

111TH CONGRESS
1ST SESSION

H. R. 105

To protect voting rights and to improve the administration of Federal elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. CONYERS (for himself, Mr. NADLER of New York, Ms. JACKSON-LEE of Texas, Mr. WEXLER, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Administration and Oversight and Government Reform, 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

A BILL

To protect voting rights and to improve the administration of Federal elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Voting Opportunity and Technology Enhancement
6 Rights Act of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING ELECTION ADMINISTRATION

- Sec. 101. National Federal write-in absentee ballot.
- Sec. 102. Verified ballots; preservation.
- Sec. 103. Requirements for counting provisional ballots.
- Sec. 104. Minimum requirements for voting systems and poll workers in polling places.
- Sec. 105. Election day registration.
- Sec. 106. Integrity of voter registration list.
- Sec. 107. Early voting.
- Sec. 108. Improvements to voting systems.
- Sec. 109. Voter registration.
- Sec. 110. Establishing voter identification.
- Sec. 111. Impartial administration of elections.
- Sec. 112. Strengthening the Election Assistance Commission.
- Sec. 113. Additional protections to ensure fair administration of Federal elections.
- Sec. 114. Authorization of appropriations.
- Sec. 115. Effective date.

TITLE II—PROHIBITING DECEPTIVE PRACTICES

- Sec. 201. Prohibition on deceptive practices in Federal elections.
- Sec. 202. Modification of penalty for voter intimidation.
- Sec. 203. Sentencing guidelines.
- Sec. 204. Reporting violations and remedial action.

TITLE III—PROHIBITING VOTER CAGING

- Sec. 301. Voter caging and other questionable challenges prohibited.
- Sec. 302. Severability.

TITLE IV—RESTORING VOTING RIGHTS

- Sec. 401. Rights of citizens.
- Sec. 402. Enforcement.
- Sec. 403. Notification of restoration of voting rights.
- Sec. 404. Definitions.
- Sec. 405. Relation to other laws.
- Sec. 406. Federal prison funds.
- Sec. 407. Effective date.

TITLE V—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

- Sec. 501. Treatment of election day in same manner as legal public holiday for purposes of Federal employment.
- Sec. 502. Study by Comptroller General of impact on voter participation.
- Sec. 503. Sense of Congress regarding treatment of day by private employers.

1 **TITLE I—IMPROVING ELECTION**
2 **ADMINISTRATION**

3 **SEC. 101. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**
4 **LOT.**

5 (a) REQUIRING STATES TO ACCEPT BALLOT.—

6 (1) IN GENERAL.—Title III of the Help Amer-
7 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
8 amended by adding at the end the following new
9 subtitle:

10 **“Subtitle C—Additional**
11 **Requirements**

12 **“SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSEN-**
13 **TEE BALLOT.**

14 “(a) IN GENERAL.—Any person who is otherwise
15 qualified to vote in a Federal election in a State shall be
16 permitted to use the national Federal write-in absentee
17 ballot prescribed by the Commission under section 297 to
18 cast a vote in an election for Federal office.

19 “(b) SUBMISSION AND PROCESSING.—

20 “(1) IN GENERAL.—Except as otherwise pro-
21 vided in this section, a national Federal write-in ab-
22 sentee ballot shall be submitted and processed in the
23 manner provided under the standards prescribed by
24 the Commission under section 297(b).

1 “(2) DEADLINE.—An otherwise eligible national
2 Federal write-in absentee ballot shall be counted if
3 postmarked or signed before the close of the polls on
4 election day and received by the appropriate State
5 election official on or before the date which is 10
6 days after the date of the election or the date pro-
7 vided for receipt of absentee ballots under State law,
8 whichever is later.

9 “(c) SPECIAL RULES.—The following rules shall
10 apply with respect to national Federal write-in absentee
11 ballots:

12 “(1) In completing the ballot, the voter may
13 designate a candidate by writing in the name of the
14 candidate or by writing in the name of a political
15 party (in which case the ballot shall be counted for
16 the candidate of that political party).

17 “(2) In the case of the offices of President and
18 Vice President, a vote for a named candidate or a
19 vote by writing in the name of a political party shall
20 be counted as a vote for the electors supporting the
21 candidate involved.

22 “(3) Any abbreviation, misspelling, or other
23 minor variation in the form of the name of a can-
24 didate or a political party shall be disregarded in de-
25 termining the validity of the ballot.

1 “(d) EFFECTIVE DATE.—Each State shall be re-
2 quired to comply with the requirements of this section on
3 and after January 1, 2011.”.

4 (2) CONFORMING AMENDMENT RELATING TO
5 ENFORCEMENT.—Section 401 of the Help America
6 Vote Act of 2002 (42 U.S.C. 15511) is amended by
7 striking “and 303” and inserting “303, and subtitle
8 C”.

9 (3) CLERICAL AMENDMENT.—The table of con-
10 tents of title III of such Act is amended by adding
11 at the end the following:

“Subtitle C—Additional Requirements

“Sec. 321. Use of national Federal write-in absentee ballot.”.

12 (b) GUIDANCE AND STANDARDS FOR NATIONAL
13 FEDERAL WRITE-IN ABSENTEE BALLOT.—

14 (1) IN GENERAL.—Title II of the Help America
15 Vote Act of 2002 (42 U.S.C. 15321 et seq.) is
16 amended by adding at the end the following new
17 subtitle:

18 **“Subtitle E—Guidance and**
19 **Standards**

20 **“SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**
21 **LOT.**

22 “(a) FORM OF BALLOT.—The Commission shall pre-
23 scribe a national Federal write-in absentee ballot (includ-

1 ing a secrecy envelope and mailing envelope for such bal-
 2 lot) for use in elections for Federal office.

3 “(b) STANDARDS.—The Commission shall prescribe
 4 standards for—

5 “(1) distributing the national Federal write-in
 6 absentee ballot, including standards for distributing
 7 such ballot through the Internet; and

8 “(2) processing and submission of the national
 9 Federal write-in absentee ballot.”.

10 (2) CONFORMING AMENDMENT.—Section 202
 11 of the Help America Vote Act of 2002 (42 U.S.C.
 12 15322) is amended—

13 (A) by redesignating paragraphs (5) and
 14 (6) as paragraphs (6) and (7); and

15 (B) by inserting after paragraph (4) the
 16 following new paragraph:

17 “(5) carrying out the duties described in sub-
 18 title E;”.

19 (3) CLERICAL AMENDMENT.—The table of con-
 20 tents for title II of such Act is amended by adding
 21 at the end the following:

“Subtitle E—Guidance and Standards

“Sec. 297. National Federal write-in absentee ballot.”.

22 (c) COORDINATION WITH UNIFORMED AND OVER-
 23 SEAS CITIZENS ABSENTEE VOTING ACT.—

1 (1) IN GENERAL.—The Presidential designee
2 under the Uniformed and Overseas Absentee Voting
3 Act, in consultation with the Election Assistance
4 Commission, shall facilitate the use and return of
5 the national Federal write-in ballot prescribed by the
6 Commission under section 297 of the Help America
7 Vote Act of 2002 (as added by subsection (b)(1)) for
8 absent uniformed service voters and overseas voters
9 so that such voters face no greater difficulties in the
10 submission and processing of their ballots than those
11 faced by absentee voters who reside in the United
12 States.

