

109TH CONGRESS
2D SESSION

H. R. 4989

To amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, to ensure that polling places are adequately staffed and have sufficient equipment, to direct States to issue durable voter registration cards to each individual who registers to vote in elections for Federal office in the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. HOLT introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, to ensure that polling places are adequately staffed and have sufficient equipment, to direct States to issue durable voter registration cards to each individual who registers to vote in elections for Federal office in the State, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Electoral Fairness Act of 2006”.

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

Sec. 1. Short title; table of contents

TITLE I—CLARIFICATION OF PROVISIONAL BALLOT RULES

Sec. 101. Uniform standard for treatment of provisional ballots cast at incor-
rect polling places; no requirement to present additional identi-
fication

Sec. 102. Minimum contents of provisional ballots

Sec. 103. Treatment of voters who vote after closing of polling places

Sec. 104. Treatment of ballots after casting

Sec. 105. Effective date

**TITLE II—ENSURING ADEQUATE STAFF AND EQUIPMENT AT
POLLING PLACES**

Sec. 201. Requirements for adequate staff and equipment at polling places

Sec. 202. Clarification of application of election administration requirements to
early voting sites

Sec. 203. Availability of additional funds to enable States to meet requirements

Sec. 204. Study of alternative methods for staffing of polling places

TITLE III—PROMOTING EFFECTIVE REGISTRATION OF VOTERS

Sec. 301. Issuance of durable voter registration cards

Sec. 302. Notice and review requirements for removal of individuals from offi-
cial list of eligible voters by reason other than change of resi-
dence

Sec. 303. Contents and treatment of voter registration forms

Sec. 304. Availability of updated information for registered voters

Sec. 305. Nonapplicability to certain States

Sec. 306. Effective date

TITLE I—CLARIFICATION OF PROVISIONAL BALLOT RULES

SEC. 101. UNIFORM STANDARD FOR TREATMENT OF PROVI- SIONAL BALLOTS CAST AT INCORRECT POLL- ING PLACES; NO REQUIREMENT TO PRESENT ADDITIONAL IDENTIFICATION.

(a) UNIFORM STANDARD.—Section 302(a)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended to read as follows:

“(4)(A) The provisional ballot of an individual who is a registered voter in a jurisdiction in a State and who is eligible to vote in an election for Federal office in the State shall be counted as a vote in such an election if the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3)—

“(i) in the case of an election for electors for President or for the office of a Senator, determines that the individual is registered to vote in the State in which the provisional ballot is cast; and

“(ii) in the case of an election for the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress), determines that the

1 individual is registered to vote in the Congres-
2 sional district in which the provisional ballot is
3 cast.

4 “(B) Notwithstanding any other provision of
5 law, no individual casting a provisional ballot shall
6 be required to submit identification on or after the
7 date of the election as a condition for the ballot to
8 be counted as a vote in the election, so long as the
9 individual complied with any applicable identification
10 requirements under this Act at the time of casting
11 the provisional ballot (to the extent the individual
12 was required to comply with any such require-
13 ments).”.

14 (b) SAFEGUARDS TO PREVENT CASTING OF DUPLI-
15 CATE BALLOTS.—

16 (1) IMPLEMENTATION OF SAFEGUARDS.—Sec-
17 tion 302(a) of such Act (42 U.S.C. 15482(a)) is
18 amended by inserting after paragraph (5) the fol-
19 lowing new paragraph:

20 “(6) Each State shall implement safeguards to
21 ensure that a provisional ballot cast in an election
22 is not counted as more than one vote in the election
23 and that an individual who casts a provisional ballot
24 which is counted as a vote in an election does not

1 cast any other ballot which is counted as a vote in
2 the election.”.

3 (2) ADOPTION OF VOLUNTARY GUIDANCE.—
4 Section 311 of such Act (42 U.S.C. 15501) is
5 amended by adding at the end the following new
6 subsection:

7 “(d) VOLUNTARY GUIDANCE REGARDING SAFE-
8 GUARDS TO PREVENT CASTING OF DUPLICATE BAL-
9 LOTS.—Not later than October 1, 2006, the Commission
10 shall adopt voluntary guidance with respect to the safe-
11 guards to prevent the casting duplicate ballots by voters
12 casting provisional ballots which are required to be imple-
13 mented under section 302(a)(6).”.

14 (c) DECLARATION OF PLACE OF REGISTRATION.—
15 Section 302(a) of such Act (42 U.S.C. 15482(a)) is
16 amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “jurisdiction” and inserting “State”; and

19 (2) in paragraph (2)(A), by striking “jurisdic-
20 tion” and inserting “State”.

21 **SEC. 102. MINIMUM CONTENTS OF PROVISIONAL BALLOTS.**

22 Section 302(a)(1) of the Help America Vote Act of
23 2002 (42 U.S.C. 15482(a)(1)) is amended by adding at
24 the end the following new sentence: “The provisional ballot
25 shall include (at a minimum) all information required for

1 the individual to cast a vote in each election for Federal
 2 office held at the polling place.”.

3 **SEC. 103. TREATMENT OF VOTERS WHO VOTE AFTER CLOS-**
 4 **ING OF POLLING PLACES.**

5 Section 302(c) of the Help America Vote Act of 2002
 6 (42 U.S.C. 15482(c)) is amended to read as follows:

7 “(c) EQUAL TREATMENT OF VOTERS WHO VOTE
 8 AFTER THE POLLS CLOSE.—Any individual who votes in
 9 an election for Federal office as a result of a Federal or
 10 State court order or any other order extending the time
 11 established for closing the polls by a State law in effect
 12 10 days before the date of that election shall cast the indi-
 13 vidual’s ballot for the election in the same manner, and
 14 under the same terms and conditions, as any individual
 15 who votes in the election during the regular hours for the
 16 operation of polling places in the State, including the
 17 terms and conditions applicable to individuals permitted
 18 to cast provisional ballots under this section.”.

19 **SEC. 104. TREATMENT OF BALLOTS AFTER CASTING.**

20 (a) RESPONSIBILITY OF ELECTION OFFICIAL TO NO-
 21 TIFY INDIVIDUAL OF DETERMINATION OF ELIGIBILITY OF
 22 BALLOT.—

23 (1) IN GENERAL.—Section 302(a)(5) of the
 24 Help America Vote Act of 2002 (42 U.S.C.
 25 15482(a)(5)) is amended to read as follows:

1 “(5)(A) Not later than 24 hours after deter-
2 mining whether or not the vote of an individual who
3 casts a provisional ballot in an election will be count-
4 ed in that election under this Act, the appropriate
5 State or local election official shall notify the indi-
6 vidual of the determination and (if the determination
7 is made that the vote will not be counted) the rea-
8 sons for the determination and the individual’s right
9 to challenge the determination under the procedures
10 established under subparagraph (B).

11 “(B) Each State shall establish procedures, in-
12 cluding a free access system (such as a toll-free tele-
13 phone number or an Internet website), under which
14 an individual who casts a provisional ballot in an
15 election and who is notified by the appropriate State
16 or local election official that the provisional ballot
17 cast by the individual will not be counted as a vote
18 in the election may challenge the determination prior
19 to the final tabulation of ballots in the election.

20 “(C) In carrying out subparagraph (B), each
21 State shall ensure that, in each jurisdiction of the
22 State, an appropriate State or local election official
23 operates open office hours for at least 8 hours on
24 the day after the date of the election, during which
25 a voter who cast a provisional ballot in the election

1 may contact the official and challenge the deter-
2 mination under the procedures established under
3 subparagraph (B).”.

4 (2) CONFORMING AMENDMENT.—Section
5 302(a) of such Act (42 U.S.C. 15482(a)), as amend-
6 ed by section 101(b), is amended in the matter fol-
7 lowing paragraph (6) by striking “The appropriate
8 State or local official” and all that follows through
9 “paragraph (5)(B).”.

10 (b) PROHIBITING INITIATION OF RECOUNT OR CER-
11 TIFICATION OF RESULTS PRIOR TO REVIEW OF PROVI-
12 SIONAL BALLOTS CAST; STANDARDS FOR DETERMINA-
13 TION OF ACCEPTANCE OF PROVISIONAL BALLOTS.—Sec-
14 tion 302(a) of such Act (42 U.S.C. 15482(a)), as amended
15 by section 101(b), is amended by inserting after para-
16 graph (6) the following new paragraphs:

17 “(7) The chief State election official may not
18 make any determination regarding the applicability
19 of any requirement under State law to conduct a re-
20 count of the results of any election for Federal office
21 in the State, or certify the results of any election for
22 Federal office in the State, until all of the votes cast
23 by provisional ballot cast in the election which are
24 to be counted pursuant to this Act have been count-
25 ed.

1 “(8) In making a determination as to whether
2 a vote cast by an individual by provisional ballot will
3 be counted in an election, the chief State election of-
4 ficial shall review not only the official Statewide list
5 of registered voters but any other information which
6 was submitted by the individual in the process of ap-
7 plying to register to vote.”.

8 (c) TREATMENT OF REJECTED PROVISIONAL BAL-
9 LOT AS APPLICATION FOR VOTER REGISTRATION.—Sec-
10 tion 302(a) of such Act (42 U.S.C. 15482(a)), as amended
11 by section 101(b) and subsection (b), is amended by in-
12 serting after paragraph (8) the following new paragraph:

13 “(9) If a provisional ballot cast by an individual
14 in an election for Federal office is rejected on the
15 ground that the individual is not registered to vote
16 in the election, the ballot shall be treated (for pur-
17 poses of this Act, the National Voter Registration
18 Act of 1993, and applicable State law) as an appli-
19 cation by the individual for voter registration in the
20 appropriate registrar’s jurisdiction with respect to
21 the next election for Federal office held in the juris-
22 diction, under the same terms and conditions appli-
23 cable to applications for voter registration under this
24 Act, including section 303(b)(4) (relating to the
25 treatment of incomplete forms).”.

1 **SEC. 105. EFFECTIVE DATE.**

2 Section 302(d) of such Act (42 U.S.C. 15482(d)) is
3 amended to read as follows:

4 “(d) EFFECTIVE DATE.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), each State and jurisdiction shall be re-
7 quired to comply with the requirements of this sec-
8 tion on and after January 1, 2004.

9 “(2) DELAYED EFFECTIVE DATE FOR CERTAIN
10 PROVISIONS.—To the extent that any provision of
11 this section was amended by the Electoral Fairness
12 Act of 2006, such provision shall apply with respect
13 to the regularly scheduled general election for Fed-
14 eral office held in November 2006 and each suc-
15 ceeding election for Federal office.”.

