIES OF SOURCE AGENCIES.—Each
 13 source agency in a State (as defined in subsection
 14 (e)) shall, with each application for services or as-
 15 sistance by an individual, and with each recertifi-
 16 cation, renewal, or change of address relating to
 17 such services or assistance—

18 (A) notify each such individual of the sub-
 19 stantive qualifications of an elector in the State,
 20 using language approved by the State’s chief
 21 election official;

22 (B) notify each such individual that there
 23 is an opportunity to be registered to vote or up-
 24 date voter registration, but that voter registra-
 25 tion is voluntary, and that neither registering

1 nor declining to register to vote will in any way
2 affect the availability of services or benefits, nor
3 be used for other purposes;

4 (C) require that each such individual indi-
5 cate, after considering the substantive qualifica-
6 tion of an elector in the State, whether or not
7 the person wishes to be registered;

8 (D) ensure that each such individual's
9 transaction with the agency cannot be com-
10 pleted until the individual has indicated whether
11 he or she wishes to register to vote; and

12 (E) for each such individual who consents
13 to using the individual's records with the source
14 agency to enable the individual to register to
15 vote under this section, collect a signed affirma-
16 tion of eligibility to register to vote in the State.

17 (2) NO EFFECT ON RIGHT TO DECLINE VOTER
18 REGISTRATION.—Nothing in this subtitle shall be
19 construed to interfere with the right of any person
20 to decline to be registered to vote for any reason.

21 (b) TRANSFER OF INFORMATION ON INDIVIDUALS
22 CONSENTING TO VOTER REGISTRATION.—

23 (1) TRANSFER.—For each individual who noti-
24 fies the source agency that the individual consents to
25 voter registration under this section, the source

1 agency shall transfer to the chief State election offi-
2 cial of the State the following data, to the extent the
3 data is available to the source agency:

4 (A) The given name or names and sur-
5 name or surnames.

6 (B) Date of birth.

7 (C) Residential address.

8 (D) Mailing address.

9 (E) Signature, in electronic form.

10 (F) Date of the last change to the infor-
11 mation.

12 (G) The motor vehicle driver's license
13 number.

14 (H) The last four digits of the Social Secu-
15 rity number.

16 (2) TIMING OF TRANSFER.—The source agency
17 shall transfer the data described in paragraph (1) to
18 the chief State election official on a daily basis.

19 (3) FORMAT.—The data transferred under
20 paragraph (1) shall be transferred in a format com-
21 patible with the Statewide computerized voter reg-
22 istration list under section 303 of the Help America
23 Vote Act of 2002.

24 (4) PROHIBITING STORAGE OF INFORMATION.—
25 Any information collected by the source agency

1 under this section with respect to an individual who
2 consents to register to vote under this section may
3 not be stored by the source agency in any form after
4 the information is transferred to the chief State elec-
5 tion official under paragraph (1).

6 (c) REGISTRATION OF INDIVIDUALS BY CHIEF STATE
7 ELECTION OFFICIAL.—

8 (1) COMPARISON WITH STATEWIDE VOTER REG-
9 ISTRATION LIST.—Upon receiving information from
10 a source agency with respect to an individual under
11 subsection (b), the chief State election official shall
12 determine whether the individual is included in the
13 computerized Statewide voter registration list estab-
14 lished and maintained under section 303 of the Help
15 America Vote Act of 2002 (42 U.S.C. 15483).

16 (2) REGISTRATION OF INDIVIDUALS NOT ON
17 STATEWIDE LIST.—If an individual for whom infor-
18 mation is received from a source agency under sub-
19 section (b) is eligible to vote in elections for Federal
20 office in the State and is not on the computerized
21 Statewide voter registration list, the chief State elec-
22 tion official shall—

23 (A) ensure that the individual is registered
24 to vote in such elections not later than 5 days
25 after receiving the information, without regard

1 to whether or not the information provided by
2 the source agency includes the individual's sig-
3 nature;

4 (B) update the Statewide computerized
5 voter registration list to include the individual;
6 and

7 (C) notify the individual that the individual
8 is registered to vote in elections for Federal of-
9 fice in the State.

10 (3) TREATMENT OF INFORMATION INCOR-
11 RECTLY PROVIDED.—If a source agency provides the
12 chief State election official with information with re-
13 spect to an individual who did not consent to be reg-
14 istered to vote under this section, the chief State
15 election official shall not take any action to register
16 the individual to vote, except that no such individual
17 who is already included on the computerized State-
18 wide voter registration list shall be removed from the
19 list solely because the information was incorrectly
20 provided under subsection (b).

21 (4) NO EFFECT ON OTHER MEANS OF REG-
22 ISTRATION.—Nothing in this section affects a
23 State's obligation to register voters upon receipt of
24 a valid voter registration application through means
25 provided by National Voter Registration Act of 1993

1 (42 U.S.C. 1973gg et seq.), the Internet registration
2 procedure described in subtitle A, or other valid
3 means.

4 (5) INDIVIDUALS IN EXISTING RECORDS.—No
5 later than January 2015, each individual who is list-
6 ed in a source agency’s records and for whom there
7 exists reason to believe the individual is a citizen
8 and not otherwise ineligible to vote shall be mailed
9 a postage pre-paid return postcard including a box
10 for the individual to check, together with the state-
11 ment (in close proximity to the box and in promi-
12 nent type), “By checking this box, I affirm that I
13 am a citizen of the United States, am eligible to vote
14 in this State, and will be at least eighteen years old
15 by the next general election. I understand that by
16 checking this box, I will be registered to vote if I am
17 eligible to vote in the State.”, along with a clear de-
18 scription of the voting eligibility requirements in the
19 State. The postcard shall also include, where re-
20 quired for voter registration, a place for the individ-
21 ual’s signature and designation of party affiliation.
22 An individual who checks the box and returns the
23 completed postcard postmarked not later than the
24 lesser of the fifteenth day before an election for Fed-

1 eral office, or the period provided by State law, shall
2 be registered to vote in that election.

3 (d) OPTIONS FOR STATE TO REQUIRE SPECIAL
4 TREATMENT OF INDIVIDUALS REGISTERED AUTOMATI-
5 CALLY.—

6 (1) TREATMENT AS INDIVIDUALS REGISTERING
7 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
8 VOTER IDENTIFICATION REQUIREMENTS.—Section
9 303(b)(1)(A) of the Help America Vote Act of 2002
10 (42 U.S.C. 15483(b)(1)(A)), as amended by section
11 101(b)(1), is amended by striking “of 1993” and in-
12 serting “of 1993 or (at the option of the State) was
13 registered automatically under section 111 of the
14 Voter Registration Modernization Act of 2012”.

15 (2) REQUIRING SIGNATURE.—Section 303(b) of
16 such Act (42 U.S.C. 15483(b)), as amended by sec-
17 tion 101(b)(2), is amended—

18 (A) by redesignating paragraph (6) as
19 paragraph (7); and

20 (B) by inserting after paragraph (5) the
21 following new paragraph:

22 “(5) OPTION FOR STATE TO REQUIRE SIGNA-
23 TURE REQUIREMENTS FOR FIRST-TIME VOTERS REG-
24 ISTERED AUTOMATICALLY.—

1 “(A) IN GENERAL.—A State may, in a uni-
2 form and nondiscriminatory manner, require an
3 individual to meet the requirements of subpara-
4 graph (B) if—

5 “(i) the individual was registered to
6 vote in the State automatically under sec-
7 tion 111 of the Voter Registration Mod-
8 ernization Act of 2012; and

9 “(ii) the individual has not previously
10 voted in an election for Federal office in
11 the State.

12 “(B) REQUIREMENTS.—An individual
13 meets the requirements of this subparagraph
14 if—

15 “(i) in the case of an individual who
16 votes in person, the individual provides the
17 appropriate State or local election official
18 with a handwritten signature; or

19 “(ii) in the case of an individual who
20 votes by mail, the individual submits with
21 the ballot a handwritten signature.

22 “(C) INAPPLICABILITY.—Subparagraph
23 (A) does not apply in the case of an individual
24 who is—

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

5 “(ii) provided the right to vote other-
 6 wise than in person under section
 7 3(b)(2)(B)(ii) of the Voting Accessibility
 8 for the Elderly and Handicapped Act (42
 9 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

10 “(iii) entitled to vote otherwise than
 11 in person under any other Federal law.”.

12 (3) CONFORMING AMENDMENT RELATING TO
 13 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
 14 Act (42 U.S.C. 15483(d)(2)(A)), as amended by sec-
 15 tion 101(b)(3), is amended by striking “subsection
 16 (b)(5)” and inserting “subsections (b)(5) and
 17 (b)(6)”.

18 (e) SOURCE AGENCIES DESCRIBED.—

19 (1) IN GENERAL.—With respect to any State, a
 20 “source agency” is—

21 (A) each State office which is described in
 22 paragraph (2); and

23 (B) each Federal office which is described
 24 in paragraph (3) which is located in the State,
 25 except that such office shall be a source agency

1 only with respect to individuals who are resi-
2 dents of the State in which the office is located.

3 (2) STATE OFFICES DESCRIBED.—

4 (A) IN GENERAL.—The State offices de-
5 scribed in this paragraph are as follows:

6 (i) The State motor vehicle authority.

7 (ii) Each office in the State which is
8 designated as a voter registration agency
9 in a State pursuant to section 7(a) of the
10 National Voter Registration Act of 1993
11 (42 U.S.C. 1973gg-5(a)).

12 (iii) Each State agency that admin-
13 isters a program providing assistance pur-
14 suant to pursuant to title III of the Social
15 Security Act (42 U.S.C. 501 et seq.).

16 (iv) Each State agency primarily re-
17 sponsible for maintaining identifying infor-
18 mation for students enrolled at public sec-
19 ondary schools in the State, including,
20 where applicable, the State agency respon-
21 sible for maintaining the education data
22 system described in section 6401(e)(2) of
23 the America COMPETES Act (20 U.S.C.
24 9871(e)(2)).

1 (v) In the case of a State in which an
2 individual disenfranchised by a criminal
3 conviction may become eligible to vote
4 upon completion of criminal sentence or
5 any part thereof, or upon formal restora-
6 tion of rights, the State agency responsible
7 for administering that sentence, or part
8 thereof, or that restoration of rights.

9 (vi) In the case of a State in which an
10 individual disenfranchised by adjudication
11 of mental incompetence or similar condi-
12 tion becomes eligible to register to vote
13 upon the restoration of competence or
14 similar condition, each State agency re-
15 sponsible for determining when competence
16 or a similar condition is met.

17 (vii) Such other office which may be
18 designated as a source agency by the chief
19 State election official of the State.

20 (B) CRITERIA FOR DESIGNATION OF ADDI-
21 TIONAL SOURCE AGENCIES.—In designating of-
22 fices of the State as source agencies for pur-
23 poses of subparagraph (A)(vii), the chief State
24 election official shall give priority on the basis
25 of the following criteria:

1 (i) The extent to which individuals re-
2 ceiving services or assistance from the of-
3 fice are likely to be individuals who are eli-
4 gible to register to vote in elections for
5 Federal office in the State but who are not
6 registered to vote in such elections.

7 (ii) The accuracy of the office's
8 records with respect to identifying informa-
9 tion (including age, citizenship status, and
10 residency) for individuals receiving services
11 or assistance from the office.

12 (iii) The cost-effectiveness of obtain-
13 ing such identifying information and trans-
14 mitting the information to the chief State
15 election official.

16 (iv) The extent to which the designa-
17 tion of the office as a voter registration
18 agency will promote the registration of eli-
19 gible individuals to vote in elections for
20 Federal office in the State and the accu-
21 racy of the State's Statewide computerized
22 voter registration list under the Help
23 America Vote Act of 2002.

1 (3) FEDERAL OFFICES DESCRIBED.—The Fed-
2 eral offices described in this paragraph are as fol-
3 lows:

4 (A) Armed Forces recruitment offices.

5 (B) The United States Immigration and
6 Customs Enforcement Bureau, but only with
7 respect to individuals who complete the natu-
8 ralization process.

9 (C) The Social Security Administration.

10 (D) The Administrative Office of the
11 United States Courts, the Federal Bureau of
12 Prisons, and the United States Probation Serv-
13 ice, but only with respect to individuals com-
14 pleting terms of prison, sentences, probation, or
15 parole.

16 (E) The Department of Veterans Affairs,
17 but only with respect to individuals applying for
18 or using health care services or services for
19 homeless individuals.

20 (F) The Defense Manpower Data Center
21 of the Department of Defense.

22 (G) The Indian Health Services of the De-
23 partment of Health and Human Services.

1 (H) The Center for Medicare and Medicaid
2 Services of the Department of Health and
3 Human Services.

4 (I) Any other Federal office which des-
5 ignated by a State (with the consent of the
6 President) as a source agency with respect to
7 the State.

8 **SEC. 112. LIST MAINTENANCE, PRIVACY, AND SECURITY.**

9 (a) DATABASE MANAGEMENT STANDARDS.—

10 (1) DATABASE MATCHING STANDARDS.—The
11 chief State election official of each State shall estab-
12 lish standards governing the comparison of data on
13 the Statewide computerized voter registration list
14 under section 303 of the Help America Vote Act of
15 2002, the data provided by various source agencies
16 under section 111, and relevant data from other
17 sources, including the specific data elements and
18 data matching rules to be used for purposes of de-
19 termining—

20 (A) whether a data record from any source
21 agency represents the same individual as a
22 record in another source agency or on the
23 Statewide list;

1 (B) whether a data record from any source
2 agency represents an individual already reg-
3 istered to vote in the State;

4 (C) whether two data records in the State-
5 wide computerized voter registration list rep-
6 resent duplicate records for the same individual;

7 (D) whether a data record supplied by any
8 list maintenance source represents an individual
9 already registered to vote in the State; and

10 (E) which information will be treated as
11 more current and reliable when data records
12 from multiple sources present information for
13 the same individual.

14 (2) STANDARDS FOR DETERMINING INELIGI-
15 BILITY.—The chief State election official of a State
16 shall establish uniform and non-discriminatory
17 standards describing the specific conditions under
18 which an individual will be determined for list main-
19 tenance purposes to be ineligible to vote in an elec-
20 tion for Federal office in the State.

21 (b) PRIVACY AND SECURITY STANDARDS.—

22 (1) PRIVACY AND SECURITY POLICY.—The chief
23 State election official of a State shall publish and
24 enforce a privacy and security policy specifying each
25 class of users who shall have authorized access to

1 the computerized Statewide voter registration list,
2 specifying for each such class the permission and
3 levels of access to be granted, and setting forth
4 other safeguards to protect the privacy and security
5 of the information on the list. Such policy shall in-
6 clude security safeguards to protect personal infor-
7 mation in the data transfer process under section
8 111, the online or telephone interface, the mainte-
9 nance of the voter registration database, and audit
10 procedure to track individual access to the system.

11 (2) NO UNAUTHORIZED ACCESS.—The chief
12 election official of a State shall establish policies and
13 enforcement procedures to prevent unauthorized ac-
14 cess to or use of the computerized Statewide voter
15 registration list, any list or other information pro-
16 vided by a source agency under section 111, or any
17 maintenance source for the list. Nothing in this
18 paragraph shall be construed to prohibit access to
19 information required for official purposes for pur-
20 poses of voter registration, election administration,
21 and the enforcement of election laws.

22 (3) INTER-AGENCY TRANSFERS.—

23 (A) IN GENERAL.—The chief election offi-
24 cial of a State shall establish policies and en-
25 forcement procedures to maintain security dur-

1 ing inter-agency transfers of information re-
2 quired or permitted under this subtitle. Each
3 State agency and third party participating in
4 such inter-agency transfers of information shall
5 facilitate and comply with such policies. Noth-
6 ing in this subparagraph shall prevent a source
7 agency under section 111 from establishing and
8 enforcing additional security measures to pro-
9 tect the confidentiality and integrity of inter-
10 agency data transfers. No State or local election
11 official shall transfer or facilitate the transfer
12 of information from the computerized Statewide
13 voter registration list to any source agency
14 under section 111.

15 (B) TRANSMISSION THROUGH SECURE
16 THIRD PARTIES PERMITTED.—Nothing in this
17 section shall be construed to prevent a source
18 agency under section 111 from contracting with
19 a third party to assist in the transmission of
20 data to a chief State election official, so long as
21 the data transmission complies with the appli-
22 cable requirements of this subtitle, including
23 the privacy and security provisions of this sec-
24 tion.

1 (4) RECORDS RETENTION.—The chief State
2 election official of a State shall establish standards
3 and procedures to maintain all election records re-
4 quired for purposes of this subtitle, including for the
5 purpose of determining the eligibility of persons
6 casting provisional ballots under section 302 of the
7 Help America Vote Act of 2002. Records for individ-
8 uals who have been retained on the computerized
9 Statewide voter registration list under section 301 of
10 such Act but identified as ineligible to vote in an
11 election for Federal office within the State, or re-
12 moved from the list due to ineligibility, shall be
13 maintained and kept available until at least the date
14 of the second general election for Federal office that
15 occurs after the date that the individual was identi-
16 fied as ineligible.

17 (c) PUBLICATION OF STANDARDS.—The chief State
18 election official of a State shall publish on the official’s
19 website the standards established under this section, and
20 shall make those standards available in written form upon
21 public request.

22 (d) PROTECTION OF SOURCE INFORMATION.—The
23 identity of the specific source agency through which an
24 individual consented to register to vote under section 111
25 shall not be disclosed to the public and shall not be re-

1 tained after the individual is added to the computerized
2 Statewide voter registration list.

3 (e) CONFIDENTIALITY OF INFORMATION.—The chief
4 State election official of a State shall establish policies and
5 enforcement procedures to ensure that personal informa-
6 tion provided by source agencies or otherwise transmitted
7 under this section is kept confidential and is available only
8 to authorized users. For purposes of these policies and
9 procedures, the term “personal information” means any
10 of the following:

11 (1) Any portion of an individual’s Social Secu-
12 rity number.

13 (2) Any portion of an individual’s motor vehicle
14 driver’s license number or State identification card
15 number.

16 (3) An individual’s signature.

17 (4) An individual’s personal residence and con-
18 tact information (in the case of individuals with re-
19 spect to whom such information is required to be
20 maintained as confidential under State law).

21 (5) Sensitive information relating to persons in
22 categories designated confidential by Federal or
23 State law, including victims of domestic violence or
24 stalking, prosecutors and law enforcement personnel,
25 and participants in a witness protection program.

1 (6) An individual's phone number.

2 (7) An individual's email address.

3 (8) Any indication of an individual's status as
4 a citizen or noncitizen of the United States.

5 (9) Such other information as the chief State
6 election official may designate as confidential to the
7 extent reasonably necessary to prevent identity theft
8 or impersonation, except that the chief State election
9 official may not designate as confidential under this
10 subparagraph the name, address, or date of registra-
11 tion of an individual, or, where applicable, the self-
12 identified racial or ethnic category of the individual
13 as applicable under Revisions to OMB Directive
14 Number 15 or successor directives.

15 (f) PROTECTIONS AGAINST LIABILITY OF INDIVID-
16 UALS ON BASIS OF INFORMATION TRANSFERRED.—

17 (1) NO INDIVIDUAL LIABILITY FOR REGISTRA-
18 TION OF INELIGIBLE INDIVIDUAL.—If an individual
19 who is not eligible to register to vote in elections for
20 Federal office is registered to vote in such elections
21 by a chief State election official under section 111,
22 the individual shall not be subject to any penalty, in-
23 cluding the imposition of a fine or term of imprison-
24 ment, adverse treatment in any immigration or nat-
25 uralization proceeding, or the denial of any status

1 under immigration laws, under any law prohibiting
2 an individual who is not eligible to register to vote
3 in elections for Federal office from registering to
4 vote in such elections. Nothing in this paragraph
5 shall be construed to waive the liability of any indi-
6 vidual who knowingly provides false information to
7 any person regarding the individual's eligibility to
8 register to vote or vote in elections for Federal of-
9 fice.

10 (2) PROHIBITING USE OF INFORMATION BY OF-
11 FICIALS.—No person acting under color of law may
12 use the information received by the chief State elec-
13 tion official under section 111 to attempt to deter-
14 mine the citizenship status of any individual for im-
15 migration enforcement, criminal law enforcement
16 (other than enforcement of election laws), or any
17 purpose other than voter registration, election ad-
18 ministration, or the enforcement of election laws.

19 (g) PROHIBITION ON TRANSFER OF INFORMATION
20 IRRELEVANT TO ADMINISTRATION OF ELECTIONS.—No
21 source agency shall transmit any information under sec-
22 tion 111 which is irrelevant to the administration of elec-
23 tions. To the extent that an election official receives any
24 information which is accidentally or inadvertently trans-
25 ferred by a source agency under such section, the official

1 shall immediately delete the information from the official's
2 records.

3 (h) RESTRICTION ON USE OF INFORMATION.—No in-
4 formation relating to an individual's absence from the
5 Statewide voter registration list under section 303 of the
6 Help America Vote Act of 2002 or an individual's declina-
7 tion to supply information for voter registration purposes
8 to a source agency under section 111 may be disclosed
9 to the public for immigration enforcement, criminal law
10 enforcement other than enforcement of laws against elec-
11 tion crimes, or used for any purpose other than voter reg-
12 istration, election administration, or the enforcement of
13 election laws.

14 (i) NONDISCRIMINATION.—No person acting under
15 color of law may discriminate against any individual on
16 the basis of the individual's absence from the statewide
17 voter registration list, the information supplied by the in-
18 dividual for voter registration purpose to a source agency
19 under section 111, or the individual's declination to supply
20 such information, except as required for purposes of voter
21 registration, election administration, and the enforcement
22 of election laws.

23 (j) PROHIBITION ON THE USE OF VOTER REGISTRA-
24 TION INFORMATION FOR COMMERCIAL OR NON-GOVERN-
25 MENTAL PURPOSES.—Voter registration information col-

1 lected under this subtitle shall not be used for commercial
 2 purposes including for comparison with any existing com-
 3 mercial list or database.

4 (k) PENALTY.—Whoever knowingly uses information
 5 or permits information to be used in violation of this sec-
 6 tion shall be imprisoned for not more than 1 year, fined
 7 under title 18, United States Code, or both.

