

SEC. 9. *Ensuring Access to Voter Registration for Eligible Individuals in Federal Custody.* (a) The Attorney General shall establish procedures, consistent with applicable law, to provide educational materials related to voter registration and voting and, to the extent practicable, to facilitate voter registration, for all eligible individuals in the custody of the Federal Bureau of Prisons. Such educational materials shall be incorporated into the reentry planning procedures required under section 4042(a)(7) of title 18, United States Code. The educational materials should also notify individuals leaving Federal custody of the restrictions, if any, on their ability to vote under the laws of the State where the individual resides and, if any such restrictions exist, the point at which the individual's rights will be restored under applicable State law.

(b) The Attorney General shall establish procedures, consistent with applicable law, to ensure the United States Marshals Service includes language in intergovernmental agreements and jail contracts to require the jails to provide educational materials related to voter registration and voting, and to facilitate voting by mail, to the extent practicable and appropriate.

(c) The Attorney General shall establish procedures, consistent with applicable law, for coordinating with the Probation and Pretrial Services Office of the Administrative Office of the United States Courts to provide educational materials related to voter registration and voting to all eligible individuals under the supervision of the Probation and Pretrial Services Office, and to facilitate voter registration and voting by such individuals.

(d) The Attorney General shall take appropriate steps, consistent with applicable law, to support formerly incarcerated individuals in obtaining a means of identification that satisfies State voter identification laws, including as required by 18 U.S.C. 4042(a)(6)(B).

SEC. 10. *Establishing a Native American Voting Rights Steering Group.* (a) There is hereby established an Interagency Steering Group on Native American Voting Rights (Steering Group) coordinated by the Domestic Policy Council.

(b) The Steering Group shall be chaired by the Assistant to the President for Domestic Policy and shall include the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs or their designees. The Chair may invite the participation of the heads or senior representatives of other agencies, as the Chair determines to be helpful to complete the work of the Steering Group. The Steering Group shall consult with agencies not represented on the Steering Group to facilitate the sharing of information and best practices, as appropriate and consistent with applicable law.

(c) The Steering Group shall engage in meaningful and robust consultation with Tribal Nations and Native leaders to inform the Steering Group regarding concerns and potential areas of focus for the report described in subsection (d) of this section, and to assist the Steering Group in developing that report.

(d) The Steering Group shall study best practices for protecting voting rights of Native Americans and shall produce a report within 1 year of the date of this order outlining recommendations for providing such protection, consistent with applicable law, including recommendations for:

(i) increasing voter outreach, education, registration, and turnout in Native American communities; increasing voting access for Native American communities (including increasing accessibility for voters with disabilities); and mitigating internet accessibility issues that may hinder voter registration and ballot access in Native American communities;

(ii) increasing language access and assistance for Native American voters, including evaluating existing best practices;

(iii) mitigating barriers to voting for Native Americans by analyzing and providing guidance on how to fa-

cilitate the use of Tribal government identification cards as valid voter identification in Federal, State, local, Tribal, and territorial elections;

(iv) facilitating collaboration among local election officials, Native American communities, and Tribal election offices; and

(v) addressing other areas identified during the consultation process.

(e) The Department of the Interior shall provide administrative support for the Steering Group to the extent permitted by law.

SEC. 11. *Definition.* Except as otherwise defined in section 6 of this order, "agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

SEC. 12. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

## CHAPTER 201—VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED

Sec.	
20101.	Congressional declaration of purpose.
20102.	Selection of polling facilities.
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20104.	Registration and voting aids.
20105.	Enforcement.
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### § 20101. Congressional declaration of purpose

It is the intention of Congress in enacting this chapter to promote the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.

(Pub. L. 98-435, § 2, Sept. 28, 1984, 98 Stat. 1678.)

### Editorial Notes

#### CODIFICATION

Section was formerly classified to section 1973ee of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Pub. L. 98-435, § 9, Sept. 28, 1984, 98 Stat. 1680, provided that: "This Act [enacting this chapter] shall apply with respect to elections taking place after December 31, 1985."

### § 20102. Selection of polling facilities

#### (a) Accessibility to all polling places as responsibility of each political subdivision

Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.

**(b) Exception**

Subsection (a) shall not apply to a polling place—

(1) in the case of an emergency, as determined by the chief election officer of the State; or

(2) if the chief election officer of the State—

(A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)—

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

**(c) Report to Federal Election Commission**

(1) Not later than December 31 of each even-numbered year, the chief election officer of each State shall report to the Federal Election Commission, in a manner to be determined by the Commission, the number of accessible and inaccessible polling places in such State on the date of the preceding general Federal election, and the reasons for any instance of inaccessibility.

(2) Not later than April 30 of each odd-numbered year, the Federal Election Commission shall compile the information reported under paragraph (1) and shall transmit that information to the Congress.

