

JANUARY 12, 2022

**RULES COMMITTEE PRINT 117-28**  
**TEXT OF THE HOUSE AMENDMENT TO THE**  
**SENATE AMENDMENT TO H.R. 5746**

[Showing the text of the Freedom to Vote: John R. Lewis Act]

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.

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

Sec. 1. Short title.

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

Sec. 3. Findings of general constitutional authority.

Sec. 4. Standards for judicial review.

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 run-off 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  
 6 prevent and remedy discrimination in voting, and to de-  
 7 fend the Nation’s democratic process. Congress enacts the  
 8 Freedom to Vote: John R. Lewis Act pursuant to this  
 9 broad authority, including but not limited to the following:

1           (1) Congress finds that it has broad authority  
2           to regulate the time, place, and manner of congress-  
3           sional elections under the Elections Clause of the  
4           Constitution, article I, section 4, clause 1. The Su-  
5           preme Court has affirmed that the “substantive  
6           scope” of the Elections Clause is “broad”; that  
7           “Times, Places, and Manner” are “comprehensive  
8           words which embrace authority to provide for a com-  
9           plete code for congressional elections”; and “[t]he  
10          power of Congress over the Times, Places and Man-  
11          ner of congressional elections is paramount, and may  
12          be exercised at any time, and to any extent which  
13          it deems expedient; and so far as it is exercised, and  
14          no farther, the regulations effected supersede those  
15          of the State which are inconsistent therewith”. *Ari-  
16          zona v. Inter Tribal Council of Arizona*, 570 U.S. 1,  
17          8–9 (2013) (internal quotation marks and citations  
18          omitted). Indeed, “Congress has plenary and para-  
19          mount jurisdiction over the whole subject” of con-  
20          gressional elections, *Ex parte Siebold*, 100 U.S. (10  
21          Otto) 371, 388 (1879), and this power “may be ex-  
22          ercised as and when Congress sees fit”, and “so far  
23          as it extends and conflicts with the regulations of  
24          the State, necessarily supersedes them”. *Id.* at 384.  
25          Among other things, Congress finds that the Elec-

1 tions Clause was intended to “vindicate the people’s  
2 right to equality of representation in the House”.  
3 *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964), and to  
4 address partisan gerrymandering, *Rucho v. Common*  
5 *Cause*, 139 S. Ct. 2484 (2019).

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

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

22 (B) Section 1 of the Fourteenth Amendment  
23 protects the fundamental right to vote, which is “of  
24 the most fundamental significance under our con-  
25 stitutional structure”. *Ill. Bd. of Election v. Socialist*

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

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

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

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

19          (B) Congress finds that racial discrimination in  
20          access to voting and the political process persists.  
21          Voting restrictions, redistricting, and other electoral  
22          practices and processes continue to disproportion-  
23          ately impact communities of color in the United  
24          States and do so as a result of both intentional ra-  
25          cial discrimination, structural racism, and the ongo-

1       ing structural socioeconomic effects of historical ra-  
2       cial discrimination.

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

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

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

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

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

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

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

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



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

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

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

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

22 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-  
23 tion at the time of its commencement is not subject to  
24 subsection (a), but an amendment, counterclaim, cross-  
25 claim, affirmative defense, or any other pleading or motion

1 is filed challenging, whether facially or as-applied, the con-  
2 stitutionality or lawfulness of this Act or any amendment  
3 made by this Act or any rule or regulation promulgated  
4 under this Act, the district court shall transfer the action  
5 to the District Court for the District of Columbia, and  
6 the action shall thereafter be conducted pursuant to sub-  
7 section (a).

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

20 **SEC. 5. SEVERABILITY.**

21 If any provision of this Act or any amendment made  
22 by this Act, or the application of any such provision or  
23 amendment to any person or circumstance, is held to be  
24 unconstitutional, the remainder of this Act, and the appli-

1 cation of such provision or amendment to any other person  
2 or circumstance, shall not be affected by the holding.

3 **DIVISION A—VOTER ACCESS**  
4 **TITLE I—ELECTION MODERNIZA-**  
5 **TION AND ADMINISTRATION**

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

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

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

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

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

21 **Subtitle A—Voter Registration**  
22 **Modernization**

23 **SEC. 1000A. SHORT TITLE.**

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

1       **PART 1—AUTOMATIC VOTER REGISTRATION**

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

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

5           (b) **FINDINGS AND PURPOSE.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(a) DEFINITIONS.—In this section—

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

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

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

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

4           “(3) AUTOMATIC REGISTRATION.—The term  
5           ‘automatic registration’ means a system that reg-  
6           isters an individual to vote and updates existing reg-  
7           istrations, in elections for Federal office in a State,  
8           if eligible, by electronically transferring the informa-  
9           tion necessary for registration from the applicable  
10          agency to election officials of the State so that, un-  
11          less the individual affirmatively declines to be reg-  
12          istered or to update any voter registration, the indi-  
13          vidual will be 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  
19          to vote’ includes updating an individual’s existing  
20          voter registration.

21          “(b) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

9 “(c) APPLICABLE AGENCY RESPONSIBILITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(A) complete the requirements of section  
4 5;

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

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

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

1 “(d) VOTER PROTECTION.—

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

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

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

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

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

18 “(A) PUBLIC DISCLOSURE PROHIBITED.—

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



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

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

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

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

11                  “(V) The individual’s signature.

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

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

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

1 “(e) MISCELLANEOUS PROVISIONS.—

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

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

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

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

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

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

12 “(f) APPLICABILITY.—

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

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

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

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

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

5           (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) SECURITY POLICY.—

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



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

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

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

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

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

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

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

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

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

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

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

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

3 (1) Voter registration records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

8 and

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

11 (2) CONTINUING AVAILABILITY OF FUNDS.—

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

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

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

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

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

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

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

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

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

12 **SEC. 1006. DEFINITIONS.**

13          In this part, the following definitions apply:

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

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

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



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

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

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

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

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

16 **HOLIDAY**

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

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

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

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

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

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

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

8 **PART 3—PROMOTING INTERNET REGISTRATION**

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

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

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

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

24 “(1) Online application for voter registration.

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

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

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

11          “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

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

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

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

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

3 “(c) SIGNATURE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

22           “(d) CONFIRMATION AND DISPOSITION.—

23           “(1) CONFIRMATION OF RECEIPT.—

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

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

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

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

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

16 “(2) NOTICE OF DISPOSITION.—

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

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

1 provide the notice required under subparagraph

2 (A) by regular mail and—

3 “(i) in the case of an individual who

4 has provided the official with an electronic

5 mail address, by electronic mail; and

6 “(ii) at the option of the individual,

7 by text message.

8 “(e) PROVISION OF SERVICES IN NONPARTISAN

9 MANNER.—The services made available under subsection

10 (a) shall be provided in a manner that ensures that—

11 “(1) the online application does not seek to in-

12 fluence an applicant’s political preference or party

13 registration; and

14 “(2) there is no display on the website pro-

15 moting any political preference or party allegiance,

16 except that nothing in this paragraph may be con-

17 strued to prohibit an applicant from registering to

18 vote as a member of a political party.

19 “(f) PROTECTION OF SECURITY OF INFORMATION.—

20 In meeting the requirements of this section, the State shall

21 establish appropriate technological security measures to

22 prevent to the greatest extent practicable any unauthor-

23 ized access to information provided by individuals using

24 the services made available under subsection (a).

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

3 (a) IN GENERAL.—

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

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

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

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

1           subparagraph (A), the appropriate State or  
2           local election official shall—

3                   “(i) revise any information on the  
4                   computerized list to reflect the update  
5                   made by the voter; and

6                   “(ii) if the updated registration infor-  
7                   mation affects the voter’s eligibility to vote  
8                   in an election for Federal office, ensure  
9                   that the information is processed with re-  
10                  spect to the election if the voter updates  
11                  the information not later than the lesser of  
12                  7 days, or the period provided by State  
13                  law, before the date of the election.

14               “(C) CONFIRMATION AND DISPOSITION.—

15                   “(i) CONFIRMATION OF RECEIPT.—  
16                   Upon the online submission of updated  
17                   registration information by an individual  
18                   under this paragraph, the appropriate  
19                   State or local election official shall send  
20                   the individual a notice confirming the  
21                   State’s receipt of the updated information  
22                   and providing instructions on how the indi-  
23                   vidual may check the status of the update.

24                   “(ii) NOTICE OF DISPOSITION.—Not  
25                   later than 7 days after the appropriate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20                   (1) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), the amendments made by this part (other than the  
4 amendments made by section 1004) shall apply with re-  
5 spect to the regularly scheduled general election for Fed-  
6 eral office held in November 2022 and each succeeding  
7 election for Federal office.

8 (b) WAIVER.—If a State certifies to the Election As-  
9 sistance Commission not later than 180 days after the  
10 date of the enactment of this Act that the State will not  
11 meet the deadline described in subsection (a) because it  
12 would be impracticable to do so and includes in the certifi-  
13 cation the reasons for the failure to meet such deadline,  
14 subsection (a) shall apply to the State as if the reference  
15 in such subsection to “the regularly scheduled general  
16 election for Federal office held in November 2022” were  
17 a reference to “January 1, 2024”.

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

19 **SEC. 1031. SAME DAY REGISTRATION.**

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

22 (1) by redesignating sections 304 and 305 as  
23 sections 305 and 306, respectively; and

24 (2) by inserting after section 303 the following  
25 new section:

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

2 “(a) IN GENERAL.—

3 “(1) REGISTRATION.—Each State shall permit  
4 any eligible individual on the day of a Federal elec-  
5 tion and on any day when voting, including early  
6 voting, is permitted for a Federal election—

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

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

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

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

25 “(c) ENSURING AVAILABILITY OF FORMS.—The  
26 State shall ensure that each polling place has copies of



1 any forms an individual may be required to complete in  
2 order to register to vote or revise the individual's voter  
3 registration information under this section.

4 “(d) EFFECTIVE DATE.—

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

11 “(2) SPECIAL RULES FOR ELECTIONS BEFORE  
12 NOVEMBER 2026.—

13 “(A) ELECTIONS PRIOR TO NOVEMBER  
14 2024 GENERAL ELECTION.—A State shall be  
15 deemed to be in compliance with the require-  
16 ments of this section for the regularly scheduled  
17 general election for Federal office occurring in  
18 November 2022 and subsequent elections for  
19 Federal office occurring before the regularly  
20 scheduled general election for Federal office in  
21 November 2024 if at least one location for each  
22 15,000 registered voters in each jurisdiction in  
23 the State meets such requirements, and such lo-  
24 cation is reasonably located to serve voting pop-  
25 ulations equitably across the jurisdiction.

1           “(B) NOVEMBER 2024 GENERAL ELEC-  
2           TION.—If a State certifies to the Commission  
3           not later than November 5, 2024, that the  
4           State will not be in compliance with the require-  
5           ments of this section for the regularly scheduled  
6           general election for Federal office occurring in  
7           November 2024 because it would be impracti-  
8           cable to do so and includes in the certification  
9           the reasons for the failure to meet such require-  
10          ments, the State shall be deemed to be in com-  
11          pliance with the requirements of this section for  
12          such election if at least one location for each  
13          15,000 registered voters in each jurisdiction in  
14          the State meets such requirements, and such lo-  
15          cation is reasonably located to serve voting pop-  
16          ulations equitably across the jurisdiction.”.

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

21          (c) CLERICAL AMENDMENTS.—The table of contents  
22          of such Act is amended—

23                  (1) by redesignating the items relating to sec-  
24          tions 304 and 305 as relating to sections 305 and  
25          306, respectively; and

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

“Sec. 304. Same day registration.”.

3   **SEC. 1032. ENSURING PRE-ELECTION REGISTRATION DEAD-**  
4                   **LINES ARE CONSISTENT WITH TIMING OF**  
5                   **LEGAL PUBLIC HOLIDAYS.**

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

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

13   **PART 5—STREAMLINE VOTER REGISTRATION**  
14                   **INFORMATION, ACCESS, AND PRIVACY**

15   **SEC. 1041. AUTHORIZING THE DISSEMINATION OF VOTER**  
16                   **REGISTRATION INFORMATION DISPLAYS**  
17                   **FOLLOWING NATURALIZATION CEREMONIES.**

18          (a) AUTHORIZATION.—The Secretary of Homeland  
19   Security shall establish a process for authorizing the chief  
20   State election official of a State to disseminate voter reg-  
21   istration information at the conclusion of any naturaliza-  
22   tion ceremony in such State.

23          (b) NO EFFECT ON OTHER AUTHORITY.—Nothing in  
24   this section shall be construed to imply that a Federal  
25   agency cannot provide voter registration services beyond

1 those minimally required herein, or to imply that agencies  
2 not named may not distribute voter registration informa-  
3 tion or provide voter registration services up to the limits  
4 of their statutory and funding authority.

5 (c) DESIGNATED VOTER REGISTRATION AGEN-  
6 CIES.—In any State or other location in which a Federal  
7 agency is designated as a voter registration agency under  
8 section 7(a)(3)(B)(ii) of the National Voter Registration  
9 Act, the voter registration responsibilities incurred  
10 through such designation shall supersede the requirements  
11 described in this section.

12 **SEC. 1042. INCLUSION OF VOTER REGISTRATION INFORMA-**  
13 **TION WITH CERTAIN LEASES AND VOUCHERS**  
14 **FOR FEDERALLY ASSISTED RENTAL HOUSING**  
15 **AND MORTGAGE APPLICATIONS.**

16 (a) DEFINITIONS.—In this section:

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

19 (2) DIRECTOR.—The term “Director” means  
20 the Director of the Bureau of Consumer Financial  
21 Protection.

22 (3) FEDERAL RENTAL ASSISTANCE.—The term  
23 “Federal rental assistance” means rental assistance  
24 provided under—

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

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

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

13 (D) subtitle C of title IV of the McKinney-  
14 Vento Homeless Assistance Act (42 U.S.C.  
15 11381 et seq.).

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

21 (A) is secured by a first or subordinate lien  
22 on residential multifamily real property de-  
23 signed principally for the occupancy of 5 or  
24 more families, including any such secured loan,  
25 the proceeds of which are used to prepay or pay

1 off an existing loan secured by the same prop-  
2 erty; and

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

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

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

22 (7) RESIDENTIAL MORTGAGE LOAN.—The term  
23 “residential mortgage loan” includes any loan that is  
24 secured by a first or subordinate lien on residential  
25 real property, including individual units of con-

1 dominiums and cooperatives, designed principally for  
2 the occupancy of from 1- to 4- families.

3 (b) UNIFORM STATEMENT.—

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

11 (2) RESPONSIBILITIES.—In developing the uni-  
12 form statement, the Director shall be responsible  
13 for—

14 (A) establishing the format of the state-  
15 ment;

16 (B) consumer research and testing of the  
17 statement; and

18 (C) consulting with and obtaining from the  
19 Election Assistance Commission the content re-  
20 garding voter rights and registration issues  
21 needed to ensure the statement complies with  
22 the requirements of paragraph (1).

23 (3) LANGUAGES.—

24 (A) IN GENERAL.—The uniform statement  
25 required under paragraph (1) shall be developed

1 and made available in English and in each of  
2 the 10 languages most commonly spoken by in-  
3 dividuals with limited English proficiency, as  
4 determined by the Director using information  
5 published by the Director of the Bureau of the  
6 Census.

7 (B) PUBLICATION.—The Director shall  
8 make all translated versions of the uniform  
9 statement required under paragraph (1) pub-  
10 licly available in a centralized location on the  
11 website of the Bureau.

12 (c) LEASES AND VOUCHERS FOR FEDERALLY AS-  
13 SISTED RENTAL HOUSING.—Each Federal agency admin-  
14 istering a Federal rental assistance program shall re-  
15 quire—

16 (1) each public housing agency to provide a  
17 copy of the uniform statement developed pursuant to  
18 subsection (b) to each lessee of a dwelling unit in  
19 public housing administered by the agency—

20 (A) together with the lease for the dwelling  
21 unit, at the same time the lease is signed by the  
22 lessee; and

23 (B) together with any income verification  
24 form, at the same time the form is provided to  
25 the lessee;



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

9                   (A) together with the voucher for the as-  
10                   sistance, at the time the voucher is issued for  
11                   the family or individual; and

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

15           (3) each owner of a dwelling unit assisted with  
16           Federal rental assistance to provide a copy of the  
17           uniform statement developed pursuant to subsection  
18           (b) to the lessee of the dwelling unit—

19                   (A) together with the lease for such dwell-  
20                   ing unit, at the same time the lease is signed  
21                   by the lessee; and

22                   (B) together with any income verification  
23                   form, at the same time the form is provided to  
24                   the applicant or tenant.

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

11           (e) FEDERALLY BACKED MULTIFAMILY MORTGAGE  
12 LOANS.—The head of the Federal agency insuring, guar-  
13 anteeing, supplementing, or assisting a Federally backed  
14 multifamily mortgage loan, or the Director of the Federal  
15 Housing Finance Agency in the case of a Federally backed  
16 multifamily mortgage loan that is purchased or securitized  
17 by the Federal Home Loan Mortgage Corporation or the  
18 Federal National Mortgage Association, shall require the  
19 owner of the property secured by the Federally backed  
20 multifamily mortgage loan to provide a copy of the uni-  
21 form statement developed pursuant to subsection (b) in  
22 written form to each lessee of a dwelling unit assisted by  
23 that loan at the time the lease is signed by the lessee.

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

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

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

18          (i) 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. 1043. ACCEPTANCE OF VOTER REGISTRATION APPLI-**  
2 **CATIONS FROM INDIVIDUALS UNDER 18**  
3 **YEARS OF AGE.**

4 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of  
5 the National Voter Registration Act of 1993 (52 U.S.C.  
6 20507), as amended by section 1024, is amended—

7 (1) by redesignating subsection (k) as sub-  
8 section (l); and

9 (2) by inserting after subsection (j) the fol-  
10 lowing new subsection:

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

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

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

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

4 **SEC. 1044. REQUIRING STATES TO ESTABLISH AND OPER-**  
5 **ATE VOTER PRIVACY PROGRAMS.**

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

9 (1) by redesignating sections 305 and 306 as  
10 sections 306 and 307, respectively; and

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

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

14 **“(a) IN GENERAL.—**Each State shall establish and  
15 operate a privacy program to enable victims of domestic  
16 violence, dating violence, stalking, sexual assault, and traf-  
17 ficking to have personally identifiable information that  
18 State or local election officials maintain with respect to  
19 an individual voter registration status for purposes of elec-  
20 tions for Federal office in the State, including addresses,  
21 be kept confidential.

22 **“(b) NOTICE.—**Each State shall notify residents of  
23 that State of the information that State and local election  
24 officials maintain with respect to an individual voter reg-  
25 istration status for purposes of elections for Federal office

1 in the State, how that information is shared or sold and  
2 with whom, what information is automatically kept con-  
3 fidential, what information is needed to access voter infor-  
4 mation online, and the privacy programs that are avail-  
5 able.

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

9 “(d) DEFINITIONS.—In this section:

10 “(1) The terms ‘domestic violence’, ‘stalking’,  
11 ‘sexual assault’, and ‘dating violence’ have the mean-  
12 ings given such terms in section 40002 of the Vio-  
13 lence Against Women Act of 1994 (34 U.S.C.  
14 12291).

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

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

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

1 (1) by redesignating the items relating to sec-  
2 tions 305 and 306 as relating to sections 306 and  
3 307, respectively; and

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

“Sec. 305. Voter privacy programs.”.

6 **PART 6—FUNDING SUPPORT TO STATES FOR**  
7 **COMPLIANCE**

8 **SEC. 1051. AVAILABILITY OF REQUIREMENTS PAYMENTS**  
9 **UNDER HAVA TO COVER COSTS OF COMPLI-**  
10 **ANCE WITH NEW REQUIREMENTS.**

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

13 (1) in paragraph (1), by striking “as provided  
14 in paragraphs (2) and (3)” and inserting “as other-  
15 wise provided in this subsection”; and

16 (2) by adding at the end the following new  
17 paragraph:

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

1 Act by the Voter Registration Modernization Act of  
2 2021.”.

3 (b) CONFORMING AMENDMENT.—Section 254(a)(1)  
4 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-  
5 ing “section 251(a)(2)” and inserting “section  
6 251(b)(2)”.

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

## 10 **Subtitle B—Access to Voting for** 11 **Individuals With Disabilities**

### 12 **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-** 13 **CESS TO VOTER REGISTRATION AND VOTING** 14 **FOR INDIVIDUALS WITH DISABILITIES.**

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

19 (1) by redesignating sections 306 and 307 as  
20 sections 307 and 308, respectively; and

21 (2) by inserting after section 305 the following  
22 new section:



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

3 “(a) TREATMENT OF APPLICATIONS AND BAL-  
4 LOTS.—Each State shall—

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

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

12 “(3) accept and process, with respect to any  
13 election for Federal office, any otherwise valid voter  
14 registration application and absentee ballot applica-  
15 tion from an individual with a disability if the appli-  
16 cation is received by the appropriate State election  
17 official within the deadline for the election which is  
18 applicable 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  
18          in 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 avail-  
22          able 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  
2 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-  
3 TEE BALLOT PROCEDURES FOR VOTERS WITH DISABIL-  
4 ITIES IN STATE.—

5           “(1) IN GENERAL.—Each State shall designate  
6 a single office which shall be responsible for pro-  
7 viding information regarding voter registration pro-  
8 cedures, absentee ballot procedures, and in-person  
9 voting procedures to be used by individuals with dis-  
10 abilities with respect to elections for Federal office  
11 to all individuals with disabilities who wish to reg-  
12 ister to vote 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  
22 as screen readers and ballot marking de-  
23 vices;

24           “(B) integrate information on accessibility,  
25 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  
11 no later than 6 months after the completion of  
12 the audit.

13 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-  
14 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO  
15 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-  
16 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-  
17 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING  
18 INFORMATION.—

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  
22 accessible electronic communication—

23 “(A) for use by individuals with disabilities  
24 who wish to register to vote or vote in any ju-  
25 risdiction in the State to request voter registra-

1           tion applications and absentee ballot applica-  
2           tions 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 COMMUNICA-  
11          TION.—A State may, in addition to the means of  
12          electronic communication so designated, provide  
13          multiple means of electronic communication to indi-  
14          viduals with disabilities, including a means of elec-  
15          tronic communication for the appropriate jurisdic-  
16          tion of the State.

17          “(3) INCLUSION OF DESIGNATED MEANS OF  
18          ELECTRONIC COMMUNICATION WITH INFORMA-  
19          TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-  
20          COMPANY BALLOTING MATERIALS.—Each State shall  
21          include a means of electronic communication so des-  
22          ignated with all informational and instructional ma-  
23          terials that accompany balloting materials sent by  
24          the State to individuals with disabilities.

1           “(4) TRANSMISSION IF NO PREFERENCE INDI-  
2           CATED.—In the case where an individual with a dis-  
3           ability does not designate a preference under sub-  
4           section (a)(4)(C), the State shall transmit the voter  
5           registration application or absentee ballot application  
6           by any delivery method allowable in accordance with  
7           applicable State law, or if there is no applicable  
8           State law, by mail.

9           “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS  
10          BY MAIL AND ELECTRONICALLY.—

11           “(1) IN GENERAL.—Each State shall establish  
12          procedures—

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

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

23           “(2) TRANSMISSION IF NO PREFERENCE INDI-  
24          CATED.—In the case where an individual with a dis-  
25          ability does not designate a preference under para-

1 graph (1)(B), the State shall transmit the ballot by  
2 any delivery method allowable in accordance with ap-  
3 plicable State law, or if there is no applicable State  
4 law, by mail.

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

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

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

1 (b) CONFORMING AMENDMENT RELATING TO  
2 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
3 SISTANCE COMMISSION.—

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

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

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

10 (C) by adding at the end the following new  
11 paragraph:

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

14 (2) REDESIGNATION.—

15 (A) IN GENERAL.—Title III of such Act  
16 (52 U.S.C. 21081 et seq.) is amended by redesi-  
17 gnating sections 311 and 312 as sections 321  
18 and 322, respectively.

19 (B) CONFORMING AMENDMENT.—Section  
20 322(a) of such Act, as redesignated by subpara-  
21 graph (A), is amended by striking “section  
22 312” and inserting “section 322”.

23 (c) CLERICAL AMENDMENTS.—The table of contents  
24 of such Act, as amended by section 1031(c) and section  
25 1044(b), is amended—



1 (1) by redesignating the items relating to sec-  
2 tions 306 and 307 as relating to sections 307 and  
3 308, respectively; and

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

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

6 **SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE**

7 **ACCESSIBLE ELECTION WEBSITES.**

8 (a) IN GENERAL.—Subtitle A of title III of the Help  
9 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as  
10 amended by section 1031(a), section 1044(a), and section  
11 1101(a), is amended—

12 (1) by redesignating sections 307 and 308 as  
13 sections 308 and 309, respectively; and

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

15 **“SEC. 307. ESTABLISHMENT AND MAINTENANCE OF ACCES-**  
16 **SIBLE ELECTION WEBSITES.**

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

20 “(1) LOCAL ELECTION OFFICIALS.—The  
21 website shall provide local election officials, poll  
22 workers, and volunteers with—

23 “(A) guidance to ensure that polling places  
24 are accessible for individuals with disabilities

1 and older individuals in a manner that provides  
2 the same opportunity for access and participa-  
3 tion (including privacy and independence) as for  
4 other voters; and

5 “(B) online training and resources on—

6 “(i) how best to promote the access  
7 and participation of individuals with dis-  
8 abilities and older individuals in elections  
9 for public office; and

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

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

15 “(A) the accessibility of all polling places  
16 within the State, including outreach programs  
17 to inform individuals about the availability of  
18 accessible polling places;

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

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

23 “(D) the availability of aid or assistance  
24 for individuals with disabilities and older indi-  
25 viduals to cast their vote in a manner that pro-

1 provides the same opportunity for access and par-  
2 ticipation (including privacy and independence)  
3 as for other voters at polling places;

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

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

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

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

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

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

6           “(c) STATE PLAN.—

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

13          “(2) COMMITTEE MEMBERSHIP.—The com-  
14          mittee shall comprise at least the following individ-  
15          uals:

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

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

20                 “(C) Representatives from two disability  
21                 advocacy groups, including at least one such  
22                 representative who is an individual with a dis-  
23                 ability.

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

4           “(E) Representatives from two inde-  
5           pendent non-governmental organizations with  
6           expertise in establishing and maintaining acces-  
7           sible websites.

8           “(F) Representatives from two inde-  
9           pendent non-governmental voting rights organi-  
10          zations.

11          “(G) Representatives from State protection  
12          and advocacy systems as defined in section 102  
13          of the Developmental Disabilities Assistance  
14          and Bill of Rights Act of 2000 (42 U.S.C.  
15          15002).

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

24                 “(1) University Centers for Excellence in Devel-  
25                 opmental Disabilities Education, Research, and

1 Services designated under section 151(a) of the De-  
2 velopmental Disabilities Assistance and Bill of  
3 Rights Act of 2000 (42 U.S.C. 15061(a)).

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

7 “(3) A State Council on Developmental Disabil-  
8 ities described in section 125 of the Developmental  
9 Disabilities Assistance and Bill of Rights Act of  
10 2000 (42 U.S.C. 15025).

11 “(4) State protection and advocacy systems as  
12 defined in section 102 of the Developmental Disabil-  
13 ities Assistance and Bill of Rights Act of 2000 (42  
14 U.S.C. 15002).

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

18 “(6) State Assistive Technology Act Programs.

19 “(7) A visual access advocacy organization.

20 “(8) An organization for the deaf.

21 “(9) A mental health organization.

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

24 “(1) ACCESSIBLE.—The term ‘accessible’  
25 means—

1           “(A) in the case of the election website  
2           under subsection (a) or an electronic commu-  
3           nication under section 305—

4                   “(i) that the functions and content of  
5                   the website or electronic communication,  
6                   including all text, visual, and aural con-  
7                   tent, are as accessible to people with dis-  
8                   abilities as to those without disabilities;

9                   “(ii) that the functions and content of  
10                  the website or electronic communication  
11                  are accessible to individuals with limited  
12                  proficiency in the English language; and

13                  “(iii) that the website or electronic  
14                  communication meets, at a minimum, con-  
15                  formance to Level AA of the Web Content  
16                  Accessibility Guidelines 2.0 of the Web Ac-  
17                  cessibility Initiative (or any successor  
18                  guidelines); and

19                  “(B) in the case of a facility (including a  
20                  polling place), that the facility is readily acces-  
21                  sible to and usable by individuals with disabil-  
22                  ities and older individuals, as determined under  
23                  the 2010 ADA Standards for Accessible Design  
24                  adopted by the Department of Justice (or any  
25                  successor standards).

1           “(2) INDIVIDUAL WITH A DISABILITY.—The  
2 term ‘individual with a disability’ means an indi-  
3 vidual with a disability, as defined in section 3 of the  
4 Americans with Disabilities Act of 1990 (42 U.S.C.  
5 12102), and who is otherwise qualified to vote in  
6 elections for Federal office.

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

11          (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of  
12 such Act (52 U.S.C. 21101(b)), as added and redesignated  
13 by section 1101(b), is amended by striking “section 306”  
14 and inserting “sections 306 and 307”.

15          (c) CLERICAL AMENDMENTS.—The table of contents  
16 of such Act, as amended by section 1031(c), section  
17 1044(b), and section 1101(c), is amended—

18           (1) by redesignating the items relating to sec-  
19 tions 307 and 308 as relating to sections 308 and  
20 309, respectively; and

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

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



1 **SEC. 1103. PROTECTIONS FOR IN-PERSON VOTING FOR IN-**  
2 **INDIVIDUALS WITH DISABILITIES AND OLDER**  
3 **INDIVIDUALS.**

4 (a) REQUIREMENT.—

5 (1) IN GENERAL.—Subtitle A of title III of the  
6 Help America Vote Act of 2002 (52 U.S.C. 21081  
7 et seq.), as amended by section 1031(a), section  
8 1044(a), section 1101(a), and section 1102(a), is  
9 amended—

10 (A) by redesignating sections 308 and 309  
11 as sections 309 and 310, respectively; and

12 (B) by inserting after section 307 the fol-  
13 lowing:

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

16 “(a) IN GENERAL.—Each State shall—

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

19 “(2) consider procedures to address long wait  
20 times at polling places that allow individuals with  
21 disabilities and older individuals alternate options to  
22 cast a ballot in person in an election for Federal of-  
23 fice, such as the option to cast a ballot outside of  
24 the polling place or from a vehicle, or providing an  
25 expedited voting line; and

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

7           “(b) CLARIFICATION.—Nothing in this section may  
8           be construed to alter the requirements under Federal law  
9           that all polling places for Federal elections are accessible  
10          to individuals with disabilities and older individuals.

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

14                 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)  
15                 of such Act (52 U.S.C. 21101(b)), as added and re-  
16                 designated by section 1101(b) and as amended by  
17                 section 1102(b), is amended by striking “and 307”  
18                 and inserting “, 307, and 308”.

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

23                         (A) by redesignating the items relating to  
24                         sections 308 and 309 as relating to sections  
25                         309 and 310, respectively; and

1 (B) by inserting after the item relating to  
2 section 307 the following new item:

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

3 (b) REVISIONS TO VOTING ACCESSIBILITY FOR THE  
4 ELDERLY AND HANDICAPPED ACT.—

5 (1) REPORTS TO ELECTION ASSISTANCE COM-  
6 MISSION.—Section 3(c) of the Voting Accessibility  
7 for the Elderly and Handicapped Act (52 U.S.C.  
8 20102(c)) is amended—

9 (A) in the subsection heading, by striking  
10 “FEDERAL ELECTION COMMISSION” and in-  
11 serting “ELECTION ASSISTANCE COMMISSION”;

12 (B) in each of paragraphs (1) and (2), by  
13 striking “Federal Election Commission” and in-  
14 serting “Election Assistance Commission”; and

15 (C) by striking paragraph (3).

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

20 (A) by striking “handicapped and elderly  
21 individuals” each place it appears and inserting  
22 “individuals with disabilities and older individ-  
23 uals”;

1 (B) by striking “handicapped and elderly  
2 voters” each place it appears and inserting “in-  
3 dividuals with disabilities and older individ-  
4 uals”;

5 (C) in section 3(b)(2)(B), by striking  
6 “handicapped or elderly voter” and inserting  
7 “individual with a disability or older indi-  
8 vidual”;

9 (D) in section 5(b), by striking “handi-  
10 capped voter” and inserting “individual with a  
11 disability”; and

12 (E) in section 8—

13 (i) by striking paragraphs (1) and (2)  
14 and inserting the following:

15 “(1) ‘accessible’ has the meaning given that  
16 term in section 307 of the Help America Vote Act  
17 of 2002, as added by section 1102(a) of the Free-  
18 dom to Vote: John R. Lewis Act;

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

21 (ii) by striking paragraph (4), and in-  
22 sserting the following:

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

25 (3) SHORT TITLE AMENDMENT.—

1 (A) IN GENERAL.—Section 1 of the “Vot-  
2 ing Accessibility for the Elderly and Handi-  
3 capped Act” (Public Law 98–435; 42 U.S.C.  
4 1973<sup>see note</sup>) is amended by striking “for the  
5 Elderly and Handicapped” and inserting “for  
6 Individuals with Disabilities and Older Individ-  
7 uals”.

8 (B) REFERENCES.—Any reference in any  
9 other provision of law, regulation, document,  
10 paper, or other record of the United States to  
11 the “Voting Accessibility for the Elderly and  
12 Handicapped Act” shall be deemed to be a ref-  
13 erence to the “Voting Accessibility for Individ-  
14 uals with Disabilities and Older Individuals  
15 Act”.

16 (4) EFFECTIVE DATE.—The amendments made  
17 by this subsection shall take effect on January 1,  
18 2024, and shall apply with respect to elections for  
19 Federal office held on or after that date.

20 **SEC. 1104. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**  
21 **GUARDIANSHIP.**

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

1 1101(a), section 1102(a), and section 1103(a)(1), is  
2 amended—

3 (1) by redesignating sections 309 and 310 as  
4 sections 310 and 311, respectively; and

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

6 **“SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**  
7 **GUARDIANSHIP.**

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

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

19 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of  
20 such Act (52 U.S.C. 21101(b)), as added and redesignated  
21 by section 1101(b) and as amended by sections 1102 and  
22 1103, is amended by striking “and 308” and inserting  
23 “308, and 309”.

24 (c) CLERICAL AMENDMENTS.—The table of contents  
25 of such Act, as amended by section 1031(c), section

1 1044(b), section 1101(c), section 1102(c), and section  
2 1103(a)(3), is amended—

3 (1) by redesignating the items relating to sec-  
4 tions 309 and 310 as relating to sections 310 and  
5 311, respectively; and

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

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

8 **SEC. 1105. EXPANSION AND REAUTHORIZATION OF GRANT**  
9 **PROGRAM TO ASSURE VOTING ACCESS FOR**  
10 **INDIVIDUALS WITH DISABILITIES.**

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

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

23 “(2) making polling places, including the path  
24 of travel, entrances, exits, and voting areas of each  
25 polling facility, accessible to individuals with disabil-

1       ities, including the blind and visually impaired, in a  
2       manner that provides the same opportunity for ac-  
3       cess and participation (including privacy and inde-  
4       pendence) as for other voters; and

5               “(3) providing solutions to problems of access  
6       to voting and elections for individuals with disabil-  
7       ities that are universally designed and provide the  
8       same opportunities for individuals with and without  
9       disabilities.”.

10       (b) REAUTHORIZATION.—Section 264(a) of such Act  
11 (52 U.S.C. 21024(a)) is amended by adding at the end  
12 the following new paragraph:

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

16       (c) PERIOD OF AVAILABILITY OF FUNDS.—Section  
17 264 of such Act (52 U.S.C. 21024) is amended—

18               (1) in subsection (b), by striking “Any  
19       amounts” and inserting “Except as provided in sub-  
20       section (b), any amounts”; and

21               (2) by adding at the end the following new sub-  
22       section:

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

24               “(1) DEADLINE FOR OBLIGATION AND EXPEND-  
25       ITURE.—In the case of any amounts appropriated



1       pursuant to the authority of subsection (a) for a  
2       payment to a State or unit of local government for  
3       fiscal year 2022 or any succeeding fiscal year, any  
4       portion of such amounts which have not been obli-  
5       gated or expended by the State or unit of local gov-  
6       ernment prior to the expiration of the 4-year period  
7       which begins on the date the State or unit of local  
8       government first received the amounts shall be  
9       transferred to the Commission.

10           “(2) REALLOCATION OF TRANSFERRED  
11       AMOUNTS.—

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

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

1                   “(i) amounts were appropriated pur-  
2                   suant to the authority of subsection (a);  
3                   and  
4                   “(ii) no amounts were transferred to  
5                   the Commission under paragraph (1).”.

6 **SEC. 1106. FUNDING FOR PROTECTION AND ADVOCACY SYS-**  
7                   **TEMS.**

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

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

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

21                   (2) by striking “except that” and all that fol-  
22                   lows and inserting “except that the amount of the  
23                   grants to systems referred to in subsection (c)(3)(B)  
24                   of that section shall not be less than \$70,000 and  
25                   the amount of the grants to systems referred to in

1 subsections (c)(1)(B) and (c)(4)(B) of that section  
2 shall not be less than \$35,000.”.

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

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

17 (b) REPORTS.—

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

23 (2) DEADLINE.—A State shall submit a report  
24 under paragraph (1) not later than 90 days after

1 the last election for public office held in the State  
2 during the year.

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

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

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

18 **SEC. 1108. GAO ANALYSIS AND REPORT ON VOTING ACCESS**

19 **FOR INDIVIDUALS WITH DISABILITIES.**

20 (a) ANALYSIS.—The Comptroller General of the  
21 United States shall conduct an analysis after each regu-  
22 larly scheduled general election for Federal office with re-  
23 spect to the following:

24 (1) In relation to polling places located in  
25 houses of worship or other facilities that may be ex-

1       empt from accessibility requirements under the  
2       Americans with Disabilities Act—

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

5               (B) the extent to which such facilities are  
6               used as polling places in elections for Federal  
7               office.

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

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

16                      (A) are located in places that are difficult  
17                      to access;

18                      (B) malfunction; or

19                      (C) fail to provide sufficient privacy to en-  
20                      sure that the ballot of the individual cannot be  
21                      seen by another individual.

22              (4) The process by which Federal, State, and  
23              local governments track compliance with accessibility  
24              requirements related to voting access, including  
25              methods to receive and address complaints.

1           (5) The extent to which poll workers receive  
2 training on how to assist individuals with disabili-  
3 ties, including the receipt by such poll workers of  
4 information on legal requirements related to voting  
5 rights for individuals with disabilities.

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

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

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

17 (b) REPORT.—

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

1 (A) The analysis required by subsection  
2 (a).

3 (B) Recommendations, as appropriate, to  
4 promote the use of best practices used by State  
5 and local officials to address barriers to accessi-  
6 bility and privacy concerns for individuals with  
7 disabilities in elections for Federal office.

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

11 (A) the Committee on House Administra-  
12 tion of the House of Representatives;

13 (B) the Committee on Rules and Adminis-  
14 tration of the Senate;

15 (C) the Committee on Appropriations of  
16 the House of Representatives; and

17 (D) the Committee on Appropriations of  
18 the Senate.

## 19 **Subtitle C—Early Voting**

### 20 **SEC. 1201. EARLY VOTING.**

21 (a) REQUIREMENTS.—Subtitle A of title III of the  
22 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
23 as amended by section 1031(a), section 1044(a), section  
24 1101(a), section 1102(a), section 1103(a), and section  
25 1104(a), is amended—

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

3           (2) by inserting after section 309 the following  
4           new section:

5   **“SEC. 310. EARLY VOTING.**

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

12          “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

13               “(1) IN GENERAL.—

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

23                   “(B) HOURS FOR EARLY VOTING.—Each  
24                   polling place which allows voting during an



1 early voting period under subparagraph (A)  
2 shall—

3 “(i) allow such voting for no less than  
4 10 hours on each day during the period;

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

7 “(iii) allow such voting to be held for  
8 some period of time prior to 9:00 a.m.  
9 (local time) and some period of time after  
10 5:00 p.m. (local time).

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

14 “(A) paragraph (1) shall not apply;

15 “(B) such jurisdiction shall allow eligible  
16 individuals to vote during an early voting period  
17 that ensures voters are provided the greatest  
18 opportunity to cast ballots ahead of Election  
19 Day and which includes at least one consecutive  
20 Saturday and Sunday; and

21 “(C) each polling place which allows voting  
22 during an early voting period under subpara-  
23 graph (B) shall allow such voting—

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

1                   “(ii) for a period of not less than 8  
2                   hours on Saturdays and Sundays included  
3                   in the early voting period.

4                   “(3) REQUIREMENTS FOR SMALL JURISDIC-  
5                   TIONS.—

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

11                  “(i) at each polling place which allows  
12                  voting during the early voting period de-  
13                  scribed in paragraph (1)(A)—

14                  “(I) during the election office’s  
15                  regular business hours; and

16                  “(II) for a period of not less than  
17                  8 hours on at least one Saturday and  
18                  at least one Sunday included in the  
19                  early voting period; or

20                  “(ii) at one or more polling places in  
21                  the county in which such jurisdiction is lo-  
22                  cated that allows voting during the early  
23                  voting period described in paragraph  
24                  (1)(A) in accordance with the requirements  
25                  under paragraph (1)(B).

1           “(B) JURISDICTION DESCRIBED.—A juris-  
2           diction is described in this subparagraph if such  
3           jurisdiction—

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

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

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

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

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

22                   “(C) to limit a State or jurisdiction from  
23          offering early voting on the Monday before  
24          Election Day.

1       “(c) AVAILABILITY OF POLLING PLACES.—To the  
2 greatest extent practicable, each State and jurisdiction  
3 shall—

4           “(1) ensure that there are an appropriate num-  
5 ber of polling places which allow voting during an  
6 early voting period; and

7           “(2) ensure that such polling places provide the  
8 greatest opportunity for residents of the jurisdiction  
9 to vote.

10       “(d) LOCATION OF POLLING PLACES.—

11           “(1) PROXIMITY TO PUBLIC TRANSPOR-  
12 TATION.—To the greatest extent practicable, each  
13 State and jurisdiction shall ensure that each polling  
14 place which allows voting during an early voting pe-  
15 riod under subsection (b) is located within walking  
16 distance of a stop on a public transportation route.

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

20           “(A) ensure that an appropriate number of  
21 polling places (not less than one) which allow  
22 voting during an early voting period under sub-  
23 section (b) will be located in such rural areas;  
24 and

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

5           “(3) CAMPUSES OF INSTITUTIONS OF HIGHER  
6 EDUCATION.—In the case of a jurisdiction that is  
7 not considered a vote by mail jurisdiction described  
8 in subsection (b)(2) or a small jurisdiction described  
9 in subsection (b)(3) and that includes an institution  
10 of higher education (as defined under section 102 of  
11 the Higher Education Act of 1965 (20 U.S.C.  
12 1002)), including a branch campus of such an insti-  
13 tution, the State or jurisdiction shall—

14           “(A) ensure that an appropriate number of  
15 polling places (not less than one) which allow  
16 voting during the early voting period under sub-  
17 section (b) will be located on the physical cam-  
18 pus of each such institution, including each  
19 such branch campus; and

20           “(B) ensure that such polling places pro-  
21 vide the greatest opportunity for residents of  
22 the jurisdiction to vote.

23           “(e) STANDARDS.—Not later than June 30, 2022,  
24 the Commission shall issue voluntary standards for the ad-  
25 ministration of voting during voting periods which occur

1 prior to the date of a Federal election. Subject to sub-  
2 section (c), such voluntary standards shall include the  
3 nondiscriminatory geographic placement of polling places  
4 at which such voting occurs.

5 “(f) BALLOT PROCESSING AND SCANNING REQUIRE-  
6 MENTS.—

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

19 “(2) LIMITATION.—Nothing in this subsection  
20 shall be construed—

21 “(A) to permit a State or jurisdiction to  
22 tabulate ballots in an election before the closing  
23 of the polls on the date of the election unless  
24 such tabulation is a necessary component of  
25 preprocessing in the State or jurisdiction and is

1 performed in accordance with existing State  
2 law; or

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

7 “(g) EFFECTIVE DATE.—This section shall apply  
8 with respect to the regularly scheduled general election for  
9 Federal office held in November 2022 and each succeeding  
10 election for Federal office.”.

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

16 (1) by striking “and” at the end of paragraph  
17 (3);

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

20 (3) by adding at the end the following new  
21 paragraph:

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

1 (c) CLERICAL AMENDMENTS.—The table of contents  
2 of such Act, as amended by section 1031(c), section  
3 1044(b), section 1101(c), section 1102(c), section  
4 1103(a), and section 1104(c), is amended—

5 (1) by redesignating the items relating to sec-  
6 tions 310 and 311 as relating to sections 311 and  
7 312, respectively; and

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

“Sec. 310. Early voting.”.

## 10 **Subtitle D—Voting by Mail**

### 11 **SEC. 1301. VOTING BY MAIL.**

12 (a) IN GENERAL.—

13 (1) REQUIREMENTS.—Subtitle A of title III of  
14 the Help America Vote Act of 2002 (52 U.S.C.  
15 21081 et seq.), as amended by section 1031(a), sec-  
16 tion 1044(a), section 1101(a), section 1102(a), sec-  
17 tion 1103(a), section 1104(a), and section 1201(a),  
18 is amended—

19 (A) by redesignating sections 311 and 312  
20 as sections 312 and 313, respectively; and

21 (B) by inserting after section 310 the fol-  
22 lowing new section:



1 **“SEC. 311. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
2 **MAIL.**

3 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING  
4 TO ALL VOTERS.—

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

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

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

20 “(i) the information required to com-  
21 plete an application for voter registration  
22 for an election for Federal office under sec-  
23 tion 303(a)(5)(A), provided that a State  
24 may not deny a voter a ballot or the oppor-  
25 tunity to cast it on the grounds that the  
26 voter does not possess a current and valid

1 driver's license number or a social security  
2 number; or

3 “(ii) a signature of the individual or  
4 similar affirmation as a condition of ob-  
5 taining or casting an absentee ballot.

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

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

17 “(ii) due to an error in, or omission  
18 of, identifying information required by a  
19 State under subparagraph (A), if such  
20 error or omission is not material to an in-  
21 dividual's eligibility to vote under section  
22 2004(a)(2)(B) of the Revised Statutes (52  
23 U.S.C. 10101(a)(2)(B)).

24 “(C) PROHIBITING REQUIREMENT TO PRO-  
25 VIDE NOTARIZATION OR WITNESS SIGNATURE

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

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

20 “(b) DUE PROCESS REQUIREMENTS FOR STATES  
21 REQUIRING SIGNATURE VERIFICATION.—

22 “(1) REQUIREMENT.—

23 “(A) IN GENERAL.—A State may not im-  
24 pose a signature verification requirement as a  
25 condition of accepting and counting a mail-in

1 ballot or absentee ballot submitted by any indi-  
2 vidual with respect to an election for Federal  
3 office unless the State meets the due process re-  
4 quirements described in paragraph (2).

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

16 “(2) DUE PROCESS REQUIREMENTS.—

17 “(A) NOTICE AND OPPORTUNITY TO CURE  
18 DISCREPANCY IN SIGNATURES.—If an indi-  
19 vidual submits a mail-in ballot or an absentee  
20 ballot and the appropriate State or local elec-  
21 tion official determines that a discrepancy ex-  
22 ists between the signature on such ballot and  
23 the signature of such individual on the official  
24 list of registered voters in the State or other of-  
25 ficial record or document used by the State to

1           verify the signatures of voters, such election of-  
2           ficial, prior to making a final determination as  
3           to the validity of such ballot, shall—

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

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

17                           “(II) if such discrepancy is not  
18                           cured prior to the expiration of the  
19                           third day following the State’s dead-  
20                           line for receiving mail-in ballots or ab-  
21                           sentee ballots, such ballot will not be  
22                           counted; and

23                           “(ii) cure such discrepancy and count  
24                           the ballot if, prior to the expiration of the  
25                           third day following the State’s deadline for

1 receiving mail-in ballots or absentee bal-  
2 lots, the individual provides the official  
3 with information to cure such discrepancy,  
4 either in person, by telephone, or by elec-  
5 tronic methods.

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

16 “(i) as soon as practical, but no later  
17 than the next business day after such de-  
18 termination is made, make a good faith ef-  
19 fort to notify the individual by mail, tele-  
20 phone, and (if available) text message and  
21 electronic mail that—

22 “(I) the ballot did not include a  
23 signature or has some other defect;  
24 and

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

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

15                  This subparagraph does not apply with respect  
16                  to a defect consisting of the failure of a ballot  
17                  to meet the applicable deadline for the accept-  
18                  ance of the ballot, as described in subsection  
19                  (e).

20                  “(C) OTHER REQUIREMENTS.—

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

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

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

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

11 “(III) of the officials who make  
12 the determination, at least one is af-  
13 filiated with the political party whose  
14 candidate received the most votes in  
15 the most recent statewide election for  
16 Federal office held in the State and at  
17 least one is affiliated with the political  
18 party whose candidate received the  
19 second most votes in the most recent  
20 statewide election for Federal office  
21 held in the State.

22 “(ii) EXCEPTION.—Clause (i)(III)  
23 shall not apply to any State in which,  
24 under a law that is in effect continuously  
25 on and after the date of enactment of this



1 section, determinations regarding signature  
2 discrepancies are made by election officials  
3 who are not affiliated with a political  
4 party.

5 “(3) REPORT.—

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

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

14 “(ii) Description of attempts to con-  
15 tact voters to provide notice as required by  
16 this subsection.

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

22 “(B) SUBMISSION TO CONGRESS.—Not  
23 later than 10 days after receiving a report  
24 under subparagraph (A), the Commission shall  
25 transmit 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 re-  
4           spect to any regularly scheduled election for  
5           Federal office, the period beginning on the day  
6           after the date of the preceding regularly sched-  
7           uled general election for Federal office and end-  
8           ing on the date of such regularly scheduled gen-  
9           eral election.

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

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

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

22          “(c) APPLICATIONS FOR ABSENTEE BALLOTS.—

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

1       mit an individual to submit an application for an ab-  
2       sentee 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  
8       the website permits the individual—

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

12              “(B) to request that a paper copy of the  
13       application 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  
2 ensure that the ballot and related voting mate-  
3 rials 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  
10 the date described in subparagraph (A) but not  
11 later than 7 days (excluding Saturdays, Sun-  
12 days, and legal public holidays) before the date  
13 of the election, the election official shall, to the  
14 greatest extent practical, ensure that the ballot  
15 and related voting materials are mailed to the  
16 individual within 1 business day of the receipt  
17 of the application.

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

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

1           “(A) IN GENERAL.—At the option of an  
2 individual, the individual’s application to vote  
3 by absentee ballot by mail in an election for  
4 Federal office shall be treated as an application  
5 for an absentee ballot by mail in all subsequent  
6 elections 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  
11 elections for Federal office held in the  
12 State under subparagraph (A), such treat-  
13 ment shall remain effective until the earlier  
14 of 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 DIS-  
4 ABILITIES.—Each State shall ensure that all absentee bal-  
5 lot applications, absentee ballots, and related voting mate-  
6 rials in elections for Federal office are accessible to indi-  
7 viduals with disabilities in a manner that provides the  
8 same opportunity for access and participation (including  
9 with privacy and independence) as for other voters.

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

12 “(1) IN GENERAL.—A State or local election of-  
13 ficial may not refuse to accept or process a ballot  
14 submitted by an individual by mail with respect to  
15 an election for Federal office in the State on the  
16 grounds that the individual did not meet a deadline  
17 for returning the ballot to the appropriate State or  
18 local 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  
22 election; 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  
2           the election.

3           “(2) RULE OF CONSTRUCTION.—Nothing in  
4           this subsection shall be construed to prohibit a State  
5           from having a law that allows for counting of ballots  
6           in an election for Federal office that are received  
7           through the mail after the date that is 7 days after  
8           the date 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,  
11   that ballots cast before the date of the election are  
12   processed and scanned before the date of the elec-  
13   tion.

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

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

22           “(B) to permit an official to make public  
23   any results of tabulation and processing before  
24   the closing of the polls on the date of the elec-  
25   tion.



1       “(h) PROHIBITING RESTRICTIONS ON DISTRIBUTION  
2 OF ABSENTEE BALLOT APPLICATIONS BY THIRD PAR-  
3 TIES.—A State may not prohibit any person from pro-  
4 viding an application for an absentee ballot in the election  
5 to any individual who is eligible to vote in the election.

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

10       “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-  
11 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in  
12 this section may be construed to affect the treatment of  
13 any ballot submitted by an individual who is entitled to  
14 vote by absentee ballot under the Uniformed and Overseas  
15 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

16       “(k) EFFECTIVE DATE.—This section shall apply  
17 with respect to the regularly scheduled general election for  
18 Federal office held in November 2022 and each succeeding  
19 election for Federal office.”.