13 (2) DEFINITIONS.—The terms “absent uni-
14 formed service voter” and “overseas voter” shall
15 have the meanings given such terms by section 107
16 of the Uniformed and Overseas Citizens Absentee
17 Voting Act (42 U.S.C. 1973gg–6).

18 **SEC. 102. VERIFIED BALLOTS; PRESERVATION.**

19 (a) VERIFICATION.—

20 (1) IN GENERAL.—Section 301(a) of the Help
21 America Vote Act of 2002 (42 U.S.C. 15481(a)) is
22 amended by adding at the end the following new
23 paragraph:

1 “(7) VERIFIED BALLOTS.—In order to meet the
2 requirements of paragraph (1)(A)(i), on and after
3 January 1, 2011:

4 “(A) The voting system shall provide an
5 independent means of voter verification which
6 meets the requirements of subparagraph (B)
7 and which allows each voter to verify the accu-
8 racy of the ballot before it is cast and counted,
9 and to correct any errors before the record of
10 the ballot is produced and preserved under this
11 paragraph and paragraph (2)(B)(iii).

12 “(B) A means of voter verification meets
13 the requirements of this subparagraph if the
14 voting system allows the voter to choose from
15 one of the following options to verify the voter’s
16 vote selection:

17 “(i) A paper record.

18 “(ii) An audio record.

19 “(iii) A pictorial record.

20 “(iv) An electronic record or other
21 means that provides for voter verification
22 that is accessible for individuals with dis-
23 abilities, including nonvisual accessibility
24 for the blind and visually impaired, in a
25 manner that provides privacy and inde-

1 pendence equal to that provided for other
2 voters.

3 “(C) Any means of verification described
4 in clause (ii), (iii), or (iv) of subparagraph (B)
5 must provide verification which is equal or su-
6 perior to verification through the use of a paper
7 record.

8 “(D) None of the means of verification
9 under this paragraph may employ cryptography
10 in the record.”.

11 (2) CONFORMING AMENDMENT.—Clause (i) of
12 section 301(a)(1)(A) of such Act (42 U.S.C.
13 15481(a)(1)(A)(i)) is amended by inserting “and
14 consistent with the requirements of paragraphs (2),
15 (4), and (7)” after “independent manner”.

16 (b) PRESERVATION OF RECORDS.—Section
17 301(a)(2)(B)(iii) of such Act (42 U.S.C.
18 15481(a)(2)(B)(iii)) is amended to read as follows:

19 “(iii) The record produced to meet the
20 requirements of paragraph (1)(A)(i) and
21 this paragraph shall be available as an offi-
22 cial record for any audit or recount con-
23 ducted with respect to any election in
24 which the system is used, and shall be pre-

1 served after the voter has verified its accu-
 2 racy—

3 “(I) in the case of a paper
 4 record, within the polling place on the
 5 date of the election in a manner that
 6 ensures the security of the votes as
 7 verified; and

8 “(II) in the case of a record de-
 9 scribed in clause (ii), (iii), or (iv) of
 10 paragraph (7)(B), through a method
 11 established by the Commission which
 12 provides protection of the record equal
 13 to or superior to the methods used to
 14 preserve paper records.”.

15 (c) GUIDANCE.—

16 (1) IN GENERAL.—Subtitle E of title II of such
 17 Act, as added by section 101(b)(1), is amended by
 18 adding at the end the following new section:

19 **“SEC. 298. VERIFIED BALLOTS.**

20 “(a) STANDARDS.—The Commission shall issue uni-
 21 form and nondiscriminatory standards—

22 “(1) for verified ballots required under section
 23 301(a)(7); and

24 “(2) for meeting the audit requirements of sec-
 25 tion 301(a)(2).

1 “(b) AUDITS.—The standards issued under sub-
2 section (a) shall provide for partial audits of the results
3 of elections using the records produced pursuant to section
4 301(a)(7), and shall provide that those records shall be
5 used for the official count of votes in the event that the
6 tallies derived from the records differ from the tallies oth-
7 erwise derived from the voting system used in the election
8 involved.”.

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents for subtitle E of title II of such Act, as added
11 by this Act, is amended by adding at the end the fol-
12 lowing new item:

“Sec. 298. Verified ballots.”.

13 (d) REPORTS.—

14 (1) ELECTION ASSISTANCE COMMISSION.—Sec-
15 tion 207 of such Act (42 U.S.C. 15327) is amend-
16 ed—

17 (A) by redesignating paragraph (5) as
18 paragraph (6); and

19 (B) by inserting after paragraph (4) the
20 following new paragraph:

21 “(5) A description of the progress on imple-
22 menting the verified ballot requirements of section
23 301(a)(7) and the impact of the use of such require-
24 ments on the accessibility, privacy, security,
25 usability, and auditability of voting systems.”.

1 (2) STATE REPORTS.—Section 258 of such Act
2 (42 U.S.C. 15408) is amended—

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

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

7 (C) by adding at the end the following new
8 paragraph:

9 “(4) an analysis and description in the form
10 and manner prescribed by the Commission of the
11 progress on implementing the verified ballot require-
12 ments of section 301(a)(7).”.

13 **SEC. 103. REQUIREMENTS FOR COUNTING PROVISIONAL**
14 **BALLOTS.**

15 (a) IN GENERAL.—Section 302 of the Help America
16 Vote Act of 2002 (42 U.S.C. 15482) is amended—

17 (1) by redesignating subsection (d) as sub-
18 section (e); and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
22 LOTS.—For purposes of subsection (a)(4), notwith-
23 standing at which polling place a provisional ballot is cast
24 within the State, the State shall count such ballot if the

1 individual who cast such ballot is otherwise eligible to vote
2 in the election.”.

3 (b) EFFECTIVE DATE.—Section 302(e) of such Act
4 (42 U.S.C. 15482(e)), as redesignated by subsection (a),
5 is amended to read as follows:

6 “(e) EFFECTIVE DATE FOR PROVISIONAL VOTING
7 AND VOTING INFORMATION.—

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 fo this sec-
11 tion on and after January 1, 2004.

12 “(2) STATEWIDE COUNTING OF PROVISIONAL
13 BALLOTS.—Each State shall be required to comply
14 with the requirements of subsection (d) on and after
15 January 1, 2011.”.

16 **SEC. 104. MINIMUM REQUIREMENTS FOR VOTING SYSTEMS**
17 **AND POLL WORKERS IN POLLING PLACES.**

18 (a) MINIMUM REQUIREMENTS.—

19 (1) IN GENERAL.—Subtitle C of title III of the
20 Help America Vote Act of 2002, as added by section
21 101(a)(1), is amended by adding at the end the fol-
22 lowing new section:

1 **“SEC. 322. MINIMUM REQUIREMENTS FOR VOTING SYS-**
 2 **TEMS AND POLL WORKERS.**

3 “(a) IN GENERAL.—Each State shall provide for the
 4 minimum required number of functioning and accurate
 5 voting systems and poll workers required in each precinct
 6 on the day of any Federal election and on any days during
 7 which such State allows early voting for a Federal election
 8 in accordance with the standards determined under sec-
 9 tion 299A.

10 “(b) EFFECTIVE DATE.—Each State shall be re-
 11 quired to comply with the requirements of this section on
 12 and after January 1, 2011.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
 14 tents for subtitle C of title III of such Act, as added
 15 by section 101(a)(3), is amended by adding at the
 16 end the following new item:

“Sec. 322. Minimum required voting systems and poll workers.”.

17 (b) STANDARDS.—

18 (1) IN GENERAL.—Subtitle E of title II of such
 19 Act, as added and amended by this Act, is amended
 20 by adding at the end the following new section:

21 **“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM**
 22 **REQUIRED VOTING SYSTEMS AND POLL**
 23 **WORKERS.**

24 “(a) IN GENERAL.—The Commission shall issue
 25 standards regarding the minimum number of voting sys-

1 tems and poll workers required in each precinct on the
 2 day of any Federal election and on any days during which
 3 early voting is allowed for a Federal election.

4 “(b) DISTRIBUTION.—The standards described in
 5 subsection (a) shall provide for a uniform and nondiscrim-
 6 inatory geographic distribution of such systems and work-
 7 ers, based on a ratio of the number of systems and work-
 8 ers per voter, taking into account voter registration statis-
 9 tics for the precinct, the most recent available census data
 10 regarding the number of individuals residing within the
 11 precinct who are eligible to register to vote, and the level
 12 of voter turnout during previous elections held in the pre-
 13 cinct.

14 “(c) DEVIATION.—The standards described in sub-
 15 section (a) shall permit States, upon providing adequate
 16 public notice, to deviate from any allocation requirements
 17 in the case of unforeseen circumstances such as a natural
 18 disaster, terrorist attack, or a change in voter turnout.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
 20 tents for subtitle E of title II of such Act, as added
 21 and amended by this Act, is amended by adding at
 22 the end the following new item:

“Sec. 299. Standards for establishing the minimum required voting systems
 and poll workers.”.

23 **SEC. 105. ELECTION DAY REGISTRATION.**

24 (a) REQUIREMENT.—

1 (1) IN GENERAL.—Subtitle C of title III of the
2 Help America Vote Act of 2002, as added and
3 amended by this Act, is amended by adding at the
4 end the following new section:

5 **“SEC. 323. ELECTION DAY REGISTRATION.**

6 “(a) IN GENERAL.—

7 “(1) REGISTRATION.—Notwithstanding section
8 8(a)(1)(D) of the National Voter Registration Act of
9 1993 (42 U.S.C. 1973gg-6), each State shall permit
10 any individual on the day of a Federal election—

11 “(A) to register to vote in such election at
12 the polling place using the form established by
13 the Commission pursuant to section 297; and

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

15 “(2) EXCEPTION.—The requirements under
16 paragraph (1) shall not apply to a State in which,
17 under a State law in effect continuously on and after
18 the date of the enactment of this Act, there is no
19 voter registration requirement for individuals in the
20 State with respect to elections for Federal office.

21 “(b) EFFECTIVE DATE.—Each State shall be re-
22 quired to comply with the requirements of subsection (a)
23 on and after January 1, 2011.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents for subtitle C of title III of such Act, as added

1 and amended by this Act, is amended by adding at
 2 the end the following new item:

“Sec. 323. Election Day registration.”.

3 (b) ELECTION DAY REGISTRATION FORM.—

4 (1) IN GENERAL.—Subtitle E of title II of such
 5 Act, as added and amended by this Act, is amended
 6 by adding at the end the following new section:

7 **“SEC. 299A. ELECTION DAY REGISTRATION FORM.**

8 “The Commission shall develop an election day reg-
 9 istration form for elections for Federal office.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
 11 tents for subtitle E of title II of such Act, as added
 12 and amended by this Act, is amended by adding at
 13 the end the following new item:

“Sec. 299A. Election Day registration form.”.

14 **SEC. 106. INTEGRITY OF VOTER REGISTRATION LIST.**

15 (a) IN GENERAL.—Subtitle C of title III of the Help
 16 America Vote Act of 2002, as added and amended by this
 17 Act, is amended by adding at the end the following new
 18 section:

19 **“SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.**

20 “(a) PUBLIC NOTICE.—Not later than 45 days before
 21 any Federal election, each State shall provide public notice
 22 of all names which have been removed from the voter reg-
 23 istration list of such State under section 303 since the
 24 later of the most recent election for Federal office or the

1 day of the most recent previous public notice provided
2 under this section.

3 “(b) NOTICE TO INDIVIDUAL VOTERS.—

4 “(1) IN GENERAL.—No individual shall be re-
5 moved from the voter registration list under section
6 303 unless such individual is first provided with a
7 notice which meets the requirements of paragraph
8 (2).

9 “(2) REQUIREMENTS OF NOTICE.—The notice
10 required under paragraph (1) shall be—

11 “(A) provided to each voter in a uniform
12 and nondiscriminatory manner;

13 “(B) consistent with the requirements of
14 the National Voter Registration Act of 1993
15 (42 U.S.C. 1973gg et seq.); and

16 “(C) in the form and manner prescribed by
17 the Election Assistance Commission.

18 “(c) EFFECTIVE DATE.—Each State shall be re-
19 quired to comply with the requirements of this section on
20 and after January 1, 2011.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 for subtitle C of title III of such Act, as added and amend-
23 ed by this Act, is amended by adding at the end the fol-
24 lowing new item:

“Sec. 324. Removal from voter registration list.”.

1 **SEC. 107. EARLY VOTING.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—Subtitle C of title III of the
4 Help America Vote Act of 2002, as added and
5 amended by this Act, is amended by adding at the
6 end the following new section:

7 **“SEC. 325. EARLY VOTING.**

8 “(a) IN GENERAL.—Each State shall allow individ-
9 uals to vote in an election for Federal office not less than
10 15 days prior to the day scheduled for such election in
11 the same manner as voting is allowed on such day.

12 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
13 Each polling place which allows voting prior to the day
14 of a Federal election pursuant to subsection (a) shall—

15 “(1) allow such voting for no less than 4 hours
16 on each day (other than Sunday); and

17 “(2) have uniform hours each day for which
18 such voting occurs.

19 “(c) APPLICATION OF ELECTION DAY REGISTRATION
20 TO EARLY VOTING.—A State shall permit individuals to
21 register to vote at each polling place which allows voting
22 prior to the day of a Federal election pursuant to sub-
23 section (a) in the same manner as the State is required
24 to permit individuals to register to vote and vote on the
25 day of the election under section 323.

1 “(d) EFFECTIVE DATE.—Each State shall be re-
 2 quired to comply with the requirements of this section on
 3 and after January 1, 2011.”.