8 (l) EXCLUSION FROM LISTS OF INDIVIDUALS DE-
 9 CLINING REGISTRATION.—The chief State election official
 10 of a State shall ensure that, with respect to any individual
 11 who declines the opportunity to register to vote under sec-
 12 tion 111, the individual’s information is not included on
 13 the computerized Statewide voter registration list under
 14 section 303 of the Help America Vote Act of 2002 and
 15 is not provided to any third party (except to the extent
 16 required under other law). Nothing in this subsection shall
 17 be construed to preclude an individual who has previously
 18 declined the opportunity to register to vote from subse-
 19 quently registering to vote.

20 **SEC. 113. PROMOTING ACCURACY OF STATEWIDE VOTER**
 21 **REGISTRATION LISTS.**

22 (a) DEADLINES FOR TRANSMITTAL OF CHANGE OF
 23 ADDRESS OR OTHER IDENTIFYING INFORMATION.—

24 (1) INFORMATION RECEIVED BY STATE MOTOR
 25 VEHICLE AUTHORITY.—Section 5(d) of the National

1 Voter Registration Act of 1993 (42 U.S.C. 1973gg-
2 3(d)) is amended to read as follows:

3 “(d) AUTOMATIC TRANSMITTAL OF CHANGE OF AD-
4 DRESS OR OTHER IDENTIFYING INFORMATION.—Not
5 later than 24 hours after receiving a change of address
6 form or any other information indicating that identifying
7 information with respect to an individual which is included
8 in the records of the State motor vehicle authority has
9 been changed, the State motor vehicle authority shall
10 transmit such form or other information to the chief State
11 election official, unless—

12 “(1) the records of the authority include infor-
13 mation indicating that the individual is not eligible
14 to register to vote in the State; or

15 “(2) the individual states on the form or other-
16 wise indicates that the change of address or other
17 information is not for voter registration purposes.”.

18 (2) INFORMATION RECEIVED BY OTHER VOTER
19 REGISTRATION AGENCIES.—Section 7 of such Act
20 (42 U.S.C. 1973gg-5) is amended by adding at the
21 end the following new subsection:

22 “(e) AUTOMATIC TRANSMITTAL OF CHANGE OF AD-
23 DRESS OR OTHER IDENTIFYING INFORMATION.—Not
24 later than 24 hours after receiving a change of address
25 form or any other information indicating that identifying

1 information with respect to an individual which is included
2 in the records of a voter registration agency designated
3 under this section has been changed, the appropriate offi-
4 cial of such agency shall transmit such form or other in-
5 formation to the chief State election official, unless—

6 “(1) the records of the agency include informa-
7 tion indicating that the individual is not eligible to
8 register to vote in the State; or

9 “(2) the individual states on the form or other-
10 wise indicates that the change of address or other
11 information is not for voter registration purposes.”.

12 (3) INFORMATION RECEIVED FROM SOURCE
13 AGENCIES.—Not later than 24 hours after receiving
14 a change of address form or any other information
15 indicating that identifying information with respect
16 to an individual which is included in the records of
17 a source agency designated under section 111 has
18 been changed, the appropriate official of such agency
19 shall transmit such form or other information to the
20 chief State election official, unless—

21 (A) the records of the agency include infor-
22 mation indicating that the individual is not eli-
23 gible to register to vote in the State; or

24 (B) the individual states on the form or
25 otherwise indicates that the change of address

1 or other information is not for voter registra-
2 tion purposes.

3 (b) REVISION OF STATEWIDE COMPUTERIZED LIST
4 TO REFLECT REVISED INFORMATION.—Section 303(a) of
5 the Help America Vote Act of 2002 (42 U.S.C. 15483(a)),
6 as amended by section 102(a), is amended by adding at
7 the end the following new paragraph:

8 “(7) REVISION OF LIST TO REFLECT INFORMA-
9 TION RECEIVED FROM OTHER STATE OFFICES.—

10 “(A) IN GENERAL.—If a State motor vehi-
11 cle authority (pursuant to section 5(d) of the
12 National Voter Registration Act of 1993) a
13 voter registration agency (designated under sec-
14 tion 7 of such Act), or a source agency (des-
15 ignated under section 111 of the Voter Reg-
16 istration Modernization Act of 2012) transmits
17 to the chief State election official a change of
18 address form or any other information indi-
19 cating that identifying information with respect
20 to an individual has been changed, the appro-
21 priate State or local election official shall—

22 “(i) determine whether the individual
23 appears on the computerized list estab-
24 lished under this section; and

1 “(ii) if the individual appears on the
2 list, revise the information relating to the
3 individual on the list to reflect the individ-
4 ual’s new address or other changed identi-
5 fying information.

6 “(B) NOTIFICATION TO VOTERS.—If an
7 election official revises any voter registration in-
8 formation on the computerized list with respect
9 to any voter (including removing the voter from
10 the list), immediately after revising the infor-
11 mation, the official shall send the individual a
12 written notice of the revision which includes the
13 following information:

14 “(i) The voter’s name, date of birth,
15 and address, as reflected in the revised in-
16 formation on the computerized list.

17 “(ii) A statement that the voter’s
18 voter registration information has been up-
19 dated.

20 “(iii) Information on how to correct
21 information on the computerized list.

22 “(iv) A statement of the eligibility re-
23 quirements for registered voters in the
24 State.

1 “(v) A statement (in larger font size
2 than the other statements on the notice)
3 that it is illegal for an individual who does
4 not meet the eligibility requirements for
5 registered voters in the State to vote in an
6 election in the State.

7 “(vi) A statement that the voter may
8 terminate the voter’s status as a registered
9 voter in the State, or request a change in
10 the voter’s voter registration information,
11 at any time by contacting the appropriate
12 State or local election official, together
13 with contact information for such official
14 (including any website through which the
15 voter may contact the official or obtain in-
16 formation on voter registration in the
17 State).

18 “(C) USE OF ELECTRONIC MAIL.—If an
19 election official has an electronic mail address
20 for any voter to whom the official is required to
21 send a written notice under this paragraph, the
22 official may meet the requirements of this para-
23 graph by sending the notice to the voter in elec-
24 tronic form at that address, but only if prior to
25 sending the notice, the official sends a test elec-

1 tronic mail to the voter at that address and re-
2 ceives confirmation that the address is current
3 and valid.”.

4 (c) **EFFECTIVE DATE.**—The amendments made by
5 this section shall apply with respect to elections occurring
6 during 2014 or any succeeding year.

7 **SEC. 114. DEFINITIONS.**

8 (a) **CHIEF STATE ELECTION OFFICIAL.**—In this sub-
9 title, the “chief State election official” means, with respect
10 to a State, the individual designated by the State under
11 section 10 of the National Voter Registration Act of 1993
12 (42 U.S.C. 1973gg–8) to be responsible for coordination
13 of the State’s responsibilities under such Act.

14 (b) **STATE.**—In this subtitle, a “State” includes the
15 District of Columbia, the Commonwealth of Puerto Rico,
16 the United States Virgin Islands, Guam, and American
17 Samoa, but does not include any State in which, under
18 a State law in effect continuously on and after the date
19 of the enactment of this Act, there is no voter registration
20 requirement for individuals in the State with respect to
21 elections for Federal office.

22 **SEC. 115. EFFECTIVE DATE.**

23 This subtitle and the amendments made by this sub-
24 title shall apply with respect to the regularly scheduled

1 general election for Federal office held in November 2014
2 and each succeeding election for Federal office.

3 **Subtitle C—Other Initiatives To**
4 **Promote Voter Registration**

5 **SEC. 121. SAME DAY REGISTRATION.**

6 (a) IN GENERAL.—Title III of the Help America
7 Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

8 (1) by redesignating sections 304 and 305 as
9 sections 305 and 306; and

10 (2) by inserting after section 303 the following
11 new section:

12 **“SEC. 304. SAME DAY REGISTRATION.**

13 “(a) IN GENERAL.—

14 “(1) REGISTRATION.—Notwithstanding section
15 8(a)(1)(D) of the National Voter Registration Act of
16 1993 (42 U.S.C. 1973gg–6), each State shall permit
17 any eligible individual on the day of a Federal elec-
18 tion and on any day when voting, including early
19 voting, is permitted for a Federal election—

20 “(A) to register to vote in such election at
21 the polling place using a form that meets the
22 requirements under section 9(b) of the National
23 Voter Registration Act of 1993 (or, if the indi-
24 vidual is already registered to vote, to revise

1 any of the individual’s voter registration infor-
2 mation); and

3 “(B) to cast a vote in such election.

4 “(2) EXCEPTION.—The requirements under
5 paragraph (1) shall not apply to a State in which,
6 under a State law in effect continuously on and after
7 the date of the enactment of this section, there is no
8 voter registration requirement for individuals in the
9 State with respect to elections for Federal office.

10 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
11 section, the term ‘eligible individual’ means, with respect
12 to any election for Federal office, an individual who is oth-
13 erwise qualified to vote in that election.

14 “(c) EFFECTIVE DATE.—Each State shall be re-
15 quired to comply with the requirements of subsection (a)
16 for the regularly scheduled general election for Federal of-
17 fice occurring in November 2012 and for any subsequent
18 election for Federal office.”.

19 (b) CONFORMING AMENDMENT RELATING TO EN-
20 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)
21 is amended by striking “sections 301, 302, and 303” and
22 inserting “subtitle A of title III”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of such Act is amended—

1 (1) by redesignating the items relating to sec-
 2 tions 304 and 305 as relating to sections 305 and
 3 306; and

4 (2) by inserting after the item relating to sec-
 5 tion 303 the following new item:

“Sec. 304. Same day registration.”.

6 **SEC. 122. ACCEPTANCE OF VOTER REGISTRATION APPLICA-**
 7 **TIONS FROM INDIVIDUALS UNDER 18 YEARS**
 8 **OF AGE.**

9 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
 10 the National Voter Registration Act of 1993 (42 U.S.C.
 11 1973gg–6), as amended by section 104, is amended—

12 (1) by redesignating subsection (k) as sub-
 13 section (l); and

14 (2) by inserting after subsection (j) the fol-
 15 lowing new subsection:

16 “(k) ACCEPTANCE OF APPLICATIONS FROM INDIVID-
 17 UALS UNDER 18 YEARS OF AGE.—

18 “(1) IN GENERAL.—A State may not refuse to
 19 accept or process an individual’s application to reg-
 20 ister to vote in elections for Federal office on the
 21 grounds that the individual is under 18 years of age
 22 at the time the individual submits the application, so
 23 long as the individual is at least 16 years of age at
 24 such time.

1 “(2) NO EFFECT ON STATE VOTING AGE RE-
2 QUIREMENTS.—Nothing in paragraph (1) may be
3 construed to require a State to permit an individual
4 who is under 18 years of age at the time of an elec-
5 tion for Federal office to vote in the election.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply with respect to elections occur-
8 ring on or after January 1, 2014.

9 **SEC. 123. ANNUAL REPORTS ON VOTER REGISTRATION STA-**
10 **TISTICS.**

11 (a) ANNUAL REPORT.—Not later than 90 days after
12 the end of each year, each State shall submit to the Elec-
13 tion Assistance Commission and Congress a report con-
14 taining the following information for the year:

15 (1) The number of individuals who were reg-
16 istered under section 111.

17 (2) The number of voter registration applica-
18 tion forms completed by individuals that were trans-
19 mitted by motor vehicle authorities in the State
20 (pursuant to section 5(d) of the National Voter Reg-
21 istration Act of 1993) and voter registration agen-
22 cies in the State (as designated under section 7 of
23 such Act) to the chief State election official of the
24 State, broken down by each such authority and
25 agency.

1 (3) The number of such individuals whose voter
2 registration application forms were accepted and
3 who were registered to vote in the State and the
4 number of such individuals whose forms were re-
5 jected and who were not registered to vote in the
6 State, broken down by each such authority and
7 agency.

8 (4) The number of change of address forms and
9 other forms of information indicating that an indi-
10 vidual's identifying information has been changed
11 that were transmitted by such motor vehicle authori-
12 ties and voter registration agencies to the chief State
13 election official of the State, broken down by each
14 such authority and agency and the type of form
15 transmitted.

16 (5) The number of individuals on the Statewide
17 computerized voter registration list (as established
18 and maintained under section 303 of the Help
19 America Vote Act of 2002) whose voter registration
20 information was revised by the chief State election
21 official as a result of the forms transmitted to the
22 official by such motor vehicle authorities and voter
23 registration agencies (as described in paragraph
24 (3)), broken down by each such authority and agen-
25 cy and the type of form transmitted.

1 (6) The number of individuals who requested
 2 the chief State election official to revise voter reg-
 3 istration information on such list, and the number of
 4 individuals whose information was revised as a result
 5 of such a request.

6 (b) CONFIDENTIALITY OF INFORMATION.—In pre-
 7 paring and submitting a report under this section, the
 8 chief State election official shall ensure that no informa-
 9 tion regarding the identification of any individual is re-
 10 vealed.

11 (c) STATE DEFINED.—In this section, a “State” in-
 12 cludes the District of Columbia, the Commonwealth of
 13 Puerto Rico, the United States Virgin Islands, Guam, and
 14 American Samoa, but does not include any State in which,
 15 under a State law in effect continuously on and after the
 16 date of the enactment of this Act, there is no voter reg-
 17 istration requirement for individuals in the State with re-
 18 spect to elections for Federal office.

19 **Subtitle D—Availability of HAVA**
 20 **Requirements Payments**

21 **SEC. 131. AVAILABILITY OF REQUIREMENTS PAYMENTS**
 22 **UNDER HAVA TO COVER COSTS OF COMPLI-**
 23 **ANCE WITH NEW REQUIREMENTS.**

24 (a) IN GENERAL.—Section 251(b) of the Help Amer-
 25 ica Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

1 (1) in paragraph (1), by striking “(2) and (3)”
2 and inserting “(2), (3), and (4)”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
6 TIES.—A State may use a requirements payment to
7 carry out any of the requirements of the Voter Reg-
8 istration Modernization Act of 2012, including the
9 requirements of the National Voter Registration Act
10 of 1993 which are imposed pursuant to the amend-
11 ments made to such Act by the Voter Registration
12 Modernization Act of 2012.”.

13 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
14 of such Act (42 U.S.C. 15404(a)(1)) is amended by strik-
15 ing “section 251(a)(2)” and inserting “section
16 251(b)(2)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to fiscal year 2013
19 and each succeeding fiscal year.

1 **Subtitle E—Prohibiting Inter-**
 2 **ference With Voter Registration**

3 **SEC. 141. PROHIBITING HINDERING, INTERFERING WITH,**
 4 **OR PREVENTING VOTER REGISTRATION.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United
 6 States Code is amended by adding at the end the following
 7 new section:

8 **“§ 612. Hindering, interfering with, or preventing**
 9 **registering to vote**

10 “(a) PROHIBITION.—It shall be unlawful for any per-
 11 son, whether acting under color of law or otherwise, to
 12 corruptly hinder, interfere with, or prevent another person
 13 from registering to vote or aiding another person in reg-
 14 istering to vote in any election for Federal office.

15 “(b) ATTEMPT.—Any person who attempts to commit
 16 any offense described in subsection (a) shall be subject to
 17 the same penalties as those prescribed for the offense that
 18 the person attempted to commit.

19 “(c) PENALTY.—Any person who violates subsection
 20 (a) shall be fined under this title, imprisoned not more
 21 than 5 years, or both.

22 “(d) ELECTION FOR FEDERAL OFFICE DEFINED.—
 23 For purposes of this section, the term ‘election for Federal
 24 office’ means a general, special, primary, or runoff election
 25 held to nominate or elect a candidate for the office of

1 President or Vice President, presidential elector, or of
2 Senator or Representative in, or Delegate or Resident
3 Commissioner to, the Congress.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 29 of title 18, United States Code is amended
6 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to elections held on
9 or after the date of the enactment of this Act, except that
10 no person may be found to have violated section 612 of
11 title 18, United States Code (as added by subsection (a))
12 on the basis of any act occurring prior to the date of the
13 enactment of this Act.

14 **SEC. 142. ESTABLISHMENT OF BEST PRACTICES.**

15 (a) BEST PRACTICES.—Not later than 180 days after
16 the date of the enactment of this Act, the Election Assist-
17 ance Commission shall develop and publish recommenda-
18 tions for best practices for States to use to deter and pre-
19 vent violations of section 612 of title 18, United States
20 Code (as added by section 141) and section 12 of the Na-
21 tional Voter Registration Act of 1993 (42 U.S.C. 1973gg–
22 10) (relating to the unlawful interference with registering
23 to vote, or voting, or attempting to register to vote or
24 vote), including practices to provide for the posting of rel-
25 evant information at polling places and voter registration

1 agencies under such Act, the training of poll workers and
2 election officials, and relevant educational materials. For
3 purposes of this subsection, the term “State” includes the
4 District of Columbia, the Commonwealth of Puerto Rico,
5 Guam, American Samoa, and the United States Virgin Is-
6 lands.

7 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
8 MENTS.—Section 302(b)(2) of the Help America Vote Act
9 of 2002 (42 U.S.C. 15482(b)(2)) is amended—

10 (1) by striking “and” at the end of subpara-
11 graph (E);

12 (2) by striking the period at the end of sub-
13 paragraph (F) and inserting “; and”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(G) information relating to the prohibi-
17 tions of section 612 of title 18, United States
18 Code, and section 12 of the National Voter
19 Registration Act of 1993 (42 U.S.C. 1973gg–
20 10) (relating to the unlawful interference with
21 registering to vote, or voting, or attempting to
22 register to vote or vote), including information
23 on how individuals may report allegations of
24 violations of such prohibitions.”.

1 **TITLE II—ACCESS TO VOTING**
 2 **FOR INDIVIDUALS WITH DIS-**
 3 **ABILITIES**

4 **SEC. 201. REQUIREMENTS FOR STATES TO PROMOTE AC-**
 5 **CESS TO VOTER REGISTRATION AND VOTING**
 6 **FOR INDIVIDUALS WITH DISABILITIES.**

7 (a) REQUIREMENTS.—Subtitle A of title III of the
 8 Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.),
 9 as amended by section 114, is amended—

10 (1) by redesignating sections 305 and 306 as
 11 sections 306 and 307; and

12 (2) by inserting after section 304 the following
 13 new section:

14 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**
 15 **FOR INDIVIDUALS WITH DISABILITIES.**

16 **“(a) TREATMENT OF APPLICATIONS AND BAL-**
 17 **LOTS.—**Each State shall—

18 **“(1)** permit individuals with disabilities to use
 19 absentee registration procedures and to vote by ab-
 20 sentee ballot in elections for Federal office;

21 **“(2)** accept and process, with respect to any
 22 election for Federal office, any otherwise valid voter
 23 registration application and absentee ballot applica-
 24 tion from an individual with a disability if the appli-

1 cation is received by the appropriate State election
2 official not less than 30 days before the election;

3 “(3) in addition to any other method of reg-
4 istering to vote or applying for an absentee ballot in
5 the State, establish procedures—

6 “(A) for individuals with disabilities to re-
7 quest by mail and electronically voter registra-
8 tion applications and absentee ballot applica-
9 tions with respect to elections for Federal office
10 in accordance with subsection (c);

11 “(B) for States to send by mail and elec-
12 tronically (in accordance with the preferred
13 method of transmission designated by the indi-
14 vidual under subparagraph (C)) voter registra-
15 tion applications and absentee ballot applica-
16 tions requested under subparagraph (A) in ac-
17 cordance with subsection (c); and

18 “(C) by which such an individual can des-
19 ignate whether the individual prefers that such
20 voter registration application or absentee ballot
21 application be transmitted by mail or electroni-
22 cally;

23 “(4) in addition to any other method of trans-
24 mitting blank absentee ballots in the State, establish
25 procedures for transmitting by mail and electroni-

1 cally blank absentee ballots to individuals with dis-
2 abilities with respect to elections for Federal office
3 in accordance with subsection (d);

4 “(5) transmit a validly requested absentee bal-
5 lot to an individual with a disability—

6 “(A) except as provided in subsection (e),
7 in the case in which the request is received at
8 least 45 days before an election for Federal of-
9 fice, not later than 45 days before the election;
10 and

11 “(B) in the case in which the request is re-
12 ceived less than 45 days before an election for
13 Federal office—

14 “(i) in accordance with State law; and

15 “(ii) if practicable and as determined
16 appropriate by the State, in a manner that
17 expedites the transmission of such absen-
18 tee ballot; and

19 “(6) if the State declares or otherwise holds a
20 runoff election for Federal office, establish a written
21 plan that provides absentee ballots are made avail-
22 able to individuals with disabilities in a manner that
23 gives them sufficient time to vote in the runoff elec-
24 tion.

1 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
2 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
3 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS
4 IN STATE.—Each State shall designate a single office
5 which shall be responsible for providing information re-
6 garding voter registration procedures and absentee ballot
7 procedures to be used by individuals with disabilities with
8 respect to elections for Federal office to all individuals
9 with disabilities who wish to register to vote or vote in
10 any jurisdiction in the State.

11 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
12 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
13 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
14 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
15 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
16 INFORMATION.—

17 “(1) IN GENERAL.—Each State shall, in addi-
18 tion to the designation of a single State office under
19 subsection (b), designate not less than 1 means of
20 electronic communication—

21 “(A) for use by individuals with disabilities
22 who wish to register to vote or vote in any ju-
23 risdiction in the State to request voter registra-
24 tion applications and absentee ballot applica-
25 tions under subsection (a)(3);

1 “(B) for use by States to send voter reg-
2 istration applications and absentee ballot appli-
3 cations requested under such subsection; and

4 “(C) for the purpose of providing related
5 voting, balloting, and election information to in-
6 dividuals with disabilities.

7 “(2) CLARIFICATION REGARDING PROVISION OF
8 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
9 TION.—A State may, in addition to the means of
10 electronic communication so designated, provide
11 multiple means of electronic communication to indi-
12 viduals with disabilities, including a means of elec-
13 tronic communication for the appropriate jurisdic-
14 tion of the State.

15 “(3) INCLUSION OF DESIGNATED MEANS OF
16 ELECTRONIC COMMUNICATION WITH INFORMA-
17 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
18 COMPANY BALLOTING MATERIALS.—Each State shall
19 include a means of electronic communication so des-
20 ignated with all informational and instructional ma-
21 terials that accompany balloting materials sent by
22 the State to individuals with disabilities.

23 “(4) TRANSMISSION IF NO PREFERENCE INDI-
24 CATED.—In the case where an individual with a dis-
25 ability does not designate a preference under sub-

1 section (a)(3)(C), the State shall transmit the voter
2 registration application or absentee ballot application
3 by any delivery method allowable in accordance with
4 applicable State law, or if there is no applicable
5 State law, by mail.

