

114TH CONGRESS
2D SESSION

S. 3252

To require States to automatically register eligible voters to vote in elections for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. LEAHY (for himself, Ms. KLOBUCHAR, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To require States to automatically register eligible voters to vote in elections for Federal office, 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; FINDINGS AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Automatic Voter Registration Act of 2016”.

6 (b) FINDINGS AND PURPOSE.—

7 (1) FINDINGS.—Congress finds that—

8 (A) the right to vote is a fundamental
9 right of citizens of the United States;

1 (B) it is the responsibility of the State and
2 Federal Governments to ensure that every eligi-
3 ble citizen is registered to vote;

4 (C) existing voter registration systems can
5 be inaccurate, costly, inaccessible and con-
6 fusing, with damaging effect on voter participa-
7 tion in elections and disproportionate impact on
8 young people, persons with disabilities, and ra-
9 cial and ethnic minorities; and

10 (D) voter registration systems must be up-
11 dated with 21st century technologies and proce-
12 dures.

13 (2) PURPOSE.—It is the purpose of this Act—

14 (A) to establish that it is the responsibility
15 of government at every level to ensure that all
16 eligible citizens are registered to vote;

17 (B) to enable the State and Federal Gov-
18 ernments to register all eligible citizens to vote
19 with accurate, cost-efficient, and up-to-date pro-
20 cedures;

21 (C) to modernize voter registration and list
22 maintenance procedures with electronic and
23 Internet capabilities; and

1 (D) to protect and enhance the integrity,
2 accuracy, efficiency, and accessibility of the
3 electoral process.

4 **SEC. 2. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVID-**
5 **UALS.**

6 (a) **REQUIRING STATES TO ESTABLISH AND OPER-**
7 **ATE AUTOMATIC REGISTRATION SYSTEM.—**

8 (1) **IN GENERAL.—**The chief State election offi-
9 cial of each State shall establish and operate a sys-
10 tem of automatic registration for the registration of
11 eligible individuals to vote for elections for Federal
12 office in the State, in accordance with the provisions
13 of this Act.

14 (2) **DEFINITION.—**The term “automatic reg-
15 istration” means a system that registers an indi-
16 vidual to vote in elections for Federal office in a
17 State, if eligible, by electronically transferring the
18 information necessary for registration from govern-
19 ment agencies to election officials of the State so
20 that, unless the individual affirmatively declines to
21 be registered, the individual will be registered to vote
22 in such elections.

23 (b) **REGISTRATION OF VOTERS BASED ON NEW**
24 **AGENCY RECORDS.—**The chief State election official
25 shall—

1 (1) ensure that any individual who is eligible to
2 register to vote in elections for Federal office in the
3 State is promptly registered to vote after the indi-
4 vidual has not declined registration and the individ-
5 ual's information has been transmitted by a contrib-
6 uting agency pursuant to section 3; and

7 (2) send written notice to the individual, in ad-
8 dition to other means of notice established by this
9 Act, of the individual's voter registration status.

10 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
11 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
12 State election official shall—

13 (1) identify all individuals whose information is
14 transmitted by a contributing agency pursuant to
15 section 4 and who are eligible to be, but are not cur-
16 rently, registered to vote in that State;

17 (2) promptly send each such individual written
18 notice, in addition to other means of notice estab-
19 lished by this Act, which shall not identify the con-
20 tributing agency that transmitted the information
21 but shall include—

22 (A) an explanation that voter registration
23 is voluntary, but if the individual does not de-
24 cline registration, the individual will be reg-
25 istered to vote;

1 (B) a statement offering the opportunity to
2 decline voter registration through any means
3 set forth by the State consistent with this Act's
4 requirements;

5 (C) in the case of a State in which affili-
6 ation or enrollment with a political party is re-
7 quired in order to participate in an election to
8 select the party's candidate in an election for
9 Federal office, a statement offering the indi-
10 vidual the opportunity to affiliate or enroll with
11 a political party or to decline to affiliate or en-
12 roll with a political party, through such means
13 as the State may establish consistent with the
14 requirements of this Act;

