

in order to avoid the additional identification requirements upon voting for the first time.

(B) Incomplete forms

If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

(5) Construction

Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [now 52 U.S.C. 20501 et seq.] before October 29, 2002, to comply with such a provision after October 29, 2002.

(c) Permitted use of last 4 digits of social security numbers

The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) Effective date

(1) Computerized statewide voter registration list requirements

(A) In general

Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) Waiver

If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to “January 1, 2004” were a reference to “January 1, 2006”.

(2) Requirement for voters who register by mail

(A) In general

Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) Applicability with respect to individuals

The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

(Pub. L. 107–252, title III, §303, Oct. 29, 2002, 116 Stat. 1708.)

Editorial Notes

REFERENCES IN TEXT

The National Voter Registration Act of 1993, referred to in subsecs. (a)(2)(A)(i), (4)(A) and (b)(5), is Pub. L. 103–31, May 20, 1993, 107 Stat. 77, which is classified principally to chapter 205 (§20501 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Par. (8) of section 405(r) of title 42, referred to in subsec. (a)(5)(B)(ii), was redesignated par. (9) of section 405(r) by Pub. L. 116–260, div. FF, title VIII, §801(a)(4), Dec. 27, 2020, 134 Stat. 3202.

Section 7 of the Privacy Act of 1974, referred to in subsecs. (a)(5)(D) and (c), is section 7 of Pub. L. 93–579, which is set out as a note under section 552a of Title 5, Government Organization and Employees.

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (b)(3)(C)(i), is Pub. L. 99–410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to chapter 203 (§20301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15483 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 303 of Pub. L. 107–252. Subsec. (a)(5)(C) of section 303 of Pub. L. 107–252 amended section 405 of Title 42, The Public Health and Welfare.

§ 21083a. Access for congressional election observers

(a) Finding of constitutional authority

Congress finds that, regardless of legislative action, it has the authority to send congressional election observers to observe polling locations, any location where processing, scanning, tabulating, canvassing, recounting, auditing, or certifying voting results is occurring, or any other part of the process associated with elections for Federal office under the authorities granted under article 1, section 5, clause 1 and article 1, section 4, clause 1 of the Constitution of the United States. Procedures described herein do not establish any new authorities or procedures with respect to Congress’ constitutional authority to observe congressional elections but are provided simply to permit a convenient statutory reference for existing congressional authority and activity.

(b) Requiring States to provide access for observers

(1) Requirement

A State shall provide each individual who is acting as a designated congressional election observer for an election for Federal office with full access to clearly observe all elements of election administration procedures, including, but not limited to, access to any area in which a ballot is cast, processed, scanned, tabulated, canvassed, recounted, audited, or certified, including during pre- and post-election procedures.

(2) Restrictions on activities of observers

No designated congressional election observer may handle a ballot or election equipment (whether voting or nonvoting or whether tabulating or nontabulating), advocate for any position or candidate, take any action to re-

duce ballot secrecy or voter privacy, take any action to interfere with the ability of a voter to cast a ballot or an election administrator to carry the administrator's duties, or otherwise interfere with the election administration process.

(3) Rule of construction

Nothing in this section shall prohibit a designated congressional election observer from asking questions of an election administrator, election official, or election worker, or any other State or local official.

(c) Conduct of observers

(1) Removal

(A) Authorization removal by election official

If a State or local election official has a reasonable basis to believe that a designated congressional election observer has engaged in or imminently will engage in intimidation or deceptive practices prohibited by Federal law, or in the disruption of voting, processing, scanning, tabulating, canvassing, or recounting of ballots, or the certification of results, a State or local election official may remove that observer from the area involved.

(B) Notice to Committee

If a designated congressional election observer is removed from an area under subparagraph (A), the election official shall, within 24 hours of the observer's removal—

- (i) inform the chair and ranking minority member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, as applicable; and
- (ii) provide written notice detailing the reason or reasons the designated congressional election observer was removed.

(2) Rule of construction

For purposes of this subsection, the mere presence of a designated congressional election observer during an observation of election administration procedures, without any additional indicia supporting a reasonable basis for removal, is not a sufficient reason for removal under paragraph (1)(A).

(3) Right to replace observer

If a designated congressional election observer is properly removed under paragraph (1)(A), the chair or ranking minority member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, as appropriate, may send another designated congressional election observer as a replacement for the remaining duration of the observation of election administration procedures.

(d) Designated congressional election observer described

In this section, a “designated congressional election observer” is a House or Senate employee who is designated in writing by the chair or ranking minority member of the Committee

on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, or a successor committee, to gather information with respect to an election, including in the event that the election is contested in the House of Representatives or the Senate and for other purposes permitted by article 1, section 5, clause 1 and article 1, section 4, clause 1 of the Constitution of the United States.

(e) State defined

In this section, the term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 107-252, title III, §304, as added Pub. L. 118-106, §2(a)(2), Oct. 4, 2024, 138 Stat. 1591.)

Editorial Notes

PRIOR PROVISIONS

A prior section 304 of Pub. L. 107-252 was renumbered section 305 and is classified to section 21084 of this title.

§ 21084. Minimum requirements

The requirements established by this subchapter are minimum requirements and nothing in this subchapter shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this subchapter so long as such State requirements are not inconsistent with the Federal requirements under this subchapter or any law described in section 21145 of this title.

(Pub. L. 107-252, title III, §305, formerly §304, Oct. 29, 2002, 116 Stat. 1714; renumbered §305, Pub. L. 118-106, §2(a)(1), Oct. 4, 2024, 138 Stat. 1591.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15484 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 305 of Pub. L. 107-252 was renumbered section 306 and is classified to section 21085 of this title.

§ 21085. Methods of implementation left to discretion of State

The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.

(Pub. L. 107-252, title III, §306, formerly §305, Oct. 29, 2002, 116 Stat. 1714; renumbered §306, Pub. L. 118-106, §2(a)(1), Oct. 4, 2024, 138 Stat. 1591.)