

In the House of Representatives, U. S.,

January 13, 2022.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5746) entitled “An Act to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of nonexcess property of the Administration.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Freedom to Vote: John*
3 *R. Lewis Act”.*

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

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

8 *(1) Division A—Voter Access.*

9 *(2) Division B—Election Integrity.*

10 *(3) Division C—Civic Participation and Em-*
11 *powerment.*

12 *(4) Division D—Voting Rights.*

1 **(b) TABLE OF CONTENTS.**—*The table of contents of this*
 2 *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.
Sec. 5. Severability.

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 systems.
Sec. 1028. Permitting voter registration application form to serve as application for absentee ballot.
Sec. 1029. Effective date.

PART 4—SAME DAY VOTER REGISTRATION

- 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.*
- 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. Applicability to Commonwealth of the Northern Mariana Islands.
Sec. 1603. Elimination of 14-day time period between general election and runoff election for Federal elections in the Virgin Islands and Guam.
Sec. 1604. Application of Federal election administration laws to territories of the United States.
Sec. 1605. Application of Federal voter protection laws to territories of the United States.
Sec. 1606. Ensuring equitable and efficient operation of polling places.
Sec. 1607. 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.
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, canvass, 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.

*Subtitle E—Judicial Protection of the Right to Vote and Non-partisan Vote Tabulation**PART 1—RIGHT TO VOTE ACT*

Sec. 3401. Short title.

Sec. 3402. Undue burdens on the ability to vote in elections for Federal office prohibited.

Sec. 3403. Judicial review.

- Sec. 3404. Definitions.*
Sec. 3405. Rules of construction.
Sec. 3406. Severability.
Sec. 3407. Effective date.

PART 2—CLARIFYING JURISDICTION OVER ELECTION DISPUTES

- Sec. 3411. Findings.*
Sec. 3412. Clarifying authority of United States district courts to hear cases.
Sec. 3413. 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. Short title; 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. Use of political party headquarters building fund for technology or cybersecurity-related purposes.
Sec. 4007. 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.*
Sec. 6002. Findings.

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

- Sec. 6003. Clarification of application of foreign money ban to certain disbursements and activities.*
Sec. 6004. Study and report on illicit foreign money in Federal elections.
Sec. 6005. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
Sec. 6006. Disbursements and activities subject to foreign money ban.
Sec. 6007. 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.
Sec. 6023. Effective date.

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.
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.

Subtitle B—Restoring Integrity to America’s Elections

- Sec. 7101. Short title.*
Sec. 7102. Revision to enforcement process.
Sec. 7103. Official exercising the responsibilities of the 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.

Subtitle C—Imposition of Fee for Reports Filed by Paper

- Sec. 7201. Imposition of fee for reports filed by paper.*

TITLE VIII—CITIZEN EMPOWERMENT

Subtitle A—Funding to Promote Democracy

PART 1—PAYMENTS AND ALLOCATIONS TO STATES

- Sec. 8001. Democracy Advancement and Innovation 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 Democracy Advancement and Innovation.

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.

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 House candidates through use of separate small dollar accounts.*

Subtitle E—Severability

- Sec. 8401. Severability.*

*DIVISION D—VOTING RIGHTS**TITLE IX—VOTING RIGHTS*

- Sec. 9000. Short title.*

Subtitle A—Amendments to the Voting Rights Act

- Sec. 9001. Vote dilution, denial, and abridgment claims.*
Sec. 9002. Retrogression.
Sec. 9003. Violations triggering authority of court to retain jurisdiction.
Sec. 9004. Criteria for coverage of States and political subdivisions.

- Sec. 9005. Determination of States and Political Subdivisions Subject to Preclearance for Covered Practices.*
- Sec. 9006. Promoting transparency to enforce the Voting Rights Act.*
- Sec. 9007. Authority to assign observers.*
- Sec. 9008. Clarification of authority to seek relief.*
- Sec. 9009. Preventive relief.*
- Sec. 9010. Bilingual election requirements.*
- Sec. 9011. Relief for violations of voting rights laws.*
- Sec. 9012. Protection of tabulated votes.*
- Sec. 9013. Enforcement of Voting Rights by Attorney General.*
- Sec. 9014. Definitions.*
- Sec. 9015. Attorneys' fees.*
- Sec. 9016. Other technical and conforming amendments.*
- Sec. 9017. Severability.*
- Sec. 9018. Grants to assist with notice requirements under the Voting Rights Act of 1965.*

Subtitle B—Election Worker and Polling Place Protection

- Sec. 9101. Short title.*
- Sec. 9102. Election worker and polling place protection.*

Subtitle C—Native American Voting Rights Act

- Sec. 9201. Short title.*
- Sec. 9202. Findings and purposes.*
- Sec. 9203. Definitions.*
- Sec. 9204. Establishment of a Native American voting task force grant program.*
- Sec. 9205. Voter registration sites at Indian service providers and on Indian lands.*
- Sec. 9206. Accessible Tribal designated polling sites.*
- Sec. 9207. Procedures for removal of polling places and voter registration sites on Indian lands.*
- Sec. 9208. Tribal voter identification.*
- Sec. 9209. Permitting voters To designate other person to return ballot.*
- Sec. 9210. Bilingual election requirements.*
- Sec. 9211. Federal observers to protect Tribal voting rights.*
- Sec. 9212. Tribal jurisdiction.*
- Sec. 9213. Tribal voting consultation.*
- Sec. 9214. Attorneys' fees, expert fees, and litigation expenses.*
- Sec. 9215. GAO study and report.*
- Sec. 9216. United States Postal Service consultation.*
- Sec. 9217. Severability; relationship to other laws; Tribal sovereign immunity.*
- Sec. 9218. Authorization of appropriations.*

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 pre-

1 *vent and remedy discrimination in voting, and to defend*
2 *the Nation’s democratic process. Congress enacts the Free-*
3 *dom to Vote: John R. Lewis Act pursuant to this broad au-*
4 *thority, including but not limited to the following:*

5 (1) *Congress finds that it has broad authority to*
6 *regulate the time, place, and manner of congressional*
7 *elections under the Elections Clause of the Constitu-*
8 *tion, article I, section 4, clause 1. The Supreme Court*
9 *has affirmed that the “substantive scope” of the Elec-*
10 *tions Clause is “broad”; that “Times, Places, and*
11 *Manner” are “comprehensive words which embrace*
12 *authority to provide for a complete code for congres-*
13 *sional elections”; and “[t]he power of Congress over*
14 *the Times, Places and Manner of congressional elec-*
15 *tions is paramount, and may be exercised at any*
16 *time, and to any extent which it deems expedient;*
17 *and so far as it is exercised, and no farther, the regu-*
18 *lations effected supersede those of the State which are*
19 *inconsistent therewith”. Arizona v. Inter Tribal*
20 *Council of Arizona, 570 U.S. 1, 8–9 (2013) (internal*
21 *quotation marks and citations omitted). Indeed,*
22 *“Congress has plenary and paramount jurisdiction*
23 *over the whole subject” of congressional elections, Ex*
24 *parte Siebold, 100 U.S. (10 Otto) 371, 388 (1879),*
25 *and this power “may be exercised as and when Con-*

1 *gress sees fit*”, and “so far as it extends and conflicts
2 *with the regulations of the State, necessarily super-*
3 *sedes them*”. *Id.* at 384. Among other things, Congress
4 *finds that the Elections Clause was intended to “vin-*
5 *dicade the people’s right to equality of representation*
6 *in the House*”. *Wesberry v. Sanders*, 376 U.S. 1, 16
7 (1964), and to address partisan gerrymandering,
8 *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019).

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

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

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

17 (C) *As a result, Congress finds that it has the*
18 *authority pursuant to section 5 of the Fourteenth*
19 *Amendment to protect the right to vote. Congress also*
20 *finds that States and localities have eroded access to*
21 *the right to vote through restrictions on the right to*
22 *vote including excessively onerous voter identification*
23 *requirements, burdensome voter registration proce-*
24 *dures, voter purges, limited and unequal access to vot-*

1 *ing by mail, polling place closures, unequal distribu-*
2 *tion of election resources, and other impediments.*

3 *(D) Congress also finds that “the right of suf-*
4 *frage can be denied by a debasement or dilution of the*
5 *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). Congress*
8 *finds that the right of suffrage has been so diluted and*
9 *debased by means of gerrymandering of districts.*
10 *Congress finds that it has authority pursuant to sec-*
11 *tion 5 of the Fourteenth Amendment to remedy this*
12 *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 Fif-*
18 *teenth Amendment, which explicitly bars denial or*
19 *abridgment of the right to vote on account of race,*
20 *color, or previous condition of servitude.*

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

1 *do so as a result of both intentional racial discrimi-*
2 *nation, structural racism, and the ongoing structural*
3 *socioeconomic effects of historical racial discrimina-*
4 *tion.*

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

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

1 *can Americans. Congress finds that felony disenfran-*
2 *chisement was one of the tools of intentional racial*
3 *discrimination during the Jim Crow era. Congress*
4 *further finds that current racial disparities in felony*
5 *disenfranchisement are linked to this history of voter*
6 *suppression, structural racism in the criminal justice*
7 *system, and ongoing effects of historical discrimina-*
8 *tion.*

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 people*
16 *with convictions and other restrictions to the fran-*
17 *chise burden voters on account of their ability to pay.*

18 *(C) Congress further finds that electoral practices*
19 *including voting restrictions related to college cam-*
20 *pus, age restrictions on mail voting, and similar*
21 *practices burden the right to vote on account of age.*

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

23 *(a) IN GENERAL.—For any action brought for declara-*
24 *tory or injunctive relief to challenge, whether facially or as-*
25 *applied, the constitutionality or lawfulness of any provision*

1 of this Act or any amendment made by this Act or any
2 rule or regulation promulgated under this Act, the following
3 rules shall apply:

4 (1) *The action shall be filed in the United States*
5 *District Court for the District of Columbia and an*
6 *appeal from the decision of the district court may be*
7 *taken to the Court of Appeals for the District of Co-*
8 *lumbia Circuit. These courts, and the Supreme Court*
9 *of the United States on a writ of certiorari (if such*
10 *writ is issued), shall have exclusive jurisdiction to*
11 *hear such actions.*

12 (2) *The party filing the action shall concurrently*
13 *deliver a copy the complaint to the Clerk of the House*
14 *of Representatives and the Secretary of the Senate.*

15 (3) *It shall be the duty of the United States Dis-*
16 *trict Court for the District of Columbia and the Court*
17 *of Appeals for the District of Columbia Circuit to ad-*
18 *vance on the docket and to expedite to the greatest*
19 *possible extent the disposition of the action and ap-*
20 *peal.*

21 (b) *CLARIFYING SCOPE OF JURISDICTION.—If an ac-*
22 *tion at the time of its commencement is not subject to sub-*
23 *section (a), but an amendment, counterclaim, cross-claim,*
24 *affirmative defense, or any other pleading or motion is filed*
25 *challenging, whether facially or as-applied, the constitu-*

1 *tionality or lawfulness of this Act or any amendment made*
2 *by this Act or any rule or regulation promulgated under*
3 *this Act, the district court shall transfer the action to the*
4 *District Court for the District of Columbia, and the action*
5 *shall thereafter be conducted pursuant to subsection (a).*

6 (c) *INTERVENTION BY MEMBERS OF CONGRESS.—In*
7 *any action described in subsection (a), any Member of the*
8 *House of Representatives (including a Delegate or Resident*
9 *Commissioner to the Congress) or Senate shall have the*
10 *right to intervene either in support of or opposition to the*
11 *position of a party to the case regarding the constitu-*
12 *tionality of the provision. To avoid duplication of efforts*
13 *and reduce the burdens placed on the parties to the action,*
14 *the court in any such action may make such orders as it*
15 *considers necessary, including orders to require interveners*
16 *taking similar positions to file joint papers or to be rep-*
17 *resented by a single attorney at oral argument.*

18 **SEC. 5. SEVERABILITY.**

19 *If any provision of this Act or any amendment made*
20 *by this Act, or the application of any such provision or*
21 *amendment to any person or circumstance, is held to be*
22 *unconstitutional, the remainder of this Act, and the appli-*
23 *cation of such provision or amendment to any other person*
24 *or circumstance, shall not be affected by the holding.*

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, main-*
16 *tained, and enhanced in order to protect and preserve*
17 *electoral and participatory democracy in the United*
18 *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 right*
8 *of citizens of the United States;*

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

12 (C) *existing voter registration systems can*
13 *be inaccurate, costly, inaccessible and confusing,*
14 *with damaging effects on voter participation in*
15 *elections for Federal office and disproportionate*
16 *impacts on young people, persons with disabili-*
17 *ties, and racial and ethnic minorities; and*

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

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

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

1 (B) to enable the State Governments to reg-
 2 ister all eligible citizens to vote with accurate,
 3 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 elec-
 9 toral 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 after*
 14 *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 ‘applicable*
 19 *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 ‘ap-*
 23 *plicable transaction’ means—*

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

1 “(B) any other service or assistance (includ-
2 ing for a change of address) provided by an ap-
3 plicable agency.

4 “(3) *AUTOMATIC REGISTRATION.*—The term
5 ‘automatic registration’ means a system that registers
6 an individual to vote and updates existing registra-
7 tions, in elections for Federal office in a State, if eli-
8 gible, by electronically transferring the information
9 necessary for registration from the applicable agency
10 to election officials of the State so that, unless the in-
11 dividual affirmatively declines to be registered or to
12 update any voter registration, the individual will be
13 registered to vote in 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 to
19 vote’ includes updating an individual’s existing voter
20 registration.

21 “(b) *ESTABLISHMENT.*—

22 “(1) *IN GENERAL.*—The chief State election offi-
23 cial of each State shall establish and operate a system
24 of automatic registration for the registration of eligi-
25 ble individuals to vote for elections for Federal office

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

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

5 “(A) *IN GENERAL.—The chief State election*
6 *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 to*
11 *vote—*

12 “(I) *in the next upcoming election*
13 *for Federal office (and subsequent elec-*
14 *tions for Federal office), if an applica-*
15 *ble agency transmits information*
16 *under subsection (c)(1)(E) with respect*
17 *to the individual not later than the ap-*
18 *plicable 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 the*
10 *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 sub-*
15 *section shall prevent the chief State election offi-*
16 *cial 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 (c)(1)(E)*
20 *with respect to the individual after the applica-*
21 *ble 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 agency*
2 *receives information with respect to the individual, so*
3 *long as the individual is at least 16 years of age at*
4 *such time. Nothing in the previous sentence may be*
5 *construed to require a State to permit an individual*
6 *who is under 18 years of age at the time of an elec-*
7 *tion for Federal office to vote in the election.*

8 *“(c) APPLICABLE AGENCY RESPONSIBILITIES.—*

9 *“(1) INSTRUCTIONS ON AUTOMATIC REGISTRA-*
10 *TION FOR AGENCIES COLLECTING CITIZENSHIP INFOR-*
11 *MATION.—*

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

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

1 or, if applicable, the individual's registra-
2 tion 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 pursuant
7 to section 9, the consequences of false reg-
8 istration, and how 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 in
15 an election for Federal office, the require-
16 ment that the individual must affiliate or
17 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 reg-
21 ister 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 ENGLISH
25 PROFICIENCY.—In the case where the individual

1 is a member of a group that constitutes 3 percent
2 or more of the overall population within the
3 State served by the applicable agency as meas-
4 ured by the United States Census and are lim-
5 ited English proficient, the information described
6 in clauses (i) through (iv) of subparagraph (A)
7 shall be provided in a language understood by
8 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 REGISTRA-
19 TION REQUIRED.—Except as otherwise provided
20 in this section, each applicable agency shall en-
21 sure that each applicable transaction described
22 in subparagraph (A) with an eligible individual
23 cannot be completed until the individual is given
24 the opportunity to decline to be registered to
25 vote. In the case where the individual is a mem-

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

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

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

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

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

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

22 “(v) *The date on which information*
23 *pertaining to that individual was collected*
24 *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 in*
7 *an election for Federal office, information*
8 *regarding the individual’s affiliation or en-*
9 *rollment with a political party, but only if*
10 *the individual provides such information.*

11 “(viii) *Any additional information*
12 *listed in the mail voter registration applica-*
13 *tion form for elections for Federal office pre-*
14 *scribed pursuant to section 9 of the Na-*
15 *tional Voter Registration Act of 1993, in-*
16 *cluding any valid driver’s license number or*
17 *the last 4 digits of the individual’s social se-*
18 *curity number, if the individual provided*
19 *such information.*

20 “(F) *PROVISION OF INFORMATION REGARD-*
21 *ING PARTICIPATION IN PRIMARY ELECTIONS.—In*
22 *the case of a State in which affiliation or enroll-*
23 *ment with a political party is required in order*
24 *to participate in an election to select the party’s*
25 *candidate in an election for Federal office, if the*

1 *information transmitted under paragraph (E)*
2 *with respect to an individual does not include*
3 *information regarding the individual's affili-*
4 *ation or enrollment with a political party, the*
5 *chief State election official shall—*

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

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

12 “(G) *CLARIFICATION.—Nothing in this sec-*
13 *tion shall be read to require an applicable agen-*
14 *cy to transmit to an election official the infor-*
15 *mation described in subparagraph (E) for an in-*
16 *dividual who is ineligible to vote in elections for*
17 *Federal office in the State, except to the extent*
18 *required to pre-register citizens between 16 and*
19 *18 years of age.*

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

1 *rectly or as part of the overall application for service*
2 *or assistance), the applicable agency shall—*

3 *“(A) complete the requirements of section 5;*

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

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

17 *“(3) REQUIRED AVAILABILITY OF AUTOMATIC*
18 *REGISTRATION OPPORTUNITY WITH EACH APPLICA-*
19 *TION FOR SERVICE OR ASSISTANCE.—Each applicable*
20 *agency shall offer each eligible individual, with each*
21 *applicable transaction, the opportunity to register to*
22 *vote as prescribed by this section without regard to*
23 *whether the individual previously declined a registra-*
24 *tion opportunity.*

25 *“(d) VOTER PROTECTION.—*

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

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

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

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

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

17 “(A) *PUBLIC DISCLOSURE PROHIBITED.—*

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

24 “(I) *Any information not nec-*
25 *essary to voter registration.*

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

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

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

9 “(V) The individual’s signature.

10 “(VI) The individual’s telephone
11 number.

12 “(VII) The individual’s email ad-
13 dress.

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

24 “(e) *MISCELLANEOUS PROVISIONS.—*

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

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

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

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

1 *tion-related materials. All notices sent pursuant to*
2 *this section that require a response must offer the in-*
3 *dividual notified the opportunity to respond at no*
4 *cost to the individual.*

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

10 *“(f) APPLICABILITY.—*

11 *“(1) IN GENERAL.—This section shall not apply*
12 *to an exempt State.*

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

17 *“(A) has no voter registration requirement*
18 *for any voter in the State with respect to a Fed-*
19 *eral election; or*

20 *“(B) operates a system of automatic reg-*
21 *istration (as defined in section 1002(a)(2)) at*
22 *the motor vehicle authority of the State or a Per-*
23 *manent Dividend Fund of the State under which*
24 *an individual is provided the opportunity to de-*
25 *cline registration during the transaction or by*

1 way of a notice sent by mail or electronically
2 after the transaction.”.

3 (b) *CONFORMING AMENDMENTS.*—

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

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

12 (2) *Section 4(b) of the National Voter Registra-*
13 *tion Act of 1993 (52 U.S.C. 20503(b)) is amended—*

14 (A) *by redesignating paragraphs (1) and*
15 *(2) as subparagraphs (A) and (B), respectively,*
16 *and indenting appropriately;*

17 (B) *by striking “STATES.—This Act” and*
18 *inserting “STATES.—*

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

21 (C) *by adding at the end the following new*
22 *paragraph:*

23 “*(2) APPLICATION OF AUTOMATIC REGISTRATION*
24 *REQUIREMENTS.—Section 5A shall apply to a State*
25 *described in paragraph (1), unless the State is an ex-*

1 *empt State as defined in subsection (f)(2) of such sec-*
2 *tion.”.*

3 (3) *Section 8(a)(1) of such Act (52 U.S.C.*
4 *20507(a)(1)) is amended by redesignating subpara-*
5 *graphs (B), (C), and (D) as subparagraphs (C), (D),*
6 *and (E), respectively, and by inserting after subpara-*
7 *graph (A) the following new subparagraph:*

8 *“(B) in the case of registration under sec-*
9 *tion 5A, within the period provided in section*
10 *5A(b)(2);”.*

11 **SEC. 1003. VOTER PROTECTION AND SECURITY IN AUTO-**
12 **MATIC REGISTRATION.**

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

20 (1) *The individual notified an election office of*
21 *the individual’s automatic registration to vote.*

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

1 (3) *The individual was automatically registered*
2 *to vote at an incorrect address.*

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

6 (b) *LIMITS ON USE OF AUTOMATIC REGISTRATION.—*
7 *The automatic registration (within the meaning of section*
8 *5A of the National Voter Registration Act of 1993) of any*
9 *individual or the fact that an individual declined the op-*
10 *portunity to register to vote or did not make an affirmation*
11 *of citizenship (including through automatic registration)*
12 *may not be used as evidence against that individual in any*
13 *State or Federal law enforcement proceeding or any civil*
14 *adjudication concerning immigration status or naturaliza-*
15 *tion, and an individual’s lack of knowledge or willfulness*
16 *of such registration may be demonstrated by the individ-*
17 *ual’s testimony alone.*

18 (c) *PROTECTION OF ELECTION INTEGRITY.—Nothing*
19 *in subsections (a) or (b) may be construed to prohibit or*
20 *restrict any action under color of law against an individual*
21 *who—*

22 (1) *knowingly and willfully makes a false state-*
23 *ment to effectuate or perpetuate automatic voter reg-*
24 *istration by any individual; or*

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

3 (d) *ELECTION OFFICIALS' PROTECTION OF INFORMA-*
4 *TION.—*

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

12 (2) *DATABASE MANAGEMENT STANDARDS.—Not*
13 *later than 1 year after the date of the enactment of*
14 *this Act, the Director of the National Institute of*
15 *Standards and Technology, in consultation with*
16 *State and local election officials and the Election As-*
17 *sistance Commission, shall, after providing the public*
18 *with notice and the opportunity to comment—*

19 (A) *establish standards governing the com-*
20 *parison of data for voter registration list mainte-*
21 *nance purposes, identifying as part of such*
22 *standards the specific data elements, the match-*
23 *ing rules used, and how a State may use the*
24 *data to determine and deem that an individual*
25 *is ineligible under State law to vote in an elec-*

1 tion, or to deem a record to be a duplicate or
2 outdated;

3 (B) ensure that the standards developed
4 pursuant to this paragraph are uniform and
5 nondiscriminatory and are applied in a uniform
6 and nondiscriminatory manner;

7 (C) not later than 45 days after the dead-
8 line for public notice and comment, publish the
9 standards developed pursuant to this paragraph
10 on the Director's website and make those stand-
11 ards available in written form upon request; and

12 (D) ensure that the standards developed
13 pursuant to this paragraph are maintained and
14 updated in a manner that reflects innovations
15 and best practices in the security of database
16 management.

17 (3) *SECURITY POLICY.*—

18 (A) *IN GENERAL.*—Not later than 1 year
19 after the date of the enactment of this Act, the
20 Director of the National Institute of Standards
21 and Technology shall, after providing the public
22 with notice and the opportunity to comment,
23 publish privacy and security standards for voter
24 registration information not later than 45 days
25 after the deadline for public notice and comment.

1 *The standards shall require the chief State elec-*
2 *tion official of each State to adopt a policy that*
3 *shall specify—*

4 *(i) each class of users who shall have*
5 *authorized access to the computerized state-*
6 *wide voter registration list, specifying for*
7 *each class the permission and levels of ac-*
8 *cess to be granted, and setting forth other*
9 *safeguards to protect the privacy, security,*
10 *and accuracy of the information on the list;*
11 *and*

12 *(ii) security safeguards to protect per-*
13 *sonal information transmitted through the*
14 *information transmittal processes of section*
15 *5A(b) of the National Voter Registration*
16 *Act of 1993, any telephone interface, the*
17 *maintenance of the voter registration data-*
18 *base, and any audit procedure to track ac-*
19 *cess to the system.*

20 *(B) MAINTENANCE AND UPDATING.—The*
21 *Director shall ensure that the standards devel-*
22 *oped pursuant to this paragraph are maintained*
23 *and updated in a manner that reflects innova-*
24 *tions and best practices in the privacy and secu-*
25 *rity of voter registration information.*

1 (4) *STATE COMPLIANCE WITH NATIONAL STAND-*
2 *ARDS.*—

3 (A) *CERTIFICATION.*—*The chief State elec-*
4 *tion official of the State shall annually file with*
5 *the Election Assistance Commission a statement*
6 *certifying to the Director of the National Insti-*
7 *tute of Standards and Technology that the State*
8 *is in compliance with the standards referred to*
9 *in paragraphs (2) and (3). A State may meet*
10 *the requirement of the previous sentence by filing*
11 *with the Commission a statement which reads as*
12 *follows: “_____ hereby certifies that it is*
13 *in compliance with the standards referred to in*
14 *paragraphs (2) and (3) of section 1003(d) of the*
15 *Automatic Voter Registration Act of 2021.”*
16 *(with the blank to be filled in with the name of*
17 *the State involved).*

18 (B) *PUBLICATION OF POLICIES AND PROCE-*
19 *DURES.*—*The chief State election official of a*
20 *State shall publish on the official’s website the*
21 *policies and procedures established under this*
22 *section, and shall make those policies and proce-*
23 *dures available in written form upon public re-*
24 *quest.*

1 (C) *FUNDING DEPENDENT ON CERTIFI-*
2 *CATION.—If a State does not timely file the cer-*
3 *tification required under this paragraph, it shall*
4 *not receive any payment under this part for the*
5 *upcoming fiscal year.*

6 (D) *COMPLIANCE OF STATES THAT REQUIRE*
7 *CHANGES TO STATE LAW.—In the case of a State*
8 *that requires State legislation to carry out an*
9 *activity covered by any certification submitted*
10 *under this paragraph, for a period of not more*
11 *than 2 years the State shall be permitted to*
12 *make the certification notwithstanding that the*
13 *legislation has not been enacted at the time the*
14 *certification is submitted, and such State shall*
15 *submit an additional certification once such leg-*
16 *islation is enacted.*

17 (e) *RESTRICTIONS ON USE OF INFORMATION.—No per-*
18 *son acting under color of law may discriminate against any*
19 *individual based on, or use for any purpose other than voter*
20 *registration, election administration, juror selection, or en-*
21 *forcement relating to election crimes, any of the following:*

22 (1) *Voter registration records.*

23 (2) *An individual's declination to register to vote*
24 *or complete an affirmation of citizenship under sec-*

1 *tion 5A of the National Voter Registration Act of*
2 *1993.*

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

4 *(f) PROHIBITION ON THE USE OF VOTER REGISTRA-*
5 *TION INFORMATION FOR COMMERCIAL PURPOSES.—Infor-*
6 *mation collected under this part or the amendments made*
7 *by this part shall not be used for commercial purposes.*
8 *Nothing in this subsection may be construed to prohibit the*
9 *transmission, exchange, or dissemination of information for*
10 *political purposes, including the support of campaigns for*
11 *election for Federal, State, or local public office or the ac-*
12 *tivities of political committees (including committees of po-*
13 *litical parties) under the Federal Election Campaign Act*
14 *of 1971.*

15 **SEC. 1004. PAYMENTS AND GRANTS.**

16 *(a) IN GENERAL.—The Election Assistance Commis-*
17 *sion shall make grants to each eligible State to assist the*
18 *State in implementing the requirements of this part and*
19 *the amendments made by this part (or, in the case of an*
20 *exempt State, in implementing its existing automatic voter*
21 *registration program or expanding its automatic voter reg-*
22 *istration program in a manner consistent with the require-*
23 *ments of this part) with respect to the offices of the State*
24 *motor vehicle authority and any other offices of the State*

1 *at which the State offers voter registration services as de-*
2 *scribed in this part and the amendments made by this part.*

3 (b) *ELIGIBILITY; APPLICATION.*—*A State is eligible to*
4 *receive a grant under this section if the State submits to*
5 *the Commission, at such time and in such form as the Com-*
6 *mission may require, an application containing—*

7 (1) *a description of the activities the State will*
8 *carry out with the grant;*

9 (2) *an assurance that the State shall carry out*
10 *such activities without partisan bias and without*
11 *promoting any particular point of view regarding*
12 *any issue; and*

13 (3) *such other information and assurances as the*
14 *Commission may require.*

15 (c) *AMOUNT OF GRANT; PRIORITIES.*—*The Commis-*
16 *sion shall determine the amount of a grant made to an eli-*
17 *gible State under this section. In determining the amounts*
18 *of the grants, the Commission shall give priority to pro-*
19 *viding funds for those activities which are most likely to*
20 *accelerate compliance with the requirements of this part (or,*
21 *in the case of an exempt State, which are most likely to*
22 *enhance the ability of the State to automatically register*
23 *individuals to vote through its existing automatic voter reg-*
24 *istration program), including—*

1 (1) *investments supporting electronic informa-*
2 *tion transfer, including electronic collection and*
3 *transfer of signatures, between applicable agencies (as*
4 *defined in section 5A of the National Voter Registra-*
5 *tion Act of 1993) and the appropriate State election*
6 *officials;*

7 (2) *updates to online or electronic voter registra-*
8 *tion systems already operating as of the date of the*
9 *enactment of this Act;*

10 (3) *introduction of online voter registration sys-*
11 *tems in jurisdictions in which those systems did not*
12 *previously exist; and*

13 (4) *public education on the availability of new*
14 *methods of registering to vote, updating registration,*
15 *and correcting registration.*

16 (d) *EXEMPT STATE.*—*For purposes of this section, the*
17 *term “exempt State” has the meaning given such term*
18 *under section 5A of the National Voter Registration Act of*
19 *1993, and also includes a State in which, under law which*
20 *is in effect continuously on and after the date of the enact-*
21 *ment of the National Voter Registration Act of 1993, there*
22 *is no voter registration requirement for any voter in the*
23 *State with respect to an election for Federal office.*

24 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

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

3 (A) *\$3,000,000,000 for fiscal year 2022; and*

4 (B) *such sums as may be necessary for each*
5 *succeeding fiscal year.*

6 (2) *CONTINUING AVAILABILITY OF FUNDS.*—*Any*
7 *amounts appropriated pursuant to the authority of*
8 *this subsection shall remain available without fiscal*
9 *year limitation until expended.*

10 **SEC. 1005. MISCELLANEOUS PROVISIONS.**

11 (a) *ENFORCEMENT.*—*Section 11 of the National Voter*
12 *Registration Act of 1993 (52 U.S.C. 20510), relating to civil*
13 *enforcement and the availability of private rights of action,*
14 *shall apply with respect to this part in the same manner*
15 *as such section applies to such Act.*

16 (b) *RELATION TO OTHER LAWS.*—*Except as provided,*
17 *nothing in this part or the amendments made by this part*
18 *may be construed to authorize or require conduct prohibited*
19 *under, or to supersede, restrict, or limit the application of*
20 *any of the following:*

21 (1) *The Voting Rights Act of 1965 (52 U.S.C.*
22 *10301 et seq.).*

23 (2) *The Uniformed and Overseas Citizens Absen-*
24 *tee Voting Act (52 U.S.C. 20301 et seq.).*

1 (3) *The National Voter Registration Act of 1993*
2 (52 U.S.C. 20501 et seq.) (other than section 5A there-
3 of).

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

6 (5) *The Americans with Disabilities Act of 1990*
7 (42 U.S.C. 12101 et seq.).

8 **SEC. 1006. DEFINITIONS.**

9 *In this part, the following definitions apply:*

10 (1) *The term “chief State election official”*
11 *means, with respect to a State, the individual des-*
12 *ignated by the State under section 10 of the National*
13 *Voter Registration Act of 1993 (52 U.S.C. 20509) to*
14 *be responsible for coordination of the State’s respon-*
15 *sibilities under such Act.*

16 (2) *The term “Commission” means the Election*
17 *Assistance Commission.*

18 (3) *The term “State” means each of the several*
19 *States, the District of Columbia, the Commonwealth*
20 *of Puerto Rico, the United States Virgin Islands,*
21 *Guam, American Samoa, and the Commonwealth of*
22 *the Northern Mariana Islands.*

1 **SEC. 1007. EFFECTIVE DATE.**

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

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

13 **PART 2—ELECTION DAY AS LEGAL PUBLIC**
14 **HOLIDAY**

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

16 (a) *IN GENERAL.*—*Section 6103(a) of title 5, United*
17 *States Code, is amended by inserting after the item relating*
18 *to Columbus Day, the following:*

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

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

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

25 (2) *by redesignating paragraphs (11) through*

26 *(19) as paragraphs (10) through (18), respectively.*

1 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall apply with respect to the regularly sched-*
3 *uled general elections for Federal office held in November*
4 *2022 or any succeeding year.*

5 **PART 3—PROMOTING INTERNET REGISTRATION**

6 **SEC. 1021. REQUIRING AVAILABILITY OF INTERNET FOR**
7 **VOTER REGISTRATION.**

8 (a) *REQUIRING AVAILABILITY OF INTERNET FOR REG-*
9 *ISTRATION.*—*The National Voter Registration Act of 1993*
10 *(52 U.S.C. 20501 et seq.) is amended by inserting after sec-*
11 *tion 6 the following new section:*

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

13 **“(a) REQUIRING AVAILABILITY OF INTERNET FOR ON-**
14 **LINE REGISTRATION.**—*Each State, acting through the chief*
15 *State election official, shall ensure that the following serv-*
16 *ices are available to the public at any time on the official*
17 *public websites of the appropriate State and local election*
18 *officials in the State, in the same manner and subject to*
19 *the same terms and conditions as the services provided by*
20 *voter registration agencies under section 7(a):*

21 **“(1) Online application for voter registration.**

22 **“(2) Online assistance to applicants in applying**
23 **to register to vote.**

24 **“(3) Online completion and submission by appli-**
25 **cants of the mail voter registration application form**

1 *prescribed by the Election Assistance Commission*
2 *pursuant to section 9(a)(2), including assistance with*
3 *providing a signature as required under subsection*
4 *(c).*

5 *“(4) Online receipt of completed voter registra-*
6 *tion applications.*

7 *“(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A*
8 *State shall accept an online voter registration application*
9 *provided by an individual under this section, and ensure*
10 *that the individual is registered to vote in the State, if—*

11 *“(1) the individual meets the same voter reg-*
12 *istration requirements applicable to individuals who*
13 *register to vote by mail in accordance with section*
14 *6(a)(1) using the mail voter registration application*
15 *form prescribed by the Election Assistance Commis-*
16 *sion pursuant to section 9(a)(2); and*

17 *“(2) the individual meets the requirements of*
18 *subsection (c) to provide a signature in electronic*
19 *form (but only in the case of applications submitted*
20 *during or after the second year in which this section*
21 *is in effect in the State).*

22 *“(c) SIGNATURE REQUIREMENTS.—*

23 *“(1) IN GENERAL.—For purposes of this section,*
24 *an individual meets the requirements of this sub-*
25 *section as follows:*

1 “(A) *In the case of an individual who has*
2 *a signature on file with a State agency, includ-*
3 *ing the State motor vehicle authority, that is re-*
4 *quired to provide voter registration services*
5 *under this Act or any other law, the individual*
6 *consents to the transfer of that electronic signa-*
7 *ture.*

8 “(B) *If subparagraph (A) does not apply,*
9 *the individual submits with the application an*
10 *electronic copy of the individual’s handwritten*
11 *signature through electronic means.*

12 “(C) *If subparagraph (A) and subpara-*
13 *graph (B) do not apply, the individual executes*
14 *a computerized mark in the signature field on*
15 *an online voter registration application, in ac-*
16 *cordance with reasonable security measures es-*
17 *tablished by the State, but only if the State ac-*
18 *cepts such mark from the individual.*

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

23 “(A) *permit the individual to complete all*
24 *other elements of the online voter registration ap-*
25 *plication;*

1 “(B) permit the individual to provide a sig-
2 nature at the time the individual requests a bal-
3 lot in an election (whether the individual re-
4 quests the ballot at a polling place or requests the
5 ballot by mail); and

6 “(C) if the individual carries out the steps
7 described in subparagraph (A) and subpara-
8 graph (B), ensure that the individual is reg-
9 istered to vote in the State.

10 “(3) NOTICE.—The State shall ensure that indi-
11 viduals applying to register to vote online are notified
12 of the requirements of paragraph (1) and of the treat-
13 ment of individuals unable to meet such requirements,
14 as described in paragraph (2).

15 “(d) CONFIRMATION AND DISPOSITION.—

16 “(1) CONFIRMATION OF RECEIPT.—

17 “(A) IN GENERAL.—Upon the online sub-
18 mission of a completed voter registration appli-
19 cation by an individual under this section, the
20 appropriate State or local election official shall
21 provide the individual a notice confirming the
22 State’s receipt of the application and providing
23 instructions on how the individual may check
24 the status of the application.

1 “(B) *METHOD OF NOTIFICATION.*—*The ap-*
2 *propriate State or local election official shall*
3 *provide the notice required under subparagraph*
4 *(A) though the online submission process and—*

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

8 “(ii) *at the option of the individual, by*
9 *text message.*

10 “(2) *NOTICE OF DISPOSITION.*—

11 “(A) *IN GENERAL.*—*Not later than 7 days*
12 *after the appropriate State or local election offi-*
13 *cial has approved or rejected an application sub-*
14 *mitted by an individual under this section, the*
15 *official shall provide the individual a notice of*
16 *the disposition of the application.*

17 “(B) *METHOD OF NOTIFICATION.*—*The ap-*
18 *propriate State or local election official shall*
19 *provide the notice required under subparagraph*
20 *(A) by regular mail and—*

21 “(i) *in the case of an individual who*
22 *has provided the official with an electronic*
23 *mail address, by electronic mail; and*

24 “(ii) *at the option of the individual, by*
25 *text message.*

1 “(e) *PROVISION OF SERVICES IN NONPARTISAN MAN-*
2 *NER.*—*The services made available under subsection (a)*
3 *shall be provided in a manner that ensures that—*

4 “(1) *the online application does not seek to influ-*
5 *ence an applicant’s political preference or party reg-*
6 *istration; and*

7 “(2) *there is no display on the website promoting*
8 *any political preference or party allegiance, except*
9 *that nothing in this paragraph may be construed to*
10 *prohibit an applicant from registering to vote as a*
11 *member of a political party.*

12 “(f) *PROTECTION OF SECURITY OF INFORMATION.*—*In*
13 *meeting the requirements of this section, the State shall es-*
14 *tablish appropriate technological security measures to pre-*
15 *vent to the greatest extent practicable any unauthorized ac-*
16 *cess to information provided by individuals using the serv-*
17 *ices made available under subsection (a).*

18 “(g) *ACCESSIBILITY OF SERVICES.*—*A State shall en-*
19 *sure that the services made available under this section are*
20 *made available to individuals with disabilities to the same*
21 *extent as services are made available to all other individ-*
22 *uals.*

23 “(h) *NONDISCRIMINATION AMONG REGISTERED VOT-*
24 *ERS USING MAIL AND ONLINE REGISTRATION.*—*In car-*
25 *rying out this Act, the Help America Vote Act of 2002, or*

1 *any other Federal, State, or local law governing the treat-*
 2 *ment of registered voters in the State or the administration*
 3 *of elections for public office in the State, a State shall treat*
 4 *a registered voter who registered to vote online in accord-*
 5 *ance with this section in the same manner as the State*
 6 *treats a registered voter who registered to vote by mail.”.*

7 *(b) SPECIAL REQUIREMENTS FOR INDIVIDUALS USING*
 8 *ONLINE REGISTRATION.—*

9 *(1) TREATMENT AS INDIVIDUALS REGISTERING*
 10 *TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME*
 11 *VOTER IDENTIFICATION REQUIREMENTS.—Section*
 12 *303(b)(1)(A) of the Help America Vote Act of 2002*
 13 *(52 U.S.C. 21083(b)(1)(A)) is amended by striking*
 14 *“by mail” and inserting “by mail or online under*
 15 *section 6A of the National Voter Registration Act of*
 16 *1993”.*

17 *(2) REQUIRING SIGNATURE FOR FIRST-TIME VOT-*
 18 *ERS IN JURISDICTION.—Section 303(b) of such Act*
 19 *(52 U.S.C. 21083(b)) is amended—*

20 *(A) by redesignating paragraph (5) as*
 21 *paragraph (6); and*

22 *(B) by inserting after paragraph (4) the fol-*
 23 *lowing new paragraph:*

24 *“(5) SIGNATURE REQUIREMENTS FOR FIRST-*
 25 *TIME VOTERS USING ONLINE REGISTRATION.—*

1 “(A) *IN GENERAL.*—A State shall, in a uni-
2 *form and nondiscriminatory manner, require an*
3 *individual to meet the requirements of subpara-*
4 *graph (B) if—*

5 “(i) *the individual registered to vote in*
6 *the State online under section 6A of the Na-*
7 *tional Voter Registration Act of 1993; and*

8 “(ii) *the individual has not previously*
9 *voted in an election for Federal office in the*
10 *State.*

11 “(B) *REQUIREMENTS.*—An individual
12 *meets the requirements of this subparagraph if—*

13 “(i) *in the case of an individual who*
14 *votes in person, the individual provides the*
15 *appropriate State or local election official*
16 *with a handwritten signature; or*

17 “(ii) *in the case of an individual who*
18 *votes by mail, the individual submits with*
19 *the ballot a handwritten signature.*

20 “(C) *INAPPLICABILITY.*—Subparagraph (A)
21 *does not apply in the case of an individual who*
22 *is—*

23 “(i) *entitled to vote by absentee ballot*
24 *under the Uniformed and Overseas Citizens*

1 *Absentee Voting Act (52 U.S.C. 20302 et*
2 *seq.);*

3 *“(ii) provided the right to vote other-*
4 *wise than in person under section*
5 *3(b)(2)(B)(ii) of the Voting Accessibility for*
6 *the Elderly and Handicapped Act (52*
7 *U.S.C. 20102(b)(2)(B)(ii)); or*

8 *“(iii) entitled to vote otherwise than in*
9 *person under any other Federal law.”.*

10 *(3) CONFORMING AMENDMENT RELATING TO EF-*
11 *FECTIVE DATE.—Section 303(d)(2)(A) of such Act (52*
12 *U.S.C. 21083(d)(2)(A)) is amended by striking “Each*
13 *State” and inserting “Except as provided in sub-*
14 *section (b)(5), each State”.*

15 *(c) CONFORMING AMENDMENTS.—*

16 *(1) TIMING OF REGISTRATION.—Section 8(a)(1)*
17 *of the National Voter Registration Act of 1993 (52*
18 *U.S.C. 20507(a)(1)), as amended by section*
19 *1002(b)(3), is amended—*

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

22 *(B) by redesignating subparagraph (E) as*
23 *subparagraph (F); and*

24 *(C) by inserting after subparagraph (D) the*
25 *following new subparagraph:*

1 “(E) in the case of online registration
 2 through the official public website of an election
 3 official under section 6A, if the valid voter reg-
 4 istration application is submitted online not
 5 later than the lesser of 28 days, or the period
 6 provided by State law, before the date of the elec-
 7 tion (as determined by treating the date on
 8 which the application is sent electronically as the
 9 date on which it is submitted); and”.

10 (2) *INFORMING APPLICANTS OF ELIGIBILITY RE-*
 11 *QUIREMENTS AND PENALTIES.*—Section 8(a)(5) of
 12 such Act (52 U.S.C. 20507(a)(5)) is amended by
 13 striking “and 7” and inserting “6A, and 7”.

14 **SEC. 1022. USE OF INTERNET TO UPDATE REGISTRATION**
 15 **INFORMATION.**

16 (a) *IN GENERAL.*—

17 (1) *UPDATES TO INFORMATION CONTAINED ON*
 18 *COMPUTERIZED STATEWIDE VOTER REGISTRATION*
 19 *LIST.*—Section 303(a) of the Help America Vote Act
 20 of 2002 (52 U.S.C. 21083(a)) is amended by adding
 21 at the end the following new paragraph:

22 “(6) *USE OF INTERNET BY REGISTERED VOTERS*
 23 *TO UPDATE INFORMATION.*—

24 “(A) *IN GENERAL.*—The appropriate State
 25 or local election official shall ensure that any

1 *registered voter on the computerized list may at*
2 *any time update the voter’s registration informa-*
3 *tion, including the voter’s address and electronic*
4 *mail address, online through the official public*
5 *website of the election official responsible for the*
6 *maintenance of the list, so long as the voter at-*
7 *tests to the contents of the update by providing*
8 *a signature in electronic form in the same man-*
9 *ner required under section 6A(c) of the National*
10 *Voter Registration Act of 1993.*

11 “(B) *PROCESSING OF UPDATED INFORMA-*
12 *TION BY ELECTION OFFICIALS.—If a registered*
13 *voter updates registration information under*
14 *subparagraph (A), the appropriate State or local*
15 *election official shall—*

16 “(i) *revise any information on the*
17 *computerized list to reflect the update made*
18 *by the voter; and*

19 “(ii) *if the updated registration infor-*
20 *mation affects the voter’s eligibility to vote*
21 *in an election for Federal office, ensure that*
22 *the information is processed with respect to*
23 *the election if the voter updates the informa-*
24 *tion not later than the lesser of 7 days, or*

1 *the period provided by State law, before the*
2 *date of the election.*

3 “(C) *CONFIRMATION AND DISPOSITION.*—

4 “(i) *CONFIRMATION OF RECEIPT.*—

5 *Upon the online submission of updated reg-*
6 *istration information by an individual*
7 *under this paragraph, the appropriate State*
8 *or local election official shall send the indi-*
9 *vidual a notice confirming the State’s re-*
10 *ceipt of the updated information and pro-*
11 *viding instructions on how the individual*
12 *may check the status of the update.*

13 “(ii) *NOTICE OF DISPOSITION.*—*Not*
14 *later than 7 days after the appropriate*
15 *State or local election official has accepted*
16 *or rejected updated information submitted*
17 *by an individual under this paragraph, the*
18 *official shall send the individual a notice of*
19 *the disposition of the update.*

20 “(iii) *METHOD OF NOTIFICATION.*—

21 *The appropriate State or local election offi-*
22 *cial shall send the notices required under*
23 *this subparagraph by regular mail and—*

24 “(I) *in the case of an individual*
25 *who has requested that the State pro-*

1 *vide voter registration and voting in-*
2 *formation through electronic mail, by*
3 *electronic mail; and*

4 *“(II) at the option of the indi-*
5 *vidual, by text message.”.*

6 (2) *CONFORMING AMENDMENT RELATING TO EF-*
7 *FECTIVE DATE.—Section 303(d)(1)(A) of such Act (52*
8 *U.S.C. 21083(d)(1)(A)) is amended by striking “sub-*
9 *paragraph (B)” and inserting “subparagraph (B)*
10 *and subsection (a)(6)”.*

11 (b) *ABILITY OF REGISTRANT TO USE ONLINE UPDATE*
12 *TO PROVIDE INFORMATION ON RESIDENCE.—Section*
13 *8(d)(2)(A) of the National Voter Registration Act of 1993*
14 *(52 U.S.C. 20507(d)(2)(A)) is amended—*

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

21 (2) *in the second sentence, by striking “re-*
22 *turned,” and inserting the following: “returned or if*
23 *the registrant does not update the registrant’s infor-*
24 *mation on the computerized Statewide voter registra-*
25 *tion list using such online method,”.*

1 **SEC. 1023. PROVISION OF ELECTION INFORMATION BY**
2 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
3 **ISTERED TO VOTE.**

4 *(a) INCLUDING OPTION ON VOTER REGISTRATION AP-*
5 *PLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE*
6 *INFORMATION.—*

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

10 *(A) by striking “and” at the end of para-*
11 *graph (3);*

12 *(B) by striking the period at the end of*
13 *paragraph (4) and inserting “; and”; and*

14 *(C) by adding at the end the following new*
15 *paragraph:*

16 *“(5) shall include a space for the applicant to*
17 *provide (at the applicant’s option) an electronic mail*
18 *address, together with a statement that, if the appli-*
19 *cant so requests, instead of using regular mail the ap-*
20 *propriate State and local election officials shall pro-*
21 *vide to the applicant, through electronic mail sent to*
22 *that address, the same voting information (as defined*
23 *in section 302(b)(2) of the Help America Vote Act of*
24 *2002) which the officials would provide to the appli-*
25 *cant through regular mail.”.*

1 (2) *PROHIBITING USE FOR PURPOSES UNRE-*
2 *LATED TO OFFICIAL DUTIES OF ELECTION OFFI-*
3 *CIALS.—Section 9 of such Act (52 U.S.C. 20508) is*
4 *amended by adding at the end the following new sub-*
5 *section:*

6 “(c) *PROHIBITING USE OF ELECTRONIC MAIL AD-*
7 *DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The*
8 *chief State election official shall ensure that any electronic*
9 *mail address provided by an applicant under subsection*
10 *(b)(5) is used only for purposes of carrying out official du-*
11 *ties of election officials and is not transmitted by any State*
12 *or local election official (or any agent of such an official,*
13 *including a contractor) to any person who does not require*
14 *the address to carry out such official duties and who is not*
15 *under the direct supervision and control of a State or local*
16 *election official.”.*

17 (b) *REQUIRING PROVISION OF INFORMATION BY ELEC-*
18 *TION OFFICIALS.—Section 302(b) of the Help America Vote*
19 *Act of 2002 (52 U.S.C. 21082(b)) is amended by adding*
20 *at the end the following new paragraph:*

21 “(3) *PROVISION OF OTHER INFORMATION BY*
22 *ELECTRONIC MAIL.—If an individual who is a reg-*
23 *istered voter has provided the State or local election*
24 *official with an electronic mail address for the pur-*
25 *pose of receiving voting information (as described in*

1 *section 9(b)(5) of the National Voter Registration Act*
2 *of 1993), the appropriate State or local election offi-*
3 *cial, through electronic mail transmitted not later*
4 *than 7 days before the date of the election for Federal*
5 *office involved, shall provide the individual with in-*
6 *formation on how to obtain the following information*
7 *by electronic means:*

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

10 *“(I) the name and address of the poll-*
11 *ing place; and*

12 *“(II) the hours of operation for the*
13 *polling place.*

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

16 *“(I) the name and address of locations*
17 *at which the individual is eligible to vote;*
18 *and*

19 *“(II) the hours of operation for those*
20 *locations.*

21 *“(B) A description of any identification or*
22 *other information the individual may be re-*
23 *quired to present at the polling place or a loca-*
24 *tion described in subparagraph (A)(i)(I) to vote*
25 *in the election.”.*

1 **SEC. 1024. CLARIFICATION OF REQUIREMENT REGARDING**
2 **NECESSARY INFORMATION TO SHOW ELIGI-**
3 **BILITY TO VOTE.**

4 *Section 8 of the National Voter Registration Act of*
5 *1993 (52 U.S.C. 20507) is amended—*

6 *(1) by redesignating subsection (j) as subsection*
7 *(k); and*

8 *(2) by inserting after subsection (i) the following*
9 *new subsection:*

10 *“(j) REQUIREMENT FOR STATE TO REGISTER APPLI-*
11 *CANTS PROVIDING NECESSARY INFORMATION TO SHOW*
12 *ELIGIBILITY TO VOTE.—For purposes meeting the require-*
13 *ment of subsection (a)(1) that an eligible applicant is reg-*
14 *istered to vote in an election for Federal office within the*
15 *deadlines required under such subsection, the State shall*
16 *consider an applicant to have provided a ‘valid voter reg-*
17 *istration form’ if—*

18 *“(1) the applicant has substantially completed*
19 *the application form and attested to the statement re-*
20 *quired by section 9(b)(2); and*

21 *“(2) in the case of an applicant who registers to*
22 *vote online in accordance with section 6A, the appli-*
23 *cant provides a signature in accordance with sub-*
24 *section (c) of such section.”.*

1 **SEC. 1025. PROHIBITING STATE FROM REQUIRING APPLI-**
2 **CANTS TO PROVIDE MORE THAN LAST 4 DIG-**
3 **ITS OF SOCIAL SECURITY NUMBER.**

4 (a) *FORM INCLUDED WITH APPLICATION FOR MOTOR*
5 *VEHICLE DRIVER'S LICENSE.*—Section 5(c)(2)(B)(ii) of the
6 *National Voter Registration Act of 1993 (52 U.S.C.*
7 *20504(c)(2)(B)(ii)) is amended by striking the semicolon at*
8 *the end and inserting the following: “, and to the extent*
9 *that the application requires the applicant to provide a So-*
10 *cial Security number, may not require the applicant to pro-*
11 *vide more than the last 4 digits of such number;”.*

12 (b) *NATIONAL MAIL VOTER REGISTRATION FORM.*—
13 *Section 9(b)(1) of such Act (52 U.S.C. 20508(b)(1)) is*
14 *amended by striking the semicolon at the end and inserting*
15 *the following: “, and to the extent that the form requires*
16 *the applicant to provide a Social Security number, the form*
17 *may not require the applicant to provide more than the*
18 *last 4 digits of such number;”.*

19 **SEC. 1026. APPLICATION OF RULES TO CERTAIN EXEMPT**
20 **STATES.**

21 *Section 4 of the National Voter Registration Act of*
22 *1993 (52 U.S.C. 20503) is amended by adding at the end*
23 *the following new subsection:*

24 “(c) *APPLICATION OF INTERNET VOTER REGISTRA-*
25 *TION RULES.*—Notwithstanding subsection (b), the fol-

1 *lowing provisions shall apply to a State described in para-*
2 *graph (2) thereof:*

3 “(1) Section 6A (as added by section 1021(a) of
4 *the Voter Registration Modernization Act of 2021).*

5 “(2) Section 8(a)(1)(E) (as added by section
6 *1021(c)(1) of the Voter Registration Modernization*
7 *Act of 2021).*

8 “(3) Section 8(a)(5) (as amended by section
9 *1021(c)(2) of Voter Registration Modernization Act of*
10 *2021), but only to the extent such provision relates to*
11 *section 6A.*

12 “(4) Section 8(j) (as added by section 1024 of the
13 *Voter Registration Modernization Act of 2021), but*
14 *only to the extent such provision relates to section*
15 *6A.”.*

16 **SEC. 1027. REPORT ON DATA COLLECTION RELATING TO**
17 **ONLINE VOTER REGISTRATION SYSTEMS.**

18 *Not later than 1 year after the date of enactment of*
19 *this Act, the Attorney General shall submit to Congress a*
20 *report on local, State, and Federal personally identifiable*
21 *information data collections efforts related to online voter*
22 *registration systems, the cyber security resources necessary*
23 *to defend such efforts from online attacks, and the impact*
24 *of a potential data breach of local, State, or Federal online*
25 *voter registration systems.*

1 **SEC. 1028. PERMITTING VOTER REGISTRATION APPLICA-**
2 **TION FORM TO SERVE AS APPLICATION FOR**
3 **ABSENTEE BALLOT.**

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

6 *(1) in paragraph (2)—*

7 *(A) by striking “and” at the end of sub-*
8 *paragraph (D);*

9 *(B) by striking the period at the end of sub-*
10 *paragraph (E) and inserting “; and”; and*

11 *(C) by adding at the end the following new*
12 *subparagraph:*

13 *“(F) at the option of the applicant, shall serve*
14 *as an application to vote by absentee ballot in the*
15 *next election for Federal office held in the State and*
16 *in each subsequent election for Federal office held in*
17 *the State.”; and*

18 *(2) by adding at the end the following new para-*
19 *graph:*

20 *“(3)(A) In the case of an individual who is treated*
21 *as having applied for an absentee ballot in the next election*
22 *for Federal office held in the State and in each subsequent*
23 *election for Federal office held in the State under paragraph*
24 *(2)(F), such treatment shall remain effective until the ear-*
25 *lier of such time as—*

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

3 “(ii) the individual provides an affirmative
4 written notice revoking such treatment.

5 “(B) The treatment of an individual as having applied
6 for an absentee ballot in the next election for Federal office
7 held in the State and in each subsequent election for Federal
8 office held in the State under paragraph (2)(F) shall not
9 be revoked on the basis that the individual has not voted
10 in an election”.

11 **SEC. 1029. EFFECTIVE DATE.**

12 (a) *IN GENERAL.*—Except as provided in subsection
13 (b), the amendments made by this part (other than the
14 amendments made by section 1004) shall apply with respect
15 to the regularly scheduled general election for Federal office
16 held in November 2022 and each succeeding election for
17 Federal office.

18 (b) *WAIVER.*—If a State certifies to the Election Assist-
19 ance Commission not later than 180 days after the date
20 of the enactment of this Act that the State will not meet
21 the deadline described in subsection (a) because it would
22 be impracticable to do so and includes in the certification
23 the reasons for the failure to meet such deadline, subsection
24 (a) shall apply to the State as if the reference in such sub-
25 section to “the regularly scheduled general election for Fed-

1 eral office held in November 2022” were a reference to “Jan-
2 uary 1, 2024”.

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

4 **SEC. 1031. SAME DAY REGISTRATION.**

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

7 (1) by redesignating sections 304 and 305 as sec-
8 tions 305 and 306, respectively; and

9 (2) by inserting after section 303 the following
10 new section:

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

12 “(a) *IN GENERAL.*—

13 “(1) *REGISTRATION.*—Each State shall permit
14 any eligible individual on the day of a Federal elec-
15 tion and on any day when voting, including early
16 voting, is permitted for a Federal election—

17 “(A) to register to vote in such election at
18 the polling place using a form that meets the re-
19 quirements under section 9(b) of the National
20 Voter Registration Act of 1993 (or, if the indi-
21 vidual is already registered to vote, to revise any
22 of the individual’s voter registration informa-
23 tion); and

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

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

7 “(b) *ELIGIBLE INDIVIDUAL.*—*For purposes of this sec-*
8 *tion, the term ‘eligible individual’ means, with respect to*
9 *any election for Federal office, an individual who is other-*
10 *wise qualified to vote in that election.*

11 “(c) *ENSURING AVAILABILITY OF FORMS.*—*The State*
12 *shall ensure that each polling place has copies of any forms*
13 *an individual may be required to complete in order to reg-*
14 *ister to vote or revise the individual’s voter registration in-*
15 *formation under this section.*

16 “(d) *EFFECTIVE DATE.*—

17 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
18 *each State shall be required to comply with the re-*
19 *quirements of this section for the regularly scheduled*
20 *general election for Federal office occurring in Novem-*
21 *ber 2022 and for any subsequent election for Federal*
22 *office.*

23 “(2) *SPECIAL RULES FOR ELECTIONS BEFORE*
24 *NOVEMBER 2026.*—

1 “(A) *ELECTIONS PRIOR TO NOVEMBER 2024*
2 *GENERAL ELECTION.*—A State shall be deemed to
3 be in compliance with the requirements of this
4 section for the regularly scheduled general elec-
5 tion for Federal office occurring in November
6 2022 and subsequent elections for Federal office
7 occurring before the regularly scheduled general
8 election for Federal office in November 2024 if at
9 least one location for each 15,000 registered vot-
10 ers in each jurisdiction in the State meets such
11 requirements, and such location is reasonably lo-
12 cated to serve voting populations equitably across
13 the jurisdiction.

14 “(B) *NOVEMBER 2024 GENERAL ELEC-*
15 *TION.*—If a State certifies to the Commission not
16 later than November 5, 2024, that the State will
17 not be in compliance with the requirements of
18 this section for the regularly scheduled general
19 election for Federal office occurring in November
20 2024 because it would be impracticable to do so
21 and includes in the certification the reasons for
22 the failure to meet such requirements, the State
23 shall be deemed to be in compliance with the re-
24 quirements of this section for such election if at
25 least one location for each 15,000 registered vot-

1 *ers in each jurisdiction in the State meets such*
2 *requirements, and such location is reasonably lo-*
3 *cated to serve voting populations equitably across*
4 *the jurisdiction.”.*

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

9 **(c) CLERICAL AMENDMENTS.**—*The table of contents of*
10 *such Act is amended—*

11 *(1) by redesignating the items relating to sec-*
12 *tions 304 and 305 as relating to sections 305 and*
13 *306, respectively; and*

14 *(2) by inserting after the item relating to section*
15 *303 the following new item:*

“Sec. 304. Same day registration.”.

16 **SEC. 1032. ENSURING PRE-ELECTION REGISTRATION DEAD-**
17 **LINES ARE CONSISTENT WITH TIMING OF**
18 **LEGAL PUBLIC HOLIDAYS.**

19 **(a) IN GENERAL.**—*Section 8(a)(1) of the National*
20 *Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)) is*
21 *amended by striking “30 days” each place it appears and*
22 *inserting “28 days”.*

23 **(b) EFFECTIVE DATE.**—*The amendment made by sub-*
24 *section (a) shall apply with respect to elections held in 2022*
25 *or any succeeding year.*

1 **PART 5—STREAMLINE VOTER REGISTRATION**
2 **INFORMATION, ACCESS, AND PRIVACY**
3 **SEC. 1041. AUTHORIZING THE DISSEMINATION OF VOTER**
4 **REGISTRATION INFORMATION DISPLAYS FOL-**
5 **LOWING NATURALIZATION CEREMONIES.**

6 *(a) AUTHORIZATION.—The Secretary of Homeland Se-*
7 *curity shall establish a process for authorizing the chief*
8 *State election official of a State to disseminate voter reg-*
9 *istration information at the conclusion of any naturaliza-*
10 *tion ceremony in such State.*

11 *(b) NO EFFECT ON OTHER AUTHORITY.—Nothing in*
12 *this section shall be construed to imply that a Federal agen-*
13 *cy cannot provide voter registration services beyond those*
14 *minimally required herein, or to imply that agencies not*
15 *named may not distribute voter registration information*
16 *or provide voter registration services up to the limits of*
17 *their statutory and funding authority.*

18 *(c) DESIGNATED VOTER REGISTRATION AGENCIES.—*
19 *In any State or other location in which a Federal agency*
20 *is designated as a voter registration agency under section*
21 *7(a)(3)(B)(ii) of the National Voter Registration Act, the*
22 *voter registration responsibilities incurred through such*
23 *designation shall supersede the requirements described in*
24 *this section.*

1 **SEC. 1042. INCLUSION OF VOTER REGISTRATION INFORMA-**
2 **TION WITH CERTAIN LEASES AND VOUCHERS**
3 **FOR FEDERALLY ASSISTED RENTAL HOUSING**
4 **AND MORTGAGE APPLICATIONS.**

5 (a) *DEFINITIONS.*—*In this section:*

6 (1) *BUREAU.*—*The term “Bureau” means the*
7 *Bureau of Consumer Financial Protection.*

8 (2) *DIRECTOR.*—*The term “Director” means the*
9 *Director of the Bureau of Consumer Financial Protec-*
10 *tion.*

11 (3) *FEDERAL RENTAL ASSISTANCE.*—*The term*
12 *“Federal rental assistance” means rental assistance*
13 *provided under—*

14 (A) *any covered housing program, as de-*
15 *finied in section 41411(a) of the Violence Against*
16 *Women Act of 1994 (34 U.S.C. 12491(a));*

17 (B) *title V of the Housing Act of 1949 (42*
18 *U.S.C. 1471 et seq.), including voucher assist-*
19 *ance under section 542 of such title (42 U.S.C.*
20 *1490r);*

21 (C) *the Housing Trust Fund program under*
22 *section 1338 of the Federal Housing Enterprises*
23 *Financial Safety and Soundness Act of 1992 (12*
24 *U.S.C. 4588); or*

1 (D) subtitle C of title IV of the McKinney-
2 Vento Homeless Assistance Act (42 U.S.C. 11381
3 et seq.).

4 (4) *FEDERALLY BACKED MULTIFAMILY MORT-*
5 *GAGE LOAN.*—The term “Federally backed multi-
6 family mortgage loan” includes any loan (other than
7 temporary financing such as a construction loan)
8 that—

9 (A) is secured by a first or subordinate lien
10 on residential multifamily real property de-
11 signed principally for the occupancy of 5 or
12 more families, including any such secured loan,
13 the proceeds of which are used to prepay or pay
14 off an existing loan secured by the same prop-
15 erty; and

16 (B) is made in whole or in part, or insured,
17 guaranteed, supplemented, or assisted in any
18 way, by any officer or agency of the Federal
19 Government or under or in connection with a
20 housing or urban development program adminis-
21 tered by the Secretary of Housing and Urban
22 Development or a housing or related program
23 administered by any other such officer or agency,
24 or is purchased or securitized by the Federal

1 *Home Loan Mortgage Corporation or the Federal*
2 *National Mortgage Association.*

3 (5) *OWNER.*—*The term “owner” has the meaning*
4 *given the term in section 8(f) of the United States*
5 *Housing Act of 1937 (42 U.S.C. 1437f(f)).*

6 (6) *PUBLIC HOUSING; PUBLIC HOUSING AGEN-*
7 *CY.*—*The terms “public housing” and “public housing*
8 *agency” have the meanings given those terms in sec-*
9 *tion 3(b) of the United States Housing Act of 1937*
10 *(42 U.S.C. 1437a(b)).*

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

17 (b) *UNIFORM STATEMENT.*—

18 (1) *DEVELOPMENT.*—*The Director, after con-*
19 *sultation with the Election Assistance Commission,*
20 *shall develop a uniform statement designed to provide*
21 *recipients of the statement pursuant to this section*
22 *with information on how the recipient can register to*
23 *vote and the voting rights of the recipient under law.*

24 (2) *RESPONSIBILITIES.*—*In developing the uni-*
25 *form statement, the Director shall be responsible for—*

1 (A) *establishing the format of the statement;*

2 (B) *consumer research and testing of the*
3 *statement; and*

4 (C) *consulting with and obtaining from the*
5 *Election Assistance Commission the content re-*
6 *garding voter rights and registration issues need-*
7 *ed to ensure the statement complies with the re-*
8 *quirements of paragraph (1).*

9 (3) *LANGUAGES.—*

10 (A) *IN GENERAL.—The uniform statement*
11 *required under paragraph (1) shall be developed*
12 *and made available in English and in each of*
13 *the 10 languages most commonly spoken by indi-*
14 *viduals with limited English proficiency, as de-*
15 *termined by the Director using information pub-*
16 *lished by the Director of the Bureau of the Cen-*
17 *sus.*

18 (B) *PUBLICATION.—The Director shall*
19 *make all translated versions of the uniform state-*
20 *ment required under paragraph (1) publicly*
21 *available in a centralized location on the website*
22 *of the Bureau.*

23 (c) *LEASES AND VOUCHERS FOR FEDERALLY AS-*
24 *SISTED RENTAL HOUSING.—Each Federal agency admin-*
25 *istering a Federal rental assistance program shall require—*

1 (1) *each public housing agency to provide a copy*
2 *of the uniform statement developed pursuant to sub-*
3 *section (b) to each lessee of a dwelling unit in public*
4 *housing administered by the agency—*

5 (A) *together with the lease for the dwelling*
6 *unit, at the same time the lease is signed by the*
7 *lessee; and*

8 (B) *together with any income verification*
9 *form, at the same time the form is provided to*
10 *the lessee;*

11 (2) *each public housing agency that administers*
12 *rental assistance under the Housing Choice Voucher*
13 *program under section 8(o) of the United States*
14 *Housing Act of 1937 (42 U.S.C. 1437f(o)), including*
15 *the program under paragraph (13) of such section*
16 *8(o), to provide a copy of the uniform statement de-*
17 *veloped pursuant to subsection (b) to each assisted*
18 *family or individual—*

19 (A) *together with the voucher for the assist-*
20 *ance, at the time the voucher is issued for the*
21 *family or individual; and*

22 (B) *together with any income verification*
23 *form, at the time the voucher is provided to the*
24 *applicant or assisted family or individual; and*

1 (3) *each owner of a dwelling unit assisted with*
2 *Federal rental assistance to provide a copy of the uni-*
3 *form statement developed pursuant to subsection (b)*
4 *to the lessee of the dwelling unit—*

5 (A) *together with the lease for such dwelling*
6 *unit, at the same time the lease is signed by the*
7 *lessee; and*

8 (B) *together with any income verification*
9 *form, at the same time the form is provided to*
10 *the applicant or tenant.*

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

21 (e) *FEDERALLY BACKED MULTIFAMILY MORTGAGE*
22 *LOANS.—The head of the Federal agency insuring, guaran-*
23 *teeing, supplementing, or assisting a Federally backed mul-*
24 *tifamily mortgage loan, or the Director of the Federal Hous-*
25 *ing Finance Agency in the case of a Federally backed multi-*

1 *family mortgage loan that is purchased or securitized by*
2 *the Federal Home Loan Mortgage Corporation or the Fed-*
3 *eral National Mortgage Association, shall require the owner*
4 *of the property secured by the Federally backed multifamily*
5 *mortgage loan to provide a copy of the uniform statement*
6 *developed pursuant to subsection (b) in written form to each*
7 *lessee of a dwelling unit assisted by that loan at the time*
8 *the lease is signed by the lessee.*

9 *(f) OPTIONAL COMPLETION OF VOTER REGISTRA-*
10 *TION.—Nothing in this section may be construed to require*
11 *any individual to complete a voter registration form.*

12 *(g) REGULATIONS.—The head of a Federal agency ad-*
13 *ministering a Federal rental assistance program, the head*
14 *of the Federal agency insuring, guaranteeing,*
15 *supplementing, or assisting a Federally backed multifamily*
16 *mortgage loan, the Director of the Federal Housing Finance*
17 *Agency, and the Director may issue such regulations as*
18 *may be necessary to carry out this section.*

19 *(h) NO EFFECT ON OTHER AUTHORITY.—Nothing in*
20 *this section shall be construed to imply that a Federal agen-*
21 *cy cannot provide voter registration services beyond those*
22 *minimally required herein, or to imply that agencies not*
23 *named may not distribute voter registration information*
24 *or provide voter registration services up to the limits of*
25 *their statutory and funding authority.*

1 (i) *DESIGNATED VOTER REGISTRATION AGENCIES.*—
 2 *In any State or other location in which a Federal agency*
 3 *is designated as a voter registration agency under section*
 4 *7(a)(3)(B)(ii) of the National Voter Registration Act, the*
 5 *voter registration responsibilities incurred through such*
 6 *designation shall supersede the requirements described in*
 7 *this section.*

8 **SEC. 1043. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
 9 **CATIONS FROM INDIVIDUALS UNDER 18**
 10 **YEARS OF AGE.**

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

14 (1) *by redesignating subsection (k) as subsection*
 15 *(l); and*

16 (2) *by inserting after subsection (j) the following*
 17 *new subsection:*

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

20 “(1) *IN GENERAL.*—*A State may not refuse to*
 21 *accept or process an individual’s application to reg-*
 22 *ister to vote in elections for Federal office on the*
 23 *grounds that the individual is under 18 years of age*
 24 *at the time the individual submits the application, so*

1 long as the individual is at least 16 years of age at
2 such time.

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

8 (b) *EFFECTIVE DATE.—The amendment made by sub-*
9 *section (a) shall apply with respect to elections occurring*
10 *on or after January 1, 2022.*

11 **SEC. 1044. REQUIRING STATES TO ESTABLISH AND OPER-**
12 **ATE VOTER PRIVACY PROGRAMS.**

13 (a) *IN GENERAL.—Title III of the Help America Vote*
14 *Act of 2002 (52 U.S.C. 21081 et seq.), as amended by sec-*
15 *tion 1031(a), is amended—*

16 (1) *by redesignating sections 305 and 306 as sec-*
17 *tions 306 and 307, respectively; and*

18 (2) *by inserting after section 304 the following*
19 *new section:*

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

21 “(a) *IN GENERAL.—Each State shall establish and op-*
22 *erate a privacy program to enable victims of domestic vio-*
23 *lence, dating violence, stalking, sexual assault, and traf-*
24 *ficking to have personally identifiable information that*
25 *State or local election officials maintain with respect to an*

1 *individual voter registration status for purposes of elections*
2 *for Federal office in the State, including addresses, be kept*
3 *confidential.*

4 “(b) *NOTICE.*—*Each State shall notify residents of*
5 *that State of the information that State and local election*
6 *officials maintain with respect to an individual voter reg-*
7 *istration status for purposes of elections for Federal office*
8 *in the State, how that information is shared or sold and*
9 *with whom, what information is automatically kept con-*
10 *fidential, what information is needed to access voter infor-*
11 *mation online, and the privacy programs that are avail-*
12 *able.*

13 “(c) *PUBLIC AVAILABILITY.*—*Each State shall make*
14 *information about the program established under subsection*
15 *(a) available on a publicly accessible website.*

16 “(d) *DEFINITIONS.*—*In this section:*

17 “(1) *The terms ‘domestic violence’, ‘stalking’,*
18 *‘sexual assault’, and ‘dating violence’ have the mean-*
19 *ings given such terms in section 40002 of the Violence*
20 *Against Women Act of 1994 (34 U.S.C. 12291).*

21 “(2) *The term ‘trafficking’ means an act or prac-*
22 *tice described in paragraph (11) or (12) of section*
23 *103 of the Trafficking Victims Protection Act of 2000*
24 *(22 U.S.C. 7102).*

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

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

6 (1) *by redesignating the items relating to sec-*
7 *tions 305 and 306 as relating to sections 306 and*
8 *307, respectively; and*

9 (2) *by inserting after the item relating to section*
10 *304 the following new item:*

“*Sec. 305. Voter privacy programs.*”.

11 ***PART 6—FUNDING SUPPORT TO STATES FOR***

12 ***COMPLIANCE***

13 ***SEC. 1051. AVAILABILITY OF REQUIREMENTS PAYMENTS***

14 ***UNDER HAVA TO COVER COSTS OF COMPLI-***

15 ***ANCE WITH NEW REQUIREMENTS.***

16 (a) *IN GENERAL.*—*Section 251(b) of the Help America*
17 *Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—*

18 (1) *in paragraph (1), by striking “as provided*
19 *in paragraphs (2) and (3)” and inserting “as other-*
20 *wise provided in this subsection”; and*

21 (2) *by adding at the end the following new para-*
22 *graph:*

23 “(4) *CERTAIN VOTER REGISTRATION ACTIVI-*
24 *TIES.*—*Notwithstanding paragraph (3), a State may*
25 *use a requirements payment to carry out any of the*

1 *requirements of the Voter Registration Modernization*
2 *Act of 2021, including the requirements of the Na-*
3 *tional Voter Registration Act of 1993 which are im-*
4 *posed pursuant to the amendments made to such Act*
5 *by the Voter Registration Modernization Act of*
6 *2021.”.*

7 *(b) CONFORMING AMENDMENT.—Section 254(a)(1) of*
8 *such Act (52 U.S.C. 21004(a)(1)) is amended by striking*
9 *“section 251(a)(2)” and inserting “section 251(b)(2)”.*

10 *(c) EFFECTIVE DATE.—The amendments made by this*
11 *section shall apply with respect to fiscal year 2022 and each*
12 *succeeding fiscal year.*

13 ***Subtitle B—Access to Voting for***
14 ***Individuals With Disabilities***

15 ***SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-***
16 ***CESS TO VOTER REGISTRATION AND VOTING***
17 ***FOR INDIVIDUALS WITH DISABILITIES.***

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

22 *(1) by redesignating sections 306 and 307 as sec-*
23 *tions 307 and 308, respectively; and*

24 *(2) by inserting after section 305 the following*
25 *new section:*

1 **“SEC. 306. ACCESS TO VOTER REGISTRATION AND VOTING**
2 **FOR INDIVIDUALS WITH DISABILITIES.**

3 *“(a) TREATMENT OF APPLICATIONS AND BALLOTS.—*
4 *Each State shall—*

5 *“(1) ensure that absentee registration forms, ab-*
6 *sentee ballot applications, and absentee ballots that*
7 *are available electronically are accessible (as defined*
8 *in section 307);*

9 *“(2) permit individuals with disabilities to use*
10 *absentee registration procedures and to vote by absen-*
11 *tee ballot in elections for Federal office;*

12 *“(3) accept and process, with respect to any elec-*
13 *tion for Federal office, any otherwise valid voter reg-*
14 *istration application and absentee ballot application*
15 *from an individual with a disability if the applica-*
16 *tion is received by the appropriate State election offi-*
17 *cial within the deadline for the election which is ap-*
18 *plicable under Federal law;*

19 *“(4) in addition to any other method of reg-*
20 *istering to vote or applying for an absentee ballot in*
21 *the State, establish procedures—*

22 *“(A) for individuals with disabilities to re-*
23 *quest by mail and electronically voter registra-*
24 *tion applications and absentee ballot applica-*
25 *tions with respect to elections for Federal office*
26 *in accordance with subsection (c);*

1 “(B) for States to send by mail and elec-
2 tronically (in accordance with the preferred
3 method of transmission designated by the indi-
4 vidual under subparagraph (C)) voter registra-
5 tion applications and absentee ballot applica-
6 tions requested under subparagraph (A) in ac-
7 cordance with subsection (c)); and

8 “(C) by which such an individual can des-
9 ignate whether the individual prefers that such
10 voter registration application or absentee ballot
11 application be transmitted by mail or electroni-
12 cally;

13 “(5) in addition to any other method of trans-
14 mitting blank absentee ballots in the State, establish
15 procedures for transmitting by mail and electroni-
16 cally blank absentee ballots to individuals with dis-
17 abilities with respect to elections for Federal office in
18 accordance with subsection (d); and

19 “(6) if the State declares or otherwise holds a
20 runoff election for Federal office, establish a written
21 plan that provides absentee ballots are made available
22 to individuals with disabilities in a manner that
23 gives them sufficient time to vote in the runoff elec-
24 tion.

1 “(b) *DESIGNATION OF SINGLE STATE OFFICE TO PRO-*
2 *VIDE INFORMATION ON REGISTRATION AND ABSENTEE BAL-*
3 *LOT PROCEDURES FOR VOTERS WITH DISABILITIES IN*
4 *STATE.—*

5 “(1) *IN GENERAL.—Each State shall designate a*
6 *single office which shall be responsible for providing*
7 *information regarding voter registration procedures,*
8 *absentee ballot procedures, and in-person voting pro-*
9 *cedures to be used by individuals with disabilities*
10 *with respect to elections for Federal office to all indi-*
11 *viduals with disabilities who wish to register to vote*
12 *or vote in any jurisdiction in the State.*

13 “(2) *RESPONSIBILITIES.—Each State shall,*
14 *through the office designated in paragraph (1)—*

15 “(A) *provide information to election offi-*
16 *cials—*

17 “(i) *on how to set up and operate ac-*
18 *cessible voting systems; and*

19 “(ii) *regarding the accessibility of vot-*
20 *ing procedures, including guidance on com-*
21 *patibility with assistive technologies such as*
22 *screen readers and ballot marking devices;*

23 “(B) *integrate information on accessibility,*
24 *accommodations, disability, and older individ-*

1 uals into regular training materials for poll
2 workers and election administration officials;

3 “(C) *train poll workers on how to make*
4 *polling places accessible for individuals with dis-*
5 *abilities and older individuals;*

6 “(D) *promote the hiring of individuals with*
7 *disabilities and older individuals as poll workers*
8 *and election staff; and*

9 “(E) *publicly post the results of any audits*
10 *to determine the accessibility of polling places no*
11 *later than 6 months after the completion of the*
12 *audit.*

13 “(c) *DESIGNATION OF MEANS OF ELECTRONIC COM-*
14 *MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO RE-*
15 *QUEST AND FOR STATES TO SEND VOTER REGISTRATION*
16 *APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND*
17 *FOR OTHER PURPOSES RELATED TO VOTING INFORMA-*
18 *TION.—*

19 “(1) *IN GENERAL.—Each State shall, in addi-*
20 *tion to the designation of a single State office under*
21 *subsection (b), designate not less than 1 means of ac-*
22 *cessible electronic communication—*

23 “(A) *for use by individuals with disabilities*
24 *who wish to register to vote or vote in any juris-*
25 *isdiction in the State to request voter registration*

1 *applications and absentee ballot applications*
2 *under subsection (a)(4);*

3 “(B) *for use by States to send voter reg-*
4 *istration applications and absentee ballot appli-*
5 *cations requested under such subsection; and*

6 “(C) *for the purpose of providing related*
7 *voting, balloting, and election information to in-*
8 *dividuals with disabilities.*

9 “(2) *CLARIFICATION REGARDING PROVISION OF*
10 *MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—*
11 *A State may, in addition to the means of electronic*
12 *communication so designated, provide multiple means*
13 *of electronic communication to individuals with dis-*
14 *abilities, including a means of electronic communica-*
15 *tion for the appropriate jurisdiction of the State.*

16 “(3) *INCLUSION OF DESIGNATED MEANS OF*
17 *ELECTRONIC COMMUNICATION WITH INFORMATIONAL*
18 *AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY*
19 *BALLOTING MATERIALS.—Each State shall include a*
20 *means of electronic communication so designated with*
21 *all informational and instructional materials that ac-*
22 *company balloting materials sent by the State to in-*
23 *dividuals with disabilities.*

24 “(4) *TRANSMISSION IF NO PREFERENCE INDI-*
25 *CATED.—In the case where an individual with a dis-*

1 *ability does not designate a preference under sub-*
2 *section (a)(4)(C), the State shall transmit the voter*
3 *registration application or absentee ballot application*
4 *by any delivery method allowable in accordance with*
5 *applicable State law, or if there is no applicable State*
6 *law, by mail.*

7 “(d) *TRANSMISSION OF BLANK ABSENTEE BALLOTS*
8 *BY MAIL AND ELECTRONICALLY.—*

9 “(1) *IN GENERAL.—Each State shall establish*
10 *procedures—*

11 “(A) *to securely transmit blank absentee*
12 *ballots by mail and electronically (in accordance*
13 *with the preferred method of transmission des-*
14 *ignated by the individual with a disability*
15 *under subparagraph (B)) to individuals with*
16 *disabilities for an election for Federal office; and*

17 “(B) *by which the individual with a dis-*
18 *ability can designate whether the individual pre-*
19 *fers that such blank absentee ballot be trans-*
20 *mitted by mail or electronically.*

21 “(2) *TRANSMISSION IF NO PREFERENCE INDI-*
22 *CATED.—In the case where an individual with a dis-*
23 *ability does not designate a preference under para-*
24 *graph (1)(B), the State shall transmit the ballot by*
25 *any delivery method allowable in accordance with ap-*

1 *plicable State law, or if there is no applicable State*
2 *law, by mail.*

3 “(3) *APPLICATION OF METHODS TO TRACK DE-*
4 *LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL*
5 *REQUESTING BALLOT.—Under the procedures estab-*
6 *lished under paragraph (1), the State shall apply*
7 *such methods as the State considers appropriate, such*
8 *as assigning a unique identifier to the ballot envelope,*
9 *to ensure that if an individual with a disability re-*
10 *quests the State to transmit a blank absentee ballot to*
11 *the individual in accordance with this subsection, the*
12 *voted absentee ballot which is returned by the indi-*
13 *vidual is the same blank absentee ballot which the*
14 *State transmitted to the individual.*

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

20 “(f) *EFFECTIVE DATE.—This section shall apply with*
21 *respect to elections for Federal office held on or after Janu-*
22 *ary 1, 2022.”.*

23 (b) *CONFORMING AMENDMENT RELATING TO*
24 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-*
25 *ANCE COMMISSION.—*

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

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

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

7 (C) by adding at the end the following new
8 paragraph:

9 “(4) in the case of the recommendations with re-
10 spect to section 306, January 1, 2022.”.

11 (2) *REDESIGNATION.*—

12 (A) *IN GENERAL.*—Title III of such Act (52
13 U.S.C. 21081 et seq.) is amended by redesign-
14 ating sections 311 and 312 as sections 321 and
15 322, respectively.

16 (B) *CONFORMING AMENDMENT.*—Section
17 322(a) of such Act, as redesignated by subpara-
18 graph (A), is amended by striking “section 312”
19 and inserting “section 322”.

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

23 (1) by redesignating the items relating to sec-
24 tions 306 and 307 as relating to sections 307 and
25 308, respectively; and

1 (2) by inserting after the item relating to section
2 305 the following new item:

 “Sec. 306. Access to voter registration and voting for individuals with disabilities.”.

3 **SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE**
4 **ACCESSIBLE ELECTION WEBSITES.**

5 (a) *IN GENERAL.*—Subtitle A of title III of the Help
6 *America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as*
7 *amended by section 1031(a), section 1044(a), and section*
8 *1101(a), is amended—*

9 (1) by redesignating sections 307 and 308 as sec-
10 tions 308 and 309, respectively; and

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

12 **“SEC. 307. ESTABLISHMENT AND MAINTENANCE OF ACCES-**
13 **SIBLE ELECTION WEBSITES.**

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

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

20 “(A) guidance to ensure that polling places
21 are accessible for individuals with disabilities
22 and older individuals in a manner that provides
23 the same opportunity for access and participa-

1 tion (including privacy and independence) as for
2 other voters; and

3 “(B) online training and resources on—

4 “(i) how best to promote the access and
5 participation of individuals with disabili-
6 ties and older individuals in elections for
7 public office; and

8 “(ii) the voting rights and protections
9 for individuals with disabilities and older
10 individuals under State and Federal law.

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

13 “(A) the accessibility of all polling places
14 within the State, including outreach programs to
15 inform individuals about the availability of ac-
16 cessible polling places;

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

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

21 “(D) the availability of aid or assistance for
22 individuals with disabilities and older individ-
23 uals to cast their vote in a manner that provides
24 the same opportunity for access and participa-

1 tion (including privacy and independence) as for
2 other voters at polling places;

3 “(E) the availability of transportation aid
4 or assistance to the polling place for individuals
5 with disabilities or older individuals;

6 “(F) the rights and protections under State
7 and Federal law for individuals with disabilities
8 and older individuals to participate in elections;
9 and

10 “(G) how to contact State, local, and Fed-
11 eral officials with complaints or grievances if in-
12 dividuals with disabilities, older individuals,
13 Native Americans, Alaska Natives, and individ-
14 uals with limited proficiency in the English lan-
15 guage feel their ability to register to vote or vote
16 has been blocked or delayed.

17 “(b) *PARTNERSHIP WITH OUTSIDE TECHNICAL ORGA-*
18 *NIZATION.*—The chief State election official of each State,
19 through the committee of appropriate individuals under
20 subsection (c)(2), shall partner with an outside technical
21 organization with demonstrated experience in establishing
22 accessible and easy to use accessible election websites to—

23 “(1) update an existing election website to make
24 it fully accessible in accordance with this section; or

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

3 “(c) *STATE PLAN.—*

4 “(1) *DEVELOPMENT.—The chief State election of-*
5 *ficial of each State shall, through a committee of ap-*
6 *propriate individuals as described in paragraph (2),*
7 *develop a State plan that describes how the State and*
8 *local governments will meet the requirements under*
9 *this section.*

10 “(2) *COMMITTEE MEMBERSHIP.—The committee*
11 *shall comprise at least the following individuals:*

12 “(A) *The chief election officials of the four*
13 *most populous jurisdictions within the State.*

14 “(B) *The chief election officials of the four*
15 *least populous jurisdictions within the State.*

16 “(C) *Representatives from two disability*
17 *advocacy groups, including at least one such rep-*
18 *resentative who is an individual with a dis-*
19 *ability.*

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

23 “(E) *Representatives from two independent*
24 *non-governmental organizations with expertise*

1 *in establishing and maintaining accessible*
2 *websites.*

3 “(F) *Representatives from two independent*
4 *non-governmental voting rights organizations.*

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

9 “(d) *PARTNERSHIP TO MONITOR AND VERIFY ACCES-*
10 *SIBILITY.—The chief State election official of each eligible*
11 *State, through the committee of appropriate individuals*
12 *under subsection (c)(2), shall partner with at least two of*
13 *the following organizations to monitor and verify the acces-*
14 *sibility of the election website and the completeness of the*
15 *election information and the accuracy of the disability in-*
16 *formation provided on such website:*

17 “(1) *University Centers for Excellence in Devel-*
18 *opmental Disabilities Education, Research, and Serv-*
19 *ices designated under section 151(a) of the Develop-*
20 *mental Disabilities Assistance and Bill of Rights Act*
21 *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 Act*
24 *of 1973 (29 U.S.C. 796f et seq.).*

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

5 “(4) *State protection and advocacy systems as*
6 *defined in section 102 of the Developmental Disabilities*
7 *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, sec-*
17 *tion 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, in-*
25 *cluding all text, visual, and aural content,*

1 are as accessible to people with disabilities
2 as to those without disabilities;

3 “(ii) that the functions and content of
4 the website or electronic communication are
5 accessible to individuals with limited pro-
6 ficiency 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 disabili-
16 ties 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 term
21 ‘individual with a disability’ means an individual
22 with a disability, as defined in section 3 of the Amer-
23 icans with Disabilities Act of 1990 (42 U.S.C.
24 12102), and who is otherwise qualified to vote in elec-
25 tions for Federal office.

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

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

9 (c) *CLERICAL AMENDMENTS*.—The table of contents of
10 such Act, as amended by section 1031(c), section 1044(b),
11 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 section
16 306 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 et
23 seq.), as amended by section 1031(a), section 1044(a),
24 section 1101(a), and section 1102(a), is 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 the
15 polling place or from a vehicle, or providing an expe-
16 dited voting line; and

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

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

1 *all polling places for Federal elections are accessible to indi-*
 2 *viduals with disabilities and older individuals.*

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

6 (2) *VOLUNTARY GUIDANCE.*—*Section 321(b)(4) of*
 7 *such Act (52 U.S.C. 21101(b)), as added and redesign-*
 8 *ated by section 1101(b) and as amended by section*
 9 *1102(b), is amended by striking “and 307” and in-*
 10 *serting “, 307, and 308”.*

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

15 (A) *by redesignating the items relating to*
 16 *sections 308 and 309 as relating to sections 309*
 17 *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 COMMIS-*
 23 *SION.*—*Section 3(c) of the Voting Accessibility for the*

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

3 (A) *in the subsection heading, by striking*
4 *“FEDERAL ELECTION COMMISSION” and insert-*
5 *ing “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 Elder-*
12 *ly and Handicapped Act (52 U.S.C. 20101 et seq.),*
13 *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 term
8 in section 307 of the Help America Vote Act of 2002,
9 as added by section 1102(a) of the Freedom to Vote:
10 John R. Lewis 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 “Voting
19 Accessibility for the Elderly and Handicapped
20 Act” (Public Law 98–435; 42 U.S.C. 1973ee
21 note) is amended by striking “for the Elderly
22 and Handicapped” and inserting “for Individ-
23 uals with Disabilities and Older Individuals”.

24 (B) *REFERENCES.*—Any reference in any
25 other provision of law, regulation, document,

1 *paper, or other record of the United States to the*
2 *“Voting Accessibility for the Elderly and Handi-*
3 *capped Act” shall be deemed to be a reference to*
4 *the “Voting Accessibility for Individuals with*
5 *Disabilities and Older Individuals Act”.*

6 (4) *EFFECTIVE DATE.*—*The amendments made*
7 *by this subsection shall take effect on January 1,*
8 *2024, and shall apply with respect to elections for*
9 *Federal office held on or after that date.*

10 **SEC. 1104. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
11 **GUARDIANSHIP.**

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

17 (1) *by redesignating sections 309 and 310 as sec-*
18 *tions 310 and 311, respectively; and*

19 (2) *by inserting after section 308 the following:*

20 **“SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
21 **GUARDIANSHIP.**

22 “(a) *IN GENERAL.*—*A State shall not determine that*
23 *an individual lacks the capacity to vote in an election for*
24 *Federal office on the ground that the individual is subject*
25 *to guardianship, unless a court of competent jurisdiction*

1 *issues a court order finding by clear and convincing evi-*
2 *dence that the individual cannot communicate, with or*
3 *without accommodations, a desire to participate in the vot-*
4 *ing process.*

5 “(b) *EFFECTIVE DATE.*—*This section shall apply with*
6 *respect to elections for Federal office held on or after Janu-*
7 *ary 1, 2022.”.*

8 (b) *VOLUNTARY GUIDANCE.*—*Section 321(b)(4) of such*
9 *Act (52 U.S.C. 21101(b)), as added and redesignated by sec-*
10 *tion 1101(b) and as amended by sections 1102 and 1103,*
11 *is amended by striking “and 308” and inserting “308, and*
12 *309”.*

13 (c) *CLERICAL AMENDMENTS.*—*The table of contents of*
14 *such Act, as amended by section 1031(c), section 1044(b),*
15 *section 1101(c), section 1102(c), and section 1103(a)(3), is*
16 *amended—*

17 (1) *by redesignating the items relating to sec-*
18 *tions 309 and 310 as relating to sections 310 and*
19 *311, respectively; and*

20 (2) *by inserting after the item relating to section*
21 *308 the following new item:*

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

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

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

8 “(1) *making absentee voting and voting at home*
9 *accessible to individuals with the full range of disabili-*
10 *ties (including impairments involving vision, hear-*
11 *ing, mobility, or dexterity) through the implementa-*
12 *tion of accessible absentee voting systems that work in*
13 *conjunction with assistive technologies for which indi-*
14 *viduals have access at their homes, independent living*
15 *centers, or other facilities;*

16 “(2) *making polling places, including the path of*
17 *travel, entrances, exits, and voting areas of each poll-*
18 *ing facility, accessible to individuals with disabilities,*
19 *including the blind and visually impaired, in a man-*
20 *ner that provides the same opportunity for access and*
21 *participation (including privacy and independence)*
22 *as for other voters; and*

23 “(3) *providing solutions to problems of access to*
24 *voting and elections for individuals with disabilities*
25 *that are universally designed and provide the same*

1 *opportunities for individuals with and without dis-*
2 *abilities.”.*

3 *(b) REAUTHORIZATION.—Section 264(a) of such Act*
4 *(52 U.S.C. 21024(a)) is amended by adding at the end the*
5 *following new paragraph:*

6 *“(4) For fiscal year 2022 and each succeeding*
7 *fiscal year, such sums as may be necessary to carry*
8 *out this part.”.*

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

11 *(1) in subsection (b), by striking “Any amounts”*
12 *and inserting “Except as provided in subsection (b),*
13 *any amounts”; and*

14 *(2) by adding at the end the following new sub-*
15 *section:*

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

17 *“(1) DEADLINE FOR OBLIGATION AND EXPENDI-*
18 *TURE.—In the case of any amounts appropriated*
19 *pursuant to the authority of subsection (a) for a pay-*
20 *ment to a State or unit of local government for fiscal*
21 *year 2022 or any succeeding fiscal year, any portion*
22 *of such amounts which have not been obligated or ex-*
23 *pended by the State or unit of local government prior*
24 *to the expiration of the 4-year period which begins on*
25 *the date the State or unit of local government first re-*

1 *ceived the amounts shall be transferred to the Com-*
 2 *mission.*

3 “(2) *REALLOCATION OF TRANSFERRED*
 4 *AMOUNTS.—*

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

13 “(B) *COVERED PAYMENT RECIPIENTS DE-*
 14 *SCRIBED.—In subparagraph (A), a ‘covered pay-*
 15 *ment recipient’ is a State or unit of local govern-*
 16 *ment with respect to which—*

17 “(i) *amounts were appropriated pursu-*
 18 *ant to the authority of subsection (a); and*

19 “(ii) *no amounts were transferred to*
 20 *the Commission under paragraph (1).”.*

21 **SEC. 1106. FUNDING FOR PROTECTION AND ADVOCACY SYS-**
 22 **TEMS.**

23 (a) *INCLUSION OF SYSTEM SERVING AMERICAN INDIAN*
 24 *CONSORTIUM.—Section 291(a) of the Help America Vote*
 25 *Act of 2002 (52 U.S.C. 21061(a)) is amended by striking*

1 “of each State” and inserting “of each State and the eligible
2 system serving the American Indian consortium (within the
3 meaning of section 509(c)(1)(B) of the Rehabilitation Act
4 of 1973 (29 U.S.C. 794e(c)(1)(B)))”.

5 (b) *GRANT AMOUNT.*—Section 291(b) of the Help
6 America Vote Act of 2002 (52 U.S.C. 21061(b)) is amend-
7 ed—

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

11 (2) by striking “except that” and all that follows
12 and inserting “except that the amount of the grants
13 to systems referred to in subsection (c)(3)(B) of that
14 section shall not be less than \$70,000 and the amount
15 of the grants to systems referred to in subsections
16 (c)(1)(B) and (c)(4)(B) of that section shall not be
17 less than \$35,000.”.

18 **SEC. 1107. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
19 **WITH DISABILITIES TO REGISTER TO VOTE**
20 **PRIVATELY AND INDEPENDENTLY AT RESI-**
21 **DENCES.**

22 (a) *ESTABLISHMENT OF PILOT PROGRAMS.*—The Elec-
23 tion Assistance Commission (hereafter referred to as the
24 “Commission”) shall, subject to the availability of appro-
25 priations to carry out this section, make grants to eligible

1 *States to conduct pilot programs under which individuals*
2 *with disabilities may use electronic means (including the*
3 *internet and telephones utilizing assistive devices) to reg-*
4 *ister to vote and to request and receive absentee ballots in*
5 *a manner which permits such individuals to do so privately*
6 *and independently at their own residences.*

7 (b) *REPORTS.—*

8 (1) *IN GENERAL.—A State receiving a grant for*
9 *a year under this section shall submit a report to the*
10 *Commission on the pilot programs the State carried*
11 *out with the grant with respect to elections for public*
12 *office held in the State during the year.*

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

17 (c) *ELIGIBILITY.—A State is eligible to receive a grant*
18 *under this section if the State submits to the Commission,*
19 *at such time and in such form as the Commission may re-*
20 *quire, an application containing such information and as-*
21 *surances as the Commission may require.*

22 (d) *TIMING.—The Commission shall make the first*
23 *grants under this section for pilot programs which will be*
24 *in effect with respect to elections for Federal office held in*

1 2022, or, at the option of a State, with respect to other elec-
2 tions for public office held in the State in 2022.

3 (e) *STATE DEFINED.*—In this section, the term “State”
4 includes the District of Columbia, the Commonwealth of
5 Puerto Rico, Guam, American Samoa, the United States
6 Virgin Islands, and the Commonwealth of the Northern
7 Mariana Islands.