15 (D) the substantive qualifications of an
16 elector in the State;

17 (E) the instruction that the individual
18 should decline registration if ineligible to vote;

19 (F) instructions for correcting an erro-
20 neous registration; and

21 (G) instructions for providing any addi-
22 tional information which is required under
23 State law for voter registration purposes and
24 reasonably related to the management of elec-
25 tions;

(d) CONTRIBUTING AGENCY DEFINED.—In this Act, the term “contributing agency” means, with respect to a State, an agency listed in section 3(e).

(a) IN GENERAL.—Each contributing agency in a State shall assist the State’s chief election official in registering to vote all eligible individuals served by that agency, in accordance with this Act.

(1) INSTRUCTIONS ON AUTOMATIC REGISTRATION.—With each application for service or assistance, and with each related recertification, renewal, or change of address, or, in the case of an institution of higher education, with each registration of a

1 student for enrollment in a course of study, each
2 contributing agency that (in the normal course of its
3 operations) requests individuals applying for service
4 or assistance to provide citizenship information shall
5 inform the individual of the following:

6 (A) Unless that individual declines to reg-
7 ister to vote, or is found ineligible to vote, the
8 individual will be registered to vote or, if appli-
9 cable, the individual's registration will be up-
10 dated.

11 (B) The substantive qualifications of an
12 elector in the State, the consequences of false
13 registration, and that the individual should not
14 register if the individual does not meet all those
15 qualifications.

16 (C) In the case of a State in which affili-
17 ation or enrollment with a political party is re-
18 quired in order to participate in an election to
19 select the party's candidate in an election for
20 Federal office, the requirement that the indi-
21 vidual must affiliate or enroll with a political
22 party in order to participate in such an election.

23 (D) Voter registration is voluntary, and
24 that neither registering nor declining to register
25 to vote will in any way affect the availability of

1 services or benefits, nor be used for other pur-
 2 poses.

3 (2) OPPORTUNITY TO DECLINE REGISTRATION
 4 REQUIRED.—Each contributing agency shall ensure
 5 that each application for service or assistance, and
 6 each related recertification, renewal, or change of
 7 address, or, in the case of an institution of higher
 8 education, each registration of a student for enroll-
 9 ment in a course of study, cannot be completed until
 10 the individual is given the opportunity to decline to
 11 be registered to vote.

12 (3) INFORMATION TRANSMITTAL.—For each in-
 13 dividual who does not decline voter registration, each
 14 contributing agency shall electronically transmit to
 15 the appropriate State election official, in a format
 16 compatible with the statewide voter database main-
 17 tained under section 303 of the Help America Vote
 18 Act of 2002 (52 U.S.C. 21083), and in a manner
 19 that ensures timely voter registration—

20 (A) the individual's given name(s) and sur-
 21 name(s);

22 (B) the individual's date of birth;

23 (C) the individual's residential address;

24 (D) information showing that the indi-
 25 vidual is a citizen of the United States, which

1 may include an affirmation made by the indi-
2 vidual under penalty of perjury that the indi-
3 vidual is a citizen of the United States;

4 (E) any valid driver's license number or
5 the last 4 digits of the individual's social secu-
6 rity number;

7 (F) the date on which information per-
8 taining to that individual was collected or last
9 updated;

10 (G) the individual's signature, in electronic
11 form;

12 (H) information regarding the individual's
13 affiliation or enrollment with a political party,
14 if the individual provides such information;

15 (I) any affirmation the State may request
16 of the veracity of the information supplied by
17 the individual pursuant to subparagraphs (A)
18 through (H); and

19 (J) any additional information which is re-
20 quired under State law for voter registration
21 purposes and reasonably related to the manage-
22 ment of elections, and which is not otherwise
23 collected by the agency in its normal course of
24 business.