20               (2) CLERICAL AMENDMENTS.—The table of  
21 contents of such Act, as amended by section  
22 1031(e), section 1044(b), section 1101(c), section  
23 1102(e), section 1103(a), section 1104(c), and sec-  
24 tion 1201(c), is amended—

1 (A) by redesignating the items relating to  
2 sections 311 and 312 as relating to sections  
3 312 and 313, respectively; and

4 (B) by inserting after the item relating to  
5 section 310 the following new item:

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

6 (b) SAME-DAY PROCESSING OF ABSENTEE BAL-  
7 LOTS.—

8 (1) IN GENERAL.—Chapter 34 of title 39,  
9 United States Code, is amended by adding at the  
10 end the following:

11 **“§ 3407. Same-day processing of ballots**

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

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

18 “(1) the term ‘ballot’ means any ballot trans-  
19 mitted by a voter by mail in an election for Federal  
20 office, but does not include any ballot covered by  
21 section 3406; and

22 “(2) the term ‘election for Federal office’ means  
23 a general, special, primary, or runoff election for the  
24 office of President or Vice President, or of Senator

1 or Representative in, or Delegate or Resident Com-  
2 missioner to, the Congress.”.

3 (2) TECHNICAL AND CONFORMING AMEND-  
4 MENT.—The table of sections for chapter 34 of title  
5 39, United States Code, is amended by adding at  
6 the end the following:

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

7 (3) EFFECTIVE DATE.—The amendments made  
8 by this subsection shall apply to absentee ballots re-  
9 lating to an election for Federal office occurring on  
10 or after January 1, 2022.

11 (c) DEVELOPMENT OF ALTERNATIVE VERIFICATION  
12 METHODS.—

13 (1) DEVELOPMENT OF STANDARDS.—The Na-  
14 tional Institute of Standards, in consultation with  
15 the Election Assistance Commission, shall develop  
16 standards for the use of alternative methods which  
17 could be used in place of signature verification re-  
18 quirements for purposes of verifying the identifica-  
19 tion of an individual voting by mail-in or absentee  
20 ballot in elections for Federal office.

21 (2) PUBLIC NOTICE AND COMMENT.—The Na-  
22 tional Institute of Standards shall solicit comments  
23 from the public in the development of standards  
24 under paragraph (1).

1           (3) DEADLINE.—Not later than 2 years after  
2           the date of the enactment of this Act, the National  
3           Institute of Standards shall publish the standards  
4           developed under paragraph (1).

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

6           (a) IN GENERAL.—

7           (1) REQUIREMENTS.—Subtitle A of title III of  
8           the Help America Vote Act of 2002 (52 U.S.C.  
9           21081 et seq.), as amended by section 1031(a), sec-  
10          tion 1044(a), section 1101(a), section 1102(a), sec-  
11          tion 1103(a), section 1104(a), section 1201(a), and  
12          section 1301(a), is amended—

13                   (A) by redesignating sections 312 and 313  
14                   as sections 313 and 314, respectively; and

15                   (B) by inserting after section 311 the fol-  
16                   lowing new section:

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

18           “(a) REQUIREMENT.—Each State shall carry out a  
19           program to track and confirm the receipt of mail-in ballots  
20           and absentee ballots in an election for Federal office under  
21           which the State or local election official responsible for the  
22           receipt of such voted ballots in the election carries out pro-  
23           cedures to track and confirm the receipt of such ballots,  
24           and makes information on the receipt of such ballots avail-  
25           able to the individual who cast the ballot.

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

3           “(1) through a program—

4               “(A) which is established by the State;

5               “(B) under which the State or local elec-  
6 tion official responsible for the receipt of voted  
7 mail-in ballots and voted absentee ballots in the  
8 election—

9               “(i) carries out procedures to track  
10 and confirm the receipt of such ballots;  
11 and

12               “(ii) makes information on the receipt  
13 of such ballots available to the individual  
14 who cast the ballot; and

15               “(C) which meets the requirements of sub-  
16 section (c); or

17           “(2) through the ballot materials tracking serv-  
18 ice established under section 1302(b) of the Free-  
19 dom to Vote: John R. Lewis Act.

20       “(c) STATE PROGRAM REQUIREMENTS.—The re-  
21 quirements of this subsection are as follows:

22           “(1) INFORMATION ON WHETHER VOTE WAS  
23 ACCEPTED.—The information referred to under sub-  
24 section (b)(1)(B)(ii) with respect to the receipt of  
25 mail-in ballot or an absentee ballot shall include in-

1 formation regarding whether the vote cast on the  
2 ballot was accepted, and, in the case of a vote which  
3 was rejected, the reasons therefor.

4 “(2) AVAILABILITY OF INFORMATION.—Infor-  
5 mation on whether a ballot was accepted or rejected  
6 shall be available within 1 business day of the State  
7 accepting or rejecting the ballot.

8 “(3) ACCESSIBILITY OF INFORMATION.—

9 “(A) IN GENERAL.—Except as provided  
10 under subparagraph (B), the information pro-  
11 vided under the program shall be available by  
12 means of online access using the internet site of  
13 the State or local election office.

14 “(B) USE OF TOLL-FREE TELEPHONE  
15 NUMBER BY OFFICIALS WITHOUT INTERNET  
16 SITE.—In the case of a State or local election  
17 official whose office does not have an internet  
18 site, the program shall require the official to es-  
19 tablish a toll-free telephone number that may be  
20 used by an individual who cast an absentee bal-  
21 lot to obtain the information required under  
22 subsection (b)(1)(B).

23 “(d) EFFECTIVE DATE.—This section shall apply  
24 with respect to the regularly scheduled general election for

1 Federal office held in November 2024 and each succeeding  
2 election for Federal office.”.

3 (2) CONFORMING AMENDMENTS.—Section 102  
4 of the Uniformed and Overseas Citizens Absentee  
5 Voting Act (52 U.S.C. 20302(a)) is amended by  
6 striking subsection (h) and redesignating subsection  
7 (i) as subsection (h).

8 (b) BALLOTING MATERIALS TRACKING SERVICE.—

9 (1) IN GENERAL.—Not later than January 1,  
10 2024, the Secretary of Homeland Security, in con-  
11 sultation with the Chair of the Election Assistance  
12 Commission, the Postmaster General, the Director  
13 of the General Services Administration, the Presi-  
14 dential designee, and State election officials, shall  
15 establish a balloting materials tracking service to be  
16 used by State and local jurisdictions to inform voters  
17 on the status of voter registration applications, ab-  
18 sentee ballot applications, absentee ballots, and mail-  
19 in ballots.

20 (2) INFORMATION TRACKED.—The balloting  
21 materials tracking service established under para-  
22 graph (1) shall provide to a voter the following infor-  
23 mation with respect to that voter:

24 (A) In the case of balloting materials sent  
25 by mail, tracking information from the United

1 States Postal Service and the Presidential des-  
2 ignee on balloting materials sent to the voter  
3 and, to the extent feasible, returned by the  
4 voter.

5 (B) The date on which any request by the  
6 voter for an application for voter registration or  
7 an absentee ballot was received.

8 (C) The date on which any such requested  
9 application was sent to the voter.

10 (D) The date on which any such completed  
11 application was received from the voter and the  
12 status of such application.

13 (E) The date on which any mail-in ballot  
14 or absentee ballot was sent to the voter.

15 (F) The date on which any mail-in ballot  
16 or absentee ballot was out for delivery to the  
17 voter.

18 (G) The date on which the post office proc-  
19 esses the ballot.

20 (H) The date on which the returned ballot  
21 was out for delivery to the election office.

22 (I) Whether such ballot was accepted and  
23 counted, and in the case of any ballot not  
24 counted, the reason why the ballot was not  
25 counted.



1       The information described in subparagraph (I) shall  
2       be available not later than 1 day after a determina-  
3       tion is made on whether or not to accept and count  
4       the ballot.

5           (3) METHOD OF PROVIDING INFORMATION.—  
6       The balloting materials tracking service established  
7       under paragraph (1) shall allow voters the option to  
8       receive the information described in paragraph (2)  
9       through email (or other electronic means) or through  
10      the mail.

11          (4) PUBLIC AVAILABILITY OF LIMITED INFOR-  
12      MATION.—Information described in subparagraphs  
13      (E), (G), and (I) of paragraph (2) shall be made  
14      available to political parties and voter registration  
15      organizations, at cost to cover the expense of pro-  
16      viding such information, for use, in accordance with  
17      State guidelines and procedures, in helping to return  
18      or cure mail-in ballots during any period in which  
19      mail-in ballots may be returned.

20          (5) PROHIBITION ON FEES.—The Director may  
21      not charge any fee to a State or jurisdiction for use  
22      of the balloting materials tracking service in connec-  
23      tion with any Federal, State, or local election.

24          (6) PRESIDENTIAL DESIGNEE.—For purposes  
25      of this subsection, the term “Presidential designee”

1 means the Presidential designee under section  
2 101(a) of the Uniformed and Overseas Citizens Ab-  
3 santee Voting Act (52 U.S.C. 30201).

4 (7) AUTHORIZATION OF APPROPRIATIONS.—  
5 There are authorized to be appropriated to the Di-  
6 rector such sums as are necessary for purposes of  
7 carrying out this subsection.

8 (c) REIMBURSEMENT FOR COSTS INCURRED BY  
9 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title  
10 II of the Help America Vote Act of 2002 (42 U.S.C.  
11 15401 et seq.) is amended by adding at the end the fol-  
12 lowing new part:

13 **“PART 7—PAYMENTS TO REIMBURSE STATES**  
14 **FOR COSTS INCURRED IN ESTABLISHING**  
15 **PROGRAM TO TRACK AND CONFIRM RE-**  
16 **CEIPT OF ABSENTEE BALLOTS**

17 **“SEC. 297. PAYMENTS TO STATES.**

18 “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-  
19 cordance with this section, the Commission shall make a  
20 payment to a State to reimburse the State for the costs  
21 incurred in establishing the absentee ballot tracking pro-  
22 gram under section 312(b)(1) (including costs incurred  
23 prior to the date of the enactment of this part).

24 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

1           “(1) CERTIFICATION REQUIRED.—In order to  
2 receive a payment under this section, a State shall  
3 submit to the Commission a statement containing—

4           “(A) a certification that the State has es-  
5 tablished an absentee ballot tracking program  
6 with respect to elections for Federal office held  
7 in the State; and

8           “(B) a statement of the costs incurred by  
9 the State in establishing the program.

10          “(2) AMOUNT OF PAYMENT.—The amount of a  
11 payment made to a State under this section shall be  
12 equal to the costs incurred by the State in estab-  
13 lishing the absentee ballot tracking program, as set  
14 forth in the statement submitted under paragraph  
15 (1), except that such amount may not exceed the  
16 product of—

17          “(A) the number of jurisdictions in the  
18 State which are responsible for operating the  
19 program; and

20          “(B) \$3,000.

21          “(3) LIMIT ON NUMBER OF PAYMENTS RE-  
22 CEIVED.—A State may not receive more than one  
23 payment under this part.

1 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be  
3 appropriated to the Commission for fiscal year 2022 and  
4 each succeeding fiscal year such sums as may be necessary  
5 for payments under this part.

6 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any  
7 amounts appropriated pursuant to the authorization under  
8 this section shall remain available until expended.”.

9 (d) CLERICAL AMENDMENTS.—The table of contents  
10 of such Act, as amended by section 1031(c), 1044(b), sec-  
11 tion 1101(c), section 1102(c), section 1103(a), section  
12 1104(c), section 1201(c), and section 1301(a), is amend-  
13 ed—

14 (1) by adding at the end of the items relating  
15 to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-  
TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE  
BALLOTS

“Sec. 297. Payments to states.

“Sec. 297A. Authorization of appropriations.”;

16 (2) by redesignating the items relating to sec-  
17 tions 312 and 313 as relating to sections 313 and  
18 314, respectively; and

19 (3) by inserting after the item relating to sec-  
20 tion 311 the following new item:

“Sec. 312. Absentee ballot tracking program.”.

1 **SEC. 1303. ELECTION MAIL AND DELIVERY IMPROVE-**  
2 **MENTS.**

3 (a) **POSTMARK REQUIRED FOR BALLOTS.—**

4 (1) **IN GENERAL.—**Chapter 34 of title 39,  
5 United States Code, as amended by section 1301(b),  
6 is amended by adding at the end the following:

7 **“§ 3408. Postmark required for ballots**

8 “(a) **IN GENERAL.—**In the case of any absentee bal-  
9 lot carried by the Postal Service, the Postal Service shall  
10 indicate on the ballot envelope, using a postmark or other-  
11 wise—

12 “(1) the fact that the ballot was carried by the  
13 Postal Service; and

14 “(2) the date on which the ballot was mailed.

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

16 “(1) the term ‘absentee ballot’ means any ballot  
17 transmitted by a voter by mail in an election for  
18 Federal office, but does not include any ballot cov-  
19 ered by section 3406; and

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

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

1 39, United States Code, as amended by section  
2 1301(b), is amended by adding at the end the fol-  
3 lowing:

“3408. Postmark required for ballots.”.

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

8 (b) GREATER VISIBILITY FOR BALLOTS.—

9 (1) IN GENERAL.—Subtitle A of title III of the  
10 Help America Vote Act of 2002 (52 U.S.C. 21081  
11 et seq.), as amended by section 1031(a), section  
12 1044(a), section 1101(a), section 1102(a), section  
13 1103(a), section 1104(a), section 1201(a), section  
14 1301(a), and section 1302(a), is amended—

15 (A) by redesignating sections 313 and 314  
16 as sections 314 and 315, respectively; and

17 (B) by inserting after section 312 the fol-  
18 lowing new section:

19 **“SEC. 313. BALLOT VISIBILITY.**

20 “(a) IN GENERAL.—Each State or local election offi-  
21 cial shall—

22 “(1) affix Tag 191, Domestic and International  
23 Mail-In Ballots (or any successor tag designated by  
24 the United States Postal Service), to any tray or  
25 sack of official ballots relating to an election for

1 Federal office that is destined for a domestic or  
2 international address;

3 “(2) use the Official Election Mail logo to des-  
4 ignate official ballots relating to an election for Fed-  
5 eral office that is destined for a domestic or inter-  
6 national address; and

7 “(3) if an intelligent mail barcode is utilized for  
8 any official ballot relating to an election for Federal  
9 office that is destined for a domestic or international  
10 address, ensure the specific ballot service type identi-  
11 fier for such mail is visible.

12 “(b) EFFECTIVE DATE.—The requirements of this  
13 section shall apply to elections for Federal office occurring  
14 on and after January 1, 2022.”.

15 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)  
16 of such Act (52 U.S.C. 21101(b)), as added and re-  
17 designated by section 1101(b) and as amended by  
18 sections 1102, 1103 and 1104, is amended by strik-  
19 ing “and 309” and inserting “309, and 313”.

20 (3) CLERICAL AMENDMENTS.—The table of  
21 contents of such Act, as amended by section  
22 1031(e), section 1044(b), section 1101(c), section  
23 1102(e), section 1103(a), section 1104(c), section  
24 1201(c), section 1301(a), and section 1302(a), is  
25 amended—

1 (A) by redesignating the items relating to  
2 sections 313 and 314 as relating to sections  
3 314 and 315; and

4 (B) by inserting after the item relating to  
5 section 312 the following new item:

“Sec. 313. Ballot visibility.”.

6 **SEC. 1304. CARRIAGE OF ELECTION MAIL.**

7 (a) TREATMENT OF ELECTION MAIL.—

8 (1) TREATMENT AS FIRST-CLASS MAIL; FREE  
9 POSTAGE.—Chapter 34 of title 39, United States  
10 Code, as amended by section 1301(b) and section  
11 1303(a), is amended by adding at the end the fol-  
12 lowing:

13 **“§ 3409. Domestic election mail; restriction of oper-  
14 ational changes prior to elections**

15 “(a) DEFINITION.—In this section, the term ‘election  
16 mail’ means—

17 “(1) a blank or completed voter registration ap-  
18 plication form, voter registration card, or similar  
19 materials, relating to an election for Federal office;

20 “(2) a blank or completed absentee and other  
21 mail-in ballot application form, and a blank or com-  
22 pleted absentee or other mail-in ballot, relating to an  
23 election for Federal office, and

24 “(3) other materials relating to an election for  
25 Federal office that are mailed by a State or local



1 election official to an individual who is registered to  
2 vote.

3 “(b) CARRIAGE OF ELECTION MAIL.—Election mail  
4 (other than balloting materials covered under section 3406  
5 (relating to the Uniformed and Overseas Absentee Voting  
6 Act)), individually or in bulk, shall be carried in accord-  
7 ance with the service standards established for first-class  
8 mail under section 3691.

9 “(c) NO POSTAGE REQUIRED FOR COMPLETED BAL-  
10 LOTS.—Completed absentee or other mail-in ballots (other  
11 than balloting materials covered under section 3406 (relat-  
12 ing to the Uniformed and Overseas Absentee Voting Act))  
13 shall be carried free of postage.

14 “(d) RESTRICTION OF OPERATIONAL CHANGES.—  
15 During the 120-day period which ends on the date of an  
16 election for Federal office, the Postal Service may not  
17 carry out any new operational change that would restrict  
18 the prompt and reliable delivery of election mail. This sub-  
19 section applies to operational changes which include—

20 “(1) removing or eliminating any mail collection  
21 box without immediately replacing it; and

22 “(2) removing, decommissioning, or any other  
23 form of stopping the operation of mail sorting ma-  
24 chines, other than for routine maintenance.

1       “(e) ELECTION MAIL COORDINATOR.—The Postal  
2 Service shall appoint an Election Mail Coordinator at each  
3 area office and district office to facilitate relevant informa-  
4 tion sharing with State, territorial, local, and Tribal elec-  
5 tion officials in regards to the mailing of election mail.”.

6           (2) REIMBURSEMENT OF POSTAL SERVICE FOR  
7 REVENUE FORGONE.—Section 2401(e) of title 39,  
8 United States Code, is amended by striking “sec-  
9 tions 3217 and 3403 through 3406” and inserting  
10 “sections 3217, 3403 through 3406, and 3409”.

11       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
12 The table of sections for chapter 34 of title 39, United  
13 States Code, as amended by section 1301(b) and section  
14 1303(a), is amended by adding at the end the following:

“3409. Domestic election mail; restriction of operational changes prior to elec-  
tions.”.

15       (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect upon the expiration of the  
17 180-day period which begins on the date of the enactment  
18 of this section.

19 **SEC. 1305. REQUIRING STATES TO PROVIDE SECURED**  
20 **DROP BOXES FOR VOTED BALLOTS IN ELEC-**  
21 **TIONS FOR FEDERAL OFFICE.**

22       (a) REQUIREMENT.—Subtitle A of title III of the  
23 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
24 as amended by section 1031(a), section 1044(a), section

1 1101(a), section 1102(a), section 1103(a), section  
2 1104(a), section 1201(a), section 1301(a), section  
3 1302(a), and section 1303(b) is amended—

4 (1) by redesignating sections 314 and 315 as  
5 sections 315 and 316, respectively; and

6 (2) by inserting after section 313 the following  
7 new section:

8 **“SEC. 314. USE OF SECURED DROP BOXES FOR VOTED BAL-**  
9 **LOTS.**

10 “(a) **REQUIRING USE OF DROP BOXES.**—Each juris-  
11 diction shall provide in-person, secured, and clearly labeled  
12 drop boxes at which individuals may, at any time during  
13 the period described in subsection (b), drop off voted bal-  
14 lots in an election for Federal office.

15 “(b) **MINIMUM PERIOD FOR AVAILABILITY OF DROP**  
16 **BOXES.**—The period described in this subsection is, with  
17 respect to an election, the period which begins on the first  
18 day on which the jurisdiction sends mail-in ballots or ab-  
19 sentee ballots (other than ballots for absent uniformed  
20 overseas voters (as defined in section 107(1) of the Uni-  
21 formed and Overseas Citizens Absentee Voting Act (52  
22 U.S.C. 20310(1))) or overseas voters (as defined in section  
23 107(5) of such Act (52 U.S.C. 20310(5)))) to voters for  
24 such election and which ends at the time the polls close  
25 for the election in the jurisdiction involved.

1 “(c) ACCESSIBILITY.—

2 “(1) HOURS OF ACCESS.—

3 “(A) IN GENERAL.—Except as provided in  
4 subparagraph (B), each drop box provided  
5 under this section shall be accessible to voters  
6 for a reasonable number of hours each day.

7 “(B) 24-HOUR DROP BOXES.—

8 “(i) IN GENERAL.—Of the number of  
9 drop boxes provided in any jurisdiction,  
10 not less the required number shall be ac-  
11 cessible for 24-hours per day during the  
12 period described in subsection (b).

13 “(ii) REQUIRED NUMBER.—The re-  
14 quired number is the greater of—

15 “(I) 25 percent of the drop boxes  
16 required under subsection (d); or

17 “(II) 1 drop box.

18 “(2) POPULATION.—

19 “(A) IN GENERAL.—Drop boxes provided  
20 under this section shall be accessible for use—

21 “(i) by individuals with disabilities, as  
22 determined in consultation with the protec-  
23 tion and advocacy systems (as defined in  
24 section 102 of the Developmental Disabil-

1                   ities Assistance and Bill of Rights Act of  
2                   2000 (42 U.S.C. 15002)) of the State;

3                   “(ii) by individuals with limited pro-  
4                   ficiency in the English language; and

5                   “(iii) by homeless individuals (as de-  
6                   fined in section 103 of the McKinney-  
7                   Vento Homeless Assistance Act (42 U.S.C.  
8                   11302)) within the State.

9                   “(B) DETERMINATION OF ACCESSIBILITY  
10                  FOR INDIVIDUALS WITH DISABILITIES.—For  
11                  purposes of this paragraph, drop boxes shall be  
12                  considered to be accessible for use by individ-  
13                  uals with disabilities if the drop boxes meet  
14                  such criteria as the Attorney General may es-  
15                  tablish for such purposes.

16                  “(C) RULE OF CONSTRUCTION.—If a drop  
17                  box provided under this section is on the  
18                  grounds of or inside a building or facility which  
19                  serves as a polling place for an election during  
20                  the period described in subsection (b), nothing  
21                  in this subsection may be construed to waive  
22                  any requirements regarding the accessibility of  
23                  such polling place for the use of individuals  
24                  with disabilities, individuals with limited pro-

1           iciency in the English language, or homeless  
2           individuals.

3           “(d) NUMBER OF DROP BOXES.—Each jurisdiction  
4 shall have—

5           “(1) in the case of any election for Federal of-  
6           fice prior to the regularly scheduled general election  
7           for Federal office held in November 2024, not less  
8           than 1 drop box for every 45,000 registered voters  
9           located in the jurisdiction; and

10           “(2) in the case of the regularly scheduled gen-  
11           eral election for Federal office held in November  
12           2024 and each election for Federal office occurring  
13           thereafter, not less than the greater of—

14           “(A) 1 drop box for every 45,000 reg-  
15           istered voters located in the jurisdiction; or

16           “(B) 1 drop box for every 15,000 votes  
17           that were cast by mail in the jurisdiction in the  
18           most recent general election that includes an  
19           election for the office of President.

20           In no case shall a jurisdiction have less than 1 drop  
21           box for any election for Federal office.

22           “(e) LOCATION OF DROP BOXES.—The State shall  
23           determine the location of drop boxes provided under this  
24           section in a jurisdiction on the basis of criteria which en-  
25           sure that the drop boxes are—

1           “(1) available to all voters on a non-discrimina-  
2           tory basis;

3           “(2) accessible to voters with disabilities (in ac-  
4           cordance with subsection (c));

5           “(3) accessible by public transportation to the  
6           greatest extent possible;

7           “(4) available during all hours of the day;

8           “(5) sufficiently available in all communities in  
9           the jurisdiction, including rural communities and on  
10          Tribal lands within the jurisdiction (subject to sub-  
11          section (f)); and

12          “(6) geographically distributed to provide a rea-  
13          sonable opportunity for voters to submit their voted  
14          ballot in a timely manner.

15          “(f) TIMING OF SCANNING AND PROCESSING OF  
16          BALLOTS.—For purposes of section 311(g) (relating to  
17          the timing of the processing and scanning of ballots for  
18          tabulation), a vote cast using a drop box provided under  
19          this section shall be treated in the same manner as a ballot  
20          cast by mail.

21          “(g) POSTING OF INFORMATION.—On or adjacent to  
22          each drop box provided under this section, the State shall  
23          post information on the requirements that voted absentee  
24          ballots must meet in order to be counted and tabulated  
25          in the election.

1       “(h) REMOTE SURVEILLANCE.—Nothing in this sec-  
2 tion shall prohibit a State from providing for the security  
3 of drop boxes through remote or electronic surveillance.

4       “(i) RULES FOR DROP BOXES ON TRIBAL LANDS.—  
5 In applying this section with respect to Tribal lands in  
6 a jurisdiction, the appropriate State and local election offi-  
7 cials shall meet the applicable requirements of the Frank  
8 Harrison, Elizabeth Peratrovich, and Miguel Trujillo Na-  
9 tive American Voting Rights Act of 2021.

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

14       (b) CLERICAL AMENDMENTS.—The table of contents  
15 of such Act, as amended by section 1031(c), section  
16 1044(b), section 1101(c), section 1102(c), section  
17 1103(a), section 1104(c), section 1201(c), section  
18 1301(c), section 1302(a), and section 1303(b), is amend-  
19 ed—

20               (1) by redesignating the items relating to sec-  
21 tions 314 and 315 as relating to sections 315 and  
22 316, respectively; and

23               (2) by inserting after the item relating to sec-  
24 tion 313 the following new item:

“Sec. 314. Use of secured drop boxes for voted absentee ballots.”.



1 **Subtitle E—Absent Uniformed**  
2 **Services Voters and Overseas**  
3 **Voters**

4 **SEC. 1401. PRE-ELECTION REPORTS ON AVAILABILITY AND**  
5 **TRANSMISSION OF ABSENTEE BALLOTS.**

6 Section 102(c) of the Uniformed and Overseas Citi-  
7 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-  
8 ed to read as follows:

9 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,  
10 AND RECEIPT OF ABSENTEE BALLOTS.—

11 “(1) PRE-ELECTION REPORT ON ABSENTEE  
12 BALLOT AVAILABILITY.—Not later than 55 days be-  
13 fore any regularly scheduled general election for  
14 Federal office, each State shall submit a report to  
15 the Attorney General certifying that absentee ballots  
16 for the election are or will be available for trans-  
17 mission to absent uniformed services voters and  
18 overseas voters by not later than 46 days before the  
19 election. The report shall be in a form prescribed by  
20 the Attorney General and shall require the State to  
21 certify specific information about ballot availability  
22 from each unit of local government which will ad-  
23 minister the election.

24 “(2) PRE-ELECTION REPORT ON ABSENTEE  
25 BALLOTS TRANSMITTED.—

1           “(A) IN GENERAL.—Not later than 43  
2           days before any election for Federal office held  
3           in a State, the chief State election official of  
4           such State shall submit a report containing the  
5           information in subparagraph (B) to the Attor-  
6           ney General.

7           “(B) INFORMATION REPORTED.—The re-  
8           port under subparagraph (A) shall consist of  
9           the following:

10                   “(i) The total number of absentee bal-  
11                   lots validly requested by absent uniformed  
12                   services voters and overseas voters whose  
13                   requests were received by the 47th day be-  
14                   fore the election by each unit of local gov-  
15                   ernment within the State that will transmit  
16                   absentee ballots.

17                   “(ii) The total number of ballots  
18                   transmitted to such voters by the 46th day  
19                   before the election by each unit of local  
20                   government within the State that will ad-  
21                   minister the election.

22                   “(iii) Specific information about any  
23                   late transmitted ballots.

24           “(C) REQUIREMENT TO SUPPLEMENT IN-  
25           COMPLETE INFORMATION.—If the report under

1           subparagraph (A) has incomplete information  
2           on any items required to be included in the re-  
3           port, the chief State election official shall make  
4           all reasonable efforts to expeditiously supple-  
5           ment the report with complete information.

6           “(D) FORMAT.—The report under sub-  
7           paragraph (A) shall be in a format prescribed  
8           by the Attorney General in consultation with  
9           the chief State election officials of each State.

10          “(3) POST-ELECTION REPORT ON NUMBER OF  
11          ABSENTEE BALLOTS TRANSMITTED AND RE-  
12          CEIVED.—Not later than 90 days after the date of  
13          each regularly scheduled general election for Federal  
14          office, each State and unit of local government  
15          which administered the election shall (through the  
16          State, in the case of a unit of local government) sub-  
17          mit a report to the Election Assistance Commission  
18          on the combined number of absentee ballots trans-  
19          mitted to absent uniformed services voters and over-  
20          seas voters for the election and the combined num-  
21          ber of such ballots which were returned by such vot-  
22          ers and cast in the election, and shall make such re-  
23          port available to the general public that same day.”.

1 **SEC. 1402. ENFORCEMENT.**

2 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-  
3 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed  
4 and Overseas Citizens Absentee Voting Act (52 U.S.C.  
5 20307) is amended to read as follows:

6 **“SEC. 105. ENFORCEMENT.**

7 “(a) ACTION BY ATTORNEY GENERAL.—The Attor-  
8 ney General may bring civil action in an appropriate dis-  
9 trict court for such declaratory or injunctive relief as may  
10 be necessary to carry out this title.

11 “(b) PRIVATE RIGHT OF ACTION.—A person who is  
12 aggrieved by a violation of this title may bring a civil ac-  
13 tion in an appropriate district court for such declaratory  
14 or injunctive relief as may be necessary to carry out this  
15 title.

16 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In  
17 any action brought under this section, the only necessary  
18 party defendant is the State, and it shall not be a defense  
19 to any such action that a local election official or a unit  
20 of local government is not named as a defendant, notwith-  
21 standing that a State has exercised the authority described  
22 in section 576 of the Military and Overseas Voter Em-  
23 powerment Act to delegate to another jurisdiction in the  
24 State any duty or responsibility which is the subject of  
25 an action brought under this section.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to violations alleged  
3 to have occurred on or after the date of the enactment  
4 of this Act.

5 **SEC. 1403. TRANSMISSION REQUIREMENTS; REPEAL OF**  
6 **WAIVER PROVISION.**

7 (a) IN GENERAL.—Paragraph (8) of section 102(a)  
8 of the Uniformed and Overseas Citizens Absentee Voting  
9 Act (52 U.S.C. 20302(a)) is amended to read as follows:

10 “(8) transmit a validly requested absentee bal-  
11 lot to an absent uniformed services voter or overseas  
12 voter by the date and in the manner determined  
13 under subsection (g);”.

14 (b) BALLOT TRANSMISSION REQUIREMENTS AND  
15 REPEAL OF WAIVER PROVISION.—Subsection (g) of sec-  
16 tion 102 of such Act (52 U.S.C. 20302(g)) is amended  
17 to read as follows:

18 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

19 “(1) IN GENERAL.—For purposes of subsection  
20 (a)(8), in the case in which a valid request for an  
21 absentee ballot is received at least 47 days before an  
22 election for Federal office, the following rules shall  
23 apply:

1           “(A) TRANSMISSION DEADLINE.—The  
2 State shall transmit the absentee ballot not  
3 later than 46 days before the election.

4           “(B) SPECIAL RULES IN CASE OF FAILURE  
5 TO TRANSMIT ON TIME.—

6           “(i) IN GENERAL.—If the State fails  
7 to transmit any absentee ballot by the 46th  
8 day before the election as required by sub-  
9 paragraph (A) and the absent uniformed  
10 services voter or overseas voter did not re-  
11 quest electronic ballot transmission pursu-  
12 ant to subsection (f), the State shall trans-  
13 mit such ballot by express delivery.

14           “(ii) EXTENDED FAILURE.—If the  
15 State fails to transmit any absentee ballot  
16 by the 41st day before the election, in ad-  
17 dition to transmitting the ballot as pro-  
18 vided in clause (i), the State shall—

19           “(I) in the case of absentee bal-  
20 lots requested by absent uniformed  
21 services voters with respect to regu-  
22 larly scheduled general elections, no-  
23 tify such voters of the procedures es-  
24 tablished under section 103A for the

1 collection and delivery of marked ab-  
2 sentee ballots; and

3 “(II) in any other case, provide  
4 for the return of such ballot by ex-  
5 press delivery.

6 “(iii) COST OF EXPRESS DELIVERY.—  
7 In any case in which express delivery is re-  
8 quired under this subparagraph, the cost  
9 of such express delivery—

10 “(I) shall not be paid by the  
11 voter; and

12 “(II) if determined appropriate  
13 by the chief State election official,  
14 may be required by the State to be  
15 paid by a local jurisdiction.

16 “(iv) EXCEPTION.—Clause (ii)(II)  
17 shall not apply when an absent uniformed  
18 services voter or overseas voter indicates  
19 the preference to return the late sent ab-  
20 sentee ballot by electronic transmission in  
21 a State that permits return of an absentee  
22 ballot by electronic transmission.

23 “(v) ENFORCEMENT.—A State’s com-  
24 pliance with this subparagraph does not  
25 bar the Attorney General from seeking ad-

1           ditional remedies necessary to fully resolve  
2           or prevent ongoing, future, or systematic  
3           violations of this provision or to effectuate  
4           the purposes of this Act.

5           “(C) SPECIAL PROCEDURE IN EVENT OF  
6           DISASTER.—If a disaster (hurricane, tornado,  
7           earthquake, storm, volcanic eruption, landslide,  
8           fire, flood, or explosion), or an act of terrorism  
9           prevents the State from transmitting any ab-  
10          sentee ballot by the 46th day before the election  
11          as required by subparagraph (A), the chief  
12          State election official shall notify the Attorney  
13          General as soon as practicable and take all ac-  
14          tions necessary, including seeking any necessary  
15          judicial relief, to ensure that affected absent  
16          uniformed services voters and overseas voters  
17          are provided a reasonable opportunity to receive  
18          and return their absentee ballots in time to be  
19          counted.

20          “(2) REQUESTS RECEIVED AFTER 47TH DAY  
21          BEFORE ELECTION.—For purposes of subsection  
22          (a)(8), in the case in which a valid request for an  
23          absentee ballot is received less than 47 days but not  
24          less than 30 days before an election for Federal of-



1 fice, the State shall transmit the absentee ballot  
 2 within one business day of receipt of the request.”.

3 **SEC. 1404. USE OF SINGLE ABSENTEE BALLOT APPLICA-**  
 4 **TION FOR SUBSEQUENT ELECTIONS.**

5 (a) IN GENERAL.—Section 104 of the Uniformed and  
 6 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)  
 7 is amended to read as follows:

8 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.**

9 “(a) IN GENERAL.—If a State accepts and processes  
 10 an official post card form (prescribed under section 101)  
 11 submitted by an absent uniformed services voter or over-  
 12 seas voter for simultaneous voter registration and absen-  
 13 tee ballot application (in accordance with section  
 14 102(a)(4)) and the voter requests that the application be  
 15 considered an application for an absentee ballot for each  
 16 subsequent election for Federal office held in the State  
 17 through the end of the calendar year following the next  
 18 regularly scheduled general election for Federal office, the  
 19 State shall provide an absentee ballot to the voter for each  
 20 such subsequent election.

21 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-  
 22 TION.—Subsection (a) shall not apply with respect to a  
 23 voter registered to vote in a State for any election held  
 24 after the voter notifies the State that the voter no longer  
 25 wishes to be registered to vote in the State or after the

1 State determines that the voter has registered to vote in  
2 another State or is otherwise no longer eligible to vote in  
3 the State.

4 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON  
5 GROUNDS OF EARLY SUBMISSION.—A State may not  
6 refuse to accept or to process, with respect to any election  
7 for Federal office, any otherwise valid voter registration  
8 application or absentee ballot application (including the  
9 postcard form prescribed under section 101) submitted by  
10 an absent uniformed services voter or overseas voter on  
11 the grounds that the voter submitted the application be-  
12 fore the first date on which the State otherwise accepts  
13 or processes such applications for that election which are  
14 submitted by absentee voters who are not members of the  
15 uniformed services or overseas citizens.”

16 (b) REQUIREMENT FOR REVISION TO POSTCARD  
17 FORM.—

18 (1) IN GENERAL.—The Presidential designee  
19 shall ensure that the official postcard form pre-  
20 scribed under section 101(b)(2) of the Uniformed  
21 and Overseas Citizens Absentee Voting Act (52  
22 U.S.C. 20301(b)(2)) enables a voter using the form  
23 to—

24 (A) request an absentee ballot for each  
25 election for Federal office held in a State

1 through the end of the calendar year following  
2 the next regularly scheduled general election for  
3 Federal office; or

4 (B) request an absentee ballot for a spe-  
5 cific election or elections for Federal office held  
6 in a State during the period described in sub-  
7 paragraph (A).

8 (2) **PRESIDENTIAL DESIGNEE.**—For purposes  
9 of this paragraph, the term “Presidential designee”  
10 means the individual designated under section  
11 101(a) of the Uniformed and Overseas Citizens Ab-  
12 sentee Voting Act (52 U.S.C. 20301(a)).

13 (c) **EFFECTIVE DATE.**—The amendment made by  
14 subsection (a) shall apply with respect to voter registration  
15 and absentee ballot applications which are submitted to  
16 a State or local election official on or after the date of  
17 the enactment of this Act.

18 **SEC. 1405. EXTENDING GUARANTEE OF RESIDENCY FOR**  
19 **VOTING PURPOSES TO FAMILY MEMBERS OF**  
20 **ABSENT MILITARY PERSONNEL.**

21 Section 102 of the Uniformed and Overseas Citizens  
22 Absentee Voting Act (52 U.S.C. 20302), as amended by  
23 section 1302, is amended by adding at the end the fol-  
24 lowing new subsection:

1           “(i) GUARANTEE OF RESIDENCY FOR SPOUSES AND  
2 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED  
3 SERVICE.—For the purposes of voting in any election for  
4 any Federal office or any State or local office, a spouse  
5 or dependent of an individual who is an absent uniformed  
6 services voter described in subparagraph (A) or (B) of sec-  
7 tion 107(1) shall not, solely by reason of that individual’s  
8 absence and without regard to whether or not such spouse  
9 or dependent is accompanying that individual—

10           “(1) be deemed to have lost a residence or  
11 domicile in that State, without regard to whether or  
12 not that individual intends to return to that State;

13           “(2) be deemed to have acquired a residence or  
14 domicile in any other State; or

15           “(3) be deemed to have become a resident in or  
16 a resident of any other State.”.

17 **SEC. 1406. TECHNICAL CLARIFICATIONS TO CONFORM TO**  
18 **MILITARY AND OVERSEAS VOTER EMPOWER-**  
19 **MENT ACT AMENDMENTS RELATED TO THE**  
20 **FEDERAL WRITE-IN ABSENTEE BALLOT.**

21           (a) IN GENERAL.—Section 102(a)(3) of the Uni-  
22 formed and Overseas Citizens Absentee Voting Act (52  
23 U.S.C. 20302(a)(3)) is amended by striking “general elec-  
24 tions” and inserting “general, special, primary, and runoff  
25 elections”.

1 (b) CONFORMING AMENDMENT.—Section 103 of  
2 such Act (52 U.S.C. 20303) is amended—

3 (1) in subsection (b)(2)(B), by striking “gen-  
4 eral”; and

5 (2) in the heading thereof, by striking “**GEN-  
6 ERAL**”.

7 **SEC. 1407. TREATMENT OF POST CARD REGISTRATION RE-  
8 QUESTS.**

9 Section 102 of the Uniformed and Overseas Citizens  
10 Absentee Voting Act (52 U.S.C. 20302), as amended by  
11 sections 1302 and 1405, is amended by adding at the end  
12 the following new subsection:

13 “(j) TREATMENT OF POST CARD REGISTRATIONS.—  
14 A State shall not remove any absent uniformed services  
15 voter or overseas voter who has registered to vote using  
16 the official post card form (prescribed under section 101)  
17 from the official list of registered voters except in accord-  
18 ance with subparagraph (A), (B), or (C) of section 8(a)(3)  
19 of the National Voter Registration Act of 1993 (52 U.S.C.  
20 20507).”.

21 **SEC. 1408. PRESIDENTIAL DESIGNEE REPORT ON VOTER  
22 DISENFRANCHISEMENT.**

23 (a) IN GENERAL.—Not later than 1 year of enact-  
24 ment of this Act, the Presidential designee shall submit  
25 to Congress a report on the impact of wide-spread mail-

1 in voting on the ability of active duty military  
2 servicemembers to vote, how quickly their votes are count-  
3 ed, and whether higher volumes of mail-in votes makes  
4 it harder for such individuals to vote in elections for Fed-  
5 eral elections.

6 (b) **PRESIDENTIAL DESIGNEE.**—For purposes of this  
7 section, the term “Presidential designee” means the indi-  
8 vidual designated under section 101(a) of the Uniformed  
9 and Overseas Citizens Absentee Voting Act (52 U.S.C.  
10 20301(a)).

11 **SEC. 1409. EFFECTIVE DATE.**

12 Except as provided in section 1402(b) and section  
13 1404(c), the amendments made by this subtitle shall apply  
14 with respect to elections occurring on or after January 1,  
15 2022.

16 **Subtitle F—Enhancement of**  
17 **Enforcement**

18 **SEC. 1501. ENHANCEMENT OF ENFORCEMENT OF HELP**

19 **AMERICA VOTE ACT OF 2002.**

20 (a) **COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT**  
21 **OF ACTION.**—Section 401 of the Help America Vote Act  
22 of 2002 (52 U.S.C. 21111) is amended—

23 (1) by striking “The Attorney General” and in-  
24 serting “(a) **IN GENERAL.**—The Attorney General”;  
25 and

1           (2) by adding at the end the following new sub-  
2           sections:

3           “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-  
4           SONS.—A person who is aggrieved by a violation of title  
5           III that impairs their ability to cast a ballot or a provi-  
6           sional ballot, to register or maintain one’s registration to  
7           vote, or to vote on a voting system meeting the require-  
8           ments of such title, which has occurred, is occurring, or  
9           is about to occur may file a written, signed, and notarized  
10          complaint with the Attorney General describing the viola-  
11          tion and requesting the Attorney General to take appro-  
12          priate action under this section. The Attorney General  
13          shall immediately provide a copy of a complaint filed under  
14          the previous sentence to the entity responsible for admin-  
15          istering the State-based administrative complaint proce-  
16          dures described in section 402(a) for the State involved.

17          “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-  
18          TION.—Any person who is authorized to file a complaint  
19          under subsection (b) (including any individual who seeks  
20          to enforce the individual’s right to a voter-verifiable paper  
21          ballot, the right to have the voter-verifiable paper ballot  
22          counted in accordance with this Act, or any other right  
23          under title III) may file an action under section 1979 of  
24          the Revised Statutes of the United States (42 U.S.C.  
25          1983) to enforce the uniform and nondiscriminatory elec-

1 tion technology and administration requirements under  
2 subtitle A of title III.

3 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing  
4 in this section may be construed to affect the availability  
5 of the State-based administrative complaint procedures re-  
6 quired under section 402 to any person filing a complaint  
7 under this subsection.”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply with respect to violations occurring  
10 with respect to elections for Federal office held in 2022  
11 or any succeeding year.

12 **Subtitle G—Promoting Voter Ac-**  
13 **cess Through Election Adminis-**  
14 **tration Modernization Improve-**  
15 **ments**

16 **PART 1—PROMOTING VOTER ACCESS**

17 **SEC. 1601. MINIMUM NOTIFICATION REQUIREMENTS FOR**  
18 **VOTERS AFFECTED BY POLLING PLACE**  
19 **CHANGES.**

20 (a) REQUIREMENTS.—Section 302 of the Help Amer-  
21 ica Vote Act of 2002 (52 U.S.C. 21082) is amended—

22 (1) by redesignating subsection (d) as sub-  
23 section (e); and

24 (2) by inserting after subsection (c) the fol-  
25 lowing new subsection:



1           “(d) MINIMUM NOTIFICATION REQUIREMENTS FOR  
2 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

3                   “(1) REQUIREMENT FOR PRECINCT-BASED  
4 POLLING.—

5                           “(A) IN GENERAL.—If an applicable indi-  
6 vidual has been assigned to a polling place that  
7 is different than the polling place that such in-  
8 dividual was assigned with respect to the most  
9 recent past election for Federal office in which  
10 the individual was eligible to vote—

11                                   “(i) the appropriate election official  
12 shall, not later than 2 days before the be-  
13 ginning of an early voting period—

14   “(I) notify the individual of the  
15 location of the polling place; and

16   “(II) post a general notice on the  
17 website of the State or jurisdiction, on  
18 social media platforms (if available),  
19 and on signs at the prior polling  
20 place; and

21   “(ii) if such assignment is made after  
22 the date which is 2 days before the begin-  
23 ning of an early voting period and the indi-  
24 vidual appears on the date of the election  
25 at the polling place to which the individual

1           was previously assigned, the jurisdiction  
2           shall make every reasonable effort to en-  
3           able the individual to vote a ballot on the  
4           date of the election without the use of a  
5           provisional ballot.

6           “(B) APPLICABLE INDIVIDUAL.—For pur-  
7           poses of subparagraph (A), the term ‘applicable  
8           individual’ means, with respect to any election  
9           for Federal office, any individual—

10           “(i) who is registered to vote in a ju-  
11           risdiction for such election and was reg-  
12           istered to vote in such jurisdiction for the  
13           most recent past election for Federal of-  
14           fice; and

15           “(ii) whose voter registration address  
16           has not changed since such most recent  
17           past election for Federal office.

18           “(C) METHODS OF NOTIFICATION.—The  
19           appropriate election official shall notify an indi-  
20           vidual under clause (i)(I) of subparagraph (A)  
21           by mail, telephone, and (if available) text mes-  
22           sage and electronic mail.

23           “(2) REQUIREMENTS FOR VOTE CENTERS.—In  
24           the case of a jurisdiction in which individuals are  
25           not assigned to specific polling places, not later than

1       2 days before the beginning of an early voting pe-  
2       riod, the appropriate election official shall notify  
3       each individual eligible to vote in such jurisdiction of  
4       the location of all polling places at which the indi-  
5       vidual may vote.

6               “(3) NOTICE WITH RESPECT TO CLOSED POLL-  
7       ING PLACES.—

8               “(A) IN GENERAL.—If a location which  
9       served as a polling place for an election for  
10       Federal office in a State does not serve as a  
11       polling place in the next election for Federal of-  
12       fice held in the State, the State shall ensure  
13       that signs are posted at such location on the  
14       date of the election and during any early voting  
15       period for the election containing the following  
16       information:

17               “(i) A statement that the location is  
18       not serving as a polling place in the elec-  
19       tion.

20               “(ii) The locations serving as polling  
21       places in the election in the jurisdiction in-  
22       volved.

23               “(iii) The name and address of any  
24       substitute polling place serving the same

1 precinct and directions from the former  
2 polling place to the new polling place.

3 “(iv) Contact information, including a  
4 telephone number and website, for the ap-  
5 propriate State or local election official  
6 through which an individual may find the  
7 polling place to which the individual is as-  
8 signed for the election.

9 “(B) INTERNET POSTING.—Each State  
10 which is required to post signs under subpara-  
11 graph (A) shall also provide such information  
12 through a website and through social media (if  
13 available).

14 “(4) LINGUISTIC PREFERENCE.—The notices  
15 required under this subsection shall comply with the  
16 requirements of section 203 of the Voting Rights  
17 Act of 1965 (52 U.S.C. 10503).

18 “(5) EFFECTIVE DATE.—This subsection shall  
19 apply with respect to elections held on or after Janu-  
20 ary 1, 2022.”.

21 (b) CONFORMING AMENDMENT.—Section 302(e) of  
22 such Act (52 U.S.C. 21082(e)), as redesignated by sub-  
23 section (a), is amended by striking “Each State” and in-  
24 serting “Except as provided in subsection (d)(4), each  
25 State”.

1 **SEC. 1602. APPLICABILITY TO COMMONWEALTH OF THE**  
2 **NORTHERN MARIANA ISLANDS.**

3 Paragraphs (6) and (8) of section 107 of the Uni-  
4 formed and Overseas Citizens Absentee Voting Act (52  
5 U.S.C. 20310) are each amended by striking “and Amer-  
6 ican Samoa” and inserting “American Samoa, and the  
7 Commonwealth of the Northern Mariana Islands”.

8 **SEC. 1603. ELIMINATION OF 14-DAY TIME PERIOD BETWEEN**  
9 **GENERAL ELECTION AND RUNOFF ELECTION**  
10 **FOR FEDERAL ELECTIONS IN THE VIRGIN IS-**  
11 **LANDS AND GUAM.**

12 Section 2 of the Act entitled “An Act to provide that  
13 the unincorporated territories of Guam and the Virgin Is-  
14 lands shall each be represented in Congress by a Delegate  
15 to the House of Representatives”, approved April 10,  
16 1972 (48 U.S.C. 1712), is amended—

17 (1) by striking “(a) The Delegate” and insert-  
18 ing “The Delegate”;

19 (2) by striking “on the fourteenth day following  
20 such an election” in the fourth sentence of sub-  
21 section (a); and

22 (3) by striking subsection (b).

1 **SEC. 1604. APPLICATION OF FEDERAL ELECTION ADMINIS-**  
2 **TRATION LAWS TO TERRITORIES OF THE**  
3 **UNITED STATES.**

4 (a) NATIONAL VOTER REGISTRATION ACT OF  
5 1993.—Section 3(4) of the National Voter Registration  
6 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking  
7 “States and the District of Columbia” and inserting  
8 “States, the District of Columbia, the Commonwealth of  
9 Puerto Rico, Guam, American Samoa, the United States  
10 Virgin Islands, and the Commonwealth of the Northern  
11 Mariana Islands”.

12 (b) HELP AMERICA VOTE ACT OF 2002.—

13 (1) COVERAGE OF COMMONWEALTH OF THE  
14 NORTHERN MARIANA ISLANDS.—Section 901 of the  
15 Help America Vote Act of 2002 (52 U.S.C. 21141)  
16 is amended by striking “and the United States Vir-  
17 gin Islands” and inserting “the United States Virgin  
18 Islands, and the Commonwealth of the Northern  
19 Mariana Islands”.

20 (2) CONFORMING AMENDMENTS TO HELP  
21 AMERICA VOTE ACT OF 2002.—Such Act is further  
22 amended as follows:

23 (A) The second sentence of section  
24 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended  
25 by striking “and American Samoa” and insert-

1           ing “American Samoa, and the Commonwealth  
2           of the Northern Mariana Islands”.

3                   (B) Section 252(c)(2) (52 U.S.C.  
4           21002(c)(2)) is amended by striking “or the  
5           United States Virgin Islands” and inserting  
6           “the United States Virgin Islands, or the Com-  
7           monwealth of the Northern Mariana Islands”.

8           (3) CONFORMING AMENDMENT RELATING TO  
9           CONSULTATION OF HELP AMERICA VOTE FOUNDA-  
10          TION WITH LOCAL ELECTION OFFICIALS.—Section  
11          90102(c) of title 36, United States Code, is amend-  
12          ed by striking “and the United States Virgin Is-  
13          lands” and inserting “the United States Virgin Is-  
14          lands, and the Commonwealth of the Northern Mar-  
15          iana Islands”.

16 **SEC. 1605. APPLICATION OF FEDERAL VOTER PROTECTION**  
17                   **LAWS TO TERRITORIES OF THE UNITED**  
18                   **STATES.**

19          (a) INTIMIDATION OF VOTERS.—Section 594 of title  
20          18, United States Code, is amended by striking “Delegate  
21          from the District of Columbia, or Resident Commis-  
22          sioner,” and inserting “or Delegate or Resident Commis-  
23          sioner to the Congress”.

24          (b) INTERFERENCE BY GOVERNMENT EMPLOY-  
25          EES.—Section 595 of title 18, United States Code, is

1 amended by striking “Delegate from the District of Co-  
2 lumbia, or Resident Commissioner,” and inserting “or  
3 Delegate or Resident Commissioner to the Congress”.

4 (c) VOTING BY NONCITIZENS.—Section 611(a) of  
5 title 18, United States Code, is amended by striking “Del-  
6 egate from the District of Columbia, or Resident Commis-  
7 sioner,” and inserting “or Delegate or Resident Commis-  
8 sioner to the Congress”.