8 **SEC. 1108. GAO ANALYSIS AND REPORT ON VOTING ACCESS**
9 **FOR INDIVIDUALS WITH DISABILITIES.**

10 (a) *ANALYSIS.*—The Comptroller General of the United
11 States shall conduct an analysis after each regularly sched-
12 uled general election for Federal office with respect to the
13 following:

14 (1) *In relation to polling places located in houses*
15 *of worship or other facilities that may be exempt from*
16 *accessibility requirements under the Americans with*
17 *Disabilities Act—*

18 (A) *efforts to overcome accessibility chal-*
19 *lenges posed by such facilities; and*

20 (B) *the extent to which such facilities are*
21 *used as polling places in elections for Federal of-*
22 *fice.*

23 (2) *Assistance provided by the Election Assist-*
24 *ance Commission, Department of Justice, or other*
25 *Federal agencies to help State and local officials im-*

1 *prove voting access for individuals with disabilities*
2 *during elections for Federal office.*

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

6 (A) *are located in places that are difficult*
7 *to access;*

8 (B) *malfunction; or*

9 (C) *fail to provide sufficient privacy to en-*
10 *sure that the ballot of the individual cannot be*
11 *seen by another individual.*

12 (4) *The process by which Federal, State, and*
13 *local governments track compliance with accessibility*
14 *requirements related to voting access, including meth-*
15 *ods to receive and address complaints.*

16 (5) *The extent to which poll workers receive*
17 *training on how to assist individuals with disabili-*
18 *ties, including the receipt by such poll workers of in-*
19 *formation on legal requirements related to voting*
20 *rights for individuals with disabilities.*

21 (6) *The extent and effectiveness of training pro-*
22 *vided to poll workers on the operation of accessible*
23 *voting machines.*

24 (7) *The extent to which individuals with a devel-*
25 *opmental or psychiatric disability experience greater*

1 *barriers to voting, and whether poll worker training*
2 *adequately addresses the needs of such individuals.*

3 (8) *The extent to which State or local govern-*
4 *ments employ, or attempt to employ, individuals with*
5 *disabilities to work at polling sites.*

6 (b) *REPORT.—*

7 (1) *IN GENERAL.—Not later than 9 months after*
8 *the date of a regularly scheduled general election for*
9 *Federal office, the Comptroller General shall submit to*
10 *the appropriate congressional committees a report*
11 *with respect to the most recent regularly scheduled*
12 *general election for Federal office that contains the*
13 *following:*

14 (A) *The analysis required by subsection (a).*

15 (B) *Recommendations, as appropriate, to*
16 *promote the use of best practices used by State*
17 *and local officials to address barriers to accessi-*
18 *bility and privacy concerns for individuals with*
19 *disabilities in elections for Federal office.*

20 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
21 *TEES.—For purposes of this subsection, the term “ap-*
22 *propriate congressional committees” means—*

23 (A) *the Committee on House Administra-*
24 *tion of the House of Representatives;*

1 (B) the Committee on Rules and Adminis-
2 tration of the Senate;

3 (C) the Committee on Appropriations of the
4 House of Representatives; and

5 (D) the Committee on Appropriations of the
6 Senate.

7 ***Subtitle C—Early Voting***

8 **SEC. 1201. EARLY VOTING.**

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), section 1044(a), section*
12 *1101(a), section 1102(a), section 1103(a), and section*
13 *1104(a), is amended—*

14 (1) *by redesignating sections 310 and 311 as sec-*
15 *tions 311 and 312, respectively; and*

16 (2) *by inserting after section 309 the following*
17 *new section:*

18 **“SEC. 310. EARLY VOTING.**

19 **“(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-**
20 **TION.**—*Each election jurisdiction shall allow individuals to*
21 *vote in an election for Federal office during an early voting*
22 *period which occurs prior to the date of the election, in a*
23 *manner that allows the individual to receive, complete, and*
24 *cast their ballot in-person.*

25 **“(b) MINIMUM EARLY VOTING REQUIREMENTS.—**

1 “(1) *IN GENERAL.*—

2 “(A) *LENGTH OF PERIOD.*—*The early vot-*
3 *ing period required under this subsection with*
4 *respect to an election shall consist of a period of*
5 *consecutive days (including weekends) which be-*
6 *gins on the 15th day before the date of the elec-*
7 *tion (or, at the option of the State, on a day*
8 *prior to the 15th day before the date of the elec-*
9 *tion) and ends no earlier than the second day be-*
10 *fore the date of the election.*

11 “(B) *HOURS FOR EARLY VOTING.*—*Each*
12 *polling place which allows voting during an*
13 *early voting period under subparagraph (A)*
14 *shall—*

15 “(i) *allow such voting for no less than*
16 *10 hours on each day during the period;*

17 “(ii) *have uniform hours each day for*
18 *which such voting occurs; and*

19 “(iii) *allow such voting to be held for*
20 *some period of time prior to 9:00 a.m. (local*
21 *time) and some period of time after 5:00*
22 *p.m. (local time).*

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

1 “(A) paragraph (1) shall not apply;

2 “(B) such jurisdiction shall allow eligible
3 individuals to vote during an early voting period
4 that ensures voters are provided the greatest op-
5 portunity to cast ballots ahead of Election Day
6 and which includes at least one consecutive Sat-
7 urday and Sunday; and

8 “(C) each polling place which allows voting
9 during an early voting period under subpara-
10 graph (B) shall allow such voting—

11 “(i) during the election office’s regular
12 business hours; and

13 “(ii) for a period of not less than 8
14 hours on Saturdays and Sundays included
15 in the early voting period.

16 “(3) REQUIREMENTS FOR SMALL JURISDIC-
17 TIONS.—

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

23 “(i) at each polling place which allows
24 voting during the early voting period de-
25 scribed in paragraph (1)(A)—

1 “(I) during the election office’s
2 regular business hours; and

3 “(II) for a period of not less than
4 8 hours on at least one Saturday and
5 at least one Sunday included in the
6 early voting period; or

7 “(ii) at one or more polling places in
8 the county in which such jurisdiction is lo-
9 cated that allows voting during the early
10 voting period described in paragraph (1)(A)
11 in accordance with the requirements under
12 paragraph (1)(B).

13 “(B) JURISDICTION DESCRIBED.—A juris-
14 diction is described in this subparagraph if such
15 jurisdiction—

16 “(i) had less than 3,000 registered vot-
17 ers at the time of the most recent prior elec-
18 tion for Federal office; and

19 “(ii) consists of a geographic area that
20 is smaller than the jurisdiction of the coun-
21 ty in which such jurisdiction is located.

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

24 “(A) to limit the availability of additional
25 temporary voting sites which provide voters more

1 *opportunities to cast their ballots but which do*
2 *not meet the requirements of this subsection;*

3 “(B) *to limit a polling place from being*
4 *open for additional hours outside of the uniform*
5 *hours set for the polling location on any day of*
6 *the early voting period; or*

7 “(C) *to limit a State or jurisdiction from*
8 *offering early voting on the Monday before Elec-*
9 *tion Day.*

10 “(c) *AVAILABILITY OF POLLING PLACES.—To the*
11 *greatest extent practicable, each State and jurisdiction*
12 *shall—*

13 “(1) *ensure that there are an appropriate num-*
14 *ber of polling places which allow voting during an*
15 *early voting period; and*

16 “(2) *ensure that such polling places provide the*
17 *greatest opportunity for residents of the jurisdiction*
18 *to vote.*

19 “(d) *LOCATION OF POLLING PLACES.—*

20 “(1) *PROXIMITY TO PUBLIC TRANSPORTATION.—*
21 *To the greatest extent practicable, each State and ju-*
22 *risdiction shall ensure that each polling place which*
23 *allows voting during an early voting period under*
24 *subsection (b) is located within walking distance of a*
25 *stop on a public transportation route.*

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

4 “(A) *ensure that an appropriate number of*
5 *polling places (not less than one) which allow*
6 *voting during an early voting period under sub-*
7 *section (b) will be located in such rural areas;*
8 *and*

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

13 “(3) *CAMPUSES OF INSTITUTIONS OF HIGHER*
14 *EDUCATION.*—*In the case of a jurisdiction that is not*
15 *considered a vote by mail jurisdiction described in*
16 *subsection (b)(2) or a small jurisdiction described in*
17 *subsection (b)(3) and that includes an institution of*
18 *higher education (as defined under section 102 of the*
19 *Higher Education Act of 1965 (20 U.S.C. 1002)), in-*
20 *cluding a branch campus of such an institution, the*
21 *State or jurisdiction shall—*

22 “(A) *ensure that an appropriate number of*
23 *polling places (not less than one) which allow*
24 *voting during the early voting period under sub-*
25 *section (b) will be located on the physical cam-*

1 *pus of each such institution, including each such*
2 *branch campus; and*

3 “(B) *ensure that such polling places provide*
4 *the greatest opportunity for residents of the juris-*
5 *isdiction to vote.*

6 “(e) *STANDARDS.—Not later than June 30, 2022, the*
7 *Commission shall issue voluntary standards for the admin-*
8 *istration of voting during voting periods which occur prior*
9 *to the date of a Federal election. Subject to subsection (c),*
10 *such voluntary standards shall include the nondiscrim-*
11 *inatory geographic placement of polling places at which*
12 *such voting occurs.*

13 “(f) *BALLOT PROCESSING AND SCANNING REQUIRE-*
14 *MENTS.—*

15 “(1) *IN GENERAL.—Each State or jurisdiction*
16 *shall begin processing and scanning ballots cast dur-*
17 *ing in-person early voting for tabulation not later*
18 *than the date that is 14 days prior to the date of the*
19 *election involved, except that a State or jurisdiction*
20 *may begin processing and scanning ballots cast dur-*
21 *ing in-person early voting for tabulation after such*
22 *date if the date on which the State or jurisdiction be-*
23 *gins such processing and scanning ensures, to the*
24 *greatest extent practical, that ballots cast before the*

1 *date of the election are processed and scanned before*
2 *the date of the election.*

3 “(2) *LIMITATION.*—*Nothing in this subsection*
4 *shall be construed—*

5 “(A) *to permit a State or jurisdiction to*
6 *tabulate ballots in an election before the closing*
7 *of the polls on the date of the election unless such*
8 *tabulation is a necessary component of*
9 *preprocessing in the State or jurisdiction and is*
10 *performed in accordance with existing State law;*
11 *or*

12 “(B) *to permit an official to make public*
13 *any results of tabulation and processing before*
14 *the closing of the polls on the date of the election.*

15 “(g) *EFFECTIVE DATE.*—*This section shall apply with*
16 *respect to the regularly scheduled general election for Fed-*
17 *eral office held in November 2022 and each succeeding elec-*
18 *tion for Federal office.”.*

19 (b) *CONFORMING AMENDMENTS RELATING TO*
20 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-*
21 *ANCE COMMISSION.*—*Section 321(b) of such Act (52 U.S.C.*
22 *21101(b)), as redesignated and amended by section 1101(b),*
23 *is amended—*

24 (1) *by striking “and” at the end of paragraph*

25 (3);

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

3 (3) *by adding at the end the following new para-*
 4 *graph:*

5 “(5) *except as provided in paragraph (4), in the*
 6 *case of the recommendations with respect to any sec-*
 7 *tion added by the Freedom to Vote: John R. Lewis*
 8 *Act, June 30, 2022.”.*

9 (c) *CLERICAL AMENDMENTS.—The table of contents of*
 10 *such Act, as amended by section 1031(c), section 1044(b),*
 11 *section 1101(c), section 1102(c), section 1103(a), and sec-*
 12 *tion 1104(c), is amended—*

13 (1) *by redesignating the items relating to sec-*
 14 *tions 310 and 311 as relating to sections 311 and*
 15 *312, respectively; and*

16 (2) *by inserting after the item relating to section*
 17 *309 the following new item:*

“Sec. 310. *Early voting.*”.

18 ***Subtitle D—Voting by Mail***

19 ***SEC. 1301. VOTING BY MAIL.***

20 (a) *IN GENERAL.—*

21 (1) *REQUIREMENTS.—Subtitle A of title III of*
 22 *the 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), section 1102(a), section*

1 1103(a), section 1104(a), and section 1201(a), is
2 amended—

3 (A) by redesignating sections 311 and 312
4 as sections 312 and 313, respectively; and

5 (B) by inserting after section 310 the fol-
6 lowing new section:

7 **“SEC. 311. PROMOTING ABILITY OF VOTERS TO VOTE BY**
8 **MAIL.**

9 “(a) *UNIFORM AVAILABILITY OF ABSENTEE VOTING TO*
10 *ALL VOTERS.*—

11 “(1) *IN GENERAL.*—*If an individual in a State*
12 *is eligible to cast a vote in an election for Federal of-*
13 *fice, the State may not impose any additional condi-*
14 *tions or requirements on the eligibility of the indi-*
15 *vidual to cast the vote in such election by absentee*
16 *ballot by mail.*

17 “(2) *ADMINISTRATION OF VOTING BY MAIL.*—

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

1 “(i) the information required to com-
2 plete an application for voter registration
3 for an election for Federal office under sec-
4 tion 303(a)(5)(A), provided that a State
5 may not deny a voter a ballot or the oppor-
6 tunity to cast it on the grounds that the
7 voter does not possess a current and valid
8 driver’s license number or a social security
9 number; or

10 “(ii) a signature of the individual or
11 similar affirmation as a condition of ob-
12 taining or casting an absentee ballot.

13 “(B) *PROHIBITING FAULTY MATCHING RE-*
14 *QUIREMENTS FOR IDENTIFYING INFORMATION.—*
15 *A State may not deny a voter an absentee ballot*
16 *or reject an absentee ballot cast by a voter—*

17 “(i) on the grounds that the voter pro-
18 vided a different form of identifying infor-
19 mation under subparagraph (A) than the
20 voter originally provided when registering
21 to vote or when requesting an absentee bal-
22 lot; or

23 “(ii) due to an error in, or omission of,
24 identifying information required by a State
25 under subparagraph (A), if such error or

1 *omission is not material to an individual's*
2 *eligibility to vote under section*
3 *2004(a)(2)(B) of the Revised Statutes (52*
4 *U.S.C. 10101(a)(2)(B)).*

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

17 *“(3) NO EFFECT ON IDENTIFICATION REQUIRE-*
18 *MENTS FOR FIRST-TIME VOTERS REGISTERING BY*
19 *MAIL.—Nothing in this subsection may be construed*
20 *to exempt any individual described in paragraph (1)*
21 *of section 303(b) from meeting the requirements of*
22 *paragraph (2) of such section or to exempt an indi-*
23 *vidual described in paragraph (5)(A) of section*
24 *303(b) from meeting the requirements of paragraph*
25 *(5)(B).*

1 “(b) *DUE PROCESS REQUIREMENTS FOR STATES RE-*
2 *QUIRING SIGNATURE VERIFICATION.*—

3 “(1) *REQUIREMENT.*—

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

11 “(B) *SIGNATURE VERIFICATION REQUIRE-*
12 *MENT DESCRIBED.*—*In this subsection, a ‘signa-*
13 *ture verification requirement’ is a requirement*
14 *that an election official verify the identification*
15 *of an individual by comparing the individual’s*
16 *signature on the mail-in ballot or absentee ballot*
17 *with the individual’s signature on the official*
18 *list of registered voters in the State or another*
19 *official record or other document used by the*
20 *State to verify the signatures of voters.*

21 “(2) *DUE PROCESS REQUIREMENTS.*—

22 “(A) *NOTICE AND OPPORTUNITY TO CURE*
23 *DISCREPANCY IN SIGNATURES.*—*If an individual*
24 *submits a mail-in ballot or an absentee ballot*
25 *and the appropriate State or local election offi-*

1 *cial determines that a discrepancy exists between*
2 *the signature on such ballot and the signature of*
3 *such individual on the official list of registered*
4 *voters in the State or other official record or doc-*
5 *ument used by the State to verify the signatures*
6 *of voters, such election official, prior to making*
7 *a final determination as to the validity of such*
8 *ballot, shall—*

9 *“(i) as soon as practical, but no later*
10 *than the next business day after such deter-*
11 *mination is made, make a good faith effort*
12 *to notify the individual by mail, telephone,*
13 *and (if available) text message and elec-*
14 *tronic mail that—*

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

22 *“(II) if such discrepancy is not*
23 *cured prior to the expiration of the*
24 *third day following the State’s deadline*
25 *for receiving mail-in ballots or absentee*

1 *ballots, such ballot will not be counted;*
2 *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 ballots,*
7 *the individual provides the official with in-*
8 *formation to cure such discrepancy, either*
9 *in person, by telephone, or by electronic*
10 *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 mail-*
15 *in ballot or an absentee ballot with another de-*
16 *fect which, if left uncured, would cause the ballot*
17 *to not be counted, the appropriate State or local*
18 *election official, prior to making a final deter-*
19 *mination as to the validity of the ballot, shall—*

20 “(i) *as soon as practical, but no later*
21 *than the next business day after such deter-*
22 *mination is made, make a good faith effort*
23 *to notify the individual by mail, telephone,*
24 *and (if available) text message and elec-*
25 *tronic mail that—*

1 “(I) the ballot did not include a
2 signature or has some other defect; and

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

10 “(ii) count the ballot if, prior to the ex-
11 piration of the third day following the
12 State’s deadline for receiving mail-in ballots
13 or absentee ballots, the individual provides
14 the official with the missing signature on a
15 form proscribed by the State or cures the
16 other defect.

17 *This subparagraph does not apply with respect*
18 *to a defect consisting of the failure of a ballot to*
19 *meet the applicable deadline for the acceptance of*
20 *the ballot, as described in subsection (e).*

21 “(C) OTHER REQUIREMENTS.—

22 “(i) IN GENERAL.—An election official
23 may not make a determination that a dis-
24 crepancy exists between the signature on a
25 mail-in ballot or an absentee ballot and the

1 *signature of the individual on the official*
2 *list of registered voters in the State or other*
3 *official record or other document used by*
4 *the State to verify the signatures of voters*
5 *unless—*

6 “(I) *at least 2 election officials*
7 *make the determination;*

8 “(II) *each official who makes the*
9 *determination has received training in*
10 *procedures used to verify signatures;*
11 *and*

12 “(III) *of the officials who make*
13 *the determination, at least one is affili-*
14 *ated with the political party whose*
15 *candidate received the most votes in the*
16 *most recent statewide election for Fed-*
17 *eral office held in the State and at*
18 *least one is affiliated with the political*
19 *party whose candidate received the sec-*
20 *ond most votes in the most recent state-*
21 *wide election for Federal office held in*
22 *the State.*

23 “(ii) *EXCEPTION.—Clause (i)(III)*
24 *shall not apply to any State in which,*
25 *under a law that is in effect continuously*

1 *on and after the date of enactment of this*
2 *section, determinations regarding signature*
3 *discrepancies are made by election officials*
4 *who are not affiliated with a political*
5 *party.*

6 “(3) *REPORT.—*

7 “(A) *IN GENERAL.—Not later than 120*
8 *days after the end of a Federal election cycle,*
9 *each chief State election official shall submit to*
10 *the Commission a report containing the fol-*
11 *lowing information for the applicable Federal*
12 *election cycle in the State:*

13 “(i) *The number of ballots invalidated*
14 *due to a discrepancy under this subsection.*

15 “(ii) *Description of attempts to contact*
16 *voters to provide notice as required by this*
17 *subsection.*

18 “(iii) *Description of the cure process*
19 *developed by such State pursuant to this*
20 *subsection, including the number of ballots*
21 *determined valid as a result of such process.*

22 “(B) *SUBMISSION TO CONGRESS.—Not later*
23 *than 10 days after receiving a report under sub-*
24 *paragraph (A), the Commission shall transmit*
25 *such report to Congress.*

1 “(C) *FEDERAL ELECTION CYCLE DE-*
2 *FINED.—For purposes of this subsection, the*
3 *term ‘Federal election cycle’ means, with respect*
4 *to any regularly scheduled election for Federal*
5 *office, the period beginning on the day after the*
6 *date of the preceding regularly scheduled general*
7 *election for Federal office and ending on the date*
8 *of such regularly scheduled general election.*

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

11 “(A) *to prohibit a State from rejecting a*
12 *ballot attempted to be cast in an election for*
13 *Federal office by an individual who is not eligi-*
14 *ble to vote in the election; or*

15 “(B) *to prohibit a State from providing an*
16 *individual with more time and more methods for*
17 *curing a discrepancy in the individual’s signa-*
18 *ture, providing a missing signature, or curing*
19 *any other defect than the State is required to*
20 *provide under this subsection.*

21 “(c) *APPLICATIONS FOR ABSENTEE BALLOTS.—*

22 “(1) *IN GENERAL.—In addition to such other*
23 *methods as the State may establish for an individual*
24 *to apply for an absentee ballot, each State shall per-*

1 *mit an individual to submit an application for an*
2 *absentee ballot online.*

3 “(2) *TREATMENT OF WEBSITES.—A State shall*
4 *be considered to meet the requirements of paragraph*
5 *(1) if the website of the appropriate State or local*
6 *election official allows an application for an absentee*
7 *ballot to be completed and submitted online and if the*
8 *website permits the individual—*

9 “(A) *to print the application so that the in-*
10 *dividual may complete the application and re-*
11 *turn it to the official; or*

12 “(B) *to request that a paper copy of the ap-*
13 *plication be transmitted to the individual by*
14 *mail or electronic mail so that the individual*
15 *may complete the application and return it to*
16 *the official.*

17 “(3) *ENSURING DELIVERY PRIOR TO ELEC-*
18 *TION.—*

19 “(A) *IN GENERAL.—If an individual who is*
20 *eligible to vote in an election for Federal office*
21 *submits an application for an absentee ballot in*
22 *the election and such application is received by*
23 *the appropriate State or local election official*
24 *not later than 13 days (excluding Saturdays,*
25 *Sundays, and legal public holidays) before the*

1 *date of the election, the election official shall en-*
2 *sure that the ballot and related voting materials*
3 *are promptly mailed to the individual.*

4 “(B) *APPLICATIONS RECEIVED CLOSE TO*
5 *ELECTION DAY.—If an individual who is eligible*
6 *to vote in an election for Federal office submits*
7 *an application for an absentee ballot in the elec-*
8 *tion and such application is received by the ap-*
9 *propriate State or local election official after the*
10 *date described in subparagraph (A) but not later*
11 *than 7 days (excluding Saturdays, Sundays, and*
12 *legal public holidays) before the date of the elec-*
13 *tion, the election official shall, to the greatest ex-*
14 *tent practical, ensure that the ballot and related*
15 *voting materials are mailed to the individual*
16 *within 1 business day of the receipt of the appli-*
17 *cation.*

18 “(C) *RULE OF CONSTRUCTION.—Nothing in*
19 *this paragraph shall preclude a State or local ju-*
20 *risdiction from allowing for the acceptance and*
21 *processing of absentee ballot applications sub-*
22 *mitted or received after the date described in sub-*
23 *paragraph (B).*

24 “(4) *APPLICATION FOR ALL FUTURE ELEC-*
25 *TIONS.—*

1 “(A) *IN GENERAL.*—*At the option of an in-*
2 *dividual, the individual’s application to vote by*
3 *absentee ballot by mail in an election for Federal*
4 *office shall be treated as an application for an*
5 *absentee ballot by mail in all subsequent elec-*
6 *tions for Federal office held in the State.*

7 “(B) *DURATION OF TREATMENT.*—

8 “(i) *IN GENERAL.*—*In the case of an*
9 *individual who is treated as having applied*
10 *for an absentee ballot for all subsequent elec-*
11 *tions for Federal office held in the State*
12 *under subparagraph (A), such treatment*
13 *shall remain effective until the earlier of*
14 *such time as—*

15 “(I) *the individual is no longer*
16 *registered to vote in the State; or*

17 “(II) *the individual provides an*
18 *affirmative written notice revoking*
19 *such treatment.*

20 “(ii) *PROHIBITION ON REVOCATION*
21 *BASED ON FAILURE TO VOTE.*—*The treat-*
22 *ment of an individual as having applied for*
23 *an absentee ballot for all subsequent elec-*
24 *tions held in the State under subparagraph*

1 (A) shall not be revoked on the basis that
2 the individual has not voted in an election.

3 “(d) *ACCESSIBILITY FOR INDIVIDUALS WITH DISABIL-*
4 *ITIES.*—Each State shall ensure that all absentee ballot ap-
5 *plications, absentee ballots, and related voting materials in*
6 *elections for Federal office are accessible to individuals with*
7 *disabilities in a manner that provides the same opportunity*
8 *for access and participation (including with privacy and*
9 *independence) as for other voters.*

10 “(e) *UNIFORM DEADLINE FOR ACCEPTANCE OF*
11 *MAILED BALLOTS.*—

12 “(1) *IN GENERAL.*—A State or local election offi-
13 *cial may not refuse to accept or process a ballot sub-*
14 *mitted by an individual by mail with respect to an*
15 *election for Federal office in the State on the grounds*
16 *that the individual did not meet a deadline for re-*
17 *turning the ballot to the appropriate State or local*
18 *election official if—*

19 “(A) *the ballot is postmarked or otherwise*
20 *indicated by the United States Postal Service to*
21 *have been mailed on or before the date of the elec-*
22 *tion; and*

23 “(B) *the ballot is received by the appro-*
24 *priate election official prior to the expiration of*

1 *the 7-day period which begins on the date of the*
2 *election.*

3 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
4 *subsection shall be construed to prohibit a State from*
5 *having a law that allows for counting of ballots in an*
6 *election for Federal office that are received through*
7 *the mail after the date that is 7 days after the date*
8 *of the election.*

9 “(f) *ALTERNATIVE METHODS OF RETURNING BAL-*
10 *LOTS.*—*In addition to permitting an individual to whom*
11 *a ballot in an election was provided under this section to*
12 *return the ballot to an election official by mail, each State*
13 *shall permit the individual to cast the ballot by delivering*
14 *the ballot at such times and to such locations as the State*
15 *may establish, including—*

16 “(1) *permitting the individual to deliver the bal-*
17 *lot to a polling place within the jurisdiction in which*
18 *the individual is registered or otherwise eligible to*
19 *vote on any date on which voting in the election is*
20 *held at the polling place; and*

21 “(2) *permitting the individual to deliver the bal-*
22 *lot to a designated ballot drop-off location, a tribally*
23 *designated building, or the office of a State or local*
24 *election official.*

1 “(g) *BALLOT PROCESSING AND SCANNING REQUIRE-*
2 *MENTS.—*

3 “(1) *IN GENERAL.—Each State or jurisdiction*
4 *shall begin processing and scanning ballots cast by*
5 *mail for tabulation not later than the date that is 14*
6 *days prior to the date of the election involved, except*
7 *that a State may begin processing and scanning bal-*
8 *lots cast by mail for tabulation after such date if the*
9 *date on which the State begins such processing and*
10 *scanning ensures, to the greatest extent practical, that*
11 *ballots cast before the date of the election are processed*
12 *and scanned before the date of the election.*

13 “(2) *LIMITATION.—Nothing in this subsection*
14 *shall be construed—*

15 “(A) *to permit a State to tabulate ballots in*
16 *an election before the closing of the polls on the*
17 *date of the election unless such tabulation is a*
18 *necessary component of preprocessing in the*
19 *State and is performed in accordance with exist-*
20 *ing State law; or*

21 “(B) *to permit an official to make public*
22 *any results of tabulation and processing before*
23 *the closing of the polls on the date of the election.*

24 “(h) *PROHIBITING RESTRICTIONS ON DISTRIBUTION*
25 *OF ABSENTEE BALLOT APPLICATIONS BY THIRD PAR-*

1 *TIES.—A State may not prohibit any person from pro-*
2 *viding an application for an absentee ballot in the election*
3 *to any individual who is eligible to vote in the election.*

4 “(i) *RULE OF CONSTRUCTION.—Nothing in this sec-*
5 *tion shall be construed to affect the authority of States to*
6 *conduct elections for Federal office through the use of polling*
7 *places at which individuals cast ballots.*

8 “(j) *NO EFFECT ON BALLOTS SUBMITTED BY ABSENT*
9 *MILITARY AND OVERSEAS VOTERS.—Nothing in this sec-*
10 *tion may be construed to affect the treatment of any ballot*
11 *submitted by an individual who is entitled to vote by absen-*
12 *tee ballot under the Uniformed and Overseas Citizens Ab-*
13 *sentee Voting Act (52 U.S.C. 20301 et seq.).*

14 “(k) *EFFECTIVE DATE.—This section shall apply with*
15 *respect to the regularly scheduled general election for Fed-*
16 *eral office held in November 2022 and each succeeding elec-*
17 *tion for Federal office.”.*

18 (2) *CLERICAL AMENDMENTS.—The table of con-*
19 *tents of such Act, as amended by section 1031(c), sec-*
20 *tion 1044(b), section 1101(c), section 1102(c), section*
21 *1103(a), section 1104(c), and section 1201(c), is*
22 *amended—*

23 (A) *by redesignating the items relating to*
24 *sections 311 and 312 as relating to sections 312*
25 *and 313, respectively; and*

1 (B) by inserting after the item relating to
2 section 310 the following new item:

“Sec. 311. Promoting ability of voters to vote by mail.”.

3 (b) *SAME-DAY PROCESSING OF ABSENTEE BALLOTS.*—

4 (1) *IN GENERAL.*—Chapter 34 of title 39, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 3407. Same-day processing of ballots**

8 “(a) *IN GENERAL.*—The Postal Service shall ensure,
9 to the maximum extent practicable, that any ballot carried
10 by the Postal Service is processed by and cleared from any
11 postal facility or post office on the same day that the ballot
12 is received by that facility or post office.

13 “(b) *DEFINITIONS.*—As used in this section—

14 “(1) the term ‘ballot’ means any ballot trans-
15 mitted by a voter by mail in an election for Federal
16 office, but does not include any ballot covered by sec-
17 tion 3406; and

18 “(2) the term ‘election for Federal office’ means
19 a general, special, primary, or runoff election for the
20 office of President or Vice President, or of Senator or
21 Representative in, or Delegate or Resident Commis-
22 sioner to, the Congress.”.

23 (2) *TECHNICAL AND CONFORMING AMEND-*
24 *MENT.*—The table of sections for chapter 34 of title

1 39, *United States Code*, is amended by adding at the
2 end the following:

“3407. *Same-day processing of ballots.*”.

3 (3) *EFFECTIVE DATE.*—*The amendments made*
4 *by this subsection shall apply to absentee ballots relat-*
5 *ing to an election for Federal office occurring on or*
6 *after January 1, 2022.*

7 (c) *DEVELOPMENT OF ALTERNATIVE VERIFICATION*
8 *METHODS.*—

9 (1) *DEVELOPMENT OF STANDARDS.*—*The Na-*
10 *tional Institute of Standards, in consultation with the*
11 *Election Assistance Commission, shall develop stand-*
12 *ards for the use of alternative methods which could be*
13 *used in place of signature verification requirements*
14 *for purposes of verifying the identification of an indi-*
15 *vidual voting by mail-in or absentee ballot in elec-*
16 *tions for Federal office.*

17 (2) *PUBLIC NOTICE AND COMMENT.*—*The Na-*
18 *tional Institute of Standards shall solicit comments*
19 *from the public in the development of standards*
20 *under paragraph (1).*

21 (3) *DEADLINE.*—*Not later than 2 years after the*
22 *date of the enactment of this Act, the National Insti-*
23 *tute of Standards shall publish the standards devel-*
24 *oped under paragraph (1).*

1 **SEC. 1302. BALLOTING MATERIALS TRACKING PROGRAM.**

2 (a) *IN GENERAL.*—

3 (1) *REQUIREMENTS.*—*Subtitle A of title III of*
4 *the Help America Vote Act of 2002 (52 U.S.C. 21081*
5 *et seq.), as amended by section 1031(a), section*
6 *1044(a), section 1101(a), section 1102(a), section*
7 *1103(a), section 1104(a), section 1201(a), and section*
8 *1301(a), is amended—*

9 (A) *by redesignating sections 312 and 313*
10 *as sections 313 and 314, respectively; and*

11 (B) *by inserting after section 311 the fol-*
12 *lowing new section:*

13 **“SEC. 312. BALLOT MATERIALS TRACKING PROGRAM.**

14 “(a) *REQUIREMENT.*—*Each State shall carry out a*
15 *program to track and confirm the receipt of mail-in ballots*
16 *and absentee ballots in an election for Federal office under*
17 *which the State or local election official responsible for the*
18 *receipt of such voted ballots in the election carries out proce-*
19 *dures to track and confirm the receipt of such ballots, and*
20 *makes information on the receipt of such ballots available*
21 *to the individual who cast the ballot.*

22 “(b) *MEANS OF CARRYING OUT PROGRAM.*—*A State*
23 *may meet the requirements of subsection (a)—*

24 “(1) *through a program—*

25 “(A) *which is established by the State;*

1 “(B) under which the State or local election
2 official responsible for the receipt of voted mail-
3 in ballots and voted absentee ballots in the elec-
4 tion—

5 “(i) carries out procedures to track and
6 confirm the receipt of such ballots; and

7 “(ii) makes information on the receipt
8 of such ballots available to the individual
9 who cast the ballot; and

10 “(C) which meets the requirements of sub-
11 section (c); or

12 “(2) through the ballot materials tracking service
13 established under section 1302(b) of the Freedom to
14 Vote: John R. Lewis Act.

15 “(c) STATE PROGRAM REQUIREMENTS.—The require-
16 ments of this subsection are as follows:

17 “(1) INFORMATION ON WHETHER VOTE WAS AC-
18 CEPTED.—The information referred to under sub-
19 section (b)(1)(B)(ii) with respect to the receipt of
20 mail-in ballot or an absentee ballot shall include in-
21 formation regarding whether the vote cast on the bal-
22 lot was accepted, and, in the case of a vote which was
23 rejected, the reasons therefor.

24 “(2) AVAILABILITY OF INFORMATION.—Informa-
25 tion on whether a ballot was accepted or rejected shall

1 *be available within 1 business day of the State accept-*
2 *ing or rejecting the ballot.*

3 “(3) *ACCESSIBILITY OF INFORMATION.—*

4 “(A) *IN GENERAL.—Except as provided*
5 *under subparagraph (B), the information pro-*
6 *vided under the program shall be available by*
7 *means of online access using the internet site of*
8 *the State or local election office.*

9 “(B) *USE OF TOLL-FREE TELEPHONE NUM-*
10 *BER BY OFFICIALS WITHOUT INTERNET SITE.—*

11 *In the case of a State or local election official*
12 *whose office does not have an internet site, the*
13 *program shall require the official to establish a*
14 *toll-free telephone number that may be used by*
15 *an individual who cast an absentee ballot to ob-*
16 *tain the information required under subsection*
17 *(b)(1)(B).*

18 “(d) *EFFECTIVE DATE.—This section shall apply with*
19 *respect to the regularly scheduled general election for Fed-*
20 *eral office held in November 2024 and each succeeding elec-*
21 *tion for Federal office.”.*

22 “(2) *CONFORMING AMENDMENTS.—Section 102 of*
23 *the Uniformed and Overseas Citizens Absentee Voting*
24 *Act (52 U.S.C. 20302(a)) is amended by striking sub-*

1 *section (h) and redesignating subsection (i) as sub-*
2 *section (h).*

3 *(b) BALLOTING MATERIALS TRACKING SERVICE.—*

4 *(1) IN GENERAL.—Not later than January 1,*
5 *2024, the Secretary of Homeland Security, in con-*
6 *sultation with the Chair of the Election Assistance*
7 *Commission, the Postmaster General, the Director of*
8 *the General Services Administration, the Presidential*
9 *designee, and State election officials, shall establish a*
10 *balloting materials tracking service to be used by*
11 *State and local jurisdictions to inform voters on the*
12 *status of voter registration applications, absentee bal-*
13 *lot applications, absentee ballots, and mail-in ballots.*

14 *(2) INFORMATION TRACKED.—The balloting ma-*
15 *terials tracking service established under paragraph*
16 *(1) shall provide to a voter the following information*
17 *with respect to that voter:*

18 *(A) In the case of balloting materials sent*
19 *by mail, tracking information from the United*
20 *States Postal Service and the Presidential des-*
21 *ignee on balloting materials sent to the voter*
22 *and, to the extent feasible, returned by the voter.*

23 *(B) The date on which any request by the*
24 *voter for an application for voter registration or*
25 *an absentee ballot was received.*

1 (C) *The date on which any such requested*
2 *application was sent to the voter.*

3 (D) *The date on which any such completed*
4 *application was received from the voter and the*
5 *status of such application.*

6 (E) *The date on which any mail-in ballot*
7 *or absentee ballot was sent to the voter.*

8 (F) *The date on which any mail-in ballot or*
9 *absentee ballot was out for delivery to the voter.*

10 (G) *The date on which the post office proc-*
11 *esses the ballot.*

12 (H) *The date on which the returned ballot*
13 *was out for delivery to the election office.*

14 (I) *Whether such ballot was accepted and*
15 *counted, and in the case of any ballot not count-*
16 *ed, the reason why the ballot was not counted.*

17 *The information described in subparagraph (I) shall*
18 *be available not later than 1 day after a determina-*
19 *tion is made on whether or not to accept and count*
20 *the ballot.*

21 (3) *METHOD OF PROVIDING INFORMATION.—The*
22 *balloting materials tracking service established under*
23 *paragraph (1) shall allow voters the option to receive*
24 *the information described in paragraph (2) through*
25 *email (or other electronic means) or through the mail.*

1 (4) *PUBLIC AVAILABILITY OF LIMITED INFORMA-*
2 *TION.—Information described in subparagraphs (E),*
3 *(G), and (I) of paragraph (2) shall be made available*
4 *to political parties and voter registration organiza-*
5 *tions, at cost to cover the expense of providing such*
6 *information, for use, in accordance with State guide-*
7 *lines and procedures, in helping to return or cure*
8 *mail-in ballots during any period in which mail-in*
9 *ballots may be returned.*

10 (5) *PROHIBITION ON FEES.—The Director may*
11 *not charge any fee to a State or jurisdiction for use*
12 *of the balloting materials tracking service in connec-*
13 *tion with any Federal, State, or local election.*

14 (6) *PRESIDENTIAL DESIGNEE.—For purposes of*
15 *this subsection, the term “Presidential designee”*
16 *means the Presidential designee under section 101(a)*
17 *of the Uniformed and Overseas Citizens Absentee Vot-*
18 *ing Act (52 U.S.C. 30201).*

19 (7) *AUTHORIZATION OF APPROPRIATIONS.—*
20 *There are authorized to be appropriated to the Direc-*
21 *tor such sums as are necessary for purposes of car-*
22 *rying out this subsection.*

23 (c) *REIMBURSEMENT FOR COSTS INCURRED BY*
24 *STATES IN ESTABLISHING PROGRAM.—Subtitle D of title*
25 *II of the Help America Vote Act of 2002 (42 U.S.C. 15401*

1 *et seq.) is amended by adding at the end the following new*
2 *part:*

3 **“PART 7—PAYMENTS TO REIMBURSE STATES FOR**
4 **COSTS INCURRED IN ESTABLISHING PRO-**
5 **GRAM TO TRACK AND CONFIRM RECEIPT OF**
6 **ABSENTEE BALLOTS**

7 **“SEC. 297. PAYMENTS TO STATES.**

8 *“(a) PAYMENTS FOR COSTS OF PROGRAM.—In accord-*
9 *ance with this section, the Commission shall make a pay-*
10 *ment to a State to reimburse the State for the costs incurred*
11 *in establishing the absentee ballot tracking program under*
12 *section 312(b)(1) (including costs incurred prior to the date*
13 *of the enactment of this part).*

14 *“(b) CERTIFICATION OF COMPLIANCE AND COSTS.—*

15 *“(1) CERTIFICATION REQUIRED.—In order to re-*
16 *ceive a payment under this section, a State shall sub-*
17 *mit to the Commission a statement containing—*

18 *“(A) a certification that the State has estab-*
19 *lished an absentee ballot tracking program with*
20 *respect to elections for Federal office held in the*
21 *State; and*

22 *“(B) a statement of the costs incurred by*
23 *the State in establishing the program.*

24 *“(2) AMOUNT OF PAYMENT.—The amount of a*
25 *payment made to a State under this section shall be*

1 *equal to the costs incurred by the State in establishing*
2 *the absentee ballot tracking program, as set forth in*
3 *the statement submitted under paragraph (1), except*
4 *that such amount may not exceed the product of—*

5 *“(A) the number of jurisdictions in the*
6 *State which are responsible for operating the*
7 *program; and*

8 *“(B) \$3,000.*

9 *“(3) LIMIT ON NUMBER OF PAYMENTS RE-*
10 *CEIVED.—A State may not receive more than one*
11 *payment under this part.*

12 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

13 *“(a) AUTHORIZATION.—There are authorized to be ap-*
14 *propriated to the Commission for fiscal year 2022 and each*
15 *succeeding fiscal year such sums as may be necessary for*
16 *payments under this part.*

17 *“(b) CONTINUING AVAILABILITY OF FUNDS.—Any*
18 *amounts appropriated pursuant to the authorization under*
19 *this section shall remain available until expended.”.*

20 *(d) CLERICAL AMENDMENTS.—The table of contents of*
21 *such Act, as amended by section 1031(c), 1044(b), section*
22 *1101(c), section 1102(c), section 1103(a), section 1104(c),*
23 *section 1201(c), and section 1301(a), is amended—*

1 (1) *by adding at the end of the items relating to*
 2 *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 section*
 7 *311 the following new item:*

“Sec. 312. *Absentee ballot tracking program.*”.

8 **SEC. 1303. ELECTION MAIL AND DELIVERY IMPROVEMENTS.**

9 (a) *POSTMARK REQUIRED FOR BALLOTS.—*

10 (1) *IN GENERAL.—Chapter 34 of title 39, United*
 11 *States Code, as amended by section 1301(b), is*
 12 *amended by adding at the end the following:*

13 **“§ 3408. Postmark required for ballots**

14 “(a) *IN GENERAL.—In the case of any absentee ballot*
 15 *carried by the Postal Service, the Postal Service shall indi-*
 16 *cate on the ballot envelope, using a postmark or otherwise—*

17 “(1) *the fact that the ballot was carried by the*
 18 *Postal Service; and*

19 “(2) *the date on which the ballot was mailed.*

20 “(b) *DEFINITIONS.—As used in this section—*

21 “(1) *the term ‘absentee ballot’ means any ballot*
 22 *transmitted by a voter by mail in an election for Fed-*

1 *eral office, but does not include any ballot covered by*
 2 *section 3406; and*

3 *“(2) the term ‘election for Federal office’ means*
 4 *a general, special, primary, or runoff election for the*
 5 *office of President or Vice President, or of Senator or*
 6 *Representative in, or Delegate or Resident Commis-*
 7 *sioner to, the Congress.”.*

8 (2) *TECHNICAL AND CONFORMING AMEND-*
 9 *MENT.—The table of sections for chapter 34 of title*
 10 *39, United States Code, as amended by section*
 11 *1301(b), is amended by adding at the end the fol-*
 12 *lowing:*

“3408. Postmark required for ballots.”.

13 (3) *EFFECTIVE DATE.—The amendments made*
 14 *by this subsection shall apply to absentee ballots relat-*
 15 *ing to an election for Federal office occurring on or*
 16 *after January 1, 2022.*

17 (b) *GREATER VISIBILITY FOR BALLOTS.—*

18 (1) *IN GENERAL.—Subtitle A of title III of the*
 19 *Help America Vote Act of 2002 (52 U.S.C. 21081 et*
 20 *seq.), as amended by section 1031(a), section 1044(a),*
 21 *section 1101(a), section 1102(a), section 1103(a), sec-*
 22 *tion 1104(a), section 1201(a), section 1301(a), and*
 23 *section 1302(a), is amended—*

24 (A) *by redesignating sections 313 and 314*
 25 *as sections 314 and 315, respectively; and*

1 (B) by inserting after section 312 the fol-
2 lowing new section:

3 **“SEC. 313. BALLOT VISIBILITY.**

4 “(a) *IN GENERAL.*—Each State or local election offi-
5 cial shall—

6 “(1) affix Tag 191, Domestic and International
7 Mail-In Ballots (or any successor tag designated by
8 the United States Postal Service), to any tray or sack
9 of official ballots relating to an election for Federal
10 office that is destined for a domestic or international
11 address;

12 “(2) use the Official Election Mail logo to des-
13 ignate official ballots relating to an election for Fed-
14 eral office that is destined for a domestic or inter-
15 national address; and

16 “(3) if an intelligent mail barcode is utilized for
17 any official ballot relating to an election for Federal
18 office that is destined for a domestic or international
19 address, ensure the specific ballot service type identi-
20 fier for such mail is visible.

21 “(b) *EFFECTIVE DATE.*—The requirements of this sec-
22 tion shall apply to elections for Federal office occurring on
23 and after January 1, 2022.”

24 (2) *VOLUNTARY GUIDANCE.*—Section 321(b)(4) of
25 such Act (52 U.S.C. 21101(b)), as added and redesi-

1 nated by section 1101(b) and as amended by sections
 2 1102, 1103 and 1104, is amended by striking “and
 3 309” and inserting “309, and 313”.

4 (3) *CLERICAL AMENDMENTS.*—*The table of con-*
 5 *tents of such Act, as amended by section 1031(c), sec-*
 6 *tion 1044(b), section 1101(c), section 1102(c), section*
 7 *1103(a), section 1104(c), section 1201(c), section*
 8 *1301(a), and section 1302(a), is amended—*

9 (A) *by redesignating the items relating to*
 10 *sections 313 and 314 as relating to sections 314*
 11 *and 315; and*

12 (B) *by inserting after the item relating to*
 13 *section 312 the following new item:*

“*Sec. 313. Ballot visibility.*”.

14 **SEC. 1304. CARRIAGE OF ELECTION MAIL.**

15 (a) *TREATMENT OF ELECTION MAIL.*—

16 (1) *TREATMENT AS FIRST-CLASS MAIL; FREE*
 17 *POSTAGE.*—*Chapter 34 of title 39, United States*
 18 *Code, as amended by section 1301(b) and section*
 19 *1303(a), is amended by adding at the end the fol-*
 20 *lowing:*

21 **“§ 3409. Domestic election mail; restriction of oper-**
 22 **ational changes prior to elections**

23 “(a) *DEFINITION.*—*In this section, the term ‘election*
 24 *mail’ means—*

1 “(1) a blank or completed voter registration ap-
2 plication form, voter registration card, or similar ma-
3 terials, relating to an election for Federal office;

4 “(2) a blank or completed absentee and other
5 mail-in ballot application form, and a blank or com-
6 pleted absentee or other mail-in ballot, relating to an
7 election for Federal office, and

8 “(3) other materials relating to an election for
9 Federal office that are mailed by a State or local elec-
10 tion official to an individual who is registered to vote.

11 “(b) *CARRIAGE OF ELECTION MAIL.*—Election mail
12 (other than balloting materials covered under section 3406
13 (relating to the Uniformed and Overseas Absentee Voting
14 Act)), individually or in bulk, shall be carried in accord-
15 ance with the service standards established for first-class
16 mail under section 3691.

17 “(c) *NO POSTAGE REQUIRED FOR COMPLETED BAL-*
18 *LOTS.*—Completed absentee or other mail-in ballots (other
19 than balloting materials covered under section 3406 (relat-
20 ing to the Uniformed and Overseas Absentee Voting Act))
21 shall be carried free of postage.

22 “(d) *RESTRICTION OF OPERATIONAL CHANGES.*—Dur-
23 ing the 120-day period which ends on the date of an election
24 for Federal office, the Postal Service may not carry out any
25 new operational change that would restrict the prompt and

1 *reliable delivery of election mail. This subsection applies to*
 2 *operational changes which include—*

3 “(1) *removing or eliminating any mail collection*
 4 *box without immediately replacing it; and*

5 “(2) *removing, decommissioning, or any other*
 6 *form of stopping the operation of mail sorting ma-*
 7 *chines, other than for routine maintenance.*

8 “(e) *ELECTION MAIL COORDINATOR.—The Postal*
 9 *Service shall appoint an Election Mail Coordinator at each*
 10 *area office and district office to facilitate relevant informa-*
 11 *tion sharing with State, territorial, local, and Tribal elec-*
 12 *tion officials in regards to the mailing of election mail.”.*

13 (2) *REIMBURSEMENT OF POSTAL SERVICE FOR*
 14 *REVENUE FORGONE.—Section 2401(c) of title 39,*
 15 *United States Code, is amended by striking “sections*
 16 *3217 and 3403 through 3406” and inserting “sections*
 17 *3217, 3403 through 3406, and 3409”.*

18 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 19 *table of sections for chapter 34 of title 39, United States*
 20 *Code, as amended by section 1301(b) and section 1303(a),*
 21 *is amended by adding at the end the following:*

“3409. Domestic election mail; restriction of operational changes prior to elec-
tions.”.

22 (c) *EFFECTIVE DATE.—The amendments made by this*
 23 *section shall take effect upon the expiration of the 180-day*

1 *period which begins on the date of the enactment of this*
2 *section.*

3 **SEC. 1305. REQUIRING STATES TO PROVIDE SECURED DROP**
4 **BOXES FOR VOTED BALLOTS IN ELECTIONS**
5 **FOR FEDERAL OFFICE.**

6 *(a) REQUIREMENT.—Subtitle A of title III of the Help*
7 *America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as*
8 *amended by section 1031(a), section 1044(a), section*
9 *1101(a), section 1102(a), section 1103(a), section 1104(a),*
10 *section 1201(a), section 1301(a), section 1302(a), and sec-*
11 *tion 1303(b) is amended—*

12 *(1) by redesignating sections 314 and 315 as sec-*
13 *tions 315 and 316, respectively; and*

14 *(2) by inserting after section 313 the following*
15 *new section:*

16 **“SEC. 314. USE OF SECURED DROP BOXES FOR VOTED BAL-**
17 **LOTS.**

18 *“(a) REQUIREING USE OF DROP BOXES.—Each juris-*
19 *isdiction shall provide in-person, secured, and clearly labeled*
20 *drop boxes at which individuals may, at any time during*
21 *the period described in subsection (b), drop off voted ballots*
22 *in an election for Federal office.*

23 *“(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP*
24 *BOXES.—The period described in this subsection is, with*
25 *respect to an election, the period which begins on the first*

1 *day on which the jurisdiction sends mail-in ballots or ab-*
2 *sentee ballots (other than ballots for absent uniformed over-*
3 *seas voters (as defined in section 107(1) of the Uniformed*
4 *and Overseas Citizens Absentee Voting Act (52 U.S.C.*
5 *20310(1))) or overseas voters (as defined in section 107(5)*
6 *of such Act (52 U.S.C. 20310(5)))) to voters for such election*
7 *and which ends at the time the polls close for the election*
8 *in the jurisdiction involved.*

9 “(c) *ACCESSIBILITY.*—

10 “(1) *HOURS OF ACCESS.*—

11 “(A) *IN GENERAL.*—*Except as provided in*
12 *subparagraph (B), each drop box provided under*
13 *this section shall be accessible to voters for a rea-*
14 *sonable number of hours each day.*

15 “(B) *24-HOUR DROP BOXES.*—

16 “(i) *IN GENERAL.*—*Of the number of*
17 *drop boxes provided in any jurisdiction, not*
18 *less the required number shall be accessible*
19 *for 24-hours per day during the period de-*
20 *scribed in subsection (b).*

21 “(ii) *REQUIRED NUMBER.*—*The re-*
22 *quired number is the greater of—*

23 “(I) *25 percent of the drop boxes*
24 *required under subsection (d); or*

25 “(II) *1 drop box.*

1 “(2) *POPULATION.*—

2 “(A) *IN GENERAL.*—*Drop boxes provided*
3 *under this section shall be accessible for use—*

4 “(i) *by individuals with disabilities, as*
5 *determined in consultation with the protec-*
6 *tion and advocacy systems (as defined in*
7 *section 102 of the Developmental Disabil-*
8 *ities Assistance and Bill of Rights Act of*
9 *2000 (42 U.S.C. 15002)) of the State;*

10 “(ii) *by individuals with limited pro-*
11 *ficiency in the English language; and*

12 “(iii) *by homeless individuals (as de-*
13 *finied in section 103 of the McKinney–Vento*
14 *Homeless Assistance Act (42 U.S.C. 11302))*
15 *within the State.*

16 “(B) *DETERMINATION OF ACCESSIBILITY*
17 *FOR INDIVIDUALS WITH DISABILITIES.*—*For pur-*
18 *poses of this paragraph, drop boxes shall be con-*
19 *sidered to be accessible for use by individuals*
20 *with disabilities if the drop boxes meet such cri-*
21 *teria as the Attorney General may establish for*
22 *such purposes.*

23 “(C) *RULE OF CONSTRUCTION.*—*If a drop*
24 *box provided under this section is on the grounds*
25 *of or inside a building or facility which serves*

1 *as a polling place for an election during the pe-*
2 *riod described in subsection (b), nothing in this*
3 *subsection may be construed to waive any re-*
4 *quirements regarding the accessibility of such*
5 *polling place for the use of individuals with dis-*
6 *abilities, individuals with limited proficiency in*
7 *the English language, or homeless individuals.*

8 “(d) *NUMBER OF DROP BOXES.—Each jurisdiction*
9 *shall have—*

10 “(1) *in the case of any election for Federal office*
11 *prior to the regularly scheduled general election for*
12 *Federal office held in November 2024, not less than 1*
13 *drop box for every 45,000 registered voters located in*
14 *the jurisdiction; and*

15 “(2) *in the case of the regularly scheduled gen-*
16 *eral election for Federal office held in November 2024*
17 *and each election for Federal office occurring there-*
18 *after, not less than the greater of—*

19 “(A) *1 drop box for every 45,000 registered*
20 *voters located in the jurisdiction; or*

21 “(B) *1 drop box for every 15,000 votes that*
22 *were cast by mail in the jurisdiction in the most*
23 *recent general election that includes an election*
24 *for the office of President.*

1 *In no case shall a jurisdiction have less than 1 drop*
2 *box for any election for Federal office.*

3 “(e) *LOCATION OF DROP BOXES.—The State shall de-*
4 *termine the location of drop boxes provided under this sec-*
5 *tion in a jurisdiction on the basis of criteria which ensure*
6 *that the drop boxes are—*

7 “(1) *available to all voters on a non-discrimina-*
8 *tory basis;*

9 “(2) *accessible to voters with disabilities (in ac-*
10 *cordance with subsection (c));*

11 “(3) *accessible by public transportation to the*
12 *greatest extent possible;*

13 “(4) *available during all hours of the day;*

14 “(5) *sufficiently available in all communities in*
15 *the jurisdiction, including rural communities and on*
16 *Tribal lands within the jurisdiction (subject to sub-*
17 *section (f)); and*

18 “(6) *geographically distributed to provide a rea-*
19 *sonable opportunity for voters to submit their voted*
20 *ballot in a timely manner.*

21 “(f) *TIMING OF SCANNING AND PROCESSING OF BAL-*
22 *LOTS.—For purposes of section 311(g) (relating to the tim-*
23 *ing of the processing and scanning of ballots for tabulation),*
24 *a vote cast using a drop box provided under this section*

1 *shall be treated in the same manner as a ballot cast by*
2 *mail.*

3 “(g) *POSTING OF INFORMATION.*—*On or adjacent to*
4 *each drop box provided under this section, the State shall*
5 *post information on the requirements that voted absentee*
6 *ballots must meet in order to be counted and tabulated in*
7 *the election.*

8 “(h) *REMOTE SURVEILLANCE.*—*Nothing in this sec-*
9 *tion shall prohibit a State from providing for the security*
10 *of drop boxes through remote or electronic surveillance.*

11 “(i) *RULES FOR DROP BOXES ON TRIBAL LANDS.*—
12 *In applying this section with respect to Tribal lands in a*
13 *jurisdiction, the appropriate State and local election offi-*
14 *cials shall meet the applicable requirements of the Frank*
15 *Harrison, Elizabeth Peratrovich, and Miguel Trujillo Na-*
16 *tive American Voting Rights Act of 2021.*

17 “(j) *EFFECTIVE DATE.*—*This section shall apply with*
18 *respect to the regularly scheduled general election for Fed-*
19 *eral office held in November 2022 and each succeeding elec-*
20 *tion for Federal office.”.*

21 “(b) *CLERICAL AMENDMENTS.*—*The table of contents of*
22 *such Act, as amended by section 1031(c), section 1044(b),*
23 *section 1101(c), section 1102(c), section 1103(a), section*
24 *1104(c), section 1201(c), section 1301(c), section 1302(a),*
25 *and section 1303(b), is amended—*

1 (1) by redesignating the items relating to sec-
 2 tions 314 and 315 as relating to sections 315 and
 3 316, respectively; and

4 (2) by inserting after the item relating to section
 5 313 the following new item:

“Sec. 314. Use of secured drop boxes for voted absentee ballots.”.

6 ***Subtitle E—Absent Uniformed***
 7 ***Services Voters and Overseas Voters***

8 ***SEC. 1401. PRE-ELECTION REPORTS ON AVAILABILITY AND***
 9 ***TRANSMISSION OF ABSENTEE BALLOTS.***

10 *Section 102(c) of the Uniformed and Overseas Citizens*
 11 *Absentee Voting Act (52 U.S.C. 20302(c)) is amended to*
 12 *read as follows:*

13 “(c) *REPORTS ON AVAILABILITY, TRANSMISSION, AND*
 14 *RECEIPT OF ABSENTEE BALLOTS.—*

15 “(1) *PRE-ELECTION REPORT ON ABSENTEE BAL-*
 16 *LOT AVAILABILITY.—Not later than 55 days before*
 17 *any regularly scheduled general election for Federal*
 18 *office, each State shall submit a report to the Attorney*
 19 *General certifying that absentee ballots for the election*
 20 *are or will be available for transmission to absent*
 21 *uniformed services voters and overseas voters by not*
 22 *later than 46 days before the election. The report shall*
 23 *be in a form prescribed by the Attorney General and*
 24 *shall require the State to certify specific information*

1 *about ballot availability from each unit of local gov-*
2 *ernment which will administer the election.*

3 “(2) *PRE-ELECTION REPORT ON ABSENTEE BAL-*
4 *LOTS TRANSMITTED.—*

5 “(A) *IN GENERAL.—Not later than 43 days*
6 *before any election for Federal office held in a*
7 *State, the chief State election official of such*
8 *State shall submit a report containing the infor-*
9 *mation in subparagraph (B) to the Attorney*
10 *General.*

11 “(B) *INFORMATION REPORTED.—The report*
12 *under subparagraph (A) shall consist of the fol-*
13 *lowing:*

14 “(i) *The total number of absentee bal-*
15 *lots validly requested by absent uniformed*
16 *services voters and overseas voters whose re-*
17 *quests were received by the 47th day before*
18 *the election by each unit of local government*
19 *within the State that will transmit absentee*
20 *ballots.*

21 “(ii) *The total number of ballots trans-*
22 *mitted to such voters by the 46th day before*
23 *the election by each unit of local government*
24 *within the State that will administer the*
25 *election.*

1 “(iii) *Specific information about any*
2 *late transmitted ballots.*

3 “(C) *REQUIREMENT TO SUPPLEMENT IN-*
4 *COMPLETE INFORMATION.—If the report under*
5 *subparagraph (A) has incomplete information on*
6 *any items required to be included in the report,*
7 *the chief State election official shall make all*
8 *reasonable efforts to expeditiously supplement the*
9 *report with complete information.*

10 “(D) *FORMAT.—The report under subpara-*
11 *graph (A) shall be in a format prescribed by the*
12 *Attorney General in consultation with the chief*
13 *State election officials of each State.*

14 “(3) *POST-ELECTION REPORT ON NUMBER OF*
15 *ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—*
16 *Not later than 90 days after the date of each regularly*
17 *scheduled general election for Federal office, each*
18 *State and unit of local government which adminis-*
19 *tered the election shall (through the State, in the case*
20 *of a unit of local government) submit a report to the*
21 *Election Assistance Commission on the combined*
22 *number of absentee ballots transmitted to absent uni-*
23 *formed services voters and overseas voters for the elec-*
24 *tion and the combined number of such ballots which*
25 *were returned by such voters and cast in the election,*

1 *and shall make such report available to the general*
2 *public that same day.”.*

3 **SEC. 1402. ENFORCEMENT.**

4 *(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE*
5 *RIGHTS OF ACTION.—Section 105 of the Uniformed and*
6 *Overseas Citizens Absentee Voting Act (52 U.S.C. 20307)*
7 *is amended to read as follows:*

8 **“SEC. 105. ENFORCEMENT.**

9 *“(a) ACTION BY ATTORNEY GENERAL.—The Attorney*
10 *General may bring civil action in an appropriate district*
11 *court for such declaratory or injunctive relief as may be*
12 *necessary to carry out this title.*

13 *“(b) PRIVATE RIGHT OF ACTION.—A person who is ag-*
14 *grieved by a violation of this title may bring a civil action*
15 *in an appropriate district court for such declaratory or in-*
16 *junctive relief as may be necessary to carry out this title.*

17 *“(c) STATE AS ONLY NECESSARY DEFENDANT.—In*
18 *any action brought under this section, the only necessary*
19 *party defendant is the State, and it shall not be a defense*
20 *to any such action that a local election official or a unit*
21 *of local government is not named as a defendant, notwith-*
22 *standing that a State has exercised the authority described*
23 *in section 576 of the Military and Overseas Voter Empower-*
24 *ment Act to delegate to another jurisdiction in the State*

1 *any duty or responsibility which is the subject of an action*
2 *brought under this section.”.*

3 (b) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall apply with respect to violations alleged to have*
5 *occurred on or after the date of the enactment of this Act.*

6 **SEC. 1403. TRANSMISSION REQUIREMENTS; REPEAL OF**
7 **WAIVER PROVISION.**

8 (a) *IN GENERAL.*—*Paragraph (8) of section 102(a) of*
9 *the Uniformed and Overseas Citizens Absentee Voting Act*
10 *(52 U.S.C. 20302(a)) is amended to read as follows:*

11 “(8) *transmit a validly requested absentee ballot*
12 *to an absent uniformed services voter or overseas voter*
13 *by the date and in the manner determined under sub-*
14 *section (g);”.*

15 (b) *BALLOT TRANSMISSION REQUIREMENTS AND RE-*
16 *PEAL OF WAIVER PROVISION.*—*Subsection (g) of section*
17 *102 of such Act (52 U.S.C. 20302(g)) is amended to read*
18 *as follows:*

19 “(g) *BALLOT TRANSMISSION REQUIREMENTS.*—

20 “(1) *IN GENERAL.*—*For purposes of subsection*
21 *(a)(8), in the case in which a valid request for an ab-*
22 *sentee ballot is received at least 47 days before an*
23 *election for Federal office, the following rules shall*
24 *apply:*

1 “(A) *TRANSMISSION DEADLINE.*—*The State*
2 *shall transmit the absentee ballot not later than*
3 *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 to*
7 *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 addi-*
17 *tion to transmitting the ballot as provided*
18 *in clause (i), the State shall—*

19 “(I) *in the case of absentee ballots*
20 *requested by absent uniformed services*
21 *voters with respect to regularly sched-*
22 *uled general elections, notify such vot-*
23 *ers of the procedures established under*
24 *section 103A for the collection and de-*
25 *livery of marked absentee ballots; and*

1 “(II) *in any other case, provide*
2 *for the return of such ballot by express*
3 *delivery.*

4 “(iii) *COST OF EXPRESS DELIVERY.—*
5 *In any case in which express delivery is re-*
6 *quired under this subparagraph, the cost of*
7 *such express delivery—*

8 *“(I) shall not be paid by the voter;*
9 *and*

10 *“(II) if determined appropriate*
11 *by the chief State election official, may*
12 *be required by the State to be paid by*
13 *a local jurisdiction.*

14 “(iv) *EXCEPTION.—Clause (ii)(II)*
15 *shall not apply when an absent uniformed*
16 *services voter or overseas voter indicates the*
17 *preference to return the late sent absentee*
18 *ballot by electronic transmission in a State*
19 *that permits return of an absentee ballot by*
20 *electronic transmission.*

21 “(v) *ENFORCEMENT.—A State’s com-*
22 *pliance with this subparagraph does not bar*
23 *the Attorney General from seeking addi-*
24 *tional remedies necessary to fully resolve or*
25 *prevent ongoing, future, or systematic viola-*

1 *tions of this provision or to effectuate the*
2 *purposes of this Act.*

3 “(C) *SPECIAL PROCEDURE IN EVENT OF*
4 *DISASTER.—If a disaster (hurricane, tornado,*
5 *earthquake, storm, volcanic eruption, landslide,*
6 *fire, flood, or explosion), or an act of terrorism*
7 *prevents the State from transmitting any absen-*
8 *tee ballot by the 46th day before the election as*
9 *required by subparagraph (A), the chief State*
10 *election official shall notify the Attorney General*
11 *as soon as practicable and take all actions nec-*
12 *essary, including seeking any necessary judicial*
13 *relief, to ensure that affected absent uniformed*
14 *services voters and overseas voters are provided*
15 *a reasonable opportunity to receive and return*
16 *their absentee ballots in time to be counted.*

17 “(2) *REQUESTS RECEIVED AFTER 47TH DAY BE-*
18 *FORE ELECTION.—For purposes of subsection (a)(8),*
19 *in the case in which a valid request for an absentee*
20 *ballot is received less than 47 days but not less than*
21 *30 days before an election for Federal office, the State*
22 *shall transmit the absentee ballot within one business*
23 *day of receipt of the request.”.*

1 **SEC. 1404. USE OF SINGLE ABSENTEE BALLOT APPLICATION**
2 **FOR SUBSEQUENT ELECTIONS.**

3 (a) *IN GENERAL.*—Section 104 of the Uniformed and
4 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
5 is amended to read as follows:

6 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.**

7 “(a) *IN GENERAL.*—If a State accepts and processes
8 an official post card form (prescribed under section 101)
9 submitted by an absent uniformed services voter or overseas
10 voter for simultaneous voter registration and absentee ballot
11 application (in accordance with section 102(a)(4)) and the
12 voter requests that the application be considered an applica-
13 tion for an absentee ballot for each subsequent election for
14 Federal office held in the State through the end of the cal-
15 endar year following the next regularly scheduled general
16 election for Federal office, the State shall provide an absen-
17 tee ballot to the voter for each such subsequent election.

18 “(b) *EXCEPTION FOR VOTERS CHANGING REGISTRA-*
19 *TION.*—Subsection (a) shall not apply with respect to a
20 voter registered to vote in a State for any election held after
21 the voter notifies the State that the voter no longer wishes
22 to be registered to vote in the State or after the State deter-
23 mines that the voter has registered to vote in another State
24 or is otherwise no longer eligible to vote in the State.

25 “(c) *PROHIBITION OF REFUSAL OF APPLICATION ON*
26 *GROUNDS OF EARLY SUBMISSION.*—A State may not refuse

1 *to accept or to process, with respect to any election for Fed-*
2 *eral office, any otherwise valid voter registration applica-*
3 *tion or absentee ballot application (including the postcard*
4 *form prescribed under section 101) submitted by an absent*
5 *uniformed services voter or overseas voter on the grounds*
6 *that the voter submitted the application before the first date*
7 *on which the State otherwise accepts or processes such ap-*
8 *plications for that election which are submitted by absentee*
9 *voters who are not members of the uniformed services or*
10 *overseas citizens.”.*

11 (b) *REQUIREMENT FOR REVISION TO POSTCARD*
12 *FORM.—*

13 (1) *IN GENERAL.—The Presidential designee*
14 *shall ensure that the official postcard form prescribed*
15 *under section 101(b)(2) of the Uniformed and Over-*
16 *seas Citizens Absentee Voting Act (52 U.S.C.*
17 *20301(b)(2)) enables a voter using the form to—*

18 (A) *request an absentee ballot for each elec-*
19 *tion for Federal office held in a State through*
20 *the end of the calendar year following the next*
21 *regularly scheduled general election for Federal*
22 *office; or*

23 (B) *request an absentee ballot for a specific*
24 *election or elections for Federal office held in a*

1 *State during the period described in subpara-*
2 *graph (A).*

3 (2) *PRESIDENTIAL DESIGNEE.*—*For purposes of*
4 *this paragraph, the term “Presidential designee”*
5 *means the individual designated under section 101(a)*
6 *of the Uniformed and Overseas Citizens Absentee Vot-*
7 *ing Act (52 U.S.C. 20301(a)).*

8 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
9 *section (a) shall apply with respect to voter registration and*
10 *absentee ballot applications which are submitted to a State*
11 *or local election official on or after the date of the enactment*
12 *of this Act.*

13 **SEC. 1405. EXTENDING GUARANTEE OF RESIDENCY FOR**
14 **VOTING PURPOSES TO FAMILY MEMBERS OF**
15 **ABSENT MILITARY PERSONNEL.**

16 *Section 102 of the Uniformed and Overseas Citizens*
17 *Absentee Voting Act (52 U.S.C. 20302), as amended by sec-*
18 *tion 1302, is amended by adding at the end the following*
19 *new subsection:*

20 “(i) *GUARANTEE OF RESIDENCY FOR SPOUSES AND*
21 *DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED SERV-*
22 *ICE.*—*For the purposes of voting in any election for any*
23 *Federal office or any State or local office, a spouse or de-*
24 *pendent of an individual who is an absent uniformed serv-*
25 *ices voter described in subparagraph (A) or (B) of section*

1 107(1) shall not, solely by reason of that individual's ab-
 2 sence and without regard to whether or not such spouse or
 3 dependent is accompanying that individual—

4 “(1) be deemed to have lost a residence or domi-
 5 cile in that State, without regard to whether or not
 6 that individual intends to return to that State;

7 “(2) be deemed to have acquired a residence or
 8 domicile in any other State; or

9 “(3) be deemed to have become a resident in or
 10 a resident of any other State.”.

11 **SEC. 1406. TECHNICAL CLARIFICATIONS TO CONFORM TO**
 12 **MILITARY AND OVERSEAS VOTER EMPOWER-**
 13 **MENT ACT AMENDMENTS RELATED TO THE**
 14 **FEDERAL WRITE-IN ABSENTEE BALLOT.**

15 (a) *IN GENERAL.*—Section 102(a)(3) of the Uniformed
 16 and Overseas Citizens Absentee Voting Act (52 U.S.C.
 17 20302(a)(3)) is amended by striking “general elections”
 18 and inserting “general, special, primary, and runoff elec-
 19 tions”.

20 (b) *CONFORMING AMENDMENT.*—Section 103 of such
 21 Act (52 U.S.C. 20303) is amended—

22 (1) in subsection (b)(2)(B), by striking “gen-
 23 eral”; and

24 (2) in the heading thereof, by striking “**GEN-**
 25 **ERAL**”.

1 **SEC. 1407. TREATMENT OF POST CARD REGISTRATION RE-**
2 **QUESTS.**

3 *Section 102 of the Uniformed and Overseas Citizens*
4 *Absentee Voting Act (52 U.S.C. 20302), as amended by sec-*
5 *tions 1302 and 1405, is amended by adding at the end the*
6 *following new subsection:*

7 “(j) *TREATMENT OF POST CARD REGISTRATIONS.—A*
8 *State shall not remove any absent uniformed services voter*
9 *or overseas voter who has registered to vote using the official*
10 *post card form (prescribed under section 101) from the offi-*
11 *cial list of registered voters except in accordance with sub-*
12 *paragraph (A), (B), or (C) of section 8(a)(3) of the National*
13 *Voter Registration Act of 1993 (52 U.S.C. 20507).”.*

14 **SEC. 1408. PRESIDENTIAL DESIGNEE REPORT ON VOTER**
15 **DISENFRANCHISEMENT.**

16 (a) *IN GENERAL.—Not later than 1 year of enactment*
17 *of this Act, the Presidential designee shall submit to Con-*
18 *gress a report on the impact of wide-spread mail-in voting*
19 *on the ability of active duty military servicemembers to*
20 *vote, how quickly their votes are counted, and whether high-*
21 *er volumes of mail-in votes makes it harder for such indi-*
22 *viduals to vote in elections for Federal elections.*

23 (b) *PRESIDENTIAL DESIGNEE.—For purposes of this*
24 *section, the term “Presidential designee” means the indi-*
25 *vidual designated under section 101(a) of the Uniformed*

1 *and Overseas Citizens Absentee Voting Act (52 U.S.C.*
2 *20301(a)).*

3 **SEC. 1409. EFFECTIVE DATE.**

4 *Except as provided in section 1402(b) and section*
5 *1404(c), the amendments made by this subtitle shall apply*
6 *with respect to elections occurring on or after January 1,*
7 *2022.*

8 ***Subtitle F—Enhancement of***
9 ***Enforcement***

10 **SEC. 1501. ENHANCEMENT OF ENFORCEMENT OF HELP**
11 **AMERICA VOTE ACT OF 2002.**

12 *(a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT OF*
13 *ACTION.—Section 401 of the Help America Vote Act of 2002*
14 *(52 U.S.C. 21111) is amended—*

15 *(1) by striking “The Attorney General” and in-*
16 *serting “(a) IN GENERAL.—The Attorney General”;*
17 *and*

18 *(2) by adding at the end the following new sub-*
19 *sections:*

20 *“(b) FILING OF COMPLAINTS BY AGGRIEVED PER-*
21 *SONS.—A person who is aggrieved by a violation of title*
22 *III that impairs their ability to cast a ballot or a provi-*
23 *sional ballot, to register or maintain one’s registration to*
24 *vote, or to vote on a voting system meeting the requirements*
25 *of such title, which has occurred, is occurring, or is about*

1 to occur may file a written, signed, and notarized com-
2 plaint with the Attorney General describing the violation
3 and requesting the Attorney General to take appropriate ac-
4 tion under this section. The Attorney General shall imme-
5 diately provide a copy of a complaint filed under the pre-
6 vious sentence to the entity responsible for administering
7 the State-based administrative complaint procedures de-
8 scribed in section 402(a) for the State involved.

9 “(c) *AVAILABILITY OF PRIVATE RIGHT OF ACTION.*—
10 Any person who is authorized to file a complaint under
11 subsection (b) (including any individual who seeks to en-
12 force the individual’s right to a voter-verifiable paper ballot,
13 the right to have the voter-verifiable paper ballot counted
14 in accordance with this Act, or any other right under title
15 III) may file an action under section 1979 of the Revised
16 Statutes of the United States (42 U.S.C. 1983) to enforce
17 the uniform and nondiscriminatory election technology and
18 administration requirements under subtitle A of title III.

19 “(d) *NO EFFECT ON STATE PROCEDURES.*—Nothing
20 in this section may be construed to affect the availability
21 of the State-based administrative complaint procedures re-
22 quired under section 402 to any person filing a complaint
23 under this subsection.”.

24 “(b) *EFFECTIVE DATE.*—The amendments made by this
25 section shall apply with respect to violations occurring with

1 *respect to elections for Federal office held in 2022 or any*
2 *succeeding year.*

3 ***Subtitle G—Promoting Voter Access***
4 ***Through Election Administra-***
5 ***tion Modernization Improve-***
6 ***ments***

7 ***PART 1—PROMOTING VOTER ACCESS***

8 ***SEC. 1601. MINIMUM NOTIFICATION REQUIREMENTS FOR***
9 ***VOTERS AFFECTED BY POLLING PLACE***
10 ***CHANGES.***

11 *(a) REQUIREMENTS.—Section 302 of the Help Amer-*
12 *ica Vote Act of 2002 (52 U.S.C. 21082) is amended—*

13 *(1) by redesignating subsection (d) as subsection*
14 *(e); and*

15 *(2) by inserting after subsection (c) the following*
16 *new subsection:*

17 *“(d) MINIMUM NOTIFICATION REQUIREMENTS FOR*
18 *VOTERS AFFECTED BY POLLING PLACE CHANGES.—*

19 *“(1) REQUIREMENT FOR PRECINCT-BASED POLL-*
20 *ING.—*

21 *“(A) IN GENERAL.—If an applicable indi-*
22 *vidual has been assigned to a polling place that*
23 *is different than the polling place that such indi-*
24 *vidual was assigned with respect to the most re-*

1 *cent past election for Federal office in which the*
2 *individual was eligible to vote—*

3 *“(i) the appropriate election official*
4 *shall, not later than 2 days before the begin-*
5 *ning of an early voting period—*

6 *“(I) notify the individual of the*
7 *location of the polling place; and*

8 *“(II) post a general notice on the*
9 *website of the State or jurisdiction, on*
10 *social media platforms (if available),*
11 *and on signs at the prior polling place;*
12 *and*

13 *“(ii) if such assignment is made after*
14 *the date which is 2 days before the begin-*
15 *ning of an early voting period and the indi-*
16 *vidual appears on the date of the election at*
17 *the polling place to which the individual*
18 *was previously assigned, the jurisdiction*
19 *shall make every reasonable effort to enable*
20 *the individual to vote a ballot on the date*
21 *of the election without the use of a provi-*
22 *sional ballot.*

23 *“(B) APPLICABLE INDIVIDUAL.—For pur-*
24 *poses of subparagraph (A), the term ‘applicable*

1 *individual’ means, with respect to any election*
2 *for Federal office, any individual—*

3 “(i) *who is registered to vote in a ju-*
4 *risdiction for such election and was reg-*
5 *istered to vote in such jurisdiction for the*
6 *most recent past election for Federal office;*
7 *and*

8 “(ii) *whose voter registration address*
9 *has not changed since such most recent past*
10 *election for Federal office.*

11 “(C) *METHODS OF NOTIFICATION.—The ap-*
12 *propriate election official shall notify an indi-*
13 *vidual under clause (i)(I) of subparagraph (A)*
14 *by mail, telephone, and (if available) text mes-*
15 *sage and electronic mail.*

16 “(2) *REQUIREMENTS FOR VOTE CENTERS.—In*
17 *the case of a jurisdiction in which individuals are not*
18 *assigned to specific polling places, not later than 2*
19 *days before the beginning of an early voting period,*
20 *the appropriate election official shall notify each indi-*
21 *vidual eligible to vote in such jurisdiction of the loca-*
22 *tion of all polling places at which the individual may*
23 *vote.*

24 “(3) *NOTICE WITH RESPECT TO CLOSED POLLING*
25 *PLACES.—*

1 “(A) *IN GENERAL.*—*If a location which*
2 *served as a polling place for an election for Fed-*
3 *eral office in a State does not serve as a polling*
4 *place in the next election for Federal office held*
5 *in the State, the State shall ensure that signs are*
6 *posted at such location on the date of the election*
7 *and during any early voting period for the elec-*
8 *tion containing the following information:*

9 “(i) *A statement that the location is*
10 *not serving as a polling place in the elec-*
11 *tion.*

12 “(ii) *The locations serving as polling*
13 *places in the election in the jurisdiction in-*
14 *volved.*

15 “(iii) *The name and address of any*
16 *substitute polling place serving the same*
17 *precinct and directions from the former*
18 *polling place to the new polling place.*

19 “(iv) *Contact information, including a*
20 *telephone number and website, for the ap-*
21 *propriate State or local election official*
22 *through which an individual may find the*
23 *polling place to which the individual is as-*
24 *signed for the election.*

1 “(B) *INTERNET POSTING.*—*Each State*
2 *which is required to post signs under subpara-*
3 *graph (A) shall also provide such information*
4 *through a website and through social media (if*
5 *available).*”

6 “(4) *LINGUISTIC PREFERENCE.*—*The notices re-*
7 *quired under this subsection shall comply with the re-*
8 *quirements of section 203 of the Voting Rights Act of*
9 *1965 (52 U.S.C. 10503).*”

10 “(5) *EFFECTIVE DATE.*—*This subsection shall*
11 *apply with respect to elections held on or after Janu-*
12 *ary 1, 2022.*”

13 “(b) *CONFORMING AMENDMENT.*—*Section 302(e) of*
14 *such Act (52 U.S.C. 21082(e)), as redesignated by sub-*
15 *section (a), is amended by striking “Each State” and in-*
16 *serting “Except as provided in subsection (d)(4), each*
17 *State”.*”

18 **SEC. 1602. APPLICABILITY TO COMMONWEALTH OF THE**
19 **NORTHERN MARIANA ISLANDS.**

20 *Paragraphs (6) and (8) of section 107 of the Uni-*
21 *formed and Overseas Citizens Absentee Voting Act (52*
22 *U.S.C. 20310) are each amended by striking “and Amer-*
23 *ican Samoa” and inserting “American Samoa, and the*
24 *Commonwealth of the Northern Mariana Islands”.*

1 **SEC. 1603. ELIMINATION OF 14-DAY TIME PERIOD BETWEEN**
2 **GENERAL ELECTION AND RUNOFF ELECTION**
3 **FOR FEDERAL ELECTIONS IN THE VIRGIN IS-**
4 **LANDS AND GUAM.**

5 *Section 2 of the Act entitled “An Act to provide that*
6 *the unincorporated territories of Guam and the Virgin Is-*
7 *lands shall each be represented in Congress by a Delegate*
8 *to the House of Representatives”, approved April 10, 1972*
9 *(48 U.S.C. 1712), is amended—*

10 *(1) by striking “(a) The Delegate” and inserting*
11 *“The Delegate”;*

12 *(2) by striking “on the fourteenth day following*
13 *such an election” in the fourth sentence of subsection*
14 *(a); and*

15 *(3) by striking subsection (b).*

16 **SEC. 1604. APPLICATION OF FEDERAL ELECTION ADMINIS-**
17 **TRATION LAWS TO TERRITORIES OF THE**
18 **UNITED STATES.**

19 *(a) NATIONAL VOTER REGISTRATION ACT OF 1993.—*
20 *Section 3(4) of the National Voter Registration Act of 1993*
21 *(52 U.S.C. 20502(4)) is amended by striking “States and*
22 *the District of Columbia” and inserting “States, the Dis-*
23 *trict of Columbia, the Commonwealth of Puerto Rico,*
24 *Guam, American Samoa, the United States Virgin Islands,*
25 *and the Commonwealth of the Northern Mariana Islands”.*

26 *(b) HELP AMERICA VOTE ACT OF 2002.—*

1 (1) *COVERAGE OF COMMONWEALTH OF THE*
2 *NORTHERN MARIANA ISLANDS.*—Section 901 of the
3 *Help America Vote Act of 2002 (52 U.S.C. 21141)* is
4 *amended by striking “and the United States Virgin*
5 *Islands” and inserting “the United States Virgin Is-*
6 *lands, and the Commonwealth of the Northern Mar-*
7 *iana Islands”.*

8 (2) *CONFORMING AMENDMENTS TO HELP AMER-*
9 *ICA VOTE ACT OF 2002.*—Such Act is further amended
10 *as follows:*

11 (A) *The second sentence of section 213(a)(2)*
12 *(52 U.S.C. 20943(a)(2)) is amended by striking*
13 *“and American Samoa” and inserting “Amer-*
14 *ican Samoa, and the Commonwealth of the*
15 *Northern Mariana Islands”.*

16 (B) *Section 252(c)(2) (52 U.S.C.*
17 *21002(c)(2)) is amended by striking “or the*
18 *United States Virgin Islands” and inserting “the*
19 *United States Virgin Islands, or the Common-*
20 *wealth of the Northern Mariana Islands”.*

21 (3) *CONFORMING AMENDMENT RELATING TO CON-*
22 *SULTATION OF HELP AMERICA VOTE FOUNDATION*
23 *WITH LOCAL ELECTION OFFICIALS.*—Section 90102(c)
24 *of title 36, United States Code, is amended by strik-*
25 *ing “and the United States Virgin Islands” and in-*

1 serting “the United States Virgin Islands, and the
2 Commonwealth of the Northern Mariana Islands”.

3 **SEC. 1605. APPLICATION OF FEDERAL VOTER PROTECTION**
4 **LAWS TO TERRITORIES OF THE UNITED**
5 **STATES.**

6 (a) *INTIMIDATION OF VOTERS.*—Section 594 of title
7 18, United States Code, is amended by striking “Delegate
8 from the District of Columbia, or Resident Commissioner,”
9 and inserting “or Delegate or Resident Commissioner to the
10 Congress”.

11 (b) *INTERFERENCE BY GOVERNMENT EMPLOYEES.*—
12 Section 595 of title 18, United States Code, is amended by
13 striking “Delegate from the District of Columbia, or Resi-
14 dent Commissioner,” and inserting “or Delegate or Resi-
15 dent Commissioner to the Congress”.

16 (c) *VOTING BY NONCITIZENS.*—Section 611(a) of title
17 18, United States Code, is amended by striking “Delegate
18 from the District of Columbia, or Resident Commissioner,”
19 and inserting “or Delegate or Resident Commissioner to the
20 Congress”.

21 **SEC. 1606. ENSURING EQUITABLE AND EFFICIENT OPER-**
22 **ATION OF POLLING PLACES.**

23 (a) *IN GENERAL.*—

24 (1) *REQUIREMENT.*—Subtitle A of title III of the
25 *Help America Vote Act of 2002 (52 U.S.C. 21081 et*

1 *seq.), as amended by section 1031(a), section 1044(a),*
 2 *section 1101(a), section 1102(a), section 1103(a), sec-*
 3 *tion 1104(a), section 1201(a), section 1301(a), section*
 4 *1302(a), section 1303(b), and section 1305(a), is*
 5 *amended—*

6 *(A) by redesignating sections 315 and 316*
 7 *as sections 316 and 317, respectively; and*

8 *(B) by inserting after section 314 the fol-*
 9 *lowing new section:*

10 **“SEC. 315. ENSURING EQUITABLE AND EFFICIENT OPER-**
 11 **ATION OF POLLING PLACES.**

12 *“(a) PREVENTING UNREASONABLE WAITING TIMES*
 13 *FOR VOTERS.—*

14 *“(1) IN GENERAL.—Each State or jurisdiction*
 15 *shall take reasonable efforts to provide a sufficient*
 16 *number of voting systems, poll workers, and other*
 17 *election resources (including physical resources) at a*
 18 *polling place used in any election for Federal office,*
 19 *including a polling place at which individuals may*
 20 *cast ballots prior to the date of the election, to en-*
 21 *sure—*

22 *“(A) a fair and equitable waiting time for*
 23 *all voters in the State or jurisdiction; and*

1 “(B) that no individual will be required to
2 wait longer than 30 minutes to cast a ballot at
3 the polling place.

4 “(2) CRITERIA.—In determining the number of
5 voting systems, poll workers, and other election re-
6 sources provided at a polling place for purposes of
7 paragraph (1), the State or jurisdiction shall take
8 into account the following factors:

9 “(A) The voting age population.

10 “(B) Voter turnout in past elections.

11 “(C) The number of voters registered.

12 “(D) The number of voters who have reg-
13 istered since the most recent Federal election.

14 “(E) Census data for the population served
15 by the polling place, such as the proportion of
16 the voting-age population who are under 25
17 years of age or who are naturalized citizens.

18 “(F) The needs and numbers of voters with
19 disabilities and voters with limited English pro-
20 ficiency.

21 “(G) The type of voting systems used.

22 “(H) The length and complexity of initia-
23 tives, referenda, and other questions on the bal-
24 lot.

1 “(I) *Such other factors, including relevant*
2 *demographic factors relating to the population*
3 *served by the polling place, as the State considers*
4 *appropriate.*

5 “(3) *RULE OF CONSTRUCTION.—Nothing in this*
6 *subsection may be construed—*

7 “(A) *to authorize a State or jurisdiction to*
8 *meet the requirements of this subsection by clos-*
9 *ing any polling place, prohibiting an individual*
10 *from entering a line at a polling place, or refus-*
11 *ing to permit an individual who has arrived at*
12 *a polling place prior to closing time from voting*
13 *at the polling place; or*

14 “(B) *to limit the use of mobile voting cen-*
15 *ters.*

16 “(b) *LIMITING VARIATIONS ON NUMBER OF HOURS OF*
17 *OPERATION OF POLLING PLACES WITHIN A STATE.—*

18 “(1) *LIMITATION.—*

19 “(A) *IN GENERAL.—Except as provided in*
20 *subparagraph (B) and paragraph (2), each State*
21 *shall establish hours of operation for all polling*
22 *places in the State on the date of any election for*
23 *Federal office held in the State such that the*
24 *polling place with the greatest number of hours*
25 *of operation on such date is not in operation for*

1 *more than 2 hours longer than the polling place*
2 *with the fewest number of hours of operation on*
3 *such date.*

4 “(B) *PERMITTING VARIANCE ON BASIS OF*
5 *POPULATION.—Subparagraph (A) does not apply*
6 *to the extent that the State establishes variations*
7 *in the hours of operation of polling places on the*
8 *basis of the overall population or the voting age*
9 *population (as the State may select) of the unit*
10 *of local government in which such polling places*
11 *are located.*

12 “(2) *EXCEPTIONS FOR POLLING PLACES WITH*
13 *HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-*
14 *MENT.—Paragraph (1) does not apply in the case of*
15 *a polling place—*

16 “(A) *whose hours of operation are estab-*
17 *lished, in accordance with State law, by the unit*
18 *of local government in which the polling place is*
19 *located; or*

20 “(B) *which is required pursuant to an*
21 *order by a court to extend its hours of operation*
22 *beyond the hours otherwise established.*

23 “(c) *ENSURING ACCESS TO POLLING PLACES FOR VOT-*
24 *ERS.—*

1 “(1) *PROXIMITY TO PUBLIC TRANSPORTATION.*—
2 *To the greatest extent practicable, each State and ju-*
3 *risdiction shall ensure that each polling place used on*
4 *the date of the election is located within walking dis-*
5 *tance of a stop on a public transportation route.*

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

9 “(A) *ensure that an appropriate number of*
10 *polling places (not less than one) used on the*
11 *date of the election will be located in such rural*
12 *areas; and*

13 “(B) *ensure that such polling places are lo-*
14 *cated in communities which will provide the*
15 *greatest opportunity for residents of rural areas*
16 *to vote on Election Day.*

17 “(3) *CAMPUSES OF INSTITUTIONS OF HIGHER*
18 *EDUCATION.*—*In the case of a jurisdiction that is not*
19 *considered a vote by mail jurisdiction described in*
20 *section 310(b)(2) or a small jurisdiction described in*
21 *section 310(b)(3) and that includes an institution of*
22 *higher education (as defined under section 102 of the*
23 *Higher Education Act of 1965 (20 U.S.C. 1002)), in-*
24 *cluding a branch campus of such an institution, the*
25 *State or jurisdiction shall—*

1 “(A) ensure that an appropriate number of
2 polling places (not less than one) used on the
3 date of the election will be located on the phys-
4 ical campus of each such institution, including
5 each such branch campus; and

6 “(B) ensure that such polling places provide
7 the greatest opportunity for residents of the juris-
8 diction to vote.

9 “(d) *EFFECTIVE DATE.*—This section shall take effect
10 upon the expiration of the 180-day period which begins on
11 the date of the enactment of this subsection.”.

12 (2) *CONFORMING AMENDMENTS RELATING TO*
13 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-*
14 *SISTANCE COMMISSION.*—Section 321(b) of such Act
15 (52 U.S.C. 21101(b)), as redesignated and amended
16 by section 1101(b) and as amended by sections, 1102,
17 1103, 1104, and 1201, is amended—

18 (A) by striking “and” at the end of para-
19 graph (4);

20 (B) by redesignating paragraph (5) as
21 paragraph (6);

22 (C) in paragraph (6), as so redesignated, by
23 striking “paragraph (4)” and inserting “para-
24 graph (4) or (5)”; and

1 (D) by inserting after paragraph (4) the fol-
2 lowing new paragraph:

3 “(5) in the case of the recommendations with re-
4 spect to section 315, 180 days after the date of the en-
5 actment of such section; and”.

6 (3) CLERICAL AMENDMENTS.—The table of con-
7 tents of such Act, as amended by section 1031(c), sec-
8 tion 1044(b), section 1101(c), section 1102(c), section
9 1103(a), section 1104(c), section 1201(c), section
10 1301(a), section 1302(a), section 1303(b), and section
11 1305(b), is amended—

12 (A) by redesignating the items relating to
13 sections 315 and 316 as relating to sections 316
14 and 317, respectively; and

15 (B) by inserting after the item relating to
16 section 314 the following new item:

“Sec. 315. Ensuring equitable and efficient operation of polling places.”.

17 (b) STUDY OF METHODS TO ENFORCE FAIR AND EQUI-
18 TABLE WAITING TIMES.—

19 (1) STUDY.—The Election Assistance Commis-
20 sion and the Comptroller General of the United States
21 shall conduct a joint study of the effectiveness of var-
22 ious methods of enforcing the requirements of section
23 315(a) of the Help America Vote Act of 2002, as
24 added by subsection (a), including methods of best al-
25 locating resources to jurisdictions which have had the

1 *most difficulty in providing a fair and equitable*
 2 *waiting time at polling places to all voters, and to*
 3 *communities of color in particular.*

4 (2) *REPORT.*—*Not later than 18 months after the*
 5 *date of the enactment of this Act, the Election Assist-*
 6 *ance Commission and the Comptroller General of the*
 7 *United States shall publish and submit to Congress a*
 8 *report on the study conducted under paragraph (1).*

9 **SEC. 1607. PROHIBITING STATES FROM RESTRICTING**
 10 **CURBSIDE VOTING.**

11 (1) *REQUIREMENT.*—*Subtitle A of title III of the Help*
 12 *America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as*
 13 *amended by section 1031(a), section 1044(a), section*
 14 *1101(a), section 1102(a), section 1103(a), section 1104(a),*
 15 *section 1201(a), section 1301(a), section 1302(a), section*
 16 *1303(b), section 1305(a), and section 1606(a)(1), is amend-*
 17 *ed—*

18 (1) *by redesignating sections 316 and 317 as sec-*
 19 *tions 317 and 318, respectively; and*

20 (2) *by inserting after section 315 the following*
 21 *new section:*

22 **“SEC. 316. PROHIBITING STATES FROM RESTRICTING**
 23 **CURBSIDE VOTING.**

24 **“(a) PROHIBITION.**—*A State may not—*

1 “(1) prohibit any jurisdiction administering an
2 election for Federal office in the State from utilizing
3 curbside voting as a method by which individuals
4 may cast ballots in the election; or

5 “(2) impose any restrictions which would exclude
6 any individual who is eligible to vote in such an elec-
7 tion in a jurisdiction which utilizes curbside voting
8 from casting a ballot in the election by such method.

9 “(b) *EFFECTIVE DATE.*—This section shall apply with
10 respect to the regularly scheduled general election for Fed-
11 eral office held in November 2022 and each succeeding elec-
12 tion for Federal office.”.

13 (b) *CLERICAL AMENDMENTS.*—The table of contents of
14 such Act, as amended by section 1031(c), section 1044(b),
15 section 1101(c), section 1102(c), section 1103(a), section
16 1104(c), section 1201(c), section 1301(a), section 1302(a),
17 section 1303(b), section 1305(a), and section 1606(a)(3), is
18 amended—

19 (1) by redesignating the items relating to sec-
20 tions 316 and 317 as relating to sections 317 and
21 318, respectively; and

22 (2) by inserting after the item relating to section
23 315 the following new item:

“Sec. 316. Prohibiting States from restricting curbside voting.”.

