

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.)

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 15485 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART B—VOLUNTARY GUIDANCE

§ 21101. Adoption of voluntary guidance by Commission**(a) In general**

To assist States in meeting the requirements of part A of this subchapter, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 21102 of this title.

(b) Deadlines

The Commission shall adopt the recommendations under this section not later than—

- (1) in the case of the recommendations with respect to section 21081 of this title, January 1, 2004;
- (2) in the case of the recommendations with respect to section 21082 of this title, October 1, 2003; and
- (3) in the case of the recommendations with respect to section 21083 of this title, October 1, 2003.

(c) Quadrennial update

The Commission shall review and update recommendations adopted with respect to section 21081 of this title no less frequently than once every 4 years.

(Pub. L. 107-252, title III, §311, Oct. 29, 2002, 116 Stat. 1715.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 15501 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21102. Process for adoption

The adoption of the voluntary guidance under this part shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed recommendations in the Federal Register.
- (2) An opportunity for public comment on the proposed recommendations.
- (3) An opportunity for a public hearing on the record.
- (4) Publication of the final recommendations in the Federal Register.

(Pub. L. 107-252, title III, §312, Oct. 29, 2002, 116 Stat. 1715.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 15502 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER IV—ENFORCEMENT

§ 21111. Actions by the Attorney General for declaratory and injunctive relief

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and non-discriminatory election technology and administration requirements under sections 21081, 21082, 21083, and 21083a of this title.

(Pub. L. 107-252, title IV, §401, Oct. 29, 2002, 116 Stat. 1715; Pub. L. 118-106, §2(b), Oct. 4, 2024, 138 Stat. 1593.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 15511 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2024—Pub. L. 118-106 substituted “21083, and 21083a” for “and 21083”.

§ 21112. Establishment of State-based administrative complaint procedures to remedy grievances**(a) Establishment of State-based administrative complaint procedures to remedy grievances****(1) Establishment of procedures as condition of receiving funds**

If a State receives any payment under a program under this chapter, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) Requirements for procedures

The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of subchapter III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior