

117TH CONGRESS
1ST SESSION

S. _____

To expand Americans' access to the ballot box and reduce the influence of big money in politics, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. KLOBUCHAR (for herself, Mr. KAINE, Mr. KING, Mr. MANCHIN, Mr. MERKLEY, Mr. PADILLA, Mr. TESTER, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To expand Americans' access to the ballot box and reduce the influence of big money in politics, 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 "Freedom to Vote Act".

5 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
6 **CONTENTS.**

7 (a) DIVISIONS.—This Act is organized into divisions
8 as follows:

9 (1) Division A—Voter Access.

1 (2) Division B—Election Integrity.

2 (3) Division C—Civic Participation and Em-
3 powerment.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Findings of general constitutional authority.

Sec. 4. Standards for judicial review.

DIVISION A—VOTER ACCESS

TITLE I—ELECTION MODERNIZATION AND ADMINISTRATION

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—AUTOMATIC VOTER REGISTRATION

Sec. 1001. Short title; findings and purpose.

Sec. 1002. Automatic registration of eligible individuals.

Sec. 1003. Voter protection and security in automatic registration.

Sec. 1004. Payments and grants.

Sec. 1005. Miscellaneous provisions.

Sec. 1006. Definitions.

Sec. 1007. Effective date.

PART 2—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

Sec. 1011. Election day as legal public holiday.

PART 3—PROMOTING INTERNET REGISTRATION

Sec. 1021. Requiring availability of internet for voter registration.

Sec. 1022. Use of internet to update registration information.

Sec. 1023. Provision of election information by electronic mail to individuals
registered to vote.

Sec. 1024. Clarification of requirement regarding necessary information to
show eligibility to vote.

Sec. 1025. Prohibiting State from requiring applicants to provide more than
last 4 digits of social security number.

Sec. 1026. Application of rules to certain exempt States.

Sec. 1027. Report on data collection relating to online voter registration sys-
tems.

Sec. 1028. Permitting voter registration application form to serve as application
for absentee ballot.

Sec. 1029. Effective date.

PART 4—SAME DAY VOTER REGISTRATION

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- Sec. 1031. Same day registration.
- Sec. 1032. Ensuring pre-election registration deadlines are consistent with timing of legal public holidays.

PART 5—STREAMLINE VOTER REGISTRATION INFORMATION, ACCESS, AND
PRIVACY

- Sec. 1041. Authorizing the dissemination of voter registration information displays following naturalization ceremonies.
- Sec. 1042. Inclusion of voter registration information with certain leases and vouchers for federally assisted rental housing and mortgage applications.
- Sec. 1043. Acceptance of voter registration applications from individuals under 18 years of age.
- Sec. 1044. Requiring states to establish and operate voter privacy programs.

PART 6—FUNDING SUPPORT TO STATES FOR COMPLIANCE

- Sec. 1051. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Establishment and maintenance of State accessible election websites.
- Sec. 1103. Protections for in-person voting for individuals with disabilities and older individuals.
- Sec. 1104. Protections for individuals subject to guardianship.
- Sec. 1105. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
- Sec. 1106. Funding for protection and advocacy systems.
- Sec. 1107. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
- Sec. 1108. GAO analysis and report on voting access for individuals with disabilities.

Subtitle C—Early Voting

- Sec. 1201. Early voting.

Subtitle D—Voting by Mail

- Sec. 1301. Voting by mail.
- Sec. 1302. Balloting materials tracking program.
- Sec. 1303. Election mail and delivery improvements.
- Sec. 1304. Carriage of election mail.
- Sec. 1305. Requiring States to provide secured drop boxes for voted ballots in elections for Federal office.

Subtitle E—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1401. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1402. Enforcement.
- Sec. 1403. Transmission requirements; repeal of waiver provision.
- Sec. 1404. Use of single absentee ballot application for subsequent elections.

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- Sec. 1405. Extending guarantee of residency for voting purposes to family members of absent military personnel.
- Sec. 1406. Technical clarifications to conform to Military and Overseas Voter Empowerment Act amendments related to the federal write-in absentee ballot.
- Sec. 1407. Treatment of post card registration requests.
- Sec. 1408. Presidential designee report on voter disenfranchisement.
- Sec. 1409. Effective date.

Subtitle F—Enhancement of Enforcement

- Sec. 1501. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle G—Promoting Voter Access Through Election Administration
Modernization Improvements

PART 1—PROMOTING VOTER ACCESS

- Sec. 1601. Minimum notification requirements for voters affected by polling place changes.
- Sec. 1602. Accommodations for voters residing in Indian lands.
- Sec. 1603. Applicability to Commonwealth of the Northern Mariana Islands.
- Sec. 1604. Elimination of 14-day time period between general election and run-off election for Federal elections in the Virgin Islands and Guam.
- Sec. 1605. Application of Federal election administration laws to territories of the United States.
- Sec. 1606. Application of Federal voter protection laws to territories of the United States.
- Sec. 1607. Ensuring equitable and efficient operation of polling places.
- Sec. 1608. Prohibiting States from restricting curbside voting.

PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE
COMMISSION

- Sec. 1611. Reauthorization of Election Assistance Commission.
- Sec. 1612. Recommendations to improve operations of Election Assistance Commission.
- Sec. 1613. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—MISCELLANEOUS PROVISIONS

- Sec. 1621. Definition of election for Federal office.
- Sec. 1622. No effect on other laws.
- Sec. 1623. Clarification of exemption for States without voter registration.
- Sec. 1624. Clarification of exemption for States which do not collect telephone information.

Subtitle H—Democracy Restoration

- Sec. 1701. Short title.
- Sec. 1702. Findings.
- Sec. 1703. Rights of citizens.
- Sec. 1704. Enforcement.
- Sec. 1705. Notification of restoration of voting rights.
- Sec. 1706. Definitions.
- Sec. 1707. Relation to other laws.

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- Sec. 1708. Federal prison funds.
- Sec. 1709. Effective date.

Subtitle I—Voter Identification and Allowable Alternatives

- Sec. 1801. Requirements for voter identification.

Subtitle J—Voter List Maintenance Procedures

PART 1—VOTER CAGING PROHIBITED

- Sec. 1901. Voter caging prohibited.

PART 2—SAVING ELIGIBLE VOTERS FROM VOTER PURGING

- Sec. 1911. Conditions for removal of voters from list of registered voters.

Subtitle K—Severability

- Sec. 1921. Severability.

DIVISION B—ELECTION INTEGRITY

TITLE II—PROHIBITING INTERFERENCE WITH VOTER
REGISTRATION

- Sec. 2001. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 2002. Establishment of best practices.

TITLE III—PREVENTING ELECTION SUBVERSION

Subtitle A—Restrictions on Removal of Election Administrators

- Sec. 3001. Restrictions on removal of local election administrators in administration of elections for Federal office.

Subtitle B—Increased Protections for Election Workers

- Sec. 3101. Harassment of election workers prohibited.
- Sec. 3102. Protection of election workers.

Subtitle C—Prohibiting Deceptive Practices and Preventing Voter
Intimidation

- Sec. 3201. Short title.
- Sec. 3202. Prohibition on deceptive practices in Federal elections.
- Sec. 3203. Corrective action.
- Sec. 3204. Reports to Congress.
- Sec. 3205. Private rights of action by election officials.
- Sec. 3206. Making intimidation of tabulation, canvas, and certification efforts a crime.

Subtitle D—Protection of Election Records & Election Infrastructure

- Sec. 3301. Strengthen protections for Federal election records.
- Sec. 3302. Penalties; inspection; nondisclosure; jurisdiction.
- Sec. 3303. Judicial review to ensure compliance.

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Subtitle E—Judicial Protection of the Right to Vote and Non-partisan Vote
Tabulation

- Sec. 3401. Undue burdens on the ability to vote in elections for federal office prohibited.
- Sec. 3402. Judicial review.
- Sec. 3403. Definitions.
- Sec. 3404. Rules of construction.
- Sec. 3405. Severability.
- Sec. 3406. Effective date.

Subtitle F—Poll Worker Recruitment and Training

- Sec. 3501. Grants to States for poll worker recruitment and training.
- Sec. 3502. State defined.

Subtitle G—Preventing Poll Observer Interference

- Sec. 3601. Protections for voters on Election Day.

Subtitle H—Preventing Restrictions on Food and Beverages

- Sec. 3701. Findings.
- Sec. 3702. Prohibiting restrictions on donations of food and beverages at polling stations.

Subtitle I—Establishing Duty to Report Foreign Election Interference

- Sec. 3801. Findings relating to illicit money undermining our democracy.
- Sec. 3802. Federal campaign reporting of foreign contacts.
- Sec. 3803. Federal campaign foreign contact reporting compliance system.
- Sec. 3804. Criminal penalties.
- Sec. 3805. Report to congressional intelligence committees.
- Sec. 3806. Rule of construction.

Subtitle J—Promoting Accuracy, Integrity, and Security Through Voter-
Verifiable Permanent Paper Ballot

- Sec. 3901. Short title.
- Sec. 3902. Paper ballot and manual counting requirements.
- Sec. 3903. Accessibility and ballot verification for individuals with disabilities.
- Sec. 3904. Durability and readability requirements for ballots.
- Sec. 3905. Study and report on optimal ballot design.
- Sec. 3906. Ballot marking device cybersecurity requirements.
- Sec. 3907. Effective date for new requirements.
- Sec. 3908. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Subtitle K—Provisional Ballots

- Sec. 3911. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

TITLE IV—VOTING SYSTEM SECURITY

- Sec. 4001. Post-election audit requirement.
- Sec. 4002. Election infrastructure designation.
- Sec. 4003. Guidelines and certification for electronic poll books and remote ballot marking systems.

- Sec. 4004. Pre-election reports on voting system usage.
- Sec. 4005. Use of voting machines manufactured in the United States.
- Sec. 4006. Severability.

DIVISION C—CIVIC PARTICIPATION AND EMPOWERMENT

TITLE V—NONPARTISAN REDISTRICTING REFORM

- Sec. 5001. Finding of constitutional authority.
- Sec. 5002. Ban on mid-decade redistricting.
- Sec. 5003. Criteria for redistricting.
- Sec. 5004. Development of plan.
- Sec. 5005. Failure by State to enact plan.
- Sec. 5006. Civil enforcement.
- Sec. 5007. No effect on elections for State and local office.
- Sec. 5008. Effective date.

TITLE VI—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—DISCLOSE Act

- Sec. 6001. Short title.

PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

- Sec. 6002. Clarification of application of foreign money ban to certain disbursements and activities.
- Sec. 6003. Audit and report on illicit foreign money in Federal elections.
- Sec. 6004. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
- Sec. 6005. Disbursements and activities subject to foreign money ban.
- Sec. 6006. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

- Sec. 6011. Reporting of campaign-related disbursements.
- Sec. 6012. Reporting of Federal judicial nomination disbursements.
- Sec. 6013. Coordination with FinCEN.
- Sec. 6014. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
- Sec. 6015. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

- Sec. 6021. Petition for certiorari.
- Sec. 6022. Judicial review of actions related to campaign finance laws.

Subtitle B—Honest Ads

- Sec. 6101. Short title.
- Sec. 6102. Purpose.
- Sec. 6103. Findings.
- Sec. 6104. Sense of Congress.
- Sec. 6105. Expansion of definition of public communication.
- Sec. 6106. Expansion of definition of electioneering communication.
- Sec. 6107. Application of disclaimer statements to online communications.

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- Sec. 6108. Political record requirements for online platforms.
- Sec. 6109. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 6110. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

Subtitle C—Spotlight Act

- Sec. 6201. Short title.
- Sec. 6202. Inclusion of contributor information on annual returns of certain organizations.

TITLE VII—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Stopping Super PAC–Candidate Coordination

- Sec. 7001. Short title.
- Sec. 7002. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 7003. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle B—Restoring Integrity to America’s Elections

- Sec. 7101. Short title.
- Sec. 7102. Revision to enforcement process.
- Sec. 7103. Acting general counsel.
- Sec. 7104. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 7105. Permanent extension of administrative penalty authority.
- Sec. 7106. Restrictions on ex parte communications.
- Sec. 7107. Clarifying authority of FEC attorneys to represent FEC in Supreme Court.
- Sec. 7108. Requiring forms to permit use of accent marks.
- Sec. 7109. Extension of the statutes of limitations for offenses under the Federal Election Campaign Act of 1971.
- Sec. 7110. Effective date; transition.

TITLE VIII—CITIZEN EMPOWERMENT

Subtitle A—Funding to Promote Democracy

PART 1—PAYMENTS AND ALLOCATIONS TO STATES

- Sec. 8001. State Democracy Promotion Program.
- Sec. 8002. State plan.
- Sec. 8003. Prohibiting reduction in access to participation in elections.
- Sec. 8004. Amount of State allocation.
- Sec. 8005. Procedures for disbursements of payments and allocations.
- Sec. 8006. Office of State Democracy Promotion.

PART 2—STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND

- Sec. 8011. State Election Assistance and Innovation Trust Fund.
- Sec. 8012. Uses of Fund.
- Sec. 8013. Assessments against fines and penalties.

Sec. 8014. Transfer of balance of Presidential Election Campaign Fund.

PART 3—GENERAL PROVISIONS

Sec. 8021. Definitions.

Sec. 8022. Rule of construction regarding calculation of deadlines.

Subtitle B—Elections for House of Representatives

Sec. 8101. Short title.

PART 1—OPTIONAL DEMOCRACY CREDIT PROGRAM

Sec. 8102. Establishment of program.

Sec. 8103. Credit program described.

Sec. 8104. Reports.

Sec. 8105. Election cycle defined.

PART 2—OPTIONAL SMALL DOLLAR FINANCING OF ELECTIONS FOR HOUSE
OF REPRESENTATIVES

Sec. 8111. Benefits and eligibility requirements for candidates.

Sec. 8112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.

Sec. 8113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

Sec. 8114. Deadline for regulations.

Subtitle C—Personal Use Services as Authorized Campaign Expenditures

Sec. 8201. Short title; findings; purpose.

Sec. 8202. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle D—Empowering Small Dollar Donations

Sec. 8301. Permitting political party committees to provide enhanced support for candidates through use of separate small dollar accounts.

Subtitle E—Severability

Sec. 8401. Severability.

1 **SEC. 3. FINDINGS OF GENERAL CONSTITUTIONAL AUTHOR-**

2 **ITY.**

3 Congress finds that the Constitution of the United
4 States grants explicit and broad authority to protect the
5 right to vote, to regulate elections for Federal office, to
6 prevent and remedy discrimination in voting, and to de-
7 fend the Nation's democratic process. Congress enacts the

1 Freedom to Vote Act pursuant to this broad authority,
2 including but not limited to the following:

3 (1) Congress finds that it has broad authority
4 to regulate the time, place, and manner of congress-
5 sional elections under the Elections Clause of the
6 Constitution, article I, section 4, clause 1. The Su-
7 preme Court has affirmed that the “substantive
8 scope” of the Elections Clause is “broad”; that
9 “Times, Places, and Manner” are “comprehensive
10 words which embrace authority to provide for a com-
11 plete code for congressional elections”; and “[t]he
12 power of Congress over the Times, Places and Man-
13 ner of congressional elections is paramount, and may
14 be exercised at any time, and to any extent which
15 it deems expedient; and so far as it is exercised, and
16 no farther, the regulations effected supersede those
17 of the State which are inconsistent therewith”. *Ari-
18 zona v. Inter Tribal Council of Arizona*, 570 U.S. 1,
19 8–9 (2013) (internal quotation marks and citations
20 omitted). Indeed, “Congress has plenary and para-
21 mount jurisdiction over the whole subject” of con-
22 gressional elections, *Ex parte Siebold*, 100 U.S. (10
23 Otto) 371, 388 (1879), and this power “may be ex-
24 ercised as and when Congress sees fit”, and “so far
25 as it extends and conflicts with the regulations of

1 the State, necessarily supersedes them”. Id. at 384.
2 Among other things, Congress finds that the Elec-
3 tions Clause was intended to “vindicate the people’s
4 right to equality of representation in the House”.
5 *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964), and to
6 address partisan gerrymandering, *Rucho v. Common*
7 *Cause*, 139 S. Ct. 2484 (2019).

8 (2) Congress also finds that it has both the au-
9 thority and responsibility, as the legislative body for
10 the United States, to fulfill the promise of article IV,
11 section 4, of the Constitution, which states: “The
12 United States shall guarantee to every State in this
13 Union a Republican Form of Government[.]”. Con-
14 gress finds that its authority and responsibility to
15 enforce the Guarantee Clause is clear given that
16 Federal courts have not enforced this clause because
17 they understood that its enforcement is committed
18 to Congress by the Constitution.

19 (3)(A) Congress also finds that it has broad au-
20 thority pursuant to section 5 of the Fourteenth
21 Amendment to legislate to enforce the provisions of
22 the Fourteenth Amendment, including its protec-
23 tions of the right to vote and the democratic process.

24 (B) Section 1 of the Fourteenth Amendment
25 protects the fundamental right to vote, which is “of

1 the most fundamental significance under our con-
2 stitutional structure”. *Ill. Bd. of Election v. Socialist*
3 *Workers Party*, 440 U.S. 173, 184 (1979); see
4 *United States v. Classic*, 313 U.S. 299 (1941) (“Ob-
5 viously included within the right to choose, secured
6 by the Constitution, is the right of qualified voters
7 within a state to cast their ballots and have them
8 counted . . .”). As the Supreme Court has repeatedly
9 affirmed, the right to vote is “preservative of all
10 rights”, *Yick Wo v. Hopkins*, 118 U.S. 356, 370
11 (1886). Section 2 of the Fourteenth Amendment
12 also protects the right to vote, granting Congress
13 additional authority to reduce a State’s representa-
14 tion in Congress when the right to vote is abridged
15 or denied.

16 (C) As a result, Congress finds that it has the
17 authority pursuant to section 5 of the Fourteenth
18 Amendment to protect the right to vote. Congress
19 also finds that States and localities have eroded ac-
20 cess to the right to vote through restrictions on the
21 right to vote including excessively onerous voter
22 identification requirements, burdensome voter reg-
23 istration procedures, voter purges, limited and un-
24 equal access to voting by mail, polling place closures,

1 unequal distribution of election resources, and other
2 impediments.

3 (D) Congress also finds that “the right of suf-
4 frage can be denied by a debasement or dilution of
5 the weight of a citizen’s vote just as effectively as by
6 wholly prohibiting the free exercise of the franchise”.
7 *Reynolds v. Sims*, 377 U.S. 533, 555 (1964). Con-
8 gress finds that the right of suffrage has been so di-
9 luted and debased by means of gerrymandering of
10 districts. Congress finds that it has authority pursu-
11 ant to section 5 of the Fourteenth Amendment to
12 remedy this debasement.

13 (4)(A) Congress also finds that it has authority
14 to legislate to eliminate racial discrimination in vot-
15 ing and the democratic process pursuant to both sec-
16 tion 5 of the Fourteenth Amendment, which grants
17 equal protection of the laws, and section 2 of the
18 Fifteenth Amendment, which explicitly bars denial
19 or abridgment of the right to vote on account of
20 race, color, or previous condition of servitude.

21 (B) Congress finds that racial discrimination in
22 access to voting and the political process persists.
23 Voting restrictions, redistricting, and other electoral
24 practices and processes continue to disproportion-
25 ately impact communities of color in the United

1 States and do so as a result of both intentional ra-
2 cial discrimination, structural racism, and the ongo-
3 ing structural socioeconomic effects of historical ra-
4 cial discrimination.

5 (C) Recent elections and studies have shown
6 that minority communities wait longer in lines to
7 vote, are more likely to have their mail ballots re-
8 jected, continue to face intimidation at the polls, are
9 more likely to be disenfranchised by voter purges,
10 and are disproportionately burdened by excessively
11 onerous voter identification and other voter restric-
12 tions. Research shows that communities of color are
13 more likely to face nearly every barrier to voting
14 than their white counterparts.

15 (D) Congress finds that racial disparities in dis-
16 enfranchisement due to past felony convictions is
17 particularly stark. In 2020, according to the Sen-
18 tencing Project, an estimated 5,200,000 Americans
19 could not vote due to a felony conviction. One in 16
20 African Americans of voting age is disenfranchised,
21 a rate 3.7 times greater than that of non-African
22 Americans. In seven States—Alabama, Florida,
23 Kentucky, Mississippi, Tennessee, Virginia, and Wy-
24 oming—more than one in seven African Americans
25 is disenfranchised, twice the national average for Af-

1 rican Americans. Congress finds that felony dis-
2 enfranchisement was one of the tools of intentional
3 racial discrimination during the Jim Crow era. Con-
4 gress further finds that current racial disparities in
5 felony disenfranchisement are linked to this history
6 of voter suppression, structural racism in the crimi-
7 nal justice system, and ongoing effects of historical
8 discrimination.

9 (5)(A) Congress finds that it further has the
10 power to protect the right to vote from denial or
11 abridgment on account of sex, age, or ability to pay
12 a poll tax or other tax pursuant to the Nineteenth,
13 Twenty-Fourth, and Twenty-Sixth Amendments.

14 (B) Congress finds that electoral practices in-
15 cluding voting rights restoration conditions for peo-
16 ple with convictions and other restrictions to the
17 franchise burden voters on account of their ability to
18 pay.

19 (C) Congress further finds that electoral prac-
20 tices including voting restrictions related to college
21 campuses, age restrictions on mail voting, and simi-
22 lar practices burden the right to vote on account of
23 age.

1 **SEC. 4. STANDARDS FOR JUDICIAL REVIEW.**

2 (a) IN GENERAL.—For any action brought for declar-
3 atory or injunctive relief to challenge, whether facially or
4 as-applied, the constitutionality or lawfulness of any provi-
5 sion of this Act or any amendment made by this Act or
6 any rule or regulation promulgated under this Act, the fol-
7 lowing rules shall apply:

8 (1) The action shall be filed in the United
9 States District Court for the District of Columbia
10 and an appeal from the decision of the district court
11 may be taken to the Court of Appeals for the Dis-
12 trict of Columbia Circuit. These courts, and the Su-
13 preme Court of the United States on a writ of cer-
14 tiorari (if such writ is issued), shall have exclusive
15 jurisdiction to hear such actions.

16 (2) The party filing the action shall concur-
17 rently deliver a copy the complaint to the Clerk of
18 the House of Representatives and the Secretary of
19 the Senate.

20 (3) It shall be the duty of the United States
21 District Court for the District of Columbia and the
22 Court of Appeals for the District of Columbia Cir-
23 cuit to advance on the docket and to expedite to the
24 greatest possible extent the disposition of the action
25 and appeal.

1 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-
2 tion at the time of its commencement is not subject to
3 subsection (a), but an amendment, counterclaim, cross-
4 claim, affirmative defense, or any other pleading or motion
5 is filed challenging, whether facially or as-applied, the con-
6 stitutionality or lawfulness of this Act or any amendment
7 made by this Act or any rule or regulation promulgated
8 under this Act, the district court shall transfer the action
9 to the District Court for the District of Columbia, and
10 the action shall thereafter be conducted pursuant to sub-
11 section (a).

12 (c) INTERVENTION BY MEMBERS OF CONGRESS.—In
13 any action described in subsection (a), any Member of the
14 House of Representatives (including a Delegate or Resi-
15 dent Commissioner to the Congress) or Senate shall have
16 the right to intervene either in support of or opposition
17 to the position of a party to the case regarding the con-
18 stitutionality of the provision. To avoid duplication of ef-
19 forts and reduce the burdens placed on the parties to the
20 action, the court in any such action may make such orders
21 as it considers necessary, including orders to require
22 interveners taking similar positions to file joint papers or
23 to be represented by a single attorney at oral argument.

1 **DIVISION A—VOTER ACCESS**
2 **TITLE I—ELECTION MODERNIZA-**
3 **TION AND ADMINISTRATION**

4 **SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.**

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Voter Empowerment Act of 2021”.

7 (b) **STATEMENT OF POLICY.**—It is the policy of the
8 United States that—

9 (1) the ability of all eligible citizens of the
10 United States to access and exercise their constitu-
11 tional right to vote in a free, fair, and timely manner
12 must be vigilantly enhanced, protected, and main-
13 tained; and

14 (2) the integrity, security, and accountability of
15 the voting process must be vigilantly protected,
16 maintained, and enhanced in order to protect and
17 preserve electoral and participatory democracy in the
18 United States.

19 **Subtitle A—Voter Registration**
20 **Modernization**

21 **SEC. 1000A. SHORT TITLE.**

22 This subtitle may be cited as the “Voter Registration
23 Modernization Act of 2021”.

1 **PART 1—AUTOMATIC VOTER REGISTRATION**

2 **SEC. 1001. SHORT TITLE; FINDINGS AND PURPOSE.**

3 (a) **SHORT TITLE.**—This part may be cited as the
4 “Automatic Voter Registration Act of 2021”.

5 (b) **FINDINGS AND PURPOSE.**—

6 (1) **FINDINGS.**—Congress finds that—

7 (A) the right to vote is a fundamental
8 right of citizens of the United States;

9 (B) it is the responsibility of the State and
10 Federal Governments to ensure that every eligi-
11 ble citizen is registered to vote;

12 (C) existing voter registration systems can
13 be inaccurate, costly, inaccessible and con-
14 fusing, with damaging effects on voter partici-
15 pation in elections for Federal office and dis-
16 proportionate impacts on young people, persons
17 with disabilities, and racial and ethnic minori-
18 ties; and

19 (D) voter registration systems must be up-
20 dated with 21st Century technologies and pro-
21 cedures to maintain their security.

22 (2) **PURPOSE.**—It is the purpose of this part—

23 (A) to establish that it is the responsibility
24 of government to ensure that all eligible citizens
25 are registered to vote in elections for Federal
26 office;

1 (B) to enable the State Governments to
2 register all eligible citizens to vote with accu-
3 rate, cost-efficient, and up-to-date procedures;

4 (C) to modernize voter registration and list
5 maintenance procedures with electronic and
6 internet capabilities; and

7 (D) to protect and enhance the integrity,
8 accuracy, efficiency, and accessibility of the
9 electoral process for all eligible citizens.

10 **SEC. 1002. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**
11 **VIDUALS.**

12 (a) IN GENERAL.—The National Voter Registration
13 Act of 1993 (52 U.S.C. 20504) is amended by inserting
14 after section 5 the following new section:

15 **“SEC. 5A. AUTOMATIC REGISTRATION BY STATE MOTOR VE-**
16 **HICLE AUTHORITY.**

17 “(a) DEFINITIONS.—In this section—

18 “(1) APPLICABLE AGENCY.—The term ‘applica-
19 ble agency’ means, with respect to a State, the State
20 motor vehicle authority responsible for motor vehicle
21 driver’s licenses under State law.

22 “(2) APPLICABLE TRANSACTION.—The term
23 ‘applicable transaction’ means—

24 “(A) an application to an applicable agency
25 for a motor vehicle driver’s license; and

1 “(B) any other service or assistance (in-
2 cluding for a change of address) provided by an
3 applicable agency.

4 “(3) AUTOMATIC REGISTRATION.—The term
5 ‘automatic registration’ means a system that reg-
6 isters an individual to vote in elections for Federal
7 office in a State, if eligible, by electronically trans-
8 ferring the information necessary for registration
9 from the applicable agency to election officials of the
10 State so that, unless the individual affirmatively de-
11 clines to be registered or to update any voter reg-
12 istration, the individual will be registered to vote in
13 such elections.

14 “(4) ELIGIBLE INDIVIDUAL.—The term ‘eligible
15 individual’ means, with respect to an election for
16 Federal office, an individual who is otherwise quali-
17 fied to vote in that election.

18 “(5) REGISTER TO VOTE.—The term ‘register
19 to vote’ includes updating an individual’s existing
20 voter registration.

21 “(b) ESTABLISHMENT.—

22 “(1) IN GENERAL.—The chief State election of-
23 ficial of each State shall establish and operate a sys-
24 tem of automatic registration for the registration of
25 eligible individuals to vote for elections for Federal

1 office in the State, in accordance with the provisions
2 of this section.

3 “(2) REGISTRATION OF VOTERS BASED ON NEW
4 AGENCY RECORDS.—

5 “(A) IN GENERAL.—The chief State elec-
6 tion official shall—

7 “(i) subject to subparagraph (B), en-
8 sure that each eligible individual who com-
9 pletes an applicable transaction and does
10 not decline to register to vote is registered
11 to vote—

12 “(I) in the next upcoming elec-
13 tion for Federal office (and subse-
14 quent elections for Federal office), if
15 an applicable agency transmits infor-
16 mation under subsection (c)(1)(E)
17 with respect to the individual not later
18 than the applicable date; and

19 “(II) in subsequent elections for
20 Federal office, if an applicable agency
21 transmits such information with re-
22 spect to such individual after the ap-
23 plicable date; and

24 “(ii) not later than 60 days after the
25 receipt of such information with respect to

1 an individual, send written notice to the in-
2 dividual, in addition to other means of no-
3 tice established by this part, of the individ-
4 ual’s voter registration status.

5 “(B) APPLICABLE DATE.—For purposes of
6 this subsection, the term “applicable date”
7 means, with respect to any election for Federal
8 office, the later of—

9 “(i) the date that is 28 days before
10 the date of the election; or

11 “(ii) the last day of the period pro-
12 vided by State law for registration with re-
13 spect to such election.

14 “(C) CLARIFICATION.—Nothing in this
15 subsection shall prevent the chief State election
16 official from registering an eligible individual to
17 vote for the next upcoming election for Federal
18 office in the State even if an applicable agency
19 transmits information under subsection
20 (c)(1)(E) with respect to the individual after
21 the applicable date.

22 “(3) TREATMENT OF INDIVIDUALS UNDER 18
23 YEARS OF AGE.—A State may not refuse to treat an
24 individual as an eligible individual for purposes of
25 this section on the grounds that the individual is less

1 than 18 years of age at the time an applicable agen-
2 cy receives information with respect to the indi-
3 vidual, so long as the individual is at least 16 years
4 of age at such time. Nothing in the previous sen-
5 tence may be construed to require a State to permit
6 an individual who is under 18 years of age at the
7 time of an election for Federal office to vote in the
8 election.

9 “(c) APPLICABLE AGENCY RESPONSIBILITIES.—

10 “(1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
11 TION FOR AGENCIES COLLECTING CITIZENSHIP IN-
12 FORMATION.—

13 “(A) IN GENERAL.—Except as otherwise
14 provided in this section, in the case of any ap-
15 plicable transaction for which applicable agency
16 (in the normal course of its operations) requests
17 individuals to affirm United States citizenship
18 (either directly or as part of the overall applica-
19 tion for service or assistance or enrollment), the
20 applicable agency shall inform each such indi-
21 vidual who is a citizen of the United States of
22 the following:

23 “(i) Unless that individual declines to
24 register to vote, or is found ineligible to
25 vote, the individual will be registered to

1 vote or, if applicable, the individual's reg-
2 istration will be updated.

3 “(ii) The substantive qualifications of
4 an elector in the State as listed in the mail
5 voter registration application form for elec-
6 tions for Federal office prescribed pursu-
7 ant to section 9, the consequences of false
8 registration, and the individual should de-
9 cline to register if the individual does not
10 meet all those qualifications.

11 “(iii) In the case of a State in which
12 affiliation or enrollment with a political
13 party is required in order to participate in
14 an election to select the party's candidate
15 in an election for Federal office, the re-
16 quirement that the individual must affiliate
17 or enroll with a political party in order to
18 participate in such an election.

19 “(iv) Voter registration is voluntary,
20 and neither registering nor declining to
21 register to vote will in any way affect the
22 availability of services or benefits, nor be
23 used for other purposes.

24 “(B) INDIVIDUALS WITH LIMITED
25 ENGLISH PROFICIENCY.—In the case where the

1 individual is a member of a group that con-
2 stitutes 3 percent or more of the overall popu-
3 lation within the State served by the applicable
4 agency as measured by the United States Cen-
5 sus and are limited English proficient, the in-
6 formation described in clauses (i) through (iv)
7 of subparagraph (A) shall be provided in a lan-
8 guage understood by the individual.

9 “(C) CLARIFICATION ON PROCEDURES FOR
10 INELIGIBLE VOTERS.—An applicable agency
11 shall not provide an individual who did not af-
12 firm United States citizenship, or for whom the
13 agency has conclusive documentary evidence ob-
14 tained through its normal course of operations
15 that the individual is not a United State citizen,
16 the opportunity to register to vote under sub-
17 paragraph (A).

18 “(D) OPPORTUNITY TO DECLINE REG-
19 ISTRATION REQUIRED.—Except as otherwise
20 provided in this section, each applicable agency
21 shall ensure that each applicable transaction de-
22 scribed in subparagraph (A) with an eligible in-
23 dividual cannot be completed until the indi-
24 vidual is given the opportunity to decline to be
25 registered to vote. In the case where the indi-

1 vidual is a member of a group that constitutes
2 3 percent or more of the overall population
3 within the State served by the applicable agency
4 as measured by the United States Census and
5 are limited English proficient, such opportunity
6 shall be given in a language understood by the
7 individual.

8 “(E) INFORMATION TRANSMITTAL.—Not
9 later than 10 days after an applicable trans-
10 action with an eligible individual, if the indi-
11 vidual did not decline to be registered to vote,
12 the applicable agency shall electronically trans-
13 mit to the appropriate State election official the
14 following information with respect to the indi-
15 vidual:

16 “(i) The individual’s given name(s)
17 and surname(s).

18 “(ii) The individual’s date of birth.

19 “(iii) The individual’s residential ad-
20 dress.

21 “(iv) Information showing that the in-
22 dividual is a citizen of the United States.

23 “(v) The date on which information
24 pertaining to that individual was collected
25 or last updated.

1 “(vi) If available, the individual’s sig-
2 nature in electronic form.

3 “(vii) In the case of a State in which
4 affiliation or enrollment with a political
5 party is required in order to participate in
6 an election to select the party’s candidate
7 in an election for Federal office, informa-
8 tion regarding the individual’s affiliation or
9 enrollment with a political party, but only
10 if the individual provides such information.

11 “(viii) Any additional information list-
12 ed in the mail voter registration applica-
13 tion form for elections for Federal office
14 prescribed pursuant to section 9 of the Na-
15 tional Voter Registration Act of 1993, in-
16 cluding any valid driver’s license number
17 or the last 4 digits of the individual’s so-
18 cial security number, if the individual pro-
19 vided such information.

20 “(F) PROVISION OF INFORMATION RE-
21 GARDING PARTICIPATION IN PRIMARY ELEC-
22 TIONS.—In the case of a State in which affili-
23 ation or enrollment with a political party is re-
24 quired in order to participate in an election to
25 select the party’s candidate in an election for

1 Federal office, if the information transmitted
2 under paragraph (E) with respect to an indi-
3 vidual does not include information regarding
4 the individual's affiliation or enrollment with a
5 political party, the chief State election official
6 shall—

7 “(i) notify the individual that such af-
8 filiation or enrollment is required to par-
9 ticipate in primary elections; and

10 “(ii) provide an opportunity for the
11 individual to update their registration with
12 a party affiliation or enrollment.

13 “(G) CLARIFICATION.—Nothing in this
14 section shall be read to require an applicable
15 agency to transmit to an election official the in-
16 formation described in subparagraph (E) for an
17 individual who is ineligible to vote in elections
18 for Federal office in the State, except to the ex-
19 tent required to pre-register citizens between 16
20 and 18 years of age.

21 “(2) ALTERNATE PROCEDURE FOR CERTAIN
22 OTHER APPLICABLE AGENCIES.—With each applica-
23 ble transaction for which an applicable agency in the
24 normal course of its operations does not request in-
25 dividuals to affirm United States citizenship (either

1 directly or as part of the overall application for serv-
2 ice or assistance), the applicable agency shall—

3 “(A) complete the requirements of section
4 7(a)(6);

5 “(B) ensure that each applicant’s trans-
6 action with the agency cannot be completed
7 until the applicant has indicated whether the
8 applicant wishes to register to vote or declines
9 to register to vote in elections for Federal office
10 held in the State; and

11 “(C) for each individual who wishes to reg-
12 ister to vote, transmit that individual’s informa-
13 tion in accordance with subsection (c)(1)(E),
14 unless the agency has conclusive documentary
15 evidence obtained through its normal course of
16 operations that the individual is not a United
17 States citizen.

18 “(3) REQUIRED AVAILABILITY OF AUTOMATIC
19 REGISTRATION OPPORTUNITY WITH EACH APPLICA-
20 TION FOR SERVICE OR ASSISTANCE.—Each applica-
21 ble agency shall offer each eligible individual, with
22 each applicable transaction, the opportunity to reg-
23 ister to vote as prescribed by this section without re-
24 gard to whether the individual previously declined a
25 registration opportunity.

1 “(d) VOTER PROTECTION.—

2 “(1) APPLICABLE AGENCIES’ PROTECTION OF
3 INFORMATION.—Nothing in this section authorizes
4 an applicable agency to collect, retain, transmit, or
5 publicly disclose any of the following, except as nec-
6 essary to comply with title III of the Civil Rights
7 Act of 1960 (52 U.S.C. 20701 et seq.):

8 “(A) An individual’s decision to decline to
9 register to vote or not to register to vote.

10 “(B) An individual’s decision not to affirm
11 his or her citizenship.

12 “(C) Any information that an applicable
13 agency transmits pursuant to subsection
14 (c)(1)(E), except in pursuing the agency’s ordi-
15 nary course of business.

16 “(2) ELECTION OFFICIALS’ PROTECTION OF IN-
17 FORMATION.—

18 “(A) PUBLIC DISCLOSURE PROHIBITED.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), with respect to any individual for
21 whom any State election official receives
22 information from an applicable agency, the
23 State election officials shall not publicly
24 disclose any of the following:

1 “(I) Any information not nec-
2 essary to voter registration.

3 “(II) Any voter information oth-
4 erwise shielded from disclosure under
5 State law or section 8(a).

6 “(III) Any portion of the individ-
7 ual’s social security number.

8 “(IV) Any portion of the individ-
9 ual’s motor vehicle driver’s license
10 number.

11 “(V) The individual’s signature.

12 “(VI) The individual’s telephone
13 number.

14 “(VII) The individual’s email ad-
15 dress.

16 “(ii) SPECIAL RULE FOR INDIVIDUALS
17 REGISTERED TO VOTE.—The prohibition
18 on public disclosure in clause (i) shall not
19 apply with respect to the telephone number
20 or email address of any individual for
21 whom any State election official receives
22 information from the applicable agency
23 and who, on the basis of such information,
24 is registered to vote in the State under this
25 section.

1 “(e) MISCELLANEOUS PROVISIONS.—

2 “(1) ACCESSIBILITY OF REGISTRATION SERV-
3 ICES.—Each applicable agency shall ensure that the
4 services it provides under this section are made
5 available to individuals with disabilities to the same
6 extent as services are made available to all other in-
7 dividuals.

8 “(2) TRANSMISSION THROUGH SECURE THIRD
9 PARTY PERMITTED.—Nothing in this section or in
10 the Automatic Voter Registration Act of 2021 shall
11 be construed to prevent an applicable agency from
12 contracting with a third party to assist the agency
13 in meeting the information transmittal requirements
14 of this section, so long as the data transmittal com-
15 plies with the applicable requirements of this section
16 and such Act, including provisions relating privacy
17 and security.

18 “(3) NONPARTISAN, NONDISCRIMINATORY PRO-
19 VISION OF SERVICES.—The services made available
20 by an applicable agencies under this section shall be
21 made in a manner consistent with paragraphs (4),
22 (5), and (6)(C) of section 7(a).

23 “(4) NOTICES.—Each State may send notices
24 under this section via electronic mail if the indi-
25 vidual has provided an electronic mail address and

1 consented to electronic mail communications for
2 election-related materials. All notices sent pursuant
3 to this section that require a response must offer the
4 individual notified the opportunity to respond at no
5 cost to the individual.

6 “(5) REGISTRATION AT OTHER STATE OFFICES
7 PERMITTED.—Nothing in this section may be con-
8 strued to prohibit a State from offering voter reg-
9 istration services described in this section at offices
10 of the State other than the State motor vehicle au-
11 thority.

12 “(f) APPLICABILITY.—

13 “(1) IN GENERAL.—This section shall not apply
14 to an exempt State.

15 “(2) EXEMPT STATE DEFINED.—The term ‘ex-
16 empt State’ means a State which, under law which
17 is in effect continuously on and after the date of the
18 enactment of this section, either—

19 “(A) has no voter registration requirement
20 for any voter in the State with respect to a
21 Federal election; or

22 “(B) operates a system of automatic reg-
23 istration (as defined in section 1002(a)(2)) at
24 the motor vehicle authority of the State or a
25 Permanent Dividend Fund of the State under

1 which an individual is provided the opportunity
2 to decline registration during the transaction or
3 by way of a notice sent by mail or electronically
4 after the transaction.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 4(a) of the National Voter Registra-
7 tion Act of 1993 (52 U.S.C. 20503(a)(1)) is amend-
8 ed by redesignating paragraphs (2) and (3) as para-
9 graphs (3) and (4), respectively, and by inserting
10 after paragraph (1) the following new paragraph:

11 “(2) by application made simultaneously with
12 an application for a motor vehicle driver’s license
13 pursuant to section 5A;”.

14 (2) Section 4(b) of the National Voter Registra-
15 tion Act of 1993 (52 U.S.C. 20503(b)) is amend-
16 ed—

17 (A) by redesignating paragraphs (1) and
18 (2) as subparagraphs (A) and (B), respectively,
19 and indenting appropriately;

20 (B) by striking “STATES.—This Act” and
21 inserting “STATES.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), this Act”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(2) APPLICATION OF AUTOMATIC REGISTRA-
2 TION REQUIREMENTS.—Section 5A shall apply to a
3 State described in paragraph (1), unless the State is
4 an exempt State as defined in subsection (f)(2) of
5 such section.”.

6 (3) Section 8(a)(1) of such Act (52 U.S.C.
7 20507(a)(1)) is amended by redesignating subpara-
8 graphs (B), (C), and (D) as subparagraphs (C), (D),
9 and (E), respectively, and by inserting after sub-
10 paragraph (A) the following new subparagraph:

11 “(B) in the case of registration under sec-
12 tion 5A, within the period provided in section
13 5A(b)(2);”.

14 **SEC. 1003. VOTER PROTECTION AND SECURITY IN AUTO-**
15 **MATIC REGISTRATION.**

16 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
17 An individual shall not be prosecuted under any Federal
18 or State law, adversely affected in any civil adjudication
19 concerning immigration status or naturalization, or sub-
20 ject to an allegation in any legal proceeding that the indi-
21 vidual is not a citizen of the United States on any of the
22 following grounds:

23 (1) The individual notified an election office of
24 the individual’s automatic registration to vote.

1 (2) The individual is not eligible to vote in elec-
2 tions for Federal office but was registered to vote
3 due to individual or agency error.

4 (3) The individual was automatically registered
5 to vote at an incorrect address.

6 (4) The individual declined the opportunity to
7 register to vote or did not make an affirmation of
8 citizenship, including through automatic registration.

9 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
10 TION.—The automatic registration (within the meaning of
11 section 5A of the National Voter Registration Act of
12 1993) of any individual or the fact that an individual de-
13 clined the opportunity to register to vote or did not make
14 an affirmation of citizenship (including through automatic
15 registration) may not be used as evidence against that in-
16 dividual in any State or Federal law enforcement pro-
17 ceeding or any civil adjudication concerning immigration
18 status or naturalization, and an individual's lack of knowl-
19 edge or willfulness of such registration may be dem-
20 onstrated by the individual's testimony alone.

21 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
22 ing in subsections (a) or (b) may be construed to prohibit
23 or restrict any action under color of law against an indi-
24 vidual who—

1 (1) knowingly and willfully makes a false state-
2 ment to effectuate or perpetuate automatic voter
3 registration by any individual; or

4 (2) casts a ballot knowingly and willfully in vio-
5 lation of State law or the laws of the United States.

6 (d) ELECTION OFFICIALS' PROTECTION OF INFOR-
7 MATION.—

8 (1) VOTER RECORD CHANGES.—Each State
9 shall maintain for at least 2 years and shall make
10 available for public inspection (and, where available,
11 photocopying at a reasonable cost), including in elec-
12 tronic form and through electronic methods, all
13 records of changes to voter records, including remov-
14 als, the reasons for removals, and updates.

15 (2) DATABASE MANAGEMENT STANDARDS.—
16 Not later than 1 year after the date of the enact-
17 ment of this Act, the Director of the National Insti-
18 tute of Standards and Technology, in consultation
19 with State and local election officials and the Elec-
20 tion Assistance Commission, shall, after providing
21 the public with notice and the opportunity to com-
22 ment—

23 (A) establish standards governing the com-
24 parison of data for voter registration list main-
25 tenance purposes, identifying as part of such

1 standards the specific data elements, the
2 matching rules used, and how a State may use
3 the data to determine and deem that an indi-
4 vidual is ineligible under State law to vote in an
5 election, or to deem a record to be a duplicate
6 or outdated;

7 (B) ensure that the standards developed
8 pursuant to this paragraph are uniform and
9 nondiscriminatory and are applied in a uniform
10 and nondiscriminatory manner;

11 (C) not later than 45 days after the dead-
12 line for public notice and comment, publish the
13 standards developed pursuant to this paragraph
14 on the Director's website and make those
15 standards available in written form upon re-
16 quest; and

17 (D) ensure that the standards developed
18 pursuant to this paragraph are maintained and
19 updated in a manner that reflects innovations
20 and best practices in the security of database
21 management.

22 (3) SECURITY POLICY.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of the enactment of this Act, the
25 Director of the National Institute of Standards

1 and Technology shall, after providing the public
2 with notice and the opportunity to comment,
3 publish privacy and security standards for voter
4 registration information not later than 45 days
5 after the deadline for public notice and com-
6 ment. The standards shall require the chief
7 State election official of each State to adopt a
8 policy that shall specify—

9 (i) each class of users who shall have
10 authorized access to the computerized
11 statewide voter registration list, specifying
12 for each class the permission and levels of
13 access to be granted, and setting forth
14 other safeguards to protect the privacy, se-
15 curity, and accuracy of the information on
16 the list; and

17 (ii) security safeguards to protect per-
18 sonal information transmitted through the
19 information transmittal processes of sec-
20 tion 5A(b) of the National Voter Registra-
21 tion Act of 1993, any telephone interface,
22 the maintenance of the voter registration
23 database, and any audit procedure to track
24 access to the system.

1 (B) MAINTENANCE AND UPDATING.—The
2 Director shall ensure that the standards devel-
3 oped pursuant to this paragraph are maintained
4 and updated in a manner that reflects innova-
5 tions and best practices in the privacy and secu-
6 rity of voter registration information.

7 (4) STATE COMPLIANCE WITH NATIONAL
8 STANDARDS.—

9 (A) CERTIFICATION.—The chief State elec-
10 tion official of the State shall annually file with
11 the Election Assistance Commission a state-
12 ment certifying to the Director of the National
13 Institute of Standards and Technology that the
14 State is in compliance with the standards re-
15 ferred to in paragraphs (2) and (3). A State
16 may meet the requirement of the previous sen-
17 tence by filing with the Commission a statement
18 which reads as follows: “_____ hereby
19 certifies that it is in compliance with the stand-
20 ards referred to in paragraphs (2) and (3) of
21 section 1003(d) of the Automatic Voter Reg-
22 istration Act of 2021.” (with the blank to be
23 filled in with the name of the State involved).

24 (B) PUBLICATION OF POLICIES AND PRO-
25 CEDURES.—The chief State election official of a

1 State shall publish on the official's website the
2 policies and procedures established under this
3 section, and shall make those policies and pro-
4 cedures available in written form upon public
5 request.

6 (C) FUNDING DEPENDENT ON CERTIFI-
7 CATION.—If a State does not timely file the cer-
8 tification required under this paragraph, it shall
9 not receive any payment under this part for the
10 upcoming fiscal year.

11 (D) COMPLIANCE OF STATES THAT RE-
12 QUIRE CHANGES TO STATE LAW.—In the case
13 of a State that requires State legislation to
14 carry out an activity covered by any certifi-
15 cation submitted under this paragraph, for a
16 period of not more than 2 years the State shall
17 be permitted to make the certification notwith-
18 standing that the legislation has not been en-
19 acted at the time the certification is submitted,
20 and such State shall submit an additional cer-
21 tification once such legislation is enacted.

22 (e) RESTRICTIONS ON USE OF INFORMATION.—No
23 person acting under color of law may discriminate against
24 any individual based on, or use for any purpose other than
25 voter registration, election administration, juror selection,

1 or enforcement relating to election crimes, any of the fol-
2 lowing:

3 (1) Voter registration records.

4 (2) An individual's declination to register to
5 vote or complete an affirmation of citizenship under
6 section 5A of the National Voter Registration Act of
7 1993.

8 (3) An individual's voter registration status.

9 (f) PROHIBITION ON THE USE OF VOTER REGISTRA-
10 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-
11 formation collected under this part or the amendments
12 made by this part shall not be used for commercial pur-
13 poses. Nothing in this subsection may be construed to pro-
14 hibit the transmission, exchange, or dissemination of in-
15 formation for political purposes, including the support of
16 campaigns for election for Federal, State, or local public
17 office or the activities of political committees (including
18 committees of political parties) under the Federal Election
19 Campaign Act of 1971.

20 **SEC. 1004. PAYMENTS AND GRANTS.**

21 (a) IN GENERAL.—The Election Assistance Commis-
22 sion shall make grants to each eligible State to assist the
23 State in implementing the requirements of this part and
24 the amendments made by this part (or, in the case of an
25 exempt State, in implementing its existing automatic voter

1 registration program or expanding its automatic voter reg-
2 istration program in a manner consistent with the require-
3 ments of this part) with respect to the offices of the State
4 motor vehicle authority and any other offices of the State
5 at which the State offers voter registration services as de-
6 scribed in this part and the amendments made by this
7 part.

8 (b) ELIGIBILITY; APPLICATION.—A State is eligible
9 to receive a grant under this section if the State submits
10 to the Commission, at such time and in such form as the
11 Commission may require, an application containing—

12 (1) a description of the activities the State will
13 carry out with the grant;

14 (2) an assurance that the State shall carry out
15 such activities without partisan bias and without
16 promoting any particular point of view regarding
17 any issue; and

18 (3) such other information and assurances as
19 the Commission may require.

20 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
21 sion shall determine the amount of a grant made to an
22 eligible State under this section. In determining the
23 amounts of the grants, the Commission shall give priority
24 to providing funds for those activities which are most like-
25 ly to accelerate compliance with the requirements of this

1 part (or, in the case of an exempt State, which are most
2 likely to enhance the ability of the State to automatically
3 register individuals to vote through its existing automatic
4 voter registration program), including—

5 (1) investments supporting electronic informa-
6 tion transfer, including electronic collection and
7 transfer of signatures, between applicable agencies
8 (as defined in section 5A of the National Voter Reg-
9 istration Act of 1993) and the appropriate State
10 election officials;

11 (2) updates to online or electronic voter reg-
12 istration systems already operating as of the date of
13 the enactment of this Act;

14 (3) introduction of online voter registration sys-
15 tems in jurisdictions in which those systems did not
16 previously exist; and

17 (4) public education on the availability of new
18 methods of registering to vote, updating registration,
19 and correcting registration.

20 (d) EXEMPT STATE.—For purposes of this section,
21 the term “exempt State” has the meaning given such term
22 under section 5A of the National Voter Registration Act
23 of 1993, and also includes a State in which, under law
24 which is in effect continuously on and after the date of
25 the enactment of the National Voter Registration Act of

1 1993, there is no voter registration requirement for any
2 voter in the State with respect to an election for Federal
3 office.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) AUTHORIZATION.—There are authorized to
6 be appropriated to carry out this section—

7 (A) \$3,000,000,000 for fiscal year 2021;

8 and

9 (B) such sums as may be necessary for
10 each succeeding fiscal year.

11 (2) CONTINUING AVAILABILITY OF FUNDS.—

12 Any amounts appropriated pursuant to the authority
13 of this subsection shall remain available without fis-
14 cal year limitation until expended.

15 **SEC. 1005. MISCELLANEOUS PROVISIONS.**

16 (a) ENFORCEMENT.—Section 11 of the National
17 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
18 ing to civil enforcement and the availability of private
19 rights of action, shall apply with respect to this part in
20 the same manner as such section applies to such Act.

21 (b) RELATION TO OTHER LAWS.—Except as pro-
22 vided, nothing in this part or the amendments made by
23 this part may be construed to authorize or require conduct
24 prohibited under, or to supersede, restrict, or limit the ap-
25 plication of any of the following:

1 (1) The Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).

3 (2) The Uniformed and Overseas Citizens Ab-
4 sentee Voting Act (52 U.S.C. 20301 et seq.).

5 (3) The National Voter Registration Act of
6 1993 (52 U.S.C. 20501 et seq.) (other than section
7 5A thereof).

8 (4) The Help America Vote Act of 2002 (52
9 U.S.C. 20901 et seq.).

10 (5) The Americans with Disabilities Act of
11 1990 (42 U.S.C. 12101 et seq.).

12 **SEC. 1006. DEFINITIONS.**

13 In this part, the following definitions apply:

14 (1) The term “chief State election official”
15 means, with respect to a State, the individual des-
16 ignated by the State under section 10 of the Na-
17 tional Voter Registration Act of 1993 (52 U.S.C.
18 20509) to be responsible for coordination of the
19 State’s responsibilities under such Act.

20 (2) The term “Commission” means the Election
21 Assistance Commission.

22 (3) The term “State” means each of the several
23 States, the District of Columbia, the Commonwealth
24 of Puerto Rico, the United States Virgin Islands,

1 Guam, American Samoa, and the Commonwealth of
2 the Northern Mariana Islands.

3 **SEC. 1007. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), this part and the amendments made by this part shall
6 apply on and after January 1, 2023.

7 (b) WAIVER.—If a State certifies to the Commission
8 not later than January 1, 2023, that the State will not
9 meet the deadline described in subsection (a) because it
10 would be impracticable to do so and includes in the certifi-
11 cation the reasons for the failure to meet such deadline,
12 subsection (a) shall apply to the State as if the reference
13 in such subsection to “January 1, 2023” were a reference
14 to “January 1, 2025”.

15 **PART 2—ELECTION DAY AS LEGAL PUBLIC**

16 **HOLIDAY**

17 **SEC. 1011. ELECTION DAY AS LEGAL PUBLIC HOLIDAY.**

18 (a) IN GENERAL.—Section 6103(a) of title 5, United
19 States Code, is amended by inserting after the item relat-
20 ing to Columbus Day, the following:

21 “Election Day, the Tuesday next after the first Mon-
22 day in November in each even-numbered year.”.

23 (b) CONFORMING AMENDMENT.—Section 241(b) of
24 the Help America Vote Act of 2002 (52 U.S.C. 20981(b))
25 is amended—

1 (1) by striking paragraph (10); and

2 (2) by redesignating paragraphs (11) through
3 (19) as paragraphs (10) through (18), respectively.

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to the regularly
6 scheduled general elections for Federal office held in No-
7 vember 2022 or any succeeding year.

8 **PART 3—PROMOTING INTERNET REGISTRATION**

9 **SEC. 1021. REQUIRING AVAILABILITY OF INTERNET FOR**
10 **VOTER REGISTRATION.**

11 (a) REQUIRING AVAILABILITY OF INTERNET FOR
12 REGISTRATION.—The National Voter Registration Act of
13 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
14 after section 6 the following new section:

15 **“SEC. 6A. INTERNET REGISTRATION.**

16 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
17 ONLINE REGISTRATION.—Each State, acting through the
18 chief State election official, shall ensure that the following
19 services are available to the public at any time on the offi-
20 cial public websites of the appropriate State and local elec-
21 tion officials in the State, in the same manner and subject
22 to the same terms and conditions as the services provided
23 by voter registration agencies under section 7(a):

24 “(1) Online application for voter registration.

1 “(2) Online assistance to applicants in applying
2 to register to vote.

3 “(3) Online completion and submission by ap-
4 plicants of the mail voter registration application
5 form prescribed by the Election Assistance Commis-
6 sion pursuant to section 9(a)(2), including assist-
7 ance with providing a signature as required under
8 subsection (c).

9 “(4) Online receipt of completed voter registra-
10 tion applications.

11 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

12 A State shall accept an online voter registration applica-
13 tion provided by an individual under this section, and en-
14 sure that the individual is registered to vote in the State,
15 if—

16 “(1) the individual meets the same voter reg-
17 istration requirements applicable to individuals who
18 register to vote by mail in accordance with section
19 6(a)(1) using the mail voter registration application
20 form prescribed by the Election Assistance Commis-
21 sion pursuant to section 9(a)(2); and

22 “(2) the individual meets the requirements of
23 subsection (c) to provide a signature in electronic
24 form (but only in the case of applications submitted

1 during or after the second year in which this section
2 is in effect in the State).

3 “(c) SIGNATURE REQUIREMENTS.—

4 “(1) IN GENERAL.—For purposes of this sec-
5 tion, an individual meets the requirements of this
6 subsection as follows:

7 “(A) In the case of an individual who has
8 a signature on file with a State agency, includ-
9 ing the State motor vehicle authority, that is
10 required to provide voter registration services
11 under this Act or any other law, the individual
12 consents to the transfer of that electronic signa-
13 ture.

14 “(B) If subparagraph (A) does not apply,
15 the individual submits with the application an
16 electronic copy of the individual’s handwritten
17 signature through electronic means.

18 “(C) If subparagraph (A) and subpara-
19 graph (B) do not apply, the individual executes
20 a computerized mark in the signature field on
21 an online voter registration application, in ac-
22 cordance with reasonable security measures es-
23 tablished by the State, but only if the State ac-
24 cepts such mark from the individual.

1 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
2 MEET REQUIREMENT.—If an individual is unable to
3 meet the requirements of paragraph (1), the State
4 shall—

5 “(A) permit the individual to complete all
6 other elements of the online voter registration
7 application;

8 “(B) permit the individual to provide a sig-
9 nature at the time the individual requests a bal-
10 lot in an election (whether the individual re-
11 quests the ballot at a polling place or requests
12 the ballot by mail); and

13 “(C) if the individual carries out the steps
14 described in subparagraph (A) and subpara-
15 graph (B), ensure that the individual is reg-
16 istered to vote in the State.

17 “(3) NOTICE.—The State shall ensure that in-
18 dividuals applying to register to vote online are noti-
19 fied of the requirements of paragraph (1) and of the
20 treatment of individuals unable to meet such re-
21 quirements, as described in paragraph (2).

22 “(d) CONFIRMATION AND DISPOSITION.—

23 “(1) CONFIRMATION OF RECEIPT.—

24 “(A) IN GENERAL.—Upon the online sub-
25 mission of a completed voter registration appli-

1 cation by an individual under this section, the
2 appropriate State or local election official shall
3 provide the individual a notice confirming the
4 State's receipt of the application and providing
5 instructions on how the individual may check
6 the status of the application.

7 “(B) METHOD OF NOTIFICATION.—The
8 appropriate State or local election official shall
9 provide the notice required under subparagraph
10 (A) though the online submission process and—

11 “(i) in the case of an individual who
12 has provided the official with an electronic
13 mail address, by electronic mail; and

14 “(ii) at the option of the individual,
15 by text message.

16 “(2) NOTICE OF DISPOSITION.—

17 “(A) IN GENERAL.—Not later than 7 days
18 after the appropriate State or local election offi-
19 cial has approved or rejected an application
20 submitted by an individual under this section,
21 the official shall provide the individual a notice
22 of the disposition of the application.

23 “(B) METHOD OF NOTIFICATION.—The
24 appropriate State or local election official shall

1 provide the notice required under subparagraph
2 (A) by regular mail and—

3 “(i) in the case of an individual who
4 has provided the official with an electronic
5 mail address, by electronic mail; and

6 “(ii) at the option of the individual,
7 by text message.

8 “(e) PROVISION OF SERVICES IN NONPARTISAN
9 MANNER.—The services made available under subsection
10 (a) shall be provided in a manner that ensures that—

11 “(1) the online application does not seek to in-
12 fluence an applicant’s political preference or party
13 registration; and

14 “(2) there is no display on the website pro-
15 moting any political preference or party allegiance,
16 except that nothing in this paragraph may be con-
17 strued to prohibit an applicant from registering to
18 vote as a member of a political party.

19 “(f) PROTECTION OF SECURITY OF INFORMATION.—
20 In meeting the requirements of this section, the State shall
21 establish appropriate technological security measures to
22 prevent to the greatest extent practicable any unauthor-
23 ized access to information provided by individuals using
24 the services made available under subsection (a).

1 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
2 sure that the services made available under this section
3 are made available to individuals with disabilities to the
4 same extent as services are made available to all other in-
5 dividuals.

6 “(h) NONDISCRIMINATION AMONG REGISTERED
7 VOTERS USING MAIL AND ONLINE REGISTRATION.—In
8 carrying out this Act, the Help America Vote Act of 2002,
9 or any other Federal, State, or local law governing the
10 treatment of registered voters in the State or the adminis-
11 tration of elections for public office in the State, a State
12 shall treat a registered voter who registered to vote online
13 in accordance with this section in the same manner as the
14 State treats a registered voter who registered to vote by
15 mail.”.

16 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
17 USING ONLINE REGISTRATION.—

18 (1) TREATMENT AS INDIVIDUALS REGISTERING
19 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
20 VOTER IDENTIFICATION REQUIREMENTS.—Section
21 303(b)(1)(A) of the Help America Vote Act of 2002
22 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
23 “by mail” and inserting “by mail or online under
24 section 6A of the National Voter Registration Act of
25 1993”.

1 (2) REQUIRING SIGNATURE FOR FIRST-TIME
2 VOTERS IN JURISDICTION.—Section 303(b) of such
3 Act (52 U.S.C. 21083(b)) is amended—

4 (A) by redesignating paragraph (5) as
5 paragraph (6); and

6 (B) by inserting after paragraph (4) the
7 following new paragraph:

8 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
9 TIME VOTERS USING ONLINE REGISTRATION.—

10 “(A) IN GENERAL.—A State shall, in a
11 uniform and nondiscriminatory manner, require
12 an individual to meet the requirements of sub-
13 paragraph (B) if—

14 “(i) the individual registered to vote
15 in the State online under section 6A of the
16 National Voter Registration Act of 1993;
17 and

18 “(ii) the individual has not previously
19 voted in an election for Federal office in
20 the State.

21 “(B) REQUIREMENTS.—An individual
22 meets the requirements of this subparagraph
23 if—

24 “(i) in the case of an individual who
25 votes in person, the individual provides the

1 appropriate State or local election official
2 with a handwritten signature; or

3 “(ii) in the case of an individual who
4 votes by mail, the individual submits with
5 the ballot a handwritten signature.

6 “(C) INAPPLICABILITY.—Subparagraph
7 (A) does not apply in the case of an individual
8 who is—

9 “(i) entitled to vote by absentee ballot
10 under the Uniformed and Overseas Citi-
11 zens Absentee Voting Act (52 U.S.C.
12 20302 et seq.);

13 “(ii) provided the right to vote other-
14 wise than in person under section
15 3(b)(2)(B)(ii) of the Voting Accessibility
16 for the Elderly and Handicapped Act (52
17 U.S.C. 20102(b)(2)(B)(ii)); or

18 “(iii) entitled to vote otherwise than
19 in person under any other Federal law.”.

20 (3) CONFORMING AMENDMENT RELATING TO
21 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
22 Act (52 U.S.C. 21083(d)(2)(A)) is amended by
23 striking “Each State” and inserting “Except as pro-
24 vided in subsection (b)(5), each State”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) TIMING OF REGISTRATION.—Section 8(a)(1)
2 of the National Voter Registration Act of 1993 (52
3 U.S.C. 20507(a)(1)), as amended by section
4 1002(b)(3), is amended—

5 (A) by striking “and” at the end of sub-
6 paragraph (D);

7 (B) by redesignating subparagraph (E) as
8 subparagraph (F); and

9 (C) by inserting after subparagraph (D)
10 the following new subparagraph:

11 “(E) in the case of online registration
12 through the official public website of an election
13 official under section 6A, if the valid voter reg-
14 istration application is submitted online not
15 later than the lesser of 28 days, or the period
16 provided by State law, before the date of the
17 election (as determined by treating the date on
18 which the application is sent electronically as
19 the date on which it is submitted); and”.

20 (2) INFORMING APPLICANTS OF ELIGIBILITY
21 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)
22 of such Act (52 U.S.C. 20507(a)(5)) is amended by
23 striking “and 7” and inserting “6A, and 7”.

1 **SEC. 1022. USE OF INTERNET TO UPDATE REGISTRATION**
2 **INFORMATION.**

3 (a) IN GENERAL.—

4 (1) UPDATES TO INFORMATION CONTAINED ON
5 COMPUTERIZED STATEWIDE VOTER REGISTRATION
6 LIST.—Section 303(a) of the Help America Vote Act
7 of 2002 (52 U.S.C. 21083(a)) is amended by adding
8 at the end the following new paragraph:

9 “(6) USE OF INTERNET BY REGISTERED VOT-
10 ERS TO UPDATE INFORMATION.—

11 “(A) IN GENERAL.—The appropriate State
12 or local election official shall ensure that any
13 registered voter on the computerized list may at
14 any time update the voter’s registration infor-
15 mation, including the voter’s address and elec-
16 tronic mail address, online through the official
17 public website of the election official responsible
18 for the maintenance of the list, so long as the
19 voter attests to the contents of the update by
20 providing a signature in electronic form in the
21 same manner required under section 6A(c) of
22 the National Voter Registration Act of 1993.

23 “(B) PROCESSING OF UPDATED INFORMA-
24 TION BY ELECTION OFFICIALS.—If a registered
25 voter updates registration information under

1 State or local election official has accepted
2 or rejected updated information submitted
3 by an individual under this paragraph, the
4 official shall send the individual a notice of
5 the disposition of the update.

6 “(iii) METHOD OF NOTIFICATION.—
7 The appropriate State or local election offi-
8 cial shall send the notices required under
9 this subparagraph by regular mail and—

10 “(I) in the case of an individual
11 who has requested that the State pro-
12 vide voter registration and voting in-
13 formation through electronic mail, by
14 electronic mail; and

15 “(II) at the option of the indi-
16 vidual, by text message.”.

17 (2) CONFORMING AMENDMENT RELATING TO
18 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
19 Act (52 U.S.C. 21083(d)(1)(A)) is amended by
20 striking “subparagraph (B)” and inserting “sub-
21 paragraph (B) and subsection (a)(6)”.

22 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
23 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
24 tion 8(d)(2)(A) of the National Voter Registration Act of
25 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

1 (1) in the first sentence, by inserting after “re-
2 turn the card” the following: “or update the reg-
3 istrant’s information on the computerized Statewide
4 voter registration list using the online method pro-
5 vided under section 303(a)(6) of the Help America
6 Vote Act of 2002”; and

7 (2) in the second sentence, by striking “re-
8 turned,” and inserting the following: “returned or if
9 the registrant does not update the registrant’s infor-
10 mation on the computerized Statewide voter reg-
11 istration list using such online method,”.

12 **SEC. 1023. PROVISION OF ELECTION INFORMATION BY**
13 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
14 **ISTERED TO VOTE.**

15 (a) INCLUDING OPTION ON VOTER REGISTRATION
16 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
17 CEIVE INFORMATION.—

18 (1) IN GENERAL.—Section 9(b) of the National
19 Voter Registration Act of 1993 (52 U.S.C.
20 20508(b)) is amended—

21 (A) by striking “and” at the end of para-
22 graph (3);

23 (B) by striking the period at the end of
24 paragraph (4) and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(5) shall include a space for the applicant to
4 provide (at the applicant’s option) an electronic mail
5 address, together with a statement that, if the appli-
6 cant so requests, instead of using regular mail the
7 appropriate State and local election officials shall
8 provide to the applicant, through electronic mail sent
9 to that address, the same voting information (as de-
10 fined in section 302(b)(2) of the Help America Vote
11 Act of 2002) which the officials would provide to the
12 applicant through regular mail.”.

13 (2) PROHIBITING USE FOR PURPOSES UNRE-
14 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-
15 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is
16 amended by adding at the end the following new
17 subsection:

18 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
19 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
20 chief State election official shall ensure that any electronic
21 mail address provided by an applicant under subsection
22 (b)(5) is used only for purposes of carrying out official
23 duties of election officials and is not transmitted by any
24 State or local election official (or any agent of such an
25 official, including a contractor) to any person who does

1 not require the address to carry out such official duties
2 and who is not under the direct supervision and control
3 of a State or local election official.”.

4 (b) REQUIRING PROVISION OF INFORMATION BY
5 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-
6 ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended
7 by adding at the end the following new paragraph:

8 “(3) PROVISION OF OTHER INFORMATION BY
9 ELECTRONIC MAIL.—If an individual who is a reg-
10 istered voter has provided the State or local election
11 official with an electronic mail address for the pur-
12 pose of receiving voting information (as described in
13 section 9(b)(5) of the National Voter Registration
14 Act of 1993), the appropriate State or local election
15 official, through electronic mail transmitted not later
16 than 7 days before the date of the election for Fed-
17 eral office involved, shall provide the individual with
18 information on how to obtain the following informa-
19 tion by electronic means:

20 “(A)(i) If the individual is assigned to vote
21 in the election at a specific polling place—

22 “(I) the name and address of the poll-
23 ing place; and

24 “(II) the hours of operation for the
25 polling place.

1 “(ii) If the individual is not assigned to
2 vote in the election at a specific polling place—

3 “(I) the name and address of loca-
4 tions at which the individual is eligible to
5 vote; and

6 “(II) the hours of operation for those
7 locations.

8 “(B) A description of any identification or
9 other information the individual may be re-
10 quired to present at the polling place or a loca-
11 tion described in subparagraph (A)(ii)(I) to vote
12 in the election.”.

13 **SEC. 1024. CLARIFICATION OF REQUIREMENT REGARDING**
14 **NECESSARY INFORMATION TO SHOW ELIGI-**
15 **BILITY TO VOTE.**

16 Section 8 of the National Voter Registration Act of
17 1993 (52 U.S.C. 20507) is amended—

18 (1) by redesignating subsection (j) as sub-
19 section (k); and

20 (2) by inserting after subsection (i) the fol-
21 lowing new subsection:

22 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
23 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
24 ELIGIBILITY TO VOTE.—For purposes meeting the re-
25 quirement of subsection (a)(1) that an eligible applicant

1 is registered to vote in an election for Federal office within
2 the deadlines required under such subsection, the State
3 shall consider an applicant to have provided a ‘valid voter
4 registration form’ if—

5 “(1) the applicant has substantially completed
6 the application form and attested to the statement
7 required by section 9(b)(2); and

8 “(2) in the case of an applicant who registers
9 to vote online in accordance with section 6A, the ap-
10 plicant provides a signature in accordance with sub-
11 section (c) of such section.”.

12 **SEC. 1025. PROHIBITING STATE FROM REQUIRING APPLI-**
13 **CANTS TO PROVIDE MORE THAN LAST 4 DIG-**
14 **ITS OF SOCIAL SECURITY NUMBER.**

15 (a) FORM INCLUDED WITH APPLICATION FOR
16 MOTOR VEHICLE DRIVER’S LICENSE.—Section
17 5(c)(2)(B)(ii) of the National Voter Registration Act of
18 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended by strik-
19 ing the semicolon at the end and inserting the following:
20 “, and to the extent that the application requires the appli-
21 cant to provide a Social Security number, may not require
22 the applicant to provide more than the last 4 digits of such
23 number;”.

24 (b) NATIONAL MAIL VOTER REGISTRATION FORM.—
25 Section 9(b)(1) of such Act (52 U.S.C. 20508(b)(1)) is

1 amended by striking the semicolon at the end and insert-
2 ing the following: “, and to the extent that the form re-
3 quires the applicant to provide a Social Security number,
4 the form may not require the applicant to provide more
5 than the last 4 digits of such number;”.

6 **SEC. 1026. APPLICATION OF RULES TO CERTAIN EXEMPT**
7 **STATES.**

8 Section 4 of the National Voter Registration Act of
9 1993 (52 U.S.C. 20503) is amended by adding at the end
10 the following new subsection:

11 “(c) APPLICATION OF INTERNET VOTER REGISTRA-
12 TION RULES.—Notwithstanding subsection (b), the fol-
13 lowing provisions shall apply to a State described in para-
14 graph (2) thereof:

15 “(1) Section 6A (as added by section 1021(a)
16 of the Voter Registration Modernization Act of
17 2021).

18 “(2) Section 8(a)(1)(E) (as added by section
19 1021(e)(1) of the Voter Registration Modernization
20 Act of 2021).

21 “(3) Section 8(a)(5) (as amended by section
22 1021(e)(2) of Voter Registration Modernization Act
23 of 2021), but only to the extent such provision re-
24 lates to section 6A.

1 “(4) Section 8(j) (as added by section 1024 of
2 the Voter Registration Modernization Act of 2021),
3 but only to the extent such provision relates to sec-
4 tion 6A.”.

5 **SEC. 1027. REPORT ON DATA COLLECTION RELATING TO**
6 **ONLINE VOTER REGISTRATION SYSTEMS.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Attorney General shall submit to Congress
9 a report on local, State, and Federal personally identifi-
10 able information data collections efforts related to online
11 voter registration systems, the cyber security resources
12 necessary to defend such efforts from online attacks, and
13 the impact of a potential data breach of local, State, or
14 Federal online voter registration systems.

15 **SEC. 1028. PERMITTING VOTER REGISTRATION APPLICA-**
16 **TION FORM TO SERVE AS APPLICATION FOR**
17 **ABSENTEE BALLOT.**

18 Section 5(c) of the National Voter Registration Act
19 of 1993 (52 U.S.C. 20504(c)) is amended—

20 (1) in paragraph (2)—

21 (A) by striking “and” at the end of sub-
22 paragraph (D);

23 (B) by striking the period at the end of
24 subparagraph (E) and inserting “; and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(F) at the option of the applicant, shall serve
4 as an application to vote by absentee ballot in the
5 next election for Federal office held in the State and
6 in each subsequent election for Federal office held in
7 the State.”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(3)(A) In the case of an individual who is treated
11 as having applied for an absentee ballot in the next elec-
12 tion for Federal office held in the State and in each subse-
13 quent election for Federal office held in the State under
14 paragraph (2)(F), such treatment shall remain effective
15 until the earlier of such time as—

16 “(i) the individual is no longer registered to
17 vote in the State; or

18 “(ii) the individual provides an affirmative writ-
19 ten notice revoking such treatment.

20 “(B) The treatment of an individual as having ap-
21 plied for an absentee ballot in the next election for Federal
22 office held in the State and in each subsequent election
23 for Federal office held in the State under paragraph
24 (2)(F) shall not be revoked on the basis that the individual
25 has not voted in an election”.

1 **SEC. 1029. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), the amendments made by this part (other than the
4 amendments made by section 1004) shall take effect Jan-
5 uary 1, 2022.

6 (b) WAIVER.—If a State certifies to the Election As-
7 sistance Commission not later than January 1, 2022, that
8 the State will not meet the deadline described in sub-
9 section (a) because it would be impracticable to do so and
10 includes in the certification the reasons for the failure to
11 meet such deadline, subsection (a) shall apply to the State
12 as if the reference in such subsection to “January 1,
13 2022” were a reference to “January 1, 2024”.

