

113TH CONGRESS
1ST SESSION

H. R. 50

To amend the Help America Vote Act of 2002 to promote early voting in elections for Federal office and to prevent unreasonable waiting times for voters at polling places used in such elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Mr. GEORGE MILLER of California (for himself and Mr. CLYBURN) 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 promote early voting in elections for Federal office and to prevent unreasonable waiting times for voters at polling places used in such 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.**

4 This Act may be cited as the “Streamlined and Im-
5 proved Methods at Polling Locations and Early (SIM-
6 PLE) Voting Act of 2013”.

1 **SEC. 2. MINIMUM REQUIREMENTS FOR EARLY VOTING AND**
 2 **FOR REDUCING WAITING TIMES FOR VOTERS**
 3 **IN FEDERAL ELECTIONS.**

4 (a) REQUIREMENTS FOR STATES.—

5 (1) IN GENERAL.—Subtitle A of title III of the
 6 Help America Vote Act of 2002 (42 U.S.C. 15481
 7 et seq.) is amended—

8 (A) by redesignating sections 304 and 305
 9 as sections 306 and 307; and

10 (B) by inserting after section 303 the fol-
 11 lowing new sections:

12 **“SEC. 304. EARLY VOTING.**

13 “(a) IN GENERAL.—Each State shall allow individ-
 14 uals to vote in an election for Federal office on each day
 15 occurring during the 15-day period which ends on the sec-
 16 ond day immediately preceding the date of the election,
 17 in the same manner as voting is allowed on such date.

18 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
 19 Each polling place which allows voting prior to the date
 20 of a Federal election pursuant to subsection (a) shall—

21 “(1) allow such voting for not less than 10
 22 hours on each day; and

23 “(2) have uniform hours each day for which
 24 such voting occurs.

25 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC
 26 TRANSPORTATION.—To the greatest extent practicable, a

1 State shall ensure that each polling place which allows vot-
 2 ing prior to the date of a Federal election pursuant to
 3 subsection (a) is located within reasonable walking dis-
 4 tance of a stop on a public transportation route.

5 “(d) STANDARDS.—

6 “(1) IN GENERAL.—The Commission shall issue
 7 standards for the administration of voting prior to
 8 the date scheduled for a Federal election. Such
 9 standards shall include the nondiscriminatory geo-
 10 graphic placement of polling places at which such
 11 voting occurs.

12 “(2) DEVIATION.—The standards described in
 13 paragraph (1) shall permit States, upon providing
 14 adequate public notice, to deviate from any require-
 15 ment in the case of unforeseen circumstances such
 16 as a natural disaster, terrorist attack, or a change
 17 in voter turnout.

18 “(e) EFFECTIVE DATE.—This section shall apply
 19 with respect to elections held on or after January 1, 2014.

20 **“SEC. 305. PREVENTING UNREASONABLE WAITING TIMES**
 21 **FOR VOTERS.**

22 “(a) PREVENTING UNREASONABLE WAITING
 23 TIMES.—

24 “(1) IN GENERAL.—Each State shall provide a
 25 sufficient number of voting systems, poll workers,

1 and other election resources (including physical re-
2 sources) at a polling place used in any election for
3 Federal office, including a polling place at which in-
4 dividuals may cast ballots prior to the date of the
5 election, to ensure—

6 “(A) a fair and equitable waiting time for
7 all voters in the State; and

8 “(B) that no individual will be required to
9 wait longer than one hour to cast a ballot at the
10 polling place.

11 “(2) CRITERIA.—In determining the number of
12 voting systems, poll workers, and other election re-
13 sources provided at a polling place for purposes of
14 paragraph (1), the State shall take into account the
15 following factors:

16 “(A) The voting age population.

17 “(B) Voter turnout in past elections.

18 “(C) The number of voters registered.

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

21 “(E) Census data for the population served
22 by the polling place, such as the proportion of
23 the voting-age population who are under 25
24 years of age or who are naturalized citizens.