6 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
7 BY MAIL AND ELECTRONICALLY.—

8 “(1) IN GENERAL.—Each State shall establish
9 procedures—

10 “(A) to transmit blank absentee ballots by
11 mail and electronically (in accordance with the
12 preferred method of transmission designated by
13 the individual with a disability under subpara-
14 graph (B)) to individuals with disabilities for an
15 election for Federal office; and

16 “(B) by which the individual with a dis-
17 ability can designate whether the individual pre-
18 fers that such blank absentee ballot be trans-
19 mitted by mail or electronically.

20 “(2) TRANSMISSION IF NO PREFERENCE INDI-
21 CATED.—In the case where an individual with a dis-
22 ability does not designate a preference under para-
23 graph (1)(B), the State shall transmit the ballot by
24 any delivery method allowable in accordance with ap-

1 applicable State law, or if there is no applicable State
2 law, by mail.

3 “(e) HARDSHIP EXEMPTION.—

4 “(1) IN GENERAL.—If the chief State election
5 official determines that the State is unable to meet
6 the requirement under subsection (a)(5)(A) with re-
7 spect to an election for Federal office due to an
8 undue hardship described in paragraph (2)(B), the
9 chief State election official shall request that the At-
10 torney General grant a waiver to the State of the
11 application of such subsection. Such request shall in-
12 clude—

13 “(A) a recognition that the purpose of
14 such subsection is to individuals with disabil-
15 ities enough time to vote in an election for Fed-
16 eral office;

17 “(B) an explanation of the hardship that
18 indicates why the State is unable to transmit
19 such individuals an absentee ballot in accord-
20 ance with such subsection;

21 “(C) the number of days prior to the elec-
22 tion for Federal office that the State requires
23 absentee ballots be transmitted to such individ-
24 uals; and

1 “(D) a comprehensive plan to ensure that
2 such individuals are able to receive absentee
3 ballots which they have requested and submit
4 marked absentee ballots to the appropriate
5 State election official in time to have that ballot
6 counted in the election for Federal office, which
7 includes—

8 “(i) the steps the State will undertake
9 to ensure that such individuals have time
10 to receive, mark, and submit their ballots
11 in time to have those ballots counted in the
12 election;

13 “(ii) why the plan provides such indi-
14 viduals sufficient time to vote as a sub-
15 stitute for the requirements under such
16 subsection; and

17 “(iii) the underlying factual informa-
18 tion which explains how the plan provides
19 such sufficient time to vote as a substitute
20 for such requirements.

21 “(2) APPROVAL OF WAIVER REQUEST.—The
22 Attorney General shall approve a waiver request
23 under paragraph (1) if the Attorney General deter-
24 mines each of the following requirements are met:

1 “(A) The comprehensive plan under sub-
2 paragraph (D) of such paragraph provides indi-
3 viduals with disabilities sufficient time to re-
4 ceive absentee ballots they have requested and
5 submit marked absentee ballots to the appro-
6 priate State election official in time to have that
7 ballot counted in the election for Federal office.

8 “(B) One or more of the following issues
9 creates an undue hardship for the State:

10 “(i) The State’s primary election date
11 prohibits the State from complying with
12 subsection (a)(5)(A).

13 “(ii) The State has suffered a delay in
14 generating ballots due to a legal contest.

15 “(iii) The State Constitution prohibits
16 the State from complying with such sub-
17 section.

18 “(3) TIMING OF WAIVER.—

19 “(A) IN GENERAL.—Except as provided
20 under subparagraph (B), a State that requests
21 a waiver under paragraph (1) shall submit to
22 the Attorney General the written waiver request
23 not later than 90 days before the election for
24 Federal office with respect to which the request
25 is submitted. The Attorney General shall ap-

1 prove or deny the waiver request not later than
2 65 days before such election.

3 “(B) EXCEPTION.—If a State requests a
4 waiver under paragraph (1) as the result of an
5 undue hardship described in paragraph
6 (2)(B)(ii), the State shall submit to the Attor-
7 ney General the written waiver request as soon
8 as practicable. The Attorney General shall ap-
9 prove or deny the waiver request not later than
10 5 business days after the date on which the re-
11 quest is received.

12 “(4) APPLICATION OF WAIVER.—A waiver ap-
13 proved under paragraph (2) shall only apply with re-
14 spect to the election for Federal office for which the
15 request was submitted. For each subsequent election
16 for Federal office, the Attorney General shall only
17 approve a waiver if the State has submitted a re-
18 quest under paragraph (1) with respect to such elec-
19 tion.

20 “(f) INDIVIDUAL WITH A DISABILITY DEFINED.—In
21 this section, an ‘individual with a disability’ means an in-
22 dividual with an impairment that substantially limits any
23 major life activities and who is otherwise qualified to vote
24 in elections for Federal office.

1 “(g) EFFECTIVE DATE.—This section shall apply
2 with respect to elections for Federal office held on or after
3 January 1, 2014.”.

4 (b) CONFORMING AMENDMENT RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
6 SISTANCE COMMISSION.—Section 311(b) of such Act (42
7 U.S.C. 15501(b)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (2);

10 (2) by striking the period at the end of para-
11 graph (3) and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(4) in the case of the recommendations with
15 respect to section 305, January 1, 2014.”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 of such Act, as amended by section 114(c), is amended—

18 (1) by redesignating the items relating to sec-
19 tions 305 and 306 as relating to sections 306 and
20 307; and

21 (2) by inserting after the item relating to sec-
22 tion 304 the following new item:

“Sec. 305. Access to voter registration and voting for individuals with disabili-
ties.”.

1 **SEC. 202. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
2 **WITH DISABILITIES TO REGISTER TO VOTE**
3 **AND VOTE PRIVATELY AND INDEPENDENTLY**
4 **AT RESIDENCES.**

5 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The
6 Election Assistance Commission (hereafter referred to as
7 the “Commission”) shall make grants to eligible States to
8 conduct pilot programs under which—

9 (1) individuals with disabilities may use elec-
10 tronic means (including the Internet and telephones
11 utilizing assistive devices) to register to vote and to
12 request and receive absentee ballots, in a manner
13 which permits such individuals to do so privately
14 and independently at their own residences; and

15 (2) individuals with disabilities may use the
16 telephone to cast ballots electronically from their
17 own residences, but only if the telephone used is not
18 connected to the Internet.

19 (b) REPORTS.—

20 (1) IN GENERAL.—A State receiving a grant for
21 a year under this section shall submit a report to the
22 Commission on the pilot programs the State carried
23 out with the grant with respect to elections for pub-
24 lic office held in the State during the year.

25 (2) DEADLINE.—A State shall submit a report
26 under paragraph (1) not later than 90 days after

1 the last election for public office held in the State
2 during the year.

3 (c) ELIGIBILITY.—A State is eligible to receive a
4 grant under this section if the State submits to the Com-
5 mission, at such time and in such form as the Commission
6 may require, an application containing such information
7 and assurances as the Commission may require.

8 (d) TIMING.—The Commission shall make the first
9 grants under this section for pilot programs which will be
10 in effect with respect to elections for Federal office held
11 in 2014, or, at the option of a State, with respect to other
12 elections for public office held in the State 2013.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated for grants for pilot pro-
15 grams under this section \$30,000,000 for fiscal year 2013
16 and each succeeding fiscal year.

17 (f) STATE DEFINED.—In this section, the term
18 “State” includes the District of Columbia, the Common-
19 wealth of Puerto Rico, Guam, American Samoa, and the
20 United States Virgin Islands.

21 **SEC. 203. EXPANSION AND REAUTHORIZATION OF GRANT**
22 **PROGRAM TO ASSURE VOTING ACCESS FOR**
23 **INDIVIDUALS WITH DISABILITIES.**

24 (a) PURPOSES OF PAYMENTS.—Section 261(b) of the
25 Help America Vote Act of 2002 (42 U.S.C. 15421(b)) is

1 amended by striking paragraphs (1) and (2) and inserting
2 the following:

3 “(1) making absentee voting and voting at
4 home accessible to individuals with the full range of
5 disabilities (including impairments involving vision,
6 hearing, mobility, or dexterity) through the imple-
7 mentation of accessible absentee voting systems that
8 work in conjunction with assistive technologies for
9 which individuals have access at their homes, inde-
10 pendent living centers, or other facilities;

11 “(2) making polling places, including the path
12 of travel, entrances, exits, and voting areas of each
13 polling facility, accessible to individuals with disabil-
14 ities, including the blind and visually impaired, in a
15 manner that provides the same opportunity for ac-
16 cess and participation (including privacy and inde-
17 pendence) as for other voters; and

18 “(3) providing solutions to problems of access
19 to voting and elections for individuals with disabil-
20 ities that are universally designed and provide the
21 same opportunities for individuals with and without
22 disabilities.”.

23 (b) REAUTHORIZATION.—Section 264(a) of such Act
24 (42 U.S.C. 15424(a)) is amended by adding at the end
25 the following new paragraph:

1 “(4) For fiscal year 2013 and each succeeding
2 fiscal year, such sums as may be necessary to carry
3 out this part.”.

4 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
5 264 of such Act (42 U.S.C. 15424) is amended—

6 (1) in subsection (b), by striking “Any
7 amounts” and inserting “Except as provided in sub-
8 section (b), any amounts”; and

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

11 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

12 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
13 ITURE.—In the case of any amounts appropriated
14 pursuant to the authority of subsection (a) for a
15 payment to a State or unit of local government for
16 fiscal year 2013 or any succeeding fiscal year, any
17 portion of such amounts which have not been obli-
18 gated or expended by the State or unit of local gov-
19 ernment prior to the expiration of the 4-year period
20 which begins on the date the State or unit of local
21 government first received the amounts shall be
22 transferred to the Commission.

23 “(2) REALLOCATION OF TRANSFERRED
24 AMOUNTS.—

1 “(A) IN GENERAL.—The Commission shall
 2 use the amounts transferred under paragraph
 3 (1) to make payments on a pro rata basis to
 4 each covered payment recipient described in
 5 subparagraph (B), which may obligate and ex-
 6 pend such payment for the purposes described
 7 in section 261(b) during the 1-year period
 8 which begins on the date of receipt.

9 “(B) COVERED PAYMENT RECIPIENTS DE-
 10 SCRIBED.—In subparagraph (A), a ‘covered
 11 payment recipient’ is a State or unit of local
 12 government with respect to which—

13 “(i) amounts were appropriated pur-
 14 suant to the authority of subsection (a);
 15 and

16 “(ii) no amounts were transferred to
 17 the Commission under paragraph (1).”.

18 **TITLE III—PROHIBITING VOTER** 19 **CAGING**

20 **SEC. 301. VOTER CAGING AND OTHER QUESTIONABLE** 21 **CHALLENGES PROHIBITED.**

22 (a) IN GENERAL.—Chapter 29 of title 18, United
 23 States Code, as amended by section 141(a), is amended
 24 by adding at the end the following:

1 **“§ 613. Voter caging and other questionable chal-**
2 **lenges**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘voter caging document’ means—

5 “(A) a nonforwardable document that is
6 returned to the sender or a third party as unde-
7 livered or undeliverable despite an attempt to
8 deliver such document to the address of a reg-
9 istered voter or applicant; or

10 “(B) any document with instructions to an
11 addressee that the document be returned to the
12 sender or a third party but is not so returned,
13 despite an attempt to deliver such document to
14 the address of a registered voter or applicant,
15 unless at least two Federal election cycles have
16 passed since the date of the attempted delivery;

17 “(2) the term ‘voter caging list’ means a list of
18 individuals compiled from voter caging documents;
19 and

20 “(3) the term ‘unverified match list’ means a
21 list produced by matching the information of reg-
22 istered voters or applicants for voter registration to
23 a list of individuals who are ineligible to vote in the
24 registrar’s jurisdiction, by virtue of death, convic-
25 tion, change of address, or otherwise; unless one of
26 the pieces of information matched includes a signa-

1 ture, photograph, or unique identifying number en-
2 suring that the information from each source refers
3 to the same individual.

4 “(b) PROHIBITION AGAINST VOTER CAGING.—No
5 State or local election official shall prevent an individual
6 from registering or voting in any election for Federal of-
7 fice, or permit in connection with any election for Federal
8 office a formal challenge under State law to an individual’s
9 registration status or eligibility to vote, if the basis for
10 such decision is evidence consisting of—

11 “(1) a voter caging document or voter caging
12 list;

13 “(2) an unverified match list;

14 “(3) an error or omission on any record or
15 paper relating to any application, registration, or
16 other act requisite to voting, if such error or omis-
17 sion is not material to an individual’s eligibility to
18 vote under section 2004 of the Revised Statutes, as
19 amended (42 U.S.C. 1971(a)(2)(B)); or

20 “(4) any other evidence so designated for pur-
21 poses of this section by the Election Assistance Com-
22 mission,

23 except that the election official may use such evidence if
24 it is corroborated by independent evidence of the individ-
25 ual’s ineligibility to register or vote.

1 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
2 OTHER THAN ELECTION OFFICIALS.—No person, other
3 than a State or local election official, shall submit a formal
4 challenge to an individual’s eligibility to register to vote
5 in an election for Federal office or to vote in an election
6 for Federal office unless that challenge is supported by
7 personal knowledge regarding the grounds for ineligibility
8 which is—

9 “(1) documented in writing; and

10 “(2) subject to an oath or attestation under
11 penalty of perjury that the challenger has a good
12 faith factual basis to believe that the individual who
13 is the subject of the challenge is ineligible to register
14 to vote or vote in that election.

15 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
16 Whoever knowingly challenges the eligibility of one or
17 more individuals to register or vote or knowingly causes
18 the eligibility of such individuals to be challenged in viola-
19 tion of this section with the intent that one or more eligi-
20 ble voters be disqualified, shall be fined under this title
21 or imprisoned not more than 1 year, or both, for each such
22 violation. Each violation shall be a separate offense.

23 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
24 this section is intended to override the protections of the
25 National Voter Registration Act of 1993 (42 U.S.C.

1 1973gg et seq.) or to affect the Voting Rights Act of 1965
 2 (42 U.S.C. 1973 et seq.).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 for chapter 29 of title 18, United States Code, as amended
 5 by section 141(b), is amended by adding at the end the
 6 following:

“613. Voter caging and other questionable challenges.”.

7 **SEC. 302. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**

8
 9 (a) BEST PRACTICES.—Not later than 180 days after
 10 the date of the enactment of this Act, the Election Assist-
 11 ance Commission shall develop and publish for the use of
 12 States recommendations for best practices to deter and
 13 prevent violations of section 613 of title 18, United States
 14 Code, as added by section 301(a), including practices to
 15 provide for the posting of relevant information at polling
 16 places and voter registration agencies, the training of poll
 17 workers and election officials, and relevant educational
 18 measures. For purposes of this subsection, the term
 19 “State” includes the District of Columbia, the Common-
 20 wealth of Puerto Rico, Guam, American Samoa, and the
 21 United States Virgin Islands.

22 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
 23 MENTS.—Section 302(b)(2) of the Help America Vote Act
 24 of 2002 (42 U.S.C. 15482(b)(2)), as amended by section
 25 141(b), is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (F);

3 (2) by striking the period at the end of sub-
4 paragraph (G) and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(H) information relating to the prohibi-
8 tion against voter caging and other questionable
9 challenges (as set forth in section 613 of title
10 18, United States Code), including information
11 on how individuals may report allegations of
12 violations of such prohibition.”.

13 **SEC. 303. SEVERABILITY.**

14 If any provision of this title or any amendment made
15 by this title, or the application of a provision to any person
16 or circumstance, is held to be unconstitutional, the re-
17 mainder of this title and the amendments made by this
18 title, and the application of the provisions to any person
19 or circumstance, shall not be affected by the holding.

1 **TITLE IV—PROHIBITING**
2 **DECEPTIVE PRACTICES**

3 **SEC. 401. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
4 **ERAL ELECTIONS.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United
6 States Code, as amended by section 141(a) and section
7 301(a), is amended by adding at the end the following:

8 **“§ 614. False election-related information in Federal**
9 **elections**

10 “(a) A person, including an election official, who in
11 any election for Federal office knowingly and willfully de-
12 prives, defrauds, or attempts to deprive or defraud the
13 residents of a State of their free and fair exercise of the
14 right to vote by the communication of election-related in-
15 formation that is known by the person to be materially
16 false, fictitious, or fraudulent shall be fined under this title
17 or imprisoned not more than 1 year, or both.

18 “(b) As used in this section—

19 “(1) the term ‘election for Federal office’ means
20 any general, primary, runoff, or special election for
21 the office of President, Vice President, presidential
22 elector, Member of the Senate, Member of the House
23 of Representatives, or Delegate or Resident Commis-
24 sioner to the Congress; and

1 “(2) the term ‘election-related information’
2 means any oral or written communication regard-
3 ing—

4 “(A) the time or place of an election for
5 Federal office;

6 “(B) criminal penalties associated with
7 voting in such an election;

8 “(C) an individual’s voter registration sta-
9 tus or eligibility to vote in such an election; or

10 “(D) the explicit endorsement by any per-
11 son or organization of a candidate in such an
12 election.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 29 of title 18, United States Code, as amended
15 by section 141(b) and section 301(b), is amended by add-
16 ing at the end the following new item:

“614. False election-related information in Federal elections.”.

17 **SEC. 402. MODIFICATION OF PENALTY FOR VOTER INTIMI-**
18 **DATION.**

19 Section 594 of title 18, United States Code, is
20 amended by striking “one year” and inserting “5 years”.

21 **SEC. 403. SENTENCING GUIDELINES.**

22 (a) REVIEW AND AMENDMENT.—Not later than 90
23 days after the date of enactment of this Act, the United
24 States Sentencing Commission, pursuant to its authority
25 under section 994 of title 28, United States Code, and

1 in accordance with this section, shall review and, if appro-
2 priate, amend the Federal sentencing guidelines and policy
3 statements applicable to persons convicted of any offense
4 under any sections of title 18, United States Code, that
5 are added or modified by this Act.

6 (b) AUTHORIZATION.—The United States Sentencing
7 Commission may, for the purposes of the amendments
8 made pursuant to this title, amend the Federal sentencing
9 guidelines in accordance with the procedures set forth in
10 section 21(a) of the Sentencing Act of 1987 (28 U.S.C.
11 994 note) as though the authority under that section had
12 not expired.

13 **SEC. 404. REPORTING VIOLATIONS; CORRECTIVE ACTION.**

14 (a) REPORTING.—Any person may submit a report
15 to the Attorney General regarding any violation or possible
16 violation of section 594 or section 614 of title 18, United
17 States Code (as added by section 401(a)).

18 (b) CORRECTIVE ACTION.—

19 (1) IN GENERAL.—Immediately after receiving
20 a report under subsection (a), the Attorney General
21 shall consider and review the report, and if the At-
22 torney General determines that there is a reasonable
23 basis to find that a violation included in the report
24 has occurred, the Attorney General shall—

1 (A) undertake all effective measures nec-
2 essary to provide correct information to voters
3 affected by the false information; and

4 (B) refer the matter to the appropriate
5 Federal and State authorities for criminal pros-
6 ecution or civil action after the election in-
7 volved.

8 (2) REGULATIONS.—The Attorney General shall
9 promulgate regulations regarding the methods and
10 means of corrective actions to be taken under para-
11 graph (1). Such regulations shall be developed in
12 consultation with the Election Assistance Commis-
13 sion, civil rights organizations, voting rights groups,
14 State and local election officials, voter protection
15 groups, and other interested community organiza-
16 tions.

17 (3) STUDY AND REPORT ON METHODS OF DIS-
18 SEMINATING CORRECTIVE INFORMATION.—

19 (A) IN GENERAL.—The Attorney General,
20 in consultation with the Federal Communica-
21 tions Commission and the Election Assistance
22 Commission, shall conduct a study on the feasi-
23 bility of providing the corrective information
24 under paragraph (1) through public service an-

1 nouncements, the emergency alert system, or
2 other forms of public broadcast.

3 (B) REPORT.—Not later than 180 days
4 after the date of the enactment of this Act, the
5 Attorney General shall submit to Congress a re-
6 port detailing the results of the study conducted
7 under subparagraph (A).

8 (4) PUBLICIZING AVAILABILITY OF REM-
9 EDIES.—The Attorney General shall make public
10 through the Internet, radio, television, and news-
11 paper advertisements information on the responsibil-
12 ities, contact information, and complaint procedures
13 applicable under this section.

14 (c) REPORTS TO CONGRESS.—

15 (1) IN GENERAL.—Not later than 90 days after
16 any election with respect to which a report has been
17 submitted under subsection (a), the Attorney Gen-
18 eral shall submit to Congress a report compiling all
19 such reports submitted under subsection (a) with re-
20 spect to that election.

21 (2) CONTENTS.—

22 (A) IN GENERAL.—Each report submitted
23 under paragraph (1) shall include—

24 (i) detailed information on specific al-
25 legations;

- 1 (ii) statistical compilations of how
2 many allegations were made and of what
3 type;
- 4 (iii) the geographic locations of and
5 the populations affected by the alleged vio-
6 lations;
- 7 (iv) the status of the investigations of
8 such allegations;
- 9 (v) any corrective actions taken in re-
10 sponse to such allegations;
- 11 (vi) the rationale used for any correc-
12 tive actions or for any refusal to pursue an
13 allegation;
- 14 (vii) the effectiveness of any such cor-
15 rective actions;
- 16 (viii) whether a Voting Integrity Task
17 Force was established with respect to such
18 election, and, if so, how such task force
19 was staffed and funded;
- 20 (ix) any referrals of information to
21 other Federal, State, or local agencies; and
- 22 (x) any criminal prosecution instituted
23 under title 18, United States Code, in con-
24 nection with such allegations.

1 (3) REPORT MADE PUBLIC.—On the date that
2 the Attorney General submits the report under para-
3 graph (1), the Attorney General shall also make the
4 report publicly available through the Internet and
5 other appropriate means.

6 (d) DELEGATION OF DUTIES.—

7 (1) USE OF VOTING INTEGRITY TASK FORCE.—
8 The Attorney General shall delegate the responsibil-
9 ities under this section with respect to a particular
10 election to a Voting Integrity Task Force established
11 by the Attorney General for such purpose.

12 (2) COMPOSITION.—A Voting Integrity Task
13 Force established under paragraph (1) shall be
14 under the direction of the Assistant Attorney Gen-
15 eral for the Civil Rights Division and the Assistant
16 Attorney General for the Criminal Division, acting
17 jointly.