4 (2) CLERICAL AMENDMENT.—The table of con-
 5 tents for subtitle C of title III of such Act, as added
 6 and amended by this Act, is amended by adding at
 7 the end the following new item:

“Sec. 325. Early voting.”.

8 (b) STANDARDS FOR EARLY VOTING.—

9 (1) IN GENERAL.—Subtitle E of title II of the
 10 Help America Vote Act of 2002, as added and
 11 amended by this Act, is amended by adding at the
 12 end the following new section:

13 **“SEC. 299B. STANDARDS FOR EARLY VOTING.**

14 “(a) IN GENERAL.—The Commission shall issue
 15 standards for the administration of voting prior to the day
 16 scheduled for a Federal election. Such standards shall in-
 17 clude the nondiscriminatory geographic placement of poll-
 18 ing places at which such voting occurs.

19 “(b) DEVIATION.—The standards described in sub-
 20 section (a) shall permit States, upon providing adequate
 21 public notice, to deviate from any requirement in the case
 22 of unforeseen circumstances such as a natural disaster,
 23 terrorist attack, or a change in voter turnout.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
 25 tents for subtitle E of title II of such Act, as added

1 and amended by this Act, is amended by adding at
 2 the end the following new item:

“Sec. 299B. Standards for early voting.”.

3 **SEC. 108. IMPROVEMENTS TO VOTING SYSTEMS.**

4 (a) IN GENERAL.—Section 301(a)(1)(B) of the Help
 5 America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is
 6 amended by striking “, a punch card voting system, or
 7 a central count voting system”.

8 (b) CLARIFICATION OF REQUIREMENTS FOR PUNCH
 9 CARD SYSTEMS.—Section 301(a)(1)(A) of such Act (42
 10 U.S.C. 15481(a)(1)(A)) is amended by striking “any
 11 lever” and inserting “any punch card voting system,
 12 lever”.

13 **SEC. 109. VOTER REGISTRATION.**

14 (a) IN GENERAL.—Section 303(b)(4) of the Help
 15 America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is
 16 amended by adding at the end the following new subpara-
 17 graphs:

18 “(C) EXCEPTION.—On and after January
 19 1, 2011—

20 “(i) in lieu of the questions and state-
 21 ments required under subparagraph (A),
 22 such mail voter registration form shall in-
 23 clude an affidavit to be signed by the reg-
 24 istrant attesting both to citizenship and
 25 age; and

1 “(ii) subparagraph (B) shall not
2 apply.

3 “(D) APPLICATION TO FORMS DEVELOPED
4 BY STATES.—For purposes of section 6(a)(2) of
5 the National Voter Registration Act of 1993
6 (42 U.S.C. 1973gg-4(a)(2)), any form devel-
7 oped and used by a State for the registration
8 of voters in elections for Federal office shall not
9 be considered to meet all of the criteria stated
10 in section 9(b) of such Act unless the form
11 meets the requirements of subparagraph (C).”.

12 (b) INTERNET REGISTRATION.—

13 (1) IN GENERAL.—Subtitle C of title III of
14 such Act, as added and amended by this Act, is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 326. INTERNET REGISTRATION.**

18 “(a) INTERNET REGISTRATION.—Each State shall
19 establish a program under which individuals may access
20 and submit voter registration forms electronically through
21 the Internet.

22 “(b) EFFECTIVE DATE.—Each State shall be re-
23 quired to comply with the requirements of this section on
24 and after January 1, 2011.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
 2 tents for subtitle C of title III of such Act, as added
 3 and amended by this Act, is amended by adding at
 4 the end the following new item:

“Sec. 326. Internet registration.”.

5 (c) STANDARDS FOR INTERNET REGISTRATION.—

6 (1) IN GENERAL.—Subtitle E of such Act, as
 7 added and amended by this Act, is amended by add-
 8 ing at the end the following new section:

9 **“SEC. 299C. STANDARDS FOR INTERNET REGISTRATION**
 10 **PROGRAMS.**

11 “The Commission shall establish standards regarding
 12 the design and operation of programs which allow elec-
 13 tronic voter registration through the Internet.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
 15 tents for subtitle E of title II of such Act, as added
 16 and amended by this Act, is amended by adding at
 17 the end the following new item:

“Sec. 299C. Standards for Internet registration programs.”.

18 **SEC. 110. ESTABLISHING VOTER IDENTIFICATION.**

19 (a) IN GENERAL.—

20 (1) IN PERSON VOTING.—Section
 21 303(b)(2)(A)(i) of the Help America Vote Act of
 22 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended—

23 (A) by striking “or” at the end of sub-
 24 clause (I); and

1 (B) by adding at the end the following new
 2 subclause:

3 “(III) executes a written affidavit
 4 attesting to such individual’s identity;
 5 or”.

6 (2) VOTING BY MAIL.—Section 303(b)(2)(A)(ii)
 7 of such Act (42 U.S.C. 15483(b)(2)(A)(ii)) is
 8 amended—

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

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

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

15 “(III) a written affidavit, exe-
 16 cuted by such individual, attesting to
 17 such individual’s identity.”.

18 (b) STANDARDS FOR VERIFYING VOTER INFORMA-
 19 TION.—

20 (1) IN GENERAL.—Subtitle E of such Act, as
 21 added and amended by this Act, is amended by add-
 22 ing at the end the following new section:

23 **“SEC. 299D. VOTER IDENTIFICATION.**

24 “The Commission shall develop standards for
 25 verifying the identification information required under sec-

tion 303(a)(5) in connection with the registration of an individual to vote in a Federal election.”.

(2) CLERICAL AMENDMENT.—The table of contents for subtitle E of title II of such Act, as added by this Act, is amended by adding at the end the following new item:

“Sec. 299D. Voter identification.”.

SEC. 111. IMPARTIAL ADMINISTRATION OF ELECTIONS.

(a) ELECTION ADMINISTRATION REQUIREMENTS.—

(1) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

“SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.

“(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

“(b) OBSERVERS.—

“(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

“(A) voting rights and civil rights organizations; and

1 “(B) nonpartisan domestic observers and
2 international observers.

3 “(2) NOTICE OF DENIAL OF OBSERVATION RE-
4 QUEST.—Each State shall issue a public notice with
5 respect to any denial of a request by any observer
6 described in paragraph (1) for access to any polling
7 place for purposes of observing a Federal election.
8 Such notice shall be issued not later than 24 hours
9 after such denial.

10 “(3) NO INTERFERENCE WITH ELECTION PER-
11 MITTED.—Nothing in this subsection may be con-
12 strued to permit any individual observing a Federal
13 election pursuant to this subsection to engage in
14 campaign activity at a polling place or interfere in
15 any way with the conduct of the election.

16 “(c) EFFECTIVE DATE.—Each State shall be re-
17 quired to comply with the requirements of this section on
18 and after January 1, 2011.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents for subtitle C of title III of such Act, as added
21 and amended by this Act, is amended by adding at
22 the end the following new item:

“Sec. 327. Election administration requirements.”.