1 “(F) The needs and numbers of voters
2 with disabilities and voters with limited English
3 proficiency.

4 “(G) The type of voting systems used.

5 “(H) The length and complexity of initia-
6 tives, referenda, and other questions on the bal-
7 lot.

8 “(I) Such other factors, including relevant
9 demographic factors relating to the population
10 served by the polling place, as the State con-
11 siders appropriate.

12 “(3) GUIDELINES.—Not later than 180 days
13 after the date of the enactment of this section, the
14 Commission shall establish and publish guidelines to
15 assist States in meeting the requirements of this
16 subsection.

17 “(4) RULE OF CONSTRUCTION.—Nothing in
18 this subsection may be construed to authorize a
19 State to meet the requirements of this subsection by
20 closing any polling place, prohibiting an individual
21 from entering a line at a polling place, or refusing
22 to permit an individual who has arrived at a polling
23 place prior to closing time from voting at the polling
24 place.

1 “(b) DEVELOPMENT AND IMPLEMENTATION OF CON-
2 TINGENCY PLANS.—

3 “(1) IN GENERAL.—Each State shall develop,
4 and implement to the greatest extent practicable, a
5 contingency plan under which the State shall provide
6 additional poll workers, machines, ballots, and other
7 equipment and supplies (as the case may be) on the
8 date of the election to any polling place used in an
9 election for Federal office, including a polling place
10 at which individuals may cast ballots prior to the
11 date of the election, at which waiting times exceed
12 one hour.

13 “(2) APPROVAL OF PLAN BY COMMISSION.—
14 The State shall ensure that the contingency plan de-
15 veloped under paragraph (1) is approved by the
16 Commission prior to the date of the election in-
17 volved, in accordance with such procedures as the
18 Commission may establish.

19 “(c) EFFECTIVE DATE.—This section shall apply
20 with respect to elections held on or after January 1,
21 2014.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended—

1 (A) by redesignating the items relating to
 2 sections 304 and 305 as relating to sections
 3 306 and 307; and

4 (B) by inserting after the item relating to
 5 section 303 the following new items:

“Sec. 304. Early voting.

“Sec. 305. Preventing unreasonable waiting times for voters.”.

6 (b) REPORT BY ELECTION ASSISTANCE COMMIS-
 7 SION.—Not later than June 30 of each odd-numbered
 8 year, the Election Assistance Commission shall submit to
 9 Congress a report assessing the impact of sections 304
 10 and 305 of the Help America Vote Act of 2002 (as added
 11 by subsection (a)) on the administration of elections for
 12 Federal office during the preceding 2-year period, and
 13 shall include in the report such recommendations as the
 14 Commission considers appropriate.

15 (c) NO EFFECT ON AUTHORITY OF STATE TO PRO-
 16 VIDE FOR LONGER PERIODS OF EARLY VOTING OR
 17 GREATER AMOUNT OF RESOURCES AT POLLING
 18 PLACES.—Nothing in this section or in any amendment
 19 made by this section may be construed to prohibit a State,
 20 with respect to any election for Federal office—

21 (1) from providing (in an equitable and non-
 22 discriminatory manner) a longer period for early vot-
 23 ing than the minimum period required under section

1 304 of the Help America Vote Act of 2002 (as
2 added by subsection (a)); or

3 (2) from providing (in an equitable and non-
4 discriminatory manner) a greater number of sys-
5 tems, poll workers, and other election resources at
6 any polling place than the minimum number re-
7 quired under section 305 of such Act (as added by
8 subsection (a)).

9 **SEC. 3. REQUIREMENTS FOR COUNTING PROVISIONAL BAL-**
10 **LOTS; ESTABLISHMENT OF UNIFORM AND**
11 **NONDISCRIMINATORY STANDARDS.**

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

14 (1) by redesignating subsection (d) as sub-
15 section (f); and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsections:

18 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
19 LOTS.—

20 “(1) IN GENERAL.—For purposes of subsection
21 (a)(4), notwithstanding the precinct or polling place
22 at which a provisional ballot is cast within the State,
23 the appropriate election official shall count each vote
24 on such ballot for each election in which the indi-
25 vidual who cast such ballot is eligible to vote.