9 **SEC. 1606. ENSURING EQUITABLE AND EFFICIENT OPER-**  
10 **ATION OF POLLING PLACES.**

11 (a) IN GENERAL.—

12 (1) REQUIREMENT.—Subtitle A of title III of  
13 the Help America Vote Act of 2002 (52 U.S.C.  
14 21081 et seq.), as amended by section 1031(a), sec-  
15 tion 1044(a), section 1101(a), section 1102(a), sec-  
16 tion 1103(a), section 1104(a), section 1201(a), sec-  
17 tion 1301(a), section 1302(a), section 1303(b), and  
18 section 1305(a), is amended—

19 (A) by redesignating sections 315 and 316  
20 as sections 316 and 317, respectively; and

21 (B) by inserting after section 314 the fol-  
22 lowing new section:



1 **“SEC. 315. ENSURING EQUITABLE AND EFFICIENT OPER-**  
2 **ATION OF POLLING PLACES.**

3 “(a) PREVENTING UNREASONABLE WAITING TIMES  
4 FOR VOTERS.—

5 “(1) IN GENERAL.—Each State or jurisdiction  
6 shall take reasonable efforts to provide a sufficient  
7 number of voting systems, poll workers, and other  
8 election resources (including physical resources) at a  
9 polling place used in any election for Federal office,  
10 including a polling place at which individuals may  
11 cast ballots prior to the date of the election, to en-  
12 sure—

13 “(A) a fair and equitable waiting time for  
14 all voters in the State or jurisdiction; and

15 “(B) that no individual will be required to  
16 wait longer than 30 minutes to cast a ballot at  
17 the polling place.

18 “(2) CRITERIA.—In determining the number of  
19 voting systems, poll workers, and other election re-  
20 sources provided at a polling place for purposes of  
21 paragraph (1), the State or jurisdiction shall take  
22 into account the following factors:

23 “(A) The voting age population.

24 “(B) Voter turnout in past elections.

25 “(C) The number of voters registered.

1           “(D) The number of voters who have reg-  
2           istered since the most recent Federal election.

3           “(E) Census data for the population served  
4           by the polling place, such as the proportion of  
5           the voting-age population who are under 25  
6           years of age or who are naturalized citizens.

7           “(F) The needs and numbers of voters  
8           with disabilities and voters with limited English  
9           proficiency.

10          “(G) The type of voting systems used.

11          “(H) The length and complexity of initia-  
12          tives, referenda, and other questions on the bal-  
13          lot.

14          “(I) Such other factors, including relevant  
15          demographic factors relating to the population  
16          served by the polling place, as the State con-  
17          siders appropriate.

18          “(3) RULE OF CONSTRUCTION.—Nothing in  
19          this subsection may be construed—

20                 “(A) to authorize a State or jurisdiction to  
21                 meet the requirements of this subsection by  
22                 closing any polling place, prohibiting an indi-  
23                 vidual from entering a line at a polling place,  
24                 or refusing to permit an individual who has ar-

1 rived at a polling place prior to closing time  
2 from voting at the polling place; or

3 “(B) to limit the use of mobile voting cen-  
4 ters.

5 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS  
6 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

7 “(1) LIMITATION.—

8 “(A) IN GENERAL.—Except as provided in  
9 subparagraph (B) and paragraph (2), each  
10 State shall establish hours of operation for all  
11 polling places in the State on the date of any  
12 election for Federal office held in the State  
13 such that the polling place with the greatest  
14 number of hours of operation on such date is  
15 not in operation for more than 2 hours longer  
16 than the polling place with the fewest number  
17 of hours of operation on such date.

18 “(B) PERMITTING VARIANCE ON BASIS OF  
19 POPULATION.—Subparagraph (A) does not  
20 apply to the extent that the State establishes  
21 variations in the hours of operation of polling  
22 places on the basis of the overall population or  
23 the voting age population (as the State may se-  
24 lect) of the unit of local government in which  
25 such polling places are located.

1           “(2) EXCEPTIONS FOR POLLING PLACES WITH  
2 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-  
3 MENT.—Paragraph (1) does not apply in the case of  
4 a polling place—

5           “(A) whose hours of operation are estab-  
6 lished, in accordance with State law, by the unit  
7 of local government in which the polling place  
8 is located; or

9           “(B) which is required pursuant to an  
10 order by a court to extend its hours of oper-  
11 ation beyond the hours otherwise established.

12       “(c) ENSURING ACCESS TO POLLING PLACES FOR  
13 VOTERS.—

14           “(1) PROXIMITY TO PUBLIC TRANSPOR-  
15 TATION.—To the greatest extent practicable, each  
16 State and jurisdiction shall ensure that each polling  
17 place used on the date of the election is located with-  
18 in walking distance of a stop on a public transpor-  
19 tation route.

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

23           “(A) ensure that an appropriate number of  
24 polling places (not less than one) used on the

1 date of the election will be located in such rural  
2 areas; and

3 “(B) ensure that such polling places are lo-  
4 cated in communities which will provide the  
5 greatest opportunity for residents of rural areas  
6 to vote on Election Day.

7 “(3) CAMPUSES OF INSTITUTIONS OF HIGHER  
8 EDUCATION.—In the case of a jurisdiction that is  
9 not considered a vote by mail jurisdiction described  
10 in section 310(b)(2) or a small jurisdiction described  
11 in section 310(b)(3) and that includes an institution  
12 of higher education (as defined under section 102 of  
13 the Higher Education Act of 1965 (20 U.S.C.  
14 1002)), including a branch campus of such an insti-  
15 tution, the State or jurisdiction shall—

16 “(A) ensure that an appropriate number of  
17 polling places (not less than one) used on the  
18 date of the election will be located on the phys-  
19 ical campus of each such institution, including  
20 each such branch campus; and

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

1       “(d) EFFECTIVE DATE.—This section shall take ef-  
2       fect upon the expiration of the 180-day period which be-  
3       gins on the date of the enactment of this subsection.”.

4               (2) CONFORMING AMENDMENTS RELATING TO  
5       ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION  
6       ASSISTANCE COMMISSION.—Section 321(b) of such  
7       Act (52 U.S.C. 21101(b)), as redesignated and  
8       amended by section 1101(b) and as amended by sec-  
9       tions, 1102, 1103, 1104, and 1201, is amended—

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

12               (B) by redesignating paragraph (5) as  
13               paragraph (6);

14               (C) in paragraph (6), as so redesignated,  
15               by striking “paragraph (4)” and inserting  
16               “paragraph (4) or (5)”; and

17               (D) by inserting after paragraph (4) the  
18               following new paragraph:

19               “(5) in the case of the recommendations with  
20               respect to section 315, 180 days after the date of  
21               the enactment of such section; and”.

22               (3) CLERICAL AMENDMENTS.—The table of  
23               contents of such Act, as amended by section  
24               1031(c), section 1044(b), section 1101(c), section  
25               1102(c), section 1103(a), section 1104(c), section

1 1201(c), section 1301(a), section 1302(a), section  
2 1303(b), and section 1305(b), is amended—

3 (A) by redesignating the items relating to  
4 sections 315 and 316 as relating to sections  
5 316 and 317, respectively; and

6 (B) by inserting after the item relating to  
7 section 314 the following new item:

“Sec. 315. Ensuring equitable and efficient operation of polling places.”.

8 (b) STUDY OF METHODS TO ENFORCE FAIR AND EQ-  
9 UITABLE WAITING TIMES.—

10 (1) STUDY.—The Election Assistance Commis-  
11 sion and the Comptroller General of the United  
12 States shall conduct a joint study of the effective-  
13 ness of various methods of enforcing the require-  
14 ments of section 315(a) of the Help America Vote  
15 Act of 2002, as added by subsection (a), including  
16 methods of best allocating resources to jurisdictions  
17 which have had the most difficulty in providing a  
18 fair and equitable waiting time at polling places to  
19 all voters, and to communities of color in particular.

20 (2) REPORT.—Not later than 18 months after  
21 the date of the enactment of this Act, the Election  
22 Assistance Commission and the Comptroller General  
23 of the United States shall publish and submit to  
24 Congress a report on the study conducted under  
25 paragraph (1).

1 **SEC. 1607. PROHIBITING STATES FROM RESTRICTING**  
2 **CURBSIDE VOTING.**

3 (a) REQUIREMENT.—Subtitle A of title III of the  
4 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
5 as amended by section 1031(a), section 1044(a), section  
6 1101(a), section 1102(a), section 1103(a), section  
7 1104(a), section 1201(a), section 1301(a), section  
8 1302(a), section 1303(b), section 1305(a), and section  
9 1606(a)(1), is amended—

10 (1) by redesignating sections 316 and 317 as  
11 sections 317 and 318, respectively; and

12 (2) by inserting after section 315 the following  
13 new section:

14 **“SEC. 316. PROHIBITING STATES FROM RESTRICTING**  
15 **CURBSIDE VOTING.**

16 “(a) PROHIBITION.—A State may not—

17 “(1) prohibit any jurisdiction administering an  
18 election for Federal office in the State from utilizing  
19 curbside voting as a method by which individuals  
20 may cast ballots in the election; or

21 “(2) impose any restrictions which would ex-  
22 clude any individual who is eligible to vote in such  
23 an election in a jurisdiction which utilizes curbside  
24 voting from casting a ballot in the election by such  
25 method.



1       “(b) EFFECTIVE DATE.—This section shall apply  
2 with respect to the regularly scheduled general election for  
3 Federal office held in November 2022 and each succeeding  
4 election for Federal office.”.

5       (b) CLERICAL AMENDMENTS.—The table of contents  
6 of such Act, as amended by section 1031(c), section  
7 1044(b), section 1101(c), section 1102(c), section  
8 1103(a), section 1104(c), section 1201(c), section  
9 1301(a), section 1302(a), section 1303(b), section  
10 1305(a), and section 1606(a)(3), is amended—

11           (1) by redesignating the items relating to sec-  
12 tions 316 and 317 as relating to sections 317 and  
13 318, respectively; and

14           (2) by inserting after the item relating to sec-  
15 tion 315 the following new item:

“Sec. 316. Prohibiting States from restricting curbside voting.”.

16       **PART 2—IMPROVEMENTS IN OPERATION OF**  
17       **ELECTION ASSISTANCE COMMISSION**

18       **SEC. 1611. REAUTHORIZATION OF ELECTION ASSISTANCE**  
19       **COMMISSION.**

20       Section 210 of the Help America Vote Act of 2002  
21 (52 U.S.C. 20930) is amended—

22           (1) by striking “for each of the fiscal years  
23 2003 through 2005” and inserting “for fiscal year  
24 2022 and each succeeding fiscal year”; and

1           (2) by striking “(but not to exceed \$10,000,000  
2           for each such year)”.

3   **SEC. 1612. RECOMMENDATIONS TO IMPROVE OPERATIONS**  
4                           **OF ELECTION ASSISTANCE COMMISSION.**

5           (a) ASSESSMENT OF INFORMATION TECHNOLOGY  
6   AND CYBERSECURITY.—Not later than June 30, 2022,  
7   the Election Assistance Commission shall carry out an as-  
8   sessment of the security and effectiveness of the Commis-  
9   sion’s information technology systems, including the cy-  
10   bersecurity of such systems.

11          (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT  
12   PROCEDURES.—

13           (1) REVIEW OF PROCEDURES.—The Election  
14   Assistance Commission shall carry out a review of  
15   the effectiveness and efficiency of the State-based  
16   administrative complaint procedures established and  
17   maintained under section 402 of the Help America  
18   Vote Act of 2002 (52 U.S.C. 21112) for the inves-  
19   tigation and resolution of allegations of violations of  
20   title III of such Act.

21           (2) RECOMMENDATIONS TO STREAMLINE PRO-  
22   CEDURES.—Not later than June 30, 2022, the Com-  
23   mission shall submit to Congress a report on the re-  
24   view carried out under paragraph (1), and shall in-  
25   clude in the report such recommendations as the

1 Commission considers appropriate to streamline and  
2 improve the procedures which are the subject of the  
3 review.

4 **SEC. 1613. REPEAL OF EXEMPTION OF ELECTION ASSIST-**  
5 **ANCE COMMISSION FROM CERTAIN GOVERN-**  
6 **MENT CONTRACTING REQUIREMENTS.**

7 (a) IN GENERAL.—Section 205 of the Help America  
8 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-  
9 ing subsection (e).

10 (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall apply with respect to contracts entered  
12 into by the Election Assistance Commission on or after  
13 the date of the enactment of this Act.

14 **PART 3—MISCELLANEOUS PROVISIONS**

15 **SEC. 1621. DEFINITION OF ELECTION FOR FEDERAL OF-**  
16 **FICE.**

17 (a) DEFINITION.—Title IX of the Help America Vote  
18 Act of 2002 (52 U.S.C. 21141 et seq.) is amended by add-  
19 ing at the end the following new section:

20 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

21 “For purposes of titles I through III, the term ‘elec-  
22 tion for Federal office’ means a general, special, primary,  
23 or runoff election for the office of President or Vice Presi-  
24 dent, or of Senator or Representative in, or Delegate or  
25 Resident Commissioner to, the Congress.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 of such Act is amended by adding at the end of the items  
3 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

4 **SEC. 1622. NO EFFECT ON OTHER LAWS.**

5 (a) IN GENERAL.—Except as specifically provided,  
6 nothing in this title may be construed to authorize or re-  
7 quire conduct prohibited under any of the following laws,  
8 or to supersede, restrict, or limit the application of such  
9 laws:

10 (1) The Voting Rights Act of 1965 (52 U.S.C.  
11 10301 et seq.).

12 (2) The Voting Accessibility for the Elderly and  
13 Handicapped Act (52 U.S.C. 20101 et seq.).

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

16 (4) The National Voter Registration Act of  
17 1993 (52 U.S.C. 20501 et seq.).

18 (5) The Americans with Disabilities Act of  
19 1990 (42 U.S.C. 12101 et seq.).

20 (6) The Rehabilitation Act of 1973 (29 U.S.C.  
21 701 et seq.).

22 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
23 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
24 proval by any person of a payment or grant application  
25 under this title, or any other action taken by any person

1 under this title, shall not be considered to have any effect  
2 on requirements for preclearance under section 5 of the  
3 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other  
4 requirements of such Act.

5 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-  
6 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing  
7 in this title or the amendments made by this title may  
8 be construed to prohibit any State from enacting any law  
9 which provides greater opportunities for individuals to reg-  
10 ister to vote and to vote in elections for Federal office than  
11 are provided by this title and the amendments made by  
12 this title.

13 **SEC. 1623. CLARIFICATION OF EXEMPTION FOR STATES**  
14 **WITHOUT VOTER REGISTRATION.**

15 To the extent that any provision of this title or any  
16 amendment made by this title imposes a requirement on  
17 a State relating to registering individuals to vote in elec-  
18 tions for Federal office, such provision shall not apply in  
19 the case of any State in which, under law that is in effect  
20 continuously on and after the date of the enactment of  
21 this Act, there is no voter registration requirement for any  
22 voter in the State with respect to an election for Federal  
23 office.

1 **SEC. 1624. CLARIFICATION OF EXEMPTION FOR STATES**  
2 **WHICH DO NOT COLLECT TELEPHONE INFOR-**  
3 **MATION.**

4 (a) AMENDMENT TO HELP AMERICA VOTE ACT OF  
5 2002.—Subtitle A of title III of the Help America Vote  
6 Act of 2002 (52 U.S.C. 21081 et seq.), as amended by  
7 section 1031(a), section 1044(a), section 1101(a), section  
8 1102(a), section 1103(a), section 1104(a), section  
9 1201(a), section 1301(a), section 1302(a), section  
10 1303(b), section 1305(a), section 1606(a)(1), and section  
11 1607(a), is amended—

12 (1) by redesignating sections 317 and 318 as  
13 sections 318 and 319, respectively; and

14 (2) by inserting after section 316 the following  
15 new section:

16 **“SEC. 317. APPLICATION OF CERTAIN PROVISIONS TO**  
17 **STATES WHICH DO NOT COLLECT TELE-**  
18 **PHONE INFORMATION.**

19 “(a) IN GENERAL.—To the extent that any provision  
20 of this title imposes a requirement on a State or jurisdic-  
21 tion relating to contacting voters by telephone, such provi-  
22 sion shall not apply in the case of any State which continu-  
23 ously on and after the date of the enactment of this Act,  
24 does not collect telephone numbers for voters as part of  
25 voter registration in the State with respect to an election  
26 for Federal office.

1       “(b) EXCEPTION.—Subsection (a) shall not apply in  
2 any case in which the voter has voluntarily provided tele-  
3 phone information.”.

4       (b) CLERICAL AMENDMENTS.—The table of contents  
5 of such Act, as amended by section 1031(c), section  
6 1044(b), section 1101(c), section 1102(c), section  
7 1103(a), section 1104(c), section 1201(c), section  
8 1301(a), section 1302(a), section 1303(b), section  
9 1305(a), section 1606(a)(3), and section 1607(b), is  
10 amended—

11           (1) by redesignating the items relating to sec-  
12 tions 317 and 318 as relating to sections 318 and  
13 319, respectively; and

14           (2) by inserting after the item relating to sec-  
15 tion 316 the following new item:

“Sec. 317. Application of certain provisions to States which do not collect tele-  
phone information.”.

## 16 **Subtitle H—Democracy Restoration**

### 17 **SEC. 1701. SHORT TITLE.**

18       This subtitle may be cited as the “Democracy Res-  
19 toration Act of 2021”.

### 20 **SEC. 1702. FINDINGS.**

21       Congress makes the following findings:

22           (1) The right to vote is the most basic constitu-  
23 tive act of citizenship. Regaining the right to vote

1 reintegrates individuals with criminal convictions  
2 into free society, helping to enhance public safety.

3 (2) Article I, section 4, of the Constitution  
4 grants Congress ultimate supervisory power over  
5 Federal elections, an authority which has repeatedly  
6 been upheld by the United States Supreme Court.

7 (3) Basic constitutional principles of fairness  
8 and equal protection require an equal opportunity  
9 for citizens of the United States to vote in Federal  
10 elections. The right to vote may not be abridged or  
11 denied by the United States or by any State on ac-  
12 count of race, color, gender, or previous condition of  
13 servitude. The 13th, 14th, 15th, 19th, 24th, and  
14 26th Amendments to the Constitution empower Con-  
15 gress to enact measures to protect the right to vote  
16 in Federal elections. The 8th Amendment to the  
17 Constitution provides for no excessive bail to be re-  
18 quired, nor excessive fines imposed, nor cruel and  
19 unusual punishments inflicted.

20 (4) There are 3 areas in which discrepancies in  
21 State laws regarding criminal convictions lead to un-  
22 fairness in Federal elections—

23 (A) the lack of a uniform standard for vot-  
24 ing in Federal elections leads to an unfair dis-



1 parity and unequal participation in Federal  
2 elections based solely on where a person lives;

3 (B) laws governing the restoration of vot-  
4 ing rights after a criminal conviction vary  
5 throughout the country and persons in some  
6 States can easily regain their voting rights  
7 while in other States persons effectively lose  
8 their right to vote permanently; and

9 (C) State disenfranchisement laws dis-  
10 proportionately impact racial and ethnic minori-  
11 ties.

12 (5) State disenfranchisement laws vary widely.  
13 Two States (Maine and Vermont) and the Common-  
14 wealth of Puerto Rico do not disenfranchise individ-  
15 uals with criminal convictions at all. In 2020, the  
16 District of Columbia re-enfranchised its citizens who  
17 are under the supervision of the Federal Bureau of  
18 Prisons. Twenty-eight states disenfranchise certain  
19 individuals on felony probation or parole. In 11  
20 States, a conviction for certain offenses can result in  
21 lifetime disenfranchisement.

22 (6) Several States deny the right to vote to in-  
23 dividuals convicted of certain misdemeanors.

24 (7) In 2020, an estimated 5,200,000 citizens of  
25 the United States, or about 1 in 44 adults in the

1 United States, could not vote as a result of a felony  
2 conviction. Of the 5,200,000 citizens barred from  
3 voting then, only 24 percent were in prison. By con-  
4 trast, 75 percent of persons disenfranchised then re-  
5 sided in their communities while on probation or pa-  
6 role or after having completed their sentences. Ap-  
7 proximately 2,200,000 citizens who had completed  
8 their sentences were disenfranchised due to restric-  
9 tive State laws. As of November 2018, the lifetime  
10 ban for persons with certain felony convictions was  
11 eliminated through a Florida ballot initiative. As a  
12 result, as many as 1,400,000 people are now eligible  
13 to have their voting rights restored. In 4 States—  
14 Alabama, Florida, Mississippi, and Tennessee—more  
15 than 7 percent of the total population is  
16 disenfranchised.

17 (8) In those States that disenfranchise individ-  
18 uals post-sentence, the right to vote can be regained  
19 in theory, but in practice this possibility is often  
20 granted in a non-uniform and potentially discrimina-  
21 tory manner. Disenfranchised individuals sometimes  
22 must either obtain a pardon or an order from the  
23 Governor or an action by the parole or pardon  
24 board, depending on the offense and State. Individ-

1 uals convicted of a Federal offense often have addi-  
2 tional barriers to regaining voting rights.

3 (9) Many felony disenfranchisement laws today  
4 derive directly from post-Civil War efforts to stifle  
5 the Fourteenth and Fifteenth Amendments. Between  
6 1865 and 1880, at least 14 states—Alabama, Ar-  
7 kansas, Colorado, Florida, Georgia, Illinois, Mis-  
8 sissippi, Missouri, Nebraska, New York, North Caro-  
9 lina, South Carolina, Tennessee, and Texas—en-  
10 acted or expanded their felony disenfranchisement  
11 laws. One of the primary goals of these laws was to  
12 prevent African Americans from voting. Of the  
13 states that enacted or expanded their felony dis-  
14 enfranchisement laws during this post-Civil War pe-  
15 riod, at least 11 continue to preclude persons on fel-  
16 ony probation or parole from voting.

17 (10) State disenfranchisement laws dispropor-  
18 tionately impact racial and ethnic minorities. In re-  
19 cent years, African Americans have been imprisoned  
20 at over 5 times the rate of Whites. More than 6 per-  
21 cent of the voting-age African-American population,  
22 or 1,800,000 African Americans, are disenfranchised  
23 due to a felony conviction. In 9 States—Alabama  
24 (16 percent), Arizona (13 percent), Florida (15 per-  
25 cent), Kentucky (15 percent), Mississippi (16 per-

1 cent), South Dakota (14 percent), Tennessee (21  
2 percent), Virginia (16 percent), and Wyoming (36  
3 percent)—more than 1 in 8 African Americans are  
4 unable to vote because of a felony conviction, twice  
5 the national average for African Americans.

6 (11) Latino citizens are also disproportionately  
7 disenfranchised based upon their disproportionate  
8 representation in the criminal justice system. In re-  
9 cent years, Latinos have been imprisoned at 2.5  
10 times the rate of Whites. More than 2 percent of the  
11 voting-age Latino population, or 560,000 Latinos,  
12 are disenfranchised due to a felony conviction. In 34  
13 states Latinos are disenfranchised at a higher rate  
14 than the general population. In 11 states 4 percent  
15 or more of Latino adults are disenfranchised due to  
16 a felony conviction (Alabama, 4 percent; Arizona, 7  
17 percent; Arkansas, 4 percent; Idaho, 4 percent;  
18 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4  
19 percent; Mississippi, 5 percent; Nebraska, 6 percent;  
20 Tennessee, 11 percent; Wyoming, 4 percent), twice  
21 the national average for Latinos.

22 (12) Disenfranchising citizens who have been  
23 convicted of a criminal offense and who are living  
24 and working in the community serves no compelling

1 State interest and hinders their rehabilitation and  
2 reintegration into society.

3 (13) State disenfranchisement laws can sup-  
4 press electoral participation among eligible voters by  
5 discouraging voting among family and community  
6 members of disenfranchised persons. Future elec-  
7 toral participation by the children of disenfranchised  
8 parents may be impacted as well. Models of success-  
9 ful re-entry for persons convicted of a crime empha-  
10 size the importance of community ties, feeling vested  
11 and integrated, and prosocial attitudes. Individuals  
12 with criminal convictions who succeed in avoiding re-  
13 cidivism are typically more likely to see themselves  
14 as law-abiding members of the community. Restora-  
15 tion of voting rights builds those qualities and facili-  
16 tates reintegration into the community. That is why  
17 allowing citizens with criminal convictions who are  
18 living in a community to vote is correlated with a  
19 lower likelihood of recidivism. Restoration of voting  
20 rights thus reduces violence and protects public safe-  
21 ty.

22 (14) The United States is one of the only West-  
23 ern democracies that permits the permanent denial  
24 of voting rights for individuals with felony convic-  
25 tions.

1           (15) The Eighth Amendment’s prohibition on  
2           cruel and unusual punishments “guarantees individ-  
3           uals the right not to be subjected to excessive sanc-  
4           tions.” (*Roper v. Simmons*, 543 U.S. 551, 560  
5           (2005)). That right stems from the basic precept of  
6           justice “that punishment for crime should be grad-  
7           uated and proportioned to [the] offense.” *Id.*  
8           (quoting *Weems v. United States*, 217 U.S. 349, 367  
9           (1910)). As the Supreme Court has long recognized,  
10          “[t]he concept of proportionality is central to the  
11          Eighth Amendment.” (*Graham v. Florida*, 560 U.S.  
12          48, 59 (2010)). Many State disenfranchisement laws  
13          are grossly disproportional to the offenses that lead  
14          to disenfranchisement and thus violate the bar on  
15          cruel and unusual punishments. For example, a  
16          number of states mandate lifetime disenfranchise-  
17          ment for a single felony conviction or just two felony  
18          convictions, even where the convictions were for non-  
19          violent offenses. In numerous other States, dis-  
20          enfranchisement can last years or even decades while  
21          individuals remain on probation or parole, often only  
22          because a person cannot pay their legal financial ob-  
23          ligations. These kinds of extreme voting bans run  
24          afoul of the Eighth Amendment.

1           (16) The Twenty-Fourth Amendment provides  
2           that the right to vote “shall not be denied or  
3           abridged by the United States or any State by rea-  
4           son of failure to pay any poll tax or other tax.”. Sec-  
5           tion 2 of the Twenty-Fourth Amendment gives Con-  
6           gress the power to enforce this article by appropriate  
7           legislation. Court fines and fees that individuals  
8           must pay to have their voting rights restored con-  
9           stitute an “other tax” for purposes of the Twenty-  
10          Fourth Amendment. At least five States explicitly  
11          require the payment of fines and fees before individ-  
12          uals with felony convictions can have their voting  
13          rights restored. More than 20 other states effectively  
14          tie the right to vote to the payment of fines and  
15          fees, by requiring that individuals complete their  
16          probation or parole before their rights are restored.  
17          In these States, the non-payment of fines and fees  
18          is a basis on which probation or parole can be ex-  
19          tended. Moreover, these states sometimes do not  
20          record the basis on which an individual’s probation  
21          or parole was extended, making it impossible to de-  
22          termine from the State’s records whether non-pay-  
23          ment of fines and fees is the reason that an indi-  
24          vidual remains on probation or parole. For these  
25          reasons, the only way to ensure that States do not

1 deny the right to vote based solely on non-payment  
2 of fines and fees is to prevent States from condi-  
3 tioning voting rights on the completion of probation  
4 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  
8 shall not be denied or abridged because that individual has  
9 been convicted of a criminal offense unless such individual  
10 is serving a felony sentence in a correctional institution  
11 or facility at the time of the election.

12 **SEC. 1704. ENFORCEMENT.**

13 (a) ATTORNEY GENERAL.—The Attorney General  
14 may, in a civil action, obtain such declaratory or injunctive  
15 relief 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  
18 by a violation of this subtitle may provide written  
19 notice of the violation to the chief election official of  
20 the 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  
24 within 20 days after receipt of the notice if the viola-  
25 tion occurred within 120 days before the date of an



1 election for Federal office, the aggrieved person  
2 may, in a civil action, obtain declaratory or injunc-  
3 tive relief with respect to the violation.

4 (3) EXCEPTION.—If the violation occurred  
5 within 30 days before the date of an election for  
6 Federal office, the aggrieved person need not provide  
7 notice to the chief election official of the State under  
8 paragraph (1) before bringing a civil action to obtain  
9 declaratory or injunctive relief with respect to the  
10 violation.

11 **SEC. 1705. NOTIFICATION OF RESTORATION OF VOTING**  
12 **RIGHTS.**

13 (a) STATE NOTIFICATION.—

14 (1) NOTIFICATION.—On the date determined  
15 under paragraph (2), each State shall—

16 (A) notify in writing any individual who  
17 has been convicted of a criminal offense under  
18 the law of that State that such individual—

19 (i) has the right to vote in an election  
20 for Federal office pursuant to the Democ-  
21 racy Restoration Act of 2021; and

22 (ii) may register to vote in any such  
23 election; and

1           (B) provide such individual with any mate-  
2           rials that are necessary to register to vote in  
3           any such election.

4           (2) DATE OF NOTIFICATION.—

5           (A) FELONY CONVICTION.—In the case of  
6           such an individual who has been convicted of a  
7           felony, the notification required under para-  
8           graph (1) shall be given on the date on which  
9           the individual—

10                   (i) is sentenced to serve only a term  
11                   of probation; or

12                   (ii) is released from the custody of  
13                   that State (other than to the custody of  
14                   another State or the Federal Government  
15                   to serve a term of imprisonment for a fel-  
16                   ony conviction).

17           (B) MISDEMEANOR CONVICTION.—In the  
18           case of such an individual who has been con-  
19           victed of a misdemeanor, the notification re-  
20           quired under paragraph (1) shall be given on  
21           the date on which such individual is sentenced  
22           by a State court.

23           (b) FEDERAL NOTIFICATION.—

1           (1) NOTIFICATION.—Any individual who has  
2           been convicted of a criminal offense under Federal  
3           law—

4                   (A) shall be notified in accordance with  
5           paragraph (2) that such individual—

6                           (i) has the right to vote in an election  
7                           for Federal office pursuant to the Democ-  
8                           racy Restoration Act of 2021; and

9                           (ii) may register to vote in any such  
10                          election; and

11                       (B) shall be provided with any materials  
12                       that are necessary to register to vote in any  
13                       such election.

14           (2) DATE OF NOTIFICATION.—

15                       (A) FELONY CONVICTION.—In the case of  
16                       such an individual who has been convicted of a  
17                       felony, the notification required under para-  
18                       graph (1) shall be given—

19                           (i) in the case of an individual who is  
20                           sentenced to serve only a term of proba-  
21                           tion, by the Assistant Director for the Of-  
22                           fice of Probation and Pretrial Services of  
23                           the Administrative Office of the United  
24                           States Courts on the date on which the in-  
25                           dividual is sentenced; or

1 (ii) in the case of any individual com-  
2 mitted to the custody of the Bureau of  
3 Prisons, by the Director of the Bureau of  
4 Prisons, during the period beginning on  
5 the date that is 6 months before such indi-  
6 vidual is released and ending on the date  
7 such individual is released from the cus-  
8 tody of the Bureau of Prisons.

9 (B) MISDEMEANOR CONVICTION.—In the  
10 case of such an individual who has been con-  
11 victed of a misdemeanor, the notification re-  
12 quired under paragraph (1) shall be given on  
13 the date on which such individual is sentenced  
14 by a court established by an Act of Congress.

15 **SEC. 1706. DEFINITIONS.**

16 For purposes of this subtitle:

17 (1) CORRECTIONAL INSTITUTION OR FACIL-  
18 ITY.—The term “correctional institution or facility”  
19 means any prison, penitentiary, jail, or other institu-  
20 tion or facility for the confinement of individuals  
21 convicted of criminal offenses, whether publicly or  
22 privately operated, except that such term does not  
23 include any residential community treatment center  
24 (or similar public or private facility).

25 (2) ELECTION.—The term “election” means—

1 (A) a general, special, primary, or runoff  
2 election;

3 (B) a convention or caucus of a political  
4 party held to nominate a candidate;

5 (C) a primary election held for the selec-  
6 tion of delegates to a national nominating con-  
7 vention of a political party; or

8 (D) a primary election held for the expres-  
9 sion of a preference for the nomination of per-  
10 sons for election to the office of President.

11 (3) FEDERAL OFFICE.—The term “Federal of-  
12 fice” means the office of President or Vice President  
13 of the United States, or of Senator or Representa-  
14 tive in, or Delegate or Resident Commissioner to,  
15 the Congress of the United States.

16 (4) PROBATION.—The term “probation” means  
17 probation, imposed by a Federal, State, or local  
18 court, with or without a condition on the individual  
19 involved concerning—

20 (A) the individual’s freedom of movement;

21 (B) the payment of damages by the indi-  
22 vidual;

23 (C) periodic reporting by the individual to  
24 an officer of the court; or

1 (D) supervision of the individual by an of-  
2 ficer of the court.

3 **SEC. 1707. RELATION TO OTHER LAWS.**

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—  
5 Nothing in this subtitle may be construed to prohibit the  
6 States from enacting any State law which affords the right  
7 to vote in any election for Federal office on terms less  
8 restrictive than those established by this subtitle.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
10 edies established by this subtitle—

11 (1) are in addition to all other rights and rem-  
12 edies provided by law, and

13 (2) shall not supersede, restrict, or limit the ap-  
14 plication of the Voting Rights Act of 1965 (52  
15 U.S.C. 10301 et seq.) or the National Voter Reg-  
16 istration Act of 1993 (52 U.S.C. 20501 et seq.).

17 **SEC. 1708. FEDERAL PRISON FUNDS.**

18 No State, unit of local government, or other person  
19 may receive or use, to construct or otherwise improve a  
20 prison, jail, or other place of incarceration, any Federal  
21 funds unless that person has in effect a program under  
22 which each individual incarcerated in that person's juris-  
23 diction who is a citizen of the United States is notified,  
24 upon release from such incarceration, of that individual's  
25 rights under section 1703.

1 **SEC. 1709. EFFECTIVE DATE.**

2 This subtitle shall apply to citizens of the United  
3 States voting in any election for Federal office held after  
4 the date of the enactment of this Act.

5 **Subtitle I—Voter Identification and**  
6 **Allowable Alternatives**

7 **SEC. 1801. REQUIREMENTS FOR VOTER IDENTIFICATION.**

8 (a) REQUIREMENT TO PROVIDE IDENTIFICATION AS  
9 CONDITION OF RECEIVING BALLOT.—Section 303 of the  
10 Help America Vote Act of 2002 (52 U.S.C. 21083) is  
11 amended by redesignating subsections (c) and (d) as sub-  
12 sections (d) and (e), respectively, and by inserting after  
13 subsection (b) the following new subsection:

14 “(c) VOTER IDENTIFICATION REQUIREMENTS.—

15 “(1) VOTER IDENTIFICATION REQUIREMENT  
16 DEFINED.—For purposes of this subsection:

17 “(A) IN GENERAL.—The term ‘voter iden-  
18 tification requirement’ means any requirement  
19 that an individual desiring to vote in person in  
20 an election for Federal office present identifica-  
21 tion as a requirement to receive or cast a ballot  
22 in person in such election.

23 “(B) EXCEPTION.—Such term does not in-  
24 clude any requirement described in subsection  
25 (b)(2)(A) as applied with respect to an indi-  
26 vidual described in subsection (b)(1).

1           “(2) IN GENERAL.—If a State or local jurisdic-  
2           tion has a voter identification requirement, the State  
3           or local jurisdiction—

4                   “(A) shall treat any applicable identifying  
5           document as meeting such voter identification  
6           requirement;

7                   “(B) notwithstanding the failure to present  
8           an applicable identifying document, shall treat  
9           an individual desiring to vote in person in an  
10          election for Federal office as meeting such voter  
11          identification requirement if—

12                   “(i) the individual presents the appro-  
13          priate State or local election official with a  
14          sworn written statement, signed in the  
15          presence of the official by an adult who  
16          has known the individual for at least six  
17          months under penalty of perjury, attesting  
18          to the individual’s identity;

19                   “(ii) the official has known the indi-  
20          vidual for at least six months; or

21                   “(iii) in the case of a resident of a  
22          State-licensed care facility, an employee of  
23          the facility confirms the individual’s iden-  
24          tity; and



1           “(C) shall permit any individual desiring to  
2           vote in an election for Federal office who does  
3           not present an applicable identifying document  
4           required under subparagraph (A) or qualify for  
5           an exception under subparagraph (B) to cast a  
6           provisional ballot with respect to the election  
7           under section 302 in accordance with paragraph  
8           (3).

9           “(3) RULES FOR PROVISIONAL BALLOT.—

10           “(A) IN GENERAL.—An individual may  
11           cast a provisional ballot pursuant to paragraph  
12           (2)(C) so long as the individual presents the ap-  
13           propriate State or local election official with a  
14           sworn written statement, signed by the indi-  
15           vidual under penalty of perjury, attesting to the  
16           individual’s identity.

17           “(B) PROHIBITION ON OTHER REQUIRE-  
18           MENTS.—Except as otherwise provided this  
19           paragraph, a State or local jurisdiction may not  
20           impose any other additional requirement or con-  
21           dition with respect to the casting of a provi-  
22           sional ballot by an individual described in para-  
23           graph (2)(C).

24           “(C) COUNTING OF PROVISIONAL BAL-  
25           LOT.—In the case of a provisional ballot cast

1           pursuant to paragraph (2)(C), the appropriate  
2           State or local election official shall not make a  
3           determination under section 302(a)(4) that the  
4           individual is eligible under State law to vote in  
5           the election unless—

6                   “(i) the official determines that the  
7                   signature on such statement matches the  
8                   signature of such individual on the official  
9                   list of registered voters in the State or  
10                  other official record or document used by  
11                  the State to verify the signatures of voters;  
12                  or

13                   “(ii) not later than 10 days after cast-  
14                   ing the provisional ballot, the individual  
15                   presents an applicable identifying docu-  
16                   ment, either in person or by electronic  
17                   methods, to the official and the official  
18                   confirms the individual is the person iden-  
19                   tified on the applicable identifying docu-  
20                   ment.

21                   “(D) NOTICE AND OPPORTUNITY TO CURE  
22                   DISCREPANCY IN SIGNATURES OR OTHER DE-  
23                   FECTS ON PROVISIONAL BALLOTS.—

24                   “(i) NOTICE AND OPPORTUNITY TO  
25                   CURE DISCREPANCY IN SIGNATURES.—If

1 an individual casts a provisional ballot  
2 under this paragraph and the appropriate  
3 State or local election official determines  
4 that a discrepancy exists between the sig-  
5 nature on such ballot and the signature of  
6 such individual on the official list of reg-  
7 istered voters in the State or other official  
8 record or document used by the State to  
9 verify the signatures of voters, such elec-  
10 tion official, prior to making a final deter-  
11 mination as to the validity of such ballot,  
12 shall—

13 “(I) as soon as practical, but no  
14 later than the next business day after  
15 such determination is made, make a  
16 good faith effort to notify the indi-  
17 vidual by mail, telephone, and (if  
18 available) text message and electronic  
19 mail that—

20 “(aa) a discrepancy exists  
21 between the signature on such  
22 ballot and the signature of the  
23 individual on the official list of  
24 registered voters in the State or  
25 other official record or document

1 used by the State to verify the  
2 signatures of voters; and

3 “(bb) if such discrepancy is  
4 not cured prior to the expiration  
5 of the third day following the  
6 State’s deadline for receiving  
7 mail-in ballots or absentee bal-  
8 lots, such ballot will not be  
9 counted; and

10 “(II) cure such discrepancy and  
11 count the ballot if, prior to the expira-  
12 tion of the third day following the  
13 State’s deadline for receiving mail-in  
14 ballots or absentee ballots, the indi-  
15 vidual provides the official with infor-  
16 mation to cure such discrepancy, ei-  
17 ther in person, by telephone, or by  
18 electronic methods.

19 “(ii) NOTICE AND OPPORTUNITY TO  
20 CURE OTHER DEFECTS.—If an individual  
21 casts a provisional ballot under this para-  
22 graph with a defect which, if left uncured,  
23 would cause the ballot to not be counted,  
24 the appropriate State or local election offi-

1                   cial, prior to making a final determination  
2                   as to the validity of the ballot, shall—

3                   “(I) as soon as practical, but no  
4                   later than the next business day after  
5                   such determination is made, make a  
6                   good faith effort to notify the indi-  
7                   vidual by mail, telephone, and (if  
8                   available) text message and electronic  
9                   mail that—

10                   “(aa) the ballot has some  
11                   defect; and

12                   “(bb) if the individual does  
13                   not cure the other defect prior to  
14                   the expiration of the third day  
15                   following the State’s deadline for  
16                   receiving mail-in ballots or absen-  
17                   tee ballots, such ballot will not be  
18                   counted; and

19                   “(II) count the ballot if, prior to  
20                   the expiration of the third day fol-  
21                   lowing the State’s deadline for receiv-  
22                   ing mail-in ballots or absentee ballots,  
23                   the individual cures the defect.

24                   “(E) NO EXEMPTION.—Notwithstanding  
25                   section 302(a), States described in section 4(b)

1 of the National Voter Registration Act of 1993  
2 shall be required to meet the requirements of  
3 paragraph (2)(C).

4 “(F) RULE OF CONSTRUCTION.—

5 “(i) IN GENERAL.—Nothing in para-  
6 graph (2)(C) or this paragraph shall be  
7 construed to prevent a State from permit-  
8 ting an individual who provides a sworn  
9 statement described in subparagraph (A)  
10 to cast a regular ballot in lieu of a provi-  
11 sional ballot.

12 “(ii) REGULAR BALLOT.—For purpose  
13 of this subparagraph, the term ‘regular  
14 ballot’ means a ballot which is cast and  
15 counted in same manner as ballots cast by  
16 individuals meeting the voter identification  
17 requirement (and all other applicable re-  
18 quirements with respect to voting in the  
19 election).

20 “(4) DEVELOPMENT AND USE OF PRE-PRINTED  
21 VERSION OF STATEMENT BY COMMISSION.—

22 “(A) IN GENERAL.—The Commission shall  
23 develop pre-printed versions of the statements  
24 described in paragraphs (2)(B)(i) and (3)(A)

1           which include appropriate blank spaces for the  
2           provision of names and signatures.

3           “(B) PROVIDING PRE-PRINTED COPY OF  
4           STATEMENT.—Each State and jurisdiction that  
5           has a voter identification requirement shall  
6           make copies of the pre-printed version of the  
7           statement developed under subparagraph (A)  
8           available at polling places for use by individuals  
9           voting in person.

10          “(5) REQUIRED PROVISION OF IDENTIFYING  
11          DOCUMENTS.—

12                 “(A) IN GENERAL.—Each State and juris-  
13                 diction that has a voter identification require-  
14                 ment shall—

15                         “(i) for each individual who, on or  
16                         after the applicable date, is registered to  
17                         vote in such State or jurisdiction in elec-  
18                         tions for Federal office, provide the indi-  
19                         vidual with a government-issued identifica-  
20                         tion that meets the requirements of this  
21                         subsection without charge;

22                         “(ii) for each individual who, before  
23                         the applicable date, was registered to vote  
24                         in such State or jurisdiction in elections  
25                         for Federal office but does not otherwise

1 possess an identifying document, provide  
2 the individual with a government-issued  
3 identification that meets the requirements  
4 of this subsection without charge, so long  
5 as the State provides the individual with  
6 reasonable opportunities to obtain such  
7 identification prior to the date of the elec-  
8 tion; and

9 “(iii) for each individual who is pro-  
10 vided with an identification under clause  
11 (i) or clause (ii), provide the individual  
12 with such assistance without charge upon  
13 request as may be necessary to enable the  
14 individual to obtain and process any docu-  
15 mentation necessary to obtain the identi-  
16 fication.

17 “(B) APPLICABLE DATE.—For purposes of  
18 this paragraph, the term ‘applicable date’  
19 means the later of—

20 “(i) January 1, 2022, or

21 “(ii) the first date after the date of  
22 the enactment of this subsection for which  
23 the State or local jurisdiction has in effect  
24 a voter identification requirement.



1           “(6) APPLICABLE IDENTIFYING DOCUMENT.—

2           For purposes of this subsection—

3                   “(A) IN GENERAL.—The term ‘applicable  
4           identifying document’ means, with respect to  
5           any individual, any document issued to such in-  
6           dividual containing the individual’s name.

7                   “(B) INCLUDED DOCUMENTS.—The term  
8           ‘applicable identifying document’ shall include  
9           any of the following (so long as such document  
10          is not expired, as indicated by an expiration  
11          date included on the document):

12                   “(i) A valid driver’s license or an  
13          identification card issued by a State, the  
14          Federal Government, or a State or feder-  
15          ally recognized Tribal government.

16                   “(ii) A State-issued identification de-  
17          scribed in paragraph (4).

18                   “(iii) A valid United States passport  
19          or passport card.

20                   “(iv) A valid employee identification  
21          card issued by—

22                           “(I) any branch, department,  
23                           agency, or entity of the United States  
24                           Government or of any State,

1                   “(II) any State or federally rec-  
2                   ognized Tribal government, or

3                   “(III) any county, municipality,  
4                   board, authority, or other political  
5                   subdivision of a State.

6                   “(v) A valid student identification  
7                   card issued by an institution of higher edu-  
8                   cation, or a valid high school identification  
9                   card issued by a State-accredited high  
10                  school.

11                  “(vi) A valid military identification  
12                  card issued by the United States.

13                  “(vii) A valid gun license or concealed  
14                  carry permit.

15                  “(viii) A valid Medicare card or Social  
16                  Security card.

17                  “(ix) A valid birth certificate.

18                  “(x) A valid voter registration card.

19                  “(xi) A valid hunting or fishing li-  
20                  cense issued by a State.

21                  “(xii) A valid identification card  
22                  issued to the individual by the Supple-  
23                  mental Nutrition Assistance (SNAP) pro-  
24                  gram.

1           “(xiii) A valid identification card  
2 issued to the individual by the Temporary  
3 Assistance for Needy Families (TANF)  
4 program.

5           “(xiv) A valid identification card  
6 issued to the individual by Medicaid.

7           “(xv) A valid bank card or valid debit  
8 card.

9           “(xvi) A valid utility bill issued within  
10 six months of the date of the election.

11           “(xvii) A valid lease or mortgage doc-  
12 ument issued within six months of the date  
13 of the election.

14           “(xviii) A valid bank statement issued  
15 within six months of the date of the elec-  
16 tion.

17           “(xix) A valid health insurance card  
18 issued to the voter.

19           “(xx) Any other document containing  
20 the individual’s name issued by—

21                   “(I) any branch, department,  
22 agency, or entity of the United States  
23 Government or of any State;

24                   “(II) any State or federally rec-  
25 ognized tribal government; or

1                   “(III) any county, municipality,  
2                   board, authority, or other political  
3                   subdivision of a State.

4                   “(C) COPIES AND ELECTRONIC DOCU-  
5                   MENTS ACCEPTED.—The term ‘applicable iden-  
6                   tifying document’ includes—

7                   “(i) any copy of a document described  
8                   in subparagraph (A) or (B); and

9                   “(ii) any document described in sub-  
10                  paragraph (A) or (B) which is presented in  
11                  electronic format.”.

12               (b) PAYMENTS TO STATES TO COVER COSTS OF RE-  
13               QUIRED IDENTIFICATION DOCUMENTS.—

14               (1) IN GENERAL.—The Election Assistance  
15               Commission shall make payments to States to cover  
16               the costs incurred in providing identifications under  
17               section 303(c)(5) of the Help America Vote Act of  
18               2002, as amended by this section.

19               (2) AMOUNT OF PAYMENT.—The amount of the  
20               payment made to a State under this subsection for  
21               any year shall be equal to the amount of fees which  
22               would have been collected by the State during the  
23               year in providing the identifications required under  
24               section 303(c)(5) of such Act if the State had  
25               charged the usual and customary rates for such

1 identifications, as determined on the basis of infor-  
2 mation furnished to the Commission by the State at  
3 such time and in such form as the Commission may  
4 require.

5 (3) AUTHORIZATION OF APPROPRIATIONS.—  
6 There are authorized to be appropriated for pay-  
7 ments under this subsection an aggregate amount of  
8 \$5,000,000 for fiscal year 2022 and each of the 4  
9 succeeding fiscal years.

10 (c) CONFORMING AMENDMENTS.—Section  
11 303(b)(2)(A) of the Help America Vote Act of 2002 (52  
12 U.S.C. 21083(b)(2)(A)) is amended—

13 (1) in clause (i), by striking “in person” and all  
14 that follows and inserting “in person, presents to the  
15 appropriate State or local election official an applica-  
16 ble identifying document (as defined in subsection  
17 (c)(6)); or”; and

18 (2) in clause (ii), by striking “by mail” and all  
19 that follows and inserting “by mail, submits with the  
20 ballot an applicable identifying document (as so de-  
21 fined).”.

22 (d) DEFINITION.—For the purposes of this section,  
23 the term “State” means each of the several States, the  
24 District of Columbia, the Commonwealth of Puerto Rico,  
25 Guam, American Samoa, the United States Virgin Is-

1 lands, and the Commonwealth of the Northern Mariana  
2 Islands.

3 (e) EFFECTIVE DATE.—Section 303(e) of such Act  
4 (52 U.S.C. 21083(d)(2)), as redesignated by subsection  
5 (a), is amended by adding at the end the following new  
6 paragraph:

7 “(3) VOTER IDENTIFICATION REQUIRE-  
8 MENTS.—Each State and jurisdiction shall be re-  
9 quired to comply with the requirements of subsection  
10 (c) with respect to elections for Federal office held  
11 on or after January 1, 2022.”.

## 12 **Subtitle J—Voter List Maintenance** 13 **Procedures**

### 14 **PART 1—VOTER CAGING PROHIBITED**

#### 15 **SEC. 1901. VOTER CAGING PROHIBITED.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term “voter caging document” means—

18 (A) a non-forwardable document sent by  
19 any person other than a State or local election  
20 official that is returned to the sender or a third  
21 party as undelivered or undeliverable despite an  
22 attempt to deliver such document to the address  
23 of a registered voter or applicant; or

24 (B) any document sent by any person  
25 other than a State or local election official with

1 instructions to an addressee that the document  
2 be returned to the sender or a third party but  
3 is not so returned, despite an attempt to deliver  
4 such document to the address of a registered  
5 voter or applicant;

6 (2) the term “voter caging list” means a list of  
7 individuals compiled from voter caging documents;  
8 and

9 (3) the term “unverified match list” means any  
10 list produced by matching the information of reg-  
11 istered voters or applicants for voter registration to  
12 a list of individuals who are ineligible to vote in the  
13 registrar’s jurisdiction, by virtue of death, convic-  
14 tion, change of address, or otherwise, unless one of  
15 the pieces of information matched includes a signa-  
16 ture, photograph, or unique identifying number en-  
17 suring that the information from each source refers  
18 to the same individual.

19 (b) PROHIBITION AGAINST VOTER CAGING.—No  
20 State or local election official shall prevent an individual  
21 from registering or voting in any election for Federal of-  
22 fice, or permit in connection with any election for Federal  
23 office a formal challenge under State law to an individual’s  
24 registration status or eligibility to vote, if the basis for  
25 such decision is evidence consisting of—

1           (1) a voter caging document or voter caging  
2 list;

3           (2) an unverified match list;

4           (3) an error or omission on any record or paper  
5 relating to any application, registration, or other act  
6 requisite to voting, if such error or omission is not  
7 material to an individual's eligibility to vote under  
8 section 2004(a)(2)(B) of the Revised Statutes (52  
9 U.S.C. 10101(a)(2)(B)); or

10           (4) any other evidence so designated for pur-  
11 poses of this section by the Election Assistance Com-  
12 mission,

13 except that the election official may use such evidence if  
14 it is corroborated by independent evidence of the individ-  
15 ual's ineligibility to register or vote.

16           (c) ENFORCEMENT.—

17           (1) CIVIL ENFORCEMENT.—

18           (A) IN GENERAL.—The Attorney General  
19 may bring a civil action in an appropriate dis-  
20 trict court for such declaratory or injunctive re-  
21 lief as is necessary to carry out this section.

22           (B) PRIVATE RIGHT OF ACTION.—

23           (i) IN GENERAL.—A person who is ag-  
24 grieved by a violation of this section may  
25 provide written notice of the violation to



1 the chief election official of the State in-  
2 volved.

3 (ii) RELIEF.—Except as provided in  
4 clause (iii), if the violation is not corrected  
5 within 90 days after receipt of a notice  
6 under clause (i), or within 20 days after  
7 receipt of the notice if the violation oc-  
8 curred within 120 days before the date of  
9 an election for Federal office, the ag-  
10 grievied person may, in a civil action, ob-  
11 tain declaratory or injunctive relief with re-  
12 spect to the violation.

13 (iii) EXCEPTION.—If the violation oc-  
14 curred within 30 days before the date of  
15 an election for Federal office, on the date  
16 of the election, or after the date of the  
17 election but prior to the completion of the  
18 canvass, the aggrieved person need not  
19 provide notice under clause (i) before  
20 bringing a civil action to obtain declaratory  
21 or injunctive relief with respect to the vio-  
22 lation.