23 (b) STUDY OF ADMINISTRATION OF ELECTIONS BY
24 NONPARTISAN BOARDS.—

1 (1) STUDY.—The Election Assistance Commis-
 2 sion shall conduct a study analyzing the feasibility
 3 and desirability of requiring States to carry out the
 4 administration of elections for Federal office
 5 through nonpartisan election boards.

6 (2) REPORT.—Not later than January 1, 2011,
 7 the Commission shall submit a report to Congress
 8 and the relevant committees of Congress on the
 9 study conducted under paragraph (1).

10 **SEC. 112. STRENGTHENING THE ELECTION ASSISTANCE**
 11 **COMMISSION.**

12 (a) BUDGET REQUESTS.—

13 (1) IN GENERAL.—Part 1 of subtitle A of title
 14 II of the Help America Vote Act of 2002 (42 U.S.C.
 15 15321 et seq.) is amended by inserting after section
 16 209 the following new section:

17 **“SEC. 209A. SUBMISSION OF BUDGET REQUESTS.**

18 “Whenever the Commission submits any budget esti-
 19 mate or request to the President or the Office of Manage-
 20 ment and Budget, it shall concurrently transmit a copy
 21 of such estimate or request to the Congress and to all rel-
 22 evant committees of the House and Senate.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
 24 tents for part 1 of subtitle A of title II of such Act

1 is amended by inserting after the item relating to
2 section 209 the following new item:

“Sec. 209A. Submission of budget requests.”.

3 (b) EXEMPTION FROM PAPERWORK REDUCTION
4 ACT.—Section 3502(1) of title 44, United States Code,
5 is amended—

6 (1) by redesignating subparagraphs (B), (C),
7 and (D) as subparagraphs (C), (D), and (E); and

8 (2) by inserting after subparagraph (A) the fol-
9 lowing new subparagraph:

10 “(B) the Election Assistance Commis-
11 sion;”.

12 (c) RULEMAKING.—Section 209 of the Help America
13 Vote Act of 2002 (42 U.S.C. 15239) is amended—

14 (1) by striking “The Commission” and insert-
15 ing the following:

16 “(a) IN GENERAL.—Except as provided in subsection
17 (b), the Commission”; and

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

20 “(b) EXCEPTION.—On and after January 1, 2011,
21 subsection (a) shall not apply to any authority granted
22 under subtitle E of this title or subtitle C of title III.”.

23 (d) NIST AUTHORITY.—

24 (1) IN GENERAL.—Subtitle E of title II of the
25 Help America Vote Act of 2002, as added and

1 amended by this Act, is amended by adding at the
2 end the following new section:

3 **“SEC. 299E. TECHNICAL SUPPORT.**

4 “‘At the request of the Commission, the Director of
5 the National Institute of Standards and Technology shall
6 provide the Commission with technical support necessary
7 for the Commission to carry out its duties under this
8 title.’”.

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents for subtitle E of title II of such Act, as added
11 by this Act, is amended by adding at the end the fol-
12 lowing new item:

 “Sec. 299E. Technical support.”.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
14 210 of the Help America Vote Act of 2002 (42 U.S.C.
15 15330) is amended by striking “for each of the fiscal years
16 2003 through 2005” and all that follows and inserting the
17 following: “for the Commission to carry out this title the
18 following:

19 “(1) For each of fiscal years 2003 through
20 2009, \$10,000,000.

21 “(2) For fiscal year 2010, \$23,000,000, of
22 which \$3,000,000 is solely to carry out section
23 299E.

24 “(3) For fiscal year 2011 and each succeeding
25 fiscal year, such sums as may be necessary.”.

1 **SEC. 113. ADDITIONAL PROTECTIONS TO ENSURE FAIR AD-**
 2 **MINISTRATION OF FEDERAL ELECTIONS.**

3 (a) REQUIRING USE OF PUBLICLY AVAILABLE OPEN
 4 SOURCE SOFTWARE IN VOTING MACHINES.—

5 (1) REQUIRING USE OF OPEN SOURCE SOFT-
 6 WARE.—

7 (A) IN GENERAL.—Subtitle C of title III of
 8 such Act, as added and amended by this Act,
 9 is amended by adding at the end the following
 10 new section:

11 **“SEC. 328. REQUIRING USE OF PUBLICLY AVAILABLE OPEN**
 12 **SOURCE SOFTWARE IN VOTING MACHINES.**

13 “(a) IN GENERAL.—Each State shall ensure that
 14 each voting machine used by the State for elections for
 15 Federal office uses open source software which may be ac-
 16 cessible for inspection by the public, in accordance with
 17 standards established by the Commission under section
 18 299G.

19 “(b) EFFECTIVE DATE.—Each State shall be re-
 20 quired to comply with the requirements of this section on
 21 and after January 1, 2011.”.

22 (B) CLERICAL AMENDMENT.—The table of
 23 contents for subtitle C of title III of such Act,
 24 as added and amended by this Act, is amended
 25 by adding at the end the following new item:

“Sec. 328. Requiring use of publicly available open source software in voting machines.”.

1 (2) ESTABLISHMENT OF STANDARDS.—

2 (A) IN GENERAL.—Subtitle E of title II of
3 such Act, as added and amended by this Act,
4 is amended by adding at the end the following
5 new section:

6 **“SEC. 299F. STANDARDS FOR PUBLICLY AVAILABLE OPEN**
7 **SOURCE SOFTWARE IN VOTING MACHINES.**

8 “The Commission shall establish standards for the
9 software used in voting machines for elections for Federal
10 offices, including standards to ensure that all such soft-
11 ware is open source software which may be accessible for
12 inspection by the public.”.

13 (B) CLERICAL AMENDMENT.—The table of
14 contents for subtitle E of title II of such Act,
15 as added and amended by this Act, is amended
16 by adding at the end the following new item:

“Sec. 299F. Standards for publicly available open source software in voting machines.”.

17 (b) STANDARDS FOR CONDUCTING RECOUNTS.—

18 (1) IN GENERAL.—Subtitle C of title III of
19 such Act, as added and amended by this Act, is
20 amended by adding at the end the following new sec-
21 tion:

1 **“SEC. 329. STANDARDS FOR CONDUCTING RECOUNTS.**

2 “In conducting any recount with respect to any elec-
 3 tion for Federal office in the State, the State shall ensure
 4 that a vote in the election will be counted when the intent
 5 of the voter can reasonably be determined from the bal-
 6 lot.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
 8 tents for subtitle C of title III of such Act, as added
 9 and amended by this Act, is amended by adding at
 10 the end the following new item:

“Sec. 329. Standards for conducting recounts.”.