16 **TITLE II—ENSURING ADEQUATE**
17 **STAFF AND EQUIPMENT AT**
18 **POLLING PLACES**

19 **SEC. 201. REQUIREMENTS FOR ADEQUATE STAFF AND**
20 **EQUIPMENT AT POLLING PLACES.**

21 (a) REQUIREMENTS.—

22 (1) IN GENERAL.—Subtitle A of title III of the
23 Help America Vote Act of 2002 (42 U.S.C. 15481
24 et seq.) is amended by inserting after section 303
25 the following new section:

1 **“SEC. 303A. REQUIREMENTS FOR ADEQUATE STAFF AND**
2 **EQUIPMENT AT POLLING PLACES.**

3 “(a) STANDARDS FOR ENSURING ADEQUATE STAFF-
4 ING AND EQUIPMENT.—

5 “(1) IN GENERAL.—Each State shall establish
6 the number and location of polling places used for
7 each election for Federal office held in the State on
8 the date of the election, and the number of check-
9 in stations, poll workers, ballot marking stations,
10 and voting systems assigned to each such polling
11 place on the date of the election, so that to the
12 greatest extent practicable—

13 “(A) the polling places established within a
14 jurisdiction are equally convenient for and prox-
15 imate to the registered voters in the jurisdiction
16 and provide poll workers, voters, and individ-
17 uals waiting to vote with shelter from the ele-
18 ments and protection from excessive heat and
19 cold;

20 “(B) the maximum waiting time at the
21 polling place is equal for all voters in the State;

22 “(C) the time spent by any voter at the
23 polling place from the time of arrival at the
24 check-in station until the time of departure
25 after voting does not exceed 1 hour; and

1 “(D) the maximum number of registered
2 voters assigned to any single polling place on
3 the date of the election (as determined one
4 week prior to the date of the election) does not
5 exceed—

6 “(i) in the case of a jurisdiction using
7 as its primary voting system a system
8 under which ballots are marked by the
9 voter and are read by a voting device (such
10 as an optical scan or other ballot reading
11 system), 3,000 (except that a greater num-
12 ber shall be permitted at any polling place
13 at which no voter in fact spent more than
14 1 hour from the time of arrival at the
15 check-in station until the time of departure
16 after voting); or

17 “(ii) in the case of a jurisdiction using
18 as its primary voting system a system
19 under which voters use a voting device
20 which directly records the votes (such as a
21 direct recording electronic or touch screen
22 system), 1,000.

23 “(2) MINIMUM NUMBER OF VOTING SYSTEMS
24 PER POLLING PLACE.—In meeting the requirements
25 of paragraph (1), a State shall ensure that the min-

1 imum number of ballot marking stations (where ap-
2 plicable) and, with respect to any jurisdiction in the
3 State which uses electronic voting devices of any
4 type, voting systems used at each polling place with-
5 in the jurisdiction on the date of the election is not
6 less than the designated minimum applicable under
7 paragraph (3).

8 “(3) DESIGNATED MINIMUM NUMBER OF VOT-
9 ING SYSTEMS.—For purposes of paragraph (2), the
10 designated minimum number of voting systems used
11 at a polling place within a jurisdiction is—

12 “(A) in the case of a jurisdiction using as
13 its primary voting system a system under which
14 ballots are marked by the voter and are read by
15 a voting device (such as an optical scan or other
16 ballot reading system)—

17 “(i) one ballot reading system (to-
18 gether with an ample number of ballots
19 and ballot marking supplies and a suffi-
20 cient number of secure ballot boxes), with
21 at least one readily available spare ballot
22 reading system for the county in the juris-
23 diction which uses such a system, and

24 “(ii) one ballot marking station for
25 every 200 registered voters assigned to the

1 polling place (as determined one week prior
2 to the date of the election); and

3 “(B) in the case of a jurisdiction using as
4 its primary voting system a system under which
5 voters use a voting device which directly records
6 the votes (such as a direct recording electronic
7 or touch screen system)—

8 “(i) one system for every 200 reg-
9 istered voters assigned to the polling place
10 (as determined one week prior to the date
11 of the election), with at least one readily
12 available spare of such direct recording
13 electronic or touch screen system available
14 for every 5 polling places within the juris-
15 diction; and

16 “(ii) for purposes of ensuring that the
17 State meets the requirement of paragraph
18 (1)(C) regarding the maximum waiting
19 time at the polling place, one amply-sup-
20 plied paper ballot system (under which bal-
21 lots may be marked manually and through
22 the use of ballot marking devices which are
23 accessible to individuals with disabilities)
24 for use during any period during which
25 neither the primary system installed at the

1 polling place or any spare system referred
2 to in clause (i) is available.

3 “(4) MINIMUM HOURS OF OPERATION.—

4 “(A) IN GENERAL.—In meeting the re-
5 quirements of paragraph (1), a State shall en-
6 sure that each polling place is in operation for
7 not fewer than 12 hours.

8 “(B) EXCEPTION FOR POLLING PLACES
9 SERVING SMALL NUMBERS OF VOTERS.—At the
10 discretion of the appropriate State or local elec-
11 tion official, a polling place may be in operation
12 for fewer than 12 hours if—

13 “(i) in the case of a polling place at
14 which the voting system used is a system
15 under which ballots are marked by the
16 voter and are read by a voting device (such
17 as an optical scan or other ballot reading
18 system), the polling place serves fewer than
19 1,000 voters; or

20 “(ii) in the case of a polling place at
21 which the voting system used is a system
22 under which voters use a voting device
23 which directly records the votes (such as a
24 direct recording electronic or touch screen

1 system), the polling place serves fewer than
2 200 voters.

3 “(5) FACTORS TO BE CONSIDERED.—In meet-
4 ing the requirements of paragraph (1), a State shall
5 take into consideration all relevant factors affecting
6 the time spent by individuals at polling places on the
7 date of the election, including the demographics of
8 the area served by the polling place, the number of
9 individuals with disabilities using the polling place,
10 the number of individuals needing language assist-
11 ance at the polling place, and increases in the de-
12 mands placed on equipment and election personnel
13 during peak voting hours.

14 “(6) REPORTING REQUIREMENT.—Not later
15 than 7 days after the date of each election for Fed-
16 eral office, the appropriate State or local election of-
17 ficial shall publish at the appropriate office of elec-
18 tion administration and post on the public Internet
19 site of the official a detailed report setting forth the
20 manner in which each polling place under the offi-
21 cial’s jurisdiction complied with the requirements of
22 this subsection.