1 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
 2 TRIBUTING AGENCIES.—With each application for service
 3 or assistance, and with each related recertification, re-
 4 newal, or change of address, or in the case of an institu-
 5 tion of higher education, with each registration of a stu-
 6 dent for enrollment in a course of study, any contributing
 7 agency that does not request or record information con-
 8 cerning the citizenship status of applicants for its services
 9 shall—

10 (1) complete the requirements of section 7(a)(6)
 11 of the National Voter Registration Act of 1993 (52
 12 U.S.C. 20506(a)(6));

13 (2) ensure that each applicant’s transaction
 14 with the agency cannot be completed until the appli-
 15 cant has indicated whether the applicant wishes to
 16 register to vote in elections for Federal office held
 17 in the State; and

18 (3) for each individual who wishes to register to
 19 vote, transmit that individual’s information in ac-
 20 cordance with subsection (b)(3).

21 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
 22 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
 23 SERVICE OR ASSISTANCE.—Each contributing agency
 24 shall offer each individual, with each application for serv-
 25 ice or assistance, and with each related recertification, re-

1 newal, or change of address, or in the case of an institu-
2 tion of higher education, with each registration of a stu-
3 dent for enrollment in a course of study, the opportunity
4 to register to vote as prescribed by this section without
5 regard to whether the individual previously declined a reg-
6 istration opportunity.

7 (e) CONTRIBUTING AGENCIES.—

8 (1) STATE AGENCIES.—In each State, each of
9 the following agencies of the State shall be treated
10 as a contributing agency—

11 (A) Each State agency that is required by
12 Federal law to provide voter registration serv-
13 ices, including the State motor vehicle author-
14 ity.

15 (B) Each State agency that administers a
16 program providing assistance pursuant to title
17 III of the Social Security Act (42 U.S.C. 501
18 et seq.), title XIX of the Social Security Act
19 (42 U.S.C. 1396 et seq.), or the Patient Protec-
20 tion and Affordable Care Act (Public Law 111–
21 148).

22 (C) Each State agency primarily respon-
23 sible for regulating the private possession of
24 firearms.

(D) Each State agency primarily responsible for maintaining identifying information for students enrolled at public secondary schools, including, where applicable, the State agency responsible for maintaining the education data system described in section 6201(e)(2) of the America COMPETES Act (20 U.S.C. 9871(e)(2)).

(E) In the case of a State in which an individual disenfranchised by a criminal conviction may become eligible to vote upon completion of a criminal sentence or any part thereof, or upon formal restoration of rights, the State agency responsible for administering that sentence, or part thereof, or that restoration of rights.

(F) Any other agency of the State which is designated by the State as a contributing agency, but only if the State determines that the agency collects information sufficient to carry out the responsibilities of a contributing agency under this section.

(2) FEDERAL AGENCIES.—In each State, each of the following agencies of the Federal Government shall be treated as a contributing agency, but only

1 with respect to individuals who are residents of the
2 State in which the agency is located (except as pro-
3 vided in subparagraph (C)):

4 (A) The Social Security Administration,
5 the Department of Veterans Affairs, the De-
6 fense Manpower Data Center of the Depart-
7 ment of Defense, the Employee and Training
8 Administration of the Department of Labor,
9 and the Center for Medicare & Medicaid Serv-
10 ices of the Department of Health and Human
11 Services.

12 (B) The Bureau of Citizenship and Immi-
13 gration Services, but only with respect to indi-
14 viduals who have completed the naturalization
15 process.

16 (C) In the case of an individual who is a
17 resident of a State in which an individual
18 disenfranchised by a criminal conviction under
19 Federal law may become eligible to vote upon
20 completion of a criminal sentence or any part
21 thereof, or upon formal restoration of rights,
22 the Federal agency responsible for admin-
23 istering that sentence or part thereof (without
24 regard to whether the agency is located in the
25 same State in which the individual is a resi-

1 dent), but only with respect to individuals who
2 have completed the criminal sentence or any
3 part thereof.

