

116TH CONGRESS
1ST SESSION

H. R. 1573

To amend the Help America Vote Act of 2002 to promote access to voter registration and voting for individuals with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2019

Ms. SCANLON (for herself and Mr. SARBANES) 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 access to voter registration and voting for individuals with disabilities, 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 “Disability Voting
5 Rights Act”.

1 **SEC. 2. REQUIREMENTS FOR STATES TO PROMOTE ACCESS**
2 **TO VOTER REGISTRATION AND VOTING FOR**
3 **INDIVIDUALS WITH DISABILITIES.**

4 (a) REQUIREMENTS.—Subtitle A of title III of the
5 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)
6 is amended—

7 (1) by redesignating sections 304 and 305 as
8 sections 305 and 306; and

9 (2) by inserting after section 303 the following
10 new section:

11 **“SEC. 304. ACCESS TO VOTER REGISTRATION AND VOTING**
12 **FOR INDIVIDUALS WITH DISABILITIES.**

13 “(a) TREATMENT OF APPLICATIONS AND BAL-
14 LOTS.—Each State shall—

15 “(1) permit individuals with disabilities to use
16 absentee registration procedures and to vote by ab-
17 sentee ballot in elections for Federal office;

18 “(2) accept and process, with respect to any
19 election for Federal office, any otherwise valid voter
20 registration application and absentee ballot applica-
21 tion from an individual with a disability if the appli-
22 cation is received by the appropriate State election
23 official not less than 30 days before the election;

24 “(3) in addition to any other method of reg-
25 istering to vote or applying for an absentee ballot in
26 the State, establish procedures—

1 “(A) for individuals with disabilities to re-
2 quest by mail and electronically voter registra-
3 tion applications and absentee ballot applica-
4 tions with respect to elections for Federal office
5 in accordance with subsection (c);

6 “(B) for States to send by mail and elec-
7 tronically (in accordance with the preferred
8 method of transmission designated by the indi-
9 vidual under subparagraph (C)) voter registra-
10 tion applications and absentee ballot applica-
11 tions requested under subparagraph (A) in ac-
12 cordance with subsection (c); and

13 “(C) by which such an individual can des-
14 ignate whether the individual prefers that such
15 voter registration application or absentee ballot
16 application be transmitted by mail or electroni-
17 cally;

18 “(4) in addition to any other method of trans-
19 mitting blank absentee ballots in the State, establish
20 procedures for transmitting by mail and electroni-
21 cally blank absentee ballots to individuals with dis-
22 abilities with respect to elections for Federal office
23 in accordance with subsection (d);

24 “(5) transmit a validly requested absentee bal-
25 lot to an individual with a disability—

1 “(A) except as provided in subsection (e),
2 in the case in which the request is received at
3 least 45 days before an election for Federal of-
4 fice, not later than 45 days before the election;
5 and

6 “(B) in the case in which the request is re-
7 ceived less than 45 days before an election for
8 Federal office—

9 “(i) in accordance with State law; and

10 “(ii) if practicable and as determined
11 appropriate by the State, in a manner that
12 expedites the transmission of such absen-
13 tee ballot; and

14 “(6) if the State declares or otherwise holds a
15 runoff election for Federal office, establish a written
16 plan that provides absentee ballots are made avail-
17 able to individuals with disabilities in a manner that
18 gives them sufficient time to vote in the runoff elec-
19 tion.

20 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
21 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
22 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS
23 IN STATE.—Each State shall designate a single office
24 which shall be responsible for providing information re-
25 garding voter registration procedures and absentee ballot

1 procedures to be used by individuals with disabilities with
2 respect to elections for Federal office to all individuals
3 with disabilities who wish to register to vote or vote in
4 any jurisdiction in the State.

5 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
6 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
7 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
8 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
9 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
10 INFORMATION.—

11 “(1) IN GENERAL.—Each State shall, in addi-
12 tion to the designation of a single State office under
13 subsection (b), designate not less than 1 means of
14 electronic communication—

15 “(A) for use by individuals with disabilities
16 who wish to register to vote or vote in any ju-
17 risdiction in the State to request voter registra-
18 tion applications and absentee ballot applica-
19 tions under subsection (a)(3);

20 “(B) for use by States to send voter reg-
21 istration applications and absentee ballot appli-
22 cations requested under such subsection; and

23 “(C) for the purpose of providing related
24 voting, balloting, and election information to in-
25 dividuals with disabilities.

1 “(2) CLARIFICATION REGARDING PROVISION OF
2 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
3 TION.—A State may, in addition to the means of
4 electronic communication so designated, provide
5 multiple means of electronic communication to indi-
6 viduals with disabilities, including a means of elec-
7 tronic communication for the appropriate jurisdic-
8 tion of the State.

9 “(3) INCLUSION OF DESIGNATED MEANS OF
10 ELECTRONIC COMMUNICATION WITH INFORMA-
11 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
12 COMPANY BALLOTING MATERIALS.—Each State shall
13 include a means of electronic communication so des-
14 ignated with all informational and instructional ma-
15 terials that accompany balloting materials sent by
16 the State to individuals with disabilities.