18 **TITLE V—DEMOCRACY**
19 **RESTORATION**

20 **SEC. 501. RIGHTS OF CITIZENS.**

21 The right of an individual who is a citizen of the
22 United States to vote in any election for Federal office
23 shall not be denied or abridged because that individual has
24 been convicted of a criminal offense unless such individual

1 is serving a felony sentence in a correctional institution
2 or facility at the time of the election.

3 **SEC. 502. ENFORCEMENT.**

4 (a) ATTORNEY GENERAL.—The Attorney General
5 may, in a civil action, obtain such declaratory or injunctive
6 relief as is necessary to remedy a violation of this title.

7 (b) PRIVATE RIGHT OF ACTION.—

8 (1) A person who is aggrieved by a violation of
9 this title may provide written notice of the violation
10 to the chief election official of the State involved.

11 (2) Except as provided in paragraph (3), if the
12 violation is not corrected within 90 days after receipt
13 of a notice under paragraph (1), or within 20 days
14 after receipt of the notice if the violation occurred
15 within 120 days before the date of an election for
16 Federal office, the aggrieved person may, in a civil
17 action, obtain declaratory or injunctive relief with re-
18 spect to the violation.

19 (3) If the violation occurred within 30 days be-
20 fore the date of an election for Federal office, the
21 aggrieved person need not provide notice to the chief
22 election official of the State under paragraph (1) be-
23 fore bringing a civil action to obtain declaratory or
24 injunctive relief with respect to the violation.

1 **SEC. 503. NOTIFICATION OF RESTORATION OF VOTING**
2 **RIGHTS.**

3 (a) STATE NOTIFICATION.—

4 (1) NOTIFICATION.—On the date determined
5 under paragraph (2), each State shall notify in writ-
6 ing any individual who has been convicted of a
7 criminal offense under the law of that State that
8 such individual has the right to vote in an election
9 for Federal office pursuant to this title and may reg-
10 ister to vote in any such election.

11 (2) DATE OF NOTIFICATION.—

12 (A) FELONY CONVICTION.—In the case of
13 such an individual who has been convicted of a
14 felony, the notification required under para-
15 graph (1) shall be given on the date on which
16 the individual—

17 (i) is sentenced to serve only a term
18 of probation; or

19 (ii) is released from the custody of
20 that State (other than to the custody of
21 another State or the Federal Government
22 to serve a term of imprisonment for a fel-
23 ony conviction).

24 (B) MISDEMEANOR CONVICTION.—In the
25 case of such an individual who has been con-
26 victed of a misdemeanor, the notification re-

1 required under paragraph (1) shall be given on
2 the date on which such individual is sentenced
3 by a State court.

4 (b) FEDERAL NOTIFICATION.—

5 (1) NOTIFICATION.—On the date determined
6 under paragraph (2), the Director of the Bureau of
7 Prisons shall notify in writing any individual who
8 has been convicted of a criminal offense under Fed-
9 eral law that such individual has the right to vote
10 in an election for Federal office pursuant to this
11 title and may register to vote in any such election.

12 (2) DATE OF NOTIFICATION.—

13 (A) FELONY CONVICTION.—In the case of
14 such an individual who has been convicted of a
15 felony, the notification required under para-
16 graph (1) shall be given on the date on which
17 the individual—

18 (i) is sentenced to serve only a term
19 of probation by a court established by an
20 Act of Congress; or

21 (ii) is released from the custody of the
22 Bureau of Prisons (other than to the cus-
23 tody of a State to serve a term of impris-
24 onment for a felony conviction).

1 (B) MISDEMEANOR CONVICTION.—In the
2 case of such an individual who has been con-
3 victed of a misdemeanor, the notification re-
4 quired under paragraph (1) shall be given on
5 the date on which such individual is sentenced
6 by a State court.

7 **SEC. 504. DEFINITIONS.**

8 For purposes of this title:

9 (1) CORRECTIONAL INSTITUTION OR FACIL-
10 ITY.—The term “correctional institution or facility”
11 means any prison, penitentiary, jail, or other institu-
12 tion or facility for the confinement of individuals
13 convicted of criminal offenses, whether publicly or
14 privately operated, except that such term does not
15 include any residential community treatment center
16 (or similar public or private facility).

17 (2) ELECTION.—The term “election” means—

18 (A) a general, special, primary, or runoff
19 election;

20 (B) a convention or caucus of a political
21 party held to nominate a candidate;

22 (C) a primary election held for the selec-
23 tion of delegates to a national nominating con-
24 vention of a political party; or

1 (D) a primary election held for the expres-
2 sion of a preference for the nomination of per-
3 sons for election to the office of President.

4 (3) FEDERAL OFFICE.—The term “Federal of-
5 fice” means the office of President or Vice President
6 of the United States, or of Senator or Representa-
7 tive in, or Delegate or Resident Commissioner to,
8 the Congress of the United States.

9 (4) PROBATION.—The term “probation” means
10 probation, imposed by a Federal, State, or local
11 court, with or without a condition on the individual
12 involved concerning—

13 (A) the individual’s freedom of movement;

14 (B) the payment of damages by the indi-
15 vidual;

16 (C) periodic reporting by the individual to
17 an officer of the court; or

18 (D) supervision of the individual by an of-
19 ficer of the court.

20 **SEC. 505. RELATION TO OTHER LAWS.**

21 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
22 Nothing in this title shall be construed to prohibit the
23 States from enacting any State law which affords the right
24 to vote in any election for Federal office on terms less
25 restrictive than those established by this title.

1 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
2 edies established by this title are in addition to all other
3 rights and remedies provided by law, and neither rights
4 and remedies established by this title shall supersede, re-
5 strict, or limit the application of the Voting Rights Act
6 of 1965 (42 U.S.C. 1973 et seq.) or the National Voter
7 Registration Act (42 U.S.C. 1973gg).

8 **SEC. 506. FEDERAL PRISON FUNDS.**

9 No State, unit of local government, or other person
10 may receive or use, to construct or otherwise improve a
11 prison, jail, or other place of incarceration, any Federal
12 grant amounts unless that person has in effect a program
13 under which each individual incarcerated in that person's
14 jurisdiction who is a citizen of the United States is noti-
15 fied, upon release from such incarceration, of that individ-
16 ual's rights under section 501.

17 **SEC. 507. EFFECTIVE DATE.**

18 This title shall apply to citizens of the United States
19 voting in any election for Federal office held after the date
20 of the enactment of this Act.

1 **TITLE VI—ACCURACY, INTEG-**
 2 **RITY, AND SECURITY OF**
 3 **ELECTIONS**

4 **SEC. 600. SHORT TITLE.**

5 This title may be cited as the “Voter Confidence and
 6 Increased Accessibility Act of 2012”.

7 **Subtitle A—Promoting Accuracy,**
 8 **Integrity, and Security Through**
 9 **Voter-Verified Permanent Paper**
 10 **Ballot**

11 **SEC. 601. PAPER BALLOT AND MANUAL COUNTING RE-**
 12 **QUIREMENTS.**

13 (a) IN GENERAL.—Section 301(a)(2) of the Help
 14 America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is
 15 amended to read as follows:

16 “(2) PAPER BALLOT REQUIREMENT.—

17 “(A) VOTER-VERIFIED PAPER BALLOTS.—

18 “(i) PAPER BALLOT REQUIREMENT.—

19 (I) The voting system shall require the use
 20 of an individual, durable, voter-verified,
 21 paper ballot of the voter’s vote that shall
 22 be marked and made available for inspec-
 23 tion and verification by the voter before
 24 the voter’s vote is cast and counted, and
 25 which shall be counted by hand or read by

1 an optical character recognition device or
2 other counting device. For purposes of this
3 subclause, the term ‘individual, durable,
4 voter-verified, paper ballot’ means a paper
5 ballot marked by the voter by hand or a
6 paper ballot marked through the use of a
7 nontabulating ballot marking device or sys-
8 tem, so long as the voter shall have the op-
9 tion to mark his or her ballot by hand.

10 “(II) The voting system shall provide
11 the voter with an opportunity to correct
12 any error on the paper ballot before the
13 permanent voter-verified paper ballot is
14 preserved in accordance with clause (ii).

15 “(III) The voting system shall not
16 preserve the voter-verified paper ballots in
17 any manner that makes it possible, at any
18 time after the ballot has been cast, to asso-
19 ciate a voter with the record of the voter’s
20 vote without the voter’s consent.

21 “(ii) PRESERVATION AS OFFICIAL
22 RECORD.—The individual, durable, voter-
23 verified, paper ballot used in accordance
24 with clause (i) shall constitute the official
25 ballot and shall be preserved and used as

1 the official ballot for purposes of any re-
2 count or audit conducted with respect to
3 any election for Federal office in which the
4 voting system is used.

5 “(iii) MANUAL COUNTING REQUIRE-
6 MENTS FOR RECOUNTS AND AUDITS.—(I)
7 Each paper ballot used pursuant to clause
8 (i) shall be suitable for a manual audit,
9 and shall be counted by hand in any re-
10 count or audit conducted with respect to
11 any election for Federal office.

12 “(II) In the event of any inconsist-
13 encies or irregularities between any elec-
14 tronic vote tallies and the vote tallies de-
15 termined by counting by hand the indi-
16 vidual, durable, voter-verified, paper ballots
17 used pursuant to clause (i), and subject to
18 subparagraph (B), the individual, durable,
19 voter-verified, paper ballots shall be the
20 true and correct record of the votes cast.

21 “(iv) APPLICATION TO ALL BAL-
22 LOTS.—The requirements of this subpara-
23 graph shall apply to all ballots cast in elec-
24 tions for Federal office, including ballots
25 cast by absent uniformed services voters

1 and overseas voters under the Uniformed
2 and Overseas Citizens Absentee Voting Act
3 and other absentee voters.

4 “(B) SPECIAL RULE FOR TREATMENT OF
5 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
6 SHOWN TO BE COMPROMISED.—

7 “(i) IN GENERAL.—In the event
8 that—

9 “(I) there is any inconsistency
10 between any electronic vote tallies and
11 the vote tallies determined by count-
12 ing by hand the individual, durable,
13 voter-verified, paper ballots used pur-
14 suant to subparagraph (A)(i) with re-
15 spect to any election for Federal of-
16 fice; and

17 “(II) it is demonstrated by clear
18 and convincing evidence (as deter-
19 mined in accordance with the applica-
20 ble standards in the jurisdiction in-
21 volved) in any recount, audit, or con-
22 test of the result of the election that
23 the paper ballots have been com-
24 promised (by damage or mischief or
25 otherwise) and that a sufficient num-

1 ber of the ballots have been so com-
2 promised that the result of the elec-
3 tion could be changed,

4 the determination of the appropriate rem-
5 edy with respect to the election shall be
6 made in accordance with applicable State
7 law, except that the electronic tally shall
8 not be used as the exclusive basis for de-
9 termining the official certified result.

10 “(ii) RULE FOR CONSIDERATION OF
11 BALLOTS ASSOCIATED WITH EACH VOTING
12 MACHINE.—For purposes of clause (i),
13 only the paper ballots deemed com-
14 promised, if any, shall be considered in the
15 calculation of whether or not the result of
16 the election could be changed due to the
17 compromised paper ballots.”.

18 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
19 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
20 Section 301(a)(4) of such Act (42 U.S.C. 15481(a)(4))
21 is amended by inserting “(including the paper ballots re-
22 quired to be used under paragraph (2))” after “voting sys-
23 tem”.

1 (c) OTHER CONFORMING AMENDMENTS.—Section
2 301(a)(1) of such Act (42 U.S.C. 15481(a)(1)) is amend-
3 ed—

4 (1) in subparagraph (A)(i), by striking “count-
5 ed” and inserting “counted, in accordance with
6 paragraphs (2) and (3)”;

7 (2) in subparagraph (A)(ii), by striking “count-
8 ed” and inserting “counted, in accordance with
9 paragraphs (2) and (3)”;

10 (3) in subparagraph (A)(iii), by striking “count-
11 ed” each place it appears and inserting “counted, in
12 accordance with paragraphs (2) and (3)”;

13 (4) in subparagraph (B)(ii), by striking “count-
14 ed” and inserting “counted, in accordance with
15 paragraphs (2) and (3)”.

16 **SEC. 602. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
17 **INDIVIDUALS WITH DISABILITIES.**

18 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
19 America Vote Act of 2002 (42 U.S.C. 15481(a)(3)(B)) is
20 amended to read as follows:

21 “(B)(i) satisfy the requirement of subpara-
22 graph (A) through the use of at least one voting
23 system equipped for individuals with disabili-
24 ties, including nonvisual and enhanced visual
25 accessibility for the blind and visually impaired,

1 and nonmanual and enhanced manual accessi-
2 bility for the mobility and dexterity impaired, at
3 each polling place; and

4 “(ii) meet the requirements of subpara-
5 graph (A) and paragraph (2)(A) by using a sys-
6 tem that—

7 “(I) allows the voter to privately and
8 independently verify the permanent paper
9 ballot through the presentation, in acces-
10 sible form, of the printed or marked vote
11 selections from the same printed or
12 marked information that would be used for
13 any vote counting or auditing; and

14 “(II) allows the voter to privately and
15 independently verify and cast the perma-
16 nent paper ballot without requiring the
17 voter to manually handle the paper ballot;
18 and”.

19 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
20 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
21 VERIFICATION MECHANISMS.—

22 (1) STUDY AND REPORTING.—Subtitle C of
23 title II of such Act (42 U.S.C. 15381 et seq.) is
24 amended—

1 (A) by redesignating section 247 as section
2 248; and

3 (B) by inserting after section 246 the fol-
4 lowing new section:

5 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
6 **BALLOT VERIFICATION MECHANISMS.**

7 “(a) **STUDY AND REPORT.**—The Director of the Na-
8 tional Science Foundation shall make grants to not fewer
9 than 3 eligible entities to study, test, and develop acces-
10 sible paper ballot voting, verification, and casting mecha-
11 nisms and devices and best practices to enhance the acces-
12 sibility of paper ballot voting and verification mechanisms
13 for individuals with disabilities, for voters whose primary
14 language is not English, and for voters with difficulties
15 in literacy, including best practices for the mechanisms
16 themselves and the processes through which the mecha-
17 nisms are used.

18 “(b) **ELIGIBILITY.**—An entity is eligible to receive a
19 grant under this part if it submits to the Director (at such
20 time and in such form as the Director may require) an
21 application containing—

22 “(1) certifications that the entity shall specifi-
23 cally investigate enhanced methods or devices, in-
24 cluding non-electronic devices, that will assist such
25 individuals and voters in marking voter-verified

1 paper ballots and presenting or transmitting the in-
2 formation printed or marked on such ballots back to
3 such individuals and voters, and casting such ballots;

4 “(2) a certification that the entity shall com-
5 plete the activities carried out with the grant not
6 later than December 31, 2014; and

7 “(3) such other information and certifications
8 as the Director may require.

9 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
10 nology developed with the grants made under this section
11 shall be treated as non-proprietary and shall be made
12 available to the public, including to manufacturers of vot-
13 ing systems.

14 “(d) COORDINATION WITH GRANTS FOR TECH-
15 NOLOGY IMPROVEMENTS.—The Director shall carry out
16 this section so that the activities carried out with the
17 grants made under subsection (a) are coordinated with the
18 research conducted under the grant program carried out
19 by the Commission under section 271, to the extent that
20 the Director and Commission determine necessary to pro-
21 vide for the advancement of accessible voting technology.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out subsection
24 (a) \$5,000,000, to remain available until expended.”.

1 is amended by adding at the end the following new para-
2 graphs:

3 “(7) PROHIBITING USE OF UNCERTIFIED ELEC-
4 TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;
5 DISCLOSURE REQUIREMENTS.—

6 “(A) IN GENERAL.—A voting system used
7 in an election for Federal office in a State may
8 not at any time during the election contain or
9 use any election-dedicated voting system tech-
10 nology—

11 “(i) which has not been certified by
12 the State for use in the election; and

13 “(ii) which has not been deposited
14 with an accredited laboratory described in
15 section 231 to be held in escrow and dis-
16 closed in accordance with this section.

17 “(B) REQUIREMENT FOR DISCLOSURE AND
18 LIMITATION ON RESTRICTING DISCLOSURE.—

19 An accredited laboratory under section 231
20 with whom an election-dedicated voting system
21 technology has been deposited shall—

22 “(i) hold the technology in escrow;
23 and

1 “(ii) disclose technology and informa-
2 tion regarding the technology to another
3 person if—

4 “(I) the person is a qualified per-
5 son described in subparagraph (C)
6 who has entered into a nondisclosure
7 agreement with respect to the tech-
8 nology which meets the requirements
9 of subparagraph (D); or

10 “(II) the laboratory is permitted
11 or required to disclose the technology
12 to the person under State law, in ac-
13 cordance with the terms and condi-
14 tions applicable under such law.

15 “(C) QUALIFIED PERSONS DESCRIBED.—

16 With respect to the disclosure of election-dedi-
17 cated voting system technology by a laboratory
18 under subparagraph (B)(ii)(I), a ‘qualified per-
19 son’ is any of the following:

20 “(i) A governmental entity with re-
21 sponsibility for the administration of vot-
22 ing and election-related matters for pur-
23 poses of reviewing, analyzing, or reporting
24 on the technology.

1 “(ii) A party to pre- or post-election
2 litigation challenging the result of an elec-
3 tion or the administration or use of the
4 technology used in an election, including
5 but not limited to election contests or chal-
6 lenges to the certification of the tech-
7 nology, or an expert for a party to such
8 litigation, for purposes of reviewing or ana-
9 lyzing the technology to support or oppose
10 the litigation, and all parties to the litiga-
11 tion shall have access to the technology for
12 such purposes.

13 “(iii) A person not described in clause
14 (i) or (ii) who reviews, analyzes, or reports
15 on the technology solely for an academic,
16 scientific, technological, or other investiga-
17 tion or inquiry concerning the accuracy or
18 integrity of the technology.

19 “(D) REQUIREMENTS FOR NONDISCLO-
20 SURE AGREEMENTS.—A nondisclosure agree-
21 ment entered into with respect to an election-
22 dedicated voting system technology meets the
23 requirements of this subparagraph if the agree-
24 ment—

1 “(i) is limited in scope to coverage of
2 the technology disclosed under subpara-
3 graph (B) and any trade secrets and intel-
4 lectual property rights related thereto;

5 “(ii) does not prohibit a signatory
6 from entering into other nondisclosure
7 agreements to review other technologies
8 under this paragraph;

9 “(iii) exempts from coverage any in-
10 formation the signatory lawfully obtained
11 from another source or any information in
12 the public domain;

13 “(iv) remains in effect for not longer
14 than the life of any trade secret or other
15 intellectual property right related thereto;

16 “(v) prohibits the use of injunctions
17 barring a signatory from carrying out any
18 activity authorized under subparagraph
19 (C), including injunctions limited to the
20 period prior to a trial involving the tech-
21 nology;

22 “(vi) is silent as to damages awarded
23 for breach of the agreement, other than a
24 reference to damages available under appli-
25 cable law;

1 “(vii) allows disclosure of evidence of
2 crime, including in response to a subpoena
3 or warrant;

4 “(viii) allows the signatory to perform
5 analyses on the technology (including by
6 executing the technology), disclose reports
7 and analyses that describe operational
8 issues pertaining to the technology (includ-
9 ing vulnerabilities to tampering, errors,
10 risks associated with use, failures as a re-
11 sult of use, and other problems), and de-
12 scribe or explain why or how a voting sys-
13 tem failed or otherwise did not perform as
14 intended; and

15 “(ix) provides that the agreement
16 shall be governed by the trade secret laws
17 of the applicable State.

18 “(E) ELECTION-DEDICATED VOTING SYS-
19 TEM TECHNOLOGY DEFINED.—For purposes of
20 this paragraph:

21 “(i) IN GENERAL.—The term ‘elec-
22 tion-dedicated voting system technology’
23 means the following:

24 “(I) The source code used for the
25 trusted build and its file signatures.

1 “(II) A complete disk image of
2 the pre-build, build environment, and
3 any file signatures to validate that it
4 is unmodified.

5 “(III) A complete disk image of
6 the post-build, build environment, and
7 any file signatures to validate that it
8 is unmodified.

9 “(IV) All executable code pro-
10 duced by the trusted build and any
11 file signatures to validate that it is
12 unmodified.

13 “(V) Installation devices and
14 software file signatures.

15 “(ii) EXCLUSION.—Such term does
16 not include ‘commercial-off-the-shelf’ soft-
17 ware and hardware defined under the 2005
18 voluntary voting system guidelines adopted
19 by the Commission under section 222.

20 “(8) PROHIBITION OF USE OF WIRELESS COM-
21 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
22 No system or device upon which ballots are pro-
23 grammed or votes are cast or tabulated shall con-
24 tain, use, or be accessible by any wireless, power-
25 line, or concealed communication device, except that

1 enclosed infrared communications devices which are
2 certified for use in such device by the State and
3 which cannot be used for any remote or wide area
4 communications or used without the knowledge of
5 poll workers shall be permitted.

6 “(9) PROHIBITING CONNECTION OF SYSTEM TO
7 THE INTERNET.—

8 “(A) IN GENERAL.—No system or device
9 upon which ballots are programmed or votes are
10 cast or tabulated shall be connected to the
11 Internet at any time.

12 “(B) RULE OF CONSTRUCTION.—Nothing
13 contained in this paragraph shall be deemed to
14 prohibit the Commission from conducting the
15 studies under section 242 or to conduct other
16 similar studies under any other provision of law
17 in a manner consistent with this paragraph.

18 “(10) SECURITY STANDARDS FOR VOTING SYS-
19 TEMS USED IN FEDERAL ELECTIONS.—

20 “(A) IN GENERAL.—No voting system may
21 be used in an election for Federal office unless
22 the manufacturer of such system and the elec-
23 tion officials using such system meet the appli-
24 cable requirements described in subparagraph
25 (B).

1 “(B) REQUIREMENTS DESCRIBED.—The
2 requirements described in this subparagraph
3 are as follows:

4 “(i) The manufacturer and the elec-
5 tion officials shall document the secure
6 chain of custody for the handling of all
7 software, hardware, vote storage media,
8 blank ballots, and completed ballots used
9 in connection with voting systems, and
10 shall make the information available upon
11 request to the Commission.

12 “(ii) The manufacturer shall disclose
13 to an accredited laboratory under section
14 231 and to the appropriate election official
15 any information required to be disclosed
16 under paragraph (7).