4 (D) Any other agency of the Federal Gov-
5 ernment which the State designates as a con-
6 tributing agency, but only if—

7 (i) the State, in consultation with the
8 head of the agency, determines that the
9 agency collects information sufficient to
10 carry out the responsibilities of a contrib-
11 uting agency under this section; and

12 (ii) the head of the agency agrees to
13 the designation.

14 (3) INSTITUTIONS OF HIGHER EDUCATION.—

15 Each institution of higher education that receives
16 Federal funds shall be treated as a contributing
17 agency in the State in which it is located, but only
18 with respect to students of the institution (including
19 students who attend classes online) who reside in the
20 State. An institution of higher education described
21 in the previous sentence shall be exempt from the
22 voter registration requirements of section 487(a)(23)
23 of the Higher Education Act of 1965 (20 U.S.C.
24 1094(a)(23)) if the institution is in compliance with
25 the applicable requirements of this Act.

1 (4) PUBLICATION.—Not later than 180 days
 2 prior to the date of each election for Federal office
 3 held in the State, the chief State election official
 4 shall publish on the public Web site of the official
 5 an updated list of all contributing agencies in that
 6 State.

7 (5) PUBLIC EDUCATION.—The chief State elec-
 8 tion official of each State, in collaboration with each
 9 contributing agency, shall take appropriate measures
 10 to educate the public about voter registration under
 11 this section.

12 **SEC. 4. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE IN**
 13 **REGISTRATION OF ELIGIBLE VOTERS IN EX-**
 14 **ISTING RECORDS.**

15 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
 16 each individual already listed in a contributing agency's
 17 records as of the date of enactment of this Act, and for
 18 whom the agency retains all information listed in subpara-
 19 graphs (A) through (J) of section 3(b)(3), the agency shall
 20 promptly transmit that information to the appropriate
 21 State election official in accordance with section 3(b)(3)
 22 not later than the effective date described in section 11(a).

23 (b) TRANSITION.—For each individual already listed
 24 in a contributing agency's records as of the effective date
 25 described in section 11(a) (but who was not already listed

1 in a contributing agency's records as of the date of enact-
 2 ment of this Act), and for whom the agency retains all
 3 information listed in subparagraphs (A) through (J) of
 4 section 3(b)(3), the Agency shall promptly transmit that
 5 information to the appropriate State election official in ac-
 6 cordance with section 3(b)(3) not later than 6 months
 7 after the effective date described in section 11(a).

8 **SEC. 5. VOTER PROTECTION AND SECURITY IN AUTOMATIC**
 9 **REGISTRATION.**

10 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—

11 An individual shall not be prosecuted under any Federal
 12 law, or adversely affected in any civil adjudication con-
 13 cerning immigration status or naturalization, or by an al-
 14 legation in any legal proceeding that an individual who
 15 is not a citizen of the United States is removable or inad-
 16 missible—

17 (1) for notifying an election official of such in-
 18 dividual's automatic registration;

19 (2) on the grounds that the individual is not an
 20 eligible voter and has been automatically registered
 21 to vote under this Act; or

22 (3) because the individual has been automati-
 23 cally registered to vote at the incorrect address.

24 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
 25 TION.—The automatic registration of any individual may

1 not be used as evidence against that individual in any
2 State or Federal law enforcement proceeding, and an indi-
3 vidual's lack of knowledge or willfulness of such registra-
4 tion may be demonstrated by the individual's testimony
5 alone.

6 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
7 ing in subsections (a) or (b) may be construed to prohibit
8 or restrict any action under color of law against an indi-
9 vidual who—

10 (1) knowingly and willfully makes a false state-
11 ment to effectuate or perpetuate automatic voter
12 registration by any individual; or

13 (2) casts a ballot knowingly and willfully in vio-
14 lation of State law or the laws of the United States.