23 (2) CRIMINAL PENALTY.—Whoever knowingly  
24 challenges the eligibility of one or more individuals  
25 to register or vote or knowingly causes the eligibility

1 of such individuals to be challenged in violation of  
2 this section with the intent that one or more eligible  
3 voters be disqualified, shall be fined under title 18,  
4 United States Code, or imprisoned not more than 1  
5 year, or both, for each such violation. Each violation  
6 shall be a separate offense.

7 (d) NO EFFECT ON RELATED LAWS.—Nothing in  
8 this section is intended to override the protections of the  
9 National Voter Registration Act of 1993 (52 U.S.C.  
10 20501 et seq.) or to affect the Voting Rights Act of 1965  
11 (52 U.S.C. 10301 et seq.).

12 **PART 2—SAVING ELIGIBLE VOTERS FROM VOTER**  
13 **PURGING**

14 **SEC. 1911. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
15 **LIST OF REGISTERED VOTERS.**

16 (a) CONDITIONS DESCRIBED.—The National Voter  
17 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is  
18 amended by inserting after section 8 the following new  
19 section:

20 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
21 **OFFICIAL LIST OF REGISTERED VOTERS.**

22 **“(a) VERIFICATION ON BASIS OF OBJECTIVE AND**  
23 **RELIABLE EVIDENCE OF INELIGIBILITY.—**

24 **“(1) REQUIRING VERIFICATION.—**Notwith-  
25 standing any other provision of this Act, a State

1       may not remove the name of any registrant from the  
2       official list of voters eligible to vote in elections for  
3       Federal office in the State unless the State verifies,  
4       on the basis of objective and reliable evidence, that  
5       the registrant is ineligible to vote in such elections.

6               “(2) FACTORS NOT CONSIDERED AS OBJECTIVE  
7       AND RELIABLE EVIDENCE OF INELIGIBILITY.—For  
8       purposes of paragraph (1), except as permitted  
9       under section 8(d) after a notice described in para-  
10      graph (2) of such section has been sent, the fol-  
11      lowing factors, or any combination thereof, shall not  
12      be treated as objective and reliable evidence of a reg-  
13      istrant’s ineligibility to vote:

14              “(A) The failure of the registrant to vote  
15              in any election.

16              “(B) The failure of the registrant to re-  
17              spond to any election mail, unless the election  
18              mail has been returned as undeliverable.

19              “(C) The failure of the registrant to take  
20              any other action with respect to voting in any  
21              election or with respect to the registrant’s sta-  
22              tus as a registrant.

23              “(3) REMOVAL BASED ON OFFICIAL  
24              RECORDS.—

1           “(A) IN GENERAL.—Nothing in this sec-  
2           tion shall prohibit a State from removing a reg-  
3           istrant from the official list of eligible voters in  
4           elections for Federal office if, on the basis of of-  
5           ficial records maintained by the State, a State  
6           or local election official knows, on the basis of  
7           objective and reliable evidence, that the reg-  
8           istrant has—

9                   “(i) died; or

10                   “(ii) permanently moved out of the  
11           State and is no longer eligible to vote in  
12           the State.

13           “(B) OPPORTUNITY TO DEMONSTRATE  
14           ELIGIBILITY.—The State shall provide a voter  
15           removed from the official list of eligible voters  
16           in elections for Federal office under this para-  
17           graph an opportunity to demonstrate that the  
18           registrant is eligible to vote and be reinstated  
19           on the official list of eligible voters in elections  
20           for Federal office in the State.

21           “(b) NOTICE AFTER REMOVAL.—

22                   “(1) NOTICE TO INDIVIDUAL REMOVED.—

23                   “(A) IN GENERAL.—Not later than 48  
24           hours after a State removes the name of a reg-  
25           istrant from the official list of eligible voters,

1 the State shall send notice of the removal to the  
2 former registrant, and shall include in the no-  
3 tice the grounds for the removal and informa-  
4 tion on how the former registrant may contest  
5 the removal or be reinstated, including a tele-  
6 phone number for the appropriate election offi-  
7 cial.

8 “(B) EXCEPTIONS.—Subparagraph (A)  
9 does not apply in the case of a registrant—

10 “(i) who sends written confirmation to  
11 the State that the registrant is no longer  
12 eligible to vote in the registrar’s jurisdic-  
13 tion in which the registrant was registered;  
14 or

15 “(ii) who is removed from the official  
16 list of eligible voters by reason of the death  
17 of the registrant.

18 “(2) PUBLIC NOTICE.—Not later than 48 hours  
19 after conducting any general program to remove the  
20 names of ineligible voters from the official list of eli-  
21 gible voters (as described in section 8(a)(4)), the  
22 State shall disseminate a public notice through such  
23 methods as may be reasonable to reach the general  
24 public (including by publishing the notice in a news-  
25 paper of wide circulation and posting the notice on

1 the websites of the appropriate election officials)  
2 that list maintenance is taking place and that reg-  
3 istrants should check their registration status to en-  
4 sure no errors or mistakes have been made. The  
5 State shall ensure that the public notice dissemi-  
6 nated under this paragraph is in a format that is  
7 reasonably convenient and accessible to voters with  
8 disabilities, including voters who have low vision or  
9 are blind.”.

10 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF  
11 REMOVAL.—Section 8(d) of such Act (52 U.S.C.  
12 20507(d)) is amended by adding at the end the following  
13 new paragraph:

14 “(4) A State may not transmit a notice to a  
15 registrant under this subsection unless the State ob-  
16 tains objective and reliable evidence (in accordance  
17 with the standards for such evidence which are de-  
18 scribed in section 8A(a)(2)) that the registrant has  
19 changed residence to a place outside the registrar’s  
20 jurisdiction in 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.  
24 20507(a)) is amended—

1 (A) in paragraph (3), by striking “pro-  
2 vide” and inserting “subject to section 8A, pro-  
3 vide”; and

4 (B) in paragraph (4), by striking “con-  
5 duct” and inserting “subject to section 8A, con-  
6 duct”.

7 (2) **HELP AMERICA VOTE ACT OF 2002.**—Section  
8 303(a)(4)(A) of the Help America Vote Act of 2002  
9 (52 U.S.C. 21083(a)(4)(A)) is amended by striking  
10 “registrants” the second place it appears and insert-  
11 ing “and subject to section 8A of such Act, reg-  
12 istrants”.

13 (d) **EFFECTIVE DATE.**—The amendments made by  
14 this section shall take effect on the date of the enactment  
15 of this Act.

## 16 **Subtitle K—Severability**

### 17 **SEC. 1921. SEVERABILITY.**

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

1           **DIVISION B—ELECTION**  
2                   **INTEGRITY**  
3 **TITLE II—PROHIBITING INTER-**  
4 **REFERENCE WITH VOTER REG-**  
5 **ISTRATION**

6 **SEC. 2001. PROHIBITING HINDERING, INTERFERING WITH,**  
7                   **OR PREVENTING VOTER REGISTRATION.**

8           (a) IN GENERAL.—Chapter 29 of title 18, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new section:

11 **“§ 612. Hindering, interfering with, or preventing**  
12                   **registering to vote**

13           “(a) PROHIBITION.—It shall be unlawful for any per-  
14 son, whether acting under color of law or otherwise, to  
15 corruptly hinder, interfere with, or prevent another person  
16 from registering to vote or to corruptly hinder, interfere  
17 with, or prevent another person from aiding another per-  
18 son in registering to vote.

19           “(b) ATTEMPT.—Any person who attempts to commit  
20 any offense described in subsection (a) shall be subject to  
21 the same penalties as those prescribed for the offense that  
22 the person attempted to commit.

23           “(c) PENALTY.—Any person who violates subsection  
24 (a) shall be fined under this title, imprisoned not more  
25 than 5 years, or both.”.



1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 29 of title 18, United States Code, is amended  
3 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to elections held on  
6 or after the date of the enactment of this Act, except that  
7 no person may be found to have violated section 612 of  
8 title 18, United States Code (as added by subsection (a)),  
9 on the basis of any act occurring prior to the date of the  
10 enactment of this Act.

11 **SEC. 2002. ESTABLISHMENT OF BEST PRACTICES.**

12 (a) BEST PRACTICES.—Not later than 180 days after  
13 the date of the enactment of this Act, the Attorney Gen-  
14 eral shall develop and publish recommendations for best  
15 practices for States to use to deter and prevent violations  
16 of section 612 of title 18, United States Code (as added  
17 by section 2001), and section 12 of the National Voter  
18 Registration Act of 1993 (52 U.S.C. 20511) (relating to  
19 the unlawful interference with registering to vote, or vot-  
20 ing, or attempting to register to vote or vote), including  
21 practices to provide for the posting of relevant information  
22 at polling places and voter registration agencies under  
23 such Act, the training of poll workers and election offi-  
24 cials, and relevant educational materials. For purposes of  
25 this subsection, the term “State” includes the District of

1 Columbia, the Commonwealth of Puerto Rico, Guam,  
2 American Samoa, the United States Virgin Islands, and  
3 the Commonwealth of the Northern Mariana Islands.

4 (b) INCLUSION IN VOTER INFORMATION REQUIRE-  
5 MENTS.—Section 302(b)(2) of the Help America Vote Act  
6 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

7 (1) by striking “and” at the end of subpara-  
8 graph (E);

9 (2) by striking the period at the end of sub-  
10 paragraph (F) and inserting “; and”; and

11 (3) by adding at the end the following new sub-  
12 paragraph:

13 “(G) information relating to the prohibi-  
14 tions of section 612 of title 18, United States  
15 Code, and section 12 of the National Voter  
16 Registration Act of 1993 (52 U.S.C. 20511)  
17 (relating to the unlawful interference with reg-  
18 istering to vote, or voting, or attempting to reg-  
19 ister to vote or vote), including information on  
20 how individuals may report allegations of viola-  
21 tions of such prohibitions.”.

1           **TITLE III—PREVENTING**  
2           **ELECTION SUBVERSION**  
3   **Subtitle A—Restrictions on Re-**  
4   **moval of Election Administra-**  
5   **tors**

6   **SEC. 3001. RESTRICTIONS ON REMOVAL OF LOCAL ELEC-**  
7                   **TION ADMINISTRATORS IN ADMINISTRATION**  
8                   **OF ELECTIONS FOR FEDERAL OFFICE.**

9           (a) FINDINGS.—Congress makes the following find-  
10 ings:

11           (1) Congress has explicit and broad authority to  
12 regulate the time, place, and manner of Federal elec-  
13 tions under the Elections Clause under article I, sec-  
14 tion 4, clause 1 of the Constitution, including by es-  
15 tablishing standards for the fair, impartial, and uni-  
16 form administration of Federal elections by State  
17 and local officials.

18           (2) The Elections Clause was understood from  
19 the framing of the Constitution to contain “words of  
20 great latitude,” granting Congress broad power over  
21 Federal elections and a plenary right to preempt  
22 State regulation in this area. As made clear at the  
23 Constitutional Convention and the State ratification  
24 debates that followed, this grant of congressional au-  
25 thority was meant to “insure free and fair elec-

1 tions,” promote the uniform administration of Fed-  
2 eral elections, and “preserve and restore to the peo-  
3 ple their equal and sacred rights of election.”

4 (3) In the founding debates on the Elections  
5 Clause, many delegates also argued that a broad  
6 grant of authority to Congress over Federal elections  
7 was necessary to check any “abuses that might be  
8 made of the discretionary power” to regulate the  
9 time, place, and manner of elections granted the  
10 States, including attempts at partisan entrenchment,  
11 malapportionment, and the exclusion of political mi-  
12 norities. As the Supreme Court has recognized, the  
13 Elections Clause empowers Congress to “protect the  
14 elections on which its existence depends,” *Ex parte*  
15 *Yarbrough*, 110 U.S. 651, 658 (1884), and “protect  
16 the citizen in the exercise of rights conferred by the  
17 Constitution of the United States essential to the  
18 healthy organization of the government itself,” *id.* at  
19 666.

20 (4) The Elections Clause grants Congress “ple-  
21 nary and paramount jurisdiction over the whole sub-  
22 ject” of Federal elections, *Ex parte Siebold*, 100  
23 U.S. 371, 388 (1879), allowing Congress to imple-  
24 ment “a complete code for congressional elections.”  
25 *Smiley v. Holm*, 285 U.S. 355, 366 (1932). The

1 Elections Clause, unlike, for example, the Commerce  
2 Clause, has been found to grant Congress the au-  
3 thority to compel States to alter their regulations as  
4 to Federal elections, *id.* at *id.* at 366–67, even if  
5 these alterations would impose additional costs on  
6 the States to execute or enforce. *Association of Com-*  
7 *munity Organizations for Reform Now v. Miller*, 129  
8 F.3d 833 (6th Cir. 1997).

9 (5) The phrase “manner of holding elections”  
10 in the Elections Clause has been interpreted by the  
11 Supreme Court to authorize Congress to regulate all  
12 aspects of the Federal election process, including  
13 “notices, registration, supervision of voting, protec-  
14 tion of voters, prevention of fraud and corrupt prac-  
15 tices, counting of votes, duties of inspectors and can-  
16 vassers, and the making and publication of election  
17 returns.” *Smiley v. Holm*, 285 U.S. 355, 366  
18 (1932).

19 (6) The Supreme Court has recognized the  
20 broad “substantive scope” of the Elections Clause  
21 and upheld Federal laws promulgated thereunder  
22 regulating redistricting, voter registration, campaign  
23 finance, primary elections, recounts, party affiliation  
24 rules, and balloting.

1           (7) The authority of Congress under the Elec-  
2           tions Clause also entails the power to ensure en-  
3           forcement of its laws regulating Federal elections.  
4           “[I]f Congress has the power to make regulations, it  
5           must have the power to enforce them.” *Ex parte*  
6           *Siebold*, 100 U.S. 371, 387 (1879). The Supreme  
7           Court has noted that there can be no question that  
8           Congress may impose additional penalties for of-  
9           fenses committed by State officers in connection  
10          with Federal elections even if they differ from the  
11          penalties prescribed by State law for the same acts.  
12          *Id.* at 387–88.

13          (8) The fair and impartial administration of  
14          Federal elections by State and local officials is cen-  
15          tral to “the successful working of this government,”  
16          *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and  
17          to “protect the act of voting . . . and the election  
18          itself from corruption or fraud,” *id.* at 661–62.

19          (9) The Elections Clause thus grants Congress  
20          the authority to ensure that the administration of  
21          Federal elections is free of political bias or discrimi-  
22          nation and that election officials are insulated from  
23          political influence or other forms of coercion in dis-  
24          charging their duties in connection with Federal  
25          elections.

1           (10) In some States, oversight of local election  
2 administrators has been allocated to State Election  
3 Boards, or special commissions formed by those  
4 boards, that are appointed by the prevailing political  
5 party in a State, as opposed to nonpartisan or elect-  
6 ed office holders.

7           (11) In certain newly enacted State policies,  
8 these appointed statewide election administrators  
9 have been granted wide latitude to suspend or re-  
10 move local election administrators in cases where the  
11 statewide election administrators identify whatever  
12 the State deems to be a violation. There is no re-  
13 quirement that there be a finding of intent by the  
14 local election administrator to commit the violation.

15           (12) Local election administrators across the  
16 country can be suspended or removed according to  
17 different standards, potentially exposing them to dif-  
18 ferent political pressures or biases that could result  
19 in uneven administration of Federal elections.

20           (13) The Elections Clause grants Congress the  
21 ultimate authority to ensure that oversight of State  
22 and local election administrators is fair and impar-  
23 tial in order to ensure equitable and uniform admin-  
24 istration of Federal elections.

25           (b) RESTRICTION.—

1           (1) STANDARD FOR REMOVAL OF A LOCAL  
2 ELECTION ADMINISTRATOR.—A statewide election  
3 administrator may only suspend, remove, or relieve  
4 the duties of a local election administrator in the  
5 State with respect to the administration of an elec-  
6 tion for Federal office for inefficiency, neglect of  
7 duty, or malfeasance in office.

8           (2) PRIVATE RIGHT OF ACTION.—

9           (A) IN GENERAL.—Any local election ad-  
10 ministrator suspended, removed, or otherwise  
11 relieved of duties in violation of paragraph (1)  
12 with respect to the administration of an election  
13 for Federal office or against whom any pro-  
14 ceeding for suspension, removal, or relief from  
15 duty in violation of paragraph (1) with respect  
16 to the administration of an election for Federal  
17 office may be pending, may bring an action in  
18 an appropriate district court of the United  
19 States for declaratory or injunctive relief with  
20 respect to the violation. Any such action shall  
21 name as the defendant the statewide election  
22 administrator responsible for the adverse ac-  
23 tion. The district court shall, to the extent prac-  
24 ticable, expedite any such proceeding.



1           (B) STATUTE OF LIMITATIONS.—Any ac-  
2           tion brought under this subsection must be  
3           commenced not later than one year after the  
4           date of the suspension, removal, relief from du-  
5           ties, or commencement of the proceeding to re-  
6           move, suspend, or relieve the duties of a local  
7           election administrator with respect to the ad-  
8           ministration of an election for Federal office.

9           (3) ATTORNEY’S FEES.—In any action or pro-  
10          ceeding under this subsection, the court may allow  
11          a prevailing plaintiff, other than the United States,  
12          reasonable attorney’s fees as part of the costs, and  
13          may include expert fees as part of the attorney’s fee.  
14          The term “prevailing plaintiff” means a plaintiff  
15          that substantially prevails pursuant to a judicial or  
16          administrative judgment or order, or an enforceable  
17          written agreement.

18          (4) REMOVAL OF STATE PROCEEDINGS TO FED-  
19          ERAL COURT.—A local election administrator who is  
20          subject to an administrative or judicial proceeding  
21          for suspension, removal, or relief from duty by a  
22          statewide election administrator with respect to the  
23          administration of an election for Federal office may  
24          remove the proceeding to an appropriate district  
25          court of the United States. Any order remanding a

1 case to the State court or agency from which it was  
2 removed under this subsection shall be reviewable by  
3 appeal or otherwise.

4 (5) RIGHT OF UNITED STATES TO INTER-  
5 VENE.—

6 (A) NOTICE TO ATTORNEY GENERAL.—

7 Whenever any administrative or judicial pro-  
8 ceeding is brought to suspend, remove, or re-  
9 lieve the duties of any local election adminis-  
10 trator by a statewide election administrator  
11 with respect to the administration of an election  
12 for Federal office, the statewide election admin-  
13 istrator who initiated such proceeding shall de-  
14 liver a copy of the pleadings instituting the pro-  
15 ceeding to the Assistant Attorney General for  
16 the Civil Rights Division of the Department of  
17 Justice. The local election administrator against  
18 whom such proceeding is brought may also de-  
19 liver such pleadings to the Assistant Attorney  
20 General.

21 (B) RIGHT TO INTERVENE.—The United  
22 States may intervene in any administrative or  
23 judicial proceeding brought to suspend, remove,  
24 or relieve the duties of any local election admin-  
25 istrator by a statewide election administrator

1 with respect to the administration of an election  
2 for Federal office and in any action initiated  
3 pursuant to paragraph (2) or in any removal  
4 pursuant to paragraph (4).

5 (6) REVIEW.—In reviewing any action brought  
6 under this section, a court of the United States shall  
7 not afford any deference to any State official, ad-  
8 ministrator, or tribunal that initiated, approved, ad-  
9 judicated, or reviewed any administrative or judicial  
10 proceeding to suspend, remove, or otherwise relieve  
11 the duties of a local election administrator.

12 (c) REPORTS TO DEPARTMENT OF JUSTICE.—

13 (1) IN GENERAL.—Not later than 30 days after  
14 the suspension, removal, or relief of the duties of a  
15 local election administrator by a statewide election  
16 administrator, the Statewide election administrator  
17 shall submit to the Assistant Attorney General for  
18 the Civil Rights Divisions of the Department of Jus-  
19 tice a report that includes the following information:

20 (A) A statement that a local election ad-  
21 ministrator was suspended, removed, or relieved  
22 of their duties.

23 (B) Information on whether the local elec-  
24 tion administrator was determined to have en-

1 gaged in gross negligence, neglect of duty, or  
2 malfeasance in office.

3 (C) A description of the effect that the  
4 suspension, removal, or relief of the duties of  
5 the local election administrator will have on—

6 (i) the administration of elections and  
7 voters in the election jurisdictions for  
8 which the local election official provided  
9 such duties; and

10 (ii) the administration of elections and  
11 voters in the State at large.

12 (D) Demographic information about the  
13 local election official suspended, removed, or re-  
14 lieved and the jurisdictions for which such elec-  
15 tion official was providing the duties suspended,  
16 removed, or relieved.

17 (E) Such other information as requested  
18 by the Assistant Attorney General for the pur-  
19 poses of determining—

20 (i) whether such suspension, removal,  
21 or relief of duties was based on unlawful  
22 discrimination; and

23 (ii) (whether such suspension, re-  
24 moval, or relief of duties was due to gross

1 negligence, neglect of duty, or malfeasance  
2 in office.

3 (2) EXPEDITED REPORTING FOR ACTIONS  
4 WITHIN 30 DAYS OF AN ELECTION.—

5 (A) IN GENERAL.—If a suspension, re-  
6 moval, or relief of duties of a local adminis-  
7 trator described in paragraph (1) occurs during  
8 the period described in subparagraph (B), the  
9 report required under paragraph (1) shall be  
10 submitted not later than 48 hours after such  
11 suspension, removal, or relief of duties.

12 (B) PERIOD DESCRIBED.—The period de-  
13 scribed in this subparagraph is any period  
14 which begins 60 days before the date of an elec-  
15 tion for Federal office and which ends 60 days  
16 after such election.

17 (d) DEFINITIONS.—In this section, the following defi-  
18 nitions apply:

19 (1) ELECTION.—The term “election” has the  
20 meaning given the term in section 301(1) of the  
21 Federal Election Campaign Act of 1971 (52 U.S.C.  
22 30101(1)).

23 (2) FEDERAL OFFICE.—The term “Federal of-  
24 fice” has the meaning given the term in section

1       301(3) of the Federal Election Campaign Act of  
2       1971 (52 U.S.C. 30101(3)).

3           (3) LOCAL ELECTION ADMINISTRATOR.—The  
4       term “local election administrator” means, with re-  
5       spect to a local jurisdiction in a State, the individual  
6       or entity responsible for the administration of elec-  
7       tions for Federal office in the local jurisdiction.

8           (4) STATEWIDE ELECTION ADMINISTRATOR.—  
9       The term “Statewide election administrator” means,  
10      with respect to a State—

11           (A) the individual or entity, including a  
12      State elections board, responsible for the ad-  
13      ministration of elections for Federal office in  
14      the State on a statewide basis; or

15           (B) a statewide legislative or executive en-  
16      tity with the authority to suspend, remove, or  
17      relieve a local election administrator.

18      (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
19      tion shall be construed to grant any additional authority  
20      to remove a local elections administrator beyond any au-  
21      thority provided under the law of the State.

1     **Subtitle B—Increased Protections**  
2                     **for Election Workers**

3     **SEC. 3101. HARASSMENT OF ELECTION WORKERS PROHIB-**  
4                     **ITED.**

5             (a) IN GENERAL.—Chapter 29 of title 18, United 6  
6 States Code, as amended by section 2001(a), is amended  
7 by adding at the end the following new section:

8     **“SEC. 613. HARASSMENT OF ELECTION RELATED OFFI-**  
9                     **CIALS.**

10            “(a) HARASSMENT OF ELECTION WORKERS.—It  
11 shall be unlawful for any person, whether acting under  
12 color of law or otherwise, to intimidate, threaten, coerce,  
13 or attempt to intimidate, threaten, or coerce an election  
14 worker described in subsection (b) with intent to impede,  
15 intimidate, or interfere with such official while engaged  
16 in the performance of official duties, or with intent to re-  
17 taliate against such official on account of the performance  
18 of official duties.

19            “(b) ELECTION WORKER DESCRIBED.—An election  
20 worker as described in this section is any individual who  
21 is an election official, poll worker, or an election volunteer  
22 in connection with an election for a Federal office.

23            “(c) PENALTY.—Any person who violates subsection  
24 (a) shall be fined not more than \$100,000, imprisoned for  
25 not more than 5 years, or both.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 29 of title 18, United States Code, as amended  
3 by section 2001(b), is amended by adding at the end the  
4 following new item:

“613. Harassment of election related officials.”.

5 **SEC. 3102. PROTECTION OF ELECTION WORKERS.**

6 Paragraph (2) of section 119(b) of title 18, United  
7 States Code, is amended by striking “or” at the end of  
8 subparagraph (C), by inserting “or” at the end of sub-  
9 paragraph (D), and by adding at the end the following  
10 new subparagraph:

11 “(E) any individual who is an election offi-  
12 cial, a poll worker, or an election volunteer in  
13 connection with an election for a Federal of-  
14 fice;”.

15 **Subtitle C—Prohibiting Deceptive**  
16 **Practices and Preventing Voter**  
17 **Intimidation**

18 **SEC. 3201. SHORT TITLE.**

19 This subtitle may be cited as the “Deceptive Prac-  
20 tices and Voter Intimidation Prevention Act of 2021”.

21 **SEC. 3202. PROHIBITION ON DECEPTIVE PRACTICES IN**  
22 **FEDERAL ELECTIONS.**

23 (a) PROHIBITION.—Subsection (b) of section 2004 of  
24 the Revised Statutes (52 U.S.C. 10101(b)) is amended—



1           (1) by striking “No person” and inserting the  
2 following:

3           “(1) IN GENERAL.—No person”; and

4           (2) by inserting at the end the following new  
5 paragraphs:

6           “(2) FALSE STATEMENTS REGARDING FEDERAL  
7 ELECTIONS.—

8           “(A) PROHIBITION.—No person, whether  
9 acting under color of law or otherwise, shall,  
10 within 60 days before an election described in  
11 paragraph (5), by any means, including by  
12 means of written, electronic, or telephonic com-  
13 munications, communicate or cause to be com-  
14 municated information described in subpara-  
15 graph (B), or produce information described in  
16 subparagraph (B) with the intent that such in-  
17 formation be communicated, if such person—

18           “(i) knows such information to be ma-  
19 terially false; and

20           “(ii) has the intent to impede or pre-  
21 vent another person from exercising the  
22 right to vote in an election described in  
23 paragraph (5).

1           “(B) INFORMATION DESCRIBED.—Infor-  
2 mation is described in this subparagraph if such  
3 information is regarding—

4           “(i) the time, place, or manner of  
5 holding any election described in para-  
6 graph (5); or

7           “(ii) the qualifications for or restric-  
8 tions on voter eligibility for any such elec-  
9 tion, including—

10           “(I) any criminal, civil, or other  
11 legal penalties associated with voting  
12 in any such election; or

13           “(II) information regarding a  
14 voter’s registration status or eligi-  
15 bility.

16           “(3) FALSE STATEMENTS REGARDING PUBLIC  
17 ENDORSEMENTS.—

18           “(A) PROHIBITION.—No person, whether  
19 acting under color of law or otherwise, shall,  
20 within 60 days before an election described in  
21 paragraph (5), by any means, including by  
22 means of written, electronic, or telephonic com-  
23 munications, communicate, or cause to be com-  
24 municated, a materially false statement about  
25 an endorsement, if such person—

1 “(i) knows such statement to be false;

2 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  
6 paragraph (5).

7 “(B) DEFINITION OF ‘MATERIALLY  
8 FALSE’.—For purposes of subparagraph (A), a  
9 statement about an endorsement is ‘materially  
10 false’ if, with respect to an upcoming election  
11 described in paragraph (5)—

12 “(i) the statement states that a spe-  
13 cifically named person, political party, or  
14 organization has endorsed the election of a  
15 specific candidate for a Federal office de-  
16 scribed in such paragraph; and

17 “(ii) such person, political party, or  
18 organization has not endorsed the election  
19 of such candidate.

20 “(4) HINDERING, INTERFERING WITH, OR PRE-  
21 VENTING VOTING OR REGISTERING TO VOTE.—No  
22 person, whether acting under color of law or other-  
23 wise, shall intentionally hinder, interfere with, or  
24 prevent another person from voting, registering to  
25 vote, or aiding another person to vote or register to

1 vote in an election described in paragraph (5), in-  
2 cluding by operating a polling place or ballot box  
3 that falsely purports to be an official location estab-  
4 lished for such an election by a unit of government.

5 “(5) ELECTION DESCRIBED.—An election de-  
6 scribed in this paragraph is any general, primary,  
7 runoff, or special election held solely or in part for  
8 the purpose of nominating or electing a candidate  
9 for the office of President, Vice President, Presi-  
10 dential elector, Member of the Senate, Member of  
11 the House of Representatives, or Delegate or Com-  
12 missioner from a Territory or possession.”.

13 (b) PRIVATE RIGHT OF ACTION.—

14 (1) IN GENERAL.—Subsection (c) of section  
15 2004 of the Revised Statutes (52 U.S.C. 10101(c))  
16 is amended—

17 (A) by striking “Whenever any person”  
18 and inserting the following:

19 “(1) IN GENERAL.—Whenever any person”; and

20 (B) by adding at the end the following new  
21 paragraph:

22 “(2) CIVIL ACTION.—Any person aggrieved by a  
23 violation of this section may institute a civil action  
24 for preventive relief, including an application in a  
25 United States district court for a permanent or tem-

1       porary injunction, restraining order, or other order.  
2       In any such action, the court, in its discretion, may  
3       allow the prevailing party a reasonable attorney’s fee  
4       as part of the costs.”.

5               (2) CONFORMING AMENDMENTS.—Section 2004  
6       of the Revised Statutes (52 U.S.C. 10101) is  
7       amended—

8               (A) in subsection (e), by striking “sub-  
9               section (c)” and inserting “subsection (c)(1)”;  
10              and

11              (B) in subsection (g), by striking “sub-  
12              section (e)” and inserting “subsection (c)(1)”.

13       (c) CRIMINAL PENALTIES.—

14              (1) DECEPTIVE ACTS.—Section 594 of title 18,  
15       United States Code, is amended—

16              (A) by striking “Whoever” and inserting  
17              the following:

18       “(a) INTIMIDATION.—Whoever”;

19              (B) in subsection (a), as inserted by sub-  
20              paragraph (A), by striking “at any election”  
21              and inserting “at any general, primary, runoff,  
22              or special election”; and

23              (C) by adding at the end the following new  
24              subsections:

25       “(b) DECEPTIVE ACTS.—

1           “(1) FALSE STATEMENTS REGARDING FEDERAL  
2 ELECTIONS.—

3           “(A) PROHIBITION.—It shall be unlawful  
4 for any person, whether acting under color of  
5 law or otherwise, within 60 days before an elec-  
6 tion described in subsection (e), by any means,  
7 including by means of written, electronic, or tel-  
8 ephonic communications, to communicate or  
9 cause to be communicated information de-  
10 scribed in subparagraph (B), or produce infor-  
11 mation described in subparagraph (B) with the  
12 intent that such information be communicated,  
13 if such person—

14           “(i) knows such information to be ma-  
15 terially false; and

16           “(ii) has the intent to impede or pre-  
17 vent another person from exercising the  
18 right to vote in an election described in  
19 subsection (e).

20           “(B) INFORMATION DESCRIBED.—Infor-  
21 mation is described in this subparagraph if such  
22 information is regarding—

23           “(i) the time or place of holding any  
24 election described in subsection (e); or

1 “(ii) the qualifications for or restric-  
2 tions on voter eligibility for any such elec-  
3 tion, including—

4 “(I) any criminal, civil, or other  
5 legal penalties associated with voting  
6 in any such election; or

7 “(II) information regarding a  
8 voter’s registration status or eligi-  
9 bility.

10 “(2) PENALTY.—Any person who violates para-  
11 graph (1) shall be fined not more than \$100,000,  
12 imprisoned for not more than 5 years, or both.

13 “(c) HINDERING, INTERFERING WITH, OR PRE-  
14 VENTING VOTING OR REGISTERING TO VOTE.—

15 “(1) PROHIBITION.—It shall be unlawful for  
16 any person, whether acting under color of law or  
17 otherwise, to corruptly hinder, interfere with, or pre-  
18 vent another person from voting, registering to vote,  
19 or aiding another person to vote or register to vote  
20 in an election described in subsection (e).

21 “(2) PENALTY.—Any person who violates para-  
22 graph (1) shall be fined not more than \$100,000,  
23 imprisoned for not more than 5 years, or both.

24 “(d) ATTEMPT.—Any person who attempts to commit  
25 any offense described in subsection (a), (b)(1), or (c)(1)

1 shall be subject to the same penalties as those prescribed  
2 for the offense that the person attempted to commit.

3 “(e) ELECTION DESCRIBED.—An election described  
4 in this subsection is any general, primary, runoff, or spe-  
5 cial election held solely or in part for the purpose of nomi-  
6 nating or electing a candidate for the office of President,  
7 Vice President, Presidential elector, Senator, Member of  
8 the House of Representatives, or Delegate or Resident  
9 Commissioner to the Congress.”.

10 (2) MODIFICATION OF PENALTY FOR VOTER IN-  
11 TIMIDATION.—Section 594(a) of title 18, United  
12 States Code, as amended by paragraph (1), is  
13 amended by striking “fined under this title or im-  
14 prisoned not more than one year” and inserting  
15 “fined not more than \$100,000, imprisoned for not  
16 more than 5 years”.

17 (3) SENTENCING GUIDELINES.—

18 (A) REVIEW AND AMENDMENT.—Not later  
19 than 180 days after the date of enactment of  
20 this Act, the United States Sentencing Commis-  
21 sion, pursuant to its authority under section  
22 994 of title 28, United States Code, and in ac-  
23 cordance with this section, shall review and, if  
24 appropriate, amend the Federal sentencing  
25 guidelines and policy statements applicable to



1 persons convicted of any offense under section  
2 594 of title 18, United States Code, as amend-  
3 ed by this section.

4 (B) AUTHORIZATION.—The United States  
5 Sentencing Commission may amend the Federal  
6 Sentencing Guidelines in accordance with the  
7 procedures set forth in section 21(a) of the Sen-  
8 tencing Act of 1987 (28 U.S.C. 994 note) as  
9 though the authority under that section had not  
10 expired.

11 (4) PAYMENTS FOR REFRAINING FROM VOT-  
12 ING.—Subsection (c) of section 11 of the Voting  
13 Rights Act of 1965 (52 U.S.C. 10307) is amended  
14 by striking “either for registration to vote or for vot-  
15 ing” and inserting “for registration to vote, for vot-  
16 ing, or for not voting”.

17 **SEC. 3203. CORRECTIVE ACTION.**

18 (a) CORRECTIVE ACTION.—

19 (1) IN GENERAL.—If the Attorney General re-  
20 ceives a credible report that materially false informa-  
21 tion has been or is being communicated in violation  
22 of paragraphs (2) and (3) of section 2004(b) of the  
23 Revised Statutes (52 U.S.C. 10101(b)), as added by  
24 section 3202(a), and if the Attorney General deter-  
25 mines that State and local election officials have not

1 taken adequate steps to promptly communicate accu-  
2 rate information to correct the materially false infor-  
3 mation, the Attorney General shall, pursuant to the  
4 written procedures and standards under subsection  
5 (b), communicate to the public, by any means, in-  
6 cluding by means of written, electronic, or telephonic  
7 communications, accurate information designed to  
8 correct the materially false information.

9 (2) COMMUNICATION OF CORRECTIVE INFORMA-  
10 TION.—Any information communicated by the Attor-  
11 ney General under paragraph (1)—

12 (A) shall—

13 (i) be accurate and objective;

14 (ii) consist of only the information  
15 necessary to correct the materially false in-  
16 formation that has been or is being com-  
17 municated; and

18 (iii) to the extent practicable, be by a  
19 means that the Attorney General deter-  
20 mines will reach the persons to whom the  
21 materially false information has been or is  
22 being communicated; and

23 (B) shall not be designed to favor or dis-  
24 favor any particular candidate, organization, or  
25 political party.

1 (b) WRITTEN PROCEDURES AND STANDARDS FOR  
2 TAKING CORRECTIVE ACTION.—

3 (1) IN GENERAL.—Not later than 180 days  
4 after the date of enactment of this Act, the Attorney  
5 General shall publish written procedures and stand-  
6 ards for determining when and how corrective action  
7 will be taken under this section.

8 (2) INCLUSION OF APPROPRIATE DEADLINES.—  
9 The procedures and standards under paragraph (1)  
10 shall include appropriate deadlines, based in part on  
11 the number of days remaining before the upcoming  
12 election.

13 (3) CONSULTATION.—In developing the proce-  
14 dures and standards under paragraph (1), the Attor-  
15 ney General shall consult with the Election Assist-  
16 ance Commission, State and local election officials,  
17 civil rights organizations, voting rights groups, voter  
18 protection groups, and other interested community  
19 organizations.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Attorney General  
22 such sums as may be necessary to carry out this subtitle.

23 **SEC. 3204. REPORTS TO CONGRESS.**

24 (a) IN GENERAL.—Not later than 180 days after  
25 each general election for Federal office, the Attorney Gen-

1 eral shall submit to Congress a report compiling all allega-  
2 tions received by the Attorney General of deceptive prac-  
3 tices described in paragraphs (2), (3), and (4) of section  
4 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as  
5 added by section 3202(a), relating to the general election  
6 for Federal office and any primary, runoff, or a special  
7 election for Federal office held in the 2 years preceding  
8 the general election.

9 (b) CONTENTS.—

10 (1) IN GENERAL.—Each report submitted  
11 under subsection (a) shall include—

12 (A) a description of each allegation of a  
13 deceptive practice described in subsection (a),  
14 including the geographic location, racial and  
15 ethnic composition, and language minority-  
16 group membership of the persons toward whom  
17 the alleged deceptive practice was directed;

18 (B) the status of the investigation of each  
19 allegation described in subparagraph (A);

20 (C) a description of each corrective action  
21 taken by the Attorney General under section  
22 4(a) in response to an allegation described in  
23 subparagraph (A);

1 (D) a description of each referral of an al-  
2 legation described in subparagraph (A) to other  
3 Federal, State, or local agencies;

4 (E) to the extent information is available,  
5 a description of any civil action instituted under  
6 section 2004(c)(2) of the Revised Statutes (52  
7 U.S.C. 10101(c)(2)), as added by section  
8 3202(b), in connection with an allegation de-  
9 scribed in subparagraph (A); and

10 (F) a description of any criminal prosecu-  
11 tion instituted under section 594 of title 18,  
12 United States Code, as amended by section  
13 3202(c), in connection with the receipt of an al-  
14 legation described in subparagraph (A) by the  
15 Attorney General.

16 (2) EXCLUSION OF CERTAIN INFORMATION.—

17 (A) IN GENERAL.—The Attorney General  
18 shall not include in a report submitted under  
19 subsection (a) any information protected from  
20 disclosure by rule 6(e) of the Federal Rules of  
21 Criminal Procedure or any Federal criminal  
22 statute.

23 (B) EXCLUSION OF CERTAIN OTHER IN-  
24 FORMATION.—The Attorney General may deter-  
25 mine that the following information shall not be

1 included in a report submitted under subsection

2 (a):

3 (i) Any information that is privileged.

4 (ii) Any information concerning an  
5 ongoing investigation.

6 (iii) Any information concerning a  
7 criminal or civil proceeding conducted  
8 under seal.

9 (iv) Any other nonpublic information  
10 that the Attorney General determines the  
11 disclosure of which could reasonably be ex-  
12 pected to infringe on the rights of any in-  
13 dividual or adversely affect the integrity of  
14 a pending or future criminal investigation.

15 (c) REPORT MADE PUBLIC.—On the date that the  
16 Attorney General submits the report under subsection (a),  
17 the Attorney General shall also make the report publicly  
18 available through the internet and other appropriate  
19 means.

20 **SEC. 3205. PRIVATE RIGHTS OF ACTION BY ELECTION OFFI-**  
21 **CIALS.**

22 Subsection (c)(2) of section 2004 of the Revised Stat-  
23 utes (52 U.S.C. 10101(b)), as added by section 3202(b),  
24 is amended—

1           (1) by striking “Any person” and inserting the  
2 following:

3                   “(A) IN GENERAL.—Any person”; and

4           (2) by adding at the end the following new sub-  
5 paragraph:

6                   “(B) INTIMIDATION, ETC.—

7                           “(i) IN GENERAL.—A person ag-  
8 grieved by a violation of subsection (b)(1)  
9 shall include, without limitation, an officer  
10 responsible for maintaining order and pre-  
11 venting intimidation, threats, or coercion  
12 in or around a location at which voters  
13 may cast their votes. .

14                           “(ii) CORRECTIVE ACTION.—If the At-  
15 torney General receives a credible report  
16 that conduct that violates or would be rea-  
17 sonably likely to violate subsection (b)(1)  
18 has occurred or is likely to occur, and if  
19 the Attorney General determines that  
20 State and local officials have not taken  
21 adequate steps to promptly communicate  
22 that such conduct would violate subsection  
23 (b)(1) or applicable State or local laws, At-  
24 torney General shall communicate to the  
25 public, by any means, including by means

1 of written, electronic, or telephonic commu-  
2 nications, accurate information designed to  
3 convey the unlawfulness of proscribed con-  
4 duct under subsection (b)(1) and the re-  
5 sponsibilities of and resources available to  
6 State and local officials to prevent or cor-  
7 rect such violations.”.

8 **SEC. 3206. MAKING INTIMIDATION OF TABULATION, CAN-**  
9 **VASS, AND CERTIFICATION EFFORTS A**  
10 **CRIME.**

11 Section 12(1) of the National Voter Registration Act  
12 (52 U.S.C. 20511) is amended—

13 (1) in subparagraph (B), by striking “or” at  
14 the end; and

15 (2) by adding at the end the following new sub-  
16 paragraph:

17 “(D) processing or scanning ballots, or  
18 tabulating, canvassing, or certifying voting re-  
19 sults; or”.

20 **Subtitle D—Protection of Election**  
21 **Records & Election Infrastructure**

22 **SEC. 3301. STRENGTHEN PROTECTIONS FOR FEDERAL**  
23 **ELECTION RECORDS.**

24 (a) **FINDING OF CONSTITUTIONAL AUTHORITY.—**

25 Congress finds as follows:



1           (1) Congress has explicit and broad authority to  
2 regulate the time, place, and manner of Federal elec-  
3 tions under the Elections Clause under article I, sec-  
4 tion 4, clause 1 of the Constitution, including by es-  
5 tablishing standards for the fair, impartial, and uni-  
6 form administration of Federal elections by State  
7 and local officials.

8           (2) The Elections Clause grants Congress “ple-  
9 nary and paramount jurisdiction over the whole sub-  
10 ject” of Federal elections, *Ex parte Siebold*, 100  
11 U.S. 371, 388 (1879), allowing Congress to imple-  
12 ment “a complete code for congressional elections.”  
13 *Smiley v. Holm*, 285 U.S. 355, 366 (1932).

14           (3) The fair and impartial administration of  
15 Federal elections by State and local officials is cen-  
16 tral to “the successful working of this government”,  
17 *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and  
18 to “protect the act of voting . . . and the election  
19 itself from corruption or fraud”, *id.* at 661–62.

20           (4) The Elections Clause thus grants Congress  
21 the authority to strengthen the protections for Fed-  
22 eral election records.

23           (5) Congress has intervened in the electoral  
24 process to protect the health and legitimacy of fed-  
25 eral elections, including for example, Congress’ en-

1 actment of the Help America Vote Act of 2002 as  
2 a response to several issues that occurred during the  
3 2000 Presidential election. *See* “The Elections  
4 Clause: Constitutional Interpretation and Congres-  
5 sional Exercise”, Hearing Before Comm. on House  
6 Administration, 117th Cong. (2021), written testi-  
7 mony of Vice Dean Franita Tolson at 3.

8 (b) STRENGTHENING OF PROTECTIONS.—Section  
9 301 of the Civil Rights Act of 1960 (52 U.S.C. 20701)  
10 is amended—

11 (1) by striking “Every officer” and inserting  
12 the following:

13 “(a) IN GENERAL.—Every officer”;

14 (2) by striking “records and papers” and in-  
15 sserting “records (including electronic records), pa-  
16 pers, and election equipment” each place the term  
17 appears;

18 (3) by striking “record or paper” and inserting  
19 “record (including electronic record), paper, or elec-  
20 tion equipment”;

21 (4) by inserting “(but only under the direct ad-  
22 ministrative supervision of an election officer). Not-  
23 withstanding any other provision of this section, the  
24 paper record of a voter’s cast ballot shall remain the

1 official record of the cast ballot for purposes of this  
2 title” after “upon such custodian”;

3 (5) by inserting “, or acts in reckless disregard  
4 of,” after “fails to comply with”; and

5 (6) by inserting after subsection (a) the fol-  
6 lowing:

7 “(b) ELECTION EQUIPMENT.—The requirement in  
8 subsection (a) to preserve election equipment shall not be  
9 construed to prevent the reuse of such equipment in any  
10 election that takes place within twenty-two months of a  
11 Federal election described in subsection (a), provided that  
12 all electronic records, files, and data from such equipment  
13 related to such Federal election are retained and pre-  
14 served.

15 “(c) GUIDANCE.—Not later than 1 year after the  
16 date of enactment of this subsection, the Director of the  
17 Cybersecurity and Infrastructure Security Agency of the  
18 Department of Homeland Security, in consultation with  
19 the Election Assistance Commission and the Attorney  
20 General, shall issue guidance regarding compliance with  
21 subsections (a) and (b), including minimum standards and  
22 best practices for retaining and preserving records and pa-  
23 pers in compliance with subsection (a). Such guidance  
24 shall also include protocols for enabling the observation  
25 of the preservation, security, and transfer of records and

1 papers described in subsection (a) by the Attorney General  
2 and by a representative of each party, as defined by the  
3 Attorney General.”.

4 (c) PROTECTING THE INTEGRITY OF PAPER BAL-  
5 LOTS IN FEDERAL ELECTIONS.—

6 (1) PROTOCOLS AND CONDITIONS FOR INSPEC-  
7 TION OF BALLOTS.—Not later than 60 days after  
8 the date of the enactment of this Act, the Attorney  
9 General, in consultation with the Director of the Cy-  
10 bersecurity and Infrastructure Security Agency of  
11 the Department of Homeland Security and the Elec-  
12 tion Assistance Commission, shall promulgate regu-  
13 lations establishing the election security protocols  
14 and conditions, including appropriate chain of cus-  
15 tody and proper preservation practices, which will  
16 apply to the inspection of the paper ballots which  
17 are required to be retained and preserved under sec-  
18 tion 301 of the Civil Rights Act of 1960 (52 U.S.C.  
19 20701).

20 (2) CAUSE OF ACTION FOR INJUNCTIVE AND  
21 DECLARATORY RELIEF.—The Attorney General may  
22 bring an action in an appropriate district court of  
23 the United States for such declaratory or injunctive  
24 relief as may be necessary to ensure compliance with  
25 the regulations promulgated under subsection (a).

1 **SEC. 3302. PENALTIES; INSPECTION; NONDISCLOSURE; JU-**  
2 **RISDICTION.**

3 (a) EXPANSION OF SCOPE OF PENALTIES FOR IN-  
4 TERFERENCE.—Section 302 of the Civil Rights Act of  
5 1960 (52 U.S.C. 20702) is amended—

6 (1) by inserting “, or whose reckless disregard  
7 of section 301 results in the theft, destruction, con-  
8 cealment, mutilation, or alteration of,” after “or al-  
9 ters”; and

10 (2) by striking “record or paper” and inserting  
11 “record (including electronic record), paper, or elec-  
12 tion equipment”.

13 (b) INSPECTION, REPRODUCTION, AND COPYING.—  
14 Section 303 of such Act (52 U.S.C. 20703) is amended  
15 by striking “record or paper” each place it appears and  
16 inserting “record (including electronic record), paper, or  
17 election equipment”.

18 (c) NONDISCLOSURE.—Section 304 of such Act (52  
19 U.S.C. 20704) is amended by striking “record or paper”  
20 and inserting “record (including electronic record), paper,  
21 or election equipment”.

22 (d) JURISDICTION TO COMPEL PRODUCTION.—Sec-  
23 tion 305 of such Act (52 U.S.C. 20705) is amended by  
24 striking “record or paper” each place it appears and in-  
25 serting “record (including electronic record), paper, or  
26 election equipment”.

1 **SEC. 3303. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

2 Title III of the Civil Rights Act of 1960 (52 U.S.C.  
3 20701 et seq.) is amended by adding at the end the fol-  
4 lowing:

5 **“SEC. 307. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

6 “(a) CAUSE OF ACTION.—The Attorney General, a  
7 representative of the Attorney General, or a candidate in  
8 a Federal election described in section 301 may bring an  
9 action in the district court of the United States for the  
10 judicial district in which a record or paper is located, or  
11 in the United States District Court for the District of Co-  
12 lumbia, to compel compliance with the requirements of  
13 section 301.

14 “(b) DUTY TO EXPEDITE.—It shall be the duty of  
15 the court to advance on the docket, and to expedite to  
16 the greatest possible extent the disposition of, the action  
17 and any appeal under this section.”.

18 **Subtitle E—Judicial Protection of**  
19 **the Right to Vote and Non-par-**  
20 **tisan Vote Tabulation**

21 **PART 1—RIGHT TO VOTE ACT**

22 **SEC. 3401. SHORT TITLE.**

23 This part may be cited as the “Right to Vote Act”.

1 **SEC. 3402. UNDUE BURDENS ON THE ABILITY TO VOTE IN**  
2 **ELECTIONS FOR FEDERAL OFFICE PROHIB-**  
3 **ITED.**

4 (a) IN GENERAL.—Every citizen of legal voting age  
5 shall have the right to vote and have one’s vote counted  
6 in elections for Federal office free from any burden on  
7 the time, place, or manner of voting, as set forth in sub-  
8 sections (b) and (c).

9 (b) RETROGRESSION.—A government may not dimin-  
10 ish the ability to vote or to have one’s vote counted in  
11 an election for Federal office unless the law, rule, stand-  
12 ard, practice, procedure, or other governmental action  
13 causing the diminishment is the least restrictive means of  
14 significantly furthering an important, particularized gov-  
15 ernment interest.

16 (c) SUBSTANTIAL IMPAIRMENT.—

17 (1) IN GENERAL.—A government may not sub-  
18 stantially impair the ability of an individual to vote  
19 or to have one’s vote counted in an election for Fed-  
20 eral office unless the law, rule, standard, practice,  
21 procedure, or other governmental action causing the  
22 impairment significantly furthers an important, par-  
23 ticularized governmental interest.

24 (2) SUBSTANTIAL IMPAIRMENT.—For purposes  
25 of this section, a substantial impairment is a non-  
26 trivial impairment that makes it more difficult to

1       vote or to have one's vote counted than if the law,  
2       rule, standard, practice, procedure, or other govern-  
3       mental action had not been adopted or implemented.  
4       An impairment may be substantial even if the voter  
5       or other similarly situated voters are able to vote or  
6       to have one's vote counted notwithstanding the im-  
7       pairment.

8       **SEC. 3403. JUDICIAL REVIEW.**

9       (a) CIVIL ACTION.—An action challenging a violation  
10      of this part may be brought by any aggrieved person or  
11      the Attorney General in the district court for the District  
12      of Columbia, or the district court for the district in which  
13      the violation took place or where any defendant resides  
14      or does business, at the selection of the plaintiff, to obtain  
15      all appropriate relief, whether declaratory or injunctive, or  
16      facial or as-applied. Process may be served in any district  
17      where a defendant resides, does business, or may be found.

18      (b) STANDARDS TO BE APPLIED.—A courts adjudi-  
19      cating an action brought under this part shall apply the  
20      following standards:

21              (1) RETROGRESSION.—

22                      (A) A plaintiff establishes a prima facie  
23                      case of retrogression by demonstrating by a  
24                      preponderance of the evidence that a rule,  
25                      standard, practice, procedure, or other govern-



1           mental action diminishes the ability, or other-  
2           wise makes it more difficult, to vote, or have  
3           one's vote counted.

4           (B) If a plaintiff establishes a prima facie  
5           case as described in subparagraph (A), the gov-  
6           ernment shall be provided an opportunity to  
7           demonstrate by clear and convincing evidence  
8           that the diminishment is necessary to signifi-  
9           cantly further an important, particularized gov-  
10          ernmental interest.

11          (C) If the government meets its burden  
12          under subparagraph (B), the challenged rule,  
13          standard, practice, procedure, or other govern-  
14          mental action shall nonetheless be deemed in-  
15          valid if the plaintiff demonstrates by a prepon-  
16          derance of the evidence that the government  
17          could adopt or implement a less-restrictive  
18          means of furthering the particularized impor-  
19          tant governmental interest.

20          (2) SUBSTANTIAL IMPAIRMENT.—

21          (A) A plaintiff establishes a prima facie  
22          case of substantial impairment by dem-  
23          onstrating by a preponderance of the evidence  
24          that a rule, standard, practice, procedure, or  
25          other governmental action is a non-trivial im-

1           pairment of the ability to vote or to have one's  
2           vote counted.