1 **PART 2—IMPROVEMENTS IN OPERATION OF**

2 **ELECTION ASSISTANCE COMMISSION**

3 **SEC. 1611. REAUTHORIZATION OF ELECTION ASSISTANCE**

4 **COMMISSION.**

5 *Section 210 of the Help America Vote Act of 2002 (52*
6 *U.S.C. 20930) is amended—*

7 (1) *by striking “for each of the fiscal years 2003*
8 *through 2005” and inserting “for fiscal year 2022*
9 *and each succeeding fiscal year”;* and

10 (2) *by striking “(but not to exceed \$10,000,000*
11 *for each such year)”.*

12 **SEC. 1612. RECOMMENDATIONS TO IMPROVE OPERATIONS**

13 **OF ELECTION ASSISTANCE COMMISSION.**

14 (a) *ASSESSMENT OF INFORMATION TECHNOLOGY AND*
15 *CYBERSECURITY.—Not later than June 30, 2022, the Elec-*
16 *tion Assistance Commission shall carry out an assessment*
17 *of the security and effectiveness of the Commission’s infor-*
18 *mation technology systems, including the cybersecurity of*
19 *such systems.*

20 (b) *IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT*
21 *PROCEDURES.—*

22 (1) *REVIEW OF PROCEDURES.—The Election As-*
23 *istance Commission shall carry out a review of the*
24 *effectiveness and efficiency of the State-based adminis-*
25 *trative complaint procedures established and main-*
26 *tained under section 402 of the Help America Vote*

1 *Act of 2002 (52 U.S.C. 21112) for the investigation*
2 *and resolution of allegations of violations of title III*
3 *of such Act.*

4 (2) *RECOMMENDATIONS TO STREAMLINE PROCEDURE*
5 *S.—Not later than June 30, 2022, the Commis-*
6 *sion shall submit to Congress a report on the review*
7 *carried out under paragraph (1), and shall include in*
8 *the report such recommendations as the Commission*
9 *considers appropriate to streamline and improve the*
10 *procedures which are the subject of the review.*

11 **SEC. 1613. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
12 **ANCE COMMISSION FROM CERTAIN GOVERN-**
13 **MENT CONTRACTING REQUIREMENTS.**

14 (a) *IN GENERAL.—Section 205 of the Help America*
15 *Vote Act of 2002 (52 U.S.C. 20925) is amended by striking*
16 *subsection (e).*

17 (b) *EFFECTIVE DATE.—The amendment made by sub-*
18 *section (a) shall apply with respect to contracts entered into*
19 *by the Election Assistance Commission on or after the date*
20 *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 adding*
6 *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 ‘election*
9 *for Federal office’ means a general, special, primary, or*
10 *runoff election for the office of President or Vice President,*
11 *or of Senator or Representative in, or Delegate or Resident*
12 *Commissioner to, the Congress.”.*

13 (b) *CLERICAL AMENDMENT.*—*The table of contents of*
14 *such Act is amended by adding at the end of the items relat-*
15 *ing 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 Absen-*
2 *tee Voting Act (52 U.S.C. 20301 et seq.).*

3 (4) *The National Voter Registration Act of 1993*
4 *(52 U.S.C. 20501 et seq.).*

5 (5) *The Americans with Disabilities Act of 1990*
6 *(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 approval*
11 *by any person of a payment or grant application under*
12 *this title, or any other action taken by any person under*
13 *this title, shall not be considered to have any effect on re-*
14 *quirements for preclearance under section 5 of the Voting*
15 *Rights Act of 1965 (52 U.S.C. 10304) or any other require-*
16 *ments of such Act.*

17 (c) *NO EFFECT ON AUTHORITY OF STATES TO PRO-*
18 *VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing in*
19 *this title or the amendments made by this title may be con-*
20 *strued to prohibit any State from enacting any law which*
21 *provides greater opportunities for individuals to register to*
22 *vote and to vote in elections for Federal office than are pro-*
23 *vided by this title and the amendments made by 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 this*
9 *Act, there is no voter registration requirement for any voter*
10 *in the State with respect to an election for Federal office.*

11 **SEC. 1624. CLARIFICATION OF EXEMPTION FOR STATES**
12 **WHICH DO NOT COLLECT TELEPHONE INFOR-**
13 **MATION.**

14 *(a) AMENDMENT TO HELP AMERICA VOTE ACT OF*
15 *2002.—Subtitle A of title III of the Help America Vote Act*
16 *of 2002 (52 U.S.C. 21081 et seq.), as amended by section*
17 *1031(a), section 1044(a), section 1101(a), section 1102(a),*
18 *section 1103(a), section 1104(a), section 1201(a), section*
19 *1301(a), section 1302(a), section 1303(b), section 1305(a),*
20 *section 1606(a)(1), and section 1607(a), is amended—*

21 *(1) by redesignating sections 317 and 318 as sec-*
22 *tions 318 and 319, respectively; and*

23 *(2) by inserting after section 316 the following*
24 *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 jurisdiction*
6 *relating to contacting voters by telephone, such provision*
7 *shall not apply in the case of any State which continuously*
8 *on and after the date of the enactment of this Act, does not*
9 *collect telephone numbers for voters as part of voter registra-*
10 *tion in the State with respect to an election for Federal*
11 *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 of*
16 *such Act, as amended by section 1031(c), section 1044(b),*
17 *section 1101(c), section 1102(c), section 1103(a), section*
18 *1104(c), section 1201(c), section 1301(a), section 1302(a),*
19 *section 1303(b), section 1305(a), section 1606(a)(3), and*
20 *section 1607(b), is amended—*

21 *(1) by redesignating the items relating to sec-*
22 *tions 317 and 318 as relating to sections 318 and*
23 *319, respectively; and*

24 *(2) by inserting after the item relating to section*
25 *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 Restora-*
4 *tion 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 re-*
9 *integrates individuals with criminal convictions into*
10 *free society, helping to enhance public safety.*

11 *(2) Article I, section 4, of the Constitution grants*
12 *Congress ultimate supervisory power over Federal*
13 *elections, an authority which has repeatedly been*
14 *upheld by the United States Supreme Court.*

15 *(3) Basic constitutional principles of fairness*
16 *and equal protection require an equal opportunity for*
17 *citizens of the United States to vote in Federal elec-*
18 *tions. The right to vote may not be abridged or denied*
19 *by the United States or by any State on account of*
20 *race, color, gender, or previous condition of servitude.*
21 *The 13th, 14th, 15th, 19th, 24th, and 26th Amend-*
22 *ments to the Constitution empower Congress to enact*
23 *measures to protect the right to vote in Federal elec-*
24 *tions. The 8th Amendment to the Constitution pro-*

1 *vides for no excessive bail to be required, nor excessive*
2 *fines imposed, nor cruel and unusual punishments in-*
3 *flicted.*

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 voting*
12 *rights after a criminal conviction vary through-*
13 *out the country and persons in some States can*
14 *easily regain their voting rights while in other*
15 *States persons effectively lose their right to vote*
16 *permanently; and*

17 (C) *State disenfranchisement laws dis-*
18 *proportionately impact racial and ethnic mi-*
19 *norities.*

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 indi-*
6 *viduals 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 vot-*
11 *ing then, only 24 percent were in prison. By contrast,*
12 *75 percent of persons disenfranchised then resided in*
13 *their communities while on probation or parole or*
14 *after having completed their sentences. Approximately*
15 *2,200,000 citizens who had completed their sentences*
16 *were disenfranchised due to restrictive State laws. As*
17 *of November 2018, the lifetime ban for persons with*
18 *certain felony convictions was eliminated through a*
19 *Florida ballot initiative. As a result, as many as*
20 *1,400,000 people are now eligible to have their voting*
21 *rights restored. In 4 States—Alabama, Florida, Mis-*
22 *sissippi, and Tennessee—more than 7 percent of the*
23 *total population is disenfranchised.*

24 *(8) In those States that disenfranchise individ-*
25 *uals post-sentence, the right to vote can be regained*

1 *in theory, but in practice this possibility is often*
2 *granted in a non-uniform and potentially discrimi-*
3 *natory manner. Disenfranchised individuals some-*
4 *times must either obtain a pardon or an order from*
5 *the Governor or an action by the parole or pardon*
6 *board, depending on the offense and State. Individ-*
7 *uals convicted of a Federal offense often have addi-*
8 *tional barriers to regaining voting rights.*

9 *(9) Many felony disenfranchisement laws today*
10 *derive directly from post-Civil War efforts to stifle the*
11 *Fourteenth and Fifteenth Amendments. Between 1865*
12 *and 1880, at least 14 states—Alabama, Arkansas,*
13 *Colorado, Florida, Georgia, Illinois, Mississippi, Mis-*
14 *souri, Nebraska, New York, North Carolina, South*
15 *Carolina, Tennessee, and Texas—enacted or expanded*
16 *their felony disenfranchisement laws. One of the pri-*
17 *mary goals of these laws was to prevent African*
18 *Americans from voting. Of the states that enacted or*
19 *expanded their felony disenfranchisement laws during*
20 *this post-Civil War period, at least 11 continue to*
21 *preclude persons on felony probation or parole from*
22 *voting.*

23 *(10) State disenfranchisement laws dispropor-*
24 *tionately impact racial and ethnic minorities. In re-*
25 *cent years, African Americans have been imprisoned*

1 *at over 5 times the rate of Whites. More than 6 per-*
2 *cent of the voting-age African-American population,*
3 *or 1,800,000 African Americans, are disenfranchised*
4 *due to a felony conviction. In 9 States—Alabama (16*
5 *percent), Arizona (13 percent), Florida (15 percent),*
6 *Kentucky (15 percent), Mississippi (16 percent),*
7 *South Dakota (14 percent), Tennessee (21 percent),*
8 *Virginia (16 percent), and Wyoming (36 percent)—*
9 *more than 1 in 8 African Americans are unable to*
10 *vote because of a felony conviction, twice the national*
11 *average for African Americans.*

12 *(11) Latino citizens are also disproportionately*
13 *disenfranchised based upon their disproportionate*
14 *representation in the criminal justice system. In re-*
15 *cent years, Latinos have been imprisoned at 2.5 times*
16 *the rate of Whites. More than 2 percent of the voting-*
17 *age Latino population, or 560,000 Latinos, are*
18 *disenfranchised due to a felony conviction. In 34*
19 *states Latinos are disenfranchised at a higher rate*
20 *than the general population. In 11 states 4 percent or*
21 *more of Latino adults are disenfranchised due to a*
22 *felony conviction (Alabama, 4 percent; Arizona, 7*
23 *percent; Arkansas, 4 percent; Idaho, 4 percent; Iowa,*
24 *4 percent; Kentucky, 6 percent; Minnesota, 4 percent;*
25 *Mississippi, 5 percent; Nebraska, 6 percent; Tennessee,*

1 11 percent; Wyoming, 4 percent), twice the national
2 average for Latinos.

3 (12) *Disenfranchising citizens who have been*
4 *convicted of a criminal offense and who are living*
5 *and working in the community serves no compelling*
6 *State interest and hinders their rehabilitation and re-*
7 *integration into society.*

8 (13) *State disenfranchisement laws can suppress*
9 *electoral participation among eligible voters by dis-*
10 *couraging voting among family and community*
11 *members of disenfranchised persons. Future electoral*
12 *participation by the children of disenfranchised par-*
13 *ents may be impacted as well. Models of successful re-*
14 *entry for persons convicted of a crime emphasize the*
15 *importance of community ties, feeling vested and in-*
16 *tegrated, and prosocial attitudes. Individuals with*
17 *criminal convictions who succeed in avoiding recidi-*
18 *vism are typically more likely to see themselves as*
19 *law-abiding members of the community. Restoration*
20 *of voting rights builds those qualities and facilitates*
21 *reintegration into the community. That is why allow-*
22 *ing citizens with criminal convictions who are living*
23 *in a community to vote is correlated with a lower*
24 *likelihood of recidivism. Restoration of voting rights*
25 *thus reduces violence and protects public safety.*

1 (14) *The United States is one of the only West-*
2 *ern democracies that permits the permanent denial of*
3 *voting rights for individuals with felony convictions.*

4 (15) *The Eighth Amendment’s prohibition on*
5 *cruel and unusual punishments “guarantees individ-*
6 *uals the right not to be subjected to excessive sanc-*
7 *tions.” (Roper v. Simmons, 543 U.S. 551, 560*
8 *(2005)). That right stems from the basic precept of*
9 *justice “that punishment for crime should be grad-*
10 *uated and proportioned to [the] offense.” Id. (quoting*
11 *Weems v. United States, 217 U.S. 349, 367 (1910)).*
12 *As the Supreme Court has long recognized, “[t]he con-*
13 *cept of proportionality is central to the Eighth*
14 *Amendment.” (Graham v. Florida, 560 U.S. 48, 59*
15 *(2010)). Many State disenfranchisement laws are*
16 *grossly disproportional to the offenses that lead to dis-*
17 *enfranchisement and thus violate the bar on cruel and*
18 *unusual punishments. For example, a number of*
19 *states mandate lifetime disenfranchisement for a sin-*
20 *gle felony conviction or just two felony convictions,*
21 *even where the convictions were for non-violent of-*
22 *fenses. In numerous other States, disenfranchisement*
23 *can last years or even decades while individuals re-*
24 *main on probation or parole, often only because a*
25 *person cannot pay their legal financial obligations.*

1 *These kinds of extreme voting bans run afoul of the*
2 *Eighth Amendment.*

3 (16) *The Twenty-Fourth Amendment provides*
4 *that the right to vote “shall not be denied or abridged*
5 *by the United States or any State by reason of failure*
6 *to pay any poll tax or other tax.”. Section 2 of the*
7 *Twenty-Fourth Amendment gives Congress the power*
8 *to enforce this article by appropriate legislation.*
9 *Court fines and fees that individuals must pay to*
10 *have their voting rights restored constitute an “other*
11 *tax” for purposes of the Twenty-Fourth Amendment.*
12 *At least five States explicitly require the payment of*
13 *finances and fees before individuals with felony convic-*
14 *tions can have their voting rights restored. More than*
15 *20 other states effectively tie the right to vote to the*
16 *payment of fines and fees, by requiring that individ-*
17 *uals complete their probation or parole before their*
18 *rights are restored. In these States, the non-payment*
19 *of fines and fees is a basis on which probation or pa-*
20 *role can be extended. Moreover, these states sometimes*
21 *do not record the basis on which an individual’s pro-*
22 *bation or parole was extended, making it impossible*
23 *to determine from the State’s records whether non-*
24 *payment of fines and fees is the reason that an indi-*
25 *vidual remains on probation or parole. For these rea-*

1 *sons, the only way to ensure that States do not deny*
2 *the right to vote based solely on non-payment of fines*
3 *and fees is to prevent States from conditioning voting*
4 *rights on the completion of probation or parole.*

5 **SEC. 1703. RIGHTS OF CITIZENS.**

6 *The right of an individual who is a citizen of the*
7 *United States to vote in any election for Federal office shall*
8 *not be denied or abridged because that individual has been*
9 *convicted of a criminal offense unless such individual is*
10 *serving a felony sentence in a correctional institution or*
11 *facility at the time of the election.*

12 **SEC. 1704. ENFORCEMENT.**

13 *(a) ATTORNEY GENERAL.—The Attorney General may,*
14 *in a civil action, obtain such declaratory or injunctive relief*
15 *as is necessary to remedy a violation of this subtitle.*

16 *(b) PRIVATE RIGHT OF ACTION.—*

17 *(1) IN GENERAL.—A person who is aggrieved by*
18 *a violation of this subtitle may provide written notice*
19 *of the violation to the chief election official of the*
20 *State involved.*

21 *(2) RELIEF.—Except as provided in paragraph*
22 *(3), if the violation is not corrected within 90 days*
23 *after receipt of a notice under paragraph (1), or with-*
24 *in 20 days after receipt of the notice if the violation*
25 *occurred within 120 days before the date of an elec-*

1 *tion for Federal office, the aggrieved person may, in*
2 *a civil action, obtain declaratory or injunctive relief*
3 *with respect to the violation.*

4 (3) *EXCEPTION.—If the violation occurred with-*
5 *in 30 days before the date of an election for Federal*
6 *office, the aggrieved person need not provide notice to*
7 *the chief election official of the State under paragraph*
8 *(1) before bringing a civil action to obtain declara-*
9 *tory or injunctive relief with respect to the violation.*

10 **SEC. 1705. NOTIFICATION OF RESTORATION OF VOTING**
11 **RIGHTS.**

12 (a) *STATE NOTIFICATION.—*

13 (1) *NOTIFICATION.—On the date determined*
14 *under paragraph (2), each State shall—*

15 (A) *notify in writing any individual who*
16 *has been convicted of a criminal offense under*
17 *the law of that State that such individual—*

18 (i) *has the right to vote in an election*
19 *for Federal office pursuant to the Democ-*
20 *racy Restoration Act of 2021; and*

21 (ii) *may register to vote in any such*
22 *election; and*

23 (B) *provide such individual with any mate-*
24 *rials that are necessary to register to vote in any*
25 *such election.*

1 (2) *DATE OF NOTIFICATION.*—

2 (A) *FELONY CONVICTION.*—*In the case of*
3 *such an individual who has been convicted of a*
4 *felony, the notification required under para-*
5 *graph (1) shall be given on the date on which the*
6 *individual—*

7 (i) *is sentenced to serve only a term of*
8 *probation; or*

9 (ii) *is released from the custody of that*
10 *State (other than to the custody of another*
11 *State or the Federal Government to serve a*
12 *term of imprisonment for a felony convic-*
13 *tion).*

14 (B) *MISDEMEANOR CONVICTION.*—*In the*
15 *case of such an individual who has been con-*
16 *victed of a misdemeanor, the notification re-*
17 *quired under paragraph (1) shall be given on the*
18 *date on which such individual is sentenced by a*
19 *State court.*

20 (b) *FEDERAL NOTIFICATION.*—

21 (1) *NOTIFICATION.*—*Any individual who has*
22 *been convicted of a criminal offense under Federal*
23 *law—*

24 (A) *shall be notified in accordance with*
25 *paragraph (2) 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) shall be provided with any materials
7 that are necessary to register to vote in any such
8 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—

14 (i) in the case of an individual who is
15 sentenced to serve only a term of probation,
16 by the Assistant Director for the Office of
17 Probation and Pretrial Services of the Ad-
18 ministrative Office of the United States
19 Courts on the date on which the individual
20 is sentenced; or

21 (ii) in the case of any individual com-
22 mitted to the custody of the Bureau of Pris-
23 ons, by the Director of the Bureau of Pris-
24 ons, during the period beginning on the
25 date that is 6 months before such individual

1 *is released and ending on the date such in-*
2 *dividual is released from the custody of the*
3 *Bureau of Prisons.*

4 (B) *MISDEMEANOR CONVICTION.*—*In the*
5 *case of such an individual who has been con-*
6 *victed of a misdemeanor, the notification re-*
7 *quired under paragraph (1) shall be given on the*
8 *date on which such individual is sentenced by a*
9 *court established by an Act of Congress.*

10 **SEC. 1706. DEFINITIONS.**

11 *For purposes of this subtitle:*

12 (1) *CORRECTIONAL INSTITUTION OR FACILITY.*—
13 *The term “correctional institution or facility” means*
14 *any prison, penitentiary, jail, or other institution or*
15 *facility for the confinement of individuals convicted of*
16 *criminal offenses, whether publicly or privately oper-*
17 *ated, except that such term does not include any resi-*
18 *dential community treatment center (or similar pub-*
19 *lic or private facility).*

20 (2) *ELECTION.*—*The term “election” means—*

21 (A) *a general, special, primary, or runoff*
22 *election;*

23 (B) *a convention or caucus of a political*
24 *party held to nominate a candidate;*

1 (C) a primary election held for the selection
2 of delegates to a national nominating convention
3 of a political party; or

4 (D) a primary election held for the expres-
5 sion of a preference for the nomination of per-
6 sons for election to the office of President.

7 (3) *FEDERAL OFFICE*.—The term “Federal of-
8 fice” means the office of President or Vice President
9 of the United States, or of Senator or Representative
10 in, or Delegate or Resident Commissioner to, the Con-
11 gress of the United States.

12 (4) *PROBATION*.—The term “probation” means
13 probation, imposed by a Federal, State, or local court,
14 with or without a condition on the individual in-
15 volved concerning—

16 (A) the individual’s freedom of movement;

17 (B) the payment of damages by the indi-
18 vidual;

19 (C) periodic reporting by the individual to
20 an officer of the court; or

21 (D) supervision of the individual by an offi-
22 cer of the court.

23 **SEC. 1707. RELATION TO OTHER LAWS.**

24 (a) *STATE LAWS RELATING TO VOTING RIGHTS*.—
25 Nothing in this subtitle may be construed to prohibit the

1 *States from enacting any State law which affords the right*
2 *to vote in any election for Federal office on terms less re-*
3 *strictive than those established by this subtitle.*

4 (b) *CERTAIN FEDERAL ACTS.—The rights and rem-*
5 *edies established by this subtitle—*

6 (1) *are in addition to all other rights and rem-*
7 *edies provided by law, and*

8 (2) *shall not supersede, restrict, or limit the ap-*
9 *plication of the Voting Rights Act of 1965 (52 U.S.C.*
10 *10301 et seq.) or the National Voter Registration Act*
11 *of 1993 (52 U.S.C. 20501 et seq.).*

12 **SEC. 1708. FEDERAL PRISON FUNDS.**

13 *No State, unit of local government, or other person*
14 *may receive or use, to construct or otherwise improve a*
15 *prison, jail, or other place of incarceration, any Federal*
16 *funds unless that person has in effect a program under*
17 *which each individual incarcerated in that person's juris-*
18 *diction who is a citizen of the United States is notified,*
19 *upon release from such incarceration, of that individual's*
20 *rights under section 1703.*

21 **SEC. 1709. EFFECTIVE DATE.**

22 *This subtitle shall apply to citizens of the United*
23 *States voting in any election for Federal office held after*
24 *the date of the enactment of this Act.*

1 ***Subtitle I—Voter Identification and***
2 ***Allowable Alternatives***

3 ***SEC. 1801. REQUIREMENTS FOR VOTER IDENTIFICATION.***

4 *(a) REQUIREMENT TO PROVIDE IDENTIFICATION AS*
5 *CONDITION OF RECEIVING BALLOT.—Section 303 of the*
6 *Help America Vote Act of 2002 (52 U.S.C. 21083) is*
7 *amended by redesignating subsections (c) and (d) as sub-*
8 *sections (d) and (e), respectively, and by inserting after sub-*
9 *section (b) the following new subsection:*

10 *“(c) VOTER IDENTIFICATION REQUIREMENTS.—*

11 *“(1) VOTER IDENTIFICATION REQUIREMENT DE-*
12 *FINED.—For purposes of this subsection:*

13 *“(A) IN GENERAL.—The term ‘voter identi-*
14 *fication requirement’ means any requirement*
15 *that an individual desiring to vote in person in*
16 *an election for Federal office present identifica-*
17 *tion as a requirement to receive or cast a ballot*
18 *in person in such election.*

19 *“(B) EXCEPTION.—Such term does not in-*
20 *clude any requirement described in subsection*
21 *(b)(2)(A) as applied with respect to an indi-*
22 *vidual described in subsection (b)(1).*

23 *“(2) IN GENERAL.—If a State or local jurisdic-*
24 *tion has a voter identification requirement, the State*
25 *or local jurisdiction—*

1 “(A) shall treat any applicable identifying
2 document as meeting such voter identification re-
3 quirement;

4 “(B) notwithstanding the failure to present
5 an applicable identifying document, shall treat
6 an individual desiring to vote in person in an
7 election for Federal office as meeting such voter
8 identification requirement if—

9 “(i) the individual presents the appro-
10 priate State or local election official with a
11 sworn written statement, signed in the pres-
12 ence of the official by an adult who has
13 known the individual for at least six
14 months under penalty of perjury, attesting
15 to the individual’s identity;

16 “(ii) the official has known the indi-
17 vidual for at least six months; or

18 “(iii) in the case of a resident of a
19 State-licensed care facility, an employee of
20 the facility confirms the individual’s iden-
21 tity; and

22 “(C) shall permit any individual desiring
23 to vote in an election for Federal office who does
24 not present an applicable identifying document
25 required under subparagraph (A) or qualify for

1 *an exception under subparagraph (B) to cast a*
2 *provisional ballot with respect to the election*
3 *under section 302 in accordance with paragraph*
4 *(3).*

5 “(3) *RULES FOR PROVISIONAL BALLOT.—*

6 “(A) *IN GENERAL.—An individual may*
7 *cast a provisional ballot pursuant to paragraph*
8 *(2)(C) so long as the individual presents the ap-*
9 *propriate State or local election official with a*
10 *sworn written statement, signed by the indi-*
11 *vidual under penalty of perjury, attesting to the*
12 *individual’s identity.*

13 “(B) *PROHIBITION ON OTHER REQUIRE-*
14 *MENTS.—Except as otherwise provided this*
15 *paragraph, a State or local jurisdiction may not*
16 *impose any other additional requirement or con-*
17 *dition with respect to the casting of a provi-*
18 *sional ballot by an individual described in para-*
19 *graph (2)(C).*

20 “(C) *COUNTING OF PROVISIONAL BALLOT.—*
21 *In the case of a provisional ballot cast pursuant*
22 *to paragraph (2)(C), the appropriate State or*
23 *local election official shall not make a deter-*
24 *mination under section 302(a)(4) that the indi-*

1 *vidual is eligible under State law to vote in the*
2 *election unless—*

3 “(i) *the official determines that the sig-*
4 *nature on such statement matches the signa-*
5 *ture of such individual on the official list of*
6 *registered voters in the State or other offi-*
7 *cial record or document used by the State to*
8 *verify the signatures of voters; or*

9 “(ii) *not later than 10 days after cast-*
10 *ing the provisional ballot, the individual*
11 *presents an applicable identifying docu-*
12 *ment, either in person or by electronic*
13 *methods, to the official and the official con-*
14 *firms the individual is the person identified*
15 *on the applicable identifying document.*

16 “(D) *NOTICE AND OPPORTUNITY TO CURE*
17 *DISCREPANCY IN SIGNATURES OR OTHER DE-*
18 *FACTS ON PROVISIONAL BALLOTS.—*

19 “(i) *NOTICE AND OPPORTUNITY TO*
20 *CURE DISCREPANCY IN SIGNATURES.—If an*
21 *individual casts a provisional ballot under*
22 *this paragraph and the appropriate State*
23 *or local election official determines that a*
24 *discrepancy exists between the signature on*
25 *such ballot and the signature of such indi-*

1 *vidual on the official list of registered voters*
2 *in the State or other official record or docu-*
3 *ment used by the State to verify the signa-*
4 *tures of voters, such election official, prior*
5 *to making a final determination as to the*
6 *validity of such ballot, shall—*

7 *“(I) as soon as practical, but no*
8 *later than the next business day after*
9 *such determination is made, make a*
10 *good faith effort to notify the indi-*
11 *vidual by mail, telephone, and (if*
12 *available) text message and electronic*
13 *mail that—*

14 *“(aa) a discrepancy exists*
15 *between the signature on such bal-*
16 *lot and the signature of the indi-*
17 *vidual on the official list of reg-*
18 *istered voters in the State or other*
19 *official record or document used*
20 *by the State to verify the signa-*
21 *tures of voters; and*

22 *“(bb) if such discrepancy is*
23 *not cured prior to the expiration*
24 *of the third day following the*
25 *State’s deadline for receiving*

1 *mail-in ballots or absentee ballots,*
2 *such ballot will not be counted;*
3 *and*

4 “(II) *cure such discrepancy and*
5 *count the ballot if, prior to the expira-*
6 *tion of the third day following the*
7 *State’s deadline for receiving mail-in*
8 *ballots or absentee ballots, the indi-*
9 *vidual provides the official with infor-*
10 *mation to cure such discrepancy, either*
11 *in person, by telephone, or by elec-*
12 *tronic methods.*

13 “(ii) *NOTICE AND OPPORTUNITY TO*
14 *CURE OTHER DEFECTS.—If an individual*
15 *casts a provisional ballot under this para-*
16 *graph with a defect which, if left uncured,*
17 *would cause the ballot to not be counted, the*
18 *appropriate State or local election official,*
19 *prior to making a final determination as to*
20 *the validity of the ballot, shall—*

21 “(I) *as soon as practical, but no*
22 *later than the next business day after*
23 *such determination is made, make a*
24 *good faith effort to notify the indi-*
25 *vidual by mail, telephone, and (if*

1 available) text message and electronic
2 mail that—

3 “(aa) the ballot has some de-
4 fect; and

5 “(bb) if the individual does
6 not cure the other defect prior to
7 the expiration of the third day fol-
8 lowing the State’s deadline for re-
9 ceiving mail-in ballots or absentee
10 ballots, such ballot will not be
11 counted; and

12 “(II) count the ballot if, prior to
13 the expiration of the third day fol-
14 lowing the State’s deadline for receiv-
15 ing mail-in ballots or absentee ballots,
16 the individual cures the defect.

17 “(E) NO EXEMPTION.—Notwithstanding
18 section 302(a), States described in section 4(b) of
19 the National Voter Registration Act of 1993 shall
20 be required to meet the requirements of para-
21 graph (2)(C).

22 “(F) RULE OF CONSTRUCTION.—

23 “(i) IN GENERAL.—Nothing in para-
24 graph (2)(C) or this paragraph shall be con-
25 strued to prevent a State from permitting

1 *an individual who provides a sworn state-*
2 *ment described in subparagraph (A) to cast*
3 *a regular ballot in lieu of a provisional bal-*
4 *lot.*

5 “(i) *REGULAR BALLOT.*—*For purpose*
6 *of this subparagraph, the term ‘regular bal-*
7 *lot’ means a ballot which is cast and count-*
8 *ed in same manner as ballots cast by indi-*
9 *viduals meeting the voter identification re-*
10 *quirement (and all other applicable require-*
11 *ments with respect to voting in the election).*

12 “(4) *DEVELOPMENT AND USE OF PRE-PRINTED*
13 *VERSION OF STATEMENT BY COMMISSION.*—

14 “(A) *IN GENERAL.*—*The Commission shall*
15 *develop pre-printed versions of the statements de-*
16 *scribed in paragraphs (2)(B)(i) and (3)(A)*
17 *which include appropriate blank spaces for the*
18 *provision of names and signatures.*

19 “(B) *PROVIDING PRE-PRINTED COPY OF*
20 *STATEMENT.*—*Each State and jurisdiction that*
21 *has a voter identification requirement shall make*
22 *copies of the pre-printed version of the statement*
23 *developed under subparagraph (A) available at*
24 *polling places for use by individuals voting in*
25 *person.*

1 “(5) *REQUIRED PROVISION OF IDENTIFYING DOC-*
2 *UMENTS.—*

3 “(A) *IN GENERAL.—Each State and juris-*
4 *diction that has a voter identification require-*
5 *ment shall—*

6 “(i) *for each individual who, on or*
7 *after the applicable date, is registered to*
8 *vote in such State or jurisdiction in elec-*
9 *tions for Federal office, provide the indi-*
10 *vidual with a government-issued identifica-*
11 *tion that meets the requirements of this sub-*
12 *section without charge;*

13 “(ii) *for each individual who, before*
14 *the applicable date, was registered to vote in*
15 *such State or jurisdiction in elections for*
16 *Federal office but does not otherwise possess*
17 *an identifying document, provide the indi-*
18 *vidual with a government-issued identifica-*
19 *tion that meets the requirements of this sub-*
20 *section without charge, so long as the State*
21 *provides the individual with reasonable op-*
22 *portunities to obtain such identification*
23 *prior to the date of the election; and*

24 “(iii) *for each individual who is pro-*
25 *vided with an identification under clause*

1 *(i) or clause (ii), provide the individual*
2 *with such assistance without charge upon*
3 *request as may be necessary to enable the*
4 *individual to obtain and process any docu-*
5 *mentation necessary to obtain the identi-*
6 *fication.*

7 “(B) *APPLICABLE DATE.*—*For purposes of*
8 *this paragraph, the term ‘applicable date’ means*
9 *the later of—*

10 “(i) *January 1, 2022, or*

11 “(ii) *the first date after the date of the*
12 *enactment of this subsection for which the*
13 *State or local jurisdiction has in effect a*
14 *voter identification requirement.*

15 “(6) *APPLICABLE IDENTIFYING DOCUMENT.*—*For*
16 *purposes of this subsection—*

17 “(A) *IN GENERAL.*—*The term ‘applicable*
18 *identifying document’ means, with respect to*
19 *any individual, any document issued to such in-*
20 *dividual containing the individual’s name.*

21 “(B) *INCLUDED DOCUMENTS.*—*The term*
22 *‘applicable identifying document’ shall include*
23 *any of the following (so long as such document*
24 *is not expired, as indicated by an expiration*
25 *date included on the document):*

1 “(i) *A valid driver’s license or an iden-*
2 *tification card issued by a State, the Fed-*
3 *eral Government, or a State or federally*
4 *recognized Tribal government.*

5 “(ii) *A State-issued identification de-*
6 *scribed in paragraph (4).*

7 “(iii) *A valid United States passport*
8 *or passport card.*

9 “(iv) *A valid employee identification*
10 *card issued by—*

11 “(I) *any branch, department,*
12 *agency, or entity of the United States*
13 *Government or of any State,*

14 “(II) *any State or federally recog-*
15 *nized Tribal government, or*

16 “(III) *any county, municipality,*
17 *board, authority, or other political sub-*
18 *division of a State.*

19 “(v) *A valid student identification*
20 *card issued by an institution of higher edu-*
21 *cation, or a valid high school identification*
22 *card issued by a State-accredited high*
23 *school.*

24 “(vi) *A valid military identification*
25 *card issued by the United States.*

1 “(vii) *A valid gun license or concealed*
2 *carry permit.*

3 “(viii) *A valid Medicare card or Social*
4 *Security card.*

5 “(ix) *A valid birth certificate.*

6 “(x) *A valid voter registration card.*

7 “(xi) *A valid hunting or fishing license*
8 *issued by a State.*

9 “(xii) *A valid identification card*
10 *issued to the individual by the Supple-*
11 *mental Nutrition Assistance (SNAP) pro-*
12 *gram.*

13 “(xiii) *A valid identification card*
14 *issued to the individual by the Temporary*
15 *Assistance for Needy Families (TANF) pro-*
16 *gram.*

17 “(xiv) *A valid identification card*
18 *issued to the individual by Medicaid.*

19 “(xv) *A valid bank card or valid debit*
20 *card.*

21 “(xvi) *A valid utility bill issued within*
22 *six months of the date of the election.*

23 “(xvii) *A valid lease or mortgage docu-*
24 *ment issued within six months of the date*
25 *of the election.*

1 “(xviii) *A valid bank statement issued*
2 *within six months of the date of the election.*

3 “(xix) *A valid health insurance card*
4 *issued to the voter.*

5 “(xx) *Any other document containing*
6 *the individual’s name 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 recog-*
11 *nized tribal government; or*

12 “(III) *any county, municipality,*
13 *board, authority, or other political sub-*
14 *division of a State.*

15 “(C) *COPIES AND ELECTRONIC DOCUMENTS*
16 *ACCEPTED.—The term ‘applicable identifying*
17 *document’ includes—*

18 “(i) *any copy of a document described*
19 *in subparagraph (A) or (B); and*

20 “(ii) *any document described in sub-*
21 *paragraph (A) or (B) which is presented in*
22 *electronic format.”.*

23 (b) *PAYMENTS TO STATES TO COVER COSTS OF RE-*
24 *QUIRED IDENTIFICATION DOCUMENTS.—*

1 (1) *IN GENERAL.*—*The Election Assistance Com-*
2 *mission shall make payments to States to cover the*
3 *costs incurred in providing identifications under sec-*
4 *tion 303(c)(5) of the Help America Vote Act of 2002,*
5 *as amended by this section.*

6 (2) *AMOUNT OF PAYMENT.*—*The amount of the*
7 *payment made to a State under this subsection for*
8 *any year shall be equal to the amount of fees which*
9 *would have been collected by the State during the year*
10 *in providing the identifications required under sec-*
11 *tion 303(c)(5) of such Act if the State had charged the*
12 *usual and customary rates for such identifications, as*
13 *determined on the basis of information furnished to*
14 *the Commission by the State at such time and in such*
15 *form as the Commission may require.*

16 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
17 *There are authorized to be appropriated for payments*
18 *under this subsection an aggregate amount of*
19 *\$5,000,000 for fiscal year 2022 and each of the 4 suc-*
20 *ceeding fiscal years.*

21 (c) *CONFORMING AMENDMENTS.*—*Section*
22 *303(b)(2)(A) of the Help America Vote Act of 2002 (52*
23 *U.S.C. 21083(b)(2)(A)) is amended—*

24 (1) *in clause (i), by striking “in person” and all*
25 *that follows and inserting “in person, presents to the*

1 *appropriate State or local election official an applica-*
 2 *ble identifying document (as defined in subsection*
 3 *(c)(6)); or”;* and

4 *(2) in clause (ii), by striking “by mail” and all*
 5 *that follows and inserting “by mail, submits with the*
 6 *ballot an applicable identifying document (as so de-*
 7 *fined).”.*

8 *(d) DEFINITION.—For the purposes of this section, the*
 9 *term “State” means each of the several States, the District*
 10 *of Columbia, the Commonwealth of Puerto Rico, Guam,*
 11 *American Samoa, the United States Virgin Islands, and*
 12 *the Commonwealth of the Northern Mariana Islands.*

13 *(e) EFFECTIVE DATE.—Section 303(e) of such Act (52*
 14 *U.S.C. 21083(d)(2)), as redesignated by subsection (a), is*
 15 *amended by adding at the end the following new paragraph:*

16 *“(3) VOTER IDENTIFICATION REQUIREMENTS.—*
 17 *Each State and jurisdiction shall be required to com-*
 18 *ply with the requirements of subsection (c) with re-*
 19 *spect to elections for Federal office held on or after*
 20 *January 1, 2022.”.*

21 ***Subtitle J—Voter List Maintenance***
 22 ***Procedures***

23 ***PART 1—VOTER CAGING PROHIBITED***

24 ***SEC. 1901. VOTER CAGING PROHIBITED.***

25 *(a) DEFINITIONS.—In this section—*

1 (1) *the term “voter caging document” means—*

2 (A) *a non-forwardable document sent by*
3 *any person other than a State or local election*
4 *official that is returned to the sender or a third*
5 *party as undelivered or undeliverable despite an*
6 *attempt to deliver such document to the address*
7 *of a registered voter or applicant; or*

8 (B) *any document sent by any person other*
9 *than a State or local election official with in-*
10 *structions to an addressee that the document be*
11 *returned to the sender or a third party but is not*
12 *so returned, despite an attempt to deliver such*
13 *document to the address of a registered voter or*
14 *applicant;*

15 (2) *the term “voter caging list” means a list of*
16 *individuals compiled from voter caging documents;*
17 *and*

18 (3) *the term “unverified match list” means any*
19 *list produced by matching the information of reg-*
20 *istered voters or applicants for voter registration to a*
21 *list of individuals who are ineligible to vote in the*
22 *registrar’s jurisdiction, by virtue of death, conviction,*
23 *change of address, or otherwise, unless one of the*
24 *pieces of information matched includes a signature,*
25 *photograph, or unique identifying number ensuring*

1 *that the information from each source refers to the*
2 *same individual.*

3 *(b) PROHIBITION AGAINST VOTER CAGING.—No State*
4 *or local election official shall prevent an individual from*
5 *registering or voting in any election for Federal office, or*
6 *permit in connection with any election for Federal office*
7 *a formal challenge under State law to an individual’s reg-*
8 *istration status or eligibility to vote, if the basis for such*
9 *decision is evidence consisting of—*

10 *(1) a voter caging document or voter caging list;*

11 *(2) an unverified match list;*

12 *(3) an error or omission on any record or paper*
13 *relating to any application, registration, or other act*
14 *requisite to voting, if such error or omission is not*
15 *material to an individual’s eligibility to vote under*
16 *section 2004(a)(2)(B) of the Revised Statutes (52*
17 *U.S.C. 10101(a)(2)(B)); or*

18 *(4) any other evidence so designated for purposes*
19 *of this section by the Election Assistance Commission,*
20 *except that the election official may use such evidence if*
21 *it is corroborated by independent evidence of the individ-*
22 *ual’s ineligibility to register or vote.*

23 *(c) ENFORCEMENT.—*

24 *(1) CIVIL ENFORCEMENT.—*

1 (A) *IN GENERAL.*—*The Attorney General*
2 *may bring a civil action in an appropriate dis-*
3 *trict court for such declaratory or injunctive re-*
4 *lief as is necessary to carry out this section.*

5 (B) *PRIVATE RIGHT OF ACTION.*—

6 (i) *IN GENERAL.*—*A person who is ag-*
7 *grieved by a violation of this section may*
8 *provide written notice of the violation to the*
9 *chief election official of the State involved.*

10 (ii) *RELIEF.*—*Except as provided in*
11 *clause (iii), if the violation is not corrected*
12 *within 90 days after receipt of a notice*
13 *under clause (i), or within 20 days after re-*
14 *ceipt of the notice if the violation occurred*
15 *within 120 days before the date of an elec-*
16 *tion for Federal office, the aggrieved person*
17 *may, in a civil action, obtain declaratory*
18 *or injunctive relief with respect to the viola-*
19 *tion.*

20 (iii) *EXCEPTION.*—*If the violation oc-*
21 *curred within 30 days before the date of an*
22 *election for Federal office, on the date of the*
23 *election, or after the date of the election but*
24 *prior to the completion of the canvass, the*
25 *aggrieved person need not provide notice*

1 *under clause (i) before bringing a civil ac-*
 2 *tion to obtain declaratory or injunctive re-*
 3 *lief with respect to the violation.*

4 (2) *CRIMINAL PENALTY.—Whoever knowingly*
 5 *challenges the eligibility of one or more individuals to*
 6 *register or vote or knowingly causes the eligibility of*
 7 *such individuals to be challenged in violation of this*
 8 *section with the intent that one or more eligible voters*
 9 *be disqualified, shall be fined under title 18, United*
 10 *States Code, or imprisoned not more than 1 year, or*
 11 *both, for each such violation. Each violation shall be*
 12 *a separate offense.*

13 (d) *NO EFFECT ON RELATED LAWS.—Nothing in this*
 14 *section is intended to override the protections of the Na-*
 15 *tional Voter Registration Act of 1993 (52 U.S.C. 20501 et*
 16 *seq.) or to affect the Voting Rights Act of 1965 (52 U.S.C.*
 17 *10301 et seq.).*

18 **PART 2—SAVING ELIGIBLE VOTERS FROM VOTER**

19 **PURGING**

20 **SEC. 1911. CONDITIONS FOR REMOVAL OF VOTERS FROM**
 21 **LIST OF REGISTERED VOTERS.**

22 (a) *CONDITIONS DESCRIBED.—The National Voter*
 23 *Registration Act of 1993 (52 U.S.C. 20501 et seq.) is*
 24 *amended by inserting after section 8 the following new sec-*
 25 *tion:*

1 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM OF-**
2 **ICIAL LIST OF REGISTERED VOTERS.**

3 *“(a) VERIFICATION ON BASIS OF OBJECTIVE AND RE-*
4 *LIABLE EVIDENCE OF INELIGIBILITY.—*

5 *“(1) REQUIRING VERIFICATION.—Notwith-*
6 *standing any other provision of this Act, a State may*
7 *not remove the name of any registrant from the offi-*
8 *cial list of voters eligible to vote in elections for Fed-*
9 *eral office in the State unless the State verifies, on the*
10 *basis of objective and reliable evidence, that the reg-*
11 *istrant is ineligible to vote in such elections.*

12 *“(2) FACTORS NOT CONSIDERED AS OBJECTIVE*
13 *AND RELIABLE EVIDENCE OF INELIGIBILITY.—For*
14 *purposes of paragraph (1), except as permitted under*
15 *section 8(d) after a notice described in paragraph (2)*
16 *of such section has been sent, the following factors, or*
17 *any combination thereof, shall not be treated as objec-*
18 *tive and reliable evidence of a registrant’s ineligi-*
19 *bility to vote:*

20 *“(A) The failure of the registrant to vote in*
21 *any election.*

22 *“(B) The failure of the registrant to respond*
23 *to any election mail, unless the election mail has*
24 *been returned as undeliverable.*

25 *“(C) The failure of the registrant to take*
26 *any other action with respect to voting in any*

1 *election or with respect to the registrant's status*
2 *as a registrant.*

3 “(3) *REMOVAL BASED ON OFFICIAL RECORDS.—*

4 “(A) *IN GENERAL.—Nothing in this section*
5 *shall prohibit a State from removing a registrant*
6 *from the official list of eligible voters in elections*
7 *for Federal office if, on the basis of official*
8 *records maintained by the State, a State or local*
9 *election official knows, on the basis of objective*
10 *and reliable evidence, that the registrant has—*

11 “(i) *died; or*

12 “(ii) *permanently moved out of the*
13 *State and is no longer eligible to vote in the*
14 *State.*

15 “(B) *OPPORTUNITY TO DEMONSTRATE ELI-*
16 *GIBILITY.—The State shall provide a voter re-*
17 *moved from the official list of eligible voters in*
18 *elections for Federal office under this paragraph*
19 *an opportunity to demonstrate that the reg-*
20 *istrant is eligible to vote and be reinstated on the*
21 *official list of eligible voters in elections for Fed-*
22 *eral office in the State.*

23 “(b) *NOTICE AFTER REMOVAL.—*

24 “(1) *NOTICE TO INDIVIDUAL REMOVED.—*

1 “(A) *IN GENERAL.*—Not later than 48 hours
2 after a State removes the name of a registrant
3 from the official list of eligible voters, the State
4 shall send notice of the removal to the former
5 registrant, and shall include in the notice the
6 grounds for the removal and information on how
7 the former registrant may contest the removal or
8 be reinstated, including a telephone number for
9 the appropriate election official.

10 “(B) *EXCEPTIONS.*—Subparagraph (A) does
11 not apply in the case of a registrant—

12 “(i) who sends written confirmation to
13 the State that the registrant is no longer eli-
14 gible to vote in the registrar’s jurisdiction
15 in which the registrant was registered; or

16 “(ii) who is removed from the official
17 list of eligible voters by reason of the death
18 of the registrant.

19 “(2) *PUBLIC NOTICE.*—Not later than 48 hours
20 after conducting any general program to remove the
21 names of ineligible voters from the official list of eligi-
22 ble voters (as described in section 8(a)(4)), the State
23 shall disseminate a public notice through such meth-
24 ods as may be reasonable to reach the general public
25 (including by publishing the notice in a newspaper of

1 *wide circulation and posting the notice on the*
2 *websites of the appropriate election officials) that list*
3 *maintenance is taking place and that registrants*
4 *should check their registration status to ensure no er-*
5 *rors or mistakes have been made. The State shall en-*
6 *sure that the public notice disseminated under this*
7 *paragraph is in a format that is reasonably conven-*
8 *ient and accessible to voters with disabilities, includ-*
9 *ing voters who have low vision or are blind.”.*

10 *(b) CONDITIONS FOR TRANSMISSION OF NOTICES OF*
11 *REMOVAL.—Section 8(d) of such Act (52 U.S.C. 20507(d))*
12 *is amended by adding at the end the following new para-*
13 *graph:*

14 *“(4) A State may not transmit a notice to a reg-*
15 *istrant under this subsection unless the State obtains*
16 *objective and reliable evidence (in accordance with the*
17 *standards for such evidence which are described in*
18 *section 8A(a)(2)) that the registrant has changed resi-*
19 *dence to a place outside the registrar’s jurisdiction in*
20 *which the registrant is registered.”.*

21 *(c) CONFORMING AMENDMENTS.—*

22 *(1) NATIONAL VOTER REGISTRATION ACT OF*
23 *1993.—Section 8(a) of such Act (52 U.S.C. 20507(a))*
24 *is amended—*

1 (A) in paragraph (3), by striking “provide”
2 and inserting “subject to section 8A, provide”;
3 and

4 (B) in paragraph (4), by striking “conduct”
5 and inserting “subject to section 8A, conduct”.

6 (2) *HELP AMERICA VOTE ACT OF 2002*.—Section
7 303(a)(4)(A) of the *Help America Vote Act of 2002*
8 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
9 “registrants” the second place it appears and insert-
10 ing “and subject to section 8A of such Act, reg-
11 istrants”.

12 (d) *EFFECTIVE DATE*.—The amendments made by this
13 section shall take effect on the date of the enactment of this
14 Act.

15 **Subtitle K—Severability**

16 **SEC. 1921. SEVERABILITY.**

17 If any provision of this title or any amendment made
18 by this title, or the application of any such provision or
19 amendment to any person or circumstance, is held to be
20 unconstitutional, the remainder of this title, and the appli-
21 cation of such provision or amendment to any other person
22 or circumstance, shall not be affected by the holding.

1 ***DIVISION B—ELECTION***
2 ***INTEGRITY***
3 ***TITLE II—PROHIBITING INTER-***
4 ***FERENCE 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 following*
10 *new section:*

11 ***“§ 612. Hindering, interfering with, or preventing reg-***
12 ***istering to vote***

13 *“(a) PROHIBITION.—It shall be unlawful for any per-*
14 *son, whether acting under color of law or otherwise, to cor-*
15 *ruptly 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 person*
18 *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 than*
25 *5 years, or both.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
2 *chapter 29 of title 18, United States Code, is amended by*
3 *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 this*
5 *section shall apply with respect to elections held on or after*
6 *the date of the enactment of this Act, except that no person*
7 *may be found to have violated section 612 of title 18, United*
8 *States Code (as added by subsection (a)), on the basis of*
9 *any act occurring prior to the date of the enactment of this*
10 *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 General*
14 *shall develop and publish recommendations for best prac-*
15 *tices for States to use to deter and prevent violations of sec-*
16 *tion 612 of title 18, United States Code (as added by section*
17 *2001), and section 12 of the National Voter Registration*
18 *Act of 1993 (52 U.S.C. 20511) (relating to the unlawful*
19 *interference with registering to vote, or voting, or attempt-*
20 *ing to register to vote or vote), including practices to pro-*
21 *vide for the posting of relevant information at polling places*
22 *and voter registration agencies under such Act, the training*
23 *of poll workers and election officials, and relevant edu-*
24 *cational materials. For purposes of this subsection, the term*
25 *“State” includes the District of Columbia, the Common-*

1 *wealth of Puerto Rico, Guam, American Samoa, the United*
2 *States Virgin Islands, and the Commonwealth of the North-*
3 *ern 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 subpara-*
10 *graph (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 Reg-*
16 *istration Act of 1993 (52 U.S.C. 20511) (relating*
17 *to the unlawful interference with registering to*
18 *vote, or voting, or attempting to register to vote*
19 *or vote), including information on how individ-*
20 *uals may report allegations of violations of such*
21 *prohibitions.”.*

1 **TITLE III—PREVENTING**
2 **ELECTION SUBVERSION**
3 **Subtitle A—Restrictions on**
4 **Removal of Election Administrators**

5 **SEC. 3001. RESTRICTIONS ON REMOVAL OF LOCAL ELEC-**
6 **TION ADMINISTRATORS IN ADMINISTRATION**
7 **OF ELECTIONS FOR FEDERAL OFFICE.**

8 (a) *FINDINGS.*—Congress makes the following findings:

9 (1) Congress has explicit and broad authority to
10 regulate the time, place, and manner of Federal elec-
11 tions under the Elections Clause under article I, sec-
12 tion 4, clause 1 of the Constitution, including by es-
13 tablishing standards for the fair, impartial, and uni-
14 form administration of Federal elections by State and
15 local officials.

16 (2) The Elections Clause was understood from
17 the framing of the Constitution to contain “words of
18 great latitude,” granting Congress broad power over
19 Federal elections and a plenary right to preempt
20 State regulation in this area. As made clear at the
21 Constitutional Convention and the State ratification
22 debates that followed, this grant of congressional au-
23 thority was meant to “insure free and fair elections,”
24 promote the uniform administration of Federal elec-

1 *tions, and “preserve and restore to the people their*
2 *equal and sacred rights of election.”*

3 (3) *In the founding debates on the Elections*
4 *Clause, many delegates also argued that a broad*
5 *grant of authority to Congress over Federal elections*
6 *was necessary to check any “abuses that might be*
7 *made of the discretionary power” to regulate the time,*
8 *place, and manner of elections granted the States, in-*
9 *cluding attempts at partisan entrenchment, mal-*
10 *apportionment, and the exclusion of political minori-*
11 *ties. As the Supreme Court has recognized, the Elec-*
12 *tions Clause empowers Congress to “protect the elec-*
13 *tions on which its existence depends,” Ex parte*
14 *Yarbrough, 110 U.S. 651, 658 (1884), and “protect*
15 *the citizen in the exercise of rights conferred by the*
16 *Constitution of the United States essential to the*
17 *healthy organization of the government itself,” id. at*
18 *666.*

19 (4) *The Elections Clause grants Congress “ple-*
20 *nary and paramount jurisdiction over the whole sub-*
21 *ject” of Federal elections, Ex parte Siebold, 100 U.S.*
22 *371, 388 (1879), allowing Congress to implement “a*
23 *complete code for congressional elections.” Smiley v.*
24 *Holm, 285 U.S. 355, 366 (1932). The Elections*
25 *Clause, unlike, for example, the Commerce Clause, has*

1 *been found to grant Congress the authority to compel*
2 *States to alter their regulations as to Federal elec-*
3 *tions, id. at id. at 366–67, even if these alterations*
4 *would impose additional costs on the States to execute*
5 *or enforce. Association of Community Organizations*
6 *for Reform Now v. Miller, 129 F.3d 833 (6th Cir.*
7 *1997).*

8 (5) *The phrase “manner of holding elections” in*
9 *the Elections Clause has been interpreted by the Su-*
10 *preme Court to authorize Congress to regulate all as-*
11 *pects of the Federal election process, including “no-*
12 *tices, registration, supervision of voting, protection of*
13 *voters, prevention of fraud and corrupt practices,*
14 *counting of votes, duties of inspectors and canvassers,*
15 *and the making and publication of election returns.”*
16 *Smiley v. Holm, 285 U.S. 355, 366 (1932).*

17 (6) *The Supreme Court has recognized the broad*
18 *“substantive scope” of the Elections Clause and*
19 *upheld Federal laws promulgated thereunder regu-*
20 *lating redistricting, voter registration, campaign fi-*
21 *nance, primary elections, recounts, party affiliation*
22 *rules, and balloting.*

23 (7) *The authority of Congress under the Elec-*
24 *tions Clause also entails the power to ensure enforce-*
25 *ment of its laws regulating Federal elections. “[I]f*

1 Congress has the power to make regulations, it must
2 have the power to enforce them.” *Ex parte Siebold*,
3 100 U.S. 371, 387 (1879). The Supreme Court has
4 noted that there can be no question that Congress may
5 impose additional penalties for offenses committed by
6 State officers in connection with Federal elections
7 even if they differ from the penalties prescribed by
8 State law for the same acts. *Id.* at 387–88.

9 (8) The fair and impartial administration of
10 Federal elections by State and local officials is central
11 to “the successful working of this government,” *Ex*
12 *parte Yarbrough*, 110 U.S. 651, 666 (1884), and to
13 “protect the act of voting . . . and the election itself
14 from corruption or fraud,” *id.* at 661–62.

15 (9) The Elections Clause thus grants Congress
16 the authority to ensure that the administration of
17 Federal elections is free of political bias or discrimi-
18 nation and that election officials are insulated from
19 political influence or other forms of coercion in dis-
20 charging their duties in connection with Federal elec-
21 tions.

22 (10) In some States, oversight of local election
23 administrators has been allocated to State Election
24 Boards, or special commissions formed by those
25 boards, that are appointed by the prevailing political

1 *party in a State, as opposed to nonpartisan or elected*
2 *office holders.*

3 (11) *In certain newly enacted State policies,*
4 *these appointed statewide election administrators*
5 *have been granted wide latitude to suspend or remove*
6 *local election administrators in cases where the state-*
7 *wide election administrators identify whatever the*
8 *State deems to be a violation. There is no requirement*
9 *that there be a finding of intent by the local election*
10 *administrator to commit the violation.*

11 (12) *Local election administrators across the*
12 *country can be suspended or removed according to*
13 *different standards, potentially exposing them to dif-*
14 *ferent political pressures or biases that could result in*
15 *uneven administration of Federal elections.*

16 (13) *The Elections Clause grants Congress the ul-*
17 *timate authority to ensure that oversight of State and*
18 *local election administrators is fair and impartial in*
19 *order to ensure equitable and uniform administration*
20 *of Federal elections.*

21 (b) *RESTRICTION.—*

22 (1) *STANDARD FOR REMOVAL OF A LOCAL ELEC-*
23 *TION ADMINISTRATOR.—A statewide election adminis-*
24 *trator may only suspend, remove, or relieve the duties*
25 *of a local election administrator in the State with re-*

1 *spect to the administration of an election for Federal*
2 *office for inefficiency, neglect of duty, or malfeasance*
3 *in office.*

4 (2) *PRIVATE RIGHT OF ACTION.—*

5 (A) *IN GENERAL.—Any local election ad-*
6 *ministrator suspended, removed, or otherwise re-*
7 *lieved 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 ad-*
18 *ministrator responsible for the adverse action.*
19 *The district court shall, to the extent practicable,*
20 *expedite any such proceeding.*

21 (B) *STATUTE OF LIMITATIONS.—Any action*
22 *brought under this subsection must be com-*
23 *menced not later than one year after the date of*
24 *the suspension, removal, relief from duties, or*
25 *commencement of the proceeding to remove, sus-*

1 *pend, or relieve the duties of a local election ad-*
2 *ministrator with respect to the administration of*
3 *an election for Federal office.*

4 (3) *ATTORNEY'S FEES.*—*In any action or pro-*
5 *ceeding under this subsection, the court may allow a*
6 *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 for*
16 *suspension, removal, or relief from duty by a state-*
17 *wide election administrator with respect to the ad-*
18 *ministration of an election for Federal office may re-*
19 *move the proceeding to an appropriate district court*
20 *of the United States. Any order remanding a case to*
21 *the State court or agency from which it was removed*
22 *under this subsection shall be reviewable by appeal or*
23 *otherwise.*

24 (5) *RIGHT OF UNITED STATES TO INTERVENE.*—

1 (A) *NOTICE TO ATTORNEY GENERAL.*—

2 *Whenever any administrative or judicial pro-*
3 *ceeding is brought to suspend, remove, or relieve*
4 *the duties of any local election administrator by*
5 *a statewide election administrator with respect*
6 *to the administration of an election for Federal*
7 *office, the statewide election administrator who*
8 *initiated such proceeding shall deliver a copy of*
9 *the pleadings instituting the proceeding to the*
10 *Assistant Attorney General for the Civil Rights*
11 *Division of the Department of Justice. The local*
12 *election administrator against whom such pro-*
13 *ceeding is brought may also deliver such plead-*
14 *ings to the Assistant Attorney General.*

15 (B) *RIGHT TO INTERVENE.*—*The United*

16 *States may intervene in any administrative or*
17 *judicial proceeding brought to suspend, remove,*
18 *or relieve the duties of any local election admin-*
19 *istrator by a statewide election administrator*
20 *with respect to the administration of an election*
21 *for Federal office and in any action initiated*
22 *pursuant to paragraph (2) or in any removal*
23 *pursuant to paragraph (4).*

24 (6) *REVIEW.*—*In reviewing any action brought*

25 *under this section, a court of the United States shall*

1 *not afford any deference to any State official, admin-*
2 *istrator, or tribunal that initiated, approved, adju-*
3 *dicated, or reviewed any administrative or judicial*
4 *proceeding to suspend, remove, or otherwise relieve the*
5 *duties of a local election administrator.*

6 *(c) REPORTS TO DEPARTMENT OF JUSTICE.—*

7 *(1) IN GENERAL.—Not later than 30 days after*
8 *the suspension, removal, or relief of the duties of a*
9 *local election administrator by a statewide election*
10 *administrator, the Statewide election administrator*
11 *shall submit to the Assistant Attorney General for the*
12 *Civil Rights Divisions of the Department of Justice a*
13 *report that includes the following information:*

14 *(A) A statement that a local election admin-*
15 *istrator was suspended, removed, or relieved of*
16 *their duties.*

17 *(B) Information on whether the local elec-*
18 *tion administrator was determined to have en-*
19 *gaged in gross negligence, neglect of duty, or*
20 *malfeasance in office.*

21 *(C) A description of the effect that the sus-*
22 *pension, removal, or relief of the duties of the*
23 *local election administrator will have on—*

24 *(i) the administration of elections and*
25 *voters in the election jurisdictions for which*

1 the local election official provided such du-
2 ties; and

3 (ii) the administration of elections and
4 voters in the State at large.

5 (D) Demographic information about the
6 local election official suspended, removed, or re-
7 lieved and the jurisdictions for which such elec-
8 tion official was providing the duties suspended,
9 removed, or relieved.

10 (E) Such other information as requested by
11 the Assistant Attorney General for the purposes
12 of determining—

13 (i) whether such suspension, removal,
14 or relief of duties was based on unlawful
15 discrimination; and

16 (ii) (whether such suspension, removal,
17 or relief of duties was due to gross neg-
18 ligence, neglect of duty, or malfeasance in
19 office.

20 (2) *EXPEDITED REPORTING FOR ACTIONS WITHIN*
21 *30 DAYS OF AN ELECTION.—*

22 (A) *IN GENERAL.—*If a suspension, removal,
23 or relief of duties of a local administrator de-
24 scribed in paragraph (1) occurs during the pe-
25 riod described in subparagraph (B), the report

1 *required under paragraph (1) shall be submitted*
2 *not later than 48 hours after such suspension, re-*
3 *moval, or relief of duties.*

4 (B) *PERIOD DESCRIBED.*—*The period de-*
5 *scribed in this subparagraph is any period*
6 *which begins 60 days before the date of an elec-*
7 *tion for Federal office and which ends 60 days*
8 *after such election.*

9 (d) *DEFINITIONS.*—*In this section, the following defi-*
10 *initions apply:*

11 (1) *ELECTION.*—*The term “election” has the*
12 *meaning given the term in section 301(1) of the Fed-*
13 *eral Election Campaign Act of 1971 (52 U.S.C.*
14 *30101(1)).*

15 (2) *FEDERAL OFFICE.*—*The term “Federal of-*
16 *ice” has the meaning given the term in section*
17 *301(3) of the Federal Election Campaign Act of 1971*
18 *(52 U.S.C. 30101(3)).*

19 (3) *LOCAL ELECTION ADMINISTRATOR.*—*The*
20 *term “local election administrator” means, with re-*
21 *spect to a local jurisdiction in a State, the individual*
22 *or entity responsible for the administration of elec-*
23 *tions for Federal office in the local jurisdiction.*

1 (4) *STATEWIDE ELECTION ADMINISTRATOR*.—
 2 The term “Statewide election administrator” means,
 3 with respect to a State—

4 (A) the individual or entity, including a
 5 State elections board, responsible for the admin-
 6 istration of elections for Federal office in the
 7 State on a statewide basis; or

8 (B) a statewide legislative or executive enti-
 9 ty with the authority to suspend, remove, or re-
 10 lieve a local election administrator.

11 (e) *RULE OF CONSTRUCTION*.—Nothing in this section
 12 shall be construed to grant any additional authority to re-
 13 move a local elections administrator beyond any authority
 14 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 shall
 25 be unlawful for any person, whether acting under color of

1 *law or otherwise, to intimidate, threaten, coerce, or attempt*
2 *to intimidate, threaten, or coerce an election worker de-*
3 *scribed in subsection (b) with intent to impede, intimidate,*
4 *or interfere with such official while engaged in the perform-*
5 *ance of official duties, or with intent to retaliate against*
6 *such official on account of the performance of official duties.*

7 “(b) *ELECTION WORKER DESCRIBED.*—*An election*
8 *worker as described in this section is any individual who*
9 *is an election official, poll worker, or an election volunteer*
10 *in connection with an election for a Federal office.*

11 “(c) *PENALTY.*—*Any person who violates subsection*
12 *(a) shall be fined not more than \$100,000, imprisoned for*
13 *not more than 5 years, or both.”.*

14 “(b) *CLERICAL AMENDMENT.*—*The table of sections for*
15 *chapter 29 of title 18, United States Code, as amended by*
16 *section 2001(b), is amended by adding at the end the fol-*
17 *lowing new item:*

 “613. *Harassment of election related officials.*”.

18 **SEC. 3102. PROTECTION OF ELECTION WORKERS.**

19 *Paragraph (2) of section 119(b) of title 18, United*
20 *States Code, is amended by striking “or” at the end of sub-*
21 *paragraph (C), by inserting “or” at the end of subpara-*
22 *graph (D), and by adding at the end the following new sub-*
23 *paragraph:*

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 office;”.

4 **Subtitle C—Prohibiting Deceptive**
5 **Practices and Preventing Voter**
6 **Intimidation**

7 **SEC. 3201. SHORT TITLE.**

8 *This subtitle may be cited as the “Deceptive Practices*
9 *and Voter Intimidation Prevention Act of 2021”.*

10 **SEC. 3202. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
11 **ERAL ELECTIONS.**

12 (a) *PROHIBITION.*—Subsection (b) of section 2004 of
13 *the Revised Statutes (52 U.S.C. 10101(b)) is amended—*

14 (1) *by striking “No person” and inserting the*
15 *following:*

16 “(1) *IN GENERAL.*—No person”; and

17 (2) *by inserting at the end the following new*
18 *paragraphs:*

19 “(2) *FALSE STATEMENTS REGARDING FEDERAL*
20 *ELECTIONS.*—

21 “(A) *PROHIBITION.*—No person, whether
22 acting under color of law or otherwise, shall,
23 within 60 days before an election described in
24 paragraph (5), by any means, including by
25 means of written, electronic, or telephonic com-

1 *munications, communicate or cause to be com-*
2 *municated information described in subpara-*
3 *graph (B), or produce information described in*
4 *subparagraph (B) with the intent that such in-*
5 *formation be communicated, if such person—*

6 *“(i) knows such information to be ma-*
7 *terially false; and*

8 *“(ii) has the intent to impede or pre-*
9 *vent another person from exercising the*
10 *right to vote in an election described in*
11 *paragraph (5).*

12 *“(B) INFORMATION DESCRIBED.—Informa-*
13 *tion is described in this subparagraph if such in-*
14 *formation is regarding—*

15 *“(i) the time, place, or manner of hold-*
16 *ing any election described in paragraph (5);*
17 *or*

18 *“(ii) the qualifications for or restric-*
19 *tions on voter eligibility for any such elec-*
20 *tion, including—*

21 *“(I) any criminal, civil, or other*
22 *legal penalties associated with voting*
23 *in any such election; or*

24 *“(II) information regarding a vot-*
25 *er’s registration status or eligibility.*

1 “(3) *FALSE STATEMENTS REGARDING PUBLIC*
2 *ENDORSEMENTS.*—

3 “(A) *PROHIBITION.*—*No person, whether*
4 *acting under color of law or otherwise, shall,*
5 *within 60 days before an election described in*
6 *paragraph (5), by any means, including by*
7 *means of written, electronic, or telephonic com-*
8 *munications, communicate, or cause to be com-*
9 *municated, a materially false statement about an*
10 *endorsement, if such person—*

11 “(i) *knows such statement to be false;*

12 *and*

13 “(ii) *has the intent to impede or pre-*
14 *vent another person from exercising the*
15 *right to vote in an election described in*
16 *paragraph (5).*

17 “(B) *DEFINITION OF ‘MATERIALLY*
18 *FALSE’.*—*For purposes of subparagraph (A), a*
19 *statement about an endorsement is ‘materially*
20 *false’ if, with respect to an upcoming election de-*
21 *scribed in paragraph (5)—*

22 “(i) *the statement states that a specifi-*
23 *cally named person, political party, or or-*
24 *ganization has endorsed the election of a*

1 *specific candidate for a Federal office de-*
2 *scribed in such paragraph; and*

3 “(ii) *such person, political party, or*
4 *organization has not endorsed the election of*
5 *such candidate.*

6 “(4) *HINDERING, INTERFERING WITH, OR PRE-*
7 *VENTING VOTING OR REGISTERING TO VOTE.—No per-*
8 *son, whether acting under color of law or otherwise,*
9 *shall intentionally hinder, interfere with, or prevent*
10 *another person from voting, registering to vote, or*
11 *aiding another person to vote or register to vote in an*
12 *election described in paragraph (5), including by op-*
13 *erating a polling place or ballot box that falsely pur-*
14 *ports to be an official location established for such an*
15 *election by a unit of government.*

16 “(5) *ELECTION DESCRIBED.—An election de-*
17 *scribed in this paragraph is any general, primary,*
18 *runoff, or special election held solely or in part for the*
19 *purpose of nominating or electing a candidate for the*
20 *office of President, Vice President, Presidential elec-*
21 *tor, Member of the Senate, Member of the House of*
22 *Representatives, or Delegate or Commissioner from a*
23 *Territory or possession.”.*

24 “(b) *PRIVATE RIGHT OF ACTION.—*

1 (1) *IN GENERAL.*—*Subsection (c) of section 2004*
2 *of the Revised Statutes (52 U.S.C. 10101(c)) is*
3 *amended—*

4 (A) *by striking “Whenever any person” and*
5 *inserting the following:*

6 “*(1) IN GENERAL.—Whenever any person*”; and

7 (B) *by adding at the end the following new*
8 *paragraph:*

9 “*(2) CIVIL ACTION.—Any person aggrieved by a*
10 *violation of this section may institute a civil action*
11 *for preventive relief, including an application in a*
12 *United States district court for a permanent or tem-*
13 *porary injunction, restraining order, or other order.*
14 *In any such action, the court, in its discretion, may*
15 *allow the prevailing party a reasonable attorney’s fee*
16 *as part of the costs.”.*

17 (2) *CONFORMING AMENDMENTS.*—*Section 2004*
18 *of the Revised Statutes (52 U.S.C. 10101) is amend-*
19 *ed—*

20 (A) *in subsection (e), by striking “sub-*
21 *section (c)” and inserting “subsection (c)(1)”;*
22 *and*

23 (B) *in subsection (g), by striking “sub-*
24 *section (c)” and inserting “subsection (c)(1)”.*

25 (c) *CRIMINAL PENALTIES.*—

1 (1) *DECEPTIVE ACTS.*—Section 594 of title 18,
2 *United States Code, is amended—*

3 (A) *by striking “Whoever” and inserting the*
4 *following:*

5 “(a) *INTIMIDATION.*—*Whoever*”;

6 (B) *in subsection (a), as inserted by sub-*
7 *paragraph (A), by striking “at any election”*
8 *and inserting “at any general, primary, runoff,*
9 *or special election”;* and

10 (C) *by adding at the end the following new*
11 *subsections:*

12 “(b) *DECEPTIVE ACTS.*—

13 (1) *FALSE STATEMENTS REGARDING FEDERAL*
14 *ELECTIONS.*—

15 “(A) *PROHIBITION.*—*It shall be unlawful*
16 *for any person, whether acting under color of*
17 *law or otherwise, within 60 days before an elec-*
18 *tion described in subsection (e), by any means,*
19 *including by means of written, electronic, or tele-*
20 *phonic communications, to communicate or*
21 *cause to be communicated information described*
22 *in subparagraph (B), or produce information de-*
23 *scribed in subparagraph (B) with the intent that*
24 *such information be communicated, if such per-*
25 *son—*

1 “(i) knows such information to be ma-
2 terially false; and

3 “(ii) has the intent to impede or pre-
4 vent another person from exercising the
5 right to vote in an election described in sub-
6 section (e).

7 “(B) INFORMATION DESCRIBED.—Informa-
8 tion is described in this subparagraph if such in-
9 formation is regarding—

10 “(i) the time or place of holding any
11 election described in subsection (e); or

12 “(ii) the qualifications for or restric-
13 tions on voter eligibility for any such elec-
14 tion, including—

15 “(I) any criminal, civil, or other
16 legal penalties associated with voting
17 in any such election; or

18 “(II) information regarding a vot-
19 er’s registration status or eligibility.

20 “(2) PENALTY.—Any person who violates para-
21 graph (1) shall be fined not more than \$100,000, im-
22 prisoned for not more than 5 years, or both.

23 “(c) HINDERING, INTERFERING WITH, OR PRE-
24 VENTING VOTING OR REGISTERING TO VOTE.—

1 “(1) *PROHIBITION.*—It shall be unlawful for any
2 person, whether acting under color of law or other-
3 wise, to corruptly hinder, interfere with, or prevent
4 another person from voting, registering to vote, or
5 aiding another person to vote or register to vote in an
6 election described in subsection (e).

7 “(2) *PENALTY.*—Any person who violates para-
8 graph (1) shall be fined not more than \$100,000, im-
9 prisoned for not more than 5 years, or both.

10 “(d) *ATTEMPT.*—Any person who attempts to commit
11 any offense described in subsection (a), (b)(1), or (c)(1)
12 shall be subject to the same penalties as those prescribed
13 for the offense that the person attempted to commit.

14 “(e) *ELECTION DESCRIBED.*—An election described in
15 this subsection is any general, primary, runoff, or special
16 election held solely or in part for the purpose of nominating
17 or electing a candidate for the office of President, Vice
18 President, Presidential elector, Senator, Member of the
19 House of Representatives, or Delegate or Resident Commis-
20 sioner to the Congress.”.

21 (2) *MODIFICATION OF PENALTY FOR VOTER IN-*
22 *TIMIDATION.*—Section 594(a) of title 18, United
23 States Code, as amended by paragraph (1), is amend-
24 ed by striking “fined under this title or imprisoned
25 not more than one year” and inserting “fined not

1 *more than \$100,000, imprisoned for not more than 5*
2 *years”.*

3 (3) *SENTENCING GUIDELINES.—*

4 (A) *REVIEW AND AMENDMENT.—Not later*
5 *than 180 days after the date of enactment of this*
6 *Act, the United States Sentencing Commission,*
7 *pursuant to its authority under section 994 of*
8 *title 28, United States Code, and in accordance*
9 *with this section, shall review and, if appro-*
10 *priate, amend the Federal sentencing guidelines*
11 *and policy statements applicable to persons con-*
12 *victed of any offense under section 594 of title*
13 *18, United States Code, as amended by this sec-*
14 *tion.*

15 (B) *AUTHORIZATION.—The United States*
16 *Sentencing Commission may amend the Federal*
17 *Sentencing Guidelines in accordance with the*
18 *procedures set forth in section 21(a) of the Sen-*
19 *tencing Act of 1987 (28 U.S.C. 994 note) as*
20 *though the authority under that section had not*
21 *expired.*

22 (4) *PAYMENTS FOR REFRAINING FROM VOTING.—*
23 *Subsection (c) of section 11 of the Voting Rights Act*
24 *of 1965 (52 U.S.C. 10307) is amended by striking*
25 *“either for registration to vote or for voting” and in-*

1 serting “for registration to vote, for voting, or for not
2 voting”.

3 **SEC. 3203. CORRECTIVE ACTION.**

4 (a) *CORRECTIVE ACTION.*—

5 (1) *IN GENERAL.*—*If the Attorney General re-*
6 *ceives a credible report that materially false informa-*
7 *tion has been or is being communicated in violation*
8 *of paragraphs (2) and (3) of section 2004(b) of the*
9 *Revised Statutes (52 U.S.C. 10101(b)), as added by*
10 *section 3202(a), and if the Attorney General deter-*
11 *mines that State and local election officials have not*
12 *taken adequate steps to promptly communicate accu-*
13 *rate information to correct the materially false infor-*
14 *mation, the Attorney General shall, pursuant to the*
15 *written procedures and standards under subsection*
16 *(b), communicate to the public, by any means, includ-*
17 *ing by means of written, electronic, or telephonic com-*
18 *munications, accurate information designed to correct*
19 *the materially false information.*

20 (2) *COMMUNICATION OF CORRECTIVE INFORMA-*
21 *TION.*—*Any information communicated by the Attor-*
22 *ney General under paragraph (1)—*

23 (A) *shall—*

24 (i) *be accurate and objective;*

1 (ii) consist of only the information
2 necessary to correct the materially false in-
3 formation that has been or is being commu-
4 nicated; and

5 (iii) to the extent practicable, be by a
6 means that the Attorney General determines
7 will reach the persons to whom the materi-
8 ally false information has been or is being
9 communicated; and

10 (B) shall not be designed to favor or dis-
11 favor any particular candidate, organization, or
12 political party.

13 (b) WRITTEN PROCEDURES AND STANDARDS FOR TAK-
14 ING CORRECTIVE ACTION.—

15 (1) IN GENERAL.—Not later than 180 days after
16 the date of enactment of this Act, the Attorney Gen-
17 eral shall publish written procedures and standards
18 for determining when and how corrective action will
19 be taken under this section.

20 (2) INCLUSION OF APPROPRIATE DEADLINES.—
21 The procedures and standards under paragraph (1)
22 shall include appropriate deadlines, based in part on
23 the number of days remaining before the upcoming
24 election.

1 (3) *CONSULTATION.*—*In developing the proce-*
2 *dures and standards under paragraph (1), the Attor-*
3 *ney General shall consult with the Election Assistance*
4 *Commission, State and local election officials, civil*
5 *rights organizations, voting rights groups, voter pro-*
6 *tection groups, and other interested community orga-*
7 *nizations.*

8 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
9 *authorized to be appropriated to the Attorney General such*
10 *sums as may be necessary to carry out this subtitle.*

11 **SEC. 3204. REPORTS TO CONGRESS.**

12 (a) *IN GENERAL.*—*Not later than 180 days after each*
13 *general election for Federal office, the Attorney General*
14 *shall submit to Congress a report compiling all allegations*
15 *received by the Attorney General of deceptive practices de-*
16 *scribed in paragraphs (2), (3), and (4) of section 2004(b)*
17 *of the Revised Statutes (52 U.S.C. 10101(b)), as added by*
18 *section 3202(a), relating to the general election for Federal*
19 *office and any primary, runoff, or a special election for*
20 *Federal office held in the 2 years preceding the general elec-*
21 *tion.*

22 (b) *CONTENTS.*—

23 (1) *IN GENERAL.*—*Each report submitted under*
24 *subsection (a) shall include—*

1 (A) a description of each allegation of a de-
2 ceptive practice described in subsection (a), in-
3 cluding the geographic location, racial and eth-
4 nic composition, and language minority-group
5 membership of the persons toward whom the al-
6 leged deceptive practice was directed;

7 (B) the status of the investigation of each
8 allegation described in subparagraph (A);

9 (C) a description of each corrective action
10 taken by the Attorney General under section 4(a)
11 in response to an allegation described in sub-
12 paragraph (A);

13 (D) a description of each referral of an alle-
14 gation described in subparagraph (A) to other
15 Federal, State, or local agencies;

16 (E) to the extent information is available, a
17 description of any civil action instituted under
18 section 2004(c)(2) of the Revised Statutes (52
19 U.S.C. 10101(c)(2)), as added by section 3202(b),
20 in connection with an allegation described in
21 subparagraph (A); and

22 (F) a description of any criminal prosecu-
23 tion instituted under section 594 of title 18,
24 United States Code, as amended by section
25 3202(c), in connection with the receipt of an al-

1 *legation described in subparagraph (A) by the*
2 *Attorney General.*

3 (2) *EXCLUSION OF CERTAIN INFORMATION.—*

4 (A) *IN GENERAL.—The Attorney General*
5 *shall not include in a report submitted under*
6 *subsection (a) any information protected from*
7 *disclosure by rule 6(e) of the Federal Rules of*
8 *Criminal Procedure or any Federal criminal*
9 *statute.*

10 (B) *EXCLUSION OF CERTAIN OTHER INFOR-*
11 *MATION.—The Attorney General may determine*
12 *that the following information shall not be in-*
13 *cluded in a report submitted under subsection*
14 *(a):*

15 (i) *Any information that is privileged.*

16 (ii) *Any information concerning an*
17 *ongoing investigation.*

18 (iii) *Any information concerning a*
19 *criminal or civil proceeding conducted*
20 *under seal.*

21 (iv) *Any other nonpublic information*
22 *that the Attorney General determines the*
23 *disclosure of which could reasonably be ex-*
24 *pected to infringe on the rights of any indi-*

1 *vidual or adversely affect the integrity of a*
2 *pending or future criminal investigation.*

3 *(c) REPORT MADE PUBLIC.—On the date that the At-*
4 *torney General submits the report under subsection (a), the*
5 *Attorney General shall also make the report publicly avail-*
6 *able through the internet and other appropriate means.*

7 **SEC. 3205. PRIVATE RIGHTS OF ACTION BY ELECTION OFFI-**
8 **CIALS.**

9 *Subsection (c)(2) of section 2004 of the Revised Stat-*
10 *utes (52 U.S.C. 10101(b)), as added by section 3202(b), is*
11 *amended—*

12 *(1) by striking “Any person” and inserting the*
13 *following:*

14 *“(A) IN GENERAL.—Any person”; and*

15 *(2) by adding at the end the following new sub-*
16 *paragraph:*

17 *“(B) INTIMIDATION, ETC.—*

18 *“(i) IN GENERAL.—A person aggrieved*
19 *by a violation of subsection (b)(1) shall in-*
20 *clude, without limitation, an officer respon-*
21 *sible for maintaining order and preventing*
22 *intimidation, threats, or coercion in or*
23 *around a location at which voters may cast*
24 *their votes. .*

1 “(ii) *CORRECTIVE ACTION.*—*If the At-*
2 *torney General receives a credible report*
3 *that conduct that violates or would be rea-*
4 *sonably likely to violate subsection (b)(1)*
5 *has occurred or is likely to occur, and if the*
6 *Attorney General determines that State and*
7 *local officials have not taken adequate steps*
8 *to promptly communicate that such conduct*
9 *would violate subsection (b)(1) or applicable*
10 *State or local laws, Attorney General shall*
11 *communicate to the public, by any means,*
12 *including by means of written, electronic, or*
13 *telephonic communications, accurate infor-*
14 *mation designed to convey the unlawfulness*
15 *of proscribed conduct under subsection*
16 *(b)(1) and the responsibilities of and re-*
17 *sources available to State and local officials*
18 *to prevent or correct such violations.”.*

19 **SEC. 3206. MAKING INTIMIDATION OF TABULATION, CAN-**
20 **VASS, AND CERTIFICATION EFFORTS A**
21 **CRIME.**

22 *Section 12(1) of the National Voter Registration Act*
23 *(52 U.S.C. 20511) is amended—*

24 *(1) in subparagraph (B), by striking “or” at the*
25 *end; and*

1 (2) *by adding at the end the following new sub-*
2 *paragraph:*

3 “(D) *processing or scanning ballots, or tab-*
4 *ulating, canvassing, or certifying voting results;*
5 *or”.*

6 ***Subtitle D—Protection of Election***
7 ***Records & Election Infrastructure***

8 ***SEC. 3301. STRENGTHEN PROTECTIONS FOR FEDERAL***
9 ***ELECTION RECORDS.***

10 (a) *FINDING OF CONSTITUTIONAL AUTHORITY.—Con-*
11 *gress finds as follows:*

12 (1) *Congress has explicit and broad authority to*
13 *regulate the time, place, and manner of Federal elec-*
14 *tions under the Elections Clause under article I, sec-*
15 *tion 4, clause 1 of the Constitution, including by es-*
16 *tablishing standards for the fair, impartial, and uni-*
17 *form administration of Federal elections by State and*
18 *local officials.*

19 (2) *The Elections Clause grants Congress “ple-*
20 *nary and paramount jurisdiction over the whole sub-*
21 *ject” of Federal elections, Ex parte Siebold, 100 U.S.*
22 *371, 388 (1879), allowing Congress to implement “a*
23 *complete code for congressional elections.” Smiley v.*
24 *Holm, 285 U.S. 355, 366 (1932).*

1 (3) *The fair and impartial administration of*
2 *Federal elections by State and local officials is central*
3 *to “the successful working of this government”, Ex*
4 *parte Yarbrough, 110 U.S. 651, 666 (1884), and to*
5 *“protect the act of voting . . . and the election itself*
6 *from corruption or fraud”, id. at 661–62.*

7 (4) *The Elections Clause thus grants Congress*
8 *the authority to strengthen the protections for Federal*
9 *election records.*

10 (5) *Congress has intervened in the electoral proc-*
11 *ess to protect the health and legitimacy of federal elec-*
12 *tions, including for example, Congress’ enactment of*
13 *the Help America Vote Act of 2002 as a response to*
14 *several issues that occurred during the 2000 Presi-*
15 *dential election. See “The Elections Clause: Constitu-*
16 *tional Interpretation and Congressional Exercise”,*
17 *Hearing Before Comm. on House Administration,*
18 *117th Cong. (2021), written testimony of Vice Dean*
19 *Franita Tolson at 3.*

20 (b) *STRENGTHENING OF PROTECTIONS.—Section 301*
21 *of the Civil Rights Act of 1960 (52 U.S.C. 20701) is amend-*
22 *ed—*

23 (1) *by striking “Every officer” and inserting the*
24 *following:*

25 “*(a) IN GENERAL.—Every officer”;*

1 (2) by striking “records and papers” and insert-
2 ing “records (including electronic records), papers,
3 and election equipment” each place the term appears;

4 (3) by striking “record or paper” and inserting
5 “record (including electronic record), paper, or elec-
6 tion equipment”;

7 (4) by inserting “(but only under the direct ad-
8 ministrative supervision of an election officer). Not-
9 withstanding any other provision of this section, the
10 paper record of a voter’s cast ballot shall remain the
11 official record of the cast ballot for purposes of this
12 title” after “upon such custodian”;

13 (5) by inserting “, or acts in reckless disregard
14 of,” after “fails to comply with”; and

15 (6) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) *ELECTION EQUIPMENT.*—The requirement in sub-
18 section (a) to preserve election equipment shall not be con-
19 strued to prevent the reuse of such equipment in any elec-
20 tion that takes place within twenty-two months of a Federal
21 election described in subsection (a), provided that all elec-
22 tronic records, files, and data from such equipment related
23 to such Federal election are retained and preserved.

24 “(c) *GUIDANCE.*—Not later than 1 year after the date
25 of enactment of this subsection, the Director of the Cyberse-

1 *curity and Infrastructure Security Agency of the Depart-*
2 *ment of Homeland Security, in consultation with the Elec-*
3 *tion Assistance Commission and the Attorney General, shall*
4 *issue guidance regarding compliance with subsections (a)*
5 *and (b), including minimum standards and best practices*
6 *for retaining and preserving records and papers in compli-*
7 *ance with subsection (a). Such guidance shall also include*
8 *protocols for enabling the observation of the preservation,*
9 *security, and transfer of records and papers described in*
10 *subsection (a) by the Attorney General and by a representa-*
11 *tive of each party, as defined by the Attorney General.”.*

12 *(c) PROTECTING THE INTEGRITY OF PAPER BALLOTS*
13 *IN FEDERAL ELECTIONS.—*

14 *(1) PROTOCOLS AND CONDITIONS FOR INSPEC-*
15 *TION OF BALLOTS.—Not later than 60 days after the*
16 *date of the enactment of this Act, the Attorney Gen-*
17 *eral, in consultation with the Director of the Cyberse-*
18 *curity and Infrastructure Security Agency of the De-*
19 *partment of Homeland Security and the Election As-*
20 *sistance Commission, shall promulgate regulations es-*
21 *tablishing the election security protocols and condi-*
22 *tions, including appropriate chain of custody and*
23 *proper preservation practices, which will apply to the*
24 *inspection of the paper ballots which are required to*

1 *be retained and preserved under section 301 of the*
2 *Civil Rights Act of 1960 (52 U.S.C. 20701).*

3 (2) *CAUSE OF ACTION FOR INJUNCTIVE AND DE-*
4 *CLARATORY RELIEF.—The Attorney General may*
5 *bring an action in an appropriate district court of*
6 *the United States for such declaratory or injunctive*
7 *relief as may be necessary to ensure compliance with*
8 *the regulations promulgated under subsection (a).*

9 **SEC. 3302. PENALTIES; INSPECTION; NONDISCLOSURE; JU-**
10 **RISDICTION.**

11 (a) *EXPANSION OF SCOPE OF PENALTIES FOR INTER-*
12 *REFERENCE.—Section 302 of the Civil Rights Act of 1960 (52*
13 *U.S.C. 20702) is amended—*

14 (1) *by inserting “, or whose reckless disregard of*
15 *section 301 results in the theft, destruction, conceal-*
16 *ment, mutilation, or alteration of,” after “or alters”;*
17 *and*

18 (2) *by striking “record or paper” and inserting*
19 *“record (including electronic record), paper, or elec-*
20 *tion equipment”.*

21 (b) *INSPECTION, REPRODUCTION, AND COPYING.—Sec-*
22 *tion 303 of such Act (52 U.S.C. 20703) is amended by strik-*
23 *ing “record or paper” each place it appears and inserting*
24 *“record (including electronic record), paper, or election*
25 *equipment”.*

1 (c) *NONDISCLOSURE.*—Section 304 of such Act (52
2 U.S.C. 20704) is amended by striking “record or paper”
3 and inserting “record (including electronic record), paper,
4 or election equipment”.

5 (d) *JURISDICTION TO COMPEL PRODUCTION.*—Section
6 305 of such Act (52 U.S.C. 20705) is amended by striking
7 “record or paper” each place it appears and inserting
8 “record (including electronic record), paper, or election
9 equipment”.

10 **SEC. 3303. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

11 Title III of the Civil Rights Act of 1960 (52 U.S.C.
12 20701 et seq.) is amended by adding at the end the fol-
13 lowing:

14 **“SEC. 307. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

15 “(a) *CAUSE OF ACTION.*—The Attorney General, a rep-
16 resentative of the Attorney General, or a candidate in a
17 Federal election described in section 301 may bring an ac-
18 tion in the district court of the United States for the judi-
19 cial district in which a record or paper is located, or in
20 the United States District Court for the District of Colum-
21 bia, to compel compliance with the requirements of section
22 301.

23 “(b) *DUTY TO EXPEDITE.*—It shall be the duty of the
24 court to advance on the docket, and to expedite to the great-

1 *est possible extent the disposition of, the action and any*
2 *appeal under this section.”.*

3 ***Subtitle E—Judicial Protection of***
4 ***the Right to Vote and Non-par-***
5 ***tisan Vote Tabulation***

6 ***PART 1—RIGHT TO VOTE ACT***

7 ***SEC. 3401. SHORT TITLE.***

8 *This part may be cited as the “Right to Vote Act”.*

9 ***SEC. 3402. UNDUE BURDENS ON THE ABILITY TO VOTE IN***
10 ***ELECTIONS FOR FEDERAL OFFICE PROHIB-***
11 ***ITED.***

12 *(a) IN GENERAL.—Every citizen of legal voting age*
13 *shall have the right to vote and have one’s vote counted in*
14 *elections for Federal office free from any burden on the time,*
15 *place, or manner of voting, as set forth in subsections (b)*
16 *and (c).*

17 *(b) RETROGRESSION.—A government may not dimin-*
18 *ish the ability to vote or to have one’s vote counted in an*
19 *election for Federal office unless the law, rule, standard,*
20 *practice, procedure, or other governmental action causing*
21 *the diminishment is the least restrictive means of signifi-*
22 *cantly furthering an important, particularized government*
23 *interest.*

24 *(c) SUBSTANTIAL IMPAIRMENT.—*

1 (1) *IN GENERAL.*—A government may not sub-
2 stantially impair the ability of an individual to vote
3 or to have one’s vote counted in an election for Fed-
4 eral office unless the law, rule, standard, practice,
5 procedure, or other governmental action causing the
6 impairment significantly furthers an important, par-
7 ticularized governmental interest.

8 (2) *SUBSTANTIAL IMPAIRMENT.*—For purposes of
9 this section, a substantial impairment is a non-triv-
10 ial impairment that makes it more difficult to vote or
11 to have one’s vote counted than if the law, rule, stand-
12 ard, practice, procedure, or other governmental action
13 had not been adopted or implemented. An impair-
14 ment may be substantial even if the voter or other
15 similarly situated voters are able to vote or to have
16 one’s vote counted notwithstanding the impairment.

17 **SEC. 3403. JUDICIAL REVIEW.**

18 (a) *CIVIL ACTION.*—An action challenging a violation
19 of this part may be brought by any aggrieved person or
20 the Attorney General in the district court for the District
21 of Columbia, or the district court for the district in which
22 the violation took place or where any defendant resides or
23 does business, at the selection of the plaintiff, to obtain all
24 appropriate relief, whether declaratory or injunctive, or fa-

1 *cial or as-applied. Process may be served in any district*
2 *where a defendant resides, does business, or may be found.*

3 (b) *STANDARDS TO BE APPLIED.—A courts adjudi-*
4 *cating an action brought under this part shall apply the*
5 *following standards:*

6 (1) *RETROGRESSION.—*

7 (A) *A plaintiff establishes a prima facie*
8 *case of retrogression by demonstrating by a pre-*
9 *ponderance of the evidence that a rule, standard,*
10 *practice, procedure, or other governmental action*
11 *diminishes the ability, or otherwise makes it*
12 *more difficult, to vote, or have one's vote counted.*

13 (B) *If a plaintiff establishes a prima facie*
14 *case as described in subparagraph (A), the gov-*
15 *ernment shall be provided an opportunity to*
16 *demonstrate by clear and convincing evidence*
17 *that the diminishment is necessary to signifi-*
18 *cantly further an important, particularized gov-*
19 *ernmental interest.*

20 (C) *If the government meets its burden*
21 *under subparagraph (B), the challenged rule,*
22 *standard, practice, procedure, or other govern-*
23 *mental action shall nonetheless be deemed in-*
24 *valid if the plaintiff demonstrates by a prepon-*
25 *derance of the evidence that the government could*

1 *adopt or implement a less-restrictive means of*
2 *furthering the particularized important govern-*
3 *mental interest.*

4 (2) *SUBSTANTIAL IMPAIRMENT.*—

5 (A) *A plaintiff establishes a prima facie*
6 *case of substantial impairment by demonstrating*
7 *by a preponderance of the evidence that a rule,*
8 *standard, practice, procedure, or other govern-*
9 *mental action is a non-trivial impairment of the*
10 *ability to vote or to have one’s vote counted.*

11 (B) *If a plaintiff establishes a prima facie*
12 *case as described in subparagraph (A), the gov-*
13 *ernment shall be provided an opportunity to*
14 *demonstrate by clear and convincing evidence*
15 *that the impairment significantly furthers an*
16 *important, particularized governmental interest.*

17 (c) *DUTY TO EXPEDITE.*—*It shall be the duty of the*
18 *court to advance on the docket and to expedite to the great-*
19 *est reasonable extent the disposition of the action and ap-*
20 *peal under this section.*

21 (d) *ATTORNEY’S FEES.*—*Section 722(b) of the Revised*
22 *Statutes (42 U.S.C. 1988(b)) is amended—*

23 (1) *by striking “or section 40302” and inserting*
24 *“section 40302”; and*

1 (2) by striking “, the court” and inserting “, or
2 section 3402(a) of the Freedom to Vote Act, the
3 court”.

4 **SEC. 3404. DEFINITIONS.**

5 *In this part—*

6 (1) the term “covered entity” means the District
7 of Columbia, the Commonwealth of Puerto Rico,
8 Guam, American Samoa, the United States Virgin Is-
9 lands, and the Commonwealth of the Northern Mar-
10 iana Islands;

11 (2) the terms “election” and “Federal office”
12 have the meanings given such terms in section 301 of
13 the Federal Election Campaign Act of 1971 (52
14 U.S.C. 30101);

15 (3) the term “have one’s vote counted” means all
16 actions necessary to have a vote included in the ap-
17 propriate totals of votes cast with respect to can-
18 didates for public office for which votes are received
19 in an election and reflected in the certified vote totals
20 by any government responsible for tallying or certi-
21 fying the results of elections for Federal office;

22 (4) the term “government” includes a branch, de-
23 partment, agency, instrumentality, and official (or
24 other person acting under color of law) of the United
25 States, of any State, of any covered entity, or of any

1 *political subdivision of any State or covered entity;*
2 *and*

3 (5) *the term “vote” means all actions necessary*
4 *to make a vote effective, including registration or*
5 *other action required by law as a prerequisite to vot-*
6 *ing, casting a ballot.*

7 **SEC. 3405. RULES OF CONSTRUCTION.**

8 (a) *BURDENS NOT AUTHORIZED.*—*Nothing in this*
9 *part may be construed to authorize a government to burden*
10 *the right to vote in elections for Federal office.*

11 (b) *OTHER RIGHTS AND REMEDIES.*—*Nothing in this*
12 *part shall be construed to alter any rights existing under*
13 *a State constitution or the Constitution of the United*
14 *States, or to limit any remedies for any other violations*
15 *of Federal, State, or local law.*

16 (c) *OTHER PROVISIONS OF THIS ACT.*—*Nothing in*
17 *this subtitle shall be construed as affecting section 1703 of*
18 *this Act (relating to rights of citizens).*

19 (d) *OTHER DEFINITIONS.*—*The definitions set forth in*
20 *section 3404 shall apply only to this part and shall not*
21 *be construed to amend or interpret any other provision of*
22 *law.*

23 **SEC. 3406. SEVERABILITY.**

24 *If any provision of this part or the application of such*
25 *provision to any citizen or circumstance is held to be un-*

1 *constitutional, the remainder of this part and the applica-*
2 *tion of the provisions of such to any citizen or circumstance*
3 *shall not be affected thereby.*

4 **SEC. 3407. EFFECTIVE DATE.**

5 *(a) ACTIONS BROUGHT FOR RETROGRESSION.—Sub-*
6 *section (b) of section 3402 shall apply to any law, rule,*
7 *standard, practice, procedure, or other governmental action*
8 *that was not in effect during the November 2020 general*
9 *election for Federal office but that will be in effect with re-*
10 *spect to elections for Federal office occurring on or after*
11 *January 1, 2022, even if such law, rule, standard, practice,*
12 *procedure, or other governmental action is already in effect*
13 *as of the date of the enactment of this Act.*

14 *(b) ACTIONS BROUGHT FOR SUBSTANTIAL IMPAIR-*
15 *MENT.—Subsection (c) of section 3402 shall apply to any*
16 *law, rule, standard, practice, procedure, or other govern-*
17 *mental action in effect with respect to elections for Federal*
18 *office occurring on or after January 1, 2022.*

19 **PART 2—CLARIFYING JURISDICTION OVER**
20 **ELECTION DISPUTES**

21 **SEC. 3411. FINDINGS.**

22 *In addition to providing for the statutory rights de-*
23 *scribed in sections part 1, including judicial review under*
24 *section 3403, Congress makes the following findings regard-*

1 *ing enforcement of constitutional provisions protecting the*
2 *right to vote:*

3 (1) *It is a priority of Congress to ensure that*
4 *pending and future disputes arising under the Fif-*
5 *teenth Amendment or any other constitutional provi-*
6 *sions protecting the right to vote may be heard in fed-*
7 *eral court.*

8 (2) *The Fifth Circuit has misconstrued section*
9 *1344 of title 28, United States Code, to deprive Fed-*
10 *eral courts of subject matter jurisdiction in certain*
11 *classes of cases that implicate voters' constitutional*
12 *rights, see, e.g., Keyes v. Gunn, 890 F.3d 232 (5th*
13 *Cir. 2018), cert. denied, 139 S. Ct. 434 (2018); John-*
14 *son v. Stevenson, 170 F.2d 108 (5th Cir. 1948).*

15 (3) *Section 1344 of such title is also superfluous*
16 *in light of other broad grants of Federal jurisdiction.*
17 *See, e.g., section 1331, section 1343(a)(3), and section*
18 *1343(a)(4) of title 28, United States Code.*

19 (4) *Congress therefore finds that a repeal of sec-*
20 *tion 1344 is appropriate and that such repeal will*
21 *ensure that Federal courts nationwide are empowered*
22 *to enforce voters' constitutional rights in federal elec-*
23 *tions and state legislative elections.*

1 **SEC. 3412. CLARIFYING AUTHORITY OF UNITED STATES DIS-**
2 **TRICT COURTS TO HEAR CASES.**

3 (a) *IN GENERAL.*—Section 1344 of title 28, United
4 States Code, is repealed.

5 (b) *CONTINUING AUTHORITY OF COURTS TO HEAR*
6 *CASES UNDER OTHER EXISTING AUTHORITY.*—Nothing in
7 this part may be construed to affect the authority of district
8 courts of the United States to exercise jurisdiction pursuant
9 to existing provisions of law, including sections 1331,
10 1343(a)(3), and 1343(a)(4) of title 28, United States Code,
11 in any cases arising under the Constitution, laws, or trea-
12 ties of the United States concerning the administration,
13 conduct, or results of an election for Federal office or state
14 legislative office.

15 (c) *CLERICAL AMENDMENT.*—The table of sections for
16 chapter 85 of title 28, United States Code, is amended by
17 striking the item relating to section 1344.

18 **SEC. 3413. EFFECTIVE DATE.**

19 *This part and the amendments made by this part shall*
20 *apply to actions brought on or after the date of the enact-*
21 *ment of this Act and to actions brought before the date of*
22 *enactment of this Act which are pending as of such date.*

1 **Subtitle F—Poll Worker**
2 **Recruitment and Training**

3 **SEC. 3501. GRANTS TO STATES FOR POLL WORKER RE-**
4 **CRUITMENT AND TRAINING.**

5 (a) *GRANTS BY ELECTION ASSISTANCE COMMIS-*
6 *SION.—*

7 (1) *IN GENERAL.—The Election Assistance Com-*
8 *mission (hereafter referred to as the “Commission”)*
9 *shall, subject to the availability of appropriations*
10 *provided to carry out this section, make a grant to*
11 *each eligible State for recruiting and training indi-*
12 *viduals to serve as poll workers on dates of elections*
13 *for public office.*

14 (2) *USE OF COMMISSION MATERIALS.—In car-*
15 *rying out activities with a grant provided under this*
16 *section, the recipient of the grant shall use the man-*
17 *ual prepared by the Commission on successful prac-*
18 *tices for poll worker recruiting, training, and reten-*
19 *tion as an interactive training tool, and shall develop*
20 *training programs with the participation and input*
21 *of experts in adult learning.*

22 (3) *ACCESS AND CULTURAL CONSIDERATIONS.—*
23 *The Commission shall ensure that the manual de-*
24 *scribed in paragraph (2) provides training in meth-*
25 *ods that will enable poll workers to provide access and*

1 *delivery of services in a culturally competent manner*
2 *to all voters who use their services, including those*
3 *with limited English proficiency, diverse cultural and*
4 *ethnic backgrounds, disabilities, and regardless of gen-*
5 *der, sexual orientation, or gender identity. These*
6 *methods must ensure that each voter will have access*
7 *to poll worker services that are delivered in a manner*
8 *that meets the unique needs of the voter.*

9 *(b) REQUIREMENTS FOR ELIGIBILITY.—*

10 *(1) APPLICATION.—Each State that desires to re-*
11 *ceive a payment under this section shall submit an*
12 *application for the payment to the Commission at*
13 *such time and in such manner and containing such*
14 *information as the Commission shall require.*

15 *(2) CONTENTS OF APPLICATION.—Each applica-*
16 *tion submitted under paragraph (1) shall—*

17 *(A) describe the activities for which assist-*
18 *ance under this section is sought;*

19 *(B) provide assurances that the funds pro-*
20 *vided under this section will be used to supple-*
21 *ment and not supplant other funds used to carry*
22 *out the activities;*

23 *(C) provide assurances that the State will*
24 *furnish the Commission with information on the*
25 *number of individuals who served as poll workers*

1 *after recruitment and training with the funds*
2 *provided under this section;*

3 *(D) provide assurances that the State will*
4 *dedicate poll worker recruitment efforts with re-*
5 *spect to—*

6 *(i) youth and minors, including by re-*
7 *cruiting at institutions of higher education*
8 *and secondary education; and*

9 *(ii) diversity, including with respect to*
10 *race, ethnicity, and disability; and*

11 *(E) provide such additional information*
12 *and certifications as the Commission determines*
13 *to be essential to ensure compliance with the re-*
14 *quirements of this section.*

15 *(c) AMOUNT OF GRANT.—*

16 *(1) IN GENERAL.—The amount of a grant made*
17 *to a State under this section shall be equal to the*
18 *product of—*

19 *(A) the aggregate amount made available*
20 *for grants to States under this section; and*

21 *(B) the voting age population percentage for*
22 *the State.*

23 *(2) VOTING AGE POPULATION PERCENTAGE DE-*
24 *FINED.—In paragraph (1), the “voting age popu-*
25 *lation percentage” for a State is the quotient of—*

1 (A) *the voting age population of the State*
2 *(as determined on the basis of the most recent in-*
3 *formation available from the Bureau of the Cen-*
4 *sus); and*

5 (B) *the total voting age population of all*
6 *States (as determined on the basis of the most re-*
7 *cent information available from the Bureau of*
8 *the Census).*

9 (d) *REPORTS TO CONGRESS.—*

10 (1) *REPORTS BY RECIPIENTS OF GRANTS.—Not*
11 *later than 6 months after the date on which the final*
12 *grant is made under this section, each recipient of a*
13 *grant shall submit a report to the Commission on the*
14 *activities conducted with the funds provided by the*
15 *grant.*

16 (2) *REPORTS BY COMMISSION.—Not later than 1*
17 *year after the date on which the final grant is made*
18 *under this section, the Commission shall submit a re-*
19 *port to Congress on the grants made under this sec-*
20 *tion and the activities carried out by recipients with*
21 *the grants, and shall include in the report such rec-*
22 *ommendations as the Commission considers appro-*
23 *priate.*

24 (e) *FUNDING.—*

1 (1) *CONTINUING AVAILABILITY OF AMOUNT AP-*
 2 *PROPRIATED.—Any amount appropriated to carry*
 3 *out this section shall remain available without fiscal*
 4 *year limitation until expended.*

5 (2) *ADMINISTRATIVE EXPENSES.—Of the amount*
 6 *appropriated for any fiscal year to carry out this sec-*
 7 *tion, not more than 3 percent shall be available for*
 8 *administrative expenses of the Commission.*

9 **SEC. 3502. STATE DEFINED.**

10 *In this subtitle, the term “State” includes the District*
 11 *of Columbia, the Commonwealth of Puerto Rico, Guam,*
 12 *American Samoa, the United States Virgin Islands, and*
 13 *the Commonwealth of the Northern Mariana Islands.*

14 ***Subtitle G—Preventing Poll***
 15 ***Observer Interference***

16 **SEC. 3601. PROTECTIONS FOR VOTERS ON ELECTION DAY.**

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 *is amended by inserting after section 303 the following new*
 20 *section:*

21 **“SEC. 303A. VOTER PROTECTION REQUIREMENTS.**

22 **“(a) REQUIREMENTS FOR CHALLENGES BY PERSONS**
 23 **OTHER THAN ELECTION OFFICIALS.—**

24 **“(1) REQUIREMENTS FOR CHALLENGES.—No**
 25 **person, other than a State or local election official,**

1 *shall submit a formal challenge to an individual’s eli-*
2 *gibility to register to vote in an election for Federal*
3 *office or to vote in an election for Federal office unless*
4 *that challenge is supported by personal knowledge*
5 *with respect to each individual challenged regarding*
6 *the grounds for ineligibility which is—*

7 “(A) *documented in writing; and*

8 “(B) *subject to an oath or attestation under*
9 *penalty of perjury that the challenger has a good*
10 *faith factual basis to believe that the individual*
11 *who is the subject of the challenge is ineligible to*
12 *register to vote or vote in that election, except a*
13 *challenge which is based on the race, ethnicity,*
14 *or national origin of the individual who is the*
15 *subject of the challenge may not be considered to*
16 *have a good faith factual basis for purposes of*
17 *this paragraph.*

18 “(2) *PROHIBITION ON CHALLENGES ON OR NEAR*
19 *DATE OF ELECTION.—No person, other than a State*
20 *or local election official, shall be permitted—*

21 “(A) *to challenge an individual’s eligibility*
22 *to vote in an election for Federal office on the*
23 *date of the election on grounds that could have*
24 *been made in advance of such date, or*

1 “(B) to challenge an individual’s eligibility
2 to register to vote in an election for Federal of-
3 fice or to vote in an election for Federal office
4 less than 10 days before the election unless the
5 individual registered to vote less than 20 days
6 before the election.

7 “(b) *BUFFER RULE*.—

8 “(1) *IN GENERAL*.—A person who is serving as
9 a poll observer with respect to an election for Federal
10 office may not come within 8 feet of—

11 “(A) a voter or ballot at a polling location
12 during any period of voting (including any pe-
13 riod of early voting) in such election; or

14 “(B) a ballot at any time during which the
15 processing, scanning, tabulating, canvassing, or
16 certifying voting results is occurring.

17 “(2) *RULE OF CONSTRUCTION*.—Nothing in
18 paragraph (1) may be construed to limit the ability
19 of a State or local election official to require poll ob-
20 servers to maintain a distance greater than 8 feet.

21 “(c) *EFFECTIVE DATE*.—This section shall apply with
22 respect to elections for Federal office occurring on and after
23 January 1, 2022.”.

24 (b) *CONFORMING AMENDMENT RELATING TO VOL-*
25 *UNTARY GUIDANCE*.—Section 321(b)(4) of such Act (52

1 *U.S.C. 21101(b)*), as added and redesignated by section
2 *1101(b)* and as amended by sections *1102, 1103, 1104, and*
3 *1303*, is amended by striking “and *313*” and inserting
4 “*313, and 303A*”.

5 (c) *CLERICAL AMENDMENT*.—*The table of contents of*
6 *such Act is amended by inserting after the item relating*
7 *to section 303 the following:*

“*Sec. 303A. Voter protection requirements.*”.

8 ***Subtitle H—Preventing Restrictions***
9 ***on Food and Beverages***

10 ***SEC. 3701. SHORT TITLE; FINDINGS.***

11 (a) *SHORT TITLE*.—*This subtitle may be cited as the*
12 *“Voters’ Access to Water Act”.*

13 (b) *FINDINGS*.—*Congress finds the following:*

14 (1) *States have a legitimate interest in prohib-*
15 *iting electioneering at or near polling places, and*
16 *each State has some form of restriction on political*
17 *activities near polling places when voting is taking*
18 *place.*

19 (2) *In recent elections, voters have waited in un-*
20 *acceptably long lines to cast their ballot. During the*
21 *2018 midterm election, more than 3,000,000 voters*
22 *were made to wait longer than the acceptable thresh-*
23 *old for wait times set by the Presidential Commission*
24 *on Election Administration, including many well-*
25 *documented cases where voters were made to wait for*

1 *several hours. A disproportionate number of those who*
2 *had to wait long periods were Black or Latino voters,*
3 *who were more likely than White voters to wait in the*
4 *longest lines on Election Day.*

5 *(3) Allowing volunteers to donate food and water*
6 *to all people waiting in line at a polling place, re-*
7 *gardless of the voters' political preference and without*
8 *engaging in electioneering activities or partisan advoca-*
9 *cacy, helps ensure Americans who face long lines at*
10 *their polling place can still exercise their Constitu-*
11 *tional right to vote, without risk of dehydration, in-*
12 *adequate food, discomfort, and risks to health.*

13 **SEC. 3702. PROHIBITING RESTRICTIONS ON DONATIONS OF**
14 **FOOD AND BEVERAGES AT POLLING STA-**
15 **TIONS.**

16 *(a) REQUIREMENT.—Subtitle A of title III of the Help*
17 *America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as*
18 *amended by section 1031(a), section 1044(a), section*
19 *1101(a), section 1102(a), section 1103(a), section 1104(a),*
20 *section 1201(a), section 1301(a), section 1302(a), section*
21 *1303(b), section 1305(a), section 1606(a)(1), section*
22 *1607(a), and section 1624(a) is amended—*

23 *(1) by redesignating sections 318 and 319 as sec-*
24 *tions 319 and 320, respectively; and*

1 (2) *by inserting after section 317 the following*
2 *new section:*

3 **“SEC. 318. PROHIBITING STATES FROM RESTRICTING DO-**
4 **NATIONS OF FOOD AND BEVERAGES AT POLL-**
5 **ING STATIONS.**

6 “(a) *PROHIBITION.*—*Subject to the exception in sub-*
7 *section (b), a State may not impose any restriction on the*
8 *donation of food and nonalcoholic beverages to persons out-*
9 *side of the entrance to the building where a polling place*
10 *for a Federal election is located, provided that such food*
11 *and nonalcoholic beverages are distributed without regard*
12 *to the electoral participation or political preferences of the*
13 *recipients.*

14 “(b) *EXCEPTION.*—*A State may require persons dis-*
15 *tributing food and nonalcoholic beverages outside the en-*
16 *trance to the building where a polling place for a Federal*
17 *election is located to refrain from political or electioneering*
18 *activity.*

19 “(c) *EFFECTIVE DATE.*—*This section shall apply with*
20 *respect to elections for Federal office occurring on and after*
21 *January 1, 2022.”.*

22 “(b) *VOLUNTARY GUIDANCE.*—*Section 321(b)(4) of such*
23 *Act (52 U.S.C. 21101(b)), as added and redesignated by sec-*
24 *tion 1101(b) and as amended by sections 1102, 1103, 1104,*

1 1303, and 3601(b), is amended by striking “and 303A” and
 2 inserting “303A, and 317”.

3 (c) *CLERICAL AMENDMENTS.*—The table of contents of
 4 such Act, as amended by section 1031(c), section 1044(b),
 5 section 1101(c), section 1102(c), section 1103(a), section
 6 1104(c), section 1201(c), section 1301(a), section 1302(a),
 7 section 1303(b), section 1305(a), section 1606(a)(3), section
 8 1607(b), and section 1624(b) is amended—

9 (1) by redesignating the items relating to sec-
 10 tions 318 and 319 as relating to sections 319 and
 11 320, respectively; and

12 (2) by inserting after the item relating to section
 13 317 the following new item:

“Sec. 318. Prohibiting States from restricting donations of food and beverages at
 polling stations.”.

14 ***Subtitle I—Establishing Duty to Re-***
 15 ***port Foreign Election Inter-***
 16 ***ference***

17 ***SEC. 3801. FINDINGS RELATING TO ILLICIT MONEY UNDER-***
 18 ***MINING OUR DEMOCRACY.***

19 Congress finds the following:

20 (1) *Criminals, terrorists, and corrupt govern-*
 21 *ment officials frequently abuse anonymously held*
 22 *Limited Liability Companies (LLCs), also known as*
 23 *“shell companies,” to hide, move, and launder the*
 24 *dirty money derived from illicit activities such as*

1 *trafficking, bribery, exploitation, and embezzlement.*
2 *Ownership and control of the finances that run*
3 *through shell companies are obscured to regulators*
4 *and law enforcement because little information is re-*
5 *quired and collected when establishing these entities.*

6 (2) *The public release of the “Panama Papers”*
7 *in 2016 and the “Paradise Papers” in 2017 revealed*
8 *that these shell companies often purchase and sell*
9 *United States real estate. United States anti-money*
10 *laundering laws do not apply to cash transactions in-*
11 *volving real estate effectively concealing the bene-*
12 *ficiaries and transactions from regulators and law*
13 *enforcement.*

14 (3) *Since the Supreme Court’s decisions in Citi-*
15 *zens United v. Federal Election Commission, 558*
16 *U.S. 310 (2010), millions of dollars have flowed into*
17 *super PACs through LLCs whose funders are anony-*
18 *mous or intentionally obscured. Criminal investiga-*
19 *tions have uncovered LLCs that were used to hide ille-*
20 *gal campaign contributions from foreign criminal fu-*
21 *gitives, to advance international influence-buying*
22 *schemes, and to conceal contributions from donors*
23 *who were already under investigation for bribery and*
24 *racketeering. Voters have no way to know the true*
25 *sources of the money being routed through these LLCs*

1 *to influence elections, including whether any of the*
2 *funds come from foreign or other illicit sources.*

3 *(4) Congress should curb the use of anonymous*
4 *shell companies for illicit purposes by requiring*
5 *United States companies to disclose their beneficial*
6 *owners, strengthening anti-money laundering and*
7 *counter-terrorism finance laws.*

8 *(5) Congress should examine the money laun-*
9 *dering and terrorist financing risks in the real estate*
10 *market, including the role of anonymous parties, and*
11 *review legislation to address any vulnerabilities iden-*
12 *tified in this sector.*

13 *(6) Congress should examine the methods by*
14 *which corruption flourishes and the means to detect*
15 *and deter the financial misconduct that fuels this*
16 *driver of global instability. Congress should monitor*
17 *government efforts to enforce United States*
18 *anticorruption laws and regulations.*

19 **SEC. 3802. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
20 **CONTACTS.**

21 *(a) INITIAL NOTICE.—*

22 *(1) IN GENERAL.—Section 304 of the Federal*
23 *Election Campaign Act of 1971 (52 U.S.C. 30104) is*
24 *amended by adding at the end the following new sub-*
25 *section:*

1 “(j) *DISCLOSURE OF REPORTABLE FOREIGN CON-*
2 *TACTS.*—

3 “(1) *COMMITTEE OBLIGATION TO NOTIFY.*—*Not*
4 *later than 1 week after a reportable foreign contact,*
5 *each political committee shall notify the Federal Bu-*
6 *reau of Investigation and the Commission of the re-*
7 *portable foreign contact and provide a summary of*
8 *the circumstances with respect to such reportable for-*
9 *foreign contact. The Federal Bureau of Investigation,*
10 *not later than 1 week after receiving a notification*
11 *from a political committee under this paragraph,*
12 *shall submit to the political committee, the Perma-*
13 *nent Select Committee on Intelligence of the House of*
14 *Representatives, and the Select Committee on Intel-*
15 *ligence of the Senate written or electronic confirma-*
16 *tion of receipt of the notification.*

17 “(2) *INDIVIDUAL OBLIGATION TO NOTIFY.*—*Not*
18 *later than 3 days after a reportable foreign contact—*

19 “(A) *each candidate and each immediate*
20 *family member of a candidate shall notify the*
21 *treasurer or other designated official of the prin-*
22 *cipal campaign committee of such candidate of*
23 *the reportable foreign contact and provide a*
24 *summary of the circumstances with respect to*
25 *such reportable foreign contact; and*

1 “(B) each official, employee, or agent of a
2 political committee shall notify the treasurer or
3 other designated official of the committee of the
4 reportable foreign contact and provide a sum-
5 mary of the circumstances with respect to such
6 reportable foreign contact.

7 “(3) *REPORTABLE FOREIGN CONTACT.*—*In this*
8 *subsection:*

9 “(A) *IN GENERAL.*—*The term ‘reportable*
10 *foreign contact’ means any direct or indirect*
11 *contact or communication that—*

12 “(i) *is between—*

13 “(I) *a candidate, an immediate*
14 *family member of the candidate, a po-*
15 *litical committee, or any official, em-*
16 *ployee, or agent of such committee; and*

17 “(II) *an individual that the per-*
18 *son described in subclause (I) knows,*
19 *has reason to know, or reasonably be-*
20 *lieves is a covered foreign national;*
21 *and*

22 “(ii) *the person described in clause*
23 *(i)(I) knows, has reason to know, or reason-*
24 *ably believes involves—*

1 “(I) an offer or other proposal for
2 a contribution, donation, expenditure,
3 disbursement, or solicitation described
4 in section 319; or

5 “(II) direct or indirect coordina-
6 tion or collaboration with, or a direct
7 or indirect offer or provision of infor-
8 mation or services to or from, a cov-
9 ered foreign national in connection
10 with an election.

11 “(B) EXCEPTIONS.—

12 “(i) CONTACTS IN OFFICIAL CAPACITY
13 AS ELECTED OFFICIAL.—The term ‘report-
14 able foreign contact’ shall not include any
15 contact or communication with a covered
16 foreign national by an elected official or an
17 employee of an elected official solely in an
18 official capacity as such an official or em-
19 ployee.

20 “(ii) CONTACTS FOR PURPOSES OF EN-
21 ABLING OBSERVATION OF ELECTIONS BY
22 INTERNATIONAL OBSERVERS.—The term ‘re-
23 portable foreign contact’ shall not include
24 any contact or communication with a cov-
25 ered foreign national by any person which

1 *is made for purposes of enabling the obser-*
2 *vation of elections in the United States by*
3 *a foreign national or the observation of elec-*
4 *tions outside of the United States by a can-*
5 *didate, political committee, or any official,*
6 *employee, or agent of such committee.*

7 “(iii) *EXCEPTIONS NOT APPLICABLE IF*
8 *CONTACTS OR COMMUNICATIONS INVOLVE*
9 *PROHIBITED DISBURSEMENTS.—A contact*
10 *or communication by an elected official or*
11 *an employee of an elected official shall not*
12 *be considered to be made solely in an offi-*
13 *cial capacity for purposes of clause (i), and*
14 *a contact or communication shall not be*
15 *considered to be made for purposes of ena-*
16 *bling the observation of elections for pur-*
17 *poses of clause (ii), if the contact or commu-*
18 *nication involves a contribution, donation,*
19 *expenditure, disbursement, or solicitation*
20 *described in section 319.*

21 “(C) *COVERED FOREIGN NATIONAL DE-*
22 *FINED.—*

23 “(i) *IN GENERAL.—In this paragraph,*
24 *the term ‘covered foreign national’ means—*

1 “(I) a foreign principal (as de-
2 fined in section 1(b) of the Foreign
3 Agents Registration Act of 1938 (22
4 U.S.C. 611(b)) that is a government of
5 a foreign country or a foreign political
6 party;

7 “(II) any person who acts as an
8 agent, representative, employee, or
9 servant, or any person who acts in any
10 other capacity at the order, request, or
11 under the direction or control, of a for-
12 eign principal described in subclause
13 (I) or of a person any of whose activi-
14 ties are directly or indirectly super-
15 vised, directed, controlled, financed, or
16 subsidized in whole or in major part
17 by a foreign principal described in
18 subclause (I); or

19 “(III) any person included in the
20 list of specially designated nationals
21 and blocked persons maintained by the
22 Office of Foreign Assets Control of the
23 Department of the Treasury pursuant
24 to authorities relating to the imposi-
25 tion of sanctions relating to the con-

1 *duct of a foreign principal described in*
2 *subclause (I).*

3 “(ii) *CLARIFICATION REGARDING AP-*
4 *PLICATION TO CITIZENS OF THE UNITED*
5 *STATES.—In the case of a citizen of the*
6 *United States, subclause (II) of clause (i)*
7 *applies only to the extent that the person*
8 *involved acts within the scope of that per-*
9 *son’s status as the agent of a foreign prin-*
10 *cipal described in subclause (I) of clause (i).*

11 “(4) *IMMEDIATE FAMILY MEMBER.—In this sub-*
12 *section, the term ‘immediate family member’ means,*
13 *with respect to a candidate, a parent, parent-in-law,*
14 *spouse, adult child, or sibling.”.*

15 (2) *EFFECTIVE DATE.—The amendment made by*
16 *paragraph (1) shall apply with respect to reportable*
17 *foreign contacts which occur on or after the date of*
18 *the enactment of this Act.*

19 (b) *INFORMATION INCLUDED ON REPORT.—*

20 (1) *IN GENERAL.—Section 304(b) of such Act (52*
21 *U.S.C. 30104(b)) is amended—*

22 (A) *by striking “and” at the end of para-*
23 *graph (7);*

24 (B) *by striking the period at the end of*
25 *paragraph (8) and inserting “; and”; and*

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

3 “(9) for any reportable foreign contact (as de-
4 fined in subsection (j)(3))—

5 “(A) the date, time, and location of the con-
6 tact;

7 “(B) the date and time of when a des-
8 ignated official of the committee was notified of
9 the contact;

10 “(C) the identity of individuals involved;
11 and

12 “(D) a description of the contact, including
13 the nature of any contribution, donation, ex-
14 penditure, disbursement, or solicitation involved
15 and the nature of any activity described in sub-
16 section (j)(3)(A)(ii)(II) involved.”.

17 (2) *EFFECTIVE DATE.*—The amendments made
18 by paragraph (1) shall apply with respect to reports
19 filed on or after the expiration of the 60-day period
20 which begins on the date of the enactment of this Act.

21 **SEC. 3803. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
22 **PORTING COMPLIANCE SYSTEM.**

23 (a) *IN GENERAL.*—Section 302 of the Federal Election
24 Campaign Act of 1971 (52 U.S.C. 30102) is amended by
25 adding at the end the following new subsection:

1 “(j) *REPORTABLE FOREIGN CONTACTS COMPLIANCE*
2 *POLICY.*—

3 “(1) *REPORTING.*—*Each political committee*
4 *shall establish a policy that requires all officials, em-*
5 *ployees, and agents of such committee (and, in the*
6 *case of an authorized committee, the candidate and*
7 *each immediate family member of the candidate) to*
8 *notify the treasurer or other appropriate designated*
9 *official of the committee of any reportable foreign con-*
10 *tact (as defined in section 304(j)) not later than 3*
11 *days after such contact was made.*

12 “(2) *RETENTION AND PRESERVATION OF*
13 *RECORDS.*—*Each political committee shall establish a*
14 *policy that provides for the retention and preserva-*
15 *tion of records and information related to reportable*
16 *foreign contacts (as so defined) for a period of not less*
17 *than 3 years.*

18 “(3) *CERTIFICATION.*—

19 “(A) *IN GENERAL.*—*Upon filing its state-*
20 *ment of organization under section 303(a), and*
21 *with each report filed under section 304(a), the*
22 *treasurer of each political committee (other than*
23 *an authorized committee) shall certify that—*

1 “(i) the committee has in place policies
2 that meet the requirements of paragraphs
3 (1) and (2);

4 “(ii) the committee has designated an
5 official to monitor compliance with such
6 policies; and

7 “(iii) not later than 1 week after the
8 beginning of any formal or informal affili-
9 ation with the committee, all officials, em-
10 ployees, and agents of such committee
11 will—

12 “(I) receive notice of such policies;

13 “(II) be informed of the prohibi-
14 tions under section 319; and

15 “(III) sign a certification affirm-
16 ing their understanding of such poli-
17 cies and prohibitions.

18 “(B) *AUTHORIZED COMMITTEES.*—With re-
19 spect to an authorized committee, the candidate
20 shall make the certification required under sub-
21 paragraph (A).”.

22 (b) *EFFECTIVE DATE.*—

23 (1) *IN GENERAL.*—The amendment made by sub-
24 section (a) shall apply with respect to political com-
25 mittees which file a statement of organization under

1 *section 303(a) of the Federal Election Campaign Act*
2 *of 1971 (52 U.S.C. 30103(a)) on or after the date of*
3 *the enactment of this Act.*

4 (2) *TRANSITION RULE FOR EXISTING COMMIT-*
5 *TEES.—Not later than 30 days after the date of the*
6 *enactment of this Act, each political committee under*
7 *the Federal Election Campaign Act of 1971 shall file*
8 *a certification with the Federal Election Commission*
9 *that the committee is in compliance with the require-*
10 *ments of section 302(j) of such Act (as added by sub-*
11 *section (a)).*

12 **SEC. 3804. CRIMINAL PENALTIES.**

13 *Section 309(d)(1) of the Federal Election Campaign*
14 *Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding*
15 *at the end the following new subparagraphs:*

16 “(E) *Any person who knowingly and willfully commits*
17 *a violation of subsection (j) or (b)(9) of section 304 or sec-*
18 *tion 302(j) shall be fined not more than \$500,000, impris-*
19 *oned not more than 5 years, or both.*

20 “(F) *Any person who knowingly and willfully conceals*
21 *or destroys any materials relating to a reportable foreign*
22 *contact (as defined in section 304(j)) shall be fined not more*
23 *than \$1,000,000, imprisoned not more than 5 years, or*
24 *both.”.*

1 **SEC. 3805. REPORT TO CONGRESSIONAL INTELLIGENCE**
2 **COMMITTEES.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, and annually thereafter, the Direc-
5 tor of the Federal Bureau of Investigation shall submit to
6 the congressional intelligence committees a report relating
7 to notifications received by the Federal Bureau of Investiga-
8 tion under section 304(j)(1) of the Federal Election Cam-
9 paign Act of 1971 (as added by section 4902(a) of this Act).

10 (b) *ELEMENTS.*—Each report under subsection (a)
11 shall include, at a minimum, the following with respect to
12 notifications described in subsection (a):

13 (1) *The number of such notifications received*
14 *from political committees during the year covered by*
15 *the report.*

16 (2) *A description of protocols and procedures de-*
17 *veloped by the Federal Bureau of Investigation relat-*
18 *ing to receipt and maintenance of records relating to*
19 *such notifications.*

20 (3) *With respect to such notifications received*
21 *during the year covered by the report, a description*
22 *of any subsequent actions taken by the Director re-*
23 *sulting from the receipt of such notifications.*

24 (c) *CONGRESSIONAL INTELLIGENCE COMMITTEES DE-*
25 *FINED.*—In this section, the term “congressional intelligence

1 committees” has the meaning given that term in section 3
2 of the National Security Act of 1947 (50 U.S.C. 3003).

3 **SEC. 3806. RULE OF CONSTRUCTION.**

4 *Nothing in this subtitle or the amendments made by*
5 *this subtitle shall be construed—*

6 *(1) to impede legitimate journalistic activities;*

7 *or*

8 *(2) to impose any additional limitation on the*
9 *right to express political views or to participate in*
10 *public discourse of any individual who—*

11 *(A) resides in the United States;*

12 *(B) is not a citizen of the United States or*
13 *a national of the United States, as defined in*
14 *section 101(a)(22) of the Immigration and Na-*
15 *tionality Act (8 U.S.C. 1101(a)(22)); and*

16 *(C) is not lawfully admitted for permanent*
17 *residence, as defined by section 101(a)(20) of the*
18 *Immigration and Nationality Act (8 U.S.C.*
19 *1101(a)(20)).*

1 ***Subtitle J—Promoting Accuracy,***
2 ***Integrity, and Security Through***
3 ***Voter-Verifiable Permanent***
4 ***Paper Ballot***

5 ***SEC. 3901. SHORT TITLE.***

6 *This subtitle may be cited as the “Voter Confidence*
7 *and Increased Accessibility Act of 2021”.*

8 ***SEC. 3902. PAPER BALLOT AND MANUAL COUNTING RE-***
9 ***QUIREMENTS.***

10 *(a) IN GENERAL.—Section 301(a)(2) of the Help*
11 *America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is*
12 *amended to read as follows:*

13 *“(2) PAPER BALLOT REQUIREMENT.—*

14 *“(A) VOTER-VERIFIABLE PAPER BALLOTS.—*

15 *“(i) The voting system shall require the*
16 *use of an individual, durable, voter-*
17 *verifiable paper ballot of the voter’s vote se-*
18 *lections that shall be marked by the voter*
19 *and presented to the voter for verification*
20 *before the voter’s ballot is preserved in ac-*
21 *cordance with subparagraph (B), and which*
22 *shall be counted by hand or other counting*
23 *device or read by a ballot tabulation device.*
24 *For purposes of this subclause, the term ‘in-*
25 *dividual, durable, voter-verifiable paper bal-*

1 *lot' means a paper ballot marked by the*
2 *voter by hand or a paper ballot marked*
3 *through the use of a nontabulating ballot*
4 *marking device or system, so long as the*
5 *voter shall have the option at every in-per-*
6 *son voting location to mark by hand a*
7 *printed ballot that includes all relevant con-*
8 *tests and candidates.*

9 “(ii) *The voting system shall provide*
10 *the voter with an opportunity to correct*
11 *any error on the paper ballot before the per-*
12 *manent voter-verifiable paper ballot is pre-*
13 *served in accordance with subparagraph*
14 *(B).*

15 “(iii) *The voting system shall not pre-*
16 *serve the voter-verifiable paper ballots in*
17 *any manner that makes it possible, at any*
18 *time after the ballot has been cast, to asso-*
19 *ciate a voter with the record of the voter's*
20 *vote selections.*

21 “(iv) *The voting system shall prevent,*
22 *through mechanical means or through inde-*
23 *pendently verified protections, the modifica-*
24 *tion or addition of vote selections on a*
25 *printed or marked ballot at any time after*

1 *the voter has been provided an opportunity*
2 *to correct errors on the ballot pursuant to*
3 *clause (i).*

4 “(B) *PRESERVATION AS OFFICIAL*
5 *RECORD.—The individual, durable, voter-*
6 *verifiable paper ballot used in accordance with*
7 *subparagraph (A) shall constitute the official*
8 *ballot and shall be preserved and used as the offi-*
9 *cial ballot for purposes of any recount or audit*
10 *conducted with respect to any election for Fed-*
11 *eral office in which the voting system is used.*

12 “(C) *MANUAL COUNTING REQUIREMENTS*
13 *FOR RECOUNTS AND AUDITS.—*

14 “(i) *Each paper ballot used pursuant*
15 *to subparagraph (A) shall be suitable for a*
16 *manual audit, and such ballots, or at least*
17 *those ballots the machine could not count,*
18 *shall be counted by hand in any recount or*
19 *audit conducted with respect to any election*
20 *for Federal office.*

21 “(ii) *In the event of any inconsis-*
22 *encies or irregularities between any elec-*
23 *tronic vote tallies and the vote tallies deter-*
24 *mined by counting by hand the individual,*
25 *durable, voter-verifiable paper ballots used*

1 pursuant to subparagraph (A), the indi-
2 vidual, durable, voter-verifiable paper bal-
3 lots shall be the true and correct record of
4 the votes cast.

5 “(D) SENSE OF CONGRESS.—It is the sense
6 of Congress that as innovation occurs in the elec-
7 tion infrastructure sector, Congress should ensure
8 that this Act and other Federal requirements for
9 voting systems are updated to keep pace with
10 best practices and recommendations for security
11 and accessibility.”

12 (b) CONFORMING AMENDMENT CLARIFYING APPLICA-
13 BILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Sec-
14 tion 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is
15 amended by inserting “(including the paper ballots re-
16 quired to be used under paragraph (2))” after “voting sys-
17 tem”.

18 (c) OTHER CONFORMING AMENDMENTS.—Section
19 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
20 ed—

21 (1) in subparagraph (A)(i), by striking “count-
22 ed” and inserting “counted, in accordance with para-
23 graphs (2) and (3)”;

1 (2) in subparagraph (A)(ii), by striking “count-
2 ed” and inserting “counted, in accordance with para-
3 graphs (2) and (3)”;

4 (3) in subparagraph (A)(iii), by striking “count-
5 ed” each place it appears and inserting “counted, in
6 accordance with paragraphs (2) and (3)”;

7 (4) in subparagraph (B)(ii), by striking “count-
8 ed” and inserting “counted, in accordance with para-
9 graphs (2) and (3)”.

10 **SEC. 3903. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
11 **INDIVIDUALS WITH DISABILITIES.**

12 (a) *IN GENERAL.*—Paragraph (3) of section 301(a) of
13 *the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(3))*
14 *is amended to read as follows:*

15 “(3) *ACCESSIBILITY FOR INDIVIDUALS WITH DIS-*
16 *ABILITIES.*—

17 “(A) *IN GENERAL.*—*The voting system*
18 *shall—*

19 “(i) *be accessible for individuals with*
20 *disabilities, including nonvisual accessi-*
21 *bility for the blind and visually impaired,*
22 *in a manner that provides the same oppor-*
23 *tunity for access and participation (includ-*
24 *ing privacy and independence) as for other*
25 *voters;*

1 “(ii)(I) ensure that individuals with
2 disabilities and others are given an equiva-
3 lent opportunity to vote, including with
4 privacy and independence, in a manner
5 that produces a voter-verifiable paper ballot;
6 and

7 “(II) satisfy the requirement of clause
8 (i) through the use at in-person polling lo-
9 cations of a sufficient number (not less than
10 one) of voting systems equipped to serve in-
11 dividuals with and without disabilities, in-
12 cluding nonvisual and enhanced visual ac-
13 cessibility for the blind and visually im-
14 paired, and nonmanual and enhanced man-
15 ual accessibility for the mobility and dex-
16 terity impaired; and

17 “(iii) if purchased with funds made
18 available under title II on or after January
19 1, 2007, meet the voting system standards
20 for disability access (as outlined in this
21 paragraph).

22 “(B) MEANS OF MEETING REQUIRE-
23 MENTS.—A voting system may meet the require-
24 ments of subparagraph (A)(i) and paragraph (2)
25 by—

1 “(i) allowing the voter to privately and
2 independently verify the permanent paper
3 ballot through the presentation, in accessible
4 form, of the printed or marked vote selec-
5 tions from the same printed or marked in-
6 formation that would be used for any vote
7 tabulation or auditing;

8 “(ii) allowing the voter to privately
9 and independently verify and cast the per-
10 manent paper ballot without requiring the
11 voter to manually handle the paper ballot;

12 “(iii) marking ballots that are iden-
13 tical in size, ink, and paper stock to those
14 ballots that would either be marked by hand
15 or be marked by a ballot marking device
16 made generally available to voters; or

17 “(iv) combining ballots produced by
18 any ballot marking devices reserved for in-
19 dividuals with disabilities with ballots that
20 have either been marked by voters by hand
21 or marked by ballot marking devices made
22 generally available to voters, in a way that
23 prevents identification of the ballots that
24 were cast using any ballot marking device

1 that was reserved for individuals with dis-
2 abilities.

3 “(C) *SUFFICIENT NUMBER.*—For purposes
4 of subparagraph (A)(ii)(II), the sufficient num-
5 ber of voting systems for any in-person polling
6 location shall be determined based on guidance
7 from the Attorney General, in consultation with
8 the Architectural and Transportation Barriers
9 Compliance Board established under section
10 502(a)(1) of the Rehabilitation Act of 1973 (29
11 U.S.C. 792(a)(1)) (commonly referred to as the
12 United States Access Board) and the Commis-
13 sion.”.

14 (b) *SPECIFIC REQUIREMENT OF STUDY, TESTING, AND*
15 *DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.*—

16 (1) *STUDY AND REPORTING.*—Subtitle C of title
17 II of such Act (52 U.S.C. 21081 et seq.) is amended—

18 (A) by redesignating section 247 as section
19 248; and

20 (B) by inserting after section 247 the fol-
21 lowing new section:

22 **“SEC. 248. STUDY AND REPORT ON ACCESSIBLE VOTING OP-**
23 **TIONS.**

24 “(a) *GRANTS TO STUDY AND REPORT.*—The Commis-
25 sion, in coordination with the Access Board and the Cyber-

1 *security and Infrastructure Security Agency, shall make*
2 *grants to not fewer than 2 eligible entities to study, test,*
3 *and develop—*

4 “(1) *accessible and secure remote voting systems;*

5 “(2) *voting, verification, and casting devices to*
6 *enhance the accessibility of voting and verification for*
7 *individuals with disabilities; or*

8 “(3) *both of the matters described in paragraph*
9 *(1) and (2).*

10 “(b) *ELIGIBILITY.—An entity is eligible to receive a*
11 *grant under this part if it submits to the Commission (at*
12 *such time and in such form as the Commission may re-*
13 *quire) an application containing—*

14 “(1) *a certification that the entity shall complete*
15 *the activities carried out with the grant not later*
16 *than January 1, 2024; and*

17 “(2) *such other information and certifications as*
18 *the Commission may require.*

19 “(c) *AVAILABILITY OF TECHNOLOGY.—Any technology*
20 *developed with the grants made under this section shall be*
21 *treated as non-proprietary and shall be made available to*
22 *the public, including to manufacturers of voting systems.*

23 “(d) *COORDINATION WITH GRANTS FOR TECHNOLOGY*
24 *IMPROVEMENTS.—The Commission shall carry out this sec-*
25 *tion so that the activities carried out with the grants made*

1 *under subsection (a) are coordinated with the research con-*
 2 *ducted under the grant program carried out by the Commis-*
 3 *sion under section 271, to the extent that the Commission*
 4 *determine necessary to provide for the advancement of ac-*
 5 *cessible voting technology.*

6 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 7 *authorized to be appropriated to carry out subsection (a)*
 8 *\$10,000,000, to remain available until expended.”.*

9 (2) *CLERICAL AMENDMENT.—The table of con-*
 10 *tents of such Act is amended—*

11 (A) *by redesignating the item relating to*
 12 *section 247 as relating to section 248; and*

13 (B) *by inserting after the item relating to*
 14 *section 247 the following new item:*

 “*Sec. 248. Study and report on accessible voting options.”.*

15 (c) *CLARIFICATION OF ACCESSIBILITY STANDARDS*
 16 *UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In*
 17 *adopting any voluntary guidance under subtitle B of title*
 18 *III of the Help America Vote Act with respect to the accessi-*
 19 *bility of the paper ballot verification requirements for indi-*
 20 *viduals with disabilities, the Election Assistance Commis-*
 21 *sion shall include and apply the same accessibility stand-*
 22 *ards applicable under the voluntary guidance adopted for*
 23 *accessible voting systems under such subtitle.*

24 (d) *PERMITTING USE OF FUNDS FOR PROTECTION AND*
 25 *ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE*

1 *ELECTION-RELATED DISABILITY ACCESS.—Section 292(a)*
2 *of the Help America Vote Act of 2002 (52 U.S.C. 21062(a))*
3 *is amended by striking “; except that” and all that follows*
4 *and inserting a period.*

5 **SEC. 3904. DURABILITY AND READABILITY REQUIREMENTS**
6 **FOR BALLOTS.**

7 *Section 301(a) of the Help America Vote Act of 2002*
8 *(52 U.S.C. 21081(a)) is amended by adding at the end the*
9 *following new paragraph:*

10 *“(7) DURABILITY AND READABILITY REQUIRE-*
11 *MENTS FOR BALLOTS.—*

12 *“(A) DURABILITY REQUIREMENTS FOR*
13 *PAPER BALLOTS.—*

14 *“(i) IN GENERAL.—All voter-verifiable*
15 *paper ballots required to be used under this*
16 *Act shall be marked or printed on durable*
17 *paper.*

18 *“(ii) DEFINITION.—For purposes of*
19 *this Act, paper is ‘durable’ if it is capable*
20 *of withstanding multiple counts and re-*
21 *counts by hand without compromising the*
22 *fundamental integrity of the ballots, and ca-*
23 *pable of retaining the information marked*
24 *or printed on them for the full duration of*

1 *a retention and preservation period of 22*
2 *months.*

3 “(B) *READABILITY REQUIREMENTS FOR*
4 *PAPER BALLOTS MARKED BY BALLOT MARKING*
5 *DEVICE.—All voter-verifiable paper ballots com-*
6 *pleted by the voter through the use of a ballot*
7 *marking device shall be clearly readable by the*
8 *voter without assistance (other than eyeglasses or*
9 *other personal vision enhancing devices) and by*
10 *a ballot tabulation device or other device*
11 *equipped for individuals with disabilities.”.*

12 **SEC. 3905. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
13 **SIGN.**

14 (i) *STUDY.—The Election Assistance Commission*
15 *shall conduct a study of the best ways to design ballots used*
16 *in elections for public office, including paper ballots and*
17 *electronic or digital ballots, to minimize confusion and user*
18 *errors.*

19 (ii) *REPORT.—Not later than one year after the date*
20 *of the enactment of this Act, the Election Assistance Com-*
21 *mission shall submit to Congress a report on the study con-*
22 *ducted under subsection (a).*

1 **SEC. 3906. BALLOT MARKING DEVICE CYBERSECURITY RE-**
2 **QUIREMENTS.**

3 *Section 301(a) of the Help America Vote Act of 2002*
4 *(52 U.S.C. 21081(a)), as amended by section 3914, is fur-*
5 *ther amended by adding at the end the following new para-*
6 *graphs:*

7 *“(8) PROHIBITION OF USE OF WIRELESS COMMU-*
8 *UNICATIONS DEVICES IN SYSTEMS OR DEVICES.—No*
9 *system or device upon which ballot marking devices*
10 *or ballot tabulation devices are configured, upon*
11 *which ballots are marked by voters at a polling place*
12 *(except as necessary for individuals with disabilities*
13 *to use ballot marking devices that meet the accessi-*
14 *bility requirements of paragraph (3)), or upon which*
15 *votes are cast, tabulated, or aggregated shall contain,*
16 *use, or be accessible by any wireless, power-line, or*
17 *concealed communication device.*

18 *“(9) PROHIBITING CONNECTION OF SYSTEM TO*
19 *THE INTERNET.—No system or device upon which*
20 *ballot marking devices or ballot tabulation devices are*
21 *configured, upon which ballots are marked by voters*
22 *at a voting place, or upon which votes are cast, tab-*
23 *ulated, or aggregated shall be connected to the internet*
24 *or any non-local computer system via telephone or*
25 *other communication network at any time.”.*

1 **SEC. 3907. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

2 *Section 301(d) of the Help America Vote Act of 2002*
3 *(52 U.S.C. 21081(d)) is amended to read as follows:*

4 “(d) *EFFECTIVE DATE.*—

5 “(1) *IN GENERAL.*—*Except as provided in para-*
6 *graph (2), each State and jurisdiction shall be re-*
7 *quired to comply with the requirements of this section*
8 *on and after January 1, 2006.*

9 “(2) *SPECIAL RULE FOR CERTAIN REQUIRE-*
10 *MENTS.*—

11 “(A) *IN GENERAL.*—*Except as provided in*
12 *subparagraphs (B) and (C), the requirements of*
13 *this section which are first imposed on a State*
14 *or jurisdiction pursuant to the amendments*
15 *made by the Voter Confidence and Increased Ac-*
16 *cessibility Act of 2021 shall apply with respect*
17 *to voting systems used for any election for Fed-*
18 *eral office held in 2022 or any succeeding year.*

19 “(B) *SPECIAL RULE FOR JURISDICTIONS*
20 *USING CERTAIN PAPER RECORD PRINTERS OR*
21 *CERTAIN SYSTEMS USING OR PRODUCING VOTER-*
22 *VERIFIABLE PAPER RECORDS IN 2020.*—

23 “(i) *IN GENERAL.*—*In the case of a ju-*
24 *risdiction described in clause (ii), the re-*
25 *quirements of paragraphs (2)(A)(i) and (7)*
26 *of subsection (a) (as amended or added by*

1 *the Voter Confidence and Increased Accessi-*
2 *bility Act of 2021) shall not apply before*
3 *the date on which the jurisdiction replaces*
4 *the printers or systems described in clause*
5 *(ii)(I) for use in the administration of elec-*
6 *tions for Federal office.*

7 “(ii) *JURISDICTIONS DESCRIBED.—A*
8 *jurisdiction described in this clause is a ju-*
9 *risdiction—*

10 “(I) *which used voter-verifiable*
11 *paper record printers attached to di-*
12 *rect recording electronic voting ma-*
13 *chines, or which used other voting sys-*
14 *tems that used or produced paper*
15 *records of the vote verifiable by voters*
16 *but that are not in compliance with*
17 *paragraphs (2)(A)(i) and (7) of sub-*
18 *section (a) (as amended or added by*
19 *the Voter Confidence and Increased Ac-*
20 *cessibility Act of 2021), for the admin-*
21 *istration of the regularly scheduled*
22 *general election for Federal office held*
23 *in November 2020; and*

24 “(II) *which will continue to use*
25 *such printers or systems for the admin-*

1 *istration of elections for Federal office*
2 *held in years before the applicable*
3 *year.*

4 “(iii) MANDATORY AVAILABILITY OF
5 PAPER BALLOTS AT POLLING PLACES USING
6 GRANDFATHERED PRINTERS AND SYS-
7 TEMS.—

8 “(I) REQUIRING BALLOTS TO BE
9 OFFERED AND PROVIDED.—*The appro-*
10 *prate election official at each polling*
11 *place that uses a printer or system de-*
12 *scribed in clause (ii)(I) for the admin-*
13 *istration of elections for Federal office*
14 *shall offer each individual who is eligi-*
15 *ble to cast a vote in the election at the*
16 *polling place the opportunity to cast*
17 *the vote using a blank printed paper*
18 *ballot which the individual may mark*
19 *by hand and which is not produced by*
20 *the direct recording electronic voting*
21 *machine or other such system. The offi-*
22 *cial shall provide the individual with*
23 *the ballot and the supplies necessary to*
24 *mark the ballot, and shall ensure (to*
25 *the greatest extent practicable) that the*

1 *waiting period for the individual to*
2 *cast a vote is the lesser of 30 minutes*
3 *or the average waiting period for an*
4 *individual who does not agree to cast*
5 *the vote using such a paper ballot*
6 *under this clause.*

7 “(II) *TREATMENT OF BALLOT.—*
8 *Any paper ballot which is cast by an*
9 *individual under this clause shall be*
10 *counted and otherwise treated as a reg-*
11 *ular ballot for all purposes (including*
12 *by incorporating it into the final unof-*
13 *ficial vote count (as defined by the*
14 *State) for the precinct) and not as a*
15 *provisional ballot, unless the indi-*
16 *vidual casting the ballot would have*
17 *otherwise been required to cast a provi-*
18 *sional ballot.*

19 “(III) *POSTING OF NOTICE.—The*
20 *appropriate election official shall en-*
21 *sure there is prominently displayed at*
22 *each polling place a notice that de-*
23 *scribes the obligation of the official to*
24 *offer individuals the opportunity to*
25 *cast votes using a printed blank paper*

1 *ballot. The notice shall comply with the*
2 *requirements of section 203 of the Vot-*
3 *ing Rights Act of 1965 (52 U.S.C.*
4 *10503).*

5 “(IV) *TRAINING OF ELECTION OF-*
6 *FICIALS.—The chief State election offi-*
7 *cial shall ensure that election officials*
8 *at polling places in the State are*
9 *aware of the requirements of this*
10 *clause, including the requirement to*
11 *display a notice under subclause (III),*
12 *and are aware that it is a violation of*
13 *the requirements of this title for an*
14 *election official to fail to offer an indi-*
15 *vidual the opportunity to cast a vote*
16 *using a blank printed paper ballot.*

17 “(V) *PERIOD OF APPLICA-*
18 *BILITY.—The requirements of this*
19 *clause apply only during the period be-*
20 *ginning on January 1, 2022, and end-*
21 *ing on the date on which the which the*
22 *jurisdiction replaces the printers or*
23 *systems described in clause (ii)(I) for*
24 *use in the administration of elections*
25 *for Federal office.*

1 “(C) *DELAY FOR CERTAIN JURISDICTIONS*
2 *USING VOTING SYSTEMS WITH WIRELESS COMMU-*
3 *NICATION DEVICES OR INTERNET CONNEC-*
4 *TIONS.—*

5 “(i) *DELAY.—In the case of a jurisdic-*
6 *tion described in clause (ii), subparagraph*
7 *(A) shall apply to a voting system in the ju-*
8 *risdiction as if the reference in such sub-*
9 *paragraph to ‘2022’ were a reference to ‘the*
10 *applicable year’, but only with respect to*
11 *the following requirements of this section.*

12 “(I) *Paragraph (8) of subsection*
13 *(a) (relating to prohibition of wireless*
14 *communication devices)*

15 “(II) *Paragraph (9) of subsection*
16 *(a) (relating to prohibition of con-*
17 *necting systems to the internet)*

18 “(ii) *JURISDICTIONS DESCRIBED.—A*
19 *jurisdiction described in this clause is a ju-*
20 *risdiction—*

21 “(I) *which used a voting system*
22 *which is not in compliance with para-*
23 *graphs (8) or (9) of subsection (a) (as*
24 *amended or added by the Voter Con-*
25 *fidence and Increased Accessibility Act*

1 of 2021) for the administration of the
2 regularly scheduled general election for
3 Federal office held in November 2020;

4 “(II) which was not able, to all
5 extent practicable, to comply with
6 paragraph (8) and (9) of subsection
7 (a) before January 1, 2022; and

8 “(III) which will continue to use
9 such printers or systems for the admin-
10 istration of elections for Federal office
11 held in years before the applicable
12 year.

13 “(iii) APPLICABLE YEAR.—

14 “(I) IN GENERAL.—Except as pro-
15 vided in subclause (II), the term ‘ap-
16 plicable year’ means 2026.

17 “(II) EXTENSION.—If a State or
18 jurisdiction certifies to the Commission
19 not later than January 1, 2026, that
20 the State or jurisdiction will not meet
21 the requirements described in sub-
22 clauses (I) and (II) of clause (i) by
23 such date because it would be imprac-
24 tical to do so and includes in the cer-
25 tification the reasons for the failure to

1 *meet the deadline, the term ‘applicable*
 2 *year’ means 2030.”.*

3 **SEC. 3908. GRANTS FOR OBTAINING COMPLIANT PAPER**
 4 **BALLOT VOTING SYSTEMS AND CARRYING**
 5 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 6 **MENTS.**

7 *(a) AVAILABILITY OF GRANTS.—*

8 *(1) IN GENERAL.—Subtitle D of title II of the*
 9 *Help America Vote Act of 2002 (52 U.S.C. 21001 et*
 10 *seq.), as amended by section 1302(c), is amended by*
 11 *adding at the end the following new part:*

12 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
 13 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
 14 **RYING OUT VOTING SYSTEM SECURITY IM-**
 15 **PROVEMENTS**

16 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
 17 **BALLOT VOTING SYSTEMS AND CARRYING**
 18 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 19 **MENTS.**

20 *“(a) AVAILABILITY AND USE OF GRANT.—*

21 *“(1) IN GENERAL.—The Commission shall make*
 22 *a grant to each eligible State—*

23 *“(A) to replace a voting system—*

24 *“(i) which does not meet the require-*
 25 *ments which are first imposed on the State*

1 *pursuant to the amendments made by the*
2 *Voter Confidence and Increased Accessi-*
3 *bility Act of 2021 with a voting system*
4 *which—*

5 *“(I) does meet such requirements;*

6 *and*

7 *“(II) in the case of a grand-*
8 *fathered voting system (as defined in*
9 *paragraph (2)), is in compliance with*
10 *the most recent voluntary voting sys-*
11 *tem guidelines; or*

12 *“(ii) which does meet such require-*
13 *ments but which is not in compliance with*
14 *the most recent voluntary voting system*
15 *guidelines with another system which does*
16 *meet such requirements and is in compli-*
17 *ance with such guidelines;*

18 *“(B) to carry out voting system security*
19 *improvements described in section 298A with re-*
20 *spect to the regularly scheduled general election*
21 *for Federal office held in November 2022 and*
22 *each succeeding election for Federal office;*

23 *“(C) to implement and model best practices*
24 *for ballot design, ballot instructions, and the test-*
25 *ing of ballots; and*

1 “(D) to purchase or acquire accessible vot-
2 ing systems that meet the requirements of para-
3 graph (2) and paragraph (3)(A)(i) of section
4 301(a) by the means described in paragraph
5 (3)(B) of such section.

6 “(2) DEFINITION OF GRANDFATHERED VOTING
7 SYSTEM.—In this subsection, the term ‘grandfathered
8 voting system’ means a voting system that is used by
9 a jurisdiction described in subparagraph (B)(ii) or
10 (C)(ii) of section 301(d)(2).

11 “(b) AMOUNT OF PAYMENT.—

12 “(1) IN GENERAL.—The amount of payment
13 made to an eligible State under this section shall be
14 the minimum payment amount described in para-
15 graph (2) plus the voting age population proportion
16 amount described in paragraph (3).

17 “(2) MINIMUM PAYMENT AMOUNT.—The min-
18 imum payment amount described in this paragraph
19 is—

20 “(A) in the case of any of the several States
21 or the District of Columbia, one-half of 1 percent
22 of the aggregate amount made available for pay-
23 ments under this section; and

24 “(B) in the case of the Commonwealth of
25 Puerto Rico, Guam, American Samoa, the

1 *United States Virgin Islands, or the Common-*
2 *wealth of the Northern Mariana Islands, one-*
3 *tenth of 1 percent of such aggregate amount.*

4 “(3) *VOTING AGE POPULATION PROPORTION*
5 *AMOUNT.—The voting age population proportion*
6 *amount described in this paragraph is the product*
7 *of—*

8 “(A) *the aggregate amount made available*
9 *for payments under this section minus the total*
10 *of all of the minimum payment amounts deter-*
11 *mined under paragraph (2); and*

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

14 “(4) *VOTING AGE POPULATION PROPORTION DE-*
15 *FINED.—The term ‘voting age population proportion’*
16 *means, with respect to a State, the amount equal to*
17 *the quotient of—*

18 “(A) *the voting age population of the State*
19 *(as reported in the most recent decennial census);*
20 *and*

21 “(B) *the total voting age population of all*
22 *States (as reported in the most recent decennial*
23 *census).*

24 “(5) *REQUIREMENT RELATING TO PURCHASE OF*
25 *ACCESSIBLE VOTING SYSTEMS.—An eligible State*

1 *shall use not less than 10 percent of funds received by*
2 *the State under this section to purchase accessible vot-*
3 *ing systems described in subsection (a)(1)(D).*

4 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DE-**
5 **SCRIBED.**

6 “(a) *PERMITTED USES.—A voting system security im-*
7 *provement described in this section is any of the following:*

8 “(1) *The acquisition of goods and services from*
9 *qualified election infrastructure vendors by purchase,*
10 *lease, or such other arrangements as may be appro-*
11 *priate.*

12 “(2) *Cyber and risk mitigation training.*

13 “(3) *A security risk and vulnerability assessment*
14 *of the State’s election infrastructure (as defined in*
15 *section 3908(b) of the Voter Confidence and Increased*
16 *Accessibility Act of 2021) which is carried out by a*
17 *provider of cybersecurity services under a contract en-*
18 *tered into between the chief State election official and*
19 *the provider.*

20 “(4) *The maintenance of infrastructure used for*
21 *elections, including addressing risks and*
22 *vulnerabilities which are identified under either of the*
23 *security risk and vulnerability assessments described*
24 *in paragraph (3), except that none of the funds pro-*
25 *vided under this part may be used to renovate or re-*

1 *place a building or facility which is not a primary*
2 *provider of information technology services for the ad-*
3 *ministration of elections, and which is used primarily*
4 *for purposes other than the administration of elec-*
5 *tions for public office.*

6 *“(5) Providing increased technical support for*
7 *any information technology infrastructure that the*
8 *chief State election official deems to be part of the*
9 *State’s election infrastructure (as so defined) or des-*
10 *ignates as critical to the operation of the State’s elec-*
11 *tion infrastructure (as so defined).*

12 *“(6) Enhancing the cybersecurity and operations*
13 *of the information technology infrastructure described*
14 *in paragraph (4).*

15 *“(7) Enhancing the cybersecurity of voter reg-*
16 *istration systems.*

17 *“(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-*
18 *DORS DESCRIBED.—For purposes of this part, a ‘qualified*
19 *election infrastructure vendor’ is any person who provides,*
20 *supports, or maintains, or who seeks to provide, support,*
21 *or maintain, election infrastructure (as defined in section*
22 *3908(b) of the Voter Confidence and Increased Accessibility*
23 *Act of 2021) on behalf of a State, unit of local government,*
24 *or election agency (as defined in section 3908(b) of such*

1 Act) who meets the criteria described in section 3908(b) of
2 such Act.

3 **“SEC. 298B. ELIGIBILITY OF STATES.**

4 “A State is eligible to receive a grant under this part
5 if the State submits to the Commission, at such time and
6 in such form as the Commission may require, an applica-
7 tion containing—

8 “(1) a description of how the State will use the
9 grant to carry out the activities authorized under this
10 part;

11 “(2) a certification and assurance that, not later
12 than 5 years after receiving the grant, the State will
13 carry out voting system security improvements, as de-
14 scribed in section 298A; and

15 “(3) such other information and assurances as
16 the Commission may require.

17 **“SEC. 298C. REPORTS TO CONGRESS.**

18 “Not later than 90 days after the end of each fiscal
19 year, the Commission shall submit a report to the Commit-
20 tees on Homeland Security, House Administration, and the
21 Judiciary of the House of Representatives and the Commit-
22 tees on Homeland Security and Governmental Affairs, the
23 Judiciary, and Rules and Administration of the Senate, on
24 the activities carried out with the funds provided under this
25 part.

1 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *AUTHORIZATION.*—*There are authorized to be ap-*
3 *propriated for grants under this part—*

4 “(1) *\$2,400,000,000 for fiscal year 2022; and*

5 “(2) *\$175,000,000 for each of the fiscal years*
6 *2024, 2026, 2028, and 2030.*

7 “(b) *CONTINUING AVAILABILITY OF AMOUNTS.*—*Any*
8 *amounts appropriated pursuant to the authorization of this*
9 *section shall remain available until expended.”.*

10 (2) *CLERICAL AMENDMENT.*—*The table of con-*
11 *tents of such Act, as amended by section 1402(c), is*
12 *amended by adding at the end of the items relating*
13 *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.*

14 (b) *QUALIFIED ELECTION INFRASTRUCTURE VEN-*
15 *DORS.*—

16 (1) *IN GENERAL.*—*The Secretary, in consultation*
17 *with the Chair, shall establish and publish criteria for*
18 *qualified election infrastructure vendors for purposes*
19 *of section 298A of the Help America Vote Act of 2002*
20 *(as added by this Act).*

1 (2) *CRITERIA.*—*The criteria established under*
2 *paragraph (1) shall include each of the following re-*
3 *quirements:*

4 (A) *The vendor shall—*

5 (i) *be owned and controlled by a cit-*
6 *izen or permanent resident of the United*
7 *States or a member of the Five Eyes intel-*
8 *ligence-sharing alliance; and*

9 (ii) *in the case of any election infra-*
10 *structure which is a voting machine, ensure*
11 *that such voting machine is assembled in*
12 *the United States.*

13 (B) *The vendor shall disclose to the Sec-*
14 *retary and the Chair, and to the chief State elec-*
15 *tion official of any State to which the vendor*
16 *provides any goods and services with funds pro-*
17 *vided under part 8 of subtitle D of title II of the*
18 *Help America Vote Act of 2002 (as added by this*
19 *Act), of any sourcing outside the United States*
20 *for parts of the election infrastructure.*

21 (C) *The vendor shall disclose to the Sec-*
22 *retary and the Chair, and to the chief State elec-*
23 *tion official of any State to which the vendor*
24 *provides any goods and services with funds pro-*
25 *vided under such part 8, the identification of*

1 *any entity or individual with a more than 5*
2 *percent ownership interest in the vendor.*

3 *(D) The vendor agrees to ensure that the*
4 *election infrastructure will be developed and*
5 *maintained in a manner that is consistent with*
6 *the cybersecurity best practices issued by the Cy-*
7 *bersecurity and Infrastructure Security Agency*
8 *of the Department of Homeland Security.*

9 *(E) The vendor agrees to maintain its in-*
10 *formation technology infrastructure in a manner*
11 *that is consistent with the cybersecurity best*
12 *practices issued by the Cybersecurity and Infra-*
13 *structure Security Agency of the Department of*
14 *Homeland Security.*

15 *(F) The vendor agrees to ensure that the*
16 *election infrastructure will be developed and*
17 *maintained in a manner that is consistent with*
18 *the supply chain best practices issued by the Cy-*
19 *bersecurity and Infrastructure Security Agency*
20 *of the Department of Homeland Security.*

21 *(G) The vendor agrees to ensure that it has*
22 *personnel policies and practices in place that are*
23 *consistent with personnel best practices, includ-*
24 *ing cybersecurity training and background*
25 *checks, issued by the Cybersecurity and Infra-*

1 *structure Security Agency of the Department of*
2 *Homeland Security.*

3 *(H) The vendor agrees to ensure that the*
4 *election infrastructure will be developed and*
5 *maintained in a manner that is consistent with*
6 *data integrity best practices, including require-*
7 *ments for encrypted transfers and validation,*
8 *testing and checking printed materials for accu-*
9 *racy, and disclosure of quality control incidents,*
10 *issued by the Cybersecurity and Infrastructure*
11 *Security Agency of the Department of Homeland*
12 *Security.*

13 *(I) The vendor agrees to meet the require-*
14 *ments of paragraph (3) with respect to any*
15 *known or suspected cybersecurity incidents in-*
16 *volving any of the goods and services provided by*
17 *the vendor pursuant to a grant under part 8 of*
18 *subtitle D of title II of the Help America Vote*
19 *Act of 2002 (as added by this Act).*

20 *(J) The vendor agrees to permit inde-*
21 *pendent security testing by the Election Assist-*
22 *ance Commission (in accordance with section*
23 *231(a) of the Help America Vote Act of 2002 (52*
24 *U.S.C. 20971)) and by the Secretary of the goods*
25 *and services provided by the vendor pursuant to*

1 *a grant under part 8 of subtitle D of title II of*
2 *the Help America Vote Act of 2002 (as added by*
3 *this Act).*

4 (3) *CYBERSECURITY INCIDENT REPORTING RE-*
5 *QUIREMENTS.—*

6 (A) *IN GENERAL.—A vendor meets the re-*
7 *quirements of this paragraph if, upon becoming*
8 *aware of the possibility that an election cyberse-*
9 *curity incident has occurred involving any of the*
10 *goods and services provided by the vendor pursu-*
11 *ant to a grant under part 8 of subtitle D of title*
12 *II of the Help America Vote Act of 2002 (as*
13 *added by this Act)—*

14 (i) *the vendor promptly assesses wheth-*
15 *er or not such an incident occurred, and*
16 *submits a notification meeting the require-*
17 *ments of subparagraph (B) to the Secretary*
18 *and the Chair of the assessment as soon as*
19 *practicable (but in no case later than 3*
20 *days after the vendor first becomes aware of*
21 *the possibility that the incident occurred);*

22 (ii) *if the incident involves goods or*
23 *services provided to an election agency, the*
24 *vendor submits a notification meeting the*
25 *requirements of subparagraph (B) to the*

1 agency as soon as practicable (but in no
2 case later than 3 days after the vendor first
3 becomes aware of the possibility that the in-
4 cident occurred), and cooperates with the
5 agency in providing any other necessary
6 notifications relating to the incident; and

7 (iii) the vendor provides all necessary
8 updates to any notification submitted under
9 clause (i) or clause (ii).

10 (B) CONTENTS OF NOTIFICATIONS.—Each
11 notification submitted under clause (i) or clause
12 (ii) of subparagraph (A) shall contain the fol-
13 lowing information with respect to any election
14 cybersecurity incident covered by the notifica-
15 tion:

16 (i) The date, time, and time zone when
17 the election cybersecurity incident began, if
18 known.

19 (ii) The date, time, and time zone
20 when the election cybersecurity incident was
21 detected.

22 (iii) The date, time, and duration of
23 the election cybersecurity incident.

24 (iv) The circumstances of the election
25 cybersecurity incident, including the spe-

1 *cific election infrastructure systems believed*
2 *to have been accessed and information ac-*
3 *quired, if any.*

4 *(v) Any planned and implemented*
5 *technical measures to respond to and re-*
6 *cover from the incident.*

7 *(vi) In the case of any notification*
8 *which is an update to a prior notification,*
9 *any additional material information relat-*
10 *ing to the incident, including technical*
11 *data, as it becomes available.*

12 *(C) DEVELOPMENT OF CRITERIA FOR RE-*
13 *PORTING.—Not later than 1 year after the date*
14 *of enactment of this Act, the Director of the Cy-*
15 *bersecurity and Infrastructure Security Agency*
16 *shall, in consultation with the Election Infra-*
17 *structure Sector Coordinating Council, develop*
18 *criteria for incidents which are required to be re-*
19 *ported in accordance with subparagraph (A).*

20 *(4) DEFINITIONS.—In this subsection:*

21 *(A) CHAIR.—The term “Chair” means the*
22 *Chair of the Election Assistance Commission.*

23 *(B) CHIEF STATE ELECTION OFFICIAL.—*
24 *The term “chief State election official” means,*
25 *with respect to a State, the individual designated*

1 *by the State under section 10 of the National*
2 *Voter Registration Act of 1993 (52 U.S.C.*
3 *20509) to be responsible for coordination of the*
4 *State’s responsibilities under such Act.*

5 (C) *ELECTION AGENCY.*—*The term “election*
6 *agency” means any component of a State, or*
7 *any component of a unit of local government in*
8 *a State, which is responsible for the administra-*
9 *tion of elections for Federal office in the State.*

10 (D) *ELECTION INFRASTRUCTURE.*—*The*
11 *term “election infrastructure” means storage fa-*
12 *cilities, polling places, and centralized vote tab-*
13 *ulation locations used to support the administra-*
14 *tion of elections for public office, as well as re-*
15 *lated information and communications tech-*
16 *nology, including voter registration databases,*
17 *voting machines, electronic mail and other com-*
18 *munications systems (including electronic mail*
19 *and other systems of vendors who have entered*
20 *into contracts with election agencies to support*
21 *the administration of elections, manage the elec-*
22 *tion process, and report and display election re-*
23 *sults), and other systems used to manage the*
24 *election process and to report and display elec-*
25 *tion results on behalf of an election agency.*

1 (E) *SECRETARY.*—*The term “Secretary”*
2 *means the Secretary of Homeland Security.*

3 (F) *STATE.*—*The term “State” has the*
4 *meaning given such term in section 901 of the*
5 *Help America Vote Act of 2002 (52 U.S.C.*
6 *21141).*

7 ***Subtitle K—Provisional Ballots***

8 ***SEC. 3911. REQUIREMENTS FOR COUNTING PROVISIONAL*** 9 ***BALLOTS; ESTABLISHMENT OF UNIFORM AND*** 10 ***NONDISCRIMINATORY STANDARDS.***

11 (a) *IN GENERAL.*—*Section 302 of the Help America*
12 *Vote Act of 2002 (52 U.S.C. 21082), as amended by section*
13 *1601(a), is amended—*

14 (1) *by redesignating subsection (e) as subsection*
15 *(h); and*

16 (2) *by inserting after subsection (d) the following*
17 *new subsections:*

18 “*(e) COUNTING OF PROVISIONAL BALLOTS.*—

19 “*(1) IN GENERAL.*—

20 “*(A) For purposes of subsection (a)(4), if a*
21 *provisional ballot is cast within the same county*
22 *in which the voter is registered or otherwise eli-*
23 *gible to vote, then notwithstanding the precinct*
24 *or polling place at which a provisional ballot is*
25 *cast within the county, the appropriate election*

1 *official of the jurisdiction in which the indi-*
2 *vidual is registered or otherwise eligible to vote*
3 *shall count each vote on such ballot for each elec-*
4 *tion in which the individual who cast such ballot*
5 *is eligible to vote.*

6 “(B) *In addition to the requirements under*
7 *subsection (a), for each State or political sub-*
8 *division that provides voters provisional ballots,*
9 *challenge ballots, or affidavit ballots under the*
10 *State’s applicable law governing the voting proc-*
11 *esses for those voters whose eligibility to vote is*
12 *determined to be uncertain by election officials,*
13 *election officials shall—*

14 “(i) *provide clear written instructions*
15 *indicating the reason the voter was given a*
16 *provisional ballot, the information or docu-*
17 *ments the voter needs to prove eligibility,*
18 *the location at which the voter must appear*
19 *to submit these materials or alternative*
20 *methods, including email or facsimile, that*
21 *the voter may use to submit these materials,*
22 *and the deadline for submitting these mate-*
23 *rials;*

1 “(ii) provide a verbal translation of
2 any written instructions to the voter if nec-
3 essary;

4 “(iii) permit any voter who votes pro-
5 visionally at any polling place on Indian
6 lands to appear at any polling place or at
7 a central location for the election board to
8 submit the documentation or information to
9 prove eligibility; and

10 “(iv) notify the voter as to whether the
11 voter’s provisional ballot was counted or re-
12 jected and provide the reason for rejection if
13 the voter’s provisional ballot was rejected
14 after the voter provided the required infor-
15 mation or documentation on eligibility.

16 “(2) *RULE OF CONSTRUCTION.*—Nothing in this
17 subsection shall prohibit a State or jurisdiction from
18 counting a provisional ballot which is cast in a dif-
19 ferent county within the State than the county in
20 which the voter is registered or otherwise eligible to
21 vote.

22 “(f) *DUE PROCESS REQUIREMENTS FOR STATES RE-*
23 *QUIRING SIGNATURE VERIFICATION.*—

24 “(1) *REQUIREMENT.*—

1 “(A) *IN GENERAL.*—A State may not im-
2 pose a signature verification requirement as a
3 condition of accepting and counting a provi-
4 sional ballot submitted by any individual with
5 respect to an election for Federal office unless the
6 State meets the due process requirements de-
7 scribed in paragraph (2).

8 “(B) *SIGNATURE VERIFICATION REQUIRE-*
9 *MENT DESCRIBED.*—In this subsection, a ‘signa-
10 ture verification requirement’ is a requirement
11 that an election official verify the identification
12 of an individual by comparing the individual’s
13 signature on the provisional ballot with the indi-
14 vidual’s signature on the official list of registered
15 voters in the State or another official record or
16 other document used by the State to verify the
17 signatures of voters.

18 “(2) *DUE PROCESS REQUIREMENTS.*—

19 “(A) *NOTICE AND OPPORTUNITY TO CURE*
20 *DISCREPANCY IN SIGNATURES.*—If an individual
21 submits a provisional ballot and the appropriate
22 State or local election official determines that a
23 discrepancy exists between the signature on such
24 ballot and the signature of such individual on
25 the official list of registered voters in the State

1 *or other official record or document used by the*
2 *State to verify the signatures of voters, such elec-*
3 *tion official, prior to making a final determina-*
4 *tion as to the validity of such ballot, shall—*

5 *“(i) as soon as practical, but no later*
6 *than the next business day after such deter-*
7 *mination is made, make a good faith effort*
8 *to notify the individual by mail, telephone,*
9 *and (if available) text message and elec-*
10 *tronic mail that—*

11 *“(I) a discrepancy exists between*
12 *the signature on such ballot and the*
13 *signature of the individual on the offi-*
14 *cial list of registered voters in the State*
15 *or other official record or document*
16 *used by the State to verify the signa-*
17 *tures of voters; and*

18 *“(II) if such discrepancy is not*
19 *cured prior to the expiration of the*
20 *third day following the State’s deadline*
21 *for receiving mail-in ballots or absentee*
22 *ballots, such ballot will not be counted*
23 *; and*

24 *“(ii) cure such discrepancy and count*
25 *the ballot if, prior to the expiration of the*

1 *third day following the State’s deadline for*
2 *receiving mail-in ballots or absentee ballots,*
3 *the individual provides the official with in-*
4 *formation to cure such discrepancy, either*
5 *in person, by telephone, or by electronic*
6 *methods.*

7 “(B) NOTICE AND OPPORTUNITY TO CURE
8 MISSING SIGNATURE OR OTHER DEFECT.—*If an*
9 *individual submits a provisional ballot without*
10 *a signature or submits a provisional ballot with*
11 *another defect which, if left uncured, would cause*
12 *the ballot to not be counted, the appropriate*
13 *State or local election official, prior to making*
14 *a final determination as to the validity of the*
15 *ballot, shall—*

16 “(i) *as soon as practical, but no later*
17 *than the next business day after such deter-*
18 *mination is made, make a good faith effort*
19 *to notify the individual by mail, telephone,*
20 *and (if available) text message and elec-*
21 *tronic mail that—*

22 “(I) *the ballot did not include a*
23 *signature or has some other defect; and*

24 “(II) *if the individual does not*
25 *provide the missing signature or cure*

1 *the other defect prior to the expiration*
2 *of the third day following the State’s*
3 *deadline for receiving mail-in ballots*
4 *or absentee ballots, such ballot will not*
5 *be counted; and*

6 “(ii) *count the ballot if, prior to the ex-*
7 *piration of the third day following the*
8 *State’s deadline for receiving mail-in ballots*
9 *or absentee ballots, the individual provides*
10 *the official with the missing signature on a*
11 *form proscribed by the State or cures the*
12 *other defect.*

13 “(C) *OTHER REQUIREMENTS.—*

14 “(i) *IN GENERAL.—An election official*
15 *may not make a determination that a dis-*
16 *crepancy exists between the signature on a*
17 *provisional ballot and the signature of the*
18 *individual on the official list of registered*
19 *voters in the State or other official record or*
20 *other document used by the State to verify*
21 *the signatures of voters unless—*

22 “(I) *at least 2 election officials*
23 *make the determination;*

24 “(II) *each official who makes the*
25 *determination has received training in*

1 *procedures used to verify signatures;*
2 *and*

3 “(III) *of the officials who make*
4 *the determination, at least one is affili-*
5 *ated with the political party whose*
6 *candidate received the most votes in the*
7 *most recent statewide election for Fed-*
8 *eral office held in the State and at*
9 *least one is affiliated with the political*
10 *party whose candidate received the sec-*
11 *ond most votes in the most recent state-*
12 *wide election for Federal office held in*
13 *the State.*

14 “(ii) *EXCEPTION.—Clause (i)(III)*
15 *shall not apply to any State in which,*
16 *under a law that is in effect continuously*
17 *on and after the date of enactment of this*
18 *section, determinations regarding signature*
19 *discrepancies are made by election officials*
20 *who are not affiliated with a political*
21 *party.*

22 “(3) *REPORT.—*

23 “(A) *IN GENERAL.—Not later than 120*
24 *days after the end of a Federal election cycle,*
25 *each chief State election official shall submit to*

1 *the Commission a report containing the fol-*
2 *lowing information for the applicable Federal*
3 *election cycle in the State:*

4 “(i) *The number of provisional ballots*
5 *invalidated due to a discrepancy under this*
6 *subsection.*

7 “(ii) *Description of attempts to contact*
8 *voters to provide notice as required by this*
9 *subsection.*

10 “(iii) *Description of the cure process*
11 *developed by such State pursuant to this*
12 *subsection, including the number of provi-*
13 *sional ballots determined valid as a result*
14 *of such process.*

15 “(B) *SUBMISSION TO CONGRESS.—Not later*
16 *than 10 days after receiving a report under sub-*
17 *paragraph (A), the Commission shall transmit*
18 *such report to Congress.*

19 “(C) *FEDERAL ELECTION CYCLE DE-*
20 *FINED.—For purposes of this subsection, the*
21 *term ‘Federal election cycle’ means, with respect*
22 *to any regularly scheduled election for Federal*
23 *office, the period beginning on the day after the*
24 *date of the preceding regularly scheduled general*

1 *election for Federal office and ending on the date*
2 *of such regularly scheduled general election.*

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

5 “(A) *to prohibit a State from rejecting a*
6 *ballot attempted to be cast in an election for*
7 *Federal office by an individual who is not eligi-*
8 *ble to vote in the election; or*

9 “(B) *to prohibit a State from providing an*
10 *individual with more time and more methods for*
11 *curing a discrepancy in the individual’s signa-*
12 *ture, providing a missing signature, or curing*
13 *any other defect than the State is required to*
14 *provide under this subsection.*

15 “(5) *EFFECTIVE DATE.*—*This subsection shall*
16 *apply with respect to elections held on or after Janu-*
17 *ary 1, 2022.*

18 “(g) *UNIFORM AND NONDISCRIMINATORY STAND-*
19 *ARDS.*—

20 “(1) *IN GENERAL.*—*Consistent with the require-*
21 *ments of this section, each State shall establish uni-*
22 *form and nondiscriminatory standards for the*
23 *issuance, handling, and counting of provisional bal-*
24 *lots.*

1 “(2) *EFFECTIVE DATE.*—*This subsection shall*
 2 *apply with respect to elections held on or after Janu-*
 3 *ary 1, 2022.*”

4 “(h) *ADDITIONAL CONDITIONS PROHIBITED.*—*If an*
 5 *individual in a State is eligible to cast a provisional ballot*
 6 *as provided under this section, the State may not impose*
 7 *any additional conditions or requirements (including con-*
 8 *ditions or requirements regarding the timeframe in which*
 9 *a provisional ballot may be cast) on the eligibility of the*
 10 *individual to cast such provisional ballot.*”

11 (b) *CONFORMING AMENDMENT.*—*Section 302(h) of*
 12 *such Act (52 U.S.C. 21082(g)), as amended by section*
 13 *1601(a) and redesignated by subsection (a), is amended by*
 14 *striking “subsection (d)(4)” and inserting “subsections*
 15 *(d)(4), (e)(3), and (f)(2)”.*

16 ***TITLE IV—VOTING SYSTEM***
 17 ***SECURITY***

18 ***SEC. 4001. POST-ELECTION AUDIT REQUIREMENT.***

19 (a) *IN GENERAL.*—*Title III of the Help America Vote*
 20 *Act of 2002 (52 U.S.C. 21081 et seq.), as amended by sec-*
 21 *tion 3601, is amended by inserting after section 303A the*
 22 *following new section:*

23 ***“SEC. 303B. POST-ELECTION AUDITS.***

24 “(a) *DEFINITIONS.*—*In this section:*

1 “(1) *POST-ELECTION AUDIT.*—*Except as pro-*
2 *vided in subsection (c)(1)(B), the term ‘post-election*
3 *audit’ means, with respect to any election contest, a*
4 *post-election process that—*

5 “(A) *has a probability of at least 95 percent*
6 *of correcting the reported outcome if the reported*
7 *outcome is not the correct outcome;*

8 “(B) *will not change the outcome if the re-*
9 *ported outcome is the correct outcome; and*

10 “(C) *involves a manual adjudication of*
11 *voter intent from some or all of the ballots val-*
12 *idly cast in the election contest.*

13 “(2) *REPORTED OUTCOME; CORRECT OUTCOME;*
14 *OUTCOME.—*

15 “(A) *REPORTED OUTCOME.*—*The term ‘re-*
16 *ported outcome’ means the outcome of an election*
17 *contest which is determined according to the can-*
18 *vass and which will become the official, certified*
19 *outcome unless it is revised by an audit, recount,*
20 *or other legal process.*

21 “(B) *CORRECT OUTCOME.*—*The term ‘cor-*
22 *rect outcome’ means the outcome that would be*
23 *determined by a manual adjudication of voter*
24 *intent for all votes validly cast in the election*
25 *contest.*

1 “(C) *OUTCOME*.—The term ‘outcome’ means
2 the winner or set of winners of an election con-
3 test.

4 “(3) *MANUAL ADJUDICATION OF VOTER IN-*
5 *TENT*.—The term ‘manual adjudication of voter in-
6 tent’ means direct inspection and determination by
7 humans, without assistance from electronic or me-
8 chanical tabulation devices, of the ballot choices
9 marked by voters on each voter-verifiable paper
10 record.

11 “(4) *BALLOT MANIFEST*.—The term ‘ballot mani-
12 fest’ means a record maintained by each jurisdiction
13 that—

14 “(A) is created without reliance on any
15 part of the voting system used to tabulate votes;

16 “(B) functions as a sampling frame for con-
17 ducting a post-election audit; and

18 “(C) accounts for all ballots validly cast re-
19 gardless of how they were tabulated and includes
20 a precise description of the manner in which the
21 ballots are physically stored, including the total
22 number of physical groups of ballots, the num-
23 bering system for each group, a unique label for
24 each group, and the number of ballots in each
25 such group.

1 “(b) *REQUIREMENTS.*—

2 “(1) *IN GENERAL.*—

3 “(A) *AUDITS.*—

4 “(i) *IN GENERAL.*—*Each State and ju-*
5 *risdiction shall administer post-election au-*
6 *ditions of the results of all election contests for*
7 *Federal office held in the State in accord-*
8 *ance with the requirements of paragraph*
9 *(2).*

10 “(ii) *EXCEPTION.*—*Clause (i) shall not*
11 *apply to any election contest for which the*
12 *State or jurisdiction conducts a full recount*
13 *through a manual adjudication of voter in-*
14 *tent.*

15 “(B) *FULL MANUAL TABULATION.*—*If a*
16 *post-election audit conducted under subpara-*
17 *graph (A) corrects the reported outcome of an*
18 *election contest, the State or jurisdiction shall*
19 *use the results of the manual adjudication of*
20 *voter intent conducted as part of the post-election*
21 *audit as the official results of the election contest.*

22 “(2) *AUDIT REQUIREMENTS.*—

23 “(A) *RULES AND PROCEDURES.*—

24 “(i) *IN GENERAL.*—*Not later than 6*
25 *years after the date of the enactment of this*

1 *section, the chief State election official of the*
2 *State shall establish rules and procedures*
3 *for conducting post-election audits.*

4 *“(ii) MATTERS INCLUDED.—The rules*
5 *and procedures established under clause (i)*
6 *shall include the following:*

7 *“(I) Rules and procedures for en-*
8 *sureing the security of ballots and docu-*
9 *menting that prescribed procedures*
10 *were followed.*

11 *“(II) Rules and procedures for en-*
12 *sureing the accuracy of ballot manifests*
13 *produced by jurisdictions.*

14 *“(III) Rules and procedures for*
15 *governing the format of ballot mani-*
16 *ifests and other data involved in post-*
17 *election audits.*

18 *“(IV) Methods to ensure that any*
19 *cast vote records used in a post-election*
20 *audit are those used by the voting sys-*
21 *tem to tally the results of the election*
22 *contest sent to the chief State election*
23 *official of the State and made public.*

1 “(V) *Rules and procedures for the*
2 *random selection of ballots to be in-*
3 *spected manually during each audit.*

4 “(VI) *Rules and procedures for*
5 *the calculations and other methods to*
6 *be used in the audit and to determine*
7 *whether and when the audit of each*
8 *election contest is complete.*

9 “(VII) *Rules and procedures for*
10 *testing any software used to conduct*
11 *post-election audits.*

12 “(B) *PUBLIC REPORT.—*

13 “(i) *IN GENERAL.—After the comple-*
14 *tion of the post-election audit and at least*
15 *5 days before the election contest is certified*
16 *by the State, the State shall make public*
17 *and submit to the Commission a report on*
18 *the results of the audit, together with such*
19 *information as necessary to confirm that*
20 *the audit was conducted properly.*

21 “(ii) *FORMAT OF DATA.—All data pub-*
22 *lished with the report under clause (i) shall*
23 *be published in machine-readable, open data*
24 *formats.*

1 “(iii) *PROTECTION OF ANONYMITY OF*
2 *VOTES.—Information and data published*
3 *by the State under this subparagraph shall*
4 *not compromise the anonymity of votes.*

5 “(iv) *REPORT MADE AVAILABLE BY*
6 *COMMISSION.—After receiving any report*
7 *submitted under clause (i), the Commission*
8 *shall make such report available on its*
9 *website.*

10 “(3) *EFFECTIVE DATE; WAIVER.—*

11 “(A) *IN GENERAL.—Except as provided in*
12 *subparagraphs (B) and (C), each State and ju-*
13 *risdiction shall be required to comply with the*
14 *requirements of this subsection for the first regu-*
15 *larly scheduled election for Federal office occur-*
16 *ring in 2032 and for each subsequent election for*
17 *Federal office.*

18 “(B) *WAIVER.—Except as provided in sub-*
19 *paragraph (C), if a State certifies to the Com-*
20 *mission not later than the first regularly sched-*
21 *uled election for Federal office occurring in 2032,*
22 *that the State will not meet the deadline de-*
23 *scribed in subparagraph (A) because it would be*
24 *impracticable to do so and includes in the cer-*
25 *tification the reasons for the failure to meet such*

1 *deadline, subparagraph (A) of this subsection*
2 *and subsection (c)(2)(A) shall apply to the State*
3 *as if the reference in such subsections to ‘2032’*
4 *were a reference to ‘2034’.*

5 “(C) *ADDITIONAL WAIVER PERIOD.—If a*
6 *State certifies to the Commission not later than*
7 *the first regularly scheduled election for Federal*
8 *office occurring in 2034, that the State will not*
9 *meet the deadline described in subparagraph (B)*
10 *because it would be impracticable to do so and*
11 *includes in the certification the reasons for the*
12 *failure to meet such deadline, subparagraph (B)*
13 *of this subsection and subsection (c)(2)(A) shall*
14 *apply to the State as if the reference in such sub-*
15 *sections to ‘2034’ were a reference to ‘2036’.*

16 “(c) *PHASED IMPLEMENTATION.—*

17 “(1) *POST-ELECTION AUDITS.—*

18 “(A) *IN GENERAL.—For the regularly sched-*
19 *uled elections for Federal office occurring in*
20 *2024 and 2026, each State shall administer a*
21 *post-election audit of the result of at least one*
22 *statewide election contest for Federal office held*
23 *in the State, or if no such statewide contest is on*
24 *the ballot, one election contest for Federal office*
25 *chosen at random.*

1 “(B) *POST-ELECTION AUDIT DEFINED.*—In
 2 *this subsection, the term ‘post-election audit’*
 3 *means a post-election process that involves a*
 4 *manual adjudication of voter intent from a sam-*
 5 *ple of ballots validly cast in the election contest.*

6 “(2) *POST-ELECTION AUDITS FOR SELECT CON-*
 7 *TESTS.*—Subject to subparagraphs (B) and (C) of
 8 *subsection (b)(3), for the regularly scheduled elections*
 9 *for Federal office occurring in 2028 and for each sub-*
 10 *sequent election for Federal office that occurs prior to*
 11 *the first regularly scheduled election for Federal office*
 12 *occurring in 2032, each State shall administer a post-*
 13 *election audit of the result of at least one statewide*
 14 *election contest for Federal office held in the State, or*
 15 *if no such statewide contest is on the ballot, one elec-*
 16 *tion contest for Federal office chosen at random.*

17 “(3) *STATES THAT ADMINISTER POST-ELECTION*
 18 *AUDITS FOR ALL CONTESTS.*—A State shall be exempt
 19 *from the requirements of this subsection for any regu-*
 20 *larly scheduled election for Federal office in which the*
 21 *State meets the requirements of subsection (b).”.*

22 “(b) *CLERICAL AMENDMENT.*—The table of contents for
 23 *such Act, as amended by section 3601, is amended by insert-*
 24 *ing after the item relating to section 303A the following*
 25 *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 establish*
5 *an advisory committee to study post-election audits*
6 *and establish best practices for post-election audit*
7 *methodologies and procedures.*

8 (2) *ADVISORY COMMITTEE.—The Director of the*
9 *National Institute of Standards and Technology shall*
10 *appoint individuals to the advisory committee and se-*
11 *cure 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 as*
21 *are necessary to carry out the purposes of this sub-*
22 *section.*

23 **SEC. 4002. ELECTION INFRASTRUCTURE DESIGNATION.**

24 Subparagraph (J) of section 2001(3) of the Homeland
25 Security Act of 2002 (6 U.S.C. 601(3)) is amended by in-

1 *serting “, including election infrastructure” before the pe-*
2 *riod 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), (d),*
10 *and (e) as subsections (b), (c), (d), (e), and (f);*

11 *(2) by inserting after the section heading the fol-*
12 *lowing:*

13 *“(a) VOLUNTARY VOTING SYSTEM GUIDELINES.—The*
14 *Commission shall adopt voluntary voting system guidelines*
15 *that describe functionality, accessibility, and security prin-*
16 *ciples for the design, development, and operation of voting*
17 *systems, electronic poll books, and remote ballot marking*
18 *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*
25 *electronic poll books and remote ballot marking sys-*

1 *tems not later than 1 year after the date of the enact-*
2 *ment of the Freedom to Vote: John R. Lewis Act.*

3 “(2) *SPECIAL RULE FOR INITIAL GUIDELINES.*—
4 *The Commission may adopt initial voluntary voting*
5 *system guidelines for electronic poll books and remote*
6 *ballot marking systems without modifying the most*
7 *recently adopted voluntary voting system guidelines*
8 *for voting systems.*

9 “(h) *DEFINITIONS.*—*In this section:*

10 “(1) *ELECTRONIC POLL BOOK.*—*The term ‘elec-*
11 *tronic poll book’ means the total combination of me-*
12 *chanical, electromechanical, or electronic equipment*
13 *(including the software, firmware, and documentation*
14 *required to program, control, and support the equip-*
15 *ment) that is used—*

16 “(A) *to retain the list of registered voters at*
17 *a polling location, or vote center, or other loca-*
18 *tion at which voters cast votes in an election for*
19 *Federal office; and*

20 “(B) *to identify registered voters who are el-*
21 *igible to vote in an election.*

22 “(2) *REMOTE BALLOT MARKING SYSTEM.*—*The*
23 *term ‘remote ballot marking system’ means an elec-*
24 *tion system that—*

1 “(A) is used by a voter to mark their ballots
2 outside of a voting center or polling place; and

3 “(B) allows a voter to receive a blank ballot
4 to mark electronically, print, and then cast by
5 returning the printed ballot to the elections office
6 or other designated location.”.

7 **(b) PROVIDING FOR CERTIFICATION OF ELECTRONIC**
8 **POLL BOOKS AND REMOTE BALLOT MARKING SYSTEM.—**
9 *Section 231(a) of the Help America Vote Act of 2002 (52*
10 *U.S.C. 20971(a)) is amended in paragraphs (1) and (2)*
11 *by inserting “, electronic poll books, and remote ballot*
12 *marking systems” after “software”.*

13 **SEC. 4004. PRE-ELECTION REPORTS ON VOTING SYSTEM**
14 **USAGE.**

15 **(a) REQUIRING STATES TO SUBMIT REPORTS.—***Title*
16 *III of the Help America Vote Act of 2002 (52 U.S.C. 21081*
17 *et seq.) is amended by inserting after section 301 the fol-*
18 *lowing new section:*

19 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
20 **USAGE.**

21 **“(a) REQUIRING STATES TO SUBMIT REPORTS.—***Not*
22 *later than 120 days before the date of each regularly sched-*
23 *uled general election for Federal office, the chief State elec-*
24 *tion official of a State shall submit a report to the Commis-*
25 *sion containing a detailed voting system usage plan for*

1 *each jurisdiction in the State which will administer the*
 2 *election, including a detailed plan for the usage of electronic*
 3 *poll books and other equipment and components of such sys-*
 4 *tem. If a jurisdiction acquires and implements a new voting*
 5 *system within the 120 days before the date of the election,*
 6 *it shall notify the chief State election official of the State,*
 7 *who shall submit to the Commission in a timely manner*
 8 *an updated report under the preceding sentence.*

9 “(b) *EFFECTIVE DATE.*—Subsection (a) shall apply
 10 *with respect to the regularly scheduled general election for*
 11 *Federal office held in November 2022 and each succeeding*
 12 *regularly scheduled general election for Federal office”.*

13 (b) *CLERICAL AMENDMENT.*—The table of contents of
 14 *such Act is amended by inserting after the item relating*
 15 *to section 301 the following new item:*

“Sec. 301A. *Pre-election reports on voting system usage.*”.

16 **SEC. 4005. USE OF VOTING MACHINES MANUFACTURED IN**
 17 **THE UNITED STATES.**

18 (a) *REQUIREMENT.*—Section 301(a) of the *Help Amer-*
 19 *ica Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by*
 20 *section 3904 and section 3906, is further amended by add-*
 21 *ing at the end the following new paragraph:*

22 “(10) *VOTING MACHINE REQUIREMENTS.*—

23 “(A) *MANUFACTURING REQUIREMENTS.*—

24 *By not later than the date of the regularly sched-*
 25 *uled general election for Federal office occurring*

1 *in November 2024, each State shall seek to en-*
2 *sure to the extent practicable that any voting*
3 *machine used in such election and in any subse-*
4 *quent election for Federal office is manufactured*
5 *in the United States.*

6 “(B) *ASSEMBLY REQUIREMENTS.*—*By not*
7 *later than the date of the regularly scheduled*
8 *general election for Federal office occurring in*
9 *November 2024, each State shall seek to ensure*
10 *that any voting machine purchased or acquired*
11 *for such election and in any subsequent election*
12 *for Federal office is assembled in the United*
13 *States.*

14 “(C) *SOFTWARE AND CODE REQUIRE-*
15 *MENTS.*—*By not later than the date of the regu-*
16 *larly scheduled general election for Federal office*
17 *occurring in November 2024, each State shall*
18 *seek to ensure that any software or code devel-*
19 *oped for any voting system purchased or ac-*
20 *quired for such election and in any subsequent*
21 *election for Federal office is developed and stored*
22 *in the United States.”.*

23 (b) *CONFORMING AMENDMENT RELATING TO EFFEC-*
24 *TIVE DATE.*—*Section 301(d)(1) of such Act (52 U.S.C.*
25 *21081(d)(1)), as amended by section 3907, is amended by*

1 *striking “paragraph (2)” and inserting “subsection (a)(10)*
2 *and paragraph (2)”.*

3 **SEC. 4006. USE OF POLITICAL PARTY HEADQUARTERS**
4 **BUILDING FUND FOR TECHNOLOGY OR CY-**
5 **BERSECURITY-RELATED PURPOSES.**

6 (a) *PERMITTING USE OF FUND.*—Section
7 *315(a)(9)(B) of the Federal Election Campaign Act of 1971*
8 *(52 U.S.C. 30116(a)(9)(B)) is amended by striking the pe-*
9 *riod at the end and inserting the following: “, and to defray*
10 *technology or cybersecurity-related expenses.”.*

11 (b) *EFFECTIVE DATE.*—The amendment made by sub-
12 *section (a) shall apply with respect to calendar year 2022*
13 *and each succeeding calendar year.*

14 **SEC. 4007. SEVERABILITY.**

15 *If any provision of this title or any amendment made*
16 *by this title, or the application of any such provision or*
17 *amendment to any person or circumstance, is held to be*
18 *unconstitutional, the remainder of this title, and the appli-*
19 *cation of such provision or amendment to any other person*
20 *or circumstance, shall not be 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 arti-*
11 *cle 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 sec-*
16 *tion 5 of the 14th amendment to the Constitution*
17 *gives Congress the power to enact laws to enforce sec-*
18 *tion 2 of such amendment, which requires Representa-*
19 *tives to be apportioned among the several States ac-*
20 *cording to their number;*

21 *(3) the authority granted to Congress under sec-*
22 *tion 5 of the 14th amendment to the Constitution*
23 *gives Congress the power to enact laws to enforce sec-*
24 *tion 1 of such amendment, including protections*
25 *against excessive partisan gerrymandering that Fed-*

1 *eral courts have not enforced because they understand*
2 *such enforcement to be committed to Congress by the*
3 *Constitution;*

4 *(4) of the authority granted to Congress to en-*
5 *force article IV, section 4, of the Constitution, and the*
6 *guarantee of a Republican Form of Government to*
7 *every State, which Federal courts have not enforced*
8 *because they understand such enforcement to be com-*
9 *mitted to Congress by the Constitution;*

10 *(5) requiring States to use uniform redistricting*
11 *criteria is an appropriate and important exercise of*
12 *such authority; and*

13 *(6) partisan gerrymandering dilutes citizens'*
14 *votes because partisan gerrymandering injures voters*
15 *and political parties by infringing on their First*
16 *Amendment right to associate freely and their Four-*
17 *teenth Amendment right to equal protection of the*
18 *laws.*

19 **SEC. 5002. BAN ON MID-DECADE REDISTRICTING.**

20 *A State that has been redistricted in accordance with*
21 *this title may not be redistricted again until after the next*
22 *apportionment of Representatives under section 22(a) of the*
23 *Act entitled "An Act to provide for the fifteenth and subse-*
24 *quent decennial censuses and to provide for an apportion-*
25 *ment of Representatives in Congress", approved June 18,*

1 1929 (2 U.S.C. 2a), unless a court requires the State to
2 conduct such subsequent redistricting to comply with the
3 Constitution of the United States, the Voting Rights Act of
4 1965 (52 U.S.C. 10301 et seq.), the terms or conditions of
5 this title, or applicable State law.

6 **SEC. 5003. CRITERIA FOR REDISTRICTING.**

7 (a) *REQUIRING PLANS TO MEET CRITERIA.*—A State
8 may not use a congressional redistricting plan enacted fol-
9 lowing the notice of apportionment transmitted to the
10 President on April 26, 2021, or any subsequent notice of
11 apportionment, if such plan is not in compliance with this
12 section, without regard to whether or not the plan was en-
13 acted by the State before, on, or after the effective date of
14 this title.

15 (b) *RANKED CRITERIA.*—Under the redistricting plan
16 of a State, there shall be established single-member congres-
17 sional districts using the following criteria as set forth in
18 the following order of priority:

19 (1) *Districts shall comply with the United States*
20 *Constitution, including the requirement that they sub-*
21 *stantially equalize total population, without regard to*
22 *age, citizenship status, or immigration status.*

23 (2) *Districts shall comply with the Voting Rights*
24 *Act of 1965 (52 U.S.C. 10301 et seq.), including by*
25 *creating any districts where, if based upon the total-*

1 *ity of the circumstances, 2 or more politically cohesive*
2 *groups protected by such Act are able to elect rep-*
3 *resentatives of choice in coalition with one another,*
4 *and all applicable Federal laws.*

5 *(3)(A) Districts shall be drawn, to the extent*
6 *that the totality of the circumstances warrant, to en-*
7 *sure the practical ability of a group protected under*
8 *the Voting Rights Act of 1965 (52 U.S.C. 10301 et*
9 *seq.) to participate in the political process and to*
10 *nominate candidates and to elect representatives of*
11 *choice is not diluted or diminished, regardless of*
12 *whether or not such protected group constitutes a ma-*
13 *jority of a district's population, voting age popu-*
14 *lation, or citizen voting age population.*

15 *(B) For purposes of subparagraph (A), the as-*
16 *essment of whether a protected group has the prac-*
17 *tical ability to nominate candidates and to elect rep-*
18 *resentatives of choice shall require the consideration of*
19 *the following factors:*

20 *(i) Whether the group is politically cohesive.*

21 *(ii) Whether there is racially polarized vot-*
22 *ing in the relevant geographic region.*

23 *(iii) If there is racially polarized voting in*
24 *the relevant geographic region, whether the pre-*
25 *ferred candidates of the group nevertheless receive*

1 *a sufficient amount of consistent crossover sup-*
2 *port from other voters such that the group is a*
3 *functional majority with the ability to both*
4 *nominate candidates and elect representatives of*
5 *choice.*

6 *(4)(A) Districts shall be drawn to respect com-*
7 *munities of interest and neighborhoods to the extent*
8 *practicable after compliance with the requirements of*
9 *paragraphs (1) through (3). A community of interest*
10 *is defined as an area for which the record before the*
11 *entity responsible for developing and adopting the re-*
12 *districting plan demonstrates the existence of broadly*
13 *shared interests and representational needs, including*
14 *shared interests and representational needs rooted in*
15 *common ethnic, racial, economic, Indian, social, cul-*
16 *tural, geographic, or historic identities, or arising*
17 *from similar socioeconomic conditions. The term com-*
18 *munities of interest may, if the record warrants, in-*
19 *clude political subdivisions such as counties, munici-*
20 *palities, Indian lands, or school districts, but shall*
21 *not include common relationships with political par-*
22 *ties or political candidates.*

23 *(B) For purposes of subparagraph (A), in con-*
24 *sidering the needs of multiple, overlapping commu-*
25 *nities of interest, the entity responsible for developing*

1 *and adopting the redistricting plan shall give greater*
2 *weight to those communities of interest whose rep-*
3 *resentational needs would most benefit from the com-*
4 *munity's inclusion in a single congressional district.*

5 *(c) NO FAVORING OR DISFAVORING OF POLITICAL*
6 *PARTIES.—*

7 *(1) PROHIBITION.—A State may not use a redis-*
8 *tricting plan to conduct an election if the plan's con-*
9 *gressional districts, when considered cumulatively on*
10 *a statewide basis, have been drawn with the intent or*
11 *have the effect of materially favoring or disfavoring*
12 *any political party.*

13 *(2) DETERMINATION OF EFFECT.—The deter-*
14 *mination of whether a redistricting plan has the effect*
15 *of materially favoring or disfavoring a political party*
16 *shall be based on an evaluation of the totality of cir-*
17 *cumstances which, at a minimum, shall involve con-*
18 *sideration of each of the following factors:*

19 *(A) Computer modeling based on relevant*
20 *statewide general elections for Federal office held*
21 *over the 8 years preceding the adoption of the re-*
22 *districting plan setting forth the probable elec-*
23 *toral outcomes for the plan under a range of rea-*
24 *sonably foreseeable conditions.*

1 (B) *An analysis of whether the redistricting*
2 *plan is statistically likely to result in partisan*
3 *advantage or disadvantage on a statewide basis,*
4 *the degree of any such advantage or disadvan-*
5 *tage, and whether such advantage or disadvan-*
6 *tage is likely to be present under a range of rea-*
7 *sonably foreseeable electoral conditions.*

8 (C) *A comparison of the modeled electoral*
9 *outcomes for the redistricting plan to the mod-*
10 *eled electoral outcomes for alternative plans that*
11 *demonstrably comply with the requirements of*
12 *paragraphs (1), (2), and (3) of subsection (b) in*
13 *order to determine whether reasonable alter-*
14 *natives exist that would result in materially*
15 *lower levels of partisan advantage or disadvan-*
16 *tage on a statewide basis. For purposes of this*
17 *subparagraph, alternative plans considered may*
18 *include both actual plans proposed during the*
19 *redistricting process and other plans prepared*
20 *for purposes of comparison.*

21 (D) *Any other relevant information, includ-*
22 *ing how broad support for the redistricting plan*
23 *was among members of the entity responsible for*
24 *developing and adopting the plan and whether*
25 *the processes leading to the development and*

1 *adoption of the plan were transparent and*
2 *equally open to all members of the entity and to*
3 *the public.*

4 (3) *REBUTTABLE PRESUMPTION.—*

5 (A) *TRIGGER.—In any civil action brought*
6 *under section 5006 in which a party asserts a*
7 *claim that a State has enacted a redistricting*
8 *plan which is in violation of this subsection, a*
9 *party may file a motion not later than 30 days*
10 *after the enactment of the plan (or, in the case*
11 *of a plan enacted before the effective date of this*
12 *Act, not later than 30 days after the effective*
13 *date of this Act) requesting that the court deter-*
14 *mine whether a presumption of such a violation*
15 *exists. If such a motion is timely filed, the court*
16 *shall hold a hearing not later than 15 days after*
17 *the date the motion is filed to assess whether a*
18 *presumption of such a violation exists.*

19 (B) *ASSESSMENT.—To conduct the assess-*
20 *ment required under subparagraph (A), the court*
21 *shall do the following:*

22 (i) *Determine the number of congres-*
23 *sional districts under the plan that would*
24 *have been carried by each political party's*
25 *candidates for the office of President and*

1 *the office of Senator in the 2 most recent*
2 *general elections for the office of President*
3 *and the 2 most recent general elections for*
4 *the office of Senator (other than special gen-*
5 *eral elections) immediately preceding the*
6 *enactment of the plan, except that if a State*
7 *conducts a primary election for the office of*
8 *Senator which is open to candidates of all*
9 *political parties, the primary election shall*
10 *be used instead of the general election and*
11 *the number of districts carried by a party's*
12 *candidates for the office of Senator shall be*
13 *determined on the basis of the combined vote*
14 *share of all candidates in the election who*
15 *are affiliated with such party.*

16 *(ii) Determine, for each of the 4 elec-*
17 *tions assessed under clause (i), whether the*
18 *number of districts that would have been*
19 *carried by any party's candidate as deter-*
20 *mined under clause (i) results in partisan*
21 *advantage or disadvantage in excess of the*
22 *applicable threshold described in subpara-*
23 *graph (C). The degree of partisan advantage*
24 *or disadvantage shall be determined by one*

1 or more standard quantitative measures of
2 partisan fairness that—

3 (I) use a party's share of the
4 statewide vote to calculate a cor-
5 responding benchmark share of seats;
6 and

7 (II) measure the amount by which
8 the share of seats the party's can-
9 didates would have won in the election
10 involved exceeds that benchmark share
11 of seats.

12 (C) *APPLICABLE THRESHOLD DE-*
13 *SCRIBED.*—The applicable threshold described in
14 this subparagraph is, with respect to a State and
15 a number of seats, the greater of—

16 (i) an amount equal to 7 percent of the
17 number of congressional districts in the
18 State; or

19 (ii) one congressional district.

20 (D) *DESCRIPTION OF QUANTITATIVE MEAS-*
21 *URES; PROHIBITING ROUNDING.*—In carrying
22 out this subsection—

23 (i) the standard quantitative measures
24 of partisan fairness used by the court may

1 include the simplified efficiency gap but
2 may not include strict proportionality; and
3 (ii) the court may not round any num-
4 ber.

5 (E) *PRESUMPTION OF VIOLATION.*—A plan
6 is presumed to violate paragraph (1) if, on the
7 basis of at least one standard quantitative meas-
8 ure of partisan fairness, it exceeds the applicable
9 threshold described in subparagraph (C) with re-
10 spect to 2 or more of the 4 elections assessed
11 under subparagraph (B).

12 (F) *STAY OF USE OF PLAN.*—Notwith-
13 standing any other provision of this title, in any
14 action under this paragraph, the following rules
15 shall apply:

16 (i) Upon filing of a motion under sub-
17 paragraph (A), a State’s use of the plan
18 which is the subject of the motion shall be
19 automatically stayed pending resolution of
20 such motion.

21 (ii) If after considering the motion, the
22 court rules that the plan is presumed under
23 subparagraph (B) to violate paragraph (1),
24 a State may not use such plan until and
25 unless the court which is carrying out the

1 *determination of the effect of the plan under*
2 *paragraph (2) determines that, notwith-*
3 *standing the presumptive violation, the*
4 *plan does not violate paragraph (1).*

5 *(G) NO EFFECT ON OTHER ASSESSMENTS.—*

6 *The absence of a presumption of a violation with*
7 *respect to a redistricting plan as determined*
8 *under this paragraph shall not affect the deter-*
9 *mination of the effect or intent of the plan under*
10 *this section.*

11 *(4) DETERMINATION OF INTENT.—A court may*
12 *rely on all available evidence when determining*
13 *whether a redistricting plan was drawn with the in-*
14 *tent to materially favor or disfavor a political party,*
15 *including evidence of the partisan effects of a plan,*
16 *the degree of support the plan received from members*
17 *of the entity responsible for developing and adopting*
18 *the plan, and whether the processes leading to devel-*
19 *opment and adoption of the plan were transparent*
20 *and equally open to all members of the entity and to*
21 *the public.*

22 *(5) NO VIOLATION BASED ON CERTAIN CRI-*
23 *TERIA.—No redistricting plan shall be found to be in*
24 *violation of paragraph (1) because of the proper ap-*
25 *plication of the criteria set forth in paragraphs (1),*

1 (2), or (3) of subsection (b), unless one or more alter-
2 native plans could have complied with such para-
3 graphs without having the effect of materially favor-
4 ing or disfavoring a political party.

5 (d) *FACTORS PROHIBITED FROM CONSIDERATION.*—

6 In developing the redistricting plan for the State, the State
7 may not take into consideration any of the following fac-
8 tors, except as necessary to comply with the criteria de-
9 scribed in paragraphs (1) through (3) of subsection (b), to
10 achieve partisan fairness and comply with subsection (b),
11 and to enable the redistricting plan to be measured against
12 the external metrics described in section 5004(c):

13 (1) *The residence of any Member of the House of*
14 *Representatives or candidate.*

15 (2) *The political party affiliation or voting his-*
16 *tory of the population of a district.*

17 (e) *ADDITIONAL CRITERIA.*—A State may not rely
18 upon criteria, districting principles, or other policies of the
19 State which are not set forth in this section to justify non-
20 compliance with the requirements of this section.

21 (f) *APPLICABILITY.*—

22 (1) *IN GENERAL.*—This section applies to any
23 authority, whether appointed, elected, judicial, or oth-
24 erwise, responsible for enacting the congressional re-
25 districting plan of a State.

1 (2) *DATE OF ENACTMENT.*—*This section applies*
2 *to any congressional redistricting plan enacted fol-*
3 *lowing the notice of apportionment transmitted to the*
4 *President on April 26, 2021, regardless of the date of*
5 *enactment by the State of the congressional redis-*
6 *tricting plan.*

7 (g) *SEVERABILITY OF CRITERIA.*—*If any provision of*
8 *this section or any amendment made by this section, or the*
9 *application of any such provision or amendment to any*
10 *person or circumstance, is held to be unconstitutional, the*
11 *remainder of this section, and the application of such provi-*
12 *sion or amendment to any other person or circumstance,*
13 *shall not be affected by the holding.*

14 **SEC. 5004. DEVELOPMENT OF PLAN.**

15 (a) *PUBLIC NOTICE AND INPUT.*—

16 (1) *USE OF OPEN AND TRANSPARENT PROC-*
17 *ESS.*—*The entity responsible for developing and*
18 *adopting the congressional redistricting plan of a*
19 *State shall solicit and take into consideration com-*
20 *ments from the public throughout the process of devel-*
21 *oping the plan, and shall carry out its duties in an*
22 *open and transparent manner which provides for the*
23 *widest public dissemination reasonably possible of its*
24 *proposed and final redistricting plans.*

25 (2) *WEBSITE.*—

1 (A) *FEATURES.*—*The entity shall maintain*
2 *a public Internet site which is not affiliated with*
3 *or maintained by the office of any elected official*
4 *and which includes the following features:*

5 (i) *All proposed redistricting plans*
6 *and the final redistricting plan, including*
7 *the accompanying written evaluation under*
8 *subsection (c).*

9 (ii) *All comments received from the*
10 *public submitted under paragraph (1).*

11 (iii) *Access in an easily usable format*
12 *to the demographic and other data used by*
13 *the entity to develop and analyze the pro-*
14 *posed redistricting plans, together with any*
15 *reports analyzing and evaluating such*
16 *plans and access to software that members*
17 *of the public may use to draw maps of pro-*
18 *posed districts.*

19 (iv) *A method by which members of the*
20 *public may submit comments directly to the*
21 *entity.*

22 (B) *SEARCHABLE FORMAT.*—*The entity*
23 *shall ensure that all information posted and*
24 *maintained on the site under this paragraph, in-*
25 *cluding information and proposed maps sub-*

1 mitted by the public, shall be maintained in an
2 easily searchable format.

3 (3) *MULTIPLE LANGUAGE REQUIREMENTS FOR*
4 *ALL NOTICES.*—*The entity responsible for developing*
5 *and adopting the plan shall make each notice which*
6 *is required to be posted and published under this sec-*
7 *tion available in any language in which the State (or*
8 *any jurisdiction in the State) is required to provide*
9 *election materials under section 203 of the Voting*
10 *Rights Act of 1965 (52 U.S.C. 10503).*

11 **(b) DEVELOPMENT OF PLAN.**—

12 (1) *HEARINGS.*—*The entity responsible for devel-*
13 *oping and adopting the congressional redistricting*
14 *plan shall hold hearings both before and after releas-*
15 *ing proposed plans in order to solicit public input on*
16 *the content of such plans. These hearings shall—*

17 (A) *be held in different regions of the State*
18 *and streamed live on the public Internet site*
19 *maintained under subsection (a)(2);*

20 (B) *be sufficient in number, scheduled at*
21 *times and places, and noticed and conducted in*
22 *a manner to ensure that all members of the pub-*
23 *lic, including members of racial, ethnic, and lan-*
24 *guage minorities protected under the Voting*
25 *Rights Act of 1965, have a meaningful oppor-*

1 *tunity to attend and provide input both before*
2 *and after the entity releases proposed plans.*

3 (2) *POSTING OF MAPS.—The entity responsible*
4 *for developing and adopting the congressional redistricting plan shall make proposed plans, amendments*
5 *to proposed plans, and the data needed to analyze*
6 *such plans for compliance with the criteria of this*
7 *title available for public review, including on the public Internet site required under subsection (a)(2), for*
8 *a period of not less than 5 days before any vote or*
9 *hearing is held on any such plan or any amendment*
10 *to such a plan.*

11 (c) *RELEASE OF WRITTEN EVALUATION OF PLAN*
12 *AGAINST EXTERNAL METRICS REQUIRED PRIOR TO*
13 *VOTE.—The entity responsible for developing and adopting*
14 *the congressional redistricting plan for a State may not*
15 *hold a vote on a proposed redistricting plan, including a*
16 *vote in a committee, unless at least 48 hours prior to holding the vote the State has released a written evaluation that*
17 *measures each such plan against external metrics which*
18 *cover the criteria set forth in section 5003(b), including the*
19 *impact of the plan on the ability of members of a class of*
20 *citizens protected by the Voting Rights Act of 1965 (52*
21 *U.S.C. 10301 et seq.) to elect candidates of choice, the degree*
22 *to which the plan preserves or divides communities of inter-*
23 *sected persons.*
24 *sected persons.*
25 *sected persons.*

1 *est, and any analysis used by the State to assess compliance*
2 *with the requirements of section 5003(b) and (c).*

3 (d) *PUBLIC INPUT AND COMMENTS.*—*The entity re-*
4 *sponsible for developing and adopting the congressional re-*
5 *districting plan for a State shall make all public comments*
6 *received about potential plans, including alternative plans,*
7 *available to the public on the Internet site required under*
8 *subsection (a)(2), at no cost, not later than 24 hours prior*
9 *to holding a vote on final adoption of a plan.*

10 **SEC. 5005. FAILURE BY STATE TO ENACT PLAN.**

11 (a) *DEADLINE FOR ENACTMENT OF PLAN.*—

12 (1) *IN GENERAL.*—*Except as provided in para-*
13 *graph (2), each State shall enact a final congressional*
14 *redistricting plan following transmission of a notice*
15 *of apportionment to the President by the earliest of—*

16 (A) *the deadline set forth in State law, in-*
17 *cluding any extension to the deadline provided*
18 *in accordance with State law;*

19 (B) *February 15 of the year in which regu-*
20 *larly scheduled general elections for Federal of-*
21 *fice are held in the State; or*

22 (C) *90 days before the date of the next regu-*
23 *larly scheduled primary election for Federal of-*
24 *fice held in the State.*

1 (2) *SPECIAL RULE FOR PLANS ENACTED PRIOR*
2 *TO EFFECTIVE DATE OF TITLE.*—If a State enacted a
3 *final congressional redistricting plan prior to the ef-*
4 *fective date of this title and the plan is not in compli-*
5 *ance with the requirements of this title, the State*
6 *shall enact a final redistricting plan which is in com-*
7 *pliance with the requirements of this title not later*
8 *than 45 days after the effective date of this title.*

9 (b) *DEVELOPMENT OF PLAN BY COURT IN CASE OF*
10 *MISSED DEADLINE.*—If a State has not enacted a final con-
11 *gressional redistricting plan by the applicable deadline*
12 *under subsection (a), or it appears reasonably likely that*
13 *a State will fail to enact a final congressional redistricting*
14 *plan by such deadline—*

15 (1) *any citizen of the State may file an action*
16 *in the United States district court for the applicable*
17 *venue asking the district court to assume jurisdiction;*

18 (2) *the United States district court for the appli-*
19 *cable venue, acting through a 3-judge court convened*
20 *pursuant to section 2284 of title 28, United States*
21 *Code, shall have the exclusive authority to develop*
22 *and publish the congressional redistricting plan for*
23 *the State; and*

24 (3) *the final congressional redistricting plan de-*
25 *veloped and published by the court under this section*

1 *shall be deemed to be enacted on the date on which*
2 *the court publishes the final congressional redistricting*
3 *plan, as described in subsection (e).*

4 *(c) APPLICABLE VENUE.—For purposes of this section,*
5 *the “applicable venue” with respect to a State is the District*
6 *of Columbia or the judicial district in which the capital*
7 *of the State is located, as selected by the first party to file*
8 *with the court sufficient evidence that a State has failed*
9 *to, or is reasonably likely to fail to, enact a final redistricting*
10 *plan for the State prior to the expiration of the*
11 *applicable deadline set forth in subsection (a).*

12 *(d) PROCEDURES FOR DEVELOPMENT OF PLAN.—*

13 *(1) CRITERIA.—In developing a redistricting*
14 *plan for a State under this section, the court shall adhere*
15 *to the same terms and conditions that applied*
16 *(or that would have applied, as the case may be) to*
17 *the development of a plan by the State under section*
18 *5003.*

19 *(2) ACCESS TO INFORMATION AND RECORDS.—*
20 *The court shall have access to any information, data,*
21 *software, or other records and material that was used*
22 *(or that would have been used, as the case may be)*
23 *by the State in carrying out its duties under this*
24 *title.*

1 (3) *HEARING; PUBLIC PARTICIPATION.*—*In devel-*
2 *oping a redistricting plan for a State, the court*
3 *shall—*

4 (A) *hold one or more evidentiary hearings*
5 *at which interested members of the public may*
6 *appear and be heard and present testimony, in-*
7 *cluding expert testimony, in accordance with the*
8 *rules of the court; and*

9 (B) *consider other submissions and com-*
10 *ments by the public, including proposals for re-*
11 *districting plans to cover the entire State or any*
12 *portion of the State.*

13 (4) *USE OF SPECIAL MASTER.*—*To assist in the*
14 *development and publication of a redistricting plan*
15 *for a State under this section, the court may appoint*
16 *a special master to make recommendations to the*
17 *court on possible plans for the State.*

18 (e) *PUBLICATION OF PLAN.*—

19 (1) *PUBLIC AVAILABILITY OF INITIAL PLAN.*—
20 *Upon completing the development of one or more ini-*
21 *tial redistricting plans, the court shall make the plans*
22 *available to the public at no cost, and shall also make*
23 *available the underlying data used to develop the*
24 *plans and a written evaluation of the plans against*
25 *external metrics (as described in section 5004(c)).*

1 (2) *PUBLICATION OF FINAL PLAN.*—*At any time*
2 *after the expiration of the 14-day period which begins*
3 *on the date the court makes the plans available to the*
4 *public under paragraph (1), and taking into consid-*
5 *eration any submissions and comments by the public*
6 *which are received during such period, the court shall*
7 *develop and publish the final redistricting plan for*
8 *the State.*

9 (f) *USE OF INTERIM PLAN.*—*In the event that the*
10 *court is not able to develop and publish a final redistricting*
11 *plan for the State with sufficient time for an upcoming elec-*
12 *tion to proceed, the court may develop and publish an in-*
13 *terim redistricting plan which shall serve as the redis-*
14 *tricting plan for the State until the court develops and pub-*
15 *lishes a final plan in accordance with this section. Nothing*
16 *in this subsection may be construed to limit or otherwise*
17 *affect the authority or discretion of the court to develop and*
18 *publish the final redistricting plan, including the discretion*
19 *to make any changes the court deems necessary to an in-*
20 *terim redistricting plan.*

21 (g) *APPEALS.*—*Review on appeal of any final or in-*
22 *terim plan adopted by the court in accordance with this*
23 *section shall be governed by the appellate process in section*
24 *5006.*

1 (h) *STAY OF STATE PROCEEDINGS.*—*The filing of an*
2 *action under this section shall act as a stay of any pro-*
3 *ceedings in State court with respect to the State’s congres-*
4 *sional redistricting plan unless otherwise ordered by the*
5 *court.*

6 **SEC. 5006. CIVIL ENFORCEMENT.**

7 (a) *CIVIL ENFORCEMENT.*—

8 (1) *ACTIONS BY ATTORNEY GENERAL.*—*The At-*
9 *torney General may bring a civil action for such re-*
10 *lief as may be appropriate to carry out this title.*

11 (2) *AVAILABILITY OF PRIVATE RIGHT OF AC-*
12 *TION.*—

13 (A) *IN GENERAL.*—*Any person residing or*
14 *domiciled in a State who is aggrieved by the*
15 *failure of the State to meet the requirements of*
16 *the Constitution or Federal law, including this*
17 *title, with respect to the State’s congressional re-*
18 *districting, may bring a civil action in the*
19 *United States district court for the applicable*
20 *venue for such relief as may be appropriate to*
21 *remedy the failure.*

22 (B) *SPECIAL RULE FOR CLAIMS RELATING*
23 *TO PARTISAN ADVANTAGE.*—*For purposes of sub-*
24 *paragraph (A), a person who is aggrieved by the*

1 *failure of a State to meet the requirements of sec-*
2 *tion 5003(c) may include—*

3 *(i) any political party or committee in*
4 *the State; and*

5 *(ii) any registered voter in the State*
6 *who resides in a congressional district that*
7 *the voter alleges was drawn in a manner*
8 *that contributes to a violation of such sec-*
9 *tion.*

10 *(C) NO AWARDING OF DAMAGES TO PRE-*
11 *VAILING PARTY.—Except for an award of attor-*
12 *ney's fees under subsection (d), a court in a civil*
13 *action under this section shall not award the*
14 *prevailing party any monetary damages, com-*
15 *pensatory, punitive, or otherwise.*

16 *(3) DELIVERY OF COMPLAINT TO HOUSE AND*
17 *SENATE.—In any action brought under this section,*
18 *a copy of the complaint shall be delivered promptly*
19 *to the Clerk of the House of Representatives and the*
20 *Secretary of the Senate.*

21 *(4) EXCLUSIVE JURISDICTION AND APPLICABLE*
22 *VENUE.—The district courts of the United States shall*
23 *have exclusive jurisdiction to hear and determine*
24 *claims asserting that a congressional redistricting*
25 *plan violates the requirements of the Constitution or*

1 *Federal law, including this title. The applicable venue*
2 *for such an action shall be the United States District*
3 *Court for the District of Columbia or for the judicial*
4 *district in which the capital of the State is located,*
5 *as selected by the person bringing the action. In a*
6 *civil action that includes a claim that a redistricting*
7 *plan is in violation of section 5003(b) or (c), the*
8 *United States District Court for the District of Co-*
9 *lumbia shall have jurisdiction over any defendant*
10 *who has been served in any United States judicial*
11 *district in which the defendant resides, is found, or*
12 *has an agent, or in the United States judicial district*
13 *in which the capital of the State is located. Process*
14 *may be served in any United States judicial district*
15 *where a defendant resides, is found, or has an agent,*
16 *or in the United States judicial district in which the*
17 *capital of the State is located.*

18 (5) *USE OF 3-JUDGE COURT.—If an action under*
19 *this section raises statewide claims under the Con-*
20 *stitution or this title, the action shall be heard by a*
21 *3-judge court convened pursuant to section 2284 of*
22 *title 28, United States Code.*

23 (6) *REVIEW OF FINAL DECISION.—A final deci-*
24 *sion in an action brought under this section shall be*
25 *reviewable on appeal by the United States Court of*

1 *Appeals for the District of Columbia Circuit, which*
2 *shall hear the matter sitting en banc. There shall be*
3 *no right of appeal in such proceedings to any other*
4 *court of appeals. Such appeal shall be taken by the*
5 *filing of a notice of appeal within 10 days of the*
6 *entry of the final decision. A final decision by the*
7 *Court of Appeals may be reviewed by the Supreme*
8 *Court of the United States by writ of certiorari.*

9 **(b) EXPEDITED CONSIDERATION.**—*In any action*
10 *brought under this section, it shall be the duty of the district*
11 *court, the United States Court of Appeals for the District*
12 *of Columbia Circuit, and the Supreme Court of the United*
13 *States (if it chooses to hear the action) to advance on the*
14 *docket and to expedite to the greatest possible extent the dis-*
15 *position of the action and appeal.*

16 **(c) REMEDIES.**—

17 **(1) ADOPTION OF REPLACEMENT PLAN.**—

18 **(A) IN GENERAL.**—*If the district court in*
19 *an action under this section finds that the con-*
20 *gressional redistricting plan of a State violates,*
21 *in whole or in part, the requirements of this*
22 *title—*

23 *(i) the court shall adopt a replacement*
24 *congressional redistricting plan for the*

1 *State in accordance with the process set*
2 *forth in section 5005; or*

3 *(ii) if circumstances warrant and no*
4 *delay to an upcoming regularly scheduled*
5 *election for the House of Representatives in*
6 *the State would result, the district court, in*
7 *its discretion, may allow a State to develop*
8 *and propose a remedial congressional redistricting*
9 *plan for review by the court to de-*
10 *termine whether the plan is in compliance*
11 *with this title, except that—*

12 *(I) the State may not develop and*
13 *propose a remedial plan under this*
14 *clause if the court determines that the*
15 *congressional redistricting plan of the*
16 *State was enacted with discriminatory*
17 *intent in violation of the Constitution*
18 *or section 5003(b); and*

19 *(II) nothing in this clause may be*
20 *construed to permit a State to use such*
21 *a remedial plan which has not been*
22 *approved by the court.*

23 *(B) PROHIBITING USE OF PLANS IN VIOLA-*
24 *TION OF REQUIREMENTS.—No court shall order a*
25 *State to use a congressional redistricting plan*

1 *which violates, in whole or in part, the require-*
2 *ments of this title, or to conduct an election*
3 *under terms and conditions which violate, in*
4 *whole or in part, the requirements of this title.*

5 (C) *SPECIAL RULE IN CASE FINAL ADJU-*
6 *DICATION NOT EXPECTED WITHIN 3 MONTHS OF*
7 *ELECTION.—*

8 (i) *DUTY OF COURT.—If final adju-*
9 *dications of an action under this section is*
10 *not reasonably expected to be completed at*
11 *least 3 months prior to the next regularly*
12 *scheduled primary election for the House of*
13 *Representatives in the State, the district*
14 *court shall—*

15 (I) *develop, adopt, and order the*
16 *use of an interim congressional redis-*
17 *tricting plan in accordance with sec-*
18 *tion 5005(f) to address any claims*
19 *under this title for which a party seek-*
20 *ing relief has demonstrated a substan-*
21 *tial likelihood of success; or*

22 (II) *order adjustments to the tim-*
23 *ing of primary elections for the House*
24 *of Representatives and other related*
25 *deadlines, as needed, to allow sufficient*

1 *opportunity for adjudication of the*
2 *matter and adoption of a remedial or*
3 *replacement plan for use in the next*
4 *regularly scheduled general elections*
5 *for the House of Representatives.*

6 *(ii) PROHIBITING FAILURE TO ACT ON*
7 *GROUNDS OF PENDENCY OF ELECTION.—The*
8 *court may not refuse to take any action de-*
9 *scribed in clause (i) on the grounds of the*
10 *pendency of the next election held in the*
11 *State or the potential for disruption, confu-*
12 *sion, or additional burdens with respect to*
13 *the administration of the election in the*
14 *State.*

15 *(2) NO STAY PENDING APPEAL.—Notwith-*
16 *standing the appeal of an order finding that a con-*
17 *gressional redistricting plan of a State violates, in*
18 *whole or in part, the requirements of this title, no*
19 *stay shall issue which shall bar the development or*
20 *adoption of a replacement or remedial plan under*
21 *this subsection, as may be directed by the district*
22 *court, pending such appeal. If such a replacement or*
23 *remedial plan has been adopted, no appellate court*
24 *may stay or otherwise enjoin the use of such plan*
25 *during the pendency of an appeal, except upon an*

1 *order holding, based on the record, that adoption of*
2 *such plan was an abuse of discretion.*

3 (3) *SPECIAL AUTHORITY OF COURT OF AP-*
4 *PEALS.—*

5 (A) *ORDERING OF NEW REMEDIAL PLAN.—*

6 *If, upon consideration of an appeal under this*
7 *title, the Court of Appeals determines that a*
8 *plan does not comply with the requirements of*
9 *this title, it shall direct that the District Court*
10 *promptly develop a new remedial plan with as-*
11 *sistance of a special master for consideration by*
12 *the Court of Appeals.*

13 (B) *FAILURE OF DISTRICT COURT TO TAKE*

14 *TIMELY ACTION.—If, at any point during the*
15 *pendency of an action under this section, the*
16 *District Court fails to take action necessary to*
17 *permit resolution of the case prior to the next*
18 *regularly scheduled election for the House of*
19 *Representatives in the State or fails to grant the*
20 *relief described in paragraph (1)(C), any party*
21 *may seek a writ of mandamus from the Court of*
22 *Appeals for the District of Columbia Circuit.*
23 *The Court of Appeals shall have jurisdiction over*
24 *the motion for a writ of mandamus and shall es-*
25 *tablish an expedited briefing and hearing sched-*

1 *ule for resolution of the motion. If the Court of*
2 *Appeals determines that a writ should be grant-*
3 *ed, the Court of Appeals shall take any action*
4 *necessary, including developing a congressional*
5 *redistricting plan with assistance of a special*
6 *master to ensure that a remedial plan is adopted*
7 *in time for use in the next regularly scheduled*
8 *election for the House of Representatives in the*
9 *State.*

10 (4) *EFFECT OF ENACTMENT OF REPLACEMENT*
11 *PLAN.—A State’s enactment of a redistricting plan*
12 *which replaces a plan which is the subject of an ac-*
13 *tion under this section shall not be construed to limit*
14 *or otherwise affect the authority of the court to adju-*
15 *dicate or grant relief with respect to any claims or*
16 *issues not addressed by the replacement plan, includ-*
17 *ing claims that the plan which is the subject of the*
18 *action was enacted, in whole or in part, with dis-*
19 *criminatory intent, or claims to consider whether re-*
20 *lief should be granted under section 3(c) of the Voting*
21 *Rights Act of 1965 (52 U.S.C. 10302(c)) based on the*
22 *plan which is the subject of the action.*

23 (d) *ATTORNEY’S FEES.—In a civil action under this*
24 *section, the court may allow the prevailing party (other*

1 *than the United States) reasonable attorney fees, including*
2 *litigation expenses, and costs.*

3 *(e) RELATION TO OTHER LAWS.—*

4 *(1) RIGHTS AND REMEDIES ADDITIONAL TO*
5 *OTHER RIGHTS AND REMEDIES.—The rights and rem-*
6 *edies established by this section are in addition to all*
7 *other rights and remedies provided by law, and nei-*
8 *ther the rights and remedies established by this sec-*
9 *tion nor any other provision of this title shall super-*
10 *sede, restrict, or limit the application of the Voting*
11 *Rights Act of 1965 (52 U.S.C. 10301 et seq.).*

12 *(2) VOTING RIGHTS ACT OF 1965.—Nothing in*
13 *this title authorizes or requires conduct that is pro-*
14 *hibited by the Voting Rights Act of 1965 (52 U.S.C.*
15 *10301 et seq.).*

16 *(f) LEGISLATIVE PRIVILEGE.—No person, legislature,*
17 *or State may claim legislative privilege under either State*
18 *or Federal law in a civil action brought under this section*
19 *or in any other legal challenge, under either State or Fed-*
20 *eral law, to a redistricting plan enacted under this title.*

21 *(g) REMOVAL.—*

22 *(1) IN GENERAL.—At any time, a civil action*
23 *brought in a State court which asserts a claim for*
24 *which the district courts of the United States have ex-*
25 *clusive jurisdiction under this title may be removed*

1 *by any party in the case, including an intervenor, by*
2 *filing, in the district court for an applicable venue*
3 *under this section, a notice of removal signed pursu-*
4 *ant to Rule 11 of the Federal Rules of Civil Procedure*
5 *containing a short and plain statement of the grounds*
6 *for removal. Consent of parties shall not be required*
7 *for removal.*

8 (2) *CLAIMS NOT WITHIN THE ORIGINAL OR SUP-*
9 *PLEMENTAL JURISDICTION.—If a civil action removed*
10 *in accordance with paragraph (1) contains claims not*
11 *within the original or supplemental jurisdiction of*
12 *the district court, the district court shall sever all*
13 *such claims and remand them to the State court from*
14 *which the action was removed.*

15 **SEC. 5007. NO EFFECT ON ELECTIONS FOR STATE AND**
16 **LOCAL OFFICE.**

17 *Nothing in this title or in any amendment made by*
18 *this title may be construed to affect the manner in which*
19 *a State carries out elections for State or local office, includ-*
20 *ing the process by which a State establishes the districts*
21 *used in such elections.*

22 **SEC. 5008. EFFECTIVE DATE.**

23 (a) *IN GENERAL.—This title and the amendments*
24 *made by this title shall apply on the date of enactment of*
25 *this title.*

1 (b) *APPLICATION TO CONGRESSIONAL REDISTRICTING*
2 *PLANS RESULTING FROM 2020 DECENNIAL CENSUS.*—Not-
3 *withstanding subsection (a), this title and the amendments*
4 *made by this title, other than section 5004, shall apply with*
5 *respect to each congressional redistricting plan enacted pur-*
6 *suant to the notice of apportionment transmitted to the*
7 *President on April 26, 2021, without regard to whether or*
8 *not a State enacted such a plan prior to the date of the*
9 *enactment of this Act.*

10 ***TITLE VI—CAMPAIGN FINANCE***
11 ***TRANSPARENCY***

12 ***Subtitle A—DISCLOSE Act***

13 ***SEC. 6001. SHORT TITLE.***

14 *This subtitle may be cited as the “Democracy Is*
15 *Strengthened by Casting Light On Spending in Elections*
16 *Act of 2021” or the “DISCLOSE Act of 2021”.*

17 ***SEC. 6002. FINDINGS.***

18 *Congress finds the following:*

19 (1) *Campaign finance disclosure is a narrowly*
20 *tailored and minimally restrictive means to advance*
21 *substantial government interests, including fostering*
22 *an informed electorate capable of engaging in self-gov-*
23 *ernment and holding their elected officials account-*
24 *able, detecting and deterring quid pro quo corruption,*
25 *and identifying information necessary to enforce other*

1 campaign finance laws, including campaign con-
2 tribution limits and the prohibition on foreign money
3 in U.S. campaigns. To further these substantial inter-
4 ests, campaign finance disclosure must be timely and
5 complete, and must disclose the true and original
6 source of money given, transferred, and spent to influ-
7 ence Federal elections. Current law does not meet this
8 objective because corporations and other entities that
9 the Supreme Court has permitted to spend money to
10 influence Federal elections are subject to few if any
11 transparency requirements.

12 (2) As the Supreme Court recognized in its per
13 curiam opinion in *Buckley v. Valeo*, 424 U.S. 1,
14 (1976), “disclosure requirements certainly in most
15 applications appear to be the least restrictive means
16 of curbing the evils of campaign ignorance and cor-
17 ruption that Congress found to exist.” *Buckley*, 424
18 U.S. at 68. In *Citizens United v. FEC*, the Court re-
19 iterated that “disclosure is a less restrictive alter-
20 native to more comprehensive regulations of speech.”
21 558 U.S. 310, 369 (2010).

22 (3) No subsequent decision has called these hold-
23 ings into question, including the Court’s decision in
24 *Americans for Prosperity Foundation v. Bonta*, 141
25 S. Ct. 2373 (2021). That case did not involve cam-

1 *campaign finance disclosure, and the Court did not over-*
2 *turn its longstanding recognition of the substantial*
3 *interests furthered by such disclosure.*

4 *(4) Campaign finance disclosure is also essential*
5 *to enforce the Federal Election Campaign Act’s prohi-*
6 *bition on contributions by and solicitations of foreign*
7 *nationals. See section 319 of the Federal Election*
8 *Campaign Act of 1971 (52 U.S.C. 30121).*

9 *(5) Congress should close loopholes allowing*
10 *spending by foreign nationals in domestic elections.*
11 *For example, in 2021, the Federal Election Commis-*
12 *sion, the independent Federal agency charged with*
13 *protecting the integrity of the Federal campaign fi-*
14 *nance process, found reason to believe and conciliated*
15 *a matter where an experienced political consultant*
16 *knowingly and willfully violated Federal law by solici-*
17 *ting a contribution from a foreign national by offer-*
18 *ing to transmit a \$2,000,000 contribution to a super*
19 *PAC through his company and two 501(c)(4) organi-*
20 *zations, to conceal the origin of the funds. This*
21 *scheme was only unveiled after appearing in a The*
22 *Telegraph UK article and video capturing the solici-*
23 *tation. See Conciliation Agreement, MURs 7165 &*
24 *7196 (Great America PAC, et al.), date June 28,*

1 2021; *Factual and Legal Analysis, MURs 7165 &*
2 *7196 (Jesse Benton), dated Mar. 2, 2021.*

3 **PART 1—CLOSING LOOPHOLES ALLOWING**
4 **SPENDING BY FOREIGN NATIONALS IN ELEC-**
5 **TIONS**

6 **SEC. 6003. CLARIFICATION OF APPLICATION OF FOREIGN**
7 **MONEY BAN TO CERTAIN DISBURSEMENTS**
8 **AND ACTIVITIES.**

9 *Section 319(b) of the Federal Election Campaign Act*
10 *of 1971 (52 U.S.C. 30121(b)) is amended—*

11 *(1) by redesignating paragraphs (1) and (2) as*
12 *subparagraphs (A) and (B), respectively, and by mov-*
13 *ing such subparagraphs 2 ems to the right;*

14 *(2) by striking “As used in this section, the*
15 *term” and inserting the following: “DEFINITIONS.—*
16 *For purposes of this section—*

17 *“(1) FOREIGN NATIONAL.—The term”;*

18 *(3) by moving paragraphs (1) and (2) two ems*
19 *to the right and redesignating them as subparagraphs*
20 *(A) and (B), respectively; and*

21 *(4) by adding at the end the following new para-*
22 *graph:*

23 *“(2) CONTRIBUTION AND DONATION.—For pur-*
24 *poses of paragraphs (1) and (2) of subsection (a), the*
25 *term ‘contribution or donation’ includes any disburse-*

1 *ment to a political committee which accepts donations*
 2 *or contributions that do not comply with any of the*
 3 *limitations, prohibitions, and reporting requirements*
 4 *of this Act (or any disbursement to or on behalf of*
 5 *any account of a political committee which is estab-*
 6 *lished for the purpose of accepting such donations or*
 7 *contributions), or to any other person for the purpose*
 8 *of funding an expenditure, independent expenditure,*
 9 *or electioneering communication (as defined in sec-*
 10 *tion 304(f)(3)).”.*

11 **SEC. 6004. STUDY AND REPORT ON ILLICIT FOREIGN**
 12 **MONEY IN FEDERAL ELECTIONS.**

13 *(a) STUDY.—For each 4-year election cycle (beginning*
 14 *with the 4-year election cycle ending in 2020), the Comp-*
 15 *troller General shall conduct a study on the incidence of*
 16 *illicit foreign money in all elections for Federal office held*
 17 *during the preceding 4-year election cycle, including what*
 18 *information is known about the presence of such money in*
 19 *elections for Federal office.*

20 *(b) REPORT.—*

21 *(1) IN GENERAL.—Not later than the applicable*
 22 *date with respect to any 4-year election cycle, the*
 23 *Comptroller General shall submit to the appropriate*
 24 *congressional committees a report on the study con-*
 25 *ducted under subsection (a).*

1 (2) *MATTERS INCLUDED.*—*The report submitted*
2 *under paragraph (1) shall include a description of the*
3 *extent to which illicit foreign money was used to tar-*
4 *get particular groups, including rural communities,*
5 *African-American and other minority communities,*
6 *and military and veteran communities, based on such*
7 *targeting information as is available and accessible to*
8 *the Comptroller General.*

9 (3) *APPLICABLE DATE.*—*For purposes of para-*
10 *graph (1), the term “applicable date” means—*

11 (A) *in the case of the 4-year election cycle*
12 *ending in 2020, the date that is 1 year after the*
13 *date of the enactment of this Act; and*

14 (B) *in the case of any other 4-year election*
15 *cycle, the date that is 1 year after the date on*
16 *which such 4-year election cycle ends.*

17 (c) *DEFINITIONS.*—*As used in this section:*

18 (1) *4-YEAR ELECTION CYCLE.*—*The term “4-year*
19 *election cycle” means the 4-year period ending on the*
20 *date of the general election for the offices of President*
21 *and Vice President.*

22 (2) *ILLICIT FOREIGN MONEY.*—*The term “illicit*
23 *foreign money” means any contribution, donation, ex-*
24 *penditure, or disbursement by a foreign national (as*
25 *defined in section 319(b) of the Federal Election*

1 *Campaign Act of 1971 (52 U.S.C.30121(b)) prohibited under such section.*

3 (3) *ELECTION; FEDERAL OFFICE.*—*The terms*
4 *“election” and “Federal office” have the meanings*
5 *given such terms under section 301 of the Federal*
6 *Election Campaign Act of 1971 (53 U.S.C. 30101).*

7 (4) *APPROPRIATE CONGRESSIONAL COMMIT-*
8 *TEES.*—*The term “appropriate congressional commit-*
9 *tees” means—*

10 (A) *the Committee on House Administra-*
11 *tion of the House of Representatives;*

12 (B) *the Committee on Rules and Adminis-*
13 *tration of the Senate;*

14 (C) *the Committee on the Judiciary of the*
15 *House of Representatives; and*

16 (D) *the Committee on the Judiciary of the*
17 *Senate.*

18 (d) *SUNSET.*—*This section shall not apply to any 4-*
19 *year election cycle beginning after the election for the offices*
20 *of President and Vice President in 2032.*

1 **SEC. 6005. 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 Elec-*
6 *tion Campaign Act of 1971 (52 U.S.C. 30121(b))*, as
7 *amended by section 6003*, is amended by adding at the end
8 *the following new paragraph:*

9 “(3) *FEDERAL, STATE, OR LOCAL ELECTION.*—
10 *The term ‘Federal, State, or local election’ includes a*
11 *State or local ballot initiative or referendum, but only*
12 *in the case of—*

13 “(A) *a covered foreign national described in*
14 *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 Reg-*
17 *istration Act of 1938, as amended (22 U.S.C.*
18 *611(b)(2) or (b)(3)) or an agent of such a foreign*
19 *principal under such Act.”.*

20 (b) *EFFECTIVE DATE.*—*The amendment made by this*
21 *section shall apply with respect to elections held in 2022*
22 *or any succeeding year.*

1 **SEC. 6006. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
2 **FOREIGN MONEY BAN.**

3 (a) *DISBURSEMENTS DESCRIBED.*—Section 319(a)(1)
4 of the Federal Election Campaign Act of 1971 (52 U.S.C.
5 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 runoff
21 election for the office sought by the candidate or
22 30 days before a primary or preference election,
23 or a convention or caucus of a political party
24 that has authority to nominate a candidate for
25 the office sought by the candidate;

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, or
6 digital application, that promotes, supports, at-
7 tacks or opposes the election of a clearly identi-
8 fied candidate for Federal, State, or local office
9 (regardless of whether the communication con-
10 tains express advocacy or the functional equiva-
11 lent of express advocacy);

12 “(H) a disbursement for a broadcast, cable,
13 or satellite communication, or for any commu-
14 nication which is placed or promoted for a fee on
15 an online platform (as defined in section
16 304(k)(3)), that discusses a national legislative
17 issue of public importance in a year in which a
18 regularly scheduled general election for Federal
19 office is held, but only if the disbursement is
20 made by a covered foreign national described in
21 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 Federal,
 2 State, or local office (regardless of whether the
 3 activity contains express advocacy or the func-
 4 tional 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 this
 10 section shall apply with respect to disbursements made on
 11 or after the date of the enactment of this Act.

12 **SEC. 6007. 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 **eign nationals**

22 “(a) *OFFENSE.*—It shall be unlawful for an owner, of-
 23 ficer, attorney, or incorporation agent of a corporation,
 24 company, or other entity to establish or use the corporation,
 25 company, or other entity with the intent to conceal an ac-

1 tivity of a foreign national (as defined in section 319 of
 2 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 by
 9 section 2001(b) and section 3101(b), is amended by insert-
 10 ing after the item relating to section 612 the following:

“614. Establishment of corporation to conceal election contributions and donations
 by foreign nationals.”.

11 **PART 2—REPORTING OF CAMPAIGN-RELATED**
 12 **DISBURSEMENTS**

13 **SEC. 6011. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
 14 **MENTS.**

15 (a) *IN GENERAL.*—Section 324 of the Federal Election
 16 Campaign Act of 1971 (52 U.S.C. 30126) is amended to
 17 read as follows:

18 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
 19 **MENTS BY COVERED ORGANIZATIONS.**

20 “(a) *DISCLOSURE STATEMENT.*—

21 “(1) *IN GENERAL.*—Any covered organization
 22 that makes campaign-related disbursements aggre-
 23 gating more than \$10,000 in an election reporting
 24 cycle shall, not later than 24 hours after each disclo-

1 *sure date, file a statement with the Commission made*
2 *under penalty of perjury that contains the informa-*
3 *tion described in paragraph (2)—*

4 *“(A) in the case of the first statement filed*
5 *under this subsection, for the period beginning*
6 *on the first day of the election reporting cycle*
7 *(or, if earlier, the period beginning one year be-*
8 *fore the first such disclosure date) and ending on*
9 *the first such disclosure date; and*

10 *“(B) in the case of any subsequent state-*
11 *ment filed under this subsection, for the period*
12 *beginning on the previous disclosure date and*
13 *ending on such disclosure date.*

14 *“(2) INFORMATION DESCRIBED.—The informa-*
15 *tion described in this paragraph is as follows:*

16 *“(A) The name of the covered organization*
17 *and the principal place of business of such orga-*
18 *nization and, in the case of a covered organiza-*
19 *tion that is a corporation (other than a business*
20 *concern that is an issuer of a class of securities*
21 *registered under section 12 of the Securities Ex-*
22 *change Act of 1934 (15 U.S.C. 78l) or that is re-*
23 *quired to file reports under section 15(d) of that*
24 *Act (15 U.S.C. 78o(d))) or an entity described in*
25 *subsection (e)(2), a list of the beneficial owners*

1 *(as defined in paragraph (4)(A)) of the entity*
2 *that—*

3 *“(i) identifies each beneficial owner by*
4 *name and current residential or business*
5 *street address; and*

6 *“(ii) if any beneficial owner exercises*
7 *control over the entity through another legal*
8 *entity, such as a corporation, partnership,*
9 *limited liability company, or trust, identi-*
10 *fies each such other legal entity and each*
11 *such beneficial owner who will use that*
12 *other entity to exercise control over the enti-*
13 *ty.*

14 *“(B) The amount of each campaign-related*
15 *disbursement made by such organization during*
16 *the period covered by the statement of more than*
17 *\$1,000, and the name and address of the person*
18 *to whom the disbursement was made.*

19 *“(C) In the case of a campaign-related dis-*
20 *bursement that is not a covered transfer, the elec-*
21 *tion to which the campaign-related disbursement*
22 *pertains and if the disbursement is made for a*
23 *public communication, the name of any can-*
24 *didate 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 disburse-*
6 *ment is not made in cooperation, consultation,*
7 *or concert with or at the request or suggestion of*
8 *a candidate, authorized committee, or agent of a*
9 *candidate, political party, or agent of a political*
10 *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 such*
17 *payment to the account—*

18 “(I) *the name and address of each per-*
19 *son who made such payment during the pe-*
20 *riod covered by the statement;*

21 “(II) *the date and amount of such pay-*
22 *ment; and*

23 “(III) *the aggregate amount of all such*
24 *payments made by the person during the*
25 *period beginning on the first day of the elec-*

1 *tion reporting cycle (or, if earlier, the pe-*
2 *riod beginning one year before the disclosure*
3 *date) and ending on the disclosure date,*
4 *but only if such payment was made by a person*
5 *who made payments to the account in an aggre-*
6 *gate amount of \$10,000 or more during the pe-*
7 *riod beginning on the first day of the election re-*
8 *porting cycle (or, if earlier, the period beginning*
9 *one year before the disclosure date) and ending*
10 *on the disclosure date.*

11 *“(i) In any calendar year after 2022, sec-*
12 *tion 315(c)(1)(B) shall apply to the amount de-*
13 *scribed in clause (i) in the same manner as such*
14 *section applies to the limitations established*
15 *under subsections (a)(1)(A), (a)(1)(B), (a)(3),*
16 *and (h) of such section, except that for purposes*
17 *of applying such section to the amounts de-*
18 *scribed in subsection (b), the ‘base period’ shall*
19 *be calendar year 2022.*

20 *“(F)(i) If the covered organization makes*
21 *campaign-related disbursements using funds*
22 *other than funds in a segregated bank account*
23 *described in subparagraph (E), for each payment*
24 *to the covered organization—*

1 “(I) the name and address of each per-
2 son who made such payment during the pe-
3 riod covered by the statement;

4 “(II) the date and amount of such pay-
5 ment; and

6 “(III) the aggregate amount of all such
7 payments made by the person during the
8 period beginning on the first day of the elec-
9 tion reporting cycle (or, if earlier, the pe-
10 riod beginning one year before the disclosure
11 date) and ending on the disclosure date,

12 but only if such payment was made by a person
13 who made payments to the covered organization
14 in an aggregate amount of \$10,000 or more dur-
15 ing the period beginning on the first day of the
16 election reporting cycle (or, if earlier, the period
17 beginning one year before the disclosure date)
18 and ending on the disclosure date.

19 “(ii) In any calendar year after 2022, sec-
20 tion 315(c)(1)(B) shall apply to the amount de-
21 scribed in clause (i) in the same manner as such
22 section applies to the limitations established
23 under subsections (a)(1)(A), (a)(1)(B), (a)(3),
24 and (h) of such section, except that for purposes
25 of applying such section to the amounts de-

1 *scribed in subsection (b), the ‘base period’ shall*
2 *be calendar year 2022.*

3 *“(G) Such other information as required in*
4 *rules established by the Commission to promote*
5 *the purposes of this section.*

6 *“(3) EXCEPTIONS.—*

7 *“(A) AMOUNTS RECEIVED IN ORDINARY*
8 *COURSE OF BUSINESS.—The requirement to in-*
9 *clude in a statement filed under paragraph (1)*
10 *the information described in paragraph (2) shall*
11 *not apply to amounts received by the covered or-*
12 *ganization in commercial transactions in the or-*
13 *inary course of any trade or business conducted*
14 *by the covered organization or in the form of in-*
15 *vestments (other than investments by the prin-*
16 *cipal shareholder in a limited liability corpora-*
17 *tion) in the covered organization. For purposes*
18 *of this subparagraph, amounts received by a cov-*
19 *ered organization as remittances from an em-*
20 *ployee to the employee’s collective bargaining*
21 *representative shall be treated as amounts re-*
22 *ceived in commercial transactions in the ordi-*
23 *nary course of the business conducted by the cov-*
24 *ered 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 to*
11 *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 re-*
22 *prisals.*

23 “(4) *OTHER DEFINITIONS.—For purposes of this*
24 *section:*

25 “(A) *BENEFICIAL OWNER DEFINED.—*

1 “(i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), the term ‘beneficial owner’*
3 *means, with respect to any entity, a natural*
4 *person who, directly or indirectly—*

5 “(I) *exercises substantial control*
6 *over an entity through ownership, vot-*
7 *ing rights, agreement, or otherwise; or*

8 “(II) *has a substantial interest in*
9 *or receives substantial economic bene-*
10 *fits from the assets of an entity.*

11 “(ii) *EXCEPTIONS.*—*The term ‘bene-*
12 *ficial owner’ shall not include—*

13 “(I) *a minor child;*

14 “(II) *a person acting as a nomi-*
15 *nee, intermediary, custodian, or agent*
16 *on behalf of another person;*

17 “(III) *a person acting solely as an*
18 *employee of an entity and whose con-*
19 *trol over or economic benefits from the*
20 *entity derives solely from the employ-*
21 *ment status of the person;*

22 “(IV) *a person whose only interest*
23 *in an entity is through a right of in-*
24 *heritance, unless the person also meets*
25 *the requirements of clause (i); or*

1 “(V) a creditor of an entity, un-
2 less the creditor also meets the require-
3 ments of clause (i).

4 “(iii) *ANTI-ABUSE RULE.*—The excep-
5 tions under clause (ii) shall not apply if
6 used for the purpose of evading, circum-
7 venting, or abusing the provisions of clause
8 (i) or paragraph (2)(A).

9 “(B) *DISCLOSURE DATE.*—The term ‘disclo-
10 sure date’ means—

11 “(i) the first date during any election
12 reporting cycle by which a person has made
13 campaign-related disbursements aggregating
14 more than \$10,000; and

15 “(ii) any other date during such elec-
16 tion reporting cycle by which a person has
17 made campaign-related disbursements ag-
18 gregating more than \$10,000 since the most
19 recent disclosure date for such election re-
20 porting cycle.

21 “(C) *ELECTION REPORTING CYCLE.*—The
22 term ‘election reporting cycle’ means the 2-year
23 period beginning on the date of the most recent
24 general election for Federal office.

1 “(D) *PAYMENT*.—The term ‘payment’ in-
2 cludes any contribution, donation, transfer, pay-
3 ment of dues, or other payment.

4 “(b) *COORDINATION WITH OTHER PROVISIONS*.—

5 “(1) *OTHER REPORTS FILED WITH THE COMMIS-*
6 *SION*.—Information included in a statement filed
7 under this section may be excluded from statements
8 and reports filed under section 304.

9 “(2) *TREATMENT AS SEPARATE SEGREGATED*
10 *FUND*.—A segregated bank account referred to in sub-
11 section (a)(2)(E) may be treated as a separate seg-
12 regated fund for purposes of section 527(f)(3) of the
13 Internal Revenue Code of 1986.

14 “(c) *FILING*.—Statements required to be filed under
15 subsection (a) shall be subject to the requirements of section
16 304(d) to the same extent and in the same manner as if
17 such reports had been required under subsection (c) or (g)
18 of section 304.

19 “(d) *CAMPAIGN-RELATED DISBURSEMENT DE-*
20 *FINED*.—

21 “(1) *IN GENERAL*.—In this section, the term
22 ‘campaign-related disbursement’ means a disburse-
23 ment by a covered organization for any of the fol-
24 lowing:

1 “(A) *An independent expenditure which ex-*
2 *pressly advocates the election or defeat of a clear-*
3 *ly identified candidate for election for Federal*
4 *office, or is the functional equivalent of express*
5 *advocacy because, when taken as a whole, it can*
6 *be interpreted by a reasonable person only as ad-*
7 *vocating the election or defeat of a candidate for*
8 *election for Federal office.*

9 “(B) *An applicable public communication.*

10 “(C) *An electioneering communication, as*
11 *defined in section 304(f)(3).*

12 “(D) *A covered transfer.*

13 “(2) *APPLICABLE PUBLIC COMMUNICATIONS.—*

14 “(A) *IN GENERAL.—The term ‘applicable*
15 *public communication’ means any public com-*
16 *munication that refers to a clearly identified*
17 *candidate for election for Federal office and*
18 *which promotes or supports the election of a can-*
19 *didate for that office, or attacks or opposes the*
20 *election of a candidate for that office, without re-*
21 *gard to whether the communication expressly ad-*
22 *vocates a vote for or against a candidate for that*
23 *office.*

24 “(B) *EXCEPTION.—Such term shall not in-*
25 *clude any news story, commentary, or editorial*

1 *distributed through the facilities of any broad-*
2 *casting station or any print, online, or digital*
3 *newspaper, magazine, publication, or periodical,*
4 *unless such facilities are owned or controlled by*
5 *any political party, political committee, or can-*
6 *didate.*

7 “(3) *INTENT NOT REQUIRED.*—*A disbursement*
8 *for an item described in subparagraph (A), (B), (C)*
9 *or (D) of paragraph (1) shall be treated as a cam-*
10 *paign-related disbursement regardless of the intent of*
11 *the person making the disbursement.*

12 “(e) *COVERED ORGANIZATION DEFINED.*—*In this sec-*
13 *tion, the term ‘covered organization’ means any of the fol-*
14 *lowing:*

15 “(1) *A corporation (other than an organization*
16 *described in section 501(c)(3) of the Internal Revenue*
17 *Code of 1986).*

18 “(2) *A limited liability corporation that is not*
19 *otherwise treated as a corporation for purposes of this*
20 *Act (other than an organization described in section*
21 *501(c)(3) of the Internal Revenue Code of 1986).*

22 “(3) *An organization described in section 501(c)*
23 *of such Code and exempt from taxation under section*
24 *501(a) of such Code (other than an organization de-*
25 *scribed in section 501(c)(3) of such Code).*

1 “(4) A labor organization (as defined in section
2 316(b)).

3 “(5) Any political organization under section
4 527 of the Internal Revenue Code of 1986, other than
5 a political committee under this Act (except as pro-
6 vided in paragraph (6)).

7 “(6) A political committee with an account that
8 accepts donations or contributions that do not comply
9 with the contribution limits or source prohibitions
10 under this Act, but only with respect to such accounts.

11 “(f) COVERED TRANSFER DEFINED.—

12 “(1) IN GENERAL.—In this section, the term
13 ‘covered transfer’ means any transfer or payment of
14 funds by a covered organization to another person if
15 the covered organization—

16 “(A) designates, requests, or suggests that
17 the amounts be used for—

18 “(i) campaign-related disbursements
19 (other than covered transfers); or

20 “(ii) making a transfer to another per-
21 son for the purpose of making or paying for
22 such campaign-related disbursements;

23 “(B) made such transfer or payment in re-
24 sponse to a solicitation or other request for a do-
25 nation or payment for—

1 “(i) the making of or paying for cam-
2 paign-related disbursements (other than cov-
3 ered transfers); or

4 “(ii) making a transfer to another per-
5 son for the purpose of making or paying for
6 such campaign-related disbursements;

7 “(C) engaged in discussions with the recipi-
8 ent of the transfer or payment regarding—

9 “(i) the making of or paying for cam-
10 paign-related disbursements (other than cov-
11 ered transfers); or

12 “(ii) donating or transferring any
13 amount of such transfer or payment to an-
14 other person for the purpose of making or
15 paying for such campaign-related disburse-
16 ments; or

17 “(D) knew or had reason to know that the
18 person receiving the transfer or payment would
19 make campaign-related disbursements in an ag-
20 gregate amount of \$50,000 or more during the 2-
21 year period beginning on the date of the transfer
22 or payment.

23 “(2) *EXCLUSIONS.*—The term ‘covered transfer’
24 does not include any of the following:

1 “(A) A disbursement made by a covered or-
2 ganization in a commercial transaction in the
3 ordinary course of any trade or business con-
4 ducted by the covered organization or in the
5 form of investments made by the covered organi-
6 zation.

7 “(B) A disbursement made by a covered or-
8 ganization if—

9 “(i) the covered organization prohib-
10 ited, in writing, the use of such disburse-
11 ment for campaign-related disbursements;
12 and

13 “(ii) the recipient of the disbursement
14 agreed to follow the prohibition and depos-
15 ited the disbursement in an account which
16 is segregated from any account used to
17 make campaign-related disbursements.

18 “(3) SPECIAL RULE REGARDING TRANSFERS
19 AMONG AFFILIATES.—

20 “(A) SPECIAL RULE.—A transfer of an
21 amount by one covered organization to another
22 covered organization which is treated as a trans-
23 fer between affiliates under subparagraph (C)
24 shall be considered a covered transfer by the cov-
25 ered organization which transfers the amount

1 *only if the aggregate amount transferred during*
2 *the year by such covered organization to that*
3 *same covered organization is equal to or greater*
4 *than \$50,000.*

5 “(B) *DETERMINATION OF AMOUNT OF CER-*
6 *TAIN PAYMENTS AMONG AFFILIATES.—In deter-*
7 *mining the amount of a transfer between affili-*
8 *ates for purposes of subparagraph (A), to the ex-*
9 *tent that the transfer consists of funds attrib-*
10 *utable to dues, fees, or assessments which are*
11 *paid by individuals on a regular, periodic basis*
12 *in accordance with a per-individual calculation*
13 *which is made on a regular basis, the transfer*
14 *shall be attributed to the individuals paying the*
15 *dues, fees, or assessments and shall not be attrib-*
16 *uted to the covered organization.*

17 “(C) *DESCRIPTION OF TRANSFERS BE-*
18 *TWEEN AFFILIATES.—A transfer of amounts*
19 *from one covered organization to another covered*
20 *organization shall be treated as a transfer be-*
21 *tween affiliates if—*

22 “(i) *one of the organizations is an af-*
23 *filiate of the other organization; or*

24 “(ii) *each of the organizations is an af-*
25 *filiate of the same organization,*

1 *except that the transfer shall not be treated as a*
2 *transfer between affiliates if one of the organiza-*
3 *tions is established for the purpose of making*
4 *campaign-related disbursements.*

5 “(D) *DETERMINATION OF AFFILIATE STA-*
6 *TUS.—For purposes of subparagraph (C), a cov-*
7 *ered organization is an affiliate of another cov-*
8 *ered organization if—*

9 “(i) *the governing instrument of the or-*
10 *ganization requires it to be bound by deci-*
11 *sions of the other organization;*

12 “(ii) *the governing board of the organi-*
13 *zation includes persons who are specifically*
14 *designated representatives of the other orga-*
15 *nization or are members of the governing*
16 *board, officers, or paid executive staff mem-*
17 *bers of the other organization, or whose*
18 *service on the governing board is contingent*
19 *upon the approval of the other organization;*
20 *or*

21 “(iii) *the organization is chartered by*
22 *the other organization.*

23 “(E) *COVERAGE OF TRANSFERS TO AFFILI-*
24 *ATED SECTION 501(c)(3) ORGANIZATIONS.—This*
25 *paragraph shall apply with respect to an*

1 *amount transferred by a covered organization to*
2 *an organization described in paragraph (3) of*
3 *section 501(c) of the Internal Revenue Code of*
4 *1986 and exempt from tax under section 501(a)*
5 *of such Code in the same manner as this para-*
6 *graph applies to an amount transferred by a*
7 *covered organization to another covered organi-*
8 *zation.*

9 “(g) *NO EFFECT ON OTHER REPORTING REQUIRE-*
10 *MENTS.—Except as provided in subsection (b)(1), nothing*
11 *in this section shall be construed to waive or otherwise affect*
12 *any other requirement of this Act which relates to the re-*
13 *porting of campaign-related disbursements.”.*

14 (b) *CONFORMING AMENDMENT.—Section 304(f)(6) of*
15 *such Act (52 U.S.C. 30104) is amended by striking “Any*
16 *requirement” and inserting “Except as provided in section*
17 *324(b), any requirement”.*

18 (c) *REGULATIONS.—Not later than 6 months after the*
19 *date of the enactment of this Act, the Federal Election Com-*
20 *mission shall promulgate regulations relating the applica-*
21 *tion of the exemption under section 324(a)(3)(C) of the Fed-*
22 *eral Election Campaign Act of 1971 (as added by para-*
23 *graph (1)). Such regulations—*

24 (1) *shall require that the legal burden of estab-*
25 *lishing eligibility for such exemption is upon the or-*

1 *ganization required to make the report required under*
2 *section 324(a)(1) of such Act (as added by paragraph*
3 *(1)), and*

4 *(2) shall be consistent with the principles ap-*
5 *plied in Citizens United v. Federal Election Commis-*
6 *sion, 558 U.S. 310 (2010).*

7 **SEC. 6012. REPORTING OF FEDERAL JUDICIAL NOMINATION**

8 **DISBURSEMENTS.**

9 *(a) FINDINGS.—Congress makes the following findings:*

10 *(1) A fair and impartial judiciary is critical for*
11 *our democracy and crucial to maintain the faith of*
12 *the people of the United States in the justice system.*
13 *As the Supreme Court held in Caperton v. Massey,*
14 *“there is a serious risk of actual bias—based on objec-*
15 *tive and reasonable perceptions—when a person with*
16 *a personal stake in a particular case had a signifi-*
17 *cant and disproportionate influence in placing the*
18 *judge on the case.” (Caperton v. A. T. Massey Coal*
19 *Co., 556 U.S. 868, 884 (2009)).*

20 *(2) Public trust in government is at a historic*
21 *low. According to polling, most Americans believe*
22 *that corporations have too much power and influence*
23 *in politics and the courts.*

24 *(3) The prevalence and pervasiveness of dark*
25 *money drives public concern about corruption in poli-*

1 *tics and the courts. Dark money is funding for orga-*
2 *nizations and political activities that cannot be*
3 *traced to actual donors. It is made possible by loop-*
4 *holes in our tax laws and regulations, weak oversight*
5 *by the Internal Revenue Service, and donor-friendly*
6 *court decisions.*

7 (4) *Under current law, “social welfare” organi-*
8 *zations and business leagues can use funds to influ-*
9 *ence elections so long as political activity is not their*
10 *“primary” activity. Super PACs can accept and*
11 *spend unlimited contributions from any non-foreign*
12 *source. These groups can spend tens of millions of dol-*
13 *lars on political activities. Such dark money groups*
14 *spent an estimated \$1,050,000,000 in the 2020 elec-*
15 *tion cycle.*

16 (5) *Dark money is used to shape judicial deci-*
17 *sion-making. This can take many forms, akin to*
18 *agency capture: influencing judicial selection by con-*
19 *trolling who gets nominated and funding candidate*
20 *advertisements; creating public relations campaigns*
21 *aimed at mobilizing the judiciary around particular*
22 *issues; and drafting law review articles, amicus*
23 *briefs, and other products which tell judges how to de-*
24 *cide a given case and provide ready-made arguments*
25 *for willing judges to adopt.*

1 (6) *Over the past decade, nonprofit organizations*
2 *that do not disclose their donors have spent hundreds*
3 *of millions of dollars to influence the nomination and*
4 *confirmation process for Federal judges. One organi-*
5 *zation alone has spent nearly \$40,000,000 on adver-*
6 *tisements supporting or opposing Supreme Court*
7 *nominees since 2016.*

8 (7) *Anonymous money spent on judicial nomina-*
9 *tions is not subject to any disclosure requirements.*
10 *Federal election laws only regulate contributions and*
11 *expenditures relating to electoral politics; thus, ex-*
12 *penditures, contributions, and advocacy efforts for*
13 *Federal judgeships are not covered under the Federal*
14 *Election Campaign Act of 1971. Without more disclo-*
15 *sure, the public has no way of knowing whether the*
16 *people spending money supporting or opposing judi-*
17 *cial nominations have business before the courts.*

18 (8) *Congress and the American people have a*
19 *compelling interest in knowing who is funding these*
20 *campaigns to select and confirm judges to lifetime ap-*
21 *pointments on the Federal bench.*

22 (b) *REPORTING.*—*Section 324 of the Federal Election*
23 *Campaign Act of 1971 (52 U.S.C. 30126), as amended by*
24 *section 6011, is amended by redesignating subsection (g)*

1 *as subsection (h) and by inserting after subsection (f) the*
2 *following new subsection:*

3 “(g) *APPLICATION TO FEDERAL JUDICIAL NOMINA-*
4 *TIONS.—*

5 “(1) *IN GENERAL.—For purposes of this sec-*
6 *tion—*

7 “(A) *a disbursement by a covered organiza-*
8 *tion for a Federal judicial nomination commu-*
9 *nication shall be treated as a campaign-related*
10 *disbursement; and*

11 “(B) *in the case of campaign-related dis-*
12 *bursements which are for Federal judicial nomi-*
13 *nation communications—*

14 “(i) *the dollar amounts in paragraphs*
15 *(1) and (2) of subsection (a) shall be ap-*
16 *plied separately with respect to such dis-*
17 *bursements and other campaign-related dis-*
18 *bursements;*

19 “(ii) *the election reporting cycle shall*
20 *be the calendar year in which the disburse-*
21 *ment for the Federal judicial nomination*
22 *communication is made;*

23 “(iii) *references to a candidate in sub-*
24 *sections (a)(2)(C), (a)(2)(D), and (a)(3)(C)*

1 *shall be treated as references to a nominee*
2 *for a Federal judge or justice;*

3 “(iv) *the reference to an election in*
4 *subsection (a)(2)(C) shall be treated as a*
5 *reference to the nomination of such nomi-*
6 *nee.*

7 “(2) *FEDERAL JUDICIAL NOMINATION COMMU-*
8 *NICATION.—*

9 “(A) *IN GENERAL.—The term ‘Federal judi-*
10 *cial nomination communication’ means any*
11 *communication—*

12 “(i) *that is by means of any broadcast,*
13 *cable, or satellite, paid internet, or paid*
14 *digital communication, paid promotion,*
15 *newspaper, magazine, outdoor advertising*
16 *facility, mass mailing, telephone bank, tele-*
17 *phone messaging effort of more than 500*
18 *substantially similar calls or electronic mes-*
19 *sages within a 30-day period, or any other*
20 *form of general public political advertising;*
21 *and*

22 “(ii) *which promotes, supports, attacks,*
23 *or opposes the nomination or Senate con-*
24 *firmation of an individual as a Federal*
25 *judge or justice.*

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 “(C) *INTENT NOT REQUIRED.*—A disburse-
10 ment for an item described in subparagraph (A)
11 shall be treated as a disbursement for a Federal
12 judicial nomination communication regardless of
13 the intent of the person making the disburse-
14 ment.”.

15 **SEC. 6013. COORDINATION WITH FINCEN.**

16 (a) *IN GENERAL.*—The Director of the Financial
17 Crimes Enforcement Network of the Department of the
18 Treasury shall provide the Federal Election Commission
19 with such information as necessary to assist in admin-
20 istering and enforcing section 324 of the Federal Election
21 Campaign Act of 1971, as amended by this part.

22 (b) *REPORT.*—Not later than 6 months after the date
23 of the enactment of this Act, the Chairman of the Federal
24 Election Commission, in consultation with the Director of
25 the Financial Crimes Enforcement Network of the Depart-

1 *ment of the Treasury, shall submit to Congress a report*
 2 *with recommendations for providing further legislative au-*
 3 *thority to assist in the administration and enforcement of*
 4 *such section 324.*

5 **SEC. 6014. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
 6 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
 7 **BURSEMENTS CONSISTING OF COVERED**
 8 **TRANSFERS.**

9 *Section 319(b)(2) of the Federal Election Campaign*
 10 *Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by sec-*
 11 *tion 6003, is amended—*

12 *(1) by striking “includes any disbursement” and*
 13 *inserting “includes—*

14 *“(A) any disbursement”;*

15 *(2) by striking the period at the end and insert-*
 16 *ing “; and”, and*

17 *(3) by adding at the end the following new sub-*
 18 *paragraph:*

19 *“(B) any disbursement, other than a dis-*
 20 *bursement described in section 324(a)(3)(A), to*
 21 *another person who made a campaign-related*
 22 *disbursement consisting of a covered transfer (as*
 23 *described in section 324) during the 2-year pe-*
 24 *riod ending on the date of the disbursement.”.*

1 **SEC. 6015. EFFECTIVE DATE.**

2 *The amendments made by this part shall apply with*
3 *respect to disbursements made on or after January 1, 2022,*
4 *and shall take effect without regard to whether or not the*
5 *Federal Election Commission has promulgated regulations*
6 *to carry out such amendments.*

7 **PART 3—OTHER ADMINISTRATIVE REFORMS**

8 **SEC. 6021. PETITION FOR CERTIORARI.**

9 *Section 307(a)(6) of the Federal Election Campaign*
10 *Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by insert-*
11 *ing “(including a proceeding before the Supreme Court on*
12 *certiorari)” after “appeal”.*

13 **SEC. 6022. JUDICIAL REVIEW OF ACTIONS RELATED TO**
14 **CAMPAIGN FINANCE LAWS.**

15 *(a) IN GENERAL.—Title IV of the Federal Election*
16 *Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended*
17 *by inserting after section 406 the following new section:*

18 **“SEC. 407. JUDICIAL REVIEW.**

19 *“(a) IN GENERAL.—If any action is brought for de-*
20 *claratory or injunctive relief to challenge, whether facially*
21 *or as-applied, the constitutionality or lawfulness of any*
22 *provision of this Act, including title V, or of chapter 95*
23 *or 96 of the Internal Revenue Code of 1986, or is brought*
24 *to with respect to any action of the Commission under*
25 *chapter 95 or 96 of the Internal Revenue Code of 1986, the*
26 *following rules shall apply:*

1 “(1) *The action shall be filed in the United*
2 *States District Court for the District of Columbia and*
3 *an appeal from the decision of the district court may*
4 *be taken to the Court of Appeals for the District of*
5 *Columbia Circuit.*

6 “(2) *In the case of an action relating to declara-*
7 *tory or injunctive relief to challenge the constitu-*
8 *tionality of a provision, the party filing the action*
9 *shall concurrently deliver a copy of the complaint to*
10 *the Clerk of the House of Representatives and the Sec-*
11 *retary of the Senate.*

12 “(3) *It shall be the duty of the United States*
13 *District Court for the District of Columbia and the*
14 *Court of Appeals for the District of Columbia Circuit*
15 *to advance on the docket and to expedite to the great-*
16 *est possible extent the disposition of the action and*
17 *appeal.*

18 “(b) *CLARIFYING SCOPE OF JURISDICTION.—If an ac-*
19 *tion at the time of its commencement is not subject to sub-*
20 *section (a), but an amendment, counterclaim, cross-claim,*
21 *affirmative defense, or any other pleading or motion is filed*
22 *challenging, whether facially or as-applied, the constitu-*
23 *tionality or lawfulness of this Act or of chapter 95 or 96*
24 *of the Internal Revenue Code of 1986, or is brought to with*
25 *respect to any action of the Commission under chapter 95*

1 *or 96 of the Internal Revenue Code of 1986, the district*
2 *court shall transfer the action to the District Court for the*
3 *District of Columbia, and the action shall thereafter be con-*
4 *ducted pursuant to subsection (a).*

5 “(c) *INTERVENTION BY MEMBERS OF CONGRESS.—In*
6 *any action described in subsection (a) relating to declara-*
7 *tory or injunctive relief to challenge the constitutionality*
8 *of a provision, any Member of the House of Representatives*
9 *(including a Delegate or Resident Commissioner to the Con-*
10 *gress) or Senate shall have the right to intervene either in*
11 *support of or opposition to the position of a party to the*
12 *case regarding the constitutionality of the provision. To*
13 *avoid duplication of efforts and reduce the burdens placed*
14 *on the parties to the action, the court in any such action*
15 *may make such orders as it considers necessary, including*
16 *orders to require interveners taking similar positions to file*
17 *joint papers or to be represented by a single attorney at*
18 *oral argument.*

19 “(d) *CHALLENGE BY MEMBERS OF CONGRESS.—Any*
20 *Member of Congress may bring an action, subject to the spe-*
21 *cial rules described in subsection (a), for declaratory or in-*
22 *junctive relief to challenge, whether facially or as-applied,*
23 *the constitutionality of any provision of this Act or chapter*
24 *95 or 96 of the Internal Revenue Code of 1986.”.*

25 “(b) *CONFORMING AMENDMENTS.—*

1 (1) *Section 9011 of the Internal Revenue Code of*
2 *1986 is amended to read as follows:*

3 **“SEC. 9011. JUDICIAL REVIEW.**

4 *“For provisions relating to judicial review of certifi-*
5 *cations, determinations, and actions by the Commission*
6 *under this chapter, see section 407 of the Federal Election*
7 *Campaign Act of 1971.”.*

8 (2) *Section 9041 of the Internal Revenue Code of*
9 *1986 is amended to read as follows:*

10 **“SEC. 9041. JUDICIAL REVIEW.**

11 *“For provisions relating to judicial review of actions*
12 *by the Commission under this chapter, see section 407 of*
13 *the Federal Election Campaign Act of 1971.”.*

14 (3) *Section 310 of the Federal Election Cam-*
15 *paign Act of 1971 (52 U.S.C. 30110) is repealed.*

16 (4) *Section 403 of the Bipartisan Campaign Re-*
17 *form Act of 2002 (52 U.S.C. 30110 note) is repealed.*

18 **SEC. 6023. EFFECTIVE DATE.**

19 *The amendments made by this subtitle shall take effect*
20 *and apply on the date of the enactment of this Act, without*
21 *regard to whether or not the Federal Election Commission*
22 *has promulgated regulations to carry out this subtitle and*
23 *the amendments made by this subtitle.*

1 ***Subtitle B—Honest Ads***

2 **SEC. 6101. SHORT TITLE.**

3 *This subtitle may be cited as the “Honest Ads Act”.*

4 **SEC. 6102. PURPOSE.**

5 *The purpose of this subtitle is to enhance the integrity*
6 *of American democracy and national security by improving*
7 *disclosure requirements for online political advertisements*
8 *in order to uphold the Supreme Court’s well-established*
9 *standard that the electorate bears the right to be fully in-*
10 *formed.*

11 **SEC. 6103. FINDINGS.**

12 *Congress makes the following findings:*

13 (1) *In 2002, the Bipartisan Campaign Reform*
14 *Act of 2002 (Public Law 107–155) became law, estab-*
15 *lishing disclosure requirements for political advertise-*
16 *ments distributed from a television or radio broadcast*
17 *station or provider of cable or satellite television. In*
18 *2003, the Supreme Court upheld regulations on elec-*
19 *tioneering communications established under the Act,*
20 *noting that such requirements “provide the electorate*
21 *with information and insure that the voters are fully*
22 *informed about the person or group who is speaking.”*
23 *The Court reaffirmed this conclusion in 2010 by an*
24 *8–1 vote.*

1 (2) *In its 2006 rulemaking, the Federal Election*
2 *Commission, the independent Federal agency charged*
3 *with protecting the integrity of the Federal campaign*
4 *finance process, noted that 18 percent of all Ameri-*
5 *cans cited the internet as their leading source of news*
6 *about the 2004 Presidential election. By contrast,*
7 *Gallup and the Knight Foundation found in 2020*
8 *that the majority of Americans, 58 percent, got most*
9 *of their news about elections online.*

10 (3) *According to a study from Borrell Associates,*
11 *in 2016, \$1,415,000,000 was spent on online adver-*
12 *tising, more than quadruple the amount in 2012.*

13 (4) *Effective and complete transparency for vot-*
14 *ers must include information about the true and*
15 *original source of money given, transferred, and spent*
16 *on political advertisements made online.*

17 (5) *Requiring the disclosure of this information*
18 *is a necessary and narrowly tailored means to inform*
19 *the voting public of who is behind digital advertising*
20 *disseminated to influence their votes and to enable the*
21 *Federal Election Commission and the Department of*
22 *Justice to detect and prosecute illegal foreign spend-*
23 *ing on local, State, and Federal elections and other*
24 *campaign finance violations.*

1 (6) *Paid advertising on large online platforms is*
2 *different from advertising placed on other common*
3 *media in terms of the comparatively low cost of*
4 *reaching large numbers of people, the availability of*
5 *sophisticated microtargeting, and the ease with which*
6 *online advertisers, particularly those located outside*
7 *the United States, can evade disclosure requirements.*
8 *Requiring large online platforms to maintain public*
9 *files of information about the online political ads they*
10 *disseminate is the best and least restrictive means to*
11 *ensure the voting public has complete information*
12 *about who is trying to influence their votes and to aid*
13 *enforcement of other laws, including the prohibition*
14 *on foreign money in domestic campaigns.*

15 (7) *The reach of a few large internet platforms—*
16 *larger than any broadcast, satellite, or cable pro-*
17 *vider—has greatly facilitated the scope and effective-*
18 *ness of disinformation campaigns. For instance, the*
19 *largest platform has over 210,000,000 American*
20 *users—over 160,000,000 of them on a daily basis. By*
21 *contrast, the largest cable television provider has*
22 *22,430,000 subscribers, while the largest satellite tele-*
23 *vision provider has 21,000,000 subscribers. And the*
24 *most-watched television broadcast in United States*
25 *history had 118,000,000 viewers.*

1 (8) *The public nature of broadcast television,*
2 *radio, and satellite ensures a level of publicity for any*
3 *political advertisement. These communications are ac-*
4 *cessible to the press, fact-checkers, and political oppo-*
5 *nents. This creates strong disincentives for a can-*
6 *didate to disseminate materially false, inflammatory,*
7 *or contradictory messages to the public. Social media*
8 *platforms, in contrast, can target portions of the elec-*
9 *torate with direct, ephemeral advertisements often on*
10 *the basis of private information the platform has on*
11 *individuals, enabling political advertisements that are*
12 *contradictory, racially or socially inflammatory, or*
13 *materially false.*

14 (9) *According to comscore, 2 companies own 8 of*
15 *the 10 most popular smart phone applications as of*
16 *June 2017, including the most popular social media*
17 *and email services which deliver information and*
18 *news to users without requiring proactivity by the*
19 *user. Those same 2 companies accounted for 99 per-*
20 *cent of revenue growth from digital advertising in*
21 *2016, including 77 percent of gross spending. 79 per-*
22 *cent of online Americans—representing 68 percent of*
23 *all Americans—use the single largest social network,*
24 *while 66 percent of these users are most likely to get*
25 *their news from that site.*

1 (10) *Large social media platforms are the only*
2 *entities in possession of certain key data related to*
3 *paid online ads, including the exact audience targeted*
4 *by those ads and their number of impressions. Such*
5 *information, which cannot be reliably disclosed by the*
6 *purchasers of ads, is extremely useful for informing*
7 *the electorate, guarding against corruption, and aid-*
8 *ing in the enforcement of existing campaign finance*
9 *regulations.*

10 (11) *Paid advertisements on social media plat-*
11 *forms have served as critical tools for foreign online*
12 *influence campaigns—even those that rely on large*
13 *amounts of unpaid content—because such ads allow*
14 *foreign actors to test the effectiveness of different mes-*
15 *sages, expose their messages to audiences who have not*
16 *sought out such content, and recruit audiences for fu-*
17 *ture campaigns and posts.*

18 (12) *In testimony before the Senate Select Com-*
19 *mittee on Intelligence titled, “Disinformation: A*
20 *Primer in Russian Active Measures and Influence*
21 *Campaigns”, multiple expert witnesses testified that*
22 *while the disinformation tactics of foreign adversaries*
23 *have not necessarily changed, social media services*
24 *now provide “platform[s] practically purpose-built*
25 *for active measures[.]” Similarly, as Gen. Keith B.*

1 *Alexander (RET.), the former Director of the National*
2 *Security Agency, testified, during the Cold War “if*
3 *the Soviet Union sought to manipulate information*
4 *flow, it would have to do so principally through its*
5 *own propaganda outlets or through active measures*
6 *that would generate specific news: planting of leaflets,*
7 *inciting of violence, creation of other false materials*
8 *and narratives. But the news itself was hard to ma-*
9 *nipulate because it would have required actual control*
10 *of the organs of media, which took long-term efforts*
11 *to penetrate. Today, however, because the clear major-*
12 *ity of the information on social media sites is*
13 *uncurated and there is a rapid proliferation of infor-*
14 *mation sources and other sites that can reinforce in-*
15 *formation, there is an increasing likelihood that the*
16 *information available to average consumers may be*
17 *inaccurate (whether intentionally or otherwise) and*
18 *may be more easily manipulable than in prior eras.”.*

19 (13) *On November 24, 2016, The Washington*
20 *Post reported findings from 2 teams of independent*
21 *researchers that concluded Russians “exploited Amer-*
22 *ican-made technology platforms to attack U.S. democ-*
23 *racy at a particularly vulnerable moment *** as part*
24 *of a broadly effective strategy of sowing distrust in*
25 *U.S. democracy and its leaders.”.*

1 (14) *On January 6, 2017, the Office of the Di-*
2 *rector of National Intelligence published a report ti-*
3 *tled “Assessing Russian Activities and Intentions in*
4 *Recent U.S. Elections”, noting that “Russian Presi-*
5 *dent Vladimir Putin ordered an influence campaign*
6 *in 2016 aimed at the US presidential election * * *”.*
7 *Moscow’s influence campaign followed a Russian mes-*
8 *saging strategy that blends covert intelligence oper-*
9 *ation—such as cyber activity—with overt efforts by*
10 *Russian Government agencies, state-funded media,*
11 *third-party intermediaries, and paid social media*
12 *users or “trolls”.*

13 (15) *On September 6, 2017, the nation’s largest*
14 *social media platform disclosed that between June*
15 *2015 and May 2017, Russian entities purchased*
16 *\$100,000 in political advertisements, publishing*
17 *roughly 3,000 ads linked to fake accounts associated*
18 *with the Internet Research Agency, a pro-Kremlin or-*
19 *ganization. According to the company, the ads pur-*
20 *chased focused “on amplifying divisive social and po-*
21 *litical messages ***”.*

22 (16) *Findings from a 2017 study on the manip-*
23 *ulation of public opinion through social media con-*
24 *ducted by the Computational Propaganda Research*
25 *Project at the Oxford Internet Institute found that the*

1 *Kremlin is using pro-Russian bots to manipulate*
2 *public discourse to a highly targeted audience. With*
3 *a sample of nearly 1,300,000 tweets, researchers found*
4 *that in the 2016 election’s 3 decisive States, propa-*
5 *ganda constituted 40 percent of the sampled election-*
6 *related tweets that went to Pennsylvanians, 34 per-*
7 *cent to Michigan voters, and 30 percent to those in*
8 *Wisconsin. In other swing States, the figure reached*
9 *42 percent in Missouri, 41 percent in Florida, 40 per-*
10 *cent in North Carolina, 38 percent in Colorado, and*
11 *35 percent in Ohio.*

12 *(17) 2018 reporting by the Washington Post esti-*
13 *mated that paid Russian ads received more than*
14 *37,000,000 impressions in 2016 and 2017.*

15 *(18) A 2019 Senate Select Committee on*
16 *Intelligence’s Report on Russian Active Measures*
17 *Campaigns and Interference in the 2016 U.S. Elec-*
18 *tion Volume 2: Russia’s Use of Social Media with Ad-*
19 *ditional Views, the Committee recommended “that*
20 *Congress examine legislative approaches to ensuring*
21 *Americans know the sources of online political adver-*
22 *tisements. The Federal Election Campaign Act of*
23 *1971 requires political advertisements on television,*
24 *radio and satellite to disclose the sponsor of the adver-*
25 *tisement. The same requirements should apply online.*

1 *This will also help to ensure that the IRA or any*
2 *similarly situated actors cannot use paid advertise-*
3 *ments for purposes of foreign interference.”.*

4 (19) *A 2020 study by researchers at New York*
5 *University found undisclosed political advertisement*
6 *purchases on a large social media platform by a Chi-*
7 *nese state media company in violation of that plat-*
8 *form’s supposed prohibitions on foreign spending on*
9 *ads of social, national, or electoral importance.*

10 (20) *The same study also found that “there are*
11 *persistent issues with advertisers failing to disclose*
12 *political ads” and that in one social media platform’s*
13 *political ad archive, 68,879 pages (54.6 percent of*
14 *pages with political ads included in the archive)*
15 *never provided a disclosure. Overall, there were*
16 *357,099 ads run on that platforms without a disclo-*
17 *sure, accounting for at least \$37,000,000 in spending*
18 *on political ads.*

19 (21) *A 2020 report by the bipartisan and bi-*
20 *cameral U.S. Cyberspace Solarium Commission found*
21 *that “Although foreign nationals are banned from*
22 *contributing to U.S. political campaigns, they are*
23 *still allowed to purchase U.S. political advertisements*
24 *online, making the internet a fertile environment for*
25 *conducting a malign influence campaign to under-*

1 *mine American elections.” The Commission concluded*
2 *that Russian interference in the 2016 election was*
3 *and still is possible, “because the FECA, which estab-*
4 *lishes rules for transparency in television, radio, and*
5 *print media political advertising, has not been*
6 *amended to extend the same political advertising re-*
7 *quirements to internet platforms,” and that*
8 *“[a]pplying these standards across all media of com-*
9 *munication would, among other things, increase*
10 *transparency of funding for political advertisements,*
11 *which would in turn strengthen regulators’ ability to*
12 *reduce improper foreign influence in our elections.”*

13 (22) *On March 16, 2021, the Office of the Direc-*
14 *tor of National Intelligence released the declassified*
15 *Intelligence Community assessment of foreign threats*
16 *to the 2020 U.S. Federal elections. The declassified re-*
17 *port found: “Throughout the election cycle, Russia’s*
18 *online influence actors sought to affect U.S. public*
19 *perceptions of the candidates, as well as advance Mos-*
20 *cow’s longstanding goals of undermining confidence*
21 *in US election processes and increasing sociopolitical*
22 *divisions among the American people.” The report*
23 *also determined that Iran sought to influence the elec-*
24 *tion by “creating and amplifying social media con-*
25 *tent that criticized [candidates].”*

1 (23) *According to a Wall Street Journal report*
2 *in April 2021, voluntary ad libraries operated by*
3 *major platforms rely on foreign governments to self-*
4 *report political ad purchases. These ad-buys, includ-*
5 *ing those diminishing major human rights violations*
6 *like the Uighur genocide, are under-reported by for-*
7 *ign government purchasers, with no substantial over-*
8 *sight or repercussions from the platforms.*

9 (24) *Multiple reports have indicated that online*
10 *ads have become a key vector for strategic influence*
11 *by the People’s Republic of China. An April 2021*
12 *Wall Street Journal report noted that the Chinese*
13 *government and Chinese state-owned enterprises are*
14 *major purchasers of ads on the U.S.’s largest social*
15 *media platform, including to advance Chinese propa-*
16 *ganda.*

17 (25) *Large online platforms have made changes*
18 *to their policies intended to make it harder for foreign*
19 *actors to purchase political ads. However, these pri-*
20 *vate actions have not been taken by all platforms,*
21 *have not been reliably enforced, and are subject to im-*
22 *mediate change at the discretion of the platforms.*

23 (26) *The Federal Election Commission has failed*
24 *to take action to address online political advertise-*
25 *ments and current regulations on political advertise-*

1 *ments do not provide sufficient transparency to up-*
2 *hold the public’s right to be fully informed about po-*
3 *litical advertisements made online.*

4 **SEC. 6104. SENSE OF CONGRESS.**

5 *It is the sense of Congress that—*

6 *(1) the dramatic increase in digital political ad-*
7 *vertisements, and the growing centrality of online*
8 *platforms in the lives of Americans, requires the Con-*
9 *gress and the Federal Election Commission to take*
10 *meaningful action to ensure that laws and regulations*
11 *provide the accountability and transparency that is*
12 *fundamental to our democracy;*

13 *(2) free and fair elections require both trans-*
14 *parency and accountability which give the public a*
15 *right to know the true sources of funding for political*
16 *advertisements, be they foreign or domestic, in order*
17 *to make informed political choices and hold elected of-*
18 *icials accountable; and*

19 *(3) transparency of funding for political adver-*
20 *tisements is essential to enforce other campaign fi-*
21 *nance laws, including the prohibition on campaign*
22 *spending by foreign nationals.*

1 **SEC. 6105. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
2 **NICATION.**

3 (a) *IN GENERAL.*—Paragraph (22) of section 301 of
4 *the Federal Election Campaign Act of 1971 (52 U.S.C.*
5 *30101(22)) is amended by striking “or satellite communica-*
6 *tion” and inserting “satellite, paid internet, or paid digital*
7 *communication”.*

8 (b) *TREATMENT OF CONTRIBUTIONS AND EXPENDI-*
9 *TURES.*—Section 301 of such Act (52 U.S.C. 30101) is
10 *amended—*

11 (1) *in paragraph (8)(B)(v), by striking “on*
12 *broadcasting stations, or in newspapers, magazines,*
13 *or similar types of general public political adver-*
14 *tising” and inserting “in any public communica-*
15 *tion”; and*

16 (2) *in paragraph (9)(B)—*

17 (A) *by amending clause (i) to read as fol-*
18 *lows:*

19 “(i) *any news story, commentary, or*
20 *editorial distributed through the facilities of*
21 *any broadcasting station or any print, on-*
22 *line, or digital newspaper, magazine, blog,*
23 *publication, or periodical, unless such*
24 *broadcasting, print, online, or digital facili-*
25 *ties are owned or controlled by any political*

1 party, political committee, or candidate;”;

2 and

3 (B) in clause (iv), by striking “on broad-
4 casting stations, or in newspapers, magazines, or
5 similar types of general public political adver-
6 tising” and inserting “in any public commu-
7 nication”.

8 (c) *DISCLOSURE AND DISCLAIMER STATEMENTS.*—

9 Subsection (a) of section 318 of such Act (52 U.S.C. 30120)
10 is amended—

11 (1) by striking “financing any communication
12 through any broadcasting station, newspaper, maga-
13 zine, outdoor advertising facility, mailing, or any
14 other type of general public political advertising” and
15 inserting “financing any public communication”;
16 and

17 (2) by striking “solicits any contribution through
18 any broadcasting station, newspaper, magazine, out-
19 door advertising facility, mailing, or any other type
20 of general public political advertising” and inserting
21 “solicits any contribution through any public commu-
22 nication”.

23 (d) *EFFECTIVE DATE.*—The amendments made by this
24 section shall take effect on the date of the enactment of this
25 Act and shall take effect without regard to whether or not

1 *the Federal Election Commission has promulgated the final*
2 *regulations necessary to carry out this part and the amend-*
3 *ments made by this part by the deadline set forth in sub-*
4 *section (e).*

5 *(e) REGULATION.—Not later than 1 year after the date*
6 *of the enactment of this Act, the Federal Election Commis-*
7 *sion shall promulgate regulations on what constitutes a*
8 *paid internet or paid digital communication for purposes*
9 *of paragraph (22) of section 301 of the Federal Election*
10 *Campaign Act of 1971(52 U.S.C. 30101(22)), as amended*
11 *by subsection (a), except that such regulation shall not de-*
12 *fine a paid internet or paid digital communication to in-*
13 *clude communications for which the only payment consists*
14 *of internal resources, such as employee compensation, of the*
15 *entity paying for the communication.*

16 **SEC. 6106. EXPANSION OF DEFINITION OF ELECTION-**
17 **EERING COMMUNICATION.**

18 *(a) EXPANSION TO ONLINE COMMUNICATIONS.—*

19 *(1) APPLICATION TO QUALIFIED INTERNET AND*
20 *DIGITAL COMMUNICATIONS.—*

21 *(A) IN GENERAL.—Subparagraph (A) of*
22 *section 304(f)(3) of the Federal Election Cam-*
23 *paign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is*
24 *amended by striking “or satellite communica-*
25 *tion” each place it appears in clauses (i) and*

1 (ii) and inserting “satellite, or qualified internet
2 or digital communication”.

3 (B) *QUALIFIED INTERNET OR DIGITAL COM-*
4 *MUNICATION.—Paragraph (3) of section 304(f) of*
5 *such Act (52 U.S.C. 30104(f)) is amended by*
6 *adding at the end the following new subpara-*
7 *graph:*

8 “(D) *QUALIFIED INTERNET OR DIGITAL*
9 *COMMUNICATION.—The term ‘qualified internet*
10 *or digital communication’ means any commu-*
11 *nication which is placed or promoted for a fee on*
12 *an online platform (as defined in subsection*
13 *(k)(3)).”.*

14 (2) *NONAPPLICATION OF RELEVANT ELECTORATE*
15 *TO ONLINE COMMUNICATIONS.—Section*
16 *304(f)(3)(A)(i)(III) of such Act (52 U.S.C.*
17 *30104(f)(3)(A)(i)(III)) is amended by inserting “any*
18 *broadcast, cable, or satellite” before “communication”.*

19 (3) *NEWS EXEMPTION.—Section 304(f)(3)(B)(i)*
20 *of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended*
21 *to read as follows:*

22 “(i) a communication appearing in a
23 news story, commentary, or editorial dis-
24 tributed through the facilities of any broad-
25 casting station or any online or digital

1 newspaper, magazine, blog, publication, or
2 periodical, unless such broadcasting, online,
3 or digital facilities are owned or controlled
4 by any political party, political committee,
5 or candidate;”.

6 (b) *EFFECTIVE DATE.*—The amendments made by this
7 section shall apply with respect to communications made
8 on or after January 1, 2022 and shall take effect without
9 regard to whether or not the Federal Election Commission
10 has promulgated regulations to carry out such amendments.

11 **SEC. 6107. APPLICATION OF DISCLAIMER STATEMENTS TO**
12 **ONLINE COMMUNICATIONS.**

13 (a) *CLEAR AND CONSPICUOUS MANNER REQUIRE-*
14 *MENT.*—Subsection (a) of section 318 of the Federal Elec-
15 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is amend-
16 ed—

17 (1) by striking “shall clearly state” each place it
18 appears in paragraphs (1), (2), and (3) and inserting
19 “shall state in a clear and conspicuous manner”; and

20 (2) by adding at the end the following flush sen-
21 tence: “For purposes of this section, a communication
22 does not make a statement in a clear and conspicuous
23 manner if it is difficult to read or hear or if the
24 placement is easily overlooked.”.

1 (b) *SPECIAL RULES FOR QUALIFIED INTERNET OR*
2 *DIGITAL COMMUNICATIONS.*—

3 (1) *IN GENERAL.*—Section 318 of such Act (52
4 *U.S.C. 30120)* is amended by adding at the end the
5 *following new subsection:*

6 “(e) *SPECIAL RULES FOR QUALIFIED INTERNET OR*
7 *DIGITAL COMMUNICATIONS.*—

8 “(1) *SPECIAL RULES WITH RESPECT TO STATE-*
9 *MENTS.*—*In the case of any qualified internet or dig-*
10 *ital communication (as defined in section*
11 *304(f)(3)(D)) which is disseminated through a me-*
12 *dium in which the provision of all of the information*
13 *specified in this section is not possible, the commu-*
14 *nication shall, in a clear and conspicuous manner—*

15 “(A) *state the name of the person who paid*
16 *for the communication; and*

17 “(B) *provide a means for the recipient of*
18 *the communication to obtain the remainder of*
19 *the information required under this section with*
20 *minimal effort and without receiving or viewing*
21 *any additional material other than such re-*
22 *quired information.*

23 “(2) *SAFE HARBOR FOR DETERMINING CLEAR*
24 *AND CONSPICUOUS MANNER.*—*A statement in quali-*
25 *fied internet or digital communication (as defined in*

1 *section 304(f)(3)(D)) shall be considered to be made*
2 *in a clear and conspicuous manner as provided in*
3 *subsection (a) if the communication meets the fol-*
4 *lowing requirements:*

5 “(A) *TEXT OR GRAPHIC COMMUNICA-*
6 *TIONS.—In the case of a text or graphic commu-*
7 *nication, the statement—*

8 “(i) *appears in letters at least as large*
9 *as the majority of the text in the commu-*
10 *nication; and*

11 “(ii) *meets the requirements of para-*
12 *graphs (2) and (3) of subsection (c).*

13 “(B) *AUDIO COMMUNICATIONS.—In the case*
14 *of an audio communication, the statement is*
15 *spoken in a clearly audible and intelligible man-*
16 *ner at the beginning or end of the commuica-*
17 *tion and lasts at least 3 seconds.*

18 “(C) *VIDEO COMMUNICATIONS.—In the case*
19 *of a video communication which also includes*
20 *audio, the statement—*

21 “(i) *is included at either the beginning*
22 *or the end of the communication; and*

23 “(ii) *is made both in—*

1 “(I) a written format that meets
2 the requirements of subparagraph (A)
3 and appears for at least 4 seconds; and

4 “(II) an audible format that
5 meets the requirements of subpara-
6 graph (B).

7 “(D) OTHER COMMUNICATIONS.—In the
8 case of any other type of communication, the
9 statement is at least as clear and conspicuous as
10 the statement specified in subparagraph (A), (B),
11 or (C).”.

12 (2) NONAPPLICATION OF CERTAIN EXCEP-
13 TIONS.—The exceptions provided in section
14 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
15 Regulations, or any successor to such rules, shall have
16 no application to qualified internet or digital commu-
17 nications (as defined in section 304(f)(3)(D) of the
18 Federal Election Campaign Act of 1971).

19 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
20 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
21 Act (52 U.S.C. 30120(d)) is amended—

22 (1) in paragraph (1)(A)—

23 (A) by striking “which is transmitted
24 through radio” and inserting “which is in an
25 audio format”; and

1 (B) by striking “BY RADIO” in the heading
2 and inserting “AUDIO FORMAT”;

3 (2) in paragraph (1)(B)—

4 (A) by striking “which is transmitted
5 through television” and inserting “which is in
6 video format”; and

7 (B) by striking “BY TELEVISION” in the
8 heading and inserting “VIDEO FORMAT”; and

9 (3) in paragraph (2)—

10 (A) by striking “transmitted through radio
11 or television” and inserting “made in audio or
12 video format”; and

13 (B) by striking “through television” in the
14 second sentence and inserting “in video format”.

15 (d) *EFFECTIVE DATE.*—The amendment made by sub-
16 section (a) shall take effect on the date of the enactment
17 of this Act and shall take effect without regard to whether
18 or not the Federal Election Commission has promulgated
19 regulations to carry out such amendments.

20 **SEC. 6108. POLITICAL RECORD REQUIREMENTS FOR ON-**
21 **LINE PLATFORMS.**

22 (a) *IN GENERAL.*—Section 304 of the Federal Election
23 Campaign Act of 1971 (52 U.S.C. 30104), as amended by
24 section 3802, is amended by adding at the end the following
25 new subsection:

1 “(k) *DISCLOSURE OF CERTAIN ONLINE ADVERTISE-*
2 *MENTS.—*

3 “(1) *IN GENERAL.—*

4 “(A) *REQUIREMENTS FOR ONLINE PLAT-*
5 *FORMS.—*

6 “(i) *IN GENERAL.—An online platform*
7 *shall maintain, and make available for on-*
8 *line public inspection in machine readable*
9 *format, a complete record of any request to*
10 *purchase on such online platform a quali-*
11 *fied political advertisement which is made*
12 *by a person whose aggregate requests to*
13 *purchase qualified political advertisements*
14 *on such online platform during the calendar*
15 *year exceeds \$500.*

16 “(ii) *REQUIREMENT RELATING TO PO-*
17 *LITICAL ADS SOLD BY THIRD PARTY ADVER-*
18 *TISING VENDORS.—An online platform that*
19 *displays a qualified political advertisement*
20 *sold by a third party advertising vendor as*
21 *defined in (3)(C), shall include on its own*
22 *platform an easily accessible and identifi-*
23 *able link to the records maintained by the*
24 *third-party advertising vendor under clause*

1 *(i) regarding such qualified political adver-*
2 *tisement.*

3 “(B) *REQUIREMENTS FOR ADVERTISERS.—*
4 *Any person who requests to purchase a qualified*
5 *political advertisement on an online platform*
6 *shall provide the online platform with such in-*
7 *formation as is necessary for the online platform*
8 *to comply with the requirements of subparagraph*
9 *(A).*

10 “(2) *CONTENTS OF RECORD.—A record main-*
11 *tained under paragraph (1)(A) shall contain—*

12 “(A) *a digital copy of the qualified political*
13 *advertisement;*

14 “(B) *a description of the audience targeted*
15 *by the advertisement, the number of views gen-*
16 *erated from the advertisement, and the date and*
17 *time that the advertisement is first displayed*
18 *and last displayed; and*

19 “(C) *information regarding—*

20 “(i) *the total cost of the advertisement;*

21 “(ii) *the name of the candidate to*
22 *which the advertisement refers and the office*
23 *to which the candidate is seeking election,*
24 *the election to which the advertisement re-*
25 *fers, or the national legislative issue to*

1 *which the advertisement refers (as applica-*
2 *ble);*

3 *“(iii) in the case of a request made by,*
4 *or on behalf of, a candidate, the name of the*
5 *candidate, the authorized committee of the*
6 *candidate, and the treasurer of such com-*
7 *mittee; and*

8 *“(iv) in the case of any request not de-*
9 *scribed in clause (iii), the name of the per-*
10 *son purchasing the advertisement, the name*
11 *and address of a contact person for such*
12 *person, and a list of the chief executive offi-*
13 *cers or members of the executive committee*
14 *or of the board of directors of such person.*

15 “(3) *ONLINE PLATFORM.—*

16 “(A) *IN GENERAL.—For purposes of this*
17 *subsection, subject to subparagraph (B), the term*
18 *‘online platform’ means any public-facing*
19 *website, web application, or digital application*
20 *(including a social network, ad network, or*
21 *search engine) which—*

22 *“(i)(I) sells qualified political adver-*
23 *tisements; and*

24 *“(II) has 50,000,000 or more unique*
25 *monthly United States visitors or users for*

1 *a majority of months during the preceding*
2 *12 months; or*

3 “(ii) is a *third-party advertising ven-*
4 *дор that has 50,000,000 or more unique*
5 *monthly United States visitors in the aggre-*
6 *gate on any advertisement space that it has*
7 *sold or bought for a majority of months*
8 *during the preceding 12 months, as meas-*
9 *ured by an independent digital ratings*
10 *service accredited by the Media Ratings*
11 *Council (or its successor).*

12 “(B) *EXEMPTION.*—*Such term shall not in-*
13 *clude any online platform that is a distribution*
14 *facility of any broadcasting station or news-*
15 *paper, magazine, blog, publication, or periodical.*

16 “(C) *THIRD-PARTY ADVERTISING VENDOR*
17 *DEFINED.*—*For purposes of this subsection, the*
18 *term ‘third-party advertising vendor’ includes,*
19 *but is not limited to, any third-party advertising*
20 *vendor network, advertising agency, advertiser,*
21 *or third-party advertisement serving company*
22 *that buys and sells advertisement space on behalf*
23 *of unaffiliated third-party websites, search en-*
24 *gines, digital applications, or social media sites.*

1 “(4) *QUALIFIED POLITICAL ADVERTISEMENT.*—
2 *For purposes of this subsection, the term ‘qualified*
3 *political advertisement’ means any advertisement (in-*
4 *cluding search engine marketing, display advertise-*
5 *ments, video advertisements, native advertisements,*
6 *and sponsorships) that—*

7 “(A) *is made by or on behalf of a candidate;*

8 *or*

9 “(B) *communicates a message relating to*
10 *any political matter of national importance, in-*
11 *cluding—*

12 “(i) *a candidate;*

13 “(ii) *any election to Federal office; or*

14 “(iii) *a national legislative issue of*
15 *public importance.*

16 “(5) *TIME TO MAINTAIN FILE.*—*The information*
17 *required under this subsection shall be made available*
18 *as soon as possible and shall be retained by the online*
19 *platform for a period of not less than 4 years.*

20 “(6) *SPECIAL RULE.*—*For purposes of this sub-*
21 *section, multiple versions of an advertisement that*
22 *contain no material differences (such as versions that*
23 *differ only because they contain a recipient’s name, or*
24 *differ only in size, color, font, or layout) may be*
25 *treated as a single qualified political advertisement.*

1 “(7) *PENALTIES.*—*For penalties for failure by*
2 *online platforms, and persons requesting to purchase*
3 *a qualified political advertisement on online plat-*
4 *forms, to comply with the requirements of this sub-*
5 *section, see section 309.*”.

6 (b) *EFFECTIVE DATE.*—*The amendments made by this*
7 *section shall take effect on the date of the enactment of this*
8 *Act and shall take effect without regard to whether or not*
9 *the Federal Election Commission has promulgated the final*
10 *regulations necessary to carry out this part and the amend-*
11 *ments made by this part by the deadline set forth in sub-*
12 *section (c).*

13 (c) *RULEMAKING.*—*Not later than 120 days after the*
14 *date of the enactment of this Act, the Federal Election Com-*
15 *mission shall establish rules—*

16 (1) *requiring common data formats for the*
17 *record required to be maintained under section 304(k)*
18 *of the Federal Election Campaign Act of 1971 (as*
19 *added by subsection (a)) so that all online platforms*
20 *submit and maintain data online in a common, ma-*
21 *chine-readable and publicly accessible format; and*

22 (2) *establishing search interface requirements re-*
23 *lating to such record, including searches by candidate*
24 *name, issue, purchaser, and date.*

1 (d) *REPORTING.*—Not later than 2 years after the date
2 of the enactment of this Act, and biannually thereafter, the
3 Chairman of the Federal Election Commission shall submit
4 a report to Congress on—

5 (1) *matters relating to compliance with and the*
6 *enforcement of the requirements of section 304(k) of*
7 *the Federal Election Campaign Act of 1971, as added*
8 *by subsection (a);*

9 (2) *recommendations for any modifications to*
10 *such section to assist in carrying out its purposes;*
11 *and*

12 (3) *identifying ways to bring transparency and*
13 *accountability to political advertisements distributed*
14 *online for free.*

15 **SEC. 6109. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
16 **INDEPENDENT EXPENDITURES, AND DIS-**
17 **BURSEMENTS FOR ELECTIONEERING COMMU-**
18 **NICATIONS BY FOREIGN NATIONALS IN THE**
19 **FORM OF ONLINE ADVERTISING.**

20 Section 319 of the Federal Election Campaign Act of
21 1971 (52 U.S.C. 30121) is amended by adding at the end
22 the following new subsection:

23 “(c) *RESPONSIBILITIES OF BROADCAST STATIONS,*
24 *PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND*
25 *ONLINE PLATFORMS.*—

1 “(1) *IN GENERAL.*—Each television or radio
2 broadcast station, provider of cable or satellite tele-
3 vision, or online platform (as defined in section
4 304(k)(3)) shall make reasonable efforts to ensure that
5 communications described in section 318(a) and
6 made available by such station, provider, or platform
7 are not purchased by a foreign national, directly or
8 indirectly.

9 “(2) *REGULATIONS.*— Not later than 1 year
10 after the date of the enactment of this subsection, the
11 Commission shall promulgate regulations on what
12 constitutes reasonable efforts under paragraph (1).”.

13 **SEC. 6110. REQUIRING ONLINE PLATFORMS TO DISPLAY**
14 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
15 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
16 **TICES CONTINUE TO BE PRESENT WHEN AD-**
17 **VERTISEMENTS ARE SHARED.**

18 (a) *IN GENERAL.*—Section 304 of the Federal Election
19 Campaign Act of 1971 (52 U.S.C. 30104), as amended by
20 section 3802 and section 6108(a), is amended by adding
21 at the end the following new subsection:

22 “(l) *ENSURING DISPLAY AND SHARING OF SPONSOR*
23 *IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-*
24 *MENTS.*—

1 “(1) *REQUIREMENT.*—An online platform displaying a qualified political advertisement shall—

2
3 “(A) display with the advertisement a visible notice identifying the sponsor of the advertisement (or, if it is not practical for the platform to display such a notice, a notice that the advertisement is sponsored by a person other than the platform); and

4
5
6
7
8 “(B) ensure that the notice will continue to be displayed if a viewer of the advertisement shares the advertisement with others on that platform.

9 “(2) *DEFINITIONS.*—In this subsection—

10 “(A) the term ‘online platform’ has the meaning given such term in subsection (k)(3); and

11
12 “(B) the term ‘qualified political advertisement’ has the meaning given such term in subsection (k)(4).”.

13
14
15
16
17 “(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply with respect to advertisements displayed on or after the 120-day period which begins on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commis-

1 *sion has promulgated regulations to carry out such amend-*
 2 *ments.*

3 ***Subtitle C—Spotlight Act***

4 ***SEC. 6201. SHORT TITLE.***

5 *This subtitle may be cited as the “Spotlight Act”.*

6 ***SEC. 6202. INCLUSION OF CONTRIBUTOR INFORMATION ON*** 7 ***ANNUAL RETURNS OF CERTAIN ORGANIZA-*** 8 ***TIONS.***

9 *(a) REPEAL OF REGULATIONS.—The final regulations*
 10 *of the Department of the Treasury relating to guidance*
 11 *under section 6033 regarding the reporting requirements of*
 12 *exempt organizations (published at 85 Fed. Reg. 31959*
 13 *(May 28, 2020)) shall have no force and effect.*

14 *(b) INCLUSION OF CONTRIBUTOR INFORMATION.—*

15 *(1) SOCIAL WELFARE ORGANIZATIONS.—Section*
 16 *6033(f)(1) of the Internal Revenue Code of 1986 is*
 17 *amended by inserting “(5),” after “paragraphs”.*

18 *(2) LABOR ORGANIZATIONS AND BUSINESS*
 19 *LEAGUES.—Section 6033 of such Code is amended by*
 20 *redesignating subsection (o) as subsection (p) and by*
 21 *inserting after subsection (n) the following new sub-*
 22 *section:*

23 *“(o) ADDITIONAL REQUIREMENTS FOR ORGANIZA-*
 24 *TIONS DESCRIBED IN SUBSECTIONS (c)(5) AND (c)(6) OF*
 25 *SECTION 501.—Every organization which is described in*

1 paragraph (5) or (6) of section 501(c) and which is subject
2 to the requirements of subsection (a) shall include on the
3 return required under subsection (a) the information re-
4 ferred to in subsection (b)(5).”.

5 (3) *EFFECTIVE DATE.*—The amendments made
6 by this subsection shall apply to returns required to
7 be filed for taxable years ending after the date of the
8 enactment of this Act.

9 (c) *MODIFICATION TO DISCRETIONARY EXCEPTIONS.*—
10 Section 6033(a)(3)(B) of the Internal Revenue Code of 1986
11 is amended to read as follows:

12 “(B) *DISCRETIONARY EXCEPTIONS.*—

13 “(i) *IN GENERAL.*—Paragraph (1)
14 shall not apply to any organization if the
15 Secretary made a determination under this
16 subparagraph before July 16, 2018, that
17 such filing is not necessary to the efficient
18 administration of the internal revenue laws.

19 “(ii) *RECOMMENDATIONS FOR OTHER*
20 *EXCEPTIONS.*—The Secretary may rec-
21 ommend to Congress that Congress relieve
22 any organization required under paragraph
23 (1) to file an information return from filing
24 such a return if the Secretary determines
25 that such filing does not advance a national

1 *security, law enforcement, or tax adminis-*
 2 *tration purpose.”.*

3 **TITLE VII—CAMPAIGN FINANCE**
 4 **OVERSIGHT**
 5 **Subtitle A—Stopping Super PAC–**
 6 **Candidate Coordination**

7 **SEC. 7001. SHORT TITLE.**

8 *This subtitle may be cited as the “Stop Super PAC–*
 9 *Candidate Coordination Act”.*

10 **SEC. 7002. CLARIFICATION OF TREATMENT OF COORDI-**
 11 **NATED EXPENDITURES AS CONTRIBUTIONS**
 12 **TO CANDIDATES.**

13 *(a) TREATMENT AS CONTRIBUTION TO CANDIDATE.—*
 14 *Section 301(8)(A) of the Federal Election Campaign Act*
 15 *of 1971 (52 U.S.C. 30101(8)(A)) is amended—*

16 (1) *by striking “or” at the end of clause (i);*

17 (2) *by striking the period at the end of clause*
 18 *(ii) and inserting “; or”; and*

19 (3) *by adding at the end the following new*
 20 *clause:*

21 “*(iii) any payment made by any person*
 22 *(other than a candidate, an authorized com-*
 23 *mittee of a candidate, or a political committee of*
 24 *a political party) for a coordinated expenditure*
 25 *(as such term is defined in section 325) which is*

1 *not otherwise treated as a contribution under*
2 *clause (i) or clause (ii).”.*

3 **(b) DEFINITIONS.**—*Title III of such Act (52 U.S.C.*
4 *30101 et seq.) is amended by adding at the end the following*
5 *new section:*

6 **“SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.**

7 **“(a) COORDINATED EXPENDITURES.**—

8 **“(1) IN GENERAL.**—*For purposes of section*
9 *301(8)(A)(iii), the term ‘coordinated expenditure’*
10 *means—*

11 **“(A) any expenditure, or any payment for**
12 *a covered communication described in subsection*
13 *(d), which is made in cooperation, consultation,*
14 *or concert with, or at the request or suggestion*
15 *of, a candidate, an authorized committee of a*
16 *candidate, a political committee of a political*
17 *party, or agents of the candidate or committee,*
18 *as defined in subsection (b); or*

19 **“(B) any payment for any communication**
20 *which republishes, disseminates, or distributes,*
21 *in whole or in part, any video or broadcast or*
22 *any written, graphic, or other form of campaign*
23 *material prepared by the candidate or committee*
24 *or by agents of the candidate or committee (in-*
25 *cluding any excerpt or use of any video from*

1 *any such broadcast or written, graphic, or other*
2 *form of campaign material).*

3 “(2) *EXCEPTION FOR PAYMENTS FOR CERTAIN*
4 *COMMUNICATIONS.—A payment for a communication*
5 *(including a covered communication described in sub-*
6 *section (e)) shall not be treated as a coordinated ex-*
7 *penditure under this subsection if—*

8 “(A) *the communication appears in a news*
9 *story, commentary, or editorial distributed*
10 *through the facilities of any broadcasting station,*
11 *newspaper, magazine, or other periodical publi-*
12 *cation, unless such facilities are owned or con-*
13 *trolled by any political party, political com-*
14 *mittee, or candidate; or*

15 “(B) *the communication constitutes a can-*
16 *didate debate or forum conducted pursuant to*
17 *regulations adopted by the Commission pursuant*
18 *to section 304(f)(3)(B)(iii), or which solely pro-*
19 *motest such a debate or forum and is made by or*
20 *on behalf of the person sponsoring the debate or*
21 *forum.*

22 “(b) *COORDINATION DESCRIBED.—*

23 “(1) *IN GENERAL.—For purposes of this section,*
24 *a payment is made ‘in cooperation, consultation, or*
25 *concert with, or at the request or suggestion of,’ a*

1 *candidate, an authorized committee of a candidate, a*
2 *political committee of a political party, or agents of*
3 *the candidate or committee, if the payment, or any*
4 *communication for which the payment is made, is not*
5 *made entirely independently of the candidate, com-*
6 *mittee, or agents. For purposes of the previous sen-*
7 *tence, a payment or communication not made en-*
8 *tirely independently of the candidate or committee in-*
9 *cludes any payment or communication made pursu-*
10 *ant to any general or particular understanding with,*
11 *or pursuant to any communication with, the can-*
12 *didate, committee, or agents about the payment or*
13 *communication.*

14 *“(2) NO FINDING OF COORDINATION BASED*
15 *SOLELY ON SHARING OF INFORMATION REGARDING*
16 *LEGISLATIVE OR POLICY POSITION.—For purposes of*
17 *this section, a payment shall not be considered to be*
18 *made by a person in cooperation, consultation, or*
19 *concert with, or at the request or suggestion of, a can-*
20 *didate or committee, solely on the grounds that the*
21 *person or the person’s agent engaged in discussions*
22 *with the candidate or committee, or with any agent*
23 *of the candidate or committee, regarding that person’s*
24 *position on a legislative or policy matter (including*
25 *urging the candidate or committee to adopt that per-*

1 son's position), so long as there is no communication
2 between the person and the candidate or committee, or
3 any agent of the candidate or committee, regarding
4 the candidate's or committee's campaign advertising,
5 message, strategy, policy, polling, allocation of re-
6 sources, fundraising, or other campaign activities.

7 “(3) *NO EFFECT ON PARTY COORDINATION*
8 *STANDARD.*—Nothing in this section shall be con-
9 strued to affect the determination of coordination be-
10 tween a candidate and a political committee of a po-
11 litical party for purposes of section 315(d).

12 “(c) *PAYMENTS BY COORDINATED SPENDERS FOR*
13 *COVERED COMMUNICATIONS.*—

14 “(1) *PAYMENTS MADE IN COOPERATION, CON-*
15 *SULTATION, OR CONCERT WITH CANDIDATES.*—For
16 purposes of subsection (a)(1)(A), if the person who
17 makes a payment for a covered communication, as
18 defined in subsection (e), is a coordinated spender
19 under paragraph (2) with respect to the candidate as
20 described in paragraph (2), the payment for the cov-
21 ered communication is made in cooperation, consulta-
22 tion, or concert with the candidate.

23 “(2) *COORDINATED SPENDER DEFINED.*—For
24 purposes of this subsection, the term ‘coordinated
25 spender’ means, with respect to a candidate or an au-

1 *thorized committee of a candidate, a person (other*
2 *than a political committee of a political party) for*
3 *which any of the following applies:*

4 *“(A) During the 4-year period ending on*
5 *the date on which the person makes the payment,*
6 *the person was directly or indirectly formed or*
7 *established by or at the request or suggestion of,*
8 *or with the encouragement of, the candidate (in-*
9 *cluding an individual who later becomes a can-*
10 *didate) or committee or agents of the candidate*
11 *or committee, including with the approval of the*
12 *candidate or committee or agents of the can-*
13 *didate or committee.*

14 *“(B) The candidate or committee or any*
15 *agent of the candidate or committee solicits*
16 *funds, appears at a fundraising event, or engages*
17 *in other fundraising activity on the person’s be-*
18 *half during the election cycle involved, including*
19 *by providing the person with names of potential*
20 *donors or other lists to be used by the person in*
21 *engaging in fundraising activity, regardless of*
22 *whether the person pays fair market value for*
23 *the names or lists provided. For purposes of this*
24 *subparagraph, the term ‘election cycle’ means,*
25 *with respect to an election for Federal office, the*

1 *period beginning on the day after the date of the*
2 *most recent general election for that office (or, if*
3 *the general election resulted in a runoff election,*
4 *the date of the runoff election) and ending on the*
5 *date of the next general election for that office*
6 *(or, if the general election resulted in a runoff*
7 *election, the date of the runoff election).*

8 “(C) *The person is established, directed, or*
9 *managed by the candidate or committee or by*
10 *any person who, during the 4-year period ending*
11 *on the date on which the person makes the pay-*
12 *ment, has been employed or retained as a polit-*
13 *ical, campaign media, or fundraising adviser or*
14 *consultant for the candidate or committee or for*
15 *any other entity directly or indirectly controlled*
16 *by the candidate or committee, or has held a for-*
17 *mal position with the candidate or committee*
18 *(including a position as an employee of the office*
19 *of the candidate at any time the candidate held*
20 *any Federal, State, or local public office during*
21 *the 4-year period).*

22 “(D) *The person has retained the profes-*
23 *sional services of any person who, during the 2-*
24 *year period ending on the date on which the per-*
25 *son makes the payment, has provided or is pro-*

1 *viding professional services relating to the cam-*
2 *campaign to the candidate or committee, unless the*
3 *person providing the professional services used a*
4 *firewall or similar procedure in accordance with*
5 *subsection (d). For purposes of this subpara-*
6 *graph, the term ‘professional services’ includes*
7 *any services in support of the candidate’s or*
8 *committee’s campaign activities, including ad-*
9 *vertising, message, strategy, policy, polling, allo-*
10 *cation of resources, fundraising, and campaign*
11 *operations, but does not include accounting or*
12 *legal services.*

13 *“(E) The person is established, directed, or*
14 *managed by a member of the immediate family*
15 *of the candidate, or the person or any officer or*
16 *agent of the person has had more than incidental*
17 *discussions about the candidate’s campaign with*
18 *a member of the immediate family of the can-*
19 *didate. For purposes of this subparagraph, the*
20 *term ‘immediate family’ has the meaning given*
21 *such term in section 9004(e) of the Internal Rev-*
22 *enue Code of 1986.*

23 *“(d) USE OF FIREWALL AS SAFE HARBOR.—*

24 *“(1) NO COORDINATION IF FIREWALL APPLIES.—*

25 *A person shall not be determined to have made a pay-*

1 *ment in cooperation, consultation, or concert with, or*
2 *at the request or suggestion of, a candidate or com-*
3 *mittee in accordance with this section if the person*
4 *established and used a firewall or similar procedure*
5 *to restrict the sharing of information between individ-*
6 *uals who are employed by or who are serving as*
7 *agents for the person making the payment, but only*
8 *if the firewall or similar procedures meet the require-*
9 *ments of paragraph (2).*

10 *“(2) REQUIREMENTS DESCRIBED.—The require-*
11 *ments described in this paragraph with respect to a*
12 *firewall or similar procedure are as follows:*

13 *“(A) The firewall or procedure is designed*
14 *and implemented to prohibit the flow of informa-*
15 *tion between employees and consultants pro-*
16 *viding services for the person paying for the*
17 *communication and those employees or consult-*
18 *ants providing, or who previously provided, serv-*
19 *ices to a candidate who is clearly identified in*
20 *the communication or an authorized committee*
21 *of the candidate, the candidate’s opponent or an*
22 *authorized committee of the candidate’s oppo-*
23 *nent, or a committee of a political party.*

24 *“(B) The firewall or procedure must be de-*
25 *scribed in a written policy that is distributed,*

1 *signed, and dated by all relevant employees, con-*
2 *sultants, and clients subject to the policy.*

3 “(C) *The policy must be preserved and re-*
4 *tained by the person for at least 5 years fol-*
5 *lowing any termination or cessation of represen-*
6 *tation by employees, consultants, and clients who*
7 *are subject to the policy.*

8 “(D) *The policy must prohibit any employ-*
9 *ees, consultants, and clients who are subject to*
10 *the policy from attending meetings, trainings, or*
11 *other discussions where nonpublic plans, projects,*
12 *activities, or needs of candidates for election for*
13 *Federal office or political committees are dis-*
14 *cussed.*

15 “(E) *The policy must prohibit each owner*
16 *of an organization, and each executive, manager,*
17 *and supervisor within an organization, from si-*
18 *multaneously overseeing the work of employees*
19 *and consultants who are subject to the firewall or*
20 *procedure.*

21 “(F) *The policy must place restrictions on*
22 *internal and external communications, including*
23 *by establishing separate emailing lists, for em-*
24 *ployees, consultants, and clients who are subject*

1 to the firewall or procedure and those who are
2 not subject to the firewall or procedure.

3 “(G) The policy must require the person to
4 establish separate files, including electronic file
5 folders—

6 “(i) for employees, consultants, and cli-
7 ents who are subject to the firewall or proce-
8 dure and to prohibit access to such files by
9 employees, consultants, and clients who are
10 not subject to the firewall or procedure; and

11 “(ii) for employees, consultants, and
12 clients who are not subject to the firewall or
13 procedure and to prohibit access to such
14 files by employees, consultants, and clients
15 who are subject to the firewall or procedure.

16 “(H) The person must conduct a training
17 on the applicable requirements and obligations of
18 this Act and the policy for all employees, consult-
19 ants, and clients.

20 “(3) *EXCEPTION IF INFORMATION IS SHARED RE-*
21 *GARDLESS OF FIREWALL.—A person who established*
22 *and used a firewall or similar procedure which meets*
23 *the requirements of paragraph (2) shall be determined*
24 *to have made a payment in cooperation, consultation,*
25 *or concert with, or at the request or suggestion of, a*

1 candidate or committee in accordance with this sec-
2 tion if specific information indicates that, notwith-
3 standing the establishment and use of the firewall or
4 similar procedure, information about the candidate's
5 or committee's campaign plans, projects, activities, or
6 needs that is material to the creation, production, or
7 distribution of the covered communication was used
8 or conveyed to the person paying for the communica-
9 tion.

10 “(4) USE AS DEFENSE TO ENFORCEMENT AC-
11 TION.—If, in a procedure or action brought by the
12 Commission under section 309, a person who is al-
13 leged to have committed a violation of this Act which
14 involves the making of a contribution which consists
15 of a payment for a coordinated expenditure raises the
16 use of a firewall or similar procedure as a defense, the
17 person shall provide the Commission with—

18 “(A) a copy of the signed and dated firewall
19 or procedure policy which applied to the person's
20 employees, consultants, or clients whose conduct
21 is at issue in the procedure or action; and

22 “(B) a sworn, written affidavit of the em-
23 ployees, consultants, or clients who were subject
24 to the policy that the terms, conditions, and re-
25 quirements of the policy were met.

1 “(e) *COVERED COMMUNICATION DEFINED.*—

2 “(1) *IN GENERAL.*—*For purposes of this section,*
3 *the term ‘covered communication’ means, with respect*
4 *to a candidate or an authorized committee of a can-*
5 *didate, a public communication (as defined in section*
6 *301(22)) which—*

7 “(A) *expressly advocates the election of the*
8 *candidate or the defeat of an opponent of the*
9 *candidate (or contains the functional equivalent*
10 *of express advocacy);*

11 “(B) *promotes or supports the election of the*
12 *candidate, or attacks or opposes the election of*
13 *an opponent of the candidate (regardless of*
14 *whether the communication expressly advocates*
15 *the election or defeat of a candidate or contains*
16 *the functional equivalent of express advocacy); or*

17 “(C) *refers to the candidate or an opponent*
18 *of the candidate but is not described in subpara-*
19 *graph (A) or subparagraph (B), but only if the*
20 *communication is disseminated during the ap-*
21 *plicable 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 on
4 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 date
10 of the election or convention or caucus.

11 “(3) *SPECIAL RULES FOR COMMUNICATIONS IN-*
12 *VOLVING CONGRESSIONAL CANDIDATES.*—For purposes
13 of this subsection, a public communication shall not
14 be considered to be a covered communication with re-
15 spect to a candidate for election for an office other
16 than the office of President or Vice President unless
17 it is publicly disseminated or distributed in the juris-
18 diction of the office the candidate is seeking.

19 “(f) *PENALTY.*—

20 “(1) *DETERMINATION OF AMOUNT.*—Any person
21 who knowingly and willfully commits a violation of
22 this Act which involves the making of a contribution
23 which consists of a payment for a coordinated ex-
24 penditure shall be fined an amount equal to the great-
25 er 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 amount*
6 *of the payment made by the person exceeds such*
7 *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 the*
11 *payment made by the person for the coordinated*
12 *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 en-
6 actment of this Act (as set forth under the head-
7 ing “Coordination” in subpart C of part 109 of
8 title 11, Code of Federal Regulations) are re-
9 pealed; and

10 (B) the Federal Election Commission shall
11 promulgate new regulations on coordinated com-
12 munications which reflect the amendments made
13 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 period
17 which begins on the date of the enactment of this Act,
18 without regard to whether or not the Federal Election
19 Commission has promulgated regulations in accord-
20 ance with paragraph (1)(B) as of the expiration of
21 such period.

1 ***Subtitle B—Restoring Integrity to***
2 ***America’s Elections***

3 **SEC. 7101. SHORT TITLE.**

4 *This subtitle may be cited as the “Restoring Integrity*
5 *to America’s Elections Act”.*

6 **SEC. 7102. REVISION TO ENFORCEMENT PROCESS.**

7 *(a) STANDARD FOR INITIATING INVESTIGATIONS AND*
8 *DETERMINING WHETHER VIOLATIONS HAVE OCCURRED.—*

9 *(1) REVISION OF STANDARDS.—Section 309(a) of*
10 *the Federal Election Campaign Act of 1971 (52*
11 *U.S.C. 30109(a)) is amended by striking paragraphs*
12 *(2) and (3) and inserting the following:*

13 *“(2)(A) The general counsel, upon receiving a com-*
14 *plaint filed with the Commission under paragraph (1) or*
15 *upon the basis of information ascertained by the Commis-*
16 *sion in the normal course of carrying out its supervisory*
17 *responsibilities, shall make a determination as to whether*
18 *or not there is reason to believe that a person has com-*
19 *mited, or is about to commit, a violation of this Act or*
20 *chapter 95 or chapter 96 of the Internal Revenue Code of*
21 *1986, and as to whether or not the Commission should ei-*
22 *ther initiate an investigation of the matter or that the com-*
23 *plaint should be dismissed. The general counsel shall*
24 *promptly provide notification to the Commission of such*
25 *determination and the reasons therefore, together with any*

1 *written response submitted under paragraph (1) by the per-*
2 *son alleged to have committed the violation. Upon the expi-*
3 *ration of the 30-day period which begins on the date the*
4 *general counsel provides such notification, the general coun-*
5 *sel's determination shall take effect, unless during such 30-*
6 *day period the Commission, by vote of a majority of the*
7 *members of the Commission who are serving at the time,*
8 *overrules the general counsel's determination. If the deter-*
9 *mination by the general counsel that the Commission should*
10 *investigate the matter takes effect, or if the determination*
11 *by the general counsel that the complaint should be dis-*
12 *missed is overruled as provided under the previous sentence,*
13 *the general counsel shall initiate an investigation of the*
14 *matter on behalf of the Commission.*

15 “(B) *If the Commission initiates an investigation pur-*
16 *suant to subparagraph (A), the Commission, through the*
17 *Chair, shall notify the subject of the investigation of the al-*
18 *leged violation. Such notification shall set forth the factual*
19 *basis for such alleged violation. The Commission shall make*
20 *an investigation of such alleged violation, which may in-*
21 *clude a field investigation or audit, in accordance with the*
22 *provisions of this section. The general counsel shall provide*
23 *notification to the Commission of any intent to issue a sub-*
24 *poena or conduct any other form of discovery pursuant to*
25 *the investigation. Upon the expiration of the 15-day period*

1 *which begins on the date the general counsel provides such*
2 *notification, the general counsel may issue the subpoena or*
3 *conduct the discovery, unless during such 15-day period the*
4 *Commission, by vote of a majority of the members of the*
5 *Commission who are serving at the time, prohibits the gen-*
6 *eral counsel from issuing the subpoena or conducting the*
7 *discovery.*

8 “(3)(A) *Upon completion of an investigation under*
9 *paragraph (2), the general counsel shall make a determina-*
10 *tion as to whether or not there is probable cause to believe*
11 *that a person has committed, or is about to commit, a viola-*
12 *tion of this Act or chapter 95 or chapter 96 of the Internal*
13 *Revenue Code of 1986, and shall promptly submit such de-*
14 *termination to the Commission, and shall include with the*
15 *determination a brief stating the position of the general*
16 *counsel on the legal and factual issues of the case.*

17 “(B) *At the time the general counsel submits to the*
18 *Commission the determination under subparagraph (A), the*
19 *general counsel shall simultaneously notify the respondent*
20 *of such determination and the reasons therefore, shall pro-*
21 *vide the respondent with an opportunity to submit a brief*
22 *within 30 days stating the position of the respondent on*
23 *the legal and factual issues of the case and replying to the*
24 *brief of the general counsel. The general counsel shall*
25 *promptly submit such brief to the Commission upon receipt.*

1 “(C) Upon the expiration of the 30-day period which
2 begins on the date the general counsel submits the deter-
3 mination to the Commission under subparagraph (A) (or,
4 if the respondent submits a brief under subparagraph (B),
5 upon the expiration of the 30-day period which begins on
6 the date the general counsel submits the respondent’s brief
7 to the Commission under such subparagraph), the general
8 counsel’s determination shall take effect, unless during such
9 30-day period the Commission, by vote of a majority of the
10 members of the Commission who are serving at the time,
11 overrules the general counsel’s determination. If the deter-
12 mination by the general counsel that there is probable cause
13 to believe that a person has committed, or is about to com-
14 mit, a violation of this Act or chapter 95 or chapter 96
15 of the Internal Revenue Code of 1986, or if the determina-
16 tion by the general counsel that there is not probable cause
17 that a person has committed or is about to commit such
18 a violation is overruled as provided under the previous sen-
19 tence, for purposes of this subsection, the Commission shall
20 be deemed to have determined that there is probable cause
21 that the person has committed or is about to commit such
22 a violation.”.

23 (2) CONFORMING AMENDMENT RELATING TO INI-
24 TIAL RESPONSE TO FILING OF COMPLAINT.—Section

1 309(a)(1) of such Act (52 U.S.C. 30109(a)(1)) is
2 amended—

3 (A) in the third sentence, by striking “the
4 Commission” and inserting “the general coun-
5 sel”; and

6 (B) by amending the fourth sentence to read
7 as follows: “Not later than 15 days after receiv-
8 ing notice from the general counsel under the
9 previous sentence, the person may provide the
10 general counsel with a written response that no
11 action should be taken against such person on
12 the basis of the complaint.”.

13 (b) *REVISION OF STANDARD FOR REVIEW OF DIS-*
14 *MISSAL OF COMPLAINTS.—*

15 (1) *IN GENERAL.—*Section 309(a)(8) of such Act
16 (52 U.S.C. 30109(a)(8)) is amended to read as fol-
17 lows:

18 “(8)(A)(i) Any party aggrieved by an order of the
19 Commission dismissing a complaint filed by such party
20 may file a petition with the United States District Court
21 for the District of Columbia. Any petition under this sub-
22 paragraph shall be filed within 60 days after the date on
23 which the party received notice of the dismissal of the com-
24 plaint.

1 “(ii) In any proceeding under this subparagraph, the
2 court shall determine by de novo review whether the agen-
3 cy’s dismissal of the complaint is contrary to law. In any
4 matter in which the penalty for the alleged violation is
5 greater than \$50,000, the court should disregard any claim
6 or defense by the Commission of prosecutorial discretion as
7 a basis for dismissing the complaint.

8 “(B)(i) Any party who has filed a complaint with the
9 Commission and who is aggrieved by a failure of the Com-
10 mission, within one year after the filing of the complaint,
11 to act on such complaint, may file a petition with the
12 United States District Court for the District of Columbia.

13 “(ii) In any proceeding under this subparagraph, the
14 court shall determine by de novo review whether the agen-
15 cy’s failure to act on the complaint is contrary to law.

16 “(C) In any proceeding under this paragraph the court
17 may declare that the dismissal of the complaint or the fail-
18 ure to act is contrary to law, and may direct the Commis-
19 sion to conform with such declaration within 30 days, fail-
20 ing which the complainant may bring, in the name of such
21 complainant, a civil action to remedy the violation involved
22 in the original complaint.”.

23 (2) *EFFECTIVE DATE.*—The amendments made
24 by paragraph (1) shall apply—

1 **SEC. 7104. PERMITTING APPEARANCE AT HEARINGS ON RE-**
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**
3 **SONS OPPOSING THE REQUESTS.**

4 (a) *IN GENERAL.*—Section 308 of such Act (52 U.S.C.
5 30108) is amended by adding at the end the following new
6 subsection:

7 “(e) *To the extent that the Commission provides an*
8 *opportunity for a person requesting an advisory opinion*
9 *under this section (or counsel for such person) to appear*
10 *before the Commission to present testimony in support of*
11 *the request, and the person (or counsel) accepts such oppor-*
12 *tunity, the Commission shall provide a reasonable oppor-*
13 *tunity for an interested party who submitted written com-*
14 *ments under subsection (d) in response to the request (or*
15 *counsel for such interested party) to appear before the Com-*
16 *mission to present testimony in response to the request.”.*

17 (b) *EFFECTIVE DATE.*—The amendment made by sub-
18 section (a) shall apply with respect to requests for advisory
19 opinions under section 308 of the Federal Election Cam-
20 paign Act of 1971 which are made on or after the date of
21 the enactment of this Act.

22 **SEC. 7105. PERMANENT EXTENSION OF ADMINISTRATIVE**
23 **PENALTY AUTHORITY.**

24 Section 309(a)(4)(C)(v) of the Federal Election Cam-
25 paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amend-

1 *ed by striking “, and that end on or before December 31,*
2 *2023”.*

3 **SEC. 7106. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

4 *Section 306(e) of the Federal Election Campaign Act*
5 *of 1971 (52 U.S.C. 30106(e)) is amended—*

6 *(1) by striking “(e) The Commission” and in-*
7 *serting “(e)(1) The Commission”; and*

8 *(2) by adding at the end the following new para-*
9 *graph:*

10 *“(2) Members and employees of the Commission shall*
11 *be subject to limitations on ex parte communications, as*
12 *provided in the regulations promulgated by the Commission*
13 *regarding such communications which are in effect on the*
14 *date of the enactment of this paragraph.”.*

15 **SEC. 7107. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
16 **REPRESENT FEC IN SUPREME COURT.**

17 *(a) CLARIFYING AUTHORITY.—Section 306(f)(4) of the*
18 *Federal Election Campaign Act of 1971 (52 U.S.C.*
19 *30106(f)(4)) is amended by striking “any action instituted*
20 *under this Act, either (A) by attorneys” and inserting “any*
21 *action instituted under this Act, including an action before*
22 *the Supreme Court of the United States, either (A) by the*
23 *General Counsel of the Commission and other attorneys”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by*
2 *paragraph (1) shall apply with respect to actions instituted*
3 *before, on, or after the date of the enactment of this Act.*

4 **SEC. 7108. REQUIRING FORMS TO PERMIT USE OF ACCENT**
5 **MARKS.**

6 (a) *REQUIREMENT.*—*Section 311(a)(1) of the Federal*
7 *Election Campaign Act of 1971 (52 U.S.C. 30111(a)(1)) is*
8 *amended by striking the semicolon at the end and inserting*
9 *the following: “, and shall ensure that all such forms (in-*
10 *cluding forms in an electronic format) permit the person*
11 *using the form to include an accent mark as part of the*
12 *person’s identification;”.*

13 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
14 *section (a) shall take effect upon the expiration of the 90-*
15 *day period which begins on the date of the enactment of*
16 *this Act.*

17 **SEC. 7109. EXTENSION OF THE STATUTES OF LIMITATIONS**
18 **FOR OFFENSES UNDER THE FEDERAL ELEC-**
19 **TION CAMPAIGN ACT OF 1971.**

20 (a) *CIVIL OFFENSES.*—*Section 309(a) of the Federal*
21 *Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is*
22 *amended by inserting after paragraph (9) the following new*
23 *paragraph:*

24 “(10) *No person shall be subject to a civil penalty*
25 *under this subsection with respect to a violation of this Act*

1 *unless a complaint is filed with the Commission with re-*
2 *spect to the violation under paragraph (1), or the Commis-*
3 *sion responds to information with respect to the violation*
4 *which is ascertained in the normal course of carrying out*
5 *its supervisory responsibilities under paragraph (2), not*
6 *later than 10 years after the date on which the violation*
7 *occurred.”.*

8 (b) *CRIMINAL OFFENSES.*—Section 406(a) of such Act
9 (52 U.S.C. 30145(a)) is amended by striking “5 years” and
10 inserting “10 years”.

11 (c) *EFFECTIVE DATE.*—The amendments made by this
12 section shall apply with respect to violations occurring on
13 or after the date of enactment of this Act.

14 **SEC. 7110. EFFECTIVE DATE; TRANSITION.**

15 (a) *IN GENERAL.*—Except as otherwise provided, this
16 subtitle and the amendments made by this subtitle shall
17 take effect and apply on the date of the enactment of this
18 Act, without regard to whether or not the Federal Election
19 Commission has promulgated regulations to carry out this
20 subtitle and the amendments made by this subtitle.

21 (b) *TRANSITION.*—

22 (1) *NO EFFECT ON EXISTING CASES OR PRO-*
23 *CEEDINGS.*—Nothing in this subtitle or in any
24 amendment made by this subtitle shall affect any of
25 the powers exercised by the Federal Election Commis-

1 *sion prior to the date of the enactment of this Act, in-*
 2 *cluding any investigation initiated by the Commis-*
 3 *sion prior to such date or any proceeding (including*
 4 *any enforcement action) pending as of such date.*

5 (2) *TREATMENT OF CERTAIN COMPLAINTS.—If,*
 6 *as of the date of the enactment of this Act, the General*
 7 *Counsel of the Federal Election Commission has not*
 8 *made any recommendation to the Commission under*
 9 *section 309(a) of the Federal Election Campaign Act*
 10 *of 1971 (52 U.S.C. 30109) with respect to a com-*
 11 *plaint filed prior to the date of the enactment of this*
 12 *Act, this subtitle and the amendments made by this*
 13 *subtitle shall apply with respect to the complaint in*
 14 *the same manner as this subtitle and the amendments*
 15 *made by this subtitle apply with respect to a com-*
 16 *plaint filed on or after the date of the enactment of*
 17 *this Act.*

18 ***Subtitle C—Imposition of Fee for***
 19 ***Reports Filed by Paper***

20 ***SEC. 7201. IMPOSITION OF FEE FOR REPORTS FILED BY***
 21 ***PAPER.***

22 *Section 304(a)(11)(A) of the Federal Election Cam-*
 23 *paign Act of 1971 (52 U.S.C. 30104(a)(11)(A)) is amend-*
 24 *ed—*

25 (1) *by striking “and” at the end of clause (i);*

1 (2) *by striking the period at the end of clause*
 2 *(ii) and inserting “; and”; and*

3 (3) *by adding at the end the following new*
 4 *clause:*

5 “*(iii) shall be assessed a \$20.00 filing fee for any*
 6 *designation, statement, or report under this Act filed*
 7 *by paper, with the fees received by the Commission*
 8 *under this clause deposited into the general fund of*
 9 *the Treasury for the purposes of deficit reduction.*”.

10 ***TITLE VIII—CITIZEN***
 11 ***EMPOWERMENT***
 12 ***Subtitle A—Funding to Promote***
 13 ***Democracy***

14 ***PART 1—PAYMENTS AND ALLOCATIONS TO***
 15 ***STATES***

16 ***SEC. 8001. DEMOCRACY ADVANCEMENT AND INNOVATION***
 17 ***PROGRAM.***

18 (a) *ESTABLISHMENT.*—*There is established a program*
 19 *to be known as the “Democracy Advancement and Innova-*
 20 *tion Program” under which the Director of the Office of*
 21 *Democracy Advancement and Innovation shall make alloca-*
 22 *tions to each State for each fiscal year to carry out democ-*
 23 *racy promotion activities described in subsection (b).*

1 (b) *DEMOCRACY PROMOTION ACTIVITIES DE-*
2 *SCRIBED.—The democracy promotion activities described*
3 *in this subsection are as follows:*

4 (1) *Activities to promote innovation to improve*
5 *efficiency and smooth functioning in the administra-*
6 *tion of elections for Federal office and to secure the*
7 *infrastructure used in the administration of such elec-*
8 *tions, including making upgrades to voting equip-*
9 *ment and voter registration systems, securing voting*
10 *locations, expanding polling places and the avail-*
11 *ability of early and mail voting, recruiting and*
12 *training nonpartisan election officials, and promoting*
13 *cybersecurity.*

14 (2) *Activities to ensure equitable access to democ-*
15 *racy, including the following:*

16 (A) *Enabling candidates who seek office in*
17 *the State to receive payments as participating*
18 *candidates under title V of the Federal Election*
19 *Campaign Act of 1971 (as added by subtitle B),*
20 *but only if the State will enable candidates to re-*
21 *ceive such payments during an entire election*
22 *cycle.*

23 (B) *Operating a Democracy Credit Pro-*
24 *gram under part 1 of subtitle B, but only if the*

1 *State will operate the program during an entire*
2 *election cycle.*

3 *(C) Other activities to ensure equitable ac-*
4 *cess to democracy, including administering a*
5 *ranked-choice voting system and carrying out*
6 *Congressional redistricting through independent*
7 *commissions.*

8 *(3) Activities to increase access to voting in elec-*
9 *tions for Federal office by underserved communities,*
10 *individuals with disabilities, racial and language mi-*
11 *nority groups, individuals entitled to vote by absentee*
12 *ballot under the Uniformed and Overseas Citizens Ab-*
13 *sentee Voting Act, and voters residing in Indian*
14 *lands.*

15 *(c) PERMITTING STATES TO RETAIN AND RESERVE*
16 *ALLOCATIONS FOR FUTURE USE.—A State may retain and*
17 *reserve an allocation received for a fiscal year to carry out*
18 *democracy promotion activities in any subsequent fiscal*
19 *year.*

20 *(d) REQUIRING SUBMISSION AND APPROVAL OF STATE*
21 *PLAN.—*

22 *(1) IN GENERAL.—A State shall receive an allo-*
23 *cation under the Program for a fiscal year if—*

24 *(A) not later than 90 days before the first*
25 *day of the fiscal year, the chief State election of-*

1 *ficial of the State submits to the Director the*
2 *State plan described in section 8002; and*

3 *(B) not later than 45 days before the first*
4 *day of the fiscal year, the Director, in consulta-*
5 *tion with the Election Assistance Commission*
6 *and the Federal Election Commission as de-*
7 *scribed in paragraph (3), determines that the*
8 *State plan will enable the State to carry out de-*
9 *mocracy promotion activities and approves the*
10 *plan.*

11 (2) *SUBMISSION AND APPROVAL OF REVISED*
12 *PLAN.—If the Director does not approve the State*
13 *plan as submitted by the State under paragraph (1)*
14 *with respect to a fiscal year, the State shall receive*
15 *a payment under the Program for the fiscal year if,*
16 *at any time prior to the end of the fiscal year—*

17 *(A) the chief State election official of the*
18 *State submits a revised version of the State plan;*
19 *and*

20 *(B) the Director, in consultation with the*
21 *Election Assistance Commission and the Federal*
22 *Election Commission as described in paragraph*
23 *(3), determines that the revised version of the*
24 *State plan will enable the State to carry out de-*

1 *mocracy promotion activities and approves the*
2 *plan.*

3 (3) *ELECTION ASSISTANCE COMMISSION AND*
4 *FEDERAL ELECTION COMMISSION CONSULTATION.—*
5 *With respect to a State plan submitted under para-*
6 *graph (1) or a revised plan submitted under para-*
7 *graph (2)—*

8 (A) *the Director shall, prior to making a*
9 *determination on approval of the plan, consult*
10 *with the Election Assistance Commission with*
11 *respect to the proposed State activities described*
12 *in subsection (b)(1) and with the Federal Elec-*
13 *tion Commission with respect to the proposed*
14 *State activities described in subsection (b)(2)(A)*
15 *and (b)(2)(B); and*

16 (B) *the Election Assistance Commission and*
17 *the Federal Election Commission shall submit to*
18 *the Director a written assessment with respect to*
19 *whether the proposed activities of the plan sat-*
20 *isfy the requirements of this Act.*

21 (4) *CONSULTATION WITH LEGISLATURE.—The*
22 *chief State election official of the State shall develop*
23 *the State plan submitted under paragraph (1) and*
24 *the revised plan submitted under paragraph (2) in*

1 *consultation with the majority party and minority*
2 *party leaders of each house of the State legislature.*

3 *(e) STATE REPORT ON USE OF ALLOCATIONS.—Not*
4 *later than 90 days after the last day of a fiscal year for*
5 *which an allocation was made to the State under the Pro-*
6 *gram, the chief State election official of the State shall sub-*
7 *mit a report to the Director describing how the State used*
8 *the allocation, including a description of the democracy*
9 *promotion activities the State carried out with the alloca-*
10 *tion.*

11 *(f) PUBLIC AVAILABILITY OF INFORMATION.—*

12 *(1) PUBLICLY AVAILABLE WEBSITE.—The Direc-*
13 *tor shall make available on a publicly accessible*
14 *website the following:*

15 *(A) State plans submitted under paragraph*
16 *(1) of subsection (d) and revised plans submitted*
17 *under paragraph (2) of subsection (d).*

18 *(B) The Director's notifications of deter-*
19 *minations with respect to such plans under sub-*
20 *section (d).*

21 *(C) Reports submitted by States under sub-*
22 *section (e).*

23 *(2) REDACTION.— The Director may redact in-*
24 *formation required to be made available under para-*
25 *graph (1) if the information would be properly with-*

1 *held from disclosure under section 552 of title 5,*
2 *United States Code, or if the public disclosure of the*
3 *information is otherwise prohibited by law.*

4 *(g) EFFECTIVE DATE.—This section shall apply with*
5 *respect to fiscal year 2023 and each succeeding fiscal year.*

6 **SEC. 8002. STATE PLAN.**

7 *(a) CONTENTS.—A State plan under this section with*
8 *respect to a State is a plan containing each of the following:*

9 *(1) A description of the democracy promotion ac-*
10 *tivities the State will carry out with the payment*
11 *made under the Program.*

12 *(2) A statement of whether or not the State in-*
13 *tends to retain and reserve the payment for future de-*
14 *mocracy promotion activities.*

15 *(3) A description of how the State intends to al-*
16 *locate funds to carry out the proposed activities,*
17 *which shall include the amount the State intends to*
18 *allocate to each such activity, including (if applica-*
19 *ble) a specific allocation for—*

20 *(A) activities described in subsection*
21 *8001(b)(1) (relating to election administration);*

22 *(B) activities described in section*
23 *8001(b)(2)(A) (relating to payments to partici-*
24 *parting candidates in the State under title V of*
25 *the Federal Election Campaign Act of 1971), to*

1 *gether with the information required under sub-*
2 *section (c);*

3 *(C) activities described in section*
4 *8001(b)(2)(B) (relating to the operation of a De-*
5 *mocracy Credit Program under part 1 of subtitle*
6 *B);*

7 *(D) activities described in section*
8 *8001(b)(2)(C) (relating to other activities to en-*
9 *sure equitable access to democracy; and*

10 *(E) activities described in section*
11 *8001(b)(3) (relating to activities to increase ac-*
12 *cess to voting in elections for Federal office by*
13 *certain communities).*

14 *(4) A description of how the State will establish*
15 *the fund described in subsection (b) for purposes of*
16 *administering the democracy promotion activities*
17 *which the State will carry out with the payment, in-*
18 *cluding information on fund management.*

19 *(5) A description of the State-based administra-*
20 *tive complaint procedures established for purposes of*
21 *section 8003(b).*

22 *(6) A statement regarding whether the proposed*
23 *activities to be funded are permitted under State law,*
24 *or whether the official intends to seek legal authoriza-*
25 *tion for such activities.*

1 **(b) REQUIREMENTS FOR FUND.—**

2 **(1) FUND DESCRIBED.—***For purposes of sub-*
3 *section (a)(4), a fund described in this subsection*
4 *with respect to a State is a fund which is established*
5 *in the treasury of the State government, which is used*
6 *in accordance with paragraph (2), and which consists*
7 *of the following amounts:*

8 **(A)** *Amounts appropriated or otherwise*
9 *made available by the State for carrying out the*
10 *democracy promotion activities for which the*
11 *payment is made to the State under the Pro-*
12 *gram.*

13 **(B)** *The payment made to the State under*
14 *the Program.*

15 **(C)** *Such other amounts as may be appro-*
16 *priated under law.*

17 **(D)** *Interest earned on deposits of the fund.*

18 **(2) USE OF FUND.—***Amounts in the fund shall*
19 *be used by the State exclusively to carry out democ-*
20 *racy promotion activities for which the payment is*
21 *made to the State under the Program.*

22 **(3) TREATMENT OF STATES THAT REQUIRE**
23 **CHANGES TO STATE LAW.—***In the case of a State that*
24 *requires State legislation to establish the fund de-*
25 *scribed in this subsection, the Director shall defer dis-*

1 *bursement of the payment to such State under the*
2 *Program until such time as legislation establishing*
3 *the fund is enacted.*

4 *(c) SPECIFIC INFORMATION ON USE OF FUNDS TO EN-*
5 *ABLE CANDIDATES TO PARTICIPATE IN MATCHING FUNDS*
6 *PROGRAM.—If the State plan under this section includes*
7 *an allocation for activities described in section*
8 *8001(b)(2)(A) (relating to payments to participating can-*
9 *didates in the State under title V of the Federal Election*
10 *Campaign Act of 1971), the State shall include in the plan*
11 *specific information on how the amount of the allocation*
12 *will enable the State to provide for the viable participation*
13 *of candidates in the State under such title, including the*
14 *assumptions made by the State in determining the amount*
15 *of the allocation.*

16 **SEC. 8003. PROHIBITING REDUCTION IN ACCESS TO PAR-**
17 **TICIPATION IN ELECTIONS.**

18 *(a) PROHIBITING USE OF PAYMENTS.—A State may*
19 *not use a payment made under the Program to carry out*
20 *any activity which has the purpose or effect of diminishing*
21 *the ability of any citizen of the United States to participate*
22 *in the electoral process.*

23 *(b) STATE-BASED ADMINISTRATIVE COMPLAINT PRO-*
24 *CEDURES.—*

1 (1) *ESTABLISHMENT.*—A State receiving a pay-
2 ment under the Program shall establish uniform and
3 nondiscriminatory State-based administrative com-
4 plaint procedures under which any person who be-
5 lieves that a violation of subsection (a) has occurred,
6 is occurring, or is about to occur may file a com-
7 plaint.

8 (2) *NOTIFICATION TO DIRECTOR.*—The State
9 shall transmit to the Director a description of each
10 complaint filed under the procedures, together with—

11 (A) if the State provides a remedy with re-
12 spect to the complaint, a description of the rem-
13 edy; or

14 (B) if the State dismisses the complaint, a
15 statement of the reasons for the dismissal.

16 (3) *REVIEW BY DIRECTOR.*—

17 (A) *REQUEST FOR REVIEW.*—Any person
18 who is dissatisfied with the final decision under
19 a State-based administrative complaint proce-
20 dure under this subsection may, not later than
21 60 days after the decision is made, file a request
22 with the Director to review the decision.

23 (B) *ACTION BY DIRECTOR.*—Upon receiving
24 a request under subparagraph (A), the Director
25 shall review the decision and, in accordance with

1 *such procedures as the Director may establish,*
2 *including procedures to provide notice and an*
3 *opportunity for a hearing, may uphold the deci-*
4 *sion or reverse the decision and provide an ap-*
5 *propriate remedy.*

6 (C) *PUBLIC AVAILABILITY OF MATERIAL.—*

7 *The Director shall make available on a publicly*
8 *accessible website all material relating to a re-*
9 *quest for review and determination by the Direc-*
10 *tor under this paragraph, shall be made avail-*
11 *able on a publicly accessible website, except that*
12 *the Director may redact material required to be*
13 *made available under this subparagraph if the*
14 *material would be properly withheld from disclo-*
15 *sure under section 552 of title 5, United States*
16 *Code, or if the public disclosure of the material*
17 *is otherwise prohibited by law.*

18 (4) *RIGHT TO PETITION FOR REVIEW.—*

19 (A) *IN GENERAL.—Any person aggrieved by*
20 *an action of the Director under subparagraph*
21 *(B) of paragraph (3) may file a petition with*
22 *the United States District Court for the District*
23 *of Columbia.*

24 (B) *DEADLINE TO FILE PETITION.—Any pe-*
25 *tition under this subparagraph shall be filed not*

1 *later than 60 days after the date of the action*
2 *taken by the Director under subparagraph (B) of*
3 *paragraph (3).*

4 (C) *STANDARD OF REVIEW.*—*In any pro-*
5 *ceeding under this paragraph, the court shall de-*
6 *termine whether the action of the Director was*
7 *arbitrary, capricious, an abuse of discretion, or*
8 *otherwise not in accordance with law under sec-*
9 *tion 706 of title 5, United States Code, and may*
10 *direct the Office to conform with any such deter-*
11 *mination within 30 days.*

12 (c) *ACTION BY ATTORNEY GENERAL FOR DECLARA-*
13 *TORY AND INJUNCTIVE RELIEF.*—*The Attorney General*
14 *may bring a civil action against any State in an appro-*
15 *priate United States District Court for such declaratory*
16 *and injunctive relief (including a temporary restraining*
17 *order, a permanent or temporary injunction, or other order)*
18 *as may be necessary to enforce subsection (a).*

19 **SEC. 8004. AMOUNT OF STATE ALLOCATION.**

20 (a) *STATE-SPECIFIC AMOUNT.*—*The amount of the al-*
21 *location made to a State under the Program for a fiscal*
22 *year shall be equal to the product of—*

23 (1) *the Congressional district allocation amount*
24 *(determined under subsection (b)); and*

1 (2) *the number of Congressional districts in the*
2 *State for the next regularly scheduled general election*
3 *for Federal office held in the State.*

4 (b) *CONGRESSIONAL DISTRICT ALLOCATION*
5 *AMOUNT.—For purposes of subsection (a), the “Congres-*
6 *sional district allocation amount” with respect to a fiscal*
7 *year is equal to the quotient of—*

8 (1) *the aggregate amount available for alloca-*
9 *tions to States under the Program for the fiscal year,*
10 *as determined by the Director under subsection (c);*
11 *divided by*

12 (2) *the total number of Congressional districts in*
13 *all States.*

14 (c) *DETERMINATION OF AGGREGATE AMOUNT AVAIL-*
15 *ABLE FOR ALLOCATIONS; NOTIFICATION TO STATES.—Not*
16 *later than 120 days before the first day of each fiscal year,*
17 *the Director—*

18 (1) *shall, in accordance with section 8012, deter-*
19 *mine and establish the aggregate amount available for*
20 *allocations to States under the Program for the fiscal*
21 *year; and*

22 (2) *shall notify each State of the amount of the*
23 *State’s allocation under the Program for the fiscal*
24 *year.*

1 (d) *SOURCE OF PAYMENTS.*—*The amounts used to*
2 *make allocations and payments under the Program shall*
3 *be derived solely from the Trust Fund.*

4 **SEC. 8005. PROCEDURES FOR DISBURSEMENTS OF PAY-**
5 **MENTS AND ALLOCATIONS.**

6 (a) *DIRECT PAYMENTS TO STATES FOR CERTAIN AC-*
7 *TIVITIES UNDER STATE PLAN.*—

8 (1) *DIRECT PAYMENT.*—*If the approved State*
9 *plan of a State includes activities for which alloca-*
10 *tions are not made under subsections (b), (c), or (d),*
11 *upon approving the State plan under section 8002,*
12 *the Director shall direct the Secretary of the Treasury*
13 *to disburse amounts from the Trust Fund for pay-*
14 *ment to the State in the aggregate amount provided*
15 *under the plan for such activities.*

16 (2) *TIMING.*—*As soon as practicable after the*
17 *Director directs the Secretary of the Treasury to dis-*
18 *burse amounts for payment to a State under para-*
19 *graph (1), the Secretary of the Treasury shall make*
20 *the payment to the State under such paragraph.*

21 (3) *CONTINUING AVAILABILITY OF FUNDS AFTER*
22 *APPROPRIATION.*—*A payment made to a State under*
23 *this subsection shall be available without fiscal year*
24 *limitation.*

1 **(b) ALLOCATION TO ELECTION ASSISTANCE COMMISS-**
2 **SION FOR PAYMENTS TO STATES FOR CERTAIN ELECTION**
3 **ADMINISTRATION ACTIVITIES.—**

4 **(1) ALLOCATION.—***If the approved State plan of*
5 *a State includes activities described in section*
6 *8001(b)(1), upon approving the State plan under sec-*
7 *tion 8002, the Director shall direct the Secretary of*
8 *the Treasury to allocate to the Election Assistance*
9 *Commission the amount provided for such activities*
10 *under the plan.*

11 **(2) PAYMENT TO STATE.—***As soon as practicable*
12 *after receiving an allocation under paragraph (1)*
13 *with respect to a State, the Election Assistance Com-*
14 *mission shall make a payment to the State in the*
15 *amount of the State's allocation.*

16 **(3) CONTINUING AVAILABILITY OF FUNDS AFTER**
17 **APPROPRIATION.—***A payment made to a State by the*
18 *Election Assistance Commission under this subsection*
19 *shall be available without fiscal year limitation.*

20 **(c) ALLOCATION TO FEDERAL ELECTION COMMISSION**
21 **FOR PAYMENTS TO PARTICIPATING CANDIDATES FROM**
22 **STATE.—***If the approved State plan of a State includes ac-*
23 *tivities described in section 8001(b)(2)(A), relating to pay-*
24 *ments to participating candidates in the State under title*
25 *V of the Federal Election Campaign Act of 1971, upon ap-*

1 *proving the State plan under section 8002, the Director*
2 *shall direct the Secretary of the Treasury to allocate to the*
3 *Federal Election Commission the amount provided for such*
4 *activities under the plan.*

5 *(d) ALLOCATION TO FEDERAL ELECTION COMMISSION*
6 *FOR PAYMENTS FOR DEMOCRACY CREDIT PROGRAM.—If*
7 *the approved State plan of a State includes activities de-*
8 *scribed in section 8001(b)(2)(B), relating to payments to*
9 *the State for the operation of a Democracy Credit Program*
10 *under part 1 of subtitle B, upon approving the State plan*
11 *under section 8002, the Director shall direct the Secretary*
12 *of the Treasury to allocate to the Federal Election Commis-*
13 *sion the amount provided for such activities under the plan.*

14 *(e) CERTAIN PAYMENTS MADE DIRECTLY TO LOCAL*
15 *ELECTION ADMINISTRATORS.—Under rules established by*
16 *the Director not later than 270 days after the date of the*
17 *enactment of this Act, portions of amounts disbursed to*
18 *States by the Secretary of the Treasury under subsection*
19 *(a) and payments made to States by the Election Assistance*
20 *Commission under subsection (b) may be provided directly*
21 *to local election administrators carrying out activities in*
22 *the State plan which may be carried out with such amounts*
23 *and payments.*

1 **SEC. 8006. OFFICE OF DEMOCRACY ADVANCEMENT AND IN-**
2 **NOVATION.**

3 (a) *ESTABLISHMENT.*—*There is established as an inde-*
4 *pendent establishment in the executive branch the Office of*
5 *Democracy Advancement and Innovation.*

6 (b) *DIRECTOR.*—

7 (1) *IN GENERAL.*—*The Office shall be headed by*
8 *a Director, who shall be appointed by the President*
9 *with the advice and consent of the Senate.*

10 (2) *TERM OF SERVICE.*—*The Director shall serve*
11 *for a term of 6 years and may be reappointed to an*
12 *additional term, and may continue serving as Direc-*
13 *tor until a replacement is appointed. A vacancy in*
14 *the position of Director shall be filled in the same*
15 *manner as the original appointment.*

16 (3) *COMPENSATION.*—*The Director shall be paid*
17 *at an annual rate of pay equal to the annual rate in*
18 *effect for level II of the Executive Schedule.*

19 (4) *REMOVAL.*—*The Director may be removed*
20 *from office by the President. If the President removes*
21 *the Director, the President shall communicate in*
22 *writing the reasons for the removal to both Houses of*
23 *Congress not later than 30 days beforehand. Nothing*
24 *in this paragraph shall be construed to prohibit a*
25 *personnel action otherwise authorized by law.*

26 (c) *GENERAL COUNSEL AND OTHER STAFF.*—

1 (1) *GENERAL COUNSEL.*—*The Director shall ap-*
2 *point a general counsel who shall be paid at an an-*
3 *annual rate of pay equal to the annual rate in effect for*
4 *level III of the Executive Schedule. In the event of a*
5 *vacancy in the position of the Director, the General*
6 *Counsel shall exercise all the responsibilities of the*
7 *Director until such vacancy is filled.*

8 (2) *SENIOR STAFF.*—*The Director may appoint*
9 *and fix the pay of staff designated as Senior staff,*
10 *such as a Deputy Director, who may be paid at an*
11 *annual rate of pay equal to the annual rate in effect*
12 *for level IV of the Executive Schedule.*

13 (3) *OTHER STAFF.*—*In addition to the General*
14 *Counsel and Senior staff, the Director may appoint*
15 *and fix the pay of such other staff as the Director*
16 *considers necessary to carry out the duties of the Of-*
17 *fice, except that no such staff may be compensated at*
18 *an annual rate exceeding the daily equivalent of the*
19 *annual rate of basic pay in effect for grade GS-15 of*
20 *the General Schedule.*

21 (d) *DUTIES.*—*The duties of the Office are as follows:*

22 (1) *ADMINISTRATION OF PROGRAM.*—*The Direc-*
23 *tor shall administer the Program, in consultation*
24 *with the Election Assistance Commission and the*
25 *Federal Election Commission, including by holding*

1 *quarterly meetings of representatives from such Com-*
2 *missions.*

3 (2) *OVERSIGHT OF TRUST FUND.*—*The Director*
4 *shall oversee the operation of the Trust Fund and*
5 *monitor its balances, in consultation with the Sec-*
6 *retary of the Treasury. The Director may hold funds*
7 *in reserve to cover the expenses of the Office and to*
8 *preserve the solvency of the Trust Fund.*

9 (3) *REPORTS.*—*Not later than 180 days after the*
10 *date of the regularly scheduled general election for*
11 *Federal office held in 2024 and each succeeding regu-*
12 *larly scheduled general election for Federal office*
13 *thereafter, the Director shall submit to the Committee*
14 *on House Administration of the House of Representa-*
15 *tives and the Committee on Rules and Administra-*
16 *tion of the Senate a report on the activities carried*
17 *out under the Program and the amounts deposited*
18 *into and paid from the Trust Fund during the two*
19 *most recent fiscal years.*

20 (e) *COVERAGE UNDER INSPECTOR GENERAL ACT OF*
21 *1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.*—

22 (1) *IN GENERAL.*—*Section 8G(a)(2) of the In-*
23 *pector General Act of 1978 (5 U.S.C. App.) is*
24 *amended by inserting “the Office of Democracy Ad-*

1 *vancement and Innovation,*” after “*Election Assist-*
2 *ance Commission,*”.

3 (2) *EFFECTIVE DATE.*—*The amendment made by*
4 *paragraph (1) shall take effect 180 days after the ap-*
5 *pointment of the Director.*

6 (f) *COVERAGE UNDER HATCH ACT.*—*Clause (i) of sec-*
7 *tion 7323(b)(2)(B) of title 5, United States Code, is amend-*
8 *ed—*

9 (1) *by striking “or” at the end of subclause*
10 *(XIII); and*

11 (2) *by adding at the end the following new sub-*
12 *clause:*

13 *“(XV) the Office of Democracy Advancement*
14 *and Innovation; or”.*

15 (g) *REGULATIONS.*—

16 (1) *IN GENERAL.*—*Except as provided in para-*
17 *graph (2), not later than 270 days after the date of*
18 *enactment of this Act, the Director shall promulgate*
19 *such rules and regulations as the Director considers*
20 *necessary and appropriate to carry out the duties of*
21 *the Office under this Act and the amendments made*
22 *by this Act.*

23 (2) *STATE PLAN SUBMISSION AND APPROVAL AND*
24 *DISTRIBUTION OF FUNDS.*—*Not later than 90 days*
25 *after the date of the enactment of this Act, the Direc-*

1 *tor shall promulgate such rules and regulations as the*
2 *Director considers necessary and appropriate to carry*
3 *out the requirements of this part and the amendments*
4 *made by this part.*

5 (3) *COMMENTS BY THE ELECTION ASSISTANCE*
6 *COMMISSION AND THE FEDERAL ELECTION COMMIS-*
7 *SION.—The Election Assistance Commission and the*
8 *Federal Election Assistance shall timely submit com-*
9 *ments with respect to any proposed regulations pro-*
10 *mulgated by the Director under this subsection.*

11 (h) *INTERIM AUTHORITY PENDING APPOINTMENT AND*
12 *CONFIRMATION OF DIRECTOR.—*

13 (1) *AUTHORITY OF DIRECTOR OF OFFICE OF*
14 *MANAGEMENT AND BUDGET.—Notwithstanding sub-*
15 *section (b), during the transition period, the Director*
16 *of the Office of Management and Budget is authorized*
17 *to perform the functions of the Office under this title,*
18 *and shall act for all purposes as, and with the full*
19 *powers of, the Director.*

20 (2) *INTERIM ADMINISTRATIVE SERVICES.—*

21 (A) *AUTHORITY OF OFFICE OF MANAGE-*
22 *MENT AND BUDGET.—During the transition pe-*
23 *riod, the Director of the Office of Management*
24 *and Budget may provide administrative services*
25 *necessary to support the Office.*

1 (B) *TERMINATION OF AUTHORITY; PERMIT-*
2 *TING EXTENSION.—The Director of the Office of*
3 *Management and Budget shall cease providing*
4 *interim administrative services under this para-*
5 *graph upon the expiration of the transition pe-*
6 *riod, except that the Director of the Office of*
7 *Management and Budget may continue to pro-*
8 *vide such services after the expiration of the*
9 *transition period if the Director and the Director*
10 *of the Office of Management and Budget jointly*
11 *transmit to the Committee on House Adminis-*
12 *tration of the House of Representatives and the*
13 *Committee on Rules and Administration of the*
14 *Senate—*

15 (i) *a written determination that an or-*
16 *derly implementation of this title is not fea-*
17 *sible by the expiration of the transition pe-*
18 *riod;*

19 (ii) *an explanation of why an exten-*
20 *sion is necessary for the orderly implemen-*
21 *tation of this title;*

22 (iii) *a description of the period during*
23 *which the Director of the Office of Manage-*
24 *ment and Budget shall continue providing*

1 *services under the authority of this subpara-*
2 *graph; and*

3 *(iv) a description of the steps that will*
4 *be taken to ensure an orderly and timely*
5 *implementation of this title during the pe-*
6 *riod described in clause (iii).*

7 (3) *TRANSITION PERIOD DEFINED.—In this sub-*
8 *section, the “transition period” is the period which*
9 *begins on the effective date of this Act and ends on*
10 *the date on which the Director is appointed and con-*
11 *firmed.*

12 (4) *LIMIT ON LENGTH OF PERIOD OF INTERIM*
13 *AUTHORITIES.—Notwithstanding any other provision*
14 *of this subsection, the Director of the Office of Man-*
15 *agement and Budget may not exercise any authority*
16 *under this subsection after the expiration of the 24-*
17 *month period which begins on the effective date of this*
18 *Act.*

19 (i) *AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated from the Trust Fund such*
21 *sums as may be necessary to carry out the activities of the*
22 *Office for fiscal year 2023 and each succeeding fiscal year.*

1 **PART 2—STATE ELECTION ASSISTANCE AND**
2 **INNOVATION TRUST FUND**

3 **SEC. 8011. STATE ELECTION ASSISTANCE AND INNOVATION**
4 **TRUST FUND.**

5 (a) *ESTABLISHMENT.*—*There is established in the*
6 *Treasury a fund to be known as the “State Election Assist-*
7 *ance and Innovation Trust Fund”.*

8 (b) *CONTENTS.*—*The Trust Fund shall consist solely*
9 *of—*

10 (1) *amounts transferred under section 3015 of*
11 *title 18, United States Code, section 9706 of title 31,*
12 *United States Code, and section 6761 of the Internal*
13 *Revenue Code of 1986 (as added by section 8013); and*

14 (2) *gifts or bequests deposited pursuant to sub-*
15 *section (d).*

16 (c) *USE OF FUNDS.*—*Amounts in the Trust Fund shall*
17 *be used to make payments and allocations under the Pro-*
18 *gram (as described in section 8012(a)) and to carry out*
19 *the activities of the Office.*

20 (d) *ACCEPTANCE OF GIFTS.*—*The Office may accept*
21 *gifts or bequests for deposit into the Trust Fund.*

22 (e) *NO TAXPAYER FUNDS PERMITTED.*—*No taxpayer*
23 *funds may be deposited into the Trust Fund. For purposes*
24 *of this subsection, the term “taxpayer funds” means reve-*
25 *nues received by the Internal Revenue Service from tax li-*
26 *abilities.*

1 (f) *EFFECTIVE DATE.*—*This section shall take effect on*
2 *the date of the enactment of this subtitle.*

3 **SEC. 8012. USES OF FUND.**

4 (a) *PAYMENTS AND ALLOCATIONS DESCRIBED.*—*For*
5 *each fiscal year, amounts in the Fund shall be used as fol-*
6 *lows:*

7 (1) *Payments to States under the Program, as*
8 *described in section 8005(a).*

9 (2) *Allocations to the Election Assistance Com-*
10 *mission, to be used for payments for certain election*
11 *administration activities, as described in section*
12 *8005(b).*

13 (3) *Allocations to the Federal Election Commis-*
14 *sion, to be used for payments to participating can-*
15 *didates under title V of the Federal Election Cam-*
16 *paign Act of 1971, as described in section 8005(c).*

17 (4) *Allocations to the Federal Election Commis-*
18 *sion, to be used for payments to States operating a*
19 *Democracy Credit Program under part 1 of subtitle*
20 *B, as described in section 8005(d).*

21 (b) *DETERMINATION OF AGGREGATE AMOUNT OF*
22 *STATE ALLOCATIONS.*—*The Director shall determine and*
23 *establish the aggregate amount of State allocations for each*
24 *fiscal year, taking into account the anticipated balances of*
25 *the Trust Fund. In carrying out this subsection, the Direc-*

1 *tor shall consult with the Federal Election Commission and*
2 *the Election Assistance Commission, but shall be solely re-*
3 *sponsible for making the final determinations under this*
4 *subsection.*

5 **SEC. 8013. ASSESSMENTS AGAINST FINES AND PENALTIES.**

6 (a) *ASSESSMENTS RELATING TO CRIMINAL OF-*
7 *FENSES.—*

8 (1) *IN GENERAL.—Chapter 201 of title 18,*
9 *United States Code, is amended by adding at the end*
10 *the following new section:*

11 **“§ 3015. Special assessments for State Election Assist-**
12 **ance and Innovation Trust Fund**

13 *“(a) ASSESSMENTS.—*

14 *“(1) CONVICTIONS OF CRIMES.—In addition to*
15 *any assessment imposed under this chapter, the court*
16 *shall assess on any organizational defendant or any*
17 *defendant who is a corporate officer or person with*
18 *equivalent authority in any other organization who is*
19 *convicted of a criminal offense under Federal law an*
20 *amount equal to 4.75 percent of any fine imposed on*
21 *that defendant in the sentence imposed for that con-*
22 *viction.*

23 *“(2) SETTLEMENTS.—The court shall assess on*
24 *any organizational defendant or defendant who is a*
25 *corporate officer or person with equivalent authority*

1 *in any other organization who has entered into a set-*
2 *tlement agreement or consent decree with the United*
3 *States in satisfaction of any allegation that the de-*
4 *fendant committed a criminal offense under Federal*
5 *law an amount equal to 4.75 percent of the amount*
6 *of the settlement.*

7 *“(b) MANNER OF COLLECTION.—An amount assessed*
8 *under subsection (a) shall be collected in the manner in*
9 *which fines are collected in criminal cases.*

10 *“(c) TRANSFERS.—In a manner consistent with sec-*
11 *tion 3302(b) of title 31, there shall be transferred from the*
12 *General Fund of the Treasury to the State Election Assist-*
13 *ance and Innovation Trust Fund under section 8011 of the*
14 *Freedom to Vote: John R. Lewis Act an amount equal to*
15 *the amount of the assessments collected under this section.”.*

16 *(2) CLERICAL AMENDMENT.—The table of sec-*
17 *tions of chapter 201 of title 18, United States Code,*
18 *is amended by adding at the end the following:*

“3015. Special assessments for State Election Assistance and Innovation Trust
 Fund.”.

19 *(b) ASSESSMENTS RELATING TO CIVIL PENALTIES.—*

20 *(1) IN GENERAL.—Chapter 97 of title 31, United*
21 *States Code, is amended by adding at the end the fol-*
22 *lowing new section:*

1 **“§9706. Special assessments for State Election Assist-**
2 **ance and Innovation Trust Fund**

3 “(a) ASSESSMENTS.—

4 “(1) CIVIL PENALTIES.—Any entity of the Fed-
5 eral Government which is authorized under any law,
6 rule, or regulation to impose a civil penalty shall as-
7 sess on each person, other than a natural person who
8 is not a corporate officer or person with equivalent
9 authority in any other organization, on whom such a
10 penalty is imposed an amount equal to 4.75 percent
11 of the amount of the penalty.

12 “(2) ADMINISTRATIVE PENALTIES.—Any entity
13 of the Federal Government which is authorized under
14 any law, rule, or regulation to impose an administra-
15 tive penalty shall assess on each person, other than a
16 natural person who is not a corporate officer or per-
17 son with equivalent authority in any other organiza-
18 tion, on whom such a penalty is imposed an amount
19 equal to 4.75 percent of the amount of the penalty.

20 “(3) SETTLEMENTS.—Any entity of the Federal
21 Government which is authorized under any law, rule,
22 or regulation to enter into a settlement agreement or
23 consent decree with any person, other than a natural
24 person who is not a corporate officer or person with
25 equivalent authority in any other organization, in
26 satisfaction of any allegation of an action or omission

1 *by the person which would be subject to a civil pen-*
2 *alty or administrative penalty shall assess on such*
3 *person an amount equal to 4.75 percent of the*
4 *amount of the settlement.*

5 “(b) *MANNER OF COLLECTION.*—*An amount assessed*
6 *under subsection (a) shall be collected—*

7 “(1) *in the case of an amount assessed under*
8 *paragraph (1) of such subsection, in the manner in*
9 *which civil penalties are collected by the entity of the*
10 *Federal Government involved;*

11 “(2) *in the case of an amount assessed under*
12 *paragraph (2) of such subsection, in the manner in*
13 *which administrative penalties are collected by the*
14 *entity of the Federal Government involved; and*

15 “(3) *in the case of an amount assessed under*
16 *paragraph (3) of such subsection, in the manner in*
17 *which amounts are collected pursuant to settlement*
18 *agreements or consent decrees entered into by the enti-*
19 *ty of the Federal Government involved.*

20 “(c) *TRANSFERS.*—*In a manner consistent with sec-*
21 *tion 3302(b) of this title, there shall be transferred from the*
22 *General Fund of the Treasury to the State Election Assist-*
23 *ance and Innovation Trust Fund under section 8011 of the*
24 *Freedom to Vote: John R. Lewis Act an amount equal to*
25 *the amount of the assessments collected under this section.*

1 “(d) *EXCEPTION FOR PENALTIES AND SETTLEMENTS*
2 *UNDER AUTHORITY OF THE INTERNAL REVENUE CODE OF*
3 *1986.*—

4 “(1) *IN GENERAL.*—*No assessment shall be made*
5 *under subsection (a) with respect to any civil or ad-*
6 *ministrative penalty imposed, or any settlement*
7 *agreement or consent decree entered into, under the*
8 *authority of the Internal Revenue Code of 1986.*

9 “(2) *CROSS REFERENCE.*—*For application of*
10 *special assessments for the State Election Assistance*
11 *and Innovation Trust Fund with respect to certain*
12 *penalties under the Internal Revenue Code of 1986,*
13 *see section 6761 of the Internal Revenue Code of*
14 *1986.*”.

15 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
16 *tions of chapter 97 of title 31, United States Code, is*
17 *amended by adding at the end the following:*

 “9706. *Special assessments for State Election Assistance and Innovation Trust*
 Fund.”.

18 “(c) *ASSESSMENTS RELATING TO CERTAIN PENALTIES*
19 *UNDER THE INTERNAL REVENUE CODE OF 1986.*—

20 “(1) *IN GENERAL.*—*Chapter 68 of the Internal*
21 *Revenue Code of 1986 is amended by adding at the*
22 *end the following new subchapter:*

1 **“Subchapter D—Special Assessments for State**
2 **Election Assistance and Innovation Trust**
3 **Fund**

4 **“SEC. 6761. SPECIAL ASSESSMENTS FOR STATE ELECTION**
5 **ASSISTANCE AND INNOVATION TRUST FUND.**

6 “(a) *IN GENERAL.*—Each person required to pay a
7 covered penalty shall pay an additional amount equal to
8 4.75 percent of the amount of such penalty.

9 “(b) *COVERED PENALTY.*—For purposes of this sec-
10 tion, the term ‘covered penalty’ means any addition to tax,
11 additional amount, penalty, or other liability provided
12 under subchapter A or B.

13 “(c) *EXCEPTION FOR CERTAIN INDIVIDUALS.*—

14 “(1) *IN GENERAL.*—In the case of a taxpayer
15 who is an individual, subsection (a) shall not apply
16 to any covered penalty if such taxpayer is an exempt
17 taxpayer for the taxable year for which such covered
18 penalty is assessed.

19 “(2) *EXEMPT TAXPAYER.*—For purposes of this
20 subsection, a taxpayer is an exempt taxpayer for any
21 taxable year if the taxable income of such taxpayer
22 for such taxable year does not exceed the dollar
23 amount at which begins the highest rate bracket in ef-
24 fect under section 1 with respect to such taxpayer for
25 such taxable year.

1 “(d) *APPLICATION OF CERTAIN RULES.—Except as*
 2 *provided in subsection (e), the additional amount deter-*
 3 *mined under subsection (a) shall be treated for purposes of*
 4 *this title in the same manner as the covered penalty to*
 5 *which such additional amount relates.*

6 “(e) *TRANSFER TO STATE ELECTION ADMINISTRATION*
 7 *AND INNOVATION TRUST FUND.—The Secretary shall de-*
 8 *posit any additional amount under subsection (a) in the*
 9 *General Fund of the Treasury and shall transfer from such*
 10 *General Fund to the State Election Assistance and Innova-*
 11 *tion Trust Fund under section 8011 of the Freedom to Vote:*
 12 *John R. Lewis Act an amount equal to the amounts so de-*
 13 *posited (and, notwithstanding subsection (d), such addi-*
 14 *tional amount shall not be the basis for any deposit, trans-*
 15 *fer, credit, appropriation, or any other payment, to any*
 16 *other trust fund or account). Rules similar to the rules of*
 17 *section 9601 shall apply for purposes of this subsection.”.*

18 (2) *CLERICAL AMENDMENT.—The table of sub-*
 19 *chapters for chapter 68 of such Code is amended by*
 20 *adding at the end the following new item:*

*“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR STATE ELECTION ASSISTANCE
 AND INNOVATION TRUST FUND”.*

21 (d) *EFFECTIVE DATES.—*

22 (1) *IN GENERAL.—Except as provided in para-*
 23 *graph (2), the amendments made by this section shall*
 24 *apply with respect to convictions, agreements, and*

1 *penalties which occur on or after the date of the en-*
2 *actment of this Act.*

3 (2) *ASSESSMENTS RELATING TO CERTAIN PEN-*
4 *ALTIES UNDER THE INTERNAL REVENUE CODE OF*
5 *1986.—The amendments made by subsection (c) shall*
6 *apply to covered penalties assessed after the date of*
7 *the enactment of this Act.*

8 **PART 3—GENERAL PROVISIONS**

9 **SEC. 8021. DEFINITIONS.**

10 *In this subtitle, the following definitions apply:*

11 (1) *The term “chief State election official” has*
12 *the meaning given such term in section 253(e) of the*
13 *Help America Vote Act of 2002 (52 U.S.C. 21003(e)).*

14 (2) *The term “Director” means the Director of*
15 *the Office.*

16 (3) *The term “election cycle” means the period*
17 *beginning on the day after the date of the most recent*
18 *regularly scheduled general election for Federal office*
19 *and ending on the date of the next regularly scheduled*
20 *general election for Federal office.*

21 (4) *The term “Indian lands” includes—*

22 (A) *Indian country, as defined under sec-*
23 *tion 1151 of title 18, United States Code;*

24 (B) *any land in Alaska owned, pursuant to*
25 *the Alaska Native Claims Settlement Act (43*

1 *U.S.C. 1601 et seq.*), by an Indian Tribe that is
2 a Native village (as defined in section 3 of that
3 Act (43 U.S.C. 1602)) or by a Village Corpora-
4 tion that is associated with an Indian Tribe (as
5 defined in section 3 of that Act (43 U.S.C.
6 1602));

7 (C) any land on which the seat of the Trib-
8 al government is located; and

9 (D) any land that is part or all of a Tribal
10 designated statistical area associated with an In-
11 dian Tribe, or is part or all of an Alaska Native
12 village statistical area associated with an Indian
13 Tribe, as defined by the Census Bureau for the
14 purposes of the most recent decennial census.

15 (5) The term “Office” means the Office of De-
16 mocracy Advancement and Innovation established
17 under section 8005.

18 (6) The term “Program” means the Democracy
19 Advancement and Innovation Program established
20 under section 8001.

21 (7) The term “State” means each of the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, Guam, American Samoa, the United
24 States Virgin Islands, and the Commonwealth of the
25 Northern Mariana Islands.

1 (8) *The term “Trust Fund” means the State*
2 *Election Assistance and Innovation Trust Fund es-*
3 *tablished under section 8011.*

4 **SEC. 8022. RULE OF CONSTRUCTION REGARDING CALCULA-**
5 **TION OF DEADLINES.**

6 (a) *IN GENERAL.—With respect to the calculation of*
7 *any period of time for the purposes of a deadline in this*
8 *subtitle, the last day of the period shall be included in such*
9 *calculation, unless such day is a Saturday, a Sunday, or*
10 *a legal public holiday, in which case the period of such*
11 *deadline shall be extended until the end of the next day*
12 *which is not a Saturday, a Sunday, a legal public holiday.*

13 (b) *LEGAL PUBLIC HOLIDAY DEFINED.—For the pur-*
14 *poses of this section, the term “legal public holiday” means*
15 *a day described in section 6103(a) of title 5, United States*
16 *Code.*

17 ***Subtitle B—Elections for House of***
18 ***Representatives***

19 **SEC. 8101. SHORT TITLE.**

20 *This subtitle may be cited as the “Government By the*
21 *People Act of 2021”.*

1 **PART 1—OPTIONAL DEMOCRACY CREDIT**
2 **PROGRAM**

3 **SEC. 8102. ESTABLISHMENT OF PROGRAM.**

4 (a) *ESTABLISHMENT.*—*The Federal Election Commis-*
5 *sion (hereafter in this part referred to as the “Commission”)*
6 *shall establish a program under which the Commission shall*
7 *make payments to States to operate a credit program which*
8 *is described in section 8103 during an election cycle.*

9 (b) *REQUIREMENTS FOR PROGRAM.*—*A State is eligi-*
10 *ble to operate a credit program under this part with respect*
11 *to an election cycle if, not later than 120 days before the*
12 *cycle begins, the State submits to the Commission a state-*
13 *ment containing—*

14 (1) *information and assurances that the State*
15 *will operate a credit program which contains the ele-*
16 *ments described in section 8103(a);*

17 (2) *information and assurances that the State*
18 *will establish fraud prevention mechanisms described*
19 *in section 8103(b);*

20 (3) *information and assurances that the State*
21 *will establish a commission to oversee and implement*
22 *the program as described in section 8103(c);*

23 (4) *information and assurances that the State*
24 *will carry out a public information campaign as de-*
25 *scribed in section 8103(d);*

1 (5) *information and assurances that the State*
2 *will submit reports as required under section 8104;*

3 (6) *information and assurances that, not later*
4 *than 60 days before the beginning of the cycle, the*
5 *State will complete any actions necessary to operate*
6 *the program during the cycle; and*

7 (7) *such other information and assurances as the*
8 *Commission may require.*

9 (c) *REIMBURSEMENT OF COSTS.—*

10 (1) *REIMBURSEMENT.—Upon receiving the re-*
11 *port submitted by a State under section 8104(a) with*
12 *respect to an election cycle, the Commission shall*
13 *transmit a payment to the State in an amount equal*
14 *to the reasonable costs incurred by the State in oper-*
15 *ating the credit program under this part during the*
16 *cycle.*

17 (2) *SOURCE OF FUNDS.—Payments to a State*
18 *under the program shall be made using amounts allo-*
19 *cated to the Commission for purposes of making pay-*
20 *ments under this part with respect to the State from*
21 *the State Election Assistance and Innovation Trust*
22 *Fund (hereafter referred to as the “Fund”) under sec-*
23 *tion 8012, in the amount allocated with respect to the*
24 *State under section 8005(d).*

1 (3) *CAP ON AMOUNT OF PAYMENT.*—*The aggregate amount of payments made to any State with respect to two consecutive election cycles period may not exceed \$10,000,000. If the State determines that the maximum payment amount under this paragraph with respect to such cycles is not, or may not be, sufficient to cover the reasonable costs incurred by the State in operating the program under this part for such cycles, the State shall reduce the amount of the credit provided to each qualified individual by such pro rata amount as may be necessary to ensure that the reasonable costs incurred by the State in operating the program will not exceed the amount paid to the State with respect to such cycles.*

15 (d) *CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.*—*A payment made to a State under this part shall be available without fiscal year limitation.*

18 **SEC. 8103. CREDIT PROGRAM DESCRIBED.**

19 (a) *GENERAL ELEMENTS OF PROGRAM.*—

20 (1) *ELEMENTS DESCRIBED.*—*The elements of a credit program operated by a State under this part are as follows:*

23 (A) *The State shall provide each qualified individual upon the individual's request with a credit worth \$25 to be known as a "Democracy*

1 *Credit*” during the election cycle which will be
2 assigned a routing number and which at the op-
3 tion of the individual will be provided in either
4 paper or electronic form.

5 (B) Using the routing number assigned to
6 the Democracy Credit, the individual may sub-
7 mit the Democracy Credit in either electronic or
8 paper form to qualified candidates for election
9 for the office of Representative in, or Delegate or
10 Resident Commissioner to, the Congress and allo-
11 cate such portion of the value of the Democracy
12 Credit in increments of \$5 as the individual
13 may select to any such candidate.

14 (C) If the candidate transmits the Democ-
15 racy Credit to the Commission, the Commission
16 shall pay the candidate the portion of the value
17 of the Democracy Credit that the individual allo-
18 cated to the candidate, which shall be considered
19 a contribution by the individual to the candidate
20 for purposes of the Federal Election Campaign
21 Act of 1971.

22 (2) DESIGNATION OF QUALIFIED INDIVIDUALS.—
23 For purposes of paragraph (1)(A), a “qualified indi-
24 vidual” with respect to a State means an indi-
25 vidual—

1 (A) who is a resident of the State;

2 (B) who will be of voting age as of the date
3 of the election for the candidate to whom the in-
4 dividual submits a Democracy Credit; and

5 (C) who is not prohibited under Federal
6 law from making contributions to candidates for
7 election for Federal office.

8 (3) *TREATMENT AS CONTRIBUTION TO CAN-*
9 *DIDATE.*—For purposes of the Federal Election Cam-
10 *paign Act of 1971, the submission of a Democracy*
11 *Credit to a candidate by an individual shall be treat-*
12 *ed as a contribution to the candidate by the indi-*
13 *vidual in the amount of the portion of the value of*
14 *the Credit that the individual allocated to the can-*
15 *didate.*

16 (b) *FRAUD PREVENTION MECHANISM.*—In addition to
17 *the elements described in subsection (a), a State operating*
18 *a credit program under this part shall permit an indi-*
19 *vidual to revoke a Democracy Credit not later than 2 days*
20 *after submitting the Democracy Credit to a candidate.*

21 (c) *OVERSIGHT COMMISSION.*—In addition to the ele-
22 *ments described in subsection (a), a State operating a credit*
23 *program under this part shall establish a commission or*
24 *designate an existing entity to oversee and implement the*

1 *program in the State, except that no such commission or*
2 *entity may be comprised of elected officials.*

3 *(d) PUBLIC INFORMATION CAMPAIGN.—In addition to*
4 *the elements described in subsection (a), a State operating*
5 *a credit program under this part shall carry out a public*
6 *information campaign to disseminate awareness of the pro-*
7 *gram among qualified individuals.*

8 *(e) NO TAXPAYER FUNDS PERMITTED TO CARRY OUT*
9 *PROGRAM.—No taxpayer funds shall be used to carry out*
10 *the credit program under this part. For purposes of this*
11 *subsection, the term “taxpayer funds” means revenues re-*
12 *ceived by the Internal Revenue Service from tax liabilities.*

13 **SEC. 8104. REPORTS.**

14 *(a) STATE REPORTS.—Not later than 6 months after*
15 *each first election cycle during which the State operates a*
16 *program under this part, the State shall submit a report*
17 *to the Commission and the Office of Democracy Advance-*
18 *ment and Innovation analyzing the operation and effective-*
19 *ness of the program during the cycle and including such*
20 *other information as the Commission may require.*

21 *(b) STUDY AND REPORT ON IMPACT AND EFFECTIVE-*
22 *NESS OF CREDIT PROGRAMS.—*

23 *(1) STUDY.—The Commission shall conduct a*
24 *study on the efficacy of political credit programs, in-*
25 *cluding the program under this part and other simi-*

1 *lar programs, in expanding and diversifying the pool*
2 *of individuals who participate in the electoral process,*
3 *including those who participate as donors and those*
4 *who participate as candidates.*

5 *(2) REPORT.—Not later than 1 year after the*
6 *first election cycle for which States operate the pro-*
7 *gram under this part, the Commission shall publish*
8 *and submit to Congress a report on the study con-*
9 *ducted under paragraph (1).*

10 **SEC. 8105. ELECTION CYCLE DEFINED.**

11 *In this part, the term “election cycle” means the period*
12 *beginning on the day after the date of the most recent regu-*
13 *larly scheduled general election for Federal office and end-*
14 *ing on the date of the next regularly scheduled general elec-*
15 *tion for Federal office.*

16 **PART 2—OPTIONAL SMALL DOLLAR FINANCING**
17 **OF ELECTIONS FOR HOUSE OF REPRESENTA-**
18 **TIVES**

19 **SEC. 8111. BENEFITS AND ELIGIBILITY REQUIREMENTS FOR**
20 **CANDIDATES.**

21 *The Federal Election Campaign Act of 1971 (52*
22 *U.S.C. 30101 et seq.) is amended by adding at the end the*
23 *following:*

1 **“TITLE V—SMALL DOLLAR FI-**
2 **NANCING OF ELECTIONS FOR**
3 **HOUSE OF REPRESENTATIVES**

4 **“Subtitle A—Benefits**

5 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

6 *“(a) IN GENERAL.—If a candidate for election to the*
7 *office of Representative in, or Delegate or Resident Commis-*
8 *sioner to, the Congress is certified as a participating can-*
9 *didate under this title with respect to an election for such*
10 *office, the candidate shall be entitled to payments as pro-*
11 *vided under this title.*

12 *“(b) AMOUNT OF PAYMENT.—The amount of a pay-*
13 *ment made under this title shall be equal to 600 percent*
14 *of the amount of qualified small dollar contributions re-*
15 *ceived by the candidate since the most recent payment made*
16 *to the candidate under this title during the election cycle,*
17 *without regard to whether or not the candidate received any*
18 *of the contributions before, during, or after the Small Dollar*
19 *Democracy qualifying period applicable to the candidate*
20 *under section 511(c).*

21 *“(c) LIMIT ON AGGREGATE AMOUNT OF PAYMENTS.—*
22 *The aggregate amount of payments made to a participating*
23 *candidate with respect to an election cycle under this title*
24 *may not exceed 50 percent of the average of the 20 greatest*
25 *amounts of disbursements made by the authorized commit-*

1 *tees of any winning candidate for the office of Representa-*
2 *tive in, or Delegate or Resident Commissioner to, the Con-*
3 *gress during the most recent election cycle, rounded to the*
4 *nearest \$100,000.*

5 “(d) *NO TAXPAYER FUNDS PERMITTED.*—No taxpayer
6 *funds shall be used to make payments under this title. For*
7 *purposes of this subsection, the term ‘taxpayer funds’ means*
8 *revenues received by the Internal Revenue Service from tax*
9 *liabilities.*

10 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

11 “(a) *IN GENERAL.*—The Division Director shall make
12 *a payment under section 501 to a candidate who is certified*
13 *as a participating candidate upon receipt from the can-*
14 *didate of a request for a payment which includes—*

15 “(1) *a statement of the number and amount of*
16 *qualified small dollar contributions received by the*
17 *candidate since the most recent payment made to the*
18 *candidate under this title during the election cycle;*

19 “(2) *a statement of the amount of the payment*
20 *the candidate anticipates receiving with respect to the*
21 *request;*

22 “(3) *a statement of the total amount of payments*
23 *the candidate has received under this title as of the*
24 *date of the statement; and*

1 “(4) such other information and assurances as
2 the Division Director may require.

3 “(b) *RESTRICTIONS ON SUBMISSION OF REQUESTS.*—

4 *A candidate may not submit a request under subsection (a)*
5 *unless each of the following applies:*

6 “(1) *The amount of the qualified small dollar*
7 *contributions in the statement referred to in sub-*
8 *section (a)(1) is equal to or greater than \$5,000, un-*
9 *less the request is submitted during the 30-day period*
10 *which ends on the date of a general election.*

11 “(2) *The candidate did not receive a payment*
12 *under this title during the 7-day period which ends*
13 *on the date the candidate submits the request.*

14 “(c) *TIME OF PAYMENT.*—*The Division Director shall,*
15 *in coordination with the Secretary of the Treasury, take*
16 *such steps as may be necessary to ensure that the Secretary*
17 *is able to make payments under this section from the Treas-*
18 *ury not later than 2 business days after the receipt of a*
19 *request submitted under subsection (a).*

20 **“SEC. 503. USE OF FUNDS.**

21 “(a) *USE OF FUNDS FOR AUTHORIZED CAMPAIGN EX-*
22 *PENDITURES.*—*A candidate shall use payments made under*
23 *this title, including payments provided with respect to a*
24 *previous election cycle which are withheld from remittance*
25 *to the Commission in accordance with section 524(a)(2),*

1 *only for making direct payments for the receipt of goods*
2 *and services which constitute authorized expenditures (as*
3 *determined in accordance with title III) in connection with*
4 *the election cycle involved.*

5 “(b) *PROHIBITING USE OF FUNDS FOR LEGAL EX-*
6 *PENSES, FINES, OR PENALTIES.—Notwithstanding title III,*
7 *a candidate may not use payments made under this title*
8 *for the payment of expenses incurred in connection with*
9 *any action, claim, or other matter before the Commission*
10 *or before any court, hearing officer, arbitrator, or other dis-*
11 *pute resolution entity, or for the payment of any fine or*
12 *civil monetary penalty.*

13 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**
14 **SCRIBED.**

15 “(a) *IN GENERAL.—In this title, the term ‘qualified*
16 *small dollar contribution’ means, with respect to a can-*
17 *didate and the authorized committees of a candidate, a con-*
18 *tribution that meets the following requirements:*

19 “(1) *The contribution is in an amount that is—*

20 “(A) *not less than \$1; and*

21 “(B) *not more than \$200.*

22 “(2)(A) *The contribution is made directly by an*
23 *individual to the candidate or an authorized com-*
24 *mittee of the candidate and is not—*

1 “(i) forwarded from the individual making
2 the contribution to the candidate or committee
3 by another person; or

4 “(ii) received by the candidate or committee
5 with the knowledge that the contribution was
6 made at the request, suggestion, or recommenda-
7 tion of another person.

8 “(B) In this paragraph—

9 “(i) the term ‘person’ does not include an
10 individual (other than an individual described
11 in section 304(i)(7) of the Federal Election Cam-
12 paign Act of 1971), a political committee of a
13 political party, or any political committee which
14 is not a separate segregated fund described in
15 section 316(b) of the Federal Election Campaign
16 Act of 1971 and which does not make contribu-
17 tions or independent expenditures, does not en-
18 gage in lobbying activity under the Lobbying
19 Disclosure Act of 1995 (2 U.S.C. 1601 et seq.),
20 and is not established by, controlled by, or affili-
21 ated with a registered lobbyist under such Act,
22 an agent of a registered lobbyist under such Act,
23 or an organization which retains or employs a
24 registered lobbyist under such Act; and

1 “(ii) a contribution is not ‘made at the re-
2 quest, suggestion, or recommendation of another
3 person’ solely on the grounds that the contribu-
4 tion is made in response to information provided
5 to the individual making the contribution by
6 any person, so long as the candidate or author-
7 ized committee does not know the identity of the
8 person who provided the information to such in-
9 dividual.

10 “(3) The individual who makes the contribution
11 does not make contributions to the candidate or the
12 authorized committees of the candidate with respect to
13 the election involved in an aggregate amount that ex-
14 ceeds the amount described in paragraph (1)(B), or
15 any contribution to the candidate or the authorized
16 committees of the candidate with respect to the elec-
17 tion involved that otherwise is not a qualified small
18 dollar contribution.

19 “(b) *TREATMENT OF DEMOCRACY CREDITS.*—Any
20 payment received by a candidate and the authorized com-
21 mittees of a candidate which consists of a Democracy Credit
22 under the Freedom to Vote: John R. Lewis Act shall be con-
23 sidered a qualified small dollar contribution for purposes
24 of this title, so long as the individual making the payment

1 *meets the requirements of paragraphs (2) and (3) of sub-*
2 *section (a).*

3 “(c) *RESTRICTION ON SUBSEQUENT CONTRIBU-*
4 *TIONS.—*

5 “(1) *PROHIBITING DONOR FROM MAKING SUBSE-*
6 *QUENT NONQUALIFIED CONTRIBUTIONS DURING ELEC-*
7 *TION CYCLE.—*

8 “(A) *IN GENERAL.—An individual who*
9 *makes a qualified small dollar contribution to a*
10 *candidate or the authorized committees of a can-*
11 *didate with respect to an election may not make*
12 *any subsequent contribution to such candidate or*
13 *the authorized committees of such candidate with*
14 *respect to the election cycle which is not a quali-*
15 *fied small dollar contribution.*

16 “(B) *EXCEPTION FOR CONTRIBUTIONS TO*
17 *CANDIDATES WHO VOLUNTARILY WITHDRAW*
18 *FROM PARTICIPATION DURING QUALIFYING PE-*
19 *RIOD.—Subparagraph (A) does not apply with*
20 *respect to a contribution made to a candidate*
21 *who, during the Small Dollar Democracy quali-*
22 *fying period described in section 511(c), submits*
23 *a statement to the Commission under section*
24 *513(c) to voluntarily withdraw from partici-*
25 *pating in the program under this title.*

1 “(2) *TREATMENT OF SUBSEQUENT NON-*
2 *QUALIFIED CONTRIBUTIONS.—If, notwithstanding the*
3 *prohibition described in paragraph (1), an individual*
4 *who makes a qualified small dollar contribution to a*
5 *candidate or the authorized committees of a candidate*
6 *with respect to an election makes a subsequent con-*
7 *tribution to such candidate or the authorized commit-*
8 *tees of such candidate with respect to the election*
9 *which is prohibited under paragraph (1) because it is*
10 *not a qualified small dollar contribution, the can-*
11 *didate may take one of the following actions:*

12 “(A) *Not later than 2 weeks after receiving*
13 *the contribution, the candidate may return the*
14 *subsequent contribution to the individual. In the*
15 *case of a subsequent contribution which is not a*
16 *qualified small dollar contribution because the*
17 *contribution fails to meet the requirements of*
18 *paragraph (3) of subsection (a) (relating to the*
19 *aggregate amount of contributions made to the*
20 *candidate or the authorized committees of the*
21 *candidate by the individual making the con-*
22 *tribution), the candidate may return an amount*
23 *equal to the difference between the amount of the*
24 *subsequent contribution and the amount de-*
25 *scribed in paragraph (1)(B) of subsection (a).*

1 “(B) *The candidate may retain the subse-*
2 *quent contribution, so long as not later than 2*
3 *weeks after receiving the subsequent contribution,*
4 *the candidate remits to the Commission an*
5 *amount equal to any payments received by the*
6 *candidate under this title which are attributable*
7 *to the qualified small dollar contribution made*
8 *by the individual involved. Such amount shall be*
9 *used to supplement the allocation made to the*
10 *Commission with respect to candidates from the*
11 *State in which the candidate seeks office, as de-*
12 *scribed in section 541(a).*

13 “(3) *NO EFFECT ON ABILITY TO MAKE MULTIPLE*
14 *CONTRIBUTIONS.—Nothing in this section may be*
15 *construed to prohibit an individual from making*
16 *multiple qualified small dollar contributions to any*
17 *candidate or any number of candidates, so long as*
18 *each contribution meets each of the requirements of*
19 *paragraphs (1), (2), and (3) of subsection (a).*

20 “(d) *NOTIFICATION REQUIREMENTS FOR CAN-*
21 *DIDATES.—*

22 “(1) *NOTIFICATION.—Each authorized committee*
23 *of a candidate who seeks to be a participating can-*
24 *didate under this title shall provide the following in-*
25 *formation in any materials for the solicitation of con-*

1 *tributions, including any internet site through which*
2 *individuals may make contributions to the committee:*

3 *“(A) A statement that if the candidate is*
4 *certified as a participating candidate under this*
5 *title, the candidate will receive matching pay-*
6 *ments in an amount which is based on the total*
7 *amount of qualified small dollar contributions*
8 *received.*

9 *“(B) A statement that a contribution which*
10 *meets the requirements set forth in subsection (a)*
11 *shall be treated as a qualified small dollar con-*
12 *tribution under this title.*

13 *“(C) A statement that if a contribution is*
14 *treated as qualified small dollar contribution*
15 *under this title, the individual who makes the*
16 *contribution may not make any contribution to*
17 *the candidate or the authorized committees of the*
18 *candidate during the election cycle which is not*
19 *a qualified small dollar contribution.*

20 *“(2) ALTERNATIVE METHODS OF MEETING RE-*
21 *QUIREMENTS.—An authorized committee may meet*
22 *the requirements of paragraph (1)—*

23 *“(A) by including the information described*
24 *in paragraph (1) in the receipt provided under*

1 *section 512(b)(3) to a person making a qualified*
2 *small dollar contribution; or*

3 *“(B) by modifying the information it pro-*
4 *vides to persons making contributions which is*
5 *otherwise required under title III (including in-*
6 *formation it provides through the internet).*

7 **“Subtitle B—Eligibility and**
8 **Certification**

9 **“SEC. 511. ELIGIBILITY.**

10 *“(a) IN GENERAL.—A candidate for the office of Rep-*
11 *resentative in, or Delegate or Resident Commissioner to, the*
12 *Congress is eligible to be certified as a participating can-*
13 *didate under this title with respect to an election if the can-*
14 *didate meets the following requirements:*

15 *“(1) The candidate files with the Commission a*
16 *statement of intent to seek certification as a partici-*
17 *pating candidate.*

18 *“(2) The candidate meets the qualifying require-*
19 *ments of section 512.*

20 *“(3) The candidate files with the Commission a*
21 *statement certifying that the authorized committees of*
22 *the candidate meet the requirements of section 504(d).*

23 *“(4) Not later than the last day of the Small*
24 *Dollar Democracy qualifying period, the candidate*
25 *files with the Commission an affidavit signed by the*

1 *candidate and the treasurer of the candidate's prin-*
2 *cipal campaign committee declaring that the can-*
3 *didate—*

4 *“(A) has complied and, if certified, will*
5 *comply with the contribution and expenditure*
6 *requirements of section 521;*

7 *“(B) if certified, will run only as a partici-*
8 *pating candidate for all elections for the office*
9 *that such candidate is seeking during that elec-*
10 *tion cycle; and*

11 *“(C) has either qualified or will take steps*
12 *to qualify under State law to be on the ballot.*

13 *“(5) The candidate files with the Commission a*
14 *certification that the candidate will not use any allo-*
15 *cation from the Fund to directly or indirectly pay*
16 *salaries, fees, consulting expenses, or any other com-*
17 *penetration for services rendered to themselves, family*
18 *members (including spouses as well as children, par-*
19 *ents, siblings, or any of their spouses), or any entity*
20 *or organization in which they have an ownership in-*
21 *terest.*

22 *“(b) GENERAL ELECTION.—Notwithstanding sub-*
23 *section (a), a candidate shall not be eligible to be certified*
24 *as a participating candidate under this title for a general*
25 *election or a general runoff election unless the candidate's*

1 *party nominated the candidate to be placed on the ballot*
2 *for the general election or the candidate is otherwise quali-*
3 *fied to be on the ballot under State law.*

4 “(c) *SMALL DOLLAR DEMOCRACY QUALIFYING PERIOD*
5 *DEFINED.—The term ‘Small Dollar Democracy qualifying*
6 *period’ means, with respect to any candidate for an office,*
7 *the 180-day period (during the election cycle for such office)*
8 *which begins on the date on which the candidate files a*
9 *statement of intent under section 511(a)(1), except that such*
10 *period may not continue after the date that is 30 days be-*
11 *fore the date of the general election for the office.*

12 **“SEC. 512. QUALIFYING REQUIREMENTS.**

13 “(a) *RECEIPT OF QUALIFIED SMALL DOLLAR CON-*
14 *TRIBUTIONS.—A candidate for the office of Representative*
15 *in, or Delegate or Resident Commissioner to, the Congress*
16 *meets the requirement of this section if, during the Small*
17 *Dollar Democracy qualifying period described in section*
18 *511(c), each of the following occurs:*

19 “(1) *Not fewer than 1,000 individuals make a*
20 *qualified small dollar contribution to the candidate.*

21 “(2) *The candidate obtains a total dollar amount*
22 *of qualified small dollar contributions which is equal*
23 *to or greater than \$50,000.*

1 “(b) *REQUIREMENTS RELATING TO RECEIPT OF*
2 *QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each quali-*
3 *fied small dollar contribution—*

4 “(1) *may be made by means of a personal check,*
5 *money order, debit card, credit card, electronic pay-*
6 *ment account, or any other method deemed appro-*
7 *priate by the Division Director;*

8 “(2) *shall be accompanied by a signed statement*
9 *(or, in the case of a contribution made online or*
10 *through other electronic means, an electronic equiva-*
11 *lent) containing the contributor’s name and address;*
12 *and*

13 “(3) *shall be acknowledged by a receipt that is*
14 *sent to the contributor with a copy (in paper or elec-*
15 *tronic form) kept by the candidate for the Commis-*
16 *sion.*

17 “(c) *VERIFICATION OF CONTRIBUTIONS.—*

18 “(1) *PROCEDURES.—The Division Director shall*
19 *establish procedures for the auditing and verification*
20 *of the contributions received and expenditures made*
21 *by participating candidates under this title, includ-*
22 *ing procedures for random audits, to ensure that such*
23 *contributions and expenditures meet the requirements*
24 *of this title.*

1 “(2) *AUTHORITY OF COMMISSION TO REVISE*
2 *PROCEDURES.—The Commission, by a vote of not*
3 *fewer than four of its members, may revise the proce-*
4 *dures established by the Division Director under this*
5 *subsection.*

6 **“SEC. 513. CERTIFICATION.**

7 “(a) *DEADLINE AND NOTIFICATION.—*

8 “(1) *IN GENERAL.—Not later than 5 business*
9 *days after a candidate files an affidavit under section*
10 *511(a)(4), the Division Director shall—*

11 “(A) *determine whether or not the candidate*
12 *meets the requirements for certification as a par-*
13 *ticipating candidate;*

14 “(B) *if the Division Director determines*
15 *that the candidate meets such requirements, cer-*
16 *tify the candidate as a participating candidate;*
17 *and*

18 “(C) *notify the candidate of the Division*
19 *Director’s determination.*

20 “(2) *DEEMED CERTIFICATION FOR ALL ELEC-*
21 *TIONS IN ELECTION CYCLE.—If the Division Director*
22 *certifies a candidate as a participating candidate*
23 *with respect to the first election of the election cycle*
24 *involved, the Division Director shall be deemed to*
25 *have certified the candidate as a participating can-*

1 *didate with respect to all subsequent elections of the*
2 *election cycle.*

3 “(3) *AUTHORITY OF COMMISSION TO REVERSE*
4 *DETERMINATION BY DIVISION DIRECTOR.*—*During the*
5 *10-day period which begins on the date the Division*
6 *Director makes a determination under this subsection,*
7 *the Commission, by a vote of not fewer than four of*
8 *its members, may review and reverse the determina-*
9 *tion. If the Commission reverses the determination,*
10 *the Commission shall promptly notify the candidate*
11 *involved.*

12 “(b) *REVOCATION OF CERTIFICATION.*—

13 “(1) *IN GENERAL.*—*The Division Director shall*
14 *revoke a certification under subsection (a) if—*

15 “(A) *a candidate fails to qualify to appear*
16 *on the ballot at any time after the date of certifi-*
17 *cation (other than a candidate certified as a*
18 *participating candidate with respect to a pri-*
19 *mary election who fails to qualify to appear on*
20 *the ballot for a subsequent election in that elec-*
21 *tion cycle);*

22 “(B) *a candidate ceases to be a candidate*
23 *for the office involved, as determined on the basis*
24 *of an official announcement by an authorized*

1 committee of the candidate or on the basis of a
2 reasonable determination by the Commission; or

3 “(C) a candidate otherwise fails to comply
4 with the requirements of this title, including any
5 regulatory requirements prescribed by the Com-
6 mission.

7 “(2) *EXISTENCE OF CRIMINAL SANCTION.*—The
8 Division Director shall revoke a certification under
9 subsection (a) if a penalty is assessed against the can-
10 didate under section 309(d) with respect to the elec-
11 tion.

12 “(3) *EFFECT OF REVOCATION.*—If a candidate’s
13 certification is revoked under this subsection—

14 “(A) the candidate may not receive pay-
15 ments under this title during the remainder of
16 the election cycle involved; and

17 “(B) in the case of a candidate whose cer-
18 tification is revoked pursuant to subparagraph
19 (A) or subparagraph (C) of paragraph (1)—

20 “(i) the candidate shall repay to the
21 Commission an amount equal to the pay-
22 ments received under this title with respect
23 to the election cycle involved plus interest
24 (at a rate determined by the Commission on
25 the basis of an appropriate annual percent-

1 age rate for the month involved) on any
2 such amount received, which shall be used
3 by the Commission to supplement the allo-
4 cation made to the Commission with respect
5 to the State in which the candidate seeks of-
6 fice, as described in section 541(a); and

7 “(ii) the candidate may not be certified
8 as a participating candidate under this
9 title with respect to the next election cycle.

10 “(4) *PROHIBITING PARTICIPATION IN FUTURE*
11 *ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-*
12 *OCATIONS.—If the Division Director revokes the cer-*
13 *tification of an individual as a participating can-*
14 *didate under this title pursuant to subparagraph (A)*
15 *or subparagraph (C) of paragraph (1) a total of 3*
16 *times, the individual may not be certified as a par-*
17 *ticipating candidate under this title with respect to*
18 *any subsequent election.*

19 “(5) *AUTHORITY OF COMMISSION TO REVERSE*
20 *REVOCATION BY DIVISION DIRECTOR.—During the 10-*
21 *day period which begins on the date the Division Di-*
22 *rector makes a determination under this subsection,*
23 *the Commission, by a vote of not fewer than four of*
24 *its members, may review and reverse the determina-*
25 *tion. If the Commission reverses the determination,*

1 *the Commission shall promptly notify the candidate*
2 *involved.*

3 “(c) *VOLUNTARY WITHDRAWAL FROM PARTICIPATING*
4 *DURING QUALIFYING PERIOD.*—*At any time during the*
5 *Small Dollar Democracy qualifying period described in sec-*
6 *tion 511(c), a candidate may withdraw from participation*
7 *in the program under this title by submitting to the Com-*
8 *mission a statement of withdrawal (without regard to*
9 *whether or not the Commission has certified the candidate*
10 *as a participating candidate under this title as of the time*
11 *the candidate submits such statement), so long as the can-*
12 *didate has not submitted a request for payment under sec-*
13 *tion 502.*

14 “(d) *PARTICIPATING CANDIDATE DEFINED.*—*In this*
15 *title, a ‘participating candidate’ means a candidate for the*
16 *office of Representative in, or Delegate or Resident Commis-*
17 *sioner to, the Congress who is certified under this section*
18 *as eligible to receive benefits under this title.*

19 **“Subtitle C—Requirements for Can-**
20 **didates Certified as Partici-**
21 **pating Candidates**

22 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
23 **MENTS.**

24 “(a) *PERMITTED SOURCES OF CONTRIBUTIONS AND*
25 *EXPENDITURES.*—*Except as provided in subsection (c), a*

1 *participating candidate with respect to an election shall,*
2 *with respect to all elections occurring during the election*
3 *cycle for the office involved, accept no contributions from*
4 *any source and make no expenditures from any amounts,*
5 *other than the following:*

6 “(1) *Qualified small dollar contributions.*

7 “(2) *Payments under this title.*

8 “(3) *Contributions from political committees es-*
9 *tablished and maintained by a national or State po-*
10 *litical party, subject to the applicable limitations of*
11 *section 315.*

12 “(4) *Subject to subsection (b), personal funds of*
13 *the candidate or of any immediate family member of*
14 *the candidate (other than funds received through*
15 *qualified small dollar contributions).*

16 “(5) *Contributions from individuals who are oth-*
17 *erwise permitted to make contributions under this*
18 *Act, subject to the applicable limitations of section*
19 *315, except that the aggregate amount of contribu-*
20 *tions a participating candidate may accept from any*
21 *individual with respect to any election during the*
22 *election cycle may not exceed \$1,000.*

23 “(6) *Contributions from multicandidate political*
24 *committees, subject to the applicable limitations of*
25 *section 315.*

1 “(b) *SPECIAL RULES FOR PERSONAL FUNDS.*—

2 “(1) *LIMIT ON AMOUNT.*—A candidate who is
3 certified as a participating candidate may use per-
4 sonal funds (including personal funds of any imme-
5 diate family member of the candidate) so long as—

6 “(A) the aggregate amount used with re-
7 spect to the election cycle (including any period
8 of the cycle occurring prior to the candidate’s
9 certification as a participating candidate) does
10 not exceed \$50,000; and

11 “(B) the funds are used only for making di-
12 rect payments for the receipt of goods and serv-
13 ices which constitute authorized expenditures in
14 connection with the election cycle involved.

15 “(2) *IMMEDIATE FAMILY MEMBER DEFINED.*—In
16 this subsection, the term ‘immediate family member’
17 means, with respect to a candidate—

18 “(A) the candidate’s spouse;

19 “(B) a child, stepchild, parent, grand-
20 parent, brother, half-brother, sister, or half-sister
21 of the candidate or the candidate’s spouse; and

22 “(C) the spouse of any person described in
23 subparagraph (B).

24 “(c) *EXCEPTIONS.*—

1 “(1) *EXCEPTION FOR CONTRIBUTIONS RECEIVED*
2 *PRIOR TO FILING OF STATEMENT OF INTENT.—A can-*
3 *didate who has accepted contributions that are not de-*
4 *scribed in subsection (a) is not in violation of sub-*
5 *section (a), but only if all such contributions are—*

6 “(A) *returned to the contributor;*

7 “(B) *submitted to the Commission, to be*
8 *used to supplement the allocation made to the*
9 *Commission with respect to the State in which*
10 *the candidate seeks office, as described in section*
11 *541(a); or*

12 “(C) *spent in accordance with paragraph*
13 *(2).*

14 “(2) *EXCEPTION FOR EXPENDITURES MADE*
15 *PRIOR TO FILING OF STATEMENT OF INTENT.—If a*
16 *candidate has made expenditures prior to the date the*
17 *candidate files a statement of intent under section*
18 *511(a)(1) that the candidate is prohibited from mak-*
19 *ing under subsection (a) or subsection (b), the can-*
20 *didate is not in violation of such subsection if the ag-*
21 *gregate amount of the prohibited expenditures is less*
22 *than the amount referred to in section 512(a)(2) (re-*
23 *lating to the total dollar amount of qualified small*
24 *dollar contributions which the candidate is required*
25 *to obtain) which is applicable to the candidate.*

1 “(3) *EXCEPTION FOR CAMPAIGN SURPLUSES*
2 *FROM A PREVIOUS ELECTION.*—*Notwithstanding*
3 *paragraph (1), unexpended contributions received by*
4 *the candidate or an authorized committee of the can-*
5 *didate with respect to a previous election may be re-*
6 *tained, but only if the candidate places the funds in*
7 *escrow and refrains from raising additional funds for*
8 *or spending funds from that account during the elec-*
9 *tion cycle in which a candidate is a participating*
10 *candidate.*

11 “(4) *EXCEPTION FOR CONTRIBUTIONS RECEIVED*
12 *BEFORE THE EFFECTIVE DATE OF THIS TITLE.*—*Con-*
13 *tributions received and expenditures made by the can-*
14 *didate or an authorized committee of the candidate*
15 *prior to the effective date of this title shall not con-*
16 *stitute a violation of subsection (a) or (b). Unex-*
17 *pended contributions shall be treated the same as*
18 *campaign surpluses under paragraph (3), and ex-*
19 *penditures made shall count against the limit in*
20 *paragraph (2).*

21 “(d) *SPECIAL RULE FOR COORDINATED PARTY EX-*
22 *PENDITURES.*—*For purposes of this section, a payment*
23 *made by a political party in coordination with a partici-*
24 *pating candidate shall not be treated as a contribution to*
25 *or as an expenditure made by the participating candidate.*

1 “(e) *PROHIBITION ON JOINT FUNDRAISING COMMIT-*
2 *TEES.*—

3 “(1) *PROHIBITION.*—*An authorized committee of*
4 *a candidate who is certified as a participating can-*
5 *didate under this title with respect to an election may*
6 *not establish a joint fundraising committee with a po-*
7 *litical committee other than another authorized com-*
8 *mittee of the candidate.*

9 “(2) *STATUS OF EXISTING COMMITTEES FOR*
10 *PRIOR ELECTIONS.*—*If a candidate established a joint*
11 *fundraising committee described in paragraph (1)*
12 *with respect to a prior election for which the can-*
13 *didate was not certified as a participating candidate*
14 *under this title and the candidate does not terminate*
15 *the committee, the candidate shall not be considered*
16 *to be in violation of paragraph (1) so long as that*
17 *joint fundraising committee does not receive any con-*
18 *tributions or make any disbursements during the elec-*
19 *tion cycle for which the candidate is certified as a*
20 *participating candidate under this title.*

21 “(f) *PROHIBITION ON LEADERSHIP PACS.*—

22 “(1) *PROHIBITION.*—*A candidate who is certified*
23 *as a participating candidate under this title with re-*
24 *spect to an election may not associate with, establish,*
25 *finance, maintain, or control a leadership PAC.*

1 “(2) *STATUS OF EXISTING LEADERSHIP PACS.*—
2 *If a candidate established, financed, maintained, or*
3 *controlled a leadership PAC prior to being certified as*
4 *a participating candidate under this title and the*
5 *candidate does not terminate the leadership PAC, the*
6 *candidate shall not be considered to be in violation of*
7 *paragraph (1) so long as the leadership PAC does not*
8 *receive any contributions or make any disbursements*
9 *during the election cycle for which the candidate is*
10 *certified as a participating candidate under this title.*

11 “(3) *LEADERSHIP PAC DEFINED.*—*In this sub-*
12 *section, the term ‘leadership PAC’ has the meaning*
13 *given such term in section 304(i)(8)(B).*

14 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

15 “(a) *SEPARATE ACCOUNTING FOR VARIOUS PER-*
16 *MITTED CONTRIBUTIONS.*—*Each authorized committee of a*
17 *candidate certified as a participating candidate under this*
18 *title—*

19 “(1) *shall provide for separate accounting of*
20 *each type of contribution described in section 521(a)*
21 *which is received by the committee; and*

22 “(2) *shall provide for separate accounting for the*
23 *payments received under this title.*

24 “(b) *ENHANCED DISCLOSURE OF INFORMATION ON*
25 *DONORS.*—

1 “(1) *MANDATORY IDENTIFICATION OF INDIVID-*
2 *UALS MAKING QUALIFIED SMALL DOLLAR CONTRIBU-*
3 *TIONS.—Each authorized committee of a partici-*
4 *parting candidate under this title shall, in accordance*
5 *with section 304(b)(3)(A), include in the reports the*
6 *committee submits under section 304 the identifica-*
7 *tion of each person who makes a qualified small dol-*
8 *lar contribution to the committee.*

9 “(2) *MANDATORY DISCLOSURE THROUGH INTER-*
10 *NET.—Each authorized committee of a participating*
11 *candidate under this title shall ensure that all infor-*
12 *mation reported to the Commission under this Act*
13 *with respect to contributions and expenditures of the*
14 *committee is available to the public on the internet*
15 *(whether through a site established for purposes of this*
16 *subsection, a hyperlink on another public site of the*
17 *committee, or a hyperlink on a report filed electroni-*
18 *cally with the Commission) in a searchable, sortable,*
19 *and downloadable manner.*

20 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF**
21 **MATCHING FUNDS.**

22 “(a) *MANDATORY SPENDING OF AVAILABLE PRIVATE*
23 *FUNDS.—An authorized committee of a candidate certified*
24 *as a participating candidate under this title may not make*
25 *any expenditure of any payments received under this title*

1 *in any amount unless the committee has made an expendi-*
2 *ture in an equivalent amount of funds received by the com-*
3 *mittee which are described in paragraphs (1), (3), (4), (5),*
4 *and (6) of section 521(a).*

5 “(b) *LIMITATION.*—Subsection (a) applies to an au-
6 *thorized committee only to the extent that the funds referred*
7 *to in such subsection are available to the committee at the*
8 *time the committee makes an expenditure of a payment re-*
9 *ceived under this title.*

10 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

11 “(a) *REMITTANCE REQUIRED.*—Not later than the
12 *date that is 180 days after the last election for which a*
13 *candidate certified as a participating candidate qualifies*
14 *to be on the ballot during the election cycle involved, such*
15 *participating candidate shall remit to the Commission an*
16 *amount equal to the balance of the payments received under*
17 *this title by the authorized committees of the candidate*
18 *which remain unexpended as of such date, which shall be*
19 *used to supplement the allocation made to the Commission*
20 *with respect to the State in which the candidate seeks office,*
21 *as described in section 541(a).*

22 “(b) *PERMITTING CANDIDATES PARTICIPATING IN*
23 *NEXT ELECTION CYCLE TO RETAIN PORTION OF UNSPENT*
24 *FUNDS.*—Notwithstanding subsection (a), a participating
25 *candidate may withhold not more than \$100,000 from the*

1 amount required to be remitted under subsection (a) if the
2 candidate files a signed affidavit with the Commission that
3 the candidate will seek certification as a participating can-
4 didate with respect to the next election cycle, except that
5 the candidate may not use any portion of the amount with-
6 held until the candidate is certified as a participating can-
7 didate with respect to that next election cycle. If the can-
8 didate fails to seek certification as a participating can-
9 didate prior to the last day of the Small Dollar Democracy
10 qualifying period for the next election cycle (as described
11 in section 511), or if the Commission notifies the candidate
12 of the Commission's determination does not meet the re-
13 quirements for certification as a participating candidate
14 with respect to such cycle, the candidate shall immediately
15 remit to the Commission the amount withheld.

16 **“Subtitle D—Enhanced Match**
17 **Support**

18 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

19 “(a) *AVAILABILITY OF ENHANCED SUPPORT.*—In ad-
20 dition to the payments made under subtitle A, the Division
21 Director shall make an additional payment to an eligible
22 candidate under this subtitle.

23 “(b) *USE OF FUNDS.*—A candidate shall use the addi-
24 tional payment under this subtitle only for authorized ex-
25 penditures in connection with the election involved.

1 **“SEC. 532. ELIGIBILITY.**

2 “(a) *IN GENERAL.*—A candidate is eligible to receive
3 an additional payment under this subtitle if the candidate
4 meets each of the following requirements:

5 “(1) *The candidate is on the ballot for the gen-*
6 *eral election for the office the candidate seeks.*

7 “(2) *The candidate is certified as a partici-*
8 *parting candidate under this title with respect to the*
9 *election.*

10 “(3) *During the enhanced support qualifying pe-*
11 *riod, the candidate receives qualified small dollar con-*
12 *tributions in a total amount of not less than \$50,000.*

13 “(4) *During the enhanced support qualifying pe-*
14 *riod, the candidate submits to the Division Director*
15 *a request for the payment which includes—*

16 “(A) *a statement of the number and amount*
17 *of qualified small dollar contributions received*
18 *by the candidate during the enhanced support*
19 *qualifying period;*

20 “(B) *a statement of the amount of the pay-*
21 *ment the candidate anticipates receiving with re-*
22 *spect to the request; and*

23 “(C) *such other information and assurances*
24 *as the Division Director may require.*

25 “(5) *After submitting a request for the addi-*
26 *tional payment under paragraph (4), the candidate*

1 *does not submit any other application for an addi-*
2 *tional payment under this subtitle.*

3 *“(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-*
4 *SCRIBED.—In this subtitle, the term ‘enhanced support*
5 *qualifying period’ means, with respect to a general election,*
6 *the period which begins 60 days before the date of the elec-*
7 *tion and ends 14 days before the date of the election.*

8 **“SEC. 533. AMOUNT.**

9 *“(a) IN GENERAL.—Subject to subsection (b), the*
10 *amount of the additional payment made to an eligible can-*
11 *didate under this subtitle shall be an amount equal to 50*
12 *percent of—*

13 *“(1) the amount of the payment made to the*
14 *candidate under section 501(b) with respect to the*
15 *qualified small dollar contributions which are re-*
16 *ceived by the candidate during the enhanced support*
17 *qualifying period (as included in the request sub-*
18 *mitted by the candidate under section 532(a)(4)); or*

19 *“(2) in the case of a candidate who is not eligi-*
20 *ble to receive a payment under section 501(b) with re-*
21 *spect to such qualified small dollar contributions be-*
22 *cause the candidate has reached the limit on the ag-*
23 *gregate amount of payments under subtitle A for the*
24 *election cycle under section 501(c), the amount of the*
25 *payment which would have been made to the can-*

1 didate under section 501(b) with respect to such
2 qualified small dollar contributions if the candidate
3 had not reached such limit.

4 “(b) *LIMIT.*—The amount of the additional payment
5 determined under subsection (a) with respect to a candidate
6 may not exceed \$500,000.

7 “(c) *NO EFFECT ON AGGREGATE LIMIT.*—The amount
8 of the additional payment made to a candidate under this
9 subtitle shall not be included in determining the aggregate
10 amount of payments made to a participating candidate
11 with respect to an election cycle under section 501(c).

12 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**
13 **UNSPENT FUNDS AFTER ELECTION.**

14 “Notwithstanding section 524(a)(2), a candidate who
15 receives an additional payment under this subtitle with re-
16 spect to an election is not permitted to withhold any portion
17 from the amount of unspent funds the candidate is required
18 to remit to the Commission under section 524(a)(1).

19 **“Subtitle E—Administrative**
20 **Provisions**

21 **“SEC. 541. SOURCE OF PAYMENTS.**

22 “(a) *ALLOCATIONS FROM STATE ELECTION ASSIST-*
23 *ANCE AND INNOVATION TRUST FUND.*—The amounts used
24 to make payments to participating candidates under this
25 title who seek office in a State shall be derived from the

1 *allocations made to the Commission with respect to the*
2 *State from the State Election Assistance and Innovation*
3 *Trust Fund (hereafter referred to as the ‘Fund’) under sec-*
4 *tion 8012 of the Freedom to Vote: John R. Lewis Act, as*
5 *provided under section 8005(c) of such Act.*

6 “(b) *USE OF ALLOCATIONS TO MAKE PAYMENTS TO*
7 *PARTICIPATING CANDIDATES.—*

8 “(1) *PAYMENTS TO PARTICIPATING CAN-*
9 *DIDATES.—The allocations made to the Commission*
10 *as described in subsection (a) shall be available with-*
11 *out further appropriation or fiscal year limitation to*
12 *make payments to participating candidates as pro-*
13 *vided in this title.*

14 “(2) *ONGOING REVIEW TO DETERMINE SUFFI-*
15 *CIENCY OF STATE ALLOCATIONS.—*

16 “(A) *ONGOING REVIEW.—Not later than 90*
17 *days before the first day of each election cycle*
18 *(beginning with the first election cycle that be-*
19 *gins after the date of the enactment of this title),*
20 *and on an ongoing basis until the end of the*
21 *election cycle, the Division Director, in consulta-*
22 *tion with the Director of the Office of Democracy*
23 *Advancement and Innovation, shall determine*
24 *whether the amount of the allocation made to the*
25 *Commission with respect to candidates who seek*

1 office in a State as described in subsection (a)
2 will be sufficient to make payments to partici-
3 pating candidates in the State in the amounts
4 provided in this title during such election cycle.

5 “(B) OPPORTUNITY FOR STATE TO IN-
6 CREASE ALLOCATION.—If, at any time the Divi-
7 sion Director determines under subparagraph
8 (A) that the amount anticipated to be available
9 in the Fund for payments to participating can-
10 didates in a State with respect to the election
11 cycle involved is not, or may not be, sufficient to
12 satisfy the full entitlements of participating can-
13 didates in the State to payments under this title
14 for such election cycle—

15 “(i) the Division Director shall notify
16 the State and Congress; and

17 “(ii) the State may direct the Director
18 of the Office of Democracy Advancement
19 and Innovation to direct the Secretary of
20 the Treasury to use the funds described in
21 subparagraph (C), in such amounts as the
22 State may direct, as an additional alloca-
23 tion to the Commission with respect to the
24 State for purposes of subsection (a), in ac-

1 *cordance with section 8012 of the Freedom*
2 *to Vote: John R. Lewis Act.*

3 “(C) *FUNDS DESCRIBED.*—*The funds de-*
4 *scribed in this subparagraph are funds which*
5 *were allocated to the State under the Democracy*
6 *Advancement and Innovation Program under*
7 *subtitle A of title VIII of the Freedom to Vote:*
8 *John R. Lewis Act which, under the State plan*
9 *under section 8002 of such Act, were to be used*
10 *for democracy promotion activities described in*
11 *paragraph (1), (2)(B), (2)(C), or (3) of section*
12 *8001(b) of such Act but which remain unobli-*
13 *gated.*

14 “(3) *ELIMINATION OF LIMIT OF AMOUNT OF*
15 *QUALIFIED SMALL DONOR CONTRIBUTIONS.*—

16 “(A) *ELIMINATION OF LIMIT.*—*If, after no-*
17 *tifying the State under subparagraph (B)(i) and*
18 *(if the State so elects) the State directs an addi-*
19 *tional allocation to the Commission as provided*
20 *under such subparagraph, the Division Director*
21 *determines that the amount anticipated to be*
22 *available in the Fund for payments to partici-*
23 *pating candidates in the State with respect to*
24 *the election cycle involved is still not, or may*
25 *still not be, sufficient to satisfy the full entitle-*

1 *ments of participating candidates in the State to*
2 *payments under this title for such election cycle,*
3 *the limit on the amount of a qualified small*
4 *donor contribution under section 504(a)(1)(B)*
5 *shall not apply with respect to a participating*
6 *candidate in the State under this title. Nothing*
7 *in this subparagraph may be construed to waive*
8 *the limit on the aggregate amount of contribu-*
9 *tions a participating candidate may accept from*
10 *any individual under section 521(a)(5).*

11 “(B) *DETERMINATION OF AMOUNT OF PAY-*
12 *MENT TO CANDIDATE.—In determining under*
13 *section 501(b) the amount of the payment made*
14 *to a participating candidate for whom the limit*
15 *on the amount of a qualified small donor con-*
16 *tribution does not apply pursuant to subpara-*
17 *graph (A), there shall be excluded any qualified*
18 *small donor contribution to the extent that the*
19 *amount contributed by the individual involved*
20 *exceeds the limit on the amount of such a con-*
21 *tribution under section 504(a)(1)(B).*

22 “(C) *NO USE OF AMOUNTS FROM OTHER*
23 *SOURCES.—In any case in which the Division*
24 *Director determines that the allocation made to*
25 *the Commission with respect to candidates in a*

1 *State as described in subsection (a) is insuffi-*
2 *cient to make payments to participating can-*
3 *didates in the State under this title (taking into*
4 *account any increase in the allocation under*
5 *paragraph (2)), moneys shall not be made avail-*
6 *able from any other source for the purpose of*
7 *making such payments.*

8 “(c) *EFFECTIVE DATE.*—*This section shall take effect*
9 *on the date of the enactment of this title, without regard*
10 *to whether or not regulations have been promulgated to*
11 *carry out this section.*

12 **“SEC. 542. ADMINISTRATION THROUGH DEDICATED DIVI-**
13 **SION WITHIN COMMISSION.**

14 “(a) *ADMINISTRATION THROUGH DEDICATED DIVI-*
15 *SION.*—

16 “(1) *ESTABLISHMENT.*—*The Commission shall*
17 *establish a separate division within the Commission*
18 *which is dedicated to issuing regulations to carry out*
19 *this title and to otherwise carrying out the operation*
20 *of this title.*

21 “(2) *APPOINTMENT OF DIRECTOR AND STAFF.*—

22 “(A) *APPOINTMENT.*—*Not later than June*
23 *1, 2022, the Commission shall appoint a director*
24 *to head the division established under this sec-*
25 *tion (to be known as the ‘Division Director’) and*

1 *such other staff as the Commission considers ap-*
2 *propriate to enable the division to carry out its*
3 *duties.*

4 “(B) *ROLE OF GENERAL COUNSEL.*—*If, at*
5 *any time after the date referred to in subpara-*
6 *graph (A), there is a vacancy in the position of*
7 *the Division Director, the General Counsel of the*
8 *Commission shall serve as the acting Division*
9 *Director until the Commission appoints a Divi-*
10 *sion Director under this paragraph.*

11 “(3) *PRIVATE RIGHT OF ACTION.*—*Any person*
12 *aggrieved by the failure of the Commission to meet the*
13 *requirements of this subsection may file an action in*
14 *an appropriate district court of the United States for*
15 *such relief, including declaratory and injunctive re-*
16 *lief, as may be appropriate.*

17 “(b) *REGULATIONS.*—*Not later than the deadline set*
18 *forth in section 8114 of the Freedom to Vote: John R. Lewis*
19 *Act, the Commission, acting through the dedicated division*
20 *established under this section, shall prescribe regulations to*
21 *carry out the purposes of this title, including regulations—*

22 “(1) *to establish procedures for verifying the*
23 *amount of qualified small dollar contributions with*
24 *respect to a candidate;*

1 “(2) to establish procedures for effectively and ef-
2 ficiently monitoring and enforcing the limits on the
3 raising of qualified small dollar contributions;

4 “(3) to establish procedures for effectively and ef-
5 ficiently monitoring and enforcing the limits on the
6 use of personal funds by participating candidates;

7 “(4) to establish procedures for monitoring the
8 use of payments made from the allocation made to the
9 Commission as described in section 541(a) and
10 matching contributions under this title through audits
11 of not fewer than $\frac{1}{10}$ (or, in the case of the first 3
12 election cycles during which the program under this
13 title is in effect, not fewer than $\frac{1}{3}$) of all partici-
14 pating candidates or other mechanisms;

15 “(5) to establish procedures for carrying out au-
16 dits under section 541(b) and permitting States to
17 make additional allocations as provided under section
18 541(b)(2)(B); and

19 “(6) to establish rules for preventing fraud in the
20 operation of this title which supplement similar rules
21 which apply under this Act.

22 **“SEC. 543. VIOLATIONS AND PENALTIES.**

23 “(a) **CIVIL PENALTY FOR VIOLATION OF CONTRIBU-**
24 **TION AND EXPENDITURE REQUIREMENTS.**—If a candidate
25 who has been certified as a participating candidate accepts

1 *a contribution or makes an expenditure that is prohibited*
2 *under section 521, the Commission may assess a civil pen-*
3 *alty against the candidate in an amount that is not more*
4 *than 3 times the amount of the contribution or expenditure.*
5 *Any amounts collected under this subsection shall be used*
6 *to supplement the allocation made to the Commission with*
7 *respect to the State in which the candidate seeks office, as*
8 *described in section 541(a).*

9 “(b) *REPAYMENT FOR IMPROPER USE OF PAY-*
10 *MENTS.—*

11 “(1) *IN GENERAL.—If the Commission deter-*
12 *mines that any payment made to a participating*
13 *candidate was not used as provided for in this title*
14 *or that a participating candidate has violated any of*
15 *the dates for remission of funds contained in this*
16 *title, the Commission shall so notify the candidate*
17 *and the candidate shall pay to the Commission an*
18 *amount which shall be used to supplement the alloca-*
19 *tion made to the Commission with respect to the State*
20 *in which the candidate seeks office, as described in*
21 *section 541(a) and which shall be equal to—*

22 “(A) *the amount of payments so used or not*
23 *remitted, as appropriate; and*

24 “(B) *interest on any such amounts (at a*
25 *rate determined by the Commission).*

1 “(2) *OTHER ACTION NOT PRECLUDED.*—Any ac-
2 tion by the Commission in accordance with this sub-
3 section shall not preclude enforcement proceedings by
4 the Commission in accordance with section 309(a),
5 including a referral by the Commission to the Attor-
6 ney General in the case of an apparent knowing and
7 willful violation of this title.

8 “(c) *PROHIBITING CERTAIN CANDIDATES FROM*
9 *QUALIFYING AS PARTICIPATING CANDIDATES.*—

10 “(1) *CANDIDATES WITH MULTIPLE CIVIL PEN-*
11 *ALTIES.*—If the Commission assesses 3 or more civil
12 *penalties under subsection (a) against a candidate*
13 *(with respect to either a single election or multiple*
14 *elections), the Commission may refuse to certify the*
15 *candidate as a participating candidate under this*
16 *title with respect to any subsequent election, except*
17 *that if each of the penalties were assessed as the result*
18 *of a knowing and willful violation of any provision*
19 *of this Act, the candidate is not eligible to be certified*
20 *as a participating candidate under this title with re-*
21 *spect to any subsequent election.*

22 “(2) *CANDIDATES SUBJECT TO CRIMINAL PEN-*
23 *ALTY.*—A candidate is not eligible to be certified as
24 *a participating candidate under this title with re-*
25 *spect to an election if a penalty has been assessed*

1 *against the candidate under section 309(d) with re-*
2 *spect to any previous election.*

3 “(d) *IMPOSITION OF CRIMINAL PENALTIES.—For*
4 *criminal penalties for the failure of a participating can-*
5 *didate to comply with the requirements of this title, see sec-*
6 *tion 309(d).*

7 **“SEC. 544. INDEXING OF AMOUNTS.**

8 “(a) *INDEXING.—In any calendar year after 2026, sec-*
9 *tion 315(c)(1)(B) shall apply to each amount described in*
10 *subsection (b) in the same manner as such section applies*
11 *to the limitations established under subsections (a)(1)(A),*
12 *(a)(1)(B), (a)(3), and (h) of such section, except that for*
13 *purposes of applying such section to the amounts described*
14 *in subsection (b), the ‘base period’ shall be 2026.*

15 “(b) *AMOUNTS DESCRIBED.—The amounts described*
16 *in this subsection are as follows:*

17 “(1) *The amount referred to in section 502(b)(1)*
18 *(relating to the minimum amount of qualified small*
19 *dollar contributions included in a request for pay-*
20 *ment).*

21 “(2) *The amounts referred to in section*
22 *504(a)(1) (relating to the amount of a qualified small*
23 *dollar contribution).*

1 “(3) *The amount referred to in section 512(a)(2)*
2 *(relating to the total dollar amount of qualified small*
3 *dollar contributions).*

4 “(4) *The amount referred to in section 521(a)(5)*
5 *(relating to the aggregate amount of contributions a*
6 *participating candidate may accept from any indi-*
7 *vidual with respect to an election).*

8 “(5) *The amount referred to in section*
9 *521(b)(1)(A) (relating to the amount of personal*
10 *funds that may be used by a candidate who is cer-*
11 *tified as a participating candidate).*

12 “(6) *The amounts referred to in section*
13 *524(a)(2) (relating to the amount of unspent funds a*
14 *candidate may retain for use in the next election*
15 *cycle).*

16 “(7) *The amount referred to in section 532(a)(3)*
17 *(relating to the total dollar amount of qualified small*
18 *dollar contributions for a candidate seeking an addi-*
19 *tional payment under subtitle D).*

20 “(8) *The amount referred to in section 533(b)*
21 *(relating to the limit on the amount of an additional*
22 *payment made to a candidate under subtitle D).*

23 **“SEC. 545. ELECTION CYCLE DEFINED.**

24 *“In this title, the term ‘election cycle’ means, with re-*
25 *spect to an election for an office, the period beginning on*

1 *the day after the date of the most recent general election*
 2 *for that office (or, if the general election resulted in a runoff*
 3 *election, the date of the runoff election) and ending on the*
 4 *date of the next general election for that office (or, if the*
 5 *general election resulted in a runoff election, the date of the*
 6 *runoff election).*

7 **“SEC. 546. DIVISION DIRECTOR DEFINED.**

8 *“In this title, the term ‘Division Director’ means the*
 9 *individual serving as the director of the division established*
 10 *under section 542.”.*

11 **SEC. 8112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
 12 **CANDIDATE AND POLITICAL PARTY COMMIT-**
 13 **TEES ON BEHALF OF PARTICIPATING CAN-**
 14 **DIDATES.**

15 *(a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEPA-*
 16 *RATE ACCOUNTS CONSISTING OF QUALIFIED SMALL DOL-*
 17 *LAR CONTRIBUTIONS.—Section 315(a) of the Federal Elec-*
 18 *tion Campaign Act of 1971 (52 U.S.C. 30116(a)) is amend-*
 19 *ed by adding at the end the following new paragraph:*

20 *“(10) In the case of a multicandidate political com-*
 21 *mittee or any political committee of a political party, the*
 22 *committee may make a contribution to a candidate who is*
 23 *a participating candidate under title V with respect to an*
 24 *election only if the contribution is paid from a separate,*

1 *segregated account of the committee which consists solely*
2 *of contributions which meet the following requirements:*

3 “(A) *Each such contribution is in an amount*
4 *which meets the requirements for the amount of a*
5 *qualified small dollar contribution under section*
6 *504(a)(1) with respect to the election involved.*

7 “(B) *Each such contribution is made by an indi-*
8 *vidual who is not otherwise prohibited from making*
9 *a contribution under this Act.*

10 “(C) *The individual who makes the contribution*
11 *does not make contributions to the committee during*
12 *the year in an aggregate amount that exceeds the*
13 *limit described in section 504(a)(1).”.*

14 ***(b) PERMITTING UNLIMITED COORDINATED EXPENDI-***
15 ***TURES FROM SMALL DOLLAR SOURCES BY POLITICAL PAR-***
16 ***TIES.—Section 315(d) of such Act (52 U.S.C. 30116(d)) is***
17 ***amended—***

18 (1) *in paragraph (3), by striking “The national*
19 *committee” and inserting “Except as provided in*
20 *paragraph (6), the national committee”; and*

21 (2) *by adding at the end the following new para-*
22 *graph:*

23 “(6) *The limits described in paragraph (3) do not*
24 *apply in the case of expenditures in connection with the*
25 *general election campaign of a candidate for the office of*

1 *Representative in, or Delegate or Resident Commissioner*
 2 *to, the Congress who is a participating candidate under*
 3 *title V with respect to the election, but only if—*

4 “(A) *the expenditures are paid from a separate,*
 5 *segregated account of the committee which is described*
 6 *in subsection (a)(10); and*

7 “(B) *the expenditures are the sole source of fund-*
 8 *ing provided by the committee to the candidate.”.*

9 **SEC. 8113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
 10 **TICIPATING CANDIDATES FOR PURPOSES**
 11 **OTHER THAN CAMPAIGN FOR ELECTION.**

12 *Section 313 of the Federal Election Campaign Act of*
 13 *1971 (52 U.S.C. 30114) is amended by adding at the end*
 14 *the following new subsection:*

15 “(d) **RESTRICTIONS ON PERMITTED USES OF FUNDS**
 16 **BY CANDIDATES RECEIVING SMALL DOLLAR FINANCING.—**
 17 *Notwithstanding paragraph (2), (3), or (4) of subsection*
 18 *(a), if a candidate for election for the office of Representa-*
 19 *tive in, or Delegate or Resident Commissioner to, the Con-*
 20 *gress is certified as a participating candidate under title*
 21 *V with respect to the election, any contribution which the*
 22 *candidate is permitted to accept under such title may be*
 23 *used only for authorized expenditures in connection with*
 24 *the candidate’s campaign for such office, subject to section*
 25 *503(b).”.*

1 **SEC. 8114. DEADLINE FOR REGULATIONS.**

2 *Not later than October 1, 2022, the Federal Election*
3 *Commission shall promulgate such regulations as may be*
4 *necessary to carry out this part and the amendments made*
5 *by this part. This part and the amendments made by this*
6 *part shall take effect on such date without regard to whether*
7 *the Commission has promulgated the regulations required*
8 *under the previous sentence by such date.*

9 **Subtitle C—Personal Use Services**
10 **as Authorized Campaign Ex-**
11 **penditures**

12 **SEC. 8201. SHORT TITLE; FINDINGS; PURPOSE.**

13 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
14 *“Help America Run Act”.*

15 (b) *FINDINGS.*—*Congress finds the following:*

16 (1) *Everyday Americans experience barriers to*
17 *entry before they can consider running for office to*
18 *serve their communities.*

19 (2) *Current law states that campaign funds can-*
20 *not be spent on everyday expenses that would exist*
21 *whether or not a candidate were running for office,*
22 *like childcare and food. While the law seems neutral,*
23 *its actual effect is to privilege the independently*
24 *wealthy who want to run, because given the demands*
25 *of running for office, candidates who must work to*
26 *pay for childcare or to afford health insurance are ef-*

1 *fectively being left out of the process, even if they have*
2 *sufficient support to mount a viable campaign.*

3 *(3) Thus current practice favors those prospective*
4 *candidates who do not need to rely on a regular pay-*
5 *check to make ends meet. The consequence is that ev-*
6 *eryday Americans who have firsthand knowledge of*
7 *the importance of stable childcare, a safety net, or*
8 *great public schools are less likely to get a seat at the*
9 *table. This governance by the few is antithetical to the*
10 *democratic experiment, but most importantly, when*
11 *lawmakers do not share the concerns of everyday*
12 *Americans, their policies reflect that.*

13 *(4) These circumstances have contributed to a*
14 *Congress that does not always reflect everyday Ameri-*
15 *cans. The New York Times reported in 2019 that*
16 *fewer than 5 percent of representatives cite blue-collar*
17 *or service jobs in their biographies. A 2015 survey by*
18 *the Center for Responsive Politics showed that the me-*
19 *dian net worth of lawmakers was just over \$1 million*
20 *in 2013, or 18 times the wealth of the typical Amer-*
21 *ican household.*

22 *(5) These circumstances have also contributed to*
23 *a governing body that does not reflect the nation it*
24 *serves. For instance, women are 51 percent of the*
25 *American population. Yet even with a record number*

1 *of women serving in the One Hundred Sixteenth Con-*
2 *gress, the Pew Research Center notes that more than*
3 *three out of four Members of this Congress are male.*
4 *The Center for American Women And Politics found*
5 *that one third of women legislators surveyed had been*
6 *actively discouraged from running for office, often by*
7 *political professionals. This type of discouragement,*
8 *combined with the prohibitions on using campaign*
9 *funds for domestic needs like childcare, burdens that*
10 *still fall disproportionately on American women, par-*
11 *ticularly disadvantages working mothers. These bar-*
12 *riers may explain why only 10 women in history*
13 *have given birth while serving in Congress, in spite*
14 *of the prevalence of working parents in other profes-*
15 *sions. Yet working mothers and fathers are best posi-*
16 *tioned to create policy that reflects the lived experi-*
17 *ence of most Americans.*

18 *(6) Working mothers, those caring for their elder-*
19 *ly parents, and young professionals who rely on their*
20 *jobs for health insurance should have the freedom to*
21 *run to serve the people of the United States. Their*
22 *networks and net worth are simply not the best indi-*
23 *cators of their strength as prospective public servants.*
24 *In fact, helping ordinary Americans to run may cre-*
25 *ate better policy for all Americans.*

1 (c) *PURPOSE.*—*It is the purpose of this subtitle to en-*
 2 *sure that all Americans who are otherwise qualified to serve*
 3 *this Nation are able to run for office, regardless of their*
 4 *economic status. By expanding permissible uses of cam-*
 5 *paign funds and providing modest assurance that testing*
 6 *a run for office will not cost one’s livelihood, the Help Amer-*
 7 *ica Run Act will facilitate the candidacy of representatives*
 8 *who more accurately reflect the experiences, challenges, and*
 9 *ideals of everyday Americans.*

10 **SEC. 8202. TREATMENT OF PAYMENTS FOR CHILD CARE**
 11 **AND OTHER PERSONAL USE SERVICES AS AU-**
 12 **THORIZED CAMPAIGN EXPENDITURE.**

13 (a) *PERSONAL USE SERVICES AS AUTHORIZED CAM-*
 14 *PAIGN EXPENDITURE.*—*Section 313 of the Federal Election*
 15 *Campaign Act of 1971 (52 U.S.C. 30114), as amended by*
 16 *section 8113, is amended by adding at the end the following*
 17 *new subsection:*

18 “(e) *TREATMENT OF PAYMENTS FOR CHILD CARE AND*
 19 *OTHER PERSONAL USE SERVICES AS AUTHORIZED CAM-*
 20 *PAIGN EXPENDITURE.*—

21 “(1) *AUTHORIZED EXPENDITURES.*—*For pur-*
 22 *poses of subsection (a), the payment by an authorized*
 23 *committee of a candidate for any of the personal use*
 24 *services described in paragraph (3) shall be treated as*
 25 *an authorized expenditure if the services are necessary*

1 to enable the participation of the candidate in cam-
2 paign-connected activities.

3 “(2) *LIMITATIONS.*—

4 “(A) *LIMIT ON TOTAL AMOUNT OF PAY-*
5 *MENTS.*—*The total amount of payments made by*
6 *an authorized committee of a candidate for per-*
7 *sonal use services described in paragraph (3)*
8 *may not exceed the limit which is applicable*
9 *under any law, rule, or regulation on the*
10 *amount of payments which may be made by the*
11 *committee for the salary of the candidate (with-*
12 *out regard to whether or not the committee*
13 *makes payments to the candidate for that pur-*
14 *pose).*

15 “(B) *CORRESPONDING REDUCTION IN*
16 *AMOUNT OF SALARY PAID TO CANDIDATE.*—*To*
17 *the extent that an authorized committee of a can-*
18 *didate makes payments for the salary of the can-*
19 *didate, any limit on the amount of such pay-*
20 *ments which is applicable under any law, rule,*
21 *or regulation shall be reduced by the amount of*
22 *any payments made to or on behalf of the can-*
23 *didate for personal use services described in*
24 *paragraph (3), other than personal use services*

1 *described in subparagraph (D) of such para-*
2 *graph.*

3 “(C) *EXCLUSION OF CANDIDATES WHO ARE*
4 *OFFICEHOLDERS.—Paragraph (1) does not apply*
5 *with respect to an authorized committee of a*
6 *candidate who is a holder of Federal office.*

7 “(3) *PERSONAL USE SERVICES DESCRIBED.—The*
8 *personal use services described in this paragraph are*
9 *as follows:*

10 “(A) *Child care services.*

11 “(B) *Elder care services.*

12 “(C) *Services similar to the services de-*
13 *scribed in subparagraph (A) or subparagraph*
14 *(B) which are provided on behalf of any depend-*
15 *ent who is a qualifying relative under section*
16 *152 of the Internal Revenue Code of 1986.*

17 “(D) *Health insurance premiums.”.*

18 “(b) *EFFECTIVE DATE.—The amendments made by this*
19 *section shall take effect on the date of the enactment of this*
20 *Act and shall take effect without regard to whether or not*
21 *the Federal Election Commission has promulgated regula-*
22 *tions 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 HOUSE***
5 ***CANDIDATES 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 “exceed*
11 *\$5,000 or, in the case of a contribution made by a national*
12 *committee of a political party from an account described*
13 *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 sep-*
23 *arate, segregated account of a national congressional cam-*
24 *paign committee of a political party which—*

1 “(A) supports only candidates for election for the
2 office of Representative in, or Delegate or Resident
3 Commissioner to, the Congress; and

4 “(B) consists exclusively of contributions made
5 during a calendar year by individuals whose aggregate
6 contributions to the committee during the year
7 do not exceed \$200.”.

8 (d) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply with respect to elections held on or after
10 the date of the enactment of this Act and shall take effect
11 without regard to whether or not the Federal Election Com-
12 mission has promulgated regulations to carry out such
13 amendments.

14 **Subtitle E—Severability**

15 **SEC. 8401. SEVERABILITY.**

16 If any provision of this title or amendment made by
17 this title, or the application of a provision or amendment
18 to any person or circumstance, is held to be unconstitu-
19 tional, the remainder of this title and amendments made
20 by this title, and the application of the provisions and
21 amendment to any person or circumstance, shall not be af-
22 fected by the holding.

1 ***DIVISION D—VOTING RIGHTS***
2 ***TITLE IX—VOTING RIGHTS***

3 ***SEC. 9000. SHORT TITLE.***

4 *This division may be cited as the “John R. Lewis Voting Rights Advancement Act of 2021”.*

6 ***Subtitle A—Amendments to the***
7 ***Voting Rights Act***

8 ***SEC. 9001. VOTE DILUTION, DENIAL, AND ABRIDGMENT***
9 ***CLAIMS.***

10 *(a) IN GENERAL.—Section 2(a) of the Voting Rights*
11 *Act of 1965 (52 U.S.C. 10301(a)) is amended—*

12 *(1) by inserting after “applied by any State or*
13 *political subdivision” the following: “for the purpose*
14 *of, or”; and*

15 *(2) by striking “as provided in subsection (b)”*
16 *and inserting “as provided in subsection (b), (c), (d),*
17 *or (e)”.*

18 *(b) VOTE DILUTION.—Section 2 of such Act (52 U.S.C.*
19 *10301), as amended by subsection (a), is further amended*
20 *by striking subsection (b) and inserting the following:*

21 *“(b) A violation of subsection (a) for vote dilution is*
22 *established if, based on the totality of circumstances, it is*
23 *shown that the political processes leading to nomination or*
24 *election in the State or political subdivision are not equally*
25 *open to participation by members of a class of citizens pro-*

1 *tected by subsection (a) in that its members have less oppor-*
2 *tunity than other members of the electorate to participate*
3 *in the political process and to elect representatives of their*
4 *choice. The extent to which members of a protected class*
5 *have been elected to office in the State or political subdivi-*
6 *sion is one circumstance which may be considered: Pro-*
7 *vided, That nothing in this section establishes a right to*
8 *have members of a protected class elected in numbers equal*
9 *to their proportion in the population. The legal standard*
10 *articulated in Thornburg v. Gingles, 478 U.S. 30 (1986),*
11 *governs claims under this subsection. For purposes of this*
12 *subsection a class of citizens protected by subsection (a)*
13 *may include a cohesive coalition of members of different ra-*
14 *cial or language minority groups.”*

15 *(c) VOTE DENIAL OR ABRIDGEMENT.—Section 2 of*
16 *such Act (52 U.S.C. 10301), as amended by subsections (a)*
17 *and (b), is further amended by adding at the end the fol-*
18 *lowing:*

19 *“(c)(1) A violation of subsection (a) for vote denial or*
20 *abridgment is established if the challenged qualification,*
21 *prerequisite, standard, practice, or procedure imposes a dis-*
22 *criminatory burden on members of a class of citizens pro-*
23 *tected by subsection (a), meaning that—*

24 *“(A) members of the protected class face dis-*
25 *proportionate costs or burdens in complying with the*

1 *qualification, prerequisite, standard, practice, or pro-*
2 *cedure, considering the totality of the circumstances;*
3 *and*

4 “(B) *such disproportionate costs or burdens are,*
5 *at least in part, caused by or linked to social and his-*
6 *torical conditions that have produced or currently*
7 *produce discrimination against members of the pro-*
8 *tected class.*

9 “(2) *The challenged qualification, prerequisite, stand-*
10 *ard, practice, or procedure need only be a but-for cause of*
11 *the discriminatory burden or perpetuate a pre-existing dis-*
12 *criminatory burden.*

13 “(3)(A) *The totality of the circumstances for consider-*
14 *ation relative to a violation of subsection (a) for vote denial*
15 *or abridgment shall include the following factors, which, in-*
16 *dividually and collectively, show how a voting qualifica-*
17 *tion, prerequisite, standard, practice, or procedure can*
18 *function to amplify the effects of past or present racial dis-*
19 *crimination:*

20 “(i) *The history of official voting-related dis-*
21 *crimination in the State or political subdivision.*

22 “(ii) *The extent to which voting in the elections*
23 *of the State or political subdivision is racially polar-*
24 *ized.*

1 “(iii) *The extent to which members of the pro-*
2 *ected class bear the effects of discrimination in areas*
3 *such as education, employment, and health, which*
4 *hinder the ability of those members to participate ef-*
5 *fectively in the political process.*

6 “(iv) *The use of overt or subtle racial appeals ei-*
7 *ther in political campaigns or surrounding the adop-*
8 *tion or maintenance of the challenged qualification,*
9 *prerequisite, standard, practice, or procedure.*

10 “(v) *The extent to which members of the pro-*
11 *ected class have been elected to public office in the ju-*
12 *risdiction, except that the fact that the protected class*
13 *is too small to elect candidates of its choice shall not*
14 *defeat a claim of vote denial or abridgment under this*
15 *section.*

16 “(vi) *Whether there is a significant lack of re-*
17 *sponsiveness on the part of elected officials to the par-*
18 *ticularized needs of members of the protected class.*

19 “(vii) *Whether the policy underlying the State or*
20 *political subdivision’s use of the challenged qualifica-*
21 *tion, prerequisite, standard, practice, or procedure*
22 *has a tenuous connection to that qualification, pre-*
23 *requisite, standard, practice, or procedure. In making*
24 *a determination under this clause, a court shall con-*
25 *sider whether the qualification, prerequisite, standard,*

1 *practice, or procedure in question was designed to ad-*
2 *vance and materially advances a valid and substan-*
3 *tiated State interest.*

4 *“(B) A particular combination or number of factors*
5 *under subparagraph (A) shall not be required to establish*
6 *a violation of subsection (a) for vote denial or abridgment.*
7 *Additionally, a litigant can show a variety of factors to*
8 *establish a violation of subsection (a), and is not limited*
9 *to those factors listed under subparagraph (A).*

10 *“(C) In evaluating the totality of the circumstances for*
11 *consideration relative to a violation of subsection (a) for*
12 *vote denial or abridgment, the following factors shall not*
13 *weigh against a finding of a violation:*

14 *“(i) The total number or share of members of a*
15 *protected class on whom a challenged qualification,*
16 *prerequisite, standard, practice, or procedure does not*
17 *impose a material burden.*

18 *“(ii) The degree to which the challenged quali-*
19 *fication, prerequisite, standard, practice, or procedure*
20 *has a long pedigree or was in widespread use at some*
21 *earlier date.*

22 *“(iii) The use of an identical or similar quali-*
23 *fication, prerequisite, standard, practice, or procedure*
24 *in other States or political subdivisions.*

1 “(iv) *The availability of other forms of voting*
2 *unimpacted by the challenged qualification, pre-*
3 *requisite, standard, practice, or procedure to all mem-*
4 *bers of the electorate, including members of the pro-*
5 *ected class, unless the State or political subdivision*
6 *is simultaneously expanding those other qualifica-*
7 *tions, prerequisites, standards, practices, or proce-*
8 *dures to eliminate any disproportionate burden im-*
9 *posed by the challenged qualification, prerequisite,*
10 *standard, practice, or procedure.*

11 “(v) *A prophylactic impact on potential crimi-*
12 *nal activity by individual voters, if such crimes have*
13 *not occurred in the State or political subdivision in*
14 *substantial numbers.*

15 “(vi) *Mere invocation of interests in voter con-*
16 *fidence or prevention of fraud.*”

17 (d) *INTENDED VOTE DILUTION OR VOTE DENIAL OR*
18 *ABRIDGMENT.—Section 2 of such Act (52 U.S.C. 10301),*
19 *as amended by subsections (a), (b), and (c) is further*
20 *amended by adding at the end the following:*

21 “(d)(1) *A violation of subsection (a) is also established*
22 *if a challenged qualification, prerequisite, standard, prac-*
23 *tice, or procedure is intended, at least in part, to dilute*
24 *the voting strength of a protected class or to deny or abridge*
25 *the right of any citizen of the United States to vote on ac-*

1 *count of race, color, or in contravention of the guarantees*
2 *set forth in section 4(f)(2).*

3 “(2) *Discrimination on account of race or color, or in*
4 *contravention of the guarantees set forth in section 4(f)(2),*
5 *need only be one purpose of a qualification, prerequisite,*
6 *standard, practice, or procedure in order to establish a vio-*
7 *lation of subsection (a), as described in this subsection. A*
8 *qualification, prerequisite, standard, practice, or procedure*
9 *intended to dilute the voting strength of a protected class*
10 *or to make it more difficult for members of a protected class*
11 *to cast a ballot that will be counted constitutes a violation*
12 *of subsection (a), as described in this subsection, even if an*
13 *additional purpose of the qualification, prerequisite, stand-*
14 *ard, practice, or procedure is to benefit a particular polit-*
15 *ical party or group.*

16 “(3) *Recent context, including actions by official deci-*
17 *sionmakers in prior years or in other contexts preceding*
18 *the decision responsible for the challenged qualification, pre-*
19 *requisite, standard, practice, or procedure, and including*
20 *actions by predecessor government actors or individual*
21 *members of a decisionmaking body, may be relevant to mak-*
22 *ing a determination about a violation of subsection (a), as*
23 *described under this subsection.*

24 “(4) *A claim that a violation of subsection (a) has oc-*
25 *curred, as described under this subsection, shall require*

1 *proof of a discriminatory impact but shall not require proof*
2 *of violation of subsection (b) or (c).”.*

3 **SEC. 9002. RETROGRESSION.**

4 *Section 2 of the Voting Rights Act of 1965 (52 U.S.C.*
5 *10301 et seq.), as amended by section 9001 of this Act, is*
6 *further amended by adding at the end the following:*

7 *“(e) A violation of subsection (a) is established when*
8 *a State or political subdivision enacts or seeks to admin-*
9 *ister any qualification or prerequisite to voting or stand-*
10 *ard, practice, or procedure with respect to voting in any*
11 *election that has the purpose of or will have the effect of*
12 *diminishing the ability of any citizens of the United States*
13 *on account of race or color, or in contravention of the guar-*
14 *antees set forth in section 4(f)(2), to participate in the elec-*
15 *toral process or elect their preferred candidates of choice.*
16 *This subsection applies to any action taken on or after Jan-*
17 *uary 1, 2021, by a State or political subdivision to enact*
18 *or seek to administer any such qualification or prerequisite*
19 *to voting or standard, practice or procedure.*

20 *“(f) Notwithstanding the provisions of subsection (e),*
21 *final decisions of the United States District Court of the*
22 *District of Columbia on applications or petitions by States*
23 *or political subdivisions for preclearance under section 5*
24 *of any changes in voting prerequisites, standards, practices,*
25 *or procedures, supersede the provisions of subsection (e).”.*

1 **SEC. 9003. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
2 **TO RETAIN JURISDICTION.**

3 (a) *TYPES OF VIOLATIONS.*—Section 3(c) of the Voting
4 *Rights Act of 1965 (52 U.S.C. 10302(c)) is amended by*
5 *striking “violations of the fourteenth or fifteenth amend-*
6 *ment” and inserting “violations of the 14th or 15th Amend-*
7 *ment, violations of this Act, or violations of any Federal*
8 *law that prohibits discrimination in voting on the basis*
9 *of race, color, or membership in a language minority*
10 *group,”.*

11 (b) *CONFORMING AMENDMENT.*—Section 3(a) of such
12 *Act (52 U.S.C. 10302(a)) is amended by striking “viola-*
13 *tions of the fourteenth or fifteenth amendment” and insert-*
14 *ing “violations of the 14th or 15th Amendment, violations*
15 *of this Act, or violations of any Federal law that prohibits*
16 *discrimination in voting on the basis of race, color, or mem-*
17 *bership in a language minority group,”.*

18 **SEC. 9004. CRITERIA FOR COVERAGE OF STATES AND PO-**
19 **LITICAL SUBDIVISIONS.**

20 (a) *DETERMINATION OF STATES AND POLITICAL SUB-*
21 *DIVISIONS SUBJECT TO SECTION 4(a).*—

22 (1) *IN GENERAL.*—Section 4(b) of the Voting
23 *Rights Act of 1965 (52 U.S.C. 10303(b)) is amended*
24 *to read as follows:*

25 “(b) *DETERMINATION OF STATES AND POLITICAL SUB-*
26 *DIVISIONS SUBJECT TO REQUIREMENTS.*—

1 “(1) *EXISTENCE OF VOTING RIGHTS VIOLATIONS*
2 *DURING PREVIOUS 25 YEARS.*—

3 “(A) *STATEWIDE APPLICATION.*—*Subsection*
4 *(a) applies with respect to a State and all polit-*
5 *ical subdivisions within the State during a cal-*
6 *endar year if—*

7 “(i) *fifteen or more voting rights viola-*
8 *tions occurred in the State during the pre-*
9 *vious 25 calendar years; or*

10 “(ii) *ten or more voting rights viola-*
11 *tions occurred in the State during the pre-*
12 *vious 25 calendar years, at least one of*
13 *which was committed by the State itself (as*
14 *opposed to a political subdivision within*
15 *the State).*

16 “(B) *APPLICATION TO SPECIFIC POLITICAL*
17 *SUBDIVISIONS.*—*Subsection (a) applies with re-*
18 *spect to a political subdivision as a separate*
19 *unit during a calendar year if three or more vot-*
20 *ing rights violations occurred in the subdivision*
21 *during the previous 25 calendar years.*

22 “(2) *PERIOD OF APPLICATION.*—

23 “(A) *IN GENERAL.*—*Except as provided in*
24 *subparagraph (B), if, pursuant to paragraph*
25 *(1), subsection (a) applies with respect to a State*

1 *or political subdivision during a calendar year,*
2 *subsection (a) shall apply with respect to such*
3 *State or political subdivision for the period—*

4 *“(i) that begins on January 1 of the*
5 *year in which subsection (a) applies; and*

6 *“(ii) that ends on the date which is 10*
7 *years after the date described in clause (i).*

8 *“(B) NO FURTHER APPLICATION AFTER DE-*
9 *CLARATORY JUDGMENT.—*

10 *“(i) STATES.—If a State obtains a de-*
11 *claratory judgment under subsection (a),*
12 *and the judgment remains in effect, sub-*
13 *section (a) shall no longer apply to such*
14 *State and all political subdivisions in the*
15 *State pursuant to paragraph (1)(A) unless,*
16 *after the issuance of the declaratory judg-*
17 *ment, paragraph (1)(A) applies to the State*
18 *solely on the basis of voting rights violations*
19 *occurring after the issuance of the declara-*
20 *tory judgment, or paragraph (1)(B) applies*
21 *to the political subdivision solely on the*
22 *basis of voting rights violations occurring*
23 *after the issuance of the declaratory judg-*
24 *ment.*

1 “(ii) *POLITICAL SUBDIVISIONS.*—If a
2 *political subdivision obtains a declaratory*
3 *judgment under subsection (a), and the*
4 *judgment remains in effect, subsection (a)*
5 *shall no longer apply to such political sub-*
6 *division pursuant to paragraph (1), includ-*
7 *ing pursuant to paragraph (1)(A) (relating*
8 *to the statewide application of subsection*
9 *(a)), unless, after the issuance of the declar-*
10 *atory judgment, paragraph (1)(B) applies*
11 *to the political subdivision solely on the*
12 *basis of voting rights violations occurring*
13 *after the issuance of the declaratory judg-*
14 *ment.*

15 “(3) *DETERMINATION OF VOTING RIGHTS VIOLA-*
16 *TION.*—For purposes of paragraph (1), a voting rights
17 *violation occurred in a State or political subdivision*
18 *if any of the following applies:*

19 “(A) *JUDICIAL RELIEF; VIOLATION OF THE*
20 *14TH OR 15TH AMENDMENT.*—Any final judg-
21 *ment (that has not been reversed on appeal) oc-*
22 *curred, in which the plaintiff prevailed and in*
23 *which any court of the United States determined*
24 *that a denial or abridgement of the right of any*
25 *citizen of the United States to vote on account of*

1 *race, color, or membership in a language minor-*
2 *ity group occurred, that a voting qualification or*
3 *prerequisite to voting or standard, practice, or*
4 *procedure with respect to voting created an*
5 *undue burden on the right to vote in connection*
6 *with a claim that the law unduly burdened vot-*
7 *ers of a particular race, color, or language mi-*
8 *nority group, or that race was the predominant*
9 *factor motivating the decision to place a signifi-*
10 *cant number of voters within or outside of a par-*
11 *ticular district, unless narrowly tailored in serv-*
12 *ice of a compelling interest or in response to an*
13 *objection interposed by the Department of Jus-*
14 *tice, in violation of the 14th or 15th Amendment*
15 *to the Constitution of the United States, any-*
16 *where within the State or subdivision.*

17 “(B) *JUDICIAL RELIEF; VIOLATIONS OF*
18 *THIS ACT.—Any final judgment (that has not*
19 *been reversed on appeal) occurred in which the*
20 *plaintiff prevailed and in which any court of the*
21 *United States determined that a voting quali-*
22 *fication or prerequisite to voting or standard,*
23 *practice, or procedure with respect to voting was*
24 *imposed or applied or would have been imposed*
25 *or applied anywhere within the State or subdivi-*

1 *sion in a manner that resulted or would have re-*
2 *sulted in a denial or abridgement of the right of*
3 *any citizen of the United States to vote on ac-*
4 *count of race, color, or membership in a lan-*
5 *guage minority group, in violation of subsection*
6 *(e) or (f) or section 2, 201, or 203, or any final*
7 *judgment (that has not been reversed on appeal)*
8 *occurred in which a court of the United States*
9 *found a State or political subdivision failed to*
10 *comply with section 5(a): Provided, That if the*
11 *voting qualifications or prerequisites to voting or*
12 *standards, practices, or procedures that the court*
13 *finds required compliance with section 5(a) sub-*
14 *sequently go into effect (without alteration or*
15 *amendment) in accordance with the procedures*
16 *in section 5(a), then such finding shall not count*
17 *as a violation.*

18 *“(C) FINAL JUDGMENT; DENIAL OF DECLAR-*
19 *ATORY JUDGMENT.—In a final judgment (that*
20 *has not been reversed on appeal), any court of*
21 *the United States has denied the request of the*
22 *State or subdivision for a declaratory judgment*
23 *under section 3(c) or section 5, and thereby pre-*
24 *vented a voting qualification or prerequisite to*
25 *voting or standard, practice, or procedure with*

1 *respect to voting from being enforced anywhere*
2 *within the State or subdivision.*

3 “(D) *OBJECTION BY THE ATTORNEY GEN-*
4 *ERAL.—The Attorney General has interposed an*
5 *objection under section 3(c) or section 5, and*
6 *thereby prevented a voting qualification or pre-*
7 *requisite to voting or standard, practice, or pro-*
8 *cedure with respect to voting from being enforced*
9 *anywhere within the State or subdivision. A vio-*
10 *lation under this subparagraph has not occurred*
11 *where an objection has been withdrawn by the*
12 *Attorney General, unless the withdrawal was in*
13 *response to a change in the law or practice that*
14 *served as the basis of the objection. A violation*
15 *under this subparagraph has not occurred where*
16 *the objection is based solely on a State or polit-*
17 *ical subdivision’s failure to comply with a proce-*
18 *dural process that would not otherwise count as*
19 *an independent violation of this Act.*

20 “(E) *CONSENT DECREE, SETTLEMENT, OR*
21 *OTHER AGREEMENT.—*

22 “(i) *AGREEMENT.—A consent decree,*
23 *settlement, or other agreement was adopted*
24 *or entered by a court of the United States*
25 *that contains an admission of liability by*

1 *the defendants, which resulted in the alter-*
2 *ation or abandonment of a voting practice*
3 *anywhere in the territory of such State or*
4 *subdivision that was challenged on the*
5 *ground that the practice denied or abridged*
6 *the right of any citizen of the United States*
7 *to vote on account of race, color, or member-*
8 *ship in a language minority group in viola-*
9 *tion of subsection (e) or (f) or section 2,*
10 *201, or 203, or the 14th or 15th Amend-*
11 *ment.*

12 “(ii) *INDEPENDENT VIOLATIONS.—A*
13 *voluntary extension or continuation of a*
14 *consent decree, settlement, or agreement de-*
15 *scribed in clause (i) shall not count as an*
16 *independent violation under this subpara-*
17 *graph. Any other extension or modification*
18 *of such a consent decree, settlement, or*
19 *agreement, if the consent decree, settlement,*
20 *or agreement has been in place for ten years*
21 *or longer, shall count as an independent*
22 *violation under this subparagraph. If a*
23 *court of the United States finds that a con-*
24 *sent decree, settlement, or agreement de-*
25 *scribed in clause (i) itself denied or*

1 *abridged the right of any citizen of the*
2 *United States to vote on account of race,*
3 *color, or membership in a language minor-*
4 *ity group, violated subsection (e) or (f) or*
5 *section 2, 201, or 203, or created an undue*
6 *burden on the right to vote in connection*
7 *with a claim that the consent decree, settle-*
8 *ment, or other agreement unduly burdened*
9 *voters of a particular race, color, or lan-*
10 *guage minority group, that finding shall*
11 *count as an independent violation under*
12 *this subparagraph.*

13 *“(F) MULTIPLE VIOLATIONS.—Each in-*
14 *stance in which a voting qualification or pre-*
15 *requisite to voting or standard, practice, or pro-*
16 *cedure with respect to voting, including each re-*
17 *districting plan, is found to be a violation by a*
18 *court of the United States pursuant to subpara-*
19 *graph (A) or (B), or prevented from being en-*
20 *forced pursuant to subparagraph (C) or (D), or*
21 *altered or abandoned pursuant to subparagraph*
22 *(E) shall count as an independent violation*
23 *under this paragraph. Within a redistricting*
24 *plan, each violation under this paragraph found*
25 *to violate the rights of any group of voters with-*

1 *in an individual district based on race, color, or*
2 *language minority group shall count as an inde-*
3 *pendent violation under this paragraph.*

4 “(4) *TIMING OF DETERMINATIONS.*—

5 “(A) *DETERMINATIONS OF VOTING RIGHTS*
6 *VIOLATIONS.*—*As early as practicable during*
7 *each calendar year, the Attorney General shall*
8 *make the determinations required by this sub-*
9 *section, including updating the list of voting*
10 *rights violations occurring in each State and po-*
11 *litical subdivision for the previous calendar year.*

12 “(B) *EFFECTIVE UPON PUBLICATION IN*
13 *FEDERAL REGISTER.*—*A determination or cer-*
14 *tification of the Attorney General under this sec-*
15 *tion or under section 8 or 13 shall be effective*
16 *upon publication in the Federal Register.”.*

17 (2) *CONFORMING AMENDMENTS.*—*Section 4(a) of*
18 *such Act (52 U.S.C. 10303(a)) is amended—*

19 (A) *in paragraph (1), in the first sentence*
20 *of the matter preceding subparagraph (A), by*
21 *striking “any State with respect to which” and*
22 *all that follows through “unless” and inserting*
23 *“any State to which this subsection applies dur-*
24 *ing a calendar year pursuant to determinations*
25 *made under subsection (b), or in any political*

1 *subdivision of such State (as such subdivision ex-*
2 *isted on the date such determinations were made*
3 *with respect to such State), though such deter-*
4 *minations were not made with respect to such*
5 *subdivision as a separate unit, or in any polit-*
6 *ical subdivision with respect to which this sub-*
7 *section applies during a calendar year pursuant*
8 *to determinations made with respect to such sub-*
9 *division as a separate unit under subsection (b),*
10 *unless”;*

11 *(B) in paragraph (1), in the matter pre-*
12 *ceding subparagraph (A), by striking the second*
13 *sentence;*

14 *(C) in paragraph (1)(A), by striking “(in*
15 *the case of a State or subdivision seeking a de-*
16 *claratory judgment under the second sentence of*
17 *this subsection)”;*

18 *(D) in paragraph (1)(B), by striking “(in*
19 *the case of a State or subdivision seeking a de-*
20 *claratory judgment under the second sentence of*
21 *this subsection)”;*

22 *(E) in paragraph (3), by striking “(in the*
23 *case of a State or subdivision seeking a declara-*
24 *tory judgment under the second sentence of this*
25 *subsection)”;*

1 (F) in paragraph (5), by striking “(in the
2 case of a State or subdivision which sought a de-
3 claratory judgment under the second sentence of
4 this subsection)”;

5 (G) by striking paragraphs (7) and (8); and

6 (H) by redesignating paragraph (9) as
7 paragraph (7).

8 (b) *CLARIFICATION OF TREATMENT OF MEMBERS OF*
9 *LANGUAGE MINORITY GROUPS.*—Section 4(a)(1) of such
10 Act (52 U.S.C. 10303(a)(1)), as amended by subsection (a),
11 is further amended, in the first sentence, by striking “race
12 or color,” and inserting “race or color, or in contravention
13 of the guarantees of subsection (f)(2),”.

14 (c) *FACILITATING BAILOUT.*—Section 4(a) of the *Vot-*
15 *ing Rights Act of 1965* (52 U.S.C. 10303(a)), as amended
16 by subsection (a), is further amended—

17 (1) by striking paragraph (1)(C);

18 (2) by inserting at the beginning of paragraph
19 (7), as redesignated by subsection (a)(2)(H), the fol-
20 lowing: “Any plaintiff seeking a declaratory judgment
21 under this subsection on the grounds that the plaintiff
22 meets the requirements of paragraph (1) may request
23 that the Attorney General consent to entry of judg-
24 ment.”; and

25 (3) by adding at the end the following:

1 “(8) *If a political subdivision is subject to the applica-*
2 *tion of this subsection, due to the applicability of subsection*
3 *(b)(1)(A), the political subdivision may seek a declaratory*
4 *judgment under this section if the subdivision demonstrates*
5 *that the subdivision meets the criteria established by the*
6 *subparagraphs of paragraph (1), for the 10 years preceding*
7 *the date on which subsection (a) applied to the political*
8 *subdivision under subsection (b)(1)(A).*”

9 “(9) *If a political subdivision was not subject to the*
10 *application of this subsection by reason of a declaratory*
11 *judgment entered prior to the date of enactment of the John*
12 *R. Lewis Voting Rights Advancement Act of 2021, and is*
13 *not, subsequent to that date of enactment, subject to the ap-*
14 *plication of this subsection under subsection (b)(1)(B), then*
15 *that political subdivision shall not be subject to the require-*
16 *ments of this subsection.*”

17 **SEC. 9005. DETERMINATION OF STATES AND POLITICAL**
18 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
19 **FOR COVERED PRACTICES.**

20 *The Voting Rights Act of 1965 (52 U.S.C. 10301 et*
21 *seq.) is further amended by inserting after section 4 the fol-*
22 *lowing:*

1 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL SUB-**
2 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
3 **COVERED PRACTICES.**

4 *“(a) PRACTICE-BASED PRECLEARANCE.—*

5 *“(1) IN GENERAL.—Each State and each polit-*
6 *ical subdivision shall—*

7 *“(A) identify any change to a law, regula-*
8 *tion, or policy that includes a voting qualifica-*
9 *tion or prerequisite to voting, or a standard,*
10 *practice, or procedure with respect to voting,*
11 *that is a covered practice described in subsection*
12 *(b); and*

13 *“(B) ensure that no such covered practice is*
14 *implemented unless or until the State or polit-*
15 *ical subdivision, as the case may be, complies*
16 *with subsection (c).*

17 *“(2) DETERMINATIONS OF CHARACTERISTICS OF*
18 *VOTING-AGE POPULATION.—*

19 *“(A) IN GENERAL.—As early as practicable*
20 *during each calendar year, the Attorney General,*
21 *in consultation with the Director of the Bureau*
22 *of the Census and the heads of other relevant of-*
23 *fices of the government, shall make the deter-*
24 *minations required by this section regarding vot-*
25 *ing-age populations and the characteristics of*
26 *such populations, and shall publish a list of the*

1 *States and political subdivisions to which a vot-*
2 *ing-age population characteristic described in*
3 *subsection (b) applies.*

4 “(B) *PUBLICATION IN THE FEDERAL REG-*
5 *ISTER.—A determination (including a certifi-*
6 *cation) of the Attorney General under this para-*
7 *graph shall be effective upon publication in the*
8 *Federal Register.*

9 “(b) *COVERED PRACTICES.—To assure that the right*
10 *of citizens of the United States to vote is not denied or*
11 *abridged on account of race, color, or membership in a lan-*
12 *guage minority group as a result of the implementation of*
13 *certain qualifications or prerequisites to voting, or stand-*
14 *ards, practices, or procedures with respect to voting in a*
15 *State or political subdivision, the following shall be covered*
16 *practices subject to the requirements described in subsection*
17 *(a):*

18 “(1) *CHANGES TO METHOD OF ELECTION.—Any*
19 *change to the method of election—*

20 “(A) *to add seats elected at-large in a State*
21 *or political subdivision where—*

22 “(i) *two or more racial groups or lan-*
23 *guage minority groups each represent 20*
24 *percent or more of the voting-age population*

1 *in the State or political subdivision, respec-*
2 *tively; or*

3 “(ii) a single language minority group
4 represents 20 percent or more of the voting-
5 age population on Indian lands located in
6 whole or in part in the State or political
7 subdivision; or

8 “(B) to convert one or more seats elected
9 from a single-member district to one or more at-
10 large seats or seats from a multi-member district
11 in a State or political subdivision where—

12 “(i) two or more racial groups or lan-
13 guage minority groups each represent 20
14 percent or more of the voting-age population
15 in the State or political subdivision, respec-
16 tively; or

17 “(ii) a single language minority group
18 represents 20 percent or more of the voting-
19 age population on Indian lands located in
20 whole or in part in the State or political
21 subdivision.

22 “(2) *CHANGES TO POLITICAL SUBDIVISION*
23 *BOUNDARIES.—Any change or series of changes with-*
24 *in a year to the boundaries of a political subdivision*
25 *that reduces by 3 or more percentage points the per-*

1 centage of the political subdivision’s voting-age popu-
2 lation that is comprised of members of a single racial
3 group or language minority group in the political
4 subdivision where—

5 “(A) two or more racial groups or language
6 minority groups each represent 20 percent or
7 more of the political subdivision’s voting-age
8 population; or

9 “(B) a single language minority group rep-
10 resents 20 percent or more of the voting-age pop-
11 ulation on Indian lands located in whole or in
12 part in the political subdivision.

13 “(3) *CHANGES THROUGH REDISTRICTING.*—Any
14 change to the apportionment or boundaries of dis-
15 tricts for Federal, State, or local elections in a State
16 or political subdivision where any racial group or
17 language minority group that is not the largest racial
18 group or language minority group in the jurisdiction
19 and that represents 15 percent or more of the State
20 or political subdivision’s voting-age population expe-
21 riences a population increase of at least 20 percent of
22 its voting-age population, over the preceding decade
23 (as calculated by the Bureau of the Census under the
24 most recent decennial census), in the jurisdiction.

1 “(4) *CHANGES IN DOCUMENTATION OR QUALI-*
2 *FICATIONS TO VOTE.—Any change to requirements for*
3 *documentation or proof of identity to vote or register*
4 *to vote in elections for Federal, State, or local offices*
5 *that will exceed or be more stringent than such re-*
6 *quirements under State law on the day before the date*
7 *of enactment of the John R. Lewis Voting Rights Ad-*
8 *vancement Act of 2021.*

9 “(5) *CHANGES TO MULTILINGUAL VOTING MATE-*
10 *RIALS.—Any change that reduces multilingual voting*
11 *materials or alters the manner in which such mate-*
12 *rials are provided or distributed, where no similar re-*
13 *duction or alteration occurs in materials provided in*
14 *English for such election.*

15 “(6) *CHANGES THAT REDUCE, CONSOLIDATE, OR*
16 *RELOCATE VOTING LOCATIONS, OR REDUCE VOTING*
17 *OPPORTUNITIES.—Any change that reduces, consoli-*
18 *dates, or relocates voting locations in elections for*
19 *Federal, State, or local office, including early, absen-*
20 *tee, and election-day voting locations, or reduces days*
21 *or hours of in-person voting on any Sunday during*
22 *a period occurring prior to the date of an election for*
23 *Federal, State, or local office during which voters*
24 *may cast ballots in such election, if the location*
25 *change, or reduction in days or hours, applies—*

1 “(A) in one or more census tracts in which
2 two or more language minority groups or racial
3 groups each represent 20 percent or more of the
4 voting-age population; or

5 “(B) on Indian lands in which at least 20
6 percent of the voting-age population belongs to a
7 single language minority group.

8 “(7) *NEW LIST MAINTENANCE PROCESS.*—Any
9 change to the maintenance process for voter registra-
10 tion lists that adds a new basis for removal from the
11 list of active voters registered to vote in elections for
12 Federal, State, or local office, or that incorporates
13 new sources of information in determining a voter’s
14 eligibility to vote in elections for Federal, State, or
15 local office, if such a change would have a statis-
16 tically significant disparate impact, concerning the
17 removal from voter rolls, on members of racial groups
18 or language minority groups that constitute greater
19 than 5 percent of the voting-age population—

20 “(A) in the case of a political subdivision
21 imposing such change if—

22 “(i) two or more racial groups or lan-
23 guage minority groups each represent 20
24 percent or more of the voting-age population
25 of the political subdivision; or

1 “(ii) a single language minority group
2 represents 20 percent or more of the voting-
3 age population on Indian lands located in
4 whole or in part in the political subdivi-
5 sion; or

6 “(B) in the case of a State imposing such
7 change, if two or more racial groups or language
8 minority groups each represent 20 percent or
9 more of the voting-age population of—

10 “(i) the State; or

11 “(ii) a political subdivision in the
12 State, except that the requirements under
13 subsections (a) and (c) shall apply only
14 with respect to each such political subdivi-
15 sion individually.