23 “(7) NO EFFECT ON REQUIREMENTS FOR AC-
24 CESSIBILITY FOR INDIVIDUALS WITH DISABIL-
25 ITIES.—Nothing in this subsection may be construed

1 to repeal, limit, or otherwise affect the requirement
2 under section 301(a)(3) that at least one direct re-
3 cording electronic voting system or other voting sys-
4 tem equipped for individuals with disabilities be
5 available at each polling place.

6 “(8) NO EFFECT ON ABILITY OF STATES TO
7 USE PAPER BALLOT SYSTEMS OR SYSTEMS USED
8 PRIOR TO 2000.—Nothing in this subsection may be
9 construed to repeal, limit, or otherwise affect any
10 provision of this Act which permits a State or juris-
11 diction which used a particular type of voting system
12 in the elections for Federal office held in November
13 2000 to continue to use such a system, or which per-
14 mits a State to use any kind of paper ballot voting
15 system.

16 “(b) STANDARDS FOR TRAINING AND COMPENSA-
17 TION OF ELECTION OFFICIALS.—Each State shall estab-
18 lish and operate a program to recruit individuals to serve
19 as election officials at polling places used in elections for
20 Federal office held in the State, and shall—

21 “(1) ensure that such individuals receive com-
22 prehensive training in the administration of elections
23 and the applicable Federal and State election laws;
24 and

1 “(2) compensate such individuals for their serv-
 2 ice at a rate designed to recruit highly qualified and
 3 dedicated individuals and to compensate them appro-
 4 priately for their civic participation.

5 “(c) EFFECTIVE DATE.—Each State and jurisdiction
 6 shall meet the requirements of this section with respect
 7 to the regularly scheduled general election for Federal of-
 8 fice held in November 2006 and each succeeding election
 9 for Federal office.”.

10 (2) ADOPTION OF VOLUNTARY GUIDANCE.—
 11 Section 311 of such Act (42 U.S.C. 15501), as
 12 amended by section 101(b)(2), is amended by adding
 13 at the end the following new subsection:

14 “(e) VOLUNTARY GUIDANCE REGARDING ADEQUATE
 15 STAFF AND EQUIPMENT AT POLLING PLACES.—Not later
 16 than October 1, 2006, the Commission shall adopt vol-
 17 untary guidance with respect to the requirement to ensure
 18 adequate and appropriately-trained staffing at polling
 19 places under section 303A.”.

20 (b) ENFORCEMENT.—

21 (1) REQUIREMENTS FOR ADEQUATE STAFF AND
 22 EQUIPMENT AT POLLING PLACES.—Section 401 of
 23 such Act (42 U.S.C. 15511) is amended by striking
 24 “sections 301, 302, and 303” and inserting “subtitle
 25 A of title III”.

1 (2) CLARIFICATION OF AVAILABILITY OF PRI-
2 VATE RIGHT OF ACTION.—Section 401 of such Act
3 (42 U.S.C. 15511) is amended—

4 (A) by striking “The Attorney General”
5 and inserting “(a) IN GENERAL”; and

6 (B) by adding at the end the following new
7 subsections:

8 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
9 SONS.—

10 “(1) IN GENERAL.—A person who is aggrieved
11 by a violation of subtitle A of title III which is oc-
12 curring or which is about to occur may file a writ-
13 ten, signed, notarized complaint with the Attorney
14 General describing the violation and requesting the
15 Attorney General to take appropriate action under
16 this section.

17 “(2) RESPONSE BY ATTORNEY GENERAL.—The
18 Attorney General shall respond to each complaint
19 filed under paragraph (1), in accordance with proce-
20 dures established by the Attorney General that re-
21 quire responses and determinations to be made with-
22 in the same (or shorter) deadlines which apply to a
23 State under the State-based administrative com-
24 plaint procedures described in section 402(a)(2).

1 “(c) CLARIFICATION OF AVAILABILITY OF PRIVATE
 2 RIGHT OF ACTION.—Nothing in this section may be con-
 3 strued to prohibit any person from bringing an action
 4 under section 1979 of the Revised Statutes of the United
 5 States (42 U.S.C. 1983) to enforce the uniform and non-
 6 discriminatory election technology and administration re-
 7 quirements under subtitle A of title III.

8 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
 9 in this section may be construed to affect the availability
 10 of the State-based administrative complaint procedures re-
 11 quired under section 402 to any person filing a complaint
 12 under this subsection.”.

13 (c) CLERICAL AMENDMENT.—The table of contents
 14 of such Act is amended by inserting after the item relating
 15 to section 303 the following new item:

“Sec. 303A. Requirements for adequate staff and equipment at polling places”.

16 **SEC. 202. CLARIFICATION OF APPLICATION OF ELECTION**
 17 **ADMINISTRATION REQUIREMENTS TO EARLY**
 18 **VOTING SITES.**

19 (a) IN GENERAL.—Subtitle A of title III of the Help
 20 America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as
 21 amended by section 201(a), is amended by inserting after
 22 section 303A the following new section:

1 **“SEC. 303B. CLARIFICATION OF APPLICATION OF REQUIRE-**
 2 **MENTS TO EARLY VOTING SITES.**

3 “Except as may be specifically provided, the uniform
 4 and nondiscriminatory election technology and administra-
 5 tion requirements of this subtitle which apply with respect
 6 to voting in person in elections for Federal office apply
 7 with respect to voting in person at each site established
 8 by a State or jurisdiction for the casting of ballots in such
 9 an election, without regard to whether the ballots are cast
 10 on the regularly scheduled date of the election or on an
 11 earlier date.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 of such Act, as amended by section 201(c), is amended
 14 by inserting after the item relating to section 303A the
 15 following new item:

“Sec. 303B. Clarification of application of requirements to early voting sites”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect as if included in the enact-
 18 ment of the Help America Vote Act of 2002.