11 (c) PROHIBITING CONFLICTS OF INTEREST OF ENTI-
 12 TIES INVOLVED IN MANUFACTURE, DISTRIBUTION, OR
 13 OTHER ACTIVITIES RELATING TO VOTING MACHINES.—

14 (1) PROHIBITING AGREEMENTS BY STATES
 15 WITH ENTITIES FAILING TO MEET ANTI-CONFLICT
 16 OF INTEREST STANDARDS.—

17 (A) IN GENERAL.—Subtitle C of title III of
 18 such Act, as added and amended by this Act,
 19 is amended by adding at the end the following
 20 new section:

1 **“SEC. 329A. PROHIBITING AGREEMENTS WITH ENTITIES**
 2 **FAILING TO MEET ANTI-CONFLICT OF INTER-**
 3 **EST STANDARDS FOR ENTITIES INVOLVED**
 4 **WITH VOTING MACHINES.**

5 “(a) IN GENERAL.—In carrying out an election for
 6 Federal office, a State may not enter into any agreement
 7 with an entity regarding the manufacture, distribution, in-
 8 stallation, servicing, or other activity with respect to a vot-
 9 ing machine to be used for the election if the entity is
 10 not in compliance with the standards established by the
 11 Commission under section 299G for prohibiting conflicts
 12 of interest of such entities.

13 “(b) EFFECTIVE DATE.—Each State shall be re-
 14 quired to comply with the requirements of this section on
 15 and after January 1, 2011.”.

16 (B) CLERICAL AMENDMENT.—The table of
 17 contents for subtitle C of title III of such Act,
 18 as added and amended by this Act, is amended
 19 by adding at the end the following new item:

“Sec. 329A. Prohibiting agreement with entities failing to meet anti-conflict of
 interest standards for entities involved with voting machines.”.

20 (2) ESTABLISHMENT OF STANDARDS.—

21 (A) IN GENERAL.—Subtitle E of title II of
 22 such Act, as added and amended by this Act,
 23 is amended by adding at the end the following
 24 new section:

1 **“SEC. 299G. STANDARDS FOR PROHIBITING CONFLICTS OF**
 2 **INTEREST OF ENTITIES INVOLVED IN MANU-**
 3 **FACTURE, DISTRIBUTION, OR OTHER ACTIVI-**
 4 **TIES RELATING TO VOTING MACHINES.**

5 “The Commission shall establish standards to pro-
 6 hibit conflicts of interest of entities engaged in the manu-
 7 facture, distribution, installation, servicing, or other activi-
 8 ties with respect to voting machines, including standards
 9 to prohibit any such entity from directly or indirectly pro-
 10 viding any funds or property (including in-kind funds and
 11 property) to any candidate for public office, any political
 12 party, any political committee under the Federal Election
 13 Campaign Act of 1971, any organization described in sec-
 14 tion 527 of the Internal Revenue Code of 1986, or any
 15 other entity organized for any partisan political purpose.”.

16 (B) CLERICAL AMENDMENT.—The table of
 17 contents for subtitle E of title II of such Act,
 18 as added and amended by this Act, is amended
 19 by adding at the end the following new item:

“Sec. 299G. Standards for prohibiting conflicts of interest of entities involved
 in manufacture, distribution, or other activities relating to vot-
 ing machines.”.

20 **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 257(a) of the Help America Vote Act of 2002
 22 (42 U.S.C. 15408(a)) is amended by adding at the end
 23 the following new paragraphs:

24 “(4) For fiscal year 2010, \$2,000,000,000.

1 “(5) For each fiscal year after 2010, such sums
2 as are necessary.”.

3 **SEC. 115. EFFECTIVE DATE.**

4 This title and the amendments made by this title
5 shall take effect on January 1, 2010.

6 **TITLE II—PROHIBITING**
7 **DECEPTIVE PRACTICES**

8 **SEC. 201. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
9 **ERAL ELECTIONS.**

10 (a) IN GENERAL.—Chapter 29 of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 618. Deceptive practices in Federal elections**

14 “(a) Whoever, within 60 days before a Federal elec-
15 tion, knowingly communicates election-related information
16 about that election, knowing that information to be false,
17 with the intent to prevent another person from exercising
18 the right to vote in that election, or attempts to do so,
19 shall be fined under this title or imprisoned not more than
20 5 years, or both.

21 “(b) As used in this section—

22 “(1) the term ‘Federal election’ means any gen-
23 eral, primary, run-off, or special election for the of-
24 fice of President, Vice President, presidential elector,
25 Member of the Senate, Member of the House of

1 Representatives, or Delegate or Commissioner from
2 a territory or possession; and

3 “(2) the term ‘election related information’
4 means information regarding—

5 “(A) the time, place, or manner of con-
6 ducting the election;

7 “(B) the qualifications for or restrictions
8 on voter eligibility for the election, including—

9 “(i) any criminal penalties associated
10 with voting in the election; or

11 “(ii) information regarding a voter’s
12 registration status or eligibility;

13 “(C) with respect to a closed primary elec-
14 tion, the political party affiliation of any can-
15 didate for office, if the communication of the
16 information also contains false information de-
17 scribed in subparagraph (A) or (B); or

18 “(D) the explicit endorsement by any per-
19 son or organization of a candidate running for
20 any office voted on in the election.”.

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

“618. Deceptive practices in Federal elections.”.

1 **SEC. 202. MODIFICATION OF PENALTY FOR VOTER INTIMI-**
2 **DATION.**

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

5 **SEC. 203. SENTENCING GUIDELINES.**

6 (a) REVIEW AND AMENDMENT.—Not later than 90
7 days after the date of enactment of this Act, the United
8 States Sentencing Commission, pursuant to its authority
9 under section 994 of title 28, United States Code, and
10 in accordance with this section, shall review and, if appro-
11 priate, amend the Federal sentencing guidelines and policy
12 statements applicable to persons convicted of any offense
13 under sections of title 18, United States Code, that are
14 added or modified by this title.

15 (b) AUTHORIZATION.—The United States Sentencing
16 Commission may, for the purposes of the amendments
17 made pursuant to this section, amend the Federal sen-
18 tencing guidelines in accordance with the procedures set
19 forth in section 21(a) of the Sentencing Act of 1987 (28
20 U.S.C. 994 note) as though the authority under that sec-
21 tion had not expired.

22 **SEC. 204. REPORTING VIOLATIONS AND REMEDIAL ACTION.**

23 (a) REPORTING.—Any person may report to the At-
24 torney General any violation or possible violation of section
25 594 or 618 of title 18, United States Code.

26 (b) CORRECTIVE ACTION.—

1 (1) IN GENERAL.—Immediately after receiving
2 a report under subsection (a), the Attorney General
3 shall consider and review such report and, if the At-
4 torney General determines that there is a reasonable
5 basis to find that a violation has occurred, the Attor-
6 ney General shall—

7 (A) undertake all effective measures nec-
8 essary to provide correct information to voters
9 affected by the false information;

10 (B) refer any matter under the jurisdiction
11 of the Civil Rights Division of the Department
12 of Justice to such division for prosecution; and

13 (C) refer the matter to the appropriate
14 Federal and State authorities for criminal pros-
15 ecution or civil action after the election.

16 (2) REGULATIONS.—

17 (A) IN GENERAL.—The Attorney General
18 shall promulgate regulations regarding the
19 methods and means of corrective actions to be
20 taken under paragraph (1). Such regulations
21 shall be developed in consultation with the Elec-
22 tion Assistance Commission, civil rights organi-
23 zations, voting rights groups, State and local
24 election officials, voter protection groups, and
25 other interested community organizations.

