

112TH CONGRESS
2D SESSION

S. 3657

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2012

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote.

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.**

4 This Act may be cited as the “Lines Interfere with
5 National Elections Act of 2012” or the “LINE Act of
6 2012”.

7 **SEC. 2. MINIMUM REQUIRED VOTING SYSTEMS, POLL**
8 **WORKERS, AND ELECTION RESOURCES.**

9 (a) MINIMUM REQUIREMENTS.—

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

5 **“Subtitle C—Additional**
 6 **Requirements**

7 **“SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND**
 8 **POLL WORKERS.**

9 “(a) IN GENERAL.—Each State shall provide for the
 10 minimum required number of voting systems, poll workers,
 11 and other election resources (including all other physical
 12 resources) for each voting site on the day of any Federal
 13 election and on any days during which such State allows
 14 early voting for a Federal election in accordance with the
 15 standards determined under section 299.

16 “(b) VOTING SITE.—For purposes of this section and
 17 section 299, the term ‘voting site’ means a polling loca-
 18 tion, except that in the case of any polling location which
 19 serves more than 1 precinct, such term shall mean a pre-
 20 cinct.

21 “(c) EFFECTIVE DATE.—Each State shall be re-
 22 quired to comply with the requirements of this section on
 23 and after September 15, 2014.”.

24 (2) CONFORMING AMENDMENT.—Section 401
 25 of the Help America Vote Act of 2002 (42 U.S.C.

1 15511) is amended by striking “and 303” and in-
 2 serting “303, and subtitle C”.

3 (3) CLERICAL AMENDMENT.—The table of con-
 4 tents of such Act is amended by adding at the end
 5 of the items relating to title III the following:

“Subtitle C—Additional Requirements

“Sec. 321. Minimum required voting systems and poll workers.”.

6 (b) STANDARDS.—

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

11 **“Subtitle E—Guidance and** 12 **Standards**

13 **“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM**
 14 **REQUIRED VOTING SYSTEMS AND POLL**
 15 **WORKERS.**

16 “(a) IN GENERAL.—Not later than January 1, 2014,
 17 the Attorney General, to the maximum extent practicable
 18 in coordination with the Commission, shall issue standards
 19 regarding the minimum number of voting systems, poll
 20 workers, and other election resources (including all other
 21 physical resources) required under section 321 on the day
 22 of any Federal election and on any days during which
 23 early voting is allowed for a Federal election.

24 “(b) DISTRIBUTION.—

1 “(1) IN GENERAL.—The standards described in
2 subsection (a) shall provide for a uniform and non-
3 discriminatory distribution of such systems, workers,
4 and other resources, and shall take into account,
5 among other factors, the following with respect to
6 any voting site (as defined in section 321(b)):

7 “(A) The voting age population.

8 “(B) Voter turnout in past elections.

9 “(C) The number of voters registered.

10 “(D) The number of voters who have reg-
11 istered since the most recent Federal election.

12 “(E) Census data for the population served
13 by such voting site.

14 “(F) The educational levels and socio-econ-
15 omic factors of the population served by such
16 voting site.

17 “(G) The needs and numbers of disabled
18 voters and voters with limited English pro-
19 ficiency.

20 “(H) The type of voting systems used.

21 “(2) NO FACTOR DISPOSITIVE.—The standards
22 shall provide that any distribution of such systems
23 shall take into account the totality of all relevant
24 factors, and no single factor shall be dispositive
25 under the standards.

1 “(3) PURPOSE.—To the extent possible, the
 2 standards shall provide for a distribution of voting
 3 systems, poll workers, and other election resources
 4 with the goals of—

5 “(A) ensuring an equal waiting time for all
 6 voters in the State; and

7 “(B) preventing a waiting time of over 1
 8 hour at any polling place.

9 “(c) DEVIATION.—The standards described in sub-
 10 section (a) shall permit States, upon giving reasonable
 11 public notice, to deviate from any allocation requirements
 12 in the case of unforeseen circumstances such as a natural
 13 disaster or terrorist attack.”.

14 (2) CONFORMING AMENDMENT.—Section 202
 15 of such Act (42 U.S.C. 15322) is amended—

16 (A) by redesignating paragraphs (5) and
 17 (6) as paragraphs (6) and (7), respectively; and

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

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

22 (3) CLERICAL AMENDMENT.—The table of con-
 23 tents of such Act is amended by adding at the end
 24 of the items relating to title II the following:

 “Subtitle E—Guidance and Standards

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

1 **SEC. 3. REQUIREMENTS FOR JURISDICTIONS WITH SUB-**
 2 **STANTIAL VOTER WAIT TIMES.**

3 (a) REMEDIAL PLANS FOR STATES WITH EXCESSIVE
 4 WAIT TIMES.—

5 (1) IN GENERAL.—The Help America Vote Act
 6 of 2002 (42 U.S.C. 15301 et seq.) is amended by
 7 adding at the end the following new title:

8 **“TITLE X—REMEDIAL PLANS**
 9 **FOR STATES WITH EXCESSIVE**
 10 **WAIT TIMES**

11 **“SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCES-**
 12 **SIVE WAIT TIMES.**

13 “(a) IN GENERAL.—Each jurisdiction for which the
 14 Attorney General, to the maximum extent practicable in
 15 coordination with the Commission, determines that a sub-
 16 stantial number of voters waited more than 90 minutes
 17 to cast a vote in the election for Federal office held on
 18 November 6, 2012, or any election for Federal office held
 19 on or after such date, shall comply with a State remedial
 20 plan established under this section in accordance with sub-
 21 section (b).

22 “(b) STATE REMEDIAL PLANS.—The Attorney Gen-
 23 eral, to the maximum extent practicable in coordination
 24 with the Commission, shall establish for each State or ju-

1 jurisdiction which is required to comply with this section a
 2 State remedial plan to minimize the waiting times of vot-
 3 ers in the State or jurisdiction.

4 “(c) JURISDICTION DEFINED.—For purposes of this
 5 section, the term ‘jurisdiction’ has the meaning given the
 6 term ‘registrar’s jurisdiction’ in section 8(j) of the Na-
 7 tional Voter Registration Act of 1993 (42 U.S.C. 1973gg–
 8 6(j)).

9 “(d) FEDERAL REGISTER NOTICE.—Not later than
 10 March 1 of the year following the year in which an election
 11 for Federal office is held, the Attorney General, to the
 12 maximum extent practicable in coordination with the Com-
 13 mission, shall publish in the Federal Register a list of
 14 States and jurisdictions that are required to comply with
 15 a State remedial plan under this section.

16 “(e) STATE REMEDIAL PLAN CERTIFICATION.—Not
 17 later than September 1 of the year following the year in
 18 which the Attorney General publishes in the Federal Reg-
 19 ister a list described in subsection (d), the governor of
 20 each State included on the list shall submit to the Attor-
 21 ney General a letter certifying that the State has made
 22 a good faith effort to comply with the State remedial plan
 23 established for the State under this section.”.

24 (2) CONFORMING AMENDMENT.—Section 401
 25 of the Help America Vote Act of 2002 (42 U.S.C.

1 15511), as amended by section 2(a)(2), is amended
 2 by striking “and subtitle C” and inserting “subtitle
 3 C, and title X”.

4 (3) CLERICAL AMENDMENT.—The table of con-
 5 tents of such Act is amended by adding at the end
 6 the following:

“TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE
 VOTER WAIT TIMES

“Sec. 1001. Remedial plans for States with excessive voter wait times.”.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect on the date of enactment of
 9 this Act.

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