

Sec.
PART C—STUDIES AND OTHER ACTIVITIES TO PROMOTE
EFFECTIVE ADMINISTRATION OF FEDERAL ELECTIONS

20981. Periodic studies of election administration issues.
20982. Study, report, and recommendations on best practices for facilitating military and overseas voting.
20983. Report on human factor research.
20984. Study and report on voters who register by mail and use of Social Security information.
20985. Study and report on electronic voting and the electoral process.
20986. Study and report on free absentee ballot postage.
20987. Consultation with Standards Board and Board of Advisors.

PART D—ELECTION ASSISTANCE

SUBPART 1—REQUIREMENTS PAYMENTS

21001. Requirements payments.
21002. Allocation of funds.
21003. Condition for receipt of funds.
21004. State plan.
21005. Process for development and filing of plan; publication by Commission.
21006. Requirement for public notice and comment.
21007. Authorization of appropriations.
21008. Reports.

SUBPART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES

21021. Payments to States and units of local government to assure access for individuals with disabilities.
21022. Amount of payment.
21023. Requirements for eligibility.
21024. Authorization of appropriations.
21025. Reports.

SUBPART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

21041. Grants for research on voting technology improvements.
21042. Report.
21043. Authorization of appropriations.

SUBPART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

21051. Pilot program.
21052. Report.
21053. Authorization of appropriations.

SUBPART 5—PROTECTION AND ADVOCACY SYSTEMS

21061. Payments for protection and advocacy systems.
21062. Authorization of appropriations.

SUBPART 6—NATIONAL STUDENT AND PARENT MOCK ELECTION

21071. National Student and Parent Mock Election.
21072. Authorization of appropriations.

SUBCHAPTER III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

PART A—REQUIREMENTS

21081. Voting systems standards.
21082. Provisional voting and voting information requirements.
21083. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- 21083a. Access for congressional election observers.

- Sec.
21084. Minimum requirements.
21085. Methods of implementation left to discretion of State.

PART B—VOLUNTARY GUIDANCE

21101. Adoption of voluntary guidance by Commission.
21102. Process for adoption.

SUBCHAPTER IV—ENFORCEMENT

21111. Actions by the Attorney General for declaratory and injunctive relief.
21112. Establishment of State-based administrative complaint procedures to remedy grievances.

SUBCHAPTER V—HELP AMERICA VOTE COLLEGE PROGRAM

21121. Establishment of program.
21122. Activities under Program.
21123. Authorization of appropriations.

SUBCHAPTER VI—TRANSFER TO COMMISSION OF FUNCTIONS UNDER CERTAIN LAWS

21131. Transfer of functions of Office of Election Administration of Federal Election Commission.
21132. Transfer of functions.
21133. Transfer of property, records, and personnel.
21134. Effective date; transition.

SUBCHAPTER VII—MISCELLANEOUS PROVISIONS

21141. "State" defined.
21142. Audits and repayment of funds.
21143. Review and report on adequacy of existing electoral fraud statutes and penalties.
21144. Other criminal penalties.
21145. No effect on other laws.

SUBCHAPTER I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

§ 20901. Payments to States for activities to improve administration of elections

(a) In general

Not later than 45 days after October 29, 2002, the Administrator of General Services (in this subchapter referred to as the "Administrator") shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after October 29, 2002, that the State intends to use the payment in accordance with this section.

(b) Use of payment

(1) In general

A State shall use the funds provided under a payment made under this section to carry out one or more of the following activities:

- (A) Complying with the requirements under subchapter III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the State plan for requirements payments to be submitted under subpart 1 of part D of subchapter II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) Limitation

A State may not use the funds provided under a payment made under this section—

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) Use of funds to be consistent with other laws and requirements

In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that—

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 21145 of this title, as such laws relate to the provisions of this chapter; and

(2) the proposed uses of the funds are not inconsistent with the requirements of subchapter III.

(d) Amount of payment

(1) In general

Subject to section 20903(b) of this title, the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

(2) Minimum payment amount

The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such aggregate amount.

(3) Voting age population proportion amount

The voting age population proportion amount described in this paragraph is the product of—

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment

amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) Voting age population proportion defined

The term “voting age population proportion” means, with respect to a State, the amount equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

(Pub. L. 107-252, title I, §101, Oct. 29, 2002, 116 Stat. 1668.)

Editorial Notes

REFERENCES IN TEXT

Subchapter III, referred to in subsecs. (b)(1)(A) and (c)(2), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which enacted subchapter III of this chapter and amended section 405 of Title 42, The Public Health and Welfare. For complete classification of title III to the Code, see Tables.

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15301 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20902. Replacement of punch card or lever voting machines

(a) Establishment of program

(1) In general

Not later than 45 days after October 29, 2002, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a “qualifying precinct”).

(2) Use of funds

A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 21145 of this title; and

(C) meets the requirements of section 21081 of this title.