19 **SEC. 203. AVAILABILITY OF ADDITIONAL FUNDS TO EN-**
 20 **ABLE STATES TO MEET REQUIREMENTS.**

21 Section 257(a) of such Act (42 U.S.C. 15407(a)) is
 22 amended by adding at the end the following new para-
 23 graph:

24 “(4) For fiscal year 2006, \$50,000,000, except
 25 that any funds provided under the authorization

1 made by this paragraph may be used by a State only
2 to meet the requirements of section 303A.”.

3 **SEC. 204. STUDY OF ALTERNATIVE METHODS FOR STAFF-**
4 **ING OF POLLING PLACES.**

5 (a) STUDY.—The Election Assistance Commission
6 shall conduct a study of the feasibility and desirability of
7 using alternative methods to obtain poll workers and other
8 election officials to staff polling places on the dates of elec-
9 tions, including—

10 (1) recruiting secondary school students, other
11 government employees, and employees of private
12 businesses; and

13 (2) recruiting individuals who are bilingual.

14 (b) REPORT.—Not later than January 1, 2008, the
15 Election Assistance Commission shall submit to the Presi-
16 dent and Congress a report on the study conducted under
17 subsection (a), and shall include in the report such rec-
18 ommendations for legislative and administrative actions as
19 the Commission considers appropriate.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Election Assist-
22 ance Commission \$2,000,000 to carry out this section.

1 **TITLE III—PROMOTING EFFEC-**
2 **TIVE REGISTRATION OF VOT-**
3 **ERS**

4 **SEC. 301. ISSUANCE OF DURABLE VOTER REGISTRATION**
5 **CARDS.**

6 (a) REQUIRING STATES TO ISSUE CARDS UPON REG-
7 ISTRATION.—

8 (1) IN GENERAL.—Subtitle A of title III of the
9 Help America Vote Act of 2002 (42 U.S.C. 15481
10 et seq.), as amended by sections 201(a) and 202(a),
11 is amended by inserting after section 303B the fol-
12 lowing new section:

13 **“SEC. 303C. ISSUANCE OF DURABLE VOTER REGISTRATION**
14 **CARDS.**

15 “(a) REQUIRING STATES TO ISSUE CARDS UPON
16 REGISTRATION.—

17 “(1) IN GENERAL.—Immediately upon approv-
18 ing an individual’s completed voter registration ap-
19 plication form (or, in the case of an individual in a
20 same-day registration State who submits the form
21 on the date of an election, not later than one week
22 after approving the form), the appropriate State
23 election official shall provide the individual with a
24 durable voter registration card at no charge to the
25 individual which shall serve as proof that the indi-

1 vidual is duly registered to vote in elections for Fed-
 2 eral office held at the polling place which serves the
 3 individual's address identified on the card.

4 “(2) INFORMATION INCLUDED ON CARD.—The
 5 voter registration card provided to an individual
 6 under paragraph (1) shall include the individual's
 7 name and address.

8 “(b) PAYMENTS TO STATES.—

9 “(1) GRANTS TO COVER COSTS OF ISSUING
 10 CARDS.—The Commission shall make grants to each
 11 eligible State for purposes of assisting the State in
 12 meeting the requirement to issue voter registration
 13 cards under this section.

14 “(2) ELIGIBILITY.—A State is eligible to re-
 15 ceive a grant under this section if it submits to the
 16 Commission (at such time as the Commission may
 17 require) an application containing such information
 18 and assurances as the Commission may require.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 20 There are authorized to be appropriated for fiscal
 21 year 2006 and each succeeding fiscal year such sums
 22 as may be necessary for grants under this section.

23 “(c) SAME-DAY REGISTRATION STATE DEFINED.—
 24 In this section, term ‘same-day registration State’ means
 25 a State in which, under law that is in effect continuously

1 on and after the date of the enactment of the Electoral
2 Fairness Act of 2006, all voters in the State may register
3 to vote at the polling place at the time of voting in a gen-
4 eral election for Federal office.”.

5 (2) ISSUANCE OF CARDS TO CURRENT REG-
6 ISTRANTS.—Not later than the expiration of the 3-
7 month period which begins on the date of the enact-
8 ment of this Act, the appropriate election official of
9 each State shall issue a durable voter registration
10 card under section 303C of the Help America Vote
11 Act of 2002 (as added by paragraph (1)) to each in-
12 dividual who is registered to vote in elections for
13 Federal office in the State as of the expiration of
14 such period.

15 (3) CLERICAL AMENDMENT.—The table of con-
16 tents of such Act, as amended by sections 201(c)
17 and 202(b), is amended by inserting after the item
18 relating to section 303B the following new item:

“Sec. 303C. Issuance of durable voter registration cards”.

19 (b) INDIVIDUALS PRODUCING CARDS AT POLLING
20 PLACE DEEMED ELIGIBLE TO CAST VOTES.—Section 303
21 of such Act (42 U.S.C. 15483) is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (e); and

24 (2) by inserting after subsection (c) the fol-
25 lowing new subsection:

1 “(d) INDIVIDUALS PRODUCING VOTER REGISTRA-
2 TION CARDS AT POLLING PLACE DEEMED ELIGIBLE.—

3 “(1) ELIGIBILITY TO CAST VOTES IN ELEC-
4 TIONS.—An individual whose name does not appear
5 on the official list of individuals eligible to vote in
6 an election for Federal office at a polling place shall
7 be deemed eligible to vote in the election and shall
8 be permitted to vote in the usual manner (rather
9 than by provisional ballot) at the polling place if—

10 “(A) the individual presents to the appro-
11 priate election official at the polling place the
12 durable voter registration card issued to the in-
13 dividual under section 303C;

14 “(B) the address shown on the voter reg-
15 istration card is an address within the jurisdic-
16 tion served by the polling place with respect to
17 the election; and

18 “(C) the individual presents to the official
19 a copy of a current utility bill, bank statement,
20 government check, paycheck, or other current
21 government document that shows the same
22 name and address shown on the voter registra-
23 tion card, or presents a signed affidavit attest-
24 ing that the individual’s name and address is
25 the same as shown on such card.