15 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
16 FORMATION.—Nothing in this Act authorizes a contrib-
17 uting agency to collect, retain, transmit, or publicly dis-
18 close any of the following:

19 (1) An individual's decision to decline to reg-
20 ister to vote or not to register to vote.

21 (2) An individual's decision not to affirm his or
22 her citizenship.

23 (3) Any information that a contributing agency
24 transmits pursuant to section 3(b)(3), except in pur-
25 suing the agency's ordinary course of business.

1 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
2 MATION.—

3 (1) DISCLOSURE PROHIBITED.—For any indi-
4 vidual for whom the appropriate State election offi-
5 cial receives information from a contributing agency,
6 that State election official shall not publicly disclose
7 any of the following:

8 (A) The identity of the contributing agen-
9 cy.

10 (B) Any information not necessary to voter
11 registration.

12 (C) Any voter information otherwise shield-
13 ed from disclosure under State law or section
14 8(a) of the National Voter Registration Act of
15 1993 (52 U.S.C. 20507(a)).

16 (2) DISCLOSURE REQUIRING VOTER CON-
17 SENT.—For any individual for whom the appropriate
18 State election official receives information from a
19 contributing agency, that official shall not publicly
20 disclose any of the following absent the individual's
21 express permission:

22 (A) Any portion of the individual's social
23 security number.

24 (B) Any portion of the individual's motor
25 vehicle driver's license number.

1 (C) The individual's signature.

2 (D) The individual's phone number.

3 (E) The individual's e-mail address.

4 (3) VOTER RECORD CHANGES.—Each State
5 shall maintain for at least 2 years and shall make
6 available for public inspection and, where available,
7 photocopying at a reasonable cost, all records of
8 changes to voter records, including removals and up-
9 dates.

10 (4) DATABASE MANAGEMENT STANDARDS.—
11 The Director of the National Institute of Standards
12 and Technology shall—

13 (A) establish standards governing the com-
14 parison of data for voter registration list main-
15 tenance purposes, identifying as part of such
16 standards the specific data elements, the
17 matching rules used, and when a State may use
18 the data to determine and deem that an indi-
19 vidual is ineligible under State law to vote in an
20 election, or to deem a record to be a duplicate
21 or outdated;

22 (B) ensure that the standards developed
23 pursuant to this paragraph are drafted and ap-
24 plied in a uniform and nondiscriminatory way;
25 and

1 (C) publish the standards developed pursu-
2 ant to this paragraph on the Director's Web
3 site and make those standards available in writ-
4 ten form upon request.

5 (5) SECURITY POLICY.—The Director of the
6 National Institute of Standards and Technology
7 shall publish privacy and security standards for
8 voter registration information. The standards shall
9 require the chief State election official of each State
10 to adopt a policy that shall specify—

11 (A) each class of users who shall have au-
12 thorized access to the computerized statewide
13 voter registration list, specifying for each class
14 the permission and levels of access to be grant-
15 ed, and setting forth other safeguards to pro-
16 tect the privacy and security of the information
17 on the list; and

18 (B) security safeguards to protect personal
19 information transmitted through the informa-
20 tion transmittal processes of section 3 or sec-
21 tion 4, the online system used pursuant to sec-
22 tion 7, any telephone interface, the maintenance
23 of the voter registration database, and the audit
24 procedure to track access to the system.

1 (6) STATE COMPLIANCE WITH NATIONAL
2 STANDARDS.—

3 (A) CERTIFICATION.—The chief executive
4 officer of the State shall annually file with the
5 Election Assistance Commission a statement
6 certifying to the Director of the National Insti-
7 tute of Standards and Technology that the
8 State is in compliance with the standards re-
9 ferred to in paragraphs (4) and (5). A State
10 may meet the requirement of the previous sen-
11 tence by filing with the Commission a statement
12 which reads as follows: “_____ hereby
13 certifies that it is in compliance with the stand-
14 ards referred to in paragraphs (4) and (5) of
15 section 5(e) of the Automatic Voter Registra-
16 tion Act of 2016.” (with the blank to be filled
17 in with the name of the State involved).

