

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3557

To amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. HASTINGS of Florida introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Government Reform and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Voter Outreach and  
3 Turnout Expansion Act of 2005”.

4 **TITLE I—EXPANSION OF ELEC-**  
5 **TION ADMINISTRATION RE-**  
6 **QUIREMENTS**

7 **SEC. 101. SAME-DAY VOTER REGISTRATION.**

8 (a) IN GENERAL.—Section 303 of the Help America  
9 Vote Act of 2002 (42 U.S.C. 15483) is amended—

10 (1) by redesignating subsection (d) as sub-  
11 section (e); and

12 (2) by inserting after subsection (c) the fol-  
13 lowing new subsection:

14 “(d) PERMITTING VOTER REGISTRATION ON DATE  
15 OF ELECTION.—

16 “(1) IN GENERAL.—At each polling place in a  
17 State at which ballots are cast in an election for  
18 Federal office, an individual may register to vote on  
19 the date of the election, and may cast a vote at the  
20 polling place in the election, if the individual—

21 “(A) completes an application for voter  
22 registration in accordance with the require-  
23 ments of this Act and other applicable law; and

24 “(B) executes a written affirmation before  
25 an election official at the polling place stating  
26 that the individual is eligible to register to vote

1           in the jurisdiction in which the individual de-  
2           sires to vote and has not already voted in the  
3           election.

4           “(2) TRANSMITTAL OF COMPLETED APPLICA-  
5           TIONS TO STATE ELECTION OFFICIAL.—An appro-  
6           priate official at a polling place shall transmit any  
7           voter registration application accepted under this  
8           subsection to the appropriate State election official  
9           at the time the official at the polling place transmits  
10          the ballots cast at the polling place to the official.

11          “(3) NOTICE TO INDIVIDUALS FILING VOTER  
12          REGISTRATION APPLICATIONS AFTER DEADLINE.—If  
13          an individual’s application for voter registration  
14          prior to the date of an election is received by the ap-  
15          propriate election official after the deadline for re-  
16          ceipt of applications with respect to the election  
17          under State law, the official shall transmit a notice  
18          to the individual stating that the application was re-  
19          ceived after the deadline and that the individual may  
20          register to vote at the polling place on the date of  
21          the election in accordance with this subsection.

22          “(4) REQUIREMENTS UNDER NATIONAL VOTER  
23          REGISTRATION ACT OF 1993.—In carrying out this  
24          subsection, a polling place in a State shall meet the  
25          requirements applicable to a voter registration agen-

1 cy designated by the State under section 7(a)(2) of  
2 the National Voter Registration Act of 1993 (42  
3 U.S.C. 1973gg-5(a)(2)), except that clauses (i), (ii),  
4 and (iii) of section 7(a)(6)(B) of such Act (42  
5 U.S.C. 1973gg-5(a)(6)(B)) shall not apply with re-  
6 spect to any of the voter registration forms distrib-  
7 uted by the polling place pursuant to this sub-  
8 section.”.

9 (b) INCLUSION IN VOTING INFORMATION REQUIRE-  
10 MENTS.—Section 302(b)(2) of such Act (42 U.S.C.  
11 14582(b)(2)) is amended—

12 (1) in subparagraph (E), by inserting “and the  
13 right to register to vote at the polling place on the  
14 date of an election and vote in that election” after  
15 “provisional ballot”;

16 (2) by redesignating subparagraphs (E) and  
17 (F) as subparagraphs (F) and (G); and

18 (3) by inserting after subparagraph (D) the fol-  
19 lowing new subparagraph:

20 “(E) instructions for individuals reg-  
21 istering to vote at the polling place under sec-  
22 tion 303(d);”.

23 (c) EFFECTIVE DATE.—Section 303(e) of such Act  
24 (42 U.S.C. 15483(e)), as redesignated by subsection (a),

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

3           “(3) REQUIREMENT FOR VOTER REGISTRATION  
4           ON DATE OF ELECTION.—Each State and jurisdic-  
5           tion shall be required to comply with the require-  
6           ments of subsection (d) on and after January 1,  
7           2006.”.

8 **SEC. 102. PERMITTING VOTERS TO CAST BALLOTS PRIOR**  
9           **TO ELECTION; PERMITTING VOTERS TO OB-**  
10           **TAIN ABSENTEE BALLOTS FOR ANY REASON.**

11           (a) IN GENERAL.—The Help America Vote Act of  
12 2002 is amended—

13           (1) by redesignating sections 304 and 305 as  
14           sections 305 and 306; and

15           (2) by inserting after section 303 the following  
16           new section:

17 **“SEC. 304. PROMOTING EARLY AND ABSENTEE VOTING.**

18           “(a) REQUIRING JURISDICTIONS TO ESTABLISH  
19 EARLY VOTING SITES.—

20           “(1) IN GENERAL.—Each jurisdiction in a  
21           State which administers an election for Federal of-  
22           fice shall designate early voting sites within the ju-  
23           risdiction to serve as polling places for the election  
24           prior to the date of the election, and shall permit  
25           any individual who is registered to vote in the elec-

1       tion and eligible to cast a ballot at any polling place  
2       within the jurisdiction to cast the ballot at the site.

3           “(2) TREATMENT OF BALLOTS CAST AT  
4       SITES.—After a ballot is cast for an election at an  
5       early voting site under this subsection, the ballot  
6       shall be held and tabulated by the jurisdiction in the  
7       same manner as an absentee ballot cast for the elec-  
8       tion.

9           “(3) PERIOD OF OPERATION.—The jurisdiction  
10       shall operate the early voting sites designated under  
11       this subsection for an election during such period as  
12       it considers appropriate, except that—

13           “(A) the period may not begin later than  
14       the 22nd day before the date of the election or  
15       the date on which the ballots for the election  
16       are available to be cast (whichever occurs later);  
17       and

18           “(B) at least 2 of the days during the pe-  
19       riod shall be weekend days.

20           “(4) CONDITIONS FOR DESIGNATION AND DIS-  
21       TRIBUTION OF SITES.—The number of early voting  
22       sites of a jurisdiction and the location of such sites  
23       within the jurisdiction shall be determined by the ju-  
24       risdiction, subject to the following conditions:

1           “(A) To the greatest extent practicable,  
2 the jurisdiction shall designate sites which are  
3 also designated as voter registration agencies  
4 under section 7 the National Voter Registration  
5 Act of 1993 (42 U.S.C. 1973gg-5).

6           “(B) The aggregate number of voting sys-  
7 tems used in all such sites in the jurisdiction  
8 may not be less than 25 percent of the total  
9 number of voting systems which will be used in  
10 all polling places in the jurisdiction on the date  
11 of the election.

12           “(C) At least one of the sites selected, and  
13 the voting system used at such site, shall be ac-  
14 cessible for individuals with disabilities (includ-  
15 ing the blind and visually impaired).

16           “(D) The geographic distribution of the  
17 sites shall reflect the geographic distribution of  
18 the voting age population of the jurisdiction.

19           “(E) In establishing sites, the jurisdiction  
20 shall comply with the applicable requirements of  
21 the Voting Rights Act of 1965 (42 U.S.C. 1973  
22 et seq.).

23           “(b) PERMITTING VOTERS TO OBTAIN ABSENTEE  
24 BALLOTS FOR ANY REASON.—No State election official  
25 may require an individual who requests an absentee ballot

1 for an election to provide a reason for the request, or to  
2 otherwise provide any proof of the individual's need for  
3 an absentee ballot, as a condition of obtaining the ballot.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) DEADLINE FOR ADOPTION OF VOLUNTARY  
6 GUIDANCE BY ELECTION ASSISTANCE COMMIS-  
7 SION.—Section 311(b) of such Act (42 U.S.C.  
8 15501(b)) is amended—

9 (A) by striking “and” at the end of para-  
10 graph (2);

11 (B) by striking the period at the end of  
12 paragraph (3) and inserting “; and”; and

13 (C) by adding at the end the following new  
14 paragraph:

15 “(4) in the case of recommendations with re-  
16 spect to section 304, January 1, 2006.”.

17 (2) ENFORCEMENT.—Section 401 of such Act  
18 (42 U.S.C. 15511) is amended by striking “and  
19 303” and inserting “303, and 304”.

20 (c) CLERICAL AMENDMENT.—The table of sections  
21 for subtitle A of title III of such Act is amended—

22 (1) by redesignating the items relating to sec-  
23 tions 304 and 305 as items relating to sections 305  
24 and 306; and

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

“304. Promoting early and absentee voting.”.

3 **SEC. 103. CLARIFICATION OF REQUIREMENT TO PERMIT IN-**  
4                           **DIVIDUALS TO COMPLETE INCOMPLETE**  
5                           **MAIL-IN VOTER REGISTRATION APPLICA-**  
6                           **TIONS.**

7           Section 303(b)(4)(B) of the Help America Vote Act  
8 of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended to read  
9 as follows:

10                       “(B) INCOMPLETE FORMS.—If an appli-  
11                       cant for voter registration with respect to an  
12                       election fails to answer any of the questions in-  
13                       cluded on the mail voter registration form pur-  
14                       suant to subparagraph (A), or otherwise fails to  
15                       provide any information required to be provided  
16                       on the form, the registrar shall—

17                               “(i) notify the applicant of the failure  
18                               and of the opportunity for the applicant to  
19                               register to vote at the polling place on the  
20                               date of the election in accordance with sub-  
21                               section (d); and

22                               “(ii) if the form was received by the  
23                               registrar within the deadline under State  
24                               law for the receipt of voter registration ap-  
25                               plications with respect to the election, pro-

1           vide the applicant with an opportunity to  
2           complete the form in a timely manner to  
3           allow for the completion of the registration  
4           form prior to the election.”.

5 **SEC. 104. ADDITIONAL FUNDING.**

6           Section 257(a) of the Help America Vote Act of 2002  
7 (42 U.S.C. 15407(a)) is amended—

8           (1) in paragraph (1), by striking  
9           “\$1,400,000,000” and inserting “\$1,405,000,000”;

10          (2) in paragraph (2), by striking  
11          “\$1,000,000,000” and inserting “\$1,005,000,000”;

12          and

13          (3) in paragraph (3), by striking  
14          “\$600,000,000” and inserting “\$605,000,000”.

15 **SEC. 105. EFFECTIVE DATE.**

16          The amendments made by this title shall take effect  
17 as if included in the enactment of the Help America Vote  
18 Act of 2002.

19           **TITLE II—REMOVING OTHER**  
20           **BARRIERS TO VOTING**

21 **SEC. 201. TREATMENT OF ELECTION DAY IN SAME MANNER**  
22           **AS VETERANS DAY FOR PURPOSES OF FED-**  
23           **ERAL EMPLOYMENT.**

24          (a) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that—

1           (1) many Americans do not vote on Election  
2 Day because of conflicting work schedules;

3           (2) Federal, State, and local governments  
4 should share the responsibility for increasing voter  
5 turnout on Election Day;

6           (3) States should establish Election Day as a  
7 legal public holiday in each year and should provide  
8 full paid leave for State government employees on  
9 Election Day; and

10           (4) the treatment of Election Day in the same  
11 manner as Veterans Day for purposes of laws relat-  
12 ing to Federal employment will lead to increased  
13 voter turnout and will increase the availability of poll  
14 workers and suitable polling places.

15           (b) TREATMENT OF ELECTION DAY IN SAME MAN-  
16 NER AS VETERANS DAY FOR PURPOSES OF FEDERAL EM-  
17 PLOYMENT.—For purposes of any law relating to Federal  
18 employment, the Tuesday next after the first Monday in  
19 November in 2006 and each even-numbered year there-  
20 after shall be treated in the same manner as November  
21 11.