1 (B) STUDY.—

2 (i) IN GENERAL.—The Attorney Gen-
3 eral, in consultation with the Federal Com-
4 munications Commission and the Election
5 Assistance Commission, shall conduct a
6 study on the feasibility of providing the
7 corrective information under paragraph (1)
8 through public service announcements, the
9 emergency alert system, or other forms of
10 public broadcast.

11 (ii) REPORT.—Not later than 180
12 days after the date of the enactment of
13 this Act, the Attorney General shall submit
14 to Congress a report detailing the results
15 of the study conducted under clause (i).

16 (3) PUBLICIZING REMEDIES.—The Attorney
17 General shall make public through the Internet,
18 radio, television, and newspaper advertisements in-
19 formation on the responsibilities, contact informa-
20 tion, and complaint procedures applicable under this
21 section.

22 (c) REPORTS TO CONGRESS.—

23 (1) IN GENERAL.—Not later than 90 days after
24 any primary, general, or run-off election for Federal
25 office, the Attorney General shall submit to Con-

1 gress a report compiling and detailing any allega-
2 tions of false information submitted pursuant to
3 subsection (a) and relating to such election.

4 (2) CONTENTS.—Each report submitted under
5 paragraph (1) shall include—

6 (A) detailed information on specific allega-
7 tions of deceptive tactics;

8 (B) statistical compilations of how many
9 allegations were made and of what type;

10 (C) the geographic locations of and the
11 populations affected by the alleged deceptive in-
12 formation;

13 (D) the status of the investigations of such
14 allegations;

15 (E) any corrective actions taken in re-
16 sponse to such allegations;

17 (F) the rationale used for any corrective
18 actions or for any refusal to pursue an allega-
19 tion;

20 (G) the effectiveness of any such corrective
21 actions;

22 (H) whether a Voting Integrity Task Force
23 was established with respect to such election,
24 and, if so, how such task force was staffed and
25 funded;

1 (I) any referrals of information to other
2 Federal, State, or local agencies;

3 (J) any suit instituted under section
4 2004(b)(2) of the Revised Statutes (42 U.S.C.
5 1971(b)(2)) in connection with such allegations;
6 and

7 (K) any criminal prosecution instituted
8 under title 18, United States Code, in connec-
9 tion with such allegations.

10 (3) REPORT MADE PUBLIC.—On the date that
11 the Attorney General submits the report required
12 under paragraph (1), the Attorney General shall also
13 make the report publicly available through the Inter-
14 net and other appropriate means.

15 (d) DELEGATION OF DUTIES.—

16 (1) IN GENERAL.—The Attorney General shall
17 delegate the responsibilities under this section to a
18 Voting Integrity Task Force established under para-
19 graph (2).

20 (2) VOTING INTEGRITY TASK FORCE.—

21 (A) IN GENERAL.—The Attorney General
22 shall establish a Voting Integrity Task Force to
23 carry out the requirements of this section with
24 respect to any general, primary, run-off, or spe-
25 cial election for Federal office.

1 (B) COMPOSITION.—Any Voting Integrity
 2 Task Force established under paragraph (1)
 3 shall be under the direction of the Assistant At-
 4 torney General for the Civil Rights Division and
 5 the Assistant Attorney General for the Criminal
 6 Division, jointly.

7 (e) FEDERAL OFFICE.—For purposes of this section,
 8 the term “Federal office” means the office of President,
 9 Vice President, presidential elector, Member of the Senate,
 10 Member of the House of Representatives, or Delegate or
 11 Commissioner from a territory or possession of the United
 12 States.

13 **TITLE III—PROHIBITING VOTER** 14 **CAGING**

15 **SEC. 301. VOTER CAGING AND OTHER QUESTIONABLE** 16 **CHALLENGES PROHIBITED.**

17 (a) IN GENERAL.—Chapter 29 of title 18, United
 18 States Code, as amended by section 201(a), is amended
 19 by adding at the end the following:

20 **“§ 619. Voter caging and other questionable chal-** 21 **lenges**

22 “(a) DEFINITIONS.—In this section—

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

24 “(A) a nonforwardable document that is
 25 returned to the sender or a third party as unde-

1 livered or undeliverable despite an attempt to
2 deliver such document to the address of a reg-
3 istered voter or applicant; or

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

11 “(2) the term ‘voter caging list’ means a list of
12 individuals compiled from voter caging documents;
13 and

14 “(3) the term ‘unverified match list’ means a
15 list produced by matching the information of reg-
16 istered voters or applicants for voter registration to
17 a list of individuals who are ineligible to vote in the
18 registrar’s jurisdiction, by virtue of death, convic-
19 tion, change of address, or otherwise; unless one of
20 the pieces of information matched includes a signa-
21 ture, photograph, or unique identifying number en-
22 suring that the information from each source refers
23 to the same individual.

24 “(b) PROHIBITION AGAINST VOTER CAGING.—No
25 State or local election official shall prevent an individual

1 from registering or voting in any election for Federal of-
 2 fice, or permit in connection with any election for Federal
 3 office a formal challenge under State law to an individual's
 4 registration status or eligibility to vote, if the basis for
 5 such decision is evidence consisting of—

6 “(1) a voter caging document or voter caging
 7 list;

8 “(2) an unverified match list;

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

15 “(4) any other evidence so designated for pur-
 16 poses of this section by the Election Assistance Com-
 17 mission,

18 except that the election official may use such evidence if
 19 it is corroborated by independent evidence of the individ-
 20 ual's ineligibility to register or vote.

21 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
 22 OTHER THAN ELECTION OFFICIALS.—

23 “(1) ATTESTATION OF FIRST-HAND KNOWL-
 24 EDGE OF INELIGIBILITY.—No person, other than a
 25 State or local election official, shall submit a formal

1 challenge to an individual’s eligibility to register to
2 vote in an election for Federal office or to vote in
3 an election for Federal office unless that challenge
4 is supported by personal, first-hand knowledge re-
5 garding the grounds for ineligibility which is—

6 “(A) documented in writing; and

7 “(B) subject to an oath or attestation
8 under penalty of perjury that the individual
9 who is the subject of the challenge is ineligible
10 to register to vote or vote in that election.

11 “(2) PROHIBITING CHALLENGES BASED ON
12 CERTAIN EVIDENCE.—No person, other than a State
13 or local election official, shall submit a formal chal-
14 lenge to an individual’s eligibility to register to vote
15 in an election for Federal office or to vote in an elec-
16 tion for Federal office if the basis for such challenge
17 is evidence consisting of—

18 “(A) a voter caging document or voter cag-
19 ing list;

20 “(B) an unverified match list;

21 “(C) an error or omission on any record or
22 paper relating to any application, registration,
23 or other act requisite to voting, if such error or
24 omission is not material to an individual’s eligi-
25 bility to vote under section 2004 of the Revised

1 Statutes, as amended (42 U.S.C.
2 1971(a)(2)(B)); or

3 “(D) any other evidence so designated for
4 purposes of this section by the Election Assist-
5 ance Commission.