(3) The provisions of this subsection shall only be effective for a period of 10 years beginning on September 28, 1984.

(Pub. L. 98-435, §3, Sept. 28, 1984, 98 Stat. 1678.)

**Editorial Notes****CODIFICATION**

Section was formerly classified to section 1973ee-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

**§ 20103. Selection of registration facilities**

(a) Each State or political subdivision responsible for registration for Federal elections shall provide a reasonable number of accessible permanent registration facilities.

(b) Subsection (a) does not apply to any State that has in effect a system that provides an opportunity for each potential voter to register by mail or at the residence of such voter.

(Pub. L. 98-435, §4, Sept. 28, 1984, 98 Stat. 1679.)

**Editorial Notes****CODIFICATION**

Section was formerly classified to section 1973ee-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

**§ 20104. Registration and voting aids****(a) Printed instructions; telecommunications devices for the deaf**

Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including—

(1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and

(2) information by telecommunications devices for the deaf.

**(b) Medical certification**

No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot, except that medical certification may be required when the certification establishes eligibility, under State law—

(1) to automatically receive an application or a ballot on a continuing basis; or

(2) to apply for an absentee ballot after the deadline has passed.

**(c) Notice of availability of aids**

The chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under section 10508 of this title, and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

(Pub. L. 98-435, §5, Sept. 28, 1984, 98 Stat. 1679.)

**Editorial Notes****CODIFICATION**

Section was formerly classified to section 1973ee-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

**§ 20105. Enforcement****(a) Action for declaratory or injunctive relief**

If a State or political subdivision does not comply with this chapter, the United States Attorney General or a person who is personally aggrieved by the noncompliance may bring an action for declaratory or injunctive relief in the appropriate district court.

**(b) Prerequisite notice of noncompliance**

An action may be brought under this section only if the plaintiff notifies the chief election officer of the State of the noncompliance and a period of 45 days has elapsed since the date of notification.

**(c) Attorney fees**

Notwithstanding any other provision of law, no award of attorney fees may be made with re-

spect to an action under this section, except in any action brought to enforce the original judgment of the court.

(Pub. L. 98-435, § 6, Sept. 28, 1984, 98 Stat. 1679.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1973ee-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

#### § 20106. Relationship to Voting Rights Act of 1965

This chapter shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.].

(Pub. L. 98-435, § 7, Sept. 28, 1984, 98 Stat. 1679.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Voting Rights Act of 1965, referred to in text, is Pub. L. 89-110, Aug. 6, 1965, 79 Stat. 437, which is classified generally to chapters 103 (§10301 et seq.), 105 (§10501 et seq.), and 107 (§10701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was formerly classified to section 1973ee-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

#### § 20107. Definitions

As used in this chapter, the term—

(1) “accessible” means accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined under guidelines established by the chief election officer of the State involved;

(2) “elderly” means 65 years of age or older;

(3) “Federal election” means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) “handicapped” means having a temporary or permanent physical disability; and

(5) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession<sup>1</sup> of the United States.

(Pub. L. 98-435, § 8, Sept. 28, 1984, 98 Stat. 1679.)

<sup>1</sup> So in original. Probably should be “possession”.

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1973ee-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

### CHAPTER 203—REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE

#### Sec.

- 20301. Federal responsibilities.
- 20301a. Duties of Secretary under Uniformed and Overseas Citizens Absentee Voting Act.
- 20302. State responsibilities.
- 20303. Federal write-in absentee ballot in general elections for Federal office for absent uniformed services voters and overseas voters.
- 20304. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
- 20305. Federal Voting Assistance Program Improvements.
- 20306. Prohibition of refusal of applications on grounds of early submission.
- 20307. Enforcement.
- 20308. Reporting requirements.
- 20309. Effect on certain other laws.
- 20310. Definitions.
- 20311. Technology pilot program.

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to this chapter were contained in subchapters I-D and I-E (1973cc et seq. and 1973dd et seq.) of chapter 20 of title 42 prior to repeal by Pub. L. 99-410 and then in subchapter I-G (1973ff et seq.) of chapter 20 of title 42 prior to editorial reclassification and renumbering as this chapter.

#### § 20301. Federal responsibilities

##### (a) Presidential designee

The President shall designate the head of an executive department to have primary responsibility for Federal functions under this chapter.

##### (b) Duties of Presidential designee

The Presidential designee shall—

(1) consult State and local election officials in carrying out this chapter, and ensure that such officials are aware of the requirements of this Act;

(2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by the States as required under section 20302(a)(4) of this title;

(3) carry out section 20303 of this title with respect to the Federal write-in absentee ballot for absent uniformed services voters and overseas voters in general elections for Federal office;

(4) prescribe a suggested design for absentee ballot mailing envelopes;

(5) compile and distribute (A) descriptive material on State absentee registration and