

**(2) Exception for criminal acts**

Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

(Pub. L. 107-252, title II, §254, Oct. 29, 2002, 116 Stat. 1694; Pub. L. 111-84, div. A, title V, §588(b)(1)(A), Oct. 28, 2009, 123 Stat. 2333; Pub. L. 112-74, div. C, title VI, §622(3), (4), Dec. 23, 2011, 125 Stat. 927.)

**Editorial Notes**

## REFERENCES IN TEXT

Subchapter III, referred to in subsec. (a)(1), (3), (6)(A), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

The Military and Overseas Voter Empowerment Act, referred to in subsec. (a)(14), is subtitle H (§§575-589) of title V of div. A of Pub. L. 111-84, Oct. 28, 2009, 123 Stat. 2318. For complete classification of this Act 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 15404 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2011—Subsec. (a)(11). Pub. L. 112-74 inserted “notice of” before “the change” in introductory provisions and subpar. (C).

2009—Subsec. (a)(14). Pub. L. 111-84 added par. (14).

**§ 21005. Process for development and filing of plan; publication by Commission****(a) In general**

The chief State election official shall develop the State plan under this part through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

**(b) Publication of plan by Commission**

After receiving the State plan of a State under this part, the Commission shall cause to have the plan posted on the Commission’s website with a notice published in the Federal Register.

(Pub. L. 107-252, title II, §255, Oct. 29, 2002, 116 Stat. 1697; Pub. L. 112-74, div. C, title VI, §622(1), Dec. 23, 2011, 125 Stat. 926.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 15405 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2011—Subsec. (b). Pub. L. 112-74 inserted “posted on the Commission’s website with a notice” after “cause to have the plan”.

**§ 21006. Requirement for public notice and comment**

For purposes of section 21001(a)(1)(C)<sup>1</sup> of this title, a State plan meets the public notice and comment requirements of this section if—

(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

(Pub. L. 107-252, title II, §256, Oct. 29, 2002, 116 Stat. 1697.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 21001(a)(1)(C) of this title, referred to in text, probably should be a reference to section 21003(b)(1)(C) of this title because there is no subsec. (a)(1)(C) in section 21001 and subsec. (b)(1)(C) of section 21003 relates to public notice and comment requirements of section 21006 of this title.

## CODIFICATION

Section was formerly classified to section 15406 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21007. Authorization of appropriations****(a) In general**

In addition to amounts transferred under section 20904(c) of this title, there are authorized to be appropriated for requirements payments under this subpart the following amounts:

(1) For fiscal year 2003, \$1,400,000,000.

(2) For fiscal year 2004, \$1,000,000,000.

(3) For fiscal year 2005, \$600,000,000.

(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 21001(b)(3) of this title.

**(b) Availability**

Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

(Pub. L. 107-252, title II, §257, Oct. 29, 2002, 116 Stat. 1697; Pub. L. 111-84, div. A, title V, §588(c), Oct. 28, 2009, 123 Stat. 2334.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 15407 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111-84 added par. (4).

**§ 21008. Reports**

Not later than 6 months after the end of each fiscal year for which a State received a require-

<sup>1</sup> See References in Text note below.

ments payment under this subpart, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 21001(b) of this title;

(2) the number and type of articles of voting equipment obtained with the funds; and

(3) an analysis and description of the activities funded under this subpart to meet the requirements of this chapter and an analysis and description of how such activities conform to the State plan under section 21004 of this title.

(Pub. L. 107-252, title II, §258, Oct. 29, 2002, 116 Stat. 1697.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in par. (3), 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 15408 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### 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

#### (a) In general

The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 21023 of this title).

#### (b) Use of funds

An eligible State and eligible unit of local government shall use the payment received under this subpart for—

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

#### (c) Schedule of payments

As soon as practicable after October 29, 2002 (but in no event later than 6 months thereafter),

and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this subpart.

(Pub. L. 107-252, title II, §261, Oct. 29, 2002, 116 Stat. 1698.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 15421 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21022. Amount of payment

#### (a) In general

The amount of a payment made to an eligible State or an eligible unit of local government for a year under this subpart shall be determined by the Secretary.

#### (b) Continuing availability of funds after appropriation

A payment made to an eligible State or eligible unit of local government under this subpart shall be available without fiscal year limitation.

(Pub. L. 107-252, title II, §262, Oct. 29, 2002, 116 Stat. 1698.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 15422 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 21023. Requirements for eligibility

#### (a) Application

Each State or unit of local government that desires to receive a payment under this subpart for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

#### (b) Contents of application

Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this subpart.

#### (c) Protection against actions based on information in application

##### (1) In general

No action may be brought under this chapter against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

##### (2) Exception for criminal acts

Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

(Pub. L. 107-252, title II, §263, Oct. 29, 2002, 116 Stat. 1698.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29,