6 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
7 Whoever knowingly challenges the eligibility of one or
8 more individuals to register or vote or knowingly causes
9 the eligibility of such individuals to be challenged in viola-
10 tion of this section with the intent that one or more eligi-
11 ble voters be disqualified, shall be fined under this title
12 or imprisoned not more than 5 years, or both, for each
13 such violation. Each violation shall be a separate offense.
14 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
15 this section is intended to override the protections of the
16 National Voter Registration Act of 1993 (42 U.S.C.
17 1973gg et seq.) or to affect the Voting Rights Act of 1965
18 (42 U.S.C. 1973 et seq.).”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 29 of title 18, United States Code, as amended
21 by section 201(b), is amended by adding at the end the
22 following:

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

23 **SEC. 302. SEVERABILITY.**

24 If any provision of this title or any amendment made
25 by this title, or the application of a provision to any person

1 or circumstance, is held to be unconstitutional, the re-
 2 mainder of this title and the amendments made by this
 3 title, and the application of the provisions to any person
 4 or circumstance, shall not be affected by the holding.

5 **TITLE IV—RESTORING VOTING** 6 **RIGHTS**

7 **SEC. 401. RIGHTS OF CITIZENS.**

8 The right of an individual who is a citizen of the
 9 United States to vote in any election for Federal office
 10 shall not be denied or abridged because that individual has
 11 been convicted of a criminal offense unless such individual
 12 is serving a felony sentence in a correctional institution
 13 or facility at the time of the election.

14 **SEC. 402. ENFORCEMENT.**

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

18 (b) PRIVATE RIGHT OF ACTION.—

19 (1) NOTICE TO ELECTION OFFICIAL.—A person
 20 who is aggrieved by a violation of this title may pro-
 21 vide written notice of the violation to the chief elec-
 22 tion official of the State involved.

23 (2) ACTION PERMITTED.—Except as provided
 24 in paragraph (3), if the violation is not corrected
 25 within 90 days after receipt of a notice under para-

graph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action obtain declaratory or injunctive relief with respect to the violation.

(3) WAIVER OF NOTICE FOR VIOLATIONS OCCURRING NEAR DATE OF ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

SEC. 403. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual has the right to vote in an election for Federal office pursuant to this title and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

1 (A) FELONY CONVICTION.—In the case of
2 such an individual who has been convicted of a
3 felony, the notification required under para-
4 graph (1) shall be given on the date on which
5 the individual—

6 (i) is sentenced to serve only a term
7 of probation; or

8 (ii) is released from the custody of
9 that State (other than to the custody of
10 another State or the Federal Government
11 to serve a term of imprisonment for a fel-
12 ony conviction).

13 (B) MISDEMEANOR CONVICTION.—In the
14 case of such an individual who has been con-
15 victed of a misdemeanor, the notification re-
16 quired under paragraph (1) shall be given on
17 the date on which such individual is sentenced.

18 (b) FEDERAL NOTIFICATION.—

19 (1) NOTIFICATION.—On the date determined
20 under paragraph (2), the Director of the Bureau of
21 Prisons shall notify in writing any individual who
22 has been convicted of a criminal offense under Fed-
23 eral law that such individual has the right to vote
24 in an election for Federal office pursuant to this
25 title and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

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

(ii) is released from the custody of the Bureau of Prisons (other than to the custody of a State to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced.

SEC. 404. DEFINITIONS.

For purposes of this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term “correctional institution or facility” means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or

1 privately operated, except that such term does not
2 include any residential community treatment center
3 (or similar public or private facility).

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

5 (A) a general, special, primary, or runoff
6 election;

7 (B) a convention or caucus of a political
8 party held to nominate a candidate;

9 (C) a primary election held for the selec-
10 tion of delegates to a national nominating con-
11 vention of a political party; or

12 (D) a primary election held for the expres-
13 sion of a preference for the nomination of per-
14 sons for election to the office of President.

15 (3) FEDERAL OFFICE.—The term “Federal of-
16 fice” means the office of President or Vice President
17 of the United States, or of Senator or Representa-
18 tive in, or Delegate or Resident Commissioner to,
19 the Congress of the United States.

20 (4) PROBATION.—The term “probation” means
21 probation, imposed by a Federal, State, or local
22 court, with or without a condition on the individual
23 involved concerning—

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

1 (B) the payment of damages by the indi-
2 vidual;

3 (C) periodic reporting by the individual to
4 an officer of the court; or

5 (D) supervision of the individual by an of-
6 ficer of the court.

7 **SEC. 405. RELATION TO OTHER LAWS.**

8 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
9 Nothing in this title shall be construed to prohibit the
10 States enacting any State law which affords the right to
11 vote in any election for Federal office on terms less restric-
12 tive than those established by this title.

13 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
14 edies established by this title are in addition to all other
15 rights and remedies provided by law, and neither rights
16 and remedies established by this title shall supersede, re-
17 strict, or limit the application of the Voting Rights Act
18 of 1965 (42 U.S.C. 1973 et seq.) or the National Voter
19 Registration Act (42 U.S.C. 1973–gg).

20 **SEC. 406. FEDERAL PRISON FUNDS.**

21 No State, unit of local government, or other person
22 may receive or use, to construct or otherwise improve a
23 prison, jail, or other place of incarceration, any Federal
24 grant amounts unless that person has in effect a program
25 under which each individual incarcerated in that person's

1 jurisdiction who is a citizen of the United States is noti-
 2 fied, upon release from such incarceration, of that individ-
 3 ual's rights under section 401.

4 **SEC. 407. EFFECTIVE DATE.**

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

8 **TITLE V—ELECTION DAY AS**
 9 **LEGAL PUBLIC HOLIDAY**

10 **SEC. 501. TREATMENT OF ELECTION DAY IN SAME MANNER**

11 **AS LEGAL PUBLIC HOLIDAY FOR PURPOSES**

12 **OF FEDERAL EMPLOYMENT.**

13 For purposes of any law relating to Federal employ-
 14 ment, the Tuesday next after the first Monday in Novem-
 15 ber in 2010 and each even-numbered year thereafter shall
 16 be treated in the same manner as a legal public holiday
 17 described in section 6103 of title 5, United States Code.

18 **SEC. 502. STUDY BY COMPTROLLER GENERAL OF IMPACT**

19 **ON VOTER PARTICIPATION.**

20 (a) IN GENERAL.—The Comptroller General shall
 21 conduct a study of the impact of section 501 on voter par-
 22 ticipation.

23 (b) REPORT.—Not later than May 1, 2015, the
 24 Comptroller General shall submit a report to Congress and

1 the President on the results of the study conducted under
2 subsection (a).

3 **SEC. 503. SENSE OF CONGRESS REGARDING TREATMENT**
4 **OF DAY BY PRIVATE EMPLOYERS.**

5 It is the sense of Congress that private employers in
6 the United States should give their employees a day off
7 on the Tuesday next after the first Monday in November
8 in 2010 and each even-numbered year thereafter to enable
9 the employees to cast votes in the elections held on that
10 day.

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