17 “(iii) After the appropriate election
18 official has certified the election-dedicated
19 and other voting system software for use in
20 an election, the manufacturer may not—

21 “(I) alter such software; or

22 “(II) insert or use in the voting
23 system any software, software patch,
24 or other software modification not cer-

1 tified by the State for use in the elec-
2 tion.

3 “(iv) At the request of the Commis-
4 sion—

5 “(I) the appropriate election offi-
6 cial shall submit information to the
7 Commission regarding the State’s
8 compliance with this subparagraph;
9 and

10 “(II) the manufacturer shall sub-
11 mit information to the Commission re-
12 garding the manufacturer’s compli-
13 ance with this subparagraph.

14 “(C) DEVELOPMENT AND PUBLICATION OF
15 BEST PRACTICES OF SECURE CHAIN OF CUS-
16 TODY.—Not later than August 1, 2016, the
17 Commission shall develop and make publicly
18 available best practices regarding the require-
19 ment of subparagraph (B)(i) and (B)(iii), and
20 in the case of subparagraph (B)(iii), shall in-
21 clude best practices for certifying software
22 patches and minor software modifications under
23 short deadlines.

24 “(D) DISCLOSURE OF SECURE CHAIN OF
25 CUSTODY.—The Commission shall make infor-

1 mation provided to the Commission under sub-
2 paragraph (B)(i) available to any person upon
3 request.

4 “(11) DURABILITY AND READABILITY REQUIRE-
5 MENTS FOR BALLOTS.—

6 “(A) DURABILITY REQUIREMENTS FOR
7 PAPER BALLOTS.—

8 “(i) IN GENERAL.—All voter-verified
9 paper ballots required to be used under
10 this Act shall be marked or printed on du-
11 rable paper.

12 “(ii) DEFINITION.—For purposes of
13 this Act, paper is ‘durable’ if it is capable
14 of withstanding multiple counts and re-
15 counts by hand without compromising the
16 fundamental integrity of the ballots, and
17 capable of retaining the information
18 marked or printed on them for the full du-
19 ration of a retention and preservation pe-
20 riod of 22 months.

21 “(B) READABILITY REQUIREMENTS FOR
22 PAPER BALLOTS MARKED BY BALLOT MARKING
23 DEVICE.—All voter-verified paper ballots com-
24 pleted by the voter through the use of a ballot
25 marking device shall be clearly readable by the

1 voter without assistance (other than eyeglasses
2 or other personal vision enhancing devices) and
3 by an optical character recognition device or
4 other device equipped for individuals with dis-
5 abilities.

6 “(12) REQUIREMENTS FOR PUBLICATION OF
7 POLL TAPES.—

8 “(A) REQUIREMENTS.—Each State shall
9 meet the following requirements:

10 “(i) Upon the closing of the polls at
11 each polling place, the appropriate election
12 official, under the observation of the cer-
13 tified tabulation observers admitted to the
14 polling place under subparagraph (E) (if
15 any), shall announce the vote orally, post a
16 copy of the poll tape reflecting the totals
17 from each voting machine upon which
18 votes were cast in the election at the poll-
19 ing place, and prepare and post a state-
20 ment of the total number of individuals
21 who appeared at the polling place to cast
22 ballots, determined by reference to the
23 number of signatures in a sign-in book or
24 other similar independent count. Such offi-
25 cials shall ensure that each of the certified

1 tabulation observers admitted to the poll-
2 ing place has full access to observe the
3 process by which the poll tapes and state-
4 ment are produced and a reasonable period
5 of time to review the poll tapes and state-
6 ment before the polling place is closed, and
7 (if feasible) shall provide such observers
8 with identical duplicate copies of the poll
9 tapes and statement.

10 “(ii) As soon as practicable, but in no
11 event later than noon of the day following
12 the date of the election, the appropriate
13 election official shall display (at a promi-
14 nent location accessible to the public dur-
15 ing regular business hours and in or within
16 reasonable proximity to the polling place) a
17 copy of each poll tape and statement pre-
18 pared under clause (i), and the information
19 shall be displayed on the official public
20 websites of the applicable local election of-
21 ficial and chief State election official, to-
22 gether with the name of the designated
23 voting official who entered the information
24 and the date and time the information was
25 entered.

1 “(iii) Each website on which informa-
2 tion is posted under clause (ii) shall in-
3 clude information on the procedures by
4 which discrepancies shall be reported to
5 election officials. If any discrepancy exists
6 between the posted information and the
7 relevant poll tape or statement, the appro-
8 priate election official shall display infor-
9 mation on the discrepancy on the website
10 on which the information is posted under
11 clause (ii) not later than 24 hours after
12 the official is made aware of the discrep-
13 ancy, and shall maintain the information
14 on the discrepancy and its resolution (if
15 applicable) on such website during the en-
16 tire period for which results of the election
17 are typically maintained on such website.

18 “(iv) The appropriate election official
19 shall preserve archived copies of the poll
20 tapes and statements prepared under
21 clause (i) and reports of discrepancies filed
22 by certified tabulation observers for the pe-
23 riod of time during which records and pa-
24 pers are required to be retained and pre-
25 served pursuant to title III of the Civil

1 Rights Act of 1960 (42 U.S.C. 1974 et
2 seq.) or for the same duration for which
3 archived copies of other records of the elec-
4 tion are required to be preserved under ap-
5 plicable State law, whichever is longer.

6 “(B) TREATMENT OF BALLOTS CAST AT
7 EARLY VOTING SITES.—

8 “(i) APPLICATION.—The requirements
9 of this subparagraph shall apply with re-
10 spect to poll tapes and statements of the
11 number of voters who voted in person at
12 designated sites prior to the date of the
13 election.

14 “(ii) DAILY COUNT OF VOTERS.—At
15 the close of business on each day on which
16 ballots described in clause (i) may be cast
17 prior to the date of the election, the appro-
18 priate election official at each such site
19 shall—

20 “(I) under the observation of cer-
21 tified tabulation observers admitted to
22 the site under subparagraph (E) (if
23 any), prepare and post a statement of
24 the total number of individuals who
25 appeared at the site to cast ballots,

1 determined by reference to the num-
2 ber of signatures in a sign-in book or
3 other similar independent count, and
4 the total number of ballots cast (ex-
5 cluding information on the votes re-
6 ceived by individual candidates), and
7 shall ensure that each of the certified
8 tabulation observers admitted to the
9 site has full access to observe the
10 process by which the statement is pro-
11 duced and a reasonable period of time
12 to review the statement before the site
13 is closed; and

14 “(II) display at the site during
15 regular business hours for the dura-
16 tion of the early voting period a paper
17 copy of the statement prepared under
18 subclause (I).

19 “(iii) APPLICATION OF GENERAL RE-
20 QUIREMENTS FOR POLL TAPES AND
21 STATEMENTS.—Upon the closing of the
22 polls on the date of the election, the appro-
23 priate election official at each designated
24 site described in this subparagraph shall
25 meet the requirements of subparagraph

1 (A) (including requirements relating to the
2 role of certified tabulation observers) in
3 the same manner as an election official at
4 a polling place.

5 “(C) TREATMENT OF ABSENTEE BAL-
6 LOTS.—

7 “(i) DAILY COUNT OF BALLOTS
8 MAILED AND RECEIVED.—At the close of
9 each business day on which a State mails
10 or accepts absentee ballots cast in an elec-
11 tion for Federal office prior to the date of
12 the election, the appropriate election offi-
13 cial shall—

14 “(I) under the observation of cer-
15 tified tabulation observers admitted
16 under subparagraph (E) to the site at
17 which the ballots are mailed and re-
18 ceived (if any), prepare and post a
19 statement of the total number of ab-
20 sentee ballots mailed and received by
21 the official during that day and a sep-
22 arate count of the number of absentee
23 ballots received but rejected (sepa-
24 rated into categories of the reasons
25 for rejection), and ensure that each of

1 the certified tabulation observers ad-
2 mitted to the site has full access to
3 observe the process by which the
4 statement is produced and a reason-
5 able period of time to review the
6 statement before the site is closed;
7 and

8 “(II) display at the site during
9 regular business hours for the dura-
10 tion of the period during which absen-
11 tee ballots are processed a paper copy
12 of the statement prepared under sub-
13 clause (I).

14 “(ii) APPLICATION OF GENERAL RE-
15 QUIREMENTS FOR POLL TAPES AND
16 STATEMENTS.—At the close of business on
17 the last day on which absentee ballots are
18 counted prior to the certification of the
19 election, the appropriate election official at
20 the site at which absentee ballots are re-
21 ceived and counted shall meet the require-
22 ments of subparagraph (A) (including re-
23 quirements relating to the role of certified
24 tabulation observers) in the same manner
25 as an election official at a polling place.

1 “(D) DAILY COUNT OF PROVISIONAL BAL-
2 LOTS.—At the close of business on the day on
3 which the appropriate election official deter-
4 mines whether or not provisional ballots cast in
5 an election for Federal office will be counted as
6 votes in the election (as described in section
7 302(a)(4)), the official shall—

8 “(i) under the observation of certified
9 tabulation observers admitted under sub-
10 paragraph (E) to the site at which the de-
11 termination is made (if any), prepare and
12 post a statement of the number of such
13 ballots for which a determination was
14 made, the number of ballots counted, and
15 the number of ballots rejected (separated
16 into categories of the reason for the rejec-
17 tion), and ensure that each of the certified
18 tabulation observers admitted to the site
19 has full access to observe the process by
20 which the statement is produced and a rea-
21 sonable period of time to review the state-
22 ment before the site is closed; and

23 “(ii) display at the site during regular
24 business hours for the duration of the pe-
25 riod during which provisional ballots are

1 processed a paper copy of the statement
2 prepared under clause (i).

3 “(E) ADMISSION OF CERTIFIED TABULA-
4 TION OBSERVERS.—

5 “(i) CERTIFIED TABULATION OB-
6 SERVER DEFINED.—In this paragraph, a
7 ‘certified tabulation observer’ is an indi-
8 vidual who is certified by an appropriate
9 election official as authorized to carry out
10 the responsibilities of a certified tabulation
11 observer under this paragraph.

12 “(ii) SELECTION.—In determining
13 which individuals to certify as tabulation
14 observers and admit to a polling place or
15 other location to serve as certified tabula-
16 tion observers with respect to an election
17 for Federal office, the election official shall
18 give preference to individuals who are af-
19 filiated with a candidate in the election, ex-
20 cept that—

21 “(I) the number of individuals
22 admitted who are affiliated with the
23 same candidate for Federal office may
24 not exceed one; and

1 “(II) the maximum number of in-
2 dividuals who may be admitted shall
3 equal the number of candidates in the
4 election plus 3, or such greater num-
5 ber as may be authorized under State
6 law.

7 “(iii) NO EFFECT ON ADMISSION OF
8 OTHER OBSERVERS.—Nothing in this sub-
9 paragraph may be construed to limit or
10 otherwise affect the authority of other indi-
11 viduals to enter and observe polling place
12 operations under any other law, including
13 international observers authorized under
14 any treaty or observers of the Federal Gov-
15 ernment authorized under the Voting
16 Rights Act of 1965.

17 “(F) NO EFFECT ON OTHER TABULATION
18 REQUIREMENTS.—Nothing in this Act may be
19 construed to supersede any requirement that an
20 election official at a polling place report vote to-
21 tals to a central tabulation facility and address
22 discrepancies the official finds in the aggrega-
23 tion of those totals with other vote totals.”.

24 (b) REQUIRING LABORATORIES TO MEET STAND-
25 ARDS PROHIBITING CONFLICTS OF INTEREST AS CONDI-

1 TION OF ACCREDITATION FOR TESTING OF VOTING SYS-
2 TEM HARDWARE AND SOFTWARE.—

3 (1) IN GENERAL.—Section 231(b) of such Act
4 (42 U.S.C. 15371(b)) is amended by adding at the
5 end the following new paragraphs:

6 “(3) PROHIBITING CONFLICTS OF INTEREST;
7 ENSURING AVAILABILITY OF RESULTS.—

8 “(A) IN GENERAL.—A laboratory may not
9 be accredited by the Commission for purposes
10 of this section unless—

11 “(i) the laboratory certifies that the
12 only compensation it receives for the test-
13 ing carried out in connection with the cer-
14 tification, decertification, and recertifi-
15 cation of the manufacturer’s voting system
16 hardware and software is the payment
17 made from the Testing Escrow Account
18 under paragraph (4);

19 “(ii) the laboratory meets such stand-
20 ards as the Commission shall establish
21 (after notice and opportunity for public
22 comment) to prevent the existence or ap-
23 pearance of any conflict of interest in the
24 testing carried out by the laboratory under
25 this section, including standards to ensure

1 that the laboratory does not have a finan-
2 cial interest in the manufacture, sale, and
3 distribution of voting system hardware and
4 software, and is sufficiently independent
5 from other persons with such an interest;

6 “(iii) the laboratory certifies that it
7 will permit an expert designated by the
8 Commission or by the State requiring cer-
9 tification of the system being tested to ob-
10 serve any testing the laboratory carries out
11 under this section; and

12 “(iv) the laboratory, upon completion
13 of any testing carried out under this sec-
14 tion, discloses the test protocols, results,
15 and all communication between the labora-
16 tory and the manufacturer to the Commis-
17 sion.

18 “(B) AVAILABILITY OF RESULTS.—Upon
19 receipt of information under subparagraph (A),
20 the Commission shall make the information
21 available promptly to election officials and the
22 public.

23 “(4) PROCEDURES FOR CONDUCTING TESTING;
24 PAYMENT OF USER FEES FOR COMPENSATION OF
25 ACCREDITED LABORATORIES.—

1 “(A) ESTABLISHMENT OF ESCROW AC-
2 COUNT.—The Commission shall establish an es-
3 crow account (to be known as the ‘Testing Es-
4 crow Account’) for making payments to accred-
5 ited laboratories for the costs of the testing car-
6 ried out in connection with the certification, de-
7 certification, and recertification of voting sys-
8 tem hardware and software.

9 “(B) SCHEDULE OF FEES.—In consulta-
10 tion with the accredited laboratories, the Com-
11 mission shall establish and regularly update a
12 schedule of fees for the testing carried out in
13 connection with the certification, decertification,
14 and recertification of voting system hardware
15 and software, based on the reasonable costs ex-
16 pected to be incurred by the accredited labora-
17 tories in carrying out the testing for various
18 types of hardware and software.

19 “(C) REQUESTS AND PAYMENTS BY MANU-
20 FACTURERS.—A manufacturer of voting system
21 hardware and software may not have the hard-
22 ware or software tested by an accredited labora-
23 tory under this section unless—

1 “(i) the manufacturer submits a de-
2 tailed request for the testing to the Com-
3 mission; and

4 “(ii) the manufacturer pays to the
5 Commission, for deposit into the Testing
6 Escrow Account established under sub-
7 paragraph (A), the applicable fee under the
8 schedule established and in effect under
9 subparagraph (B).

10 “(D) SELECTION OF LABORATORY.—Upon
11 receiving a request for testing and the payment
12 from a manufacturer required under subpara-
13 graph (C), the Commission shall select, from all
14 laboratories which are accredited under this
15 section to carry out the specific testing re-
16 quested by the manufacturer, an accredited lab-
17 oratory to carry out the testing.

18 “(E) PAYMENTS TO LABORATORIES.—
19 Upon receiving a certification from a laboratory
20 selected to carry out testing pursuant to sub-
21 paragraph (D) that the testing is completed,
22 along with a copy of the results of the test as
23 required under paragraph (3)(A)(iv), the Com-
24 mission shall make a payment to the laboratory
25 from the Testing Escrow Account established

1 under subparagraph (A) in an amount equal to
2 the applicable fee paid by the manufacturer
3 under subparagraph (C)(ii).

4 “(5) DISSEMINATION OF ADDITIONAL INFORMA-
5 TION ON ACCREDITED LABORATORIES.—

6 “(A) INFORMATION ON TESTING.—Upon
7 completion of the testing of a voting system
8 under this section, the Commission shall
9 promptly disseminate to the public the identi-
10 fication of the laboratory which carried out the
11 testing.

12 “(B) INFORMATION ON STATUS OF LAB-
13 ORATORIES.—The Commission shall promptly
14 notify Congress, the chief State election official
15 of each State, and the public whenever—

16 “(i) the Commission revokes, termi-
17 nates, or suspends the accreditation of a
18 laboratory under this section;

19 “(ii) the Commission restores the ac-
20 creditation of a laboratory under this sec-
21 tion which has been revoked, terminated,
22 or suspended; or

23 “(iii) the Commission has credible evi-
24 dence of significant security failure at an
25 accredited laboratory.”.

1 (2) CONFORMING AMENDMENTS.—Section 231
2 of such Act (42 U.S.C. 15371) is further amended—

3 (A) in subsection (a)(1), by striking “test-
4 ing, certification,” and all that follows and in-
5 serting the following: “testing of voting system
6 hardware and software by accredited labora-
7 tories in connection with the certification, de-
8 certification, and recertification of the hardware
9 and software for purposes of this Act.”;

10 (B) in subsection (a)(2), by striking “test-
11 ing, certification,” and all that follows and in-
12 serting the following: “testing of its voting sys-
13 tem hardware and software by the laboratories
14 accredited by the Commission under this section
15 in connection with certifying, decertifying, and
16 recertifying the hardware and software.”;

17 (C) in subsection (b)(1), by striking “test-
18 ing, certification, decertification, and recertifi-
19 cation” and inserting “testing”; and

20 (D) in subsection (d), by striking “testing,
21 certification, decertification, and recertification”
22 each place it appears and inserting “testing”.

23 (3) DEADLINE FOR ESTABLISHMENT OF
24 STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF
25 FEES.—The Election Assistance Commission shall

1 establish the standards described in section
2 231(b)(3) of the Help America Vote Act of 2002
3 and the Testing Escrow Account and schedule of
4 fees described in section 231(b)(4) of such Act (as
5 added by paragraph (1)) not later than January 1,
6 2016.

7 (4) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to the Elec-
9 tion Assistance Commission such sums as may be
10 necessary to carry out the Commission’s duties
11 under paragraphs (3) and (4) of section 231 of the
12 Help America Vote Act of 2002 (as added by para-
13 graph (1)).

14 (c) GRANTS FOR RESEARCH ON DEVELOPMENT OF
15 ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

16 (1) IN GENERAL.—Subtitle D of title II of the
17 Help America Vote Act of 2002 (42 U.S.C. 15401
18 et seq.) is amended by adding at the end the fol-
19 lowing new part:

1 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-**
2 **MENT OF ELECTION-DEDICATED VOTING**
3 **SYSTEM SOFTWARE**

4 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF**
5 **ELECTION-DEDICATED VOTING SYSTEM**
6 **SOFTWARE.**

7 “(a) IN GENERAL.—The Director of the National
8 Science Foundation (hereafter in this part referred to as
9 the ‘Director’) shall make grants to not fewer than 3 eligi-
10 ble entities to conduct research on the development of elec-
11 tion-dedicated voting system software.

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

16 “(1) certifications regarding the benefits of op-
17 erating voting systems on election-dedicated software
18 which is easily understandable and which is written
19 exclusively for the purpose of conducting elections;

20 “(2) certifications that the entity will use the
21 funds provided under the grant to carry out research
22 on how to develop voting systems that run on elec-
23 tion-dedicated software and that will meet the appli-
24 cable requirements for voting systems under title III;
25 and

1 “(3) such other information and certifications
2 as the Director may require.

3 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
4 nology developed with the grants made under this section
5 shall be treated as non-proprietary and shall be made
6 available to the public, including to manufacturers of vot-
7 ing systems.

8 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated for grants under this
10 section \$1,500,000 for each of fiscal years 2017 and 2018,
11 to remain available until expended.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents of such Act is amended by adding at the end
14 of the items relating to subtitle D of title II the fol-
15 lowing:

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-
DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. Grants for research on development of election-dedicated voting sys-
tem software.”.

16 **SEC. 604. AVAILABILITY OF ADDITIONAL FUNDING TO EN-**
17 **ABLE STATES TO MEET COSTS OF REVISED**
18 **REQUIREMENTS.**

19 (a) EXTENSION OF REQUIREMENTS PAYMENTS FOR
20 MEETING REVISED REQUIREMENTS.—Section 257(a) of
21 the Help America Vote Act of 2002 (42 U.S.C. 15407(a))
22 is amended by adding at the end the following new para-
23 graph:

1 “(5) For fiscal year 2018, the sum of—

2 “(A) \$1,000,000,000, except that any
3 funds provided under the authorization made by
4 this subparagraph shall be used by a State only
5 to meet the requirements of title III which are
6 first imposed on the State pursuant to the
7 amendments made by title I of the Voter Con-
8 fidence and Increased Accessibility Act of 2012,
9 or to otherwise modify or replace its voting sys-
10 tems in response to such amendments; plus

11 “(B) such sums as may be necessary to en-
12 able States to carry out the activities described
13 in subparagraph (A) with respect to require-
14 ments which first apply to elections for Federal
15 office held after in November 2020, except that
16 any funds provided under the authorization
17 made by this subparagraph shall be used by a
18 State only for carrying out these activities.”.

19 (b) USE OF REVISED FORMULA FOR ALLOCATION OF
20 FUNDS.—Section 252(b) of such Act (42 U.S.C.
21 15402(b)) is amended to read as follows:

22 “(b) STATE ALLOCATION PERCENTAGE DEFINED.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the ‘State allocation percentage’ for a

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

3 “(A) the voting age population of the State
4 (as reported in the most recent decennial cen-
5 sus); and

6 “(B) the total voting age population of all
7 States (as reported in the most recent decennial
8 census).

9 “(2) SPECIAL RULE FOR PAYMENTS USED TO
10 MEET REQUIREMENTS IMPOSED UNDER VOTER CON-
11 FIDENCE AND INCREASED ACCESSIBILITY ACT OF
12 2012.—

13 “(A) IN GENERAL.—In the case of the re-
14 quirements payment made to a State under the
15 authorization made by section 257(a)(5) for fis-
16 cal year 2018 or any fiscal year thereafter, the
17 ‘State allocation percentage’ for a State is the
18 amount (expressed as a percentage) equal to
19 the quotient of—

20 “(i) the sum of the number of non-
21 compliant precincts in the State and 50
22 percent of the number of partially non-
23 compliant precincts in the State; and

24 “(ii) the sum of the number of non-
25 compliant precincts in all States and 50

1 percent of the number of partially non-
2 compliant precincts in all States.