18 (B) PUBLICATION OF POLICIES AND PRO-
19 CEDURES.—The chief State election official of a
20 State shall publish on the official’s Web site the
21 policies and procedures established under this
22 section, and shall make those policies and pro-
23 cedures available in written form upon public
24 request.

1 (C) FUNDING DEPENDENT ON CERTIFI-
2 CATION.—If a State does not timely file the cer-
3 tification required under this paragraph, it shall
4 not receive any payment under this Act for the
5 upcoming fiscal year.

6 (D) COMPLIANCE OF STATES THAT RE-
7 QUIRE CHANGES TO STATE LAW.—In the case
8 of a State that requires State legislation to
9 carry out an activity covered by any certifi-
10 cation submitted under this paragraph, the
11 State shall be permitted to make the certifi-
12 cation notwithstanding that the legislation has
13 not been enacted at the time the certification is
14 submitted, and such State shall submit an addi-
15 tional certification once such legislation is en-
16 acted.

17 (f) RESTRICTIONS ON USE OF INFORMATION.—No
18 person acting under color of law may discriminate against
19 any individual based on, or use for any purpose other than
20 voter registration, election administration, or enforcement
21 relating to election crimes, any of the following:

22 (1) Voter registration records.

23 (2) An individual's declination to register to
24 vote or complete an affirmation of citizenship under
25 section 3(b).

1 (3) An individual's voter registration status.

2 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
 3 TION INFORMATION FOR COMMERCIAL OR NON-GOVERN-
 4 MENTAL PURPOSES.—Voter registration information col-
 5 lected under this Act shall not be used for commercial pur-
 6 poses, including for comparison with any existing commer-
 7 cial list or database.

8 **SEC. 6. REGISTRATION PORTABILITY AND CORRECTION.**

9 (a) CORRECTING REGISTRATION INFORMATION AT
 10 POLLING PLACE.—Notwithstanding section 302(a) of the
 11 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
 12 an individual is registered to vote in elections for Federal
 13 office held in a State, the appropriate election official at
 14 the polling place for any such election (including a location
 15 used as a polling place on a date other than the date of
 16 the election) shall permit the individual to—

17 (1) update the individual's address for purposes
 18 of the records of the election official;

19 (2) correct any incorrect information relating to
 20 the individual, including the individual's name and
 21 political party affiliation, in the records of the elec-
 22 tion official; and

23 (3) cast a ballot in the election on the basis of
 24 the updated address or corrected information, and to
 25 have the ballot treated as a regular ballot and not

1 as a provisional ballot under section 302(a) of such
2 Act.

3 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER
4 REGISTRATION LISTS.—If an election official at the poll-
5 ing place receives an updated address or corrected infor-
6 mation from an individual under subsection (a), the offi-
7 cial shall ensure that the address or information is entered
8 into the computerized Statewide voter registration list in
9 accordance with section 303(a)(1)(A)(vi) of the Help
10 America Vote Act of 2002 (52 U.S.C.
11 21083(a)(1)(A)(vi)).

12 **SEC. 7. ONLINE REGISTRATION.**

13 (a) IN GENERAL.—Each State shall ensure that the
14 following services are available on the official public Web
15 sites of the appropriate State election officials:

16 (1) Application for or update to voter registra-
17 tion using an electronic version of the mail voter
18 registration application form the Election Assistance
19 Commission prescribes, and any additional voter reg-
20 istration form the State develops, pursuant to sec-
21 tion 6(a) of the National Voter Registration Act of
22 1993 (52 U.S.C. 20505(a)).