1 “(2) PUBLICATION OF INFORMATION.—The
2 chief State election official shall ensure that infor-
3 mation regarding the ability of individuals to vote at
4 polling places in accordance with this subsection is
5 included in the voting information publicly posted at
6 polling places under section 302(b) and is posted on
7 a public website maintained by the chief State elec-
8 tion official.

9 “(3) NO ADDITIONAL IDENTIFICATION RE-
10 QUIRED.—Nothing in this subsection may be con-
11 strued to require an individual as a condition of vot-
12 ing at a polling place to present the durable voter
13 registration card issued under section 303C or any
14 other form of identification which is not otherwise
15 required to be presented under this Act.

16 “(4) NO EFFECT ON RIGHT TO CAST PROVI-
17 SIONAL BALLOT.—Nothing in this subsection may be
18 construed to affect the right of any individual to
19 cast a provisional ballot under section 302.”.

20 (c) USE OF CARD TO MEET IDENTIFICATION RE-
21 QUIREMENT FOR FIRST-TIME VOTERS WHO REGISTER BY
22 MAIL.—

23 (1) INDIVIDUALS VOTING IN PERSON.—Section
24 303(b)(2)(A)(i) of such Act (42 U.S.C.
25 15483(b)(2)(A)(i)) is amended—

1 (A) by striking “or” at the end of sub-
2 clause (I);

3 (B) by striking the period at the end of
4 subclause (II) and inserting “; or”; and

5 (C) by adding at the end the following new
6 subclause:

7 “(III) presents to the appropriate
8 State or local election official the du-
9 rable voter registration card issued to
10 the individual under section 303C.”.

11 (2) INDIVIDUALS VOTING BY MAIL.—Section
12 303(b)(2)(A)(ii) of such Act (42 U.S.C.
13 15483(b)(2)(A)(ii)) is amended—

14 (A) by striking “or” at the end of sub-
15 clause (I);

16 (B) by striking the period at the end of
17 subclause (II) and inserting “; or”; and

18 (C) by adding at the end the following new
19 subclause:

20 “(III) a copy of the durable voter
21 registration card issued to the indi-
22 vidual under section 303C.”.

1 **SEC. 302. NOTICE AND REVIEW REQUIREMENTS FOR RE-**
 2 **MOVAL OF INDIVIDUALS FROM OFFICIAL**
 3 **LIST OF ELIGIBLE VOTERS BY REASON**
 4 **OTHER THAN CHANGE OF RESIDENCE.**

5 (a) IN GENERAL.—Section 8 of the National Voter
 6 Registration Act of 1993 (42 U.S.C. 1973gg—6) is
 7 amended—

8 (1) by redesignating subsection (j) as sub-
 9 section (k); and

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

12 “(j) NOTICE AND REVIEW REQUIREMENTS FOR RE-
 13 MOVAL OF INDIVIDUALS FROM LIST OF ELIGIBLE VOT-
 14 ERS BY REASON OTHER THAN CHANGE OF RESI-
 15 DENCE.—

16 “(1) MINIMUM NOTICE PRIOR TO REMOVAL.—

17 “(A) IN GENERAL.—In addition to any
 18 other requirements applicable under this sec-
 19 tion, a State may not remove a registrant from
 20 the official list of eligible voters for an election
 21 for Federal office by reason other than death or
 22 a change of residence unless the State provides
 23 the registrant with a notice of removal meeting
 24 the requirements of subparagraph (B) not later
 25 than 30 days before the date of the election.

1 “(B) REQUIREMENTS FOR NOTICE.—The
2 notice required under this subparagraph shall
3 be sent by forwardable mail, and shall include
4 the following:

5 “(i) A statement that the State in-
6 tends to remove the registrant from the of-
7 ficial list of eligible voters for elections for
8 Federal office.

9 “(ii) A description of the reasons for
10 removal, including (in the case of an indi-
11 vidual proposed to be removed by reason of
12 criminal conviction) sufficient identifying
13 information on the criminal conviction al-
14 leged to be the basis for removal to enable
15 the registrant to determine whether the
16 registrant was convicted of the offense
17 cited in the notice.

18 “(iii) A statement that the registrant
19 may obtain a review of the removal from
20 an appropriate State election official in ac-
21 cordance with paragraph (2).

22 “(iv) A postage pre-paid and pre-ad-
23 dressed envelope and a clear list of contact
24 information for the appropriate State elec-

1 tion official that includes a mailing ad-
2 dress, telephone number, and fax number.

3 “(2) REVIEW OF DECISION TO REMOVE.—

4 “(A) IN GENERAL.—A registrant who re-
5 ceives a notice of removal under paragraph (1)
6 may submit a written request to a designated
7 State election official to withdraw the notice
8 and retain the registrant on the official list of
9 eligible voters, and may include in the request
10 such information and evidence as the registrant
11 considers appropriate to show that the reg-
12 istrant is not subject to removal from the list
13 under State law, including information and evi-
14 dence showing that the registrant was not con-
15 victed of the criminal offense cited in the notice
16 or that the period of ineligibility imposed as the
17 result of a conviction of a criminal offense has
18 expired (in the case of an individual proposed to
19 be removed by reason of criminal conviction).

20 “(B) RESPONSE BY STATE.—Not later
21 than 10 days after receiving a request from a
22 registrant under subparagraph (A), the State
23 shall review the information and evidence in-
24 cluded and accept or reject the request, and

1 shall notify the registrant in writing of its deci-
2 sion.

3 “(3) SPECIAL RULES FOR REMOVAL BY REASON
4 OF DEATH OF REGISTRANT.—In the case of an indi-
5 vidual proposed to be removed by reason of death—

6 “(A) the notice of removal under para-
7 graph (1) shall be addressed to the occupant of
8 the most recent address of the registrant in the
9 records of the appropriate State election offi-
10 cial;

11 “(B) the notice shall include a statement
12 that the occupant should notify the appropriate
13 State election official immediately if the notice
14 of the registrant’s death is in error;

15 “(C) if the notice of removal was issued in
16 error, the registrant may submit a written re-
17 quest under paragraph (2) to withdraw the no-
18 tice and retain the registrant on the official list
19 of eligible voters; and

20 “(D) if the registrant submits such a writ-
21 ten request, the State shall notify the registrant
22 of the decision made under paragraph (2)(B)
23 with respect to the request.

24 “(4) OPPORTUNITY TO CAST PROVISIONAL BAL-
25 LOT.—Any registrant who receives a notice of re-

1 removal under paragraph (1) and believes that the re-
2 moval decision was made in error shall be permitted
3 to cast a provisional ballot in an election for Federal
4 office in accordance with section 302(a) of the Help
5 America Vote Act of 2002, and the vote cast by such
6 a ballot shall be counted in the election (in accord-
7 ance with the standards and procedures of such sec-
8 tion) if it is determined that the removal decision
9 was made in error.

10 “(5) NO EXPANSION OF GROUNDS FOR RE-
11 MOVAL.—Nothing in this subsection may be con-
12 strued to require or authorize the establishment of
13 any grounds for the removal of a registrant from the
14 official list of eligible voters for an election for Fed-
15 eral office which were not in effect prior to the en-
16 actment of this subsection.”.

17 (b) ADOPTION OF VOLUNTARY GUIDANCE REGARD-
18 ING AUDITS OF COMPUTERIZED LIST.—Section 311 of
19 such Act (42 U.S.C. 15501), as amended by sections
20 101(b)(2) and 201(a)(2), is amended by adding at the end
21 the following new subsection:

22 “(f) VOLUNTARY GUIDANCE REGARDING AUDITS OF
23 COMPUTERIZED LIST.—Not later than October 1, 2006,
24 the Commission shall adopt voluntary guidance with re-
25 spect to audits of the Statewide computerized voter reg-

1 istration list required to be maintained under section 303
 2 so that each State will be able to ensure that the list re-
 3 flects an accurate and complete count of all individuals
 4 who are validly registered to vote in elections for Federal
 5 office in the State and is secure against unauthorized
 6 uses.”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) NATIONAL VOTER REGISTRATION ACT OF
 9 1993.—Section 8 of the National Voter Registration
 10 Act of 1993 (42 U.S.C. 1973gg—6) is amended—

11 (A) in subsection (a)(3)(B), by striking
 12 “State law,” and inserting “State law and con-
 13 sistent with the requirements of subsection
 14 (j),”;

15 (B) in subsection (a)(4)(A), by striking the
 16 semicolon at the end and inserting and “, con-
 17 sistent with the requirements of subsection
 18 (j),”;

19 (C) in the heading for subsection (d), by
 20 inserting after “ROLLS” the following: “BY
 21 REASON OF CHANGE OF RESIDENCE”; and

22 (D) in subsection (i)(2), by inserting after
 23 “subsection (d)(2)” the following: “and all per-
 24 sons to whom notices described in subsection
 25 (j)”.

1 (2) HELP AMERICA VOTE ACT OF 2002.—Section
2 303(a) of the Help America Vote Act of 2002 (42
3 U.S.C. 15483(a)) is amended—

4 (A) in paragraph (2)(A)(i), by striking
5 “and (e)” and inserting “(e), and (j)”; and

6 (B) in paragraph (4)(B), by striking
7 “Safeguards” and inserting “In addition to
8 meeting the applicable notice and review re-
9 quirements of section 8 of the National Voter
10 Registration Act of 1993, safeguards”.

11 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or any amendment made by this section may be con-
13 strued—

14 (1) to affect the right of any individual to cast
15 a provisional ballot under section 302(a) of the Help
16 America Vote Act of 2002; or

17 (2) to prohibit any State from providing indi-
18 viduals threatened with removal from the official list
19 of eligible voters in the State with greater protec-
20 tions than those required under section 8(j) of the
21 National Voter Registration Act of 1993 (as added
22 by subsection (a)).

23 (e) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to the regularly sched-

1 uled general election for Federal office in November 2006
 2 and each succeeding election for Federal office.

3 **SEC. 303. CONTENTS AND TREATMENT OF VOTER REG-**
 4 **ISTRATION FORMS.**

5 (a) OPPORTUNITY TO CORRECT INCOMPLETE
 6 FORMS.—Section 303(b)(4)(B) of the Help America Vote
 7 Act of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended by
 8 striking “to answer the question included on the mail voter
 9 registration form pursuant to subparagraph (A)(i)” and
 10 inserting “to provide any information required on any
 11 voter registration form used by the State under section
 12 6 of the National Voter Registration Act of 1993”.

13 (b) COMPLETED NATIONAL FORM DEEMED COM-
 14 PLETE FOR ALL STATES.—Section 303(b) of such Act (42
 15 U.S.C. 15483(b)) is amended—

16 (1) by redesignating paragraph (5) as para-
 17 graph (6); and

18 (2) by inserting after paragraph (4) the fol-
 19 lowing new paragraph:

20 “(5) COMPLETED NATIONAL FORM DEEMED
 21 COMPLETE FOR ALL STATES.—

22 “(A) TREATMENT OF COMPLETED
 23 FORM.—If an applicant for voter registration in
 24 a State submits a voter registration application
 25 form which contains all of the information re-

1 quired to be provided under the mail voter reg-
 2 istration form developed by the Commission
 3 under section 9(a)(2) of the National Voter
 4 Registration Act of 1993 (whether the form
 5 submitted by the applicant is the form devel-
 6 oped by the Commission or another form devel-
 7 oped and used by the State under section 6(a)
 8 of the National Voter Registration Act of
 9 1993), the State may not refuse to register the
 10 applicant as a voter on the ground that the ap-
 11 plicant failed to complete the form.