3 “(B) NONCOMPLIANT PRECINCT DE-
4 FINED.—In this paragraph, a ‘noncompliant
5 precinct’ means any precinct (or equivalent lo-
6 cation) within a State for which the voting sys-
7 tem used to administer the regularly scheduled
8 general election for Federal office held in No-
9 vember 2016 did not meet either of the require-
10 ments described in subparagraph (D).

11 “(C) PARTIALLY NONCOMPLIANT PRE-
12 CINCT DEFINED.—In this paragraph, a ‘par-
13 tially noncompliant precinct’ means any pre-
14 cinct (or equivalent location) within a State for
15 which the voting system used to administer the
16 regularly scheduled general election for Federal
17 office held in November 2016 met only one of
18 the requirements described in subparagraph
19 (D).

20 “(D) REQUIREMENTS DESCRIBED.—The
21 requirements described in this subparagraph
22 with respect to a voting system are as follows:

23 “(i) The primary voting system re-
24 quired the use of durable paper ballots (as
25 described in section 301(a)(2)(A)(i)(I) and

1 301(a)(11)(A), as amended or added by
2 the Voter Confidence and Increased Acces-
3 sibility Act of 2012) for every vote cast.

4 “(ii) The voting system allowed the
5 voter to privately and independently verify
6 the permanent paper ballot through the
7 presentation of the same printed or
8 marked information used for vote counting
9 and auditing and to privately and inde-
10 pendently cast the permanent paper ballot
11 without handling the ballot manually.”.

12 (c) REVISED CONDITIONS FOR RECEIPT OF
13 FUNDS.—Section 253 of such Act (42 U.S.C. 15403) is
14 amended—

15 (1) in subsection (a), by striking “A State is el-
16 igible” and inserting “Except as provided in sub-
17 section (f), a State is eligible”; and

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

20 “(f) SPECIAL RULE FOR PAYMENTS USED TO MEET
21 REQUIREMENTS IMPOSED UNDER VOTER CONFIDENCE
22 AND INCREASED ACCESSIBILITY ACT OF 2012.—

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of this part, a State is eligible to receive
25 a requirements payment under the authorization

1 made by section 257(a)(5) for fiscal year 2018 or
2 any fiscal year thereafter if, not later than 90 days
3 after the date of the enactment of the Voter Con-
4 fidence and Increased Accessibility Act of 2012, the
5 chief executive officer of the State, or designee, in
6 consultation and coordination with the chief State
7 election official—

8 “(A) certifies to the Commission the num-
9 ber of noncompliant and partially noncompliant
10 precincts in the State (as defined in section
11 252(b)(2));

12 “(B) certifies to the Commission that the
13 State will reimburse each unit of local govern-
14 ment in the State for any costs the unit incurs
15 in carrying out the activities for which the pay-
16 ment may be used; and

17 “(C) files a statement with the Commis-
18 sion describing the State’s need for the pay-
19 ment and how the State will use the payment
20 to meet the requirements of title III (in accord-
21 ance with the limitations applicable to the use
22 of the payment under section 257(a)(5)).

23 “(2) CERTIFICATIONS BY STATES THAT RE-
24 QUIRE CHANGES TO STATE LAW.—In the case of a
25 State that requires State legislation to carry out any

1 activity covered by any certification submitted under
2 this subsection, the State shall be permitted to make
3 the certification notwithstanding that the legislation
4 has not been enacted at the time the certification is
5 submitted and such State shall submit an additional
6 certification once such legislation is enacted.”.

7 (d) PERMITTING USE OF FUNDS FOR REIMBURSE-
8 MENT FOR COSTS PREVIOUSLY INCURRED.—Section
9 251(c)(1) of such Act (42 U.S.C. 15401(c)(1)) is amended
10 by striking the period at the end and inserting the fol-
11 lowing: “, or as a reimbursement for any costs incurred
12 after November 2016 in meeting the requirements of title
13 III which are imposed pursuant to the amendments made
14 by title I of the Voter Confidence and Increased Accessi-
15 bility Act of 2012 or in otherwise upgrading or replacing
16 voting systems in a manner consistent with such amend-
17 ments (so long as the voting systems meet any of the re-
18 quirements that apply with respect to elections for Federal
19 office held in 2020 and each succeeding year).”.

20 (e) RULE OF CONSTRUCTION REGARDING STATES
21 RECEIVING OTHER FUNDS FOR REPLACING PUNCH
22 CARD, LEVER, OR OTHER VOTING MACHINES.—Nothing
23 in the amendments made by this section or in any other
24 provision of the Help America Vote Act of 2002 may be
25 construed to prohibit a State which received or was au-

1 thORIZED to receive a payment under title I or II of such
2 Act for replacing punch card, lever, or other voting ma-
3 chines from receiving or using any funds which are made
4 available under the amendments made by this section.

5 (f) RULE OF CONSTRUCTION REGARDING USE OF
6 FUNDS RECEIVED IN PRIOR YEARS.—

7 (1) IN GENERAL.—Nothing contained in this
8 Act or the Help America Vote Act of 2002 may be
9 construed to prohibit a State from using funds re-
10 ceived under title I or II of the Help America Vote
11 Act of 2002 to purchase or acquire by other means
12 a voting system that meets the requirements of
13 paragraphs (2) and (3) of section 301 of the Help
14 America Vote Act of 2002 (as amended by this Act)
15 in order to replace voting systems purchased with
16 funds received under the Help America Vote Act of
17 2002 that do not meet such requirements.

18 (2) WAIVER OF NOTICE AND COMMENT RE-
19 QUIREMENTS.—The requirements of subparagraphs
20 (A), (B), and (C) of section 254(a)(11) of the Help
21 America Vote Act of 2002 shall not apply to any
22 State using funds received under such Act for the
23 purposes described in subparagraph (A) or (B) of
24 paragraph (1).

1 (g) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to fiscal years begin-
3 ning with fiscal year 2018.

4 **SEC. 605. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

5 Section 301(d) of the Help America Vote Act of 2002
6 (42 U.S.C. 15481(d)) is amended to read as follows:

7 “(d) EFFECTIVE DATE.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), each State and jurisdiction shall be re-
10 quired to comply with the requirements of this sec-
11 tion on and after January 1, 2006.

12 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
13 MENTS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraphs (B) and (C), the requirements of
16 this section which are first imposed on a State
17 and jurisdiction pursuant to the amendments
18 made by title I of the Voter Confidence and In-
19 creased Accessibility Act of 2012 shall apply
20 with respect to voting systems used for any
21 election for Federal office held in 2018 or any
22 succeeding year.

23 “(B) DELAY FOR JURISDICTIONS USING
24 CERTAIN PAPER RECORD PRINTERS OR CERTAIN

1 SYSTEMS USING OR PRODUCING VOTER-
2 VERIFIABLE PAPER RECORDS IN 2016.—

3 “(i) DELAY.—In the case of a juris-
4 diction described in clause (ii), subpara-
5 graph (A) shall apply to a voting system in
6 the jurisdiction as if the reference in such
7 subparagraph to ‘2018’ were a reference to
8 ‘2020’, but only with respect to the fol-
9 lowing requirements of this section:

10 “(I) Paragraph (2)(A)(i)(I) of
11 subsection (a) (relating to the use of
12 voter-marked paper ballots).

13 “(II) Paragraph (3)(B)(ii)(I) and
14 (II) of subsection (a) (relating to ac-
15 cess to verification from and casting
16 of the durable paper ballot).

17 “(III) Paragraph (11) of sub-
18 section (a) (relating to durability and
19 readability requirements for ballots).

20 “(ii) JURISDICTIONS DESCRIBED.—A
21 jurisdiction described in this clause is a ju-
22 risdiction—

23 “(I) which used voter verifiable
24 paper record printers attached to di-
25 rect recording electronic voting ma-

1 chines, or which used other voting
2 systems that used or produced paper
3 records of the vote verifiable by voters
4 but that are not in compliance with
5 paragraphs (2)(A)(i)(I), (3)(B)(ii) (I
6 and (II), and (11) of subsection (a)
7 (as amended or added by the Voter
8 Confidence and Increased Accessibility
9 Act of 2012), for the administration
10 of the regularly scheduled general
11 election for Federal office held in No-
12 vember 2016; and

13 “(II) which will continue to use
14 such printers or systems for the ad-
15 ministration of elections for Federal
16 office held in years before 2020.

17 “(iii) MANDATORY AVAILABILITY OF
18 PAPER BALLOTS AT POLLING PLACES
19 USING GRANDFATHERED PRINTERS AND
20 SYSTEMS.—

21 “(I) REQUIRING BALLOTS TO BE
22 OFFERED AND PROVIDED.—The ap-
23 propriate election official at each poll-
24 ing place that uses a printer or sys-
25 tem described in clause (ii)(I) for the

1 administration of elections for Federal
2 office shall offer each individual who
3 is eligible to cast a vote in the election
4 at the polling place the opportunity to
5 cast the vote using a blank pre-print-
6 ed paper ballot which the individual
7 may mark by hand and which is not
8 produced by the direct recording elec-
9 tronic voting machine or other such
10 system. The official shall provide the
11 individual with the ballot and the sup-
12 plies necessary to mark the ballot, and
13 shall ensure (to the greatest extent
14 practicable) that the waiting period
15 for the individual to cast a vote is the
16 lesser of 30 minutes or the average
17 waiting period for an individual who
18 does not agree to cast the vote using
19 such a paper ballot under this clause.

20 “(II) TREATMENT OF BALLOT.—
21 Any paper ballot which is cast by an
22 individual under this clause shall be
23 counted and otherwise treated as a
24 regular ballot for all purposes (includ-
25 ing by incorporating it into the final

1 unofficial vote count (as defined by
2 the State) for the precinct) and not as
3 a provisional ballot, unless the indi-
4 vidual casting the ballot would have
5 otherwise been required to cast a pro-
6 visional ballot.

7 “(III) POSTING OF NOTICE.—

8 The appropriate election official shall
9 ensure there is prominently displayed
10 at each polling place a notice that de-
11 scribes the obligation of the official to
12 offer individuals the opportunity to
13 cast votes using a pre-printed blank
14 paper ballot.

15 “(IV) TRAINING OF ELECTION

16 OFFICIALS.—The chief State election
17 official shall ensure that election offi-
18 cials at polling places in the State are
19 aware of the requirements of this
20 clause, including the requirement to
21 display a notice under subclause (III),
22 and are aware that it is a violation of
23 the requirements of this title for an
24 election official to fail to offer an indi-

1 vidual the opportunity to cast a vote
2 using a blank pre-printed paper ballot.

3 “(V) PERIOD OF APPLICA-
4 BILITY.—The requirements of this
5 clause apply only during the period in
6 which the delay is in effect under
7 clause (i).

8 “(C) SPECIAL RULE FOR JURISDICTIONS
9 USING CERTAIN NONTABULATING BALLOT
10 MARKING DEVICES.—In the case of a jurisdic-
11 tion which uses a nontabulating ballot marking
12 device which automatically deposits the ballot
13 into a privacy sleeve, subparagraph (A) shall
14 apply to a voting system in the jurisdiction as
15 if the reference in such subparagraph to ‘any
16 election for Federal office held in 2018 or any
17 succeeding year’ were a reference to ‘elections
18 for Federal office occurring held in 2020 or
19 each succeeding year’, but only with respect to
20 paragraph (3)(B)(ii)(II) of subsection (a) (re-
21 lating to nonmanual casting of the durable
22 paper ballot).”.

1 **Subtitle B—Requirement for Man-**
2 **datory Manual Audits by Hand**
3 **Count**

4 **SEC. 611. MANDATORY MANUAL AUDITS.**

5 Title III of the Help America Vote Act of 2002 (42
6 U.S.C. 15481 et seq.) is amended by adding at the end
7 the following new subtitle:

8 **“Subtitle C—Mandatory Manual**
9 **Audits**

10 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

11 **“(a) REQUIRING AUDITS.—**

12 **“(1) IN GENERAL.—**In accordance with this
13 subtitle, each State shall administer, without ad-
14 vance notice to the precincts or alternative audit
15 units selected, audits of the results of all elections
16 for Federal office held in the State (and, at the op-
17 tion of the State or jurisdiction involved, of elections
18 for State and local office held at the same time as
19 such election) consisting of random hand counts of
20 the voter-verified paper ballots required to be used
21 and preserved pursuant to section 301(a)(2).

22 **“(2) EXCEPTION FOR CERTAIN ELECTIONS.—**A

23 State shall not be required to administer an audit of
24 the results of an election for Federal office under

1 this subtitle if the winning candidate in the elec-
2 tion—

3 “(A) had no opposition on the ballot; or

4 “(B) received 80 percent or more of the
5 total number of votes cast in the election, as de-
6 termined on the basis of the final unofficial vote
7 count.

8 “(b) DETERMINATION OF ENTITY CONDUCTING AU-
9 DITS; APPLICATION OF GAO INDEPENDENCE STAND-
10 ARDS.—The State shall administer audits under this sub-
11 title through an entity selected for such purpose by the
12 State in accordance with such criteria as the State con-
13 siders appropriate consistent with the requirements of this
14 subtitle, except that the entity must meet the general
15 standards established by the Comptroller General and as
16 set forth in the Comptroller General’s Government Audit-
17 ing Standards to ensure the independence (including, ex-
18 cept as provided under section 323(b), the organizational
19 independence) of entities performing financial audits, at-
20 testation engagements, and performance audits.

21 “(c) REFERENCES TO ELECTION AUDITOR.—In this
22 subtitle, the term ‘Election Auditor’ means, with respect
23 to a State, the entity selected by the State under sub-
24 section (b).

1 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), the number of voter-verified paper ballots which will
4 be subject to a hand count administered by the Election
5 Auditor of a State under this subtitle with respect to an
6 election shall be determined as follows:

7 “(1) In the event that the unofficial count as
8 described in section 323(a)(1) reveals that the mar-
9 gin of victory between the two candidates receiving
10 the largest number of votes in the election is less
11 than 1 percent of the total votes cast in that elec-
12 tion, the hand counts of the voter-verified paper bal-
13 lots shall occur in at least 10 percent of all precincts
14 or equivalent locations (or alternative audit units
15 used in accordance with the method provided for
16 under subsection (b)) in the Congressional district
17 involved (in the case of an election for the House of
18 Representatives) or the State (in the case of any
19 other election for Federal office).

20 “(2) In the event that the unofficial count as
21 described in section 323(a)(1) reveals that the mar-
22 gin of victory between the two candidates receiving
23 the largest number of votes in the election is greater
24 than or equal to 1 percent but less than 2 percent
25 of the total votes cast in that election, the hand
26 counts of the voter-verified paper ballots shall occur

1 in at least 5 percent of all precincts or equivalent lo-
2 cations (or alternative audit units used in accord-
3 ance with the method provided for under subsection
4 (b)) in the Congressional district involved (in the
5 case of an election for the House of Representatives)
6 or the State (in the case of any other election for
7 Federal office).

8 “(3) In the event that the unofficial count as
9 described in section 323(a)(1) reveals that the mar-
10 gin of victory between the two candidates receiving
11 the largest number of votes in the election is equal
12 to or greater than 2 percent of the total votes cast
13 in that election, the hand counts of the voter-verified
14 paper ballots shall occur in at least 3 percent of all
15 precincts or equivalent locations (or alternative audit
16 units used in accordance with the method provided
17 for under subsection (b)) in the Congressional dis-
18 trict involved (in the case of an election for the
19 House of Representatives) or the State (in the case
20 of any other election for Federal office).

21 “(b) USE OF ALTERNATIVE MECHANISM.—

22 “(1) PERMITTING USE OF ALTERNATIVE MECH-
23 ANISM.—Notwithstanding subsection (a), a State
24 may adopt and apply an alternative mechanism to
25 determine the number of voter-verified paper ballots

1 which will be subject to the hand counts required
2 under this subtitle with respect to an election, so
3 long as the alternative mechanism uses the voter-
4 verified paper ballots to conduct the audit and the
5 National Institute of Standards and Technology de-
6 termines that the alternative mechanism is in ac-
7 cordance with the principles set forth in paragraph
8 (2).

9 “(2) PRINCIPLES FOR APPROVAL.—In approv-
10 ing an alternative mechanism under paragraph (1),
11 the National Institute of Standards and Technology
12 shall ensure that the audit procedure will have the
13 property that for each election—

14 “(A) the alternative mechanism will be at
15 least as statistically effective in ensuring the ac-
16 curacy of the election results as the procedures
17 under this subtitle; or

18 “(B) the alternative mechanism will
19 achieve at least a 95% confidence interval (as
20 determined in accordance with criteria set forth
21 by the National Institute of Standards and
22 Technology) with respect to the outcome of the
23 election.

24 “(3) DEADLINE FOR RESPONSE.—The Director
25 of the National Institute of Standards and Tech-

1 nology shall make a determination regarding a
2 State's request to approve an alternative mechanism
3 under paragraph (1) not later than 30 days after re-
4 ceiving the State's request.

5 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

6 “(a) IN GENERAL.—The Election Auditor of a State
7 shall administer an audit under this section of the results
8 of an election in accordance with the following procedures:

9 “(1) Within 24 hours after the State announces
10 the final unofficial vote count (as defined by the
11 State) in each precinct in the State, the Election
12 Auditor shall—

13 “(A) determine and then announce the
14 precincts or equivalent locations (or alternative
15 audit units used in accordance with the method
16 provided under section 322(b)) in the State in
17 which it will administer the audits; and

18 “(B) with respect to votes cast at the pre-
19 cinct or equivalent location on or before the
20 date of the election (other than provisional bal-
21 lots described in paragraph (2)), begin to ad-
22 minister the hand count of the votes on the
23 voter-verified paper ballots required to be used
24 and preserved under section 301(a)(2)(A) and
25 the comparison of the count of the votes on

1 those ballots with the final unofficial count of
2 such votes as announced by the State.

3 “(2) With respect to votes cast other than at
4 the precinct on the date of the election (other than
5 votes cast before the date of the election described
6 in paragraph (2)) or votes cast by provisional ballot
7 on the date of the election which are certified and
8 counted by the State on or after the date of the elec-
9 tion, including votes cast by absent uniformed serv-
10 ices voters and overseas voters under the Uniformed
11 and Overseas Citizens Absentee Voting Act, the
12 Election Auditor shall administer the hand count of
13 the votes on the applicable voter-verified paper bal-
14 lots required to be produced and preserved under
15 section 301(a)(2)(A) and the comparison of the
16 count of the votes on those ballots with the final un-
17 official count of such votes as announced by the
18 State.

19 “(b) USE OF PERSONNEL.—In administering the au-
20 dits, the Election Auditor may utilize the services of the
21 personnel of the State or jurisdiction, including election
22 administration personnel and poll workers, without regard
23 to whether or not the personnel have professional auditing
24 experience.

1 “(c) LOCATION.—The Election Auditor shall admin-
2 ister an audit of an election—

3 “(1) at the location where the ballots cast in
4 the election are stored and counted after the date of
5 the election or such other appropriate and secure lo-
6 cation agreed upon by the Election Auditor and the
7 individual that is responsible under State law for the
8 custody of the ballots; and

9 “(2) in the presence of the personnel who under
10 State law are responsible for the custody of the bal-
11 lots.

12 “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-
13 ING ABSENTEE VOTE COUNT.—In the case of a State in
14 which the final count of absentee and provisional votes is
15 not announced until after the date of the election, the
16 Election Auditor shall initiate the process described in
17 subsection (a) for administering the audit not later than
18 24 hours after the State announces the final unofficial
19 vote count for the votes cast at the precinct or equivalent
20 location on or before the date of the election, and shall
21 initiate the administration of the audit of the absentee and
22 provisional votes pursuant to subsection (a)(2) not later
23 than 24 hours after the State announces the final unoffi-
24 cial count of such votes.

25 “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

1 “(1) IN GENERAL.—If the Election Auditor
2 finds that any of the hand counts administered
3 under this section do not match the final unofficial
4 tally of the results of an election, the Election Audi-
5 tor shall administer hand counts under this section
6 of such additional precincts (or alternative audit
7 units) as the Election Auditor considers appropriate
8 to resolve any concerns resulting from the audit and
9 ensure the accuracy of the election results.

10 “(2) ESTABLISHMENT AND PUBLICATION OF
11 PROCEDURES GOVERNING ADDITIONAL AUDITS.—
12 Not later than August 1, 2017, each State shall es-
13 tablish and publish procedures for carrying out the
14 additional audits under this subsection, including the
15 means by which the State shall resolve any concerns
16 resulting from the audit with finality and ensure the
17 accuracy of the election results.

18 “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit
19 conducted under this section shall be conducted in a man-
20 ner that allows public observation of the entire process.

21 **“SEC. 324. SELECTION OF PRECINCTS.**

22 “(a) IN GENERAL.—Except as provided in subsection
23 (c), the selection of the precincts or alternative audit units
24 in the State in which the Election Auditor of the State
25 shall administer the hand counts under this subtitle shall

1 be made by the Election Auditor on a random basis, in
2 accordance with procedures adopted by the National Insti-
3 tute of Standards and Technology, except that at least one
4 precinct shall be selected at random in each county, with
5 additional precincts selected by the Election Auditor at the
6 Auditor's discretion.

7 “(b) PUBLIC SELECTION.—The random selection of
8 precincts under subsection (a) shall be conducted in pub-
9 lic, at a time and place announced in advance.

10 “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-
11 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a
12 State does not sort absentee ballots by precinct and in-
13 clude those ballots in the hand count with respect to that
14 precinct, the State shall create absentee ballot precincts
15 or audit units which are of similar size to the average pre-
16 cinct or audit unit in the jurisdiction being audited, and
17 shall include those absentee precincts or audit units
18 among the precincts in the State in which the Election
19 Auditor shall administer the hand counts under this sub-
20 title.

21 “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY
22 COMMISSION.—The National Institute of Standards and
23 Technology shall adopt the procedures described in sub-
24 section (a) not later than March 31, 2017, and shall pub-
25 lish them in the Federal Register upon adoption.