14 **PART 4—SAME DAY VOTER REGISTRATION**

15 **SEC. 1031. SAME DAY REGISTRATION.**

16 (a) IN GENERAL.—Title III of the Help America
17 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

18 (1) by redesignating sections 304 and 305 as
19 sections 305 and 306, respectively; and

20 (2) by inserting after section 303 the following
21 new section:

22 **“SEC. 304. SAME DAY REGISTRATION.**

23 **“(a) IN GENERAL.—**

24 **“(1) REGISTRATION.—**Each State shall permit
25 any eligible individual on the day of a Federal elec-

1 tion and on any day when voting, including early
2 voting, is permitted for a Federal election—

3 “(A) to register to vote in such election at
4 the polling place using a form that meets the
5 requirements under section 9(b) of the National
6 Voter Registration Act of 1993 (or, if the indi-
7 vidual is already registered to vote, to revise
8 any of the individual’s voter registration infor-
9 mation); and

10 “(B) to cast a vote in such election.

11 “(2) EXCEPTION.—The requirements under
12 paragraph (1) shall not apply to a State in which,
13 under a State law in effect continuously on and after
14 the date of the enactment of this section, there is no
15 voter registration requirement for individuals in the
16 State with respect to elections for Federal office.

17 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
18 section, the term ‘eligible individual’ means, with respect
19 to any election for Federal office, an individual who is oth-
20 erwise qualified to vote in that election.

21 “(c) ENSURING AVAILABILITY OF FORMS.—The
22 State shall ensure that each polling place has copies of
23 any forms an individual may be required to complete in
24 order to register to vote or revise the individual’s voter
25 registration information under this section.

1 “(d) EFFECTIVE DATE.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 each State shall be required to comply with the re-
4 quirements of this section for the regularly sched-
5 uled general election for Federal office occurring in
6 November 2022 and for any subsequent election for
7 Federal office.

8 “(2) SPECIAL RULES FOR ELECTIONS BEFORE
9 NOVEMBER 2026.—

10 “(A) ELECTIONS PRIOR TO NOVEMBER
11 2024 GENERAL ELECTION.—A State shall be
12 deemed to be in compliance with the require-
13 ments of this section for the regularly scheduled
14 general election for Federal office occurring in
15 November 2022 and subsequent elections for
16 Federal office occurring before the regularly
17 scheduled general election for Federal office in
18 November 2024 if at least one location for each
19 15,000 registered voters in each jurisdiction in
20 the State meets such requirements.

21 “(B) NOVEMBER 2024 GENERAL ELEC-
22 TION.—If a State certifies to the Commission
23 not later than November 5, 2024, that the
24 State will not be in compliance with the require-
25 ments of this section for the regularly scheduled

1 general election for Federal office occurring in
2 November 2024 because it would be impracti-
3 cable to do so and includes in the certification
4 the reasons for the failure to meet such require-
5 ments, the State shall be deemed to be in com-
6 pliance with the requirements of this section for
7 such election if at least one location for each
8 15,000 registered voters in each jurisdiction in
9 the State meets such requirements.”.

10 (b) CONFORMING AMENDMENT RELATING TO EN-
11 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
12 is amended by striking “sections 301, 302, and 303” and
13 inserting “subtitle A of title III”.

14 (c) CLERICAL AMENDMENTS.—The table of contents
15 of such Act is amended—

16 (1) by redesignating the items relating to sec-
17 tions 304 and 305 as relating to sections 305 and
18 306, respectively; and

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

“Sec. 304. Same day registration.”.

21 **SEC. 1032. ENSURING PRE-ELECTION REGISTRATION DEAD-**
22 **LINES ARE CONSISTENT WITH TIMING OF**
23 **LEGAL PUBLIC HOLIDAYS.**

24 (a) IN GENERAL.—Section 8(a)(1) of the National
25 Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1))

1 is amended by striking “30 days” each place it appears
2 and inserting “28 days”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply with respect to elections held
5 in 2022 or any succeeding year.

6 **PART 5—STREAMLINE VOTER REGISTRATION**
7 **INFORMATION, ACCESS, AND PRIVACY**

8 **SEC. 1041. AUTHORIZING THE DISSEMINATION OF VOTER**
9 **REGISTRATION INFORMATION DISPLAYS**
10 **FOLLOWING NATURALIZATION CEREMONIES.**

11 The Secretary of Homeland Security shall establish
12 a process for authorizing the chief State election official
13 of a State to disseminate voter registration information
14 at the conclusion of any naturalization ceremony in such
15 State, which may involve a display or exhibit.

16 **SEC. 1042. INCLUSION OF VOTER REGISTRATION INFORMA-**
17 **TION WITH CERTAIN LEASES AND VOUCHERS**
18 **FOR FEDERALLY ASSISTED RENTAL HOUSING**
19 **AND MORTGAGE APPLICATIONS.**

20 (a) DEFINITIONS.—In this section:

21 (1) BUREAU.—The term “Bureau” means the
22 Bureau of Consumer Financial Protection.

23 (2) DIRECTOR.—The term “Director” means
24 the Director of the Bureau of Consumer Financial
25 Protection.

1 (3) FEDERAL RENTAL ASSISTANCE.—The term
2 “Federal rental assistance” means rental assistance
3 provided under—

4 (A) any covered housing program, as de-
5 fined in section 41411(a) of the Violence
6 Against Women Act of 1994 (34 U.S.C.
7 12491(a));

8 (B) title V of the Housing Act of 1949 (42
9 U.S.C. 1471 et seq.), including voucher assist-
10 ance under section 542 of such title (42 U.S.C.
11 1490r);

12 (C) the Housing Trust Fund program
13 under section 1338 of the Federal Housing En-
14 terprises Financial Safety and Soundness Act
15 of 1992 (12 U.S.C. 4588); or

16 (D) subtitle C of title IV of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C.
18 11381 et seq.).

19 (4) FEDERALLY BACKED MULTIFAMILY MORT-
20 GAGE LOAN.—The term “Federally backed multi-
21 family mortgage loan” includes any loan (other than
22 temporary financing such as a construction loan)
23 that—

24 (A) is secured by a first or subordinate lien
25 on residential multifamily real property de-

1 signed principally for the occupancy of 5 or
2 more families, including any such secured loan,
3 the proceeds of which are used to prepay or pay
4 off an existing loan secured by the same prop-
5 erty; and

6 (B) is made in whole or in part, or in-
7 sured, guaranteed, supplemented, or assisted in
8 any way, by any officer or agency of the Fed-
9 eral Government or under or in connection with
10 a housing or urban development program ad-
11 ministered by the Secretary of Housing and
12 Urban Development or a housing or related
13 program administered by any other such officer
14 or agency, or is purchased or securitized by the
15 Federal Home Loan Mortgage Corporation or
16 the Federal National Mortgage Association.

17 (5) OWNER.—The term “owner” has the mean-
18 ing given the term in section 8(f) of the United
19 States Housing Act of 1937 (42 U.S.C. 1437f(f)).

20 (6) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
21 CY.—The terms “public housing” and “public hous-
22 ing agency” have the meanings given those terms in
23 section 3(b) of the United States Housing Act of
24 1937 (42 U.S.C. 1437a(b)).

1 (7) RESIDENTIAL MORTGAGE LOAN.—The term
2 “residential mortgage loan” includes any loan that is
3 secured by a first or subordinate lien on residential
4 real property, including individual units of con-
5 dominiums and cooperatives, designed principally for
6 the occupancy of from 1- to 4- families.

7 (b) UNIFORM STATEMENT.—

8 (1) DEVELOPMENT.—The Director, after con-
9 sultation with the Election Assistance Commission,
10 shall develop a uniform statement designed to pro-
11 vide recipients of the statement pursuant to this sec-
12 tion with information on how the recipient can reg-
13 ister to vote and the voting rights of the recipient
14 under law.

15 (2) RESPONSIBILITIES.—In developing the uni-
16 form statement, the Director shall be responsible
17 for—

18 (A) establishing the format of the state-
19 ment;

20 (B) consumer research and testing of the
21 statement; and

22 (C) consulting with and obtaining from the
23 Election Assistance Commission the content re-
24 garding voter rights and registration issues

1 needed to ensure the statement complies with
2 the requirements of paragraph (1).

3 (3) LANGUAGES.—

4 (A) IN GENERAL.—The uniform statement
5 required under paragraph (1) shall be developed
6 and made available in English and in each of
7 the 10 languages most commonly spoken by in-
8 dividuals with limited English proficiency, as
9 determined by the Director using information
10 published by the Director of the Bureau of the
11 Census.

12 (B) PUBLICATION.—The Director shall
13 make all translated versions of the uniform
14 statement required under paragraph (1) pub-
15 licly available in a centralized location on the
16 website of the Bureau.

17 (c) LEASES AND VOUCHERS FOR FEDERALLY AS-
18 SISTED RENTAL HOUSING.—Each Federal agency admin-
19 istering a Federal rental assistance program shall re-
20 quire—

21 (1) each public housing agency to provide a
22 copy of the uniform statement developed pursuant to
23 subsection (b) to each lessee of a dwelling unit in
24 public housing administered by the agency—

1 (A) together with the lease for the dwelling
2 unit, at the same time the lease is signed by the
3 lessee; and

4 (B) together with any income verification
5 form, at the same time the form is provided to
6 the lessee;

7 (2) each public housing agency that administers
8 rental assistance under the Housing Choice Voucher
9 program under section 8(o) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437f(o)), includ-
11 ing the program under paragraph (13) of such sec-
12 tion 8(o), to provide a copy of the uniform statement
13 developed pursuant to subsection (b) to each assisted
14 family or individual—

15 (A) together with the voucher for the as-
16 sistance, at the time the voucher is issued for
17 the family or individual; and

18 (B) together with any income verification
19 form, at the time the voucher is provided to the
20 applicant or assisted family or individual; and

21 (3) each owner of a dwelling unit assisted with
22 Federal rental assistance to provide a copy of the
23 uniform statement developed pursuant to subsection
24 (b) to the lessee of the dwelling unit—

1 (A) together with the lease for such dwell-
2 ing unit, at the same time the lease is signed
3 by the lessee; and

4 (B) together with any income verification
5 form, at the same time the form is provided to
6 the applicant or tenant.

7 (d) APPLICATIONS FOR RESIDENTIAL MORTGAGE
8 LOANS.—The Director shall require each creditor (within
9 the meaning of such term as used in section 1026.2(a)(17)
10 of title 12, Code of Federal Regulations) that receives an
11 application (within the meaning of such term as used in
12 section 1026.2(a)(3)(ii) of title 12, Code of Federal Regu-
13 lations) to provide a copy of the uniform statement devel-
14 oped pursuant to subsection (b) in written form to the
15 applicant for the residential mortgage loan not later than
16 5 business days after the date of the application.

17 (e) FEDERALLY BACKED MULTIFAMILY MORTGAGE
18 LOANS.—The head of the Federal agency insuring, guar-
19 anteeing, supplementing, or assisting a Federally backed
20 multifamily mortgage loan, or the Director of the Federal
21 Housing Finance Agency in the case of a Federally backed
22 multifamily mortgage loan that is purchased or securitized
23 by the Federal Home Loan Mortgage Corporation or the
24 Federal National Mortgage Association, shall require the
25 owner of the property secured by the Federally backed

1 multifamily mortgage loan to provide a copy of the uni-
2 form statement developed pursuant to subsection (b) in
3 written form to each lessee of a dwelling unit assisted by
4 that loan at the time the lease is signed by the lessee.

5 (f) OPTIONAL COMPLETION OF VOTER REGISTRA-
6 TION.—Nothing in this section may be construed to re-
7 quire any individual to complete a voter registration form.

8 (g) REGULATIONS.—The head of a Federal agency
9 administering a Federal rental assistance program, the
10 head of the Federal agency insuring, guaranteeing,
11 supplementing, or assisting a Federally backed multi-
12 family mortgage loan, the Director of the Federal Housing
13 Finance Agency, and the Director may issue such regula-
14 tions as may be necessary to carry out this section.

15 **SEC. 1043. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
16 **CATIONS FROM INDIVIDUALS UNDER 18**
17 **YEARS OF AGE.**

18 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
19 the National Voter Registration Act of 1993 (52 U.S.C.
20 20507), as amended by section 1024, is amended—

21 (1) by redesignating subsection (k) as sub-
22 section (l); and

23 (2) by inserting after subsection (j) the fol-
24 lowing new subsection:

1 “(k) ACCEPTANCE OF APPLICATIONS FROM INDIVID-
2 UALS UNDER 18 YEARS OF AGE.—

3 “(1) IN GENERAL.—A State may not refuse to
4 accept or process an individual’s application to reg-
5 ister to vote in elections for Federal office on the
6 grounds that the individual is under 18 years of age
7 at the time the individual submits the application, so
8 long as the individual is at least 16 years of age at
9 such time.

10 “(2) NO EFFECT ON STATE VOTING AGE RE-
11 QUIREMENTS.—Nothing in paragraph (1) may be
12 construed to require a State to permit an individual
13 who is under 18 years of age at the time of an elec-
14 tion for Federal office to vote in the election.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to elections occur-
17 ring on or after January 1, 2022.

18 **SEC. 1044. REQUIRING STATES TO ESTABLISH AND OPER-**

19 **ATE VOTER PRIVACY PROGRAMS.**

20 (a) IN GENERAL.—Title III of the Help America
21 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
22 by section 1031(a), is amended—

23 (1) by redesignating sections 305 and 306 as
24 sections 306 and 307, respectively; and

1 (2) by inserting after section 304 the following
2 new section:

3 **“SEC. 305. VOTER PRIVACY PROGRAMS.**

4 “(a) IN GENERAL.—Each State shall establish and
5 operate a privacy program to enable victims of domestic
6 violence, dating violence, stalking, sexual assault, and traf-
7 ficking to have personally identifiable information that
8 State or local election officials maintain with respect to
9 an individual voter registration status for purposes of elec-
10 tions for Federal office in the State, including addresses,
11 be kept confidential.

12 “(b) NOTICE.—Each State shall notify residents of
13 that State of the information that State and local election
14 officials maintain with respect to an individual voter reg-
15 istration status for purposes of elections for Federal office
16 in the State, how that information is shared or sold and
17 with whom, what information is automatically kept con-
18 fidential, what information is needed to access voter infor-
19 mation online, and the privacy programs that are avail-
20 able.

21 “(c) PUBLIC AVAILABILITY.—Each State shall make
22 information about the program established under sub-
23 section (a) available on a publicly accessible website.

24 “(d) DEFINITIONS.—In this section:

1 “(1) The terms ‘domestic violence’, ‘stalking’,
2 ‘sexual assault’, and ‘dating violence’ have the mean-
3 ings given such terms in section 40002 of the Vio-
4 lence Against Women Act of 1994 (34 U.S.C.
5 12291).

6 “(2) The term ‘trafficking’ means an act or
7 practice described in paragraph (11) or (12) of sec-
8 tion 103 of the Trafficking Victims Protection Act
9 of 2000 (22 U.S.C. 7102).

10 “(e) EFFECTIVE DATE.—Each State and jurisdiction
11 shall be required to comply with the requirements of this
12 section on and after January 1, 2023.”.

13 (b) CLERICAL AMENDMENTS.—The table of contents
14 of such Act, as amended by section 1031(c), is amended—

15 (1) by redesignating the items relating to sec-
16 tions 305 and 306 as relating to sections 306 and
17 307, respectively; and

18 (2) by inserting after the item relating to sec-
19 tion 304 the following new item:

“Sec. 305. Voter privacy programs.”.

1 **PART 6—FUNDING SUPPORT TO STATES FOR**
2 **COMPLIANCE**
3 **SEC. 1051. AVAILABILITY OF REQUIREMENTS PAYMENTS**
4 **UNDER HAVA TO COVER COSTS OF COMPLI-**
5 **ANCE WITH NEW REQUIREMENTS.**

6 (a) IN GENERAL.—Section 251(b) of the Help Amer-
7 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

8 (1) in paragraph (1), by striking “as provided
9 in paragraphs (2) and (3)” and inserting “as other-
10 wise provided in this subsection”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
14 TIES.—Notwithstanding paragraph (3), a State may
15 use a requirements payment to carry out any of the
16 requirements of the Voter Registration Moderniza-
17 tion Act of 2021, including the requirements of the
18 National Voter Registration Act of 1993 which are
19 imposed pursuant to the amendments made to such
20 Act by the Voter Registration Modernization Act of
21 2021.”.

22 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
23 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-
24 ing “section 251(a)(2)” and inserting “section
25 251(b)(2)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to fiscal year 2022
3 and each succeeding fiscal year.

4 **Subtitle B—Access to Voting for**
5 **Individuals With Disabilities**

6 **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-**
7 **CESS TO VOTER REGISTRATION AND VOTING**
8 **FOR INDIVIDUALS WITH DISABILITIES.**

9 (a) REQUIREMENTS.—Subtitle A of title III of the
10 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
11 as amended by section 1031(a) and section 1044(a), is
12 amended—

13 (1) by redesignating sections 306 and 307 as
14 sections 307 and 308, respectively; and

15 (2) by inserting after section 305 the following
16 new section:

17 **“SEC. 306. ACCESS TO VOTER REGISTRATION AND VOTING**
18 **FOR INDIVIDUALS WITH DISABILITIES.**

19 **“(a) TREATMENT OF APPLICATIONS AND BAL-**
20 **LOTS.—**Each State shall—

21 **“(1)** ensure that absentee registration forms,
22 absentee ballot applications, and absentee ballots
23 that are available electronically are accessible (as de-
24 fined in section 307);

1 “(2) permit individuals with disabilities to use
2 absentee registration procedures and to vote by ab-
3 santee ballot in elections for Federal office;

4 “(3) accept and process, with respect to any
5 election for Federal office, any otherwise valid voter
6 registration application and absentee ballot applica-
7 tion from an individual with a disability if the appli-
8 cation is received by the appropriate State election
9 official within the deadline for the election which is
10 applicable under Federal law;

11 “(4) in addition to any other method of reg-
12 istering to vote or applying for an absentee ballot in
13 the State, establish procedures—

14 “(A) for individuals with disabilities to re-
15 quest by mail and electronically voter registra-
16 tion applications and absentee ballot applica-
17 tions with respect to elections for Federal office
18 in accordance with subsection (c);

19 “(B) for States to send by mail and elec-
20 tronically (in accordance with the preferred
21 method of transmission designated by the indi-
22 vidual under subparagraph (C)) voter registra-
23 tion applications and absentee ballot applica-
24 tions requested under subparagraph (A) in ac-
25 cordance with subsection (c)); and

1 “(C) by which such an individual can des-
2 gnate whether the individual prefers that such
3 voter registration application or absentee ballot
4 application be transmitted by mail or electroni-
5 cally;

6 “(5) in addition to any other method of trans-
7 mitting blank absentee ballots in the State, establish
8 procedures for transmitting by mail and electroni-
9 cally blank absentee ballots to individuals with dis-
10 abilities with respect to elections for Federal office
11 in accordance with subsection (d); and

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

18 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
19 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
20 TEE BALLOT PROCEDURES FOR VOTERS WITH DISABIL-
21 ITIES IN STATE.—

22 “(1) IN GENERAL.—Each State shall designate
23 a single office which shall be responsible for pro-
24 viding information regarding voter registration pro-
25 cedures, absentee ballot procedures, and in-person

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

5 “(2) RESPONSIBILITIES.—Each State shall,
6 through the office designated in paragraph (1)—

7 “(A) provide information to election offi-
8 cials—

9 “(i) on how to set up and operate ac-
10 cessible voting systems; and

11 “(ii) regarding the accessibility of vot-
12 ing procedures, including guidance on com-
13 patibility with assistive technologies such
14 as screen readers and ballot marking de-
15 vices;

16 “(B) integrate information on accessibility,
17 accommodations, disability, and older individ-
18 uals into regular training materials for poll
19 workers and election administration officials;

20 “(C) train poll workers on how to make
21 polling places accessible for individuals with dis-
22 abilities and older individuals;

23 “(D) promote the hiring of individuals with
24 disabilities and older individuals as poll workers
25 and election staff; and

1 “(E) publicly post the results of any audits
2 to determine the accessibility of polling places
3 no later than 6 months after the completion of
4 the audit.

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 accessible 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)(4);

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)(4)(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 disabili-
10 ties 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 envelope, to ensure that if an individual with a dis-
4 ability requests the State to transmit a blank absen-
5 tee ballot to the individual in accordance with this
6 subsection, the voted absentee ballot which is re-
7 turned by the individual is the same blank absentee
8 ballot which the State transmitted to the individual.

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

14 “(f) EFFECTIVE DATE.—This section shall apply
15 with respect to elections for Federal office held on or after
16 January 1, 2022.”.

17 (b) CONFORMING AMENDMENT RELATING TO
18 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
19 SISTANCE COMMISSION.—

20 (1) TIMING OF ISSUANCE.—Section 311(b) of
21 such Act (52 U.S.C. 21101(b)) is amended—

22 (A) by striking “and” at the end of para-
23 graph (2);

24 (B) by striking the period at the end of
25 paragraph (3) and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(4) in the case of the recommendations with
4 respect to section 306, January 1, 2022.”.

5 (2) REDESIGNATION.—

6 (A) IN GENERAL.—Title III of such Act
7 (52 U.S.C. 21081 et seq.) is amended by redesi-
8 gnating sections 311 and 312 as sections 321
9 and 322, respectively.

10 (B) CONFORMING AMENDMENT.—Section
11 322(a) of such Act, as redesignated by subpara-
12 graph (A), is amended by striking “section
13 312” and inserting “section 322”.

14 (c) CLERICAL AMENDMENTS.—The table of contents
15 of such Act, as amended by section 1031(c) and section
16 1044(b), is amended—

17 (1) by redesignating the items relating to sec-
18 tions 306 and 307 as relating to sections 307 and
19 308, respectively; and

20 (2) by inserting after the item relating to sec-
21 tion 305 the following new item:

“Sec. 306. Access to voter registration and voting for individuals with disabili-
ties.”.

1 **SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE**
2 **ACCESSIBLE ELECTION WEBSITES.**

3 (a) IN GENERAL.—Subtitle A of title III of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
5 amended by section 1031(a), section 1044(a), and section
6 1101(a), is amended—

7 (1) by redesignating sections 307 and 308 as
8 sections 308 and 309, respectively; and

9 (2) by inserting after section 306 the following:

10 **“SEC. 307. ESTABLISHMENT AND MAINTENANCE OF ACCES-**
11 **SIBLE ELECTION WEBSITES.**

12 “(a) IN GENERAL.—Not later than January 1, 2023,
13 each State shall establish a single election website that is
14 accessible and meets the following requirements:

15 “(1) LOCAL ELECTION OFFICIALS.—The
16 website shall provide local election officials, poll
17 workers, and volunteers with—

18 “(A) guidance to ensure that polling places
19 are accessible for individuals with disabilities
20 and older individuals in a manner that provides
21 the same opportunity for access and participa-
22 tion (including privacy and independence) as for
23 other voters; and

24 “(B) online training and resources on—

25 “(i) how best to promote the access
26 and participation of individuals with dis-

1 abilities and older individuals in elections
2 for public office; and

3 “(ii) the voting rights and protections
4 for individuals with disabilities and older
5 individuals under State and Federal law.

6 “(2) VOTERS.—The website shall provide infor-
7 mation about voting, including—

8 “(A) the accessibility of all polling places
9 within the State, including outreach programs
10 to inform individuals about the availability of
11 accessible polling places;

12 “(B) how to register to vote and confirm
13 voter registration in the State;

14 “(C) the location and operating hours of
15 all polling places in the State;

16 “(D) the availability of aid or assistance
17 for individuals with disabilities and older indi-
18 viduals to cast their vote in a manner that pro-
19 vides the same opportunity for access and par-
20 ticipation (including privacy and independence)
21 as for other voters at polling places;

22 “(E) the availability of transportation aid
23 or assistance to the polling place for individuals
24 with disabilities or older individuals;

1 “(F) the rights and protections under
2 State and Federal law for individuals with dis-
3 abilities and older individuals to participate in
4 elections; and

5 “(G) how to contact State, local, and Fed-
6 eral officials with complaints or grievances if in-
7 dividuals with disabilities, older individuals, Na-
8 tive Americans, Alaska Natives, and individuals
9 with limited proficiency in the English language
10 feel their ability to register to vote or vote has
11 been blocked or delayed.

12 “(b) PARTNERSHIP WITH OUTSIDE TECHNICAL OR-
13 GANIZATION.—The chief State election official of each
14 State, through the committee of appropriate individuals
15 under subsection (c)(2), shall partner with an outside
16 technical organization with demonstrated experience in es-
17 tablishing accessible and easy to use accessible election
18 websites to—

19 “(1) update an existing election website to
20 make it fully accessible in accordance with this sec-
21 tion; or

22 “(2) develop an election website that is fully ac-
23 cessible in accordance with this section.

24 “(c) STATE PLAN.—

1 “(1) DEVELOPMENT.—The chief State election
2 official of each State shall, through a committee of
3 appropriate individuals as described in paragraph
4 (2), develop a State plan that describes how the
5 State and local governments will meet the require-
6 ments under this section.

7 “(2) COMMITTEE MEMBERSHIP.—The com-
8 mittee shall comprise at least the following individ-
9 uals:

10 “(A) The chief election officials of the four
11 most populous jurisdictions within the State.

12 “(B) The chief election officials of the four
13 least populous jurisdictions within the State.

14 “(C) Representatives from two disability
15 advocacy groups, including at least one such
16 representative who is an individual with a dis-
17 ability.

18 “(D) Representatives from two older indi-
19 vidual advocacy groups, including at least one
20 such representative who is an older individual.

21 “(E) Representatives from two inde-
22 pendent non-governmental organizations with
23 expertise in establishing and maintaining acces-
24 sible websites.

1 “(F) Representatives from two inde-
2 pendent non-governmental voting rights organi-
3 zations.

4 “(G) Representatives from State protection
5 and advocacy systems as defined in section 102
6 of the Developmental Disabilities Assistance
7 and Bill of Rights Act of 2000 (42 U.S.C.
8 15002).

9 “(d) PARTNERSHIP TO MONITOR AND VERIFY AC-
10 CESSIBILITY.—The chief State election official of each eli-
11 gible State, through the committee of appropriate individ-
12 uals under subsection (c)(2), shall partner with at least
13 two of the following organizations to monitor and verify
14 the accessibility of the election website and the complete-
15 ness of the election information and the accuracy of the
16 disability information provided on such website:

17 “(1) University Centers for Excellence in Devel-
18 opmental Disabilities Education, Research, and
19 Services designated under section 151(a) of the De-
20 velopmental Disabilities Assistance and Bill of
21 Rights Act of 2000 (42 U.S.C. 15061(a)).

22 “(2) Centers for Independent Living, as de-
23 scribed in part C of title VII of the Rehabilitation
24 Act of 1973 (29 U.S.C. 796f et seq.).

1 “(3) A State Council on Developmental Disabil-
2 ities described in section 125 of the Developmental
3 Disabilities Assistance and Bill of Rights Act of
4 2000 (42 U.S.C. 15025).

5 “(4) State protection and advocacy systems as
6 defined in section 102 of the Developmental Disabil-
7 ities Assistance and Bill of Rights Act of 2000 (42
8 U.S.C. 15002).

9 “(5) Statewide Independent Living Councils es-
10 tablished under section 705 of the Rehabilitation Act
11 of 1973 (29 U.S.C. 796d).

12 “(6) State Assistive Technology Act Programs.

13 “(7) A visual access advocacy organization.

14 “(8) An organization for the deaf.

15 “(9) A mental health organization.

16 “(e) DEFINITIONS.—For purposes of this section,
17 section 305, and section 307:

18 “(1) ACCESSIBLE.—The term ‘accessible’
19 means—

20 “(A) in the case of the election website
21 under subsection (a) or an electronic commu-
22 nication under section 305—

23 “(i) that the functions and content of
24 the website or electronic communication,
25 including all text, visual, and aural con-

1 tent, are as accessible to people with dis-
2 abilities as to those without disabilities;

3 “(ii) that the functions and content of
4 the website or electronic communication
5 are accessible to individuals with limited
6 proficiency in the English language; and

7 “(iii) that the website or electronic
8 communication meets, at a minimum, con-
9 formance to Level AA of the Web Content
10 Accessibility Guidelines 2.0 of the Web Ac-
11 cessibility Initiative (or any successor
12 guidelines); and

13 “(B) in the case of a facility (including a
14 polling place), that the facility is readily acces-
15 sible to and usable by individuals with disabil-
16 ities and older individuals, as determined under
17 the 2010 ADA Standards for Accessible Design
18 adopted by the Department of Justice (or any
19 successor standards).

20 “(2) INDIVIDUAL WITH A DISABILITY.—The
21 term ‘individual with a disability’ means an indi-
22 vidual with a disability, as defined in section 3 of the
23 Americans with Disabilities Act of 1990 (42 U.S.C.
24 12102), and who is otherwise qualified to vote in
25 elections for Federal office.

1 “(3) OLDER INDIVIDUAL.—The term ‘older in-
2 dividual’ means an individual who is 60 years of age
3 or older and who is otherwise qualified to vote in
4 elections for Federal office.”.

5 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) such
6 Act (52 U.S.C. 21101(b)), as added and redesignated by
7 section 1101(b), is amended by striking “section 306” and
8 inserting “sections 306 and 307”.

9 (c) CLERICAL AMENDMENTS.—The table of contents
10 of such Act, as amended by section 1031(c), section
11 1044(b), and section 1101(c), is amended—

12 (1) by redesignating the items relating to sec-
13 tions 307 and 308 as relating to sections 308 and
14 309, respectively; and

15 (2) by inserting after the item relating to sec-
16 tion 306 the following new item:

 “Sec. 307. Establishment and maintenance of accessible election websites.”.

17 **SEC. 1103. PROTECTIONS FOR IN-PERSON VOTING FOR IN-**
18 **DIVIDUALS WITH DISABILITIES AND OLDER**
19 **INDIVIDUALS.**

20 (a) REQUIREMENT.—

21 (1) IN GENERAL.—Subtitle A of title III of the
22 Help America Vote Act of 2002 (52 U.S.C. 21081
23 et seq.), as amended by section 1031(a), section
24 1044(a), section 1101(a), and section 1102(a), is
25 amended—

1 (A) by redesignating sections 308 and 309
2 as sections 309 and 310, respectively; and

3 (B) by inserting after section 307 the fol-
4 lowing:

5 **“SEC. 308. ACCESS TO VOTING FOR INDIVIDUALS WITH DIS-**
6 **ABILITIES AND OLDER INDIVIDUALS.**

7 “(a) IN GENERAL.—Each State shall—

8 “(1) ensure all polling places within the State
9 are accessible, as defined in section 306;

10 “(2) consider procedures to address long wait
11 times at polling places that allow individuals with
12 disabilities and older individuals alternate options to
13 cast a ballot in person in an election for Federal of-
14 fice, such as the option to cast a ballot outside of
15 the polling place or from a vehicle, or providing an
16 expedited voting line; and

17 “(3) consider options to establish ‘mobile poll-
18 ing sites’ to allow election officials or volunteers to
19 travel to long-term care facilities and assist residents
20 who request assistance in casting a ballot in order
21 to maintain the privacy and independence of voters
22 in these facilities.

23 “(b) CLARIFICATION.—Nothing in this section may
24 be construed to alter the requirements under Federal law

1 that all polling places for Federal elections are accessible
2 to individuals with disabilities and older individuals.

3 “(c) EFFECTIVE DATE.—This section shall apply
4 with respect to elections for Federal office held on or after
5 January 1, 2024.”.

6 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)
7 such Act (52 U.S.C. 21101(b)), as added and reded-
8 igned by section 1101(b) and as amended by sec-
9 tion 1102(b), is amended by striking “and 307” and
10 inserting “, 307, and 308”.

11 (3) CLERICAL AMENDMENTS.—The table of
12 contents of such Act, as amended by section
13 1031(e), section 1044(b), section 1101(c), and sec-
14 tion 1102(c), is amended—

15 (A) by redesignating the items relating to
16 sections 308 and 309 as relating to sections
17 309 and 310, respectively; and

18 (B) by inserting after the item relating to
19 section 307 the following new item:

“Sec. 308. Access to voting for individuals with disabilities and older individ-
uals.”.

20 (b) REVISIONS TO VOTING ACCESSIBILITY FOR THE
21 ELDERLY AND HANDICAPPED ACT.—

22 (1) REPORTS TO ELECTION ASSISTANCE COM-
23 MISSION.—Section 3(c) of the Voting Accessibility

1 for the Elderly and Handicapped Act (52 U.S.C.
2 20102(c)) is amended—

3 (A) in the subsection heading, by striking
4 “FEDERAL ELECTION COMMISSION” and in-
5 serting “ELECTION ASSISTANCE COMMISSION”;

6 (B) in each of paragraphs (1) and (2), by
7 striking “Federal Election Commission” and in-
8 serting “Election Assistance Commission”; and

9 (C) by striking paragraph (3).

10 (2) CONFORMING AMENDMENTS RELATING TO
11 REFERENCES.—The Voting Accessibility for the El-
12 derly and Handicapped Act (52 U.S.C. 20101 et
13 seq.), as amended by paragraph (1), is amended—

14 (A) by striking “handicapped and elderly
15 individuals” each place it appears and inserting
16 “individuals with disabilities and older individ-
17 uals”;

18 (B) by striking “handicapped and elderly
19 voters” each place it appears and inserting “in-
20 dividuals with disabilities and older individ-
21 uals”;

22 (C) in section 3(b)(2)(B), by striking
23 “handicapped or elderly voter” and inserting
24 “individual with a disability or older indi-
25 vidual”;

1 (D) in section 5(b), by striking “handi-
2 capped voter” and inserting “individual with a
3 disability”; and

4 (E) in section 8—

5 (i) by striking paragraphs (1) and (2)
6 and inserting the following:

7 “(1) ‘accessible’ has the meaning given that
8 term in section 307 of the Help America Vote Act
9 of 2002, as added by section 1102(a) of the Free-
10 dom to Vote Act;

11 “(2) ‘older individual’ has the meaning given
12 that term in such section 307;” and

13 (ii) by striking paragraph (4), and in-
14 serting the following:

15 “(4) ‘individual with a disability’ has the mean-
16 ing given that term in such section 306; and”.

17 (3) SHORT TITLE AMENDMENT.—

18 (A) IN GENERAL.—Section 1 of the “Vot-
19 ing Accessibility for the Elderly and Handi-
20 capped Act” (Public Law 98–435; 42 U.S.C.
21 1973ee note) is amended by striking “for the
22 Elderly and Handicapped” and inserting “for
23 Individuals with Disabilities and Older Individ-
24 uals”.

1 (B) REFERENCES.—Any reference in any
2 other provision of law, regulation, document,
3 paper, or other record of the United States to
4 the “Voting Accessibility for the Elderly and
5 Handicapped Act” shall be deemed to be a ref-
6 erence to the “Voting Accessibility for Individ-
7 uals with Disabilities and Older Individuals
8 Act”.

9 (4) EFFECTIVE DATE.—The amendments made
10 by this subsection shall take effect on January 1,
11 2024, and apply to with respect to elections for Fed-
12 eral office held on or after that date.

13 **SEC. 1104. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
14 **GUARDIANSHIP.**

15 (a) IN GENERAL.—Subtitle A of title III of the Help
16 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
17 amended by section 1031(a), section 1044(a), section
18 1101(a), section 1102(a), and section 1103(a)(1), is
19 amended—

20 (1) by redesignating sections 309 and 310 as
21 sections 310 and 311, respectively; and

22 (2) by inserting after section 308 the following:

1 **“SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
2 **GUARDIANSHIP.**

3 “(a) **IN GENERAL.**—A State shall not determine that
4 an individual lacks the capacity to vote in an election for
5 Federal office on the ground that the individual is subject
6 to guardianship, unless a court of competent jurisdiction
7 issues a court order finding by clear and convincing evi-
8 dence that the individual cannot communicate, with or
9 without accommodations, a desire to participate in the vot-
10 ing process.

11 “(b) **EFFECTIVE DATE.**—This section shall apply
12 with respect to elections for Federal office held on or after
13 January 1, 2022.”.

14 (b) **VOLUNTARY GUIDANCE.**—Section 321(b)(4) such
15 Act (52 U.S.C. 21101(b)), as added and redesignated by
16 section 1101(b) and as amended by sections 1102 and
17 1103, is amended by striking “and 308” and inserting
18 “308, and 309”.

19 (c) **CLERICAL AMENDMENTS.**—The table of contents
20 of such Act, as amended by section 1031(c), section
21 1044(b), section 1101(c), section 1102(c), and section
22 1103(a)(3), is amended—

23 (1) by redesignating the items relating to sec-
24 tions 309 and 310 as relating to sections 310 and
25 311, respectively; and

1 (2) by inserting after the item relating to sec-
2 tion 308 the following new item:

“Sec. 309. Protections for individuals subject to guardianship.”.

3 **SEC. 1105. EXPANSION AND REAUTHORIZATION OF GRANT**
4 **PROGRAM TO ASSURE VOTING ACCESS FOR**
5 **INDIVIDUALS WITH DISABILITIES.**

6 (a) **PURPOSES OF PAYMENTS.**—Section 261(b) of the
7 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
8 amended by striking paragraphs (1) and (2) and inserting
9 the following:

10 “(1) making absentee voting and voting at
11 home accessible to individuals with the full range of
12 disabilities (including impairments involving vision,
13 hearing, mobility, or dexterity) through the imple-
14 mentation of accessible absentee voting systems that
15 work in conjunction with assistive technologies for
16 which individuals have access at their homes, inde-
17 pendent living centers, or other facilities;

18 “(2) making polling places, including the path
19 of travel, entrances, exits, and voting areas of each
20 polling facility, accessible to individuals with disabil-
21 ities, including the blind and visually impaired, in a
22 manner that provides the same opportunity for ac-
23 cess and participation (including privacy and inde-
24 pendence) as for other voters; and

1 “(3) providing solutions to problems of access
2 to voting and elections for individuals with disabili-
3 ties that are universally designed and provide the
4 same opportunities for individuals with and without
5 disabilities.”.

6 (b) REAUTHORIZATION.—Section 264(a) of such Act
7 (52 U.S.C. 21024(a)) is amended by adding at the end
8 the following new paragraph:

9 “(4) For fiscal year 2022 and each succeeding
10 fiscal year, such sums as may be necessary to carry
11 out this part.”.

12 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
13 264 of such Act (52 U.S.C. 21024) is amended—

14 (1) in subsection (b), by striking “Any
15 amounts” and inserting “Except as provided in sub-
16 section (b), any amounts”; and

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

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

20 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
21 ITURE.—In the case of any amounts appropriated
22 pursuant to the authority of subsection (a) for a
23 payment to a State or unit of local government for
24 fiscal year 2022 or any succeeding fiscal year, any
25 portion of such amounts which have not been obli-

1 gated or expended by the State or unit of local gov-
2 ernment prior to the expiration of the 4-year period
3 which begins on the date the State or unit of local
4 government first received the amounts shall be
5 transferred to the Commission.

6 “(2) REALLOCATION OF TRANSFERRED
7 AMOUNTS.—

8 “(A) IN GENERAL.—The Commission shall
9 use the amounts transferred under paragraph
10 (1) to make payments on a pro rata basis to
11 each covered payment recipient described in
12 subparagraph (B), which may obligate and ex-
13 pend such payment for the purposes described
14 in section 261(b) during the 1-year period
15 which begins on the date of receipt.

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

20 “(i) amounts were appropriated pur-
21 suant to the authority of subsection (a);
22 and

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

1 **SEC. 1106. FUNDING FOR PROTECTION AND ADVOCACY SYS-**
2 **TEMS.**

3 (a) INCLUSION OF SYSTEM SERVING AMERICAN IN-
4 DIAN CONSORTIUM.—Section 291(a) of the Help America
5 Vote Act of 2002 (52 U.S.C. 21061(a)) is amended by
6 striking “of each State” and inserting “of each State and
7 the eligible system serving the American Indian consor-
8 tium (within the meaning of section 509(c)(1)(B) of the
9 Rehabilitation Act of 1973 (29 U.S.C. 794e(c)(1)(B)))”.

10 (b) GRANT AMOUNT.—Section 291(b) of the Help
11 America Vote Act of 2002 (52 U.S.C. 21061(b)) is amend-
12 ed—

13 (1) by striking “as set forth in subsections
14 (c)(3)” and inserting “as set forth in subsections
15 (c)(1)(B) (regardless of the fiscal year), (c)(3)”;

16 (2) by striking “except that” and all that fol-
17 lows and inserting “except that the amount of the
18 grants to systems referred to in subsection (c)(3)(B)
19 of that section shall not be less than \$70,000 and
20 the amount of the grants to systems referred to in
21 subsections (c)(1)(B) and (c)(4)(B) of that section
22 shall not be less than \$35,000.”.

1 **SEC. 1107. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
2 **WITH DISABILITIES TO REGISTER TO VOTE**
3 **PRIVATELY AND INDEPENDENTLY AT RESI-**
4 **DENCES.**

5 (a) **ESTABLISHMENT OF PILOT PROGRAMS.**—The
6 Election Assistance Commission (hereafter referred to as
7 the “Commission”) shall, subject to the availability of ap-
8 propriations to carry out this section, make grants to eligi-
9 ble States to conduct pilot programs under which individ-
10 uals with disabilities may use electronic means (including
11 the internet and telephones utilizing assistive devices) to
12 register to vote and to request and receive absentee ballots
13 in a manner which permits such individuals to do so pri-
14 vately and independently at their own residences.

15 (b) **REPORTS.**—

16 (1) **IN GENERAL.**—A State receiving a grant for
17 a year under this section shall submit a report to the
18 Commission on the pilot programs the State carried
19 out with the grant with respect to elections for pub-
20 lic office held in the State during the year.

21 (2) **DEADLINE.**—A State shall submit a report
22 under paragraph (1) not later than 90 days after
23 the last election for public office held in the State
24 during the year.

25 (c) **ELIGIBILITY.**—A State is eligible to receive a
26 grant under this section if the State submits to the Com-

1 mission, at such time and in such form as the Commission
2 may require, an application containing such information
3 and assurances as the Commission may require.

4 (d) **TIMING.**—The Commission shall make the first
5 grants under this section for pilot programs which will be
6 in effect with respect to elections for Federal office held
7 in 2022, or, at the option of a State, with respect to other
8 elections for public office held in the State in 2022.

9 (e) **STATE DEFINED.**—In this section, the term
10 “State” includes the District of Columbia, the Common-
11 wealth of Puerto Rico, Guam, American Samoa, the
12 United States Virgin Islands, and the Commonwealth of
13 the Northern Mariana Islands.

14 **SEC. 1108. GAO ANALYSIS AND REPORT ON VOTING ACCESS**
15 **FOR INDIVIDUALS WITH DISABILITIES.**

16 (a) **ANALYSIS.**—The Comptroller General of the
17 United States shall conduct an analysis after each regu-
18 larly scheduled general election for Federal office with re-
19 spect to the following:

20 (1) In relation to polling places located in
21 houses of worship or other facilities that may be ex-
22 empt from accessibility requirements under the
23 Americans with Disabilities Act—

24 (A) efforts to overcome accessibility chal-
25 lenges posed by such facilities; and

1 (B) the extent to which such facilities are
2 used as polling places in elections for Federal
3 office.

4 (2) Assistance provided by the Election Assist-
5 ance Commission, Department of Justice, or other
6 Federal agencies to help State and local officials im-
7 prove voting access for individuals with disabilities
8 during elections for Federal office.

9 (3) When accessible voting machines are avail-
10 able at a polling place, the extent to which such ma-
11 chines—

12 (A) are located in places that are difficult
13 to access;

14 (B) malfunction; or

15 (C) fail to provide sufficient privacy to en-
16 sure that the ballot of the individual cannot be
17 seen by another individual.

18 (4) The process by which Federal, State, and
19 local governments track compliance with accessibility
20 requirements related to voting access, including
21 methods to receive and address complaints.

22 (5) The extent to which poll workers receive
23 training on how to assist individuals with disabil-
24 ities, including the receipt by such poll workers of

1 information on legal requirements related to voting
2 rights for individuals with disabilities.

3 (6) The extent and effectiveness of training pro-
4 vided to poll workers on the operation of accessible
5 voting machines.

6 (7) The extent to which individuals with a de-
7 velopmental or psychiatric disability experience
8 greater barriers to voting, and whether poll worker
9 training adequately addresses the needs of such indi-
10 viduals.

11 (8) The extent to which State or local govern-
12 ments employ, or attempt to employ, individuals
13 with disabilities to work at polling sites.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 9 months
16 after the date of a regularly scheduled general elec-
17 tion for Federal office, the Comptroller General shall
18 submit to the appropriate congressional committees
19 a report with respect to the most recent regularly
20 scheduled general election for Federal office that
21 contains the following:

22 (A) The analysis required by subsection
23 (a).

24 (B) Recommendations, as appropriate, to
25 promote the use of best practices used by State

1 and local officials to address barriers to accessi-
2 bility and privacy concerns for individuals with
3 disabilities in elections for Federal office.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—For purposes of this subsection, the term
6 “appropriate congressional committees” means—

7 (A) the Committee on House Administra-
8 tion of the House of Representatives;

9 (B) the Committee on Rules and Adminis-
10 tration of the Senate;

11 (C) the Committee on Appropriations of
12 the House of Representatives; and

13 (D) the Committee on Appropriations of
14 the Senate.

15 **Subtitle C—Early Voting**

16 **SEC. 1201. EARLY VOTING.**

17 (a) REQUIREMENTS.—Subtitle A of title III of the
18 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
19 as amended by section 1031(a), section 1044(a), section
20 1101(a), section 1102(a), section 1103(a), and section
21 1104(a), is amended—

22 (1) by redesignating sections 310 and 311 as
23 sections 311 and 312, respectively; and

24 (2) by inserting after section 309 the following
25 new section:

1 **“SEC. 310. EARLY VOTING.**

2 “(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-
3 TION.—Each State shall allow individuals to vote in an
4 election for Federal office during an early voting period
5 which occurs prior to the date of the election, in a manner
6 that allows the individual to receive, complete, and cast
7 their ballot in-person.

8 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

9 “(1) IN GENERAL.—

10 “(A) LENGTH OF PERIOD.—The early vot-
11 ing period required under this subsection with
12 respect to an election shall consist of a period
13 of consecutive days (including weekends) which
14 begins on the 15th day before the date of the
15 election (or, at the option of the State, on a day
16 prior to the 15th day before the date of the
17 election) and ends no earlier than the second
18 day before the date of the election.

19 “(B) HOURS FOR EARLY VOTING.—Each
20 polling place which allows voting during an
21 early voting period under subparagraph (A)
22 shall—

23 “(i) allow such voting for no less than
24 10 hours on each day during the period;

25 “(ii) have uniform hours each day for
26 which such voting occurs; and

1 “(iii) allow such voting to be held for
2 some period of time prior to 9:00 a.m.
3 (local time) and some period of time after
4 5:00 p.m. (local time).

5 “(2) REQUIREMENTS FOR VOTE-BY-MAIL JURIS-
6 DICTIONS.—In the case of a jurisdiction that sends
7 every registered voter a ballot by mail—

8 “(A) paragraph (1) shall not apply;

9 “(B) such jurisdiction shall allow eligible
10 individuals to vote during an early voting period
11 that ensures voters are provided the greatest
12 opportunity to cast ballots ahead of election day
13 and which includes at least one consecutive Sat-
14 urday and Sunday; and

15 “(C) each polling place which allows voting
16 during an early voting period under subpara-
17 graph (B) shall allow such voting—

18 “(i) during the election office’s reg-
19 ular business hours; and

20 “(ii) for a period of not less than 8
21 hours on Saturdays and Sundays included
22 in the early voting period.

23 “(3) REQUIREMENTS FOR SMALL JURISDIC-
24 TIONS.—

1 “(A) IN GENERAL.—In the case of a juris-
2 diction described in subparagraph (B), para-
3 graph (1)(B) shall not apply so long as all eligi-
4 ble individuals in the jurisdiction have the op-
5 portunity to vote—

6 “(i) at each polling place which allows
7 voting during the early voting period de-
8 scribed in paragraph (1)(A)—

9 “(I) during the election office’s
10 regular business hours; and

11 “(II) for a period of not less than
12 8 hours on at least one Saturday and
13 at least one Sunday included in the
14 early voting period; or

15 “(ii) at one or more polling places in
16 the county in which such jurisdiction is lo-
17 cated that allows voting during the early
18 voting period described in paragraph
19 (1)(A) in accordance with the requirements
20 under paragraph (1)(B).

21 “(B) JURISDICTION DESCRIBED.—A juris-
22 diction is described in this subparagraph if such
23 jurisdiction—

1 “(i) had less than 3,000 registered
2 voters at the time of the most recent prior
3 election for Federal office; and

4 “(ii) consists of a geographic area
5 that is smaller than the jurisdiction of the
6 county in which such jurisdiction is lo-
7 cated.

8 “(4) RULE OF CONSTRUCTION.—Nothing in
9 this subsection shall be construed—

10 “(A) to limit the availability of additional
11 temporary voting sites which provide voters
12 more opportunities to cast their ballots but
13 which do not meet the requirements of this sub-
14 section;

15 “(B) to limit a polling place from being
16 open for additional hours outside of the uniform
17 hours set for the polling location on any day of
18 the early voting period; or

19 “(C) to limit a State or jurisdiction from
20 offering early voting on the Monday before elec-
21 tion day.

22 “(c) LOCATION OF POLLING PLACES.—

23 “(1) PROXIMITY TO PUBLIC TRANSPOR-
24 TATION.—To the greatest extent practicable, each
25 State and jurisdiction shall ensure that each polling

1 place which allows voting during an early voting pe-
2 riod under subsection (b) is located within walking
3 distance of a stop on a public transportation route.

4 “(2) AVAILABILITY IN RURAL AREAS.—In the
5 case of a jurisdiction that includes a rural area, the
6 State or jurisdiction shall—

7 “(A) ensure that polling places which allow
8 voting during an early voting period under sub-
9 section (b) will be located in such rural areas;
10 and

11 “(B) ensure that such polling places are lo-
12 cated in communities which will provide the
13 greatest opportunity for residents of rural areas
14 to vote during the early voting period.

15 “(3) COLLEGE CAMPUSES.—In the case of a ju-
16 risdiction that includes an institution of higher edu-
17 cation, the State or jurisdiction shall—

18 “(A) ensure that an appropriate number
19 (not less than one) of polling places which allow
20 voting during the early voting period under sub-
21 section (b) will be located on the campus of the
22 institution of higher education; and

23 “(B) ensure that such polling places pro-
24 vide the greatest opportunity for residents of
25 the jurisdiction to vote.

1 “(d) STANDARDS.—Not later than June 30, 2022,
2 the Commission shall issue voluntary standards for the ad-
3 ministration of voting during voting periods which occur
4 prior to the date of a Federal election. Subject to sub-
5 section (c), such voluntary standards shall include the
6 nondiscriminatory geographic placement of polling places
7 at which such voting occurs.

8 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-
9 MENTS.—

10 “(1) IN GENERAL.—Each State or jurisdiction
11 shall begin processing and scanning ballots cast dur-
12 ing in-person early voting for tabulation not later
13 than the date that is 14 days prior to the date of
14 the election involved, except that a State or jurisdic-
15 tion may begin processing and scanning ballots cast
16 during in-person early voting for tabulation after
17 such date if the date on which the State or jurisdic-
18 tion begins such processing and scanning ensures, to
19 the greatest extent practical, that ballots cast before
20 the date of the election are processed and scanned
21 before the date of the election.

22 “(2) LIMITATION.—Nothing in this subsection
23 shall be construed—

24 “(A) to permit a State or jurisdiction to
25 tabulate ballots in an election before the closing

1 of the polls on the date of the election unless
2 such tabulation is a necessary component of
3 preprocessing in the State or jurisdiction and is
4 performed in accordance with existing State
5 law; or

6 “(B) to permit an official to make public
7 any results of tabulation and processing before
8 the closing of the polls on the date of the elec-
9 tion.

10 “(f) EFFECTIVE DATE.—This section shall apply
11 with respect to the regularly scheduled general election for
12 Federal office held in November 2022 and each succeeding
13 election for Federal office.”.

14 (b) CONFORMING AMENDMENTS RELATING TO
15 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
16 SISTANCE COMMISSION.—Section 321(b) of such Act (52
17 U.S.C. 21101(b)), as redesignated and amended by sec-
18 tion 1101(b), is amended—

19 (1) by striking “and” at the end of paragraph
20 (3);

21 (2) by striking the period at the end of para-
22 graph (4) and inserting “; and”; and

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

1 “(5) except as provided in paragraph (4), in the
2 case of the recommendations with respect to any sec-
3 tion added by the Freedom to Vote Act, June 30,
4 2022.”.

5 (c) CLERICAL AMENDMENTS.—The table of contents
6 of such Act, as amended by section 1031(c), section
7 1044(b), section 1101(c), section 1102(c), section
8 1103(a), and section 1104(c), is amended—

9 (1) by redesignating the items relating to sec-
10 tions 310 and 311 as relating to sections 311 and
11 312, respectively; and

12 (2) by inserting after the item relating to sec-
13 tion 309 the following new item:

“Sec. 310. Early voting.”.

14 **Subtitle D—Voting by Mail**

15 **SEC. 1301. VOTING BY MAIL.**

16 (a) IN GENERAL.—

17 (1) REQUIREMENTS.—Subtitle A of title III of
18 the Help America Vote Act of 2002 (52 U.S.C.
19 21081 et seq.), as amended by section 1031(a), sec-
20 tion 1044(a), section 1101(a), section 1102(a), sec-
21 tion 1103(a), section 1104(a), and section 1201(a),
22 is amended—

23 (A) by redesignating sections 311 and 312
24 as sections 312 and 313, respectively; and

1 (B) by inserting after section 310 the fol-
2 lowing new section:

3 **“SEC. 311. PROMOTING ABILITY OF VOTERS TO VOTE BY**
4 **MAIL.**

5 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
6 TO ALL VOTERS.—

7 “(1) IN GENERAL.—If an individual in a State
8 is eligible to cast a vote in an election for Federal
9 office, the State may not impose any additional con-
10 ditions or requirements on the eligibility of the indi-
11 vidual to cast the vote in such election by absentee
12 ballot by mail.

13 “(2) ADMINISTRATION OF VOTING BY MAIL.—

14 “(A) PROHIBITING IDENTIFICATION RE-
15 QUIREMENT AS CONDITION OF OBTAINING OR
16 CASTING BALLOT.—A State may not require an
17 individual to submit any form of identifying
18 document as a condition of obtaining or casting
19 an absentee ballot, except that nothing in this
20 subparagraph may be construed to prevent a
21 State from requiring—

22 “(i) the information required to com-
23 plete an application for voter registration
24 for an election for Federal office under sec-
25 tion 303(a)(5)(A), provided that a State

1 may not deny a voter a ballot or the oppor-
2 tunity to cast it on the grounds that the
3 voter does not possess a current and valid
4 driver’s license number or a social security
5 number; or

6 “(ii) a signature of the individual or
7 similar affirmation as a condition of ob-
8 taining or casting an absentee ballot.

9 “(B) PROHIBITING FAULTY MATCHING RE-
10 QUIREMENTS FOR IDENTIFYING INFORMA-
11 TION.—A State may not deny a voter an absen-
12 tee ballot or reject an absentee ballot cast by a
13 voter—

14 “(i) on the grounds that the voter
15 provided a different form of identifying in-
16 formation under subparagraph (A) than
17 the voter originally provided when reg-
18 istering to vote or when requesting an ab-
19 sentee ballot; or

20 “(ii) due to an error in, or omission
21 of, identifying information required by a
22 State under subparagraph (A), if such
23 error or omission is not material to an in-
24 dividual’s eligibility to vote under section

1 2004(a)(2)(B) of the Revised Statutes (52
2 U.S.C. 10101(a)(2)(B)).

3 “(C) PROHIBITING REQUIREMENT TO PRO-
4 VIDE NOTARIZATION OR WITNESS SIGNATURE
5 AS CONDITION OF OBTAINING OR CASTING BAL-
6 LOT.—A State may not require notarization or
7 witness signature or other formal authentica-
8 tion (other than voter attestation) as a condi-
9 tion of obtaining or casting an absentee ballot,
10 except that nothing in this subparagraph may
11 be construed to prohibit a State from enforcing
12 a law which has a witness signature require-
13 ment for a ballot where a voter oath is attested
14 to with a mark rather than a voter’s signature.

15 “(3) NO EFFECT ON IDENTIFICATION REQUIRE-
16 MENTS FOR FIRST-TIME VOTERS REGISTERING BY
17 MAIL.—Nothing in this subsection may be construed
18 to exempt any individual described in paragraph (1)
19 of section 303(b) from meeting the requirements of
20 paragraph (2) of such section or to exempt an indi-
21 vidual described in paragraph (5)(A) of section
22 303(b) from meeting the requirements of paragraph
23 (5)(B).

24 “(b) DUE PROCESS REQUIREMENTS FOR STATES
25 REQUIRING SIGNATURE VERIFICATION.—

1 “(1) REQUIREMENT.—

2 “(A) IN GENERAL.—A State may not im-
3 pose a signature verification requirement as a
4 condition of accepting and counting a mail-in
5 ballot or absentee ballot submitted by any indi-
6 vidual with respect to an election for Federal
7 office unless the State meets the due process re-
8 quirements described in paragraph (2).

9 “(B) SIGNATURE VERIFICATION REQUIRE-
10 MENT DESCRIBED.—In this subsection, a ‘sig-
11 nature verification requirement’ is a require-
12 ment that an election official verify the identi-
13 fication of an individual by comparing the indi-
14 vidual’s signature on the mail-in ballot or ab-
15 sentee ballot with the individual’s signature on
16 the official list of registered voters in the State
17 or another official record or other document
18 used by the State to verify the signatures of
19 voters.

20 “(2) DUE PROCESS REQUIREMENTS.—

21 “(A) NOTICE AND OPPORTUNITY TO CURE
22 DISCREPANCY IN SIGNATURES.—If an indi-
23 vidual submits a mail-in ballot or an absentee
24 ballot and the appropriate State or local elec-
25 tion official determines that a discrepancy ex-

1 ists between the signature on such ballot and
2 the signature of such individual on the official
3 list of registered voters in the State or other of-
4 ficial record or document used by the State to
5 verify the signatures of voters, such election of-
6 ficial, prior to making a final determination as
7 to the validity of such ballot, shall—

8 “(i) as soon as practical, but no later
9 than the next business day after such de-
10 termination is made, make a good faith ef-
11 fort to notify the individual by mail, tele-
12 phone, and (if available) text message and
13 electronic mail that—

14 “(I) a discrepancy exists between
15 the signature on such ballot and the
16 signature of the individual on the offi-
17 cial list of registered voters in the
18 State or other official record or docu-
19 ment used by the State to verify the
20 signatures of voters; and

21 “(II) if such discrepancy is not
22 cured prior to the expiration of the
23 third day following the State’s dead-
24 line for receiving mail-in ballots or ab-

1 sentee ballots, such ballot will not be
2 counted; and

3 “(ii) cure such discrepancy and count
4 the ballot if, prior to the expiration of the
5 third day following the State’s deadline for
6 receiving mail-in ballots or absentee bal-
7 lots, the individual provides the official
8 with information to cure such discrepancy,
9 either in person, by telephone, or by elec-
10 tronic methods.

11 “(B) NOTICE AND OPPORTUNITY TO CURE
12 MISSING SIGNATURE OR OTHER DEFECT.—If an
13 individual submits a mail-in ballot or an absen-
14 tee ballot without a signature or submits a
15 mail-in ballot or an absentee ballot with another
16 defect which, if left uncured, would cause the
17 ballot to not be counted, the appropriate State
18 or local election official, prior to making a final
19 determination as to the validity of the ballot,
20 shall—

21 “(i) as soon as practical, but no later
22 than the next business day after such de-
23 termination is made, make a good faith ef-
24 fort to notify the individual by mail, tele-

1 phone, and (if available) text message and
2 electronic mail that—

3 “(I) the ballot did not include a
4 signature or has some other defect;
5 and

6 “(II) if the individual does not
7 provide the missing signature or cure
8 the other defect prior to the expira-
9 tion of the third day following the
10 State’s deadline for receiving mail-in
11 ballots or absentee ballots, such ballot
12 will not be counted; and

13 “(ii) count the ballot if, prior to the
14 expiration of the third day following the
15 State’s deadline for receiving mail-in bal-
16 lots or absentee ballots, the individual pro-
17 vides the official with the missing signa-
18 ture on a form proscribed by the State or
19 cures the other defect.

20 This subparagraph does not apply with respect
21 to a defect consisting of the failure of a ballot
22 to meet the applicable deadline for the accept-
23 ance of the ballot, as described in subsection
24 (e).

25 “(C) OTHER REQUIREMENTS.—

1 statewide election for Federal office
2 held in the State.

3 “(ii) EXCEPTION.—Clause (i)(III)
4 shall not apply to any State in which,
5 under a law that is in effect continuously
6 on and after the date of enactment of this
7 section, determinations regarding signature
8 discrepancies are made by election officials
9 who are not affiliated with a political
10 party.

11 “(3) REPORT.—

12 “(A) IN GENERAL.—Not later than 120
13 days after the end of a Federal election cycle,
14 each chief State election official shall submit to
15 the Commission a report containing the fol-
16 lowing information for the applicable Federal
17 election cycle in the State:

18 “(i) The number of ballots invalidated
19 due to a discrepancy under this subsection.

20 “(ii) Description of attempts to con-
21 tact voters to provide notice as required by
22 this subsection.

23 “(iii) Description of the cure process
24 developed by such State pursuant to this
25 subsection, including the number of ballots

1 determined valid as a result of such proc-
2 ess.

3 “(B) SUBMISSION TO CONGRESS.—Not
4 later than 10 days after receiving a report
5 under subparagraph (A), the Commission shall
6 transmit such report to Congress.

7 “(C) FEDERAL ELECTION CYCLE DE-
8 FINED.—For purposes of this subsection, the
9 term ‘Federal election cycle’ means, with re-
10 spect to any regularly scheduled election for
11 Federal office, the period beginning on the day
12 after the date of the preceding regularly sched-
13 uled general election for Federal office and end-
14 ing on the date of such regularly scheduled gen-
15 eral election.

16 “(4) RULE OF CONSTRUCTION.—Nothing in
17 this subsection shall be construed—

18 “(A) to prohibit a State from rejecting a
19 ballot attempted to be cast in an election for
20 Federal office by an individual who is not eligi-
21 ble to vote in the election; or

22 “(B) to prohibit a State from providing an
23 individual with more time and more methods
24 for curing a discrepancy in the individual’s sig-
25 nature, providing a missing signature, or curing

1 any other defect than the State is required to
2 provide under this subsection.

3 “(c) APPLICATIONS FOR ABSENTEE BALLOTS.—

4 “(1) IN GENERAL.—In addition to such other
5 methods as the State may establish for an individual
6 to apply for an absentee ballot, each State shall per-
7 mit an individual to submit an application for an ab-
8 sentee ballot online.

9 “(2) TREATMENT OF WEBSITES.—A State shall
10 be considered to meet the requirements of paragraph
11 (1) if the website of the appropriate State or local
12 election official allows an application for an absentee
13 ballot to be completed and submitted online and if
14 the website permits the individual—

15 “(A) to print the application so that the
16 individual may complete the application and re-
17 turn it to the official; or

18 “(B) to request that a paper copy of the
19 application be transmitted to the individual by
20 mail or electronic mail so that the individual
21 may complete the application and return it to
22 the official.

23 “(3) ENSURING DELIVERY PRIOR TO ELEC-
24 TION.—

1 “(A) IN GENERAL.—If an individual who is
2 eligible to vote in an election for Federal office
3 submits an application for an absentee ballot in
4 the election and such application is received by
5 the appropriate State or local election official
6 not later than 13 days (excluding Saturdays,
7 Sundays, and legal public holidays) before the
8 date of the election, the election official shall
9 ensure that the ballot and related voting mate-
10 rials are promptly mailed to the individual.

11 “(B) APPLICATIONS RECEIVED CLOSE TO
12 ELECTION DAY.—If an individual who is eligible
13 to vote in an election for Federal office submits
14 an application for an absentee ballot in the elec-
15 tion and such application is received by the ap-
16 propriate State or local election official after
17 the date described in subparagraph (A) but not
18 later than 7 days (excluding Saturdays, Sun-
19 days, and legal public holidays) before the date
20 of the election, the election official shall, to the
21 greatest extent practical, ensure that the ballot
22 and related voting materials are mailed to the
23 individual within 1 business day of the receipt
24 of the application.

1 “(II) the individual provides an
2 affirmative written notice revoking
3 such treatment.

4 “(ii) PROHIBITION ON REVOCATION
5 BASED ON FAILURE TO VOTE.—The treat-
6 ment of an individual as having applied for
7 an absentee ballot for all subsequent elec-
8 tions held in the State under subparagraph
9 (A) shall not be revoked on the basis that
10 the individual has not voted in an election.

11 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
12 ABILITIES.—Each State shall ensure that all absentee bal-
13 lot applications, absentee ballots, and related voting mate-
14 rials in elections for Federal office are accessible to indi-
15 viduals with disabilities in a manner that provides the
16 same opportunity for access and participation (including
17 with privacy and independence) as for other voters.

18 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
19 MAILED BALLOTS.—

20 “(1) IN GENERAL.—A State or local election of-
21 ficial may not refuse to accept or process a ballot
22 submitted by an individual by mail with respect to
23 an election for Federal office in the State on the
24 grounds that the individual did not meet a deadline

1 for returning the ballot to the appropriate State or
2 local election official if—

3 “(A) the ballot is postmarked or otherwise
4 indicated by the United States Postal Service to
5 have been mailed on or before the date of the
6 election, or has been signed by the voter on or
7 before the date of the election; and

8 “(B) the ballot is received by the appro-
9 priate election official prior to the expiration of
10 the 7-day period which begins on the date of
11 the election.

12 “(2) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed to prohibit a State
14 from having a law that allows for counting of ballots
15 in an election for Federal office that are received
16 through the mail after the date that is 7 days after
17 the date of the election.

18 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
19 LOTS.—In addition to permitting an individual to whom
20 a ballot in an election was provided under this section to
21 return the ballot to an election official by mail, each State
22 shall permit the individual to cast the ballot by delivering
23 the ballot at such times and to such locations as the State
24 may establish, including—

1 “(1) permitting the individual to deliver the bal-
2 lot to a polling place within the jurisdiction in which
3 the individual is registered or otherwise eligible to
4 vote on any date on which voting in the election is
5 held at the polling place; and

6 “(2) permitting the individual to deliver the bal-
7 lot to a designated ballot drop-off location, a tribally
8 designated building, or the office of a State or local
9 election official.

10 “(g) **BALLOT PROCESSING AND SCANNING REQUIRE-**
11 **MENTS.—**

12 “(1) **IN GENERAL.—**Each State or jurisdiction
13 shall begin processing and scanning ballots cast by
14 mail for tabulation not later than the date that is 14
15 days prior to the date of the election involved, except
16 that a State may begin processing and scanning bal-
17 lots cast by mail for tabulation after such date if the
18 date on which the State begins such processing and
19 scanning ensures, to the greatest extent practical,
20 that ballots cast before the date of the election are
21 processed and scanned before the date of the elec-
22 tion.

23 “(2) **LIMITATION.—**Nothing in this subsection
24 shall be construed—

1 “(A) to permit a State to tabulate ballots
2 in an election before the closing of the polls on
3 the date of the election unless such tabulation
4 is a necessary component of preprocessing in
5 the State and is performed in accordance with
6 existing State law; or

7 “(B) to permit an official to make public
8 any results of tabulation and processing before
9 the closing of the polls on the date of the elec-
10 tion.

11 “(h) PROHIBITING RESTRICTIONS ON DISTRIBUTION
12 OF ABSENTEE BALLOT APPLICATIONS BY THIRD PAR-
13 TIES.—A State may not prohibit any person from pro-
14 viding an application for an absentee ballot in the election
15 to any individual who is eligible to vote in the election.

16 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to affect the authority of States
18 to conduct elections for Federal office through the use of
19 polling places at which individuals cast ballots.

20 “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
21 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
22 this section may be construed to affect the treatment of
23 any ballot submitted by an individual who is entitled to
24 vote by absentee ballot under the Uniformed and Overseas
25 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

1 “(k) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2022 and each succeeding
4 election for Federal office.”.

5 (2) CLERICAL AMENDMENTS.—The table of
6 contents of such Act, as amended by section
7 1031(e), section 1044(b), section 1101(c), section
8 1102(e), section 1103(a), section 1104(c), and sec-
9 tion 1201(c), is amended—

10 (A) by redesignating the items relating to
11 sections 311 and 312 as relating to sections
12 312 and 313, respectively; and

13 (B) by inserting after the item relating to
14 section 310 the following new item:

“Sec. 311. Promoting ability of voters to vote by mail.”.

15 (b) SAME-DAY PROCESSING OF ABSENTEE BAL-
16 LOTS.—

17 (1) IN GENERAL.—Chapter 34 of title 39,
18 United States Code, is amended by adding at the
19 end the following:

20 **“§ 3407. Same-day processing of ballots**

21 “(a) IN GENERAL.—The Postal Service shall ensure,
22 to the maximum extent practicable, that any ballot carried
23 by the Postal Service is processed by and cleared from
24 any postal facility or post office on the same day that the
25 ballot is received by that facility or post office.

1 “(b) DEFINITIONS.—As used in this section—

2 “(1) the term ‘ballot’ means any ballot trans-
3 mitted by a voter by mail in an election for Federal
4 office, but does not include any ballot covered by
5 section 3406; and

6 “(2) the term ‘election for Federal office’ means
7 a general, special, primary, or runoff election for the
8 office of President or Vice President, or of Senator
9 or Representative in, or Delegate or Resident Com-
10 missioner to, the Congress.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of sections for chapter 34 of title
13 39, United States Code, is amended by adding at
14 the end the following:

“3407. Same-day processing of ballots.”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this subsection shall apply to absentee ballots re-
17 lating to an election for Federal office occurring on
18 or after January 1, 2022.

19 (c) DEVELOPMENT OF ALTERNATIVE VERIFICATION
20 METHODS.—

21 (1) DEVELOPMENT OF STANDARDS.—The Na-
22 tional Institute of Standards, in consultation with
23 the Election Assistance Commission, shall develop
24 standards for the use of alternative methods which
25 could be used in place of signature verification re-

1 requirements for purposes of verifying the identifica-
2 tion of an individual voting by mail-in or absentee
3 ballot in elections for Federal office.

4 (2) PUBLIC NOTICE AND COMMENT.—The Na-
5 tional Institute of Standards shall solicit comments
6 from the public in the development of standards
7 under paragraph (1).

8 (3) DEADLINE.—Not later than 2 years after
9 the date of the enactment of this Act, the National
10 Institute of Standards shall publish the standards
11 developed under paragraph (1).

12 **SEC. 1302. BALLOTING MATERIALS TRACKING PROGRAM.**

13 (a) IN GENERAL.—

14 (1) REQUIREMENTS.—Subtitle A of title III of
15 the Help America Vote Act of 2002 (52 U.S.C.
16 21081 et seq.), as amended by section 1031(a), sec-
17 tion 1044(a), section 1101(a), section 1102(a), sec-
18 tion 1103(a), section 1104(a), section 1201(a), and
19 section 1301(a), is amended—

20 (A) by redesignating sections 312 and 313
21 as sections 313 and 314, respectively; and

22 (B) by inserting after section 311 the fol-
23 lowing new section:

1 **“SEC. 312. BALLOT MATERIALS TRACKING PROGRAM.**

2 “(a) REQUIREMENT.—Each State shall carry out a
3 program to track and confirm the receipt of mail-in ballots
4 and absentee ballots in an election for Federal office under
5 which the State or local election official responsible for the
6 receipt of such voted ballots in the election carries out pro-
7 cedures to track and confirm the receipt of such ballots,
8 and makes information on the receipt of such ballots avail-
9 able to the individual who cast the ballot.

10 “(b) MEANS OF CARRYING OUT PROGRAM.—A State
11 may meet the requirements of subsection (a)—

12 “(1) through a program—

13 “(A) which is established by the State;

14 “(B) under which the State or local elec-
15 tion official responsible for the receipt of voted
16 mail-in ballots and voted absentee ballots in the
17 election—

18 “(i) carries out procedures to track
19 and confirm the receipt of such ballots;
20 and

21 “(ii) makes information on the receipt
22 of such ballots available to the individual
23 who cast the ballot; and

24 “(C) which meets the requirements of sub-
25 section (c); or

1 “(2) through the ballot materials tracking serv-
2 ice established under section 1302(b) of the Free-
3 dom to Vote Act.

4 “(c) STATE PROGRAM REQUIREMENTS.—The re-
5 quirements of this subsection are as follows:

6 “(1) INFORMATION ON WHETHER VOTE WAS
7 ACCEPTED.—The information referred to under sub-
8 section (b)(1)(B)(ii) with respect to the receipt of
9 mail-in ballot or an absentee ballot shall include in-
10 formation regarding whether the vote cast on the
11 ballot was accepted, and, in the case of a vote which
12 was rejected, the reasons therefor.

13 “(2) AVAILABILITY OF INFORMATION.—Infor-
14 mation on whether a ballot was accepted or rejected
15 shall be available within 1 business day of the State
16 accepting or rejecting the ballot.

17 “(3) ACCESSIBILITY OF INFORMATION.—

18 “(A) IN GENERAL.—Except as provided
19 under subparagraph (B), the information pro-
20 vided under the program shall be available by
21 means of online access using the internet site of
22 the State or local election office.

23 “(B) USE OF TOLL-FREE TELEPHONE
24 NUMBER BY OFFICIALS WITHOUT INTERNET
25 SITE.—In the case of a State or local election

1 official whose office does not have an internet
2 site, the program shall require the official to es-
3 tablish a toll-free telephone number that may be
4 used by an individual who cast an absentee bal-
5 lot to obtain the information required under
6 subsection (b)(1)(B).

7 “(d) EFFECTIVE DATE.—This section shall apply
8 with respect to the regularly scheduled general election for
9 Federal office held in November 2024 and each succeeding
10 election for Federal office.”.

11 (2) CONFORMING AMENDMENTS.—Section 102
12 of the Uniformed and Overseas Citizens Absentee
13 Voting Act (52 U.S.C. 20302(a)) is amended by
14 striking subsection (h) and redesignating subsection
15 (i) as subsection (h).

16 (b) BALLOTING MATERIALS TRACKING SERVICE.—

17 (1) IN GENERAL.—Not later than January 1,
18 2024, the Secretary of Homeland Security, in con-
19 sultation with the Chair of the Election Assistance
20 Commission, the Postmaster General, the Director
21 of the General Services Administration, the Presi-
22 dential designee, and State election officials, shall
23 establish a balloting materials tracking service to be
24 used by State and local jurisdictions to inform voters
25 on the status of voter registration applications, ab-

1 sentee ballot applications, absentee ballots, and mail-
2 in ballots.

3 (2) INFORMATION TRACKED.—The balloting
4 materials tracking service established under para-
5 graph (1) shall provide to a voter the following infor-
6 mation with respect to that voter:

7 (A) In the case of balloting materials sent
8 by mail, tracking information from the United
9 States Postal Service and the Presidential des-
10 ignee on balloting materials sent to the voter
11 and, to the extent feasible, returned by the
12 voter.

13 (B) The date on which any request by the
14 voter for an application for voter registration or
15 an absentee ballot was received.

16 (C) The date on which any such requested
17 application was sent to the voter.

18 (D) The date on which any such completed
19 application was received from the voter and the
20 status of such application.

21 (E) The date on which any mail-in ballot
22 or absentee ballot was sent to the voter.

23 (F) The date on which any mail-in ballot
24 or absentee ballot was out for delivery to the
25 voter.

1 (G) The date on which the post office proc-
2 esses the ballot.

3 (H) The date on which the returned ballot
4 was out for delivery to the election office.

5 (I) Whether such ballot was accepted and
6 counted, and in the case of any ballot not
7 counted, the reason why the ballot was not
8 counted.

9 The information described in subparagraph (I) shall
10 be available not later than 1 day after a determina-
11 tion is made on whether or not to accept and count
12 the ballot.

13 (3) METHOD OF PROVIDING INFORMATION.—
14 The balloting materials tracking service established
15 under paragraph (1) shall allow voters the option to
16 receive the information described in paragraph (2)
17 through email (or other electronic means) or through
18 the mail.

19 (4) PUBLIC AVAILABILITY OF LIMITED INFOR-
20 MATION.—Information described in subparagraphs
21 (E), (G), and (I) of paragraph (2) shall be made
22 available to political parties and political organiza-
23 tions, free of charge, for use, in accordance with
24 State guidelines and procedures, in helping to return

1 or cure mail-in ballots during any period in which
2 mail-in ballots may be returned.

3 (5) PROHIBITION ON FEES.—The Director may
4 not charge any fee to a State or jurisdiction for use
5 of the balloting materials tracking service in connec-
6 tion with any Federal, State, or local election.

7 (6) PRESIDENTIAL DESIGNEE.—For purposes
8 of this subsection, the term “Presidential designee”
9 means the Presidential designee under section
10 101(a) of the Uniformed and Overseas Citizens Ab-
11 sentee Voting Act (52 U.S.C. 30201).

12 (7) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Di-
14 rector such sums as are necessary for purposes of
15 carrying out this subsection.

16 (c) REIMBURSEMENT FOR COSTS INCURRED BY
17 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title
18 II of the Help America Vote Act of 2002 (42 U.S.C.
19 15401 et seq.) is amended by adding at the end the fol-
20 lowing new part:

1 **“PART 7—PAYMENTS TO REIMBURSE STATES**
2 **FOR COSTS INCURRED IN ESTABLISHING**
3 **PROGRAM TO TRACK AND CONFIRM RE-**
4 **CEIPT OF ABSENTEE BALLOTS**

5 **“SEC. 297. PAYMENTS TO STATES.**

6 “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-
7 cordance with this section, the Commission shall make a
8 payment to a State to reimburse the State for the costs
9 incurred in establishing the absentee ballot tracking pro-
10 gram under section 312(b)(1) (including costs incurred
11 prior to the date of the enactment of this part).

12 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

13 “(1) CERTIFICATION REQUIRED.—In order to
14 receive a payment under this section, a State shall
15 submit to the Commission a statement containing—

16 “(A) a certification that the State has es-
17 tablished an absentee ballot tracking program
18 with respect to elections for Federal office held
19 in the State; and

20 “(B) a statement of the costs incurred by
21 the State in establishing the program.

22 “(2) AMOUNT OF PAYMENT.—The amount of a
23 payment made to a State under this section shall be
24 equal to the costs incurred by the State in estab-
25 lishing the absentee ballot tracking program, as set
26 forth in the statement submitted under paragraph

1 (1), except that such amount may not exceed the
2 product of—

3 “(A) the number of jurisdictions in the
4 State which are responsible for operating the
5 program; and

6 “(B) \$3,000.

7 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
8 CEIVED.—A State may not receive more than one
9 payment under this part.

10 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) AUTHORIZATION.—There are authorized to be
12 appropriated to the Commission for fiscal year 2022 and
13 each succeeding fiscal year such sums as may be necessary
14 for payments under this part.

15 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
16 amounts appropriated pursuant to the authorization under
17 this section shall remain available until expended.”.

18 (d) CLERICAL AMENDMENTS.—The table of contents
19 of such Act, as amended by section 1031(c), 1044(b), sec-
20 tion 1101(c), section 1102(c), section 1103(a), section
21 1104(c), section 1201(c), and section 1301(a), is amend-
22 ed—

1 (1) by adding at the end of the items relating
2 to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

“Sec. 297. Payments to states.

“Sec. 297A. Authorization of appropriations.”;

3 (2) by redesignating the items relating to sec-
4 tions 312 and 313 as relating to sections 313 and
5 314, respectively; and

6 (3) by inserting after the item relating to sec-
7 tion 311 the following new item:

“Sec. 312. Absentee ballot tracking program.”.

8 **SEC. 1303. ELECTION MAIL AND DELIVERY IMPROVE-**
9 **MENTS.**

10 (a) **POSTMARK REQUIRED FOR BALLOTS.**—

11 (1) **IN GENERAL.**—Chapter 34 of title 39,
12 United States Code, as amended by section 1301(b),
13 is amended by adding at the end the following:

14 **“§ 3408. Postmark required for ballots**

15 “(a) **IN GENERAL.**—In the case of any absentee bal-
16 lot carried by the Postal Service, the Postal Service shall
17 indicate on the ballot envelope, using a postmark or other-
18 wise—

19 “(1) the fact that the ballot was carried by the
20 Postal Service; and

21 “(2) the date on which the ballot was mailed.

22 “(b) **DEFINITIONS.**—As used in this section—

1 “(1) the term ‘absentee ballot’ means any ballot
2 transmitted by a voter by mail in an election for
3 Federal office, but does not include any ballot cov-
4 ered by section 3406; and

5 “(2) the term ‘election for Federal office’ means
6 a general, special, primary, or runoff election for the
7 office of President or Vice President, or of Senator
8 or Representative in, or Delegate or Resident Com-
9 missioner to, the Congress.”.

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENT.—The table of sections for chapter 34 of title
12 39, United States Code, as amended by section
13 1301(b), is amended by adding at the end the fol-
14 lowing:

“3408. Postmark required for ballots.”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this subsection shall apply to absentee ballots re-
17 lating to an election for Federal office occurring on
18 or after January 1, 2022.

19 (b) GREATER VISIBILITY FOR BALLOTS.—

20 (1) IN GENERAL.—Subtitle A of title III of the
21 Help America Vote Act of 2002 (52 U.S.C. 21081
22 et seq.), as amended by section 1031(a), section
23 1044(a), section 1101(a), section 1102(a), section
24 1103(a), section 1104(a), section 1201(a), section
25 1301(a), and section 1302(a), is amended—

1 (A) by redesignating sections 313 and 314
2 as sections 314 and 315, respectively; and

3 (B) by inserting after section 312 the fol-
4 lowing new section:

5 **“SEC. 313. BALLOT VISIBILITY.**

6 “(a) IN GENERAL.—Each State or local election offi-
7 cial shall—

8 “(1) affix Tag 191, Domestic and International
9 Mail-In Ballots (or any successor tag designated by
10 the United States Postal Service), to any tray or
11 sack of official ballots relating to an election for
12 Federal office that is destined for a domestic or
13 international address;

14 “(2) use the Official Election Mail logo to des-
15 ignate official ballots relating to an election for Fed-
16 eral office that is destined for a domestic or inter-
17 national address; and

18 “(3) if an intelligent mail barcode is utilized for
19 any official ballot relating to an election for Federal
20 office that is destined for a domestic or international
21 address, ensure the specific ballot service type identi-
22 fier for such mail is visible.

23 “(b) EFFECTIVE DATE.—The requirements of this
24 section shall apply to elections for Federal office occurring
25 on and after January 1, 2022.”.

1 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)
2 of such Act (52 U.S.C. 21101(b)), as added and re-
3 designated by section 1101(b) and as amended by
4 sections 1102, 1103 and 1104, is amended by strik-
5 ing “and 309” and inserting “309, and 313”.

6 (3) CLERICAL AMENDMENTS.—The table of
7 contents of such Act, as amended by section
8 1031(e), section 1044(b), section 1101(c), section
9 1102(e), section 1103(a), section 1104(c), section
10 1201(e), section 1301(a), and section 1302(a), is
11 amended—

12 (A) by redesignating the items relating to
13 sections 313 and 314 as relating to sections
14 314 and 315; and

15 (B) by inserting after the item relating to
16 section 312 the following new item:

“Sec. 313. Ballot visibility.”.

17 **SEC. 1304. CARRIAGE OF ELECTION MAIL.**

18 (a) TREATMENT OF ELECTION MAIL.—

19 (1) TREATMENT AS FIRST-CLASS MAIL; FREE
20 POSTAGE.—Chapter 34 of title 39, United States
21 Code, as amended by section 1301(b) and section
22 1303(a), is amended by adding at the end the fol-
23 lowing:

1 **“§ 3409. Domestic election mail; restriction of oper-**
2 **ational changes prior to elections**

3 “(a) DEFINITION.—In this section, the term ‘election
4 mail’ means—

5 “(1) a blank or completed voter registration ap-
6 plication form, voter registration card, or similar
7 materials, relating to an election for Federal office;

8 “(2) a blank or completed absentee and other
9 mail-in ballot application form, and a blank or com-
10 pleted absentee or other mail-in ballot, relating to an
11 election for Federal office, and

12 “(3) other materials relating to an election for
13 Federal office that are mailed by a State or local
14 election official to an individual who is registered to
15 vote.

16 “(b) CARRIAGE OF ELECTION MAIL.—Election mail
17 (other than balloting materials covered under section 3406
18 (relating to the Uniformed and Overseas Absentee Voting
19 Act)), individually or in bulk, shall be carried in accord-
20 ance with the service standards established for first-class
21 mail under section 3691.

22 “(c) NO POSTAGE REQUIRED FOR COMPLETED BAL-
23 LOTS.—Completed absentee or other mail-in ballots (other
24 than balloting materials covered under section 3406 (relat-
25 ing to the Uniformed and Overseas Absentee Voting Act))
26 shall be carried free of postage.

1 “(d) RESTRICTION OF OPERATIONAL CHANGES.—
2 During the 120-day period which ends on the date of an
3 election for Federal office, the Postal Service may not
4 carry out any new operational change that would restrict
5 the prompt and reliable delivery of election mail. This sub-
6 section applies to operational changes which include—

7 “(1) removing or eliminating any mail collection
8 box without immediately replacing it; and

9 “(2) removing, decommissioning, or any other
10 form of stopping the operation of mail sorting ma-
11 chines, other than for routine maintenance.

12 “(e) ELECTION MAIL COORDINATOR.—The Postal
13 Service shall appoint an Election Mail Coordinator at each
14 area office and district office to facilitate relevant informa-
15 tion sharing with State, territorial, local, and Tribal elec-
16 tion officials in regards to the mailing of election mail.”.

17 (2) REIMBURSEMENT OF POSTAL SERVICE FOR
18 REVENUE FORGONE.—Section 2401(c) of title 39,
19 United States Code, is amended by striking “sec-
20 tions 3217 and 3403 through 3406” and inserting
21 “sections 3217, 3403 through 3406, and 3409”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 34 of title 39, United
24 States Code, as amended by section 1301(b) and section
25 1303(a), is amended by adding at the end the following:

“3409. Domestic election mail; restriction of operational changes prior to elections.”.

1 (c) **EFFECTIVE DATE.**—The amendments made by
2 this section shall apply to election mail relating to an elec-
3 tion for Federal office occurring on or after January 1,
4 2022.

5 **SEC. 1305. REQUIRING STATES TO PROVIDE SECURED**
6 **DROP BOXES FOR VOTED BALLOTS IN ELEC-**
7 **TIONS FOR FEDERAL OFFICE.**

8 (a) **REQUIREMENT.**—Subtitle A of title III of the
9 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
10 as amended by section 1031(a), section 1044(a), section
11 1101(a), section 1102(a), section 1103(a), section
12 1104(a), section 1201(a), section 1301(a), section
13 1302(a), and section 1303(b) is amended—

14 (1) by redesignating sections 314 and 315 as
15 sections 315 and 316, respectively; and

16 (2) by inserting after section 313 the following
17 new section:

18 **“SEC. 314. USE OF SECURED DROP BOXES FOR VOTED BAL-**
19 **LOTS.**

20 “(a) **REQUIRING USE OF DROP BOXES.**—Each juris-
21 diction shall provide in-person, secured, and clearly labeled
22 drop boxes at which individuals may, at any time during
23 the period described in subsection (b), drop off voted bal-
24 lots in an election for Federal office.

1 “(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP
2 BOXES.—The period described in this subsection is, with
3 respect to an election, the period which begins on the first
4 day on which the jurisdiction sends mail-in ballots or ab-
5 sentee ballots (other than ballots for absent uniformed
6 overseas voters (as defined in section 107(1) of the Uni-
7 formed and Overseas Citizens Absentee Voting Act (52
8 U.S.C. 20310(1))) or overseas voters (as defined in section
9 107(5) of such Act (52 U.S.C. 20310(5)))) to voters for
10 such election and which ends at the time the polls close
11 for the election in the jurisdiction involved.

12 “(c) ACCESSIBILITY.—

13 “(1) HOURS OF ACCESS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), each drop box provided
16 under this section shall be accessible to voters
17 for a reasonable number of hours each day.

18 “(B) 24-HOUR DROP BOXES.—

19 “(i) IN GENERAL.—Of the number of
20 drop boxes provided in any jurisdiction,
21 not less the required number shall be ac-
22 cessible for 24-hours per day during the
23 period described in subsection (b).

24 “(ii) REQUIRED NUMBER.—The re-
25 quired number is the greater of—

1 “(I) 25 percent of the drop boxes
2 required under subsection (d); or

3 “(II) 1 drop box.

4 “(2) POPULATION.—

5 “(A) IN GENERAL.—Drop boxes provided
6 under this section shall be accessible for use—

7 “(i) by individuals with disabilities, as
8 determined in consultation with the protec-
9 tion and advocacy systems (as defined in
10 section 102 of the Developmental Disabil-
11 ities Assistance and Bill of Rights Act of
12 2000 (42 U.S.C. 15002)) of the State;

13 “(ii) by individuals with limited pro-
14 ficiency in the English language; and

15 “(iii) by homeless individuals (as de-
16 fined in section 103 of the McKinney-
17 Vento Homeless Assistance Act(42 U.S.C.
18 11302)) within the State.

19 “(B) DETERMINATION OF ACCESSIBILITY
20 FOR INDIVIDUALS WITH DISABILITIES.—For
21 purposes of this paragraph, drop boxes shall be
22 considered to be accessible for use by individ-
23 uals with disabilities if the drop boxes meet
24 such criteria as the Attorney General may es-
25 tablish for such purposes.

1 “(C) RULE OF CONSTRUCTION.—If a drop
2 box provided under this section is on the
3 grounds of or inside a building or facility which
4 serves as a polling place for an election during
5 the period described in subsection (b), nothing
6 in this subsection may be construed to waive
7 any requirements regarding the accessibility of
8 such polling place for the use of individuals
9 with disabilities, individuals with limited pro-
10 ficiency in the English language, or homeless
11 individuals.

12 “(d) NUMBER OF DROP BOXES.—Each jurisdiction
13 shall have—

14 “(1) in the case of any election for Federal of-
15 fice prior to the regularly scheduled general election
16 for Federal office held in November 2024, not less
17 than 1 drop box for every 45,000 registered voters
18 located in the jurisdiction; and

19 “(2) in the case of the regularly scheduled gen-
20 eral election for Federal office held in November
21 2024 and each election for Federal office occurring
22 thereafter, not less than the greater of—

23 “(A) 1 drop box for every 45,000 reg-
24 istered voters located in the jurisdiction; or

1 “(B) 1 drop box for every 15,000 votes
2 that were cast by mail in the jurisdiction in the
3 most recent general election that includes an
4 election for the office of President.

5 In no case shall a jurisdiction have less than 1 drop
6 box for any election for Federal office.

7 “(e) LOCATION OF DROP BOXES.—The State shall
8 determine the location of drop boxes provided under this
9 section in a jurisdiction on the basis of criteria which en-
10 sure that the drop boxes are—

11 “(1) available to all voters on a non-discrimina-
12 tory basis;

13 “(2) accessible to voters with disabilities (in ac-
14 cordance with subsection (c));

15 “(3) accessible by public transportation to the
16 greatest extent possible;

17 “(4) available during all hours of the day;

18 “(5) sufficiently available in all communities in
19 the jurisdiction, including rural communities and on
20 Tribal lands within the jurisdiction (subject to sub-
21 section (f)); and

22 “(6) geographically distributed to provide a rea-
23 sonable opportunity for voters to submit their voted
24 ballot in a timely manner.

1 “(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—

2 In making a determination of the number and location of
3 drop boxes provided under this section on Tribal lands in
4 a jurisdiction, the appropriate State and local election offi-
5 cials shall—

6 “(1) consult with Tribal leaders prior to making
7 the determination; and

8 “(2) take into account criteria such as the
9 availability of direct-to-door residential mail delivery,
10 the distance and time necessary to travel to the drop
11 box locations (including in inclement weather),
12 modes of transportation available, conditions of
13 roads, and the availability (if any) of public trans-
14 portation.

15 “(g) TIMING OF SCANNING AND PROCESSING OF
16 BALLOTS.—For purposes of section 311(g) (relating to
17 the timing of the processing and scanning of ballots for
18 tabulation), a vote cast using a drop box provided under
19 this section shall be treated in the same manner as a ballot
20 cast by mail.

21 “(h) POSTING OF INFORMATION.—On or adjacent to
22 each drop box provided under this section, the State shall
23 post information on the requirements that voted absentee
24 ballots must meet in order to be counted and tabulated
25 in the election.

1 “(i) REMOTE SURVEILLANCE.—Nothing in this sec-
2 tion shall prohibit a State from providing for the security
3 of drop boxes through remote or electronic surveillance.

4 “(j) EFFECTIVE DATE.—This section shall apply
5 with respect to the regularly scheduled general election for
6 Federal office held in November 2022 and each succeeding
7 election for Federal office.”.

8 (b) CLERICAL AMENDMENTS.—The table of contents
9 of such Act, as amended by section 1031(c), section
10 1044(b), section 1101(c), section 1102(c), section
11 1103(a), section 1104(c), section 1201(c), section
12 1301(c), section 1302(a), and section 1303(b), is amend-
13 ed—

14 (1) by redesignating the items relating to sec-
15 tions 314 and 315 as relating to sections 315 and
16 316, respectively; and

17 (2) by inserting after the item relating to sec-
18 tion 313 the following new item:

“Sec. 314. Use of secured drop boxes for voted absentee ballots.”.

1 **Subtitle E—Absent Uniformed**
2 **Services Voters and Overseas**
3 **Voters**

4 **SEC. 1401. PRE-ELECTION REPORTS ON AVAILABILITY AND**
5 **TRANSMISSION OF ABSENTEE BALLOTS.**

6 Section 102(c) of the Uniformed and Overseas Citi-
7 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
8 ed to read as follows:

9 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
10 AND RECEIPT OF ABSENTEE BALLOTS.—

11 “(1) PRE-ELECTION REPORT ON ABSENTEE
12 BALLOT AVAILABILITY.—Not later than 55 days be-
13 fore any regularly scheduled general election for
14 Federal office, each State shall submit a report to
15 the Attorney General certifying that absentee ballots
16 for the election are or will be available for trans-
17 mission to absent uniformed services voters and
18 overseas voters by not later than 46 days before the
19 election. The report shall be in a form prescribed by
20 the Attorney General and shall require the State to
21 certify specific information about ballot availability
22 from each unit of local government which will ad-
23 minister the election.

24 “(2) PRE-ELECTION REPORT ON ABSENTEE
25 BALLOTS TRANSMITTED.—

1 “(A) IN GENERAL.—Not later than 43
2 days before any election for Federal office held
3 in a State, the chief State election official of
4 such State shall submit a report containing the
5 information in subparagraph (B) to the Attor-
6 ney General.

7 “(B) INFORMATION REPORTED.—The re-
8 port under subparagraph (A) shall consist of
9 the following:

10 “(i) The total number of absentee bal-
11 lots validly requested by absent uniformed
12 services voters and overseas voters whose
13 requests were received by the 47th day be-
14 fore the election by each unit of local gov-
15 ernment within the State that will transmit
16 absentee ballots.

17 “(ii) The total number of ballots
18 transmitted to such voters by the 46th day
19 before the election by each unit of local
20 government within the State that will ad-
21 minister the election.

22 “(iii) Specific information about any
23 late transmitted ballots.

24 “(C) REQUIREMENT TO SUPPLEMENT IN-
25 COMPLETE INFORMATION.—If the report under

1 subparagraph (A) has incomplete information
2 on any items required to be included in the re-
3 port, the chief State election official shall make
4 all reasonable efforts to expeditiously supple-
5 ment the report with complete information.

6 “(D) FORMAT.—The report under sub-
7 paragraph (A) shall be in a format prescribed
8 by the Attorney General in consultation with
9 the chief State election officials of each State.

10 “(3) POST-ELECTION REPORT ON NUMBER OF
11 ABSENTEE BALLOTS TRANSMITTED AND RE-
12 CEIVED.—Not later than 90 days after the date of
13 each regularly scheduled general election for Federal
14 office, each State and unit of local government
15 which administered the election shall (through the
16 State, in the case of a unit of local government) sub-
17 mit a report to the Election Assistance Commission
18 on the combined number of absentee ballots trans-
19 mitted to absent uniformed services voters and over-
20 seas voters for the election and the combined num-
21 ber of such ballots which were returned by such vot-
22 ers and cast in the election, and shall make such re-
23 port available to the general public that same day.”.

1 **SEC. 1402. ENFORCEMENT.**

2 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
3 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
4 and Overseas Citizens Absentee Voting Act (52 U.S.C.
5 20307) is amended to read as follows:

6 **“SEC. 105. ENFORCEMENT.**

7 “(a) ACTION BY ATTORNEY GENERAL.—The Attor-
8 ney General may bring civil action in an appropriate dis-
9 trict court for such declaratory or injunctive relief as may
10 be necessary to carry out this title.

11 “(b) PRIVATE RIGHT OF ACTION.—A person who is
12 aggrieved by a violation of this title may bring a civil ac-
13 tion in an appropriate district court for such declaratory
14 or injunctive relief as may be necessary to carry out this
15 title.

16 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
17 any action brought under this section, the only necessary
18 party defendant is the State, and it shall not be a defense
19 to any such action that a local election official or a unit
20 of local government is not named as a defendant, notwith-
21 standing that a State has exercised the authority described
22 in section 576 of the Military and Overseas Voter Em-
23 powerment Act to delegate to another jurisdiction in the
24 State any duty or responsibility which is the subject of
25 an action brought under this section.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to violations alleged
3 to have occurred on or after the date of the enactment
4 of this Act.

5 **SEC. 1403. TRANSMISSION REQUIREMENTS; REPEAL OF**
6 **WAIVER PROVISION.**

7 (a) IN GENERAL.—Paragraph (8) of section 102(a)
8 of the Uniformed and Overseas Citizens Absentee Voting
9 Act (52 U.S.C. 20302(a)) is amended to read as follows:

10 “(8) transmit a validly requested absentee bal-
11 lot to an absent uniformed services voter or overseas
12 voter by the date and in the manner determined
13 under subsection (g);”.

14 (b) BALLOT TRANSMISSION REQUIREMENTS AND
15 REPEAL OF WAIVER PROVISION.—Subsection (g) of sec-
16 tion 102 of such Act (52 U.S.C. 20302(g)) is amended
17 to read as follows:

18 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

19 “(1) IN GENERAL.—For purposes of subsection
20 (a)(8), in the case in which a valid request for an
21 absentee ballot is received at least 47 days before an
22 election for Federal office, the following rules shall
23 apply:

1 “(A) TRANSMISSION DEADLINE.—The
2 State shall transmit the absentee ballot not
3 later than 46 days before the election.

4 “(B) SPECIAL RULES IN CASE OF FAILURE
5 TO TRANSMIT ON TIME.—

6 “(i) IN GENERAL.—If the State fails
7 to transmit any absentee ballot by the 46th
8 day before the election as required by sub-
9 paragraph (A) and the absent uniformed
10 services voter or overseas voter did not re-
11 quest electronic ballot transmission pursu-
12 ant to subsection (f), the State shall trans-
13 mit such ballot by express delivery.

14 “(ii) EXTENDED FAILURE.—If the
15 State fails to transmit any absentee ballot
16 by the 41st day before the election, in ad-
17 dition to transmitting the ballot as pro-
18 vided in clause (i), the State shall—

19 “(I) in the case of absentee bal-
20 lots requested by absent uniformed
21 services voters with respect to regu-
22 larly scheduled general elections, no-
23 tify such voters of the procedures es-
24 tablished under section 103A for the

1 collection and delivery of marked ab-
2 sentee ballots; and

3 “(II) in any other case, provide
4 for the return of such ballot by ex-
5 press delivery.

6 “(iii) COST OF EXPRESS DELIVERY.—
7 In any case in which express delivery is re-
8 quired under this subparagraph, the cost
9 of such express delivery—

10 “(I) shall not be paid by the
11 voter; and

12 “(II) if determined appropriate
13 by the chief State election official,
14 may be required by the State to be
15 paid by a local jurisdiction.

16 “(iv) EXCEPTION.—Clause (ii)(II)
17 shall not apply when an absent uniformed
18 services voter or overseas voter indicates
19 the preference to return the late sent ab-
20 sentee ballot by electronic transmission in
21 a State that permits return of an absentee
22 ballot by electronic transmission.

23 “(v) ENFORCEMENT.—A State’s com-
24 pliance with this subparagraph does not
25 bar the Attorney General from seeking ad-

1 ditional remedies necessary to fully resolve
2 or prevent ongoing, future, or systematic
3 violations of this provision or to effectuate
4 the purposes of this Act.

5 “(C) SPECIAL PROCEDURE IN EVENT OF
6 DISASTER.—If a disaster (hurricane, tornado,
7 earthquake, storm, volcanic eruption, landslide,
8 fire, flood, or explosion), or an act of terrorism
9 prevents the State from transmitting any ab-
10 sentee ballot by the 46th day before the election
11 as required by subparagraph (A), the chief
12 State election official shall notify the Attorney
13 General as soon as practicable and take all ac-
14 tions necessary, including seeking any necessary
15 judicial relief, to ensure that affected absent
16 uniformed services voters and overseas voters
17 are provided a reasonable opportunity to receive
18 and return their absentee ballots in time to be
19 counted.

20 “(2) REQUESTS RECEIVED AFTER 47TH DAY
21 BEFORE ELECTION.—For purposes of subsection
22 (a)(8), in the case in which a valid request for an
23 absentee ballot is received less than 47 days but not
24 less than 30 days before an election for Federal of-

1 fice, the State shall transmit the absentee ballot
2 within one business day of receipt of the request.”.

3 **SEC. 1404. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
4 **TION FOR SUBSEQUENT ELECTIONS.**

5 (a) IN GENERAL.—Section 104 of the Uniformed and
6 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
7 is amended to read as follows:

8 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.**

9 “(a) IN GENERAL.—If a State accepts and processes
10 an official post card form (prescribed under section 101)
11 submitted by an absent uniformed services voter or over-
12 seas voter for simultaneous voter registration and absen-
13 tee ballot application (in accordance with section
14 102(a)(4)) and the voter requests that the application be
15 considered an application for an absentee ballot for each
16 subsequent election for Federal office held in the State
17 through the end of the calendar year following the next
18 regularly scheduled general election for Federal office, the
19 State shall provide an absentee ballot to the voter for each
20 such subsequent election.

21 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
22 TION.—Subsection (a) shall not apply with respect to a
23 voter registered to vote in a State for any election held
24 after the voter notifies the State that the voter no longer
25 wishes to be registered to vote in the State or after the

1 State determines that the voter has registered to vote in
2 another State or is otherwise no longer eligible to vote in
3 the State.

4 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
5 GROUNDS OF EARLY SUBMISSION.—A State may not
6 refuse to accept or to process, with respect to any election
7 for Federal office, any otherwise valid voter registration
8 application or absentee ballot application (including the
9 postcard form prescribed under section 101) submitted by
10 an absent uniformed services voter or overseas voter on
11 the grounds that the voter submitted the application be-
12 fore the first date on which the State otherwise accepts
13 or processes such applications for that election which are
14 submitted by absentee voters who are not members of the
15 uniformed services or overseas citizens.”.

16 (b) REQUIREMENT FOR REVISION TO POSTCARD
17 FORM.—

18 (1) IN GENERAL.—The Presidential designee
19 shall ensure that the official postcard form pre-
20 scribed under section 101(b)(2) of the Uniformed
21 and Overseas Citizens Absentee Voting Act (52
22 U.S.C. 20301(b)(2)) enables a voter using the form
23 to—

24 (A) request an absentee ballot for each
25 election for Federal office held in a State

1 through the end of the calendar year following
2 the next regularly scheduled general election for
3 Federal office; or

4 (B) request an absentee ballot for a spe-
5 cific election or elections for Federal office held
6 in a State during the period described in sub-
7 paragraph (A).

8 (2) **PRESIDENTIAL DESIGNEE.**—For purposes
9 of this paragraph, the term “Presidential designee”
10 means the individual designated under section
11 101(a) of the Uniformed and Overseas Citizens Ab-
12 sentee Voting Act (52 U.S.C. 20301(a)).

13 (c) **EFFECTIVE DATE.**—The amendment made by
14 subsection (a) shall apply with respect to voter registration
15 and absentee ballot applications which are submitted to
16 a State or local election official on or after the date of
17 the enactment of this Act.

18 **SEC. 1405. EXTENDING GUARANTEE OF RESIDENCY FOR**
19 **VOTING PURPOSES TO FAMILY MEMBERS OF**
20 **ABSENT MILITARY PERSONNEL.**

21 Section 102 of the Uniformed and Overseas Citizens
22 Absentee Voting Act (52 U.S.C. 20302), as amended by
23 section 1302, is amended by adding at the end the fol-
24 lowing new subsection:

1 “(i) GUARANTEE OF RESIDENCY FOR SPOUSES AND
2 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
3 SERVICE.—For the purposes of voting in any election for
4 any Federal office or any State or local office, a spouse
5 or dependent of an individual who is an absent uniformed
6 services voter described in subparagraph (A) or (B) of sec-
7 tion 107(1) shall not, solely by reason of that individual’s
8 absence and without regard to whether or not such spouse
9 or dependent is accompanying that individual—

10 “(1) be deemed to have lost a residence or
11 domicile in that State, without regard to whether or
12 not that individual intends to return to that State;

13 “(2) be deemed to have acquired a residence or
14 domicile in any other State; or

15 “(3) be deemed to have become a resident in or
16 a resident of any other State.”.

17 **SEC. 1406. TECHNICAL CLARIFICATIONS TO CONFORM TO**
18 **MILITARY AND OVERSEAS VOTER EMPOWER-**
19 **MENT ACT AMENDMENTS RELATED TO THE**
20 **FEDERAL WRITE-IN ABSENTEE BALLOT.**

21 (a) IN GENERAL.—Section 102(a)(3) of the Uni-
22 formed and Overseas Citizens Absentee Voting Act (52
23 U.S.C. 20302(a)(3)) is amended by striking “general elec-
24 tions” and inserting “general, special, primary, and runoff
25 elections”.

1 (b) CONFORMING AMENDMENT.—Section 103 of
2 such Act (52 U.S.C. 20303) is amended—

3 (1) in subsection (b)(2)(B), by striking “gen-
4 eral”; and

5 (2) in the heading thereof, by striking “**GEN-**
6 **ERAL**”.

7 **SEC. 1407. TREATMENT OF POST CARD REGISTRATION RE-**
8 **QUESTS.**

9 Section 102 of the Uniformed and Overseas Citizens
10 Absentee Voting Act (52 U.S.C. 20302), as amended by
11 sections 1302 and 1405, is amended by adding at the end
12 the following new subsection:

13 “(j) TREATMENT OF POST CARD REGISTRATIONS.—
14 A State shall not remove any absent uniformed services
15 voter or overseas voter who has registered to vote using
16 the official post card form (prescribed under section 101)
17 from the official list of registered voters except in accord-
18 ance with subparagraph (A), (B), or (C) of section 8(a)(3)
19 of the National Voter Registration Act of 1993 (52 U.S.C.
20 20507).”.

21 **SEC. 1408. PRESIDENTIAL DESIGNEE REPORT ON VOTER**
22 **DISENFRANCHISEMENT.**

23 (a) IN GENERAL.—Not later than 1 year of enact-
24 ment of this Act, the Presidential designee shall submit
25 to Congress a report on the impact of wide-spread mail-

1 in voting on the ability of active duty military
2 servicemembers to vote, how quickly their votes are count-
3 ed, and whether higher volumes of mail-in votes makes
4 it harder for such individuals to vote in elections for Fed-
5 eral elections.

6 (b) **PRESIDENTIAL DESIGNEE.**—For purposes of this
7 section, the term “Presidential designee” means the indi-
8 vidual designated under section 101(a) of the Uniformed
9 and Overseas Citizens Absentee Voting Act (52 U.S.C.
10 20301(a)).

11 **SEC. 1409. EFFECTIVE DATE.**

12 Except as provided in section 1402(b) and section
13 1404(c), the amendments made by this subtitle shall apply
14 with respect to elections occurring on or after January 1,
15 2022.

16 **Subtitle F—Enhancement of**
17 **Enforcement**

18 **SEC. 1501. ENHANCEMENT OF ENFORCEMENT OF HELP**

19 **AMERICA VOTE ACT OF 2002.**

20 (a) **COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT**
21 **OF ACTION.**—Section 401 of the Help America Vote Act
22 of 2002 (52 U.S.C. 21111) is amended—

23 (1) by striking “The Attorney General” and in-
24 serting “(a) **IN GENERAL.**—The Attorney General”;
25 and

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

3 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
4 SONS.—A person who is aggrieved by a violation of title
5 III which has occurred, is occurring, or is about to occur
6 may file a written, signed, notarized complaint with the
7 Attorney General describing the violation and requesting
8 the Attorney General to take appropriate action under this
9 section. The Attorney General shall immediately provide
10 a copy of a complaint filed under the previous sentence
11 to the entity responsible for administering the State-based
12 administrative complaint procedures described in section
13 402(a) for the State involved.

14 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
15 TION.—Any person who is authorized to file a complaint
16 under subsection (b) (including any individual who seeks
17 to enforce the individual’s right to a voter-verifiable paper
18 ballot, the right to have the voter-verifiable paper ballot
19 counted in accordance with this Act, or any other right
20 under title III) may file an action under section 1979 of
21 the Revised Statutes of the United States (42 U.S.C.
22 1983) to enforce the uniform and nondiscriminatory elec-
23 tion technology and administration requirements under
24 subtitle A of title III.

1 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
2 in this section may be construed to affect the availability
3 of the State-based administrative complaint procedures re-
4 quired under section 402 to any person filing a complaint
5 under this subsection.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to violations occurring
8 with respect to elections for Federal office held in 2022
9 or any succeeding year.

10 **Subtitle G—Promoting Voter Ac-**
11 **cess Through Election Adminis-**
12 **tration Modernization Improve-**
13 **ments**

14 **PART 1—PROMOTING VOTER ACCESS**

15 **SEC. 1601. MINIMUM NOTIFICATION REQUIREMENTS FOR**
16 **VOTERS AFFECTED BY POLLING PLACE**
17 **CHANGES.**

18 (a) REQUIREMENTS.—Section 302 of the Help Amer-
19 ica Vote Act of 2002 (52 U.S.C. 21082) is amended—

20 (1) by redesignating subsection (d) as sub-
21 section (e); and

22 (2) by inserting after subsection (c) the fol-
23 lowing new subsection:

24 “(d) MINIMUM NOTIFICATION REQUIREMENTS FOR
25 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

1 “(1) REQUIREMENT FOR PRECINCT-BASED
2 POLLING.—

3 “(A) IN GENERAL.—If an applicable indi-
4 vidual has been assigned to a polling place that
5 is different than the polling place that such in-
6 dividual was assigned with respect to the most
7 recent past election for Federal office in which
8 the individual was eligible to vote—

9 “(i) the appropriate election official
10 shall, not later than 2 days before the be-
11 ginning of an early voting period—

12 “(I) notify the individual of the
13 location of the polling place not later
14 than 2 days before the beginning of
15 an early voting period; and

16 “(II) post a general notice on the
17 website of the State or jurisdiction, on
18 social media platforms (if available),
19 and on signs a the prior polling place;
20 and

21 “(ii) if such assignment is made after
22 the date which is 2 days before the begin-
23 ning of an early voting period and the indi-
24 vidual appears on the date of the election
25 at the polling place to which the individual

1 was previously assigned, the jurisdiction
2 shall make every reasonable effort to en-
3 able the individual to vote a ballot on the
4 date of the election without the use of a
5 provisional ballot.

6 “(B) APPLICABLE INDIVIDUAL.—For pur-
7 poses of subparagraph (A), the term ‘applicable
8 individual’ means, with respect to any election
9 for Federal office, any individual—

10 “(i) who is registered to vote in a ju-
11 risdiction for such election and was reg-
12 istered to vote in such jurisdiction for the
13 most recent past election for Federal of-
14 fice; and

15 “(ii) whose voter registration address
16 has not changed since such most recent
17 past election for Federal office.

18 “(C) METHODS OF NOTIFICATION.—The
19 appropriate election official shall notify an indi-
20 vidual under clause (i)(I) of subparagraph (A)
21 by mail, telephone, and (if available) text mes-
22 sage and electronic mail.

23 “(2) REQUIREMENTS FOR VOTE CENTERS.—In
24 the case of a jurisdiction in which individual are not
25 assigned to specific polling places, not later than 2

1 days before the beginning of an early voting period,
2 the appropriate election official shall notify each
3 voter eligible to vote in such jurisdiction of the loca-
4 tion of all polling places at which the individual may
5 vote.

6 “(3) NOTICE WITH RESPECT TO CLOSED POLL-
7 ING PLACES.—

8 “(A) IN GENERAL.—If a location which
9 served as a polling place for an election for
10 Federal office in a State does not serve as a
11 polling place in the next election for Federal of-
12 fice held in the State, the State shall ensure
13 that signs are posted at such location on the
14 date of the election and during any early voting
15 period for the election containing the following
16 information:

17 “(i) A statement that the location is
18 not serving as a polling place in the elec-
19 tion.

20 “(ii) The locations serving as polling
21 places in the election in the jurisdiction in-
22 volved.

23 “(iii) The name and address of any
24 substitute polling place serving the same

1 precinct and directions from the former
2 polling place to the new polling place.

3 “(iv) Contact information, including a
4 telephone number and website, for the ap-
5 propriate State or local election official
6 through which an individual may find the
7 polling place to which the individual is as-
8 signed for the election.

9 “(B) INTERNET POSTING.—Each State
10 which is required to post signs under subpara-
11 graph (A) shall also provide such information
12 through a website and through social media (if
13 available).

14 “(4) LINGUISTIC PREFERENCE.—The notices
15 required under this subsection shall comply with the
16 requirements of section 203 of the Voting Rights
17 Act of 1965 (52 U.S.C. 10503).

18 “(5) EFFECTIVE DATE.—This subsection shall
19 apply with respect to elections held on or after Janu-
20 ary 1, 2022.”.

21 (b) CONFORMING AMENDMENT.—Section 302(e) of
22 such Act (52 U.S.C. 21082(e)), as redesignated by sub-
23 section (a), is amended by striking “Each State” and in-
24 serting “Except as provided in subsection (d)(4), each
25 State”.

1 **SEC. 1602. ACCOMMODATIONS FOR VOTERS RESIDING IN**
2 **INDIAN LANDS.**

3 (a) ACCOMMODATIONS DESCRIBED.—

4 (1) DESIGNATION OF BALLOT PICKUP AND COL-
5 LECTION LOCATIONS.—Given the widespread lack of
6 residential mail delivery in Indian Country, an In-
7 dian Tribe may designate buildings as ballot pickup
8 and collection locations with respect to an election
9 for Federal office at no cost to the Indian Tribe. An
10 Indian Tribe may designate one building per pre-
11 cinct located within Indian lands. The applicable
12 State or political subdivision shall collect ballots
13 from those locations. The applicable State or polit-
14 ical subdivision shall provide the Indian Tribe with
15 accurate precinct maps for all precincts located with-
16 in Indian lands 60 days before the election.

17 (2) PROVISION OF MAIL-IN AND ABSENTEE
18 BALLOTS.—The State or political subdivision shall
19 provide mail-in and absentee ballots with respect to
20 an election for Federal office to each individual who
21 is registered to vote in the election who resides on
22 Indian lands in the State or political subdivision in-
23 volved without requiring a residential address or a
24 mail-in or absentee ballot request.

25 (3) USE OF DESIGNATED BUILDING AS RESI-
26 DENTIAL AND MAILING ADDRESS.—The address of a

1 designated building that is a ballot pickup and col-
2 lection location with respect to an election for Fed-
3 eral office may serve as the residential address and
4 mailing address for voters living on Indian lands if
5 the tribally designated building is in the same pre-
6 cinct as that voter. If there is no tribally designated
7 building within a voter's precinct, the voter may use
8 another tribally designated building within the In-
9 dian lands where the voter is located. Voters using
10 a tribally designated building outside of the voter's
11 precinct may use the tribally designated building as
12 a mailing address and may separately designate the
13 voter's appropriate precinct through a description of
14 the voter's address, as specified in section
15 9428.4(a)(2) of title 11, Code of Federal Regula-
16 tions.

17 (4) LANGUAGE ACCESSIBILITY.—In the case of
18 a State or political subdivision that is a covered
19 State or political subdivision under section 203 of
20 the Voting Rights Act of 1965 (52 U.S.C. 10503),
21 that State or political subdivision shall provide ab-
22 sentee or mail-in voting materials with respect to an
23 election for Federal office in the language of the ap-
24 plicable minority group as well as in the English lan-
25 guage, bilingual election voting assistance, and writ-

1 ten translations of all voting materials in the lan-
2 guage of the applicable minority group, as required
3 by section 203 of the Voting Rights Act of 1965 (52
4 U.S.C. 10503), as amended by subsection (b).

5 (5) CLARIFICATION.—Nothing in this section
6 alters the ability of an individual voter residing on
7 Indian lands to request a ballot in a manner avail-
8 able to all other voters in the State.

9 (6) DEFINITIONS.—In this section:

10 (A) ELECTION FOR FEDERAL OFFICE.—
11 The term “election for Federal office” means a
12 general, special, primary or runoff election for
13 the office of President or Vice President, or of
14 Senator or Representative in, or Delegate or
15 Resident Commissioner to, the Congress.

16 (B) INDIAN.—The term “Indian” has the
17 meaning given the term in section 4 of the In-
18 dian Self-Determination and Education Assist-
19 ance Act (25 U.S.C. 5304).

20 (C) INDIAN LANDS.—The term “Indian
21 lands” includes—

22 (i) any Indian country of an Indian
23 Tribe, as defined under section 1151 of
24 title 18, United States Code;

1 (ii) any land in Alaska owned, pursu-
2 ant to the Alaska Native Claims Settle-
3 ment Act (43 U.S.C. 1601 et seq.), by an
4 Indian Tribe that is a Native village (as
5 defined in section 3 of that Act (43 U.S.C.
6 1602)) or by a Village Corporation that is
7 associated with an Indian Tribe (as de-
8 fined in section 3 of that Act (43 U.S.C.
9 1602));

10 (iii) any land on which the seat of the
11 Tribal Government is located; and

12 (iv) any land that is part or all of a
13 Tribal designated statistical area associ-
14 ated with an Indian Tribe, or is part or all
15 of an Alaska Native village statistical area
16 associated with an Indian Tribe, as defined
17 by the Census Bureau for the purposes of
18 the most recent decennial census.

19 (D) INDIAN TRIBE.—The term “Indian
20 Tribe” has the meaning given the term “Indian
21 tribe” in section 4 of the Indian Self-Deter-
22 mination and Education Assistance Act (25
23 U.S.C. 5304).

1 (E) TRIBAL GOVERNMENT.—The term
2 “Tribal Government” means the recognized
3 governing body of an Indian Tribe.

4 (7) ENFORCEMENT.—

5 (A) ATTORNEY GENERAL.—The Attorney
6 General may bring a civil action in an appro-
7 priate district court for such declaratory or in-
8 junctive relief as is necessary to carry out this
9 subsection.

10 (B) PRIVATE RIGHT OF ACTION.—

11 (i) A person or Tribal Government
12 who is aggrieved by a violation of this sub-
13 section may provide written notice of the
14 violation to the chief election official of the
15 State involved.

16 (ii) An aggrieved person or Tribal
17 Government may bring a civil action in an
18 appropriate district court for declaratory
19 or injunctive relief with respect to a viola-
20 tion of this subsection, if—

21 (I) that person or Tribal Govern-
22 ment provides the notice described in
23 clause (i); and

24 (II)(aa) in the case of a violation
25 that occurs more than 120 days be-

1 fore the date of an election for Fed-
2 eral office, the violation remains and
3 90 days or more have passed since the
4 date on which the chief election offi-
5 cial of the State receives the notice
6 under clause (i); or

7 (bb) in the case of a violation
8 that occurs 120 days or less before
9 the date of an election for Federal of-
10 fice, the violation remains and 20
11 days or more have passed since the
12 date on which the chief election offi-
13 cial of the State receives the notice
14 under clause (i).

15 (iii) In the case of a violation of this
16 section that occurs 30 days or less before
17 the date of an election for Federal office,
18 an aggrieved person or Tribal Government
19 may bring a civil action in an appropriate
20 district court for declaratory or injunctive
21 relief with respect to the violation without
22 providing notice to the chief election offi-
23 cial of the State under clause (i).

1 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
2 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
3 is amended—

4 (1) in subsection (b)(3)(C), by striking “1990”
5 and inserting “2010”; and

6 (2) by striking subsection (c) and inserting the
7 following:

8 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
9 GUAGE OF A MINORITY GROUP.—

10 “(1) IN GENERAL.—Whenever any State or po-
11 litical subdivision subject to the prohibition of sub-
12 section (b) of this section provides any registration
13 or voting notices, forms, instructions, assistance, or
14 other materials or information relating to the elec-
15 toral process, including ballots, it shall provide them
16 in the language of the applicable minority group as
17 well as in the English language.

18 “(2) EXCEPTIONS.—

19 “(A) In the case of a minority group that
20 is not American Indian or Alaska Native and
21 the language of that minority group is oral or
22 unwritten, the State or political subdivision
23 shall be required only to furnish, in the covered
24 language, oral instructions, assistance, trans-

1 lation of voting materials, or other information
2 relating to registration and voting.

3 “(B) In the case of a minority group that
4 is American Indian or Alaska Native, the State
5 or political subdivision shall be required only to
6 furnish in the covered language oral instruc-
7 tions, assistance, or other information relating
8 to registration and voting, including all voting
9 materials, if the Tribal Government of that mi-
10 nority group has certified that the language of
11 the applicable American Indian or Alaska Na-
12 tive language is presently unwritten or the
13 Tribal Government does not want written trans-
14 lations in the minority language.

15 “(3) WRITTEN TRANSLATIONS FOR ELECTION
16 WORKERS.—Notwithstanding paragraph (2), the
17 State or political division may be required to provide
18 written translations of voting materials, with the
19 consent of any applicable Indian Tribe, to election
20 workers to ensure that the translations from English
21 to the language of a minority group are complete,
22 accurate, and uniform.”.

23 (c) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall apply with respect to the
25 regularly scheduled general election for Federal office held

1 in November 2022 and each succeeding election for Fed-
2 eral office.

3 **SEC. 1603. APPLICABILITY TO COMMONWEALTH OF THE**
4 **NORTHERN MARIANA ISLANDS.**

5 Paragraphs (6) and (8) of section 107 of the Uni-
6 formed and Overseas Citizens Absentee Voting Act (52
7 U.S.C. 20310) are each amended by striking “and Amer-
8 ican Samoa” and inserting “American Samoa, and the
9 Commonwealth of the Northern Mariana Islands”.

10 **SEC. 1604. ELIMINATION OF 14-DAY TIME PERIOD BETWEEN**
11 **GENERAL ELECTION AND RUNOFF ELECTION**
12 **FOR FEDERAL ELECTIONS IN THE VIRGIN IS-**
13 **LANDS AND GUAM.**

14 Section 2 of the Act entitled “An Act to provide that
15 the unincorporated territories of Guam and the Virgin Is-
16 lands shall each be represented in Congress by a Delegate
17 to the House of Representatives”, approved April 10,
18 1972 (48 U.S.C. 1712), is amended—

19 (1) by striking “(a) The Delegate” and insert-
20 ing “The Delegate”;

21 (2) by striking “on the fourteenth day following
22 such an election” in the fourth sentence of sub-
23 section (a); and

24 (3) by striking subsection (b).

1 **SEC. 1605. APPLICATION OF FEDERAL ELECTION ADMINIS-**
2 **TRATION LAWS TO TERRITORIES OF THE**
3 **UNITED STATES.**

4 (a) NATIONAL VOTER REGISTRATION ACT OF
5 1993.—Section 3(4) of the National Voter Registration
6 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
7 “States and the District of Columbia” and inserting
8 “States, the District of Columbia, the Commonwealth of
9 Puerto Rico, Guam, American Samoa, the United States
10 Virgin Islands, and the Commonwealth of the Northern
11 Mariana Islands”.

12 (b) HELP AMERICA VOTE ACT OF 2002.—

13 (1) COVERAGE OF COMMONWEALTH OF THE
14 NORTHERN MARIANA ISLANDS.—Section 901 of the
15 Help America Vote Act of 2002 (52 U.S.C. 21141)
16 is amended by striking “and the United States Vir-
17 gin Islands” and inserting “the United States Virgin
18 Islands, and the Commonwealth of the Northern
19 Mariana Islands”.

20 (2) CONFORMING AMENDMENTS TO HELP
21 AMERICA VOTE ACT OF 2002.—Such Act is further
22 amended as follows:

23 (A) The second sentence of section
24 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
25 by striking “and American Samoa” and insert-

1 ing “American Samoa, and the Commonwealth
2 of the Northern Mariana Islands”.

3 (B) Section 252(c)(2) (52 U.S.C.
4 21002(c)(2)) is amended by striking “or the
5 United States Virgin Islands” and inserting
6 “the United States Virgin Islands, or the Com-
7 monwealth of the Northern Mariana Islands”.

8 (3) CONFORMING AMENDMENT RELATING TO
9 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
10 TION WITH LOCAL ELECTION OFFICIALS.—Section
11 90102(c) of title 36, United States Code, is amend-
12 ed by striking “and the United States Virgin Is-
13 lands” and inserting “the United States Virgin Is-
14 lands, and the Commonwealth of the Northern Mar-
15 iana Islands”.

16 **SEC. 1606. APPLICATION OF FEDERAL VOTER PROTECTION**
17 **LAWS TO TERRITORIES OF THE UNITED**
18 **STATES.**

19 (a) INTIMIDATION OF VOTERS.—Section 594 of title
20 18, United States Code, is amended by striking “Delegate
21 from the District of Columbia, or Resident Commis-
22 sioner,” and inserting “or Delegate or Resident Commis-
23 sioner to the Congress”.

24 (b) INTERFERENCE BY GOVERNMENT EMPLOY-
25 EES.—Section 595 of title 18, United States Code, is

1 amended by striking “Delegate from the District of Co-
2 lumbia, or Resident Commissioner,” and inserting “or
3 Delegate or Resident Commissioner to the Congress”.

4 (c) VOTING BY NONCITIZENS.—Section 611(a) of
5 title 18, United States Code, is amended by striking “Del-
6 egate from the District of Columbia, or Resident Commis-
7 sioner,” and inserting “or Delegate or Resident Commis-
8 sioner to the Congress”.

9 **SEC. 1607. ENSURING EQUITABLE AND EFFICIENT OPER-**
10 **ATION OF POLLING PLACES.**

11 (a) IN GENERAL.—

12 (1) REQUIREMENT.—Subtitle A of title III of
13 the Help America Vote Act of 2002 (52 U.S.C.
14 21081 et seq.), as amended by section 1031(a), sec-
15 tion 1044(a), section 1101(a), section 1102(a), sec-
16 tion 1103(a), section 1104(a), section 1201(a), sec-
17 tion 1301(a), section 1302(a), section 1303(b), and
18 section 1305(a), is amended—

19 (A) by redesignating sections 315 and 316
20 as sections 316 and 317, respectively; and

21 (B) by inserting after section 314 the fol-
22 lowing new section:

1 **“SEC. 315. ENSURING EQUITABLE AND EFFICIENT OPER-**
2 **ATION OF POLLING PLACES.**

3 “(a) PREVENTING UNREASONABLE WAITING TIMES
4 FOR VOTERS.—

5 “(1) IN GENERAL.—Each State or jurisdiction
6 shall take reasonable efforts to provide a sufficient
7 number of voting systems, poll workers, and other
8 election resources (including physical resources) at a
9 polling place used in any election for Federal office,
10 including a polling place at which individuals may
11 cast ballots prior to the date of the election, to en-
12 sure—

13 “(A) a fair and equitable waiting time for
14 all voters in the State or jurisdiction; and

15 “(B) that no individual will be required to
16 wait longer than 30 minutes to cast a ballot at
17 the polling place.

18 “(2) CRITERIA.—In determining the number of
19 voting systems, poll workers, and other election re-
20 sources provided at a polling place for purposes of
21 paragraph (1), the State or jurisdiction shall take
22 into account the following factors:

23 “(A) The voting age population.

24 “(B) Voter turnout in past elections.

25 “(C) The number of voters registered.

1 “(D) The number of voters who have reg-
2 istered since the most recent Federal election.

3 “(E) Census data for the population served
4 by the polling place, such as the proportion of
5 the voting-age population who are under 25
6 years of age or who are naturalized citizens.

7 “(F) The needs and numbers of voters
8 with disabilities and voters with limited English
9 proficiency.

10 “(G) The type of voting systems used.

11 “(H) The length and complexity of initia-
12 tives, referenda, and other questions on the bal-
13 lot.

14 “(I) Such other factors, including relevant
15 demographic factors relating to the population
16 served by the polling place, as the State con-
17 siders appropriate.

18 “(3) RULE OF CONSTRUCTION.—Nothing in
19 this subsection may be construed—

20 “(A) to authorize a State or jurisdiction to
21 meet the requirements of this subsection by
22 closing any polling place, prohibiting an indi-
23 vidual from entering a line at a polling place,
24 or refusing to permit an individual who has ar-

1 rived at a polling place prior to closing time
2 from voting at the polling place; or

3 “(B) to limit the use of mobile voting cen-
4 ters.

5 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS
6 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

7 “(1) LIMITATION.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B) and paragraph (2), each
10 State shall establish hours of operation for all
11 polling places in the State on the date of any
12 election for Federal office held in the State
13 such that the polling place with the greatest
14 number of hours of operation on such date is
15 not in operation for more than 2 hours longer
16 than the polling place with the fewest number
17 of hours of operation on such date.

18 “(B) PERMITTING VARIANCE ON BASIS OF
19 POPULATION.—Subparagraph (A) does not
20 apply to the extent that the State establishes
21 variations in the hours of operation of polling
22 places on the basis of the overall population or
23 the voting age population (as the State may se-
24 lect) of the unit of local government in which
25 such polling places are located.

1 “(2) EXCEPTIONS FOR POLLING PLACES WITH
2 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
3 MENT.—Paragraph (1) does not apply in the case of
4 a polling place—

5 “(A) whose hours of operation are estab-
6 lished, in accordance with State law, by the unit
7 of local government in which the polling place
8 is located; or

9 “(B) which is required pursuant to an
10 order by a court to extend its hours of oper-
11 ation beyond the hours otherwise established.

12 “(c) EFFECTIVE DATE.—This section shall take ef-
13 fect upon the expiration of the 180-day period which be-
14 gins on the date of the enactment of this subsection.”.

15 (2) CONFORMING AMENDMENTS RELATING TO
16 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION
17 ASSISTANCE COMMISSION.—Section 321(b) of such
18 Act (52 U.S.C. 21101(b)), as redesignated and
19 amended by section 1101(b) and as amended by sec-
20 tions, 1102, 1103, 1104, and 1201, is amended—

21 (A) by striking “and” at the end of para-
22 graph (4);

23 (B) by redesignating paragraph (5) as
24 paragraph (6);

1 (C) in paragraph (6), as so redesignated,
2 by striking “paragraph (4)” and inserting
3 “paragraph (4) or (5)”; and

4 (D) by inserting after paragraph (4) the
5 following new paragraph:

6 “(5) in the case of the recommendations with
7 respect to section 315, 180 days after the date of
8 the enactment of such section; and”.

9 (3) CLERICAL AMENDMENTS.—The table of
10 contents of such Act, as amended by section
11 1031(c), section 1044(b), section 1101(c), section
12 1102(c), section 1103(a), section 1104(c), section
13 1201(c), section 1301(a), section 1302(a), section
14 1303(b), and section 1305(b), is amended—

15 (A) by redesignating the items relating to
16 sections 315 and 316 as relating to sections
17 316 and 317, respectively; and

18 (B) by inserting after the item relating to
19 section 314 the following new item:

“Sec. 315. Ensuring equitable and efficient operation of polling places.”.

20 (b) STUDY OF METHODS TO ENFORCE FAIR AND EQ-
21 UITABLE WAITING TIMES.—

22 (1) STUDY.—The Election Assistance Commis-
23 sion and the Comptroller General of the United
24 States shall conduct a joint study of the effective-
25 ness of various methods of enforcing the require-

1 ments of section 315(a) of the Help America Vote
 2 Act of 2002, as added by subsection (a), including
 3 methods of best allocating resources to jurisdictions
 4 which have had the most difficulty in providing a
 5 fair and equitable waiting time at polling places to
 6 all voters, and to communities of color in particular.

7 (2) REPORT.—Not later than 18 months after
 8 the date of the enactment of this Act, the Election
 9 Assistance Commission and the Comptroller General
 10 of the United States shall publish and submit to
 11 Congress a report on the study conducted under
 12 paragraph (1).

13 **SEC. 1608. PROHIBITING STATES FROM RESTRICTING**
 14 **CURBSIDE VOTING.**

15 (a) REQUIREMENT.—Subtitle A of title III of the
 16 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 17 as amended by section 1031(a), section 1044(a), section
 18 1101(a), section 1102(a), section 1103(a), section
 19 1104(a), section 1201(a), section 1301(a), section
 20 1302(a), section 1303(b), section 1305(a), and section
 21 1607(a)(1), is amended—

22 (1) by redesignating sections 316 and 317 as
 23 sections 317 and 318, respectively; and

24 (2) by inserting after section 315 the following
 25 new section:

1 **“SEC. 316. PROHIBITING STATES FROM RESTRICTING**
2 **CURBSIDE VOTING.**

3 “(a) PROHIBITION.—A State may not—

4 “(1) prohibit any jurisdiction administering an
5 election for Federal office in the State from utilizing
6 curbside voting as a method by which individuals
7 may cast ballots in the election; or

8 “(2) impose any restrictions which would ex-
9 clude any individual who is eligible to vote in such
10 an election in a jurisdiction which utilizes curbside
11 voting from casting a ballot in the election by the
12 method of curbside voting.

13 “(b) EFFECTIVE DATE.—This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2022 and each succeeding
16 election for Federal office.”.

17 (b) CLERICAL AMENDMENTS.—The table of contents
18 of such Act, as amended by section 1031(c), section
19 1044(b), section 1101(c), section 1102(c), section
20 1103(a), section 1104(c), section 1201(c), section
21 1301(a), section 1302(a), section 1303(b), section
22 1305(a), and section 1607(a)(3), is amended—

23 (1) by redesignating the items relating to sec-
24 tions 316 and 317 as relating to sections 317 and
25 318, respectively; and

1 (2) by inserting after the item relating to sec-
2 tion 315 the following new item:

“Sec. 316. Prohibiting States from restricting curbside voting.”.

3 **PART 2—IMPROVEMENTS IN OPERATION OF**
4 **ELECTION ASSISTANCE COMMISSION**

5 **SEC. 1611. REAUTHORIZATION OF ELECTION ASSISTANCE**
6 **COMMISSION.**

7 Section 210 of the Help America Vote Act of 2002
8 (52 U.S.C. 20930) is amended—

9 (1) by striking “for each of the fiscal years
10 2003 through 2005” and inserting “for fiscal year
11 2021 and each succeeding fiscal year”; and

12 (2) by striking “(but not to exceed \$10,000,000
13 for each such year)”.

14 **SEC. 1612. RECOMMENDATIONS TO IMPROVE OPERATIONS**
15 **OF ELECTION ASSISTANCE COMMISSION.**

16 (a) **ASSESSMENT OF INFORMATION TECHNOLOGY**
17 **AND CYBERSECURITY.**—Not later than December 31,
18 2021, the Election Assistance Commission shall carry out
19 an assessment of the security and effectiveness of the
20 Commission’s information technology systems, including
21 the cybersecurity of such systems.

22 (b) **IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT**
23 **PROCEDURES.**—

24 (1) **REVIEW OF PROCEDURES.**—The Election
25 Assistance Commission shall carry out a review of

1 the effectiveness and efficiency of the State-based
2 administrative complaint procedures established and
3 maintained under section 402 of the Help America
4 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
5 tigation and resolution of allegations of violations of
6 title III of such Act.

7 (2) **RECOMMENDATIONS TO STREAMLINE PRO-**
8 **CEDURES.**—Not later than December 31, 2021, the
9 Commission shall submit to Congress a report on
10 the review carried out under paragraph (1), and
11 shall include in the report such recommendations as
12 the Commission considers appropriate to streamline
13 and improve the procedures which are the subject of
14 the review.

15 **SEC. 1613. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
16 **ANCE COMMISSION FROM CERTAIN GOVERN-**
17 **MENT CONTRACTING REQUIREMENTS.**

18 (a) **IN GENERAL.**—Section 205 of the Help America
19 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
20 ing subsection (e).

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 subsection (a) shall apply with respect to contracts entered
23 into by the Election Assistance Commission on or after
24 the date of the enactment of this Act.

1 **PART 3—MISCELLANEOUS PROVISIONS**

2 **SEC. 1621. DEFINITION OF ELECTION FOR FEDERAL OF-**
3 **FICE.**

4 (a) **DEFINITION.**—Title IX of the Help America Vote
5 Act of 2002 (52 U.S.C. 21141 et seq.) is amended by add-
6 ing at the end the following new section:

7 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

8 “For purposes of titles I through III, the term ‘elec-
9 tion for Federal office’ means a general, special, primary,
10 or runoff election for the office of President or Vice Presi-
11 dent, or of Senator or Representative in, or Delegate or
12 Resident Commissioner to, the Congress.”.

13 (b) **CLERICAL AMENDMENT.**—The table of contents
14 of such Act is amended by adding at the end of the items
15 relating to title IX the following new item:

 “Sec. 907. Election for Federal office defined.”.

16 **SEC. 1622. NO EFFECT ON OTHER LAWS.**

17 (a) **IN GENERAL.**—Except as specifically provided,
18 nothing in this title may be construed to authorize or re-
19 quire conduct prohibited under any of the following laws,
20 or to supersede, restrict, or limit the application of such
21 laws:

22 (1) The Voting Rights Act of 1965 (52 U.S.C.
23 10301 et seq.).

24 (2) The Voting Accessibility for the Elderly and
25 Handicapped Act (52 U.S.C. 20101 et seq.).

1 (3) The Uniformed and Overseas Citizens Ab-
2 sentee Voting Act (52 U.S.C. 20301 et seq.).

3 (4) The National Voter Registration Act of
4 1993 (52 U.S.C. 20501 et seq.).

5 (5) The Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.).

7 (6) The Rehabilitation Act of 1973 (29 U.S.C.
8 701 et seq.).

9 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
10 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
11 proval by any person of a payment or grant application
12 under this title, or any other action taken by any person
13 under this title, shall not be considered to have any effect
14 on requirements for preclearance under section 5 of the
15 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
16 requirements of such Act.

17 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
18 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
19 in this title or the amendments made by this title may
20 be construed to prohibit any State from enacting any law
21 which provides greater opportunities for individuals to reg-
22 ister to vote and to vote in elections for Federal office than
23 are provided by this title and the amendments made by
24 this title.

1 **SEC. 1623. CLARIFICATION OF EXEMPTION FOR STATES**
2 **WITHOUT VOTER REGISTRATION.**

3 To the extent that any provision of this title or any
4 amendment made by this title imposes a requirement on
5 a State relating to registering individuals to vote in elec-
6 tions for Federal office, such provision shall not apply in
7 the case of any State in which, under law that is in effect
8 continuously on and after the date of the enactment of
9 this Act, there is no voter registration requirement for any
10 voter in the State with respect to an election for Federal
11 office.

12 **SEC. 1624. CLARIFICATION OF EXEMPTION FOR STATES**
13 **WHICH DO NOT COLLECT TELEPHONE INFOR-**
14 **MATION.**

15 (a) AMENDMENT TO HELP AMERICA VOTE ACT OF
16 2002.—Subtitle A of title III of the Help America Vote
17 Act of 2002 (52 U.S.C. 21081 et seq.), as amended by
18 section 1031(a), section 1044(a), section 1101(a), section
19 1102(a), section 1103(a), section 1104(a), section
20 1201(a), section 1301(a), section 1302(a), section
21 1303(b), section 1305(a), section 1607(a)(1), and section
22 1608(a), is amended—

23 (1) by redesignating sections 317 and 318 as
24 sections 318 and 319, respectively; and

25 (2) by inserting after section 316 the following
26 new section:

1 **“SEC. 317. APPLICATION OF CERTAIN PROVISIONS TO**
2 **STATES WHICH DO NOT COLLECT TELE-**
3 **PHONE INFORMATION.**

4 “(a) IN GENERAL.—To the extent that any provision
5 of this title imposes a requirement on a State or jurisdic-
6 tion relating to contacting voters by telephone, such provi-
7 sion shall not apply in the case of any State which continu-
8 ously on and after the date of the enactment of this Act,
9 does not collect telephone numbers for voters as part of
10 voter registration in the State with respect to an election
11 for Federal office.

12 “(b) EXCEPTION.—Subsection (a) shall not apply in
13 any case in which the voter has voluntarily provided tele-
14 phone information.”.

15 (b) CLERICAL AMENDMENTS.—The table of contents
16 of such Act, as amended by section 1031(c), section
17 1044(b), section 1101(c), section 1102(c), section
18 1103(a), section 1104(c), section 1201(c), section
19 1301(a), section 1302(a), section 1303(b), section
20 1305(a), section 1607(a)(3), and section 1608(b), is
21 amended—

22 (1) by redesignating the items relating to sec-
23 tions 317 and 318 as relating to sections 318 and
24 319, respectively; and

25 (2) by inserting after the item relating to sec-
26 tion 316 the following new item:

“Sec. 317. Application of certain provisions to States which do not collect telephone information.”.

1 **Subtitle H—Democracy Restoration**

2 **SEC. 1701. SHORT TITLE.**

3 This subtitle may be cited as the “Democracy Res-
4 toration Act of 2021”.

5 **SEC. 1702. FINDINGS.**

6 Congress makes the following findings:

7 (1) The right to vote is the most basic constitu-
8 tive act of citizenship. Regaining the right to vote
9 reintegrates individuals with criminal convictions
10 into free society, helping to enhance public safety.

11 (2) Article I, section 4, of the Constitution
12 grants Congress ultimate supervisory power over
13 Federal elections, an authority which has repeatedly
14 been upheld by the United States Supreme Court.

15 (3) Basic constitutional principles of fairness
16 and equal protection require an equal opportunity
17 for citizens of the United States to vote in Federal
18 elections. The right to vote may not be abridged or
19 denied by the United States or by any State on ac-
20 count of race, color, gender, or previous condition of
21 servitude. The 13th, 14th, 15th, 19th, 24th, and
22 26th Amendments to the Constitution empower Con-
23 gress to enact measures to protect the right to vote
24 in Federal elections. The 8th Amendment to the

1 Constitution provides for no excessive bail to be re-
2 quired, nor excessive fines imposed, nor cruel and
3 unusual punishments inflicted.

4 (4) There are 3 areas in which discrepancies in
5 State laws regarding criminal convictions lead to un-
6 fairness in Federal elections—

7 (A) the lack of a uniform standard for vot-
8 ing in Federal elections leads to an unfair dis-
9 parity and unequal participation in Federal
10 elections based solely on where a person lives;

11 (B) laws governing the restoration of vot-
12 ing rights after a criminal conviction vary
13 throughout the country and persons in some
14 States can easily regain their voting rights
15 while in other States persons effectively lose
16 their right to vote permanently; and

17 (C) State disenfranchisement laws dis-
18 proportionately impact racial and ethnic minori-
19 ties.

20 (5) State disenfranchisement laws vary widely.
21 Two States (Maine and Vermont) and the Common-
22 wealth of Puerto Rico do not disenfranchise individ-
23 uals with criminal convictions at all. In 2020, the
24 District of Columbia re-enfranchised its citizens who
25 are under the supervision of the Federal Bureau of

1 Prisons. Twenty-eight states disenfranchise certain
2 individuals on felony probation or parole. In 11
3 States, a conviction for certain offenses can result in
4 lifetime disenfranchisement.

5 (6) Several States deny the right to vote to in-
6 dividuals convicted of certain misdemeanors.

7 (7) In 2020, an estimated 5,200,000 citizens of
8 the United States, or about 1 in 44 adults in the
9 United States, could not vote as a result of a felony
10 conviction. Of the 5,200,000 citizens barred from
11 voting then, only 24 percent were in prison. By con-
12 trast, 75 percent of persons disenfranchised then re-
13 sided in their communities while on probation or pa-
14 role or after having completed their sentences. Ap-
15 proximately 2,200,000 citizens who had completed
16 their sentences were disenfranchised due to restric-
17 tive State laws. As of November 2018, the lifetime
18 ban for persons with certain felony convictions was
19 eliminated through a Florida ballot initiative. As a
20 result, as many as 1,400,000 people are now eligible
21 to have their voting rights restored. In 4 States—
22 Alabama, Florida, Mississippi, and Tennessee—more
23 than 7 percent of the total population is
24 disenfranchised.

1 (8) In those States that disenfranchise individ-
2 uals post-sentence, the right to vote can be regained
3 in theory, but in practice this possibility is often
4 granted in a non-uniform and potentially discrimina-
5 tory manner. Disenfranchised individuals sometimes
6 must either obtain a pardon or an order from the
7 Governor or an action by the parole or pardon
8 board, depending on the offense and State. Individ-
9 uals convicted of a Federal offense often have addi-
10 tional barriers to regaining voting rights.

11 (9) Many felony disenfranchisement laws today
12 derive directly from post-Civil War efforts to stifle
13 the Fourteenth and Fifteenth Amendments. Between
14 1865 and 1880, at least 14 states—Alabama, Ar-
15 kansas, Colorado, Florida, Georgia, Illinois, Mis-
16 sissippi, Missouri, Nebraska, New York, North Caro-
17 lina, South Carolina, Tennessee, and Texas—en-
18 acted or expanded their felony disenfranchisement
19 laws. One of the primary goals of these laws was to
20 prevent African Americans from voting. Of the
21 states that enacted or expanded their felony dis-
22 enfranchisement laws during this post-Civil War pe-
23 riod, at least 11 continue to preclude persons on fel-
24 ony probation or parole from voting.

1 (10) State disenfranchisement laws dispropor-
2 tionately impact racial and ethnic minorities. In re-
3 cent years, African Americans have been imprisoned
4 at over 5 times the rate of Whites. More than 6 per-
5 cent of the voting-age African-American population,
6 or 1,800,000 African Americans, are disenfranchised
7 due to a felony conviction. In 9 States—Alabama
8 (16 percent), Arizona (13 percent), Florida (15 per-
9 cent), Kentucky (15 percent), Mississippi (16 per-
10 cent), South Dakota (14 percent), Tennessee (21
11 percent), Virginia (16 percent), and Wyoming (36
12 percent)—more than 1 in 8 African Americans are
13 unable to vote because of a felony conviction, twice
14 the national average for African Americans.

15 (11) Latino citizens are also disproportionately
16 disenfranchised based upon their disproportionate
17 representation in the criminal justice system. In re-
18 cent years, Latinos have been imprisoned at 2.5
19 times the rate of Whites. More than 2 percent of the
20 voting-age Latino population, or 560,000 Latinos,
21 are disenfranchised due to a felony conviction. In 34
22 states Latinos are disenfranchised at a higher rate
23 than the general population. In 11 states 4 percent
24 or more of Latino adults are disenfranchised due to
25 a felony conviction (Alabama, 4 percent; Arizona, 7

1 percent; Arkansas, 4 percent; Idaho, 4 percent;
2 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4
3 percent; Mississippi, 5 percent; Nebraska, 6 percent;
4 Tennessee, 11 percent; Wyoming, 4 percent), twice
5 the national average for Latinos.

6 (12) Disenfranchising citizens who have been
7 convicted of a criminal offense and who are living
8 and working in the community serves no compelling
9 State interest and hinders their rehabilitation and
10 reintegration into society.

11 (13) State disenfranchisement laws can sup-
12 press electoral participation among eligible voters by
13 discouraging voting among family and community
14 members of disenfranchised persons. Future elec-
15 toral participation by the children of disenfranchised
16 parents may be impacted as well. Models of success-
17 ful re-entry for persons convicted of a crime empha-
18 size the importance of community ties, feeling vested
19 and integrated, and prosocial attitudes. Individuals
20 with criminal convictions who succeed in avoiding re-
21 cidivism are typically more likely to see themselves
22 as law-abiding members of the community. Restora-
23 tion of voting rights builds those qualities and facili-
24 tates reintegration into the community. That is why
25 allowing citizens with criminal convictions who are

1 living in a community to vote is correlated with a
2 lower likelihood of recidivism. Restoration of voting
3 rights thus reduces violence and protects public safe-
4 ty.

5 (14) The United States is one of the only West-
6 ern democracies that permits the permanent denial
7 of voting rights for individuals with felony convic-
8 tions.

9 (15) The Eighth Amendment’s prohibition on
10 cruel and unusual punishments “guarantees individ-
11 uals the right not to be subjected to excessive sanc-
12 tions.” (*Roper v. Simmons*, 543 U.S. 551, 560
13 (2005)). That right stems from the basic precept of
14 justice “that punishment for crime should be grad-
15 uated and proportioned to [the] offense.” *Id.*
16 (quoting *Weems v. United States*, 217 U.S. 349, 367
17 (1910)). As the Supreme Court has long recognized,
18 “[t]he concept of proportionality is central to the
19 Eighth Amendment.” (*Graham v. Florida*, 560 U.S.
20 48, 59 (2010)). Many State disenfranchisement laws
21 are grossly disproportional to the offenses that lead
22 to disenfranchisement and thus violate the bar on
23 cruel and unusual punishments. For example, a
24 number of states mandate lifetime disenfranchise-
25 ment for a single felony conviction or just two felony

1 convictions, even where the convictions were for non-
2 violent offenses. In numerous other States, dis-
3 enfranchisement can last years or even decades while
4 individuals remain on probation or parole, often only
5 because a person cannot pay their legal financial ob-
6 ligations. These kinds of extreme voting bans run
7 afoul of the Eighth Amendment.

8 (16) The Twenty-Fourth Amendment provides
9 that the right to vote “shall not be denied or
10 abridged by the United States or any State by rea-
11 son of failure to pay any poll tax or other tax.”. Sec-
12 tion 2 of the Twenty-Fourth Amendment gives Con-
13 gress the power to enforce this article by appropriate
14 legislation. Court fines and fees that individuals
15 must pay to have their voting rights restored con-
16 stitute an “other tax” for purposes of the Twenty-
17 Fourth Amendment. At least five States explicitly
18 require the payment of fines and fees before individ-
19 uals with felony convictions can have their voting
20 rights restored. More than 20 other states effectively
21 tie the right to vote to the payment of fines and
22 fees, by requiring that individuals complete their
23 probation or parole before their rights are restored.
24 In these States, the non-payment of fines and fees
25 is a basis on which probation or parole can be ex-

1 tended. Moreover, these states sometimes do not
2 record the basis on which an individual's probation
3 or parole was extended, making it impossible to de-
4 termine from the State's records whether non-pay-
5 ment of fines and fees is the reason that an indi-
6 vidual remains on probation or parole. For these
7 reasons, the only way to ensure that States do not
8 deny the right to vote based solely on non-payment
9 of fines and fees is to prevent States from condi-
10 tioning voting rights on the completion of probation
11 or parole.

12 **SEC. 1703. RIGHTS OF CITIZENS.**

13 The right of an individual who is a citizen of the
14 United States to vote in any election for Federal office
15 shall not be denied or abridged because that individual has
16 been convicted of a criminal offense unless such individual
17 is serving a felony sentence in a correctional institution
18 or facility at the time of the election.

19 **SEC. 1704. ENFORCEMENT.**

20 (a) ATTORNEY GENERAL.—The Attorney General
21 may, in a civil action, obtain such declaratory or injunctive
22 relief as is necessary to remedy a violation of this subtitle.

23 (b) PRIVATE RIGHT OF ACTION.—

24 (1) IN GENERAL.—A person who is aggrieved
25 by a violation of this subtitle may provide written

1 notice of the violation to the chief election official of
2 the State involved.

3 (2) RELIEF.—Except as provided in paragraph
4 (3), if the violation is not corrected within 90 days
5 after receipt of a notice under paragraph (1), or
6 within 20 days after receipt of the notice if the viola-
7 tion occurred within 120 days before the date of an
8 election for Federal office, the aggrieved person
9 may, in a civil action, obtain declaratory or injunc-
10 tive relief with respect to the violation.

11 (3) EXCEPTION.—If the violation occurred
12 within 30 days before the date of an election for
13 Federal office, the aggrieved person need not provide
14 notice to the chief election official of the State under
15 paragraph (1) before bringing a civil action to obtain
16 declaratory or injunctive relief with respect to the
17 violation.

18 **SEC. 1705. NOTIFICATION OF RESTORATION OF VOTING**

19 **RIGHTS.**

20 (a) STATE NOTIFICATION.—

21 (1) NOTIFICATION.—On the date determined
22 under paragraph (2), each State shall—

23 (A) notify in writing any individual who
24 has been convicted of a criminal offense under
25 the law of that State that such individual—

1 (i) has the right to vote in an election
2 for Federal office pursuant to the Democ-
3 racy Restoration Act of 2021; and

4 (ii) may register to vote in any such
5 election; and

6 (B) provide such individual with any mate-
7 rials that are necessary to register to vote in
8 any such election.

9 (2) DATE OF NOTIFICATION.—

10 (A) FELONY CONVICTION.—In the case of
11 such an individual who has been convicted of a
12 felony, the notification required under para-
13 graph (1) shall be given on the date on which
14 the individual—

15 (i) is sentenced to serve only a term
16 of probation; or

17 (ii) is released from the custody of
18 that State (other than to the custody of
19 another State or the Federal Government
20 to serve a term of imprisonment for a fel-
21 ony conviction).

22 (B) MISDEMEANOR CONVICTION.—In the
23 case of such an individual who has been con-
24 victed of a misdemeanor, the notification re-
25 quired under paragraph (1) shall be given on

1 the date on which such individual is sentenced
2 by a State court.

3 (b) FEDERAL NOTIFICATION.—

4 (1) NOTIFICATION.—Any individual who has
5 been convicted of a criminal offense under Federal
6 law—

7 (A) shall be notified in accordance with
8 paragraph (2) that such individual—

9 (i) has the right to vote in an election
10 for Federal office pursuant to the Democ-
11 racy Restoration Act of 2021; and

12 (ii) may register to vote in any such
13 election; and

14 (B) shall be provided with any materials
15 that are necessary to register to vote in any
16 such election.

17 (2) DATE OF NOTIFICATION.—

18 (A) FELONY CONVICTION.—In the case of
19 such an individual who has been convicted of a
20 felony, the notification required under para-
21 graph (1) shall be given—

22 (i) in the case of an individual who is
23 sentenced to serve only a term of proba-
24 tion, by the Assistant Director for the Of-
25 fice of Probation and Pretrial Services of

1 the Administrative Office of the United
2 States Courts on the date on which the in-
3 dividual is sentenced; or

4 (ii) in the case of any individual com-
5 mitted to the custody of the Bureau of
6 Prisons, by the Director of the Bureau of
7 Prisons, during the period beginning on
8 the date that is 6 months before such indi-
9 vidual is released and ending on the date
10 such individual is released from the cus-
11 tody of the Bureau of Prisons.

12 (B) MISDEMEANOR CONVICTION.—In the
13 case of such an individual who has been con-
14 victed of a misdemeanor, the notification re-
15 quired under paragraph (1) shall be given on
16 the date on which such individual is sentenced
17 by a court established by an Act of Congress.

18 **SEC. 1706. DEFINITIONS.**

19 For purposes of this subtitle:

20 (1) CORRECTIONAL INSTITUTION OR FACIL-
21 ITY.—The term “correctional institution or facility”
22 means any prison, penitentiary, jail, or other institu-
23 tion or facility for the confinement of individuals
24 convicted of criminal offenses, whether publicly or
25 privately operated, except that such term does not

1 include any residential community treatment center
2 (or similar public or private facility).

3 (2) ELECTION.—The term “election” means—

4 (A) a general, special, primary, or runoff
5 election;

6 (B) a convention or caucus of a political
7 party held to nominate a candidate;

8 (C) a primary election held for the selec-
9 tion of delegates to a national nominating con-
10 vention of a political party; or

11 (D) a primary election held for the expres-
12 sion of a preference for the nomination of per-
13 sons for election to the office of President.

14 (3) FEDERAL OFFICE.—The term “Federal of-
15 fice” means the office of President or Vice President
16 of the United States, or of Senator or Representa-
17 tive in, or Delegate or Resident Commissioner to,
18 the Congress of the United States.

19 (4) PROBATION.—The term “probation” means
20 probation, imposed by a Federal, State, or local
21 court, with or without a condition on the individual
22 involved concerning—

23 (A) the individual’s freedom of movement;

24 (B) the payment of damages by the indi-
25 vidual;

1 (C) periodic reporting by the individual to
2 an officer of the court; or

3 (D) supervision of the individual by an of-
4 ficer of the court.

5 **SEC. 1707. RELATION TO OTHER LAWS.**

6 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
7 Nothing in this subtitle may be construed to prohibit the
8 States from enacting any State law which affords the right
9 to vote in any election for Federal office on terms less
10 restrictive than those established by this subtitle.

11 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
12 edies established by this subtitle—

13 (1) are in addition to all other rights and rem-
14 edies provided by law, and

15 (2) shall not supersede, restrict, or limit the ap-
16 plication of the Voting Rights Act of 1965 (52
17 U.S.C. 10301 et seq.) or the National Voter Reg-
18 istration Act of 1993 (52 U.S.C. 20501 et seq.).

19 **SEC. 1708. FEDERAL PRISON FUNDS.**

20 No State, unit of local government, or other person
21 may receive or use, to construct or otherwise improve a
22 prison, jail, or other place of incarceration, any Federal
23 funds unless that person has in effect a program under
24 which each individual incarcerated in that person's juris-
25 diction who is a citizen of the United States is notified,

1 upon release from such incarceration, of that individual's
2 rights under section 1703.

3 **SEC. 1709. EFFECTIVE DATE.**

4 This subtitle shall apply to citizens of the United
5 States voting in any election for Federal office held after
6 the date of the enactment of this Act.

7 **Subtitle I—Voter Identification and**
8 **Allowable Alternatives**

9 **SEC. 1801. REQUIREMENTS FOR VOTER IDENTIFICATION.**

10 (a) REQUIREMENT TO PROVIDE IDENTIFICATION AS
11 CONDITION OF RECEIVING BALLOT.—Section 303 of the
12 Help America Vote Act of 2002 (52 U.S.C. 21083) is
13 amended by redesignating subsections (c) and (d) as sub-
14 sections (d) and (e), respectively, and by inserting after
15 subsection (b) the following new subsection:

16 “(c) VOTER IDENTIFICATION REQUIREMENTS.—

17 “(1) VOTER IDENTIFICATION REQUIREMENT
18 DEFINED.—For purposes of this subsection:

19 “(A) IN GENERAL.—The term ‘voter iden-
20 tification requirement’ means any requirement
21 that an individual desiring to vote in person in
22 an election for Federal office present identifica-
23 tion as a requirement to receive or cast a ballot
24 in person in such election.

1 “(B) EXCEPTION.—Such term does not in-
2 clude any requirement described in subsection
3 (b)(2)(A) as applied with respect to an indi-
4 vidual described in subsection (b)(1).

5 “(2) IN GENERAL.—If a State or local jurisdic-
6 tion has a voter identification requirement, the State
7 or local jurisdiction—

8 “(A) shall treat any applicable identifying
9 document as meeting such voter identification
10 requirement;

11 “(B) notwithstanding the failure to present
12 an applicable identifying document, shall treat
13 an individual desiring to vote in person in an
14 election for Federal office as meeting such voter
15 identification requirement if—

16 “(i) the individual presents the appro-
17 priate State or local election official with a
18 sworn written statement, signed in the
19 presence of the official by an adult who
20 has known the individual for at least six
21 months under penalty of perjury, attesting
22 to the individual’s identity;

23 “(ii) the official has known the indi-
24 vidual for at least six months; or

1 “(iii) in the case of a residents of a
2 State-licensed care facility, an employee of
3 the facility confirms the individual’s iden-
4 tity; and

5 “(C) shall permit any individual desiring to
6 vote in an election for Federal office who does
7 not present an applicable identifying document
8 required under subparagraph (A) or qualify for
9 an exception under subparagraph (B) to cast a
10 provisional ballot with respect to the election
11 under section 302(a) in accordance with para-
12 graph (3).

13 “(3) RULES FOR PROVISIONAL BALLOT.—

14 “(A) IN GENERAL.—A individual may cast
15 a provisional ballot pursuant to paragraph
16 (2)(C) so long as the individual presents the ap-
17 propriate State or local election official with a
18 sworn written statement, signed by the indi-
19 vidual under penalty of perjury, attesting to the
20 individual’s identity.

21 “(B) PROHIBITION ON OTHER REQUIRE-
22 MENTS.—Except as otherwise provided this
23 paragraph, a State or local jurisdiction may not
24 impose any other additional requirement or con-
25 dition with respect to the casting of a provi-

1 sional ballot by an individuals described in
2 paragraph (2)(C).

3 “(C) COUNTING OF PROVISIONAL BAL-
4 LOT.—In the case of a provisional ballot cast
5 pursuant to paragraph (2)(C), the appropriate
6 State or local election official shall not make a
7 determination under section 302(a)(4) that the
8 individual is eligible under State law to vote in
9 the election unless—

10 “(i) the official determines that the
11 signature on such statement matches the
12 signature of such individual on the official
13 list of registered voters in the State or
14 other official record or document used by
15 the State to verify the signatures of voters;
16 or

17 “(ii) not later than 10 days after cast-
18 ing the provisional ballot, the individual
19 presents an applicable identifying docu-
20 ment, either in person or by electronic
21 methods, to the official and the official
22 confirms the individual is the person iden-
23 tified on the applicable identifying docu-
24 ment.

1 “(D) NOTICE AND OPPORTUNITY TO CURE
2 DISCREPANCY IN SIGNATURES OR OTHER DE-
3 FECTS ON PROVISIONAL BALLOTS.—

4 “(i) NOTICE AND OPPORTUNITY TO
5 CURE DISCREPANCY IN SIGNATURES.—If
6 an individual casts a provisional ballot
7 under this paragraph and the appropriate
8 State or local election official determines
9 that a discrepancy exists between the sig-
10 nature on such ballot and the signature of
11 such individual on the official list of reg-
12 istered voters in the State or other official
13 record or document used by the State to
14 verify the signatures of voters, such elec-
15 tion official, prior to making a final deter-
16 mination as to the validity of such ballot,
17 shall—

18 “(I) as soon as practical, but no
19 later than the next business day after
20 such determination is made, make a
21 good faith effort to notify the indi-
22 vidual by mail, telephone, and (if
23 available) text message and electronic
24 mail that—

1 “(aa) a discrepancy exists
2 between the signature on such
3 ballot and the signature of the
4 individual on the official list of
5 registered voters in the State or
6 other official record or document
7 used by the State to verify the
8 signatures of voters; and

9 “(bb) if such discrepancy is
10 not cured prior to the expiration
11 of the third day following the
12 State’s deadline for receiving
13 mail-in ballots or absentee bal-
14 lots, such ballot will not be
15 counted; and

16 “(II) cure such discrepancy and
17 count the ballot if, prior to the expira-
18 tion of the third day following the
19 State’s deadline for receiving mail-in
20 ballots or absentee ballots, the indi-
21 vidual provides the official with infor-
22 mation to cure such discrepancy, ei-
23 ther in person, by telephone, or by
24 electronic methods.

1 “(ii) NOTICE AND OPPORTUNITY TO
2 CURE OTHER DEFECTS.—If an individual
3 casts a provisional ballot under this para-
4 graph with a defect which, if left uncured,
5 would cause the ballot to not be counted,
6 the appropriate State or local election offi-
7 cial, prior to making a final determination
8 as to the validity of the ballot, shall—

9 “(I) as soon as practical, but no
10 later than the next business day after
11 such determination is made, make a
12 good faith effort to notify the indi-
13 vidual by mail, telephone, and (if
14 available) text message and electronic
15 mail that—

16 “(aa) the ballot has some
17 defect; and

18 “(bb) if the individual does
19 not cure the other defect prior to
20 the expiration of the third day
21 following the State’s deadline for
22 receiving mail-in ballots or absen-
23 tee ballots, such ballot will not be
24 counted; and

1 “(II) count the ballot if, prior to
2 the expiration of the third day fol-
3 lowing the State’s deadline for receiv-
4 ing mail-in ballots or absentee ballots,
5 the individual cures the defect.

6 “(E) NO EXEMPTION.—Notwithstanding
7 section 302(a), States described in section 4(b)
8 of the National Voter Registration Act of 1993
9 shall be required to meet the requirements of
10 paragraph (2)(C).

11 “(F) RULE OF CONSTRUCTION.—

12 “(i) IN GENERAL.—Nothing in para-
13 graph (2)(C) or this paragraph shall be
14 construed to prevent a State from permit-
15 ting an individual who provides a sworn
16 statement described in subparagraph (A)
17 to cast a regular ballot in lieu of a provi-
18 sional ballot.

19 “(ii) REGULAR BALLOT.—For purpose
20 of this subparagraph, the term ‘regular
21 ballot’ means a ballot which is cast and
22 counted in same manner as ballots cast by
23 individuals meeting the voter identification
24 requirement (and all other applicable re-

1 requirements with respect to voting in the
2 election).

3 “(4) DEVELOPMENT AND USE OF PRE-PRINTED
4 VERSION OF STATEMENT BY COMMISSION.—

5 “(A) IN GENERAL.—The Commission shall
6 develop pre-printed versions of the statements
7 described in paragraphs (2)(B)(i) and (3)(A)
8 which include appropriate blank spaces for the
9 provision of names and signatures.

10 “(B) PROVIDING PRE-PRINTED COPY OF
11 STATEMENT.—Each State and jurisdiction that
12 has a voter identification requirement shall
13 make copies of the pre-printed version of the
14 statement developed under subparagraph (A)
15 available at polling places for use by individuals
16 voting in person.

17 “(5) REQUIRED PROVISION OF IDENTIFYING
18 DOCUMENTS.—

19 “(A) IN GENERAL.—Each State and juris-
20 diction that has a voter identification require-
21 ment shall—

22 “(i) for each individual who, on or
23 after the applicable date, is registered to
24 vote in such State or jurisdiction in elec-
25 tions for Federal office, provide the indi-

1 vidual with a government-issued identifica-
2 tion that meets the requirements of this
3 subsection without charge;

4 ““(ii) for each individual who, before
5 the applicable date, was registered to vote
6 in such State or jurisdiction in elections
7 for Federal office but does not otherwise
8 possess an identifying document, provide
9 the individual with a government-issued
10 identification that meets the requirements
11 of this subsection without charge, so long
12 as the State provides the individual with
13 reasonable opportunities to obtain such
14 identification prior to the date of the elec-
15 tion; and

16 ““(iii) for each individual who is pro-
17 vided with an identification under clause
18 (i) or clause (ii), provide the individual
19 with such assistance without charge upon
20 request as may be necessary to enable the
21 individual to obtain and process any docu-
22 mentation necessary to obtain the identi-
23 fication.

1 “(B) APPLICABLE DATE.—For purposes of
2 this paragraph, the term ‘applicable date’
3 means the later of—

4 “(i) January 1, 2022, or

5 “(ii) the first date after the date of
6 the enactment of this subsection for which
7 the State or local jurisdiction has in effect
8 a voter identification requirement.

9 “(6) APPLICABLE IDENTIFYING DOCUMENT.—
10 For purposes of this subsection—

11 “(A) IN GENERAL.—The term ‘applicable
12 identifying document’ means, with respect to
13 any individual, any document issued to such in-
14 dividual containing the individual’s name.

15 “(B) INCLUDED DOCUMENTS.—The term
16 ‘applicable identifying document’ shall include
17 any of the following (so long as that document
18 has not expired or, if expired, expired no earlier
19 than four years before the date of presen-
20 tation):

21 “(i) A driver’s license or an identifica-
22 tion card issued by a State, the Federal
23 Government, or a State or federally recog-
24 nized Tribal government.

1 “(ii) A State-issued identification de-
2 scribed in paragraph (4).

3 “(iii) A United States passport or
4 passport card.

5 “(iv) A employee identification card
6 issued by—

7 “(I) any branch, department,
8 agency, or entity of the United States
9 Government or of any State,

10 “(II) any State or federally rec-
11 ognized Tribal government, or

12 “(III) any county, municipality,
13 board, authority, or other political
14 subdivision of a State.

15 “(v) A student identification card
16 issued by an institution of higher edu-
17 cation, or a high school identification card
18 issued by a State-accredited high school.

19 “(vi) A military identification card
20 issued by the United States.

21 “(vii) A gun license or concealed carry
22 permit.

23 “(viii) A Medicare card or Social Se-
24 curity card.

25 “(ix) A birth certificate.

1 “(x) A voter registration card.

2 “(xi) A hunting or fishing license
3 issued by a State.

4 “(xii) A identification card issued to
5 the individual by the Supplemental Nutri-
6 tion Assistance (SNAP) program.

7 “(xiii) A identification card issued to
8 the individual by the Temporary Assistance
9 for Needy Families (TANF) program.

10 “(xiv) A identification card issued to
11 the individual by Medicaid.

12 “(xv) A bank card or debit card.

13 “(xvi) A utility bill issued within six
14 months of the date of the election.

15 “(xvii) A lease or mortgage document
16 issued within six months of the date of the
17 election.

18 “(xviii) A bank statement issued with-
19 in six months of the date of the election.

20 “(xix) A health insurance card issued
21 to the voter.

22 “(xx) Any other document containing
23 the individual’s name issued by—

1 “(I) any branch, department,
2 agency, or entity of the United States
3 Government or of any State;

4 “(II) any State or federally rec-
5 ognized tribal government; or

6 “(III) any county, municipality,
7 board, authority, or other political
8 subdivision of a State.

9 “(C) COPIES AND ELECTRONIC DOCU-
10 MENTS ACCEPTED.—The term ‘applicable iden-
11 tifying document’ includes—

12 “(i) any copy of a document described
13 in subparagraph (A) or (B); and

14 “(ii) any document described in sub-
15 paragraph (A) or (B) which is presented in
16 electronic format.”.

17 (b) PAYMENTS TO STATES TO COVER COSTS OF RE-
18 QUIRED IDENTIFICATION DOCUMENTS.—

19 (1) IN GENERAL.—The Election Assistance
20 Commission shall make payments to States to cover
21 the costs incurred in providing identifications under
22 section 303(c)(5) of the Help America Vote Act of
23 2002, as amended by this section.

24 (2) AMOUNT OF PAYMENT.—The amount of the
25 payment made to a State under this subsection for

1 any year shall be equal to the amount of fees which
2 would have been collected by the State during the
3 year in providing the identifications required under
4 section 303(e)(5) of such Act if the State had
5 charged the usual and customary rates for such
6 identifications, as determined on the basis of infor-
7 mation furnished to the Commission by the State at
8 such time and in such form as the Commission may
9 require.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated for pay-
12 ments under this subsection an aggregate amount of
13 \$5,000,000 for fiscal year 2022 and each of the 4
14 succeeding fiscal years.

15 (c) CONFORMING AMENDMENTS.—Section
16 303(b)(2)(A) of the Help America Vote Act of 2002 (52
17 U.S.C. 21083(b)(2)(A)) is amended—

18 (1) in clause (i), by striking “in person” and all
19 that follows and inserting “in person, presents to the
20 appropriate State or local election official an applica-
21 ble identifying document (as defined in subsection
22 (c)(6)); or”; and

23 (2) in clause (ii), by striking “by mail” and all
24 that follows and inserting “by mail, submits with the

1 ballot an applicable identifying document (as so de-
2 fined).”.

3 (d) EFFECTIVE DATE.—Section 303(e) of such Act
4 (52 U.S.C. 21083(d)(2)), as redesignated by subsection
5 (a), is amended by adding at the end the following new
6 paragraph:

7 “(3) VOTER IDENTIFICATION REQUIRE-
8 MENTS.—Each State and jurisdiction shall be re-
9 quired to comply with the requirements of subsection
10 (c) with respect to elections for Federal office held
11 on or after January 1, 2022.”.

12 **Subtitle J—Voter List Maintenance** 13 **Procedures**

14 **PART 1—VOTER CAGING PROHIBITED**

15 **SEC. 1901. VOTER CAGING PROHIBITED.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term “voter caging document” means—

18 (A) a non-forwardable document sent by
19 any person other than a State or local election
20 official that is returned to the sender or a third
21 party as undelivered or undeliverable despite an
22 attempt to deliver such document to the address
23 of a registered voter or applicant; or

24 (B) any document sent by any person
25 other than a State or local election official with

1 instructions to an addressee that the document
2 be returned to the sender or a third party but
3 is not so returned, despite an attempt to deliver
4 such document to the address of a registered
5 voter or applicant;

6 (2) the term “voter caging list” means a list of
7 individuals compiled from voter caging documents;
8 and

9 (3) the term “unverified match list” means any
10 list produced by matching the information of reg-
11 istered voters or applicants for voter registration to
12 a list of individuals who are ineligible to vote in the
13 registrar’s jurisdiction, by virtue of death, convic-
14 tion, change of address, or otherwise, unless one of
15 the pieces of information matched includes a signa-
16 ture, photograph, or unique identifying number en-
17 suring that the information from each source refers
18 to the same individual.

19 (b) PROHIBITION AGAINST VOTER CAGING.—No
20 State or local election official shall prevent an individual
21 from registering or voting in any election for Federal of-
22 fice, or permit in connection with any election for Federal
23 office a formal challenge under State law to an individual’s
24 registration status or eligibility to vote, if the basis for
25 such decision is evidence consisting of—

1 (1) a voter caging document or voter caging
2 list;

3 (2) an unverified match list;

4 (3) an error or omission on any record or paper
5 relating to any application, registration, or other act
6 requisite to voting, if such error or omission is not
7 material to an individual's eligibility to vote under
8 section 2004(a)(2)(B) of the Revised Statutes (52
9 U.S.C. 10101(a)(2)(B)); or

10 (4) any other evidence so designated for pur-
11 poses of this section by the Election Assistance Com-
12 mission,

13 except that the election official may use such evidence if
14 it is corroborated by independent evidence of the individ-
15 ual's ineligibility to register or vote.

16 (c) ENFORCEMENT.—

17 (1) CIVIL ENFORCEMENT.—

18 (A) IN GENERAL.—The Attorney General
19 may bring a civil action in an appropriate dis-
20 trict court for such declaratory or injunctive re-
21 lief as is necessary to carry out this section.

22 (B) PRIVATE RIGHT OF ACTION.—

23 (i) IN GENERAL.—A person who is ag-
24 grieved by a violation of this section may
25 provide written notice of the violation to

1 the chief election official of the State in-
2 volved.

3 (ii) RELIEF.—Except as provided in
4 clause (iii), if the violation is not corrected
5 within 90 days after receipt of a notice
6 under clause (i), or within 20 days after
7 receipt of the notice if the violation oc-
8 curred within 120 days before the date of
9 an election for Federal office, the ag-
10 grievied person may, in a civil action, ob-
11 tain declaratory or injunctive relief with re-
12 spect to the violation.

13 (iii) EXCEPTION.—If the violation oc-
14 curred within 30 days before the date of
15 an election for Federal office, the ag-
16 grievied person need not provide notice
17 under clause (i) before bringing a civil ac-
18 tion to obtain declaratory or injunctive re-
19 lief with respect to the violation.

20 (2) CRIMINAL PENALTY.—Whoever knowingly
21 challenges the eligibility of one or more individuals
22 to register or vote or knowingly causes the eligibility
23 of such individuals to be challenged in violation of
24 this section with the intent that one or more eligible
25 voters be disqualified, shall be fined under title 18,

1 United States Code, or imprisoned not more than 1
2 year, or both, for each such violation. Each violation
3 shall be a separate offense.

4 (d) NO EFFECT ON RELATED LAWS.—Nothing in
5 this section is intended to override the protections of the
6 National Voter Registration Act of 1993 (52 U.S.C.
7 20501 et seq.) or to affect the Voting Rights Act of 1965
8 (52 U.S.C. 10301 et seq.).

9 **PART 2—SAVING ELIGIBLE VOTERS FROM VOTER**
10 **PURGING**

11 **SEC. 1911. CONDITIONS FOR REMOVAL OF VOTERS FROM**
12 **LIST OF REGISTERED VOTERS.**

13 (a) CONDITIONS DESCRIBED.—The National Voter
14 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
15 amended by inserting after section 8 the following new
16 section:

17 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
18 **OFFICIAL LIST OF REGISTERED VOTERS.**

19 **“(a) VERIFICATION ON BASIS OF OBJECTIVE AND**
20 **RELIABLE EVIDENCE OF INELIGIBILITY.—**

21 **“(1) REQUIRING VERIFICATION.—**Notwith-
22 standing any other provision of this Act, a State
23 may not remove the name of any registrant from the
24 official list of voters eligible to vote in elections for
25 Federal office in the State unless the State verifies,

1 on the basis of objective and reliable evidence, that
2 the registrant is ineligible to vote in such elections.

3 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
4 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
5 purposes of paragraph (1), except as permitted
6 under section 8(d) after a notice described in para-
7 graph (2) of such section has been sent, the fol-
8 lowing factors, or any combination thereof, shall not
9 be treated as objective and reliable evidence of a reg-
10 istrant’s ineligibility to vote:

11 “(A) The failure of the registrant to vote
12 in any election.

13 “(B) The failure of the registrant to re-
14 spond to any election mail, unless the election
15 mail has been returned as undeliverable.

16 “(C) The failure of the registrant to take
17 any other action with respect to voting in any
18 election or with respect to the registrant’s sta-
19 tus as a registrant.

20 “(3) REMOVAL BASED ON OFFICIAL
21 RECORDS.—

22 “(A) IN GENERAL.—Nothing in this sec-
23 tion shall prohibit a State from removing a reg-
24 istrant from the official list of eligible voters in
25 elections for Federal office if, on the basis of of-

1 ficial records maintained by the State, a State
2 or local election official knows, on the basis of
3 objective and reliable evidence, that the reg-
4 istrant has—

5 “(i) died; or

6 “(ii) permanently moved out of the
7 State and is no longer eligible to vote in
8 the State.

9 “(B) OPPORTUNITY TO DEMONSTRATE
10 ELIGIBILITY.—The State shall provide a voter
11 removed from the official list of eligible voters
12 in elections for Federal office under this para-
13 graph an opportunity to demonstrate that the
14 registrant is eligible to vote and be reinstated
15 on the official list of eligible voters in elections
16 for Federal office in the State.

17 “(b) NOTICE AFTER REMOVAL.—

18 “(1) NOTICE TO INDIVIDUAL REMOVED.—

19 “(A) IN GENERAL.—Not later than 48
20 hours after a State removes the name of a reg-
21 istrant from the official list of eligible voters,
22 the State shall send notice of the removal to the
23 former registrant, and shall include in the no-
24 tice the grounds for the removal and informa-
25 tion on how the former registrant may contest

1 the removal or be reinstated, including a tele-
2 phone number for the appropriate election offi-
3 cial.

4 “(B) EXCEPTIONS.—Subparagraph (A)
5 does not apply in the case of a registrant—

6 “(i) who sends written confirmation to
7 the State that the registrant is no longer
8 eligible to vote in the registrar’s jurisdic-
9 tion in which the registrant was registered;
10 or

11 “(ii) who is removed from the official
12 list of eligible voters by reason of the death
13 of the registrant.

14 “(2) PUBLIC NOTICE.—Not later than 48 hours
15 after conducting any general program to remove the
16 names of ineligible voters from the official list of eli-
17 gible voters (as described in section 8(a)(4)), the
18 State shall disseminate a public notice through such
19 methods as may be reasonable to reach the general
20 public (including by publishing the notice in a news-
21 paper of wide circulation and posting the notice on
22 the websites of the appropriate election officials)
23 that list maintenance is taking place and that reg-
24 istrants should check their registration status to en-
25 sure no errors or mistakes have been made. The

1 State shall ensure that the public notice dissemi-
2 nated under this paragraph is in a format that is
3 reasonably convenient and accessible to voters with
4 disabilities, including voters who have low vision or
5 are blind.”.

6 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
7 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
8 20507(d)) is amended by adding at the end the following
9 new paragraph:

10 “(4) A State may not transmit a notice to a
11 registrant under this subsection unless the State ob-
12 tains objective and reliable evidence (in accordance
13 with the standards for such evidence which are de-
14 scribed in section 8A(a)(2)) that the registrant has
15 changed residence to a place outside the registrar’s
16 jurisdiction in which the registrant is registered.”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) NATIONAL VOTER REGISTRATION ACT OF
19 1993.—Section 8(a) of such Act (52 U.S.C.
20 20507(a)) is amended—

21 (A) in paragraph (3), by striking “pro-
22 vide” and inserting “subject to section 8A, pro-
23 vide”; and

1 (B) in paragraph (4), by striking “con-
2 duct” and inserting “subject to section 8A, con-
3 duct”.

4 (2) HELP AMERICA VOTE ACT OF 2002.—Section
5 303(a)(4)(A) of the Help America Vote Act of 2002
6 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
7 “registrants” the second place it appears and insert-
8 ing “and subject to section 8A of such Act, reg-
9 istrants”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act.

13 **Subtitle K—Severability**

14 **SEC. 1921. SEVERABILITY.**

15 If any provision of this title or amendment made by
16 this title, or the application of a provision or amendment
17 to any person or circumstance, is held to be unconstitu-
18 tional, the remainder of this title and amendments made
19 by this title, and the application of the provisions and
20 amendment to any person or circumstance, shall not be
21 affected by the holding.

1 **DIVISION B—ELECTION**
2 **INTEGRITY**
3 **TITLE II—PROHIBITING INTER-**
4 **REFERENCE WITH VOTER REG-**
5 **ISTRATION**

6 **SEC. 2001. PROHIBITING HINDERING, INTERFERING WITH,**
7 **OR PREVENTING VOTER REGISTRATION.**

8 (a) **IN GENERAL.**—Chapter 29 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 612. Hindering, interfering with, or preventing**
12 **registering to vote**

13 “(a) **PROHIBITION.**—It shall be unlawful for any per-
14 son, whether acting under color of law or otherwise, to
15 corruptly hinder, interfere with, or prevent another person
16 from registering to vote or to corruptly hinder, interfere
17 with, or prevent another person from aiding another per-
18 son in registering to vote.

19 “(b) **ATTEMPT.**—Any person who attempts to commit
20 any offense described in subsection (a) shall be subject to
21 the same penalties as those prescribed for the offense that
22 the person attempted to commit.

23 “(c) **PENALTY.**—Any person who violates subsection
24 (a) shall be fined under this title, imprisoned not more
25 than 5 years, or both.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 29 of title 18, United States Code, is amended
3 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to elections held on
6 or after the date of the enactment of this Act, except that
7 no person may be found to have violated section 612 of
8 title 18, United States Code (as added by subsection (a)),
9 on the basis of any act occurring prior to the date of the
10 enactment of this Act.

11 **SEC. 2002. ESTABLISHMENT OF BEST PRACTICES.**

12 (a) BEST PRACTICES.—Not later than 180 days after
13 the date of the enactment of this Act, the Attorney Gen-
14 eral shall develop and publish recommendations for best
15 practices for States to use to deter and prevent violations
16 of section 612 of title 18, United States Code (as added
17 by section 2001), and section 12 of the National Voter
18 Registration Act of 1993 (52 U.S.C. 20511) (relating to
19 the unlawful interference with registering to vote, or vot-
20 ing, or attempting to register to vote or vote), including
21 practices to provide for the posting of relevant information
22 at polling places and voter registration agencies under
23 such Act, the training of poll workers and election offi-
24 cials, and relevant educational materials. For purposes of
25 this subsection, the term “State” includes the District of

1 Columbia, the Commonwealth of Puerto Rico, Guam,
2 American Samoa, the United States Virgin Islands, and
3 the Commonwealth of the Northern Mariana Islands.

4 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
5 MENTS.—Section 302(b)(2) of the Help America Vote Act
6 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

7 (1) by striking “and” at the end of subpara-
8 graph (E);

9 (2) by striking the period at the end of sub-
10 paragraph (F) and inserting “; and”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(G) information relating to the prohibi-
14 tions of section 612 of title 18, United States
15 Code, and section 12 of the National Voter
16 Registration Act of 1993 (52 U.S.C. 20511)
17 (relating to the unlawful interference with reg-
18 istering to vote, or voting, or attempting to reg-
19 ister to vote or vote), including information on
20 how individuals may report allegations of viola-
21 tions of such prohibitions.”.

1 **TITLE III—PREVENTING**
2 **ELECTION SUBVERSION**
3 **Subtitle A—Restrictions on Re-**
4 **moval of Election Administra-**
5 **tors**

6 **SEC. 3001. RESTRICTIONS ON REMOVAL OF LOCAL ELEC-**
7 **TION ADMINISTRATORS IN ADMINISTRATION**
8 **OF ELECTIONS FOR FEDERAL OFFICE.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) Congress has explicit and broad authority to
12 regulate the time, place, and manner of Federal elec-
13 tions under the Elections Clause under article I, sec-
14 tion 4, clause 1 of the Constitution, including by es-
15 tablishing standards for the fair, impartial, and uni-
16 form administration of Federal elections by State
17 and local officials.

18 (2) The Elections Clause was understood from
19 the framing of the Constitution to contain “words of
20 great latitude,” granting Congress broad power over
21 Federal elections and a plenary right to preempt
22 State regulation in this area. As made clear at the
23 Constitutional Convention and the State ratification
24 debates that followed, this grant of congressional au-
25 thority was meant to “insure free and fair elec-

1 tions,” promote the uniform administration of Fed-
2 eral elections, and “preserve and restore to the peo-
3 ple their equal and sacred rights of election.”

4 (3) In the founding debates on the Elections
5 Clause, many delegates also argued that a broad
6 grant of authority to Congress over Federal elections
7 was necessary to check any “abuses that might be
8 made of the discretionary power” to regulate the
9 time, place, and manner of elections granted the
10 States, including attempts at partisan entrenchment,
11 malapportionment, and the exclusion of political mi-
12 norities. As the Supreme Court has recognized, the
13 Elections Clause empowers Congress to “protect the
14 elections on which its existence depends,” *Ex parte*
15 *Yarbrough*, 110 U.S. 651, 658 (1884), and “protect
16 the citizen in the exercise of rights conferred by the
17 Constitution of the United States essential to the
18 healthy organization of the government itself,” *id.* at
19 666.

20 (4) The Elections Clause grants Congress “ple-
21 nary and paramount jurisdiction over the whole sub-
22 ject” of Federal elections, *Ex parte Siebold*, 100
23 U.S. 371, 388 (1879), allowing Congress to imple-
24 ment “a complete code for congressional elections.”
25 *Smiley v. Holm*, 285 U.S. 355, 366 (1932). The

1 Elections Clause, unlike, for example, the Commerce
2 Clause, has been found to grant Congress the au-
3 thority to compel States to alter their regulations as
4 to Federal elections, *id.* at 366–67, even if these al-
5 terations would impose additional costs on the
6 States to execute or enforce. *Association of Commu-
7 nity Organizations for Reform Now v. Miller*, 129
8 F.3d 833 (6th Cir. 1997).

9 (5) The phrase “manner of holding elections”
10 in the Elections Clause has been interpreted by the
11 Supreme Court to authorize Congress to regulate all
12 aspects of the Federal election process, including
13 “notices, registration, supervision of voting, protec-
14 tion of voters, prevention of fraud and corrupt prac-
15 tices, counting of votes, duties of inspectors and can-
16 vassers, and the making and publication of election
17 returns.” *Smiley v. Holm*, 285 U.S. 355, 366
18 (1932).

19 (6) The Supreme Court has recognized the
20 broad “substantive scope” of the Elections Clause
21 and upheld Federal laws promulgated thereunder
22 regulating redistricting, voter registration, campaign
23 finance, primary elections, recounts, party affiliation
24 rules, and balloting.

1 (7) The authority of Congress under the Elec-
2 tions Clause also entails the power to ensure en-
3 forcement of its laws regulating Federal elections.
4 “[I]f Congress has the power to make regulations, it
5 must have the power to enforce them.” *Ex parte*
6 *Siebold*, 100 U.S. 371, 387 (1879). The Supreme
7 Court has noted that there can be no question that
8 Congress may impose additional penalties for of-
9 fenses committed by State officers in connection
10 with Federal elections even if they differ from the
11 penalties prescribed by State law for the same acts.
12 Id. at 387–88.

13 (8) The fair and impartial administration of
14 Federal elections by State and local officials is cen-
15 tral to “the successful working of this government,”
16 *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and
17 to “protect the act of voting . . . and the election
18 itself from corruption or fraud,” id. at 661–62.

19 (9) The Elections Clause thus grants Congress
20 the authority to ensure that the administration of
21 Federal elections is free of political bias or discrimi-
22 nation and that election officials are insulated from
23 political influence or other forms of coercion in dis-
24 charging their duties in connection with Federal
25 elections.

1 (10) In some States, oversight of local election
2 administrators has been allocated to State Election
3 Boards, or special commissions formed by those
4 boards, that are appointed by the prevailing political
5 party in a State, as opposed to nonpartisan or elect-
6 ed office holders.

7 (11) In certain newly enacted State policies,
8 these appointed statewide election administrators
9 have been granted wide latitude to suspend or re-
10 move local election administrators in cases where the
11 statewide election administrators identify whatever
12 the State deems to be a violation. There is no re-
13 quirement that there be a finding of intent by the
14 local election administrator to commit the violation.

15 (12) Local election administrators across the
16 country can be suspended or removed according to
17 different standards, potentially exposing them to dif-
18 ferent political pressures or biases that could result
19 in uneven administration of Federal elections.

20 (13) The Elections Clause grants Congress the
21 ultimate authority to ensure that oversight of State
22 and local election administrators is fair and impar-
23 tial in order to ensure equitable and uniform admin-
24 istration of Federal elections.

1 (14) Congress has the authority to prevent po-
2 litically motivated removals of local election officials
3 pursuant to the First and Fourteenth Amendments.
4 The Supreme Court has held that the First Amend-
5 ment prohibits the removal of local government offi-
6 cials due to their party affiliation or political beliefs.
7 *Elrod v. Burns*, 427 U.S. 347 (1976); *Branti v.*
8 *Finkel*, 445 U.S. 507 (1980). “[C]onditioning con-
9 tinued public employment on an employee’s having
10 obtained support from a particular political party
11 violates the First Amendment because of the coer-
12 cion of belief that necessarily flows from the knowl-
13 edge that one must have a sponsor in the dominant
14 party in order to retain one’s job,” *Rutan v. Repub-*
15 *lican Party of Illinois*, 497 U.S. 62, 71 (1990),
16 which is a particularly pernicious pressure in the fair
17 and neutral administration of elections. Congress
18 has the authority to enforce these First Amendment
19 protections under section 5 of the Fourteenth
20 Amendment.

21 (b) RESTRICTION.—

22 (1) STANDARD FOR REMOVAL OF A LOCAL
23 ELECTION ADMINISTRATOR.—A statewide election
24 administrator may only suspend, remove, or relieve
25 the duties of a local election administrator in the

1 State with respect to the administration of an elec-
2 tion for Federal office for gross negligence, neglect
3 of duty, or malfeasance in office.

4 (2) PRIVATE RIGHT OF ACTION.—

5 (A) IN GENERAL.—Any local election ad-
6 ministrator suspended, removed, or otherwise
7 relieved of duties in violation of paragraph (1)
8 with respect to the administration of an election
9 for Federal office or against whom any pro-
10 ceeding for suspension, removal, or relief from
11 duty in violation of paragraph (1) with respect
12 to the administration of an election for Federal
13 office may be pending, may bring an action in
14 an appropriate district court of the United
15 States for declaratory or injunctive relief with
16 respect to the violation. Any such action shall
17 name as the defendant the statewide election
18 administrator responsible for the adverse ac-
19 tion. The district court shall, to the extent prac-
20 ticable, expedite any such proceeding.

21 (B) STATUTE OF LIMITATIONS.—Any ac-
22 tion brought under this subsection must be
23 commenced not later than one year after the
24 date of the suspension, removal, relief from du-
25 ties, or commencement of the proceeding to re-

1 move, suspend, or relieve the duties of a local
2 election administrator with respect to the ad-
3 ministration of an election for Federal office.

4 (3) ATTORNEY’S FEES.—In any action or pro-
5 ceeding under this subsection, the court may allow
6 a prevailing plaintiff, other than the United States,
7 reasonable attorney’s fees as part of the costs, and
8 may include expert fees as part of the attorney’s fee.
9 The term “prevailing plaintiff” means a plaintiff
10 that substantially prevails pursuant to a judicial or
11 administrative judgment or order, or an enforceable
12 written agreement.

13 (4) REMOVAL OF STATE PROCEEDINGS TO FED-
14 ERAL COURT.—A local election administrator who is
15 subject to an administrative or judicial proceeding
16 for suspension, removal, or relief from duty by a
17 statewide election administrator with respect to the
18 administration of an election for Federal office may
19 remove the proceeding to an appropriate district
20 court of the United States. Any order remanding a
21 case to the State court or agency from which it was
22 removed under this subsection shall be reviewable by
23 appeal or otherwise.

24 (5) RIGHT OF UNITED STATES TO INTER-
25 VENE.—

1 (A) NOTICE TO ATTORNEY GENERAL.—

2 Whenever any administrative or judicial pro-
3 ceeding is brought to suspend, remove, or re-
4 lieve the duties of any local election adminis-
5 trator by a statewide election administrator
6 with respect to the administration of an election
7 for Federal office, the statewide election admin-
8 istrator who initiated such proceeding shall de-
9 liver a copy of the pleadings instituting the pro-
10 ceeding to the Assistant Attorney General for
11 the Civil Rights Division of the Department of
12 Justice. The local election administrator against
13 whom such proceeding is brought may also de-
14 liver such pleadings to the Assistant Attorney
15 General.

16 (B) RIGHT TO INTERVENE.—The United
17 States may intervene in any administrative or
18 judicial proceeding brought to suspend, remove,
19 or relieve the duties of any local election admin-
20 istrator by a statewide election administrator
21 with respect to the administration of an election
22 for Federal office and in any action initiated
23 pursuant to paragraph (2) or in any removal
24 pursuant to paragraph (4).

1 (6) REVIEW.—In reviewing any action brought
2 under this section, a court of the United States shall
3 not afford any deference to any State official, ad-
4 ministrator, or tribunal that initiated, approved, ad-
5 judicated, or reviewed any administrative or judicial
6 proceeding to suspend, remove, or otherwise relieve
7 the duties of a local election administrator.

8 (7) DEFINITIONS.—In this section, the fol-
9 lowing definitions apply:

10 (A) ELECTION.—The term “election” has
11 the meaning given the term in section 301(1) of
12 the Federal Election Campaign Act of 1971 (52
13 U.S.C. 30101(1)).

14 (B) FEDERAL OFFICE.—The term “Fed-
15 eral office” has the meaning given the term in
16 section 301(3) of the Federal Election Cam-
17 paign Act of 1971 (52 U.S.C. 30101(3)).

18 (C) LOCAL ELECTION ADMINISTRATOR.—
19 The term “local election administrator” means,
20 with respect to a local jurisdiction in a State,
21 an individual or entity responsible for the ad-
22 ministration of elections for Federal office in
23 the local jurisdiction.

1 (D) STATEWIDE ELECTION ADMINIS-
2 TRATOR.—The term “statewide election admin-
3 istrator” means, with respect to a State—

4 (i) the individual or entity, including a
5 State elections board, responsible for the
6 administration of elections for Federal of-
7 fice in the State on a statewide basis; or

8 (ii) a legislative entity with the au-
9 thority to suspend, remove, or relieve a
10 local election administrator.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to grant any additional authority
13 to remove a local elections administrator beyond any au-
14 thority provided under the law of the State.

15 **Subtitle B—Increased Protections**
16 **for Election Workers**

17 **SEC. 3101. HARASSMENT OF ELECTION WORKERS PROHIB-**
18 **ITED.**

19 (a) IN GENERAL.—Chapter 29 of title 18, United 6
20 States Code, as amended by section 2001(a), is amended
21 by adding at the end the following new section:

22 **“SEC. 613. HARASSMENT OF ELECTION RELATED OFFI-**
23 **CIALS.**

24 “(a) HARASSMENT OF ELECTION WORKERS.—It
25 shall be unlawful for any person, whether acting under

1 color of law or otherwise, to intimidate, threaten, coerce,
2 or attempt to intimidate, threaten, or coerce an election
3 worker described in subsection (b) with intent to impede,
4 intimidate, or interfere with such official while engaged
5 in the performance of official duties, or with intent to re-
6 taliate against such official on account of the performance
7 of official duties.

8 “(b) ELECTION WORKER DESCRIBED.—An election
9 worker as described in this section is any individual who
10 is an election official, poll worker, or an election volunteer
11 in connection with an election for a Federal office.

12 “(c) PENALTY.—Any person who violates subsection
13 (a) shall be fined not more than \$100,000, imprisoned for
14 not more than 5 years, or both.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 29 of title 18, United States Code, as amended
17 by section 2001(b), is amended by adding at the end the
18 following new item:

“613. Harassment of election related officials.”.

19 **SEC. 3102. PROTECTION OF ELECTION WORKERS.**

20 Paragraph (2) of section 119(b) of title 18, United
21 States Code, is amended by striking “or” at the end of
22 subparagraph (C), by inserting “or” at the end of sub-
23 paragraph (D), and by adding at the end the following
24 new subparagraph:

1 “(E) any individual who is an election offi-
2 cial, a poll worker, or an election volunteer in
3 connection with an election for a Federal of-
4 fice;”.

5 **Subtitle C—Prohibiting Deceptive**
6 **Practices and Preventing Voter**
7 **Intimidation**

8 **SEC. 3201. SHORT TITLE.**

9 This subtitle may be cited as the “Deceptive Prac-
10 tices and Voter Intimidation Prevention Act of 2021”.

11 **SEC. 3202. PROHIBITION ON DECEPTIVE PRACTICES IN**
12 **FEDERAL ELECTIONS.**

13 (a) PROHIBITION.—Subsection (b) of section 2004 of
14 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

15 (1) by striking “No person” and inserting the
16 following:

17 “(1) IN GENERAL.—No person”; and

18 (2) by inserting at the end the following new
19 paragraphs:

20 “(2) FALSE STATEMENTS REGARDING FEDERAL
21 ELECTIONS.—

22 “(A) PROHIBITION.—No person, whether
23 acting under color of law or otherwise, shall,
24 within 60 days before an election described in
25 paragraph (5), by any means, including by

1 means of written, electronic, or telephonic com-
2 munications, communicate or cause to be com-
3 municated information described in subpara-
4 graph (B), or produce information described in
5 subparagraph (B) with the intent that such in-
6 formation be communicated, if such person—

7 “(i) knows such information to be ma-
8 terially false; and

9 “(ii) has the intent to impede or pre-
10 vent another person from exercising the
11 right to vote in an election described in
12 paragraph (5).

13 “(B) INFORMATION DESCRIBED.—Infor-
14 mation is described in this subparagraph if such
15 information is regarding—

16 “(i) the time, place, or manner of
17 holding any election described in para-
18 graph (5); or

19 “(ii) the qualifications for or restric-
20 tions on voter eligibility for any such elec-
21 tion, including—

22 “(I) any criminal, civil, or other
23 legal penalties associated with voting
24 in any such election; or

1 “(II) information regarding a
2 voter’s registration status or eligi-
3 bility.

4 “(3) FALSE STATEMENTS REGARDING PUBLIC
5 ENDORSEMENTS.—

6 “(A) PROHIBITION.—No person, whether
7 acting under color of law or otherwise, shall,
8 within 60 days before an election described in
9 paragraph (5), by any means, including by
10 means of written, electronic, or telephonic com-
11 munications, communicate, or cause to be com-
12 municated, a materially false statement about
13 an endorsement, if such person—

14 “(i) knows such statement to be false;
15 and

16 “(ii) has the intent to impede or pre-
17 vent another person from exercising the
18 right to vote in an election described in
19 paragraph (5).

20 “(B) DEFINITION OF ‘MATERIALLY
21 FALSE’.—For purposes of subparagraph (A), a
22 statement about an endorsement is ‘materially
23 false’ if, with respect to an upcoming election
24 described in paragraph (5)—

1 “(i) the statement states that a spe-
2 cifically named person, political party, or
3 organization has endorsed the election of a
4 specific candidate for a Federal office de-
5 scribed in such paragraph; and

6 “(ii) such person, political party, or
7 organization has not endorsed the election
8 of such candidate.

9 “(4) HINDERING, INTERFERING WITH, OR PRE-
10 VENTING VOTING OR REGISTERING TO VOTE.—No
11 person, whether acting under color of law or other-
12 wise, shall intentionally hinder, interfere with, or
13 prevent another person from voting, registering to
14 vote, or aiding another person to vote or register to
15 vote in an election described in paragraph (5), in-
16 cluding by operating a polling place or ballot box
17 that falsely purports to be an official location estab-
18 lished for such an election by a unit of government.

19 “(5) ELECTION DESCRIBED.—An election de-
20 scribed in this paragraph is any general, primary,
21 runoff, or special election held solely or in part for
22 the purpose of nominating or electing a candidate
23 for the office of President, Vice President, Presi-
24 dential elector, Member of the Senate, Member of

1 the House of Representatives, or Delegate or Com-
2 missioner from a Territory or possession.”.

3 (b) PRIVATE RIGHT OF ACTION.—

4 (1) IN GENERAL.—Subsection (c) of section
5 2004 of the Revised Statutes (52 U.S.C. 10101(e))
6 is amended—

7 (A) by striking “Whenever any person”
8 and inserting the following:

9 “(1) IN GENERAL.—Whenever any person”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(2) CIVIL ACTION.—Any person aggrieved by a
13 violation of this section may institute a civil action
14 for preventive relief, including an application in a
15 United States district court for a permanent or tem-
16 porary injunction, restraining order, or other order.
17 In any such action, the court, in its discretion, may
18 allow the prevailing party a reasonable attorney’s fee
19 as part of the costs.”.

20 (2) CONFORMING AMENDMENTS.—Section 2004
21 of the Revised Statutes (52 U.S.C. 10101) is
22 amended—

23 (A) in subsection (e), by striking “sub-
24 section (c)” and inserting “subsection (c)(1)”;
25 and

1 (B) in subsection (g), by striking “sub-
2 section (e)” and inserting “subsection (e)(1)”.

3 (c) CRIMINAL PENALTIES.—

4 (1) DECEPTIVE ACTS.—Section 594 of title 18,
5 United States Code, is amended—

6 (A) by striking “Whoever” and inserting
7 the following:

8 “(a) INTIMIDATION.—Whoever”;

9 (B) in subsection (a), as inserted by sub-
10 paragraph (A), by striking “at any election”
11 and inserting “at any general, primary, runoff,
12 or special election”; and

13 (C) by adding at the end the following new
14 subsections:

15 “(b) DECEPTIVE ACTS.—

16 “(1) FALSE STATEMENTS REGARDING FEDERAL
17 ELECTIONS.—

18 “(A) PROHIBITION.—It shall be unlawful
19 for any person, whether acting under color of
20 law or otherwise, within 60 days before an elec-
21 tion described in subsection (e), by any means,
22 including by means of written, electronic, or tel-
23 ephonic communications, to communicate or
24 cause to be communicated information de-
25 scribed in subparagraph (B), or produce infor-

1 mation described in subparagraph (B) with the
2 intent that such information be communicated,
3 if such person—

4 “(i) knows such information to be ma-
5 terially false; and

6 “(ii) has the intent to impede or pre-
7 vent another person from exercising the
8 right to vote in an election described in
9 subsection (e).

10 “(B) INFORMATION DESCRIBED.—Infor-
11 mation is described in this subparagraph if such
12 information is regarding—

13 “(i) the time or place of holding any
14 election described in subsection (e); or

15 “(ii) the qualifications for or restric-
16 tions on voter eligibility for any such elec-
17 tion, including—

18 “(I) any criminal, civil, or other
19 legal penalties associated with voting
20 in any such election; or

21 “(II) information regarding a
22 voter’s registration status or eligi-
23 bility.

1 “(2) PENALTY.—Any person who violates para-
2 graph (1) shall be fined not more than \$100,000,
3 imprisoned for not more than 5 years, or both.

4 “(c) HINDERING, INTERFERING WITH, OR PRE-
5 VENTING VOTING OR REGISTERING TO VOTE.—

6 “(1) PROHIBITION.—It shall be unlawful for
7 any person, whether acting under color of law or
8 otherwise, to corruptly hinder, interfere with, or pre-
9 vent another person from voting, registering to vote,
10 or aiding another person to vote or register to vote
11 in an election described in subsection (e).

12 “(2) PENALTY.—Any person who violates para-
13 graph (1) shall be fined not more than \$100,000,
14 imprisoned for not more than 5 years, or both.

15 “(d) ATTEMPT.—Any person who attempts to commit
16 any offense described in subsection (a), (b)(1), or (c)(1)
17 shall be subject to the same penalties as those prescribed
18 for the offense that the person attempted to commit.

19 “(e) ELECTION DESCRIBED.—An election described
20 in this subsection is any general, primary, runoff, or spe-
21 cial election held solely or in part for the purpose of nomi-
22 nating or electing a candidate for the office of President,
23 Vice President, Presidential elector, Senator, Member of
24 the House of Representatives, or Delegate or Resident
25 Commissioner to the Congress.”.

1 (2) MODIFICATION OF PENALTY FOR VOTER IN-
2 TIMIDATION.—Section 594(a) of title 18, United
3 States Code, as amended by paragraph (1), is
4 amended by striking “fined under this title or im-
5 prisoned not more than one year” and inserting
6 “fined not more than \$100,000, imprisoned for not
7 more than 5 years”.

8 (3) SENTENCING GUIDELINES.—

9 (A) REVIEW AND AMENDMENT.—Not later
10 than 180 days after the date of enactment of
11 this Act, the United States Sentencing Commis-
12 sion, pursuant to its authority under section
13 994 of title 28, United States Code, and in ac-
14 cordance with this section, shall review and, if
15 appropriate, amend the Federal sentencing
16 guidelines and policy statements applicable to
17 persons convicted of any offense under section
18 594 of title 18, United States Code, as amend-
19 ed by this section.

20 (B) AUTHORIZATION.—The United States
21 Sentencing Commission may amend the Federal
22 Sentencing Guidelines in accordance with the
23 procedures set forth in section 21(a) of the Sen-
24 tencing Act of 1987 (28 U.S.C. 994 note) as

1 though the authority under that section had not
2 expired.

3 (4) PAYMENTS FOR REFRAINING FROM VOT-
4 ING.—Subsection (c) of section 11 of the Voting
5 Rights Act of 1965 (52 U.S.C. 10307) is amended
6 by striking “either for registration to vote or for vot-
7 ing” and inserting “for registration to vote, for vot-
8 ing, or for not voting”.

9 **SEC. 3203. CORRECTIVE ACTION.**

10 (a) CORRECTIVE ACTION.—

11 (1) IN GENERAL.—If the Attorney General re-
12 ceives a credible report that materially false informa-
13 tion has been or is being communicated in violation
14 of paragraphs (2) and (3) of section 2004(b) of the
15 Revised Statutes (52 U.S.C. 10101(b)), as added by
16 section 3202(a), and if the Attorney General deter-
17 mines that State and local election officials have not
18 taken adequate steps to promptly communicate accu-
19 rate information to correct the materially false infor-
20 mation, the Attorney General shall, pursuant to the
21 written procedures and standards under subsection
22 (b), communicate to the public, by any means, in-
23 cluding by means of written, electronic, or telephonic
24 communications, accurate information designed to
25 correct the materially false information.

1 (2) COMMUNICATION OF CORRECTIVE INFORMA-
2 TION.—Any information communicated by the Attor-
3 ney General under paragraph (1)—

4 (A) shall—

5 (i) be accurate and objective;

6 (ii) consist of only the information
7 necessary to correct the materially false in-
8 formation that has been or is being com-
9 municated; and

10 (iii) to the extent practicable, be by a
11 means that the Attorney General deter-
12 mines will reach the persons to whom the
13 materially false information has been or is
14 being communicated; and

15 (B) shall not be designed to favor or dis-
16 favor any particular candidate, organization, or
17 political party.

18 (b) WRITTEN PROCEDURES AND STANDARDS FOR
19 TAKING CORRECTIVE ACTION.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Attorney
22 General shall publish written procedures and stand-
23 ards for determining when and how corrective action
24 will be taken under this section.

1 (2) INCLUSION OF APPROPRIATE DEADLINES.—

2 The procedures and standards under paragraph (1)
3 shall include appropriate deadlines, based in part on
4 the number of days remaining before the upcoming
5 election.

6 (3) CONSULTATION.—In developing the proce-
7 dures and standards under paragraph (1), the Attor-
8 ney General shall consult with the Election Assist-
9 ance Commission, State and local election officials,
10 civil rights organizations, voting rights groups, voter
11 protection groups, and other interested community
12 organizations.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Attorney General
15 such sums as may be necessary to carry out this subtitle.

16 **SEC. 3204. REPORTS TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 180 days after
18 each general election for Federal office, the Attorney Gen-
19 eral shall submit to Congress a report compiling all allega-
20 tions received by the Attorney General of deceptive prac-
21 tices described in paragraphs (2), (3), and (4) of section
22 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
23 added by section 3202(a), relating to the general election
24 for Federal office and any primary, runoff, or a special

1 election for Federal office held in the 2 years preceding
2 the general election.

3 (b) CONTENTS.—

4 (1) IN GENERAL.—Each report submitted
5 under subsection (a) shall include—

6 (A) a description of each allegation of a
7 deceptive practice described in subsection (a),
8 including the geographic location, racial and
9 ethnic composition, and language minority-
10 group membership of the persons toward whom
11 the alleged deceptive practice was directed;

12 (B) the status of the investigation of each
13 allegation described in subparagraph (A);

14 (C) a description of each corrective action
15 taken by the Attorney General under section
16 4(a) in response to an allegation described in
17 subparagraph (A);

18 (D) a description of each referral of an al-
19 legation described in subparagraph (A) to other
20 Federal, State, or local agencies;

21 (E) to the extent information is available,
22 a description of any civil action instituted under
23 section 2004(c)(2) of the Revised Statutes (52
24 U.S.C. 10101(c)(2)), as added by section

1 3202(b), in connection with an allegation de-
2 scribed in subparagraph (A); and

3 (F) a description of any criminal prosecu-
4 tion instituted under section 594 of title 18,
5 United States Code, as amended by section
6 3202(c), in connection with the receipt of an al-
7 legation described in subparagraph (A) by the
8 Attorney General.

9 (2) EXCLUSION OF CERTAIN INFORMATION.—

10 (A) IN GENERAL.—The Attorney General
11 shall not include in a report submitted under
12 subsection (a) any information protected from
13 disclosure by rule 6(e) of the Federal Rules of
14 Criminal Procedure or any Federal criminal
15 statute.

16 (B) EXCLUSION OF CERTAIN OTHER IN-
17 FORMATION.—The Attorney General may deter-
18 mine that the following information shall not be
19 included in a report submitted under subsection
20 (a):

21 (i) Any information that is privileged.

22 (ii) Any information concerning an
23 ongoing investigation.

1 (iii) Any information concerning a
2 criminal or civil proceeding conducted
3 under seal.

4 (iv) Any other nonpublic information
5 that the Attorney General determines the
6 disclosure of which could reasonably be ex-
7 pected to infringe on the rights of any in-
8 dividual or adversely affect the integrity of
9 a pending or future criminal investigation.

10 (c) REPORT MADE PUBLIC.—On the date that the
11 Attorney General submits the report under subsection (a),
12 the Attorney General shall also make the report publicly
13 available through the internet and other appropriate
14 means.

15 **SEC. 3205. PRIVATE RIGHTS OF ACTION BY ELECTION OFFI-**
16 **CIALS.**

17 Subsection (c)(2) of section 2004 of the Revised Stat-
18 utes (52 U.S.C. 10101(b)), as added by section 3202(b),
19 is amended—

20 (1) by striking “Any person” and inserting the
21 following:

22 “(A) IN GENERAL.—Any person”; and

23 (2) by adding at the end the following new sub-
24 paragraph:

25 “(B) INTIMIDATION, ETC.—

1 “(i) IN GENERAL.—A person ag-
2 grieved by a violation of subsection (b)(1)
3 shall include, without limitation, an officer
4 responsible for maintaining order and pre-
5 venting intimidation, threats, or coercion
6 in or around a location at which voters
7 may cast their votes. .

8 “(ii) CORRECTIVE ACTION.—If the At-
9 torney General receives a credible report
10 that conduct that violates or would be rea-
11 sonably likely to violate subsection (b)(1)
12 has occurred or is likely to occur, and if
13 the Attorney General determines that
14 State and local officials have not taken
15 adequate steps to promptly communicate
16 that such conduct would violate subsection
17 (b)(1) or applicable State or local laws, At-
18 torney General shall communicate to the
19 public, by any means, including by means
20 of written, electronic, or telephonic commu-
21 nications, accurate information designed to
22 convey the unlawfulness of proscribed con-
23 duct under subsection (b)(1) and the re-
24 sponsibilities of and resources available to

1 State and local officials to prevent or cor-
2 rect such violations.”.

3 **SEC. 3206. MAKING INTIMIDATION OF TABULATION, CAN-**
4 **VAS, AND CERTIFICATION EFFORTS A CRIME.**

5 Section 12(1) of the National Voter Registration Act
6 (52 U.S.C. 20511) is amended—

7 (1) in subparagraph (B), by striking “or” at
8 the end; and

9 (2) by adding at the end the following new sub-
10 paragraph:

11 “(D) processing or scanning ballots, or
12 tabulating, canvassing, or certifying voting re-
13 sults; or”.

14 **Subtitle D—Protection of Election**
15 **Records & Election Infrastructure**

16 **SEC. 3301. STRENGTHEN PROTECTIONS FOR FEDERAL**
17 **ELECTION RECORDS.**

18 Section 301 of the Civil Rights Act of 1960 (52
19 U.S.C. 20701) is amended—

20 (1) by striking “Every officer” and inserting
21 the following:

22 “(a) IN GENERAL.—Every officer”;

23 (2) by striking “records and papers” and in-
24 serting “records (including electronic records), pa-

1 pers, and election equipment” each place the term
2 appears;

3 (3) by striking “record or paper” and inserting
4 “record (including electronic record), paper, or elec-
5 tion equipment”;

6 (4) by inserting “(but only under the direct ad-
7 ministrative supervision of an election officer). Not-
8 withstanding any other provision of this section, the
9 paper record of a voter’s cast ballot shall remain the
10 official record of the cast ballot for purposes of this
11 title” after “upon such custodian”;

12 (5) by inserting “, or acts in reckless disregard
13 of,” after “fails to comply with”; and

14 (6) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) **ELECTION EQUIPMENT.**—The requirement in
17 subsection (a) to preserve election equipment shall not be
18 construed to prevent the reuse of such equipment in any
19 election that takes place within twenty-two months of a
20 Federal election described in subsection (a), provided that
21 all electronic records, files, and data from such equipment
22 related to such Federal election are retained and pre-
23 served.

24 “(c) **GUIDANCE.**—Not later than 1 year after the
25 date of enactment of this subsection, the Director of the

1 Cybersecurity and Infrastructure Security Agency of the
2 Department of Homeland Security, in consultation with
3 the Election Assistance Commission and the Attorney
4 General, shall issue guidance regarding compliance with
5 subsections (a) and (b), including minimum standards and
6 best practices for retaining and preserving records and pa-
7 pers in compliance with subsection (a). Such guidance
8 shall also include protocols for enabling the observation
9 of the preservation, security, and transfer of records and
10 papers described in subsection (a) by the Attorney General
11 and by a representative of each party, as defined by the
12 Attorney General.”.

13 **SEC. 3302. PENALTIES; INSPECTION; NONDISCLOSURE; JU-**
14 **RISDICTION.**

15 (a) **EXPANSION OF SCOPE OF PENALTIES FOR IN-**
16 **TERFERENCE.**—Section 302 of the Civil Rights Act of
17 1960 (52 U.S.C. 20702) is amended—

18 (1) by inserting “, or whose reckless disregard
19 of section 301 results in the theft, destruction, con-
20 cealment, mutilation, or alteration of,” after “or al-
21 ters”; and

22 (2) by striking “record or paper” and inserting
23 “record (including electronic record), paper, or elec-
24 tion equipment”.

1 (b) INSPECTION, REPRODUCTION, AND COPYING.—
2 Section 303 of the Civil Rights Act of 1960 (52 U.S.C.
3 20703) is amended by striking “record or paper” and in-
4 serting “record (including electronic record), paper, or
5 election equipment” each place the term appears.

6 (c) NONDISCLOSURE.—Section 304 of the Civil
7 Rights Act of 1960 (52 U.S.C. 20704) is amended by
8 striking “record or paper” and inserting “record (includ-
9 ing electronic record), paper, or election equipment”.

10 (d) JURISDICTION TO COMPEL PRODUCTION.—Sec-
11 tion 305 of the Civil Rights Act of 1960 (52 U.S.C.
12 20705) is amended by striking “record or paper” and in-
13 serting “record (including electronic record), paper, or
14 election equipment” each place the term appears.

15 **SEC. 3303. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

16 Title III of the Civil Rights Act of 1960 (52 U.S.C.
17 20701 et seq.) is amended by adding at the end the fol-
18 lowing:

19 **“SEC. 307. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

20 “(a) CAUSE OF ACTION.—The Attorney General, a
21 representative of the Attorney General, or a candidate in
22 a Federal election described in section 301 may bring an
23 action in the district court of the United States for the
24 judicial district in which a record or paper is located, or
25 in the United States District Court for the District of Co-

1 lumbia, to compel compliance with the requirements of
2 section 301.

3 “(b) DUTY TO EXPEDITE.—It shall be the duty of
4 the court to advance on the docket, and to expedite to
5 the greatest possible extent the disposition of, the action
6 and any appeal under this section.”.

7 **Subtitle E—Judicial Protection of**
8 **the Right to Vote and Non-par-**
9 **tisan Vote Tabulation**

10 **SEC. 3401. UNDUE BURDENS ON THE ABILITY TO VOTE IN**
11 **ELECTIONS FOR FEDERAL OFFICE PROHIB-**
12 **ITED.**

13 (a) IN GENERAL.—Every citizen of legal voting age
14 shall have the right to vote in elections for Federal office.

15 (b) RETROGRESSION.—A government may not dimin-
16 ish the ability to vote in an election for Federal office un-
17 less the law, rule, standard, practice, procedure, or other
18 governmental action causing the diminishment is the least
19 restrictive means of significantly furthering an important,
20 particularized government interest.

21 (c) SUBSTANTIAL IMPAIRMENT.—A government may
22 not substantially impair the ability to vote in an election
23 for Federal office unless the law, rule, standard, practice,
24 procedure, or other governmental action causing the im-

1 pairment significantly furthers an important, particular-
2 ized governmental interest.

3 **SEC. 3402. JUDICIAL REVIEW.**

4 (a) CIVIL ACTION.—An action challenging a violation
5 of the rights created by this subtitle may be brought in
6 the district court for the District of Columbia, or the dis-
7 trict court for the district in which the violation took place
8 or where any defendant resides or does business, at the
9 selection of the plaintiff, to obtain all appropriate relief,
10 whether declaratory or injunctive, or facial or as-applied.
11 Process may be served in any district where a defendant
12 resides, does business, or may be found.

13 (b) STANDARDS TO BE APPLIED.—In a civil action
14 under this section, the following shall apply:

15 (1) RETROGRESSION.—

16 (A) A plaintiff establishes a prima facie
17 case of retrogression under section 4401(b) by
18 demonstrating by a preponderance of the evi-
19 dence that a rule, standard, practice, procedure,
20 or other governmental action diminishes the
21 ability, or otherwise makes it more difficult, to
22 vote.

23 (B) Once a plaintiff establishes a prima
24 facie case as described in subparagraph (A), the
25 government shall be provided an opportunity to

1 demonstrate by clear and convincing evidence
2 that the diminishment is necessary to signifi-
3 cantly further an important, particularized gov-
4 ernmental interest.

5 (C) If the government meets its burden
6 under subparagraph (B), the challenged rule,
7 standard, practice, procedure, or other govern-
8 mental action shall nonetheless be deemed in-
9 valid if the plaintiff demonstrates by a prepon-
10 derance of the evidence that the government
11 could adopt or implement a less-restrictive
12 means of furthering the particular important
13 governmental interest.

14 (2) SUBSTANTIAL IMPAIRMENT.—

15 (A) A plaintiff establishes a prima facie
16 case of substantial impairment under section
17 4401(c) by demonstrating by a preponderance
18 of the evidence that a rule, standard, practice,
19 procedure, or other governmental action sub-
20 stantially impairs the ability, or makes it sub-
21 stantially difficult, to vote.

22 (B) Once a plaintiff establishes a prima
23 facie case as described in subparagraph (A), the
24 government shall be provided an opportunity to
25 demonstrate by clear and convincing evidence

1 that the impairment significantly furthers an
2 important, particularized governmental interest.

3 (c) **DUTY TO EXPEDITE.**—It shall be the duty of the
4 court to advance on the docket and to expedite to the
5 greatest reasonable extent the disposition of the action
6 and appeal under this section.

7 (d) **ATTORNEY’S FEES.**—Section 722(b) of the Re-
8 vised Statutes (42 U.S.C. 1988(b)) is amended—

9 (1) by striking “or section 40302” and insert-
10 ing “section 40302”; and

11 (2) by striking “, the court” and inserting “, or
12 section 4402(a) of the Freedom to Vote Act, the
13 court”.

14 **SEC. 3403. DEFINITIONS.**

15 In this subtitle—

16 (1) the terms “election” and “Federal office”
17 have the meanings given such terms in section 301
18 of the Federal Election Campaign Act of 1971 (52
19 U.S.C. 30101);

20 (2) the term “government” includes a branch,
21 department, agency, instrumentality, and official (or
22 other person acting under color of law) of the
23 United States, of any State, or of any political sub-
24 division of any State;

1 (3) the term “State” means the District of Co-
2 lumbia, the Commonwealth of Puerto Rico, and each
3 territory and possession of the United States; and

4 (4) the term “vote” means all actions necessary
5 to make a vote effective, including registration or
6 other action required by law as a prerequisite to vot-
7 ing, casting a ballot, and having such ballot counted
8 and included in the appropriate totals of votes cast
9 with respect to candidates for public office for which
10 votes are received in an election.

11 **SEC. 3404. RULES OF CONSTRUCTION.**

12 (a) BURDENS NOT AUTHORIZED.—Nothing in this
13 subtitle may be construed to authorize a government to
14 burden the right to vote in elections for Federal office.

15 (b) OTHER RIGHTS AND REMEDIES.—Nothing in
16 this subtitle shall be construed as indicating an intent on
17 the part of Congress to alter any rights existing under
18 a State constitution or the Constitution of the United
19 States, or to limit any remedies for any other violations
20 of Federal, State, or local law.

21 (c) OTHER PROVISIONS OF THIS ACT.—Nothing in
22 this subtitle shall be construed as affecting section 1703
23 of this Act (relating to rights of citizens).

1 **SEC. 3405. SEVERABILITY.**

2 If any provision of this subtitle or the application of
3 such provision to any citizen or circumstance is held to
4 be unconstitutional, the remainder of this subtitle and the
5 application of the provisions of such to any citizen or cir-
6 cumstance shall not be affected thereby.

7 **SEC. 3406. EFFECTIVE DATE.**

8 This subtitle shall apply with respect to any elections
9 for Federal office occurring on or after January 1, 2022.

10 **Subtitle F—Poll Worker**
11 **Recruitment and Training**

12 **SEC. 3501. GRANTS TO STATES FOR POLL WORKER RE-**
13 **CRUITMENT AND TRAINING.**

14 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
15 SION.—

16 (1) IN GENERAL.—The Election Assistance
17 Commission (hereafter referred to as the “Commis-
18 sion”) shall, subject to the availability of appropria-
19 tions provided to carry out this section, make a
20 grant to each eligible State for recruiting and train-
21 ing individuals to serve as poll workers on dates of
22 elections for public office.

23 (2) USE OF COMMISSION MATERIALS.—In car-
24 rying out activities with a grant provided under this
25 section, the recipient of the grant shall use the man-
26 ual prepared by the Commission on successful prac-

1 tices for poll worker recruiting, training, and reten-
2 tion as an interactive training tool, and shall develop
3 training programs with the participation and input
4 of experts in adult learning.

5 (3) ACCESS AND CULTURAL CONSIDER-
6 ATIONS.—The Commission shall ensure that the
7 manual described in paragraph (2) provides training
8 in methods that will enable poll workers to provide
9 access and delivery of services in a culturally com-
10 petent manner to all voters who use their services,
11 including those with limited English proficiency, di-
12 verse cultural and ethnic backgrounds, disabilities,
13 and regardless of gender, sexual orientation, or gen-
14 der identity. These methods must ensure that each
15 voter will have access to poll worker services that are
16 delivered in a manner that meets the unique needs
17 of the voter.

18 (b) REQUIREMENTS FOR ELIGIBILITY.—

19 (1) APPLICATION.—Each State that desires to
20 receive a payment under this section shall submit an
21 application for the payment to the Commission at
22 such time and in such manner and containing such
23 information as the Commission shall require.

24 (2) CONTENTS OF APPLICATION.—Each appli-
25 cation submitted under paragraph (1) shall—

1 (A) describe the activities for which assist-
2 ance under this section is sought;

3 (B) provide assurances that the funds pro-
4 vided under this section will be used to supple-
5 ment and not supplant other funds used to
6 carry out the activities;

7 (C) provide assurances that the State will
8 furnish the Commission with information on the
9 number of individuals who served as poll work-
10 ers after recruitment and training with the
11 funds provided under this section;

12 (D) provide assurances that the State will
13 dedicate poll worker recruitment efforts with re-
14 spect to—

15 (i) youth and minors, including by re-
16 cruiting at institutions of higher education
17 and secondary education; and

18 (ii) diversity, including with respect to
19 race, ethnicity, and disability; and

20 (E) provide such additional information
21 and certifications as the Commission deter-
22 mines to be essential to ensure compliance with
23 the requirements of this section.

24 (c) AMOUNT OF GRANT.—

1 (1) IN GENERAL.—The amount of a grant
2 made to a State under this section shall be equal to
3 the product of—

4 (A) the aggregate amount made available
5 for grants to States under this section; and

6 (B) the voting age population percentage
7 for the State.

8 (2) VOTING AGE POPULATION PERCENTAGE DE-
9 FINED.—In paragraph (1), the “voting age popu-
10 lation percentage” for a State is the quotient of—

11 (A) the voting age population of the State
12 (as determined on the basis of the most recent
13 information available from the Bureau of the
14 Census); and

15 (B) the total voting age population of all
16 States (as determined on the basis of the most
17 recent information available from the Bureau of
18 the Census).

19 (d) REPORTS TO CONGRESS.—

20 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
21 later than 6 months after the date on which the
22 final grant is made under this section, each recipient
23 of a grant shall submit a report to the Commission
24 on the activities conducted with the funds provided
25 by the grant.

1 (2) REPORTS BY COMMISSION.—Not later than
2 1 year after the date on which the final grant is
3 made under this section, the Commission shall sub-
4 mit a report to Congress on the grants made under
5 this section and the activities carried out by recipi-
6 ents with the grants, and shall include in the report
7 such recommendations as the Commission considers
8 appropriate.

9 (e) FUNDING.—

10 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
11 PROPRIATED.—Any amount appropriated to carry
12 out this section shall remain available without fiscal
13 year limitation until expended.

14 (2) ADMINISTRATIVE EXPENSES.—Of the
15 amount appropriated for any fiscal year to carry out
16 this section, not more than 3 percent shall be avail-
17 able for administrative expenses of the Commission.

18 **SEC. 3502. STATE DEFINED.**

19 In this subtitle, the term “State” includes the Dis-
20 trict of Columbia, the Commonwealth of Puerto Rico,
21 Guam, American Samoa, the United States Virgin Is-
22 lands, and the Commonwealth of the Northern Mariana
23 Islands.

1 **Subtitle G—Preventing Poll**
2 **Observer Interference**

3 **SEC. 3601. PROTECTIONS FOR VOTERS ON ELECTION DAY.**

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 by inserting after section 303 the following
7 new section:

8 **“SEC. 303A. VOTER PROTECTION REQUIREMENTS.**

9 “(a) REQUIREMENTS FOR CHALLENGES BY PERSONS
10 OTHER THAN ELECTION OFFICIALS.—

11 “(1) REQUIREMENTS FOR CHALLENGES.—No
12 person, other than a State or local election official,
13 shall submit a formal challenge to an individual’s eli-
14 gibility to register to vote in an election for Federal
15 office or to vote in an election for Federal office un-
16 less that challenge is supported by personal knowl-
17 edge with respect to each individual challenged re-
18 garding the grounds for ineligibility which is—

19 “(A) documented in writing; and

20 “(B) subject to an oath or attestation
21 under penalty of perjury that the challenger has
22 a good faith factual basis to believe that the in-
23 dividual who is the subject of the challenge is
24 ineligible to register to vote or vote in that elec-
25 tion, except a challenge which is based on the

1 race, ethnicity, or national origin of the indi-
2 vidual who is the subject of the challenge may
3 not be considered to have a good faith factual
4 basis for purposes of this paragraph.

5 “(2) PROHIBITION ON CHALLENGES ON OR
6 NEAR DATE OF ELECTION.—No person, other than
7 a State or local election official, shall be permitted—

8 “(A) to challenge an individual’s eligibility
9 to vote in an election for Federal office on Elec-
10 tion Day on grounds that could have been made
11 in advance of such day, or

12 “(B) to challenge an individual’s eligibility
13 to register to vote in an election for Federal of-
14 fice or to vote in an election for Federal office
15 less than 10 days before the election unless the
16 individual registered to vote less than 20 days
17 before the election.

18 “(b) BUFFER RULE.—

19 “(1) IN GENERAL.—A person who is serving as
20 a poll observer with respect to an election for Fed-
21 eral office may not come within 8 feet of—

22 “(A) a voter or ballot at a polling location
23 during any period of voting (including any pe-
24 riod of early voting) in such election; or

1 “(B) a ballot at any time during which the
2 processing, scanning, tabulating, canvassing, or
3 certifying voting results is occurring.

4 “(2) RULE OF CONSTRUCTION.—Nothing in
5 paragraph (1) may be construed to limit the ability
6 of a State or local election official to require poll ob-
7 servers to maintain a distance greater than 8 feet.

8 “(c) EFFECTIVE DATE.—This section shall apply
9 with respect to elections for Federal office occurring on
10 and after January 1, 2022.”.

11 (b) CONFORMING AMENDMENT RELATING TO VOL-
12 UNTARY GUIDANCE.—Section 321(b)(4) of such Act (52
13 U.S.C. 21101(b)), as added and redesignated by section
14 1101(b) and as amended by sections 1102, 1103, 1104,
15 and 1303, is amended by striking “and 313” and inserting
16 “313, and 303A”.

17 (c) CLERICAL AMENDMENT.—The table of contents
18 of such Act is amended by inserting after the item relating
19 to section 303 the following:

 “Sec. 303A. Voter protection requirements.”.

20 **Subtitle H—Preventing Restric-**
21 **tions on Food and Beverages**

22 **SEC. 3701. FINDINGS.**

23 Congress finds the following:

24 (1) States have a legitimate interest in prohib-
25 iting electioneering at or near polling places, and

1 each State has some form of restriction on political
2 activities near polling places when voting is taking
3 place.

4 (2) In recent elections, voters have waited in
5 unacceptably long lines to cast their ballot. During
6 the 2018 midterm election, more than 3,000,000
7 voters were made to wait longer than the acceptable
8 threshold for wait times set by the Presidential
9 Commission on Election Administration, including
10 many well-documented cases where voters were made
11 to wait for several hours. A disproportionate number
12 of those who had to wait long periods were Black or
13 Latino voters, who were more likely than White vot-
14 ers to wait in the longest lines on Election Day.

15 (3) Allowing volunteers to donate food and
16 water to all people waiting in line at a polling place,
17 regardless of the voters' political preference and
18 without engaging in electioneering activities or par-
19 tisan advocacy, helps ensure Americans who face
20 long lines at their polling place can still exercise
21 their Constitutional right to vote, without risk of de-
22 hydration, inadequate food, discomfort, and risks to
23 health.

1 **SEC. 3702. PROHIBITING RESTRICTIONS ON DONATIONS OF**
2 **FOOD AND BEVERAGES AT POLLING STA-**
3 **TIONS.**

4 (a) REQUIREMENT.—Subtitle A of title III of the
5 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
6 as amended by section 1031(a), section 1044(a), section
7 1101(a), section 1102(a), section 1103(a), section
8 1104(a), section 1201(a), section 1301(a), section
9 1302(a), section 1303(b), section 1305(a), section
10 1607(a)(1), section 1608(a), and section 1624(a) is
11 amended—

12 (1) by redesignating sections 318 and 319 as
13 sections 319 and 320, respectively; and

14 (2) by inserting after section 317 the following
15 new section:

16 **“SEC. 318. PROHIBITING STATES FROM RESTRICTING DO-**
17 **NATIONS OF FOOD AND BEVERAGES AT**
18 **POLLING STATIONS.**

19 “(a) PROHIBITION.—Subject to the exception in sub-
20 section (b), a State may not impose any restriction on the
21 donation of food and nonalcoholic beverages to persons
22 outside of the entrance to the building where a polling
23 place for a Federal election is located, provided that such
24 food and nonalcoholic beverages are distributed without
25 regard to the electoral participation or political pref-
26 erences of the recipients.

1 “(b) EXCEPTION.—A State may require persons dis-
2 tributing food and nonalcoholic beverages outside the en-
3 trance to the building where a polling place for a Federal
4 election is located to refrain from political or election-
5 eering activity.

6 “(c) EFFECTIVE DATE.—This section shall apply
7 with respect to elections for Federal office occurring on
8 and after January 1, 2022.”.

9 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of
10 such Act (52 U.S.C. 21101(b)), as added and redesignated
11 by section 1101(b) and as amended by sections 1102,
12 1103, 1104, 1303, and 3601(b), is amended by striking
13 “and 303A” and inserting “303A, and 317”.

14 (c) CLERICAL AMENDMENTS.—The table of contents
15 of such Act, as amended by section 1031(c), section
16 1044(b), section 1101(c), section 1102(c), section
17 1103(a), section 1104(c), section 1201(c), section
18 1301(a), section 1302(a), section 1303(b), section
19 1305(a), section 1607(a)(3), section 1608(b), and section
20 1624(b) is amended—

21 (1) by redesignating the items relating to sec-
22 tions 318 and 319 as relating to sections 319 and
23 320, respectively; and

24 (2) by inserting after the item relating to sec-
25 tion 317 the following new item:

“Sec. 318. Prohibiting States from restricting donations of food and beverages at polling stations.”.

1 **Subtitle I—Establishing Duty to**
2 **Report Foreign Election Inter-**
3 **ference**

4 **SEC. 3801. FINDINGS RELATING TO ILLICIT MONEY UNDER-**
5 **MINING OUR DEMOCRACY.**

6 Congress finds the following:

7 (1) Criminals, terrorists, and corrupt govern-
8 ment officials frequently abuse anonymously held
9 Limited Liability Companies (LLCs), also known as
10 “shell companies,” to hide, move, and launder the
11 dirty money derived from illicit activities such as
12 trafficking, bribery, exploitation, and embezzlement.
13 Ownership and control of the finances that run
14 through shell companies are obscured to regulators
15 and law enforcement because little information is re-
16 quired and collected when establishing these entities.

17 (2) The public release of the “Panama Papers”
18 in 2016 and the “Paradise Papers” in 2017 revealed
19 that these shell companies often purchase and sell
20 United States real estate. United States anti-money
21 laundering laws do not apply to cash transactions in-
22 volving real estate effectively concealing the bene-
23 ficiaries and transactions from regulators and law
24 enforcement.

1 (3) Since the Supreme Court's decisions in *Citi-*
2 *zens United v. Federal Election Commission*, 558
3 U.S. 310 (2010), millions of dollars have flowed into
4 super PACs through LLCs whose funders are anon-
5 ymous or intentionally obscured. Criminal investiga-
6 tions have uncovered LLCs that were used to hide
7 illegal campaign contributions from foreign criminal
8 fugitives, to advance international influence-buying
9 schemes, and to conceal contributions from donors
10 who were already under investigation for bribery and
11 racketeering. Voters have no way to know the true
12 sources of the money being routed through these
13 LLCs to influence elections, including whether any
14 of the funds come from foreign or other illicit
15 sources.

16 (4) Congress should curb the use of anonymous
17 shell companies for illicit purposes by requiring
18 United States companies to disclose their beneficial
19 owners, strengthening anti-money laundering and
20 counter-terrorism finance laws.

21 (5) Congress should examine the money laun-
22 dering and terrorist financing risks in the real estate
23 market, including the role of anonymous parties, and
24 review legislation to address any vulnerabilities iden-
25 tified in this sector.

1 (6) Congress should examine the methods by
2 which corruption flourishes and the means to detect
3 and deter the financial misconduct that fuels this
4 driver of global instability. Congress should monitor
5 government efforts to enforce United States
6 anticorruption laws and regulations.

7 **SEC. 3802. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
8 **CONTACTS.**

9 (a) INITIAL NOTICE.—

10 (1) IN GENERAL.—Section 304 of the Federal
11 Election Campaign Act of 1971 (52 U.S.C. 30104)
12 is amended by adding at the end the following new
13 subsection:

14 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
15 TACTS.—

16 “(1) COMMITTEE OBLIGATION TO NOTIFY.—
17 Not later than 1 week after a reportable foreign con-
18 tact, each political committee shall notify the Fed-
19 eral Bureau of Investigation and the Commission of
20 the reportable foreign contact and provide a sum-
21 mary of the circumstances with respect to such re-
22 portable foreign contact. The Federal Bureau of In-
23 vestigation, not later than 1 week after receiving a
24 notification from a political committee under this
25 paragraph, shall submit to the political committee,

1 the Permanent Select Committee on Intelligence of
2 the House of Representatives, and the Select Com-
3 mittee on Intelligence of the Senate written or elec-
4 tronic confirmation of receipt of the notification.

5 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
6 Not later than 3 days after a reportable foreign con-
7 tact—

8 “(A) each candidate and each immediate
9 family member of a candidate shall notify the
10 treasurer or other designated official of the
11 principal campaign committee of such candidate
12 of the reportable foreign contact and provide a
13 summary of the circumstances with respect to
14 such reportable foreign contact; and

15 “(B) each official, employee, or agent of a
16 political committee shall notify the treasurer or
17 other designated official of the committee of the
18 reportable foreign contact and provide a sum-
19 mary of the circumstances with respect to such
20 reportable foreign contact.

21 “(3) REPORTABLE FOREIGN CONTACT.—In this
22 subsection:

23 “(A) IN GENERAL.—The term ‘reportable
24 foreign contact’ means any direct or indirect
25 contact or communication that—

1 “(i) is between—

2 “(I) a candidate, an immediate
3 family member of the candidate, a po-
4 litical committee, or any official, em-
5 ployee, or agent of such committee;
6 and

7 “(II) an individual that the per-
8 son described in subclause (I) knows,
9 has reason to know, or reasonably be-
10 lieves is a covered foreign national;
11 and

12 “(ii) the person described in clause
13 (i)(I) knows, has reason to know, or rea-
14 sonably believes involves—

15 “(I) an offer or other proposal
16 for a contribution, donation, expendi-
17 ture, disbursement, or solicitation de-
18 scribed in section 319; or

19 “(II) coordination or collabora-
20 tion with, an offer or provision of in-
21 formation or services to or from, or
22 persistent and repeated contact with,
23 a covered foreign national in connec-
24 tion with an election.

25 “(B) EXCEPTIONS.—

1 “(i) CONTACTS IN OFFICIAL CAPACITY
2 AS ELECTED OFFICIAL.—The term ‘report-
3 able foreign contact’ shall not include any
4 contact or communication with a covered
5 foreign national by an elected official or an
6 employee of an elected official solely in an
7 official capacity as such an official or em-
8 ployee.

9 “(ii) CONTACTS FOR PURPOSES OF
10 ENABLING OBSERVATION OF ELECTIONS
11 BY INTERNATIONAL OBSERVERS.—The
12 term ‘reportable foreign contact’ shall not
13 include any contact or communication with
14 a covered foreign national by any person
15 which is made for purposes of enabling the
16 observation of elections in the United
17 States by a foreign national or the obser-
18 vation of elections outside of the United
19 States by a candidate, political committee,
20 or any official, employee, or agent of such
21 committee.

22 “(iii) EXCEPTIONS NOT APPLICABLE
23 IF CONTACTS OR COMMUNICATIONS IN-
24 VOLVE PROHIBITED DISBURSEMENTS.—A
25 contact or communication by an elected of-

1 quest, or under the direction or con-
2 trol, of a foreign principal described in
3 subclause (I) or of a person any of
4 whose activities are directly or indi-
5 rectly supervised, directed, controlled,
6 financed, or subsidized in whole or in
7 major part by a foreign principal de-
8 scribed in subclause (I); or

9 “(III) any person included in the
10 list of specially designated nationals
11 and blocked persons maintained by
12 the Office of Foreign Assets Control
13 of the Department of the Treasury
14 pursuant to authorities relating to the
15 imposition of sanctions relating to the
16 conduct of a foreign principal de-
17 scribed in subclause (I).

18 “(ii) CLARIFICATION REGARDING AP-
19 PLICATION TO CITIZENS OF THE UNITED
20 STATES.—In the case of a citizen of the
21 United States, subclause (II) of clause (i)
22 applies only to the extent that the person
23 involved acts within the scope of that per-
24 son’s status as the agent of a foreign prin-

1 cipal described in subclause (I) of clause
2 (i).

3 “(4) IMMEDIATE FAMILY MEMBER.—In this
4 subsection, the term ‘immediate family member’
5 means, with respect to a candidate, a parent, parent-
6 in-law, spouse, adult child, or sibling.”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall apply with respect to report-
9 able foreign contacts which occur on or after the
10 date of the enactment of this Act.

11 (b) INFORMATION INCLUDED ON REPORT.—

12 (1) IN GENERAL.—Section 304(b) of such Act
13 (52 U.S.C. 30104(b)) is amended—

14 (A) by striking “and” at the end of para-
15 graph (7);

16 (B) by striking the period at the end of
17 paragraph (8) and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(9) for any reportable foreign contact (as de-
21 fined in subsection (j)(3))—

22 “(A) the date, time, and location of the
23 contact;

1 “(B) the date and time of when a des-
2 gnated official of the committee was notified of
3 the contact;

4 “(C) the identity of individuals involved;
5 and

6 “(D) a description of the contact, including
7 the nature of any contribution, donation, ex-
8 penditure, disbursement, or solicitation involved
9 and the nature of any activity described in sub-
10 section (j)(3)(A)(ii)(II) involved.”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall apply with respect to reports
13 filed on or after the expiration of the 60-day period
14 which begins on the date of the enactment of this
15 Act.

16 **SEC. 3803. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
17 **PORTING COMPLIANCE SYSTEM.**

18 (a) IN GENERAL.—Section 302 of the Federal Elec-
19 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
20 by adding at the end the following new subsection:

21 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
22 POLICY.—

23 “(1) REPORTING.—Each political committee
24 shall establish a policy that requires all officials, em-
25 ployees, and agents of such committee (and, in the

1 case of an authorized committee, the candidate and
2 each immediate family member of the candidate) to
3 notify the treasurer or other appropriate designated
4 official of the committee of any reportable foreign
5 contact (as defined in section 304(j)) not later than
6 3 days after such contact was made.

7 “(2) RETENTION AND PRESERVATION OF
8 RECORDS.—Each political committee shall establish
9 a policy that provides for the retention and preserva-
10 tion of records and information related to reportable
11 foreign contacts (as so defined) for a period of not
12 less than 3 years.

13 “(3) CERTIFICATION.—

14 “(A) IN GENERAL.—Upon filing its state-
15 ment of organization under section 303(a), and
16 with each report filed under section 304(a), the
17 treasurer of each political committee (other
18 than an authorized committee) shall certify
19 that—

20 “(i) the committee has in place poli-
21 cies that meet the requirements of para-
22 graphs (1) and (2);

23 “(ii) the committee has designated an
24 official to monitor compliance with such
25 policies; and

1 “(iii) not later than 1 week after the
2 beginning of any formal or informal affili-
3 ation with the committee, all officials, em-
4 ployees, and agents of such committee
5 will—

6 “(I) receive notice of such poli-
7 cies;

8 “(II) be informed of the prohibi-
9 tions under section 319; and

10 “(III) sign a certification affirm-
11 ing their understanding of such poli-
12 cies and prohibitions.

13 “(B) AUTHORIZED COMMITTEES.—With
14 respect to an authorized committee, the can-
15 didate shall make the certification required
16 under subparagraph (A).”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendment made by
19 subsection (a) shall apply with respect to political
20 committees which file a statement of organization
21 under section 303(a) of the Federal Election Cam-
22 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
23 the date of the enactment of this Act.

24 (2) TRANSITION RULE FOR EXISTING COMMIT-
25 TEES.—Not later than 30 days after the date of the

1 enactment of this Act, each political committee
2 under the Federal Election Campaign Act of 1971
3 shall file a certification with the Federal Election
4 Commission that the committee is in compliance
5 with the requirements of section 302(j) of such Act
6 (as added by subsection (a)).

7 **SEC. 3804. CRIMINAL PENALTIES.**

8 Section 309(d)(1) of the Federal Election Campaign
9 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
10 ing at the end the following new subparagraphs:

11 “(E) Any person who knowingly and willfully com-
12 mits a violation of subsection (j) or (b)(9) of section 304
13 or section 302(j) shall be fined not more than \$500,000,
14 imprisoned not more than 5 years, or both.

15 “(F) Any person who knowingly and willfully conceals
16 or destroys any materials relating to a reportable foreign
17 contact (as defined in section 304(j)) shall be fined not
18 more than \$1,000,000, imprisoned not more than 5 years,
19 or both.”.

20 **SEC. 3805. REPORT TO CONGRESSIONAL INTELLIGENCE**
21 **COMMITTEES.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, and annually thereafter,
24 the Director of the Federal Bureau of Investigation shall
25 submit to the congressional intelligence committees a re-

1 port relating to notifications received by the Federal Bu-
2 reau of Investigation under section 304(j)(1) of the Fed-
3 eral Election Campaign Act of 1971 (as added by section
4 4902(a) of this Act).

5 (b) ELEMENTS.—Each report under subsection (a)
6 shall include, at a minimum, the following with respect
7 to notifications described in subsection (a):

8 (1) The number of such notifications received
9 from political committees during the year covered by
10 the report.

11 (2) A description of protocols and procedures
12 developed by the Federal Bureau of Investigation re-
13 lating to receipt and maintenance of records relating
14 to such notifications.

15 (3) With respect to such notifications received
16 during the year covered by the report, a description
17 of any subsequent actions taken by the Director re-
18 sulting from the receipt of such notifications.

19 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
20 DEFINED.—In this section, the term “congressional intel-
21 ligence committees” has the meaning given that term in
22 section 3 of the National Security Act of 1947 (50 U.S.C.
23 3003).

1 **SEC. 3806. RULE OF CONSTRUCTION.**

2 Nothing in this subtitle or the amendments made by
3 this subtitle shall be construed—

4 (1) to impede legitimate journalistic activities;

5 or

6 (2) to impose any additional limitation on the
7 right to express political views or to participate in
8 public discourse of any individual who—

9 (A) resides in the United States;

10 (B) is not a citizen of the United States or
11 a national of the United States, as defined in
12 section 101(a)(22) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101(a)(22)); and

14 (C) is not lawfully admitted for permanent
15 residence, as defined by section 101(a)(20) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(20)).

18 **Subtitle J—Promoting Accuracy,**
19 **Integrity, and Security Through**
20 **Voter-Verifiable Permanent**
21 **Paper Ballot**

22 **SEC. 3901. SHORT TITLE.**

23 This subtitle may be cited as the “Voter Confidence
24 and Increased Accessibility Act of 2021”.

1 **SEC. 3902. PAPER BALLOT AND MANUAL COUNTING RE-**
2 **QUIREMENTS.**

3 (a) IN GENERAL.—Section 301(a)(2) of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
5 amended to read as follows:

6 “(2) PAPER BALLOT REQUIREMENT.—

7 “(A) VOTER-VERIFIABLE PAPER BAL-
8 LOTS.—

9 “(i) The voting system shall require
10 the use of an individual, durable, voter-
11 verifiable paper ballot of the voter’s vote
12 selections that shall be marked by the
13 voter and presented to the voter for
14 verification before the voter’s ballot is pre-
15 served in accordance with subparagraph
16 (B), and which shall be counted by hand or
17 other counting device or read by a ballot
18 tabulation device. For purposes of this sub-
19 clause, the term ‘individual, durable, voter-
20 verifiable paper ballot’ means a paper bal-
21 lot marked by the voter by hand or a paper
22 ballot marked through the use of a nontab-
23 ulating ballot marking device or system, so
24 long as the voter shall have the option at
25 every in-person voting location to mark by

1 hand a printed ballot that includes all rel-
2 evant contests and candidates.

3 “(ii) The voting system shall provide
4 the voter with an opportunity to correct
5 any error on the paper ballot before the
6 permanent voter-verifiable paper ballot is
7 preserved in accordance with subparagraph
8 (B).

9 “(iii) The voting system shall not pre-
10 serve the voter-verifiable paper ballots in
11 any manner that makes it possible, at any
12 time after the ballot has been cast, to asso-
13 ciate a voter with the record of the voter’s
14 vote selections.

15 “(iv) The voting system shall prevent,
16 through mechanical means or through
17 independently verified protections, the
18 modification or addition of vote selections
19 on a printed or marked ballot at any time
20 after the voter has been provided an oppor-
21 tunity to correct errors on the ballot pur-
22 suant to clause (ii).

23 “(B) PRESERVATION AS OFFICIAL
24 RECORD.—The individual, durable, voter-
25 verifiable paper ballot used in accordance with

1 subparagraph (A) shall constitute the official
2 ballot and shall be preserved and used as the
3 official ballot for purposes of any recount or
4 audit conducted with respect to any election for
5 Federal office in which the voting system is
6 used.

7 “(C) MANUAL COUNTING REQUIREMENTS
8 FOR RECOUNTS AND AUDITS.—

9 “(i) Each paper ballot used pursuant
10 to subparagraph (A) shall be suitable for a
11 manual audit, and such ballots, or at least
12 those ballots the machine could not count,
13 shall be counted by hand in any recount or
14 audit conducted with respect to any elec-
15 tion for Federal office.

16 “(ii) In the event of any inconsis-
17 tencies or irregularities between any elec-
18 tronic vote tallies and the vote tallies de-
19 termined by counting by hand the indi-
20 vidual, durable, voter-verifiable paper bal-
21 lots used pursuant to subparagraph (A),
22 the individual, durable, voter-verifiable
23 paper ballots shall be the true and correct
24 record of the votes cast.

1 “(D) SENSE OF CONGRESS.—It is the
2 sense of Congress that as innovation occurs in
3 the election infrastructure sector, Congress
4 should ensure that this Act and other Federal
5 requirements for voting systems are updated to
6 keep pace with best practices and recommenda-
7 tions for security and accessibility.”.

8 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
9 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
10 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
11 is amended by inserting “(including the paper ballots re-
12 quired to be used under paragraph (2))” after “voting sys-
13 tem”.

14 (c) OTHER CONFORMING AMENDMENTS.—Section
15 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
16 ed—

17 (1) in subparagraph (A)(i), by striking “count-
18 ed” and inserting “counted, in accordance with
19 paragraphs (2) and (3)”;

20 (2) in subparagraph (A)(ii), by striking “count-
21 ed” and inserting “counted, in accordance with
22 paragraphs (2) and (3)”;

23 (3) in subparagraph (A)(iii), by striking “count-
24 ed” each place it appears and inserting “counted, in
25 accordance with paragraphs (2) and (3)”;

1 (4) in subparagraph (B)(ii), by striking “count-
2 ed” and inserting “counted, in accordance with
3 paragraphs (2) and (3)”.

4 **SEC. 3903. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
5 **INDIVIDUALS WITH DISABILITIES.**

6 (a) IN GENERAL.—Paragraph (3) of section 301(a)
7 of the Help America Vote Act of 2002 (52 U.S.C.
8 21081(a)(3)) is amended to read as follows:

9 “(3) ACCESSIBILITY FOR INDIVIDUALS WITH
10 DISABILITIES.—

11 “(A) IN GENERAL.—The voting system
12 shall—

13 “(i) be accessible for individuals with
14 disabilities, including nonvisual accessi-
15 bility for the blind and visually impaired,
16 in a manner that provides the same oppor-
17 tunity for access and participation (includ-
18 ing privacy and independence) as for other
19 voters;

20 “(ii)(I) ensure that individuals with
21 disabilities and others are given an equiva-
22 lent opportunity to vote, including with pri-
23 vacy and independence, in a manner that
24 produces a voter-verifiable paper ballot;
25 and

1 marked information that would be used for
2 any vote tabulation or auditing;

3 “(ii) allowing the voter to privately
4 and independently verify and cast the per-
5 manent paper ballot without requiring the
6 voter to manually handle the paper ballot;

7 “(iii) marking ballots that are iden-
8 tical in size, ink, and paper stock to those
9 ballots that would either be marked by
10 hand or be marked by a ballot marking de-
11 vice made generally available to voters; or

12 “(iv) combining ballots produced by
13 any ballot marking devices reserved for in-
14 dividuals with disabilities with ballots that
15 have either been marked by voters by hand
16 or marked by ballot marking devices made
17 generally available to voters, in a way that
18 prevents identification of the ballots that
19 were cast using any ballot marking device
20 that was reserved for individuals with dis-
21 abilities.

22 “(C) SUFFICIENT NUMBER.—For purposes
23 of subparagraph (A)(ii)(II), the sufficient num-
24 ber of voting systems for any in-person polling
25 location shall be determined based on guidance

1 from the Attorney General, in consultation with
2 the Architectural and Transportation Barriers
3 Compliance Board established under section
4 502(a)(1) of the Rehabilitation Act of 1973 (29
5 U.S.C. 792(a)(1)) (commonly referred to as the
6 United States Access Board) and the Commis-
7 sion.”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
9 AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

10 (1) STUDY AND REPORTING.—Subtitle C of
11 title II of such Act (52 U.S.C. 21081 et seq.) is
12 amended—

13 (A) by redesignating section 247 as section
14 248; and

15 (B) by inserting after section 246 the fol-
16 lowing new section:

17 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTING**
18 **OPTIONS.**

19 “(a) GRANTS TO STUDY AND REPORT.—The Com-
20 mission, in coordination with the Access Board and the
21 Cybersecurity and Infrastructure Security Agency, shall
22 make grants to not fewer than 2 eligible entities to study,
23 test, and develop—

24 “(1) accessible and secure remote voting sys-
25 tems;

1 “(2) voting, verification, and casting devices to
2 enhance the accessibility of voting and verification
3 for individuals with disabilities; or

4 “(3) both of the matters described in paragraph
5 (1) and (2).

6 “(b) ELIGIBILITY.—An entity is eligible to receive a
7 grant under this part if it submits to the Commission (at
8 such time and in such form as the Commission may re-
9 quire) an application containing—

10 “(1) a certification that the entity shall com-
11 plete the activities carried out with the grant not
12 later than January 1, 2024; and

13 “(2) such other information and certifications
14 as the Commission may require.

15 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
16 nology developed with the grants made under this section
17 shall be treated as non-proprietary and shall be made
18 available to the public, including to manufacturers of vot-
19 ing systems.

20 “(d) COORDINATION WITH GRANTS FOR TECH-
21 NOLOGY IMPROVEMENTS.—The Commission shall carry
22 out this section so that the activities carried out with the
23 grants made under subsection (a) are coordinated with the
24 research conducted under the grant program carried out
25 by the Commission under section 271, to the extent that

1 the Commission determine necessary to provide for the ad-
2 vancement of accessible voting technology.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out subsection
5 (a) \$10,000,000, to remain available until expended.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents of such Act is amended—

8 (A) by redesignating the item relating to
9 section 247 as relating to section 248; and

10 (B) by inserting after the item relating to
11 section 246 the following new item:

“Sec. 247. Study and report on accessible voting options.”.

12 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
13 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
14 adopting any voluntary guidance under subtitle B of title
15 III of the Help America Vote Act with respect to the ac-
16 cessibility of the paper ballot verification requirements for
17 individuals with disabilities, the Election Assistance Com-
18 mission shall include and apply the same accessibility
19 standards applicable under the voluntary guidance adopt-
20 ed for accessible voting systems under such subtitle.

21 (d) PERMITTING USE OF FUNDS FOR PROTECTION
22 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
23 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
24 tion 292(a) of the Help America Vote Act of 2002 (52

1 U.S.C. 21062(a)) is amended by striking “; except that”
2 and all that follows and inserting a period.

3 **SEC. 3904. DURABILITY AND READABILITY REQUIREMENTS**
4 **FOR BALLOTS.**

5 Section 301(a) of the Help America Vote Act of 2002
6 (52 U.S.C. 21081(a)) is amended by adding at the end
7 the following new paragraph:

8 “(7) DURABILITY AND READABILITY REQUIRE-
9 MENTS FOR BALLOTS.—

10 “(A) DURABILITY REQUIREMENTS FOR
11 PAPER BALLOTS.—

12 “(i) IN GENERAL.—All voter-verifiable
13 paper ballots required to be used under
14 this Act shall be marked or printed on du-
15 rable paper.

16 “(ii) DEFINITION.—For purposes of
17 this Act, paper is ‘durable’ if it is capable
18 of withstanding multiple counts and re-
19 counts by hand without compromising the
20 fundamental integrity of the ballots, and
21 capable of retaining the information
22 marked or printed on them for the full du-
23 ration of a retention and preservation pe-
24 riod of 22 months.

1 “(B) READABILITY REQUIREMENTS FOR
2 PAPER BALLOTS MARKED BY BALLOT MARKING
3 DEVICE.—All voter-verifiable paper ballots com-
4 pleted by the voter through the use of a ballot
5 marking device shall be clearly readable by the
6 voter without assistance (other than eyeglasses
7 or other personal vision enhancing devices) and
8 by a ballot tabulation device or other device
9 equipped for individuals with disabilities.”.

10 **SEC. 3905. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
11 **SIGN.**

12 (a) STUDY.—The Election Assistance Commission
13 shall conduct a study of the best ways to design ballots
14 used in elections for public office, including paper ballots
15 and electronic or digital ballots, to minimize confusion and
16 user errors.

17 (b) REPORT.—Not later than January 1, 2022, the
18 Election Assistance Commission shall submit to Congress
19 a report on the study conducted under subsection (a).

20 **SEC. 3906. BALLOT MARKING DEVICE CYBERSECURITY RE-**
21 **QUIREMENTS.**

22 Section 301(a) of the Help America Vote Act of 2002
23 (52 U.S.C. 21081(a)), as amended by section 3914, is fur-
24 ther amended by adding at the end the following new para-
25 graphs:

1 “(8) PROHIBITION OF USE OF WIRELESS COM-
2 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
3 No system or device upon which ballot marking de-
4 vices or ballot tabulation devices are configured,
5 upon which ballots are marked by voters at a polling
6 place (except as necessary for individuals with dis-
7 abilities to use ballot marking devices that meet the
8 accessibility requirements of paragraph (3)), or upon
9 which votes are cast, tabulated, or aggregated shall
10 contain, use, or be accessible by any wireless, power-
11 line, or concealed communication device.

12 “(9) PROHIBITING CONNECTION OF SYSTEM TO
13 THE INTERNET.—No system or device upon which
14 ballot marking devices or ballot tabulation devices
15 are configured, upon which ballots are marked by
16 voters at a voting place, or upon which votes are
17 cast, tabulated, or aggregated shall be connected to
18 the internet or any non-local computer system via
19 telephone or other communication network at any
20 time.”.

21 **SEC. 3907. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

22 Section 301(d) of the Help America Vote Act of 2002
23 (52 U.S.C. 21081(d)) is amended to read as follows:

24 “(d) EFFECTIVE DATE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), each State and jurisdiction shall be re-
3 quired to comply with the requirements of this sec-
4 tion on and after January 1, 2006.

5 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
6 MENTS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraphs (B) and (C), the requirements of
9 this section which are first imposed on a State
10 or jurisdiction pursuant to the amendments
11 made by the Voter Confidence and Increased
12 Accessibility Act of 2021 shall apply with re-
13 spect to voting systems used for any election for
14 Federal office held in 2022 or any succeeding
15 year.

16 “(B) SPECIAL RULE FOR JURISDICTIONS
17 USING CERTAIN PAPER RECORD PRINTERS OR
18 CERTAIN SYSTEMS USING OR PRODUCING
19 VOTER-VERIFIABLE PAPER RECORDS IN 2020.—

20 “(i) IN GENERAL.—In the case of a
21 jurisdiction described in clause (ii), the re-
22 quirements of paragraphs (2)(A)(i) and (7)
23 of subsection (a) (as amended or added by
24 the Voter Confidence and Increased Acces-
25 sibility Act of 2021) shall not apply before

1 the date on which the jurisdiction replaces
2 the printers or systems described in clause
3 (ii)(I) for use in the administration of elec-
4 tions for Federal office.

5 “(ii) JURISDICTIONS DESCRIBED.—A
6 jurisdiction described in this clause is a ju-
7 risdiction—

8 “(I) which used voter-verifiable
9 paper record printers attached to di-
10 rect recording electronic voting ma-
11 chines, or which used other voting
12 systems that used or produced paper
13 records of the vote verifiable by voters
14 but that are not in compliance with
15 paragraphs (2)(A)(i) and (7) of sub-
16 section (a) (as amended or added by
17 the Voter Confidence and Increased
18 Accessibility Act of 2021), for the ad-
19 ministration of the regularly sched-
20 uled general election for Federal office
21 held in November 2020; and

22 “(II) which will continue to use
23 such printers or systems for the ad-
24 ministration of elections for Federal

1 office held in years before the applica-
2 ble year.

3 “(iii) MANDATORY AVAILABILITY OF
4 PAPER BALLOTS AT POLLING PLACES
5 USING GRANDFATHERED PRINTERS AND
6 SYSTEMS.—

7 “(I) REQUIRING BALLOTS TO BE
8 OFFERED AND PROVIDED.—The ap-
9 propriate election official at each poll-
10 ing place that uses a printer or sys-
11 tem described in clause (ii)(I) for the
12 administration of elections for Federal
13 office shall offer each individual who
14 is eligible to cast a vote in the election
15 at the polling place the opportunity to
16 cast the vote using a blank printed
17 paper ballot which the individual may
18 mark by hand and which is not pro-
19 duced by the direct recording elec-
20 tronic voting machine or other such
21 system. The official shall provide the
22 individual with the ballot and the sup-
23 plies necessary to mark the ballot, and
24 shall ensure (to the greatest extent
25 practicable) that the waiting period

1 for the individual to cast a vote is the
2 lesser of 30 minutes or the average
3 waiting period for an individual who
4 does not agree to cast the vote using
5 such a paper ballot under this clause.

6 “(II) TREATMENT OF BALLOT.—
7 Any paper ballot which is cast by an
8 individual under this clause shall be
9 counted and otherwise treated as a
10 regular ballot for all purposes (includ-
11 ing by incorporating it into the final
12 unofficial vote count (as defined by
13 the State) for the precinct) and not as
14 a provisional ballot, unless the indi-
15 vidual casting the ballot would have
16 otherwise been required to cast a pro-
17 visional ballot.

18 “(III) POSTING OF NOTICE.—
19 The appropriate election official shall
20 ensure there is prominently displayed
21 at each polling place a notice that de-
22 scribes the obligation of the official to
23 offer individuals the opportunity to
24 cast votes using a printed blank paper
25 ballot. The notice shall comply with

1 the requirements of section 203 of the
2 Voting Rights Act of 1965 (52 U.S.C.
3 10503).

4 “(IV) TRAINING OF ELECTION
5 OFFICIALS.—The chief State election
6 official shall ensure that election offi-
7 cials at polling places in the State are
8 aware of the requirements of this
9 clause, including the requirement to
10 display a notice under subclause (III),
11 and are aware that it is a violation of
12 the requirements of this title for an
13 election official to fail to offer an indi-
14 vidual the opportunity to cast a vote
15 using a blank printed paper ballot.

16 “(V) PERIOD OF APPLICA-
17 BILITY.—The requirements of this
18 clause apply only during the period
19 beginning on January 1, 2022, and
20 ending on the date on which the which
21 the jurisdiction replaces the printers
22 or systems described in clause (ii)(I)
23 for use in the administration of elec-
24 tions for Federal office.

1 “(C) DELAY FOR CERTAIN JURISDICTIONS
2 USING VOTING SYSTEMS WITH WIRELESS COM-
3 MUNICATION DEVICES OR INTERNET CONNEC-
4 TIONS.—

5 “(i) DELAY.—In the case of a juris-
6 diction described in clause (ii), subpara-
7 graph (A) shall apply to a voting system in
8 the jurisdiction as if the reference in such
9 subparagraph to ‘2022’ were a reference to
10 ‘the applicable year’, but only with respect
11 to the following requirements of this sec-
12 tion.

13 “(I) Paragraph (8) of subsection
14 (a) (relating to prohibition of wireless
15 communication devices)

16 “(II) Paragraph (9) of subsection
17 (a) (relating to prohibition of con-
18 necting systems to the internet)

19 “(ii) JURISDICTIONS DESCRIBED.—A
20 jurisdiction described in this clause is a ju-
21 risdiction—

22 “(I) which used a voting system
23 which is not in compliance with para-
24 graphs (8) or (9) of subsection (a) (as
25 amended or added by the Voter Con-

1 fidence and Increased Accessibility
2 Act of 2021) for the administration of
3 the regularly scheduled general elec-
4 tion for Federal office held in Novem-
5 ber 2020;

6 “(II) which was not able, to all
7 extent practicable, to comply with
8 paragraph (8) and (9) of subsection
9 (a) before January 1, 2022; and

10 “(III) which will continue to use
11 such printers or systems for the ad-
12 ministration of elections for Federal
13 office held in years before the applica-
14 ble year.

15 “(iii) APPLICABLE YEAR.—

16 “(I) IN GENERAL.—Except as
17 provided in subclause (II), the term
18 ‘applicable year’ means 2026.

19 “(II) EXTENSION.—If a State or
20 jurisdiction certifies to the Commis-
21 sion not later than January 1, 2026,
22 that the State or jurisdiction will not
23 meet the requirements described in
24 subclauses (I) and (II) of clause (i) by
25 such date because it would be imprac-

1 tical to do so and includes in the cer-
 2 tification the reasons for the failure to
 3 meet the deadline, the term ‘applica-
 4 ble year’ means 2030.”.

5 **SEC. 3908. GRANTS FOR OBTAINING COMPLIANT PAPER**
 6 **BALLOT VOTING SYSTEMS AND CARRYING**
 7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 8 **MENTS.**

9 (a) AVAILABILITY OF GRANTS.—

10 (1) IN GENERAL.—Subtitle D of title II of the
 11 Help America Vote Act of 2002 (52 U.S.C. 21001
 12 et seq.), as amended by section 1302(c), is amended
 13 by adding at the end the following new part:

14 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
 15 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
 16 **RYING OUT VOTING SYSTEM SECURITY IM-**
 17 **PROVEMENTS**

18 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
 19 **BALLOT VOTING SYSTEMS AND CARRYING**
 20 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 21 **MENTS.**

22 “(a) AVAILABILITY AND USE OF GRANT.—

23 “(1) IN GENERAL.—The Commission shall
 24 make a grant to each eligible State—

25 “(A) to replace a voting system—

1 “(i) which does not meet the require-
2 ments which are first imposed on the State
3 pursuant to the amendments made by the
4 Voter Confidence and Increased Accessi-
5 bility Act of 2021 with a voting system
6 which—

7 “(I) does meet such require-
8 ments; and

9 “(II) in the case of a grand-
10 fathered voting system (as defined in
11 paragraph (2)), is in compliance with
12 the most recent voluntary voting sys-
13 tem guidelines; or

14 “(ii) which does meet such require-
15 ments but which is not in compliance with
16 the most recent voluntary voting system
17 guidelines with another system which does
18 meet such requirements and is in compli-
19 ance with such guidelines;

20 “(B) to carry out voting system security
21 improvements described in section 298A with
22 respect to the regularly scheduled general elec-
23 tion for Federal office held in November 2022
24 and each succeeding election for Federal office;

1 “(C) to implement and model best prac-
2 tices for ballot design, ballot instructions, and
3 the testing of ballots; and

4 “(D) to purchase or acquire accessible vot-
5 ing systems that meet the requirements of
6 paragraph (2) and paragraph (3)(A)(i) of sec-
7 tion 301(a) by the means described in para-
8 graph (3)(B) of such section.

9 “(2) DEFINITION OF GRANDFATHERED VOTING
10 SYSTEM.—In this subsection, the term ‘grand-
11 fathered voting system’ means a voting system that
12 is used by a jurisdiction described in subparagraph
13 (B)(ii) or (C)(ii) of section 301(d)(2).

14 “(b) AMOUNT OF PAYMENT.—

15 “(1) IN GENERAL.—The amount of payment
16 made to an eligible State under this section shall be
17 the minimum payment amount described in para-
18 graph (2) plus the voting age population proportion
19 amount described in paragraph (3).

20 “(2) MINIMUM PAYMENT AMOUNT.—The min-
21 imum payment amount described in this paragraph
22 is—

23 “(A) in the case of any of the several
24 States or the District of Columbia, one-half of

1 1 percent of the aggregate amount made avail-
2 able for payments under this section; and

3 “(B) in the case of the Commonwealth of
4 Puerto Rico, Guam, American Samoa, the
5 United States Virgin Islands, or the Common-
6 wealth of the Northern Mariana Islands, one-
7 tenth of 1 percent of such aggregate amount.

8 “(3) VOTING AGE POPULATION PROPORTION
9 AMOUNT.—The voting age population proportion
10 amount described in this paragraph is the product
11 of—

12 “(A) the aggregate amount made available
13 for payments under this section minus the total
14 of all of the minimum payment amounts deter-
15 mined under paragraph (2); and

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

18 “(4) VOTING AGE POPULATION PROPORTION
19 DEFINED.—The term ‘voting age population propor-
20 tion’ means, with respect to a State, the amount
21 equal to the quotient of—

22 “(A) the voting age population of the State
23 (as reported in the most recent decennial cen-
24 sus); and

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

4 “(5) REQUIREMENT RELATING TO PURCHASE
5 OF ACCESSIBLE VOTING SYSTEMS.—An eligible State
6 shall use not less than 10 percent of funds received
7 by the State under this section to purchase acces-
8 sible voting systems described in subsection
9 (a)(1)(D).

10 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
11 **DESCRIBED.**

12 “(a) PERMITTED USES.—A voting system security
13 improvement described in this section is any of the fol-
14 lowing:

15 “(1) The acquisition of goods and services from
16 qualified election infrastructure vendors by purchase,
17 lease, or such other arrangements as may be appro-
18 priate.

19 “(2) Cyber and risk mitigation training.

20 “(3) A security risk and vulnerability assess-
21 ment of the State’s election infrastructure (as de-
22 fined in section 3908(b) of the Voter Confidence and
23 Increased Accessibility Act of 2021) which is carried
24 out by a provider of cybersecurity services under a

1 contract entered into between the chief State elec-
2 tion official and the provider.

3 “(4) The maintenance of infrastructure used
4 for elections, including addressing risks and
5 vulnerabilities which are identified under either of
6 the security risk and vulnerability assessments de-
7 scribed in paragraph (3), except that none of the
8 funds provided under this part may be used to ren-
9 ovate or replace a building or facility which is not
10 a primary provider of information technology serv-
11 ices for the administration of elections, and which is
12 used primarily for purposes other than the adminis-
13 tration of elections for public office.

14 “(5) Providing increased technical support for
15 any information technology infrastructure that the
16 chief State election official deems to be part of the
17 State’s election infrastructure (as so defined) or des-
18 ignates as critical to the operation of the State’s
19 election infrastructure (as so defined).

20 “(6) Enhancing the cybersecurity and oper-
21 ations of the information technology infrastructure
22 described in paragraph (4).

23 “(7) Enhancing the cybersecurity of voter reg-
24 istration systems.

1 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
2 DORS DESCRIBED.—For purposes of this part, a ‘qualified
3 election infrastructure vendor’ is any person who provides,
4 supports, or maintains, or who seeks to provide, support,
5 or maintain, election infrastructure (as defined in section
6 3908(b) of the Voter Confidence and Increased Accessi-
7 bility Act of 2021) on behalf of a State, unit of local gov-
8 ernment, or election agency (as defined in section 3908(b)
9 of such Act) who meets the criteria described in section
10 3908(b) of such Act.

11 **“SEC. 298B. ELIGIBILITY OF STATES.**

12 “A State is eligible to receive a grant under this part
13 if the State submits to the Commission, at such time and
14 in such form as the Commission may require, an applica-
15 tion containing—

16 “(1) a description of how the State will use the
17 grant to carry out the activities authorized under
18 this part;

19 “(2) a certification and assurance that, not
20 later than 5 years after receiving the grant, the
21 State will carry out voting system security improve-
22 ments, as described in section 298A; and

23 “(3) such other information and assurances as
24 the Commission may require.

1 **“SEC. 298C. REPORTS TO CONGRESS.**

2 “Not later than 90 days after the end of each fiscal
3 year, the Commission shall submit a report to the Com-
4 mittees on Homeland Security, House Administration, and
5 the Judiciary of the House of Representatives and the
6 Committees on Homeland Security and Governmental Af-
7 fairs, the Judiciary, and Rules and Administration of the
8 Senate, on the activities carried out with the funds pro-
9 vided under this part.

10 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) AUTHORIZATION.—There are authorized to be
12 appropriated for grants under this part—

13 “(1) \$2,400,000,000 for fiscal year 2021; and

14 “(2) \$175,000,000 for each of the fiscal years
15 2022, 2024, 2026, and 2028.

16 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
17 amounts appropriated pursuant to the authorization of
18 this section shall remain available until expended.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents of such Act, as amended by section 1402(c),
21 is amended by adding at the end of the items relat-
22 ing to subtitle D of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

1 (b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
2 DORS.—

3 (1) IN GENERAL.—The Secretary, in consulta-
4 tion with the Chair, shall establish and publish cri-
5 teria for qualified election infrastructure vendors for
6 purposes of section 298A of the Help America Vote
7 Act of 2002 (as added by this Act).

8 (2) CRITERIA.—The criteria established under
9 paragraph (1) shall include each of the following re-
10 quirements:

11 (A) The vendor shall—

12 (i) be owned and controlled by a cit-
13 izen or permanent resident of the United
14 States or a member of the Five Eyes intel-
15 ligence-sharing alliance; and

16 (ii) in the case of any election infra-
17 structure which is a voting machine, en-
18 sure that such voting machine is assembled
19 in the United States.

20 (B) The vendor shall disclose to the Sec-
21 retary and the Chair, and to the chief State
22 election official of any State to which the ven-
23 dor provides any goods and services with funds
24 provided under part 8 of subtitle D of title II

1 of the Help America Vote Act of 2002 (as
2 added by this Act), of any sourcing outside the
3 United States for parts of the election infra-
4 structure.

5 (C) The vendor shall disclose to the Sec-
6 retary and the Chair, and to the chief State
7 election official of any State to which the ven-
8 dor provides any goods and services with funds
9 provided under such part 8, the identification of
10 any entity or individual with a more than 5 per-
11 cent ownership interest in the vendor.

12 (D) The vendor agrees to ensure that the
13 election infrastructure will be developed and
14 maintained in a manner that is consistent with
15 the cybersecurity best practices issued by the
16 Cybersecurity and Infrastructure Security
17 Agency of the Department of Homeland Secu-
18 rity.

19 (E) The vendor agrees to maintain its in-
20 formation technology infrastructure in a man-
21 ner that is consistent with the cybersecurity
22 best practices issued by the Cybersecurity and
23 Infrastructure Security Agency of the Depart-
24 ment of Homeland Security.

1 (F) The vendor agrees to ensure that the
2 election infrastructure will be developed and
3 maintained in a manner that is consistent with
4 the supply chain best practices issued by the
5 Cybersecurity and Infrastructure Security
6 Agency of the Department of Homeland Security.
7

8 (G) The vendor agrees to ensure that it
9 has personnel policies and practices in place
10 that are consistent with personnel best practices,
11 including cybersecurity training and background
12 checks, issued by the Cybersecurity and
13 Infrastructure Security Agency of the Department
14 of Homeland Security.

15 (H) The vendor agrees to ensure that the
16 election infrastructure will be developed and
17 maintained in a manner that is consistent with
18 data integrity best practices, including requirements
19 for encrypted transfers and validation,
20 testing and checking printed materials for accuracy,
21 and disclosure of quality control incidents,
22 issued by the Cybersecurity and Infrastructure
23 Security Agency of the Department of Homeland
24 Security.

1 (I) The vendor agrees to meet the require-
2 ments of paragraph (3) with respect to any
3 known or suspected cybersecurity incidents in-
4 volving any of the goods and services provided
5 by the vendor pursuant to a grant under part
6 8 of subtitle D of title II of the Help America
7 Vote Act of 2002 (as added by this Act).

8 (J) The vendor agrees to permit inde-
9 pendent security testing by the Election Assist-
10 ance Commission (in accordance with section
11 231(a) of the Help America Vote Act of 2002
12 (52 U.S.C. 20971)) and by the Secretary of the
13 goods and services provided by the vendor pur-
14 suant to a grant under part 8 of subtitle D of
15 title II of the Help America Vote Act of 2002
16 (as added by this Act).

17 (3) CYBERSECURITY INCIDENT REPORTING RE-
18 QUIREMENTS.—

19 (A) IN GENERAL.—A vendor meets the re-
20 quirements of this paragraph if, upon becoming
21 aware of the possibility that an election cyberse-
22 curity incident has occurred involving any of
23 the goods and services provided by the vendor
24 pursuant to a grant under part 8 of subtitle D

1 of title II of the Help America Vote Act of
2 2002 (as added by this Act)—

3 (i) the vendor promptly assesses
4 whether or not such an incident occurred,
5 and submits a notification meeting the re-
6 quirements of subparagraph (B) to the
7 Secretary and the Chair of the assessment
8 as soon as practicable (but in no case later
9 than 3 days after the vendor first becomes
10 aware of the possibility that the incident
11 occurred);

12 (ii) if the incident involves goods or
13 services provided to an election agency, the
14 vendor submits a notification meeting the
15 requirements of subparagraph (B) to the
16 agency as soon as practicable (but in no
17 case later than 3 days after the vendor
18 first becomes aware of the possibility that
19 the incident occurred), and cooperates with
20 the agency in providing any other nec-
21 essary notifications relating to the inci-
22 dent; and

23 (iii) the vendor provides all necessary
24 updates to any notification submitted
25 under clause (i) or clause (ii).

1 (B) CONTENTS OF NOTIFICATIONS.—Each
2 notification submitted under clause (i) or clause
3 (ii) of subparagraph (A) shall contain the fol-
4 lowing information with respect to any election
5 cybersecurity incident covered by the notifica-
6 tion:

7 (i) The date, time, and time zone
8 when the election cybersecurity incident
9 began, if known.

10 (ii) The date, time, and time zone
11 when the election cybersecurity incident
12 was detected.

13 (iii) The date, time, and duration of
14 the election cybersecurity incident.

15 (iv) The circumstances of the election
16 cybersecurity incident, including the spe-
17 cific election infrastructure systems be-
18 lieved to have been accessed and informa-
19 tion acquired, if any.

20 (v) Any planned and implemented
21 technical measures to respond to and re-
22 cover from the incident.

23 (vi) In the case of any notification
24 which is an update to a prior notification,
25 any additional material information relat-

1 ing to the incident, including technical
2 data, as it becomes available.

3 (C) DEVELOPMENT OF CRITERIA FOR RE-
4 PORTING.—Not later than 1 year after the date
5 of enactment of this Act, the Director of the
6 Cybersecurity and Infrastructure Security
7 Agency shall, in consultation with the Election
8 Infrastructure Sector Coordinating Council, de-
9 velop criteria for incidents which are required to
10 be reported in accordance with subparagraph
11 (A).

12 (4) DEFINITIONS.—In this subsection:

13 (A) CHAIR.—The term “Chair” means the
14 Chair of the Election Assistance Commission.

15 (B) CHIEF STATE ELECTION OFFICIAL.—
16 The term “chief State election official” means,
17 with respect to a State, the individual des-
18 ignated by the State under section 10 of the
19 National Voter Registration Act of 1993 (52
20 U.S.C. 20509) to be responsible for coordina-
21 tion of the State’s responsibilities under such
22 Act.

23 (C) ELECTION AGENCY.—The term “elec-
24 tion agency” means any component of a State,
25 or any component of a unit of local government

1 in a State, which is responsible for the adminis-
2 tration of elections for Federal office in the
3 State.

4 (D) ELECTION INFRASTRUCTURE.—The
5 term “election infrastructure” means storage
6 facilities, polling places, and centralized vote
7 tabulation locations used to support the admin-
8 istration of elections for public office, as well as
9 related information and communications tech-
10 nology, including voter registration databases,
11 voting machines, electronic mail and other com-
12 munications systems (including electronic mail
13 and other systems of vendors who have entered
14 into contracts with election agencies to support
15 the administration of elections, manage the
16 election process, and report and display election
17 results), and other systems used to manage the
18 election process and to report and display elec-
19 tion results on behalf of an election agency.

20 (E) SECRETARY.—The term “Secretary”
21 means the Secretary of Homeland Security.

22 (F) STATE.—The term “State” has the
23 meaning given such term in section 901 of the
24 Help America Vote Act of 2002 (52 U.S.C.
25 21141).

1 **Subtitle K—Provisional Ballots**

2 **SEC. 3911. REQUIREMENTS FOR COUNTING PROVISIONAL**
3 **BALLOTS; ESTABLISHMENT OF UNIFORM AND**
4 **NONDISCRIMINATORY STANDARDS.**

5 (a) IN GENERAL.—Section 302 of the Help America
6 Vote Act of 2002 (52 U.S.C. 21082), as amended by sec-
7 tion 1601(a), is amended—

8 (1) by redesignating subsection (e) as sub-
9 section (h); and

10 (2) by inserting after subsection (d) the fol-
11 lowing new subsections:

12 “(e) COUNTING OF PROVISIONAL BALLOTS.—

13 “(1) IN GENERAL.—For purposes of subsection
14 (a)(4), if a provisional ballot is cast within the same
15 county in which the voter is registered or otherwise
16 eligible to vote, then notwithstanding the precinct or
17 polling place at which a provisional ballot is cast
18 within the county, the appropriate election official of
19 the jurisdiction in which the individual is registered
20 or otherwise eligible to vote shall count each vote on
21 such ballot for each election in which the individual
22 who cast such ballot is eligible to vote.

23 “(2) RULE OF CONSTRUCTION.—Nothing in
24 this subsection shall prohibit a State or jurisdiction
25 from counting a provisional ballot which is cast in

1 a different county within the State than the county
2 in which the voter is registered or otherwise eligible
3 to vote.

4 “(3) EFFECTIVE DATE.—This subsection shall
5 apply with respect to elections held on or after Janu-
6 ary 1, 2022.

7 “(f) UNIFORM AND NONDISCRIMINATORY STAND-
8 ARDS.—

9 “(1) IN GENERAL.—Consistent with the re-
10 quirements of this section, each State shall establish
11 uniform and nondiscriminatory standards for the
12 issuance, handling, and counting of provisional bal-
13 lots.

14 “(2) EFFECTIVE DATE.—This subsection shall
15 apply with respect to elections held on or after Janu-
16 ary 1, 2022.

17 “(g) ADDITIONAL CONDITIONS PROHIBITED.—If an
18 individual in a State is eligible to cast a provisional ballot
19 as provided under this section, the State may not impose
20 any additional conditions or requirements (including con-
21 ditions or requirements regarding the timeframe in which
22 a provisional ballot may be cast) on the eligibility of the
23 individual to cast such provisional ballot.”.

24 (b) CONFORMING AMENDMENT.—Section 302(h) of
25 such Act (52 U.S.C. 21082(g)), as amended by section

1 1601(a) and redesignated by subsection (a), is amended
2 by striking “subsection (d)(4)” and inserting “subsections
3 (d)(4), (e)(3), and (f)(2)”.

4 **TITLE IV—VOTING SYSTEM**
5 **SECURITY**

6 **SEC. 4001. POST-ELECTION AUDIT REQUIREMENT.**

7 (a) IN GENERAL.—Title III of the Help America
8 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
9 by section 3601, is amended by inserting after section
10 303A the following new section:

11 **“SEC. 303B. POST-ELECTION AUDITS.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) POST-ELECTION AUDIT.—Except as pro-
14 vided in subsection (c)(1)(B), the term ‘post-election
15 audit’ means, with respect to any election contest, a
16 post-election process that—

17 “(A) has a probability of at least 95 per-
18 cent of correcting the reported outcome if the
19 reported outcome is not the correct outcome;

20 “(B) will not change the outcome if the re-
21 ported outcome is the correct outcome; and

22 “(C) involves a manual adjudication of
23 voter intent from some or all of the ballots val-
24 idly cast in the election contest.

1 “(2) REPORTED OUTCOME; CORRECT OUTCOME;
2 OUTCOME.—

3 “(A) REPORTED OUTCOME.—The term ‘re-
4 ported outcome’ means the outcome of an elec-
5 tion contest which is determined according to
6 the canvass and which will become the official,
7 certified outcome unless it is revised by an
8 audit, recount, or other legal process.

9 “(B) CORRECT OUTCOME.—The term ‘cor-
10 rect outcome’ means the outcome that would be
11 determined by a manual adjudication of voter
12 intent for all votes validly cast in the election
13 contest.

14 “(C) OUTCOME.—The term ‘outcome’
15 means the winner or set of winners of an elec-
16 tion contest.

17 “(3) MANUAL ADJUDICATION OF VOTER IN-
18 TENT.—The term ‘manual adjudication of voter in-
19 tent’ means direct inspection and determination by
20 humans, without assistance from electronic or me-
21 chanical tabulation devices, of the ballot choices
22 marked by voters on each voter-verifiable paper
23 record.

1 “(4) BALLOT MANIFEST.—The term ‘ballot
2 manifest’ means a record maintained by each juris-
3 diction that—

4 “(A) is created without reliance on any
5 part of the voting system used to tabulate
6 votes;

7 “(B) functions as a sampling frame for
8 conducting a post-election audit; and

9 “(C) accounts for all ballots validly cast re-
10 gardless of how they were tabulated and in-
11 cludes a precise description of the manner in
12 which the ballots are physically stored, includ-
13 ing the total number of physical groups of bal-
14 lots, the numbering system for each group, a
15 unique label for each group, and the number of
16 ballots in each such group.

17 “(b) REQUIREMENTS.—

18 “(1) IN GENERAL.—

19 “(A) AUDITS.—

20 “(i) IN GENERAL.—Each State and
21 jurisdiction shall administer post-election
22 audits of the results of all election contests
23 for Federal office held in the State in ac-
24 cordance with the requirements of para-
25 graph (2).

1 umenting that prescribed procedures
2 were followed.

3 “(II) Rules and procedures for
4 ensuring the accuracy of ballot mani-
5 fests produced by jurisdictions.

6 “(III) Rules and procedures for
7 governing the format of ballot mani-
8 fests and other data involved in post-
9 election audits.

10 “(IV) Methods to ensure that
11 any cast vote records used in a post-
12 election audit are those used by the
13 voting system to tally the results of
14 the election contest sent to the chief
15 State election official of the State and
16 made public.

17 “(V) Rules and procedures for
18 the random selection of ballots to be
19 inspected manually during each audit.

20 “(VI) Rules and procedures for
21 the calculations and other methods to
22 be used in the audit and to determine
23 whether and when the audit of each
24 election contest is complete.

1 “(VII) Rules and procedures for
2 testing any software used to conduct
3 post-election audits.

4 “(B) PUBLIC REPORT.—

5 “(i) IN GENERAL.—After the comple-
6 tion of the post-election audit and at least
7 5 days before the election contest is cer-
8 tified by the State, the State shall make
9 public and submit to the Commission a re-
10 port on the results of the audit, together
11 with such information as necessary to con-
12 firm that the audit was conducted prop-
13 erly.

14 “(ii) FORMAT OF DATA.—All data
15 published with the report under clause (i)
16 shall be published in machine-readable,
17 open data formats.

18 “(iii) PROTECTION OF ANONYMITY OF
19 VOTES.—Information and data published
20 by the State under this subparagraph shall
21 not compromise the anonymity of votes.

22 “(iv) REPORT MADE AVAILABLE BY
23 COMMISSION.—After receiving any report
24 submitted under clause (i), the Commis-

1 sion shall make such report available on its
2 website.

3 “(3) EFFECTIVE DATE; WAIVER.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraphs (B) and (C), each State and ju-
6 risdiction shall be required to comply with the
7 requirements of this subsection for the first reg-
8 ularly scheduled election for Federal office oc-
9 curring in 2032 and for each subsequent elec-
10 tion for Federal office.

11 “(B) WAIVER.—Except as provided in sub-
12 paragraph (C), if a State certifies to the Elec-
13 tion Assistance Commission not later than the
14 first regularly scheduled election for Federal of-
15 fice occurring in 2032, that the State will not
16 meet the deadline described in subparagraph
17 (A) because it would be impracticable to do so
18 and includes in the certification the reasons for
19 the failure to meet such deadline, subparagraph
20 (A) of this subsection and subsection (c)(2)(A)
21 shall apply to the State as if the reference in
22 such subsections to ‘2032’ were a reference to
23 ‘2034’.

24 “(C) ADDITIONAL WAIVER PERIOD.—If a
25 State certifies to the Election Assistance Com-

1 mission not later than the first regularly sched-
2 uled election for Federal office occurring in
3 2034, that the State will not meet the deadline
4 described in subparagraph (B) because it would
5 be impracticable to do so and includes in the
6 certification the reasons for the failure to meet
7 such deadline, subparagraph (B) of this sub-
8 section and subsection (c)(2)(A) shall apply to
9 the State as if the reference in such subsections
10 to ‘2034’ were a reference to ‘2036’.

11 “(c) PHASED IMPLEMENTATION.—

12 “(1) POST-ELECTION AUDITS.—

13 “(A) IN GENERAL.—For the regularly
14 scheduled elections for Federal office occurring
15 in 2024 and 2026, each State shall administer
16 a post-election audit of the result of at least one
17 statewide election contest for Federal office held
18 in the State, or if no such statewide contest is
19 on the ballot, one election contest for Federal
20 office chosen at random.

21 “(B) POST-ELECTION AUDIT DEFINED.—

22 In this subsection, the term ‘post-election audit’
23 means a post-election process that involves a
24 manual adjudication of voter intent from a

1 sample of ballots validly cast in the election
2 contest.

3 “(2) POST-ELECTION AUDITS FOR SELECT CON-
4 TESTS.—Subject to subparagraphs (B) and (C) of
5 subsection (b)(3), for the regularly scheduled elec-
6 tions for Federal office occurring in 2028 and for
7 each subsequent election for Federal office that oc-
8 curs prior to the first regularly scheduled election
9 for Federal office occurring in 2032, each State
10 shall administer a post-election audit of the result of
11 at least one statewide election contest for Federal of-
12 fice held in the State, or if no such statewide contest
13 is on the ballot, one election contest for Federal of-
14 fice chosen at random.

15 “(3) STATES THAT ADMINISTER POST-ELEC-
16 TION AUDITS FOR ALL CONTESTS.—A State shall be
17 exempt from the requirements of this subsection for
18 any regularly scheduled election for Federal office in
19 which the State meets the requirements of sub-
20 section (b).”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 for such Act, as amended by section 3601, is amended
23 by inserting after the item relating to section 303A the
24 following new item:

“Sec. 303B. Post-election audits.”.

1 (c) STUDY ON POST-ELECTION AUDIT BEST PRAC-
2 TICES.—

3 (1) IN GENERAL.—The Director of the National
4 Institute of Standards and Technology shall estab-
5 lish an advisory committee to study post-election au-
6 dits and establish best practices for post-election
7 audit methodologies and procedures.

8 (2) ADVISORY COMMITTEE.—The Director of
9 the National Institute of Standards and Technology
10 shall appoint individuals to the advisory committee
11 and secure the representation of—

12 (A) State and local election officials;

13 (B) individuals with experience and exper-
14 tise in election security;

15 (C) individuals with experience and exper-
16 tise in post-election audit procedures; and

17 (D) individuals with experience and exper-
18 tise in statistical methods.

19 (3) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated such sums
21 as are necessary to carry out the purposes of this
22 subsection.

23 **SEC. 4002. ELECTION INFRASTRUCTURE DESIGNATION.**

24 Subparagraph (J) of section 2001(3) of the Home-
25 land Security Act of 2002 (6 U.S.C. 601(3)) is amended

1 by inserting “, including election infrastructure” before
2 the period at the end.

3 **SEC. 4003. GUIDELINES AND CERTIFICATION FOR ELEC-**
4 **TRONIC POLL BOOKS AND REMOTE BALLOT**
5 **MARKING SYSTEMS.**

6 (a) INCLUSION UNDER VOLUNTARY VOTING SYSTEM
7 GUIDELINES.—Section 222 of the Help America Vote Act
8 of 2002 (52 U.S.C. 20962) is amended—

9 (1) by redesignating subsections (a), (b), (c),
10 (d), and (e) as subsections (b), (c), (d), (e), and (f);

11 (2) by inserting after the section heading the
12 following:

13 “(a) VOLUNTARY VOTING SYSTEM GUIDELINES.—
14 The Commission shall adopt voluntary voting system
15 guidelines that describe functionality, accessibility, and se-
16 curity principles for the design, development, and oper-
17 ation of voting systems, electronic poll books, and remote
18 ballot marking systems.”; and

19 (3) by adding at the end the following new sub-
20 sections:

21 “(g) INITIAL GUIDELINES FOR ELECTRONIC POLL
22 BOOKS AND REMOTE BALLOT MARKING SYSTEMS.—

23 “(1) ADOPTION DATE.—The Commission shall
24 adopt initial voluntary voting system guidelines for

1 electronic poll books and remote ballot marking sys-
2 tems by January 1, 2022.

3 “(2) SPECIAL RULE FOR INITIAL GUIDE-
4 LINES.—The Commission may adopt initial vol-
5 untary voting system guidelines for electronic poll
6 books and remote ballot marking systems without
7 modifying the most recently adopted voluntary vot-
8 ing system guidelines for voting systems.

9 “(h) DEFINITIONS.—In this section:

10 “(1) VOTING SYSTEM DEFINED.—The term
11 ‘voting system’ has the same meaning given that
12 term in section 301.

13 “(2) ELECTRONIC POLL BOOK DEFINED.—The
14 term ‘electronic poll book’ means the total combina-
15 tion of mechanical, electromechanical, or electronic
16 equipment (including the software, firmware, and
17 documentation required to program, control, and
18 support the equipment) that is used—

19 “(A) to retain the list of registered voters
20 at a polling location, or vote center, or other lo-
21 cation at which voters cast votes in an election
22 for Federal office; and

23 “(B) to identify registered voters who are
24 eligible to vote in an election.

1 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
2 **USAGE.**

3 “(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Not
4 later than 120 days before the date of each regularly
5 scheduled general election for Federal office, the chief
6 State election official of a State shall submit a report to
7 the Commission containing a detailed voting system usage
8 plan for each jurisdiction in the State which will admin-
9 ister the election, including a detailed plan for the usage
10 of electronic poll books and other equipment and compo-
11 nents of such system. If a jurisdiction acquires and imple-
12 ments a new voting system within the 120 days before the
13 date of the election, it shall notify the chief State election
14 official of the State, who shall submit to the Commission
15 in a timely manner an updated report under the preceding
16 sentence.

17 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply
18 with respect to the regularly scheduled general election for
19 Federal office held in November 2022 and each succeeding
20 regularly scheduled general election for Federal office”.

21 (b) **CLERICAL AMENDMENT.**—The table of contents
22 of such Act is amended by inserting after the item relating
23 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

1 **SEC. 4005. USE OF VOTING MACHINES MANUFACTURED IN**
2 **THE UNITED STATES.**

3 (a) REQUIREMENT.—Section 301(a) of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081(a)), as
5 amended by section 3904 and section 3906, is further
6 amended by adding at the end the following new para-
7 graph:

8 “(10) VOTING MACHINE REQUIREMENTS.—

9 “(A) MANUFACTURING REQUIREMENTS.—

10 By not later than the date of the regularly
11 scheduled general election for Federal office oc-
12 ccurring in November 2024, each State shall
13 seek to ensure to the extent practicable that
14 any voting machine used in such election and in
15 any subsequent election for Federal office is
16 manufactured in the United States.

17 “(B) ASSEMBLY REQUIREMENTS.—By not
18 later than the date of the regularly scheduled
19 general election for Federal office occurring in
20 November 2024, each State shall seek to ensure
21 that any voting machine purchased or acquired
22 for such election and in any subsequent election
23 for Federal office is assembled in the United
24 States.

25 “(C) SOFTWARE AND CODE REQUIRE-
26 MENTS.—By not later than the date of the reg-

1 ularly scheduled general election for Federal of-
2 fice occurring in November 2024, each State
3 shall seek to ensure that any software or code
4 developed for any voting system purchased or
5 acquired for such election and in any subse-
6 quent election for Federal office is developed
7 and stored in the United States.”.

8 (b) CONFORMING AMENDMENT RELATING TO EF-
9 FECTIVE DATE.—Section 301(d)(1) of such Act (52
10 U.S.C. 21081(d)(1)), as amended by section 3907, is
11 amended by striking “paragraph (2)” and inserting “sub-
12 section (a)(10) and paragraph (2)”.

13 **SEC. 4006. SEVERABILITY.**

14 If any provision of this title or amendment made by
15 this title, or the application of a provision or amendment
16 to any person or circumstance, is held to be unconstitu-
17 tional, the remainder of this title and amendments made
18 by this title, and the application of the provisions and
19 amendment to any person or circumstance, shall not be
20 affected by the holding.

1 **DIVISION C—CIVIC PARTICIPA-**
2 **TION AND EMPOWERMENT**
3 **TITLE V—NONPARTISAN**
4 **REDISTRICTING REFORM**

5 **SEC. 5001. FINDING OF CONSTITUTIONAL AUTHORITY.**

6 Congress finds that it has the authority to establish
7 the terms and conditions States must follow in carrying
8 out congressional redistricting after an apportionment of
9 Members of the House of Representatives because—

10 (1) the authority granted to Congress under ar-
11 ticle I, section 4 of the Constitution of the United
12 States gives Congress the power to enact laws gov-
13 erning the time, place, and manner of elections for
14 Members of the House of Representatives;

15 (2) the authority granted to Congress under
16 section 5 of the 14th amendment to the Constitution
17 gives Congress the power to enact laws to enforce
18 section 2 of such amendment, which requires Rep-
19 resentatives to be apportioned among the several
20 States according to their number;

21 (3) the authority granted to Congress under
22 section 5 of the 14th amendment to the Constitution
23 gives Congress the power to enact laws to enforce
24 section 1 of such amendment, including protections
25 against excessive partisan gerrymandering that Fed-

1 eral courts have not enforced because they under-
2 stand such enforcement to be committed to Congress
3 by the Constitution;

4 (4) of the authority granted to Congress to en-
5 force article IV, section 4, of the Constitution, and
6 the guarantee of a Republican Form of Government
7 to every State, which Federal courts have not en-
8 forced because they understand such enforcement to
9 be committed to Congress by the Constitution; and

10 (5) requiring States to use uniform redistricting
11 criteria is an appropriate and important exercise of
12 such authority.

13 **SEC. 5002. BAN ON MID-DECADE REDISTRICTING.**

14 A State that has been redistricted in accordance with
15 this title may not be redistricted again until after the next
16 apportionment of Representatives under section 22(a) of
17 the Act entitled “An Act to provide for the fifteenth and
18 subsequent decennial censuses and to provide for an ap-
19 portionment of Representatives in Congress”, approved
20 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
21 State to conduct such subsequent redistricting to comply
22 with the Constitution of the United States, the Voting
23 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms
24 or conditions of this title, or applicable State law.

1 **SEC. 5003. CRITERIA FOR REDISTRICTING.**

2 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A State
3 may not use a congressional redistricting plan which is
4 not in compliance with this section.

5 (b) **RANKED CRITERIA.**—Under the redistricting plan
6 of a State, there shall be established single-member con-
7 gressional districts using the following criteria as set forth
8 in the following order of priority:

9 (1) Districts shall comply with the United
10 States Constitution, including the requirement that
11 they substantially equalize total population.

12 (2) Districts shall comply with the Voting
13 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-
14 cluding by creating any districts where, if based
15 upon the totality of the circumstances, 2 or more po-
16 litically cohesive groups protected by such Act are
17 able to elect representatives of choice in coalition
18 with one another, and all applicable Federal laws.

19 (3)(A) Districts shall be drawn, to the extent
20 that the totality of the circumstances warrant, to en-
21 sure the practical ability of a group protected under
22 the Voting Rights Act of 1965 (52 U.S.C. 10301 et
23 seq.) to participate in the political process and to
24 nominate candidates and to elect representatives of
25 choice is not diluted or diminished, regardless of

1 whether or not such protected group constitutes a
2 majority of a district's citizen voting age population.

3 (B) For purposes of subparagraph (A), the as-
4 sessment of whether a protected group has the prac-
5 tical ability to nominate candidates and to elect rep-
6 resentatives of choice shall require the consideration
7 of the following factors:

8 (i) Whether the group is politically cohe-
9 sive.

10 (ii) Whether there is racially polarized vot-
11 ing in the relevant geographic region.

12 (iii) If there is racially polarized voting in
13 the relevant geographic region, whether the pre-
14 ferred candidates of the group nevertheless re-
15 ceive a sufficient amount of consistent crossover
16 support from other voters such that the group
17 is a functional majority with the ability to both
18 nominate candidates and elect representatives
19 of choice.

20 (4)(A) Districts shall be drawn to represent
21 communities of interest and neighborhoods to the
22 extent practicable after compliance with the require-
23 ments of paragraphs (1) through (3). A community
24 of interest is defined as an area for which the record
25 before the entity responsible for developing and

1 adopting the redistricting plan demonstrates the ex-
2 istence of broadly shared interests and representa-
3 tional needs, including shared interests and rep-
4 resentational needs rooted in common ethnic, racial,
5 economic, Indian, social, cultural, geographic, or his-
6 toric identities, or arising from similar socioeconomic
7 conditions. The term communities of interest may, if
8 the record warrants, include political subdivisions
9 such as counties, municipalities, Indian lands, or
10 school districts, but shall not include common rela-
11 tionships with political parties or political can-
12 didates.

13 (B) For purposes of subparagraph (A), in con-
14 sidering the needs of multiple, overlapping commu-
15 nities of interest, the entity responsible for devel-
16 oping and adopting the redistricting plan shall give
17 greater weight to those communities of interest
18 whose representational needs would most benefit
19 from the community's inclusion in a single congress-
20 sional district.

21 (c) NO FAVORING OR DISFAVORING OF POLITICAL
22 PARTIES.—

23 (1) PROHIBITION.—A State may not use a re-
24 districting plan to conduct an election that, when
25 considered on a statewide basis, has been drawn

1 with the intent or has the effect of materially favor-
2 ing or disfavoring any political party.

3 (2) DETERMINATION OF EFFECT.—The deter-
4 mination of whether a redistricting plan has the ef-
5 fect of materially favoring or disfavoring a political
6 party shall be based on an evaluation of the totality
7 of circumstances which, at a minimum, shall involve
8 consideration of each of the following factors:

9 (A) Computer modeling based on relevant
10 statewide general elections for Federal office
11 held over the 8 years preceding the adoption of
12 the redistricting plan setting forth the probable
13 electoral outcomes for the plan under a range
14 of reasonably foreseeable conditions.

15 (B) An analysis of whether the redis-
16 tricting plan is statistically likely to result in
17 partisan advantage or disadvantage on a state-
18 wide basis, the degree of any such advantage or
19 disadvantage, and whether such advantage or
20 disadvantage is likely to be present under a
21 range of reasonably foreseeable electoral condi-
22 tions.

23 (C) A comparison of the modeled electoral
24 outcomes for the redistricting plan to the mod-
25 eled electoral outcomes for alternative plans

1 that demonstrably comply with the require-
2 ments of paragraphs (1), (2), and (3) of sub-
3 section (b) in order to determine whether rea-
4 sonable alternatives exist that would result in
5 materially lower levels of partisan advantage or
6 disadvantage on a statewide basis. For purposes
7 of this subparagraph, alternative plans consid-
8 ered may include both actual plans proposed
9 during the redistricting process and other plans
10 prepared for purposes of comparison.

11 (D) Any other relevant information, includ-
12 ing how broad support for the redistricting plan
13 was among members of the entity responsible
14 for developing and adopting the plan and
15 whether the processes leading to the develop-
16 ment and adoption of the plan were transparent
17 and equally open to all members of the entity
18 and to the public.

19 (3) REBUTTABLE PRESUMPTION.—

20 (A) TRIGGER.—In any civil action brought
21 under section 5006 in which a party asserts a
22 claim that a State has enacted a redistricting
23 plan which is in violation of this subsection, a
24 party may file a motion not later than 30 days
25 after the enactment of the plan (or, in the case

1 of a plan enacted before the effective date of
2 this Act, not later than 30 days after the effec-
3 tive date of this Act) requesting that the court
4 determine whether a presumption of such a vio-
5 lation exists. If such a motion is timely filed,
6 the court shall hold a hearing not later than 15
7 days after the date the motion is filed to assess
8 whether a presumption of such a violation ex-
9 ists.

10 (B) ASSESSMENT.—To conduct the assess-
11 ment required under subparagraph (A), the
12 court shall do the following:

13 (i) Determine the number of congres-
14 sional districts under the plan that would
15 have been carried by each political party's
16 candidates for the office of President and
17 the office of Senator in the 2 most recent
18 general elections for the office of President
19 and the 2 most recent general elections for
20 the office of Senator (other than special
21 general elections) immediately preceding
22 the enactment of the plan, except that if a
23 State conducts a primary election for the
24 office of Senator which is open to can-
25 didates of all political parties, the primary

1 election shall be used instead of the gen-
2 eral election and the number of districts
3 carried by a party's candidates for the of-
4 fice of Senator shall be determined on the
5 basis of the combined vote share of all can-
6 didates in the election who are affiliated
7 with such party.

8 (ii) Determine, for each of the 4 elec-
9 tions assessed under clause (i), whether
10 the number of districts that would have
11 been carried by any party's candidate as
12 determined under clause (i) results in par-
13 tisan advantage or disadvantage in excess
14 of 7 percent or one congressional district,
15 whichever is greater, as determined by
16 standard quantitative measures of partisan
17 fairness that relate a party's share of the
18 statewide vote to that party's share of
19 seats.

20 (C) PRESUMPTION OF VIOLATION.—A plan
21 is presumed to violate paragraph (1) if it ex-
22 ceeds the threshold described in clause (ii) of
23 subparagraph (B) with respect to 2 or more of
24 the 4 elections assessed under such subpara-
25 graph.

1 (D) STAY OF USE OF PLAN.—Notwith-
2 standing any other provision of this title, in any
3 action under this paragraph, the following rules
4 shall apply:

5 (i) Upon filing of a motion under sub-
6 paragraph (A), a State's use of the plan
7 which is the subject of the motion shall be
8 automatically stayed pending resolution of
9 such motion.

10 (ii) If after considering the motion,
11 the court rules that the plan is presumed
12 under subparagraph (C) to violate para-
13 graph (1), a State may not use such plan
14 until and unless the court which is car-
15 rying out the determination of the effect of
16 the plan under paragraph (2) determines
17 that, notwithstanding the presumptive vio-
18 lation, the plan does not violate paragraph
19 (1).

20 (E) NO EFFECT ON OTHER ASSESS-
21 MENTS.—The absence of a presumption of a
22 violation with respect to a redistricting plan as
23 determined under this paragraph shall not af-
24 fect the determination of the effect of the plan
25 under paragraph (2).

1 (4) DETERMINATION OF INTENT.—A court may
2 rely on all available evidence when determining
3 whether a redistricting plan was drawn with the in-
4 tent to materially favor or disfavor a political party,
5 including evidence of the partisan effects of a plan,
6 the degree of support the plan received from mem-
7 bers of the entity responsible for developing and
8 adopting the plan, and whether the processes leading
9 to development and adoption of the plan were trans-
10 parent and equally open to all members of the entity
11 and to the public.

12 (5) NO VIOLATION BASED ON CERTAIN CRI-
13 TERIA.—No redistricting plan shall be found to be
14 in violation of paragraph (1) because of the proper
15 application of the criteria set forth in paragraphs
16 (1), (2), or (3) of subsection (b), unless one or more
17 alternative plans could have complied with such
18 paragraphs without having the effect of materially
19 favoring or disfavoring a political party.

20 (d) FACTORS PROHIBITED FROM CONSIDERATION.—
21 In developing the redistricting plan for the State, the
22 State may not take into consideration any of the following
23 factors, except as necessary to comply with the criteria
24 described in paragraphs (1) through (3) of subsection (b),
25 to achieve partisan fairness and comply with subsection

1 (b), and to enable the redistricting plan to be measured
2 against the external metrics described in section 5004(c):

3 (1) The residence of any Member of the House
4 of Representatives or candidate.

5 (2) The political party affiliation or voting his-
6 tory of the population of a district.

7 (e) ADDITIONAL CRITERIA.—A State may not rely
8 upon criteria not set forth in this section to justify non-
9 compliance with the requirements of this section.

10 (f) APPLICABILITY.—

11 (1) IN GENERAL.—This section applies to any
12 authority, whether appointed, elected, judicial, or
13 otherwise, responsible for enacting the congressional
14 redistricting plan of a State.

15 (2) DATE OF ENACTMENT.—This section ap-
16 plies to any congressional redistricting plan that
17 would be, or is, in effect after the date of enactment
18 of this Act, regardless of the date of enactment by
19 the State of the congressional redistricting plan.

20 (g) SEVERABILITY OF CRITERIA.—If any of the cri-
21 teria set forth in this section, or the application of such
22 criteria to any person or circumstance, is held to be uncon-
23 stitutional, the remaining criteria set forth in this section,
24 and the application of such criteria to any person or cir-
25 cumstance, shall not be affected by the holding.

1 **SEC. 5004. DEVELOPMENT OF PLAN.**

2 (a) PUBLIC NOTICE AND INPUT.—

3 (1) USE OF OPEN AND TRANSPARENT PROC-
4 ESS.—The entity responsible for developing and
5 adopting the congressional redistricting plan of a
6 State shall solicit and take into consideration com-
7 ments from the public throughout the process of de-
8 veloping the plan, and shall carry out its duties in
9 an open and transparent manner which provides for
10 the widest public dissemination reasonably possible
11 of its proposed and final redistricting plans.

12 (2) WEBSITE.—

13 (A) FEATURES.—The entity shall maintain
14 a public Internet site which is not affiliated
15 with or maintained by the office of any elected
16 official and which includes the following fea-
17 tures:

18 (i) All proposed redistricting plans
19 and the final redistricting plan, including
20 the accompanying written evaluation under
21 subsection (c).

22 (ii) All comments received from the
23 public submitted under paragraph (1).

24 (iii) Access in an easily usable format
25 to the demographic and other data used by
26 the entity to develop and analyze the pro-

1 posed redistricting plans, together with any
2 reports analyzing and evaluating such
3 plans and access to software that members
4 of the public may use to draw maps of pro-
5 posed districts.

6 (iv) A method by which members of
7 the public may submit comments directly
8 to the entity.

9 (B) SEARCHABLE FORMAT.—The entity
10 shall ensure that all information posted and
11 maintained on the site under this paragraph,
12 including information and proposed maps sub-
13 mitted by the public, shall be maintained in an
14 easily searchable format.

15 (3) MULTIPLE LANGUAGE REQUIREMENTS FOR
16 ALL NOTICES.—The entity responsible for developing
17 and adopting the plan shall make each notice which
18 is required to be posted and published under this
19 section available in any language in which the State
20 (or any jurisdiction in the State) is required to pro-
21 vide election materials under section 203 of the Vot-
22 ing Rights Act of 1965 (52 U.S.C. 10503).

23 (b) DEVELOPMENT OF PLAN.—

24 (1) HEARINGS.—The entity responsible for de-
25 veloping and adopting the congressional redistricting

1 plan shall hold hearings both before and after releas-
2 ing proposed plans in order to solicit public input on
3 the content of such plans. These hearings shall—

4 (A) be held in different regions of the
5 State and streamed live on the public Internet
6 site maintained under subsection (a)(2);

7 (B) be sufficient in number, scheduled at
8 times and places, and noticed and conducted in
9 a manner to ensure that all members of the
10 public, including members of racial, ethnic, and
11 language minorities protected under the Voting
12 Rights Act of 1965, have a meaningful oppor-
13 tunity to attend and provide input both before
14 and after the entity releases proposed plans.

15 (2) POSTING OF MAPS.—The entity responsible
16 for developing and adopting the congressional redis-
17 tricting plan shall make proposed plans, amend-
18 ments to proposed plans, and the data needed to
19 analyze such plans for compliance with the criteria
20 of this title available for public review, including on
21 the public Internet site required under subsection
22 (a)(2), for a period of not less than 5 days before
23 any vote or hearing is held on any such plan or any
24 amendment to such a plan.

1 (c) WRITTEN EVALUATION OF PLAN AGAINST EX-
2 TERNAL METRICS.—The entity responsible for developing
3 and adopting the congressional redistricting plan for a
4 State shall include with each redistricting plan voted upon
5 by such entity, or a committee of such entity, and pub-
6 lished under this section a written evaluation that meas-
7 ures each such plan against external metrics which cover
8 the criteria set forth in section 5003(b), including the im-
9 pact of the plan on the ability of members of a class of
10 citizens protected by the Voting Rights Act of 1965 (52
11 U.S.C. 10301 et seq.) to elect candidates of choice, the
12 degree to which the plan preserves or divides communities
13 of interest, and any analysis used by the State to assess
14 compliance with the requirements of section 5003(b) and
15 (c).

16 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
17 sponsible for developing and adopting the congressional
18 redistricting plan for a State shall make all public com-
19 ments received about potential plans, including alternative
20 plans, available to the public on the Internet site required
21 under subsection (a)(2), at no cost, not later than 24
22 hours prior to holding a vote on final adoption of a plan.

23 **SEC. 5005. FAILURE BY STATE TO ENACT PLAN.**

24 (a) DEADLINE FOR ENACTMENT OF PLAN.—Each
25 State shall enact a final congressional redistricting plan

1 following transmission of a notice of apportionment to the
2 President by the earliest of—

3 (1) the deadline set forth in State law;

4 (2) February 15 of the year in which regularly
5 scheduled general elections for Federal office are
6 held in the State; or

7 (3) 90 days before the date of the next regu-
8 larly scheduled primary election for Federal office
9 held in the State.

10 (b) DEVELOPMENT OF PLAN BY COURT IN CASE OF
11 MISSED DEADLINE.—If a State has not enacted a final
12 congressional redistricting plan by the applicable deadline
13 under subsection (a), or it appears likely that a State will
14 fail to enact a final congressional redistricting plan by
15 such deadline—

16 (1) any citizen of the State may file an action
17 in the United States district court for the applicable
18 venue asking the district court to assume jurisdic-
19 tion;

20 (2) the United States district court for the ap-
21 plicable venue, acting through a 3-judge court con-
22 vened pursuant to section 2284 of title 28, United
23 States Code, shall have the exclusive authority to de-
24 velop and publish the congressional redistricting
25 plan for the State; and

1 (3) the final congressional redistricting plan de-
2 veloped and published by the court under this sec-
3 tion shall be deemed to be enacted on the date on
4 which the court publishes the final congressional re-
5 districting plan, as described in subsection (e).

6 (c) APPLICABLE VENUE.—For purposes of this sec-
7 tion, the “applicable venue” with respect to a State is the
8 District of Columbia or the judicial district in which the
9 capital of the State is located, as selected by the first party
10 to file with the court sufficient evidence that a State has
11 failed to, or is reasonably likely to fail to, enact a final
12 redistricting plan for the State prior to the expiration of
13 the applicable deadline set forth in subsection (a).

14 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

15 (1) CRITERIA.—In developing a redistricting
16 plan for a State under this section, the court shall
17 adhere to the same terms and conditions that ap-
18 plied (or that would have applied, as the case may
19 be) to the development of a plan by the State under
20 section 5003.

21 (2) ACCESS TO INFORMATION AND RECORDS.—

22 The court shall have access to any information,
23 data, software, or other records and material that
24 was used (or that would have been used, as the case

1 may be) by the State in carrying out its duties
2 under this title.

3 (3) HEARING; PUBLIC PARTICIPATION.—In de-
4 veloping a redistricting plan for a State, the court
5 shall—

6 (A) hold one or more evidentiary hearings
7 at which interested members of the public may
8 appear and be heard and present testimony, in-
9 cluding expert testimony, in accordance with
10 the rules of the court; and

11 (B) consider other submissions and com-
12 ments by the public, including proposals for re-
13 districting plans to cover the entire State or
14 any portion of the State.

15 (4) USE OF SPECIAL MASTER.—To assist in the
16 development and publication of a redistricting plan
17 for a State under this section, the court may appoint
18 a special master to make recommendations to the
19 court on possible plans for the State.

20 (e) PUBLICATION OF PLAN.—

21 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
22 Upon completing the development of one or more
23 initial redistricting plans, the court shall make the
24 plans available to the public at no cost, and shall
25 also make available the underlying data used to de-

1 velop the plans and a written evaluation of the plans
2 against external metrics (as described in section
3 5004(c)).

4 (2) PUBLICATION OF FINAL PLAN.—At any
5 time after the expiration of the 14-day period which
6 begins on the date the court makes the plans avail-
7 able to the public under paragraph (1), and taking
8 into consideration any submissions and comments by
9 the public which are received during such period, the
10 court shall develop and publish the final redistricting
11 plan for the State.

12 (f) USE OF INTERIM PLAN.—In the event that the
13 court is not able to develop and publish a final redis-
14 tricting plan for the State with sufficient time for an up-
15 coming election to proceed, the court may develop and
16 publish an interim redistricting plan which shall serve as
17 the redistricting plan for the State until the court develops
18 and publishes a final plan in accordance with this section.
19 Nothing in this subsection may be construed to limit or
20 otherwise affect the authority or discretion of the court
21 to develop and publish the final redistricting plan, includ-
22 ing the discretion to make any changes the court deems
23 necessary to an interim redistricting plan.

24 (g) APPEALS.—Review on appeal of any final or in-
25 terim plan adopted by the court in accordance with this

1 section shall be governed by the appellate process in sec-
2 tion 5006.

3 (h) STAY OF STATE PROCEEDINGS.—The filing of an
4 action under this section shall act as a stay of any pro-
5 ceedings in State court with respect to the State’s congres-
6 sional redistricting plan unless otherwise ordered by the
7 court.

8 **SEC. 5006. CIVIL ENFORCEMENT.**

9 (a) CIVIL ENFORCEMENT.—

10 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
11 torney General may bring a civil action for such re-
12 lief as may be appropriate to carry out this title.

13 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
14 TION.—Any citizen of a State who is aggrieved by
15 the failure of the State to meet the requirements of
16 the Constitution or Federal law, including this title,
17 with respect to the State’s congressional redis-
18 tricting, may bring a civil action in the United
19 States district court for the applicable venue for
20 such relief as may be appropriate to remedy the fail-
21 ure.

22 (3) DELIVERY OF COMPLAINT TO HOUSE AND
23 SENATE.—In any action brought under this section,
24 a copy of the complaint shall be delivered promptly

1 to the Clerk of the House of Representatives and the
2 Secretary of the Senate.

3 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
4 VENUE.—The district courts of the United States
5 shall have exclusive jurisdiction to hear and deter-
6 mine claims asserting that a congressional redistricting
7 plan violates the requirements of the Con-
8 stitution or Federal law, including this title. The ap-
9 plicable venue for such an action shall be the United
10 States District Court for the District of Columbia or
11 for the judicial district in which the capital of the
12 State is located, as selected by the person bringing
13 the action, except that the applicable venue for a
14 civil action that includes a claim that a redistricting
15 plan is in violation of section 5003(c) shall be the
16 District of Columbia.

17 (5) USE OF 3-JUDGE COURT.—If an action
18 under this section raises statewide claims under the
19 Constitution or this title, the action shall be heard
20 by a 3-judge court convened pursuant to section
21 2284 of title 28, United States Code.

22 (6) REVIEW OF FINAL DECISION.—A final deci-
23 sion in an action brought under this section shall be
24 reviewable on appeal by the United States Court of
25 Appeals for the District of Columbia Circuit. There

1 shall be no right of appeal in such proceedings to
2 any other court of appeals. Such appeal shall be
3 taken by the filing of a notice of appeal within 10
4 days of the entry of the final decision. A final deci-
5 sion by the Court of Appeals may be reviewed by the
6 Supreme Court of the United States by writ of cer-
7 tiorari.

8 (b) EXPEDITED CONSIDERATION.—In any action
9 brought under this section, it shall be the duty of the dis-
10 trict court, the United States Court of Appeals for the
11 District of Columbia Circuit, and the Supreme Court of
12 the United States (if it chooses to hear the action) to ad-
13 vance on the docket and to expedite to the greatest pos-
14 sible extent the disposition of the action and appeal.

15 (c) REMEDIES.—

16 (1) ADOPTION OF REPLACEMENT PLAN.—

17 (A) IN GENERAL.—If the district court in
18 an action under this section finds that the con-
19 gressional redistricting plan of a State violates,
20 in whole or in part, the requirements of this
21 title—

22 (i) the court shall adopt a replacement
23 congressional redistricting plan for the
24 State in accordance with the process set
25 forth in section 5005; or

1 (ii) if circumstances warrant and no
2 delay to an upcoming regularly scheduled
3 election for the House of Representatives
4 in the State would result, the district
5 court, in its discretion, may allow a State
6 to develop and propose a remedial congress-
7 sional redistricting plan for review by the
8 court to determine whether the plan is in
9 compliance with this title, except that—

10 (I) the State may not develop
11 and propose a remedial plan under
12 this clause if the court determines
13 that the congressional redistricting
14 plan of the State was enacted with
15 discriminatory intent in violation of
16 the Constitution or section 5003(b);
17 and

18 (II) nothing in this clause may be
19 construed to permit a State to use
20 such a remedial plan which has not
21 been approved by the court.

22 (B) PROHIBITING USE OF PLANS IN VIOLA-
23 TION OF REQUIREMENTS.—No court shall order
24 a State to use a congressional redistricting plan
25 which violates, in whole or in part, the require-

1 ments of this title, or to conduct an election
2 under terms and conditions which violate, in
3 whole or in part, the requirements of this title.

4 (C) SPECIAL RULE IN CASE FINAL ADJU-
5 DICATION NOT EXPECTED WITHIN 3 MONTHS
6 OF ELECTION.—If final adjudication of an ac-
7 tion under this section is not reasonably ex-
8 pected to be completed at least 3 months prior
9 to the next regularly scheduled primary election
10 for the House of Representatives in the State,
11 the district court shall, as the balance of equi-
12 ties warrant—

13 (i) develop, adopt, and order the use
14 of an interim congressional redistricting
15 plan in accordance with section 5005(f) to
16 address any claims under this title for
17 which a party seeking relief has dem-
18 onstrated a substantial likelihood of suc-
19 cess; and

20 (ii) order adjustments to the timing of
21 primary elections for the House of Rep-
22 resentatives and other related deadlines, as
23 needed, to allow sufficient opportunity for
24 adjudication of the matter and adoption of
25 a remedial or replacement plan for use in

1 the next regularly scheduled general elec-
2 tions for the House of Representatives.

3 (2) NO STAY PENDING APPEAL.—Notwith-
4 standing the appeal of an order finding that a con-
5 gressional redistricting plan of a State violates, in
6 whole or in part, the requirements of this title, no
7 stay shall issue which shall bar the development or
8 adoption of a replacement or remedial plan under
9 this subsection, as may be directed by the district
10 court, pending such appeal. If such a replacement or
11 remedial plan has been adopted, no appellate court
12 may stay or otherwise enjoin the use of such plan
13 during the pendency of an appeal, except upon an
14 order holding, based on the record, that adoption of
15 such plan was an abuse of discretion.

16 (3) SPECIAL AUTHORITY OF COURT OF AP-
17 PEALS.—

18 (A) ORDERING OF NEW REMEDIAL
19 PLAN.—If, upon consideration of an appeal
20 under this title, the Court of Appeals deter-
21 mines that a plan does not comply with the re-
22 quirements of this title, it shall direct that the
23 District Court promptly develop a new remedial
24 plan with assistance of a special master for con-
25 sideration by the Court of Appeals.

1 (B) FAILURE OF DISTRICT COURT TO
2 TAKE TIMELY ACTION.—If, at any point during
3 the pendency of an action under this section,
4 the District Court fails to take action necessary
5 to permit resolution of the case prior to the
6 next regularly scheduled election for the House
7 of Representatives in the State or fails to grant
8 the relief described in paragraph (1)(C), any
9 party may seek a writ of mandamus from the
10 Court of Appeals for the District of Columbia
11 Circuit. The Court of Appeals shall have juris-
12 diction over the motion for a writ of mandamus
13 and shall establish an expedited briefing and
14 hearing schedule for resolution of the motion. If
15 the Court of Appeals determines that a writ
16 should be granted, the Court of Appeals shall
17 take any action necessary, including developing
18 a congressional redistricting plan with assist-
19 ance of a special master to ensure that a reme-
20 dial plan is adopted in time for use in the next
21 regularly scheduled election for the House of
22 Representatives in the State.

23 (4) EFFECT OF ENACTMENT OF REPLACEMENT
24 PLAN.—A State’s enactment of a redistricting plan
25 which replaces a plan which is the subject of an ac-

1 tion under this section shall not be construed to
2 limit or otherwise affect the authority of the court
3 to adjudicate or grant relief with respect to any
4 claims or issues not addressed by the replacement
5 plan, including claims that the plan which is the
6 subject of the action was enacted, in whole or in
7 part, with discriminatory intent, or claims to con-
8 sider whether relief should be granted under section
9 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
10 10302(c)) based on the plan which is the subject of
11 the action.

12 (d) ATTORNEY'S FEES.—In a civil action under this
13 section, the court may allow the prevailing party (other
14 than the United States) reasonable attorney fees, includ-
15 ing litigation expenses, and costs.

16 (e) RELATION TO OTHER LAWS.—

17 (1) RIGHTS AND REMEDIES ADDITIONAL TO
18 OTHER RIGHTS AND REMEDIES.—The rights and
19 remedies established by this section are in addition
20 to all other rights and remedies provided by law, and
21 neither the rights and remedies established by this
22 section nor any other provision of this title shall su-
23 persede, restrict, or limit the application of the Vot-
24 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

1 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
2 this title authorizes or requires conduct that is pro-
3 hibited by the Voting Rights Act of 1965 (52 U.S.C.
4 10301 et seq.).

5 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
6 ture, or State may claim legislative privilege under either
7 State or Federal law in a civil action brought under this
8 section or in any other legal challenge, under either State
9 or Federal law, to a redistricting plan enacted under this
10 title.

11 (g) REMOVAL.—

12 (1) IN GENERAL.—At any time, a civil action
13 brought in a State court which asserts a claim for
14 which the district courts of the United States have
15 exclusive jurisdiction under this title may be re-
16 moved by any party in the case, including an inter-
17 venor, by filing, in the district court for an applica-
18 ble venue under this section, a notice of removal
19 signed pursuant to Rule 11 of the Federal Rules of
20 Civil Procedure containing a short and plain state-
21 ment of the grounds for removal. Consent of parties
22 shall not be required for removal.

23 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
24 SUPPLEMENTAL JURISDICTION.—If a civil action re-
25 moved in accordance with paragraph (1) contains

1 claims not within the original or supplemental juris-
2 diction of the district court, the district court shall
3 sever all such claims and remand them to the State
4 court from which the action was removed.

5 **SEC. 5007. NO EFFECT ON ELECTIONS FOR STATE AND**
6 **LOCAL OFFICE.**

7 Nothing in this title or in any amendment made by
8 this title may be construed to affect the manner in which
9 a State carries out elections for State or local office, in-
10 cluding the process by which a State establishes the dis-
11 tricts used in such elections.

12 **SEC. 5008. EFFECTIVE DATE.**

13 (a) IN GENERAL.—This title and the amendments
14 made by this title shall apply on the date of enactment
15 of this title.

16 (b) APPLICATION TO APPORTIONMENT RESULTING
17 FROM 2020 DECENNIAL CENSUS.—Notwithstanding sub-
18 section (a), this title and the amendments made by this
19 title, other than section 5004, shall apply with respect to
20 each congressional redistricting plan enacted pursuant to
21 the notice of apportionment transmitted to the President
22 on April 26, 2021, without regard to whether or not a
23 State enacted such a plan prior to the date of the enact-
24 ment of this Act.

1 **TITLE VI—CAMPAIGN FINANCE**
2 **TRANSPARENCY**
3 **Subtitle A—DISCLOSE Act**

4 **SEC. 6001. SHORT TITLE.**

5 This subtitle may be cited as the “Democracy Is
6 Strengthened by Casting Light On Spending in Elections
7 Act of 2021” or the “DISCLOSE Act of 2021”.

8 **PART 1—CLOSING LOOPHOLES ALLOWING**
9 **SPENDING BY FOREIGN NATIONALS IN ELEC-**
10 **TIONS**

11 **SEC. 6002. CLARIFICATION OF APPLICATION OF FOREIGN**
12 **MONEY BAN TO CERTAIN DISBURSEMENTS**
13 **AND ACTIVITIES.**

14 Section 319(b) of the Federal Election Campaign Act
15 of 1971 (52 U.S.C. 30121(b)) is amended—

16 (1) by redesignating paragraphs (1) and (2) as
17 subparagraphs (A) and (B), respectively, and by
18 moving such subparagraphs 2 ems to the right;

19 (2) by striking “As used in this section, the
20 term” and inserting the following: “DEFINITIONS.—
21 For purposes of this section—

22 “(1) FOREIGN NATIONAL.—The term”;

23 (3) by moving paragraphs (1) and (2) two ems
24 to the right and redesignating them as subpara-
25 graphs (A) and (B), respectively; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(2) CONTRIBUTION AND DONATION.—For pur-
4 poses of paragraphs (1) and (2) of subsection (a),
5 the term ‘contribution or donation’ includes any dis-
6 bursement to a political committee which accepts do-
7 nations or contributions that do not comply with any
8 of the limitations, prohibitions, and reporting re-
9 quirements of this Act (or any disbursement to or on
10 behalf of any account of a political committee which
11 is established for the purpose of accepting such do-
12 nations or contributions), or to any other person for
13 the purpose of funding an expenditure, independent
14 expenditure, or electioneering communication (as de-
15 fined in section 304(f)(3)).”.

16 **SEC. 6003. AUDIT AND REPORT ON ILLICIT FOREIGN**
17 **MONEY IN FEDERAL ELECTIONS.**

18 (a) IN GENERAL.—Title III of the Federal Election
19 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
20 amended by inserting after section 319 the following new
21 section:

22 **“SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY**
23 **FOREIGN NATIONALS.**

24 “(a) AUDIT.—

1 “(1) IN GENERAL.—The Commission shall con-
2 duct an audit after each Federal election cycle to de-
3 termine the incidence of illicit foreign money in such
4 Federal election cycle.

5 “(2) PROCEDURES.—In carrying out paragraph
6 (1), the Commission shall conduct random audits of
7 any disbursements required to be reported under
8 this Act, in accordance with procedures established
9 by the Commission.

10 “(b) REPORT.—Not later than 180 days after the end
11 of each Federal election cycle, the Commission shall sub-
12 mit to Congress a report containing—

13 “(1) results of the audit required by subsection
14 (a)(1);

15 “(2) an analysis of the extent to which illicit
16 foreign money was used to carry out disinformation
17 and propaganda campaigns focused on depressing
18 turnout among rural communities and the success or
19 failure of these efforts, together with recommenda-
20 tions to address these efforts in future elections;

21 “(3) an analysis of the extent to which illicit
22 foreign money was used to carry out disinformation
23 and propaganda campaigns focused on depressing
24 turnout among African-American and other minority
25 communities and the success or failure of these ef-

1 forts, together with recommendations to address
2 these efforts in future elections;

3 “(4) an analysis of the extent to which illicit
4 foreign money was used to carry out disinformation
5 and propaganda campaigns focused on influencing
6 military and veteran communities and the success or
7 failure of these efforts, together with recommenda-
8 tions to address these efforts in future elections; and

9 “(5) recommendations to address the presence
10 of illicit foreign money in elections, as appropriate.

11 “(c) DEFINITIONS.—As used in this section:

12 “(1) The term ‘Federal election cycle’ means
13 the period which begins on the day after the date of
14 a regularly scheduled general election for Federal of-
15 fice and which ends on the date of the first regularly
16 scheduled general election for Federal office held
17 after such date.

18 “(2) The term ‘illicit foreign money’ means any
19 disbursement by a foreign national (as defined in
20 section 319(b)) prohibited under such section.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply with respect to the Federal elec-
23 tion cycle that began during November 2020, and each
24 succeeding Federal election cycle.

1 **SEC. 6004. PROHIBITION ON CONTRIBUTIONS AND DONA-**
2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
3 **TION WITH BALLOT INITIATIVES AND**
4 **REFERENDA.**

5 (a) IN GENERAL.—Section 319(b) of the Federal
6 Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as
7 amended by section 6002, is amended by adding at the
8 end the following new paragraph:

9 “(3) FEDERAL, STATE, OR LOCAL ELECTION.—
10 The term ‘Federal, State, or local election’ includes
11 a State or local ballot initiative or referendum, but
12 only in the case of—

13 “(A) a covered foreign national described
14 in section 304(j)(3)(C);

15 “(B) a foreign principal described in sec-
16 tion 1(b)(2) or 1(b)(3) of the Foreign Agent
17 Registration Act of 1938, as amended (22
18 U.S.C. 611(b)(2) or (b)(3)) or an agent of such
19 a foreign principal under such Act.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply with respect to elections held in
22 2022 or any succeeding year.

1 **SEC. 6005. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
2 **FOREIGN MONEY BAN.**

3 (a) DISBURSEMENTS DESCRIBED.—Section
4 319(a)(1) of the Federal Election Campaign Act of 1971
5 (52 U.S.C. 30121(a)(1)) is amended—

6 (1) by striking “or” at the end of subparagraph
7 (B); and

8 (2) by striking subparagraph (C) and inserting
9 the following:

10 “(C) an expenditure;

11 “(D) an independent expenditure;

12 “(E) a disbursement for an electioneering
13 communication (within the meaning of section
14 304(f)(3));

15 “(F) a disbursement for a communication
16 which is placed or promoted for a fee on a
17 website, web application, or digital application
18 that refers to a clearly identified candidate for
19 election for Federal office and is disseminated
20 within 60 days before a general, special or run-
21 off election for the office sought by the can-
22 didate or 30 days before a primary or pref-
23 erence election, or a convention or caucus of a
24 political party that has authority to nominate a
25 candidate for the office sought by the can-
26 didate;

1 “(G) a disbursement by a covered foreign
2 national described in section 304(j)(3)(C) for a
3 broadcast, cable or satellite communication, or
4 for a communication which is placed or pro-
5 moted for a fee on a website, web application,
6 or digital application, that promotes, supports,
7 attacks or opposes the election of a clearly iden-
8 tified candidate for Federal, State, or local of-
9 fice (regardless of whether the communication
10 contains express advocacy or the functional
11 equivalent of express advocacy);

12 “(H) a disbursement for a broadcast,
13 cable, or satellite communication, or for any
14 communication which is placed or promoted for
15 a fee on an online platform (as defined in sec-
16 tion 304(k)(3)), that discusses a national legis-
17 lative issue of public importance in a year in
18 which a regularly scheduled general election for
19 Federal office is held, but only if the disburse-
20 ment is made by a covered foreign national de-
21 scribed in section 304(j)(3)(C);

22 “(I) a disbursement by a covered foreign
23 national described in section 304(j)(3)(C) to
24 compensate any person for internet activity that
25 promotes, supports, attacks or opposes the elec-

1 tion of a clearly identified candidate for Fed-
 2 eral, State, or local office (regardless of whether
 3 the activity contains express advocacy or the
 4 functional equivalent of express advocacy); or

5 “(J) a disbursement by a covered foreign
 6 national described in section 304(j)(3)(C) for a
 7 Federal judicial nomination communication (as
 8 defined in section 324(g)(2));”.

9 (b) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply with respect to disbursements
 11 made on or after the date of the enactment of this Act.

12 **SEC. 6006. PROHIBITING ESTABLISHMENT OF CORPORA-**
 13 **TION TO CONCEAL ELECTION CONTRIBU-**
 14 **TIONS AND DONATIONS BY FOREIGN NATION-**
 15 **ALS.**

16 (a) PROHIBITION.—Chapter 29 of title 18, United
 17 States Code, as amended by section 2001(a) and section
 18 3101(a), is amended by adding at the end the following:

19 **“§ 614. Establishment of corporation to conceal elec-**
 20 **tion contributions and donations by for-**
 21 **oreign nationals**

22 “(a) OFFENSE.—It shall be unlawful for an owner,
 23 officer, attorney, or incorporation agent of a corporation,
 24 company, or other entity to establish or use the corpora-
 25 tion, company, or other entity with the intent to conceal

1 an activity of a foreign national (as defined in section 319
 2 of the Federal Election Campaign Act of 1971 (52 U.S.C.
 3 30121)) prohibited under such section 319.

4 “(b) PENALTY.—Any person who violates subsection
 5 (a) shall be imprisoned for not more than 5 years, fined
 6 under this title, or both.”.

7 (b) TABLE OF SECTIONS.—The table of sections for
 8 chapter 29 of title 18, United States Code, as amended
 9 by section 2001(b) and section 3101(b), is amended by
 10 inserting after the item relating to section 612 the fol-
 11 lowing:

“614. Establishment of corporation to conceal election contributions and dona-
 tions by foreign nationals.”.

12 **PART 2—REPORTING OF CAMPAIGN-RELATED**
 13 **DISBURSEMENTS**

14 **SEC. 6011. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
 15 **MENTS.**

16 (a) IN GENERAL.—Section 324 of the Federal Elec-
 17 tion Campaign Act of 1971 (52 U.S.C. 30126) is amended
 18 to read as follows:

19 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
 20 **MENTS BY COVERED ORGANIZATIONS.**

21 “(a) DISCLOSURE STATEMENT.—

22 “(1) IN GENERAL.—Any covered organization
 23 that makes campaign-related disbursements aggre-
 24 gating more than \$10,000 in an election reporting

1 cycle shall, not later than 24 hours after each disclo-
2 sure date, file a statement with the Commission
3 made under penalty of perjury that contains the in-
4 formation described in paragraph (2)—

5 “(A) in the case of the first statement filed
6 under this subsection, for the period beginning
7 on the first day of the election reporting cycle
8 (or, if earlier, the period beginning one year be-
9 fore the first such disclosure date) and ending
10 on the first such disclosure date; and

11 “(B) in the case of any subsequent state-
12 ment filed under this subsection, for the period
13 beginning on the previous disclosure date and
14 ending on such disclosure date.

15 “(2) INFORMATION DESCRIBED.—The informa-
16 tion described in this paragraph is as follows:

17 “(A) The name of the covered organization
18 and the principal place of business of such or-
19 ganization and, in the case of a covered organi-
20 zation that is a corporation (other than a busi-
21 ness concern that is an issuer of a class of secu-
22 rities registered under section 12 of the Securi-
23 ties Exchange Act of 1934 (15 U.S.C. 78l) or
24 that is required to file reports under section
25 15(d) of that Act (15 U.S.C. 78o(d))) or an en-

1 tity described in subsection (e)(2), a list of the
2 beneficial owners (as defined in paragraph
3 (4)(A)) of the entity that—

4 “(i) identifies each beneficial owner by
5 name and current residential or business
6 street address; and

7 “(ii) if any beneficial owner exercises
8 control over the entity through another
9 legal entity, such as a corporation, partner-
10 ship, limited liability company, or trust,
11 identifies each such other legal entity and
12 each such beneficial owner who will use
13 that other entity to exercise control over
14 the entity.

15 “(B) The amount of each campaign-related
16 disbursement made by such organization during
17 the period covered by the statement of more
18 than \$1,000, and the name and address of the
19 person to whom the disbursement was made.

20 “(C) In the case of a campaign-related dis-
21 bursement that is not a covered transfer, the
22 election to which the campaign-related disburse-
23 ment pertains and if the disbursement is made
24 for a public communication, the name of any
25 candidate identified in such communication and

1 whether such communication is in support of or
2 in opposition to a candidate.

3 “(D) A certification by the chief executive
4 officer or person who is the head of the covered
5 organization that the campaign-related dis-
6 bursement is not made in cooperation, consulta-
7 tion, or concert with or at the request or sug-
8 gestion of a candidate, authorized committee, or
9 agent of a candidate, political party, or agent of
10 a political party.

11 “(E)(i) If the covered organization makes
12 campaign-related disbursements using exclu-
13 sively funds in a segregated bank account con-
14 sisting of funds that were paid directly to such
15 account by persons other than the covered orga-
16 nization that controls the account, for each
17 such payment to the account—

18 “(I) the name and address of each
19 person who made such payment during the
20 period covered by the statement;

21 “(II) the date and amount of such
22 payment; and

23 “(III) the aggregate amount of all
24 such payments made by the person during
25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the
2 period beginning one year before the dis-
3 closure date) and ending on the disclosure
4 date,

5 but only if such payment was made by a person
6 who made payments to the account in an aggre-
7 gate amount of \$10,000 or more during the pe-
8 riod beginning on the first day of the election
9 reporting cycle (or, if earlier, the period begin-
10 ning one year before the disclosure date) and
11 ending on the disclosure date.

12 “(ii) In any calendar year after 2022, sec-
13 tion 315(e)(1)(B) shall apply to the amount de-
14 scribed in clause (i) in the same manner as
15 such section applies to the limitations estab-
16 lished under subsections (a)(1)(A), (a)(1)(B),
17 (a)(3), and (h) of such section, except that for
18 purposes of applying such section to the
19 amounts described in subsection (b), the ‘base
20 period’ shall be calendar year 2022.

21 “(F)(i) If the covered organization makes
22 campaign-related disbursements using funds
23 other than funds in a segregated bank account
24 described in subparagraph (E), for each pay-
25 ment to the covered organization—

1 “(I) the name and address of each
2 person who made such payment during the
3 period covered by the statement;

4 “(II) the date and amount of such
5 payment; and

6 “(III) the aggregate amount of all
7 such payments made by the person during
8 the period beginning on the first day of the
9 election reporting cycle (or, if earlier, the
10 period beginning one year before the dis-
11 closure date) and ending on the disclosure
12 date,

13 but only if such payment was made by a person
14 who made payments to the covered organization
15 in an aggregate amount of \$10,000 or more
16 during the period beginning on the first day of
17 the election reporting cycle (or, if earlier, the
18 period beginning one year before the disclosure
19 date) and ending on the disclosure date.

20 “(ii) In any calendar year after 2022, sec-
21 tion 315(c)(1)(B) shall apply to the amount de-
22 scribed in clause (i) in the same manner as
23 such section applies to the limitations estab-
24 lished under subsections (a)(1)(A), (a)(1)(B),
25 (a)(3), and (h) of such section, except that for

1 purposes of applying such section to the
2 amounts described in subsection (b), the ‘base
3 period’ shall be calendar year 2022.

4 “(G) Such other information as required in
5 rules established by the Commission to promote
6 the purposes of this section.

7 “(3) EXCEPTIONS.—

8 “(A) AMOUNTS RECEIVED IN ORDINARY
9 COURSE OF BUSINESS.—The requirement to in-
10 clude in a statement filed under paragraph (1)
11 the information described in paragraph (2)
12 shall not apply to amounts received by the cov-
13 ered organization in commercial transactions in
14 the ordinary course of any trade or business
15 conducted by the covered organization or in the
16 form of investments (other than investments by
17 the principal shareholder in a limited liability
18 corporation) in the covered organization. For
19 purposes of this subparagraph, amounts re-
20 ceived by a covered organization as remittances
21 from an employee to the employee’s collective
22 bargaining representative shall be treated as
23 amounts received in commercial transactions in
24 the ordinary course of the business conducted
25 by the covered organization.

1 “(B) DONOR RESTRICTION ON USE OF
2 FUNDS.—The requirement to include in a state-
3 ment submitted under paragraph (1) the infor-
4 mation described in subparagraph (F) of para-
5 graph (2) shall not apply if—

6 “(i) the person described in such sub-
7 paragraph prohibited, in writing, the use of
8 the payment made by such person for cam-
9 paign-related disbursements; and

10 “(ii) the covered organization agreed
11 to follow the prohibition and deposited the
12 payment in an account which is segregated
13 from any account used to make campaign-
14 related disbursements.

15 “(C) THREAT OF HARASSMENT OR RE-
16 PRISAL.—The requirement to include any infor-
17 mation relating to the name or address of any
18 person (other than a candidate) in a statement
19 submitted under paragraph (1) shall not apply
20 if the inclusion of the information would subject
21 the person to serious threats, harassment, or
22 reprisals.

23 “(4) OTHER DEFINITIONS.—For purposes of
24 this section:

25 “(A) BENEFICIAL OWNER DEFINED.—

1 meets the requirements of clause (i);

2 or

3 “(V) a creditor of an entity, un-
4 less the creditor also meets the re-
5 quirements of clause (i).

6 “(iii) ANTI-ABUSE RULE.—The excep-
7 tions under clause (ii) shall not apply if
8 used for the purpose of evading, circum-
9 venting, or abusing the provisions of clause
10 (i) or paragraph (2)(A).

11 “(B) DISCLOSURE DATE.—The term ‘dis-
12 closure date’ means—

13 “(i) the first date during any election
14 reporting cycle by which a person has
15 made campaign-related disbursements ag-
16 gregating more than \$10,000; and

17 “(ii) any other date during such elec-
18 tion reporting cycle by which a person has
19 made campaign-related disbursements ag-
20 gregating more than \$10,000 since the
21 most recent disclosure date for such elec-
22 tion reporting cycle.

23 “(C) ELECTION REPORTING CYCLE.—The
24 term ‘election reporting cycle’ means the 2-year

1 period beginning on the date of the most recent
2 general election for Federal office.

3 “(D) PAYMENT.—The term ‘payment’ in-
4 cludes any contribution, donation, transfer, pay-
5 ment of dues, or other payment.

6 “(b) COORDINATION WITH OTHER PROVISIONS.—

7 “(1) OTHER REPORTS FILED WITH THE COM-
8 MISSION.—Information included in a statement filed
9 under this section may be excluded from statements
10 and reports filed under section 304.

11 “(2) TREATMENT AS SEPARATE SEGREGATED
12 FUND.—A segregated bank account referred to in
13 subsection (a)(2)(E) may be treated as a separate
14 segregated fund for purposes of section 527(f)(3) of
15 the Internal Revenue Code of 1986.

16 “(c) FILING.—Statements required to be filed under
17 subsection (a) shall be subject to the requirements of sec-
18 tion 304(d) to the same extent and in the same manner
19 as if such reports had been required under subsection (c)
20 or (g) of section 304.

21 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
22 FINED.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘campaign-related disbursement’ means a disburse-

1 ment by a covered organization for any of the fol-
2 lowing:

3 “(A) An independent expenditure which ex-
4 pressly advocates the election or defeat of a
5 clearly identified candidate for election for Fed-
6 eral office, or is the functional equivalent of ex-
7 press advocacy because, when taken as a whole,
8 it can be interpreted by a reasonable person
9 only as advocating the election or defeat of a
10 candidate for election for Federal office.

11 “(B) An applicable public communication.

12 “(C) An electioneering communication, as
13 defined in section 304(f)(3).

14 “(D) A covered transfer.

15 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

16 “(A) IN GENERAL.—The term ‘applicable
17 public communication’ means any public com-
18 munication that refers to a clearly identified
19 candidate for election for Federal office and
20 which promotes or supports the election of a
21 candidate for that office, or attacks or opposes
22 the election of a candidate for that office, with-
23 out regard to whether the communication ex-
24 pressly advocates a vote for or against a can-
25 didate for that office.

1 “(B) EXCEPTION.—Such term shall not in-
2 clude any news story, commentary, or editorial
3 distributed through the facilities of any broad-
4 casting station or any print, online, or digital
5 newspaper, magazine, publication, or periodical,
6 unless such facilities are owned or controlled by
7 any political party, political committee, or can-
8 didate.

9 “(3) INTENT NOT REQUIRED.—A disbursement
10 for an item described in subparagraph (A), (B), (C)
11 or (D) of paragraph (1) shall be treated as a cam-
12 paign-related disbursement regardless of the intent
13 of the person making the disbursement.

14 “(e) COVERED ORGANIZATION DEFINED.—In this
15 section, the term ‘covered organization’ means any of the
16 following:

17 “(1) A corporation (other than an organization
18 described in section 501(c)(3) of the Internal Rev-
19 enue Code of 1986).

20 “(2) A limited liability corporation that is not
21 otherwise treated as a corporation for purposes of
22 this Act (other than an organization described in
23 section 501(c)(3) of the Internal Revenue Code of
24 1986).

1 “(ii) making a transfer to another
2 person for the purpose of making or pay-
3 ing for such campaign-related disburse-
4 ments;

5 “(B) made such transfer or payment in re-
6 sponse to a solicitation or other request for a
7 donation or payment for—

8 “(i) the making of or paying for cam-
9 paign-related disbursements (other than
10 covered transfers); or

11 “(ii) making a transfer to another
12 person for the purpose of making or pay-
13 ing for such campaign-related disburse-
14 ments;

15 “(C) engaged in discussions with the re-
16 cipient of the transfer or payment regarding—

17 “(i) the making of or paying for cam-
18 paign-related disbursements (other than
19 covered transfers); or

20 “(ii) donating or transferring any
21 amount of such transfer or payment to an-
22 other person for the purpose of making or
23 paying for such campaign-related disburse-
24 ments; or

1 “(D) knew or had reason to know that the
2 person receiving the transfer or payment would
3 make campaign-related disbursements in an ag-
4 gregate amount of \$50,000 or more during the
5 2-year period beginning on the date of the
6 transfer or payment.

7 “(2) EXCLUSIONS.—The term ‘covered transfer’
8 does not include any of the following:

9 “(A) A disbursement made by a covered
10 organization in a commercial transaction in the
11 ordinary course of any trade or business con-
12 ducted by the covered organization or in the
13 form of investments made by the covered orga-
14 nization.

15 “(B) A disbursement made by a covered
16 organization if—

17 “(i) the covered organization prohib-
18 ited, in writing, the use of such disburse-
19 ment for campaign-related disbursements;
20 and

21 “(ii) the recipient of the disbursement
22 agreed to follow the prohibition and depos-
23 ited the disbursement in an account which
24 is segregated from any account used to
25 make campaign-related disbursements.

1 “(3) SPECIAL RULE REGARDING TRANSFERS
2 AMONG AFFILIATES.—

3 “(A) SPECIAL RULE.—A transfer of an
4 amount by one covered organization to another
5 covered organization which is treated as a
6 transfer between affiliates under subparagraph
7 (C) shall be considered a covered transfer by
8 the covered organization which transfers the
9 amount only if the aggregate amount trans-
10 ferred during the year by such covered organi-
11 zation to that same covered organization is
12 equal to or greater than \$50,000.

13 “(B) DETERMINATION OF AMOUNT OF
14 CERTAIN PAYMENTS AMONG AFFILIATES.—In
15 determining the amount of a transfer between
16 affiliates for purposes of subparagraph (A), to
17 the extent that the transfer consists of funds
18 attributable to dues, fees, or assessments which
19 are paid by individuals on a regular, periodic
20 basis in accordance with a per-individual cal-
21 culation which is made on a regular basis, the
22 transfer shall be attributed to the individuals
23 paying the dues, fees, or assessments and shall
24 not be attributed to the covered organization.

1 “(C) DESCRIPTION OF TRANSFERS BE-
2 TWEEN AFFILIATES.—A transfer of amounts
3 from one covered organization to another cov-
4 ered organization shall be treated as a transfer
5 between affiliates if—

6 “(i) one of the organizations is an af-
7 filiate of the other organization; or

8 “(ii) each of the organizations is an
9 affiliate of the same organization,
10 except that the transfer shall not be treated as
11 a transfer between affiliates if one of the orga-
12 nizations is established for the purpose of mak-
13 ing campaign-related disbursements.

14 “(D) DETERMINATION OF AFFILIATE STA-
15 TUS.—For purposes of subparagraph (C), a
16 covered organization is an affiliate of another
17 covered organization if—

18 “(i) the governing instrument of the
19 organization requires it to be bound by de-
20 cisions of the other organization;

21 “(ii) the governing board of the orga-
22 nization includes persons who are specifi-
23 cally designated representatives of the
24 other organization or are members of the
25 governing board, officers, or paid executive

1 staff members of the other organization, or
2 whose service on the governing board is
3 contingent upon the approval of the other
4 organization; or

5 “(iii) the organization is chartered by
6 the other organization.

7 “(E) COVERAGE OF TRANSFERS TO AF-
8 FILIATED SECTION 501(c)(3) ORGANIZA-
9 TIONS.—This paragraph shall apply with re-
10 spect to an amount transferred by a covered or-
11 ganization to an organization described in para-
12 graph (3) of section 501(c) of the Internal Rev-
13 enue Code of 1986 and exempt from tax under
14 section 501(a) of such Code in the same man-
15 ner as this paragraph applies to an amount
16 transferred by a covered organization to an-
17 other covered organization.

18 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
19 MENTS.—Except as provided in subsection (b)(1), nothing
20 in this section shall be construed to waive or otherwise
21 affect any other requirement of this Act which relates to
22 the reporting of campaign-related disbursements.”.

23 (b) CONFORMING AMENDMENT.—Section 304(f)(6)
24 of such Act (52 U.S.C. 30104) is amended by striking

1 “Any requirement” and inserting “Except as provided in
2 section 324(b), any requirement”.

3 (c) REGULATIONS.—Not later than 6 months after
4 the date of the enactment of this Act, the Federal Election
5 Commission shall promulgate regulations relating the ap-
6 plication of the exemption under section 324(a)(3)(C) of
7 the Federal Election Campaign Act of 1971 (as added by
8 paragraph (1)). Such regulations—

9 (1) shall require that the legal burden of estab-
10 lishing eligibility for such exemption is upon the or-
11 ganization required to make the report required
12 under section 324(a)(1) of such Act (as added by
13 paragraph (1)), and

14 (2) shall be consistent with the principles ap-
15 plied in *Citizens United v. Federal Election Commis-*
16 *sion*, 558 U.S. 310 (2010).

17 **SEC. 6012. REPORTING OF FEDERAL JUDICIAL NOMINA-**
18 **TION DISBURSEMENTS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) A fair and impartial judiciary is critical for
22 our democracy and crucial to maintain the faith of
23 the people of the United States in the justice sys-
24 tem. As the Supreme Court held in *Caperton v.*
25 *Massey*, “there is a serious risk of actual bias—

1 based on objective and reasonable perceptions—
2 when a person with a personal stake in a particular
3 case had a significant and disproportionate influence
4 in placing the judge on the case.” (*Caperton v. A.*
5 *T. Massey Coal Co.*, 556 U.S. 868, 884 (2009)).

6 (2) Public trust in government is at a historic
7 low. According to polling, most Americans believe
8 that corporations have too much power and influence
9 in politics and the courts.

10 (3) The prevalence and pervasiveness of dark
11 money drives public concern about corruption in pol-
12 itics and the courts. Dark money is funding for or-
13 ganizations and political activities that cannot be
14 traced to actual donors. It is made possible by loop-
15 holes in our tax laws and regulations, weak oversight
16 by the Internal Revenue Service, and donor-friendly
17 court decisions.

18 (4) Under current law, “social welfare” organi-
19 zations and business leagues can use funds to influ-
20 ence elections so long as political activity is not their
21 “primary” activity. Super PACs can accept and
22 spend unlimited contributions from any non-foreign
23 source. These groups can spend tens of millions of
24 dollars on political activities, all without disclosing a

1 single donor. Such dark money groups spent an esti-
2 mated \$1,050,000,000 in the 2020 election cycle.

3 (5) Dark money is used to shape judicial deci-
4 sion-making. This can take many forms, akin to
5 agency capture: influencing judicial selection by con-
6 trolling who gets nominated and funding candidate
7 advertisements; creating public relations campaigns
8 aimed at mobilizing the judiciary around particular
9 issues; and drafting law review articles, amicus
10 briefs, and other products which tell judges how to
11 decide a given case and provide ready-made argu-
12 ments for willing judges to adopt.

13 (6) Over the past decade, nonprofit organiza-
14 tions that do not disclose their donors have spent
15 hundreds of millions of dollars to influence the nomi-
16 nation and confirmation process for Federal judges.
17 One organization alone has spent nearly
18 \$40,000,000 on advertisements supporting or oppos-
19 ing Supreme Court nominees since 2016.

20 (7) Anonymous money spent on judicial nomi-
21 nations is not subject to any disclosure require-
22 ments. Federal election laws only regulate contribu-
23 tions and expenditures relating to electoral politics;
24 thus, expenditures, contributions, and advocacy ef-
25 forts for Federal judgeships are not covered under

1 the Federal Election Campaign Act of 1971. With-
2 out more disclosure, the public has no way of know-
3 ing whether the people spending money supporting
4 or opposing judicial nominations have business be-
5 fore the courts.

6 (8) Congress and the American people have a
7 compelling interest in knowing who is funding these
8 campaigns to select and confirm judges to lifetime
9 appointments on the Federal bench.

10 (b) REPORTING.—Section 324 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30126), as amend-
12 ed by section 6011, is amended by redesignating sub-
13 section (g) as subsection (h) and by inserting after sub-
14 section (f) the following new subsection:

15 “(g) APPLICATION TO FEDERAL JUDICIAL NOMINA-
16 TIONS.—

17 “(1) IN GENERAL.—For purposes of this sec-
18 tion—

19 “(A) a disbursement by a covered organi-
20 zation for a Federal judicial nomination com-
21 munication shall be treated as a campaign-re-
22 lated disbursement; and

23 “(B) in the case of campaign-related dis-
24 bursements which are for Federal judicial nomi-
25 nation communications—

1 “(i) the dollar amounts in paragraphs
2 (1) and (2) of subsection (a) shall be ap-
3 plied separately with respect to such dis-
4 bursements and other campaign-related
5 disbursements;

6 “(ii) the election reporting cycle shall
7 be the calendar year in which the disburse-
8 ment for the Federal judicial nomination
9 communication is made;

10 “(iii) references to a candidate in sub-
11 sections (a)(2)(C), (a)(2)(D), and
12 (a)(3)(C) shall be treated as references to
13 a nominee for a Federal judge or justice;

14 “(iv) the reference to an election in
15 subsection (a)(2)(C) shall be treated as a
16 reference to the nomination of such nomi-
17 nee.

18 “(2) FEDERAL JUDICIAL NOMINATION COMMU-
19 NICATION.—

20 “(A) IN GENERAL.—The term ‘Federal ju-
21 dicial nomination communication’ means any
22 communication—

23 “(i) that is by means of any broad-
24 cast, cable, or satellite, paid internet, or
25 paid digital communication, paid pro-

1 motion, newspaper, magazine, outdoor ad-
2 vertising facility, mass mailing, telephone
3 bank, telephone messaging effort of more
4 than 500 substantially similar calls or elec-
5 tronic messages within a 30-day period, or
6 any other form of general public political
7 advertising; and

8 “(ii) which promotes, supports, at-
9 tacks, or opposes the nomination or Senate
10 confirmation of an individual as a Federal
11 judge or justice.

12 “(B) EXCEPTION.—Such term shall not in-
13 clude any news story, commentary, or editorial
14 distributed through the facilities of any broad-
15 casting station or any print, online, or digital
16 newspaper, magazine, publication, or periodical,
17 unless such facilities are owned or controlled by
18 any political party, political committee, or can-
19 didate.

20 “(C) INTENT NOT REQUIRED.—A disburse-
21 ment for an item described in subparagraph (A)
22 shall be treated as a disbursement for a Federal
23 judicial nomination communication regardless
24 of the intent of the person making the disburse-
25 ment.”.

1 **SEC. 6013. COORDINATION WITH FINCEN.**

2 (a) IN GENERAL.—The Director of the Financial
3 Crimes Enforcement Network of the Department of the
4 Treasury shall provide the Federal Election Commission
5 with such information as necessary to assist in admin-
6 istering and enforcing section 324 of the Federal Election
7 Campaign Act of 1971, as amended by this part.

8 (b) REPORT.—Not later than 6 months after the date
9 of the enactment of this Act, the Chairman of the Federal
10 Election Commission, in consultation with the Director of
11 the Financial Crimes Enforcement Network of the De-
12 partment of the Treasury, shall submit to Congress a re-
13 port with recommendations for providing further legisla-
14 tive authority to assist in the administration and enforce-
15 ment of such section 324.

16 **SEC. 6014. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
17 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
18 **BURSEMENTS CONSISTING OF COVERED**
19 **TRANSFERS.**

20 Section 319(b)(2) of the Federal Election Campaign
21 Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by
22 section 6002, is amended—

23 (1) by striking “includes any disbursement”
24 and inserting “includes—
25 “(A) any disbursement”;

1 (2) by striking the period at the end and insert-
2 ing “; and”, and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(B) any disbursement, other than a dis-
6 bursement described in section 324(a)(3)(A), to
7 another person who made a campaign-related
8 disbursement consisting of a covered transfer
9 (as described in section 324) during the 2-year
10 period ending on the date of the disburse-
11 ment.”.

12 **SEC. 6015. EFFECTIVE DATE.**

13 The amendments made by this part shall apply with
14 respect to disbursements made on or after January 1,
15 2022, and shall take effect without regard to whether or
16 not the Federal Election Commission has promulgated
17 regulations to carry out such amendments.

18 **PART 3—OTHER ADMINISTRATIVE REFORMS**

19 **SEC. 6021. PETITION FOR CERTIORARI.**

20 Section 307(a)(6) of the Federal Election Campaign
21 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
22 serting “(including a proceeding before the Supreme
23 Court on certiorari)” after “appeal”.

1 **SEC. 6022. JUDICIAL REVIEW OF ACTIONS RELATED TO**
2 **CAMPAIGN FINANCE LAWS.**

3 (a) IN GENERAL.—Title IV of the Federal Election
4 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
5 amended by inserting after section 406 the following new
6 section:

7 **“SEC. 407. JUDICIAL REVIEW.**

8 “(a) IN GENERAL.—If any action is brought for de-
9 claratory or injunctive relief to challenge, whether facially
10 or as-applied, the constitutionality or lawfulness of any
11 provision of this Act or of chapter 95 or 96 of the Internal
12 Revenue Code of 1986, or is brought to with respect to
13 any action of the Commission under chapter 95 or 96 of
14 the Internal Revenue Code of 1986, the following rules
15 shall apply:

16 “(1) The action shall be filed in the United
17 States District Court for the District of Columbia
18 and an appeal from the decision of the district court
19 may be taken to the Court of Appeals for the Dis-
20 trict of Columbia Circuit.

21 “(2) In the case of an action relating to declar-
22 atory or injunctive relief to challenge the constitu-
23 tionality of a provision, the party filing the action
24 shall concurrently deliver a copy of the complaint to
25 the Clerk of the House of Representatives and the
26 Secretary of the Senate.

1 “(3) It shall be the duty of the United States
2 District Court for the District of Columbia and the
3 Court of Appeals for the District of Columbia Cir-
4 cuit to advance on the docket and to expedite to the
5 greatest possible extent the disposition of the action
6 and appeal.

7 “(b) CLARIFYING SCOPE OF JURISDICTION.—If an
8 action at the time of its commencement is not subject to
9 subsection (a), but an amendment, counterclaim, cross-
10 claim, affirmative defense, or any other pleading or motion
11 is filed challenging, whether facially or as-applied, the con-
12 stitutionality or lawfulness of this Act or of chapter 95
13 or 96 of the Internal Revenue Code of 1986, or is brought
14 to with respect to any action of the Commission under
15 chapter 95 or 96 of the Internal Revenue Code of 1986,
16 the district court shall transfer the action to the District
17 Court for the District of Columbia, and the action shall
18 thereafter be conducted pursuant to subsection (a).

19 “(c) INTERVENTION BY MEMBERS OF CONGRESS.—
20 In any action described in subsection (a) relating to de-
21 claratory or injunctive relief to challenge the constitu-
22 tionality of a provision, any Member of the House of Rep-
23 resentatives (including a Delegate or Resident Commis-
24 sioner to the Congress) or Senate shall have the right to
25 intervene either in support of or opposition to the position

1 of a party to the case regarding the constitutionality of
2 the provision. To avoid duplication of efforts and reduce
3 the burdens placed on the parties to the action, the court
4 in any such action may make such orders as it considers
5 necessary, including orders to require interveners taking
6 similar positions to file joint papers or to be represented
7 by a single attorney at oral argument.

8 “(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any
9 Member of Congress may bring an action, subject to the
10 special rules described in subsection (a), for declaratory
11 or injunctive relief to challenge, whether facially or as-ap-
12 plied, the constitutionality of any provision of this Act or
13 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 9011 of the Internal Revenue Code
16 of 1986 is amended to read as follows:

17 **“SEC. 9011. JUDICIAL REVIEW.**

18 “For provisions relating to judicial review of certifi-
19 cations, determinations, and actions by the Commission
20 under this chapter, see section 407 of the Federal Election
21 Campaign Act of 1971.”.

22 (2) Section 9041 of the Internal Revenue Code
23 of 1986 is amended to read as follows:

1 **“SEC. 9041. JUDICIAL REVIEW.**

2 “For provisions relating to judicial review of actions
3 by the Commission under this chapter, see section 407 of
4 the Federal Election Campaign Act of 1971.”

5 (3) Section 310 of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30110) is repealed.

7 (4) Section 403 of the Bipartisan Campaign
8 Reform Act of 2002 (52 U.S.C. 30110 note) is re-
9 pealed.

10 (c) **EFFECTIVE DATE.**—The amendments made by
11 this section shall apply to actions brought on or after Jan-
12 uary 1, 2021.

13 **Subtitle B—Honest Ads**

14 **SEC. 6101. SHORT TITLE.**

15 This subtitle may be cited as the “Honest Ads Act”.

16 **SEC. 6102. PURPOSE.**

17 The purpose of this subtitle is to enhance the integ-
18 rity of American democracy and national security by im-
19 proving disclosure requirements for online political adver-
20 tisements in order to uphold the Supreme Court’s well-
21 established standard that the electorate bears the right to
22 be fully informed.

23 **SEC. 6103. FINDINGS.**

24 Congress makes the following findings:

25 (1) In 2002, the Bipartisan Campaign Reform
26 Act of 2002 (Public Law 107–155) became law, es-

1 tablishing disclosure requirements for political adver-
2 tisements distributed from a television or radio
3 broadcast station or provider of cable or satellite tel-
4 evision. In 2003, the Supreme Court upheld regula-
5 tions on electioneering communications established
6 under the Act, noting that such requirements “pro-
7 vide the electorate with information and insure that
8 the voters are fully informed about the person or
9 group who is speaking.” The Court reaffirmed this
10 conclusion in 2010 by an 8–1 vote.

11 (2) In its 2006 rulemaking, the Federal Elec-
12 tion Commission, the independent Federal agency
13 charged with protecting the integrity of the Federal
14 campaign finance process, noted that 18 percent of
15 all Americans cited the internet as their leading
16 source of news about the 2004 Presidential election.
17 By contrast, Gallup and the Knight Foundation
18 found in 2020 that the majority of Americans, 58
19 percent, got most of their news about elections on-
20 line.

21 (3) According to a study from Borrell Associ-
22 ates, in 2016, \$1,415,000,000 was spent on online
23 advertising, more than quadruple the amount in
24 2012.

1 (4) Effective and complete transparency for vot-
2 ers must include information about the true and
3 original source of money given, transferred, and
4 spent on political advertisements made online.

5 (5) Campaign finance disclosure is a narrowly
6 tailored and minimally restrictive means to advance
7 substantial government interests, including fostering
8 an informed electorate capable of engaging in self-
9 government and holding their elected officials ac-
10 countable, detecting and deterring quid pro quo cor-
11 ruption, and identifying information necessary to en-
12 force other campaign finance laws, including cam-
13 paign contribution limits and the prohibition on for-
14 eign money in United States campaigns. To further
15 these substantial interests, campaign finance disclo-
16 sure must be timely and complete, and must disclose
17 the true and original source of money given, trans-
18 ferred, and spent to influence Federal elections.

19 (6) As the Supreme Court recognized in its per
20 curiam opinion in *Buckley v. Valeo*, 424 U.S. 1
21 (1976), “disclosure requirements certainly in most
22 applications appear to be the least restrictive means
23 of curbing the evils of campaign ignorance and cor-
24 ruption that Congress found to exist.” *Buckley*, 424
25 U.S. at 68. In *Citizens United v. FEC*, the Court re-

1 iterated that “disclosure is a less restrictive alter-
2 native to more comprehensive regulations of speech.”
3 558 U.S. 310, 369 (2010).

4 (7) No subsequent decision has called these
5 holdings into question, including the Court’s decision
6 in *Americans for Prosperity Foundation v. Bonta*,
7 141 S. Ct. 2373 (2021). That case did not involve
8 campaign finance disclosure, and the Court did not
9 overturn its longstanding recognition of the substan-
10 tial interests furthered by such disclosure.

11 (8) Paid advertising on large online platforms is
12 different from advertising placed on other common
13 media in terms of the comparatively low cost of
14 reaching large numbers of people, the availability of
15 sophisticated microtargeting, and the ease with
16 which online advertisers, particularly those located
17 outside the United States, can evade disclosure re-
18 quirements. Requiring large online platforms to
19 maintain public files of information about the online
20 political ads they disseminate is the best and least
21 restrictive means to ensure the voting public has
22 complete information about who is trying to influ-
23 ence their votes and to aid enforcement of other
24 laws, including the prohibition on foreign money in
25 domestic campaigns.

1 (9) The reach of a few large internet plat-
2 forms—larger than any broadcast, satellite, or cable
3 provider—has greatly facilitated the scope and effec-
4 tiveness of disinformation campaigns. For instance,
5 the largest platform has over 210,000,000 American
6 users—over 160,000,000 of them on a daily basis.
7 By contrast, the largest cable television provider has
8 22,430,000 subscribers, while the largest satellite
9 television provider has 21,000,000 subscribers. And
10 the most-watched television broadcast in United
11 States history had 118,000,000 viewers.

12 (10) The public nature of broadcast television,
13 radio, and satellite ensures a level of publicity for
14 any political advertisement. These communications
15 are accessible to the press, fact-checkers, and polit-
16 ical opponents. This creates strong disincentives for
17 a candidate to disseminate materially false, inflam-
18 matory, or contradictory messages to the public. So-
19 cial media platforms, in contrast, can target portions
20 of the electorate with direct, ephemeral advertise-
21 ments often on the basis of private information the
22 platform has on individuals, enabling political adver-
23 tisements that are contradictory, racially or socially
24 inflammatory, or materially false.

1 (11) According to comscore, 2 companies own 8
2 of the 10 most popular smart phone applications as
3 of June 2017, including the most popular social
4 media and email services which deliver information
5 and news to users without requiring proactivity by
6 the user. Those same 2 companies accounted for 99
7 percent of revenue growth from digital advertising in
8 2016, including 77 percent of gross spending. 79
9 percent of online Americans—representing 68 per-
10 cent of all Americans—use the single largest social
11 network, while 66 percent of these users are most
12 likely to get their news from that site.

13 (12) Large social media platforms are the only
14 entities in possession of certain key data related to
15 paid online ads, including the exact audience tar-
16 getted by those ads and their number of impressions.
17 Such information, which cannot be reliably disclosed
18 by the purchasers of ads, is extremely useful for in-
19 forming the electorate, guarding against corruption,
20 and aiding in the enforcement of existing campaign
21 finance regulations.

22 (13) Paid advertisements on social media plat-
23 forms have served as critical tools for foreign online
24 influence campaigns—even those that rely on large
25 amounts of unpaid content—because such ads allow

1 foreign actors to test the effectiveness of different
2 messages, expose their messages to audiences who
3 have not sought out such content, and recruit audi-
4 ences for future campaigns and posts.

5 (14) In testimony before the Senate Select
6 Committee on Intelligence titled, “Disinformation: A
7 Primer in Russian Active Measures and Influence
8 Campaigns”, multiple expert witnesses testified that
9 while the disinformation tactics of foreign adver-
10 saries have not necessarily changed, social media
11 services now provide “platform[s] practically pur-
12 pose-built for active measures[.]” Similarly, as Gen.
13 Keith B. Alexander (RET.), the former Director of
14 the National Security Agency, testified, during the
15 Cold War “if the Soviet Union sought to manipulate
16 information flow, it would have to do so principally
17 through its own propaganda outlets or through ac-
18 tive measures that would generate specific news:
19 planting of leaflets, inciting of violence, creation of
20 other false materials and narratives. But the news
21 itself was hard to manipulate because it would have
22 required actual control of the organs of media, which
23 took long-term efforts to penetrate. Today, however,
24 because the clear majority of the information on so-
25 cial media sites is uncurated and there is a rapid

1 proliferation of information sources and other sites
2 that can reinforce information, there is an increasing
3 likelihood that the information available to average
4 consumers may be inaccurate (whether intentionally
5 or otherwise) and may be more easily manipulable
6 than in prior eras.”.

7 (15) On November 24, 2016, The Washington
8 Post reported findings from 2 teams of independent
9 researchers that concluded Russians “exploited
10 American-made technology platforms to attack U.S.
11 democracy at a particularly vulnerable moment ***
12 as part of a broadly effective strategy of sowing dis-
13 trust in U.S. democracy and its leaders.”.

14 (16) On January 6, 2017, the Office of the Di-
15 rector of National Intelligence published a report ti-
16 tled “Assessing Russian Activities and Intentions in
17 Recent U.S. Elections”, noting that “Russian Presi-
18 dent Vladimir Putin ordered an influence campaign
19 in 2016 aimed at the US presidential election * *
20 *”. Moscow’s influence campaign followed a Russian
21 messaging strategy that blends covert intelligence
22 operation—such as cyber activity—with overt efforts
23 by Russian Government agencies, state-funded
24 media, third-party intermediaries, and paid social
25 media users or “trolls”.

1 (17) On September 6, 2017, the nation’s larg-
2 est social media platform disclosed that between
3 June 2015 and May 2017, Russian entities pur-
4 chased \$100,000 in political advertisements, pub-
5 lishing roughly 3,000 ads linked to fake accounts as-
6 sociated with the Internet Research Agency, a pro-
7 Kremlin organization. According to the company,
8 the ads purchased focused “on amplifying divisive
9 social and political messages ***”.

10 (18) Findings from a 2017 study on the manip-
11 ulation of public opinion through social media con-
12 ducted by the Computational Propaganda Research
13 Project at the Oxford Internet Institute found that
14 the Kremlin is using pro-Russian bots to manipulate
15 public discourse to a highly targeted audience. With
16 a sample of nearly 1,300,000 tweets, researchers
17 found that in the 2016 election’s 3 decisive States,
18 propaganda constituted 40 percent of the sampled
19 election-related tweets that went to Pennsylvanians,
20 34 percent to Michigan voters, and 30 percent to
21 those in Wisconsin. In other swing States, the figure
22 reached 42 percent in Missouri, 41 percent in Flor-
23 ida, 40 percent in North Carolina, 38 percent in
24 Colorado, and 35 percent in Ohio.

1 (19) 2018 reporting by the Washington Post
2 estimated that paid Russian ads received more than
3 37,000,000 impressions in 2016 and 2017.

4 (20) A 2019 Senate Select Committee on
5 Intelligence’s Report on Russian Active Measures
6 Campaigns and Interference in the 2016 U.S. Elec-
7 tion Volume 2: Russia’s Use of Social Media with
8 Additional Views, the Committee recommended
9 “that Congress examine legislative approaches to en-
10 suring Americans know the sources of online polit-
11 ical advertisements. The Federal Election Campaign
12 Act of 1971 requires political advertisements on tele-
13 vision, radio and satellite to disclose the sponsor of
14 the advertisement. The same requirements should
15 apply online. This will also help to ensure that the
16 IRA or any similarly situated actors cannot use paid
17 advertisements for purposes of foreign inter-
18 ference.”.

19 (21) A 2020 study by researchers at New York
20 University found undisclosed political advertisement
21 purchases on a large social media platform by a Chi-
22 nese state media company in violation of that plat-
23 form’s supposed prohibitions on foreign spending on
24 ads of social, national, or electoral importance.

1 (22) The same study also found that “there are
2 persistent issues with advertisers failing to disclose
3 political ads” and that in one social media plat-
4 form’s political ad archive, 68,879 pages (54.6 per-
5 cent of pages with political ads included in the ar-
6 chive) never provided a disclosure. Overall, there
7 were 357,099 ads run on that platforms without a
8 disclosure, accounting for at least \$37,000,000 in
9 spending on political ads.

10 (23) A 2020 report by the bipartisan and bi-
11 cameral U.S. Cyberspace Solarium Commission
12 found that “Although foreign nationals are banned
13 from contributing to U.S. political campaigns, they
14 are still allowed to purchase U.S. political advertise-
15 ments online, making the internet a fertile environ-
16 ment for conducting a malign influence campaign to
17 undermine American elections.” The Commission
18 concluded that Russian interference in the 2016
19 election was and still is possible, “because the
20 FECA, which establishes rules for transparency in
21 television, radio, and print media political adver-
22 tising, has not been amended to extend the same po-
23 litical advertising requirements to internet plat-
24 forms,” and that “[a]pplying these standards across
25 all media of communication would, among other

1 things, increase transparency of funding for political
2 advertisements, which would in turn strengthen reg-
3 ulators' ability to reduce improper foreign influence
4 in our elections.”

5 (24) On March 16, 2021, the Office of the Di-
6 rector of National Intelligence released the declas-
7 sified Intelligence Community assessment of foreign
8 threats to the 2020 U.S. Federal elections. The de-
9 classified report found: “Throughout the election
10 cycle, Russia’s online influence actors sought to af-
11 fect U.S. public perceptions of the candidates, as
12 well as advance Moscow’s longstanding goals of un-
13 dermining confidence in US election processes and
14 increasing sociopolitical divisions among the Amer-
15 ican people.” The report also determined that Iran
16 sought to influence the election by “creating and
17 amplifying social media content that criticized [can-
18 didates].”

19 (25) According to a Wall Street Journal report
20 in April 2021, voluntary ad libraries operated by
21 major platforms rely on foreign governments to self-
22 report political ad purchases. These ad-buys, includ-
23 ing those diminishing major human rights violations
24 like the Uighur genocide, are under-reported by for-

1 eign government purchasers, with no substantial
2 oversight or repercussions from the platforms.

3 (26) Multiple reports have indicated that online
4 ads have become a key vector for strategic influence
5 by the People’s Republic of China. An April 2021
6 Wall Street Journal report noted that the Chinese
7 government and Chinese state-owned enterprises are
8 major purchasers of ads on the U.S.’s largest social
9 media platform, including to advance Chinese propa-
10 ganda.

11 (27) Large online platforms have made changes
12 to their policies intended to make it harder for for-
13 eign actors to purchase political ads. However, these
14 private actions have not been taken by all platforms,
15 have not been reliably enforced, and are subject to
16 immediate change at the discretion of the platforms.

17 (28) The Federal Election Commission has
18 failed to take action to address online political ad-
19 vertisements and current regulations on political ad-
20 vertisements do not provide sufficient transparency
21 to uphold the public’s right to be fully informed
22 about political advertisements made online.

23 **SEC. 6104. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) the dramatic increase in digital political ad-
2 vertisements, and the growing centrality of online
3 platforms in the lives of Americans, requires the
4 Congress and the Federal Election Commission to
5 take meaningful action to ensure that laws and reg-
6 ulations provide the accountability and transparency
7 that is fundamental to our democracy;

8 (2) free and fair elections require both trans-
9 parency and accountability which give the public a
10 right to know the true sources of funding for polit-
11 ical advertisements, be they foreign or domestic, in
12 order to make informed political choices and hold
13 elected officials accountable; and

14 (3) transparency of funding for political adver-
15 tisements is essential to enforce other campaign fi-
16 nance laws, including the prohibition on campaign
17 spending by foreign nationals.

18 **SEC. 6105. EXPANSION OF DEFINITION OF PUBLIC COMMU-**

19 **NICATION.**

20 (a) IN GENERAL.—Paragraph (22) of section 301 of
21 the Federal Election Campaign Act of 1971 (52 U.S.C.
22 30101(22)) is amended by striking “or satellite commu-
23 nication” and inserting “satellite, paid internet, or paid
24 digital communication”.

1 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
2 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
3 amended—

4 (1) in paragraph (8)(B)(v), by striking “on
5 broadcasting stations, or in newspapers, magazines,
6 or similar types of general public political adver-
7 tising” and inserting “in any public communica-
8 tion”; and

9 (2) in paragraph (9)(B)—

10 (A) by amending clause (i) to read as fol-
11 lows:

12 “(i) any news story, commentary, or
13 editorial distributed through the facilities
14 of any broadcasting station or any print,
15 online, or digital newspaper, magazine,
16 blog, publication, or periodical, unless such
17 broadcasting, print, online, or digital facili-
18 ties are owned or controlled by any polit-
19 ical party, political committee, or can-
20 didate;” and

21 (B) in clause (iv), by striking “on broad-
22 casting stations, or in newspapers, magazines,
23 or similar types of general public political ad-
24 vertising” and inserting “in any public commu-
25 nication”.

1 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
2 Subsection (a) of section 318 of such Act (52 U.S.C.
3 30120) is amended—

4 (1) by striking “financing any communication
5 through any broadcasting station, newspaper, maga-
6 zine, outdoor advertising facility, mailing, or any
7 other type of general public political advertising”
8 and inserting “financing any public communication”;
9 and

10 (2) by striking “solicits any contribution
11 through any broadcasting station, newspaper, maga-
12 zine, outdoor advertising facility, mailing, or any
13 other type of general public political advertising”
14 and inserting “solicits any contribution through any
15 public communication”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of the enactment
18 of this Act and shall take effect without regard to whether
19 or not the Federal Election Commission has promulgated
20 the final regulations necessary to carry out this part and
21 the amendments made by this part by the deadline set
22 forth in subsection (e).

23 (e) REGULATION.—Not later than 1 year after the
24 date of the enactment of this Act, the Federal Election
25 Commission shall promulgate regulations on what con-

1 stitutes a paid internet or paid digital communication for
2 purposes of paragraph (22) of section 301 of the Federal
3 Election Campaign Act of 1971(52 U.S.C. 30101(22)), as
4 amended by subsection (a), except that such regulation
5 shall not define a paid internet or paid digital communica-
6 tion to include communications for which the only pay-
7 ment consists of internal resources, such as employee com-
8 pensation, of the entity paying for the communication.

9 **SEC. 6106. EXPANSION OF DEFINITION OF ELECTION-**
10 **EERING COMMUNICATION.**

11 (a) **EXPANSION TO ONLINE COMMUNICATIONS.—**

12 (1) **APPLICATION TO QUALIFIED INTERNET AND**
13 **DIGITAL COMMUNICATIONS.—**

14 (A) **IN GENERAL.—**Subparagraph (A) of
15 section 304(f)(3) of the Federal Election Cam-
16 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
17 is amended by striking “or satellite communica-
18 tion” each place it appears in clauses (i) and
19 (ii) and inserting “satellite, or qualified internet
20 or digital communication”.

21 (B) **QUALIFIED INTERNET OR DIGITAL**
22 **COMMUNICATION.—**Paragraph (3) of section
23 304(f) of such Act (52 U.S.C. 30104(f)) is
24 amended by adding at the end the following
25 new subparagraph:

1 “(D) QUALIFIED INTERNET OR DIGITAL
2 COMMUNICATION.—The term ‘qualified internet
3 or digital communication’ means any commu-
4 nication which is placed or promoted for a fee
5 on an online platform (as defined in subsection
6 (k)(3)).”.

7 (2) NONAPPLICATION OF RELEVANT ELEC-
8 TORATE TO ONLINE COMMUNICATIONS.—Section
9 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
10 30104(f)(3)(A)(i)(III)) is amended by inserting “any
11 broadcast, cable, or satellite” before “communica-
12 tion”.

13 (3) NEWS EXEMPTION.—Section
14 304(f)(3)(B)(i) of such Act (52 U.S.C.
15 30104(f)(3)(B)(i)) is amended to read as follows:

16 “(i) a communication appearing in a
17 news story, commentary, or editorial dis-
18 tributed through the facilities of any
19 broadcasting station or any online or dig-
20 ital newspaper, magazine, blog, publica-
21 tion, or periodical, unless such broad-
22 casting, online, or digital facilities are
23 owned or controlled by any political party,
24 political committee, or candidate;”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to communications
3 made on or after January 1, 2022 and shall take effect
4 without regard to whether or not the Federal Election
5 Commission has promulgated regulations to carry out
6 such amendments.

7 **SEC. 6107. APPLICATION OF DISCLAIMER STATEMENTS TO**
8 **ONLINE COMMUNICATIONS.**

9 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
10 MENT.—Subsection (a) of section 318 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
12 amended—

13 (1) by striking “shall clearly state” each place
14 it appears in paragraphs (1), (2), and (3) and in-
15 serting “shall state in a clear and conspicuous man-
16 ner”; and

17 (2) by adding at the end the following flush
18 sentence: “For purposes of this section, a commu-
19 nication does not make a statement in a clear and
20 conspicuous manner if it is difficult to read or hear
21 or if the placement is easily overlooked.”.

22 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
23 DIGITAL COMMUNICATIONS.—

1 (1) IN GENERAL.—Section 318 of such Act (52
2 U.S.C. 30120) is amended by adding at the end the
3 following new subsection:

4 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
5 DIGITAL COMMUNICATIONS.—

6 “(1) SPECIAL RULES WITH RESPECT TO STATE-
7 MENTS.—In the case of any qualified internet or
8 digital communication (as defined in section
9 304(f)(3)(D)) which is disseminated through a me-
10 dium in which the provision of all of the information
11 specified in this section is not possible, the commu-
12 nication shall, in a clear and conspicuous manner—

13 “(A) state the name of the person who
14 paid for the communication; and

15 “(B) provide a means for the recipient of
16 the communication to obtain the remainder of
17 the information required under this section with
18 minimal effort and without receiving or viewing
19 any additional material other than such re-
20 quired information.

21 “(2) SAFE HARBOR FOR DETERMINING CLEAR
22 AND CONSPICUOUS MANNER.—A statement in quali-
23 fied internet or digital communication (as defined in
24 section 304(f)(3)(D)) shall be considered to be made
25 in a clear and conspicuous manner as provided in

1 subsection (a) if the communication meets the fol-
2 lowing requirements:

3 “(A) TEXT OR GRAPHIC COMMUNICA-
4 TIONS.—In the case of a text or graphic com-
5 munication, the statement—

6 “(i) appears in letters at least as large
7 as the majority of the text in the commu-
8 nication; and

9 “(ii) meets the requirements of para-
10 graphs (2) and (3) of subsection (c).

11 “(B) AUDIO COMMUNICATIONS.—In the
12 case of an audio communication, the statement
13 is spoken in a clearly audible and intelligible
14 manner at the beginning or end of the commu-
15 nication and lasts at least 3 seconds.

16 “(C) VIDEO COMMUNICATIONS.—In the
17 case of a video communication which also in-
18 cludes audio, the statement—

19 “(i) is included at either the beginning
20 or the end of the communication; and

21 “(ii) is made both in—

22 “(I) a written format that meets
23 the requirements of subparagraph (A)
24 and appears for at least 4 seconds;
25 and

1 “(II) an audible format that
2 meets the requirements of subpara-
3 graph (B).

4 “(D) OTHER COMMUNICATIONS.—In the
5 case of any other type of communication, the
6 statement is at least as clear and conspicuous
7 as the statement specified in subparagraph (A),
8 (B), or (C).”.

9 (2) NONAPPLICATION OF CERTAIN EXCEP-
10 TIONS.—The exceptions provided in section
11 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
12 Regulations, or any successor to such rules, shall
13 have no application to qualified internet or digital
14 communications (as defined in section 304(f)(3)(D)
15 of the Federal Election Campaign Act of 1971).

16 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
17 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
18 Act (52 U.S.C. 30120(d)) is amended—

19 (1) in paragraph (1)(A)—

20 (A) by striking “which is transmitted
21 through radio” and inserting “which is in an
22 audio format”; and

23 (B) by striking “BY RADIO” in the heading
24 and inserting “AUDIO FORMAT”;

25 (2) in paragraph (1)(B)—

1 (A) by striking “which is transmitted
2 through television” and inserting “which is in
3 video format”; and

4 (B) by striking “BY TELEVISION” in the
5 heading and inserting “VIDEO FORMAT”; and

6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio
8 or television” and inserting “made in audio or
9 video format”; and

10 (B) by striking “through television” in the
11 second sentence and inserting “in video for-
12 mat”.

13 (d) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date of the enact-
15 ment of this Act and shall take effect without regard to
16 whether or not the Federal Election Commission has pro-
17 mulgated regulations to carry out such amendments.

18 **SEC. 6108. POLITICAL RECORD REQUIREMENTS FOR ON-**
19 **LINE PLATFORMS.**

20 (a) IN GENERAL.—Section 304 of the Federal Elec-
21 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
22 ed by section 3802, is amended by adding at the end the
23 following new subsection:

24 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
25 MENTS.—

1 “(1) IN GENERAL.—

2 “(A) REQUIREMENTS FOR ONLINE PLAT-
3 FORMS.—

4 “(i) IN GENERAL.—An online plat-
5 form shall maintain, and make available
6 for online public inspection in machine
7 readable format, a complete record of any
8 request to purchase on such online plat-
9 form a qualified political advertisement
10 which is made by a person whose aggre-
11 gate requests to purchase qualified political
12 advertisements on such online platform
13 during the calendar year exceeds \$500.

14 “(ii) REQUIREMENT RELATING TO PO-
15 LITICAL ADS SOLD BY THIRD PARTY AD-
16 VERTISING VENDORS.—An online platform
17 that displays a qualified political advertise-
18 ment sold by a third party advertising ven-
19 dor as defined in (3)(C), shall include on
20 its own platform an easily accessible and
21 identifiable link to the records maintained
22 by the third-party advertising vendor under
23 clause (i) regarding such qualified political
24 advertisement.

1 “(B) REQUIREMENTS FOR ADVER-
2 TISERS.—Any person who requests to purchase
3 a qualified political advertisement on an online
4 platform shall provide the online platform with
5 such information as is necessary for the online
6 platform to comply with the requirements of
7 subparagraph (A).

8 “(2) CONTENTS OF RECORD.—A record main-
9 tained under paragraph (1)(A) shall contain—

10 “(A) a digital copy of the qualified political
11 advertisement;

12 “(B) a description of the audience targeted
13 by the advertisement, the number of views gen-
14 erated from the advertisement, and the date
15 and time that the advertisement is first dis-
16 played and last displayed; and

17 “(C) information regarding—

18 “(i) the total cost of the advertise-
19 ment;

20 “(ii) the name of the candidate to
21 which the advertisement refers and the of-
22 fice to which the candidate is seeking elec-
23 tion, the election to which the advertise-
24 ment refers, or the national legislative

1 issue to which the advertisement refers (as
2 applicable);

3 “(iii) in the case of a request made
4 by, or on behalf of, a candidate, the name
5 of the candidate, the authorized committee
6 of the candidate, and the treasurer of such
7 committee; and

8 “(iv) in the case of any request not
9 described in clause (iii), the name of the
10 person purchasing the advertisement, the
11 name and address of a contact person for
12 such person, and a list of the chief execu-
13 tive officers or members of the executive
14 committee or of the board of directors of
15 such person.

16 “(3) ONLINE PLATFORM.—

17 “(A) IN GENERAL.—For purposes of this
18 subsection, subject to subparagraph (B), the
19 term ‘online platform’ means any public-facing
20 website, web application, or digital application
21 (including a social network, ad network, or
22 search engine) which—

23 “(i)(I) sells qualified political adver-
24 tisements; and

1 “(II) has 50,000,000 or more unique
2 monthly United States visitors or users for
3 a majority of months during the preceding
4 12 months; or

5 “(ii) is a third-party advertising ven-
6 dor that has 50,000,000 or more unique
7 monthly United States visitors in the ag-
8 gregate on any advertisement space that it
9 has sold or bought for a majority of
10 months during the preceding 12 months,
11 as measured by an independent digital rat-
12 ings service accredited by the Media Rat-
13 ings Council (or its successor).

14 “(B) EXEMPTION.—Such term shall not
15 include any online platform that is a distribu-
16 tion facility of any broadcasting station or
17 newspaper, magazine, blog, publication, or peri-
18 odical.

19 “(C) THIRD-PARTY ADVERTISING VENDOR
20 DEFINED.—For purposes of this subsection, the
21 term ‘third-party advertising vendor’ includes,
22 but is not limited to, any third-party adver-
23 tising vendor network, advertising agency, ad-
24 vertiser, or third-party advertisement serving
25 company that buys and sells advertisement

1 space on behalf of unaffiliated third-party
2 websites, search engines, digital applications, or
3 social media sites.

4 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
5 For purposes of this subsection, the term ‘qualified
6 political advertisement’ means any advertisement
7 (including search engine marketing, display adver-
8 tisements, video advertisements, native advertise-
9 ments, and sponsorships) that—

10 “(A) is made by or on behalf of a can-
11 didate; or

12 “(B) communicates a message relating to
13 any political matter of national importance, in-
14 cluding—

15 “(i) a candidate;

16 “(ii) any election to Federal office; or

17 “(iii) a national legislative issue of
18 public importance.

19 “(5) TIME TO MAINTAIN FILE.—The informa-
20 tion required under this subsection shall be made
21 available as soon as possible and shall be retained by
22 the online platform for a period of not less than 4
23 years.

24 “(6) SPECIAL RULE.—For purposes of this sub-
25 section, multiple versions of an advertisement that

1 contain no material differences (such as versions
2 that differ only because they contain a recipient's
3 name, or differ only in size, color, font, or layout)
4 may be treated as a single qualified political adver-
5 tisement.

6 “(7) PENALTIES.—For penalties for failure by
7 online platforms, and persons requesting to purchase
8 a qualified political advertisement on online plat-
9 forms, to comply with the requirements of this sub-
10 section, see section 309.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the date of the enactment
13 of this Act and shall take effect without regard to whether
14 or not the Federal Election Commission has promulgated
15 the final regulations necessary to carry out this part and
16 the amendments made by this part by the deadline set
17 forth in subsection (c).

18 (c) RULEMAKING.—Not later than 120 days after the
19 date of the enactment of this Act, the Federal Election
20 Commission shall establish rules—

21 (1) requiring common data formats for the
22 record required to be maintained under section
23 304(k) of the Federal Election Campaign Act of
24 1971 (as added by subsection (a)) so that all online
25 platforms submit and maintain data online in a com-

1 mon, machine-readable and publicly accessible for-
2 mat; and

3 (2) establishing search interface requirements
4 relating to such record, including searches by can-
5 didate name, issue, purchaser, and date.

6 (d) REPORTING.—Not later than 2 years after the
7 date of the enactment of this Act, and biannually there-
8 after, the Chairman of the Federal Election Commission
9 shall submit a report to Congress on—

10 (1) matters relating to compliance with and the
11 enforcement of the requirements of section 304(k) of
12 the Federal Election Campaign Act of 1971, as
13 added by subsection (a);

14 (2) recommendations for any modifications to
15 such section to assist in carrying out its purposes;
16 and

17 (3) identifying ways to bring transparency and
18 accountability to political advertisements distributed
19 online for free.

1 **SEC. 6109. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
2 **INDEPENDENT EXPENDITURES, AND DIS-**
3 **BURSEMENTS FOR ELECTIONEERING COM-**
4 **MUNICATIONS BY FOREIGN NATIONALS IN**
5 **THE FORM OF ONLINE ADVERTISING.**

6 Section 319 of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30121) is amended by adding at the
8 end the following new subsection:

9 “(c) RESPONSIBILITIES OF BROADCAST STATIONS,
10 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
11 ONLINE PLATFORMS.—

12 “(1) IN GENERAL.—Each television or radio
13 broadcast station, provider of cable or satellite tele-
14 vision, or online platform (as defined in section
15 304(k)(3)) shall make reasonable efforts to ensure
16 that communications described in section 318(a) and
17 made available by such station, provider, or platform
18 are not purchased by a foreign national, directly or
19 indirectly.

20 “(2) REGULATIONS.— Not later than 1 year
21 after the date of the enactment of this subsection,
22 the Commission shall promulgate regulations on
23 what constitutes reasonable efforts under paragraph
24 (1).”.

1 **SEC. 6110. REQUIRING ONLINE PLATFORMS TO DISPLAY**
2 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
3 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
4 **TICES CONTINUE TO BE PRESENT WHEN AD-**
5 **VERTISEMENTS ARE SHARED.**

6 (a) IN GENERAL.—Section 304 of the Federal Elec-
7 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
8 ed by section 3802 and section 6108(a), is amended by
9 adding at the end the following new subsection:

10 “(1) ENSURING DISPLAY AND SHARING OF SPONSOR
11 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
12 MENTS.—

13 “(1) REQUIREMENT.—An online platform dis-
14 playing a qualified political advertisement shall—

15 “(A) display with the advertisement a visi-
16 ble notice identifying the sponsor of the adver-
17 tisement (or, if it is not practical for the plat-
18 form to display such a notice, a notice that the
19 advertisement is sponsored by a person other
20 than the platform); and

21 “(B) ensure that the notice will continue to
22 be displayed if a viewer of the advertisement
23 shares the advertisement with others on that
24 platform.

25 “(2) DEFINITIONS.—In this subsection—

1 “(A) the term ‘online platform’ has the
2 meaning given such term in subsection (k)(3);
3 and

4 “(B) the term “qualified political adver-
5 tisement’ has the meaning given such term in
6 subsection (k)(4).”.

7 (b) **EFFECTIVE DATE.**—The amendment made by
8 subsection (a) shall apply with respect to advertisements
9 displayed on or after the 120–day period which begins on
10 the date of the enactment of this Act and shall take effect
11 without regard to whether or not the Federal Election
12 Commission has promulgated regulations to carry out
13 such amendments.

14 **Subtitle C—Spotlight Act**

15 **SEC. 6201. SHORT TITLE.**

16 This subtitle may be cited as the “Spotlight Act”.

17 **SEC. 6202. INCLUSION OF CONTRIBUTOR INFORMATION ON**

18 **ANNUAL RETURNS OF CERTAIN ORGANIZA-**

19 **TIONS.**

20 (a) **REPEAL OF REGULATIONS.**—The final regula-
21 tions of the Department of the Treasury relating to guid-
22 ance under section 6033 regarding the reporting require-
23 ments of exempt organizations (published at 85 Fed. Reg.
24 31959 (May 28, 2020)) shall have no force and effect.

25 (b) **INCLUSION OF CONTRIBUTOR INFORMATION.**—

1 (1) SOCIAL WELFARE ORGANIZATIONS.—Sec-
2 tion 6033(f)(1) of the Internal Revenue Code of
3 1986 is amended by inserting “(5),” after “para-
4 graphs”.

5 (2) LABOR ORGANIZATIONS AND BUSINESS
6 LEAGUES.—Section 6033 of such Code is amended
7 by redesignating subsection (o) as subsection (p)
8 and by inserting after subsection (n) the following
9 new subsection:

10 “(o) ADDITIONAL REQUIREMENTS FOR ORGANIZA-
11 TIONS DESCRIBED IN SUBSECTIONS (c)(5) AND (c)(6) OF
12 SECTION 501.—Every organization which is described in
13 paragraph (5) or (6) of section 501(c) and which is subject
14 to the requirements of subsection (a) shall include on the
15 return required under subsection (a) the information re-
16 ferred to in subsection (b)(5).”.

17 (3) EFFECTIVE DATE.—The amendments made
18 by this subsection shall apply to returns required to
19 be filed for taxable years ending after the date of the
20 enactment of this Act.

21 (c) MODIFICATION TO DISCRETIONARY EXCEP-
22 TIONS.—Section 6033(a)(3)(B) of the Internal Revenue
23 Code of 1986 is amended to read as follows:

24 “(B) DISCRETIONARY EXCEPTIONS.—

1 “(i) IN GENERAL.—Paragraph (1)
2 shall not apply to any organization if the
3 Secretary made a determination under this
4 subparagraph before July 16, 2018, that
5 such filing is not necessary to the efficient
6 administration of the internal revenue
7 laws.

8 “(ii) RECOMMENDATIONS FOR OTHER
9 EXCEPTIONS.—The Secretary may rec-
10 ommend to Congress that Congress relieve
11 any organization required under paragraph
12 (1) to file an information return from fil-
13 ing such a return if the Secretary deter-
14 mines that such filing does not advance a
15 national security, law enforcement, or tax
16 administration purpose.”.

17 **TITLE VII—CAMPAIGN FINANCE**
18 **OVERSIGHT**

19 **Subtitle A—Stopping Super PAC—**
20 **Candidate Coordination**

21 **SEC. 7001. SHORT TITLE.**

22 This subtitle may be cited as the “Stop Super PAC—
23 Candidate Coordination Act”.

1 **SEC. 7002. CLARIFICATION OF TREATMENT OF COORDI-**
2 **NATED EXPENDITURES AS CONTRIBUTIONS**
3 **TO CANDIDATES.**

4 (a) TREATMENT AS CONTRIBUTION TO CAN-
5 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

7 (1) by striking “or” at the end of clause (i);

8 (2) by striking the period at the end of clause
9 (ii) and inserting “; or”; and

10 (3) by adding at the end the following new
11 clause:

12 “(iii) any payment made by any person
13 (other than a candidate, an authorized com-
14 mittee of a candidate, or a political committee
15 of a political party) for a coordinated expendi-
16 ture (as such term is defined in section 326)
17 which is not otherwise treated as a contribution
18 under clause (i) or clause (ii).”.

19 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
20 30101 et seq.) is amended by adding at the end the fol-
21 lowing new section:

22 **“SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.**

23 **“(a) COORDINATED EXPENDITURES.—**

24 **“(1) IN GENERAL.—**For purposes of section
25 301(8)(A)(iii), the term ‘coordinated expenditure’
26 means—

1 “(A) any expenditure, or any payment for
2 a covered communication described in sub-
3 section (d), which is made in cooperation, con-
4 sultation, or concert with, or at the request or
5 suggestion of, a candidate, an authorized com-
6 mittee of a candidate, a political committee of
7 a political party, or agents of the candidate or
8 committee, as defined in subsection (b); or

9 “(B) any payment for any communication
10 which republishes, disseminates, or distributes,
11 in whole or in part, any video or broadcast or
12 any written, graphic, or other form of campaign
13 material prepared by the candidate or com-
14 mittee or by agents of the candidate or com-
15 mittee (including any excerpt or use of any
16 video from any such broadcast or written,
17 graphic, or other form of campaign material).

18 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
19 COMMUNICATIONS.—A payment for a communication
20 (including a covered communication described in
21 subsection (d)) shall not be treated as a coordinated
22 expenditure under this subsection if—

23 “(A) the communication appears in a news
24 story, commentary, or editorial distributed
25 through the facilities of any broadcasting sta-

1 tion, newspaper, magazine, or other periodical
2 publication, unless such facilities are owned or
3 controlled by any political party, political com-
4 mittee, or candidate; or

5 “(B) the communication constitutes a can-
6 didate debate or forum conducted pursuant to
7 regulations adopted by the Commission pursu-
8 ant to section 304(f)(3)(B)(iii), or which solely
9 promotes such a debate or forum and is made
10 by or on behalf of the person sponsoring the de-
11 bate or forum.

12 “(b) COORDINATION DESCRIBED.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, a payment is made ‘in cooperation, consulta-
15 tion, or concert with, or at the request or suggestion
16 of,’ a candidate, an authorized committee of a can-
17 didate, a political committee of a political party, or
18 agents of the candidate or committee, if the pay-
19 ment, or any communication for which the payment
20 is made, is not made entirely independently of the
21 candidate, committee, or agents. For purposes of the
22 previous sentence, a payment or communication not
23 made entirely independently of the candidate or
24 committee includes any payment or communication
25 made pursuant to any general or particular under-

1 standing with, or pursuant to any communication
2 with, the candidate, committee, or agents about the
3 payment or communication.

4 “(2) NO FINDING OF COORDINATION BASED
5 SOLELY ON SHARING OF INFORMATION REGARDING
6 LEGISLATIVE OR POLICY POSITION.—For purposes
7 of this section, a payment shall not be considered to
8 be made by a person in cooperation, consultation, or
9 concert with, or at the request or suggestion of, a
10 candidate or committee, solely on the grounds that
11 the person or the person’s agent engaged in discus-
12 sions with the candidate or committee, or with any
13 agent of the candidate or committee, regarding that
14 person’s position on a legislative or policy matter
15 (including urging the candidate or committee to
16 adopt that person’s position), so long as there is no
17 communication between the person and the can-
18 didate or committee, or any agent of the candidate
19 or committee, regarding the candidate’s or commit-
20 tee’s campaign advertising, message, strategy, pol-
21 icy, polling, allocation of resources, fundraising, or
22 other campaign activities.

23 “(3) NO EFFECT ON PARTY COORDINATION
24 STANDARD.—Nothing in this section shall be con-
25 strued to affect the determination of coordination

1 between a candidate and a political committee of a
2 political party for purposes of section 315(d).

3 “(4) NO SAFE HARBOR FOR USE OF FIRE-
4 WALL.—A person shall be determined to have made
5 a payment in cooperation, consultation, or concert
6 with, or at the request or suggestion of, a candidate
7 or committee, in accordance with this section with-
8 out regard to whether or not the person established
9 and used a firewall or similar procedures to restrict
10 the sharing of information between individuals who
11 are employed by or who are serving as agents for the
12 person making the payment.

13 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
14 COVERED COMMUNICATIONS.—

15 “(1) PAYMENTS MADE IN COOPERATION, CON-
16 SULTATION, OR CONCERT WITH CANDIDATES.—For
17 purposes of subsection (a)(1)(A), if the person who
18 makes a payment for a covered communication, as
19 defined in subsection (d), is a coordinated spender
20 under paragraph (2) with respect to the candidate
21 as described in subsection (d)(1), the payment for
22 the covered communication is made in cooperation,
23 consultation, or concert with the candidate.

24 “(2) COORDINATED SPENDER DEFINED.—For
25 purposes of this subsection, the term ‘coordinated

1 spender' means, with respect to a candidate or an
2 authorized committee of a candidate, a person (other
3 than a political committee of a political party) for
4 which any of the following applies:

5 “(A) During the 4-year period ending on
6 the date on which the person makes the pay-
7 ment, the person was directly or indirectly
8 formed or established by or at the request or
9 suggestion of, or with the encouragement of,
10 the candidate (including an individual who later
11 becomes a candidate) or committee or agents of
12 the candidate or committee, including with the
13 approval of the candidate or committee or
14 agents of the candidate or committee.

15 “(B) The candidate or committee or any
16 agent of the candidate or committee solicits
17 funds, appears at a fundraising event, or en-
18 gages in other fundraising activity on the per-
19 son's behalf during the election cycle involved,
20 including by providing the person with names of
21 potential donors or other lists to be used by the
22 person in engaging in fundraising activity, re-
23 gardless of whether the person pays fair market
24 value for the names or lists provided. For pur-
25 poses of this subparagraph, the term 'election

1 cycle' means, with respect to an election for
2 Federal office, the period beginning on the day
3 after the date of the most recent general elec-
4 tion for that office (or, if the general election
5 resulted in a runoff election, the date of the
6 runoff election) and ending on the date of the
7 next general election for that office (or, if the
8 general election resulted in a runoff election,
9 the date of the runoff election).

10 “(C) The person is established, directed, or
11 managed by the candidate or committee or by
12 any person who, during the 4-year period end-
13 ing on the date on which the person makes the
14 payment, has been employed or retained as a
15 political, campaign media, or fundraising ad-
16 viser or consultant for the candidate or com-
17 mittee or for any other entity directly or indi-
18 rectly controlled by the candidate or committee,
19 or has held a formal position with the candidate
20 or committee (including a position as an em-
21 ployee of the office of the candidate at any time
22 the candidate held any Federal, State, or local
23 public office during the 4-year period).

24 “(D) The person has retained the profes-
25 sional services of any person who, during the 2-

1 year period ending on the date on which the
2 person makes the payment, has provided or is
3 providing professional services relating to the
4 campaign to the candidate or committee, with-
5 out regard to whether the person providing the
6 professional services used a firewall. For pur-
7 poses of this subparagraph, the term ‘profes-
8 sional services’ includes any services in support
9 of the candidate’s or committee’s campaign ac-
10 tivities, including advertising, message, strat-
11 egy, policy, polling, allocation of resources,
12 fundraising, and campaign operations, but does
13 not include accounting or legal services.

14 “(E) The person is established, directed, or
15 managed by a member of the immediate family
16 of the candidate, or the person or any officer or
17 agent of the person has had more than inci-
18 dental discussions about the candidate’s cam-
19 paign with a member of the immediate family
20 of the candidate. For purposes of this subpara-
21 graph, the term ‘immediate family’ has the
22 meaning given such term in section 9004(e) of
23 the Internal Revenue Code of 1986.

24 “(d) COVERED COMMUNICATION DEFINED.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the term ‘covered communication’ means, with
3 respect to a candidate or an authorized committee of
4 a candidate, a public communication (as defined in
5 section 301(22)) which—

6 “(A) expressly advocates the election of the
7 candidate or the defeat of an opponent of the
8 candidate (or contains the functional equivalent
9 of express advocacy);

10 “(B) promotes or supports the election of
11 the candidate, or attacks or opposes the election
12 of an opponent of the candidate (regardless of
13 whether the communication expressly advocates
14 the election or defeat of a candidate or contains
15 the functional equivalent of express advocacy);
16 or

17 “(C) refers to the candidate or an oppo-
18 nent of the candidate but is not described in
19 subparagraph (A) or subparagraph (B), but
20 only if the communication is disseminated dur-
21 ing the applicable election period.

22 “(2) APPLICABLE ELECTION PERIOD.—In para-
23 graph (1)(C), the ‘applicable election period’ with re-
24 spect to a communication means—

1 “(A) in the case of a communication which
2 refers to a candidate in a general, special, or
3 runoff election, the 120-day period which ends
4 on the date of the election; or

5 “(B) in the case of a communication which
6 refers to a candidate in a primary or preference
7 election, or convention or caucus of a political
8 party that has authority to nominate a can-
9 didate, the 60-day period which ends on the
10 date of the election or convention or caucus.

11 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
12 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
13 poses of this subsection, a public communication
14 shall not be considered to be a covered communica-
15 tion with respect to a candidate for election for an
16 office other than the office of President or Vice
17 President unless it is publicly disseminated or dis-
18 tributed in the jurisdiction of the office the can-
19 didate is seeking.

20 “(e) PENALTY.—

21 “(1) DETERMINATION OF AMOUNT.—Any per-
22 son who knowingly and willfully commits a violation
23 of this Act by making a contribution which consists
24 of a payment for a coordinated expenditure shall be
25 fined an amount equal to the greater of—

1 “(A) in the case of a person who makes a
2 contribution which consists of a payment for a
3 coordinated expenditure in an amount exceeding
4 the applicable contribution limit under this Act,
5 300 percent of the amount by which the
6 amount of the payment made by the person ex-
7 ceeds such applicable contribution limit; or

8 “(B) in the case of a person who is prohib-
9 ited under this Act from making a contribution
10 in any amount, 300 percent of the amount of
11 the payment made by the person for the coordi-
12 nated expenditure.

13 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
14 rector, manager, or officer of a person who is subject
15 to a penalty under paragraph (1) shall be jointly and
16 severally liable for any amount of such penalty that
17 is not paid by the person prior to the expiration of
18 the 1-year period which begins on the date the Com-
19 mission imposes the penalty or the 1-year period
20 which begins on the date of the final judgment fol-
21 lowing any judicial review of the Commission’s ac-
22 tion, whichever is later.”.

23 (c) EFFECTIVE DATE.—

24 (1) REPEAL OF EXISTING REGULATIONS ON CO-
25 ORDINATION.—Effective upon the expiration of the

1 90-day period which begins on the date of the enact-
2 ment of this Act—

3 (A) the regulations on coordinated commu-
4 nications adopted by the Federal Election Com-
5 mission which are in effect on the date of the
6 enactment of this Act (as set forth under the
7 heading “Coordination” in subpart C of part
8 109 of title 11, Code of Federal Regulations)
9 are repealed; and

10 (B) the Federal Election Commission shall
11 promulgate new regulations on coordinated
12 communications which reflect the amendments
13 made by this Act.

14 (2) EFFECTIVE DATE.—The amendments made
15 by this section shall apply with respect to payments
16 made on or after the expiration of the 120-day pe-
17 riod which begins on the date of the enactment of
18 this Act, without regard to whether or not the Fed-
19 eral Election Commission has promulgated regula-
20 tions in accordance with paragraph (1)(B) as of the
21 expiration of such period.

1 **SEC. 7003. CLARIFICATION OF BAN ON FUNDRAISING FOR**
2 **SUPER PACS BY FEDERAL CANDIDATES AND**
3 **OFFICEHOLDERS.**

4 (a) IN GENERAL.—Section 323(e)(1) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
6 is amended—

7 (1) by striking “or” at the end of subparagraph
8 (A);

9 (2) by striking the period at the end of sub-
10 paragraph (B) and inserting “; or”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C) solicit, receive, direct, or transfer
14 funds to or on behalf of any political committee
15 which accepts donations or contributions that
16 do not comply with the limitations, prohibitions,
17 and reporting requirements of this Act (or to or
18 on behalf of any account of a political com-
19 mittee which is established for the purpose of
20 accepting such donations or contributions), or
21 to or on behalf of any political organization
22 under section 527 of the Internal Revenue Code
23 of 1986 which accepts such donations or con-
24 tributions (other than a committee of a State or
25 local political party or a candidate for election
26 for State or local office).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to elections occur-
3 ring after January 1, 2022.

4 **Subtitle B—Restoring Integrity to**
5 **America’s Elections**

6 **SEC. 7101. SHORT TITLE.**

7 This subtitle may be cited as the “Restoring Integrity
8 to America’s Elections Act”.

9 **SEC. 7102. REVISION TO ENFORCEMENT PROCESS.**

10 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
11 DETERMINING WHETHER VIOLATIONS HAVE OC-
12 CURRED.—

13 (1) REVISION OF STANDARDS.—Section 309(a)
14 of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30109(a)) is amended by striking paragraphs
16 (2) and (3) and inserting the following:

17 “(2)(A) The general counsel, upon receiving a com-
18 plaint filed with the Commission under paragraph (1) or
19 upon the basis of information ascertained by the Commis-
20 sion in the normal course of carrying out its supervisory
21 responsibilities, shall make a determination as to whether
22 or not there is reason to believe that a person has com-
23 mitted, or is about to commit, a violation of this Act or
24 chapter 95 or chapter 96 of the Internal Revenue Code
25 of 1986, and as to whether or not the Commission should

1 either initiate an investigation of the matter or that the
2 complaint should be dismissed. The general counsel shall
3 promptly provide notification to the Commission of such
4 determination and the reasons therefore, together with
5 any written response submitted under paragraph (1) by
6 the person alleged to have committed the violation. Upon
7 the expiration of the 30-day period which begins on the
8 date the general counsel provides such notification, the
9 general counsel's determination shall take effect, unless
10 during such 30-day period the Commission, by vote of a
11 majority of the members of the Commission who are serv-
12 ing at the time, overrules the general counsel's determina-
13 tion. If the determination by the general counsel that the
14 Commission should investigate the matter takes effect, or
15 if the determination by the general counsel that the com-
16 plaint should be dismissed is overruled as provided under
17 the previous sentence, the general counsel shall initiate an
18 investigation of the matter on behalf of the Commission.

19 “(B) If the Commission initiates an investigation
20 pursuant to subparagraph (A), the Commission, through
21 the Chair, shall notify the subject of the investigation of
22 the alleged violation. Such notification shall set forth the
23 factual basis for such alleged violation. The Commission
24 shall make an investigation of such alleged violation, which
25 may include a field investigation or audit, in accordance

1 with the provisions of this section. The general counsel
2 shall provide notification to the Commission of any intent
3 to issue a subpoena or conduct any other form of discovery
4 pursuant to the investigation. Upon the expiration of the
5 15-day period which begins on the date the general counsel
6 provides such notification, the general counsel may issue
7 the subpoena or conduct the discovery, unless during such
8 15-day period the Commission, by vote of a majority of
9 the members of the Commission who are serving at the
10 time, prohibits the general counsel from issuing the sub-
11 poena or conducting the discovery.

12 “(3)(A) Upon completion of an investigation under
13 paragraph (2), the general counsel shall make a deter-
14 mination as to whether or not there is probable cause to
15 believe that a person has committed, or is about to com-
16 mit, a violation of this Act or chapter 95 or chapter 96
17 of the Internal Revenue Code of 1986, and shall promptly
18 submit such determination to the Commission, and shall
19 include with the determination a brief stating the position
20 of the general counsel on the legal and factual issues of
21 the case.

22 “(B) At the time the general counsel submits to the
23 Commission the determination under subparagraph (A),
24 the general counsel shall simultaneously notify the re-
25 spondent of such determination and the reasons therefore,

1 shall provide the respondent with an opportunity to submit
2 a brief within 30 days stating the position of the respond-
3 ent on the legal and factual issues of the case and replying
4 to the brief of the general counsel. The general counsel
5 shall promptly submit such brief to the Commission upon
6 receipt.

7 “(C) Upon the expiration of the 30-day period which
8 begins on the date the general counsel submits the deter-
9 mination to the Commission under subparagraph (A) (or,
10 if the respondent submits a brief under subparagraph (B),
11 upon the expiration of the 30-day period which begins on
12 the date the general counsel submits the respondent’s brief
13 to the Commission under such subparagraph), the general
14 counsel’s determination shall take effect, unless during
15 such 30-day period the Commission, by vote of a majority
16 of the members of the Commission who are serving at the
17 time, overrules the general counsel’s determination. If the
18 determination by the general counsel that there is prob-
19 able cause to believe that a person has committed, or is
20 about to commit, a violation of this Act or chapter 95 or
21 chapter 96 of the Internal Revenue Code of 1986, or if
22 the determination by the general counsel that there is not
23 probable cause that a person has committed or is about
24 to commit such a violation is overruled as provided under
25 the previous sentence, for purposes of this subsection, the

1 Commission shall be deemed to have determined that there
2 is probable cause that the person has committed or is
3 about to commit such a violation.”.

4 (2) CONFORMING AMENDMENT RELATING TO
5 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
6 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
7 is amended—

8 (A) in the third sentence, by striking “the
9 Commission” and inserting “the general coun-
10 sel”; and

11 (B) by amending the fourth sentence to
12 read as follows: “Not later than 15 days after
13 receiving notice from the general counsel under
14 the previous sentence, the person may provide
15 the general counsel with a written response that
16 no action should be taken against such person
17 on the basis of the complaint.”.

18 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
19 MISSAL OF COMPLAINTS.—

20 (1) IN GENERAL.—Section 309(a)(8) of such
21 Act (52 U.S.C. 30109(a)(8)) is amended to read as
22 follows:

23 “(8)(A)(i) Any party aggrieved by an order of the
24 Commission dismissing a complaint filed by such party
25 may file a petition with the United States District Court

1 for the District of Columbia. Any petition under this sub-
2 paragraph shall be filed within 60 days after the date on
3 which the party received notice of the dismissal of the
4 complaint.

5 “(ii) In any proceeding under this subparagraph, the
6 court shall determine by de novo review whether the agen-
7 cy’s dismissal of the complaint is contrary to law. In any
8 matter in which the penalty for the alleged violation is
9 greater than \$50,000, the court should disregard any
10 claim or defense by the Commission of prosecutorial dis-
11 cretion as a basis for dismissing the complaint.

12 “(B)(i) Any party who has filed a complaint with the
13 Commission and who is aggrieved by a failure of the Com-
14 mission, within one year after the filing of the complaint,
15 to act on such complaint, may file a petition with the
16 United States District Court for the District of Columbia.

17 “(ii) In any proceeding under this subparagraph, the
18 court shall determine by de novo review whether the agen-
19 cy’s failure to act on the complaint is contrary to law.

20 “(C) In any proceeding under this paragraph the
21 court may declare that the dismissal of the complaint or
22 the failure to act is contrary to law, and may direct the
23 Commission to conform with such declaration within 30
24 days, failing which the complainant may bring, in the

1 name of such complainant, a civil action to remedy the
2 violation involved in the original complaint.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall apply—

5 (A) in the case of complaints which are
6 dismissed by the Federal Election Commission,
7 with respect to complaints which are dismissed
8 on or after the date of the enactment of this
9 Act; and

10 (B) in the case of complaints upon which
11 the Federal Election Commission failed to act,
12 with respect to complaints which were filed on
13 or after the date of the enactment of this Act.

14 (c) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this Act, the Federal Election
16 Commission shall promulgate new regulations on the en-
17 forcement process under section 309 of the Federal Elec-
18 tion Campaign Act of 1971 (52 U.S.C. 30109) to take
19 into account the amendments made by this section.

20 **SEC. 7103. ACTING GENERAL COUNSEL.**

21 Section 306(f)(1) of the Federal Election Campaign
22 Act of 1971 (52 U.S.C. 30106(f)(1)) is amended by add-
23 ing at the end the following new sentence: “In the event
24 of a vacancy in the position of the General Counsel, the
25 most senior attorney employed within the Office of the

1 General Counsel at the time the vacancy arises shall exer-
2 cise all the responsibilities of the General Counsel until
3 the vacancy is filled.”.

4 **SEC. 7104. PERMITTING APPEARANCE AT HEARINGS ON RE-**
5 **QUESTS FOR ADVISORY OPINIONS BY PER-**
6 **SONS OPPOSING THE REQUESTS.**

7 (a) IN GENERAL.—Section 308 of such Act (52
8 U.S.C. 30108) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(e) To the extent that the Commission provides an
11 opportunity for a person requesting an advisory opinion
12 under this section (or counsel for such person) to appear
13 before the Commission to present testimony in support of
14 the request, and the person (or counsel) accepts such op-
15 portunity, the Commission shall provide a reasonable op-
16 portunity for an interested party who submitted written
17 comments under subsection (d) in response to the request
18 (or counsel for such interested party) to appear before the
19 Commission to present testimony in response to the re-
20 quest.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply with respect to requests for advi-
23 sory opinions under section 308 of the Federal Election
24 Campaign Act of 1971 which are made on or after the
25 date of the enactment of this Act.

1 **SEC. 7105. PERMANENT EXTENSION OF ADMINISTRATIVE**
2 **PENALTY AUTHORITY.**

3 (a) EXTENSION OF AUTHORITY.—Section
4 309(a)(4)(C)(v) of the Federal Election Campaign Act of
5 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
6 ing “, and that end on or before December 31, 2023”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect on December 31, 2021.

9 **SEC. 7106. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

10 Section 306(e) of the Federal Election Campaign Act
11 of 1971 (52 U.S.C. 30106(e)) is amended—

12 (1) by striking “(e) The Commission” and in-
13 serting “(e)(1) The Commission”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) Members and employees of the Commission shall
17 be subject to limitations on ex parte communications, as
18 provided in the regulations promulgated by the Commis-
19 sion regarding such communications which are in effect
20 on the date of the enactment of this paragraph.”.

21 **SEC. 7107. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
22 **REPRESENT FEC IN SUPREME COURT.**

23 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
24 the Federal Election Campaign Act of 1971 (52 U.S.C.
25 30106(f)(4)) is amended by striking “any action instituted
26 under this Act, either (A) by attorneys” and inserting

1 “any action instituted under this Act, including an action
2 before the Supreme Court of the United States, either (A)
3 by the General Counsel of the Commission and other at-
4 torneys”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 paragraph (1) shall apply with respect to actions insti-
7 tuted before, on, or after the date of the enactment of
8 this Act.

9 **SEC. 7108. REQUIRING FORMS TO PERMIT USE OF ACCENT**
10 **MARKS.**

11 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
12 eral Election Campaign Act of 1971 (52 U.S.C.
13 30111(a)(1)) is amended by striking the semicolon at the
14 end and inserting the following: “, and shall ensure that
15 all such forms (including forms in an electronic format)
16 permit the person using the form to include an accent
17 mark as part of the person’s identification;”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect upon the expiration of the
20 90-day period which begins on the date of the enactment
21 of this Act.

1 **SEC. 7109. EXTENSION OF THE STATUTES OF LIMITATIONS**
2 **FOR OFFENSES UNDER THE FEDERAL ELEC-**
3 **TION CAMPAIGN ACT OF 1971.**

4 (a) CIVIL OFFENSES.—Section 309(a) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is
6 amended by inserting after paragraph (9) the following
7 new paragraph:

8 “(10) No person shall be subject to a civil penalty
9 under this subsection with respect to a violation of this
10 Act unless a complaint is filed with the Commission with
11 respect to the violation under paragraph (1), or the Com-
12 mission responds to information with respect to the viola-
13 tion which is ascertained in the normal course of carrying
14 out its supervisory responsibilities under paragraph (2),
15 not later than 10 years after the date on which the viola-
16 tion occurred.”.

17 (b) CRIMINAL OFFENSES.—Section 406(a) of such
18 Act (52 U.S.C. 30145(a)) is amended by striking “5
19 years” and inserting “10 years”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to violations occurring
22 on or after the date of enactment of this Act.

23 **SEC. 7110. EFFECTIVE DATE; TRANSITION.**

24 (a) IN GENERAL.—Except as otherwise provided, this
25 subtitle and the amendments made by this subtitle shall
26 take effect and apply on the date of the enactment of this

1 Act, without regard to whether or not the Federal Election
2 Commission has promulgated regulations to carry out this
3 subtitle and the amendments made by this subtitle.

4 (b) TRANSITION.—

5 (1) NO EFFECT ON EXISTING CASES OR PRO-
6 CEEDINGS.—Nothing in this subtitle or in any
7 amendment made by this subtitle shall affect any of
8 the powers exercised by the Federal Election Com-
9 mission prior to the date of the enactment of this
10 Act, including any investigation initiated by the
11 Commission prior to such date or any proceeding
12 (including any enforcement action) pending as of
13 such date.

14 (2) TREATMENT OF CERTAIN COMPLAINTS.—If,
15 as of the date of the enactment of this Act, the Gen-
16 eral Counsel of the Federal Election Commission has
17 not made any recommendation to the Commission
18 under section 309(a) of the Federal Election Cam-
19 paign Act of 1971 (52 U.S.C. 30109) with respect
20 to a complaint filed prior to the date of the enact-
21 ment of this Act, this subtitle and the amendments
22 made by this subtitle shall apply with respect to the
23 complaint in the same manner as this subtitle and
24 the amendments made by this subtitle apply with re-

1 spect to a complaint filed on or after the date of the
2 enactment of this Act.

3 **TITLE VIII—CITIZEN**
4 **EMPOWERMENT**
5 **Subtitle A—Funding to Promote**
6 **Democracy**

7 **PART 1—PAYMENTS AND ALLOCATIONS TO**
8 **STATES**

9 **SEC. 8001. STATE DEMOCRACY PROMOTION PROGRAM.**

10 (a) ESTABLISHMENT.—There is established a pro-
11 gram to be known as the “State Democracy Promotion
12 Program” under which the Director of the Office of State
13 Democracy Promotion shall make allocations to each State
14 for each fiscal year to carry out democracy promotion ac-
15 tivities described in subsection (b).

16 (b) DEMOCRACY PROMOTION ACTIVITIES DE-
17 SCRIBED.—The democracy promotion activities described
18 in this subsection are as follows:

19 (1) Activities to promote innovation to improve
20 efficiency and smooth functioning in the administra-
21 tion of elections for Federal office and to secure the
22 infrastructure used in the administration of such
23 elections, including making upgrades to voting
24 equipment and voter registration systems, securing
25 voting locations, expanding polling places and the

1 availability of early and mail voting, recruiting and
2 training nonpartisan election officials, and pro-
3 moting cybersecurity.

4 (2) Activities to ensure equitable access to de-
5 mocracy, including the following:

6 (A) Enabling candidates who seek office in
7 the State to receive payments as participating
8 candidates under title V of the Federal Election
9 Campaign Act of 1971 (as added by subtitle
10 B), but only if the State will enable candidates
11 to receive such payments during an entire elec-
12 tion cycle.

13 (B) Operating a Democracy Credit Pro-
14 gram under part 1 of subtitle B, but only if the
15 State will operate the program during an entire
16 election cycle.

17 (C) Other activities to ensure equitable ac-
18 cess to democracy, including administering a
19 ranked-choice voting system and carrying out
20 Congressional redistricting through independent
21 commissions.

22 (3) Activities to increase access to voting in
23 elections for Federal office by underserved commu-
24 nities, individuals with disabilities, racial and lan-
25 guage minority groups, individuals entitled to vote

1 by absentee ballot under the Uniformed and Over-
2 seas Citizens Absentee Voting Act, and voters resid-
3 ing in Indian lands.

4 (c) PERMITTING STATES TO RETAIN AND RESERVE
5 ALLOCATIONS FOR FUTURE USE.—A State may retain
6 and reserve an allocation received for a fiscal year to carry
7 out democracy promotion activities in any subsequent fis-
8 cal year.

9 (d) REQUIRING SUBMISSION AND APPROVAL OF
10 STATE PLAN.—

11 (1) IN GENERAL.—A State shall receive an allo-
12 cation under the Program for a fiscal year if—

13 (A) not later than 90 days before the first
14 day of the fiscal year, the chief State election
15 official of the State submits to the Director the
16 State plan described in section 8002; and

17 (B) not later than 45 days before the first
18 day of the fiscal year, the Director, in consulta-
19 tion with the Election Assistance Commission
20 and the Federal Election Commission as de-
21 scribed in paragraph (3), determines that the
22 State plan will enable the State to carry out de-
23 mocracy promotion activities and approves the
24 plan.

1 (2) SUBMISSION AND APPROVAL OF REVISED
2 PLAN.—If the Director does not approve the State
3 plan as submitted by the State under paragraph (1)
4 with respect to a fiscal year, the State shall receive
5 a payment under the Program for the fiscal year if,
6 at any time prior to the end of the fiscal year—

7 (A) the chief State election official of the
8 State submits a revised version of the State
9 plan; and

10 (B) the Director, in consultation with the
11 Election Assistance Commission and the Fed-
12 eral Election Commission as described in para-
13 graph (3), determines that the revised version
14 of the State plan will enable the State to carry
15 out democracy promotion activities and ap-
16 proves the plan.

17 (3) ELECTION ASSISTANCE COMMISSION AND
18 FEDERAL ELECTION COMMISSION CONSULTATION.—
19 With respect to a State plan submitted under para-
20 graph (1) or a revised plan submitted under para-
21 graph (2)—

22 (A) the Director shall, prior to making a
23 determination on approval of the plan, consult
24 with the Election Assistance Commission with
25 respect to the proposed State activities de-

1 scribed in subsection (b)(1) and with the Fed-
2 eral Election Commission with respect to the
3 proposed State activities described in subsection
4 (b)(2)(A) and (b)(2)(B); and

5 (B) the Election Assistance Commission
6 and the Federal Election Commission shall sub-
7 mit to the Director a written assessment with
8 respect to whether the proposed activities of the
9 plan satisfy the requirements of this Act.

10 (4) CONSULTATION WITH LEGISLATURE.—The
11 chief State election official of the State shall develop
12 the State plan submitted under paragraph (1) and
13 the revised plan submitted under paragraph (2) in
14 consultation with the majority party and minority
15 party leaders of each house of the State legislature.

16 (e) STATE REPORT ON USE OF ALLOCATIONS.—Not
17 later than 90 days after the last day of a fiscal year for
18 which an allocation was made to the State under the Pro-
19 gram, the chief State election official of the State shall
20 submit a report to the Director describing how the State
21 used the allocation, including a description of the democ-
22 racy promotion activities the State carried out with the
23 allocation.

24 (f) EFFECTIVE DATE.—This section shall apply with
25 respect to fiscal year 2023 and each succeeding fiscal year.

1 **SEC. 8002. STATE PLAN.**

2 (a) CONTENTS.—A State plan under this section with
3 respect to a State is a plan containing each of the fol-
4 lowing:

5 (1) A description of the democracy promotion
6 activities the State will carry out with the payment
7 made under the Program.

8 (2) A statement of whether or not the State in-
9 tends to retain and reserve the payment for future
10 democracy promotion activities.

11 (3) A description of how the State intends to
12 allocate funds to carry out the proposed activities,
13 which shall include the amount the State intends to
14 allocate to each such activity, including (if applica-
15 ble) a specific allocation for—

16 (A) activities described in subsection
17 8001(b)(1) (relating to election administration);

18 (B) activities described in section
19 8001(b)(2)(A) (relating to payments to partici-
20 pating candidates in the State under title V of
21 the Federal Election Campaign Act of 1971);
22 and

23 (C) activities described in section
24 8001(b)(2)(B) (relating to the operation of a
25 Democracy Credit Program under part 1 of
26 subtitle B).

1 (4) A description of how the State will establish
2 the fund described in subsection (b) for purposes of
3 administering the democracy promotion activities
4 which the State will carry out with the payment, in-
5 cluding information on fund management.

6 (5) A description of the State-based administra-
7 tive complaint procedures established for purposes of
8 section 8003(b).

9 (6) A statement regarding whether the pro-
10 posed activities to be funded are permitted under
11 State law, or whether the official intends to seek
12 legal authorization for such activities.

13 (b) REQUIREMENTS FOR FUND.—

14 (1) FUND DESCRIBED.—For purposes of sub-
15 section (a)(4), a fund described in this subsection
16 with respect to a State is a fund which is established
17 in the treasury of the State government, which is
18 used in accordance with paragraph (2), and which
19 consists of the following amounts:

20 (A) Amounts appropriated or otherwise
21 made available by the State for carrying out the
22 democracy promotion activities for which the
23 payment is made to the State under the Pro-
24 gram.

1 (B) The payment made to the State under
2 the Program.

3 (C) Such other amounts as may be appro-
4 priated under law.

5 (D) Interest earned on deposits of the
6 fund.

7 (2) USE OF FUND.—Amounts in the fund shall
8 be used by the State exclusively to carry out democ-
9 racy promotion activities for which the payment is
10 made to the State under the Program.

11 (3) TREATMENT OF STATES THAT REQUIRE
12 CHANGES TO STATE LAW.—In the case of a State
13 that requires State legislation to establish the fund
14 described in this subsection, the Director shall defer
15 disbursement of the payment to such State under
16 the Program until such time as legislation estab-
17 lishing the fund is enacted.

18 **SEC. 8003. PROHIBITING REDUCTION IN ACCESS TO PAR-**
19 **TICIPATION IN ELECTIONS.**

20 (a) PROHIBITING USE OF PAYMENTS.—A State may
21 not use a payment made under the Program to carry out
22 any activity which has the purpose or effect of diminishing
23 the ability of any citizen of the United States to partici-
24 pate in the electoral process.

1 (b) STATE-BASED ADMINISTRATIVE COMPLAINT
2 PROCEDURES.—

3 (1) ESTABLISHMENT.—A State receiving a pay-
4 ment under the Program shall establish uniform and
5 nondiscriminatory State-based administrative com-
6 plaint procedures under which any person who be-
7 lieves that a violation of subsection (a) has occurred,
8 is occurring, or is about to occur may file a com-
9 plaint.

10 (2) NOTIFICATION TO DIRECTOR.—The State
11 shall transmit to the Director a description of each
12 complaint filed under the procedures, together
13 with—

14 (A) if the State provides a remedy with re-
15 spect to the complaint, a description of the rem-
16 edy; or

17 (B) if the State dismisses the complaint, a
18 statement of the reasons for the dismissal.

19 (3) REVIEW BY DIRECTOR.—

20 (A) REQUEST FOR REVIEW.—Any person
21 who is dissatisfied with the final decision under
22 a State-based administrative complaint proce-
23 dure under this subsection may, not later than
24 60 days after the decision is made, file a re-
25 quest with the Director to review the decision.

1 (B) ACTION BY DIRECTOR.—Upon receiv-
2 ing a request under subparagraph (A), the Di-
3 rector shall review the decision and, in accord-
4 ance with such procedures as the Director may
5 establish, including procedures to provide notice
6 and an opportunity for a hearing, may uphold
7 the decision or reverse the decision and provide
8 an appropriate remedy.

9 (4) RIGHT TO PETITION FOR REVIEW.—

10 (A) IN GENERAL.—Any person aggrieved
11 by an action of the Director under subpara-
12 graph (B) of paragraph (3) may file a petition
13 with the United States District Court for the
14 District of Columbia.

15 (B) DEADLINE TO FILE PETITION.—Any
16 petition under this subparagraph shall be filed
17 not later than 60 days after the date of the ac-
18 tion taken by the Director under subparagraph
19 (B) of paragraph (3).

20 (C) STANDARD OF REVIEW.—In any pro-
21 ceeding under this paragraph, the court shall
22 determine whether the action of the Director
23 was arbitrary, capricious, an abuse of discre-
24 tion, or otherwise not in accordance with law
25 under section 706 of title 5, United States

1 Code, and may direct the Office to conform
2 with any such determination within 30 days.

3 (c) ACTION BY ATTORNEY GENERAL FOR DECLARA-
4 TORY AND INJUNCTIVE RELIEF.—The Attorney General
5 may bring a civil action against any State in an appro-
6 priate United States District Court for such declaratory
7 and injunctive relief (including a temporary restraining
8 order, a permanent or temporary injunction, or other
9 order) as may be necessary to enforce subsection (a).

10 **SEC. 8004. AMOUNT OF STATE ALLOCATION.**

11 (a) STATE-SPECIFIC AMOUNT.—The amount of the
12 allocation made to a State under the Program for a fiscal
13 year shall be equal to the product of—

14 (1) the Congressional district allocation amount
15 (determined under subsection (b)); and

16 (2) the number of Congressional districts in the
17 State for the next regularly scheduled general elec-
18 tion for Federal office held in the State.

19 (b) CONGRESSIONAL DISTRICT ALLOCATION
20 AMOUNT.—For purposes of subsection (a), the “Congres-
21 sional district allocation amount” with respect to a fiscal
22 year is equal to the quotient of—

23 (1) the aggregate amount available for alloca-
24 tions to States under the Program for the fiscal

1 year, as determined by the Director under sub-
2 section (c); divided by

3 (2) the total number of Congressional districts
4 in all States.

5 (c) DETERMINATION OF AGGREGATE AMOUNT
6 AVAILABLE FOR ALLOCATIONS; NOTIFICATION TO
7 STATES.—Not later than 120 days before the first day
8 of each fiscal year, the Director—

9 (1) shall, in accordance with section 8012, de-
10 termine and establish the aggregate amount avail-
11 able for allocations to States under the Program for
12 the fiscal year; and

13 (2) shall notify each State of the amount of the
14 State's allocation under the Program for the fiscal
15 year.

16 (d) SOURCE OF PAYMENTS.—The amounts used to
17 make allocations and payments under the Program shall
18 be derived solely from the Trust Fund.

19 **SEC. 8005. PROCEDURES FOR DISBURSEMENTS OF PAY-**
20 **MENTS AND ALLOCATIONS.**

21 (a) DIRECT PAYMENTS TO STATES FOR CERTAIN AC-
22 TIVITIES UNDER STATE PLAN.—

23 (1) DIRECT PAYMENT.—If the approved State
24 plan of a State includes activities for which alloca-
25 tions are not made under subsections (b), (c), or (d),

1 upon approving the State plan under section 8002,
2 the Director shall direct the Secretary of the Treas-
3 ury to disburse amounts from the Trust Fund for
4 payment to the State in the aggregate amount pro-
5 vided under the plan for such activities.

6 (2) TIMING.—As soon as practicable after the
7 Director directs the Secretary of the Treasury to
8 disburse amounts for payment to a State under
9 paragraph (1), the Secretary of the Treasury shall
10 make the payment to the State under such para-
11 graph.

12 (3) CONTINUING AVAILABILITY OF FUNDS
13 AFTER APPROPRIATION.—A payment made to a
14 State under this subsection shall be available with-
15 out fiscal year limitation.

16 (b) ALLOCATION TO ELECTION ASSISTANCE COMMIS-
17 SION FOR PAYMENTS TO STATES FOR CERTAIN ELECTION
18 ADMINISTRATION ACTIVITIES.—

19 (1) ALLOCATION.—If the approved State plan
20 of a State includes activities described in section
21 8001(b)(1), upon approving the State plan under
22 section 8002, the Director shall direct the Secretary
23 of the Treasury to allocate to the Election Assist-
24 ance Commission the amount provided for such ac-
25 tivities under the plan.

1 (2) PAYMENT TO STATE.—As soon as prac-
2 ticable after receiving an allocation under paragraph
3 (1) with respect to a State, the Election Assistance
4 Commission shall make a payment to the State in
5 the amount of the State’s allocation.

6 (3) CONTINUING AVAILABILITY OF FUNDS
7 AFTER APPROPRIATION.—A payment made to a
8 State by the Election Assistance Commission under
9 this subsection shall be available without fiscal year
10 limitation.

11 (c) ALLOCATION TO FEDERAL ELECTION COMMIS-
12 SION FOR PAYMENTS TO PARTICIPATING CANDIDATES
13 FROM STATE.—If the approved State plan of a State in-
14 cludes activities described in section 8001(b)(2)(A), relat-
15 ing to payments to participating candidates in the State
16 under title V of the Federal Election Campaign Act of
17 1971, upon approving the State plan under section 8002,
18 the Director shall direct the Secretary of the Treasury to
19 allocate to the Federal Election Commission the amount
20 provided for such activities under the plan.

21 (d) ALLOCATION TO FEDERAL ELECTION COMMIS-
22 SION FOR PAYMENTS FOR DEMOCRACY CREDIT PRO-
23 GRAM.—If the approved State plan of a State includes ac-
24 tivities described in section 8001(b)(2)(B), relating to pay-
25 ments to the State for the operation of a Democracy Cred-

1 it Program under part 1 of subtitle B, upon approving
2 the State plan under section 8002, the Director shall di-
3 rect the Secretary of the Treasury to allocate to the Fed-
4 eral Election Commission the amount provided for such
5 activities under the plan.

6 **SEC. 8006. OFFICE OF STATE DEMOCRACY PROMOTION.**

7 (a) ESTABLISHMENT.—There is established as an
8 independent establishment in the executive branch the Of-
9 fice of State Democracy Promotion.

10 (b) DIRECTOR.—

11 (1) IN GENERAL.—The Office shall be headed
12 by a Director, who shall be appointed by the Presi-
13 dent with the advice and consent of the Senate.

14 (2) TERM OF SERVICE.—The Director shall
15 serve for a term of 6 years and may be reappointed
16 to an additional term, and may continue serving as
17 Director until a replacement is appointed. A vacancy
18 in the position of Director shall be filled in the same
19 manner as the original appointment.

20 (3) COMPENSATION.—The Director shall be
21 paid at an annual rate of pay equal to the annual
22 rate in effect for level II of the Executive Schedule.

23 (c) GENERAL COUNSEL AND OTHER STAFF.—

24 (1) GENERAL COUNSEL.—The Director shall
25 appoint a general counsel who shall be paid at an

1 annual rate of pay equal to the annual rate in effect
2 for level III of the Executive Schedule. In the event
3 of a vacancy in the position of the Director, the
4 General Counsel shall exercise all the responsibilities
5 of the Director until such vacancy is filled.

6 (2) SENIOR STAFF.—The Director may appoint
7 and fix the pay of staff designated as Senior staff,
8 such as a Deputy Director, who may be paid at an
9 annual rate of pay equal to the annual rate in effect
10 for level IV of the Executive Schedule.

11 (3) OTHER STAFF.—In addition to the General
12 Counsel and Senior staff, the Director may appoint
13 and fix the pay of such other staff as the Director
14 considers necessary to carry out the duties of the
15 Office, except that no such staff may be com-
16 pensated at an annual rate exceeding the daily
17 equivalent of the annual rate of basic pay in effect
18 for grade GS-15 of the General Schedule.

19 (d) DUTIES.—The duties of the Office are as follows:

20 (1) ADMINISTRATION OF PROGRAM.—The Di-
21 rector shall administer the Program, in consultation
22 with the Election Assistance Commission and the
23 Federal Election Commission, including by holding
24 quarterly meetings of representatives from such
25 Commissions.

1 (2) OVERSIGHT OF TRUST FUND.—The Direc-
2 tor shall oversee the operation of the Trust Fund
3 and monitor its balances, in consultation with the
4 Secretary of the Treasury. The Director may hold
5 funds in reserve to cover the expenses of the Office
6 and to preserve the solvency of the Trust Fund.

7 (3) REPORTS.—Not later than 180 days after
8 the date of the regularly scheduled general election
9 for Federal office held in 2024 and each succeeding
10 regularly scheduled general election for Federal of-
11 fice thereafter, the Director shall submit to the
12 Committee on House Administration of the House of
13 Representatives and the Committee on Rules and
14 Administration of the Senate a report on the activi-
15 ties carried out under the Program and the amounts
16 deposited into and paid from the Trust Fund during
17 the two most recent fiscal years.

18 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF
19 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—

20 (1) IN GENERAL.—Section 8G(a)(2) of the In-
21 spector General Act of 1978 (5 U.S.C. App.) is
22 amended by inserting “the Office of State Democ-
23 racy Promotion,” after “Election Assistance Com-
24 mission,”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect 180 days after the
3 appointment of the Director.

4 (f) COVERAGE UNDER HATCH ACT.—Clause (i) of
5 section 7323(b)(2)(B) of title 5, United States Code, is
6 amended—

7 (1) by striking “or” at the end of subclause
8 (XIII); and

9 (2) by adding at the end the following new sub-
10 clause:

11 “(XV) the Office of State Democracy Pro-
12 motion; or”.

13 (g) REGULATIONS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), not later than 270 days after the date of
16 enactment of this Act, the Director shall promulgate
17 such rules and regulations as the Director considers
18 necessary and appropriate to carry out the duties of
19 the Office under this Act and the amendments made
20 by this Act.

21 (2) STATE PLAN SUBMISSION AND APPROVAL
22 AND DISTRIBUTION OF FUNDS.—Not later than 90
23 days after the date of the confirmation or appoint-
24 ment of the Director, the Director shall promulgate
25 such rules and regulations as the Director considers

1 necessary and appropriate to carry out the require-
2 ments of this part and the amendments made by
3 this part.

4 (3) COMMENTS BY THE ELECTION ASSISTANCE
5 COMMISSION AND THE FEDERAL ELECTION COMMIS-
6 SION.—The Election Assistance Commission and the
7 Federal Election Assistance shall timely submit com-
8 ments with respect to any proposed regulations pro-
9 mulgated by the Director under this subsection.

10 (h) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated from the Trust Fund
12 such sums as may be necessary to carry out the activities
13 of the Office for fiscal year 2023 and each succeeding fis-
14 cal year.

15 **PART 2—STATE ELECTION ASSISTANCE AND**
16 **INNOVATION TRUST FUND**
17 **SEC. 8011. STATE ELECTION ASSISTANCE AND INNOVATION**
18 **TRUST FUND.**

19 (a) ESTABLISHMENT.—There is established in the
20 Treasury a fund to be known as the “State Election As-
21 sistance and Innovation Trust Fund”.

22 (b) CONTENTS.—The Trust Fund shall consist solely
23 of—

24 (1) amounts transferred under section 3015 of
25 title 18, United States Code, section 9706 of title

1 31, United States Code, and section 6761 of the In-
2 ternal Revenue Code of 1986 (as added by section
3 8013);

4 (2) amounts transferred under section 9006(d)
5 of the Internal Revenue Code of 1986 (as added by
6 section 8014); and

7 (3) gifts or bequests deposited pursuant to sub-
8 section (d).

9 (c) USE OF FUNDS.—Amounts in the Trust Fund
10 shall be used to make payments and allocations under the
11 Program (as described in section 8012(a)) and to carry
12 out the activities of the Office.

13 (d) ACCEPTANCE OF GIFTS.—The Office may accept
14 gifts or bequests for deposit into the Trust Fund.

15 (e) NO TAXPAYER FUNDS PERMITTED.—No tax-
16 payer funds may be deposited into the Trust Fund.

17 (f) EFFECTIVE DATE.—This section shall take effect
18 on the date of the enactment of this subtitle.