23 (2) Completion of a printable version of the
24 mail voter registration application form the Election
25 Assistance Commission prescribes, and any addi-

1 tional voter registration form the State develops,
2 pursuant to section 6(a) of the National Voter Reg-
3 istration Act of 1993 (52 U.S.C. 20505(a)).

4 (3) Correction of voter registration.

5 (4) Designation of political party affiliation,
6 where applicable.

7 (5) Cancellation of registration and removal
8 from the voter rolls.

9 (6) Declination of any automatic registration.

10 (b) SIGNATURE REQUIREMENTS.—The appropriate
11 State election official shall accept an online voter registra-
12 tion application and register each eligible individual to
13 vote if the application provides a signature by any of the
14 following:

15 (1) In the case of an individual who has a sig-
16 nature on file with a State agency, including the
17 State motor vehicle authority, that is required to
18 provide voter registration services by the National
19 Voter Registration Act of 1993 (52 U.S.C. 20501 et
20 seq.), the individual consents to the transfer of that
21 electronic signature.

22 (2) The individual submits with the application
23 an electronic copy of the individual's handwritten
24 signature.

1 (3) The individual executes a computerized
2 mark in the signature field on an online voter reg-
3 istration application, if the State chooses to accept
4 this method of signature provision (as well as any of
5 the other methods described in this subsection).

6 (4) The individual otherwise completes registra-
7 tion under this section and provides a signature at
8 the time of casting a ballot in an election or at the
9 time of applying for a ballot (including an absentee
10 ballot) in an upcoming election. The online system
11 and disposition notice sent to any individual pursu-
12 ant to this paragraph must inform the individual of
13 the process for providing a signature.

14 (c) INTERAGENCY TRANSMISSION OF ELECTRONIC
15 SIGNATURES.—Each State agency that is required by the
16 National Voter Registration Act of 1993 (52 U.S.C.
17 20501 et seq.) to provide voter registration services, in-
18 cluding the State motor vehicle authority, shall electroni-
19 cally transmit to the appropriate State election official the
20 signature of any individual who has a signature on file
21 with the agency and who consents to the transfer of that
22 electronic signature under subsection (b)(1).

23 (d) PRE-ELECTION CORRECTION.—Any correction to
24 the statewide voter registration database pursuant to this
25 section that is made no later than the lesser of thirty days,

1 or the period State law provides, before a Federal election
 2 shall be effective for purposes of that Federal election and
 3 succeeding elections.

4 (e) ACCESSIBILITY OF SERVICES.—Each State shall
 5 ensure that all of the services provided under this section
 6 are provided in a manner accessible to individuals with
 7 disabilities.

8 **SEC. 8. PAYMENTS AND GRANTS.**

9 (a) IN GENERAL.—The Election Assistance Commis-
 10 sion shall make grants to each eligible State to assist the
 11 State in implementing the requirements of this Act.

12 (b) ELIGIBILITY; APPLICATION.—A State is eligible
 13 to receive a grant under this section if the State submits
 14 to the Commission, at such time and in such form as the
 15 Commission may require, an application containing—

16 (1) a description of the activities the State will
 17 carry out with the grant;

18 (2) an assurance that the State shall carry out
 19 such activities without partisan bias and without
 20 promoting any particular point of view regarding
 21 any issue; and

22 (3) such other information and assurances as
 23 the Commission may require.

24 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
 25 sion shall determine the amount of a grant made to an

1 eligible State under this section. In determining the
 2 amount of the grants, the Commission shall give priority
 3 to providing funds for those activities which are most like-
 4 ly to accelerate compliance with the requirements of this
 5 Act, including—

6 (1) investments supporting electronic informa-
 7 tion transfer, including electronic collection and
 8 transfer of signatures, between contributing agencies
 9 and the appropriate State election officials;

10 (2) updates to online or electronic voter reg-
 11 istration systems already operating as of the date of
 12 the enactment of this Act;

13 (3) introduction of online voter registration sys-
 14 tems in jurisdictions in which those systems did not
 15 previously exist; and

16 (4) public education on the availability of new
 17 methods of registering to vote, updating registration,
 18 and correcting registration.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) AUTHORIZATION.—There are authorized to
 21 be appropriated to carry out this section—

22 (A) \$500,000,000 for fiscal year 2017; and

23 (B) such sums as may be necessary for
 24 each succeeding fiscal year.