12 “(B) PRESUMPTION IN FAVOR OF REG-
 13 ISTRATION.—In determining whether applicants
 14 meet the requirements for registering to vote in
 15 elections for Federal office in a State, State
 16 election officials shall act under the presump-
 17 tion that applicants should be registered.”.

18 **SEC. 304. AVAILABILITY OF UPDATED INFORMATION FOR**
 19 **REGISTERED VOTERS.**

20 (a) REQUIRING STATES TO MAKE UPDATED INFOR-
 21 MATION AVAILABLE TO REGISTERED VOTERS.—Section
 22 303(a)(1) of the Help America Vote Act of 2002 (42
 23 U.S.C. 15483(a)(1)) is amended—

24 (1) by redesignating subparagraph (B) as sub-
 25 paragraph (D); and

1 (2) by inserting after subparagraph (A) the fol-
2 lowing new subparagraphs:

3 “(B) AVAILABILITY OF UPDATED VERSION
4 OF LIST ONLINE AND AT POLLING PLACES.—

5 “(i) IN GENERAL.—The appropriate
6 State or local election official shall ensure
7 that, at each polling place for an election
8 for Federal office and on a public website
9 of the election official of each registrar’s
10 jurisdiction, a list is available which
11 shows—

12 “(I) all individuals registered to
13 vote in that election at all polling
14 places located in the registrar’s juris-
15 diction, other than any individual who
16 requests that the appropriate official
17 exclude the individual’s name from
18 the list; and

19 “(II) for each such individual,
20 the polling place at which the indi-
21 vidual is registered.

22 “(ii) EXCLUSION OF ADDRESSES.—
23 The list required to be made available
24 under clause (i) may not contain the ad-
25 dress of any individual.

1 “(iii) TIMING.—The appropriate elec-
2 tion official shall make the list required to
3 be made available under clause (i)—

4 “(I) available not later than 72
5 hours after the applicable deadline
6 under State law for registering to vote
7 in elections for Federal office; or

8 “(II) in the case of a same-day
9 registration State, available on a
10 weekly basis during the 30-day period
11 which ends on the date of the election.

12 “(iv) PERMITTING INDIVIDUALS TO
13 OPT OUT OF INCLUSION IN PUBLICLY-
14 POSTED LIST.—If an individual requests
15 that the appropriate election official ex-
16 clude the individual’s name from the pub-
17 licly posted list under this subparagraph—

18 “(I) the official shall exclude in-
19 formation relating to the individual
20 from the publicly-posted list; and

21 “(II) the official shall notify the
22 individual in a private and confiden-
23 tial manner of the polling place to
24 which the individual is assigned in ac-
25 cordance with the timetable provided

1 for making the list available under
2 clause (iii).

3 “(v) DEFINITIONS.—In this subpara-
4 graph—

5 “(I) the term ‘registrar’s jurisdic-
6 tion’ has the meaning given such term
7 in section 8(j) of the National Voter
8 Registration Act of 1993 (42 U.S.C.
9 1973gg-6(j)); and

10 “(II) the term ‘same-day reg-
11 istration State’ has the meaning given
12 such term in section 303C(c).

13 “(C) NOTIFICATION OF CHANGES IN AS-
14 SIGNED POLLING PLACE.—If an election official
15 assigns an individual to a polling place which is
16 different than the polling place at which the in-
17 dividual was registered to vote under the most
18 recently available version of the list required to
19 be made available under subparagraph (B)(i),
20 the official shall notify the individual of the new
21 polling place immediately upon making the as-
22 signment.”.

23 (b) CONFORMING AMENDMENT.—Section 303(a)(1)
24 of such Act (42 U.S.C. 15481(a)(1)) is amended—

1 (1) in subparagraph (A), by striking “subpara-
 2 graph (B)” and inserting “subparagraph (C)”; and
 3 (2) in subparagraph (C), as redesignated by
 4 subsection (a), by striking “requirement under sub-
 5 paragraph (A)” and inserting “requirements under
 6 subparagraphs (A) and (B)”.

7 **SEC. 305. NONAPPLICABILITY TO CERTAIN STATES.**

8 This title and the amendments made by this title
 9 shall not apply to a State in which, under a State law
 10 in effect continuously on and after the date of the enact-
 11 ment of this Act, there is no voter registration require-
 12 ment for individuals in the State with respect to elections
 13 for Federal office.

14 **SEC. 306. EFFECTIVE DATE.**

15 Section 303(e)(2) of the Help America Vote Act of
 16 2002 (42 U.S.C. 15483(e)(2)), as redesignated by section
 17 301(b), is amended—

18 (1) in subparagraph (A), by striking “Each
 19 State” and inserting “Except as provided in sub-
 20 paragraph (C), each State”;

21 (2) in subparagraph (B), by striking “The pro-
 22 visions” and inserting “Except as provided in sub-
 23 paragraph (C), the provisions”; and

24 (3) by adding at the end the following new sub-
 25 paragraph:

1 “(C) DELAYED EFFECTIVE DATE FOR CER-
2 TAIN PROVISIONS.—To the extent that any pro-
3 vision of subsection (b) was amended by the
4 Electoral Fairness Act of 2006, such provision,
5 as well as subsection (d), shall apply with re-
6 spect to the regularly scheduled general election
7 for Federal office held in November 2006 and
8 each succeeding election for Federal office.”.

○