19 **SEC. 8012. USES OF FUND.**

20 (a) PAYMENTS AND ALLOCATIONS DESCRIBED.—For
21 each fiscal year, amounts in the Fund shall be used as
22 follows:

23 (1) Payments to States under the Program, as
24 described in section 8005(a).

1 (2) Allocations to the Election Assistance Com-
2 mission, to be used for payments for certain election
3 administration activities, as described in section
4 8005(b).

5 (3) Allocations to the Federal Election Commis-
6 sion, to be used for payments to participating candi-
7 dates under title V of the Federal Election Cam-
8 paign Act of 1971, as described in section 8005(c).

9 (4) Allocations to the Federal Election Commis-
10 sion, to be used for payments to States operating a
11 Democracy Credit Program under part 1 of subtitle
12 B, as described in section 8005(d).

13 (b) DETERMINATION OF AGGREGATE AMOUNT OF
14 STATE ALLOCATIONS.—The Director, in consultation with
15 the Election Assistance Commission and the Federal Elec-
16 tion Commission, shall determine and establish the aggre-
17 gate amount of State allocations for each fiscal year, tak-
18 ing into account the anticipated balances of the Trust
19 Fund.

20 **SEC. 8013. ASSESSMENTS AGAINST FINES AND PENALTIES.**

21 (a) ASSESSMENTS RELATING TO CRIMINAL OF-
22 FENSES.—

23 (1) IN GENERAL.—Chapter 201 of title 18,
24 United States Code, is amended by adding at the
25 end the following new section:

1 **“§ 3015. Special assessments for State Election Assist-**
2 **ance and Innovation Trust Fund**

3 “(a) ASSESSMENTS.—

4 “(1) CONVICTIONS OF CRIMES.—In addition to
5 any assessment imposed under this chapter, the
6 court shall assess on any organizational defendant or
7 any defendant who is a corporate officer or person
8 with equivalent authority in any other organization
9 who is convicted of a criminal offense under Federal
10 law an amount equal to 4.75 percent of any fine im-
11 posed on that defendant in the sentence imposed for
12 that conviction.

13 “(2) SETTLEMENTS.—The court shall assess on
14 any organizational defendant or defendant who is a
15 corporate officer or person with equivalent authority
16 in any other organization who has entered into a
17 settlement agreement or consent decree with the
18 United States in satisfaction of any allegation that
19 the defendant committed a criminal offense under
20 Federal law an amount equal to 4.75 percent of the
21 amount of the settlement.

22 “(b) MANNER OF COLLECTION.—An amount as-
23 sessed under subsection (a) shall be collected in the man-
24 ner in which fines are collected in criminal cases.

25 “(c) TRANSFERS.—In a manner consistent with sec-
26 tion 3302(b) of title 31, there shall be transferred from

1 the General Fund of the Treasury to the State Election
2 Assistance and Innovation Trust Fund under section 8011
3 of the Freedom to Vote Act an amount equal to the
4 amount of the assessments collected under this section.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions of chapter 201 of title 18, United States Code,
7 is amended by adding at the end the following:

“3015. Special assessments for State Election Assistance and Innovation Trust
Fund.”.

8 (b) ASSESSMENTS RELATING TO CIVIL PEN-
9 ALTIES.—

10 (1) IN GENERAL.—Chapter 97 of title 31,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 9706. Special assessments for State Election Assist-**
14 **ance and Innovation Trust Fund**

15 “(a) ASSESSMENTS.—

16 “(1) CIVIL PENALTIES.—Any entity of the Fed-
17 eral Government which is authorized under any law,
18 rule, or regulation to impose a civil penalty shall as-
19 sess on each person, other than a natural person
20 who is not a corporate officer or person with equiva-
21 lent authority in any other organization, on whom
22 such a penalty is imposed an amount equal to 4.75
23 percent of the amount of the penalty.

1 “(2) ADMINISTRATIVE PENALTIES.—Any entity
2 of the Federal Government which is authorized
3 under any law, rule, or regulation to impose an ad-
4 ministrative penalty shall assess on each person,
5 other than a natural person who is not a corporate
6 officer or person with equivalent authority in any
7 other organization, on whom such a penalty is im-
8 posed an amount equal to 4.75 percent of the
9 amount of the penalty.

10 “(3) SETTLEMENTS.—Any entity of the Federal
11 Government which is authorized under any law, rule,
12 or regulation to enter into a settlement agreement or
13 consent decree with any person, other than a natural
14 person who is not a corporate officer or person with
15 equivalent authority in any other organization, in
16 satisfaction of any allegation of an action or omis-
17 sion by the person which would be subject to a civil
18 penalty or administrative penalty shall assess on
19 such person an amount equal to 4.75 percent of the
20 amount of the settlement.

21 “(b) MANNER OF COLLECTION.—An amount as-
22 sessed under subsection (a) shall be collected—

23 “(1) in the case of an amount assessed under
24 paragraph (1) of such subsection, in the manner in

1 which civil penalties are collected by the entity of the
2 Federal Government involved;

3 “(2) in the case of an amount assessed under
4 paragraph (2) of such subsection, in the manner in
5 which administrative penalties are collected by the
6 entity of the Federal Government involved; and

7 “(3) in the case of an amount assessed under
8 paragraph (3) of such subsection, in the manner in
9 which amounts are collected pursuant to settlement
10 agreements or consent decrees entered into by the
11 entity of the Federal Government involved.

12 “(c) TRANSFERS.—In a manner consistent with sec-
13 tion 3302(b) of this title, there shall be transferred from
14 the General Fund of the Treasury to the State Election
15 Assistance and Innovation Trust Fund under section 8011
16 of the Freedom to Vote Act an amount equal to the
17 amount of the assessments collected under this section.

18 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
19 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
20 CODE OF 1986.—

21 “(1) IN GENERAL.—No assessment shall be
22 made under subsection (a) with respect to any civil
23 or administrative penalty imposed, or any settlement
24 agreement or consent decree entered into, under the
25 authority of the Internal Revenue Code of 1986.

1 “(b) COVERED PENALTY.—For purposes of this sec-
2 tion, the term ‘covered penalty’ means any addition to tax,
3 additional amount, penalty, or other liability provided
4 under subchapter A or B.

5 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

6 “(1) IN GENERAL.—In the case of a taxpayer
7 who is an individual, subsection (a) shall not apply
8 to any covered penalty if such taxpayer is an exempt
9 taxpayer for the taxable year for which such covered
10 penalty is assessed.

11 “(2) EXEMPT TAXPAYER.—For purposes of this
12 subsection, a taxpayer is an exempt taxpayer for any
13 taxable year if the taxable income of such taxpayer
14 for such taxable year does not exceed the dollar
15 amount at which begins the highest rate bracket in
16 effect under section 1 with respect to such taxpayer
17 for such taxable year.

18 “(d) APPLICATION OF CERTAIN RULES.—Except as
19 provided in subsection (e), the additional amount deter-
20 mined under subsection (a) shall be treated for purposes
21 of this title in the same manner as the covered penalty
22 to which such additional amount relates.

23 “(e) TRANSFER TO STATE ELECTION ADMINISTRA-
24 TION AND INNOVATION TRUST FUND.—The Secretary
25 shall deposit any additional amount under subsection (a)

1 in the General Fund of the Treasury and shall transfer
2 from such General Fund to the State Election Assistance
3 and Innovation Trust Fund under section 8011 of the
4 Freedom to Vote Act an amount equal to the amounts
5 so deposited (and, notwithstanding subsection (d), such
6 additional amount shall not be the basis for any deposit,
7 transfer, credit, appropriation, or any other payment, to
8 any other trust fund or account). Rules similar to the rules
9 of section 9601 shall apply for purposes of this sub-
10 section.”.

11 (2) CLERICAL AMENDMENT.—The table of sub-
12 chapters for chapter 68 of such Code is amended by
13 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR STATE ELECTION ASSISTANCE
AND INNOVATION TRUST FUND”.

14 (d) EFFECTIVE DATES.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the amendments made by this section
17 shall apply with respect to convictions, agreements,
18 and penalties which occur on or after the date of the
19 enactment of this Act.

20 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
21 ALTIES UNDER THE INTERNAL REVENUE CODE OF
22 1986.—The amendments made by subsection (c)
23 shall apply to covered penalties assessed after the
24 date of the enactment of this Act.

1 **SEC. 8014. TRANSFER OF BALANCE OF PRESIDENTIAL**
2 **ELECTION CAMPAIGN FUND.**

3 Section 9006 of the Internal Revenue Code of 1986
4 is amended by adding at the end the following new sub-
5 section:

6 “(d) **TRANSFER OF BALANCE TO STATE ELECTION**
7 **ASSISTANCE AND INNOVATION TRUST FUND.**—Effective
8 December 31, 2021, the Secretary shall transfer from the
9 fund to the State Election Assistance and Innovation
10 Trust Fund under section 8011 of the Freedom to Vote
11 Act an amount equal to the balance of the fund as of such
12 date, reduced by the amount of any payments required
13 to be made from the fund under section 9008(i).”.

14 **PART 3—GENERAL PROVISIONS**

15 **SEC. 8021. DEFINITIONS.**

16 In this subtitle, the following definitions apply:

17 (1) The term “chief State election official” has
18 the meaning given such term in section 253(e) of the
19 Help America Vote Act of 2002 (52 U.S.C.
20 21003(e)).

21 (2) The term “Director” means the Director of
22 the Office.

23 (3) The term “election cycle” means the period
24 beginning on the day after the date of the most re-
25 cent regularly scheduled general election for Federal

1 office and ending on the date of the next regularly
2 scheduled general election for Federal office.

3 (4) The term “Indian lands” includes—

4 (A) Indian country, as defined under sec-
5 tion 1151 of title 18, United States Code;

6 (B) any land in Alaska owned, pursuant to
7 the Alaska Native Claims Settlement Act (43
8 U.S.C. 1601 et seq.), by an Indian Tribe that
9 is a Native village (as defined in section 3 of
10 that Act (43 U.S.C. 1602)) or by a Village Cor-
11 poration that is associated with an Indian Tribe
12 (as defined in section 3 of that Act (43 U.S.C.
13 1602));

14 (C) any land on which the seat of the Trib-
15 al government is located; and

16 (D) any land that is part or all of a Tribal
17 designated statistical area associated with an
18 Indian Tribe, or is part or all of an Alaska Na-
19 tive village statistical area associated with an
20 Indian Tribe, as defined by the Census Bureau
21 for the purposes of the most recent decennial
22 census.

23 (5) The term “Office” means the Office of
24 State Democracy Promotion established under sec-
25 tion 8005.

1 (6) The term “Program” means the State De-
2 mocracy Promotion Program established under sec-
3 tion 8001.

4 (7) The term “State” means each of the several
5 States, the District of Columbia, the Commonwealth
6 of Puerto Rico, Guam, American Samoa, the United
7 States Virgin Islands, and the Commonwealth of the
8 Northern Mariana Islands.

9 (8) The term “Trust Fund” means the State
10 Election Assistance and Innovation Trust Fund es-
11 tablished under section 8011.

12 **SEC. 8022. RULE OF CONSTRUCTION REGARDING CALCULA-**
13 **TION OF DEADLINES.**

14 (a) IN GENERAL.—With respect to the calculation of
15 any period of time for the purposes of a deadline in this
16 subtitle, the last day of the period shall be included in
17 such calculation, unless such day is a Saturday, a Sunday,
18 or a legal public holiday, in which case the period of such
19 deadline shall be extended until the end of the next day
20 which is not a Saturday, a Sunday, a legal public holiday.

21 (b) LEGAL PUBLIC HOLIDAY DEFINED.—For the
22 purposes of this section, the term “legal public holiday”
23 means a day described in section 6103(a) of title 5, United
24 States Code.

1 **Subtitle B—Elections for House of**
2 **Representatives**

3 **SEC. 8101. SHORT TITLE.**

4 This subtitle may be cited as the “Government By
5 the People Act of 2021”.

6 **PART 1—OPTIONAL DEMOCRACY CREDIT**

7 **PROGRAM**

8 **SEC. 8102. ESTABLISHMENT OF PROGRAM.**

9 (a) **ESTABLISHMENT.**—The Federal Election Com-
10 mission (hereafter in this part referred to as the “Commis-
11 sion”) shall establish a program under which the Commis-
12 sion shall make payments to States to operate a credit
13 program which is described in section 8103 during an elec-
14 tion cycle.

15 (b) **REQUIREMENTS FOR PROGRAM.**—A State is eligi-
16 ble to operate a credit program under this part with re-
17 spect to an election cycle if, not later than 180 days before
18 the cycle begins, the State submits to the Commission a
19 statement containing—

20 (1) information and assurances that the State
21 will operate a credit program which contains the ele-
22 ments described in section 8103(a);

23 (2) information and assurances that the State
24 will establish fraud prevention mechanisms described
25 in section 8103(b);

1 (3) information and assurances that the State
2 will establish a commission to oversee and implement
3 the program as described in section 8103(c);

4 (4) information and assurances that the State
5 will carry out a public information campaign as de-
6 scribed in section 8103(d);

7 (5) information and assurances that the State
8 will submit reports as required under section 8104;

9 (6) information and assurances that, not later
10 than 90 days before the beginning of the cycle, the
11 State will complete any actions necessary to operate
12 the program during the cycle; and

13 (7) such other information and assurances as
14 the Commission may require.

15 (c) REIMBURSEMENT OF COSTS.—

16 (1) REIMBURSEMENT.—Upon receiving the re-
17 port submitted by a State under section 8104(a)
18 with respect to an election cycle, the Commission
19 shall transmit a payment to the State in an amount
20 equal to the reasonable costs incurred by the State
21 in operating the credit program under this part dur-
22 ing the cycle.

23 (2) SOURCE OF FUNDS.—Payments to a State
24 under the program shall be made using amounts al-
25 located to the Commission for purposes of making

1 payments under this part with respect to the State
2 from the State Election Assistance and Innovation
3 Trust Fund (hereafter referred to as the “Fund”)
4 under section 8012, in the amount allocated with re-
5 spect to the State under section 8005(d).

6 (3) MANDATORY REDUCTION OF PAYMENTS IN
7 CASE OF INSUFFICIENT ALLOCATIONS.—

8 (A) ADVANCE AUDITS BY COMMISSION.—

9 Not later than 90 days before the first day of
10 each program operation period, the Commis-
11 sion, in consultation with the Director of the
12 Office of State Democracy Promotion, shall—

13 (i) audit the Fund to determine
14 whether, after first making payments to
15 States under section 8005(a), then making
16 allocations to the Election Assistance Com-
17 mission under section 8005(b), and then
18 making allocations to the Commission
19 under section 8005(c), the amount allo-
20 cated to the State for making payments
21 under this part will be sufficient to make
22 payments to the State in the amounts pro-
23 vided under this subsection; and

24 (ii) submit a report to Congress de-
25 scribing the results of the audit.

1 (B) REDUCTIONS IN AMOUNT OF PAY-
2 MENTS.—

3 (i) AUTOMATIC REDUCTION ON PRO
4 RATA BASIS.—If, on the basis of the audit
5 described in subparagraph (A), the Com-
6 mission determines that the amount allo-
7 cated to the State for making payments
8 under this part is not, or may not be, suf-
9 ficient to make payments to the State
10 under this part in the full amount provided
11 under this subsection with respect to an
12 election cycle, the Commission shall reduce
13 each amount which would otherwise be
14 paid to a State under this subsection by
15 such pro rata amount as may be necessary
16 to ensure that the aggregate amount of
17 payments anticipated to be made with re-
18 spect to the cycle will not exceed the
19 amount allocated to the State for making
20 payments under this part with respect to
21 such cycle.

22 (ii) RESTORATION OF REDUCTIONS IN
23 CASE OF AVAILABILITY OF SUFFICIENT
24 FUNDS DURING ELECTION CYCLE.—If,
25 after reducing the amount paid to a State

1 with respect to an election cycle under
2 clause (i), the Commission determines that
3 the amount allocated to the State for mak-
4 ing payments under this part is sufficient
5 to restore the amount by which such pay-
6 ments were reduced (or any portion there-
7 of), to the extent that such amounts are
8 available, the Commission may make a
9 payment to the State with respect to the
10 cycle in the amount by which such State's
11 payments were reduced under clause (i) (or
12 any portion thereof, as the case may be).

13 (iii) NO USE OF AMOUNTS FROM
14 OTHER SOURCES.—In any case in which
15 the Commission determines that the
16 amount allocated to the State for making
17 payments under this part is insufficient to
18 make payments to the State under this
19 part, moneys shall not be made available
20 from any other source for the purpose of
21 making such payments.

22 (4) CAP ON AMOUNT OF PAYMENT.—The aggre-
23 gate amount of payments made to any State with re-
24 spect to two consecutive election cycles period may
25 not exceed \$10,000,000. If the State determines

1 that the maximum payment amount under this para-
2 graph with respect to such cycles is not, or may not
3 be, sufficient to cover the reasonable costs incurred
4 by the State in operating the program under this
5 part for such cycles, the State shall reduce the
6 amount of the credit provided to each qualified indi-
7 vidual by such pro rata amount as may be necessary
8 to ensure that the reasonable costs incurred by the
9 State in operating the program will not exceed the
10 amount paid to the State with respect to such cycles.

11 (d) CONTINUING AVAILABILITY OF FUNDS AFTER
12 APPROPRIATION.—A payment made to a State under this
13 part shall be available without fiscal year limitation.

14 **SEC. 8103. CREDIT PROGRAM DESCRIBED.**

15 (a) GENERAL ELEMENTS OF PROGRAM.—

16 (1) ELEMENTS DESCRIBED.—The elements of a
17 credit program operated by a State under this part
18 are as follows:

19 (A) The State shall provide each qualified
20 individual upon the individual's request with a
21 credit worth \$25 to be known as a "Democracy
22 Credit" during the election cycle which will be
23 assigned a routing number and which at the op-
24 tion of the individual will be provided in either
25 paper or electronic form.

1 (B) Using the routing number assigned to
2 the Democracy Credit, the individual may sub-
3 mit the Democracy Credit in either electronic or
4 paper form to qualified candidates for election
5 for the office of Representative in, or Delegate
6 or Resident Commissioner to, the Congress and
7 allocate such portion of the value of the Democ-
8 racy Credit in increments of \$5 as the indi-
9 vidual may select to any such candidate.

10 (C) If the candidate transmits the Democ-
11 racy Credit to the Commission, the Commission
12 shall pay the candidate the portion of the value
13 of the Democracy Credit that the individual al-
14 located to the candidate, which shall be consid-
15 ered a contribution by the individual to the can-
16 didate for purposes of the Federal Election
17 Campaign Act of 1971.

18 (2) DESIGNATION OF QUALIFIED INDIVID-
19 UALS.—For purposes of paragraph (1)(A), a “quali-
20 fied individual” with respect to a State means an in-
21 dividual—

22 (A) who is a resident of the State;

23 (B) who will be of voting age as of the
24 date of the election for the candidate to whom
25 the individual submits a Democracy Credit; and

1 (C) who is not prohibited under Federal
2 law from making contributions to candidates
3 for election for Federal office.

4 (3) TREATMENT AS CONTRIBUTION TO CANDI-
5 DIDATE.—For purposes of the Federal Election
6 Campaign Act of 1971, the submission of a Democ-
7 racy Credit to a candidate by an individual shall be
8 treated as a contribution to the candidate by the in-
9 dividual in the amount of the portion of the value
10 of the Credit that the individual allocated to the can-
11 didate.

12 (b) FRAUD PREVENTION MECHANISM.—In addition
13 to the elements described in subsection (a), a State oper-
14 ating a credit program under this part shall permit an
15 individual to revoke a Democracy Credit not later than
16 2 days after submitting the Democracy Credit to a can-
17 didate.

18 (c) OVERSIGHT COMMISSION.—In addition to the ele-
19 ments described in subsection (a), a State operating a
20 credit program under this part shall establish a commis-
21 sion or designate an existing entity to oversee and imple-
22 ment the program in the State, except that no such com-
23 mission or entity may be comprised of elected officials.

24 (d) PUBLIC INFORMATION CAMPAIGN.—In addition
25 to the elements described in subsection (a), a State oper-

1 ating a credit program under this part shall carry out a
2 public information campaign to disseminate awareness of
3 the program among qualified individuals.

4 (e) NO TAXPAYER FUNDS PERMITTED TO CARRY
5 OUT PROGRAM.—No taxpayer funds shall be used to carry
6 out the credit program under this part.

7 **SEC. 8104. REPORTS.**

8 (a) STATE REPORTS.—Not later than 6 months after
9 each first election cycle during which the State operates
10 a program under this part, the State shall submit a report
11 to the Commission analyzing the operation and effective-
12 ness of the program during the cycle and including such
13 other information as the Commission may require.

14 (b) STUDY AND REPORT ON IMPACT AND EFFEC-
15 TIVENESS OF CREDIT PROGRAMS.—

16 (1) STUDY.—The Federal Election Commission
17 shall conduct a study on the efficacy of political
18 credit programs, including the program under this
19 part and other similar programs, in expanding and
20 diversifying the pool of individuals who participate in
21 the electoral process, including those who participate
22 as donors and those who participate as candidates.

23 (2) REPORT.—Not later than 1 year after the
24 first election cycle for which States operate the pro-
25 gram under this part, the Commission shall publish

1 and submit to Congress a report on the study con-
2 ducted under paragraph (1).

3 **SEC. 8105. ELECTION CYCLE DEFINED.**

4 In this part, the term “election cycle” means the pe-
5 riod beginning on the day after the date of the most recent
6 regularly scheduled general election for Federal office and
7 ending on the date of the next regularly scheduled general
8 election for Federal office.

9 **PART 2—OPTIONAL SMALL DOLLAR FINANCING**
10 **OF ELECTIONS FOR HOUSE OF REPRESENTA-**
11 **TIVES**

12 **SEC. 8111. BENEFITS AND ELIGIBILITY REQUIREMENTS**
13 **FOR CANDIDATES.**

14 The Federal Election Campaign Act of 1971 (52
15 U.S.C. 30101 et seq.) is amended by adding at the end
16 the following:

17 **“TITLE V—SMALL DOLLAR FI-**
18 **NANCING OF ELECTIONS FOR**
19 **HOUSE OF REPRESENTA-**
20 **TIVES**

21 **“Subtitle A—Benefits**

22 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

23 “(a) IN GENERAL.—If a candidate for election to the
24 office of Representative in, or Delegate or Resident Com-
25 missioner to, the Congress is certified as a participating

1 candidate under this title with respect to an election for
2 such office, the candidate shall be entitled to payments
3 as provided under this title.

4 “(b) AMOUNT OF PAYMENT.—The amount of a pay-
5 ment made under this title shall be equal to 600 percent
6 of the amount of qualified small dollar contributions re-
7 ceived by the candidate since the most recent payment
8 made to the candidate under this title during the election
9 cycle, without regard to whether or not the candidate re-
10 ceived any of the contributions before, during, or after the
11 Small Dollar Democracy qualifying period applicable to
12 the candidate under section 511(c).

13 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-
14 MENTS.—The aggregate amount of payments made to a
15 participating candidate with respect to an election cycle
16 under this title may not exceed 50 percent of the average
17 of the 20 greatest amounts of disbursements made by the
18 authorized committees of any winning candidate for the
19 office of Representative in, or Delegate or Resident Com-
20 missioner to, the Congress during the most recent election
21 cycle, rounded to the nearest \$100,000.

22 “(d) NO TAXPAYER FUNDS PERMITTED.—No tax-
23 payer funds shall be used to make payments under this
24 title.

1 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

2 “(a) IN GENERAL.—The Commission shall make a
3 payment under section 501 to a candidate who is certified
4 as a participating candidate upon receipt from the can-
5 didate of a request for a payment which includes—

6 “(1) a statement of the number and amount of
7 qualified small dollar contributions received by the
8 candidate since the most recent payment made to
9 the candidate under this title during the election
10 cycle;

11 “(2) a statement of the amount of the payment
12 the candidate anticipates receiving with respect to
13 the request;

14 “(3) a statement of the total amount of pay-
15 ments the candidate has received under this title as
16 of the date of the statement; and

17 “(4) such other information and assurances as
18 the Commission may require.

19 “(b) RESTRICTIONS ON SUBMISSION OF RE-
20 QUESTS.—A candidate may not submit a request under
21 subsection (a) unless each of the following applies:

22 “(1) The amount of the qualified small dollar
23 contributions in the statement referred to in sub-
24 section (a)(1) is equal to or greater than \$5,000, un-
25 less the request is submitted during the 30-day pe-
26 riod which ends on the date of a general election.

1 “(2) The candidate did not receive a payment
2 under this title during the 7-day period which ends
3 on the date the candidate submits the request.

4 “(c) TIME OF PAYMENT.—The Commission shall, in
5 coordination with the Secretary of the Treasury, take such
6 steps as may be necessary to ensure that the Secretary
7 is able to make payments under this section from the
8 Treasury not later than 2 business days after the receipt
9 of a request submitted under subsection (a).

10 **“SEC. 503. USE OF FUNDS.**

11 “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN
12 EXPENDITURES.—A candidate shall use payments made
13 under this title, including payments provided with respect
14 to a previous election cycle which are withheld from remit-
15 tance to the Commission in accordance with section
16 524(a)(2), only for making direct payments for the receipt
17 of goods and services which constitute authorized expendi-
18 tures (as determined in accordance with title III) in con-
19 nection with the election cycle involved.

20 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-
21 PENSES, FINES, OR PENALTIES.—Notwithstanding title
22 III, a candidate may not use payments made under this
23 title for the payment of expenses incurred in connection
24 with any action, claim, or other matter before the Commis-
25 sion or before any court, hearing officer, arbitrator, or

1 other dispute resolution entity, or for the payment of any
2 fine or civil monetary penalty.

3 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**
4 **SCRIBED.**

5 “(a) IN GENERAL.—In this title, the term ‘qualified
6 small dollar contribution’ means, with respect to a can-
7 didate and the authorized committees of a candidate, a
8 contribution that meets the following requirements:

9 “(1) The contribution is in an amount that is—

10 “(A) not less than \$1; and

11 “(B) not more than \$200.

12 “(2)(A) The contribution is made directly by an
13 individual to the candidate or an authorized com-
14 mittee of the candidate and is not—

15 “(i) forwarded from the individual making
16 the contribution to the candidate or committee
17 by another person; or

18 “(ii) received by the candidate or com-
19 mittee with the knowledge that the contribution
20 was made at the request, suggestion, or rec-
21 ommendation of another person.

22 “(B) In this paragraph—

23 “(i) the term ‘person’ does not include an
24 individual (other than an individual described in
25 section 304(i)(7) of the Federal Election Cam-

1 paign Act of 1971), a political committee of a
2 political party, or any political committee which
3 is not a separate segregated fund described in
4 section 316(b) of the Federal Election Cam-
5 paign Act of 1971 and which does not make
6 contributions or independent expenditures, does
7 not engage in lobbying activity under the Lob-
8 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
9 seq.), and is not established by, controlled by,
10 or affiliated with a registered lobbyist under
11 such Act, an agent of a registered lobbyist
12 under such Act, or an organization which re-
13 tains or employs a registered lobbyist under
14 such Act; and

15 “(ii) a contribution is not ‘made at the re-
16 quest, suggestion, or recommendation of an-
17 other person’ solely on the grounds that the
18 contribution is made in response to information
19 provided to the individual making the contribu-
20 tion by any person, so long as the candidate or
21 authorized committee does not know the iden-
22 tity of the person who provided the information
23 to such individual.

24 “(3) The individual who makes the contribution
25 does not make contributions to the candidate or the

1 authorized committees of the candidate with respect
2 to the election involved in an aggregate amount that
3 exceeds the amount described in paragraph (1)(B),
4 or any contribution to the candidate or the author-
5 ized committees of the candidate with respect to the
6 election involved that otherwise is not a qualified
7 small dollar contribution.

8 “(b) TREATMENT OF DEMOCRACY CREDITS.—Any
9 payment received by a candidate and the authorized com-
10 mittees of a candidate which consists of a Democracy
11 Credit under the Government By the People Act of 2021
12 shall be considered a qualified small dollar contribution
13 for purposes of this title, so long as the individual making
14 the payment meets the requirements of paragraphs (2)
15 and (3) of subsection (a).

16 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-
17 TIONS.—

18 “(1) PROHIBITING DONOR FROM MAKING SUB-
19 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING
20 ELECTION CYCLE.—

21 “(A) IN GENERAL.—An individual who
22 makes a qualified small dollar contribution to a
23 candidate or the authorized committees of a
24 candidate with respect to an election may not
25 make any subsequent contribution to such can-

1 didate or the authorized committees of such
2 candidate with respect to the election cycle
3 which is not a qualified small dollar contribu-
4 tion.

5 “(B) EXCEPTION FOR CONTRIBUTIONS TO
6 CANDIDATES WHO VOLUNTARILY WITHDRAW
7 FROM PARTICIPATION DURING QUALIFYING PE-
8 RIOD.—Subparagraph (A) does not apply with
9 respect to a contribution made to a candidate
10 who, during the Small Dollar Democracy quali-
11 fying period described in section 511(c), sub-
12 mits a statement to the Commission under sec-
13 tion 513(c) to voluntarily withdraw from par-
14 ticipating in the program under this title.

15 “(2) TREATMENT OF SUBSEQUENT NON-
16 QUALIFIED CONTRIBUTIONS.—If, notwithstanding
17 the prohibition described in paragraph (1), an indi-
18 vidual who makes a qualified small dollar contribu-
19 tion to a candidate or the authorized committees of
20 a candidate with respect to an election makes a sub-
21 sequent contribution to such candidate or the au-
22 thorized committees of such candidate with respect
23 to the election which is prohibited under paragraph
24 (1) because it is not a qualified small dollar con-

1 tribution, the candidate may take one of the fol-
2 lowing actions:

3 “(A) Not later than 2 weeks after receiving
4 the contribution, the candidate may return the
5 subsequent contribution to the individual. In
6 the case of a subsequent contribution which is
7 not a qualified small dollar contribution because
8 the contribution fails to meet the requirements
9 of paragraph (3) of subsection (a) (relating to
10 the aggregate amount of contributions made to
11 the candidate or the authorized committees of
12 the candidate by the individual making the con-
13 tribution), the candidate may return an amount
14 equal to the difference between the amount of
15 the subsequent contribution and the amount de-
16 scribed in paragraph (1)(B) of subsection (a).

17 “(B) The candidate may retain the subse-
18 quent contribution, so long as not later than 2
19 weeks after receiving the subsequent contribu-
20 tion, the candidate remits to the Commission an
21 amount equal to any payments received by the
22 candidate under this title which are attributable
23 to the qualified small dollar contribution made
24 by the individual involved. Such amount shall
25 be used to supplement the allocation made to

1 the Commission with respect to candidates from
2 the State in which the candidate seeks office, as
3 described in section 541(a).

4 “(3) NO EFFECT ON ABILITY TO MAKE MUL-
5 TIPLE CONTRIBUTIONS.—Nothing in this section
6 may be construed to prohibit an individual from
7 making multiple qualified small dollar contributions
8 to any candidate or any number of candidates, so
9 long as each contribution meets each of the require-
10 ments of paragraphs (1), (2), and (3) of subsection
11 (a).

12 “(d) NOTIFICATION REQUIREMENTS FOR CAN-
13 DIDATES.—

14 “(1) NOTIFICATION.—Each authorized com-
15 mittee of a candidate who seeks to be a participating
16 candidate under this title shall provide the following
17 information in any materials for the solicitation of
18 contributions, including any internet site through
19 which individuals may make contributions to the
20 committee:

21 “(A) A statement that if the candidate is
22 certified as a participating candidate under this
23 title, the candidate will receive matching pay-
24 ments in an amount which is based on the total

1 amount of qualified small dollar contributions
2 received.

3 “(B) A statement that a contribution
4 which meets the requirements set forth in sub-
5 section (a) shall be treated as a qualified small
6 dollar contribution under this title.

7 “(C) A statement that if a contribution is
8 treated as qualified small dollar contribution
9 under this title, the individual who makes the
10 contribution may not make any contribution to
11 the candidate or the authorized committees of
12 the candidate during the election cycle which is
13 not a qualified small dollar contribution.

14 “(2) ALTERNATIVE METHODS OF MEETING RE-
15 QUIREMENTS.—An authorized committee may meet
16 the requirements of paragraph (1)—

17 “(A) by including the information de-
18 scribed in paragraph (1) in the receipt provided
19 under section 512(b)(3) to a person making a
20 qualified small dollar contribution; or

21 “(B) by modifying the information it pro-
22 vides to persons making contributions which is
23 otherwise required under title III (including in-
24 formation it provides through the internet).

1 **“Subtitle B—Eligibility and**
2 **Certification**

3 **“SEC. 511. ELIGIBILITY.**

4 “(a) IN GENERAL.—A candidate for the office of
5 Representative in, or Delegate or Resident Commissioner
6 to, the Congress is eligible to be certified as a participating
7 candidate under this title with respect to an election if
8 the candidate meets the following requirements:

9 “(1) The candidate files with the Commission a
10 statement of intent to seek certification as a partici-
11 pating candidate.

12 “(2) The candidate meets the qualifying re-
13 quirements of section 512.

14 “(3) The candidate files with the Commission a
15 statement certifying that the authorized committees
16 of the candidate meet the requirements of section
17 504(d).

18 “(4) Not later than the last day of the Small
19 Dollar Democracy qualifying period, the candidate
20 files with the Commission an affidavit signed by the
21 candidate and the treasurer of the candidate’s prin-
22 cipal campaign committee declaring that the can-
23 didate—

1 “(A) has complied and, if certified, will
2 comply with the contribution and expenditure
3 requirements of section 521;

4 “(B) if certified, will run only as a partici-
5 pating candidate for all elections for the office
6 that such candidate is seeking during that elec-
7 tion cycle; and

8 “(C) has either qualified or will take steps
9 to qualify under State law to be on the ballot.

10 “(5) The candidate files with the Commission a
11 certification that the candidate will not use any allo-
12 cation from the Fund to directly or indirectly pay
13 salaries, fees, consulting expenses, or any other com-
14 pensation for services rendered to themselves, family
15 members (including spouses as well as children, par-
16 ents, siblings, or any of their spouses), or any entity
17 or organization in which they have an ownership in-
18 terest.

19 “(b) GENERAL ELECTION.—Notwithstanding sub-
20 section (a), a candidate shall not be eligible to be certified
21 as a participating candidate under this title for a general
22 election or a general runoff election unless the candidate’s
23 party nominated the candidate to be placed on the ballot
24 for the general election or the candidate is otherwise quali-
25 fied to be on the ballot under State law.

1 “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-
2 RIOD DEFINED.—The term ‘Small Dollar Democracy
3 qualifying period’ means, with respect to any candidate
4 for an office, the 180-day period (during the election cycle
5 for such office) which begins on the date on which the
6 candidate files a statement of intent under section
7 511(a)(1), except that such period may not continue after
8 the date that is 30 days before the date of the general
9 election for the office.

10 **“SEC. 512. QUALIFYING REQUIREMENTS.**

11 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-
12 TRIBUTIONS.—A candidate for the office of Representative
13 in, or Delegate or Resident Commissioner to, the Congress
14 meets the requirement of this section if, during the Small
15 Dollar Democracy qualifying period described in section
16 511(c), each of the following occurs:

17 “(1) Not fewer than 1,000 individuals make a
18 qualified small dollar contribution to the candidate.

19 “(2) The candidate obtains a total dollar
20 amount of qualified small dollar contributions which
21 is equal to or greater than \$50,000.

22 “(b) REQUIREMENTS RELATING TO RECEIPT OF
23 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each
24 qualified small dollar contribution—

1 “(1) may be made by means of a personal
2 check, money order, debit card, credit card, elec-
3 tronic payment account, or any other method
4 deemed appropriate by the Commission;

5 “(2) shall be accompanied by a signed state-
6 ment (or, in the case of a contribution made online
7 or through other electronic means, an electronic
8 equivalent) containing the contributor’s name and
9 address; and

10 “(3) shall be acknowledged by a receipt that is
11 sent to the contributor with a copy (in paper or elec-
12 tronic form) kept by the candidate for the Commis-
13 sion.

14 “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-
15 mission shall establish procedures for the auditing and
16 verification of the contributions received and expenditures
17 made by participating candidates under this title, includ-
18 ing procedures for random audits, to ensure that such con-
19 tributions and expenditures meet the requirements of this
20 title.

21 **“SEC. 513. CERTIFICATION.**

22 “(a) DEADLINE AND NOTIFICATION.—

23 “(1) IN GENERAL.—Not later than 5 business
24 days after a candidate files an affidavit under sec-
25 tion 511(a)(4), the Commission shall—

1 “(A) determine whether or not the can-
2 didate meets the requirements for certification
3 as a participating candidate;

4 “(B) if the Commission determines that
5 the candidate meets such requirements, certify
6 the candidate as a participating candidate; and

7 “(C) notify the candidate of the Commis-
8 sion’s determination.

9 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
10 TIONS IN ELECTION CYCLE.—If the Commission cer-
11 tifies a candidate as a participating candidate with
12 respect to the first election of the election cycle in-
13 volved, the Commission shall be deemed to have cer-
14 tified the candidate as a participating candidate with
15 respect to all subsequent elections of the election
16 cycle.

17 “(b) REVOCATION OF CERTIFICATION.—

18 “(1) IN GENERAL.—The Commission shall re-
19 voke a certification under subsection (a) if—

20 “(A) a candidate fails to qualify to appear
21 on the ballot at any time after the date of cer-
22 tification (other than a candidate certified as a
23 participating candidate with respect to a pri-
24 mary election who fails to qualify to appear on

1 the ballot for a subsequent election in that elec-
2 tion cycle);

3 “(B) a candidate ceases to be a candidate
4 for the office involved, as determined on the
5 basis of an official announcement by an author-
6 ized committee of the candidate or on the basis
7 of a reasonable determination by the Commis-
8 sion; or

9 “(C) a candidate otherwise fails to comply
10 with the requirements of this title, including
11 any regulatory requirements prescribed by the
12 Commission.

13 “(2) EXISTENCE OF CRIMINAL SANCTION.—The
14 Commission shall revoke a certification under sub-
15 section (a) if a penalty is assessed against the can-
16 didate under section 309(d) with respect to the elec-
17 tion.

18 “(3) EFFECT OF REVOCATION.—If a can-
19 didate’s certification is revoked under this sub-
20 section—

21 “(A) the candidate may not receive pay-
22 ments under this title during the remainder of
23 the election cycle involved; and

1 “(B) in the case of a candidate whose cer-
2 tification is revoked pursuant to subparagraph
3 (A) or subparagraph (C) of paragraph (1)—

4 “(i) the candidate shall repay to the
5 Commission an amount equal to the pay-
6 ments received under this title with respect
7 to the election cycle involved plus interest
8 (at a rate determined by the Commission
9 on the basis of an appropriate annual per-
10 centage rate for the month involved) on
11 any such amount received, which shall be
12 used by the Commission to supplement the
13 allocation made to the Commission with re-
14 spect to the State in which the candidate
15 seeks office, as described in section 541(a);
16 and

17 “(ii) the candidate may not be cer-
18 tified as a participating candidate under
19 this title with respect to the next election
20 cycle.

21 “(4) PROHIBITING PARTICIPATION IN FUTURE
22 ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-
23 OCATIONS.—If the Commission revokes the certifi-
24 cation of an individual as a participating candidate
25 under this title pursuant to subparagraph (A) or

1 subparagraph (C) of paragraph (1) a total of 3
2 times, the individual may not be certified as a par-
3 ticipating candidate under this title with respect to
4 any subsequent election.

5 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-
6 PATING DURING QUALIFYING PERIOD.—At any time dur-
7 ing the Small Dollar Democracy qualifying period de-
8 scribed in section 511(c), a candidate may withdraw from
9 participation in the program under this title by submitting
10 to the Commission a statement of withdrawal (without re-
11 gard to whether or not the Commission has certified the
12 candidate as a participating candidate under this title as
13 of the time the candidate submits such statement), so long
14 as the candidate has not submitted a request for payment
15 under section 502.

16 “(d) PARTICIPATING CANDIDATE DEFINED.—In this
17 title, a ‘participating candidate’ means a candidate for the
18 office of Representative in, or Delegate or Resident Com-
19 missioner to, the Congress who is certified under this sec-
20 tion as eligible to receive benefits under this title.

1 **“Subtitle C—Requirements for Can-**
2 **didates Certified as Partici-**
3 **pating Candidates**

4 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
5 **MENTS.**

6 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND
7 EXPENDITURES.—Except as provided in subsection (c), a
8 participating candidate with respect to an election shall,
9 with respect to all elections occurring during the election
10 cycle for the office involved, accept no contributions from
11 any source and make no expenditures from any amounts,
12 other than the following:

13 “(1) Qualified small dollar contributions.

14 “(2) Payments under this title.

15 “(3) Contributions from political committees es-
16 tablished and maintained by a national or State po-
17 litical party, subject to the applicable limitations of
18 section 315.

19 “(4) Subject to subsection (b), personal funds
20 of the candidate or of any immediate family member
21 of the candidate (other than funds received through
22 qualified small dollar contributions).

23 “(5) Contributions from individuals who are
24 otherwise permitted to make contributions under
25 this Act, subject to the applicable limitations of sec-

1 tion 315, except that the aggregate amount of con-
2 tributions a participating candidate may accept from
3 any individual with respect to any election during
4 the election cycle may not exceed \$1,000.

5 “(6) Contributions from multicandidate political
6 committees, subject to the applicable limitations of
7 section 315.

8 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

9 “(1) LIMIT ON AMOUNT.—A candidate who is
10 certified as a participating candidate may use per-
11 sonal funds (including personal funds of any imme-
12 diate family member of the candidate) so long as—

13 “(A) the aggregate amount used with re-
14 spect to the election cycle (including any period
15 of the cycle occurring prior to the candidate’s
16 certification as a participating candidate) does
17 not exceed \$50,000; and

18 “(B) the funds are used only for making
19 direct payments for the receipt of goods and
20 services which constitute authorized expendi-
21 tures in connection with the election cycle in-
22 volved.

23 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—

24 In this subsection, the term ‘immediate family mem-
25 ber’ means, with respect to a candidate—

1 “(A) the candidate’s spouse;

2 “(B) a child, stepchild, parent, grand-
3 parent, brother, half-brother, sister, or half-sis-
4 ter of the candidate or the candidate’s spouse;
5 and

6 “(C) the spouse of any person described in
7 subparagraph (B).

8 “(c) EXCEPTIONS.—

9 “(1) EXCEPTION FOR CONTRIBUTIONS RE-
10 CEIVED PRIOR TO FILING OF STATEMENT OF IN-
11 TENT.—A candidate who has accepted contributions
12 that are not described in subsection (a) is not in vio-
13 lation of subsection (a), but only if all such contribu-
14 tions are—

15 “(A) returned to the contributor;

16 “(B) submitted to the Commission, to be
17 used to supplement the allocation made to the
18 Commission with respect to the State in which
19 the candidate seeks office, as described in sec-
20 tion 541(a); or

21 “(C) spent in accordance with paragraph
22 (2).

23 “(2) EXCEPTION FOR EXPENDITURES MADE
24 PRIOR TO FILING OF STATEMENT OF INTENT.—If a
25 candidate has made expenditures prior to the date

1 the candidate files a statement of intent under sec-
2 tion 511(a)(1) that the candidate is prohibited from
3 making under subsection (a) or subsection (b), the
4 candidate is not in violation of such subsection if the
5 aggregate amount of the prohibited expenditures is
6 less than the amount referred to in section
7 512(a)(2) (relating to the total dollar amount of
8 qualified small dollar contributions which the can-
9 didate is required to obtain) which is applicable to
10 the candidate.

11 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES
12 FROM A PREVIOUS ELECTION.—Notwithstanding
13 paragraph (1), unexpended contributions received by
14 the candidate or an authorized committee of the
15 candidate with respect to a previous election may be
16 retained, but only if the candidate places the funds
17 in escrow and refrains from raising additional funds
18 for or spending funds from that account during the
19 election cycle in which a candidate is a participating
20 candidate.

21 “(4) EXCEPTION FOR CONTRIBUTIONS RE-
22 CEIVED BEFORE THE EFFECTIVE DATE OF THIS
23 TITLE.—Contributions received and expenditures
24 made by the candidate or an authorized committee
25 of the candidate prior to the effective date of this

1 title shall not constitute a violation of subsection (a)
2 or (b). Unexpended contributions shall be treated
3 the same as campaign surpluses under paragraph
4 (3), and expenditures made shall count against the
5 limit in paragraph (2).

6 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-
7 PENDITURES.—For purposes of this section, a payment
8 made by a political party in coordination with a partici-
9 pating candidate shall not be treated as a contribution to
10 or as an expenditure made by the participating candidate.

11 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-
12 TEES.—

13 “(1) PROHIBITION.—An authorized committee
14 of a candidate who is certified as a participating
15 candidate under this title with respect to an election
16 may not establish a joint fundraising committee with
17 a political committee other than another authorized
18 committee of the candidate.

19 “(2) STATUS OF EXISTING COMMITTEES FOR
20 PRIOR ELECTIONS.—If a candidate established a
21 joint fundraising committee described in paragraph
22 (1) with respect to a prior election for which the
23 candidate was not certified as a participating can-
24 didate under this title and the candidate does not
25 terminate the committee, the candidate shall not be

1 considered to be in violation of paragraph (1) so
2 long as that joint fundraising committee does not re-
3 ceive any contributions or make any disbursements
4 during the election cycle for which the candidate is
5 certified as a participating candidate under this title.

6 “(f) PROHIBITION ON LEADERSHIP PACs.—

7 “(1) PROHIBITION.—A candidate who is cer-
8 tified as a participating candidate under this title
9 with respect to an election may not associate with,
10 establish, finance, maintain, or control a leadership
11 PAC.

12 “(2) STATUS OF EXISTING LEADERSHIP
13 PACs.—If a candidate established, financed, main-
14 tained, or controlled a leadership PAC prior to being
15 certified as a participating candidate under this title
16 and the candidate does not terminate the leadership
17 PAC, the candidate shall not be considered to be in
18 violation of paragraph (1) so long as the leadership
19 PAC does not receive any contributions or make any
20 disbursements during the election cycle for which the
21 candidate is certified as a participating candidate
22 under this title.

23 “(3) LEADERSHIP PAC DEFINED.—In this sub-
24 section, the term ‘leadership PAC’ has the meaning
25 given such term in section 304(i)(8)(B).

1 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

2 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-
3 MITTED CONTRIBUTIONS.—Each authorized committee of
4 a candidate certified as a participating candidate under
5 this title—

6 “(1) shall provide for separate accounting of
7 each type of contribution described in section 521(a)
8 which is received by the committee; and

9 “(2) shall provide for separate accounting for
10 the payments received under this title.

11 “(b) ENHANCED DISCLOSURE OF INFORMATION ON
12 DONORS.—

13 “(1) MANDATORY IDENTIFICATION OF INDIVID-
14 UALS MAKING QUALIFIED SMALL DOLLAR CON-
15 TRIBUTIONS.—Each authorized committee of a par-
16 ticipating candidate under this title shall, in accord-
17 ance with section 304(b)(3)(A), include in the re-
18 ports the committee submits under section 304 the
19 identification of each person who makes a qualified
20 small dollar contribution to the committee.

21 “(2) MANDATORY DISCLOSURE THROUGH
22 INTERNET.—Each authorized committee of a partici-
23 pating candidate under this title shall ensure that all
24 information reported to the Commission under this
25 Act with respect to contributions and expenditures
26 of the committee is available to the public on the

1 internet (whether through a site established for pur-
2 poses of this subsection, a hyperlink on another pub-
3 lic site of the committee, or a hyperlink on a report
4 filed electronically with the Commission) in a search-
5 able, sortable, and downloadable manner.

6 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-
7 LIC FUNDS.**

8 “(a) MANDATORY SPENDING OF AVAILABLE PRI-
9 VATE FUNDS.—An authorized committee of a candidate
10 certified as a participating candidate under this title may
11 not make any expenditure of any payments received under
12 this title in any amount unless the committee has made
13 an expenditure in an equivalent amount of funds received
14 by the committee which are described in paragraphs (1),
15 (3), (4), (5), and (6) of section 521(a).

16 “(b) LIMITATION.—Subsection (a) applies to an au-
17 thorized committee only to the extent that the funds re-
18 ferred to in such subsection are available to the committee
19 at the time the committee makes an expenditure of a pay-
20 ment received under this title.

21 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

22 “(a) REMITTANCE REQUIRED.—Not later than the
23 date that is 180 days after the last election for which a
24 candidate certified as a participating candidate qualifies
25 to be on the ballot during the election cycle involved, such

1 participating candidate shall remit to the Commission an
2 amount equal to the balance of the payments received
3 under this title by the authorized committees of the can-
4 didate which remain unexpended as of such date, which
5 shall be used to supplement the allocation made to the
6 Commission with respect to the State in which the can-
7 didate seeks office, as described in section 541(a).

8 “(b) PERMITTING CANDIDATES PARTICIPATING IN
9 NEXT ELECTION CYCLE TO RETAIN PORTION OF
10 UNSPENT FUNDS.—Notwithstanding subsection (a), a
11 participating candidate may withhold not more than
12 \$100,000 from the amount required to be remitted under
13 subsection (a) if the candidate files a signed affidavit with
14 the Commission that the candidate will seek certification
15 as a participating candidate with respect to the next elec-
16 tion cycle, except that the candidate may not use any por-
17 tion of the amount withheld until the candidate is certified
18 as a participating candidate with respect to that next elec-
19 tion cycle. If the candidate fails to seek certification as
20 a participating candidate prior to the last day of the Small
21 Dollar Democracy qualifying period for the next election
22 cycle (as described in section 511), or if the Commission
23 notifies the candidate of the Commission’s determination
24 does not meet the requirements for certification as a par-
25 ticipating candidate with respect to such cycle, the can-

1 didate shall immediately remit to the Commission the
2 amount withheld.

3 **“Subtitle D—Enhanced Match**
4 **Support**

5 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

6 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In
7 addition to the payments made under subtitle A, the Com-
8 mission shall make an additional payment to an eligible
9 candidate under this subtitle.

10 “(b) USE OF FUNDS.—A candidate shall use the ad-
11 ditional payment under this subtitle only for authorized
12 expenditures in connection with the election involved.

13 **“SEC. 532. ELIGIBILITY.**

14 “(a) IN GENERAL.—A candidate is eligible to receive
15 an additional payment under this subtitle if the candidate
16 meets each of the following requirements:

17 “(1) The candidate is on the ballot for the gen-
18 eral election for the office the candidate seeks.

19 “(2) The candidate is certified as a partici-
20 pating candidate under this title with respect to the
21 election.

22 “(3) During the enhanced support qualifying
23 period, the candidate receives qualified small dollar
24 contributions in a total amount of not less than
25 \$50,000.

1 “(4) During the enhanced support qualifying
2 period, the candidate submits to the Commission a
3 request for the payment which includes—

4 “(A) a statement of the number and
5 amount of qualified small dollar contributions
6 received by the candidate during the enhanced
7 support qualifying period;

8 “(B) a statement of the amount of the
9 payment the candidate anticipates receiving
10 with respect to the request; and

11 “(C) such other information and assur-
12 ances as the Commission may require.

13 “(5) After submitting a request for the addi-
14 tional payment under paragraph (4), the candidate
15 does not submit any other application for an addi-
16 tional payment under this subtitle.

17 “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-
18 SCRIBED.—In this subtitle, the term ‘enhanced support
19 qualifying period’ means, with respect to a general elec-
20 tion, the period which begins 60 days before the date of
21 the election and ends 14 days before the date of the elec-
22 tion.

23 **“SEC. 533. AMOUNT.**

24 “(a) IN GENERAL.—Subject to subsection (b), the
25 amount of the additional payment made to an eligible can-

1 didate under this subtitle shall be an amount equal to 50
2 percent of—

3 “(1) the amount of the payment made to the
4 candidate under section 501(b) with respect to the
5 qualified small dollar contributions which are re-
6 ceived by the candidate during the enhanced support
7 qualifying period (as included in the request sub-
8 mitted by the candidate under section 532(a)(4)); or

9 “(2) in the case of a candidate who is not eligi-
10 ble to receive a payment under section 501(b) with
11 respect to such qualified small dollar contributions
12 because the candidate has reached the limit on the
13 aggregate amount of payments under subtitle A for
14 the election cycle under section 501(c), the amount
15 of the payment which would have been made to the
16 candidate under section 501(b) with respect to such
17 qualified small dollar contributions if the candidate
18 had not reached such limit.

19 “(b) LIMIT.—The amount of the additional payment
20 determined under subsection (a) with respect to a can-
21 didate may not exceed \$500,000.

22 “(c) NO EFFECT ON AGGREGATE LIMIT.—The
23 amount of the additional payment made to a candidate
24 under this subtitle shall not be included in determining
25 the aggregate amount of payments made to a participating

1 candidate with respect to an election cycle under section
2 501(c).

3 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**
4 **UNSPENT FUNDS AFTER ELECTION.**

5 “Notwithstanding section 524(a)(2), a candidate who
6 receives an additional payment under this subtitle with re-
7 spect to an election is not permitted to withhold any por-
8 tion from the amount of unspent funds the candidate is
9 required to remit to the Commission under section
10 524(a)(1).

11 **“Subtitle E—Administrative**
12 **Provisions**

13 **“SEC. 541. SOURCE OF PAYMENTS.**

14 “(a) **ALLOCATIONS FROM STATE ELECTION ASSIST-**
15 **ANCE AND INNOVATION TRUST FUND.**—The amounts
16 used to make payments to participating candidates under
17 this title who seek office in a State shall be derived from
18 the allocations made to the Commission with respect to
19 the State from the State Election Assistance and Innova-
20 tion Trust Fund (hereafter referred to as the ‘Fund’)
21 under section 8012 of the Freedom to Vote Act, as pro-
22 vided under section 8005(c) of such Act.

23 “(b) **USE OF ALLOCATIONS TO MAKE PAYMENTS TO**
24 **PARTICIPATING CANDIDATES.**—

1 “(1) PAYMENTS TO PARTICIPATING CAN-
2 DIDATES.—The allocations made to the Commission
3 as described in subsection (a) shall be available with-
4 out further appropriation or fiscal year limitation to
5 make payments to participating candidates as pro-
6 vided in this title.

7 “(2) MANDATORY REDUCTION OF PAYMENTS IN
8 CASE OF INSUFFICIENT AMOUNTS.—

9 “(A) ADVANCE AUDITS BY COMMISSION.—
10 Not later than 90 days before the first day of
11 each election cycle (beginning with the first
12 election cycle that begins after the date of the
13 enactment of this title), the Commission, in
14 consultation with the Director of the Office of
15 State Democracy Promotion, shall—

16 “(i) audit the Fund to determine
17 whether, after first making allocations for
18 payments to States under section 8005(a)
19 of the Freedom to Vote Act, and then
20 making allocations to the Election Assist-
21 ance Commission under section 8005(b) of
22 such Act, the amount of the allocation
23 made to the Commission with respect to
24 candidates who seek office in a State as
25 described in subsection (a) will be suffi-

1 cient to make payments to participating
2 candidates in the State in the amounts
3 provided in this title during such election
4 cycle; and

5 “(ii) submit a report to Congress de-
6 scribing the results of the audit.

7 “(B) REDUCTIONS IN AMOUNT OF PAY-
8 MENTS.—

9 “(i) AUTOMATIC REDUCTION ON PRO
10 RATA BASIS.—If, on the basis of the audit
11 described in subparagraph (A), the Com-
12 mission determines that the amount antici-
13 pated to be available in the Fund for pay-
14 ments to participating candidates in a
15 State with respect to the election cycle in-
16 volved is not, or may not be, sufficient to
17 satisfy the full entitlements of partici-
18 pating candidates in the State to payments
19 under this title for such election cycle, the
20 Commission shall reduce each amount
21 which would otherwise be paid to a partici-
22 pating candidate in the State under this
23 title by such pro rata amount as may be
24 necessary to ensure that the aggregate
25 amount of payments anticipated to be

1 made to participating candidates in the
2 State with respect to the election cycle will
3 not exceed the amount anticipated to be
4 available for such payments with respect to
5 such election cycle.

6 “(ii) RESTORATION OF REDUCTIONS
7 IN CASE OF AVAILABILITY OF SUFFICIENT
8 FUNDS DURING ELECTION CYCLE.—If,
9 after reducing the amounts paid to partici-
10 pating candidates in a State with respect
11 to an election cycle under clause (i), the
12 Commission determines that the allocation
13 made to the Commission with respect to
14 candidates in the State as described in
15 subsection (a) is sufficient to restore the
16 amount by which such payments were re-
17 duced (or any portion thereof), to the ex-
18 tent that such amounts are available, the
19 Commission may make a payment on a pro
20 rata basis to each such participating can-
21 didate with respect to the election cycle in
22 the amount by which such candidate’s pay-
23 ments were reduced under clause (i) (or
24 any portion thereof, as the case may be).

1 “(iii) NO USE OF AMOUNTS FROM
2 OTHER SOURCES.—In any case in which
3 the Commission determines that the alloca-
4 tion made to the Commission with respect
5 to candidates in a State as described in
6 subsection (a) is insufficient to make pay-
7 ments to participating candidates in the
8 State under this title, moneys shall not be
9 made available from any other source for
10 the purpose of making such payments.

11 “(c) EFFECTIVE DATE.—This section shall take ef-
12 fect on the date of the enactment of this title.

13 **“SEC. 542. ADMINISTRATION THROUGH DEDICATED DIVI-**
14 **SION WITHIN COMMISSION.**

15 “(a) ADMINISTRATION THROUGH DEDICATED DIVI-
16 SION.—

17 “(1) ESTABLISHMENT.—The Commission shall
18 establish a separate division within the Commission
19 which is dedicated to issuing regulations to carry out
20 this title and to otherwise carrying out the operation
21 of this title.

22 “(2) APPOINTMENT OF DIRECTOR AND
23 STAFF.—Not later than June 1, 2022, the Commis-
24 sion shall appoint a director to head the division es-
25 tablished under this section and such other staff as

1 the Commission considers appropriate to enable the
2 division to carry out its duties.

3 “(3) PRIVATE RIGHT OF ACTION.—Any person
4 aggrieved by the failure of the Commission to meet
5 the requirements of this subsection may file an ac-
6 tion in an appropriate district court of the United
7 States for such relief, including declaratory and in-
8 junctive relief, as may be appropriate.

9 “(b) REGULATIONS.—The Commission, acting
10 through the dedicated division established under this sec-
11 tion, shall prescribe regulations to carry out the purposes
12 of this title, including regulations—

13 “(1) to establish procedures for verifying the
14 amount of qualified small dollar contributions with
15 respect to a candidate;

16 “(2) to establish procedures for effectively and
17 efficiently monitoring and enforcing the limits on the
18 raising of qualified small dollar contributions;

19 “(3) to establish procedures for effectively and
20 efficiently monitoring and enforcing the limits on the
21 use of personal funds by participating candidates;

22 “(4) to establish procedures for monitoring the
23 use of payments made from the allocation made to
24 the Commission as described in section 541(a) and
25 matching contributions under this title through au-

1 dits of not fewer than $\frac{1}{10}$ (or, in the case of the
2 first 3 election cycles during which the program
3 under this title is in effect, not fewer than $\frac{1}{3}$) of all
4 participating candidates or other mechanisms; and

5 “(5) to establish rules for preventing fraud in
6 the operation of this title which supplement similar
7 rules which apply under this Act.

8 **“SEC. 543. VIOLATIONS AND PENALTIES.**

9 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
10 TION AND EXPENDITURE REQUIREMENTS.—If a can-
11 didate who has been certified as a participating candidate
12 accepts a contribution or makes an expenditure that is
13 prohibited under section 521, the Commission may assess
14 a civil penalty against the candidate in an amount that
15 is not more than 3 times the amount of the contribution
16 or expenditure. Any amounts collected under this sub-
17 section shall be used to supplement the allocation made
18 to the Commission with respect to the State in which the
19 candidate seeks office, as described in section 541(a).

20 “(b) REPAYMENT FOR IMPROPER USE OF PAY-
21 MENTS.—

22 “(1) IN GENERAL.—If the Commission deter-
23 mines that any payment made to a participating
24 candidate was not used as provided for in this title
25 or that a participating candidate has violated any of

1 the dates for remission of funds contained in this
2 title, the Commission shall so notify the candidate
3 and the candidate shall pay to the Commission an
4 amount which shall be used to supplement the allo-
5 cation made to the Commission with respect to the
6 State in which the candidate seeks office, as de-
7 scribed in section 541(a) and which shall be equal
8 to—

9 “(A) the amount of payments so used or
10 not remitted, as appropriate; and

11 “(B) interest on any such amounts (at a
12 rate determined by the Commission).

13 “(2) OTHER ACTION NOT PRECLUDED.—Any
14 action by the Commission in accordance with this
15 subsection shall not preclude enforcement pro-
16 ceedings by the Commission in accordance with sec-
17 tion 309(a), including a referral by the Commission
18 to the Attorney General in the case of an apparent
19 knowing and willful violation of this title.

20 “(c) PROHIBITING CERTAIN CANDIDATES FROM
21 QUALIFYING AS PARTICIPATING CANDIDATES.—

22 “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-
23 ALTIES.—If the Commission assesses 3 or more civil
24 penalties under subsection (a) against a candidate
25 (with respect to either a single election or multiple

1 elections), the Commission may refuse to certify the
2 candidate as a participating candidate under this
3 title with respect to any subsequent election, except
4 that if each of the penalties were assessed as the re-
5 sult of a knowing and willful violation of any provi-
6 sion of this Act, the candidate is not eligible to be
7 certified as a participating candidate under this title
8 with respect to any subsequent election.

9 “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-
10 ALTY.—A candidate is not eligible to be certified as
11 a participating candidate under this title with re-
12 spect to an election if a penalty has been assessed
13 against the candidate under section 309(d) with re-
14 spect to any previous election.

15 “(d) IMPOSITION OF CRIMINAL PENALTIES.—For
16 criminal penalties for the failure of a participating can-
17 didate to comply with the requirements of this title, see
18 section 309(d).

19 **“SEC. 544. APPEALS PROCESS.**

20 “(a) REVIEW OF ACTIONS.—Any action by the Com-
21 mission in carrying out this title shall be subject to review
22 by the United States Court of Appeals for the District
23 of Columbia upon petition filed in the Court not later than
24 30 days after the Commission takes the action for which
25 the review is sought.

1 “(b) PROCEDURES.—The provisions of chapter 7 of
2 title 5, United States Code, apply to judicial review under
3 this section.

4 **“SEC. 545. INDEXING OF AMOUNTS.**

5 “(a) INDEXING.—In any calendar year after 2026,
6 section 315(c)(1)(B) shall apply to each amount described
7 in subsection (b) in the same manner as such section ap-
8 plies to the limitations established under subsections
9 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-
10 cept that for purposes of applying such section to the
11 amounts described in subsection (b), the ‘base period’
12 shall be 2026.

13 “(b) AMOUNTS DESCRIBED.—The amounts described
14 in this subsection are as follows:

15 “(1) The amount referred to in section
16 502(b)(1) (relating to the minimum amount of quali-
17 fied small dollar contributions included in a request
18 for payment).

19 “(2) The amounts referred to in section
20 504(a)(1) (relating to the amount of a qualified
21 small dollar contribution).

22 “(3) The amount referred to in section
23 512(a)(2) (relating to the total dollar amount of
24 qualified small dollar contributions).

1 “(4) The amount referred to in section
2 521(a)(5) (relating to the aggregate amount of con-
3 tributions a participating candidate may accept from
4 any individual with respect to an election).

5 “(5) The amount referred to in section
6 521(b)(1)(A) (relating to the amount of personal
7 funds that may be used by a candidate who is cer-
8 tified as a participating candidate).

9 “(6) The amounts referred to in section
10 524(a)(2) (relating to the amount of unspent funds
11 a candidate may retain for use in the next election
12 cycle).

13 “(7) The amount referred to in section
14 532(a)(3) (relating to the total dollar amount of
15 qualified small dollar contributions for a candidate
16 seeking an additional payment under subtitle D).

17 “(8) The amount referred to in section 533(b)
18 (relating to the limit on the amount of an additional
19 payment made to a candidate under subtitle D).

20 **“SEC. 546. ELECTION CYCLE DEFINED.**

21 “‘In this title, the term ‘election cycle’ means, with
22 respect to an election for an office, the period beginning
23 on the day after the date of the most recent general elec-
24 tion for that office (or, if the general election resulted in
25 a runoff election, the date of the runoff election) and end-

1 ing on the date of the next general election for that office
2 (or, if the general election resulted in a runoff election,
3 the date of the runoff election).”.

4 **SEC. 8112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
5 **CANDIDATE AND POLITICAL PARTY COMMIT-**
6 **TEES ON BEHALF OF PARTICIPATING CAN-**
7 **DIDATES.**

8 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-
9 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL
10 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal
11 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is
12 amended by adding at the end the following new para-
13 graph:

14 “(10) In the case of a multicandidate political com-
15 mittee or any political committee of a political party, the
16 committee may make a contribution to a candidate who
17 is a participating candidate under title V with respect to
18 an election only if the contribution is paid from a separate,
19 segregated account of the committee which consists solely
20 of contributions which meet the following requirements:

21 “(A) Each such contribution is in an amount
22 which meets the requirements for the amount of a
23 qualified small dollar contribution under section
24 504(a)(1) with respect to the election involved.

1 “(B) Each such contribution is made by an in-
2 dividual who is not otherwise prohibited from mak-
3 ing a contribution under this Act.

4 “(C) The individual who makes the contribution
5 does not make contributions to the committee during
6 the year in an aggregate amount that exceeds the
7 limit described in section 504(a)(1).”.

8 (b) PERMITTING UNLIMITED COORDINATED EX-
9 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-
10 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.
11 30116(d)) is amended—

12 (1) in paragraph (3), by striking “The national
13 committee” and inserting “Except as provided in
14 paragraph (6), the national committee”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(6) The limits described in paragraph (3) do not
18 apply in the case of expenditures in connection with the
19 general election campaign of a candidate for the office of
20 Representative in, or Delegate or Resident Commissioner
21 to, the Congress who is a participating candidate under
22 title V with respect to the election, but only if—

23 “(A) the expenditures are paid from a separate,
24 segregated account of the committee which is de-
25 scribed in subsection (a)(10); and

1 “(B) the expenditures are the sole source of
2 funding provided by the committee to the can-
3 didate.”.

4 **SEC. 8113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
5 **TICIPATING CANDIDATES FOR PURPOSES**
6 **OTHER THAN CAMPAIGN FOR ELECTION.**

7 Section 313 of the Federal Election Campaign Act
8 of 1971 (52 U.S.C. 30114) is amended by adding at the
9 end the following new subsection:

10 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS
11 BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-
12 ING.—Notwithstanding paragraph (2), (3), or (4) of sub-
13 section (a), if a candidate for election for the office of Rep-
14 resentative in, or Delegate or Resident Commissioner to,
15 the Congress is certified as a participating candidate
16 under title V with respect to the election, any contribution
17 which the candidate is permitted to accept under such title
18 may be used only for authorized expenditures in connec-
19 tion with the candidate’s campaign for such office, subject
20 to section 503(b).”.

21 **SEC. 8114. DEADLINE FOR REGULATIONS.**

22 Not later than October 1, 2022, the Federal Election
23 Commission shall promulgate such regulations as may be
24 necessary to carry out this part and the amendments made
25 by this part.

1 **Subtitle C—Personal Use Services**
2 **as Authorized Campaign Ex-**
3 **penditures**

4 **SEC. 8201. SHORT TITLE; FINDINGS; PURPOSE.**

5 (a) **SHORT TITLE.**—This subtitle may be cited as the
6 “Help America Run Act”.

7 (b) **FINDINGS.**—Congress finds the following:

8 (1) Everyday Americans experience barriers to
9 entry before they can consider running for office to
10 serve their communities.

11 (2) Current law states that campaign funds
12 cannot be spent on everyday expenses that would
13 exist whether or not a candidate were running for
14 office, like childcare and food. While the law seems
15 neutral, its actual effect is to privilege the independ-
16 ently wealthy who want to run, because given the de-
17 mands of running for office, candidates who must
18 work to pay for childcare or to afford health insur-
19 ance are effectively being left out of the process,
20 even if they have sufficient support to mount a via-
21 ble campaign.

22 (3) Thus current practice favors those prospec-
23 tive candidates who do not need to rely on a regular
24 paycheck to make ends meet. The consequence is
25 that everyday Americans who have firsthand knowl-

1 edge of the importance of stable childcare, a safety
2 net, or great public schools are less likely to get a
3 seat at the table. This governance by the few is anti-
4 thetical to the democratic experiment, but most im-
5 portantly, when lawmakers do not share the con-
6 cerns of everyday Americans, their policies reflect
7 that.

8 (4) These circumstances have contributed to a
9 Congress that does not always reflect everyday
10 Americans. The New York Times reported in 2019
11 that fewer than 5 percent of representatives cite
12 blue-collar or service jobs in their biographies. A
13 2015 survey by the Center for Responsive Politics
14 showed that the median net worth of lawmakers was
15 just over \$1 million in 2013, or 18 times the wealth
16 of the typical American household.

17 (5) These circumstances have also contributed
18 to a governing body that does not reflect the nation
19 it serves. For instance, women are 51 percent of the
20 American population. Yet even with a record number
21 of women serving in the One Hundred Sixteenth
22 Congress, the Pew Research Center notes that more
23 than three out of four Members of this Congress are
24 male. The Center for American Women And Politics
25 found that one third of women legislators surveyed

1 had been actively discouraged from running for of-
2 fice, often by political professionals. This type of dis-
3 couragement, combined with the prohibitions on
4 using campaign funds for domestic needs like
5 childcare, burdens that still fall disproportionately
6 on American women, particularly disadvantages
7 working mothers. These barriers may explain why
8 only 10 women in history have given birth while
9 serving in Congress, in spite of the prevalence of
10 working parents in other professions. Yet working
11 mothers and fathers are best positioned to create
12 policy that reflects the lived experience of most
13 Americans.

14 (6) Working mothers, those caring for their el-
15 derly parents, and young professionals who rely on
16 their jobs for health insurance should have the free-
17 dom to run to serve the people of the United States.
18 Their networks and net worth are simply not the
19 best indicators of their strength as prospective pub-
20 lic servants. In fact, helping ordinary Americans to
21 run may create better policy for all Americans.

22 (c) PURPOSE.—It is the purpose of this subtitle to
23 ensure that all Americans who are otherwise qualified to
24 serve this Nation are able to run for office, regardless of
25 their economic status. By expanding permissible uses of

1 campaign funds and providing modest assurance that test-
2 ing a run for office will not cost one's livelihood, the Help
3 America Run Act will facilitate the candidacy of represent-
4 atives who more accurately reflect the experiences, chal-
5 lenges, and ideals of everyday Americans.

6 **SEC. 8202. TREATMENT OF PAYMENTS FOR CHILD CARE**
7 **AND OTHER PERSONAL USE SERVICES AS AU-**
8 **THORIZED CAMPAIGN EXPENDITURE.**

9 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
10 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-
12 ed by section 8113, is amended by adding at the end the
13 following new subsection:

14 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE
15 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
16 CAMPAIGN EXPENDITURE.—

17 “(1) AUTHORIZED EXPENDITURES.—For pur-
18 poses of subsection (a), the payment by an author-
19 ized committee of a candidate for any of the per-
20 sonal use services described in paragraph (3) shall
21 be treated as an authorized expenditure if the serv-
22 ices are necessary to enable the participation of the
23 candidate in campaign-connected activities.

24 “(2) LIMITATIONS.—

1 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
2 MENTS.—The total amount of payments made
3 by an authorized committee of a candidate for
4 personal use services described in paragraph (3)
5 may not exceed the limit which is applicable
6 under any law, rule, or regulation on the
7 amount of payments which may be made by the
8 committee for the salary of the candidate (with-
9 out regard to whether or not the committee
10 makes payments to the candidate for that pur-
11 pose).

12 “(B) CORRESPONDING REDUCTION IN
13 AMOUNT OF SALARY PAID TO CANDIDATE.—To
14 the extent that an authorized committee of a
15 candidate makes payments for the salary of the
16 candidate, any limit on the amount of such pay-
17 ments which is applicable under any law, rule,
18 or regulation shall be reduced by the amount of
19 any payments made to or on behalf of the can-
20 didate for personal use services described in
21 paragraph (3), other than personal use services
22 described in subparagraph (D) of such para-
23 graph.

24 “(C) EXCLUSION OF CANDIDATES WHO
25 ARE OFFICEHOLDERS.—Paragraph (1) does not

1 apply with respect to an authorized committee
2 of a candidate who is a holder of Federal office.

3 “(3) PERSONAL USE SERVICES DESCRIBED.—

4 The personal use services described in this para-
5 graph are as follows:

6 “(A) Child care services.

7 “(B) Elder care services.

8 “(C) Services similar to the services de-
9 scribed in subparagraph (A) or subparagraph
10 (B) which are provided on behalf of any de-
11 pendent who is a qualifying relative under sec-
12 tion 152 of the Internal Revenue Code of 1986.

13 “(D) Health insurance premiums.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act and shall take effect without regard to whether
17 or not the Federal Election Commission has promulgated
18 regulations to carry out such amendments.

1 **Subtitle D—Empowering Small**
2 **Dollar Donations**

3 **SEC. 8301. PERMITTING POLITICAL PARTY COMMITTEES TO**
4 **PROVIDE ENHANCED SUPPORT FOR CAN-**
5 **DIDATES THROUGH USE OF SEPARATE**
6 **SMALL DOLLAR ACCOUNTS.**

7 (a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CAN-
8 DIDATES.—Section 315(a)(2)(A) of the Federal Election
9 Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is
10 amended by striking “exceed \$5,000” and inserting “ex-
11 ceed \$5,000 or, in the case of a contribution made by a
12 national committee of a political party from an account
13 described in paragraph (11), exceed \$10,000”.

14 (b) ELIMINATION OF LIMIT ON COORDINATED EX-
15 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.
16 30116(d)(5)) is amended by striking “subsection (a)(9)”
17 and inserting “subsection (a)(9) or subsection (a)(11)”.

18 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such
19 Act (52 U.S.C. 30116(a)), as amended by section 8112(a),
20 is amended by adding at the end the following new para-
21 graph:

22 “(11) An account described in this paragraph is a
23 separate, segregated account of a national committee of
24 a political party (including a national congressional cam-
25 paign committee of a political party) consisting exclusively

1 of contributions made during a calendar year by individ-
2 uals whose aggregate contributions to the committee dur-
3 ing the year do not exceed \$200.”.

4 (d) **EFFECTIVE DATE.**—The amendments made by
5 this section shall apply with respect to elections held on
6 or after the date of the enactment of this Act and shall
7 take effect without regard to whether or not the Federal
8 Election Commission has promulgated regulations to carry
9 out such amendments.

10 **Subtitle E—Severability**

11 **SEC. 8401. SEVERABILITY.**

12 If any provision of this title or amendment made by
13 this title, or the application of a provision or amendment
14 to any person or circumstance, is held to be unconstitu-
15 tional, the remainder of this title and amendments made
16 by this title, and the application of the provisions and
17 amendment to any person or circumstance, shall not be
18 affected by the holding.