3                   (B) If a plaintiff establishes a prima facie  
4           case as described in subparagraph (A), the gov-  
5           ernment shall be provided an opportunity to  
6           demonstrate by clear and convincing evidence  
7           that the impairment significantly furthers an  
8           important, particularized governmental interest.

9           (c) DUTY TO EXPEDITE.—It shall be the duty of the  
10          court to advance on the docket and to expedite to the  
11          greatest reasonable extent the disposition of the action  
12          and appeal under this section.

13          (d) ATTORNEY'S FEES.—Section 722(b) of the Re-  
14          vised Statutes (42 U.S.C. 1988(b)) is amended—

15                   (1) by striking “or section 40302” and insert-  
16          ing “section 40302”; and

17                   (2) by striking “, the court” and inserting “, or  
18          section 3402(a) of the Freedom to Vote Act, the  
19          court”.

20          **SEC. 3404. DEFINITIONS.**

21          In this part—

22                   (1) the term “covered entity” means the Dis-  
23          trict of Columbia, the Commonwealth of Puerto  
24          Rico, Guam, American Samoa, the United States

1 Virgin Islands, and the Commonwealth of the North-  
2 ern Mariana Islands;

3 (2) the terms “election” and “Federal office”  
4 have the meanings given such terms in section 301  
5 of the Federal Election Campaign Act of 1971 (52  
6 U.S.C. 30101);

7 (3) the term “have one’s vote counted” means  
8 all actions necessary to have a vote included in the  
9 appropriate totals of votes cast with respect to can-  
10 didates for public office for which votes are received  
11 in an election and reflected in the certified vote to-  
12 tals by any government responsible for tallying or  
13 certifying the results of elections for Federal office;

14 (4) the term “government” includes a branch,  
15 department, agency, instrumentality, and official (or  
16 other person acting under color of law) of the  
17 United States, of any State, of any covered entity,  
18 or of any political subdivision of any State or cov-  
19 ered entity; and

20 (5) the term “vote” means all actions necessary  
21 to make a vote effective, including registration or  
22 other action required by law as a prerequisite to vot-  
23 ing, casting a ballot.

1 **SEC. 3405. RULES OF CONSTRUCTION.**

2 (a) BURDENS NOT AUTHORIZED.—Nothing in this  
3 part may be construed to authorize a government to bur-  
4 den the right to vote in elections for Federal office.

5 (b) OTHER RIGHTS AND REMEDIES.—Nothing in  
6 this part shall be construed to alter any rights existing  
7 under a State constitution or the Constitution of the  
8 United States, or to limit any remedies for any other viola-  
9 tions of Federal, State, or local law.

10 (c) OTHER PROVISIONS OF THIS ACT.—Nothing in  
11 this subtitle shall be construed as affecting section 1703  
12 of this Act (relating to rights of citizens).

13 (d) OTHER DEFINITIONS.—The definitions set forth  
14 in section 3404 shall apply only to this part and shall not  
15 be construed to amend or interpret any other provision  
16 of law.

17 **SEC. 3406. SEVERABILITY.**

18 If any provision of this part or the application of such  
19 provision to any citizen or circumstance is held to be un-  
20 constitutional, the remainder of this part and the applica-  
21 tion of the provisions of such to any citizen or cir-  
22 cumstance shall not be affected thereby.

23 **SEC. 3407. EFFECTIVE DATE.**

24 (a) ACTIONS BROUGHT FOR RETROGRESSION.—Sub-  
25 section (b) of section 3402 shall apply to any law, rule,  
26 standard, practice, procedure, or other governmental ac-

1 tion that was not in effect during the November 2020 gen-  
2 eral election for Federal office but that will be in effect  
3 with respect to elections for Federal office occurring on  
4 or after January 1, 2022, even if such law, rule, standard,  
5 practice, procedure, or other governmental action is al-  
6 ready in effect as of the date of the enactment of this  
7 Act.

8 (b) ACTIONS BROUGHT FOR SUBSTANTIAL IMPAIR-  
9 MENT.—Subsection (c) of section 3402 shall apply to any  
10 law, rule, standard, practice, procedure, or other govern-  
11 mental action in effect with respect to elections for Fed-  
12 eral office occurring on or after January 1, 2022.

13 **PART 2—CLARIFYING JURISDICTION OVER**  
14 **ELECTION DISPUTES**

15 **SEC. 3411. FINDINGS.**

16 In addition to providing for the statutory rights de-  
17 scribed in sections part 1, including judicial review under  
18 section 3403, Congress makes the following findings re-  
19 garding enforcement of constitutional provisions pro-  
20 tecting the right to vote:

21 (1) It is a priority of Congress to ensure that  
22 pending and future disputes arising under the Fif-  
23 teenth Amendment or any other constitutional provi-  
24 sions protecting the right to vote may be heard in  
25 federal court.

1           (2) The Fifth Circuit has misconstrued section  
2           1344 of title 28, United States Code, to deprive  
3           Federal courts of subject matter jurisdiction in cer-  
4           tain classes of cases that implicate voters' constitu-  
5           tional rights, *see, e.g., Keyes v. Gunn*, 890 F.3d 232  
6           (5th Cir. 2018), cert. denied, 139 S. Ct. 434 (2018);  
7           *Johnson v. Stevenson*, 170 F.2d 108 (5th Cir. 1948).

8           (3) Section 1344 of such title is also super-  
9           fluous in light of other broad grants of Federal ju-  
10          risdiction. *See, e.g.*, section 1331, section 1343(a)(3),  
11          and section 1343(a)(4) of title 28, United States  
12          Code.

13          (4) Congress therefore finds that a repeal of  
14          section 1344 is appropriate and that such repeal will  
15          ensure that Federal courts nationwide are empow-  
16          ered to enforce voters' constitutional rights in fed-  
17          eral elections and state legislative elections.

18 **SEC. 3412. CLARIFYING AUTHORITY OF UNITED STATES**

19 **DISTRICT COURTS TO HEAR CASES.**

20          (a) IN GENERAL.—Section 1344 of title 28, United  
21          States Code, is repealed.

22          (b) CONTINUING AUTHORITY OF COURTS TO HEAR  
23          CASES UNDER OTHER EXISTING AUTHORITY.—Nothing  
24          in this part may be construed to affect the authority of  
25          district courts of the United States to exercise jurisdiction

1 pursuant to existing provisions of law, including sections  
2 1331, 1343(a)(3), and 1343(a)(4) of title 28, United  
3 States Code, in any cases arising under the Constitution,  
4 laws, or treaties of the United States concerning the ad-  
5 ministration, conduct, or results of an election for Federal  
6 office or state legislative office.

7 (c) CLERICAL AMENDMENT.—The table of sections  
8 for chapter 85 of title 28, United States Code, is amended  
9 by striking the item relating to section 1344.

10 **SEC. 3413. EFFECTIVE DATE.**

11 This part and the amendments made by this part  
12 shall apply to actions brought on or after the date of the  
13 enactment of this Act and to actions brought before the  
14 date of enactment of this Act which are pending as of such  
15 date.

16 **Subtitle F—Poll Worker**  
17 **Recruitment and Training**

18 **SEC. 3501. GRANTS TO STATES FOR POLL WORKER RE-**  
19 **CRUITMENT AND TRAINING.**

20 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-  
21 SION.—

22 (1) IN GENERAL.—The Election Assistance  
23 Commission (hereafter referred to as the “Commis-  
24 sion”) shall, subject to the availability of appropria-  
25 tions provided to carry out this section, make a

1 grant to each eligible State for recruiting and train-  
2 ing individuals to serve as poll workers on dates of  
3 elections for public office.

4 (2) USE OF COMMISSION MATERIALS.—In car-  
5 rying out activities with a grant provided under this  
6 section, the recipient of the grant shall use the man-  
7 ual prepared by the Commission on successful prac-  
8 tices for poll worker recruiting, training, and reten-  
9 tion as an interactive training tool, and shall develop  
10 training programs with the participation and input  
11 of experts in adult learning.

12 (3) ACCESS AND CULTURAL CONSIDER-  
13 ATIONS.—The Commission shall ensure that the  
14 manual described in paragraph (2) provides training  
15 in methods that will enable poll workers to provide  
16 access and delivery of services in a culturally com-  
17 petent manner to all voters who use their services,  
18 including those with limited English proficiency, di-  
19 verse cultural and ethnic backgrounds, disabilities,  
20 and regardless of gender, sexual orientation, or gen-  
21 der identity. These methods must ensure that each  
22 voter will have access to poll worker services that are  
23 delivered in a manner that meets the unique needs  
24 of the voter.

25 (b) REQUIREMENTS FOR ELIGIBILITY.—



1           (1) APPLICATION.—Each State that desires to  
2 receive a payment under this section shall submit an  
3 application for the payment to the Commission at  
4 such time and in such manner and containing such  
5 information as the Commission shall require.

6           (2) CONTENTS OF APPLICATION.—Each appli-  
7 cation submitted under paragraph (1) shall—

8           (A) describe the activities for which assist-  
9 ance under this section is sought;

10           (B) provide assurances that the funds pro-  
11 vided under this section will be used to supple-  
12 ment and not supplant other funds used to  
13 carry out the activities;

14           (C) provide assurances that the State will  
15 furnish the Commission with information on the  
16 number of individuals who served as poll work-  
17 ers after recruitment and training with the  
18 funds provided under this section;

19           (D) provide assurances that the State will  
20 dedicate poll worker recruitment efforts with re-  
21 spect to—

22           (i) youth and minors, including by re-  
23 cruiting at institutions of higher education  
24 and secondary education; and

1 (ii) diversity, including with respect to  
2 race, ethnicity, and disability; and

3 (E) provide such additional information  
4 and certifications as the Commission deter-  
5 mines to be essential to ensure compliance with  
6 the requirements of this section.

7 (c) AMOUNT OF GRANT.—

8 (1) IN GENERAL.—The amount of a grant  
9 made to a State under this section shall be equal to  
10 the product of—

11 (A) the aggregate amount made available  
12 for grants to States under this section; and

13 (B) the voting age population percentage  
14 for the State.

15 (2) VOTING AGE POPULATION PERCENTAGE DE-  
16 FINED.—In paragraph (1), the “voting age popu-  
17 lation percentage” for a State is the quotient of—

18 (A) the voting age population of the State  
19 (as determined on the basis of the most recent  
20 information available from the Bureau of the  
21 Census); and

22 (B) the total voting age population of all  
23 States (as determined on the basis of the most  
24 recent information available from the Bureau of  
25 the Census).

1 (d) REPORTS TO CONGRESS.—

2 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not  
3 later than 6 months after the date on which the  
4 final grant is made under this section, each recipient  
5 of a grant shall submit a report to the Commission  
6 on the activities conducted with the funds provided  
7 by the grant.

8 (2) REPORTS BY COMMISSION.—Not later than  
9 1 year after the date on which the final grant is  
10 made under this section, the Commission shall sub-  
11 mit a report to Congress on the grants made under  
12 this section and the activities carried out by recipi-  
13 ents with the grants, and shall include in the report  
14 such recommendations as the Commission considers  
15 appropriate.

16 (e) FUNDING.—

17 (1) CONTINUING AVAILABILITY OF AMOUNT AP-  
18 PROPRIATED.—Any amount appropriated to carry  
19 out this section shall remain available without fiscal  
20 year limitation until expended.

21 (2) ADMINISTRATIVE EXPENSES.—Of the  
22 amount appropriated for any fiscal year to carry out  
23 this section, not more than 3 percent shall be avail-  
24 able for administrative expenses of the Commission.

1 **SEC. 3502. STATE DEFINED.**

2 In this subtitle, the term “State” includes the Dis-  
3 trict of Columbia, the Commonwealth of Puerto Rico,  
4 Guam, American Samoa, the United States Virgin Is-  
5 lands, and the Commonwealth of the Northern Mariana  
6 Islands.

7 **Subtitle G—Preventing Poll**  
8 **Observer Interference**

9 **SEC. 3601. PROTECTIONS FOR VOTERS ON ELECTION DAY.**

10 (a) REQUIREMENTS.—Subtitle A of title III of the  
11 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)  
12 is amended by inserting after section 303 the following  
13 new section:

14 **“SEC. 303A. VOTER PROTECTION REQUIREMENTS.**

15 **“(a) REQUIREMENTS FOR CHALLENGES BY PERSONS**  
16 **OTHER THAN ELECTION OFFICIALS.—**

17 **“(1) REQUIREMENTS FOR CHALLENGES.—**No  
18 person, other than a State or local election official,  
19 shall submit a formal challenge to an individual’s eli-  
20 gibility to register to vote in an election for Federal  
21 office or to vote in an election for Federal office un-  
22 less that challenge is supported by personal knowl-  
23 edge with respect to each individual challenged re-  
24 garding the grounds for ineligibility which is—

25 **“(A) documented in writing; and**

1           “(B) subject to an oath or attestation  
2           under penalty of perjury that the challenger has  
3           a good faith factual basis to believe that the in-  
4           dividual who is the subject of the challenge is  
5           ineligible to register to vote or vote in that elec-  
6           tion, except a challenge which is based on the  
7           race, ethnicity, or national origin of the indi-  
8           vidual who is the subject of the challenge may  
9           not be considered to have a good faith factual  
10          basis for purposes of this paragraph.

11          “(2) PROHIBITION ON CHALLENGES ON OR  
12          NEAR DATE OF ELECTION.—No person, other than  
13          a State or local election official, shall be permitted—

14                 “(A) to challenge an individual’s eligibility  
15                 to vote in an election for Federal office on the  
16                 date of the election on grounds that could have  
17                 been made in advance of such date, or

18                 “(B) to challenge an individual’s eligibility  
19                 to register to vote in an election for Federal of-  
20                 fice or to vote in an election for Federal office  
21                 less than 10 days before the election unless the  
22                 individual registered to vote less than 20 days  
23                 before the election.

24          “(b) BUFFER RULE.—

1           “(1) IN GENERAL.—A person who is serving as  
2 a poll observer with respect to an election for Fed-  
3 eral office may not come within 8 feet of—

4           “(A) a voter or ballot at a polling location  
5 during any period of voting (including any pe-  
6 riod of early voting) in such election; or

7           “(B) a ballot at any time during which the  
8 processing, scanning, tabulating, canvassing, or  
9 certifying voting results is occurring.

10          “(2) RULE OF CONSTRUCTION.—Nothing in  
11 paragraph (1) may be construed to limit the ability  
12 of a State or local election official to require poll ob-  
13 servers to maintain a distance greater than 8 feet.

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

17          (b) CONFORMING AMENDMENT RELATING TO VOL-  
18 UNTARY GUIDANCE.—Section 321(b)(4) of such Act (52  
19 U.S.C. 21101(b)), as added and redesignated by section  
20 1101(b) and as amended by sections 1102, 1103, 1104,  
21 and 1303, is amended by striking “and 313” and inserting  
22 “313, and 303A”.

23          (c) CLERICAL AMENDMENT.—The table of contents  
24 of such Act is amended by inserting after the item relating  
25 to section 303 the following:

“Sec. 303A. Voter protection requirements.”.

1 **Subtitle H—Preventing Restric-**  
2 **tions on Food and Beverages**

3 **SEC. 3701. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This subtitle may be cited as the  
5 “Voters’ Access to Water Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) States have a legitimate interest in prohib-  
8 iting electioneering at or near polling places, and  
9 each State has some form of restriction on political  
10 activities near polling places when voting is taking  
11 place.

12 (2) In recent elections, voters have waited in  
13 unacceptably long lines to cast their ballot. During  
14 the 2018 midterm election, more than 3,000,000  
15 voters were made to wait longer than the acceptable  
16 threshold for wait times set by the Presidential  
17 Commission on Election Administration, including  
18 many well-documented cases where voters were made  
19 to wait for several hours. A disproportionate number  
20 of those who had to wait long periods were Black or  
21 Latino voters, who were more likely than White vot-  
22 ers to wait in the longest lines on Election Day.

23 (3) Allowing volunteers to donate food and  
24 water to all people waiting in line at a polling place,  
25 regardless of the voters’ political preference and

1 without engaging in electioneering activities or par-  
2 tisan advocacy, helps ensure Americans who face  
3 long lines at their polling place can still exercise  
4 their Constitutional right to vote, without risk of de-  
5 hydration, inadequate food, discomfort, and risks to  
6 health.

7 **SEC. 3702. PROHIBITING RESTRICTIONS ON DONATIONS OF**  
8 **FOOD AND BEVERAGES AT POLLING STA-**  
9 **TIONS.**

10 (a) REQUIREMENT.—Subtitle A of title III of the  
11 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
12 as amended by section 1031(a), section 1044(a), section  
13 1101(a), section 1102(a), section 1103(a), section  
14 1104(a), section 1201(a), section 1301(a), section  
15 1302(a), section 1303(b), section 1305(a), section  
16 1606(a)(1), section 1607(a), and section 1624(a) is  
17 amended—

18 (1) by redesignating sections 318 and 319 as  
19 sections 319 and 320, respectively; and

20 (2) by inserting after section 317 the following  
21 new section:



1 **“SEC. 318. PROHIBITING STATES FROM RESTRICTING DO-**  
2 **NATIONS OF FOOD AND BEVERAGES AT**  
3 **POLLING STATIONS.**

4 “(a) PROHIBITION.—Subject to the exception in sub-  
5 section (b), a State may not impose any restriction on the  
6 donation of food and nonalcoholic beverages to persons  
7 outside of the entrance to the building where a polling  
8 place for a Federal election is located, provided that such  
9 food and nonalcoholic beverages are distributed without  
10 regard to the electoral participation or political pref-  
11 erences of the recipients.

12 “(b) EXCEPTION.—A State may require persons dis-  
13 tributing food and nonalcoholic beverages outside the en-  
14 trance to the building where a polling place for a Federal  
15 election is located to refrain from political or election-  
16 eering activity.

17 “(c) EFFECTIVE DATE.—This section shall apply  
18 with respect to elections for Federal office occurring on  
19 and after January 1, 2022.”.

20 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of  
21 such Act (52 U.S.C. 21101(b)), as added and redesignated  
22 by section 1101(b) and as amended by sections 1102,  
23 1103, 1104, 1303, and 3601(b), is amended by striking  
24 “and 303A” and inserting “303A, and 317”.

25 (c) CLERICAL AMENDMENTS.—The table of contents  
26 of such Act, as amended by section 1031(c), section

1 1044(b), section 1101(c), section 1102(c), section  
2 1103(a), section 1104(c), section 1201(c), section  
3 1301(a), section 1302(a), section 1303(b), section  
4 1305(a), section 1606(a)(3), section 1607(b), and section  
5 1624(b) is amended—

6 (1) by redesignating the items relating to sec-  
7 tions 318 and 319 as relating to sections 319 and  
8 320, respectively; and

9 (2) by inserting after the item relating to sec-  
10 tion 317 the following new item:

“Sec. 318. Prohibiting States from restricting donations of food and beverages  
at polling stations.”.

11 **Subtitle I—Establishing Duty to**  
12 **Report Foreign Election Inter-**  
13 **ference**

14 **SEC. 3801. FINDINGS RELATING TO ILLICIT MONEY UNDER-**  
15 **MINING OUR DEMOCRACY.**

16 Congress finds the following:

17 (1) Criminals, terrorists, and corrupt govern-  
18 ment officials frequently abuse anonymously held  
19 Limited Liability Companies (LLCs), also known as  
20 “shell companies,” to hide, move, and launder the  
21 dirty money derived from illicit activities such as  
22 trafficking, bribery, exploitation, and embezzlement.  
23 Ownership and control of the finances that run  
24 through shell companies are obscured to regulators

1 and law enforcement because little information is re-  
2 quired and collected when establishing these entities.

3 (2) The public release of the “Panama Papers”  
4 in 2016 and the “Paradise Papers” in 2017 revealed  
5 that these shell companies often purchase and sell  
6 United States real estate. United States anti-money  
7 laundering laws do not apply to cash transactions in-  
8 volving real estate effectively concealing the bene-  
9 ficiaries and transactions from regulators and law  
10 enforcement.

11 (3) Since the Supreme Court’s decisions in *Citi-*  
12 *zens United v. Federal Election Commission*, 558  
13 U.S. 310 (2010), millions of dollars have flowed into  
14 super PACs through LLCs whose funders are anon-  
15 ymous or intentionally obscured. Criminal investiga-  
16 tions have uncovered LLCs that were used to hide  
17 illegal campaign contributions from foreign criminal  
18 fugitives, to advance international influence-buying  
19 schemes, and to conceal contributions from donors  
20 who were already under investigation for bribery and  
21 racketeering. Voters have no way to know the true  
22 sources of the money being routed through these  
23 LLCs to influence elections, including whether any  
24 of the funds come from foreign or other illicit  
25 sources.

1           (4) Congress should curb the use of anonymous  
2 shell companies for illicit purposes by requiring  
3 United States companies to disclose their beneficial  
4 owners, strengthening anti-money laundering and  
5 counter-terrorism finance laws.

6           (5) Congress should examine the money laun-  
7 dering and terrorist financing risks in the real estate  
8 market, including the role of anonymous parties, and  
9 review legislation to address any vulnerabilities iden-  
10 tified in this sector.

11           (6) Congress should examine the methods by  
12 which corruption flourishes and the means to detect  
13 and deter the financial misconduct that fuels this  
14 driver of global instability. Congress should monitor  
15 government efforts to enforce United States  
16 anticorruption laws and regulations.

17 **SEC. 3802. FEDERAL CAMPAIGN REPORTING OF FOREIGN**  
18 **CONTACTS.**

19 (a) INITIAL NOTICE.—

20           (1) IN GENERAL.—Section 304 of the Federal  
21 Election Campaign Act of 1971 (52 U.S.C. 30104)  
22 is amended by adding at the end the following new  
23 subsection:

24           “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
25 TACTS.—

1           “(1) COMMITTEE OBLIGATION TO NOTIFY.—

2           Not later than 1 week after a reportable foreign con-  
3           tact, each political committee shall notify the Fed-  
4           eral Bureau of Investigation and the Commission of  
5           the reportable foreign contact and provide a sum-  
6           mary of the circumstances with respect to such re-  
7           portable foreign contact. The Federal Bureau of In-  
8           vestigation, not later than 1 week after receiving a  
9           notification from a political committee under this  
10          paragraph, shall submit to the political committee,  
11          the Permanent Select Committee on Intelligence of  
12          the House of Representatives, and the Select Com-  
13          mittee on Intelligence of the Senate written or elec-  
14          tronic confirmation of receipt of the notification.

15          “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

16          Not later than 3 days after a reportable foreign con-  
17          tact—

18                 “(A) each candidate and each immediate  
19                 family member of a candidate shall notify the  
20                 treasurer or other designated official of the  
21                 principal campaign committee of such candidate  
22                 of the reportable foreign contact and provide a  
23                 summary of the circumstances with respect to  
24                 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;  
17 and

18           “(II) an individual that the per-  
19 son described in subclause (I) knows,  
20 has reason to know, or reasonably be-  
21 lieves is a covered foreign national;  
22 and

23           “(ii) the person described in clause  
24 (i)(I) knows, has reason to know, or rea-  
25 sonably believes involves—

1                   “(I) an offer or other proposal  
2                   for a contribution, donation, expendi-  
3                   ture, disbursement, or solicitation de-  
4                   scribed 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  
21                  ENABLING OBSERVATION OF ELECTIONS  
22                  BY INTERNATIONAL OBSERVERS.—The  
23                  term ‘reportable foreign contact’ shall not  
24                  include any contact or communication with  
25                  a covered foreign national by any person

1           which is made for purposes of enabling the  
2           observation of elections in the United  
3           States by a foreign national or the obser-  
4           vation of elections outside of the United  
5           States by a candidate, political committee,  
6           or any official, employee, or agent of such  
7           committee.

8           “(iii) EXCEPTIONS NOT APPLICABLE  
9           IF CONTACTS OR COMMUNICATIONS IN-  
10          VOLVE PROHIBITED DISBURSEMENTS.—A  
11          contact or communication by an elected of-  
12          ficial or an employee of an elected official  
13          shall not be considered to be made solely  
14          in an official capacity for purposes of  
15          clause (i), and a contact or communication  
16          shall not be considered to be made for pur-  
17          poses of enabling the observation of elec-  
18          tions for purposes of clause (ii), if the con-  
19          tact or communication involves a contribu-  
20          tion, donation, expenditure, disbursement,  
21          or solicitation described in section 319.

22          “(C) COVERED FOREIGN NATIONAL DE-  
23          FINED.—



1                   “(i) IN GENERAL.—In this paragraph,  
2                   the term ‘covered foreign national’  
3                   means—

4                   “(I) a foreign principal (as de-  
5                   fined in section 1(b) of the Foreign  
6                   Agents Registration Act of 1938 (22  
7                   U.S.C. 611(b)) that is a government  
8                   of a foreign country or a foreign polit-  
9                   ical party;

10                   “(II) any person who acts as an  
11                   agent, representative, employee, or  
12                   servant, or any person who acts in  
13                   any other capacity at the order, re-  
14                   quest, or under the direction or con-  
15                   trol, of a foreign principal described in  
16                   subclause (I) or of a person any of  
17                   whose activities are directly or indi-  
18                   rectly supervised, directed, controlled,  
19                   financed, or subsidized in whole or in  
20                   major part by a foreign principal de-  
21                   scribed in subclause (I); or

22                   “(III) any person included in the  
23                   list of specially designated nationals  
24                   and blocked persons maintained by  
25                   the Office of Foreign Assets Control

1 of the Department of the Treasury  
2 pursuant to authorities relating to the  
3 imposition of sanctions relating to the  
4 conduct of a foreign principal de-  
5 scribed in subclause (I).

6 “(ii) CLARIFICATION REGARDING AP-  
7 PPLICATION TO CITIZENS OF THE UNITED  
8 STATES.—In the case of a citizen of the  
9 United States, subclause (II) of clause (i)  
10 applies only to the extent that the person  
11 involved acts within the scope of that per-  
12 son’s status as the agent of a foreign prin-  
13 cipal described in subclause (I) of clause  
14 (i).

15 “(4) IMMEDIATE FAMILY MEMBER.—In this  
16 subsection, the term ‘immediate family member’  
17 means, with respect to a candidate, a parent, parent-  
18 in-law, spouse, adult child, or sibling.”.

19 (2) EFFECTIVE DATE.—The amendment made  
20 by paragraph (1) shall apply with respect to report-  
21 able foreign contacts which occur on or after the  
22 date of the enactment of this Act.

23 (b) INFORMATION INCLUDED ON REPORT.—

24 (1) IN GENERAL.—Section 304(b) of such Act  
25 (52 U.S.C. 30104(b)) is amended—

1 (A) by striking “and” at the end of para-  
2 graph (7);

3 (B) by striking the period at the end of  
4 paragraph (8) and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(9) for any reportable foreign contact (as de-  
8 fined in subsection (j)(3))—

9 “(A) the date, time, and location of the  
10 contact;

11 “(B) the date and time of when a des-  
12 ignated official of the committee was notified of  
13 the contact;

14 “(C) the identity of individuals involved;  
15 and

16 “(D) a description of the contact, including  
17 the nature of any contribution, donation, ex-  
18 penditure, disbursement, or solicitation involved  
19 and the nature of any activity described in sub-  
20 section (j)(3)(A)(ii)(II) involved.”.

21 (2) EFFECTIVE DATE.—The amendments made  
22 by paragraph (1) shall apply with respect to reports  
23 filed on or after the expiration of the 60-day period  
24 which begins on the date of the enactment of this  
25 Act.

1 **SEC. 3803. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**  
2 **PORTING COMPLIANCE SYSTEM.**

3 (a) IN GENERAL.—Section 302 of the Federal Elec-  
4 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
5 by adding at the end the following new subsection:

6 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE  
7 POLICY.—

8 “(1) REPORTING.—Each political committee  
9 shall establish a policy that requires all officials, em-  
10 ployees, and agents of such committee (and, in the  
11 case of an authorized committee, the candidate and  
12 each immediate family member of the candidate) to  
13 notify the treasurer or other appropriate designated  
14 official of the committee of any reportable foreign  
15 contact (as defined in section 304(j)) not later than  
16 3 days after such contact was made.

17 “(2) RETENTION AND PRESERVATION OF  
18 RECORDS.—Each political committee shall establish  
19 a policy that provides for the retention and preserva-  
20 tion of records and information related to reportable  
21 foreign contacts (as so defined) for a period of not  
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-  
25 ment of organization under section 303(a), and  
26 with each report filed under section 304(a), the

1 treasurer of each political committee (other  
2 than an authorized committee) shall certify  
3 that—

4 “(i) the committee has in place poli-  
5 cies that meet the requirements of para-  
6 graphs (1) and (2);

7 “(ii) the committee has designated an  
8 official to monitor compliance with such  
9 policies; and

10 “(iii) not later than 1 week after the  
11 beginning of any formal or informal affili-  
12 ation with the committee, all officials, em-  
13 ployees, and agents of such committee  
14 will—

15 “(I) receive notice of such poli-  
16 cies;

17 “(II) be informed of the prohibi-  
18 tions under section 319; and

19 “(III) sign a certification affirm-  
20 ing their understanding of such poli-  
21 cies and prohibitions.

22 “(B) AUTHORIZED COMMITTEES.—With  
23 respect to an authorized committee, the can-  
24 didate shall make the certification required  
25 under subparagraph (A).”

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendment made by  
3 subsection (a) shall apply with respect to political  
4 committees which file a statement of organization  
5 under section 303(a) of the Federal Election Cam-  
6 paign Act of 1971 (52 U.S.C. 30103(a)) on or after  
7 the date of the enactment of this Act.

8 (2) TRANSITION RULE FOR EXISTING COMMIT-  
9 TEES.—Not later than 30 days after the date of the  
10 enactment of this Act, each political committee  
11 under the Federal Election Campaign Act of 1971  
12 shall file a certification with the Federal Election  
13 Commission that the committee is in compliance  
14 with the requirements of section 302(j) of such Act  
15 (as added by subsection (a)).

16 **SEC. 3804. CRIMINAL PENALTIES.**

17 Section 309(d)(1) of the Federal Election Campaign  
18 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-  
19 ing at the end the following new subparagraphs:

20 “(E) Any person who knowingly and willfully com-  
21 mits a violation of subsection (j) or (b)(9) of section 304  
22 or section 302(j) shall be fined not more than \$500,000,  
23 imprisoned not more than 5 years, or both.

24 “(F) Any person who knowingly and willfully conceals  
25 or destroys any materials relating to a reportable foreign

1 contact (as defined in section 304(j)) shall be fined not  
2 more than \$1,000,000, imprisoned not more than 5 years,  
3 or both.”.

4 **SEC. 3805. REPORT TO CONGRESSIONAL INTELLIGENCE**  
5 **COMMITTEES.**

6 (a) IN GENERAL.—Not later than 1 year after the  
7 date of enactment of this Act, and annually thereafter,  
8 the Director of the Federal Bureau of Investigation shall  
9 submit to the congressional intelligence committees a re-  
10 port relating to notifications received by the Federal Bu-  
11 reau of Investigation under section 304(j)(1) of the Fed-  
12 eral Election Campaign Act of 1971 (as added by section  
13 4902(a) of this Act).

14 (b) ELEMENTS.—Each report under subsection (a)  
15 shall include, at a minimum, the following with respect  
16 to notifications described in subsection (a):

17 (1) The number of such notifications received  
18 from political committees during the year covered by  
19 the report.

20 (2) A description of protocols and procedures  
21 developed by the Federal Bureau of Investigation re-  
22 lating to receipt and maintenance of records relating  
23 to such notifications.

24 (3) With respect to such notifications received  
25 during the year covered by the report, a description

1 of any subsequent actions taken by the Director re-  
2 sulting from the receipt of such notifications.

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
4 DEFINED.—In this section, the term “congressional intel-  
5 ligence committees” has the meaning given that term in  
6 section 3 of the National Security Act of 1947 (50 U.S.C.  
7 3003).

8 **SEC. 3806. RULE OF CONSTRUCTION.**

9 Nothing in this subtitle or the amendments made by  
10 this subtitle shall be construed—

11 (1) to impede legitimate journalistic activities;

12 or

13 (2) to impose any additional limitation on the  
14 right to express political views or to participate in  
15 public discourse of any individual who—

16 (A) resides in the United States;

17 (B) is not a citizen of the United States or  
18 a national of the United States, as defined in  
19 section 101(a)(22) of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1101(a)(22)); and

21 (C) is not lawfully admitted for permanent  
22 residence, as defined by section 101(a)(20) of  
23 the Immigration and Nationality Act (8 U.S.C.  
24 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 BAL-**  
15 **LOTS.**—

16 “(i) The voting system shall require  
17 the use of an individual, durable, voter-  
18 verifiable paper ballot of the voter’s vote  
19 selections that shall be marked by the  
20 voter and presented to the voter for  
21 verification before the voter’s ballot is pre-  
22 served in accordance with subparagraph  
23 (B), and which shall be counted by hand or  
24 other counting device or read by a ballot  
25 tabulation device. For purposes of this sub-

1 clause, the term ‘individual, durable, voter-  
2 verifiable paper ballot’ means a paper bal-  
3 lot marked by the voter by hand or a paper  
4 ballot marked through the use of a nontab-  
5 ulating ballot marking device or system, so  
6 long as the voter shall have the option at  
7 every in-person voting location to mark by  
8 hand a printed ballot that includes all rel-  
9 evant contests and candidates.

10 “(ii) The voting system shall provide  
11 the voter with an opportunity to correct  
12 any error on the paper ballot before the  
13 permanent voter-verifiable paper ballot is  
14 preserved in accordance with subparagraph  
15 (B).

16 “(iii) The voting system shall not pre-  
17 serve the voter-verifiable paper ballots in  
18 any manner that makes it possible, at any  
19 time after the ballot has been cast, to asso-  
20 ciate a voter with the record of the voter’s  
21 vote selections.

22 “(iv) The voting system shall prevent,  
23 through mechanical means or through  
24 independently verified protections, the  
25 modification or addition of vote selections

1           on a printed or marked ballot at any time  
2           after the voter has been provided an oppor-  
3           tunity to correct errors on the ballot pur-  
4           suant to clause (ii).

5           “(B)    PRESERVATION    AS    OFFICIAL  
6           RECORD.—The individual, durable, voter-  
7           verifiable paper ballot used in accordance with  
8           subparagraph (A) shall constitute the official  
9           ballot and shall be preserved and used as the  
10          official ballot for purposes of any recount or  
11          audit conducted with respect to any election for  
12          Federal office in which the voting system is  
13          used.

14          “(C)    MANUAL COUNTING REQUIREMENTS  
15          FOR RECOUNTS AND AUDITS.—

16                 “(i) Each paper ballot used pursuant  
17                 to subparagraph (A) shall be suitable for a  
18                 manual audit, and such ballots, or at least  
19                 those ballots the machine could not count,  
20                 shall be counted by hand in any recount or  
21                 audit conducted with respect to any elec-  
22                 tion for Federal office.

23                 “(ii) In the event of any inconsis-  
24                 tencies or irregularities between any elec-  
25                 tronic vote tallies and the vote tallies de-

1           terminated by counting by hand the indi-  
2           vidual, durable, voter-verifiable paper bal-  
3           lots used pursuant to subparagraph (A),  
4           the individual, durable, voter-verifiable  
5           paper ballots shall be the true and correct  
6           record of the votes cast.

7           “(D) SENSE OF CONGRESS.—It is the  
8           sense of Congress that as innovation occurs in  
9           the election infrastructure sector, Congress  
10          should ensure that this Act and other Federal  
11          requirements for voting systems are updated to  
12          keep pace with best practices and recommenda-  
13          tions for security and accessibility.”.

14          (b) CONFORMING AMENDMENT CLARIFYING APPLI-  
15          CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—  
16          Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))  
17          is amended by inserting “(including the paper ballots re-  
18          quired to be used under paragraph (2))” after “voting sys-  
19          tem”.

20          (c) OTHER CONFORMING AMENDMENTS.—Section  
21          301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
22          ed—

23                 (1) in subparagraph (A)(i), by striking “count-  
24                 ed” and inserting “counted, in accordance with  
25                 paragraphs (2) and (3)”;

1           (2) in subparagraph (A)(ii), by striking “count-  
2           ed” and inserting “counted, in accordance with  
3           paragraphs (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  
9           paragraphs (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)  
13 of the Help America Vote Act of 2002 (52 U.S.C.  
14 21081(a)(3)) is amended to read as follows:

15           “(3) ACCESSIBILITY FOR INDIVIDUALS WITH  
16           DISABILITIES.—

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 pri-  
4           vacy and independence, in a manner that  
5           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  
10          than one) of voting systems equipped to  
11          serve individuals with and without disabil-  
12          ities, including nonvisual and enhanced vis-  
13          ual accessibility for the blind and visually  
14          impaired, and nonmanual and enhanced  
15          manual accessibility for the mobility and  
16          dexterity 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 re-  
24          quirements of subparagraph (A)(i) and para-  
25          graph (2) by—

1           “(i) allowing the voter to privately  
2           and independently verify the permanent  
3           paper ballot through the presentation, in  
4           accessible form, of the printed or marked  
5           vote selections from the same printed or  
6           marked information that would be used for  
7           any vote 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  
15          hand or be marked by a ballot marking de-  
16          vice 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,  
15          AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

16               (1) STUDY AND REPORTING.—Subtitle C of  
17               title II of such Act (52 U.S.C. 21081 et seq.) is  
18               amended—

19                       (A) by redesignating section 247 as section  
20                       248; and

21                       (B) by inserting after section 247 the fol-  
22                       lowing new section:



1 **“SEC. 248. STUDY AND REPORT ON ACCESSIBLE VOTING**  
2 **OPTIONS.**

3 “(a) GRANTS TO STUDY AND REPORT.—The Com-  
4 mission, in coordination with the Access Board and the  
5 Cybersecurity and Infrastructure Security Agency, shall  
6 make grants to not fewer than 2 eligible entities to study,  
7 test, and develop—

8 “(1) accessible and secure remote voting sys-  
9 tems;

10 “(2) voting, verification, and casting devices to  
11 enhance the accessibility of voting and verification  
12 for individuals with disabilities; or

13 “(3) both of the matters described in paragraph  
14 (1) and (2).

15 “(b) ELIGIBILITY.—An entity is eligible to receive a  
16 grant under this part if it submits to the Commission (at  
17 such time and in such form as the Commission may re-  
18 quire) an application containing—

19 “(1) a certification that the entity shall com-  
20 plete the activities carried out with the grant not  
21 later than January 1, 2024; and

22 “(2) such other information and certifications  
23 as the Commission may require.

24 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
25 nology developed with the grants made under this section  
26 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-  
2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-  
4 NOLOGY IMPROVEMENTS.—The Commission shall carry  
5 out this section so that the activities carried out with the  
6 grants made under subsection (a) are coordinated with the  
7 research conducted under the grant program carried out  
8 by the Commission under section 271, to the extent that  
9 the Commission determine necessary to provide for the ad-  
10 vancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated to carry out subsection  
13 (a) \$10,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-  
15 tents of such Act is amended—

16 (A) by redesignating the item relating to  
17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to  
19 section 247 the following new item:

“Sec. 248. Study and report on accessible voting options.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
22 adopting any voluntary guidance under subtitle B of title  
23 III of the Help America Vote Act with respect to the ac-  
24 cessibility of the paper ballot verification requirements for  
25 individuals with disabilities, the Election Assistance Com-

1 mission shall include and apply the same accessibility  
2 standards applicable under the voluntary guidance adopt-  
3 ed for accessible voting systems under such subtitle.

4 (d) PERMITTING USE OF FUNDS FOR PROTECTION  
5 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
6 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
7 tion 292(a) of the Help America Vote Act of 2002 (52  
8 U.S.C. 21062(a)) is amended by striking “; except that”  
9 and all that follows and inserting a period.

10 **SEC. 3904. DURABILITY AND READABILITY REQUIREMENTS**  
11 **FOR BALLOTS.**

12 Section 301(a) of the Help America Vote Act of 2002  
13 (52 U.S.C. 21081(a)) is amended by adding at the end  
14 the following new paragraph:

15 “(7) DURABILITY AND READABILITY REQUIRE-  
16 MENTS FOR BALLOTS.—

17 “(A) DURABILITY REQUIREMENTS FOR  
18 PAPER BALLOTS.—

19 “(i) IN GENERAL.—All voter-verifiable  
20 paper ballots required to be used under  
21 this Act shall be marked or printed on du-  
22 rable paper.

23 “(ii) DEFINITION.—For purposes of  
24 this Act, paper is ‘durable’ if it is capable  
25 of withstanding multiple counts and re-

1 counts by hand without compromising the  
2 fundamental integrity of the ballots, and  
3 capable of retaining the information  
4 marked or printed on them for the full du-  
5 ration of a retention and preservation pe-  
6 riod of 22 months.

7 “(B) READABILITY REQUIREMENTS FOR  
8 PAPER BALLOTS MARKED BY BALLOT MARKING  
9 DEVICE.—All voter-verifiable paper ballots com-  
10 pleted by the voter through the use of a ballot  
11 marking device shall be clearly readable by the  
12 voter without assistance (other than eyeglasses  
13 or other personal vision enhancing devices) and  
14 by a ballot tabulation device or other device  
15 equipped for individuals with disabilities.”.

16 **SEC. 3905. STUDY AND REPORT ON OPTIMAL BALLOT DE-**  
17 **SIGN.**

18 (a) STUDY.—The Election Assistance Commission  
19 shall conduct a study of the best ways to design ballots  
20 used in elections for public office, including paper ballots  
21 and electronic or digital ballots, to minimize confusion and  
22 user errors.

23 (b) REPORT.—Not later than one year after the date  
24 of the enactment of this Act, the Election Assistance Com-

1 mission shall submit to Congress a report on the study  
2 conducted under subsection (a).

3 **SEC. 3906. BALLOT MARKING DEVICE CYBERSECURITY RE-**  
4 **QUIREMENTS.**

5 Section 301(a) of the Help America Vote Act of 2002  
6 (52 U.S.C. 21081(a)), as amended by section 3914, is fur-  
7 ther amended by adding at the end the following new para-  
8 graphs:

9 “(8) PROHIBITION OF USE OF WIRELESS COM-  
10 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—  
11 No system or device upon which ballot marking de-  
12 vices or ballot tabulation devices are configured,  
13 upon which ballots are marked by voters at a polling  
14 place (except as necessary for individuals with dis-  
15 abilities to use ballot marking devices that meet the  
16 accessibility requirements of paragraph (3)), or upon  
17 which votes are cast, tabulated, or aggregated shall  
18 contain, use, or be accessible by any wireless, power-  
19 line, or concealed communication device.

20 “(9) PROHIBITING CONNECTION OF SYSTEM TO  
21 THE INTERNET.—No system or device upon which  
22 ballot marking devices or ballot tabulation devices  
23 are configured, upon which ballots are marked by  
24 voters at a voting place, or upon which votes are  
25 cast, tabulated, or aggregated shall be connected to

1 the internet or any non-local computer system via  
2 telephone or other communication network at any  
3 time.”.

4 **SEC. 3907. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

5 Section 301(d) of the Help America Vote Act of 2002  
6 (52 U.S.C. 21081(d)) is amended to read as follows:

7 “(d) EFFECTIVE DATE.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), each State and jurisdiction shall be re-  
10 quired to comply with the requirements of this sec-  
11 tion on and after January 1, 2006.

12 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
13 MENTS.—

14 “(A) IN GENERAL.—Except as provided in  
15 subparagraphs (B) and (C), the requirements of  
16 this section which are first imposed on a State  
17 or jurisdiction pursuant to the amendments  
18 made by the Voter Confidence and Increased  
19 Accessibility Act of 2021 shall apply with re-  
20 spect to voting systems used for any election for  
21 Federal office held in 2022 or any succeeding  
22 year.

23 “(B) SPECIAL RULE FOR JURISDICTIONS  
24 USING CERTAIN PAPER RECORD PRINTERS OR

1 CERTAIN SYSTEMS USING OR PRODUCING  
2 VOTER-VERIFIABLE PAPER RECORDS IN 2020.—

3 “(i) IN GENERAL.—In the case of a  
4 jurisdiction described in clause (ii), the re-  
5 quirements of paragraphs (2)(A)(i) and (7)  
6 of subsection (a) (as amended or added by  
7 the Voter Confidence and Increased Acces-  
8 sibility Act of 2021) shall not apply before  
9 the date on which the jurisdiction replaces  
10 the printers or systems described in clause  
11 (ii)(I) for use in the administration of elec-  
12 tions for Federal office.

13 “(ii) JURISDICTIONS DESCRIBED.—A  
14 jurisdiction described in this clause is a ju-  
15 risdiction—

16 “(I) which used voter-verifiable  
17 paper record printers attached to di-  
18 rect recording electronic voting ma-  
19 chines, or which used other voting  
20 systems that used or produced paper  
21 records of the vote verifiable by voters  
22 but that are not in compliance with  
23 paragraphs (2)(A)(i) and (7) of sub-  
24 section (a) (as amended or added by  
25 the Voter Confidence and Increased

1 Accessibility Act of 2021), for the ad-  
2 ministration of the regularly sched-  
3 uled general election for Federal office  
4 held in November 2020; and

5 “(II) which will continue to use  
6 such printers or systems for the ad-  
7 ministration of elections for Federal  
8 office held in years before the applica-  
9 ble year.

10 “(iii) MANDATORY AVAILABILITY OF  
11 PAPER BALLOTS AT POLLING PLACES  
12 USING GRANDFATHERED PRINTERS AND  
13 SYSTEMS.—

14 “(I) REQUIRING BALLOTS TO BE  
15 OFFERED AND PROVIDED.—The ap-  
16 propriate election official at each poll-  
17 ing place that uses a printer or sys-  
18 tem described in clause (ii)(I) for the  
19 administration of elections for Federal  
20 office shall offer each individual who  
21 is eligible to cast a vote in the election  
22 at the polling place the opportunity to  
23 cast the vote using a blank printed  
24 paper ballot which the individual may  
25 mark by hand and which is not pro-



1           duced by the direct recording elec-  
2           tronic voting machine or other such  
3           system. The official shall provide the  
4           individual with the ballot and the sup-  
5           plies necessary to mark the ballot, and  
6           shall ensure (to the greatest extent  
7           practicable) that the waiting period  
8           for the individual to cast a vote is the  
9           lesser of 30 minutes or the average  
10          waiting period for an individual who  
11          does not agree to cast the vote using  
12          such a paper ballot under this clause.

13                   “(II) TREATMENT OF BALLOT.—  
14          Any paper ballot which is cast by an  
15          individual under this clause shall be  
16          counted and otherwise treated as a  
17          regular ballot for all purposes (includ-  
18          ing by incorporating it into the final  
19          unofficial vote count (as defined by  
20          the State) for the precinct) and not as  
21          a provisional ballot, unless the indi-  
22          vidual casting the ballot would have  
23          otherwise been required to cast a pro-  
24          visional ballot.

1                   “(III) POSTING OF NOTICE.—

2                   The appropriate election official shall  
3                   ensure there is prominently displayed  
4                   at each polling place a notice that de-  
5                   scribes the obligation of the official to  
6                   offer individuals the opportunity to  
7                   cast votes using a printed blank paper  
8                   ballot. The notice shall comply with  
9                   the requirements of section 203 of the  
10                  Voting Rights Act of 1965 (52 U.S.C.  
11                  10503).

12                  “(IV) TRAINING OF ELECTION  
13                  OFFICIALS.—The chief State election  
14                  official shall ensure that election offi-  
15                  cials at polling places in the State are  
16                  aware of the requirements of this  
17                  clause, including the requirement to  
18                  display a notice under subclause (III),  
19                  and are aware that it is a violation of  
20                  the requirements of this title for an  
21                  election official to fail to offer an indi-  
22                  vidual the opportunity to cast a vote  
23                  using a blank printed paper ballot.

24                  “(V) PERIOD OF APPLICA-  
25                  BILITY.—The requirements of this

1 clause apply only during the period  
2 beginning on January 1, 2022, and  
3 ending on the date on which the which  
4 the jurisdiction replaces the printers  
5 or systems described in clause (ii)(I)  
6 for use in the administration of elec-  
7 tions for Federal office.

8 “(C) DELAY FOR CERTAIN JURISDICTIONS  
9 USING VOTING SYSTEMS WITH WIRELESS COM-  
10 MUNICATION DEVICES OR INTERNET CONNec-  
11 TIONS.—

12 “(i) DELAY.—In the case of a juris-  
13 diction described in clause (ii), subpara-  
14 graph (A) shall apply to a voting system in  
15 the jurisdiction as if the reference in such  
16 subparagraph to ‘2022’ were a reference to  
17 ‘the applicable year’, but only with respect  
18 to the following requirements of this sec-  
19 tion.

20 “(I) Paragraph (8) of subsection  
21 (a) (relating to prohibition of wireless  
22 communication devices)

23 “(II) Paragraph (9) of subsection  
24 (a) (relating to prohibition of con-  
25 necting systems to the internet)

1                   “(ii) JURISDICTIONS DESCRIBED.—A  
2 jurisdiction described in this clause is a ju-  
3 risdiction—

4                   “(I) which used a voting system  
5 which is not in compliance with para-  
6 graphs (8) or (9) of subsection (a) (as  
7 amended or added by the Voter Con-  
8 fidence and Increased Accessibility  
9 Act of 2021) for the administration of  
10 the regularly scheduled general elec-  
11 tion for Federal office held in Novem-  
12 ber 2020;

13                   “(II) which was not able, to all  
14 extent practicable, to comply with  
15 paragraph (8) and (9) of subsection  
16 (a) before January 1, 2022; and

17                   “(III) which will continue to use  
18 such printers or systems for the ad-  
19 ministration of elections for Federal  
20 office held in years before the applica-  
21 ble year.

22                   “(iii) APPLICABLE YEAR.—

23                   “(I) IN GENERAL.—Except as  
24 provided in subclause (II), the term  
25 ‘applicable year’ means 2026.

1                   “(II) EXTENSION.—If a State or  
2                   jurisdiction certifies to the Commis-  
3                   sion not later than January 1, 2026,  
4                   that the State or jurisdiction will not  
5                   meet the requirements described in  
6                   subclauses (I) and (II) of clause (i) by  
7                   such date because it would be imprac-  
8                   tical to do so and includes in the cer-  
9                   tification the reasons for the failure to  
10                  meet the deadline, the term ‘applica-  
11                  ble year’ means 2030.”.

12 **SEC. 3908. GRANTS FOR OBTAINING COMPLIANT PAPER**  
13                   **BALLOT VOTING SYSTEMS AND CARRYING**  
14                   **OUT VOTING SYSTEM SECURITY IMPROVE-**  
15                   **MENTS.**

16                  (a) AVAILABILITY OF GRANTS.—

17                   (1) IN GENERAL.—Subtitle D of title II of the  
18                   Help America Vote Act of 2002 (52 U.S.C. 21001  
19                   et seq.), as amended by section 1302(c), is amended  
20                   by adding at the end the following new part:

1 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**  
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**  
3 **RYING OUT VOTING SYSTEM SECURITY IM-**  
4 **PROVEMENTS**

5 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**  
6 **BALLOT VOTING SYSTEMS AND CARRYING**  
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**  
8 **MENTS.**

9 “(a) AVAILABILITY AND USE OF GRANT.—

10 “(1) IN GENERAL.—The Commission shall  
11 make a grant to each eligible State—

12 “(A) to replace a voting system—

13 “(i) which does not meet the require-  
14 ments which are first imposed on the State  
15 pursuant to the amendments made by the  
16 Voter Confidence and Increased Accessi-  
17 bility Act of 2021 with a voting system  
18 which—

19 “(I) does meet such require-  
20 ments; and

21 “(II) in the case of a grand-  
22 fathered voting system (as defined in  
23 paragraph (2)), is in compliance with  
24 the most recent voluntary voting sys-  
25 tem guidelines; or

1           “(ii) which does meet such require-  
2           ments but which is not in compliance with  
3           the most recent voluntary voting system  
4           guidelines with another system which does  
5           meet such requirements and is in compli-  
6           ance with such guidelines;

7           “(B) to carry out voting system security  
8           improvements described in section 298A with  
9           respect to the regularly scheduled general elec-  
10          tion for Federal office held in November 2022  
11          and each succeeding election for Federal office;

12          “(C) to implement and model best prac-  
13          tices for ballot design, ballot instructions, and  
14          the testing of ballots; and

15          “(D) to purchase or acquire accessible vot-  
16          ing systems that meet the requirements of  
17          paragraph (2) and paragraph (3)(A)(i) of sec-  
18          tion 301(a) by the means described in para-  
19          graph (3)(B) of such section.

20          “(2) DEFINITION OF GRANDFATHERED VOTING  
21          SYSTEM.—In this subsection, the term ‘grand-  
22          fathered voting system’ means a voting system that  
23          is used by a jurisdiction described in subparagraph  
24          (B)(ii) or (C)(ii) of section 301(d)(2).