17 “(4) TRANSMISSION IF NO PREFERENCE INDI-
18 CATED.—In the case where an individual with a dis-
19 ability does not designate a preference under sub-
20 section (a)(3)(C), the State shall transmit the voter
21 registration application or absentee ballot application
22 by any delivery method allowable in accordance with
23 applicable State law, or if there is no applicable
24 State law, by mail.

1 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
2 BY MAIL AND ELECTRONICALLY.—

3 “(1) IN GENERAL.—Each State shall establish
4 procedures—

5 “(A) to securely transmit blank absentee
6 ballots by mail and electronically (in accordance
7 with the preferred method of transmission des-
8 ignated by the individual with a disability under
9 subparagraph (B)) to individuals with disabil-
10 ities for an election for Federal office; and

11 “(B) by which the individual with a dis-
12 ability can designate whether the individual pre-
13 fers that such blank absentee ballot be trans-
14 mitted by mail or electronically.

15 “(2) TRANSMISSION IF NO PREFERENCE INDI-
16 CATED.—In the case where an individual with a dis-
17 ability does not designate a preference under para-
18 graph (1)(B), the State shall transmit the ballot by
19 any delivery method allowable in accordance with ap-
20 plicable State law, or if there is no applicable State
21 law, by mail.

22 “(3) APPLICATION OF METHODS TO TRACK DE-
23 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL
24 REQUESTING BALLOT.—Under the procedures estab-
25 lished under paragraph (1), the State shall apply

1 such methods as the State considers appropriate,
2 such as assigning a unique identifier to the ballot,
3 to ensure that if an individual with a disability re-
4 quests the State to transmit a blank absentee ballot
5 to the individual in accordance with this subsection,
6 the voted absentee ballot which is returned by the
7 individual is the same blank absentee ballot which
8 the State transmitted to the individual.

9 “(e) HARDSHIP EXEMPTION.—

10 “(1) IN GENERAL.—If the chief State election
11 official determines that the State is unable to meet
12 the requirement under subsection (a)(5)(A) with re-
13 spect to an election for Federal office due to an
14 undue hardship described in paragraph (2)(B), the
15 chief State election official shall request that the At-
16 torney General grant a waiver to the State of the
17 application of such subsection. Such request shall in-
18 clude—

19 “(A) a recognition that the purpose of
20 such subsection is to individuals with disabil-
21 ities enough time to vote in an election for Fed-
22 eral office;

23 “(B) an explanation of the hardship that
24 indicates why the State is unable to transmit

1 such individuals an absentee ballot in accord-
2 ance with such subsection;

3 “(C) the number of days prior to the elec-
4 tion for Federal office that the State requires
5 absentee ballots be transmitted to such individ-
6 uals; and

7 “(D) a comprehensive plan to ensure that
8 such individuals are able to receive absentee
9 ballots which they have requested and submit
10 marked absentee ballots to the appropriate
11 State election official in time to have that ballot
12 counted in the election for Federal office, which
13 includes—

14 “(i) the steps the State will undertake
15 to ensure that such individuals have time
16 to receive, mark, and submit their ballots
17 in time to have those ballots counted in the
18 election;

19 “(ii) why the plan provides such indi-
20 viduals sufficient time to vote as a sub-
21 stitute for the requirements under such
22 subsection; and

23 “(iii) the underlying factual informa-
24 tion which explains how the plan provides

1 such sufficient time to vote as a substitute
2 for such requirements.

3 “(2) APPROVAL OF WAIVER REQUEST.—The
4 Attorney General shall approve a waiver request
5 under paragraph (1) if the Attorney General deter-
6 mines each of the following requirements are met:

7 “(A) The comprehensive plan under sub-
8 paragraph (D) of such paragraph provides indi-
9 viduals with disabilities sufficient time to re-
10 ceive absentee ballots they have requested and
11 submit marked absentee ballots to the appro-
12 priate State election official in time to have that
13 ballot counted in the election for Federal office.

14 “(B) One or more of the following issues
15 creates an undue hardship for the State:

16 “(i) The State’s primary election date
17 prohibits the State from complying with
18 subsection (a)(5)(A).

19 “(ii) The State has suffered a delay in
20 generating ballots due to a legal contest.

21 “(iii) The State Constitution prohibits
22 the State from complying with such sub-
23 section.

24 “(3) TIMING OF WAIVER.—

1 “(A) IN GENERAL.—Except as provided
2 under subparagraph (B), a State that requests
3 a waiver under paragraph (1) shall submit to
4 the Attorney General the written waiver request
5 not later than 90 days before the election for
6 Federal office with respect to which the request
7 is submitted. The Attorney General shall ap-
8 prove or deny the waiver request not later than
9 65 days before such election.

10 “(B) EXCEPTION.—If a State requests a
11 waiver under paragraph (1) as the result of an
12 undue hardship described in paragraph
13 (2)(B)(ii), the State shall submit to the Attor-
14 ney General the written waiver request as soon
15 as practicable. The Attorney General shall ap-
16 prove or deny the waiver request not later than
17 5 business days after the date on which the re-
18 quest is received.