16 “(c) *PRECLEARANCE*.—

17 “(1) *IN GENERAL*.—

18 “(A) *ACTION* .—Whenever a State or polit-
19 ical subdivision with respect to which the re-
20 quirements set forth in subsection (a) are in ef-
21 fect shall enact, adopt, or seek to implement any
22 covered practice described under subsection (b),
23 such State or subdivision may institute an ac-
24 tion in the United States District Court for the
25 District of Columbia for a declaratory judgment

1 *that such covered practice neither has the pur-*
2 *pose nor will have the effect of denying or*
3 *abridging the right to vote on account of race,*
4 *color, or membership in a language minority*
5 *group, and unless and until the court enters such*
6 *judgment such covered practice shall not be im-*
7 *plemented.*

8 “(B) *SUBMISSION TO ATTORNEY GEN-*
9 *ERAL.—*

10 “(i) *IN GENERAL.—Notwithstanding*
11 *subparagraph (A), such covered practice*
12 *may be implemented without such pro-*
13 *ceeding if the covered practice has been sub-*
14 *mitted by the chief legal officer or other ap-*
15 *propriate official of such State or subdivi-*
16 *sion to the Attorney General and the Attor-*
17 *ney General has not interposed an objection*
18 *within 60 days after such submission, or*
19 *upon good cause shown, to facilitate an ex-*
20 *pedited approval within 60 days after such*
21 *submission, the Attorney General has af-*
22 *firmatively indicated that such objection*
23 *will not be made. An exigency, including a*
24 *natural disaster, inclement weather, or*
25 *other unforeseeable event, requiring a*

1 *changed qualification, prerequisite, stand-*
2 *ard, practice, or procedure within 30 days*
3 *of a Federal, State, or local election shall*
4 *constitute good cause requiring the Attorney*
5 *General to expedite consideration of the sub-*
6 *mission. To the extent feasible, expedited*
7 *consideration shall consider the views of in-*
8 *dividuals affected by the changed qualifica-*
9 *tion, prerequisite, standard, practice, or*
10 *procedure.*

11 “(ii) *EFFECT OF INDICATION.*—*Neither*
12 *an affirmative indication by the Attorney*
13 *General that no objection will be made, nor*
14 *the Attorney General’s failure to object, nor*
15 *a declaratory judgment entered under this*
16 *subsection shall bar a subsequent action to*
17 *enjoin implementation of such covered prac-*
18 *tice. In the event the Attorney General af-*
19 *firmatively indicates that no objection will*
20 *be made within the 60-day period following*
21 *receipt of a submission, the Attorney Gen-*
22 *eral may reserve the right to reexamine the*
23 *submission if additional information comes*
24 *to the Attorney General’s attention during*
25 *the remainder of the 60-day period which*

1 *would otherwise require objection in accord-*
2 *ance with this subsection.*

3 “(C) COURT.—*Any action under this sub-*
4 *section shall be heard and determined by a court*
5 *of three judges in accordance with the provisions*
6 *of section 2284 of title 28, United States Code,*
7 *and any appeal shall lie to the Supreme Court.*

8 “(2) DENYING OR ABRIDGING THE RIGHT TO
9 VOTE.—*Any covered practice described in subsection*
10 *(b) that has the purpose of or will have the effect of*
11 *diminishing the ability of any citizens of the United*
12 *States on account of race, color, or membership in a*
13 *language minority group, to elect their preferred can-*
14 *didates of choice denies or abridges the right to vote*
15 *within the meaning of paragraph (1).*

16 “(3) PURPOSE DEFINED.—*The term ‘purpose’ in*
17 *paragraphs (1) and (2) shall include any discrimina-*
18 *tory purpose.*

19 “(4) PURPOSE OF PARAGRAPH (2).—*The purpose*
20 *of paragraph (2) is to protect the ability of such citi-*
21 *zens to elect their preferred candidates of choice.*

22 “(d) ENFORCEMENT.—*The Attorney General or any*
23 *aggrieved citizen may file an action in a district court of*
24 *the United States to compel any State or political subdivi-*
25 *sion to satisfy the obligations set forth in this section. Such*

1 *an action shall be heard and determined by a court of three*
2 *judges under section 2284 of title 28, United States Code.*
3 *In any such action, the court shall provide as a remedy*
4 *that implementation of any voting qualification or pre-*
5 *requisite to voting, or standard, practice, or procedure with*
6 *respect to voting, that is the subject of the action under this*
7 *subsection be enjoined unless the court determines that—*

8 “(1) *the voting qualification or prerequisite to*
9 *voting, or standard, practice, or procedure with re-*
10 *spect to voting, is not a covered practice described in*
11 *subsection (b); or*

12 “(2) *the State or political subdivision has com-*
13 *plied with subsection (c) with respect to the covered*
14 *practice at issue.*

15 “(e) *COUNTING OF RACIAL GROUPS AND LANGUAGE*
16 *MINORITY GROUPS.—For purposes of this section, the cal-*
17 *ulation of the population of a racial group or a language*
18 *minority group shall be carried out using the methodology*
19 *in the guidance of the Department of Justice entitled ‘Guid-*
20 *ance Concerning Redistricting Under Section 5 of the Vot-*
21 *ing Rights Act; Notice’ (76 Fed. Reg. 7470 (February 9,*
22 *2011)).*

23 “(f) *SPECIAL RULE.—For purposes of determinations*
24 *under this section, any data provided by the Bureau of the*
25 *Census, whether based on estimation from a sample or ac-*

1 tual enumeration, shall not be subject to challenge or review
2 in any court.

3 “(g) *MULTILINGUAL VOTING MATERIALS.*—*In this sec-*
4 *tion, the term ‘multilingual voting materials’ means reg-*
5 *istration or voting notices, forms, instructions, assistance,*
6 *or other materials or information relating to the electoral*
7 *process, including ballots, provided in the language or lan-*
8 *guages of one or more language minority groups.”.*

9 **SEC. 9006. PROMOTING TRANSPARENCY TO ENFORCE THE**
10 **VOTING RIGHTS ACT.**

11 (a) *TRANSPARENCY.*—*The Voting Rights Act of 1965*
12 *(52 U.S.C. 10301 et seq.) is amended by inserting after sec-*
13 *tion 5 the following:*

14 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
15 **TECT VOTING RIGHTS.**

16 “(a) *NOTICE OF ENACTED CHANGES.*—

17 “(1) *NOTICE OF CHANGES.*—*If a State or polit-*
18 *ical subdivision makes any change in any qualifica-*
19 *tion or prerequisite to voting or standard, practice, or*
20 *procedure with respect to voting in any election for*
21 *Federal office that will result in the qualification or*
22 *prerequisite, standard, practice, or procedure being*
23 *different from that which was in effect as of 180 days*
24 *before the date of the election for Federal office, the*
25 *State or political subdivision shall provide reasonable*

1 *public notice in such State or political subdivision*
2 *and on the website of the State or political subdivi-*
3 *sion, of a concise description of the change, including*
4 *the difference between the changed qualification or*
5 *prerequisite, standard, practice, or procedure and the*
6 *qualification, prerequisite, standard, practice, or pro-*
7 *cedure which was previously in effect. The public no-*
8 *tice described in this paragraph, in such State or po-*
9 *litical subdivision and on the website of a State or*
10 *political subdivision, shall be in a format that is rea-*
11 *sonably convenient and accessible to persons with dis-*
12 *abilities who are eligible to vote, including persons*
13 *who have low vision or are blind.*

14 “(2) *DEADLINE FOR NOTICE.*—*A State or polit-*
15 *ical subdivision shall provide the public notice re-*
16 *quired under paragraph (1) not later than 48 hours*
17 *after making the change involved.*

18 “(b) *TRANSPARENCY REGARDING POLLING PLACE RE-*
19 *SOURCES.*—

20 “(1) *IN GENERAL.*—*In order to identify any*
21 *changes that may impact the right to vote of any per-*
22 *son, prior to the 30th day before the date of an elec-*
23 *tion for Federal office, each State or political subdivi-*
24 *sion with responsibility for allocating registered vot-*
25 *ers, voting machines, and official poll workers to par-*

1 *ticular precincts and polling places shall provide rea-*
2 *sonable public notice in such State or political sub-*
3 *division and on the website of a State or political*
4 *subdivision, of the information described in para-*
5 *graph (2) for precincts and polling places within such*
6 *State or political subdivision. The public notice de-*
7 *scribed in this paragraph, in such State or political*
8 *subdivision and on the website of a State or political*
9 *subdivision, shall be in a format that is reasonably*
10 *convenient and accessible to persons with disabilities*
11 *who are eligible to vote, including persons who have*
12 *low vision or are blind.*

13 *“(2) INFORMATION DESCRIBED.—The informa-*
14 *tion described in this paragraph with respect to a*
15 *precinct or polling place is each of the following:*

16 *“(A) The name or number.*

17 *“(B) In the case of a polling place, the loca-*
18 *tion, including the street address, and whether*
19 *such polling place is accessible to persons with*
20 *disabilities.*

21 *“(C) The voting-age population of the area*
22 *served by the precinct or polling place, broken*
23 *down by demographic group if such breakdown*
24 *is reasonably available to such State or political*
25 *subdivision.*

1 “(D) *The number of registered voters as-*
2 *signed to the precinct or polling place, broken*
3 *down by demographic group if such breakdown*
4 *is reasonably available to such State or political*
5 *subdivision.*

6 “(E) *The number of voting machines as-*
7 *signed, including the number of voting machines*
8 *accessible to persons with disabilities who are el-*
9 *igible to vote, including persons who have low vi-*
10 *sion or are blind.*

11 “(F) *The number of official paid poll work-*
12 *ers assigned.*

13 “(G) *The number of official volunteer poll*
14 *workers assigned.*

15 “(H) *In the case of a polling place, the*
16 *dates and hours of operation.*

17 “(3) *UPDATES IN INFORMATION REPORTED.—If*
18 *a State or political subdivision makes any change in*
19 *any of the information described in paragraph (2),*
20 *the State or political subdivision shall provide reason-*
21 *able public notice in such State or political subdivi-*
22 *sion and on the website of a State or political sub-*
23 *division, of the change in the information not later*
24 *than 48 hours after the change occurs or, if the change*
25 *occurs fewer than 48 hours before the date of the elec-*

1 *tion for Federal office, as soon as practicable after the*
2 *change occurs. The public notice described in this*
3 *paragraph and published on the website of a State or*
4 *political subdivision shall be in a format that is rea-*
5 *sonably convenient and accessible to persons with dis-*
6 *abilities who are eligible to vote, including persons*
7 *who have low vision or are blind.*

8 *“(c) TRANSPARENCY OF CHANGES RELATING TO DE-*
9 *MOGRAPHICS AND ELECTORAL DISTRICTS.—*

10 *“(1) REQUIRING PUBLIC NOTICE OF CHANGES.—*
11 *Not later than 10 days after making any change in*
12 *the constituency that will participate in an election*
13 *for Federal, State, or local office or the boundaries of*
14 *a voting unit or electoral district in an election for*
15 *Federal, State, or local office (including through re-*
16 *districting, reapportionment, changing from at-large*
17 *elections to district-based elections, or changing from*
18 *district-based elections to at-large elections), a State*
19 *or political subdivision shall provide reasonable pub-*
20 *lic notice in such State or political subdivision and*
21 *on the website of a State or political subdivision, of*
22 *the demographic and electoral data described in para-*
23 *graph (3) for each of the geographic areas described*
24 *in paragraph (2).*

1 “(2) *GEOGRAPHIC AREAS DESCRIBED.*—*The geo-*
2 *graphic areas described in this paragraph are as fol-*
3 *lows:*

4 “(A) *The State as a whole, if the change ap-*
5 *plies statewide, or the political subdivision as a*
6 *whole, if the change applies across the entire po-*
7 *litical subdivision.*

8 “(B) *If the change includes a plan to re-*
9 *place or eliminate voting units or electoral dis-*
10 *tricts, each voting unit or electoral district that*
11 *will be replaced or eliminated.*

12 “(C) *If the change includes a plan to estab-*
13 *lish new voting units or electoral districts, each*
14 *such new voting unit or electoral district.*

15 “(3) *DEMOGRAPHIC AND ELECTORAL DATA.*—*The*
16 *demographic and electoral data described in this*
17 *paragraph with respect to a geographic area described*
18 *in paragraph (2) are each of the following:*

19 “(A) *The voting-age population, broken*
20 *down by demographic group.*

21 “(B) *The number of registered voters, broken*
22 *down by demographic group if such breakdown*
23 *is reasonably available to the State or political*
24 *subdivision involved.*

1 “(C)(i) *If the change applies to a State, the*
2 *actual number of votes, or (if it is not reasonably*
3 *practicable for the State to ascertain the actual*
4 *number of votes) the estimated number of votes*
5 *received by each candidate in each statewide*
6 *election held during the 5-year period which ends*
7 *on the date the change involved is made; and*

8 “(i) *if the change applies to only one polit-*
9 *ical subdivision, the actual number of votes, or*
10 *(if it is not reasonably practicable for the polit-*
11 *ical subdivision to ascertain the actual number*
12 *of votes) the estimated number of votes in each*
13 *subdivision-wide election held during the 5-year*
14 *period which ends on the date the change in-*
15 *volved is made.*

16 “(4) *VOLUNTARY COMPLIANCE BY SMALLER JU-*
17 *RISDICTIONS.—Compliance with this subsection shall*
18 *be voluntary for a political subdivision of a State un-*
19 *less the subdivision is one of the following:*

20 “(A) *A county or parish.*

21 “(B) *A municipality with a population*
22 *greater than 10,000, as determined by the Bu-*
23 *reau of the Census under the most recent decen-*
24 *nal census.*

1 “(C) *A school district with a population*
2 *greater than 10,000, as determined by the Bu-*
3 *reau of the Census under the most recent decen-*
4 *nal census. For purposes of this subparagraph,*
5 *the term ‘school district’ means the geographic*
6 *area under the jurisdiction of a local educational*
7 *agency (as defined in section 8101 of the Ele-*
8 *mentary and Secondary Education Act of 1965).*

9 “(d) *RULES REGARDING FORMAT OF INFORMATION.—*
10 *The Attorney General may issue rules specifying a reason-*
11 *ably convenient and accessible format that States and polit-*
12 *ical subdivisions shall use to provide public notice of infor-*
13 *mation under this section.*

14 “(e) *NO DENIAL OF RIGHT TO VOTE.—The right to*
15 *vote of any person shall not be denied or abridged because*
16 *the person failed to comply with any change made by a*
17 *State or political subdivision to a voting qualification, pre-*
18 *requisite, standard, practice, or procedure if the State or*
19 *political subdivision involved did not meet the applicable*
20 *requirements of this section with respect to the change.*

21 “(f) *DEFINITIONS.—In this section—*

22 “(1) *the term ‘demographic group’ means each*
23 *group which section 2 protects from the denial or*
24 *abridgement of the right to vote on account of race or*

1 *color, or in contravention of the guarantees set forth*
2 *in section 4(f)(2);*

3 “(2) the term ‘election for Federal office’ means
4 *any general, special, primary, or runoff election held*
5 *solely or in part for the purpose of electing any can-*
6 *didate for the office of President, Vice President, Pres-*
7 *idential elector, Senator, Member of the House of Rep-*
8 *resentatives, or Delegate or Resident Commissioner to*
9 *the Congress; and*

10 “(3) the term ‘persons with disabilities’, means
11 *individuals with a disability, as defined in section 3*
12 *of the Americans with Disabilities Act of 1990.”.*

13 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
14 *section (a)(1) shall apply with respect to changes which are*
15 *made on or after the expiration of the 60-day period which*
16 *begins on the date of the enactment of this Act.*

17 **SEC. 9007. AUTHORITY TO ASSIGN OBSERVERS.**

18 (a) *CLARIFICATION OF AUTHORITY IN POLITICAL SUB-*
19 *DIVISIONS SUBJECT TO PRECLEARANCE.*—*Section*
20 *8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.*
21 *10305(a)(2)(B)) is amended to read as follows:*

22 “(B) *in the Attorney General’s judgment,*
23 *the assignment of observers is otherwise necessary*
24 *to enforce the guarantees of the 14th or 15th*
25 *Amendment or any provision of this Act or any*

1 *other Federal law protecting the right of citizens*
2 *of the United States to vote; or”.*

3 *(b) ASSIGNMENT OF OBSERVERS TO ENFORCE BILIN-*
4 *GUAL ELECTION REQUIREMENTS.—Section 8(a) of such Act*
5 *(52 U.S.C. 10305(a)) is amended—*

6 *(1) by striking “or” at the end of paragraph (1);*

7 *(2) by inserting after paragraph (2) the fol-*
8 *lowing:*

9 *“(3) the Attorney General certifies with respect*
10 *to a political subdivision that—*

11 *“(A) the Attorney General has received*
12 *written meritorious complaints from residents,*
13 *elected officials, or civic participation organiza-*
14 *tions that efforts to violate section 203 are likely*
15 *to occur; or*

16 *“(B) in the Attorney General’s judgment,*
17 *the assignment of observers is necessary to en-*
18 *force the guarantees of section 203;”;* and

19 *(3) by moving the margin for the continuation*
20 *text following paragraph (3), as added by paragraph*
21 *(2) of this subsection, 2 ems to the left.*

22 *(c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS*
23 *TO THE ATTORNEY GENERAL.—*

24 *(1) ENFORCEMENT PROCEEDINGS.—Section 3(a)*
25 *of the Voting Rights Act of 1965 (52 U.S.C. 10302(a))*

1 *is amended by striking “United States Civil Service*
2 *Commission in accordance with section 6” and insert-*
3 *ing “Attorney General in accordance with section 8”.*

4 (2) *OBSERVERS; APPOINTMENT AND COMPENSA-*
5 *TION.—Section 8 of the Voting Rights Act of 1965 (52*
6 *U.S.C. 10305) is amended—*

7 (A) *in subsection (a), in the flush matter at*
8 *the end, by striking “Director of the Office of*
9 *Personnel Management shall assign as many ob-*
10 *servers for such subdivision as the Director” and*
11 *inserting “Attorney General shall assign as*
12 *many observers for such subdivision as the Attor-*
13 *ney General”;*

14 (B) *in subsection (c), by striking “Director*
15 *of the Office of Personnel Management” and in-*
16 *serting “Attorney General”;* and

17 (C) *in subsection (c), by adding at the end*
18 *the following: “The Director of the Office of Per-*
19 *sonnel Management may, with the consent of the*
20 *Attorney General, assist in the selection, recruit-*
21 *ment, hiring, training, or deployment of these or*
22 *other individuals authorized by the Attorney*
23 *General for the purpose of observing whether per-*
24 *sons who are entitled to vote are being permitted*

1 to vote and whether those votes are being prop-
2 erly tabulated.”.

3 (3) *TERMINATION OF CERTAIN APPOINTMENTS OF*
4 *OBSERVERS.*—Section 13(a)(1) of the Voting Rights
5 Act of 1965 (52 U.S.C. 10309(a)(1)) is amended by
6 striking “notifies the Director of the Office of Per-
7 sonnel Management,” and inserting “determines,”.

8 **SEC. 9008. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.**

9 (a) *POLL TAX.*—Section 10(b) of the Voting Rights Act
10 of 1965 (52 U.S.C. 10306(b)) is amended by striking “the
11 Attorney General is authorized and directed to institute
12 forthwith in the name of the United States such actions,”
13 and inserting “an aggrieved person or (in the name of the
14 United States) the Attorney General may institute such ac-
15 tions”.

16 (b) *CAUSE OF ACTION.*—Section 12(d) of the Voting
17 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended to read
18 as follows:

19 “(d) Whenever there are reasonable grounds to believe
20 that any person has engaged in, or is about to engage in,
21 any act or practice that would (1) deny any citizen the
22 right to register, to cast a ballot, or to have that ballot
23 counted properly and included in the appropriate totals of
24 votes cast in violation of the 14th, 15th, 19th, 24th, or 26th
25 Amendments to the Constitution of the United States, (2)

1 *violate subsection (a) or (b) of section 11, or (3) violate any*
2 *other provision of this Act or any other Federal voting*
3 *rights law that prohibits discrimination on the basis of*
4 *race, color, or membership in a language minority group,*
5 *an aggrieved person or (in the name of the United States)*
6 *the Attorney General may institute an action for preventive*
7 *relief, including an application for a temporary or perma-*
8 *nent injunction, restraining order, or other appropriate*
9 *order. Nothing in this subsection shall be construed to create*
10 *a cause of action for civil enforcement of criminal provi-*
11 *sions of this or any other Act.”.*

12 (c) *JUDICIAL RELIEF.—Section 204 of the Voting*
13 *Rights Act of 1965 (52 U.S.C. 10504) is amended by strik-*
14 *ing the first sentence and inserting the following: “Whenever*
15 *there are reasonable grounds to believe that a State or polit-*
16 *ical subdivision has engaged or is about to engage in any*
17 *act or practice prohibited by a provision of this title, an*
18 *aggrieved person or (in the name of the United States) the*
19 *Attorney General may institute an action in a district*
20 *court of the United States, for a restraining order, a pre-*
21 *liminary or permanent injunction, or such other order as*
22 *may be appropriate.”.*

23 (d) *ENFORCEMENT OF TWENTY-SIXTH AMENDMENT.—*
24 *Section 301(a)(1) of the Voting Rights Act of 1965 (52*
25 *U.S.C. 10701(a)(1)) is amended to read as follows:*

1 “(a)(1) *An aggrieved person or (in the name of the*
2 *United States) the Attorney General may institute an ac-*
3 *tion in a district court of the United States, for a restrain-*
4 *ing order, a preliminary or permanent injunction, or such*
5 *other order as may be appropriate to implement the 26th*
6 *Amendment to the Constitution of the United States.”.*

7 **SEC. 9009. PREVENTIVE RELIEF.**

8 *Section 12(d) of the Voting Rights Act of 1965 (52*
9 *U.S.C. 10308(d)), as amended by section 108, is further*
10 *amended by adding at the end the following:*

11 “(2)(A) *In considering any motion for preliminary re-*
12 *lief in any action for preventive relief described in this sub-*
13 *section, the court shall grant the relief if the court deter-*
14 *mines that the complainant has raised a serious question*
15 *as to whether the challenged voting qualification or pre-*
16 *requisite to voting or standard, practice, or procedure vio-*
17 *lates any of the provisions listed in section 111(a)(1) of the*
18 *John R. Lewis Voting Rights Advancement Act and, on bal-*
19 *ance, the hardship imposed on the defendant by the grant*
20 *of the relief will be less than the hardship which would be*
21 *imposed on the plaintiff if the relief were not granted.*

22 “(B) *In making its determination under this para-*
23 *graph with respect to a change in any voting qualification,*
24 *prerequisite to voting, or standard, practice, or procedure*
25 *with respect to voting, the court shall consider all relevant*

1 *factors and give due weight to the following factors, if they*
2 *are present:*

3 “(i) *Whether the qualification, prerequisite,*
4 *standard, practice, or procedure in effect prior to the*
5 *change was adopted as a remedy for a Federal court*
6 *judgment, consent decree, or admission regarding—*

7 “(I) *discrimination on the basis of race or*
8 *color in violation of the 14th or 15th Amendment*
9 *to the Constitution of the United States;*

10 “(II) *a violation of the 19th, 24th, or 26th*
11 *Amendments to the Constitution of the United*
12 *States;*

13 “(III) *a violation of this Act; or*

14 “(IV) *voting discrimination on the basis of*
15 *race, color, or membership in a language minor-*
16 *ity group in violation of any other Federal or*
17 *State law.*

18 “(ii) *Whether the qualification, prerequisite,*
19 *standard, practice, or procedure in effect prior to the*
20 *change served as a ground for the dismissal or settle-*
21 *ment of a claim alleging—*

22 “(I) *discrimination on the basis of race or*
23 *color in violation of the 14th or 15th Amendment*
24 *to the Constitution of the United States;*

1 “(II) a violation of the 19th, 24th, or 26th
2 Amendment to the Constitution of the United
3 States;

4 “(III) a violation of this Act; or

5 “(IV) voting discrimination on the basis of
6 race, color, or membership in a language minor-
7 ity group in violation of any other Federal or
8 State law.

9 “(iii) Whether the change was adopted fewer
10 than 180 days before the date of the election with re-
11 spect to which the change is to take or takes effect.

12 “(iv) Whether the defendant has failed to provide
13 timely or complete notice of the adoption of the
14 change as required by applicable Federal or State
15 law.

16 “(3) A jurisdiction’s inability to enforce its voting or
17 election laws, regulations, policies, or redistricting plans,
18 standing alone, shall not be deemed to constitute irreparable
19 harm to the public interest or to the interests of a defendant
20 in an action arising under the Constitution or any Federal
21 law that prohibits discrimination on the basis of race, color,
22 or membership in a language minority group in the voting
23 process, for the purposes of determining whether a stay of
24 a court’s order or an interlocutory appeal under section
25 1253 of title 28, United States Code, is warranted.”.

1 **SEC. 9010. BILINGUAL ELECTION REQUIREMENTS.**

2 *Section 203(b)(1) of the Voting Rights Act of 1965 (52*
3 *U.S.C. 10503(b)(1)) is amended by striking “2032” and in-*
4 *serting “2037”.*

5 **SEC. 9011. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**
6 **LAWS.**

7 *(a) IN GENERAL.—*

8 *(1) RELIEF FOR VIOLATIONS OF VOTING RIGHTS*
9 *LAWS.—In this section, the term “prohibited act or*
10 *practice” means—*

11 *(A) any act or practice—*

12 *(i) that creates an undue burden on the*
13 *fundamental right to vote in violation of the*
14 *14th Amendment to the Constitution of the*
15 *United States or violates the Equal Protec-*
16 *tion Clause of the 14th Amendment to the*
17 *Constitution of the United States; or*

18 *(ii) that is prohibited by the 15th,*
19 *19th, 24th, or 26th Amendment to the Con-*
20 *stitution of the United States, section 2004*
21 *of the Revised Statutes (52 U.S.C. 10101),*
22 *the Voting Rights Act of 1965 (52 U.S.C.*
23 *10301 et seq.), the National Voter Registra-*
24 *tion Act of 1993 (52 U.S.C. 20501 et seq.),*
25 *the Uniformed and Overseas Citizens Absen-*
26 *tee Voting Act (52 U.S.C. 20301 et seq.), the*

1 *Help America Vote Act of 2002 (52 U.S.C.*
2 *20901 et seq.), the Voting Accessibility for*
3 *the Elderly and Handicapped Act (52*
4 *U.S.C. 20101 et seq.), or section 2003 of the*
5 *Revised Statutes (52 U.S.C. 10102); and*
6 *(B) any act or practice in violation of any*
7 *Federal law that prohibits discrimination with*
8 *respect to voting, including the Americans with*
9 *Disabilities Act of 1990 (42 U.S.C. 12101 et*
10 *seq.).*

11 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
12 *section shall be construed to diminish the authority or*
13 *scope of authority of any person to bring an action*
14 *under any Federal law.*

15 (3) *ATTORNEY’S FEES.*—*Section 722(b) of the*
16 *Revised Statutes (42 U.S.C. 1988(b)) is amended by*
17 *inserting “a provision described in section 111(a)(1)*
18 *of the John R. Lewis Voting Rights Advancement Act*
19 *of 2021,” after “title VI of the Civil Rights Act of*
20 *1964,”.*

21 (b) *GROUND’S FOR EQUITABLE RELIEF.*—*In any ac-*
22 *tion for equitable relief pursuant to a law listed under sub-*
23 *section (a), proximity of the action to an election shall not*
24 *be a valid reason to deny such relief, or stay the operation*
25 *of or vacate the issuance of such relief, unless the party op-*

1 *posing the issuance or continued operation of relief meets*
2 *the burden of proving by clear and convincing evidence that*
3 *the issuance of the relief would be so close in time to the*
4 *election as to cause irreparable harm to the public interest*
5 *or that compliance with such relief would impose serious*
6 *burdens on the party opposing relief.*

7 (1) *IN GENERAL.*—*In considering whether to*
8 *grant, deny, stay, or vacate any order of equitable re-*
9 *lief, the court shall give substantial weight to the*
10 *public’s interest in expanding access to the right to*
11 *vote. A State’s generalized interest in enforcing its en-*
12 *acted laws shall not be a relevant consideration in de-*
13 *termining whether equitable relief is warranted.*

14 (2) *PRESUMPTIVE SAFE HARBOR.*—*Where equi-*
15 *table relief is sought either within 30 days of the*
16 *adoption or reasonable public notice of the challenged*
17 *policy or practice, or more than 60 days before the*
18 *date of an election to which the relief being sought*
19 *will apply, proximity to the election will be presumed*
20 *not to constitute a harm to the public interest or a*
21 *burden on the party opposing relief.*

22 (c) *GROUND FOR STAY OR VACATUR IN FEDERAL*
23 *CLAIMS INVOLVING VOTING RIGHTS.*—

24 (1) *PROSPECTIVE EFFECT.*—*In reviewing an ap-*
25 *plication for a stay or vacatur of equitable relief*

1 *granted pursuant to a law listed in subsection (a), a*
2 *court shall give substantial weight to the reliance in-*
3 *terests of citizens who acted pursuant to such order*
4 *under review. In fashioning a stay or vacatur, a re-*
5 *viewing court shall not order relief that has the effect*
6 *of denying or abridging the right to vote of any cit-*
7 *izen who has acted in reliance on the order.*

8 (2) *WRITTEN EXPLANATION.—No stay or vacatur*
9 *under this subsection shall issue unless the reviewing*
10 *court makes specific findings that the public interest,*
11 *including the public’s interest in expanding access to*
12 *the ballot, will be harmed by the continuing operation*
13 *of the equitable relief or that compliance with such re-*
14 *lief will impose serious burdens on the party seeking*
15 *such a stay or vacatur such that those burdens sub-*
16 *stantially outweigh the benefits to the public interest.*
17 *In reviewing an application for a stay or vacatur of*
18 *equitable relief, findings of fact made in issuing the*
19 *order under review shall not be set aside unless clear-*
20 *ly erroneous.*

21 **SEC. 9012. PROTECTION OF TABULATED VOTES.**

22 *The Voting Rights Act of 1965 (52 U.S.C. 10307) is*
23 *amended—*

24 (1) *in section 11—*

1 (A) by amending subsection (a) to read as
2 follows:

3 “(a) No person acting under color of law shall—

4 “(1) fail or refuse to permit any person to vote
5 who is entitled to vote under Federal law or is other-
6 wise qualified to vote;

7 “(2) willfully fail or refuse to tabulate, count,
8 and report such person’s vote; or

9 “(3) willfully fail or refuse to certify the aggre-
10 gate tabulations of such persons’ votes or certify the
11 election of the candidates receiving sufficient such
12 votes to be elected to office.”; and

13 (B) in subsection (b), by inserting “sub-
14 section (a) or” after “duties under”; and

15 (2) in section 12—

16 (A) in subsection (b)—

17 (i) by striking “a year following an
18 election in a political subdivision in which
19 an observer has been assigned” and insert-
20 ing “22 months following an election for
21 Federal office”; and

22 (ii) by adding at the end the following:

23 “Whenever the Attorney General has reason-
24 able grounds to believe that any person has
25 engaged in or is about to engage in an act

1 *in violation of this subsection, the Attorney*
2 *General may institute (in the name of the*
3 *United States) a civil action in Federal dis-*
4 *trict court seeking appropriate relief.”;*

5 *(B) in subsection (c), by inserting “or solici-*
6 *its a violation of” after “conspires to violate”;*
7 *and*

8 *(C) in subsection (e), by striking the first*
9 *and second sentences and inserting the following:*
10 *“If, after the closing of the polls in an election*
11 *for Federal office, persons allege that notwith-*
12 *standing (1) their registration by an appropriate*
13 *election official and (2) their eligibility to vote*
14 *in the political subdivision, their ballots have not*
15 *been counted in such election, and if upon*
16 *prompt receipt of notifications of these allega-*
17 *tions, the Attorney General finds such allegations*
18 *to be well founded, the Attorney General may*
19 *forthwith file with the district court an applica-*
20 *tion for an order providing for the counting and*
21 *certification of the ballots of such persons and re-*
22 *quiring the inclusion of their votes in the total*
23 *vote for all applicable offices before the results of*
24 *such election shall be deemed final and any force*
25 *or effect given thereto.”.*

1 **SEC. 9013. ENFORCEMENT OF VOTING RIGHTS BY ATTOR-**
2 **NEY GENERAL.**

3 *Section 12 of the Voting Rights Act of 1965 (52 U.S.C.*
4 *10308), as amended by this Act, is further amended by add-*
5 *ing at the end the following:*

6 *“(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY*
7 *GENERAL.—*

8 *“(1) IN GENERAL.—In order to fulfill the Attor-*
9 *ney General’s responsibility to enforce this Act and*
10 *other Federal laws that protect the right to vote, the*
11 *Attorney General (or upon designation by the Attor-*
12 *ney General, the Assistant Attorney General for Civil*
13 *Rights) is authorized, before commencing a civil ac-*
14 *tion, to issue a demand for inspection and informa-*
15 *tion in writing to any State or political subdivision,*
16 *or other governmental representative or agent, with*
17 *respect to any relevant documentary material that the*
18 *Attorney General has reason to believe is within their*
19 *possession, custody, or control. A demand by the At-*
20 *torney General under this subsection may require—*

21 *“(A) the production of such documentary*
22 *material for inspection and copying;*

23 *“(B) answers in writing to written ques-*
24 *tions with respect to such documentary material;*

25 *or*

1 “(C) both the production described under
2 subparagraph (A) and the answers described
3 under subparagraph (B).

4 “(2) CONTENTS OF AN ATTORNEY GENERAL DE-
5 MAND.—

6 “(A) IN GENERAL.—Any demand issued
7 under paragraph (1), shall include a sworn cer-
8 tificate to identify the voting qualification or
9 prerequisite to voting or standard, practice, or
10 procedure with respect to voting, or other voting
11 related matter or issue, whose lawfulness the At-
12 torney General is investigating and to identify
13 the Federal law that protects the right to vote
14 under which the investigation is being conducted.
15 The demand shall be reasonably calculated to
16 lead to the discovery of documentary material
17 and information relevant to such investigation.
18 Documentary material includes any material
19 upon which relevant information is recorded,
20 and includes written or printed materials, photo-
21 graphs, tapes, or materials upon which informa-
22 tion is electronically or magnetically recorded.
23 Such demands shall be aimed at the Attorney
24 General having the ability to inspect and obtain
25 copies of relevant materials (as well as obtain

1 *information) related to voting and are not aimed*
2 *at the Attorney General taking possession of*
3 *original records, particularly those that are re-*
4 *quired to be retained by State and local election*
5 *officials under Federal or State law.*

6 “(B) *NO REQUIREMENT FOR PRODUCTION.—Any demand issued under paragraph (1)*
7 *may not require the production of any documen-*
8 *tary material or the submission of any answers*
9 *in writing to written questions if such material*
10 *or answers would be protected from disclosure*
11 *under the standards applicable to discovery re-*
12 *quests under the Federal Rules of Civil Proce-*
13 *dure in an action in which the Attorney General*
14 *or the United States is a party.*

15 “(C) *DOCUMENTARY MATERIAL.—If the de-*
16 *mand issued under paragraph (1) requires the*
17 *production of documentary material, it shall—*

18 “(i) *identify the class of documentary*
19 *material to be produced with such definite-*
20 *ness and certainty as to permit such mate-*
21 *rial to be fairly identified; and*

22 “(ii) *prescribe a return date for pro-*
23 *duction of the documentary material at*
24 *least 20 days after issuance of the demand*
25

1 to give the State or political subdivision, or
2 other governmental representative or agent,
3 a reasonable period of time for assembling
4 the documentary material and making it
5 available for inspection and copying.

6 “(D) ANSWERS TO WRITTEN QUESTIONS.—

7 If the demand issued under paragraph (1) re-
8 quires answers in writing to written questions, it
9 shall—

10 “(i) set forth with specificity the writ-
11 ten question to be answered; and

12 “(ii) prescribe a date at least 20 days
13 after the issuance of the demand for submit-
14 ting answers in writing to the written ques-
15 tions.

16 “(E) SERVICE.—A demand issued under
17 paragraph (1) may be served by a United States
18 marshal or a deputy marshal, or by certified
19 mail, at any place within the territorial juris-
20 diction of any court of the United States.

21 “(3) RESPONSES TO AN ATTORNEY GENERAL DE-
22 MAND.—A State or political subdivision, or other gov-
23 ernmental representative or agent, shall, with respect
24 to any documentary material or any answer in writ-
25 ing produced under this subsection, provide a sworn

1 *certificate, in such form as the demand issued under*
2 *paragraph (1) designates, by a person having knowl-*
3 *edge of the facts and circumstances relating to such*
4 *production or written answer, authorized to act on*
5 *behalf of the State or political subdivision, or other*
6 *governmental representative or agent, upon which the*
7 *demand was served. The certificate—*

8 *“(A) shall state that—*

9 *“(i) all of the documentary material*
10 *required by the demand and in the posses-*
11 *sion, custody, or control of the State or po-*
12 *litical subdivision, or other governmental*
13 *representative or agent, has been produced;*

14 *“(ii) with respect to every answer in*
15 *writing to a written question, all informa-*
16 *tion required by the question and in the*
17 *possession, custody, control, or knowledge of*
18 *the State or political subdivision, or other*
19 *governmental representative or agent, has*
20 *been submitted; or*

21 *“(iii) the requirements described in*
22 *both clause (i) and clause (ii) have been*
23 *met; or*

1 “(B) provide the basis for any objection to
2 producing the documentary material or answer-
3 ing the written question.

4 To the extent that any information is not furnished,
5 the information shall be identified and reasons set
6 forth with particularity regarding the reasons why
7 the information was not furnished.

8 “(4) JUDICIAL PROCEEDINGS.—

9 “(A) PETITION FOR ENFORCEMENT.—When-
10 ever any State or political subdivision, or other
11 governmental representative or agent, fails to
12 comply with demand issued by the Attorney
13 General under paragraph (1), the Attorney Gen-
14 eral may file, in a district court of the United
15 States in which the State or political subdivi-
16 sion, or other governmental representative or
17 agent, is located, a petition for a judicial order
18 enforcing the Attorney General demand issued
19 under paragraph (1).

20 “(B) PETITION TO MODIFY.—

21 “(i) IN GENERAL.—Any State or polit-
22 ical subdivision, or other governmental rep-
23 resentative or agent, that is served with a
24 demand issued by the Attorney General
25 under paragraph (1) may file in the United

1 *States District Court for the District of Co-*
2 *lumbia a petition for an order of the court*
3 *to modify or set aside the demand of the At-*
4 *torney General.*

5 “(ii) *PETITION TO MODIFY.*—*Any peti-*
6 *tion to modify or set aside a demand of the*
7 *Attorney General issued under paragraph*
8 *(1) must be filed within 20 days after the*
9 *date of service of the Attorney General’s de-*
10 *mand or at any time before the return date*
11 *specified in the Attorney General’s demand,*
12 *whichever date is earlier.*

13 “(iii) *CONTENTS OF PETITION.*—*The*
14 *petition shall specify each ground upon*
15 *which the petitioner relies in seeking relief*
16 *under clause (i), and may be based upon*
17 *any failure of the Attorney General’s de-*
18 *mand to comply with the provisions of this*
19 *section or upon any constitutional or other*
20 *legal right or privilege of the State or polit-*
21 *ical subdivision, or other governmental rep-*
22 *resentative or agent. During the pendency of*
23 *the petition in the court, the court may*
24 *stay, as it deems proper, the running of the*
25 *time allowed for compliance with the Attor-*

1 ney General’s demand, in whole or in part,
2 except that the State or political subdivi-
3 sion, or other governmental representative
4 or agent, filing the petition shall comply
5 with any portions of the Attorney General’s
6 demand not sought to be modified or set
7 aside.”.

8 **SEC. 9014. DEFINITIONS.**

9 Title I of the Voting Rights Act of 1965 (52 U.S.C.
10 10301) is amended by adding at the end the following:

11 **“SEC. 21. DEFINITIONS.**

12 *“In this Act:*

13 “(1) *INDIAN.*—The term ‘Indian’ has the mean-
14 ing given the term in section 4 of the Indian Self-De-
15 termination and Education Assistance Act (25 U.S.C.
16 5304).

17 “(2) *INDIAN LANDS.*—The term ‘Indian lands’
18 means—

19 “(A) any Indian country of an Indian
20 tribe, as such term is defined in section 1151 of
21 title 18, United States Code;

22 “(B) any land in Alaska that is owned,
23 pursuant to the Alaska Native Claims Settlement
24 Act, by an Indian tribe that is a Native village
25 (as such term is defined in section 3 of such

1 *Act), or by a Village Corporation that is associ-*
2 *ated with the Indian tribe (as such term is de-*
3 *fined in section 3 of such Act);*

4 “(C) *any land on which the seat of govern-*
5 *ment of the Indian tribe is located; and*

6 “(D) *any land that is part or all of a tribal*
7 *designated statistical area associated with the*
8 *Indian tribe, or is part or all of an Alaska Na-*
9 *tive village statistical area associated with the*
10 *tribe, as defined by the Bureau of the Census for*
11 *the purposes of the most recent decennial census.*

12 “(3) *INDIAN TRIBE.*—*The term ‘Indian Tribe’*
13 *means the recognized governing body of any Indian*
14 *or Alaska Native Tribe, band, nation, pueblo, village,*
15 *community, component band, or component reserva-*
16 *tion, individually identified (including parentheti-*
17 *cally) in the list published most recently pursuant to*
18 *section 104 of the Federally Recognized Indian Tribe*
19 *List Act of 1994 (25 U.S.C. 5131).*

20 “(4) *TRIBAL GOVERNMENT.*—*The term ‘Tribal*
21 *Government’ means the recognized governing body of*
22 *an Indian Tribe.*

23 “(5) *VOTING-AGE POPULATION.*—*The term ‘vot-*
24 *ing-age population’ means the numerical size of the*
25 *population within a State, within a political subdivi-*

1 *sion, or within a political subdivision that contains*
2 *Indian lands, as the case may be, that consists of per-*
3 *sons age 18 or older, as calculated by the Bureau of*
4 *the Census under the most recent decennial census.”.*

5 **SEC. 9015. ATTORNEYS’ FEES.**

6 *Section 14(c) of the Voting Rights Act of 1965 (52*
7 *U.S.C. 10310(c)) is amended by adding at the end the fol-*
8 *lowing:*

9 *“(4) The term ‘prevailing party’ means a party to an*
10 *action that receives at least some of the benefit sought by*
11 *such action, states a colorable claim, and can establish that*
12 *the action was a significant cause of a change to the status*
13 *quo.”.*

14 **SEC. 9016. OTHER TECHNICAL AND CONFORMING AMEND-**
15 **MENTS.**

16 *(a) ACTIONS COVERED UNDER SECTION 3.—Section*
17 *3(c) of the Voting Rights Act of 1965 (52 U.S.C. 10302(c))*
18 *is amended—*

19 *(1) by striking “any proceeding instituted by the*
20 *Attorney General or an aggrieved person under any*
21 *statute to enforce” and inserting “any action under*
22 *any statute in which a party (including the Attorney*
23 *General) seeks to enforce”; and*

1 (2) *by striking “at the time the proceeding was*
2 *commenced” and inserting “at the time the action*
3 *was commenced”.*

4 **(b) CLARIFICATION OF TREATMENT OF MEMBERS OF**
5 **LANGUAGE MINORITY GROUPS.**—*Section 4(f) of such Act*
6 *(52 U.S.C. 10303(f)) is amended—*

7 (1) *in paragraph (1), by striking the second sen-*
8 *tence; and*

9 (2) *by striking paragraphs (3) and (4).*

10 **(c) PERIOD DURING WHICH CHANGES IN VOTING**
11 **PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER SEC-**
12 **TION 5.**—*Section 5 of such Act (52 U.S.C. 10304) is amend-*
13 *ed—*

14 (1) *in subsection (a), by striking “based upon*
15 *determinations made under the first sentence of sec-*
16 *tion 4(b) are in effect” and inserting “are in effect*
17 *during a calendar year”;*

18 (2) *in subsection (a), by striking “November 1,*
19 *1964” and all that follows through “November 1,*
20 *1972” and inserting “the applicable date of coverage”;*
21 *and*

22 (3) *by adding at the end the following new sub-*
23 *section:*

24 “(e) *The term ‘applicable date of coverage’ means, with*
25 *respect to a State or political subdivision—*

1 “(1) *January 1, 2021, if the most recent deter-*
2 *mination for such State or subdivision under section*
3 *4(b) was made during the first calendar year in*
4 *which determinations are made following the date of*
5 *enactment of the John R. Lewis Voting Rights Ad-*
6 *vancement Act of 2021; or*

7 “(2) *the date on which the most recent deter-*
8 *mination for such State or subdivision under section*
9 *4(b) was made following the date of enactment of the*
10 *John R. Lewis Voting Rights Advancement Act of*
11 *2021, if the most recent determination for such State*
12 *or subdivision under section 4(b) was made after the*
13 *first calendar year in which determinations are made*
14 *following the date of enactment of the John R. Lewis*
15 *Voting Rights Advancement Act of 2021.”.*

16 *(d) REVIEW OF PRECLEARANCE SUBMISSION UNDER*
17 *SECTION 5 DUE TO EXIGENCY.—Section 5 of such Act (52*
18 *U.S.C. 10304) is amended, in subsection (a), by inserting*
19 *“An exigency, including a natural disaster, inclement*
20 *weather, or other unforeseeable event, requiring such dif-*
21 *ferent qualification, prerequisite, standard, practice, or pro-*
22 *cedure within 30 days of a Federal, State, or local election*
23 *shall constitute good cause requiring the Attorney General*
24 *to expedite consideration of the submission. To the extent*
25 *feasible, expedited consideration shall consider the views of*

1 *individuals affected by the different qualification, pre-*
2 *requisite, standard, practice, or procedure.” after “will not*
3 *be made.”.*

4 **SEC. 9017. SEVERABILITY.**

5 *If any provision of the John R. Lewis Voting Rights*
6 *Advancement Act of 2021 or any amendment made by this*
7 *title, or the application of such a provision or amendment*
8 *to any person or circumstance, is held to be unconstitu-*
9 *tional or is otherwise enjoined or unenforceable, the remain-*
10 *der of this title and amendments made by this title, and*
11 *the application of the provisions and amendments to any*
12 *other person or circumstance, and any remaining provision*
13 *of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.),*
14 *shall not be affected by the holding. In addition, if any pro-*
15 *vision of the Voting Rights Act of 1965 (52 U.S.C. 10301*
16 *et seq.), or any amendment to the Voting Rights Act of*
17 *1965, or the application of such a provision or amendment*
18 *to any person or circumstance, is held to be unconstitu-*
19 *tional or is otherwise enjoined or unenforceable, the appli-*
20 *cation of the provision and amendment to any other person*
21 *or circumstance, and any remaining provisions of the Vot-*
22 *ing Rights Act of 1965, shall not be affected by the holding.*

1 **SEC. 9018. GRANTS TO ASSIST WITH NOTICE REQUIRE-**
2 **MENTS UNDER THE VOTING RIGHTS ACT OF**
3 **1965.**

4 (a) *IN GENERAL.*—*The Attorney General shall make*
5 *grants each fiscal year to small jurisdictions who submit*
6 *applications under subsection (b) for purposes of assisting*
7 *such small jurisdictions with compliance with the require-*
8 *ments of the Voting Rights Act of 1965 to submit or publish*
9 *notice of any change to a qualification, prerequisite, stand-*
10 *ard, practice or procedure affecting voting.*

11 (b) *APPLICATION.*—*To be eligible for a grant under*
12 *this section, a small jurisdiction shall submit an applica-*
13 *tion to the Attorney General in such form and containing*
14 *such information as the Attorney General may require re-*
15 *garding the compliance of such small jurisdiction with the*
16 *provisions of the Voting Rights Act of 1965.*

17 (c) *SMALL JURISDICTION DEFINED.*—*For purposes of*
18 *this section, the term “small jurisdiction” means any polit-*
19 *ical subdivision of a State with a population of 10,000 or*
20 *less.*

21 ***Subtitle B—Election Worker and***
22 ***Polling Place Protection***

23 **SEC. 9101. SHORT TITLE.**

24 *This title may be cited as the “Election Worker and*
25 *Polling Place Protection Act”.*

1 **SEC. 9102. ELECTION WORKER AND POLLING PLACE PRO-**
2 **TECTION.**

3 *Section 11 of the Voting Rights Act of 1965 (52 U.S.C.*
4 *10307) is amended by adding at the end the following:*

5 *“(f)(1) Whoever, whether or not acting under color of*
6 *law, by force or threat of force, or violence, or threat of harm*
7 *to any person or property, willfully intimidates or inter-*
8 *feres with, or attempts to intimidate or interfere with, the*
9 *ability of any person or any class of persons to vote or qual-*
10 *ify to vote, or to qualify or act as a poll watcher, or any*
11 *legally authorized election official, in any primary, special,*
12 *or general election, or any person who is, or is employed*
13 *by, an agent, contractor, or vendor of a legally authorized*
14 *election official assisting in the administration of any pri-*
15 *mary, special, or general election, shall be fined not more*
16 *than \$5,000, or imprisoned not more than one year, or both;*
17 *and if bodily injury results from the acts committed in vio-*
18 *lation of this paragraph or if such acts include the use, at-*
19 *tempted use, or threatened use of a dangerous weapon, ex-*
20 *plosives, or fire, shall be fined not more than \$5,000 or im-*
21 *prisoned not more than 5 years, or both.*

22 *“(2) Whoever, whether or not acting under color of law,*
23 *willfully physically damages or threatens to physically*
24 *damage any physical property being used as a polling place*
25 *or tabulation center or other election infrastructure, with*
26 *the intent to interfere with the administration of an election*

1 *or the tabulation or certification of votes, shall be fined not*
2 *more than \$5,000, or imprisoned not more than one year,*
3 *or both; and if bodily injury results from the acts committed*
4 *in violation of this paragraph or if such acts include the*
5 *use, attempted use, or threatened use of a dangerous weap-*
6 *on, explosives, or fire, shall be fined not more than \$5,000*
7 *or imprisoned not more than 5 years, or both.*

8 “(3) *For purposes of this subsection, de minimus dam-*
9 *age or threats of de minimus damage to physical property*
10 *shall not be considered a violation of this subsection.*

11 “(4) *For purposes of this subsection, the term ‘election*
12 *infrastructure’ means any office of an election official, staff,*
13 *worker, or volunteer or any physical, mechanical, or elec-*
14 *trical device, structure, or tangible item used in the process*
15 *of creating, distributing, voting, returning, counting, tab-*
16 *ulating, auditing, storing, or other handling of voter reg-*
17 *istration or ballot information.*

18 “(g) *No prosecution of any offense described in this*
19 *subsection may be undertaken by the United States, except*
20 *under the certification in writing of the Attorney General,*
21 *or a designee, that—*

22 “(1) *the State does not have jurisdiction;*

23 “(2) *the State has requested that the Federal*
24 *Government assume jurisdiction; or*

1 *tionship between the United States and sovereign In-*
2 *Indian Tribes for congressional authority to enact “leg-*
3 *islation that singles out Indians for particular and*
4 *special treatment”. Morton v. Mancari, 417 U.S. 535,*
5 *554–555 (1974).*

6 (4) *Legislation removing barriers to Native*
7 *American voting is vital for the fulfillment of Con-*
8 *gress’ “unique obligation” toward Indians, particu-*
9 *larly ensuring that Native American voters are fully*
10 *included as “qualified members of the modern body*
11 *politic”. Board of County Comm’rs v. Seber, 318 U.S.*
12 *705, 715 (1943).*

13 (5) *Under the Elections Clause of article I, sec-*
14 *tion 4 of the Constitution, Congress has additional*
15 *power to regulate any election conducted to select*
16 *Members of Congress. Taken together, the Indian*
17 *Commerce Clause and the Election Clause give Con-*
18 *gress broad authority to enact legislation to safeguard*
19 *the voting rights of Native American voters.*

20 (6) *Despite Congress’ decision to grant Native*
21 *Americans Federal citizenship, and with it the protec-*
22 *tions of the Fifteenth Amendment, with passage of the*
23 *Act of June 2, 1924 (Chapter 233; 43 Stat. 253)*
24 *(commonly known as the “Indian Citizenship Act of*
25 *1924”), States continued to deploy distinct methods*

1 *for disenfranchising Indians by enacting statutes to*
2 *exclude from voter rolls Indians living on Indian*
3 *lands, requiring that Indians first terminate their re-*
4 *lationship with their Indian Tribe, restricting the*
5 *right to vote on account of a Tribal member’s “guard-*
6 *ianship” status, and imposing literacy tests.*

7 *(7) Barriers to voter access for Native Americans*
8 *persist today, and such barriers range from obstruct-*
9 *ing voter access to vote dilution and intentional mal-*
10 *apportionment of electoral districts.*

11 *(8) The Native American Voting Rights Coal-*
12 *ition’s nine field hearings in Indian Country and*
13 *four-State survey of voter discrimination revealed a*
14 *number of additional obstacles that Native Americans*
15 *must overcome in some States, including—*

16 *(A) a lack of accessible registration and*
17 *polling sites, either due to conditions such as ge-*
18 *ography, lack of paved roads, the absence of reli-*
19 *able and affordable broadband connectivity, and*
20 *restrictions on the time, place, and manner that*
21 *eligible people can register and vote, including*
22 *unequal opportunities for absentee, early, mail-*
23 *in, and in-person voting;*

24 *(B) nontraditional or nonexistent addresses*
25 *for residents on Indian reservations, lack of resi-*

1 *dential mail delivery and pick up, reliance on*
2 *distant post offices with abbreviated operating*
3 *hours for mail services, insufficient housing*
4 *units, overcrowded homes, and high incidence of*
5 *housing insecurity and homelessness, lack of ac-*
6 *cess to vehicles, and disproportionate poverty*
7 *which make voter registration, acquisition and*
8 *dropping off of mail-in ballots, receipt of voting*
9 *information and materials, and securing re-*
10 *quired identification difficult, if not impossible;*

11 *(C) inadequate language assistance for*
12 *Tribal members, including lack of outreach and*
13 *publicity, the failure to provide complete, accu-*
14 *rate, and uniform translations of all voting ma-*
15 *terials in the relevant Native language, and an*
16 *insufficient number of trained bilingual poll*
17 *workers; and*

18 *(D) voter identification laws that discrimi-*
19 *nate against Native Americans.*

20 *(9) The Department of Justice and courts also*
21 *recognized that some jurisdictions have been unre-*
22 *sponsive to reasonable requests from federally recog-*
23 *nized Indian Tribes for more accessible voter registra-*
24 *tion sites and in-person voting locations.*

1 (10) *According to the National Congress of*
2 *American Indians, there is a wide gap between the*
3 *voter registration and turnout rates of eligible Amer-*
4 *ican Indians and Alaska Natives and the voter reg-*
5 *istration and turnout rates of non-Hispanic White*
6 *and other racial and ethnic groups.*

7 (11) *Despite these obstacles, the Native American*
8 *vote continues to play a significant role in Federal,*
9 *State, and local elections.*

10 (12) *In Alaska, New Mexico, Oklahoma, and*
11 *South Dakota, Native Americans, American Indians,*
12 *and Alaska Natives comprise approximately 10 per-*
13 *cent or more of the voting population.*

14 (13) *The Native American vote also holds great*
15 *potential, with over 1,000,000 voters who are eligible*
16 *to vote, but are not registered to vote.*

17 (b) *PURPOSES.—The purposes of this title are—*

18 (1) *to fulfill the Federal Government's trust re-*
19 *sponsibility to protect and promote Native Ameri-*
20 *cans' exercise of their constitutionally guaranteed*
21 *right to vote, including the right to register to vote*
22 *and the ability to access all mechanisms for voting;*

23 (2) *to establish Tribal administrative review*
24 *procedures for a specific subset of State actions that*

1 *have been used to restrict access to the polls on Indian*
2 *lands;*

3 *(3) to expand voter registration under the Na-*
4 *tional Voter Registration Act of 1993 (52 U.S.C.*
5 *20501 et seq.) to cover Federal facilities;*

6 *(4) to afford equal treatment to forms of identi-*
7 *fication unique to Indian Tribes and their members;*

8 *(5) to ensure American Indians and Alaska Na-*
9 *tives experiencing homelessness, housing insecurity, or*
10 *lacking residential mail pickup and delivery can pool*
11 *resources to pick up and return ballots;*

12 *(6) to clarify the obligations of States and polit-*
13 *ical subdivisions regarding the provision of translated*
14 *voting materials for American Indians and Alaska*
15 *Natives under section 203 of the Voting Rights Act of*
16 *1965 (52 U.S.C. 10503);*

17 *(7) to provide Tribal leaders with a direct path-*
18 *way to request Federal election observers and to allow*
19 *public access to the reports of those election observers;*

20 *(8) to study the prevalence of nontraditional or*
21 *nonexistent mailing addresses in Native communities*
22 *and identify solutions to voter access that arise from*
23 *the lack of an address; and*

1 (9) to direct the Department of Justice to consult
2 on an annual basis with Indian Tribes on issues re-
3 lated to voting.

4 **SEC. 9203. DEFINITIONS.**

5 *In this title:*

6 (1) *ATTORNEY GENERAL.*—The term “Attorney
7 General” means the United States Attorney General.

8 (2) *INDIAN; INDIAN LANDS; INDIAN TRIBE.*—The
9 terms “Indian”, “Indian lands”, and “Indian Tribe”
10 have the meanings given those terms in section 21 of
11 the Voting Rights Act of 1965 (as added by section
12 9014 of this Act).

13 (3) *POLLING PLACE.*—The term “polling place”
14 means any location where a ballot is cast in elections
15 for Federal office, and includes a voter center, poll,
16 polling location, or polling place, depending on the
17 State nomenclature.

18 **SEC. 9204. ESTABLISHMENT OF A NATIVE AMERICAN VOT-**
19 **ING TASK FORCE GRANT PROGRAM.**

20 (a) *IN GENERAL.*—The United States Election Assist-
21 ance Commission (referred to in this section as the “Com-
22 mission”) shall establish and administer, in coordination
23 with the Department of the Interior, a Native American
24 voting task force grant program, through which the Com-
25 mission shall provide financial assistance to eligible appli-

1 *cants to enable those eligible applicants to establish and op-*
2 *erate a Native American Voting Task Force in each State*
3 *with a federally recognized Indian Tribe.*

4 (b) *PURPOSES.*—*The purposes of the Native American*
5 *voting task force grant program are to—*

6 (1) *increase voter outreach, education, registra-*
7 *tion, and turnout in Native American communities;*

8 (2) *increase access to the ballot for Native Amer-*
9 *ican communities, including additional satellite,*
10 *early voting, and absentee voting locations;*

11 (3) *streamline and reduce inconsistencies in the*
12 *voting process for Native Americans;*

13 (4) *provide, in the community’s dominant lan-*
14 *guage, educational materials and classes on Indian*
15 *lands about candidacy filing;*

16 (5) *train and educate State and local employees,*
17 *including poll workers, about—*

18 (A) *the language assistance and voter assist-*
19 *ance requirements under sections 203 and 208 of*
20 *the Voting Rights Act of 1965 (52 U.S.C. 10503;*
21 *10508);*

22 (B) *voter identification laws as affected by*
23 *section 9008 of this title; and*

24 (C) *the requirements of Tribes, States, and*
25 *precincts established under this title;*

1 (6) *identify model programs and best practices*
2 *for providing language assistance to Native American*
3 *communities;*

4 (7) *provide nonpartisan poll watchers on election*
5 *day in Native American communities;*

6 (8) *participate in and evaluate future redistricting*
7 *efforts;*

8 (9) *address issues of internet connectivity as it*
9 *relates to voter registration and ballot access in Na-*
10 *tive American communities;*

11 (10) *work with Indian Tribes, States, and the*
12 *Federal Government to establish mailing addresses*
13 *that comply with applicable State and Federal re-*
14 *quirements for receipt of voting information and ma-*
15 *terials; and*

16 (11) *facilitate collaboration between local election*
17 *officials, Native American communities, and Tribal*
18 *elections offices.*

19 (c) *ELIGIBLE APPLICANT.*—*The term “eligible appli-*
20 *cant” means—*

21 (1) *an Indian Tribe;*

22 (2) *a Secretary of State of a State, or another*
23 *official of a State entity responsible for overseeing*
24 *elections;*

1 (3) a nonprofit organization that works, in
2 whole or in part, on voting issues; or

3 (4) a consortium of entities described in para-
4 graphs (1) through (3).

5 (d) *APPLICATION AND SELECTION PROCESS.*—

6 (1) *IN GENERAL.*—*The Commission, in coordina-*
7 *tion with the Department of the Interior and fol-*
8 *lowing consultation with Indian Tribes about the im-*
9 *plementation of the Native American voting task force*
10 *grant program, shall establish guidelines for the proc-*
11 *ess by which eligible applicants will submit applica-*
12 *tions.*

13 (2) *APPLICATIONS.*—*Each eligible applicant de-*
14 *siring a grant under this section shall submit an ap-*
15 *plication, according to the process established under*
16 *paragraph (1), and at such time, in such manner,*
17 *and containing such information as the Commission*
18 *may require. Such application shall include—*

19 (A) a certification that the applicant is an
20 eligible applicant;

21 (B) a proposed work plan addressing how
22 the eligible applicant will establish and admin-
23 ister a Native American Voting Task Force that
24 achieves the purposes described in subsection (b);

1 (C) if the eligible applicant is a consortium
2 as described in subsection (c)(4), a description of
3 the proposed division of responsibilities between
4 the participating entities;

5 (D) an explanation of the time period that
6 the proposed Native American Voting Task Force
7 will cover, which shall be a time period that is
8 not more than 3 years; and

9 (E) the goals that the eligible applicant de-
10 sires to achieve with the grant funds.

11 (e) *USES OF FUNDS.*—A grantee receiving funds under
12 this section shall use such funds to carry out one or more
13 of the activities described in subsection (b), through the
14 grantee’s Native American Voting Task Force.

15 (f) *REPORTS.*—

16 (1) *REPORT TO THE COMMISSION.*—

17 (A) *IN GENERAL.*—Not later than 1 year
18 after the date on which an eligible applicant re-
19 ceives grant funds under this section, and annu-
20 ally thereafter for the duration of the grant, each
21 eligible applicant shall prepare and submit a
22 written report to the Commission describing the
23 eligible applicant’s progress in achieving the
24 goals outlined in the application under sub-
25 section (d)(2).

1 (B) *RESPONSE*.—Not later than 30 days
2 after the date on which the Commission receives
3 the report described in paragraph (1), the Com-
4 mission will provide feedback, comments, and
5 input to the eligible applicant in response to
6 such report.

7 (2) *REPORT TO CONGRESS*.—Not later than 1
8 year after the date of enactment of this title, and an-
9 nually thereafter, the Commission shall prepare and
10 submit a report to the Committee on Indian Affairs
11 of the Senate and Committee on Natural Resources of
12 the House of Representatives containing the results of
13 the reports described under paragraph (1).

14 (g) *RELATIONSHIP WITH OTHER LAWS*.—Nothing in
15 this section reduces State or local obligations provided for
16 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.),
17 the National Voter Registration Act of 1993 (52 U.S.C.
18 20501 et seq.), the Help America Vote Act of 2002 (52
19 U.S.C. 20901 et seq.), or any other Federal law or regula-
20 tion related to voting or the electoral process.

21 (h) *AUTHORIZATION OF APPROPRIATIONS*.—There are
22 authorized to be appropriated to carry out this section
23 \$10,000,000 for each of fiscal years 2022 through 2037.

1 **SEC. 9205. VOTER REGISTRATION SITES AT INDIAN SERVICE**
2 **PROVIDERS AND ON INDIAN LANDS.**

3 *Section 7(a) of the National Voter Registration Act of*
4 *1993 (52 U.S.C. 20506(a)) is amended—*

5 *(1) in paragraph (2)—*

6 *(A) in subparagraph (A), by striking “and”*
7 *after the semicolon;*

8 *(B) in subparagraph (B), by striking the*
9 *period at the end and inserting a semicolon; and*

10 *(C) by adding at the end the following:*

11 *“(C) any Federal facility or federally fund-*
12 *ed facility that is primarily engaged in pro-*
13 *viding services to an Indian Tribe; and*

14 *“(D) not less than one Federal facility or*
15 *federally funded facility that is located within*
16 *the Indian lands of an Indian Tribe, as applica-*
17 *ble, (which may be the Federal facility or feder-*
18 *ally funded facility described in subparagraph*
19 *(C)).”;* and

20 *(2) by adding at the end the following:*

21 *“(8) Where practicable, each Federal agency that*
22 *operates a Federal facility or a federally funded facil-*
23 *ity that is a designated voter registration agency in*
24 *accordance with subparagraph (C) or (D) of para-*
25 *graph (2) shall designate one or more special days per*
26 *year at a centralized location within the boundaries*

1 *of the Indian lands of each applicable Indian Tribe*
2 *for the purpose of informing members of the Indian*
3 *Tribe of the timing, registration requirements, and*
4 *voting procedures in elections for Federal office, at no*
5 *cost to the Indian Tribe.”.*

6 **SEC. 9206. ACCESSIBLE TRIBAL DESIGNATED POLLING**
7 **SITES.**

8 *(a) IN GENERAL.—*

9 *(1) DESIGNATION OF STATE OFFICER.—Each of*
10 *the several States whose territory contains all or part*
11 *of an Indian Tribe’s Indian lands shall designate an*
12 *officer within that State who will be responsible for*
13 *compliance with the provisions of this section and*
14 *who shall periodically consult with the Indian Tribes*
15 *located wholly or partially within that State regard-*
16 *ing compliance with the provisions of this section and*
17 *coordination between the State and the Indian Tribe.*
18 *The State shall provide written notice to each such*
19 *Indian Tribe of the officer so designated.*

20 *(2) PROVISION OF POLLING PLACES.—For each*
21 *Indian Tribe that satisfies the obligations of sub-*
22 *section (c), and for each election for a Federal official*
23 *or State official that is held 180 days or later after*
24 *the date on which the Indian Tribe initially satisfies*
25 *such obligations, any State or political subdivision*

1 *whose territory contains all or part of an Indian*
2 *Tribe's Indian lands—*

3 *(A) shall provide a minimum of one polling*
4 *place in each precinct in which there are eligible*
5 *voters who reside on Indian lands, in a location*
6 *selected by the Indian Tribe and at no cost to the*
7 *Indian Tribe, regardless of the population or*
8 *number of registered voters residing on Indian*
9 *lands;*

10 *(B) shall not reduce the number of polling*
11 *locations on Indian lands based on population*
12 *numbers;*

13 *(C) shall provide, at no cost to the Indian*
14 *Tribe, additional polling places in locations on*
15 *Indian lands selected by an Indian Tribe and re-*
16 *quested under subsection (c) if, based on the to-*
17 *talities of circumstances described in subsection*
18 *(b), it is shown that not providing those addi-*
19 *tional polling places would result in members of*
20 *the Indian Tribe and living on Indian lands or*
21 *other individuals residing on the Indian Tribe's*
22 *Indian lands having less opportunity to vote*
23 *than eligible voters in that State or political sub-*
24 *division who are not members of an Indian*
25 *Tribe or do not reside on Indian lands;*

1 (D) shall, at each polling place located on
2 Indian lands and at no cost to the Indian Tribe,
3 make voting machines, tabulation machines, offi-
4 cial receptacles designated for the return of com-
5 pleted absentee ballots, ballots, provisional bal-
6 lots, and other voting materials available to the
7 same or greater extent that such equipment and
8 materials are made available at other polling
9 places in the State or political subdivision that
10 are not located on Indian lands;

11 (E) shall, at each polling place located on
12 Indian lands, conduct the election using the
13 same voting procedures that are used at other
14 polling places in the State or political subdivi-
15 sion that are not located on Indian lands, or
16 other voting procedures that provide greater ac-
17 cess for voters;

18 (F) shall, at each polling place located on
19 Indian lands and at no cost to the Indian Tribe,
20 make voter registration available during the pe-
21 riod the polling place is open to the maximum
22 extent allowable under State law;

23 (G) shall, at each polling place located on
24 Indian lands, provide training, compensation,
25 and other benefits to election officials and poll

1 *workers at no cost to the Indian Tribe and, at*
2 *a minimum, to the same or greater extent that*
3 *such training, compensation, and benefits are*
4 *provided to election officials and poll workers at*
5 *other polling places in the State or political sub-*
6 *division that are not located on Indian lands;*

7 *(H) shall, in all cases, provide the Indian*
8 *Tribe an opportunity to designate election offi-*
9 *cial and poll workers to staff polling places*
10 *within the Indian lands of the applicable Indian*
11 *Tribe on every day that the polling places will*
12 *be open;*

13 *(I) shall allow for any eligible voting mem-*
14 *ber of the Indian Tribe or any eligible voting in-*
15 *dividual residing on Indian lands to vote early*
16 *or in person at any polling place on Indian*
17 *lands, regardless of that member or individual's*
18 *residence or residential address, and shall not re-*
19 *ject the ballot of any such member or individual*
20 *on the grounds that the ballot was cast at the*
21 *wrong polling place; and*

22 *(J) may fulfill the State's obligations under*
23 *subparagraphs (A) and (C) by relocating exist-*
24 *ing polling places, by creating new polling*
25 *places, or both.*

1 **(b) *EQUITABLE OPPORTUNITIES TO VOTE.***—

2 **(1) *IN GENERAL.***—*When assessing the opportuni-*
3 *ties to vote provided to members of an Indian Tribe*
4 *and to other eligible voters in the State residing on*
5 *Indian lands in order to determine the number of ad-*
6 *ditional polling places (if any) that a State or polit-*
7 *ical subdivision must provide in accordance with sub-*
8 *section (a)(2)(C), the State, political subdivision, or*
9 *any court applying this section, shall consider the to-*
10 *talities of circumstances of—*

11 **(A)** *the number of voting-age citizens as-*
12 *signed to each polling place;*

13 **(B)** *the distances that voters must travel to*
14 *reach the polling places;*

15 **(C)** *the time that voters must spend trav-*
16 *eling to reach the polling places, including under*
17 *inclement weather conditions;*

18 **(D)** *the modes of transportation, if any,*
19 *that are regularly and broadly available to vot-*
20 *ers to use to reach the polling places;*

21 **(E)** *the existence of and access to frequent*
22 *and reliable public transportation to the polling*
23 *places;*

24 **(F)** *the length of lines and time voters wait-*
25 *ed to cast a ballot in previous elections; and*

1 (G) any other factor relevant to effectuating
2 the aim of achieving equal voting opportunity
3 for individuals living on Indian lands.

4 (2) *ABSENCE OF FACTORS.*—When assessing the
5 opportunities to vote in accordance with paragraph
6 (1), the State, political subdivision, or court shall en-
7 sure that each factor described in paragraph (1) is
8 considered regardless of whether any one factor would
9 lead to a determination not to provide additional
10 polling places under subsection (a)(2)(C).

11 (c) *FORM; PROVISION OF FORM; OBLIGATIONS OF THE*
12 *INDIAN TRIBE.*—

13 (1) *FORM.*—The Attorney General shall establish
14 the form described in this subsection through which
15 an Indian Tribe can fulfill its obligations under this
16 subsection.

17 (2) *PROVISION OF FORM.*—Each State or polit-
18 ical subdivision whose territory contains all or part
19 of an Indian Tribe’s Indian lands—

20 (A) shall provide the form established under
21 paragraph (1) to each applicable Indian Tribe
22 not less than 30 days prior to the deadline set
23 by the State or political subdivision for comple-
24 tion of the obligations under this subsection
25 (which deadline shall be not less than 30 days

1 *prior to a Federal election) whereby an Indian*
2 *Tribe can fulfill its obligations under this sub-*
3 *section by providing the information described in*
4 *paragraph (3) on that form and submitting the*
5 *form back to the applicable State or political*
6 *subdivision by such deadline;*

7 *(B) shall not edit the form established under*
8 *paragraph (1) or apply any additional obliga-*
9 *tions on the Indian Tribe with respect to this*
10 *section; and*

11 *(C) shall cooperate in good faith with the ef-*
12 *forts of the Indian Tribe to satisfy the require-*
13 *ments of this subsection.*

14 (3) *OBLIGATIONS OF THE INDIAN TRIBE.—The*
15 *requirements for a State and political subdivision*
16 *under subsection (a)(2) shall apply with respect to an*
17 *Indian Tribe once an Indian Tribe meets the fol-*
18 *lowing obligations by completing the form specified in*
19 *paragraph (1):*

20 *(A) The Indian Tribe specifies the number*
21 *and locations of requested polling places, early*
22 *voting locations, and ballot drop boxes to be pro-*
23 *vided on the Indian lands of that Indian Tribe.*

24 *(B) The Indian Tribe certifies that curbside*
25 *voting will be available for any facilities that*

1 *lack accessible entrances and exits in accordance*
2 *with Federal and State law.*

3 *(C) The Indian Tribe certifies that the In-*
4 *Indian Tribe will ensure that each such requested*
5 *polling place will be open and available to all el-*
6 *igible voters who reside in the precinct or other*
7 *geographic area assigned to such polling place,*
8 *regardless of whether such eligible voters are*
9 *members of the Indian Tribe or of any other In-*
10 *Indian Tribe.*

11 *(D) The Indian Tribe requests that the*
12 *State or political subdivision shall designate*
13 *election officials and poll workers to staff such*
14 *requested polling places, or certifies that the In-*
15 *Indian Tribe will designate election officials and*
16 *poll workers to staff such polling places on every*
17 *day that the polling places will be open.*

18 *(E) The Indian Tribe may request that the*
19 *State or political subdivision provide absentee*
20 *ballots without requiring an excuse, an absentee*
21 *ballot request, or residential address to all eligi-*
22 *ble voters who reside in the precinct or other geo-*
23 *graphic area assigned to such polling place, re-*
24 *gardless of whether such eligible voters are mem-*

1 *bers of the Indian Tribe or of any other Indian*
2 *Tribe.*

3 (4) *ESTABLISHED POLLING PLACES.*—*Once a*
4 *polling place is established under subsection (a)(2)(A)*
5 *or subsection (a)(2)(C) the Tribe need not fill out the*
6 *form designated under paragraph (1) again unless or*
7 *until that Indian Tribe requests modifications to the*
8 *requests specified in the most recent form under para-*
9 *graph (1).*

10 (5) *OPT OUT.*—*At any time that is 60 days or*
11 *more before the date of an election, an Indian Tribe*
12 *that previously has satisfied the obligations of para-*
13 *graph (3) may notify the State or political subdivi-*
14 *sion that the Indian Tribe intends to opt out of the*
15 *standing obligation for one or more polling places*
16 *that were established in accordance with subsection*
17 *(a)(2)(A) or subsection (a)(2)(C) for a particular elec-*
18 *tion or for all future elections. A Tribe may opt back*
19 *in at any time.*

20 (d) *FEDERAL POLLING SITES.*—*Each State shall des-*
21 *ignate as voter polling facilities any of the facilities identi-*
22 *fied in accordance with subparagraph (C) or (D) of section*
23 *7(a)(2) of the National Voter Registration Act of 1993 (52*
24 *U.S.C. 20506(a)(2)), at no cost to the Indian Tribe, pro-*
25 *vided that the facility meets the requirements of Federal*

1 *and State law as applied to other polling places within the*
2 *State or political subdivision. The applicable agency of the*
3 *Federal Government shall ensure that such designated fa-*
4 *cilities are made available as polling places.*

5 *(e) MAIL-IN BALLOTING.—In States or political sub-*
6 *divisions that permit absentee or mail-in balloting, the fol-*
7 *lowing shall apply with respect to an election for Federal*
8 *office:*

9 *(1) An Indian Tribe may designate at least one*
10 *building per precinct as a ballot pickup and collec-*
11 *tion location (referred to in this section as a “tribally*
12 *designated buildings”) at no cost to the Indian Tribe.*
13 *The applicable State or political subdivision shall col-*
14 *lect and timely deposit all ballots from each tribally*
15 *designated building.*

16 *(2) At the applicable Tribe’s request, the State or*
17 *political subdivision shall provide mail-in and absen-*
18 *tee ballots to each registered voter residing on Indian*
19 *lands in the State or political subdivision without re-*
20 *quiring a residential address, a mail-in or absentee*
21 *ballot request, or an excuse for a mail-in or absentee*
22 *ballot.*

23 *(3) The address of a tribally designated building*
24 *may serve as the residential address and mailing ad-*
25 *dress for voters living on Indian lands if the tribally*

1 *designated building is in the same precinct as that*
2 *voter.*

3 *(4) If there is no tribally designated building*
4 *within the precinct of a voter residing on Indian*
5 *lands (including if the tribally designated building is*
6 *on Indian lands but not in the same precinct as the*
7 *voter), the voter may—*

8 *(A) use another tribally designated building*
9 *within the Indian lands where the voter is lo-*
10 *cated; or*

11 *(B) use such tribally designated building as*
12 *a mailing address and may separately designate*
13 *the voter's appropriate precinct through a de-*
14 *scription of the voter's address, as specified in*
15 *section 9428.4(a)(2) of title 11, Code of Federal*
16 *Regulations.*

17 *(5) In the case of a State or political subdivision*
18 *that is a covered State or political subdivision under*
19 *section 203 of the Voting Rights Act of 1965 (52*
20 *U.S.C. 10503), that State or political subdivision*
21 *shall provide absentee or mail-in voting materials*
22 *with respect to an election for Federal office in the*
23 *language of the applicable minority group as well as*
24 *in the English language, bilingual election voting as-*
25 *sistance, and written translations of all voting mate-*

1 *rials in the language of the applicable minority*
2 *group, as required by section 203 of the Voting Rights*
3 *Act of 1965 (52 U.S.C. 10503), as amended by this*
4 *title.*

5 *(6) A State or political division shall make rea-*
6 *sonable efforts to contact a voter who resides within*
7 *Indian lands located within its jurisdiction and offer*
8 *such voter a reasonable opportunity to cure any defect*
9 *in an absentee ballot issued to and completed and re-*
10 *turned by the voter, or appearing on or pertaining to*
11 *the materials provided for the purpose of returning*
12 *the absentee ballot, if State law would otherwise re-*
13 *quire the absentee ballot to be rejected due to such de-*
14 *fect and the defect does not compromise ballot secrecy*
15 *or involve a lack of witness or assistant signature,*
16 *where such signature is mandated by State law.*

17 *(7) In a State or political subdivision that does*
18 *not permit absentee or mail-in balloting for all eligi-*
19 *ble voters in the State or political subdivision, that*
20 *State or political subdivision shall nonetheless provide*
21 *for absentee or mail-in balloting for voters who reside*
22 *on Indian lands consistent with this section if the*
23 *State, political subdivision, or any court applying*
24 *this section determines that the totality of cir-*
25 *cumstances described in subsection (b) warrants es-*

1 *tablishment of absentee or mail-in balloting for voters*
2 *who reside on Indian lands located within the juris-*
3 *isdiction of the State or political subdivision.*

4 *(f) BALLOT DROP BOXES.—Each State shall—*

5 *(1) provide not less than one ballot drop box for*
6 *each precinct on Indian lands, at no cost to the In-*
7 *dian Tribe, at either the tribally designated building*
8 *under subsection (e)(2) or an alternative site selected*
9 *by the applicable Indian Tribe; and*

10 *(2) provide additional drop boxes at either the*
11 *tribally designated building under subsection (e)(2) or*
12 *an alternative site selected by the applicable Indian*
13 *Tribe if the State or political subdivision determines*
14 *that additional ballot drop boxes should be provided*
15 *based on the criteria considered under the totality of*
16 *circumstances enumerated under subsection (b).*

17 *(g) EARLY VOTING.—*

18 *(1) EARLY VOTING LOCATIONS.—In a State or*
19 *political subdivision that permits early voting in an*
20 *election for Federal office, that State or political sub-*
21 *division shall provide not less than one early voting*
22 *location for each precinct on Indian lands, at no cost*
23 *to the Indian Tribe, at a site selected by the applica-*
24 *ble Indian Tribe, to allow individuals living on In-*
25 *dian lands to vote during an early voting period in*

1 *the same manner as early voting is allowed on such*
2 *date in the rest of the State or precinct. Additional*
3 *early voting sites shall be determined based on the cri-*
4 *teria considered under the totality of circumstances*
5 *described in subsection (b).*

6 (2) *LENGTH OF PERIOD.—In a State or political*
7 *subdivision that permits early voting in an election*
8 *for Federal office, that State or political subdivision*
9 *shall provide an early voting period with respect to*
10 *that election that shall consist of a period of consec-*
11 *utive days (including weekends) which begins on the*
12 *15th day before the date of the election (or, at the op-*
13 *tion of the State or political subdivision, on a day*
14 *prior to the 15th day before the date of the election)*
15 *and ends on the date of the election for all early vot-*
16 *ing locations on Indian lands.*

17 (3) *MINIMUM EARLY VOTING REQUIREMENTS.—*
18 *Each polling place that allows voting during an early*
19 *voting period under this subsection shall—*

20 (A) *allow such voting for no less than 10*
21 *hours on each day;*

22 (B) *have uniform hours each day for which*
23 *such voting occurs; and*

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

4 (4) *BALLOT PROCESSING AND SCANNING RE-*
5 *QUIREMENTS.*—

6 (A) *IN GENERAL.*—*To the greatest extent*
7 *practicable, ballots cast during the early voting*
8 *period in an election for Federal office at voting*
9 *locations and drop boxes on Indian lands shall*
10 *be processed and scanned for tabulation in ad-*
11 *vance of the close of polls on the date of the elec-*
12 *tion.*

13 (B) *LIMITATION.*—*Nothing in this sub-*
14 *section shall be construed to permit a State or*
15 *political subdivision to tabulate and count bal-*
16 *lots in an election for Federal office before the*
17 *closing of the polls on the date of the election.*

18 (h) *PROVISIONAL BALLOTS.*—

19 (1) *IN GENERAL.*—*In addition to the require-*
20 *ments under section 302(a) of the Help America Vote*
21 *Act of 2002 (52 U.S.C. 21082(a)), for each State or*
22 *political subdivision that provides voters provisional*
23 *ballots, challenge ballots, or affidavit ballots under the*
24 *State’s applicable law governing the voting processes*
25 *for those voters whose eligibility to vote is determined*

1 to be uncertain by election officials, election officials
2 shall—

3 (A) provide clear written instructions indi-
4 cating the reason the voter was given a provi-
5 sional ballot, the information or documents the
6 voter needs to prove eligibility, the location at
7 which the voter must appear to submit these ma-
8 terials or alternative methods, including email or
9 facsimile, that the voter may use to submit these
10 materials, and the deadline for submitting these
11 materials;

12 (B) permit any voter who votes provision-
13 ally at any polling place on Indian lands to ap-
14 pear at any polling place or at the central loca-
15 tion for the election board to submit the docu-
16 mentation or information to prove eligibility;

17 (C) permit any voter who votes provision-
18 ally at any polling place to submit the required
19 information or documentation via email or fac-
20 simile, if the voter prefers to use such methods as
21 an alternative to appearing in person to submit
22 the required information or documentation to
23 prove eligibility;

24 (D) notify the voter on whether the voter's
25 provisional ballot was counted or rejected by tele-

1 *phone, email, or postal mail, or any other avail-*
2 *able method, including notifying the voter of any*
3 *online tracking website if State law provides for*
4 *such a mechanism; and*

5 *(E) provide the reason for rejection if the*
6 *voter's provisional ballot was rejected after the*
7 *voter provided the required information or docu-*
8 *mentation on eligibility.*

9 *(2) DUTIES OF ELECTION OFFICIALS.—A State*
10 *or political subdivision described in paragraph (1)*
11 *shall ensure in each case in which a provisional ballot*
12 *is cast, that election officials—*

13 *(A) request and collect the voter's email ad-*
14 *dress, if the voter has one, and transmit any*
15 *written instructions issued to the voter in person*
16 *to the voter via email; and*

17 *(B) provide a verbal translation of any*
18 *written instructions to the voter.*

19 *(i) ENFORCEMENT.—*

20 *(1) ATTORNEY GENERAL.—The Attorney General*
21 *may bring a civil action in an appropriate district*
22 *court for such declaratory or injunctive relief as is*
23 *necessary to carry out this section.*

24 *(2) PRIVATE RIGHT OF ACTION.—*

1 (A) A person or Indian Tribe who is ag-
2 grieved by a violation of this section may pro-
3 vide written notice of the violation to the chief
4 election official of the State involved.

5 (B) An aggrieved person or Indian Tribe
6 may bring a civil action in an appropriate dis-
7 trict court for declaratory or injunctive relief
8 with respect to a violation of this section, if—

9 (i) that person or Indian Tribe pro-
10 vides the notice described in subparagraph
11 (A); and

12 (ii)(I) in the case of a violation that
13 occurs more than 120 days before the date
14 of an election for Federal office, the viola-
15 tion remains and 90 days or more have
16 passed since the date on which the chief
17 election official of the State receives the no-
18 tice under subparagraph (A); or

19 (II) in the case of a violation that oc-
20 curs 120 days or less but more than 30 days
21 before the date of an election for Federal of-
22 fice, the violation remains and 20 days or
23 more have passed since the date on which
24 the chief election official of the State re-
25 ceives the notice under subparagraph (A).

1 (C) *In the case of a violation of this section*
2 *that occurs 30 days or less before the date of an*
3 *election for Federal office, an aggrieved person or*
4 *Indian Tribe may bring a civil action in an ap-*
5 *propriate district court for declaratory or in-*
6 *junctionive relief with respect to the violation with-*
7 *out providing notice to the chief election official*
8 *of the State under subparagraph (A).*

9 (3) *RULE OF CONSTRUCTION.—Nothing in this*
10 *section shall be construed to prevent a State or polit-*
11 *ical subdivision from providing additional polling*
12 *places or early voting locations on Indian lands.*

13 **SEC. 9207. PROCEDURES FOR REMOVAL OF POLLING**
14 **PLACES AND VOTER REGISTRATION SITES ON**
15 **INDIAN LANDS.**

16 (a) *ACTIONS REQUIRING TRIBAL ADMINISTRATIVE*
17 *REVIEW.—No State or political subdivision may carry out*
18 *any of the following activities in an election for Federal*
19 *office unless the requirements of subsection (b) have been*
20 *met:*

21 (1) *Eliminating polling places or voter registra-*
22 *tion sites on the Indian lands of an Indian Tribe.*

23 (2) *Moving or consolidating a polling place or*
24 *voter registration site on the Indian lands of an In-*
25 *dian Tribe to a location 1 mile or further from the*

1 *existing location of the polling place or voter registra-*
2 *tion site.*

3 *(3) Moving or consolidating a polling place on*
4 *the Indian lands of an Indian Tribe to a location*
5 *across a river, lake, mountain, or other natural*
6 *boundary such that it increases travel time for a*
7 *voter, regardless of distance.*

8 *(4) Eliminating in-person voting on the Indian*
9 *lands of an Indian Tribe by designating an Indian*
10 *reservation as a permanent absentee voting location,*
11 *unless the Indian Tribe requests such a designation*
12 *and has not later requested that the designation as a*
13 *permanent absentee voting location be reversed.*

14 *(5) Removing an early voting location or other-*
15 *wise diminishing early voting opportunities on In-*
16 *dian lands.*

17 *(6) Removing a ballot drop box or otherwise di-*
18 *minishing ballot drop boxes on Indian lands.*

19 *(7) Decreasing the number of days or hours that*
20 *an in-person or early voting polling place is open on*
21 *Indian lands only or changing the dates of in-person*
22 *or early voting only on the Indian lands of an Indian*
23 *Tribe.*

24 *(b) TRIBAL ADMINISTRATIVE REVIEW.—*

1 (1) *IN GENERAL.*—*The requirements of this sub-*
2 *section have been met if—*

3 (A) *the impacted Indian Tribe submits to*
4 *the Attorney General the Indian Tribe’s written*
5 *consent to the proposed activity described in sub-*
6 *section (a);*

7 (B) *the State or political subdivision, after*
8 *consultation with the impacted Indian Tribe and*
9 *after attempting to have the impacted Indian*
10 *Tribe give consent as described in subparagraph*
11 *(A), institutes an action in the United States*
12 *District Court for the District of Columbia for a*
13 *declaratory judgment, and a declaratory judg-*
14 *ment is issued based upon affirmative evidence*
15 *provided by the State or political subdivision,*
16 *that conclusively establishes that the specified ac-*
17 *tivity described in subsection (a) proposed by the*
18 *State or political subdivision neither has the*
19 *purpose nor will have the effect of denying or*
20 *abridging the right to vote on account of race or*
21 *color, membership in an Indian Tribe, or mem-*
22 *bership in a language minority group; or*

23 (C) *the chief legal officer or other appro-*
24 *priate official of such State or political subdivi-*
25 *sion, after consultation with the impacted In-*

1 *dian Tribe and after attempting to have the im-*
2 *pacted Indian Tribe give consent as described in*
3 *subparagraph (A), submits a request to carry out*
4 *the specified activity described in subsection (a)*
5 *to the Attorney General and the Attorney Gen-*
6 *eral affirmatively approves the specified activity.*

7 (2) *NO LIMITATION ON FUTURE ACTIONS.—*

8 (A) *NO BAR TO SUBSEQUENT ACTION.—**Nei-*
9 *ther an affirmative indication by the Attorney*
10 *General that no objection will be made, nor the*
11 *Attorney General’s failure to object, nor a declar-*
12 *atory judgment entered under this section, nor a*
13 *written consent issued under paragraph (1)(A)*
14 *shall bar a subsequent action to enjoin enforce-*
15 *ment of an activity described in subsection (a).*

16 (B) *REEXAMINATION.—**The Attorney Gen-*
17 *eral reserves the right to reexamine any submis-*
18 *sion under paragraph (1)(C) if additional rel-*
19 *evant information comes to the Attorney Gen-*
20 *eral’s attention.*

21 (C) *DISTRICT COURT.—**Any action under*
22 *this section shall be heard and determined by a*
23 *district court of 3 judges in accordance with the*
24 *provisions of section 2284 of title 28, United*

1 *States Code, and any appeal shall lie to the Su-*
2 *preme Court.*

3 **SEC. 9208. TRIBAL VOTER IDENTIFICATION.**

4 *(a) TRIBAL IDENTIFICATION.—If a State or political*
5 *subdivision requires an individual to present identification*
6 *for the purposes of voting or registering to vote in an elec-*
7 *tion for Federal office, an identification card issued by a*
8 *federally recognized Indian Tribe, the Bureau of Indian Af-*
9 *fairs, the Indian Health Service, or any other Tribal or*
10 *Federal agency issuing identification cards to eligible In-*
11 *dian voters shall be treated as a valid form of identification*
12 *for such purposes.*

13 *(b) ONLINE REGISTRATION.—If a State or political*
14 *subdivision requires an identification card for an indi-*
15 *vidual to register to vote online or to vote online, that State*
16 *or political subdivision shall annually consult with an In-*
17 *dian Tribe to determine whether a tribal identification can*
18 *feasibly be used to register to vote online or vote online.*

19 *(c) LIMITATION ON REQUIRING MULTIPLE FORMS OF*
20 *IDENTIFICATION.—If a State or political subdivision re-*
21 *quires an individual to present more than one form of iden-*
22 *tification for the purposes of voting or registering to vote*
23 *in an election for Federal office, or for registering to vote*
24 *online or to vote online, that State or political subdivision*
25 *shall not require any member of an Indian Tribe to provide*

1 *more than one form of identification if the member provides*
2 *orally or in writing that the member does not possess more*
3 *than one form of identification.*

4 **SEC. 9209. PERMITTING VOTERS TO DESIGNATE OTHER**
5 **PERSON TO RETURN BALLOT.**

6 *Each State or political subdivision—*

7 *(1) shall permit any family member (including*
8 *extended family member, such as a cousin, grand-*
9 *child, or relation through marriage), caregiver, tribal*
10 *assistance provider, or household member to return a*
11 *sealed ballot of a voter that resides on Indian lands*
12 *to a post office on Indian lands, a ballot drop box lo-*
13 *cation in a State or political subdivision that pro-*
14 *vides ballot drop boxes, a tribally designated building*
15 *under section 9206(e)(2), or an election office, so long*
16 *as the person designated to return the ballot or ballots*
17 *on behalf of another voter does not receive any form*
18 *of compensation based on the number of ballots that*
19 *the person has returned and no individual, group, or*
20 *organization provides compensation on this basis;*

21 *(2) may not put any limit on how many voted*
22 *and sealed absentee ballots any designated person can*
23 *return to the post office, ballot drop box location, trib-*
24 *ally designated building, or election office under*
25 *paragraph (1); and*

1 (3) shall permit, at a minimum, any family
2 member (including extended family member, such as
3 a cousin, grandchild, or relation through marriage),
4 caregiver, tribal assistance provider, or household
5 member, including the voter, to return voter registra-
6 tion applications, absentee ballot applications, or ab-
7 sentee ballots to ballot drop box locations in a State
8 or political subdivision that provides ballot drop
9 boxes for these purposes.

10 **SEC. 9210. BILINGUAL ELECTION REQUIREMENTS.**

11 Section 203 of the Voting Rights Act of 1965 (52
12 U.S.C. 10503) is amended—

13 (1) in subsection (b)(3)(C), by striking “1990”
14 and inserting “most recent”; and

15 (2) by striking subsection (c) and inserting the
16 following:

17 “(c) *PROVISION OF VOTING MATERIALS IN THE LAN-*
18 *GUAGE OF A MINORITY GROUP.*—

19 “(1) *IN GENERAL.*—Whenever any State or polit-
20 ical subdivision subject to the prohibition of sub-
21 section (b), provides any registration or voting no-
22 tices, forms, instructions, assistance, or other mate-
23 rials or information relating to the electoral process,
24 including ballots, it shall provide them in the lan-

1 *guage of the applicable minority group as well as in*
2 *the English language.*

3 “(2) *EXCEPTIONS.*—

4 “(A) *In the case of a minority group that*
5 *is not American Indian or Alaska Native and*
6 *the language of that minority group is oral or*
7 *unwritten, the State or political subdivision*
8 *shall only be required to furnish, in the covered*
9 *language, oral instructions, assistance, trans-*
10 *lation of voting materials, or other information*
11 *relating to registration and voting.*

12 “(B) *In the case of a minority group that*
13 *is American Indian or Alaska Native, the State*
14 *or political subdivision shall only be required to*
15 *furnish in the covered language oral instructions,*
16 *assistance, or other information relating to reg-*
17 *istration and voting, including all voting mate-*
18 *rials, if the Indian Tribe of that minority group*
19 *has certified that the language of the applicable*
20 *American Indian or Alaska Native language is*
21 *presently unwritten or the Indian Tribe does not*
22 *want written translations in the minority lan-*
23 *guage.*

24 “(3) *WRITTEN TRANSLATIONS FOR ELECTION*
25 *WORKERS.*—*Notwithstanding paragraph (2), the*

1 eral election observer appointed pursuant to section
2 (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.
3 10305(a)(3)), as added by subsection (a), not later than 6
4 months after the date that such reports are submitted to
5 the Attorney General, except that any personally identifi-
6 able information relating to a voter or the substance of the
7 voter's ballot shall not be made public.

8 **SEC. 9212. TRIBAL JURISDICTION.**

9 (a) *IN GENERAL.*—Tribal law enforcement have the
10 right to exercise their inherent authority to detain and or
11 remove any non-Indian, not affiliated with the State, its
12 political subdivision, or the Federal Government, from In-
13 dian lands for intimidating, harassing, or otherwise imped-
14 ing the ability of people to vote or of the State and its polit-
15 ical subdivisions to conduct an election.

16 (b) *CIVIL ACTION BY ATTORNEY GENERAL FOR RE-*
17 *LIEF.*—Whenever any person has engaged or there are rea-
18 sonable grounds to believe that any person is about to en-
19 gage in any act or practice prohibited by this section, the
20 Attorney General may institute for the United States, or
21 in the name of the United States, an action for preventive
22 relief, including an application for a temporary or perma-
23 nent injunction, restraining order, or other order, and in-
24 cluding an order directed to the State and State or local

1 *election officials to require them to permit persons to vote*
2 *and to count such votes.*

3 **SEC. 9213. TRIBAL VOTING CONSULTATION.**

4 *The Attorney General shall consult annually with In-*
5 *dian Tribes regarding issues related to voting in elections*
6 *for Federal office.*

7 **SEC. 9214. ATTORNEYS' FEES, EXPERT FEES, AND LITIGA-**
8 **TION EXPENSES.**

9 *In a civil action under this title, the court shall award*
10 *the prevailing party, other than the United States, reason-*
11 *able attorney fees, including litigation expenses, reasonable*
12 *expert fees, and costs.*

13 **SEC. 9215. GAO STUDY AND REPORT.**

14 *The Comptroller General shall study the prevalence of*
15 *nontraditional or nonexistent mailing addresses among In-*
16 *dians, those who are members of Indian Tribes, and those*
17 *residing on Indian lands and identify alternatives to re-*
18 *move barriers to voter registration, receipt of voter informa-*
19 *tion and materials, and receipt of ballots. The Comptroller*
20 *General shall report the results of that study to Congress*
21 *not later than 1 year after the date of enactment of this*
22 *title.*

1 **SEC. 9216. UNITED STATES POSTAL SERVICE CONSULTA-**
2 **TION.**

3 *The Postmaster General shall consult with Indian*
4 *Tribes, on an annual basis, regarding issues relating to the*
5 *United States Postal Service that present barriers to voting*
6 *for eligible voters living on Indian lands.*

7 **SEC. 9217. SEVERABILITY; RELATIONSHIP TO OTHER LAWS;**
8 **TRIBAL SOVEREIGN IMMUNITY.**

9 *(a) SEVERABILITY.—If any provision of this title, or*
10 *the application of such a provision to any person, entity,*
11 *or circumstance, is held to be invalid, the remaining provi-*
12 *sions of this title and the application of all provisions of*
13 *this title to any other person, entity, or circumstance shall*
14 *not be affected by the invalidity.*

15 *(b) RELATIONSHIP TO OTHER LAWS.—Nothing in this*
16 *title shall invalidate, or limit the rights, remedies, or proce-*
17 *dures available under, or supersede, restrict, or limit the*
18 *application of, the Voting Rights Act of 1965 (52 U.S.C.*
19 *10301 et seq.), the National Voter Registration Act of 1993*
20 *(52 U.S.C. 20501 et seq.), the Help America Vote Act of*
21 *2002 (52 U.S.C. 20901 et seq.), or any other Federal law*
22 *or regulation related to voting or the electoral process. Not-*
23 *withstanding any other provision of law, the provisions of*
24 *this title, and the amendments made by this title, shall be*
25 *applicable within the State of Maine.*

1 (c) *TRIBAL SOVEREIGN IMMUNITY.*—*Nothing in this*
2 *title shall be construed as—*

3 (1) *affecting, modifying, diminishing, or other-*
4 *wise impairing the sovereign immunity from suit en-*
5 *joyed by an Indian Tribe; or*

6 (2) *authorizing or requiring the termination of*
7 *any existing trust responsibility of the United States*
8 *with respect to Indian people.*

9 **SEC. 9218. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated such sums as*
11 *may be necessary to carry out this title.*

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H.R. 5746

**HOUSE AMENDMENT TO
SENATE AMENDMENT**