25          “(b) AMOUNT OF PAYMENT.—

1           “(1) IN GENERAL.—The amount of payment  
2           made to an eligible State under this section shall be  
3           the minimum payment amount described in para-  
4           graph (2) plus the voting age population proportion  
5           amount described in paragraph (3).

6           “(2) MINIMUM PAYMENT AMOUNT.—The min-  
7           imum payment amount described in this paragraph  
8           is—

9                   “(A) in the case of any of the several  
10                   States or the District of Columbia, one-half of  
11                   1 percent of the aggregate amount made avail-  
12                   able for payments under this section; and

13                   “(B) in the case of the Commonwealth of  
14                   Puerto Rico, Guam, American Samoa, the  
15                   United States Virgin Islands, or the Common-  
16                   wealth of the Northern Mariana Islands, one-  
17                   tenth of 1 percent of such aggregate amount.

18           “(3) VOTING AGE POPULATION PROPORTION  
19           AMOUNT.—The voting age population proportion  
20           amount described in this paragraph is the product  
21           of—

22                   “(A) the aggregate amount made available  
23                   for payments under this section minus the total  
24                   of all of the minimum payment amounts deter-  
25                   mined under paragraph (2); and



1           “(B) the voting age population proportion  
2           for the State (as defined in paragraph (4)).

3           “(4) VOTING AGE POPULATION PROPORTION  
4           DEFINED.—The term ‘voting age population propor-  
5           tion’ means, with respect to a State, the amount  
6           equal to the quotient of—

7           “(A) the voting age population of the State  
8           (as reported in the most recent decennial cen-  
9           sus); and

10           “(B) the total voting age population of all  
11           States (as reported in the most recent decennial  
12           census).

13           “(5) REQUIREMENT RELATING TO PURCHASE  
14           OF ACCESSIBLE VOTING SYSTEMS.—An eligible State  
15           shall use not less than 10 percent of funds received  
16           by the State under this section to purchase acces-  
17           sible voting systems described in subsection  
18           (a)(1)(D).

19           **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
20           **DESCRIBED.**

21           “(a) PERMITTED USES.—A voting system security  
22           improvement described in this section is any of the fol-  
23           lowing:

24           “(1) The acquisition of goods and services from  
25           qualified election infrastructure vendors by purchase,

1        lease, or such other arrangements as may be appro-  
2        priate.

3            “(2) Cyber and risk mitigation training.

4            “(3) A security risk and vulnerability assess-  
5        ment of the State’s election infrastructure (as de-  
6        fined in section 3908(b) of the Voter Confidence and  
7        Increased Accessibility Act of 2021) which is carried  
8        out by a provider of cybersecurity services under a  
9        contract entered into between the chief State elec-  
10       tion official and the provider.

11           “(4) The maintenance of infrastructure used  
12        for elections, including addressing risks and  
13        vulnerabilities which are identified under either of  
14        the security risk and vulnerability assessments de-  
15        scribed in paragraph (3), except that none of the  
16        funds provided under this part may be used to ren-  
17        ovate or replace a building or facility which is not  
18        a primary provider of information technology serv-  
19        ices for the administration of elections, and which is  
20        used primarily for purposes other than the adminis-  
21        tration of elections for public office.

22           “(5) Providing increased technical support for  
23        any information technology infrastructure that the  
24        chief State election official deems to be part of the  
25        State’s election infrastructure (as so defined) or des-

1       ignates as critical to the operation of the State’s  
2       election infrastructure (as so defined).

3               “(6) Enhancing the cybersecurity and oper-  
4       ations of the information technology infrastructure  
5       described in paragraph (4).

6               “(7) Enhancing the cybersecurity of voter reg-  
7       istration systems.

8               “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
9       DORS DESCRIBED.—For purposes of this part, a ‘qualified  
10      election infrastructure vendor’ is any person who provides,  
11      supports, or maintains, or who seeks to provide, support,  
12      or maintain, election infrastructure (as defined in section  
13      3908(b) of the Voter Confidence and Increased Accessi-  
14      bility Act of 2021) on behalf of a State, unit of local gov-  
15      ernment, or election agency (as defined in section 3908(b)  
16      of such Act) who meets the criteria described in section  
17      3908(b) of such Act.

18      **“SEC. 298B. ELIGIBILITY OF STATES.**

19              “A State is eligible to receive a grant under this part  
20      if the State submits to the Commission, at such time and  
21      in such form as the Commission may require, an applica-  
22      tion containing—

23              “(1) a description of how the State will use the  
24      grant to carry out the activities authorized under  
25      this part;

1           “(2) a certification and assurance that, not  
2 later than 5 years after receiving the grant, the  
3 State will carry out voting system security improve-  
4 ments, as described in section 298A; and

5           “(3) such other information and assurances as  
6 the Commission may require.

7 **“SEC. 298C. REPORTS TO CONGRESS.**

8           “Not later than 90 days after the end of each fiscal  
9 year, the Commission shall submit a report to the Com-  
10 mittees on Homeland Security, House Administration, and  
11 the Judiciary of the House of Representatives and the  
12 Committees on Homeland Security and Governmental Af-  
13 fairs, the Judiciary, and Rules and Administration of the  
14 Senate, on the activities carried out with the funds pro-  
15 vided under this part.

16 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

17           “(a) AUTHORIZATION.—There are authorized to be  
18 appropriated for grants under this part—

19           “(1) \$2,400,000,000 for fiscal year 2022; and

20           “(2) \$175,000,000 for each of the fiscal years  
21 2024, 2026, 2028, and 2030.

22           “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any  
23 amounts appropriated pursuant to the authorization of  
24 this section shall remain available until expended.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents of such Act, as amended by section 1402(c),  
 3           is amended by adding at the end of the items relat-  
 4           ing to subtitle D of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING  
 SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and  
 carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

5           (b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
 6           DORS.—

7           (1) IN GENERAL.—The Secretary, in consulta-  
 8           tion with the Chair, shall establish and publish cri-  
 9           teria for qualified election infrastructure vendors for  
 10          purposes of section 298A of the Help America Vote  
 11          Act of 2002 (as added by this Act).

12          (2) CRITERIA.—The criteria established under  
 13          paragraph (1) shall include each of the following re-  
 14          quirements:

15                   (A) The vendor shall—

16                           (i) be owned and controlled by a cit-  
 17                           izen or permanent resident of the United  
 18                           States or a member of the Five Eyes intel-  
 19                           ligence-sharing alliance; and

20                           (ii) in the case of any election infra-  
 21                           structure which is a voting machine, en-

1           sure that such voting machine is assembled  
2           in the United States.

3           (B) The vendor shall disclose to the Sec-  
4           retary and the Chair, and to the chief State  
5           election official of any State to which the ven-  
6           dor provides any goods and services with funds  
7           provided under part 8 of subtitle D of title II  
8           of the Help America Vote Act of 2002 (as  
9           added by this Act), of any sourcing outside the  
10          United States for parts of the election infra-  
11          structure.

12          (C) The vendor shall disclose to the Sec-  
13          retary and the Chair, and to the chief State  
14          election official of any State to which the ven-  
15          dor provides any goods and services with funds  
16          provided under such part 8, the identification of  
17          any entity or individual with a more than 5 per-  
18          cent ownership interest in the vendor.

19          (D) The vendor agrees to ensure that the  
20          election infrastructure will be developed and  
21          maintained in a manner that is consistent with  
22          the cybersecurity best practices issued by the  
23          Cybersecurity and Infrastructure Security  
24          Agency of the Department of Homeland Secu-  
25          rity.

1           (E) The vendor agrees to maintain its in-  
2           formation technology infrastructure in a man-  
3           ner that is consistent with the cybersecurity  
4           best practices issued by the Cybersecurity and  
5           Infrastructure Security Agency of the Depart-  
6           ment of Homeland Security.

7           (F) The vendor agrees to ensure that the  
8           election infrastructure will be developed and  
9           maintained in a manner that is consistent with  
10          the supply chain best practices issued by the  
11          Cybersecurity and Infrastructure Security  
12          Agency of the Department of Homeland Secu-  
13          rity.

14          (G) The vendor agrees to ensure that it  
15          has personnel policies and practices in place  
16          that are consistent with personnel best prac-  
17          tices, including cybersecurity training and back-  
18          ground checks, issued by the Cybersecurity and  
19          Infrastructure Security Agency of the Depart-  
20          ment of Homeland Security.

21          (H) The vendor agrees to ensure that the  
22          election infrastructure will be developed and  
23          maintained in a manner that is consistent with  
24          data integrity best practices, including require-  
25          ments for encrypted transfers and validation,

1 testing and checking printed materials for accu-  
2 racy, and disclosure of quality control incidents,  
3 issued by the Cybersecurity and Infrastructure  
4 Security Agency of the Department of Home-  
5 land Security.

6 (I) The vendor agrees to meet the require-  
7 ments of paragraph (3) with respect to any  
8 known or suspected cybersecurity incidents in-  
9 volving any of the goods and services provided  
10 by the vendor pursuant to a grant under part  
11 8 of subtitle D of title II of the Help America  
12 Vote Act of 2002 (as added by this Act).

13 (J) The vendor agrees to permit inde-  
14 pendent security testing by the Election Assist-  
15 ance Commission (in accordance with section  
16 231(a) of the Help America Vote Act of 2002  
17 (52 U.S.C. 20971)) and by the Secretary of the  
18 goods and services provided by the vendor pur-  
19 suant to a grant under part 8 of subtitle D of  
20 title II of the Help America Vote Act of 2002  
21 (as added by this Act).

22 (3) CYBERSECURITY INCIDENT REPORTING RE-  
23 QUIREMENTS.—

24 (A) IN GENERAL.—A vendor meets the re-  
25 quirements of this paragraph if, upon becoming



1           aware of the possibility that an election cyberse-  
2           curity incident has occurred involving any of  
3           the goods and services provided by the vendor  
4           pursuant to a grant under part 8 of subtitle D  
5           of title II of the Help America Vote Act of  
6           2002 (as added by this Act)—

7                   (i) the vendor promptly assesses  
8                   whether or not such an incident occurred,  
9                   and submits a notification meeting the re-  
10                  quirements of subparagraph (B) to the  
11                  Secretary and the Chair of the assessment  
12                  as soon as practicable (but in no case later  
13                  than 3 days after the vendor first becomes  
14                  aware of the possibility that the incident  
15                  occurred);

16                  (ii) if the incident involves goods or  
17                  services provided to an election agency, the  
18                  vendor submits a notification meeting the  
19                  requirements of subparagraph (B) to the  
20                  agency as soon as practicable (but in no  
21                  case later than 3 days after the vendor  
22                  first becomes aware of the possibility that  
23                  the incident occurred), and cooperates with  
24                  the agency in providing any other nec-

1            necessary notifications relating to the inci-  
2            dent; and

3            (iii) the vendor provides all necessary  
4            updates to any notification submitted  
5            under clause (i) or clause (ii).

6            (B) CONTENTS OF NOTIFICATIONS.—Each  
7            notification submitted under clause (i) or clause  
8            (ii) of subparagraph (A) shall contain the fol-  
9            lowing information with respect to any election  
10            cybersecurity incident covered by the notifica-  
11            tion:

12            (i) The date, time, and time zone  
13            when the election cybersecurity incident  
14            began, if known.

15            (ii) The date, time, and time zone  
16            when the election cybersecurity incident  
17            was detected.

18            (iii) The date, time, and duration of  
19            the election cybersecurity incident.

20            (iv) The circumstances of the election  
21            cybersecurity incident, including the spe-  
22            cific election infrastructure systems be-  
23            lieved to have been accessed and informa-  
24            tion acquired, if any.

1 (v) Any planned and implemented  
2 technical measures to respond to and re-  
3 cover from the incident.

4 (vi) In the case of any notification  
5 which is an update to a prior notification,  
6 any additional material information relat-  
7 ing to the incident, including technical  
8 data, as it becomes available.

9 (C) DEVELOPMENT OF CRITERIA FOR RE-  
10 PORTING.—Not later than 1 year after the date  
11 of enactment of this Act, the Director of the  
12 Cybersecurity and Infrastructure Security  
13 Agency shall, in consultation with the Election  
14 Infrastructure Sector Coordinating Council, de-  
15 velop criteria for incidents which are required to  
16 be reported in accordance with subparagraph  
17 (A).

18 (4) DEFINITIONS.—In this subsection:

19 (A) CHAIR.—The term “Chair” means the  
20 Chair of the Election Assistance Commission.

21 (B) CHIEF STATE ELECTION OFFICIAL.—  
22 The term “chief State election official” means,  
23 with respect to a State, the individual des-  
24 ignated by the State under section 10 of the  
25 National Voter Registration Act of 1993 (52

1 U.S.C. 20509) to be responsible for coordina-  
2 tion of the State’s responsibilities under such  
3 Act.

4 (C) ELECTION AGENCY.—The term “elec-  
5 tion agency” means any component of a State,  
6 or any component of a unit of local government  
7 in a State, which is responsible for the adminis-  
8 tration of elections for Federal office in the  
9 State.

10 (D) ELECTION INFRASTRUCTURE.—The  
11 term “election infrastructure” means storage  
12 facilities, polling places, and centralized vote  
13 tabulation locations used to support the admin-  
14 istration of elections for public office, as well as  
15 related 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  
22 election process, and report and display election  
23 results), 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 sec-  
13 tion 1601(a), is amended—

14 (1) by redesignating subsection (e) as sub-  
15 section (h); and

16 (2) by inserting after subsection (d) the fol-  
17 lowing new subsections:

18 “(e) COUNTING OF PROVISIONAL BALLOTS.—

19 “(1) IN GENERAL.—

20 “(A) For purposes of subsection (a)(4), if  
21 a provisional ballot is cast within the same  
22 county in which the voter is registered or other-  
23 wise eligible to vote, then notwithstanding the  
24 precinct or polling place at which a provisional  
25 ballot is cast within the county, the appropriate

1 election official of the jurisdiction in which the  
2 individual is registered or otherwise eligible to  
3 vote shall count each vote on such ballot for  
4 each election in which the individual who cast  
5 such ballot 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  
11 processes for those voters whose eligibility to  
12 vote is determined to be uncertain by election  
13 officials, 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 ap-  
19 pear to submit these materials or alter-  
20 native methods, including email or fac-  
21 simile, that the voter may use to submit  
22 these materials, and the deadline for sub-  
23 mitting these materials;

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  
9           to prove eligibility; and

10          “(iv) notify the voter as to whether  
11          the voter’s provisional ballot was counted  
12          or rejected and provide the reason for re-  
13          jection if the voter’s provisional ballot was  
14          rejected after the voter provided the re-  
15          quired information or documentation on  
16          eligibility.

17          “(2) RULE OF CONSTRUCTION.—Nothing in  
18          this subsection shall prohibit a State or jurisdiction  
19          from counting a provisional ballot which is cast in  
20          a different county within the State than the county  
21          in which the voter is registered or otherwise eligible  
22          to vote.

23          “(f) DUE PROCESS REQUIREMENTS FOR STATES RE-  
24          QUIRING SIGNATURE VERIFICATION.—

25          “(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  
6           the State meets the due process requirements  
7           described in paragraph (2).

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

18          “(2) DUE PROCESS REQUIREMENTS.—

19                 “(A) NOTICE AND OPPORTUNITY TO CURE  
20                 DISCREPANCY IN SIGNATURES.—If an indi-  
21                 vidual submits a provisional ballot and the ap-  
22                 propriate State or local election official deter-  
23                 mines that a discrepancy exists between the sig-  
24                 nature on such ballot and the signature of such  
25                 individual on the official list of registered voters



1 in the State or other official record or document  
2 used by the State to verify the signatures of  
3 voters, such election official, prior to making a  
4 final determination as to the validity of such  
5 ballot, shall—

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

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

19 “(II) if such discrepancy is not  
20 cured prior to the expiration of the  
21 third day following the State’s dead-  
22 line for receiving mail-in ballots or ab-  
23 sentee ballots, such ballot will not be  
24 counted ; and

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

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

18                   “(i) as soon as practical, but no later  
19                   than the next business day after such de-  
20                   termination is made, make a good faith ef-  
21                   fort to notify the individual by mail, tele-  
22                   phone, and (if available) text message and  
23                   electronic mail that—

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

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

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

18                  “(C) OTHER REQUIREMENTS.—

19                  “(i) IN GENERAL.—An election official  
20                  may not make a determination that a dis-  
21                  crepancy exists between the signature on a  
22                  provisional ballot and the signature of the  
23                  individual on the official list of registered  
24                  voters in the State or other official record

1 or other document used by the State to  
2 verify the signatures of voters unless—

3 “(I) at least 2 election officials  
4 make the determination;

5 “(II) each official who makes the  
6 determination has received training in  
7 procedures used to verify signatures;  
8 and

9 “(III) of the officials who make  
10 the determination, at least one is af-  
11 filiated with the political party whose  
12 candidate received the most votes in  
13 the most recent statewide election for  
14 Federal office held in the State and at  
15 least one is affiliated with the political  
16 party whose candidate received the  
17 second most votes in the most recent  
18 statewide election for Federal office  
19 held in the State.

20 “(ii) EXCEPTION.—Clause (i)(III)  
21 shall not apply to any State in which,  
22 under a law that is in effect continuously  
23 on and after the date of enactment of this  
24 section, determinations regarding signature  
25 discrepancies are made by election officials

1           who are not affiliated with a political  
2           party.

3           “(3) REPORT.—

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

10                   “(i) The number of provisional ballots  
11                   invalidated due to a discrepancy under this  
12                   subsection.

13                   “(ii) Description of attempts to con-  
14                   tact voters to provide notice as required by  
15                   this subsection.

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

21           “(B) SUBMISSION TO CONGRESS.—Not  
22           later than 10 days after receiving a report  
23           under subparagraph (A), the Commission shall  
24           transmit 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 re-  
4           spect to any regularly scheduled election for  
5           Federal office, the period beginning on the day  
6           after the date of the preceding regularly sched-  
7           uled general election for Federal office and end-  
8           ing on the date of such regularly scheduled gen-  
9           eral election.

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

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

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

22          “(5) EFFECTIVE DATE.—This subsection shall  
23          apply with respect to elections held on or after Janu-  
24          ary 1, 2022.

1       “(g) UNIFORM AND NONDISCRIMINATORY STAND-  
2 ARDS.—

3               “(1) IN GENERAL.—Consistent with the re-  
4 quirements of this section, each State shall establish  
5 uniform and nondiscriminatory standards for the  
6 issuance, handling, and counting of provisional bal-  
7 lots.

8               “(2) EFFECTIVE DATE.—This subsection shall  
9 apply with respect to elections held on or after Janu-  
10 ary 1, 2022.

11       “(h) ADDITIONAL CONDITIONS PROHIBITED.—If an  
12 individual in a State is eligible to cast a provisional ballot  
13 as provided under this section, the State may not impose  
14 any additional conditions or requirements (including con-  
15 ditions or requirements regarding the timeframe in which  
16 a provisional ballot may be cast) on the eligibility of the  
17 individual to cast such provisional ballot.”.

18       (b) CONFORMING AMENDMENT.—Section 302(h) of  
19 such Act (52 U.S.C. 21082(g)), as amended by section  
20 1601(a) and redesignated by subsection (a), is amended  
21 by striking “subsection (d)(4)” and inserting “subsections  
22 (d)(4), (e)(3), and (f)(2)”.

1           **TITLE IV—VOTING SYSTEM**  
2                           **SECURITY**

3   **SEC. 4001. POST-ELECTION AUDIT REQUIREMENT.**

4           (a) IN GENERAL.—Title III of the Help America  
5 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended  
6 by section 3601, is amended by inserting after section  
7 303A the following new section:

8   **“SEC. 303B. POST-ELECTION AUDITS.**

9           “(a) DEFINITIONS.—In this section:

10                   “(1) POST-ELECTION AUDIT.—Except as pro-  
11 vided in subsection (c)(1)(B), the term ‘post-election  
12 audit’ means, with respect to any election contest, a  
13 post-election process that—

14                           “(A) has a probability of at least 95 per-  
15 cent of correcting the reported outcome if the  
16 reported outcome is not the correct outcome;

17                           “(B) will not change the outcome if the re-  
18 ported outcome is the correct outcome; and

19                           “(C) involves a manual adjudication of  
20 voter intent from some or all of the ballots val-  
21 idly cast in the election contest.

22                   “(2) REPORTED OUTCOME; CORRECT OUTCOME;  
23 OUTCOME.—

24                           “(A) REPORTED OUTCOME.—The term ‘re-  
25 ported outcome’ means the outcome of an elec-



1           tion contest which is determined according to  
2           the canvass and which will become the official,  
3           certified outcome unless it is revised by an  
4           audit, recount, or other legal process.

5           “(B) CORRECT OUTCOME.—The term ‘cor-  
6           rect outcome’ means the outcome that would be  
7           determined by a manual adjudication of voter  
8           intent for all votes validly cast in the election  
9           contest.

10           “(C) OUTCOME.—The term ‘outcome’  
11           means the winner or set of winners of an elec-  
12           tion contest.

13           “(3) MANUAL ADJUDICATION OF VOTER IN-  
14           TENT.—The term ‘manual adjudication of voter in-  
15           tent’ means direct inspection and determination by  
16           humans, without assistance from electronic or me-  
17           chanical tabulation devices, of the ballot choices  
18           marked by voters on each voter-verifiable paper  
19           record.

20           “(4) BALLOT MANIFEST.—The term ‘ballot  
21           manifest’ means a record maintained by each juris-  
22           diction that—

23           “(A) is created without reliance on any  
24           part of the voting system used to tabulate  
25           votes;

1           “(B) functions as a sampling frame for  
2           conducting a post-election audit; and

3           “(C) accounts for all ballots validly cast re-  
4           gardless of how they were tabulated and in-  
5           cludes a precise description of the manner in  
6           which the ballots are physically stored, includ-  
7           ing the total number of physical groups of bal-  
8           lots, the numbering system for each group, a  
9           unique label for each group, and the number of  
10          ballots in each such group.

11         “(b) REQUIREMENTS.—

12           “(1) IN GENERAL.—

13           “(A) AUDITS.—

14           “(i) IN GENERAL.—Each State and  
15           jurisdiction shall administer post-election  
16           audits of the results of all election contests  
17           for Federal office held in the State in ac-  
18           cordance with the requirements of para-  
19           graph (2).

20           “(ii) EXCEPTION.—Clause (i) shall  
21           not apply to any election contest for which  
22           the State or jurisdiction conducts a full re-  
23           count through a manual adjudication of  
24           voter intent.

1           “(B) FULL MANUAL TABULATION.—If a  
2 post-election audit conducted under subpara-  
3 graph (A) corrects the reported outcome of an  
4 election contest, the State or jurisdiction shall  
5 use the results of the manual adjudication of  
6 voter intent conducted as part of the post-elec-  
7 tion audit as the official results of the election  
8 contest.

9           “(2) AUDIT REQUIREMENTS.—

10           “(A) RULES AND PROCEDURES.—

11           “(i) IN GENERAL.—Not later than 6  
12 years after the date of the enactment of  
13 this section, the chief State election official  
14 of the State shall establish rules and proce-  
15 dures for conducting post-election audits.

16           “(ii) MATTERS INCLUDED.—The rules  
17 and procedures established under clause (i)  
18 shall include the following:

19           “(I) Rules and procedures for en-  
20 suring the security of ballots and docu-  
21 menting that prescribed procedures  
22 were followed.

23           “(II) Rules and procedures for  
24 ensuring the accuracy of ballot mani-  
25 fests produced by jurisdictions.

1                   “(III) Rules and procedures for  
2 governing the format of ballot mani-  
3 fests and other data involved in post-  
4 election audits.

5                   “(IV) Methods to ensure that  
6 any cast vote records used in a post-  
7 election audit are those used by the  
8 voting system to tally the results of  
9 the election contest sent to the chief  
10 State election official of the State and  
11 made public.

12                   “(V) Rules and procedures for  
13 the random selection of ballots to be  
14 inspected manually during each audit.

15                   “(VI) Rules and procedures for  
16 the calculations and other methods to  
17 be used in the audit and to determine  
18 whether and when the audit of each  
19 election contest is complete.

20                   “(VII) Rules and procedures for  
21 testing any software used to conduct  
22 post-election audits.

23                   “(B) PUBLIC REPORT.—

24                   “(i) IN GENERAL.—After the comple-  
25 tion of the post-election audit and at least

1           5 days before the election contest is cer-  
2           tified by the State, the State shall make  
3           public and submit to the Commission a re-  
4           port on the results of the audit, together  
5           with such information as necessary to con-  
6           firm that the audit was conducted prop-  
7           erly.

8           “(ii) FORMAT OF DATA.—All data  
9           published with the report under clause (i)  
10          shall be published in machine-readable,  
11          open data formats.

12          “(iii) PROTECTION OF ANONYMITY OF  
13          VOTES.—Information and data published  
14          by the State under this subparagraph shall  
15          not compromise the anonymity of votes.

16          “(iv) REPORT MADE AVAILABLE BY  
17          COMMISSION.—After receiving any report  
18          submitted under clause (i), the Commis-  
19          sion shall make such report available on its  
20          website.

21          “(3) EFFECTIVE DATE; WAIVER.—

22          “(A) IN GENERAL.—Except as provided in  
23          subparagraphs (B) and (C), each State and ju-  
24          risdiction shall be required to comply with the  
25          requirements of this subsection for the first reg-

1           ularly scheduled election for Federal office oc-  
2           curring in 2032 and for each subsequent elec-  
3           tion for Federal office.

4           “(B) WAIVER.—Except as provided in sub-  
5           paragraph (C), if a State certifies to the Com-  
6           mission not later than the first regularly sched-  
7           uled election for Federal office occurring in  
8           2032, that the State will not meet the deadline  
9           described in subparagraph (A) because it would  
10          be impracticable to do so and includes in the  
11          certification the reasons for the failure to meet  
12          such deadline, subparagraph (A) of this sub-  
13          section and subsection (c)(2)(A) shall apply to  
14          the State as if the reference in such subsections  
15          to ‘2032’ were a reference to ‘2034’.

16          “(C) ADDITIONAL WAIVER PERIOD.—If a  
17          State certifies to the Commission not later than  
18          the first regularly scheduled election for Federal  
19          office occurring in 2034, that the State will not  
20          meet the deadline described in subparagraph  
21          (B) because it would be impracticable to do so  
22          and includes in the certification the reasons for  
23          the failure to meet such deadline, subparagraph  
24          (B) of this subsection and subsection (c)(2)(A)  
25          shall apply to the State as if the reference in

1           such subsections to ‘2034’ were a reference to  
2           ‘2036’.

3           “(c) PHASED IMPLEMENTATION.—

4           “(1) POST-ELECTION AUDITS.—

5                   “(A) IN GENERAL.—For the regularly  
6           scheduled elections for Federal office occurring  
7           in 2024 and 2026, each State shall administer  
8           a post-election audit of the result of at least one  
9           statewide election contest for Federal office held  
10          in the State, or if no such statewide contest is  
11          on the ballot, one election contest for Federal  
12          office chosen at random.

13           “(B) POST-ELECTION AUDIT DEFINED.—

14          In this subsection, the term ‘post-election audit’  
15          means a post-election process that involves a  
16          manual adjudication of voter intent from a  
17          sample of ballots validly cast in the election  
18          contest.

19           “(2) POST-ELECTION AUDITS FOR SELECT CON-

20          TESTS.—Subject to subparagraphs (B) and (C) of  
21          subsection (b)(3), for the regularly scheduled elec-  
22          tions for Federal office occurring in 2028 and for  
23          each subsequent election for Federal office that oc-  
24          curs prior to the first regularly scheduled election  
25          for Federal office occurring in 2032, each State

1 shall administer a post-election audit of the result of  
2 at least one statewide election contest for Federal of-  
3 fice held in the State, or if no such statewide contest  
4 is on the ballot, one election contest for Federal of-  
5 fice chosen at random.

6 “(3) STATES THAT ADMINISTER POST-ELEC-  
7 TION AUDITS FOR ALL CONTESTS.—A State shall be  
8 exempt from the requirements of this subsection for  
9 any regularly scheduled election for Federal office in  
10 which the State meets the requirements of sub-  
11 section (b).”.

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 for such Act, as amended by section 3601, is amended  
14 by inserting after the item relating to section 303A the  
15 following new item:

“Sec. 303B. Post-election audits.”.

16 (c) STUDY ON POST-ELECTION AUDIT BEST PRAC-  
17 TICES.—

18 (1) IN GENERAL.—The Director of the National  
19 Institute of Standards and Technology shall estab-  
20 lish an advisory committee to study post-election au-  
21 dits and establish best practices for post-election  
22 audit methodologies and procedures.

23 (2) ADVISORY COMMITTEE.—The Director of  
24 the National Institute of Standards and Technology



1 shall appoint individuals to the advisory committee  
2 and secure the representation of—

3 (A) State and local election officials;

4 (B) individuals with experience and exper-  
5 tise in election security;

6 (C) individuals with experience and exper-  
7 tise in post-election audit procedures; and

8 (D) individuals with experience and exper-  
9 tise in statistical methods.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated such sums  
12 as are necessary to carry out the purposes of this  
13 subsection.

14 **SEC. 4002. ELECTION INFRASTRUCTURE DESIGNATION.**

15 Subparagraph (J) of section 2001(3) of the Home-  
16 land Security Act of 2002 (6 U.S.C. 601(3)) is amended  
17 by inserting “, including election infrastructure” before  
18 the period at the end.

19 **SEC. 4003. GUIDELINES AND CERTIFICATION FOR ELEC-**  
20 **TRONIC POLL BOOKS AND REMOTE BALLOT**  
21 **MARKING SYSTEMS.**

22 (a) INCLUSION UNDER VOLUNTARY VOTING SYSTEM  
23 GUIDELINES.—Section 222 of the Help America Vote Act  
24 of 2002 (52 U.S.C. 20962) is amended—

1           (1) by redesignating subsections (a), (b), (c),  
2           (d), and (e) as subsections (b), (c), (d), (e), and (f);

3           (2) by inserting after the section heading the  
4           following:

5           “(a) VOLUNTARY VOTING SYSTEM GUIDELINES.—  
6           The Commission shall adopt voluntary voting system  
7           guidelines that describe functionality, accessibility, and se-  
8           curity principles for the design, development, and oper-  
9           ation of voting systems, electronic poll books, and remote  
10          ballot marking systems.”; and

11          (3) by adding at the end the following new sub-  
12          sections:

13          “(g) INITIAL GUIDELINES FOR ELECTRONIC POLL  
14          BOOKS AND REMOTE BALLOT MARKING SYSTEMS.—

15                 “(1) ADOPTION DATE.—The Commission shall  
16                 adopt initial voluntary voting system guidelines for  
17                 electronic poll books and remote ballot marking sys-  
18                 tems not later than 1 year after the date of the en-  
19                 actment of the Freedom to Vote: John R. Lewis Act.

20                 “(2) SPECIAL RULE FOR INITIAL GUIDE-  
21                 LINES.—The Commission may adopt initial vol-  
22                 untary voting system guidelines for electronic poll  
23                 books and remote ballot marking systems without  
24                 modifying the most recently adopted voluntary vot-  
25                 ing system guidelines for voting systems.

1 “(h) DEFINITIONS.—In this section:

2 “(1) ELECTRONIC POLL BOOK.—The term ‘elec-  
3 tronic poll book’ means the total combination of me-  
4 chanical, electromechanical, or electronic equipment  
5 (including the software, firmware, and documenta-  
6 tion required to program, control, and support the  
7 equipment) that is used—

8 “(A) to retain the list of registered voters  
9 at a polling location, or vote center, or other lo-  
10 cation at which voters cast votes in an election  
11 for Federal office; and

12 “(B) to identify registered voters who are  
13 eligible to vote in an election.

14 “(2) REMOTE BALLOT MARKING SYSTEM.—The  
15 term ‘remote ballot marking system’ means an elec-  
16 tion system that—

17 “(A) is used by a voter to mark their bal-  
18 lots outside of a voting center or polling place;  
19 and

20 “(B) allows a voter to receive a blank bal-  
21 lot to mark electronically, print, and then cast  
22 by returning the printed ballot to the elections  
23 office or other designated location.”.

24 (b) PROVIDING FOR CERTIFICATION OF ELECTRONIC  
25 POLL BOOKS AND REMOTE BALLOT MARKING SYSTEM.—

1 Section 231(a) of the Help America Vote Act of 2002 (52  
2 U.S.C. 20971(a)) is amended in paragraphs (1) and (2)  
3 by inserting “, electronic poll books, and remote ballot  
4 marking systems” after “software”.

5 **SEC. 4004. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
6 **USAGE.**

7 (a) **REQUIRING STATES TO SUBMIT REPORTS.**—Title  
8 III of the Help America Vote Act of 2002 (52 U.S.C.  
9 21081 et seq.) is amended by inserting after section 301  
10 the following new section:

11 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
12 **USAGE.**

13 “(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Not  
14 later than 120 days before the date of each regularly  
15 scheduled general election for Federal office, the chief  
16 State election official of a State shall submit a report to  
17 the Commission containing a detailed voting system usage  
18 plan for each jurisdiction in the State which will admin-  
19 ister the election, including a detailed plan for the usage  
20 of electronic poll books and other equipment and compo-  
21 nents of such system. If a jurisdiction acquires and imple-  
22 ments a new voting system within the 120 days before the  
23 date of the election, it shall notify the chief State election  
24 official of the State, who shall submit to the Commission

1 in a timely manner an updated report under the preceding  
2 sentence.

3 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply  
4 with respect to the regularly scheduled general election for  
5 Federal office held in November 2022 and each succeeding  
6 regularly scheduled general election for Federal office”.

7 (b) **CLERICAL AMENDMENT.**—The table of contents  
8 of such Act is amended by inserting after the item relating  
9 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

10 **SEC. 4005. USE OF VOTING MACHINES MANUFACTURED IN**  
11 **THE UNITED STATES.**

12 (a) **REQUIREMENT.**—Section 301(a) of the Help  
13 America Vote Act of 2002 (52 U.S.C. 21081(a)), as  
14 amended by section 3904 and section 3906, is further  
15 amended by adding at the end the following new para-  
16 graph:

17 “(10) **VOTING MACHINE REQUIREMENTS.**—

18 “(A) **MANUFACTURING REQUIREMENTS.**—

19 By not later than the date of the regularly  
20 scheduled general election for Federal office oc-  
21 ccurring in November 2024, each State shall  
22 seek to ensure to the extent practicable that  
23 any voting machine used in such election and in  
24 any subsequent election for Federal office is  
25 manufactured in the United States.

1           “(B) ASSEMBLY REQUIREMENTS.—By not  
2 later than the date of the regularly scheduled  
3 general election for Federal office occurring in  
4 November 2024, each State shall seek to ensure  
5 that any voting machine purchased or acquired  
6 for such election and in any subsequent election  
7 for Federal office is assembled in the United  
8 States.

9           “(C) SOFTWARE AND CODE REQUIRE-  
10 MENTS.—By not later than the date of the reg-  
11 ularly scheduled general election for Federal of-  
12 fice occurring in November 2024, each State  
13 shall seek to ensure that any software or code  
14 developed for any voting system purchased or  
15 acquired for such election and in any subse-  
16 quent election for Federal office is developed  
17 and stored in the United States.”.

18       (b) CONFORMING AMENDMENT RELATING TO EF-  
19 FECTIVE DATE.—Section 301(d)(1) of such Act (52  
20 U.S.C. 21081(d)(1)), as amended by section 3907, is  
21 amended by striking “paragraph (2)” and inserting “sub-  
22 section (a)(10) and paragraph (2)”.

1 **SEC. 4006. USE OF POLITICAL PARTY HEADQUARTERS**  
2 **BUILDING FUND FOR TECHNOLOGY OR CY-**  
3 **BERSECURITY-RELATED PURPOSES.**

4 (a) PERMITTING USE OF FUND.—Section  
5 315(a)(9)(B) of the Federal Election Campaign Act of  
6 1971 (52 U.S.C. 30116(a)(9)(B)) is amended by striking  
7 the period at the end and inserting the following: “, and  
8 to defray technology or cybersecurity-related expenses.”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) shall apply with respect to calendar year  
11 2022 and each succeeding calendar year.

12 **SEC. 4007. SEVERABILITY.**

13 If any provision of this title or any amendment made  
14 by this title, or the application of any such provision or  
15 amendment to any person or circumstance, is held to be  
16 unconstitutional, the remainder of this title, and the appli-  
17 cation of such provision or amendment to any other person  
18 or circumstance, shall not be affected by the holding.

19 **DIVISION C—CIVIC PARTICIPA-**  
20 **TION AND EMPOWERMENT**  
21 **TITLE V—NONPARTISAN**  
22 **REDISTRICTING REFORM**

23 **SEC. 5001. FINDING OF CONSTITUTIONAL AUTHORITY.**

24 Congress finds that it has the authority to establish  
25 the terms and conditions States must follow in carrying

1 out congressional redistricting after an apportionment of  
2 Members of the House of Representatives because—

3 (1) the authority granted to Congress under ar-  
4 ticle I, section 4 of the Constitution of the United  
5 States gives Congress the power to enact laws gov-  
6 erning the time, place, and manner of elections for  
7 Members of the House of Representatives;

8 (2) the authority granted to Congress under  
9 section 5 of the 14th amendment to the Constitution  
10 gives Congress the power to enact laws to enforce  
11 section 2 of such amendment, which requires Rep-  
12 resentatives to be apportioned among the several  
13 States according to their number;

14 (3) the authority granted to Congress under  
15 section 5 of the 14th amendment to the Constitution  
16 gives Congress the power to enact laws to enforce  
17 section 1 of such amendment, including protections  
18 against excessive partisan gerrymandering that Fed-  
19 eral courts have not enforced because they under-  
20 stand such enforcement to be committed to Congress  
21 by the Constitution;

22 (4) of the authority granted to Congress to en-  
23 force article IV, section 4, of the Constitution, and  
24 the guarantee of a Republican Form of Government  
25 to every State, which Federal courts have not en-



1       forced because they understand such enforcement to  
2       be committed to Congress by the Constitution;

3           (5) requiring States to use uniform redistricting  
4       criteria is an appropriate and important exercise of  
5       such authority; and

6           (6) partisan gerrymandering dilutes citizens'  
7       votes because partisan gerrymandering injures vot-  
8       ers and political parties by infringing on their First  
9       Amendment right to associate freely and their Four-  
10      teenth Amendment right to equal protection of the  
11      laws.

12 **SEC. 5002. BAN ON MID-DECADE REDISTRICTING.**

13       A State that has been redistricted in accordance with  
14      this title may not be redistricted again until after the next  
15      apportionment of Representatives under section 22(a) of  
16      the Act entitled “An Act to provide for the fifteenth and  
17      subsequent decennial censuses and to provide for an ap-  
18      portionment of Representatives in Congress”, approved  
19      June 18, 1929 (2 U.S.C. 2a), unless a court requires the  
20      State to conduct such subsequent redistricting to comply  
21      with the Constitution of the United States, the Voting  
22      Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms  
23      or conditions of this title, or applicable State law.

1 **SEC. 5003. CRITERIA FOR REDISTRICTING.**

2 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A State  
3 may not use a congressional redistricting plan enacted fol-  
4 lowing the notice of apportionment transmitted to the  
5 President on April 26, 2021, or any subsequent notice of  
6 apportionment, if such plan is not in compliance with this  
7 section, without regard to whether or not the plan was  
8 enacted by the State before, on, or after the effective date  
9 of this title.

10 (b) **RANKED CRITERIA.**—Under the redistricting plan  
11 of a State, there shall be established single-member con-  
12 gressional districts using the following criteria as set forth  
13 in the following order of priority:

14 (1) Districts shall comply with the United  
15 States Constitution, including the requirement that  
16 they substantially equalize total population, without  
17 regard to age, citizenship status, or immigration sta-  
18 tus.

19 (2) Districts shall comply with the Voting  
20 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-  
21 cluding by creating any districts where, if based  
22 upon the totality of the circumstances, 2 or more po-  
23 litically cohesive groups protected by such Act are  
24 able to elect representatives of choice in coalition  
25 with one another, and all applicable Federal laws.

1           (3)(A) Districts shall be drawn, to the extent  
2           that the totality of the circumstances warrant, to en-  
3           sure the practical ability of a group protected under  
4           the Voting Rights Act of 1965 (52 U.S.C. 10301 et  
5           seq.) to participate in the political process and to  
6           nominate candidates and to elect representatives of  
7           choice is not diluted or diminished, regardless of  
8           whether or not such protected group constitutes a  
9           majority of a district's population, voting age popu-  
10          lation, or citizen voting age population.

11          (B) For purposes of subparagraph (A), the as-  
12          sessment of whether a protected group has the prac-  
13          tical ability to nominate candidates and to elect rep-  
14          resentatives of choice shall require the consideration  
15          of the following factors:

16                 (i) Whether the group is politically cohe-  
17                 sive.

18                 (ii) Whether there is racially polarized vot-  
19                 ing in the relevant geographic region.

20                 (iii) If there is racially polarized voting in  
21                 the relevant geographic region, whether the pre-  
22                 ferred candidates of the group nevertheless re-  
23                 ceive a sufficient amount of consistent crossover  
24                 support from other voters such that the group  
25                 is a functional majority with the ability to both

1           nominate candidates and elect representatives  
2           of choice.

3           (4)(A) Districts shall be drawn to respect com-  
4           munities of interest and neighborhoods to the extent  
5           practicable after compliance with the requirements  
6           of paragraphs (1) through (3). A community of in-  
7           terest is defined as an area for which the record be-  
8           fore the entity responsible for developing and adopt-  
9           ing the redistricting plan demonstrates the existence  
10          of broadly shared interests and representational  
11          needs, including shared interests and representa-  
12          tional needs rooted in common ethnic, racial, eco-  
13          nomic, Indian, social, cultural, geographic, or his-  
14          toric identities, or arising from similar socioeconomic  
15          conditions. The term communities of interest may, if  
16          the record warrants, include political subdivisions  
17          such as counties, municipalities, Indian lands, or  
18          school districts, but shall not include common rela-  
19          tionships with political parties or political can-  
20          didates.

21          (B) For purposes of subparagraph (A), in con-  
22          sidering the needs of multiple, overlapping commu-  
23          nities of interest, the entity responsible for devel-  
24          oping and adopting the redistricting plan shall give  
25          greater weight to those communities of interest

1       whose representational needs would most benefit  
2       from the community's inclusion in a single congress-  
3       sional district.

4       (c) NO FAVORING OR DISFAVORING OF POLITICAL  
5 PARTIES.—

6           (1) PROHIBITION.—A State may not use a re-  
7       districting plan to conduct an election if the plan's  
8       congressional districts, when considered cumulatively  
9       on a statewide basis, have been drawn with the in-  
10      tent or have the effect of materially favoring or  
11      disfavoring any political party.

12          (2) DETERMINATION OF EFFECT.—The deter-  
13      mination of whether a redistricting plan has the ef-  
14      fect of materially favoring or disfavoring a political  
15      party shall be based on an evaluation of the totality  
16      of circumstances which, at a minimum, shall involve  
17      consideration of each of the following factors:

18           (A) Computer modeling based on relevant  
19      statewide general elections for Federal office  
20      held over the 8 years preceding the adoption of  
21      the redistricting plan setting forth the probable  
22      electoral outcomes for the plan under a range  
23      of reasonably foreseeable conditions.

24           (B) An analysis of whether the redis-  
25      tricting plan is statistically likely to result in

1 partisan advantage or disadvantage on a state-  
2 wide basis, the degree of any such advantage or  
3 disadvantage, and whether such advantage or  
4 disadvantage is likely to be present under a  
5 range of reasonably foreseeable electoral condi-  
6 tions.

7 (C) A comparison of the modeled electoral  
8 outcomes for the redistricting plan to the mod-  
9 eled electoral outcomes for alternative plans  
10 that demonstrably comply with the require-  
11 ments of paragraphs (1), (2), and (3) of sub-  
12 section (b) in order to determine whether rea-  
13 sonable alternatives exist that would result in  
14 materially lower levels of partisan advantage or  
15 disadvantage on a statewide basis. For purposes  
16 of this subparagraph, alternative plans consid-  
17 ered may include both actual plans proposed  
18 during the redistricting process and other plans  
19 prepared for purposes of comparison.

20 (D) Any other relevant information, includ-  
21 ing how broad support for the redistricting plan  
22 was among members of the entity responsible  
23 for developing and adopting the plan and  
24 whether the processes leading to the develop-  
25 ment and adoption of the plan were transparent

1 and equally open to all members of the entity  
2 and to the public.

3 (3) REBUTTABLE PRESUMPTION.—

4 (A) TRIGGER.—In any civil action brought  
5 under section 5006 in which a party asserts a  
6 claim that a State has enacted a redistricting  
7 plan which is in violation of this subsection, a  
8 party may file a motion not later than 30 days  
9 after the enactment of the plan (or, in the case  
10 of a plan enacted before the effective date of  
11 this Act, not later than 30 days after the effec-  
12 tive date of this Act) requesting that the court  
13 determine whether a presumption of such a vio-  
14 lation exists. If such a motion is timely filed,  
15 the court shall hold a hearing not later than 15  
16 days after the date the motion is filed to assess  
17 whether a presumption of such a violation ex-  
18 ists.

19 (B) ASSESSMENT.—To conduct the assess-  
20 ment required under subparagraph (A), the  
21 court 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  
5 general elections) immediately preceding  
6 the enactment of the plan, except that if a  
7 State conducts a primary election for the  
8 office of Senator which is open to can-  
9 didates of all political parties, the primary  
10 election shall be used instead of the gen-  
11 eral election and the number of districts  
12 carried by a party's candidates for the of-  
13 fice of Senator shall be determined on the  
14 basis of the combined vote share of all can-  
15 didates in the election who are affiliated  
16 with such party.

17 (ii) Determine, for each of the 4 elec-  
18 tions assessed under clause (i), whether  
19 the number of districts that would have  
20 been carried by any party's candidate as  
21 determined under clause (i) results in par-  
22 tisan advantage or disadvantage in excess  
23 of the applicable threshold described in  
24 subparagraph (C). The degree of partisan  
25 advantage or disadvantage shall be deter-



1           mined by one or more standard quan-  
2           titative measures of partisan fairness  
3           that—

4                   (I) use a party's share of the  
5                   statewide vote to calculate a cor-  
6                   responding benchmark share of seats;  
7                   and

8                   (II) measure the amount by  
9                   which the share of seats the party's  
10                  candidates would have won in the  
11                  election involved exceeds that bench-  
12                  mark share of seats.

13                  (C)    APPLICABLE THRESHOLD DE-  
14                  SCRIBED.—The applicable threshold described  
15                  in this subparagraph is, with respect to a State  
16                  and a number of seats, the greater of—

17                       (i) an amount equal to 7 percent of  
18                       the number of congressional districts in  
19                       the State; or

20                       (ii) one congressional district.

21                  (D)    DESCRIPTION OF QUANTITATIVE  
22                  MEASURES; PROHIBITING ROUNDING.—In car-  
23                  rying out this subsection—

24                       (i) the standard quantitative measures  
25                       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  
8 measure of partisan fairness, it exceeds the ap-  
9 plicable threshold described in subparagraph  
10 (C) with respect to 2 or more of the 4 elections  
11 assessed 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,  
22 the court rules that the plan is presumed  
23 under subparagraph (B) to violate para-  
24 graph (1), a State may not use such plan  
25 until and unless the court which is car-

1           rying out the determination of the effect of  
2           the plan under paragraph (2) determines  
3           that, notwithstanding the presumptive vio-  
4           lation, the plan does not violate paragraph  
5           (1).

6           (G) NO EFFECT ON OTHER ASSESS-  
7           MENTS.—The absence of a presumption of a  
8           violation with respect to a redistricting plan as  
9           determined under this paragraph shall not af-  
10          fect the determination of the effect or intent of  
11          the plan under this section.

12          (4) DETERMINATION OF INTENT.—A court may  
13          rely on all available evidence when determining  
14          whether a redistricting plan was drawn with the in-  
15          tent to materially favor or disfavor a political party,  
16          including evidence of the partisan effects of a plan,  
17          the degree of support the plan received from mem-  
18          bers of the entity responsible for developing and  
19          adopting the plan, and whether the processes leading  
20          to development and adoption of the plan were trans-  
21          parent and equally open to all members of the entity  
22          and to the public.

23          (5) NO VIOLATION BASED ON CERTAIN CRI-  
24          TERIA.—No redistricting plan shall be found to be  
25          in violation of paragraph (1) because of the proper

1 application of the criteria set forth in paragraphs  
2 (1), (2), or (3) of subsection (b), unless one or more  
3 alternative plans could have complied with such  
4 paragraphs without having the effect of materially  
5 favoring or disfavoring a political party.

6 (d) FACTORS PROHIBITED FROM CONSIDERATION.—

7 In developing the redistricting plan for the State, the  
8 State may not take into consideration any of the following  
9 factors, except as necessary to comply with the criteria  
10 described in paragraphs (1) through (3) of subsection (b),  
11 to achieve partisan fairness and comply with subsection  
12 (b), and to enable the redistricting plan to be measured  
13 against the external metrics described in section 5004(c):

14 (1) The residence of any Member of the House  
15 of Representatives or candidate.

16 (2) The political party affiliation or voting his-  
17 tory of the population of a district.

18 (e) ADDITIONAL CRITERIA.—A State may not rely  
19 upon criteria, districting principles, or other policies of the  
20 State which are not set forth in this section to justify non-  
21 compliance with the requirements of this section.

22 (f) APPLICABILITY.—

23 (1) IN GENERAL.—This section applies to any  
24 authority, whether appointed, elected, judicial, or

1 otherwise, responsible for enacting the congressional  
2 redistricting plan of a State.

3 (2) DATE OF ENACTMENT.—This section ap-  
4 plies to any congressional redistricting plan enacted  
5 following the notice of apportionment transmitted to  
6 the President on April 26, 2021, regardless of the  
7 date of enactment by the State of the congressional  
8 redistricting plan.

9 (g) SEVERABILITY OF CRITERIA.—If any provision of  
10 this section or any amendment made by this section, or  
11 the application of any such provision or amendment to any  
12 person or circumstance, is held to be unconstitutional, the  
13 remainder of this section, and the application of such pro-  
14 vision or amendment to any other person or circumstance,  
15 shall not be affected by the holding.

16 **SEC. 5004. DEVELOPMENT OF PLAN.**

17 (a) PUBLIC NOTICE AND INPUT.—

18 (1) USE OF OPEN AND TRANSPARENT PROC-  
19 ESS.—The entity responsible for developing and  
20 adopting the congressional redistricting plan of a  
21 State shall solicit and take into consideration com-  
22 ments from the public throughout the process of de-  
23 veloping the plan, and shall carry out its duties in  
24 an open and transparent manner which provides for

1 the widest public dissemination reasonably possible  
2 of its proposed and final redistricting plans.

3 (2) WEBSITE.—

4 (A) FEATURES.—The entity shall maintain  
5 a public Internet site which is not affiliated  
6 with or maintained by the office of any elected  
7 official and which includes the following fea-  
8 tures:

9 (i) All proposed redistricting plans  
10 and the final redistricting plan, including  
11 the accompanying written evaluation under  
12 subsection (c).

13 (ii) All comments received from the  
14 public submitted under paragraph (1).

15 (iii) Access in an easily usable format  
16 to the demographic and other data used by  
17 the entity to develop and analyze the pro-  
18 posed redistricting plans, together with any  
19 reports analyzing and evaluating such  
20 plans and access to software that members  
21 of the public may use to draw maps of pro-  
22 posed districts.

23 (iv) A method by which members of  
24 the public may submit comments directly  
25 to the entity.

1           (B) SEARCHABLE FORMAT.—The entity  
2           shall ensure that all information posted and  
3           maintained on the site under this paragraph,  
4           including information and proposed maps sub-  
5           mitted by the public, shall be maintained in an  
6           easily searchable format.

7           (3) MULTIPLE LANGUAGE REQUIREMENTS FOR  
8           ALL NOTICES.—The entity responsible for developing  
9           and adopting the plan shall make each notice which  
10          is required to be posted and published under this  
11          section available in any language in which the State  
12          (or any jurisdiction in the State) is required to pro-  
13          vide election materials under section 203 of the Vot-  
14          ing Rights Act of 1965 (52 U.S.C. 10503).

15          (b) DEVELOPMENT OF PLAN.—

16               (1) HEARINGS.—The entity responsible for de-  
17               veloping and adopting the congressional redistricting  
18               plan shall hold hearings both before and after releas-  
19               ing proposed plans in order to solicit public input on  
20               the content of such plans. These hearings shall—

21                       (A) be held in different regions of the  
22                       State and streamed live on the public Internet  
23                       site maintained under subsection (a)(2);

24                       (B) be sufficient in number, scheduled at  
25                       times and places, and noticed and conducted in

1 a manner to ensure that all members of the  
2 public, including members of racial, ethnic, and  
3 language minorities protected under the Voting  
4 Rights Act of 1965, have a meaningful oppor-  
5 tunity to attend and provide input both before  
6 and after the entity releases proposed plans.

7 (2) POSTING OF MAPS.—The entity responsible  
8 for developing and adopting the congressional redis-  
9 tricting plan shall make proposed plans, amend-  
10 ments to proposed plans, and the data needed to  
11 analyze such plans for compliance with the criteria  
12 of this title available for public review, including on  
13 the public Internet site required under subsection  
14 (a)(2), for a period of not less than 5 days before  
15 any vote or hearing is held on any such plan or any  
16 amendment to such a plan.

17 (c) RELEASE OF WRITTEN EVALUATION OF PLAN  
18 AGAINST EXTERNAL METRICS REQUIRED PRIOR TO  
19 VOTE.—The entity responsible for developing and adopt-  
20 ing the congressional redistricting plan for a State may  
21 not hold a vote on a proposed redistricting plan, including  
22 a vote in a committee, unless at least 48 hours prior to  
23 holding the vote the State has released a written evalua-  
24 tion that measures each such plan against external metrics  
25 which cover the criteria set forth in section 5003(b), in-



1 cluding the impact of the plan on the ability of members  
2 of a class of citizens protected by the Voting Rights Act  
3 of 1965 (52 U.S.C. 10301 et seq.) to elect candidates of  
4 choice, the degree to which the plan preserves or divides  
5 communities of interest, and any analysis used by the  
6 State to assess compliance with the requirements of sec-  
7 tion 5003(b) and (c).

8 (d) PUBLIC INPUT AND COMMENTS.—The entity re-  
9 sponsible for developing and adopting the congressional  
10 redistricting plan for a State shall make all public com-  
11 ments received about potential plans, including alternative  
12 plans, available to the public on the Internet site required  
13 under subsection (a)(2), at no cost, not later than 24  
14 hours prior to holding a vote on final adoption of a plan.

15 **SEC. 5005. FAILURE BY STATE TO ENACT PLAN.**

16 (a) DEADLINE FOR ENACTMENT OF PLAN.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (2), each State shall enact a final congres-  
19 sional redistricting plan following transmission of a  
20 notice of apportionment to the President by the ear-  
21 liest of—

22 (A) the deadline set forth in State law, in-  
23 cluding any extension to the deadline provided  
24 in accordance with State law;

1 (B) February 15 of the year in which reg-  
2 ularly scheduled general elections for Federal  
3 office are held in the State; or

4 (C) 90 days before the date of the next  
5 regularly scheduled primary election for Federal  
6 office held in the State.

7 (2) SPECIAL RULE FOR PLANS ENACTED PRIOR  
8 TO EFFECTIVE DATE OF TITLE.—If a State enacted  
9 a final congressional redistricting plan prior to the  
10 effective date of this title and the plan is not in com-  
11 pliance with the requirements of this title, the State  
12 shall enact a final redistricting plan which is in com-  
13 pliance with the requirements of this title not later  
14 than 45 days after the effective date of this title.

15 (b) DEVELOPMENT OF PLAN BY COURT IN CASE OF  
16 MISSED DEADLINE.—If a State has not enacted a final  
17 congressional redistricting plan by the applicable deadline  
18 under subsection (a), or it appears reasonably likely that  
19 a State will fail to enact a final congressional redistricting  
20 plan by such deadline—

21 (1) any citizen of the State may file an action  
22 in the United States district court for the applicable  
23 venue asking the district court to assume jurisdic-  
24 tion;

1           (2) the United States district court for the ap-  
2           plicable venue, acting through a 3-judge court con-  
3           vened pursuant to section 2284 of title 28, United  
4           States Code, shall have the exclusive authority to de-  
5           velop and publish the congressional redistricting  
6           plan for the State; and

7           (3) the final congressional redistricting plan de-  
8           veloped and published by the court under this sec-  
9           tion shall be deemed to be enacted on the date on  
10          which the court publishes the final congressional re-  
11          districting plan, as described in subsection (e).

12          (c) APPLICABLE VENUE.—For purposes of this sec-  
13          tion, the “applicable venue” with respect to a State is the  
14          District of Columbia or the judicial district in which the  
15          capital of the State is located, as selected by the first party  
16          to file with the court sufficient evidence that a State has  
17          failed to, or is reasonably likely to fail to, enact a final  
18          redistricting plan for the State prior to the expiration of  
19          the applicable deadline set forth in subsection (a).

20          (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

21               (1) CRITERIA.—In developing a redistricting  
22               plan for a State under this section, the court shall  
23               adhere to the same terms and conditions that ap-  
24               plied (or that would have applied, as the case may

1 be) to the development of a plan by the State under  
2 section 5003.

3 (2) ACCESS TO INFORMATION AND RECORDS.—

4 The court shall have access to any information,  
5 data, software, or other records and material that  
6 was used (or that would have been used, as the case  
7 may be) by the State in carrying out its duties  
8 under this title.

9 (3) HEARING; PUBLIC PARTICIPATION.—In de-  
10 veloping a redistricting plan for a State, the court  
11 shall—

12 (A) hold one or more evidentiary hearings  
13 at which interested members of the public may  
14 appear and be heard and present testimony, in-  
15 cluding expert testimony, in accordance with  
16 the rules of the court; and

17 (B) consider other submissions and com-  
18 ments by the public, including proposals for re-  
19 districting plans to cover the entire State or  
20 any portion of the State.

21 (4) USE OF SPECIAL MASTER.—To assist in the  
22 development and publication of a redistricting plan  
23 for a State under this section, the court may appoint  
24 a special master to make recommendations to the  
25 court on possible plans for the State.

1 (e) PUBLICATION OF PLAN.—

2 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—

3 Upon completing the development of one or more  
4 initial redistricting plans, the court shall make the  
5 plans available to the public at no cost, and shall  
6 also make available the underlying data used to de-  
7 velop the plans and a written evaluation of the plans  
8 against external metrics (as described in section  
9 5004(c)).

10 (2) PUBLICATION OF FINAL PLAN.—At any  
11 time after the expiration of the 14-day period which  
12 begins on the date the court makes the plans avail-  
13 able to the public under paragraph (1), and taking  
14 into consideration any submissions and comments by  
15 the public which are received during such period, the  
16 court shall develop and publish the final redistricting  
17 plan for the State.

18 (f) USE OF INTERIM PLAN.—In the event that the  
19 court is not able to develop and publish a final redis-  
20 tricting plan for the State with sufficient time for an up-  
21 coming election to proceed, the court may develop and  
22 publish an interim redistricting plan which shall serve as  
23 the redistricting plan for the State until the court develops  
24 and publishes a final plan in accordance with this section.  
25 Nothing in this subsection may be construed to limit or

1 otherwise affect the authority or discretion of the court  
2 to develop and publish the final redistricting plan, includ-  
3 ing the discretion to make any changes the court deems  
4 necessary to an interim redistricting plan.

5 (g) APPEALS.—Review on appeal of any final or in-  
6 terim plan adopted by the court in accordance with this  
7 section shall be governed by the appellate process in sec-  
8 tion 5006.

9 (h) STAY OF STATE PROCEEDINGS.—The filing of an  
10 action under this section shall act as a stay of any pro-  
11 ceedings in State court with respect to the State’s congres-  
12 sional redistricting plan unless otherwise ordered by the  
13 court.

14 **SEC. 5006. CIVIL ENFORCEMENT.**

15 (a) CIVIL ENFORCEMENT.—

16 (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
17 torney General may bring a civil action for such re-  
18 lief as may be appropriate to carry out this title.

19 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
20 TION.—

21 (A) IN GENERAL.—Any person residing or  
22 domiciled in a State who is aggrieved by the  
23 failure of the State to meet the requirements of  
24 the Constitution or Federal law, including this  
25 title, with respect to the State’s congressional

1           redistricting, may bring a civil action in the  
2           United States district court for the applicable  
3           venue for such relief as may be appropriate to  
4           remedy the failure.

5           (B) SPECIAL RULE FOR CLAIMS RELATING  
6           TO PARTISAN ADVANTAGE.—For purposes of  
7           subparagraph (A), a person who is aggrieved by  
8           the failure of a State to meet the requirements  
9           of section 5003(c) may include—

10                   (i) any political party or committee in  
11                   the State; and

12                   (ii) any registered voter in the State  
13                   who resides in a congressional district that  
14                   the voter alleges was drawn in a manner  
15                   that contributes to a violation of such sec-  
16                   tion.

17           (C) NO AWARDING OF DAMAGES TO PRE-  
18           VAILING PARTY.—Except for an award of attor-  
19           ney's fees under subsection (d), a court in a  
20           civil action under this section shall not award  
21           the prevailing party any monetary damages,  
22           compensatory, punitive, or otherwise.

23           (3) DELIVERY OF COMPLAINT TO HOUSE AND  
24           SENATE.—In any action brought under this section,  
25           a copy of the complaint shall be delivered promptly

1 to the Clerk of the House of Representatives and the  
2 Secretary of the Senate.

3 (4) EXCLUSIVE JURISDICTION AND APPLICABLE  
4 VENUE.—The district courts of the United States  
5 shall have exclusive jurisdiction to hear and deter-  
6 mine claims asserting that a congressional redistricting  
7 plan violates the requirements of the Con-  
8 stitution or Federal law, including this title. The ap-  
9 plicable venue for such an action shall be the United  
10 States District Court for the District of Columbia or  
11 for the judicial district in which the capital of the  
12 State is located, as selected by the person bringing  
13 the action. In a civil action that includes a claim  
14 that a redistricting plan is in violation of section  
15 5003(b) or (c), the United States District Court for  
16 the District of Columbia shall have jurisdiction over  
17 any defendant who has been served in any United  
18 States judicial district in which the defendant re-  
19 sides, is found, or has an agent, or in the United  
20 States judicial district in which the capital of the  
21 State is located. Process may be served in any  
22 United States judicial district where a defendant re-  
23 sides, is found, or has an agent, or in the United  
24 States judicial district in which the capital of the  
25 State is located.



1           (5) USE OF 3-JUDGE COURT.—If an action  
2           under this section raises statewide claims under the  
3           Constitution or this title, the action shall be heard  
4           by a 3-judge court convened pursuant to section  
5           2284 of title 28, United States Code.

6           (6) REVIEW OF FINAL DECISION.—A final deci-  
7           sion in an action brought under this section shall be  
8           reviewable on appeal by the United States Court of  
9           Appeals for the District of Columbia Circuit, which  
10          shall hear the matter sitting en banc. There shall be  
11          no right of appeal in such proceedings to any other  
12          court of appeals. Such appeal shall be taken by the  
13          filing of a notice of appeal within 10 days of the  
14          entry of the final decision. A final decision by the  
15          Court of Appeals may be reviewed by the Supreme  
16          Court of the United States by writ of certiorari.

17          (b) EXPEDITED CONSIDERATION.—In any action  
18          brought under this section, it shall be the duty of the dis-  
19          trict court, the United States Court of Appeals for the  
20          District of Columbia Circuit, and the Supreme Court of  
21          the United States (if it chooses to hear the action) to ad-  
22          vance on the docket and to expedite to the greatest pos-  
23          sible extent the disposition of the action and appeal.

24          (c) REMEDIES.—

25                (1) ADOPTION OF REPLACEMENT PLAN.—

1           (A) IN GENERAL.—If the district court in  
2           an action under this section finds that the con-  
3           gressional redistricting plan of a State violates,  
4           in whole or in part, the requirements of this  
5           title—

6                   (i) the court shall adopt a replacement  
7                   congressional redistricting plan for the  
8                   State in accordance with the process set  
9                   forth in section 5005; or

10                   (ii) if circumstances warrant and no  
11                   delay to an upcoming regularly scheduled  
12                   election for the House of Representatives  
13                   in the State would result, the district  
14                   court, in its discretion, may allow a State  
15                   to develop and propose a remedial congress-  
16                   sional redistricting plan for review by the  
17                   court to determine whether the plan is in  
18                   compliance with this title, except that—

19                           (I) the State may not develop  
20                           and propose a remedial plan under  
21                           this clause if the court determines  
22                           that the congressional redistricting  
23                           plan of the State was enacted with  
24                           discriminatory intent in violation of

1 the Constitution or section 5003(b);  
2 and

3 (II) nothing in this clause may be  
4 construed to permit a State to use  
5 such a remedial plan which has not  
6 been approved by the court.

7 (B) PROHIBITING USE OF PLANS IN VIOLA-  
8 TION OF REQUIREMENTS.—No court shall order  
9 a State to use a congressional redistricting plan  
10 which violates, in whole or in part, the require-  
11 ments of this title, or to conduct an election  
12 under terms and conditions which violate, in  
13 whole or in part, the requirements of this title.

14 (C) SPECIAL RULE IN CASE FINAL ADJU-  
15 DICATION NOT EXPECTED WITHIN 3 MONTHS  
16 OF ELECTION.—

17 (i) DUTY OF COURT.—If final adju-  
18 dication of an action under this section is  
19 not reasonably expected to be completed at  
20 least 3 months prior to the next regularly  
21 scheduled primary election for the House  
22 of Representatives in the State, the district  
23 court shall—

24 (I) develop, adopt, and order the  
25 use of an interim congressional redis-

1                   tricting plan in accordance with sec-  
2                   tion 5005(f) to address any claims  
3                   under this title for which a party  
4                   seeking relief has demonstrated a sub-  
5                   stantial likelihood of success; or

6                   (II) order adjustments to the  
7                   timing of primary elections for the  
8                   House of Representatives and other  
9                   related deadlines, as needed, to allow  
10                  sufficient opportunity for adjudication  
11                  of the matter and adoption of a reme-  
12                  dial or replacement plan for use in the  
13                  next regularly scheduled general elec-  
14                  tions for the House of Representa-  
15                  tives.

16                  (ii) PROHIBITING FAILURE TO ACT ON  
17                  GROUNDS OF PENDENCY OF ELECTION.—  
18                  The court may not refuse to take any ac-  
19                  tion described in clause (i) on the grounds  
20                  of the pendency of the next election held in  
21                  the State or the potential for disruption,  
22                  confusion, or additional burdens with re-  
23                  spect to the administration of the election  
24                  in the State.

1           (2) NO STAY PENDING APPEAL.—Notwith-  
2 standing the appeal of an order finding that a con-  
3 gressional redistricting plan of a State violates, in  
4 whole or in part, the requirements of this title, no  
5 stay shall issue which shall bar the development or  
6 adoption of a replacement or remedial plan under  
7 this subsection, as may be directed by the district  
8 court, pending such appeal. If such a replacement or  
9 remedial plan has been adopted, no appellate court  
10 may stay or otherwise enjoin the use of such plan  
11 during the pendency of an appeal, except upon an  
12 order holding, based on the record, that adoption of  
13 such plan was an abuse of discretion.

14           (3) SPECIAL AUTHORITY OF COURT OF AP-  
15 PEALS.—

16           (A) ORDERING OF NEW REMEDIAL  
17 PLAN.—If, upon consideration of an appeal  
18 under this title, the Court of Appeals deter-  
19 mines that a plan does not comply with the re-  
20 quirements of this title, it shall direct that the  
21 District Court promptly develop a new remedial  
22 plan with assistance of a special master for con-  
23 sideration by the Court of Appeals.

24           (B) FAILURE OF DISTRICT COURT TO  
25 TAKE TIMELY ACTION.—If, at any point during

1 the pendency of an action under this section,  
2 the District Court fails to take action necessary  
3 to permit resolution of the case prior to the  
4 next regularly scheduled election for the House  
5 of Representatives in the State or fails to grant  
6 the relief described in paragraph (1)(C), any  
7 party may seek a writ of mandamus from the  
8 Court of Appeals for the District of Columbia  
9 Circuit. The Court of Appeals shall have juris-  
10 diction over the motion for a writ of mandamus  
11 and shall establish an expedited briefing and  
12 hearing schedule for resolution of the motion. If  
13 the Court of Appeals determines that a writ  
14 should be granted, the Court of Appeals shall  
15 take any action necessary, including developing  
16 a congressional redistricting plan with assist-  
17 ance of a special master to ensure that a reme-  
18 dial plan is adopted in time for use in the next  
19 regularly scheduled election for the House of  
20 Representatives in the State.

21 (4) EFFECT OF ENACTMENT OF REPLACEMENT  
22 PLAN.—A State’s enactment of a redistricting plan  
23 which replaces a plan which is the subject of an ac-  
24 tion under this section shall not be construed to  
25 limit or otherwise affect the authority of the court

1 to adjudicate or grant relief with respect to any  
2 claims or issues not addressed by the replacement  
3 plan, including claims that the plan which is the  
4 subject of the action was enacted, in whole or in  
5 part, with discriminatory intent, or claims to con-  
6 sider whether relief should be granted under section  
7 3(c) of the Voting Rights Act of 1965 (52 U.S.C.  
8 10302(c)) based on the plan which is the subject of  
9 the action.

10 (d) ATTORNEY'S FEES.—In a civil action under this  
11 section, the court may allow the prevailing party (other  
12 than the United States) reasonable attorney fees, includ-  
13 ing litigation expenses, and costs.

14 (e) RELATION TO OTHER LAWS.—

15 (1) RIGHTS AND REMEDIES ADDITIONAL TO  
16 OTHER RIGHTS AND REMEDIES.—The rights and  
17 remedies established by this section are in addition  
18 to all other rights and remedies provided by law, and  
19 neither the rights and remedies established by this  
20 section nor any other provision of this title shall su-  
21 persede, restrict, or limit the application of the Vot-  
22 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

23 (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
24 this title authorizes or requires conduct that is pro-

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

3       (f) LEGISLATIVE PRIVILEGE.—No person, legisla-  
4       ture, or State may claim legislative privilege under either  
5       State or Federal law in a civil action brought under this  
6       section or in any other legal challenge, under either State  
7       or Federal law, to a redistricting plan enacted under this  
8       title.

9       (g) REMOVAL.—

10           (1) IN GENERAL.—At any time, a civil action  
11       brought in a State court which asserts a claim for  
12       which the district courts of the United States have  
13       exclusive jurisdiction under this title may be re-  
14       moved by any party in the case, including an inter-  
15       venor, by filing, in the district court for an applica-  
16       ble venue under this section, a notice of removal  
17       signed pursuant to Rule 11 of the Federal Rules of  
18       Civil Procedure containing a short and plain state-  
19       ment of the grounds for removal. Consent of parties  
20       shall not be required for removal.

21           (2) CLAIMS NOT WITHIN THE ORIGINAL OR  
22       SUPPLEMENTAL JURISDICTION.—If a civil action re-  
23       moved in accordance with paragraph (1) contains  
24       claims not within the original or supplemental juris-  
25       diction of the district court, the district court shall



1 sever all such claims and remand them to the State  
2 court from which the action was removed.

3 **SEC. 5007. NO EFFECT ON ELECTIONS FOR STATE AND**  
4 **LOCAL OFFICE.**

5 Nothing in this title or in any amendment made by  
6 this title may be construed to affect the manner in which  
7 a State carries out elections for State or local office, in-  
8 cluding the process by which a State establishes the dis-  
9 tricts used in such elections.

10 **SEC. 5008. EFFECTIVE DATE.**

11 (a) IN GENERAL.—This title and the amendments  
12 made by this title shall apply on the date of enactment  
13 of this title.

14 (b) APPLICATION TO CONGRESSIONAL REDIS-  
15 TRICTING PLANS RESULTING FROM 2020 DECENNIAL  
16 CENSUS.—Notwithstanding subsection (a), this title and  
17 the amendments made by this title, other than section  
18 5004, shall apply with respect to each congressional redis-  
19 tricting plan enacted pursuant to the notice of apporportion-  
20 ment transmitted to the President on April 26, 2021,  
21 without regard to whether or not a State enacted such  
22 a plan prior to the date of the enactment of this Act.

1     **TITLE VI—CAMPAIGN FINANCE**  
2                     **TRANSPARENCY**  
3                     **Subtitle A—DISCLOSE Act**

4     **SEC. 6001. SHORT TITLE.**

5             This subtitle may be cited as the “Democracy Is  
6 Strengthened by Casting Light On Spending in Elections  
7 Act of 2021” or the “DISCLOSE Act of 2021”.

8     **SEC. 6002. FINDINGS.**

9             Congress finds the following:

10                 (1) Campaign finance disclosure is a narrowly  
11 tailored and minimally restrictive means to advance  
12 substantial government interests, including fostering  
13 an informed electorate capable of engaging in self-  
14 government and holding their elected officials ac-  
15 countable, detecting and deterring quid pro quo cor-  
16 ruption, and identifying information necessary to en-  
17 force other campaign finance laws, including cam-  
18 paign contribution limits and the prohibition on for-  
19 eign money in U.S. campaigns. To further these  
20 substantial interests, campaign finance disclosure  
21 must be timely and complete, and must disclose the  
22 true and original source of money given, transferred,  
23 and spent to influence Federal elections. Current law  
24 does not meet this objective because corporations  
25 and other entities that the Supreme Court has per-

1       mitted to spend money to influence Federal elections  
2       are subject to few if any transparency requirements.

3           (2) As the Supreme Court recognized in its per  
4       curiam opinion in *Buckley v. Valeo*, 424 U.S. 1,  
5       (1976), “disclosure requirements certainly in most  
6       applications appear to be the least restrictive means  
7       of curbing the evils of campaign ignorance and cor-  
8       ruption that Congress found to exist.” *Buckley*, 424  
9       U.S. at 68. In *Citizens United v. FEC*, the Court re-  
10      iterated that “disclosure is a less restrictive alter-  
11      native to more comprehensive regulations of speech.”  
12      558 U.S. 310, 369 (2010).

13          (3) No subsequent decision has called these  
14      holdings into question, including the Court’s decision  
15      in *Americans for Prosperity Foundation v. Bonta*,  
16      141 S. Ct. 2373 (2021). That case did not involve  
17      campaign finance disclosure, and the Court did not  
18      overturn its longstanding recognition of the substan-  
19      tial interests furthered by such disclosure.

20          (4) Campaign finance disclosure is also essen-  
21      tial to enforce the Federal Election Campaign Act’s  
22      prohibition on contributions by and solicitations of  
23      foreign nationals. *See* section 319 of the Federal  
24      Election Campaign Act of 1971 (52 U.S.C. 30121).

1           (5) Congress should close loopholes allowing  
2           spending by foreign nationals in domestic elections.  
3           For example, in 2021, the Federal Election Commis-  
4           sion, the independent Federal agency charged with  
5           protecting the integrity of the Federal campaign fi-  
6           nance process, found reason to believe and concil-  
7           iated a matter where an experienced political con-  
8           sultant knowingly and willfully violated Federal law  
9           by soliciting a contribution from a foreign national  
10          by offering to transmit a \$2,000,000 contribution to  
11          a super PAC through his company and two  
12          501(c)(4) organizations, to conceal the origin of the  
13          funds. This scheme was only unveiled after appear-  
14          ing in a The Telegraph UK article and video cap-  
15          turing the solicitation. *See* Conciliation Agreement,  
16          MURs 7165 & 7196 (Great America PAC, et al.),  
17          date June 28, 2021; Factual and Legal Analysis,  
18          MURs 7165 & 7196 (Jesse Benton), dated Mar. 2,  
19          2021.

1 **PART 1—CLOSING LOOPHOLES ALLOWING**  
2 **SPENDING BY FOREIGN NATIONALS IN ELEC-**  
3 **TIONS**

4 **SEC. 6003. CLARIFICATION OF APPLICATION OF FOREIGN**  
5 **MONEY BAN TO CERTAIN DISBURSEMENTS**  
6 **AND ACTIVITIES.**

7 Section 319(b) of the Federal Election Campaign Act  
8 of 1971 (52 U.S.C. 30121(b)) is amended—

9 (1) by redesignating paragraphs (1) and (2) as  
10 subparagraphs (A) and (B), respectively, and by  
11 moving such subparagraphs 2 ems to the right;

12 (2) by striking “As used in this section, the  
13 term” and inserting the following: “DEFINITIONS.—  
14 For purposes of this section—

15 “(1) FOREIGN NATIONAL.—The term”;

16 (3) by moving paragraphs (1) and (2) two ems  
17 to the right and redesignating them as subpara-  
18 graphs (A) and (B), respectively; and

19 (4) by adding at the end the following new  
20 paragraph:

21 “(2) CONTRIBUTION AND DONATION.—For pur-  
22 poses of paragraphs (1) and (2) of subsection (a),  
23 the term ‘contribution or donation’ includes any dis-  
24 bursement to a political committee which accepts do-  
25 nations or contributions that do not comply with any  
26 of the limitations, prohibitions, and reporting re-

1           quirements of this Act (or any disbursement to or on  
2           behalf of any account of a political committee which  
3           is established for the purpose of accepting such do-  
4           nations or contributions), or to any other person for  
5           the purpose of funding an expenditure, independent  
6           expenditure, or electioneering communication (as de-  
7           fined in section 304(f)(3)).”.

8   **SEC. 6004. STUDY AND REPORT ON ILLICIT FOREIGN**  
9                                       **MONEY IN FEDERAL ELECTIONS.**

10           (a) **STUDY.**—For each 4-year election cycle (begin-  
11           ning with the 4-year election cycle ending in 2020), the  
12           Comptroller General shall conduct a study on the inci-  
13           dence of illicit foreign money in all elections for Federal  
14           office held during the preceding 4-year election cycle, in-  
15           cluding what information is known about the presence of  
16           such money in elections for Federal office.

17           (b) **REPORT.**—

18                   (1) **IN GENERAL.**—Not later than the applicable  
19                   date with respect to any 4-year election cycle, the  
20                   Comptroller General shall submit to the appropriate  
21                   congressional committees a report on the study con-  
22                   ducted under subsection (a).

23                   (2) **MATTERS INCLUDED.**—The report sub-  
24                   mitted under paragraph (1) shall include a descrip-  
25                   tion of the extent to which illicit foreign money was

1 used to target particular groups, including rural  
2 communities, African-American and other minority  
3 communities, and military and veteran communities,  
4 based on such targeting information as is available  
5 and accessible to the Comptroller General.

6 (3) APPLICABLE DATE.—For purposes of para-  
7 graph (1), the term “applicable date” means—

8 (A) in the case of the 4-year election cycle  
9 ending in 2020, the date that is 1 year after  
10 the date of the enactment of this Act; and

11 (B) in the case of any other 4-year election  
12 cycle, the date that is 1 year after the date on  
13 which such 4-year election cycle ends.

14 (c) DEFINITIONS.—As used in this section:

15 (1) 4-YEAR ELECTION CYCLE.—The term “4-  
16 year election cycle” means the 4-year period ending  
17 on the date of the general election for the offices of  
18 President and Vice President.

19 (2) ILLICIT FOREIGN MONEY.—The term “illicit  
20 foreign money” means any contribution, donation,  
21 expenditure, or disbursement by a foreign national  
22 (as defined in section 319(b) of the Federal Election  
23 Campaign Act of 1971 (52 U.S.C.30121(b))) prohib-  
24 ited under such section.

1           (3) ELECTION; FEDERAL OFFICE.—The terms  
2           “election” and “Federal office” have the meanings  
3           given such terms under section 301 of the Federal  
4           Election Campaign Act of 1971 (53 U.S.C. 30101).

5           (4) APPROPRIATE CONGRESSIONAL COMMIT-  
6           TEES.—The term “appropriate congressional com-  
7           mittees” means—

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

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

12                   (C) the Committee on the Judiciary of the  
13                   House of Representatives; and

14                   (D) the Committee on the Judiciary of the  
15                   Senate.

16           (d) SUNSET.—This section shall not apply to any 4-  
17           year election cycle beginning after the election for the of-  
18           fices of President and Vice President in 2032.

19           **SEC. 6005. PROHIBITION ON CONTRIBUTIONS AND DONA-**  
20                   **TIONS BY FOREIGN NATIONALS IN CONNEX-**  
21                   **ION WITH BALLOT INITIATIVES AND**  
22                   **REFERENDA.**

23           (a) IN GENERAL.—Section 319(b) of the Federal  
24           Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as



1 amended by section 6003, is amended by adding at the  
2 end the following new paragraph:

3 “(3) FEDERAL, STATE, OR LOCAL ELECTION.—

4 The term ‘Federal, State, or local election’ includes  
5 a State or local ballot initiative or referendum, but  
6 only in the case of—

7 “(A) a covered foreign national described  
8 in section 304(j)(3)(C);

9 “(B) a foreign principal described in sec-  
10 tion 1(b)(2) or 1(b)(3) of the Foreign Agent  
11 Registration Act of 1938, as amended (22  
12 U.S.C. 611(b)(2) or (b)(3)) or an agent of such  
13 a foreign principal under such Act.”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 this section shall apply with respect to elections held in  
16 2022 or any succeeding year.

17 **SEC. 6006. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**  
18 **FOREIGN MONEY BAN.**

19 (a) DISBURSEMENTS DESCRIBED.—Section  
20 319(a)(1) of the Federal Election Campaign Act of 1971  
21 (52 U.S.C. 30121(a)(1)) is amended—

22 (1) by striking “or” at the end of subparagraph  
23 (B); and

24 (2) by striking subparagraph (C) and inserting  
25 the following:

1           “(C) an expenditure;

2           “(D) an independent expenditure;

3           “(E) a disbursement for an electioneering  
4 communication (within the meaning of section  
5 304(f)(3));

6           “(F) a disbursement for a communication  
7 which is placed or promoted for a fee on a  
8 website, web application, or digital application  
9 that refers to a clearly identified candidate for  
10 election for Federal office and is disseminated  
11 within 60 days before a general, special or run-  
12 off election for the office sought by the can-  
13 didate or 30 days before a primary or pref-  
14 erence election, or a convention or caucus of a  
15 political party that has authority to nominate a  
16 candidate for the office sought by the can-  
17 didate;

18           “(G) a disbursement by a covered foreign  
19 national described in section 304(j)(3)(C) for a  
20 broadcast, cable or satellite communication, or  
21 for a communication which is placed or pro-  
22 moted for a fee on a website, web application,  
23 or digital application, that promotes, supports,  
24 attacks or opposes the election of a clearly iden-  
25 tified candidate for Federal, State, or local of-

1           fice (regardless of whether the communication  
2           contains express advocacy or the functional  
3           equivalent of express advocacy);

4           “(H) a disbursement for a broadcast,  
5           cable, or satellite communication, or for any  
6           communication which is placed or promoted for  
7           a fee on an online platform (as defined in sec-  
8           tion 304(k)(3)), that discusses a national legis-  
9           lative issue of public importance in a year in  
10          which a regularly scheduled general election for  
11          Federal office is held, but only if the disburse-  
12          ment is made by a covered foreign national de-  
13          scribed in section 304(j)(3)(C);

14          “(I) a disbursement by a covered foreign  
15          national described in section 304(j)(3)(C) to  
16          compensate any person for internet activity that  
17          promotes, supports, attacks or opposes the elec-  
18          tion of a clearly identified candidate for Fed-  
19          eral, State, or local office (regardless of whether  
20          the activity contains express advocacy or the  
21          functional equivalent of express advocacy); or

22          “(J) a disbursement by a covered foreign  
23          national described in section 304(j)(3)(C) for a  
24          Federal judicial nomination communication (as  
25          defined in section 324(g)(2));”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to disbursements  
3 made on or after the date of the enactment of this Act.

4 **SEC. 6007. PROHIBITING ESTABLISHMENT OF CORPORA-**  
5 **TION TO CONCEAL ELECTION CONTRIBU-**  
6 **TIONS AND DONATIONS BY FOREIGN NATION-**  
7 **ALS.**

8 (a) PROHIBITION.—Chapter 29 of title 18, United  
9 States Code, as amended by section 2001(a) and section  
10 3101(a), is amended by adding at the end the following:

11 **“§ 614. Establishment of corporation to conceal elec-**  
12 **tion contributions and donations by for-**  
13 **ign nationals**

14 “(a) OFFENSE.—It shall be unlawful for an owner,  
15 officer, attorney, or incorporation agent of a corporation,  
16 company, or other entity to establish or use the corpora-  
17 tion, company, or other entity with the intent to conceal  
18 an activity of a foreign national (as defined in section 319  
19 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
20 30121)) prohibited under such section 319.

21 “(b) PENALTY.—Any person who violates subsection  
22 (a) shall be imprisoned for not more than 5 years, fined  
23 under this title, or both.”.

24 (b) TABLE OF SECTIONS.—The table of sections for  
25 chapter 29 of title 18, United States Code, as amended

1 by section 2001(b) and section 3101(b), is amended by  
2 inserting after the item relating to section 612 the fol-  
3 lowing:

“614. Establishment of corporation to conceal election contributions and dona-  
tions by foreign nationals.”.

4 **PART 2—REPORTING OF CAMPAIGN-RELATED**  
5 **DISBURSEMENTS**

6 **SEC. 6011. REPORTING OF CAMPAIGN-RELATED DISBURSE-**  
7 **MENTS.**

8 (a) IN GENERAL.—Section 324 of the Federal Elec-  
9 tion Campaign Act of 1971 (52 U.S.C. 30126) is amended  
10 to read as follows:

11 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**  
12 **MENTS BY COVERED ORGANIZATIONS.**

13 “(a) DISCLOSURE STATEMENT.—

14 “(1) IN GENERAL.—Any covered organization  
15 that makes campaign-related disbursements aggre-  
16 gating more than \$10,000 in an election reporting  
17 cycle shall, not later than 24 hours after each disclo-  
18 sure date, file a statement with the Commission  
19 made under penalty of perjury that contains the in-  
20 formation described in paragraph (2)—

21 “(A) in the case of the first statement filed  
22 under this subsection, for the period beginning  
23 on the first day of the election reporting cycle  
24 (or, if earlier, the period beginning one year be-

1 fore the first such disclosure date) and ending  
2 on the first such disclosure date; and

3 “(B) in the case of any subsequent state-  
4 ment filed under this subsection, for the period  
5 beginning on the previous disclosure date and  
6 ending on such disclosure date.

7 “(2) INFORMATION DESCRIBED.—The informa-  
8 tion described in this paragraph is as follows:

9 “(A) The name of the covered organization  
10 and the principal place of business of such or-  
11 ganization and, in the case of a covered organi-  
12 zation that is a corporation (other than a busi-  
13 ness concern that is an issuer of a class of secu-  
14 rities registered under section 12 of the Securi-  
15 ties Exchange Act of 1934 (15 U.S.C. 78l) or  
16 that is required to file reports under section  
17 15(d) of that Act (15 U.S.C. 78o(d))) or an en-  
18 tity described in subsection (e)(2), a list of the  
19 beneficial owners (as defined in paragraph  
20 (4)(A)) of the entity that—

21 “(i) identifies each beneficial owner by  
22 name and current residential or business  
23 street address; and

24 “(ii) if any beneficial owner exercises  
25 control over the entity through another

1 legal entity, such as a corporation, partner-  
2 ship, limited liability company, or trust,  
3 identifies each such other legal entity and  
4 each such beneficial owner who will use  
5 that other entity to exercise control over  
6 the entity.

7 “(B) The amount of each campaign-related  
8 disbursement made by such organization during  
9 the period covered by the statement of more  
10 than \$1,000, and the name and address of the  
11 person to whom the disbursement was made.

12 “(C) In the case of a campaign-related dis-  
13 bursement that is not a covered transfer, the  
14 election to which the campaign-related disburse-  
15 ment pertains and if the disbursement is made  
16 for a public communication, the name of any  
17 candidate identified in such communication and  
18 whether such communication is in support of or  
19 in opposition to a candidate.

20 “(D) A certification by the chief executive  
21 officer or person who is the head of the covered  
22 organization that the campaign-related dis-  
23 bursement is not made in cooperation, consulta-  
24 tion, or concert with or at the request or sug-  
25 gession of a candidate, authorized committee, or

1 agent of a candidate, political party, or agent of  
2 a political party.

3 “(E)(i) If the covered organization makes  
4 campaign-related disbursements using exclu-  
5 sively funds in a segregated bank account con-  
6 sisting of funds that were paid directly to such  
7 account by persons other than the covered orga-  
8 nization that controls the account, for each  
9 such payment to the account—

10 “(I) the name and address of each  
11 person who made such payment during the  
12 period covered by the statement;

13 “(II) the date and amount of such  
14 payment; and

15 “(III) the aggregate amount of all  
16 such payments made by the person during  
17 the period beginning on the first day of the  
18 election reporting cycle (or, if earlier, the  
19 period beginning one year before the dis-  
20 closure date) and ending on the disclosure  
21 date,

22 but only if such payment was made by a person  
23 who made payments to the account in an aggre-  
24 gate amount of \$10,000 or more during the pe-  
25 riod beginning on the first day of the election



1 reporting cycle (or, if earlier, the period begin-  
2 ning one year before the disclosure date) and  
3 ending on the disclosure date.

4 “(ii) In any calendar year after 2022, sec-  
5 tion 315(e)(1)(B) shall apply to the amount de-  
6 scribed in clause (i) in the same manner as  
7 such section applies to the limitations estab-  
8 lished under subsections (a)(1)(A), (a)(1)(B),  
9 (a)(3), and (h) of such section, except that for  
10 purposes of applying such section to the  
11 amounts described in subsection (b), the ‘base  
12 period’ shall be calendar year 2022.

13 “(F)(i) If the covered organization makes  
14 campaign-related disbursements using funds  
15 other than funds in a segregated bank account  
16 described in subparagraph (E), for each pay-  
17 ment to the covered organization—

18 “(I) the name and address of each  
19 person who made such payment during the  
20 period covered by the statement;

21 “(II) the date and amount of such  
22 payment; and

23 “(III) the aggregate amount of all  
24 such payments made by the person during  
25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the  
2 period beginning one year before the dis-  
3 closure date) and ending on the disclosure  
4 date,

5 but only if such payment was made by a person  
6 who made payments to the covered organization  
7 in an aggregate amount of \$10,000 or more  
8 during the period beginning on the first day of  
9 the election reporting cycle (or, if earlier, the  
10 period beginning one year before the disclosure  
11 date) and ending on the disclosure date.

12 “(ii) In any calendar year after 2022, sec-  
13 tion 315(e)(1)(B) shall apply to the amount de-  
14 scribed in clause (i) in the same manner as  
15 such section applies to the limitations estab-  
16 lished under subsections (a)(1)(A), (a)(1)(B),  
17 (a)(3), and (h) of such section, except that for  
18 purposes of applying such section to the  
19 amounts described in subsection (b), the ‘base  
20 period’ shall be calendar year 2022.

21 “(G) Such other information as required in  
22 rules established by the Commission to promote  
23 the purposes of this section.

24 “(3) EXCEPTIONS.—

1           “(A) AMOUNTS RECEIVED IN ORDINARY  
2 COURSE OF BUSINESS.—The requirement to in-  
3 clude in a statement filed under paragraph (1)  
4 the information described in paragraph (2)  
5 shall not apply to amounts received by the cov-  
6 ered organization in commercial transactions in  
7 the ordinary course of any trade or business  
8 conducted by the covered organization or in the  
9 form of investments (other than investments by  
10 the principal shareholder in a limited liability  
11 corporation) in the covered organization. For  
12 purposes of this subparagraph, amounts re-  
13 ceived by a covered organization as remittances  
14 from an employee to the employee’s collective  
15 bargaining representative shall be treated as  
16 amounts received in commercial transactions in  
17 the ordinary course of the business conducted  
18 by the covered organization.

19           “(B) DONOR RESTRICTION ON USE OF  
20 FUNDS.—The requirement to include in a state-  
21 ment submitted under paragraph (1) the infor-  
22 mation described in subparagraph (F) of para-  
23 graph (2) shall not apply if—

24                   “(i) the person described in such sub-  
25                   paragraph prohibited, in writing, the use of

1           the payment made by such person for cam-  
2           paign-related disbursements; and

3           “(ii) the covered organization agreed  
4           to follow the prohibition and deposited the  
5           payment in an account which is segregated  
6           from any account used to make campaign-  
7           related disbursements.

8           “(C) THREAT OF HARASSMENT OR RE-  
9           PRISAL.—The requirement to include any infor-  
10          mation relating to the name or address of any  
11          person (other than a candidate) in a statement  
12          submitted under paragraph (1) shall not apply  
13          if the inclusion of the information would subject  
14          the person to serious threats, harassment, or  
15          reprisals.

16          “(4) OTHER DEFINITIONS.—For purposes of  
17          this section:

18                 “(A) BENEFICIAL OWNER DEFINED.—

19                         “(i) IN GENERAL.—Except as pro-  
20                         vided in clause (ii), the term ‘beneficial  
21                         owner’ means, with respect to any entity,  
22                         a natural person who, directly or indi-  
23                         rectly—

1           “(I) exercises substantial control  
2 over an entity through ownership, vot-  
3 ing rights, agreement, or otherwise; or

4           “(II) has a substantial interest in  
5 or receives substantial economic bene-  
6 fits from the assets of an entity.

7           “(ii) EXCEPTIONS.—The term ‘bene-  
8 ficial owner’ shall not include—

9           “(I) a minor child;

10           “(II) a person acting as a nomi-  
11 nee, intermediary, custodian, or agent  
12 on behalf of another person;

13           “(III) a person acting solely as  
14 an employee of an entity and whose  
15 control over or economic benefits from  
16 the entity derives solely from the em-  
17 ployment status of the person;

18           “(IV) a person whose only inter-  
19 est in an entity is through a right of  
20 inheritance, unless the person also  
21 meets the requirements of clause (i);  
22 or

23           “(V) a creditor of an entity, un-  
24 less the creditor also meets the re-  
25 quirements of clause (i).

1                   “(iii) ANTI-ABUSE RULE.—The excep-  
2                   tions under clause (ii) shall not apply if  
3                   used for the purpose of evading, circum-  
4                   venting, or abusing the provisions of clause  
5                   (i) or paragraph (2)(A).

6                   “(B) DISCLOSURE DATE.—The term ‘dis-  
7                   closure date’ means—

8                   “(i) the first date during any election  
9                   reporting cycle by which a person has  
10                  made campaign-related disbursements ag-  
11                  gregating more than \$10,000; and

12                  “(ii) any other date during such elec-  
13                  tion reporting cycle by which a person has  
14                  made campaign-related disbursements ag-  
15                  gregating more than \$10,000 since the  
16                  most recent disclosure date for such elec-  
17                  tion reporting cycle.

18                  “(C) ELECTION REPORTING CYCLE.—The  
19                  term ‘election reporting cycle’ means the 2-year  
20                  period beginning on the date of the most recent  
21                  general election for Federal office.

22                  “(D) PAYMENT.—The term ‘payment’ in-  
23                  cludes any contribution, donation, transfer, pay-  
24                  ment of dues, or other payment.

25                  “(b) COORDINATION WITH OTHER PROVISIONS.—

1           “(1) OTHER REPORTS FILED WITH THE COM-  
2           MISSION.—Information included in a statement filed  
3           under this section may be excluded from statements  
4           and reports filed under section 304.

5           “(2) TREATMENT AS SEPARATE SEGREGATED  
6           FUND.—A segregated bank account referred to in  
7           subsection (a)(2)(E) may be treated as a separate  
8           segregated fund for purposes of section 527(f)(3) of  
9           the Internal Revenue Code of 1986.

10          “(c) FILING.—Statements required to be filed under  
11          subsection (a) shall be subject to the requirements of sec-  
12          tion 304(d) to the same extent and in the same manner  
13          as if such reports had been required under subsection (c)  
14          or (g) of section 304.

15          “(d) CAMPAIGN-RELATED DISBURSEMENT DE-  
16          FINED.—

17                 “(1) IN GENERAL.—In this section, the term  
18                 ‘campaign-related disbursement’ means a disburse-  
19                 ment by a covered organization for any of the fol-  
20                 lowing:

21                         “(A) An independent expenditure which ex-  
22                         pressly advocates the election or defeat of a  
23                         clearly identified candidate for election for Fed-  
24                         eral office, or is the functional equivalent of ex-  
25                         press advocacy because, when taken as a whole,

1 it can be interpreted by a reasonable person  
2 only as advocating the election or defeat of a  
3 candidate for election for Federal office.

4 “(B) An applicable public communication.

5 “(C) An electioneering communication, as  
6 defined in section 304(f)(3).

7 “(D) A covered transfer.

8 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

9 “(A) IN GENERAL.—The term ‘applicable  
10 public communication’ means any public com-  
11 munication that refers to a clearly identified  
12 candidate for election for Federal office and  
13 which promotes or supports the election of a  
14 candidate for that office, or attacks or opposes  
15 the election of a candidate for that office, with-  
16 out regard to whether the communication ex-  
17 pressly advocates a vote for or against a can-  
18 didate for that office.

19 “(B) EXCEPTION.—Such term shall not in-  
20 clude any news story, commentary, or editorial  
21 distributed through the facilities of any broad-  
22 casting station or any print, online, or digital  
23 newspaper, magazine, publication, or periodical,  
24 unless such facilities are owned or controlled by



1           any political party, political committee, or can-  
2           didate.

3           “(3) INTENT NOT REQUIRED.—A disbursement  
4           for an item described in subparagraph (A), (B), (C)  
5           or (D) of paragraph (1) shall be treated as a cam-  
6           paign-related disbursement regardless of the intent  
7           of the person making the disbursement.

8           “(e) COVERED ORGANIZATION DEFINED.—In this  
9           section, the term ‘covered organization’ means any of the  
10          following:

11           “(1) A corporation (other than an organization  
12           described in section 501(c)(3) of the Internal Rev-  
13           enue Code of 1986).

14           “(2) A limited liability corporation that is not  
15           otherwise treated as a corporation for purposes of  
16           this Act (other than an organization described in  
17           section 501(c)(3) of the Internal Revenue Code of  
18           1986).

19           “(3) An organization described in section  
20           501(c) of such Code and exempt from taxation  
21           under section 501(a) of such Code (other than an  
22           organization described in section 501(c)(3) of such  
23           Code).

24           “(4) A labor organization (as defined in section  
25           316(b)).

1           “(5) Any political organization under section  
2           527 of the Internal Revenue Code of 1986, other  
3           than a political committee under this Act (except as  
4           provided in paragraph (6)).

5           “(6) A political committee with an account that  
6           accepts donations or contributions that do not com-  
7           ply with the contribution limits or source prohibi-  
8           tions under this Act, but only with respect to such  
9           accounts.

10          “(f) COVERED TRANSFER DEFINED.—

11           “(1) IN GENERAL.—In this section, the term  
12           ‘covered transfer’ means any transfer or payment of  
13           funds by a covered organization to another person if  
14           the covered organization—

15                   “(A) designates, requests, or suggests that  
16                   the amounts be used for—

17                           “(i) campaign-related disbursements  
18                           (other than covered transfers); or

19                           “(ii) making a transfer to another  
20                           person for the purpose of making or pay-  
21                           ing for such campaign-related disburse-  
22                           ments;

23                   “(B) made such transfer or payment in re-  
24                   sponse to a solicitation or other request for a  
25                   donation or payment for—

1           “(i) the making of or paying for cam-  
2           paign-related disbursements (other than  
3           covered transfers); or

4           “(ii) making a transfer to another  
5           person for the purpose of making or pay-  
6           ing for such campaign-related disburse-  
7           ments;

8           “(C) engaged in discussions with the re-  
9           cipient of the transfer or payment regarding—

10           “(i) the making of or paying for cam-  
11           paign-related disbursements (other than  
12           covered transfers); or

13           “(ii) donating or transferring any  
14           amount of such transfer or payment to an-  
15           other person for the purpose of making or  
16           paying for such campaign-related disburse-  
17           ments; or

18           “(D) knew or had reason to know that the  
19           person receiving the transfer or payment would  
20           make campaign-related disbursements in an ag-  
21           gregate amount of \$50,000 or more during the  
22           2-year period beginning on the date of the  
23           transfer or payment.

24           “(2) EXCLUSIONS.—The term ‘covered transfer’  
25           does not include any of the following:

1           “(A) A disbursement made by a covered  
2 organization 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 orga-  
6 nization.

7           “(B) A disbursement made by a covered  
8 organization 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  
23 transfer between affiliates under subparagraph  
24 (C) shall be considered a covered transfer by  
25 the covered organization which transfers the

1 amount only if the aggregate amount trans-  
2 ferred during the year by such covered organi-  
3 zation to that same covered organization is  
4 equal to or greater than \$50,000.

5 “(B) DETERMINATION OF AMOUNT OF  
6 CERTAIN PAYMENTS AMONG AFFILIATES.—In  
7 determining the amount of a transfer between  
8 affiliates for purposes of subparagraph (A), to  
9 the extent that the transfer consists of funds  
10 attributable to dues, fees, or assessments which  
11 are paid by individuals on a regular, periodic  
12 basis in accordance with a per-individual cal-  
13 culation which is made on a regular basis, the  
14 transfer shall be attributed to the individuals  
15 paying the dues, fees, or assessments and shall  
16 not be attributed to the covered organization.

17 “(C) DESCRIPTION OF TRANSFERS BE-  
18 TWEEN AFFILIATES.—A transfer of amounts  
19 from one covered organization to another cov-  
20 ered organization shall be treated as a transfer  
21 between 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  
25 affiliate of the same organization,

1           except that the transfer shall not be treated as  
2           a transfer between affiliates if one of the orga-  
3           nizations is established for the purpose of mak-  
4           ing campaign-related disbursements.

5           “(D) DETERMINATION OF AFFILIATE STA-  
6           TUS.—For purposes of subparagraph (C), a  
7           covered organization is an affiliate of another  
8           covered organization if—

9                   “(i) the governing instrument of the  
10                   organization requires it to be bound by de-  
11                   cisions of the other organization;

12                   “(ii) the governing board of the orga-  
13                   nization includes persons who are specifi-  
14                   cally designated representatives of the  
15                   other organization or are members of the  
16                   governing board, officers, or paid executive  
17                   staff members of the other organization, or  
18                   whose service on the governing board is  
19                   contingent upon the approval of the other  
20                   organization; or

21                   “(iii) the organization is chartered by  
22                   the other organization.

23           “(E) COVERAGE OF TRANSFERS TO AF-  
24           FILATED SECTION 501(c)(3) ORGANIZA-  
25           TIONS.—This paragraph shall apply with re-

1           spect to an amount transferred by a covered or-  
2           ganization to an organization described in para-  
3           graph (3) of section 501(c) of the Internal Rev-  
4           enue Code of 1986 and exempt from tax under  
5           section 501(a) of such Code in the same man-  
6           ner as this paragraph applies to an amount  
7           transferred by a covered organization to an-  
8           other covered organization.

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  
12          affect any other requirement of this Act which relates to  
13          the reporting of campaign-related disbursements.”.

14          (b) CONFORMING AMENDMENT.—Section 304(f)(6)  
15          of such Act (52 U.S.C. 30104) is amended by striking  
16          “Any requirement” and inserting “Except as provided in  
17          section 324(b), any requirement”.

18          (c) REGULATIONS.—Not later than 6 months after  
19          the date of the enactment of this Act, the Federal Election  
20          Commission shall promulgate regulations relating the ap-  
21          plication of the exemption under section 324(a)(3)(C) of  
22          the Federal Election Campaign Act of 1971 (as added by  
23          paragraph (1)). Such regulations—

24                  (1) shall require that the legal burden of estab-  
25          lishing eligibility for such exemption is upon the or-

1 organization required to make the report required  
2 under section 324(a)(1) of such Act (as added by  
3 paragraph (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 NOMINA-**  
8 **TION DISBURSEMENTS.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) A fair and impartial judiciary is critical for  
12 our democracy and crucial to maintain the faith of  
13 the people of the United States in the justice sys-  
14 tem. As the Supreme Court held in *Caperton v.*  
15 *Massey*, “there is a serious risk of actual bias—  
16 based on objective and reasonable perceptions—  
17 when a person with a personal stake in a particular  
18 case had a significant and disproportionate influence  
19 in placing the judge on the case.” ( *Caperton v. A.*  
20 *T. Massey Coal Co.*, 556 U.S. 868, 884 (2009)).

21 (2) Public trust in government is at a historic  
22 low. According to polling, most Americans believe  
23 that corporations have too much power and influence  
24 in politics and the courts.



1           (3) The prevalence and pervasiveness of dark  
2 money drives public concern about corruption in pol-  
3 itics and the courts. Dark money is funding for or-  
4 ganizations and political activities that cannot be  
5 traced to actual donors. It is made possible by loop-  
6 holes in our tax laws and regulations, weak oversight  
7 by the Internal Revenue Service, and donor-friendly  
8 court decisions.

9           (4) Under current law, “social welfare” organi-  
10 zations and business leagues can use funds to influ-  
11 ence elections so long as political activity is not their  
12 “primary” activity. Super PACs can accept and  
13 spend unlimited contributions from any non-foreign  
14 source. These groups can spend tens of millions of  
15 dollars on political activities. Such dark money  
16 groups spent an estimated \$1,050,000,000 in the  
17 2020 election cycle.