1 “(2) EFFECTIVE DATE.—This subsection shall
2 apply with respect to elections held on or after Janu-
3 ary 1, 2014.

4 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
5 ARDS.—

6 “(1) IN GENERAL.—Consistent with the re-
7 quirements of this section, each State shall establish
8 uniform and nondiscriminatory standards for the
9 issuance, handling, and counting of provisional bal-
10 lots.

11 “(2) EFFECTIVE DATE.—This subsection shall
12 apply with respect to elections held on or after Janu-
13 ary 1, 2014.”.

14 (b) CONFORMING AMENDMENT.—Section 302(f) of
15 such Act (42 U.S.C. 15482(f)), as redesignated by sub-
16 section (a), is amended by striking “Each State” and in-
17 serting “Except as provided in subsections (d)(2) and
18 (e)(2), each State”.

19 **SEC. 4. AVAILABILITY OF CIVIL PENALTIES AND PRIVATE**
20 **RIGHTS OF ACTION TO ENFORCE HELP**
21 **AMERICA VOTE ACT OF 2002.**

22 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
23 VATE RIGHTS OF ACTION.—Section 401 of the Help
24 America Vote Act of 2002 (42 U.S.C. 15511) is amended
25 to read as follows:

1 **“SEC. 401. ENFORCEMENT.**

2 “(a) ACTION BY ATTORNEY GENERAL.—

3 “(1) IN GENERAL.—The Attorney General may
4 bring a civil action against any State or jurisdiction
5 in an appropriate United States District Court for
6 such declaratory and injunctive relief (including a
7 temporary restraining order, a permanent or tem-
8 porary injunction, or other order) as may be nec-
9 essary to carry out the requirements of subtitle A of
10 title III.

11 “(2) ASSESSMENT OF CIVIL MONEY PEN-
12 ALTY.—In a civil action brought under paragraph
13 (1), if the court finds that the State or jurisdiction
14 violated any provision of subtitle A of title III, it
15 may, to vindicate the public interest, assess a civil
16 penalty against the State or jurisdiction—

17 “(A) in an amount not to exceed \$110,000
18 for each such violation, in the case of a first
19 violation; or

20 “(B) in an amount not to exceed \$220,000
21 for each such violation, for any subsequent vio-
22 lation.

23 “(3) INTERVENTION.—Upon timely application,
24 a person aggrieved by a violation of subtitle A of
25 title III with respect to which a civil action is com-
26 menced under paragraph (1) may intervene in such

1 action, and may obtain such appropriate relief as the
2 person could obtain in a civil action under subsection
3 (b) with respect to that violation, along with costs
4 and a reasonable attorney fee.

5 “(4) REPORT TO CONGRESS.—Not later than
6 December 31 of each year, the Attorney General
7 shall submit to Congress an annual report on any
8 civil action brought under paragraph (1) during the
9 preceding year.

10 “(b) PRIVATE RIGHT OF ACTION.—

11 “(1) AVAILABILITY.—A person who is aggrieved
12 by a State’s or jurisdiction’s violation of subtitle A
13 of title III may bring a civil action in an appropriate
14 United States District Court for such declaratory or
15 injunctive relief as may be necessary to carry out the
16 requirements of such subtitle.

17 “(2) COSTS AND ATTORNEY FEES.—The court
18 may award to a person aggrieved by a violation of
19 subtitle A of title III who prevails in an action
20 brought under paragraph (1) the costs of the action,
21 including a reasonable attorney fee.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended by amending the item relating to
24 section 401 to read as follows:

 “Sec. 401. Enforcement.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to violations alleged
3 to have occurred on or after the date of the enactment
4 of this Act.

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