22 **SEC. 202. VOTING LEAVE.**

23           (a) IN GENERAL.—Each employee of an employer  
24 may take up to 2 hours of leave (or up to 3 hours of leave,  
25 in the case of an employee whose workplace is further than

1 25 miles from the polling place at which the employee is  
2 eligible to cast a ballot under State law) in order to vote  
3 on any workday on which an election for Federal office  
4 is held.

5 (b) UNPAID OR PAID LEAVE PERMITTED.—Notwith-  
6 standing any other provision of law, leave granted under  
7 this subsection may be unpaid leave or paid leave.

8 (c) DUTIES OF EMPLOYEE.—An employee taking  
9 leave under this subsection shall make a reasonable effort  
10 to schedule the leave so as not to disrupt unduly the oper-  
11 ations of the employer, shall provide such notice prior to  
12 taking leave as is practicable, and shall make a reasonable  
13 effort to vote.

14 (d) NO LOSS OF BENEFITS.—The taking of leave  
15 under this subsection shall not result in the loss of any  
16 employment benefit accrued prior to the date on which the  
17 leave commenced.

18 (e) PROHIBITED ACTS.—

19 (1) EXERCISE OF RIGHTS.—It shall be unlawful  
20 for any employer to interfere with, restrain, or deny  
21 the taking of or the attempt to take any leave pro-  
22 vided under this subsection.

23 (2) DISCRIMINATION.—It shall be unlawful for  
24 any employer to discharge or in any other manner  
25 discriminate against any individual for—

1 (A) opposing any practice made unlawful  
2 by this subsection;

3 (B) filing any charge, or instituting or  
4 causing to be instituted any proceeding, under  
5 or related to this subsection;

6 (C) giving or preparing to give any infor-  
7 mation in connection with any inquiry or pro-  
8 ceeding relating to any leave provided under  
9 this subsection; or

10 (D) testifying or preparing to testify in  
11 any inquiry or proceeding relating to any leave  
12 provided under this subsection.

13 (f) INVESTIGATIVE AUTHORITY.—The Secretary of  
14 Labor shall have investigative authority with respect to the  
15 provisions of this subsection in the same manner and  
16 under the same terms and conditions as the investigative  
17 authority provided under section 106 of the Family and  
18 Medical Leave Act of 1993, and the requirements of sec-  
19 tion 106 of such Act shall apply to employers under this  
20 subsection in the same manner as such requirements apply  
21 to employers under section 106 of such Act.

22 (g) ENFORCEMENT.—The provisions of section 107  
23 of the Family and Medical Leave Act of 1993 shall apply  
24 with respect to the enforcement of the requirements of this  
25 subsection in the same manner and under the same terms

1 and conditions as such provisions apply with respect to  
2 the enforcement of the requirements of title I of such Act.

3 (h) EMPLOYER DEFINED.—In this section, the term  
4 “employer” means any person engaged in commerce or in  
5 any industry or activity affecting commerce who employs  
6 25 or more employees during a calendar year, and includes  
7 any person who acts, directly or indirectly, in the interest  
8 of an employer to any of the employees of such employer  
9 and any successor in interest of an employer. In the pre-  
10 vious sentence, the terms “commerce” and “industry or  
11 activity affecting commerce” have the meaning given such  
12 terms in section 101(1) of the Family and Medical Leave  
13 Act of 1993.

14 (i) NONDISCRIMINATION.—The implementation and  
15 enforcement of this section shall be in compliance with the  
16 Voting Rights Act of 1965.

17 (j) EFFECTIVE DATE.—This section shall apply with  
18 respect to elections occurring after January 2006.

19 **SEC. 203. SENSE OF CONGRESS REGARDING DISTRIBUTION**  
20 **OF SAMPLE BALLOTS AND VOTING MATE-**  
21 **RIALS.**

22 It is the sense of Congress that the distribution of  
23 sample ballots, information on voting, and other voter edu-  
24 cation materials will help to prevent errors by voters at  
25 the polls and to reduce the rates of spoiled ballots, and

- 1 Congress encourages States and other jurisdictions which
- 2 administer elections to distribute these materials to reg-
- 3 istered voters prior to elections.