19 “(4) APPLICATION OF WAIVER.—A waiver ap-
20 proved under paragraph (2) shall only apply with re-
21 spect to the election for Federal office for which the
22 request was submitted. For each subsequent election
23 for Federal office, the Attorney General shall only
24 approve a waiver if the State has submitted a re-

1 quest under paragraph (1) with respect to such elec-
2 tion.

3 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to allow the marking or casting of
5 ballots over the internet.

6 “(g) INDIVIDUAL WITH A DISABILITY DEFINED.—
7 In this section, an ‘individual with a disability’ means an
8 individual with an impairment that substantially limits
9 any major life activities and who is otherwise qualified to
10 vote in elections for Federal office.

11 “(h) EFFECTIVE DATE.—This section shall apply
12 with respect to elections for Federal office held on or after
13 January 1, 2020.”.

14 (b) CONFORMING AMENDMENT RELATING TO
15 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
16 SISTANCE COMMISSION.—Section 311(b) of such Act (52
17 U.S.C. 21101(b)) is amended—

18 (1) by striking “and” at the end of paragraph

19 (2);

20 (2) by striking the period at the end of para-
21 graph (3) and inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(4) in the case of the recommendations with
25 respect to section 304, January 1, 2020.”.

1 (c) CONFORMING AMENDMENT RELATING TO EN-
 2 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
 3 is amended by striking “sections 301, 302, and 303” and
 4 inserting “subtitle A of title III”.

5 (d) CLERICAL AMENDMENT.—The table of contents
 6 of such Act is amended—

7 (1) by redesignating the items relating to sec-
 8 tions 304 and 305 as relating to sections 305 and
 9 306; and

10 (2) by inserting after the item relating to sec-
 11 tion 303 the following new item:

“Sec. 304. Access to voter registration and voting for individuals with disabili-
 ties.”.

12 **SEC. 3. EXPANSION AND REAUTHORIZATION OF GRANT**
 13 **PROGRAM TO ASSURE VOTING ACCESS FOR**
 14 **INDIVIDUALS WITH DISABILITIES.**

15 (a) PURPOSES OF PAYMENTS.—Section 261(b) of the
 16 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
 17 amended by striking paragraphs (1) and (2) and inserting
 18 the following:

19 “(1) making absentee voting and voting at
 20 home accessible to individuals with the full range of
 21 disabilities (including impairments involving vision,
 22 hearing, mobility, or dexterity) through the imple-
 23 mentation of accessible absentee voting systems that
 24 work in conjunction with assistive technologies for

1 which individuals have access at their homes, inde-
2 pendent living centers, or other facilities;

3 “(2) making polling places, including the path
4 of travel, entrances, exits, and voting areas of each
5 polling facility, accessible to individuals with disabil-
6 ities, including the blind and visually impaired, in a
7 manner that provides the same opportunity for ac-
8 cess and participation (including privacy and inde-
9 pendence) as for other voters; and

10 “(3) providing solutions to problems of access
11 to voting and elections for individuals with disabil-
12 ities that are universally designed and provide the
13 same opportunities for individuals with and without
14 disabilities.”.

15 (b) REAUTHORIZATION.—Section 264(a) of such Act
16 (52 U.S.C. 21024(a)) is amended by adding at the end
17 the following new paragraph:

18 “(4) For fiscal year 2020 and each succeeding
19 fiscal year, such sums as may be necessary to carry
20 out this part.”.

21 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
22 264 of such Act (52 U.S.C. 21024) is amended—

23 (1) in subsection (b), by striking “Any
24 amounts” and inserting “Except as provided in sub-
25 section (b), any amounts”; and

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

3 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

4 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
5 ITURE.—In the case of any amounts appropriated
6 pursuant to the authority of subsection (a) for a
7 payment to a State or unit of local government for
8 fiscal year 2020 or any succeeding fiscal year, any
9 portion of such amounts which have not been obli-
10 gated or expended by the State or unit of local gov-
11 ernment prior to the expiration of the 4-year period
12 which begins on the date the State or unit of local
13 government first received the amounts shall be
14 transferred to the Commission.

15 “(2) REALLOCATION OF TRANSFERRED
16 AMOUNTS.—

17 “(A) IN GENERAL.—The Commission shall
18 use the amounts transferred under paragraph
19 (1) to make payments on a pro rata basis to
20 each covered payment recipient described in
21 subparagraph (B), which may obligate and ex-
22 pend such payment for the purposes described
23 in section 261(b) during the 1-year period
24 which begins on the date of receipt.

1 “(B) COVERED PAYMENT RECIPIENTS DE-
2 SCRIBED.—In subparagraph (A), a ‘covered
3 payment recipient’ is a State or unit of local
4 government with respect to which—

5 “(i) amounts were appropriated pur-
6 suant to the authority of subsection (a);
7 and

8 “(ii) no amounts were transferred to
9 the Commission under paragraph (1).”.

○