1 **“SEC. 325. PUBLICATION OF RESULTS.**

2 “(a) SUBMISSION TO COMMISSION.—As soon as prac-
3 ticable after the completion of an audit under this subtitle,
4 the Election Auditor of a State shall submit to the Com-
5 mission the results of the audit, and shall include in the
6 submission a comparison of the results of the election in
7 the precinct as determined by the Election Auditor under
8 the audit and the final unofficial vote count in the precinct
9 as announced by the State and all undervotes, overvotes,
10 blank ballots, and spoiled, voided, or cancelled ballots, as
11 well as a list of any discrepancies discovered between the
12 initial, subsequent, and final hand counts administered by
13 the Election Auditor and such final unofficial vote count
14 and any explanation for such discrepancies, broken down
15 by the categories of votes described in paragraphs (1)(B)
16 and (2) of section 323(a).

17 “(b) PUBLICATION BY COMMISSION.—Immediately
18 after receiving the submission of the results of an audit
19 from the Election Auditor of a State under subsection (a),
20 the Commission shall publicly announce and publish the
21 information contained in the submission.

22 “(c) DELAY IN CERTIFICATION OF RESULTS BY
23 STATE.—

24 “(1) PROHIBITING CERTIFICATION UNTIL COM-
25 PLETION OF AUDITS.—No State may certify the re-

1 sults of any election which is subject to an audit
2 under this subtitle prior to—

3 “(A) the completion of the audit (and, if
4 required, any additional audit conducted under
5 section 323(e)(1)) and the announcement and
6 submission of the results of each such audit to
7 the Commission for publication of the informa-
8 tion required under this section; and

9 “(B) the completion of any procedure es-
10 tablished by the State pursuant to section
11 323(e)(2) to resolve discrepancies and ensure
12 the accuracy of results.

13 “(2) DEADLINE FOR COMPLETION OF AUDITS
14 OF PRESIDENTIAL ELECTIONS.—In the case of an
15 election for electors for President and Vice President
16 which is subject to an audit under this subtitle, the
17 State shall complete the audits and announce and
18 submit the results to the Commission for publication
19 of the information required under this section in
20 time for the State to certify the results of the elec-
21 tion and provide for the final determination of any
22 controversy or contest concerning the appointment
23 of such electors prior to the deadline described in
24 section 6 of title 3, United States Code.

1 **“SEC. 326. PAYMENTS TO STATES.**

2 “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-
3 DITS.—In accordance with the requirements and proce-
4 dures of this section, the Commission shall make a pay-
5 ment to a State to cover the costs incurred by the State
6 in carrying out this subtitle with respect to the elections
7 that are the subject of the audits conducted under this
8 subtitle.

9 “(b) CERTIFICATION OF COMPLIANCE AND ANTICI-
10 PATED COSTS.—

11 “(1) CERTIFICATION REQUIRED.—In order to
12 receive a payment under this section, a State shall
13 submit to the Commission, in such form as the Com-
14 mission may require, a statement containing—

15 “(A) a certification that the State will con-
16 duct the audits required under this subtitle in
17 accordance with all of the requirements of this
18 subtitle;

19 “(B) a notice of the reasonable costs in-
20 curred or the reasonable costs anticipated to be
21 incurred by the State in carrying out this sub-
22 title with respect to the elections involved; and

23 “(C) such other information and assur-
24 ances as the Commission may require.

25 “(2) AMOUNT OF PAYMENT.—The amount of a
26 payment made to a State under this section shall be

1 equal to the reasonable costs incurred or the reason-
2 able costs anticipated to be incurred by the State in
3 carrying out this subtitle with respect to the elec-
4 tions involved, as set forth in the statement sub-
5 mitted under paragraph (1).

6 “(3) TIMING OF NOTICE.—The State may not
7 submit a notice under paragraph (1) until can-
8 didates have been selected to appear on the ballot
9 for all of the elections for Federal office which will
10 be the subject of the audits involved.

11 “(c) TIMING OF PAYMENTS.—The Commission shall
12 make the payment required under this section to a State
13 not later than 30 days after receiving the notice submitted
14 by the State under subsection (b).

15 “(d) RECOUPMENT OF OVERPAYMENTS.—No pay-
16 ment may be made to a State under this section unless
17 the State agrees to repay to the Commission the excess
18 (if any) of—

19 “(1) the amount of the payment received by the
20 State under this section with respect to the elections
21 involved; over

22 “(2) the actual costs incurred by the State in
23 carrying out this subtitle with respect to the elec-
24 tions involved.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Commission for
3 fiscal year 2018 and each succeeding fiscal year
4 \$100,000,000 for payments under this section.

5 **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**
6 **COUNT UNDER STATE LAW PRIOR TO CER-**
7 **TIFICATION.**

8 “(a) EXCEPTION.—This subtitle does not apply to
9 any election for which a recount under State law will com-
10 mence prior to the certification of the results of the elec-
11 tion, including but not limited to a recount required auto-
12 matically because of the margin of victory between the 2
13 candidates receiving the largest number of votes in the
14 election, but only if each of the following applies to the
15 recount:

16 “(1) The recount commences prior to the deter-
17 mination and announcement by the Election Auditor
18 under section 323(a)(1) of the precincts in the State
19 in which it will administer the audits under this sub-
20 title.

21 “(2) If the recount would apply to fewer than
22 100 percent of the ballots cast in the election—

23 “(A) the number of ballots counted will be
24 at least as many as would be counted if an

1 audit were conducted with respect to the elec-
2 tion in accordance with this subtitle; and

3 “(B) the selection of the precincts in which
4 the recount will be conducted will be made in
5 accordance with the random selection proce-
6 dures applicable under section 324.

7 “(3) The recount for the election meets the re-
8 quirements of section 323(f) (relating to public ob-
9 servation).

10 “(4) The State meets the requirements of sec-
11 tion 325 (relating to the publication of results and
12 the delay in the certification of results) with respect
13 to the recount.

14 “(b) CLARIFICATION OF EFFECT ON OTHER RE-
15 QUIREMENTS.—Nothing in this section may be construed
16 to waive the application of any other provision of this Act
17 to any election (including the requirement set forth in sec-
18 tion 301(a)(2) that the voter verified paper ballots serve
19 as the vote of record and shall be counted by hand in all
20 audits and recounts, including audits and recounts de-
21 scribed in this subtitle).

22 **“SEC. 328. EFFECTIVE DATE.**

23 “‘This subtitle shall apply with respect to elections for
24 Federal office held in 2018 or any succeeding year.’”.

1 **SEC. 612. AVAILABILITY OF ENFORCEMENT UNDER HELP**
 2 **AMERICA VOTE ACT OF 2002.**

3 Section 401 of the Help America Vote Act of 2002
 4 (42 U.S.C. 15511) is amended by striking the period at
 5 the end and inserting the following: “, or the requirements
 6 of subtitle C of title III.”.

7 **SEC. 613. GUIDANCE ON BEST PRACTICES FOR ALTER-**
 8 **NATIVE AUDIT MECHANISMS.**

9 (a) IN GENERAL.—Not later than May 1, 2017, the
 10 Director of the National Institute for Standards and Tech-
 11 nology shall establish guidance for States that wish to es-
 12 tablish alternative audit mechanisms under section 322(b)
 13 of the Help America Vote Act of 2002 (as added by section
 14 611). Such guidance shall be based upon scientifically and
 15 statistically reasonable assumptions for the purpose of cre-
 16 ating an alternative audit mechanism that will be con-
 17 sistent with the principles for approval described in section
 18 322(b)(2) of such Act (as so added).

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 20 are authorized to be appropriated to carry out subsection
 21 (a) \$100,000, to remain available until expended.

22 **SEC. 614. CLERICAL AMENDMENT.**

23 The table of contents of the Help America Vote Act
 24 of 2002 is amended by adding at the end of the items
 25 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to certification.

“Sec. 328. Effective date.”.

1 **TITLE VII—PROVISIONAL**
 2 **BALLOTS**

3 **SEC. 701. REQUIREMENTS FOR COUNTING PROVISIONAL**
 4 **BALLOTS; ESTABLISHMENT OF UNIFORM AND**
 5 **NONDISCRIMINATORY STANDARDS.**

6 (a) IN GENERAL.—Section 302 of the Help America
 7 Vote Act of 2002 (42 U.S.C. 15482) is amended—

8 (1) by redesignating subsection (d) as sub-
 9 section (f); and

10 (2) by inserting after subsection (c) the fol-
 11 lowing new subsections:

12 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
 13 LOTS.—

14 “(1) IN GENERAL.—For purposes of subsection
 15 (a)(4), notwithstanding the precinct or polling place
 16 at which a provisional ballot is cast within the State,
 17 the appropriate election official shall count each vote
 18 on such ballot for each election in which the indi-
 19 vidual who cast such ballot is eligible to vote.

1 “(2) EFFECTIVE DATE.—This subsection shall
2 apply with respect to elections held on or after Janu-
3 ary 1, 2013.

4 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
5 ARDS.—

6 “(1) IN GENERAL.—Consistent with the re-
7 quirements of this section, each State shall establish
8 uniform and nondiscriminatory standards for the
9 issuance, handling, and counting of provisional bal-
10 lots.

11 “(2) EFFECTIVE DATE.—This subsection shall
12 apply with respect to elections held on or after Janu-
13 ary 1, 2013.”.

14 (b) CONFORMING AMENDMENT.—Section 302(f) of
15 such Act (42 U.S.C. 15482(f)), as redesignated by sub-
16 section (a), is amended by striking “Each State” and in-
17 serting “Except as provided in subsections (d)(2) and
18 (e)(2), each State”.

19 **TITLE VIII—EARLY VOTING AND** 20 **VOTING BY MAIL**

21 **SEC. 801. EARLY VOTING AND VOTING BY MAIL.**

22 (a) REQUIREMENTS.—Subtitle A of title III of the
23 Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.),
24 as amended by section 114(a) and section 201(a), is
25 amended—

1 (1) by redesignating sections 306 and 307 as
2 sections 308 and 309; and

3 (2) by inserting after section 305 the following
4 new sections:

5 **“SEC. 306. EARLY VOTING.**

6 “(a) IN GENERAL.—Each State shall allow individ-
7 uals to vote in an election for Federal office not less than
8 15 days prior to the day scheduled for such election in
9 the same manner as voting is allowed on such day.

10 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

11 Each polling place which allows voting prior to the day
12 of a Federal election pursuant to subsection (a) shall—

13 “(1) allow such voting for no less than 4 hours
14 on each day (other than Sunday); and

15 “(2) have uniform hours each day for which
16 such voting occurs.

17 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC

18 TRANSPORTATION.—To the greatest extent practicable, a

19 State shall ensure that each polling place which allows vot-

20 ing prior to the day of a Federal election pursuant to sub-

21 section (a) is located within walking distance of a stop on

22 a public transportation route.

23 “(d) STANDARDS.—

24 “(1) IN GENERAL.—The Commission shall issue

25 standards for the administration of voting prior to

1 the day scheduled for a Federal election. Such
2 standards shall include the nondiscriminatory geo-
3 graphic placement of polling places at which such
4 voting occurs.

5 “(2) DEVIATION.—The standards described in
6 paragraph (1) shall permit States, upon providing
7 adequate public notice, to deviate from any require-
8 ment in the case of unforeseen circumstances such
9 as a natural disaster, terrorist attack, or a change
10 in voter turnout.

11 “(e) EFFECTIVE DATE.—This section shall apply
12 with respect to elections held on or after January 1, 2014.

13 **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**
14 **MAIL.**

15 “(a) IN GENERAL.—If an individual in a State is eli-
16 gible to cast a vote in an election for Federal office, the
17 State may not impose any additional conditions or require-
18 ments on the eligibility of the individual to cast the vote
19 in such election by mail, except as required under sub-
20 section (b) and except to the extent that the State imposes
21 a deadline for requesting the ballot and related voting ma-
22 terials from the appropriate State or local election official
23 and for returning the ballot to the appropriate State or
24 local election official.

1 “(b) REQUIRING SIGNATURE VERIFICATION.—A
2 State may not accept and process an absentee ballot sub-
3 mitted by any individual with respect to an election for
4 Federal office unless the State verifies the identification
5 of the individual by comparing the individual’s signature
6 on the absentee ballot with the individual’s signature on
7 the official list of registered voters in the State, in accord-
8 ance with such procedures as the State may adopt.

9 “(c) EFFECTIVE DATE.—This section shall apply
10 with respect to elections held on or after January 1,
11 2014.”.

12 (b) CONFORMING AMENDMENT RELATING TO
13 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
14 SISTANCE COMMISSION.—Section 311(b) of such Act (42
15 U.S.C. 15501(b)), as amended by section 201(b), is
16 amended—

17 (1) by striking “and” at the end of paragraph

18 (3);

19 (2) by striking the period at the end of para-
20 graph (4) and inserting a semicolon; and

21 (3) by adding at the end the following new
22 paragraphs:

23 “(5) in the case of the recommendations with
24 respect to section 306, June 30, 2013; and

1 “(6) in the case of the recommendations with
2 respect to section 307, June 30, 2013.”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 of such Act is amended—

5 (1) by redesignating the items relating to sec-
6 tions 306 and 307 as relating to sections 308 and
7 309; and

8 (2) by inserting after the item relating to sec-
9 tion 305 the following new items:

“Sec. 306. Early voting.

“Sec. 307. Promoting ability of voters to vote by mail.”.

10 **TITLE IX—ABSENT UNIFORMED**
11 **SERVICES VOTERS AND**
12 **OVERSEAS VOTERS**

13 **SEC. 901. EXTENDING GUARANTEE OF RESIDENCY FOR**
14 **VOTING PURPOSES TO FAMILY MEMBERS OF**
15 **ABSENT MILITARY PERSONNEL.**

16 Section 705 of the Servicemembers Civil Relief Act
17 (50 U.S.C. App. 595) is amended—

18 (1) in the heading, by striking “**SPOUSES**” and
19 inserting “**FAMILY MEMBERS**”; and

20 (2) by amending subsection (b) to read as fol-
21 lows:

22 “(b) **FAMILY MEMBERS**.—For the purposes of voting
23 for in any election for any Federal office (as defined in
24 section 301 of the Federal Election Campaign Act of 1971

1 (2 U.S.C. 431)) or any State or local office, a spouse, do-
 2 mestic partner, or dependent of a person who is absent
 3 from a State in compliance with military or naval orders
 4 shall not, solely by reason of that person's absence and
 5 without regard to whether or not such family member is
 6 accompanying that person—

7 “(1) be deemed to have lost a residence or
 8 domicile in that State, without regard to whether or
 9 not the person intends to return to that State;

10 “(2) be deemed to have acquired a residence or
 11 domicile in any other State; or

12 “(3) be deemed to have become a resident in or
 13 a resident of any other State.”.

14 **SEC. 902. PRE-ELECTION REPORTS ON AVAILABILITY AND**
 15 **TRANSMISSION OF ABSENTEE BALLOTS.**

16 Section 102(c) of the Uniformed and Overseas Citi-
 17 zens Absentee Voting Act (42 U.S.C. 1973ff-1(e)) is
 18 amended to read as follows:

19 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
 20 AND RECEIPT OF ABSENTEE BALLOTS.—

21 “(1) PRE-ELECTION REPORT ON ABSENTEE
 22 BALLOT AVAILABILITY.—Not later than 55 days be-
 23 fore any regularly scheduled general election for
 24 Federal office, each State shall submit a report to
 25 the Attorney General, the Election Assistance Com-

1 mission (hereafter in this subsection referred to as
2 the ‘Commission’), and the Presidential Designee,
3 and make that report publicly available that same
4 day, certifying that absentee ballots for the election
5 are or will be available for transmission to absent
6 uniformed services voters and overseas voters by not
7 later than 45 days before the election. The report
8 shall be in a form prescribed jointly by the Attorney
9 General and the Commission and shall require the
10 State to certify specific information about ballot
11 availability from each unit of local government which
12 will administer the election.

13 “(2) PRE-ELECTION REPORT ON ABSENTEE
14 BALLOT TRANSMISSION.—Not later than 43 days be-
15 fore any regularly scheduled general election for
16 Federal office, each State shall submit a report to
17 the Attorney General, the Commission, and the
18 Presidential Designee, and make that report publicly
19 available that same day, certifying whether all ab-
20 sentee ballots have been transmitted by not later
21 than 45 days before the election to all qualified ab-
22 sent uniformed services and overseas voters whose
23 requests were received at least 45 days before the
24 election. The report shall be in a form prescribed
25 jointly by the Attorney General and the Commission,

1 and shall require the State to certify specific infor-
2 mation about ballot transmission, including the total
3 numbers of ballot requests received and ballots
4 transmitted, from each unit of local government
5 which will administer the election.

6 “(3) POST-ELECTION REPORT ON NUMBER OF
7 ABSENTEE BALLOTS TRANSMITTED AND RE-
8 CEIVED.—Not later than 90 days after the date of
9 each regularly scheduled general election for Federal
10 office, each State and unit of local government
11 which administered the election shall (through the
12 State, in the case of a unit of local government) sub-
13 mit a report to the Attorney General, the Commis-
14 sion, and the Presidential Designee on the combined
15 number of absentee ballots transmitted to absent
16 uniformed services voters and overseas voters for the
17 election and the combined number of such ballots
18 which were returned by such voters and cast in the
19 election, and shall make such report available to the
20 general public that same day.”.

21 **SEC. 903. ENFORCEMENT.**

22 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
23 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
24 and Overseas Citizens Absentee Voting Act (42 U.S.C.
25 1973ff-4) is amended to read as follows:

1 **“SEC. 105. ENFORCEMENT.**

2 “(a) ACTION BY ATTORNEY GENERAL.—

3 “(1) IN GENERAL.—The Attorney General may
4 bring civil action in an appropriate district court for
5 such declaratory or injunctive relief as may be nec-
6 essary to carry out this title.

7 “(2) PENALTY.—In a civil action brought under
8 paragraph (1), if the court finds that the State vio-
9 lated any provision of this title, it may, to vindicate
10 the public interest, assess a civil penalty against the
11 State—

12 “(A) in an amount not to exceed \$110,000
13 for each such violation, in the case of a first
14 violation; or

15 “(B) in an amount not to exceed \$220,000
16 for each such violation, for any subsequent vio-
17 lation.

18 “(3) REPORT TO CONGRESS.—Not later than
19 December 31 of each year, the Attorney General
20 shall submit to Congress an annual report on any
21 civil action brought under paragraph (1) during the
22 preceding year.

23 “(b) PRIVATE RIGHT OF ACTION.—A person who is
24 aggrieved by a State’s violation of this title may bring a
25 civil action in an appropriate district court for such declar-

1 atory or injunctive relief as may be necessary to carry out
2 this title.

3 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
4 any action brought under this section, the only necessary
5 party defendant is the State, and it shall not be a defense
6 to any such action that a local election official or a unit
7 of local government is not named as a defendant, notwith-
8 standing that a State has exercised the authority described
9 in section 576 of the Military and Overseas Voter Em-
10 powerment Act to delegate to another jurisdiction in the
11 State any duty or responsibility which is the subject of
12 an action brought under this section.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to violations alleged
15 to have occurred on or after the date of the enactment
16 of this Act.

17 **SEC. 904. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANS-**
18 **MISSION RULE.**

19 (a) REPEAL OF WAIVER AUTHORITY.—

20 (1) IN GENERAL.—Section 102 of the Uni-
21 formed and Overseas Citizens Absentee Voting Act
22 (42 U.S.C. 1973ff–1) is amended by striking sub-
23 section (g).

24 (2) CONFORMING AMENDMENT.—Section
25 102(a)(8)(A) of such Act (42 U.S.C. 1973ff–

1 1(a)(8)(A) is amended by striking “except as pro-
2 vided in subsection (g),”.

3 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
4 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
5 such Act (42 U.S.C. 1973ff–1), as amended by subsection
6 (a), is amended by inserting after subsection (f) the fol-
7 lowing new subsection:

8 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
9 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
10 DEADLINES.—

11 “(1) TRANSMISSION OF BALLOT BY EXPRESS
12 DELIVERY.—If a State fails to meet the requirement
13 of subsection (a)(8)(A) to transmit a validly re-
14 quested absentee ballot to an absent uniformed serv-
15 ices voter or overseas voter not later than 45 days
16 before the election (in the case in which the request
17 is received at least 45 days before the election)—

18 “(A) the State shall transmit the ballot to
19 the voter by express delivery; or

20 “(B) in the case of a voter who has des-
21 ignated that absentee ballots be transmitted
22 electronically in accordance with subsection
23 (f)(1), the State shall transmit the ballot to the
24 voter electronically.

1 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
2 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
3 rying out paragraph (1), a State transmits an ab-
4 sentee ballot to an absent uniformed services voter
5 or overseas voter fewer than 40 days before the elec-
6 tion, the State shall enable the ballot to be returned
7 by the voter by express delivery, except that in the
8 case of an absentee ballot of an absent uniformed
9 services voter for a regularly scheduled general elec-
10 tion for Federal office, the State may satisfy the re-
11 quirement of this paragraph by notifying the voter
12 of the procedures for the collection and delivery of
13 such ballots under section 103A.”.

14 (c) CLARIFICATION OF TREATMENT OF WEEK-
15 ENDS.—Section 102(a)(8)(A) of such Act (42 U.S.C.
16 1973ff-1(a)(8)(A)) is amended by striking “the election;”
17 and inserting the following: “the election (or, if the 45th
18 day preceding the election is a weekend or legal public hol-
19 iday, not later than the most recent weekday which pre-
20 cedes such 45th day and which is not a legal public holi-
21 day, but only if the request is received by at least such
22 most recent weekday);”.

1 **SEC. 905. USE OF SINGLE ABSENTEE BALLOT APPLICATION**
2 **FOR SUBSEQUENT ELECTIONS.**

3 (a) IN GENERAL.—Section 104 of the Uniformed and
4 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
5 3) is amended to read as follows:

6 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
7 **ELECTIONS.**

8 “(a) IN GENERAL.—If a State accepts and processes
9 an official post card form (prescribed under section 101)
10 submitted by an absent uniformed services voter or over-
11 seas voter for simultaneous voter registration and absen-
12 tee ballot application (in accordance with section
13 102(a)(4)) and the voter requests that the application be
14 considered an application for an absentee ballot for each
15 subsequent election for Federal office held in the State
16 through the next regularly scheduled general election for
17 Federal office (including any runoff elections which may
18 occur as a result of the outcome of such general election),
19 the State shall provide an absentee ballot to the voter for
20 each such subsequent election.

21 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
22 TION.—Subsection (a) shall not apply with respect to a
23 voter registered to vote in a State for any election held
24 after the voter notifies the State that the voter no longer
25 wishes to be registered to vote in the State or after the
26 State determines that the voter has registered to vote in

1 another State or is otherwise no longer eligible to vote in
2 the State.