1 (2) CONTINUING AVAILABILITY OF FUNDS.—

2 Any amounts appropriated pursuant to the authority
3 of this subsection shall remain available without fis-
4 cal year limitation until expended.

5 **SEC. 9. MISCELLANEOUS PROVISIONS.**

6 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—

7 Each contributing agency shall ensure that the services
8 it provides under this Act are made available to individuals
9 with disabilities to the same extent as services are made
10 available to all other individuals.

11 (b) TRANSMISSION THROUGH SECURE THIRD PARTY

12 PERMITTED.—Nothing in this Act shall be construed to
13 prevent a contributing agency from contracting with a
14 third party to assist the agency in meeting the information
15 transmittal requirements of this Act, so long as the data
16 transmittal complies with the applicable requirements of
17 this Act, including the privacy and security provisions of
18 section 5.

19 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION

20 OF SERVICES.—The services made available by contrib-
21 uting agencies under this Act and by the State under sec-
22 tions 6 and 7 shall be made in a manner consistent with
23 paragraphs (4), (5), and (6)(C) of section 7(a) of the Na-
24 tional Voter Registration Act of 1993 (52 U.S.C.
25 20506(a)).

1 (d) NOTICES.—Each State may send notices under
2 this Act via electronic mail if the individual has provided
3 an electronic mail address and consented to electronic mail
4 communications for election-related materials. All notices
5 sent pursuant to this Act that require a response must
6 offer the individual notified the opportunity to respond at
7 no cost to the individual.

8 (e) ENFORCEMENT.—Section 11 of the National
9 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
10 ing to civil enforcement and the availability of private
11 rights of action, shall apply with respect to this Act in
12 the same manner as such section applies to such Act.

13 (f) RELATION TO OTHER LAWS.—Except as pro-
14 vided, nothing in this Act may be construed to authorize
15 or require conduct prohibited under, or to supersede, re-
16 strict, or limit the application of, any preexisting State
17 or Federal law, including any of the following:

18 (1) Any State law governing the assessment of
19 applications for voter registration by State election
20 officials.

21 (2) The Voting Rights Act of 1965 (52 U.S.C.
22 10301 et seq.).

23 (3) The Uniformed and Overseas Citizens Ab-
24 sentee Voting Act (52 U.S.C. 20301 et seq.).

1 (4) The National Voter Registration Act of
2 1993 (52 U.S.C. 20501 et seq.).

3 (5) The Help America Vote Act of 2002 (52
4 U.S.C. 20901 et seq.).

5 **SEC. 10. DEFINITIONS.**

6 In this Act, the following definitions apply:

7 (1) The term “chief State election official”
8 means, with respect to a State, the individual des-
9 ignated by the State under section 10 of the Na-
10 tional Voter Registration Act of 1993 (52 U.S.C.
11 20509) to be responsible for coordination of the
12 State’s responsibilities under such Act.

13 (2) The term “Commission” means the Election
14 Assistance Commission.

15 (3) The term “State” means each of the several
16 States and the District of Columbia.

17 **SEC. 11. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), this Act and the amendments made by this Act shall
20 apply with respect to a State beginning January 1, 2019.

21 (b) WAIVER.—Subject to the approval of the Com-
22 mission, if a State certifies to the Commission that the
23 State will not meet the deadline referred to in subsection
24 (a) because of extraordinary circumstances and includes
25 in the certification the reasons for the failure to meet the

1 deadline, subsection (a) shall apply to the State as if the
2 reference in such subsection to “January 1, 2019” were
3 a reference to “January 1, 2021”.

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