3 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
4 GROUNDS OF EARLY SUBMISSION.—A State may not
5 refuse to accept or to process, with respect to any election
6 for Federal office, any otherwise valid voter registration
7 application or absentee ballot application (including the
8 postcard form prescribed under section 101) submitted by
9 an absent uniformed services voter or overseas voter on
10 the grounds that the voter submitted the application be-
11 fore the first date on which the State otherwise accepts
12 or processes such applications for that election which are
13 submitted by absentee voters who are not members of the
14 uniformed services or overseas citizens.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to voter registration
17 and absentee ballot applications which are submitted to
18 a State or local election official on or after the date of
19 the enactment of this Act.

20 **SEC. 906. APPLICATION OF UOCAVA TO COMMONWEALTH**
21 **OF NORTHERN MARIANA ISLANDS.**

22 Section 107(6) of the Uniformed and Overseas Citi-
23 zens Absentee Voting Act (42 U.S.C. 1973 ff-6(6)) is
24 amended by striking “and American Samoa” and insert-

1 ing “American Samoa, and the Commonwealth of the
2 Northern Mariana Islands”.

3 **SEC. 907. EFFECTIVE DATE.**

4 The amendments made by this title shall apply with
5 respect to elections occurring on or after January 1, 2014.

6 **TITLE X—POLL WORKER**
7 **RECRUITMENT AND TRAINING**

8 **SEC. 1001. LEAVE TO SERVE AS A POLL WORKER FOR FED-**
9 **ERAL EMPLOYEES.**

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

13 **“§ 6329. Absence in connection with serving as a poll**
14 **worker**

15 “(a) IN GENERAL.—An employee in or under an Ex-
16 ecutive agency is entitled to leave, without loss of or reduc-
17 tion in pay, leave to which otherwise entitled, credit for
18 time or service, or performance or efficiency rating, not
19 to exceed 6 days in a leave year, in order—

20 “(1) to provide election administration assist-
21 ance to a State or unit of local government at a poll-
22 ing place on the date of any election for public of-
23 fice; or

1 “(2) to receive any training without which such
2 employee would be ineligible to provide such assist-
3 ance.

4 “(b) REGULATIONS.—The Director of the Office of
5 Personnel Management may prescribe regulations for the
6 administration of this section, including regulations set-
7 ting forth the terms and conditions of the election admin-
8 istration assistance an employee may provide for purposes
9 of subsection (a).”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for chapter 63 of title 5, United States Code, is amended
12 by inserting after the item relating to section 6328 the
13 following:

“6329. Absence in connection with serving as a poll worker.”.

14 **SEC. 1002. GRANTS TO STATES FOR POLL WORKER RE-**
15 **CRUITMENT AND TRAINING.**

16 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
17 SION.—

18 (1) IN GENERAL.—The Election Assistance
19 Commission (hereafter referred to as the “Commis-
20 sion”) shall make a grant to each eligible State for
21 recruiting and training individuals to serve as non-
22 partisan poll workers on dates of elections for public
23 office.

24 (2) USE OF COMMISSION MATERIALS.—In car-
25 rying out activities with a grant provided under this

1 section, the recipient of the grant shall use the man-
2 ual prepared by the Commission on successful prac-
3 tices for poll worker recruiting, training and reten-
4 tion as an interactive training tool, and shall develop
5 training programs with the participation and input
6 of experts in adult learning.

7 (b) REQUIREMENTS FOR ELIGIBILITY.—

8 (1) APPLICATION.—Each State that desires to
9 receive a payment under this section shall submit an
10 application for the payment to the Commission at
11 such time and in such manner and containing such
12 information as the Commission shall require.

13 (2) CONTENTS OF APPLICATION.—Each appli-
14 cation submitted under paragraph (1) shall—

15 (A) describe the activities for which assist-
16 ance under this section is sought;

17 (B) provide assurances that the funds pro-
18 vided under this section will be used to supple-
19 ment and not supplant other funds used to
20 carry out the activities;

21 (C) provide assurances that the State will
22 furnish the Commission with information on the
23 number of individuals who served as non-
24 partisan poll workers after recruitment and

1 training with the funds provided under this sec-
2 tion; and

3 (D) provide such additional information
4 and certifications as the Commission deter-
5 mines to be essential to ensure compliance with
6 the requirements of this section.

7 (c) AMOUNT OF GRANT.—

8 (1) IN GENERAL.—The amount of a grant
9 made to a State under this section shall be equal to
10 the product of—

11 (A) the aggregate amount made available
12 for grants to States under this section; and

13 (B) the voting age population percentage
14 for the State.

15 (2) VOTING AGE POPULATION PERCENTAGE DE-
16 FINED.—In paragraph (1), the “voting age popu-
17 lation percentage” for a State is the quotient of—

18 (A) the voting age population of the State
19 (as determined on the basis of the most recent
20 information available from the Bureau of the
21 Census); and

22 (B) the total voting age population of all
23 States (as determined on the basis of the most
24 recent information available from the Bureau of
25 the Census).

1 (d) REPORTS TO CONGRESS.—

2 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
3 later than 6 months after the date on which the
4 final grant is made under this section, each recipient
5 of a grant shall submit a report to the Commission
6 on the activities conducted with the funds provided
7 by the grant.

8 (2) REPORTS BY COMMISSION.—Not later than
9 1 year after the date on which the final grant is
10 made under this section, the Commission shall sub-
11 mit a report to Congress on the grants made under
12 this section and the activities carried out by recipi-
13 ents with the grants, and shall include in the report
14 such recommendations as the Commission considers
15 appropriate.

16 (e) FUNDING.—

17 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
18 PROPRIATED.—Any amount appropriated to carry
19 out this section shall remain available without fiscal
20 year limitation until expended.

21 (2) ADMINISTRATIVE EXPENSES.—Of the
22 amount appropriated for any fiscal year to carry out
23 this section, not more than 3 percent shall be avail-
24 able for administrative expenses of the Commission.

1 **SEC. 1003. MODEL POLL WORKER TRAINING PROGRAM.**

2 (a) DEVELOPMENT OF PROGRAM BY ELECTION AS-
3 SISTANCE COMMISSION.—Not later than 1 year after the
4 date of the enactment of this Act, the Election Assistance
5 Commission shall develop and provide to each State mate-
6 rials for a model poll worker training program which the
7 State may use to train individuals to serve as poll workers
8 in elections for Federal office.

9 (b) CONTENTS OF MATERIALS.—The materials for
10 the model poll worker training program developed under
11 this section shall include materials to provide training with
12 respect to the following:

13 (1) The relevant provisions of the Federal laws
14 which apply to the administration of elections for
15 Federal office in the State, including the Voting
16 Rights Act of 1965 and the Help America Vote Act
17 of 2002.

18 (2) The provision of access to voting to individ-
19 uals with disabilities in a manner which preserves
20 the dignity and privacy of such individuals.

21 (3) The provision of access to voting to individ-
22 uals with limited English language proficiency, and
23 to individuals who are members or racial or ethnic
24 minorities, consistent with the protections provided
25 for such individuals under relevant law, in a manner
26 which preserves the dignity of such individuals.

1 (4) Practical experience in the use of the voting
 2 machines which will be used in the election involved,
 3 including the accessibility features of such machines.

4 (5) Such other election administration subjects
 5 as the Commission considers appropriate to ensure
 6 that poll workers are able to effectively assist with
 7 the administration of elections for Federal office.

8 **SEC. 1004. STATE DEFINED.**

9 In this title, the term “State” includes the District
 10 of Columbia, the Commonwealth of Puerto Rico, Guam,
 11 American Samoa, and the United States Virgin Islands.

12 **TITLE XI—ENHANCEMENT OF**
 13 **ENFORCEMENT**

14 **SEC. 1101. ENHANCEMENT OF ENFORCEMENT OF HELP**
 15 **AMERICA VOTE ACT OF 2002.**

16 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
 17 OF ACTION.—Section 401 of the Help America Vote Act
 18 of 2002 (42 U.S.C. 15511) is amended—

19 (1) by striking “The Attorney General” and in-
 20 serting “(a) IN GENERAL.—The Attorney General”;
 21 and

22 (2) by adding at the end the following new sub-
 23 sections:

24 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
 25 SONS.—

1 “(1) IN GENERAL.—A person who is aggrieved
2 by a violation of subtitle A or subtitle C of title III
3 which has occurred, is occurring, or is about to
4 occur may file a written, signed, notarized complaint
5 with the Attorney General describing the violation
6 and requesting the Attorney General to take appro-
7 priate action under this section. The Attorney Gen-
8 eral shall immediately provide a copy of a complaint
9 filed under the previous sentence to the entity re-
10 sponsible for administering the State-based adminis-
11 trative complaint procedures described in section
12 402(a) for the State involved.

13 “(2) RESPONSE BY ATTORNEY GENERAL.—The
14 Attorney General shall respond to each complaint
15 filed under paragraph (1), in accordance with proce-
16 dures established by the Attorney General that re-
17 quire responses and determinations to be made with-
18 in the same (or shorter) deadlines which apply to a
19 State under the State-based administrative com-
20 plaint procedures described in section 402(a)(2).
21 The Attorney General shall immediately provide a
22 copy of the response made under the previous sen-
23 tence to the entity responsible for administering the
24 State-based administrative complaint procedures de-
25 scribed in section 402(a) for the State involved.

1 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
2 TION.—Any person who is authorized to file a complaint
3 under subsection (b)(1) (including any individual who
4 seeks to enforce the individual’s right to a voter-verified
5 paper ballot, the right to have the voter-verified paper bal-
6 lot counted in accordance with this Act, or any other right
7 under subtitles A or C of title III) may file an action under
8 section 1979 of the Revised Statutes of the United States
9 (42 U.S.C. 1983) to enforce the uniform and nondiscrim-
10 inatory election technology and administration require-
11 ments under subtitle A of title III, or the requirements
12 of subtitle C of title III.

13 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
14 in this section may be construed to affect the availability
15 of the State-based administrative complaint procedures re-
16 quired under section 402 to any person filing a complaint
17 under this subsection.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to violations occurring
20 with respect to elections for Federal office held in 2014
21 or any succeeding year.

1 **TITLE XII—FEDERAL ELECTION**
 2 **INTEGRITY**

3 **SEC. 1201. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
 4 **CHIEF STATE ELECTION ADMINISTRATION**
 5 **OFFICIALS.**

6 (a) IN GENERAL.—Title III of the Federal Election
 7 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
 8 by inserting after section 319 the following new section:

9 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
 10 ADMINISTRATION OFFICIALS

11 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
 12 for a chief State election administration official to take
 13 an active part in political management or in a political
 14 campaign with respect to any election for Federal office
 15 over which such official has supervisory authority.

16 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 17 FICIAL.—The term ‘chief State election administration of-
 18 ficial’ means the highest State official with responsibility
 19 for the administration of Federal elections under State
 20 law.

21 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
 22 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
 23 litical management or in a political campaign’ means—

24 “(1) serving as a member of an authorized com-
 25 mittee of a candidate for Federal office;

1 “(2) the use of official authority or influence
2 for the purpose of interfering with or affecting the
3 result of an election for Federal office;

4 “(3) the solicitation, acceptance, or receipt of a
5 contribution from any person on behalf of a can-
6 didate for Federal office; and

7 “(4) any other act which would be prohibited
8 under paragraph (2) or (3) of section 7323(b) of
9 title 5, United States Code, if taken by an individual
10 to whom such paragraph applies (other than any
11 prohibition on running for public office).

12 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
13 IMMEDIATE FAMILY MEMBERS.—

14 “(1) IN GENERAL.—This section does not apply
15 to a chief State election administration official with
16 respect to an election for Federal office in which the
17 official or an immediate family member of the offi-
18 cial is a candidate.

19 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
20 In paragraph (1), the term ‘immediate family mem-
21 ber’ means, with respect to a candidate, a father,
22 mother, son, daughter, brother, sister, husband,
23 wife, father-in-law, or mother-in-law.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to elections for
3 Federal office held after December 2012.

4 **TITLE XIII—OTHER ELECTION**
5 **ADMINISTRATION IMPROVE-**
6 **MENTS**

7 **SEC. 1301. TREATMENT OF UNIVERSITIES AS VOTER REG-**
8 **ISTRATION AGENCIES.**

9 (a) IN GENERAL.—Section 7(a) of the National Voter
10 Registration Act of 1993 (42 U.S.C. 1973gg–5(a)) is
11 amended—

12 (1) in paragraph (2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (A);

15 (B) by striking the period at the end of
16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(C) each institution of higher education
20 (as defined in section 101 of the Higher Edu-
21 cation Act of 1965 (20 U.S.C. 1001)) in the
22 State that receives Federal funds.”; and

23 (2) in paragraph (6)(A), by inserting “or, in
24 the case of an institution of higher education, with

1 each registration of a student for enrollment in a
 2 course of study” after “assistance,”.

3 (b) AMENDMENT TO HIGHER EDUCATION ACT OF
 4 1965.—Section 487(a) of the Higher Education Act of
 5 1965 (20 U.S.C. 1094(a)) is amended by striking para-
 6 graph (23).

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply with respect to elections held on
 9 or after January 1, 2014.

10 **SEC. 1302. MINIMUM NOTIFICATION REQUIREMENTS FOR**
 11 **VOTERS AFFECTED BY POLLING PLACE**
 12 **CHANGES.**

13 (a) REQUIREMENTS.—Section 302 of the Help Amer-
 14 ica Vote Act of 2002 (42 U.S.C. 15482), as amended by
 15 section 701(a), is amended—

16 (1) by redesignating subsection (f) as sub-
 17 section (g); and

18 (2) by inserting after subsection (e) the fol-
 19 lowing new subsection:

20 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
 21 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

22 “(1) IN GENERAL.—If a State assigns an indi-
 23 vidual who is a registered voter in a State to a poll-
 24 ing place with respect to an election for Federal of-
 25 fice which is not the same polling place to which the

1 individual was previously assigned with respect to
2 the most recent election for Federal office in the
3 State in which the individual was eligible to vote—

4 “(A) the State shall notify the individual of
5 the location of the polling place not later than
6 7 days before the date of the election; or

7 “(B) if the State makes such an assign-
8 ment fewer than 7 days before the date of the
9 election and the individual appears on the date
10 of the election at the polling place to which the
11 individual was previously assigned, the State
12 shall make every reasonable effort to enable the
13 individual to vote on the date of the election.

14 “(2) EFFECTIVE DATE.—This subsection shall
15 apply with respect to elections held on or after Janu-
16 ary 1, 2013.”.

17 (b) CONFORMING AMENDMENT.—Section 302(f) of
18 such Act (42 U.S.C. 15482(f)), as redesignated by sub-
19 section (a) and as amended by section 701(b), is amended
20 by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
21 (e)(2), and (f)(2)”.

22 **SEC. 1303. VOTER INFORMATION RESPONSE SYSTEMS AND**
23 **HOTLINE.**

24 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS
25 AND SERVICES.—

1 (1) STATE-BASED RESPONSE SYSTEMS.—The
2 Attorney General shall coordinate the establishment
3 of a State-based response system for responding to
4 questions and complaints from individuals voting or
5 seeking to vote, or registering to vote or seeking to
6 register to vote, in elections for Federal office. Such
7 system shall provide—

8 (A) State-specific, same-day, and imme-
9 diate assistance to such individuals, including
10 information on how to register to vote, the loca-
11 tion and hours of operation of polling places,
12 and how to obtain absentee ballots; and

13 (B) State-specific, same-day, and imme-
14 diate assistance to individuals encountering
15 problems with registering to vote or voting, in-
16 cluding individuals encountering intimidation or
17 deceptive practices.

18 (2) HOTLINE.—The Attorney General, in con-
19 sultation with State election officials, shall establish
20 and operate a toll-free telephone service, using a
21 telephone number that is accessible throughout the
22 United States and that uses easily identifiable nu-
23 merals, through which individuals throughout the
24 United States—

1 (A) may connect directly to the State-
2 based response system described in paragraph
3 (1) with respect to the State involved;

4 (B) may obtain information on voting in
5 elections for Federal office, including informa-
6 tion on how to register to vote in such elections,
7 the locations and hours of operation of polling
8 places, and how to obtain absentee ballots; and

9 (C) may report information to the Attor-
10 ney General on problems encountered in reg-
11 istering to vote or voting, including incidences
12 of voter intimidation or suppression.

13 (3) COLLABORATION WITH STATE AND LOCAL
14 ELECTION OFFICIALS.—

15 (A) COLLECTION OF INFORMATION FROM
16 STATES.—The Attorney General shall coordi-
17 nate the collection of information on State and
18 local election laws and policies, including infor-
19 mation on the Statewide computerized voter
20 registration lists maintained under title III of
21 the Help America Vote Act of 2002, so that in-
22 dividuals who contact the free telephone service
23 established under paragraph (2) on the date of
24 an election for Federal office may receive an
25 immediate response on that day.

1 (B) FORWARDING QUESTIONS AND COM-
2 PLAINTS TO STATES.—If an individual contacts
3 the free telephone service established under
4 paragraph (2) on the date of an election for
5 Federal office with a question or complaint with
6 respect to a particular State or jurisdiction
7 within a State, the Attorney General shall for-
8 ward the question or complaint immediately to
9 the appropriate election official of the State or
10 jurisdiction so that the official may answer the
11 question or remedy the complaint on that date.

12 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
13 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
14 LANGUAGE PROFICIENCY.—The Attorney General shall
15 design and operate the telephone service established under
16 this section in a manner that ensures that individuals with
17 disabilities and individuals with limited proficiency in the
18 English language are fully able to use the service.

19 (c) VOTER HOTLINE TASK FORCE.—

20 (1) APPOINTMENT BY ATTORNEY GENERAL.—
21 The Attorney General shall appoint individuals (in
22 such number as the Attorney General considers ap-
23 propriate but in no event fewer than 3) to serve on
24 a Voter Hotline Task Force to provide ongoing anal-
25 ysis and assessment of the operation of the tele-

1 phone service established under this section, and
2 shall give special consideration in making appoint-
3 ments to the Task Force to individuals who rep-
4 resent civil rights organizations. At least one mem-
5 ber of the Task Force shall be a representative of
6 an organization promoting voting rights or civil
7 rights which has experience in the operation of simi-
8 lar telephone services or in protecting the rights of
9 individuals to vote, especially individuals who are
10 members or racial minorities or of communities who
11 have been adversely affected by efforts to suppress
12 voting rights.

13 (2) ELIGIBILITY.—An individual shall be eligi-
14 ble to serve on the Task Force under this subsection
15 if the individual meets such criteria as the Attorney
16 General may establish, except that an individual may
17 not serve on the task force if the individual has been
18 convicted of any criminal offense relating to voter in-
19 timidation or voter suppression.

20 (3) TERM OF SERVICE.—An individual ap-
21 pointed to the Task Force shall serve a single term
22 of 2 years, except that the initial terms of the mem-
23 bers first appointed to the Task Force shall be stag-
24 gered so that there are at least 3 individuals serving
25 on the Task Force during each year. A vacancy in

1 the membership of the Task Force shall be filled in
2 the same manner as the original appointment.

3 (4) NO COMPENSATION FOR SERVICE.—Mem-
4 bers of the Task Force shall serve without pay, but
5 shall receive travel expenses, including per diem in
6 lieu of subsistence, in accordance with applicable
7 provisions under subchapter I of chapter 57 of title
8 5, United States Code.

9 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
10 than March 1 of each odd-numbered year, the Attorney
11 General shall submit a report to Congress on the operation
12 of the telephone service established under this section dur-
13 ing the previous 2 years, and shall include in the report—

14 (1) an enumeration of the number and type of
15 calls that were received by the service;

16 (2) a compilation and description of the reports
17 made to the service by individuals citing instances of
18 voter intimidation or suppression;

19 (3) an assessment of the effectiveness of the
20 service in making information available to all house-
21 holds in the United States with telephone service;

22 (4) any recommendations developed by the
23 Task Force established under subsection (c) with re-
24 spect to how voting systems may be maintained or
25 upgraded to better accommodate voters and better

1 ensure the integrity of elections, including but not
2 limited to identifying how to eliminate coordinated
3 voter suppression efforts and how to establish effective
4 mechanisms for distributing updates on changes
5 to voting requirements; and

6 (5) any recommendations on best practices for
7 the State-based response systems established under
8 subsection (a)(1).

9 (e) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) AUTHORIZATION.—There are authorized to
11 be appropriated to the Attorney General for fiscal
12 year 2012 and each succeeding fiscal year such sums
13 as may be necessary to carry out this section.

14 (2) SET-ASIDE FOR OUTREACH.—Of the
15 amounts appropriated to carry out this Act for a fiscal
16 year pursuant to the authorization under paragraph
17 (1), not less than 15% shall be used for outreach
18 activities to make the public aware of the
19 availability of the telephone service established under
20 this section, with an emphasis on outreach to individuals
21 with disabilities and individuals with limited
22 proficiency in the English language.

1 **SEC. 1304. REAUTHORIZATION OF ELECTION ASSISTANCE**
2 **COMMISSION.**

3 Section 210 of the Help America Vote Act of 2002
4 (42 U.S.C. 15330) is amended by striking “for each of
5 the fiscal years 2003 through 2005” and inserting “for
6 each of the fiscal years 2012 through 2016”.

7 **SEC. 1305. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
8 **ANCE COMMISSION FROM CERTAIN GOVERN-**
9 **MENT CONTRACTING REQUIREMENTS.**

10 (a) **IN GENERAL.**—Section 205 of the Help America
11 Vote Act of 2002 (42 U.S.C. 15325) is amended by strik-
12 ing subsection (e).

13 (b) **EFFECTIVE DATE.**—The amendment made by
14 subsection (a) shall apply with respect to contracts entered
15 into by the Election Assistance Commission on or after
16 the date of the enactment of this Act.

17 **SEC. 1306. NO EFFECT ON OTHER LAWS.**

18 (a) **IN GENERAL.**—Except as specifically provided,
19 nothing in this Act may be construed to authorize or re-
20 quire conduct prohibited under any of the following laws,
21 or to supersede, restrict, or limit the application of such
22 laws:

23 (1) The Voting Rights Act of 1965 (42 U.S.C.
24 1973 et seq.).

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

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

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

5 (5) The Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.).

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

9 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
10 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
11 proval by any person of a payment or grant application
12 under this Act, or any other action taken by any person
13 under this Act, shall not be considered to have any effect
14 on requirements for preclearance under section 5 of the
15 Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other
16 requirements of such Act.

○