18           (5) Dark money is used to shape judicial deci-  
19 sion-making. This can take many forms, akin to  
20 agency capture: influencing judicial selection by con-  
21 trolling who gets nominated and funding candidate  
22 advertisements; creating public relations campaigns  
23 aimed at mobilizing the judiciary around particular  
24 issues; and drafting law review articles, amicus  
25 briefs, and other products which tell judges how to

1       decide a given case and provide ready-made argu-  
2       ments for willing judges to adopt.

3           (6) Over the past decade, nonprofit organiza-  
4       tions that do not disclose their donors have spent  
5       hundreds of millions of dollars to influence the nomi-  
6       nation and confirmation process for Federal judges.  
7       One organization alone has spent nearly  
8       \$40,000,000 on advertisements supporting or oppos-  
9       ing Supreme Court nominees since 2016.

10          (7) Anonymous money spent on judicial nomi-  
11       nations is not subject to any disclosure require-  
12       ments. Federal election laws only regulate contribu-  
13       tions and expenditures relating to electoral politics;  
14       thus, expenditures, contributions, and advocacy ef-  
15       forts for Federal judgeships are not covered under  
16       the Federal Election Campaign Act of 1971. With-  
17       out more disclosure, the public has no way of know-  
18       ing whether the people spending money supporting  
19       or opposing judicial nominations have business be-  
20       fore the courts.

21          (8) Congress and the American people have a  
22       compelling interest in knowing who is funding these  
23       campaigns to select and confirm judges to lifetime  
24       appointments on the Federal bench.

1           (b) REPORTING.—Section 324 of the Federal Elec-  
2 tion Campaign Act of 1971 (52 U.S.C. 30126), as amend-  
3 ed by section 6011, is amended by redesignating sub-  
4 section (g) as subsection (h) and by inserting after sub-  
5 section (f) the following new subsection:

6           “(g) APPLICATION TO FEDERAL JUDICIAL NOMINA-  
7 TIONS.—

8                 “(1) IN GENERAL.—For purposes of this sec-  
9 tion—

10                         “(A) a disbursement by a covered organi-  
11 zation for a Federal judicial nomination com-  
12 munication shall be treated as a campaign-re-  
13 lated disbursement; and

14                         “(B) in the case of campaign-related dis-  
15 bursements which are for Federal judicial nomi-  
16 nation communications—

17                                 “(i) the dollar amounts in paragraphs  
18 (1) and (2) of subsection (a) shall be ap-  
19 plied separately with respect to such dis-  
20 bursements and other campaign-related  
21 disbursements;

22                                 “(ii) the election reporting cycle shall  
23 be the calendar year in which the disburse-  
24 ment for the Federal judicial nomination  
25 communication is made;

1           “(iii) references to a candidate in sub-  
2           sections (a)(2)(C), (a)(2)(D), and  
3           (a)(3)(C) shall be treated as references to  
4           a nominee for a Federal judge or justice;

5           “(iv) the reference to an election in  
6           subsection (a)(2)(C) shall be treated as a  
7           reference to the nomination of such nomi-  
8           nee.

9           “(2) FEDERAL JUDICIAL NOMINATION COMMU-  
10          NICATION.—

11           “(A) IN GENERAL.—The term ‘Federal ju-  
12          dicial nomination communication’ means any  
13          communication—

14           “(i) that is by means of any broad-  
15          cast, cable, or satellite, paid internet, or  
16          paid digital communication, paid pro-  
17          motion, newspaper, magazine, outdoor ad-  
18          vertising facility, mass mailing, telephone  
19          bank, telephone messaging effort of more  
20          than 500 substantially similar calls or elec-  
21          tronic messages within a 30-day period, or  
22          any other form of general public political  
23          advertising; and

24           “(ii) which promotes, supports, at-  
25          tacks, or opposes the nomination or Senate

1 confirmation of an individual as a Federal  
2 judge or justice.

3 “(B) EXCEPTION.—Such term shall not in-  
4 clude any news story, commentary, or editorial  
5 distributed through the facilities of any broad-  
6 casting station or any print, online, or digital  
7 newspaper, magazine, publication, or periodical,  
8 unless such facilities are owned or controlled by  
9 any political party, political committee, or can-  
10 didate.

11 “(C) INTENT NOT REQUIRED.—A disburse-  
12 ment for an item described in subparagraph (A)  
13 shall be treated as a disbursement for a Federal  
14 judicial nomination communication regardless  
15 of the intent of the person making the disburse-  
16 ment.”.

17 **SEC. 6013. COORDINATION WITH FINCEN.**

18 (a) IN GENERAL.—The Director of the Financial  
19 Crimes Enforcement Network of the Department of the  
20 Treasury shall provide the Federal Election Commission  
21 with such information as necessary to assist in admin-  
22 istering and enforcing section 324 of the Federal Election  
23 Campaign Act of 1971, as amended by this part.

24 (b) REPORT.—Not later than 6 months after the date  
25 of the enactment of this Act, the Chairman of the Federal

1 Election Commission, in consultation with the Director of  
2 the Financial Crimes Enforcement Network of the De-  
3 partment of the Treasury, shall submit to Congress a re-  
4 port with recommendations for providing further legisla-  
5 tive authority to assist in the administration and enforce-  
6 ment of such section 324.

7 **SEC. 6014. APPLICATION OF FOREIGN MONEY BAN TO DIS-**  
8 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**  
9 **BURSEMENTS CONSISTING OF COVERED**  
10 **TRANSFERS.**

11 Section 319(b)(2) of the Federal Election Campaign  
12 Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by  
13 section 6003, is amended—

14 (1) by striking “includes any disbursement”  
15 and inserting “includes—

16 “(A) any disbursement”;

17 (2) by striking the period at the end and insert-  
18 ing “; and”, and

19 (3) by adding at the end the following new sub-  
20 paragraph:

21 “(B) any disbursement, other than a dis-  
22 bursement described in section 324(a)(3)(A), to  
23 another person who made a campaign-related  
24 disbursement consisting of a covered transfer  
25 (as described in section 324) during the 2-year

1 period ending on the date of the disburse-  
2 ment.”.

3 **SEC. 6015. EFFECTIVE DATE.**

4 The amendments made by this part shall apply with  
5 respect to disbursements made on or after January 1,  
6 2022, and shall take effect without regard to whether or  
7 not the Federal Election Commission has promulgated  
8 regulations to carry out such amendments.

9 **PART 3—OTHER ADMINISTRATIVE REFORMS**

10 **SEC. 6021. PETITION FOR CERTIORARI.**

11 Section 307(a)(6) of the Federal Election Campaign  
12 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-  
13 serting “(including a proceeding before the Supreme  
14 Court on certiorari)” after “appeal”.

15 **SEC. 6022. JUDICIAL REVIEW OF ACTIONS RELATED TO**  
16 **CAMPAIGN FINANCE LAWS.**

17 (a) IN GENERAL.—Title IV of the Federal Election  
18 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is  
19 amended by inserting after section 406 the following new  
20 section:

21 **“SEC. 407. JUDICIAL REVIEW.**

22 “(a) IN GENERAL.—If any action is brought for de-  
23 claratory or injunctive relief to challenge, whether facially  
24 or as-applied, the constitutionality or lawfulness of any  
25 provision of this Act, including title V, or of chapter 95

1 or 96 of the Internal Revenue Code of 1986, or is brought  
2 to with respect to any action of the Commission under  
3 chapter 95 or 96 of the Internal Revenue Code of 1986,  
4 the following rules shall apply:

5           “(1) The action shall be filed in the United  
6 States District Court for the District of Columbia  
7 and an appeal from the decision of the district court  
8 may be taken to the Court of Appeals for the Dis-  
9 trict of Columbia Circuit.

10           “(2) In the case of an action relating to declar-  
11 atory or injunctive relief to challenge the constitu-  
12 tionality of a provision, the party filing the action  
13 shall concurrently deliver a copy of the complaint to  
14 the Clerk of the House of Representatives and the  
15 Secretary of the Senate.

16           “(3) It shall be the duty of the United States  
17 District Court for the District of Columbia and the  
18 Court of Appeals for the District of Columbia Cir-  
19 cuit to advance on the docket and to expedite to the  
20 greatest possible extent the disposition of the action  
21 and appeal.

22           “(b) CLARIFYING SCOPE OF JURISDICTION.—If an  
23 action at the time of its commencement is not subject to  
24 subsection (a), but an amendment, counterclaim, cross-  
25 claim, affirmative defense, or any other pleading or motion



1 is filed challenging, whether facially or as-applied, the con-  
2 stitutionality or lawfulness of this Act or of chapter 95  
3 or 96 of the Internal Revenue Code of 1986, or is brought  
4 to with respect to any action of the Commission under  
5 chapter 95 or 96 of the Internal Revenue Code of 1986,  
6 the district court shall transfer the action to the District  
7 Court for the District of Columbia, and the action shall  
8 thereafter be conducted pursuant to subsection (a).

9       “(c) INTERVENTION BY MEMBERS OF CONGRESS.—  
10 In any action described in subsection (a) relating to de-  
11 claratory or injunctive relief to challenge the constitu-  
12 tionality of a provision, any Member of the House of Rep-  
13 resentatives (including a Delegate or Resident Commis-  
14 sioner to the Congress) or Senate shall have the right to  
15 intervene either in support of or opposition to the position  
16 of a party to the case regarding the constitutionality of  
17 the provision. To avoid duplication of efforts and reduce  
18 the burdens placed on the parties to the action, the court  
19 in any such action may make such orders as it considers  
20 necessary, including orders to require interveners taking  
21 similar positions to file joint papers or to be represented  
22 by a single attorney at oral argument.

23       “(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any  
24 Member of Congress may bring an action, subject to the  
25 special rules described in subsection (a), for declaratory

1 or injunctive relief to challenge, whether facially or as-ap-  
2 plied, the constitutionality of any provision of this Act or  
3 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 9011 of the Internal Revenue Code  
6 of 1986 is amended to read as follows:

7 **“SEC. 9011. JUDICIAL REVIEW.**

8 “For provisions relating to judicial review of certifi-  
9 cations, determinations, and actions by the Commission  
10 under this chapter, see section 407 of the Federal Election  
11 Campaign Act of 1971.”.

12 (2) Section 9041 of the Internal Revenue Code  
13 of 1986 is amended to read as follows:

14 **“SEC. 9041. JUDICIAL REVIEW.**

15 “For provisions relating to judicial review of actions  
16 by the Commission under this chapter, see section 407 of  
17 the Federal Election Campaign Act of 1971.”.

18 (3) Section 310 of the Federal Election Cam-  
19 paign Act of 1971 (52 U.S.C. 30110) is repealed.

20 (4) Section 403 of the Bipartisan Campaign  
21 Reform Act of 2002 (52 U.S.C. 30110 note) is re-  
22 pealed.

23 **SEC. 6023. EFFECTIVE DATE.**

24 The amendments made by this subtitle shall take ef-  
25 fect and apply on the date of the enactment of this Act,

1 without regard to whether or not the Federal Election  
2 Commission has promulgated regulations to carry out this  
3 subtitle and the amendments made by this subtitle.

## 4 **Subtitle B—Honest Ads**

### 5 **SEC. 6101. SHORT TITLE.**

6 This subtitle may be cited as the “Honest Ads Act”.

### 7 **SEC. 6102. PURPOSE.**

8 The purpose of this subtitle is to enhance the integ-  
9 rity of American democracy and national security by im-  
10 proving disclosure requirements for online political adver-  
11 tisements in order to uphold the Supreme Court’s well-  
12 established standard that the electorate bears the right to  
13 be fully informed.

### 14 **SEC. 6103. FINDINGS.**

15 Congress makes the following findings:

16 (1) In 2002, the Bipartisan Campaign Reform  
17 Act of 2002 (Public Law 107–155) became law, es-  
18 tablishing disclosure requirements for political adver-  
19 tisements distributed from a television or radio  
20 broadcast station or provider of cable or satellite tel-  
21 evision. In 2003, the Supreme Court upheld regula-  
22 tions on electioneering communications established  
23 under the Act, noting that such requirements “pro-  
24 vide the electorate with information and insure that  
25 the voters are fully informed about the person or

1 group who is speaking.” The Court reaffirmed this  
2 conclusion in 2010 by an 8–1 vote.

3 (2) In its 2006 rulemaking, the Federal Elec-  
4 tion Commission, the independent Federal agency  
5 charged with protecting the integrity of the Federal  
6 campaign finance process, noted that 18 percent of  
7 all Americans cited the internet as their leading  
8 source of news about the 2004 Presidential election.  
9 By contrast, Gallup and the Knight Foundation  
10 found in 2020 that the majority of Americans, 58  
11 percent, got most of their news about elections on-  
12 line.

13 (3) According to a study from Borrell Associ-  
14 ates, in 2016, \$1,415,000,000 was spent on online  
15 advertising, more than quadruple the amount in  
16 2012.

17 (4) Effective and complete transparency for vot-  
18 ers must include information about the true and  
19 original source of money given, transferred, and  
20 spent on political advertisements made online.

21 (5) Requiring the disclosure of this information  
22 is a necessary and narrowly tailored means to in-  
23 form the voting public of who is behind digital ad-  
24 vertising disseminated to influence their votes and to  
25 enable the Federal Election Commission and the De-

1       partment of Justice to detect and prosecute illegal  
2       foreign spending on local, State, and Federal elec-  
3       tions and other campaign finance violations.

4           (6) Paid advertising on large online platforms is  
5       different from advertising placed on other common  
6       media in terms of the comparatively low cost of  
7       reaching large numbers of people, the availability of  
8       sophisticated microtargeting, and the ease with  
9       which online advertisers, particularly those located  
10      outside the United States, can evade disclosure re-  
11      quirements. Requiring large online platforms to  
12      maintain public files of information about the online  
13      political ads they disseminate is the best and least  
14      restrictive means to ensure the voting public has  
15      complete information about who is trying to influ-  
16      ence their votes and to aid enforcement of other  
17      laws, including the prohibition on foreign money in  
18      domestic campaigns.

19           (7) The reach of a few large internet plat-  
20      forms—larger than any broadcast, satellite, or cable  
21      provider—has greatly facilitated the scope and effec-  
22      tiveness of disinformation campaigns. For instance,  
23      the largest platform has over 210,000,000 American  
24      users—over 160,000,000 of them on a daily basis.  
25      By contrast, the largest cable television provider has

1 22,430,000 subscribers, while the largest satellite  
2 television provider has 21,000,000 subscribers. And  
3 the most-watched television broadcast in United  
4 States history had 118,000,000 viewers.

5 (8) The public nature of broadcast television,  
6 radio, and satellite ensures a level of publicity for  
7 any political advertisement. These communications  
8 are accessible to the press, fact-checkers, and polit-  
9 ical opponents. This creates strong disincentives for  
10 a candidate to disseminate materially false, inflam-  
11 matory, or contradictory messages to the public. So-  
12 cial media platforms, in contrast, can target portions  
13 of the electorate with direct, ephemeral advertise-  
14 ments often on the basis of private information the  
15 platform has on individuals, enabling political adver-  
16 tisements that are contradictory, racially or socially  
17 inflammatory, or materially false.

18 (9) According to comscore, 2 companies own 8  
19 of the 10 most popular smart phone applications as  
20 of June 2017, including the most popular social  
21 media and email services which deliver information  
22 and news to users without requiring proactivity by  
23 the user. Those same 2 companies accounted for 99  
24 percent of revenue growth from digital advertising in  
25 2016, including 77 percent of gross spending. 79

1       percent of online Americans—representing 68 per-  
2       cent of all Americans—use the single largest social  
3       network, while 66 percent of these users are most  
4       likely to get their news from that site.

5           (10) Large social media platforms are the only  
6       entities in possession of certain key data related to  
7       paid online ads, including the exact audience tar-  
8       geted by those ads and their number of impressions.  
9       Such information, which cannot be reliably disclosed  
10      by the purchasers of ads, is extremely useful for in-  
11      forming the electorate, guarding against corruption,  
12      and aiding in the enforcement of existing campaign  
13      finance regulations.

14          (11) Paid advertisements on social media plat-  
15      forms have served as critical tools for foreign online  
16      influence campaigns—even those that rely on large  
17      amounts of unpaid content—because such ads allow  
18      foreign actors to test the effectiveness of different  
19      messages, expose their messages to audiences who  
20      have not sought out such content, and recruit audi-  
21      ences for future campaigns and posts.

22          (12) In testimony before the Senate Select  
23      Committee on Intelligence titled, “Disinformation: A  
24      Primer in Russian Active Measures and Influence  
25      Campaigns”, multiple expert witnesses testified that

1 while the disinformation tactics of foreign adver-  
2 saries have not necessarily changed, social media  
3 services now provide “platform[s] practically pur-  
4 pose-built for active measures[.]” Similarly, as Gen.  
5 Keith B. Alexander (RET.), the former Director of  
6 the National Security Agency, testified, during the  
7 Cold War “if the Soviet Union sought to manipulate  
8 information flow, it would have to do so principally  
9 through its own propaganda outlets or through ac-  
10 tive measures that would generate specific news:  
11 planting of leaflets, inciting of violence, creation of  
12 other false materials and narratives. But the news  
13 itself was hard to manipulate because it would have  
14 required actual control of the organs of media, which  
15 took long-term efforts to penetrate. Today, however,  
16 because the clear majority of the information on so-  
17 cial media sites is uncurated and there is a rapid  
18 proliferation of information sources and other sites  
19 that can reinforce information, there is an increasing  
20 likelihood that the information available to average  
21 consumers may be inaccurate (whether intentionally  
22 or otherwise) and may be more easily manipulable  
23 than in prior eras.”

24 (13) On November 24, 2016, The Washington  
25 Post reported findings from 2 teams of independent



1 researchers that concluded Russians “exploited  
2 American-made technology platforms to attack U.S.  
3 democracy at a particularly vulnerable moment \*\*\*  
4 as part of a broadly effective strategy of sowing dis-  
5 trust in U.S. democracy and its leaders.”.

6 (14) On January 6, 2017, the Office of the Di-  
7 rector of National Intelligence published a report ti-  
8 tled “Assessing Russian Activities and Intentions in  
9 Recent U.S. Elections”, noting that “Russian Presi-  
10 dent Vladimir Putin ordered an influence campaign  
11 in 2016 aimed at the US presidential election \* \*  
12 \*”. Moscow’s influence campaign followed a Russian  
13 messaging strategy that blends covert intelligence  
14 operation—such as cyber activity—with overt efforts  
15 by Russian Government agencies, state-funded  
16 media, third-party intermediaries, and paid social  
17 media users or “trolls”.

18 (15) On September 6, 2017, the nation’s larg-  
19 est social media platform disclosed that between  
20 June 2015 and May 2017, Russian entities pur-  
21 chased \$100,000 in political advertisements, pub-  
22 lishing roughly 3,000 ads linked to fake accounts as-  
23 sociated with the Internet Research Agency, a pro-  
24 Kremlin organization. According to the company,

1 the ads purchased focused “on amplifying divisive  
2 social and political messages \*\*\*”.

3 (16) Findings from a 2017 study on the manip-  
4 ulation of public opinion through social media con-  
5 ducted by the Computational Propaganda Research  
6 Project at the Oxford Internet Institute found that  
7 the Kremlin is using pro-Russian bots to manipulate  
8 public discourse to a highly targeted audience. With  
9 a sample of nearly 1,300,000 tweets, researchers  
10 found that in the 2016 election’s 3 decisive States,  
11 propaganda constituted 40 percent of the sampled  
12 election-related tweets that went to Pennsylvanians,  
13 34 percent to Michigan voters, and 30 percent to  
14 those in Wisconsin. In other swing States, the figure  
15 reached 42 percent in Missouri, 41 percent in Flor-  
16 ida, 40 percent in North Carolina, 38 percent in  
17 Colorado, and 35 percent in Ohio.

18 (17) 2018 reporting by the Washington Post  
19 estimated that paid Russian ads received more than  
20 37,000,000 impressions in 2016 and 2017.

21 (18) A 2019 Senate Select Committee on  
22 Intelligence’s Report on Russian Active Measures  
23 Campaigns and Interference in the 2016 U.S. Elec-  
24 tion Volume 2: Russia’s Use of Social Media with  
25 Additional Views, the Committee recommended

1 “that Congress examine legislative approaches to en-  
2 suring Americans know the sources of online polit-  
3 ical advertisements. The Federal Election Campaign  
4 Act of 1971 requires political advertisements on tele-  
5 vision, radio and satellite to disclose the sponsor of  
6 the advertisement. The same requirements should  
7 apply online. This will also help to ensure that the  
8 IRA or any similarly situated actors cannot use paid  
9 advertisements for purposes of foreign inter-  
10 ference.”.

11 (19) A 2020 study by researchers at New York  
12 University found undisclosed political advertisement  
13 purchases on a large social media platform by a Chi-  
14 nese state media company in violation of that plat-  
15 form’s supposed prohibitions on foreign spending on  
16 ads of social, national, or electoral importance.

17 (20) The same study also found that “there are  
18 persistent issues with advertisers failing to disclose  
19 political ads” and that in one social media plat-  
20 form’s political ad archive, 68,879 pages (54.6 per-  
21 cent of pages with political ads included in the ar-  
22 chive) never provided a disclosure. Overall, there  
23 were 357,099 ads run on that platforms without a  
24 disclosure, accounting for at least \$37,000,000 in  
25 spending on political ads.

1           (21) A 2020 report by the bipartisan and bi-  
2           cameral U.S. Cyberspace Solarium Commission  
3           found that “Although foreign nationals are banned  
4           from contributing to U.S. political campaigns, they  
5           are still allowed to purchase U.S. political advertise-  
6           ments online, making the internet a fertile environ-  
7           ment for conducting a malign influence campaign to  
8           undermine American elections.” The Commission  
9           concluded that Russian interference in the 2016  
10          election was and still is possible, “because the  
11          FECA, which establishes rules for transparency in  
12          television, radio, and print media political adver-  
13          tising, has not been amended to extend the same po-  
14          litical advertising requirements to internet plat-  
15          forms,” and that “[a]pplying these standards across  
16          all media of communication would, among other  
17          things, increase transparency of funding for political  
18          advertisements, which would in turn strengthen reg-  
19          ulators’ ability to reduce improper foreign influence  
20          in our elections.”

21          (22) On March 16, 2021, the Office of the Di-  
22          rector of National Intelligence released the declas-  
23          sified Intelligence Community assessment of foreign  
24          threats to the 2020 U.S. Federal elections. The de-  
25          classified report found: “Throughout the election

1 cycle, Russia’s online influence actors sought to af-  
2 fect U.S. public perceptions of the candidates, as  
3 well as advance Moscow’s longstanding goals of un-  
4 dermining confidence in US election processes and  
5 increasing sociopolitical divisions among the Amer-  
6 ican people.” The report also determined that Iran  
7 sought to influence the election by “creating and  
8 amplifying social media content that criticized [can-  
9 didates].”

10 (23) According to a Wall Street Journal report  
11 in April 2021, voluntary ad libraries operated by  
12 major platforms rely on foreign governments to self-  
13 report political ad purchases. These ad-buys, includ-  
14 ing those diminishing major human rights violations  
15 like the Uighur genocide, are under-reported by for-  
16 eign government purchasers, with no substantial  
17 oversight or repercussions from the platforms.

18 (24) Multiple reports have indicated that online  
19 ads have become a key vector for strategic influence  
20 by the People’s Republic of China. An April 2021  
21 Wall Street Journal report noted that the Chinese  
22 government and Chinese state-owned enterprises are  
23 major purchasers of ads on the U.S.’s largest social  
24 media platform, including to advance Chinese propa-  
25 ganda.

1           (25) Large online platforms have made changes  
2           to their policies intended to make it harder for for-  
3           eign actors to purchase political ads. However, these  
4           private actions have not been taken by all platforms,  
5           have not been reliably enforced, and are subject to  
6           immediate change at the discretion of the platforms.

7           (26) The Federal Election Commission has  
8           failed to take action to address online political ad-  
9           vertisements and current regulations on political ad-  
10          vertisements do not provide sufficient transparency  
11          to uphold the public's right to be fully informed  
12          about political advertisements made online.

13 **SEC. 6104. SENSE OF CONGRESS.**

14          It is the sense of Congress that—

15               (1) the dramatic increase in digital political ad-  
16               vertisements, and the growing centrality of online  
17               platforms in the lives of Americans, requires the  
18               Congress and the Federal Election Commission to  
19               take meaningful action to ensure that laws and reg-  
20               ulations provide the accountability and transparency  
21               that is fundamental to our democracy;

22               (2) free and fair elections require both trans-  
23               parency and accountability which give the public a  
24               right to know the true sources of funding for polit-  
25               ical advertisements, be they foreign or domestic, in

1 order to make informed political choices and hold  
2 elected officials accountable; and

3 (3) transparency of funding for political adver-  
4 tisements is essential to enforce other campaign fi-  
5 nance laws, including the prohibition on campaign  
6 spending by foreign nationals.

7 **SEC. 6105. EXPANSION OF DEFINITION OF PUBLIC COMMU-  
8 NICATION.**

9 (a) IN GENERAL.—Paragraph (22) of section 301 of  
10 the Federal Election Campaign Act of 1971 (52 U.S.C.  
11 30101(22)) is amended by striking “or satellite commu-  
12 nication” and inserting “satellite, paid internet, or paid  
13 digital communication”.

14 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
15 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
16 amended—

17 (1) in paragraph (8)(B)(v), by striking “on  
18 broadcasting stations, or in newspapers, magazines,  
19 or similar types of general public political adver-  
20 tising” and inserting “in any public communica-  
21 tion”; and

22 (2) in paragraph (9)(B)—

23 (A) by amending clause (i) to read as fol-  
24 lows:

1                   “(i) any news story, commentary, or  
2                   editorial distributed through the facilities  
3                   of any broadcasting station or any print,  
4                   online, or digital newspaper, magazine,  
5                   blog, publication, or periodical, unless such  
6                   broadcasting, print, online, or digital facili-  
7                   ties are owned or controlled by any polit-  
8                   ical party, political committee, or can-  
9                   didate;” and

10                   (B) in clause (iv), by striking “on broad-  
11                   casting stations, or in newspapers, magazines,  
12                   or similar types of general public political ad-  
13                   vertising” and inserting “in any public commu-  
14                   nication”.

15                   (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
16                   Subsection (a) of section 318 of such Act (52 U.S.C.  
17                   30120) is amended—

18                   (1) by striking “financing any communication  
19                   through any broadcasting station, newspaper, maga-  
20                   zine, outdoor advertising facility, mailing, or any  
21                   other type of general public political advertising”  
22                   and inserting “financing any public communication”;  
23                   and

24                   (2) by striking “solicits any contribution  
25                   through any broadcasting station, newspaper, maga-



1 zine, outdoor advertising facility, mailing, or any  
2 other type of general public political advertising”  
3 and inserting “solicits any contribution through any  
4 public communication”.

5 (d) **EFFECTIVE DATE.**—The amendments made by  
6 this section shall take effect on the date of the enactment  
7 of this Act and shall take effect without regard to whether  
8 or not the Federal Election Commission has promulgated  
9 the final regulations necessary to carry out this part and  
10 the amendments made by this part by the deadline set  
11 forth in subsection (e).

12 (e) **REGULATION.**—Not later than 1 year after the  
13 date of the enactment of this Act, the Federal Election  
14 Commission shall promulgate regulations on what con-  
15 stitutes a paid internet or paid digital communication for  
16 purposes of paragraph (22) of section 301 of the Federal  
17 Election Campaign Act of 1971(52 U.S.C. 30101(22)), as  
18 amended by subsection (a), except that such regulation  
19 shall not define a paid internet or paid digital communica-  
20 tion to include communications for which the only pay-  
21 ment consists of internal resources, such as employee com-  
22 pensation, of the entity paying for the communication.

23 **SEC. 6106. EXPANSION OF DEFINITION OF ELECTION-**  
24 **EERING COMMUNICATION.**

25 (a) **EXPANSION TO ONLINE COMMUNICATIONS.**—

1           (1) APPLICATION TO QUALIFIED INTERNET AND  
2 DIGITAL COMMUNICATIONS.—

3           (A) IN GENERAL.—Subparagraph (A) of  
4 section 304(f)(3) of the Federal Election Cam-  
5 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
6 is amended by striking “or satellite communica-  
7 tion” each place it appears in clauses (i) and  
8 (ii) and inserting “satellite, or qualified internet  
9 or digital communication”.

10           (B) QUALIFIED INTERNET OR DIGITAL  
11 COMMUNICATION.—Paragraph (3) of section  
12 304(f) of such Act (52 U.S.C. 30104(f)) is  
13 amended by adding at the end the following  
14 new subparagraph:

15           “(D) QUALIFIED INTERNET OR DIGITAL  
16 COMMUNICATION.—The term ‘qualified internet  
17 or digital communication’ means any commu-  
18 nication which is placed or promoted for a fee  
19 on an online platform (as defined in subsection  
20 (k)(3)).”.

21           (2) NONAPPLICATION OF RELEVANT ELEC-  
22 TORATE TO ONLINE COMMUNICATIONS.—Section  
23 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
24 30104(f)(3)(A)(i)(III)) is amended by inserting “any

1 broadcast, cable, or satellite” before “communica-  
2 tion”.

3 (3) NEWS EXEMPTION.—Section  
4 304(f)(3)(B)(i) of such Act (52 U.S.C.  
5 30104(f)(3)(B)(i)) is amended to read as follows:

6 “(i) a communication appearing in a  
7 news story, commentary, or editorial dis-  
8 tributed through the facilities of any  
9 broadcasting station or any online or dig-  
10 ital newspaper, magazine, blog, publica-  
11 tion, or periodical, unless such broad-  
12 casting, online, or digital facilities are  
13 owned or controlled by any political party,  
14 political committee, or candidate;”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to communications  
17 made on or after January 1, 2022 and shall take effect  
18 without regard to whether or not the Federal Election  
19 Commission has promulgated regulations to carry out  
20 such amendments.

21 **SEC. 6107. APPLICATION OF DISCLAIMER STATEMENTS TO**  
22 **ONLINE COMMUNICATIONS.**

23 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
24 MENT.—Subsection (a) of section 318 of the Federal Elec-

1 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
2 amended—

3 (1) by striking “shall clearly state” each place  
4 it appears in paragraphs (1), (2), and (3) and in-  
5 serting “shall state in a clear and conspicuous man-  
6 ner”; and

7 (2) by adding at the end the following flush  
8 sentence: “For purposes of this section, a commu-  
9 nication does not make a statement in a clear and  
10 conspicuous manner if it is difficult to read or hear  
11 or if the placement is easily overlooked.”.

12 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
13 DIGITAL COMMUNICATIONS.—

14 (1) IN GENERAL.—Section 318 of such Act (52  
15 U.S.C. 30120) is amended by adding at the end the  
16 following new subsection:

17 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
18 DIGITAL COMMUNICATIONS.—

19 “(1) SPECIAL RULES WITH RESPECT TO STATE-  
20 MENTS.—In the case of any qualified internet or  
21 digital communication (as defined in section  
22 304(f)(3)(D)) which is disseminated through a me-  
23 dium in which the provision of all of the information  
24 specified in this section is not possible, the commu-  
25 nication shall, in a clear and conspicuous manner—

1           “(A) state the name of the person who  
2           paid for the communication; and

3           “(B) provide a means for the recipient of  
4           the communication to obtain the remainder of  
5           the information required under this section with  
6           minimal effort and without receiving or viewing  
7           any additional material other than such re-  
8           quired information.

9           “(2) SAFE HARBOR FOR DETERMINING CLEAR  
10          AND CONSPICUOUS MANNER.—A statement in quali-  
11          fied internet or digital communication (as defined in  
12          section 304(f)(3)(D)) shall be considered to be made  
13          in a clear and conspicuous manner as provided in  
14          subsection (a) if the communication meets the fol-  
15          lowing requirements:

16                 “(A) TEXT OR GRAPHIC COMMUNICA-  
17                 TIONS.—In the case of a text or graphic com-  
18                 munication, the statement—

19                         “(i) appears in letters at least as large  
20                         as the majority of the text in the commu-  
21                         nication; and

22                         “(ii) meets the requirements of para-  
23                         graphs (2) and (3) of subsection (c).

24                 “(B) AUDIO COMMUNICATIONS.—In the  
25                 case of an audio communication, the statement

1 is spoken in a clearly audible and intelligible  
2 manner at the beginning or end of the commu-  
3 nication and lasts at least 3 seconds.

4 “(C) VIDEO COMMUNICATIONS.—In the  
5 case of a video communication which also in-  
6 cludes audio, the statement—

7 “(i) is included at either the beginning  
8 or the end of the communication; and

9 “(ii) is made both in—

10 “(I) a written format that meets  
11 the requirements of subparagraph (A)  
12 and appears for at least 4 seconds;  
13 and

14 “(II) an audible format that  
15 meets the requirements of subpara-  
16 graph (B).

17 “(D) OTHER COMMUNICATIONS.—In the  
18 case of any other type of communication, the  
19 statement is at least as clear and conspicuous  
20 as the statement specified in subparagraph (A),  
21 (B), or (C).”.

22 (2) NONAPPLICATION OF CERTAIN EXCEP-  
23 TIONS.—The exceptions provided in section  
24 110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
25 Regulations, or any successor to such rules, shall

1 have no application to qualified internet or digital  
2 communications (as defined in section 304(f)(3)(D)  
3 of the Federal Election Campaign Act of 1971).

4 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
5 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
6 Act (52 U.S.C. 30120(d)) is amended—

7 (1) in paragraph (1)(A)—

8 (A) by striking “which is transmitted  
9 through radio” and inserting “which is in an  
10 audio format”; and

11 (B) by striking “BY RADIO” in the heading  
12 and inserting “AUDIO FORMAT”;

13 (2) in paragraph (1)(B)—

14 (A) by striking “which is transmitted  
15 through television” and inserting “which is in  
16 video format”; and

17 (B) by striking “BY TELEVISION” in the  
18 heading and inserting “VIDEO FORMAT”; and

19 (3) in paragraph (2)—

20 (A) by striking “transmitted through radio  
21 or television” and inserting “made in audio or  
22 video format”; and

23 (B) by striking “through television” in the  
24 second sentence and inserting “in video for-  
25 mat”.

1 (d) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act and shall take effect without regard to  
4 whether or not the Federal Election Commission has pro-  
5 mulgated regulations to carry out such amendments.

6 **SEC. 6108. POLITICAL RECORD REQUIREMENTS FOR ON-**  
7 **LINE PLATFORMS.**

8 (a) IN GENERAL.—Section 304 of the Federal Elec-  
9 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
10 ed by section 3802, is amended by adding at the end the  
11 following new subsection:

12 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
13 MENTS.—

14 “(1) IN GENERAL.—

15 “(A) REQUIREMENTS FOR ONLINE PLAT-  
16 FORMS.—

17 “(i) IN GENERAL.—An online plat-  
18 form shall maintain, and make available  
19 for online public inspection in machine  
20 readable format, a complete record of any  
21 request to purchase on such online plat-  
22 form a qualified political advertisement  
23 which is made by a person whose aggre-  
24 gate requests to purchase qualified political



1 advertisements on such online platform  
2 during the calendar year exceeds \$500.

3 “(ii) REQUIREMENT RELATING TO PO-  
4 LITICAL ADS SOLD BY THIRD PARTY AD-  
5 VERTISING VENDORS.—An online platform  
6 that displays a qualified political advertise-  
7 ment sold by a third party advertising ven-  
8 dor as defined in (3)(C), shall include on  
9 its own platform an easily accessible and  
10 identifiable link to the records maintained  
11 by the third-party advertising vendor under  
12 clause (i) regarding such qualified political  
13 advertisement.

14 “(B) REQUIREMENTS FOR ADVER-  
15 TISERS.—Any person who requests to purchase  
16 a qualified political advertisement on an online  
17 platform shall provide the online platform with  
18 such information as is necessary for the online  
19 platform to comply with the requirements of  
20 subparagraph (A).

21 “(2) CONTENTS OF RECORD.—A record main-  
22 tained under paragraph (1)(A) shall contain—

23 “(A) a digital copy of the qualified political  
24 advertisement;

1           “(B) a description of the audience targeted  
2           by the advertisement, the number of views gen-  
3           erated from the advertisement, and the date  
4           and time that the advertisement is first dis-  
5           played and last displayed; and

6           “(C) information regarding—

7           “(i) the total cost of the advertise-  
8           ment;

9           “(ii) the name of the candidate to  
10          which the advertisement refers and the of-  
11          fice to which the candidate is seeking elec-  
12          tion, the election to which the advertise-  
13          ment refers, or the national legislative  
14          issue to which the advertisement refers (as  
15          applicable);

16          “(iii) in the case of a request made  
17          by, or on behalf of, a candidate, the name  
18          of the candidate, the authorized committee  
19          of the candidate, and the treasurer of such  
20          committee; and

21          “(iv) in the case of any request not  
22          described in clause (iii), the name of the  
23          person purchasing the advertisement, the  
24          name and address of a contact person for  
25          such person, and a list of the chief execu-

1           tive officers or members of the executive  
2           committee or of the board of directors of  
3           such person.

4           “(3) ONLINE PLATFORM.—

5           “(A) IN GENERAL.—For purposes of this  
6           subsection, subject to subparagraph (B), the  
7           term ‘online platform’ means any public-facing  
8           website, web application, or digital application  
9           (including a social network, ad network, or  
10          search engine) which—

11           “(i)(I) sells qualified political adver-  
12          tisements; and

13           “(II) has 50,000,000 or more unique  
14          monthly United States visitors or users for  
15          a majority of months during the preceding  
16          12 months; or

17           “(ii) is a third-party advertising ven-  
18          dor that has 50,000,000 or more unique  
19          monthly United States visitors in the ag-  
20          gregate on any advertisement space that it  
21          has sold or bought for a majority of  
22          months during the preceding 12 months,  
23          as measured by an independent digital rat-  
24          ings service accredited by the Media Rat-  
25          ings Council (or its successor).

1           “(B) EXEMPTION.—Such term shall not  
2 include any online platform that is a distribu-  
3 tion facility of any broadcasting station or  
4 newspaper, magazine, blog, publication, or peri-  
5 odical.

6           “(C) THIRD-PARTY ADVERTISING VENDOR  
7 DEFINED.—For purposes of this subsection, the  
8 term ‘third-party advertising vendor’ includes,  
9 but is not limited to, any third-party adver-  
10 tising vendor network, advertising agency, ad-  
11 vertiser, or third-party advertisement serving  
12 company that buys and sells advertisement  
13 space on behalf of unaffiliated third-party  
14 websites, search engines, digital applications, or  
15 social media sites.

16           “(4) QUALIFIED POLITICAL ADVERTISEMENT.—  
17 For purposes of this subsection, the term ‘qualified  
18 political advertisement’ means any advertisement  
19 (including search engine marketing, display adver-  
20 tisements, video advertisements, native advertise-  
21 ments, and sponsorships) that—

22           “(A) is made by or on behalf of a can-  
23 didate; or

1           “(B) communicates a message relating to  
2           any political matter of national importance, in-  
3           cluding—

4                       “(i) a candidate;

5                       “(ii) any election to Federal office; or

6                       “(iii) a national legislative issue of  
7           public importance.

8           “(5) TIME TO MAINTAIN FILE.—The informa-  
9           tion required under this subsection shall be made  
10          available as soon as possible and shall be retained by  
11          the online platform for a period of not less than 4  
12          years.

13          “(6) SPECIAL RULE.—For purposes of this sub-  
14          section, multiple versions of an advertisement that  
15          contain no material differences (such as versions  
16          that differ only because they contain a recipient’s  
17          name, or differ only in size, color, font, or layout)  
18          may be treated as a single qualified political adver-  
19          tisement.

20          “(7) PENALTIES.—For penalties for failure by  
21          online platforms, and persons requesting to purchase  
22          a qualified political advertisement on online plat-  
23          forms, to comply with the requirements of this sub-  
24          section, see section 309.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of the enactment  
3 of this Act and shall take effect without regard to whether  
4 or not the Federal Election Commission has promulgated  
5 the final regulations necessary to carry out this part and  
6 the amendments made by this part by the deadline set  
7 forth in subsection (c).

8 (c) RULEMAKING.—Not later than 120 days after the  
9 date of the enactment of this Act, the Federal Election  
10 Commission shall establish rules—

11 (1) requiring common data formats for the  
12 record required to be maintained under section  
13 304(k) of the Federal Election Campaign Act of  
14 1971 (as added by subsection (a)) so that all online  
15 platforms submit and maintain data online in a com-  
16 mon, machine-readable and publicly accessible for-  
17 mat; and

18 (2) establishing search interface requirements  
19 relating to such record, including searches by can-  
20 didate name, issue, purchaser, and date.

21 (d) REPORTING.—Not later than 2 years after the  
22 date of the enactment of this Act, and biannually there-  
23 after, the Chairman of the Federal Election Commission  
24 shall submit a report to Congress on—

1           (1) matters relating to compliance with and the  
2           enforcement of the requirements of section 304(k) of  
3           the Federal Election Campaign Act of 1971, as  
4           added by subsection (a);

5           (2) recommendations for any modifications to  
6           such section to assist in carrying out its purposes;  
7           and

8           (3) identifying ways to bring transparency and  
9           accountability to political advertisements distributed  
10          online for free.

11 **SEC. 6109. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
12                           **INDEPENDENT EXPENDITURES, AND DIS-**  
13                           **BURSEMENTS FOR ELECTIONEERING COM-**  
14                           **MUNICATIONS BY FOREIGN NATIONALS IN**  
15                           **THE FORM OF ONLINE ADVERTISING.**

16          Section 319 of the Federal Election Campaign Act  
17          of 1971 (52 U.S.C. 30121) is amended by adding at the  
18          end the following new subsection:

19          “(c) RESPONSIBILITIES OF BROADCAST STATIONS,  
20          PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
21          ONLINE PLATFORMS.—

22                 “(1) IN GENERAL.—Each television or radio  
23          broadcast station, provider of cable or satellite tele-  
24          vision, or online platform (as defined in section  
25          304(k)(3)) shall make reasonable efforts to ensure

1 that communications described in section 318(a) and  
2 made available by such station, provider, or platform  
3 are not purchased by a foreign national, directly or  
4 indirectly.

5 “(2) REGULATIONS.— Not later than 1 year  
6 after the date of the enactment of this subsection,  
7 the Commission shall promulgate regulations on  
8 what constitutes reasonable efforts under paragraph  
9 (1).”.

10 **SEC. 6110. REQUIRING ONLINE PLATFORMS TO DISPLAY**  
11 **NOTICES IDENTIFYING SPONSORS OF POLIT-**  
12 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**  
13 **TICES CONTINUE TO BE PRESENT WHEN AD-**  
14 **VERTISEMENTS ARE SHARED.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-  
16 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
17 ed by section 3802 and section 6108(a), is amended by  
18 adding at the end the following new subsection:

19 “(1) ENSURING DISPLAY AND SHARING OF SPONSOR  
20 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-  
21 MENTS.—

22 “(1) REQUIREMENT.—An online platform dis-  
23 playing a qualified political advertisement shall—

24 “(A) display with the advertisement a visi-  
25 ble notice identifying the sponsor of the adver-



1           tisement (or, if it is not practical for the plat-  
2           form to display such a notice, a notice that the  
3           advertisement is sponsored by a person other  
4           than the platform); and

5           “(B) ensure that the notice will continue to  
6           be displayed if a viewer of the advertisement  
7           shares the advertisement with others on that  
8           platform.

9           “(2) DEFINITIONS.—In this subsection—

10           “(A) the term ‘online platform’ has the  
11           meaning given such term in subsection (k)(3);  
12           and

13           “(B) the term ‘qualified political adver-  
14           tisement’ has the meaning given such term in  
15           subsection (k)(4).”.

16           (b) EFFECTIVE DATE.—The amendment made by  
17           subsection (a) shall apply with respect to advertisements  
18           displayed on or after the 120-day period which begins on  
19           the date of the enactment of this Act and shall take effect  
20           without regard to whether or not the Federal Election  
21           Commission has promulgated regulations to carry out  
22           such amendments.

## 23           **Subtitle C—Spotlight Act**

### 24           **SEC. 6201. SHORT TITLE.**

25           This subtitle may be cited as the “Spotlight Act”.

1 **SEC. 6202. INCLUSION OF CONTRIBUTOR INFORMATION ON**  
2 **ANNUAL RETURNS OF CERTAIN ORGANIZA-**  
3 **TIONS.**

4 (a) **REPEAL OF REGULATIONS.**—The final regula-  
5 tions of the Department of the Treasury relating to guid-  
6 ance under section 6033 regarding the reporting require-  
7 ments of exempt organizations (published at 85 Fed. Reg.  
8 31959 (May 28, 2020)) shall have no force and effect.

9 (b) **INCLUSION OF CONTRIBUTOR INFORMATION.**—

10 (1) **SOCIAL WELFARE ORGANIZATIONS.**—Sec-  
11 tion 6033(f)(1) of the Internal Revenue Code of  
12 1986 is amended by inserting “(5),” after “para-  
13 graphs”.

14 (2) **LABOR ORGANIZATIONS AND BUSINESS**  
15 **LEAGUES.**—Section 6033 of such Code is amended  
16 by redesignating subsection (o) as subsection (p)  
17 and by inserting after subsection (n) the following  
18 new subsection:

19 “(o) **ADDITIONAL REQUIREMENTS FOR ORGANIZA-**  
20 **TIONS DESCRIBED IN SUBSECTIONS (c)(5) AND (c)(6) OF**  
21 **SECTION 501.**—Every organization which is described in  
22 paragraph (5) or (6) of section 501(c) and which is subject  
23 to the requirements of subsection (a) shall include on the  
24 return required under subsection (a) the information re-  
25 ferred to in subsection (b)(5).”.

1           (3) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to returns required to  
3           be filed for taxable years ending after the date of the  
4           enactment of this Act.

5           (c) MODIFICATION TO DISCRETIONARY EXCEP-  
6 TIONS.—Section 6033(a)(3)(B) of the Internal Revenue  
7 Code of 1986 is amended to read as follows:

8                   “(B) DISCRETIONARY EXCEPTIONS.—

9                           “(i) IN GENERAL.—Paragraph (1)  
10                           shall not apply to any organization if the  
11                           Secretary made a determination under this  
12                           subparagraph before July 16, 2018, that  
13                           such filing is not necessary to the efficient  
14                           administration of the internal revenue  
15                           laws.

16                           “(ii) RECOMMENDATIONS FOR OTHER  
17                           EXCEPTIONS.—The Secretary may rec-  
18                           ommend to Congress that Congress relieve  
19                           any organization required under paragraph  
20                           (1) to file an information return from fil-  
21                           ing such a return if the Secretary deter-  
22                           mines that such filing does not advance a  
23                           national security, law enforcement, or tax  
24                           administration purpose.”.

1 **TITLE VII—CAMPAIGN FINANCE**  
2 **OVERSIGHT**  
3 **Subtitle A—Stopping Super PAC—**  
4 **Candidate Coordination**

5 **SEC. 7001. SHORT TITLE.**

6 This subtitle may be cited as the “Stop Super PAC—  
7 Candidate Coordination Act”.

8 **SEC. 7002. CLARIFICATION OF TREATMENT OF COORDI-**  
9 **NATED EXPENDITURES AS CONTRIBUTIONS**  
10 **TO CANDIDATES.**

11 (a) TREATMENT AS CONTRIBUTION TO CAN-  
12 DIDATE.—Section 301(8)(A) of the Federal Election Cam-  
13 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

14 (1) by striking “or” at the end of clause (i);

15 (2) by striking the period at the end of clause

16 (ii) and inserting “; or”; and

17 (3) by adding at the end the following new  
18 clause:

19 “(iii) any payment made by any person  
20 (other than a candidate, an authorized com-  
21 mittee of a candidate, or a political committee  
22 of a political party) for a coordinated expendi-  
23 ture (as such term is defined in section 325)  
24 which is not otherwise treated as a contribution  
25 under clause (i) or clause (ii).”.

1 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.  
2 30101 et seq.) is amended by adding at the end the fol-  
3 lowing new section:

4 **“SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.**

5 “(a) COORDINATED EXPENDITURES.—

6 “(1) IN GENERAL.—For purposes of section  
7 301(8)(A)(iii), the term ‘coordinated expenditure’  
8 means—

9 “(A) any expenditure, or any payment for  
10 a covered communication described in sub-  
11 section (d), which is made in cooperation, con-  
12 sultation, or concert with, or at the request or  
13 suggestion of, a candidate, an authorized com-  
14 mittee of a candidate, a political committee of  
15 a political party, or agents of the candidate or  
16 committee, as defined in subsection (b); or

17 “(B) any payment for any communication  
18 which republishes, disseminates, or distributes,  
19 in whole or in part, any video or broadcast or  
20 any written, graphic, or other form of campaign  
21 material prepared by the candidate or com-  
22 mittee or by agents of the candidate or com-  
23 mittee (including any excerpt or use of any  
24 video from any such broadcast or written,  
25 graphic, or other form of campaign material).

1           “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN  
2 COMMUNICATIONS.—A payment for a communication  
3 (including a covered communication described in  
4 subsection (e)) shall not be treated as a coordinated  
5 expenditure under this subsection if—

6           “(A) the communication appears in a news  
7 story, commentary, or editorial distributed  
8 through the facilities of any broadcasting sta-  
9 tion, newspaper, magazine, or other periodical  
10 publication, unless such facilities are owned or  
11 controlled by any political party, political com-  
12 mittee, or candidate; or

13           “(B) the communication constitutes a can-  
14 didate debate or forum conducted pursuant to  
15 regulations adopted by the Commission pursu-  
16 ant to section 304(f)(3)(B)(iii), or which solely  
17 promotes such a debate or forum and is made  
18 by or on behalf of the person sponsoring the de-  
19 bate or forum.

20           “(b) COORDINATION DESCRIBED.—

21           “(1) IN GENERAL.—For purposes of this sec-  
22 tion, a payment is made ‘in cooperation, consulta-  
23 tion, or concert with, or at the request or suggestion  
24 of,’ a candidate, an authorized committee of a can-  
25 didate, a political committee of a political party, or

1 agents of the candidate or committee, if the pay-  
2 ment, or any communication for which the payment  
3 is made, is not made entirely independently of the  
4 candidate, committee, or agents. For purposes of the  
5 previous sentence, a payment or communication not  
6 made entirely independently of the candidate or  
7 committee includes any payment or communication  
8 made pursuant to any general or particular under-  
9 standing with, or pursuant to any communication  
10 with, the candidate, committee, or agents about the  
11 payment or communication.

12 “(2) NO FINDING OF COORDINATION BASED  
13 SOLELY ON SHARING OF INFORMATION REGARDING  
14 LEGISLATIVE OR POLICY POSITION.—For purposes  
15 of this section, a payment shall not be considered to  
16 be made by a person in cooperation, consultation, or  
17 concert with, or at the request or suggestion of, a  
18 candidate or committee, solely on the grounds that  
19 the person or the person’s agent engaged in discus-  
20 sions with the candidate or committee, or with any  
21 agent of the candidate or committee, regarding that  
22 person’s position on a legislative or policy matter  
23 (including urging the candidate or committee to  
24 adopt that person’s position), so long as there is no  
25 communication between the person and the can-

1 didate or committee, or any agent of the candidate  
2 or committee, regarding the candidate's or commit-  
3 tee's campaign advertising, message, strategy, pol-  
4 icy, polling, allocation of resources, fundraising, or  
5 other campaign activities.

6 “(3) NO EFFECT ON PARTY COORDINATION  
7 STANDARD.—Nothing in this section shall be con-  
8 strued to affect the determination of coordination  
9 between a candidate and a political committee of a  
10 political party for purposes of section 315(d).

11 “(c) PAYMENTS BY COORDINATED SPENDERS FOR  
12 COVERED COMMUNICATIONS.—

13 “(1) PAYMENTS MADE IN COOPERATION, CON-  
14 SULTATION, OR CONCERT WITH CANDIDATES.—For  
15 purposes of subsection (a)(1)(A), if the person who  
16 makes a payment for a covered communication, as  
17 defined in subsection (e), is a coordinated spender  
18 under paragraph (2) with respect to the candidate  
19 as described in paragraph (2), the payment for the  
20 covered communication is made in cooperation, con-  
21 sultation, or concert with the candidate.

22 “(2) COORDINATED SPENDER DEFINED.—For  
23 purposes of this subsection, the term ‘coordinated  
24 spender’ means, with respect to a candidate or an  
25 authorized committee of a candidate, a person (other



1 than a political committee of a political party) for  
2 which any of the following applies:

3 “(A) During the 4-year period ending on  
4 the date on which the person makes the pay-  
5 ment, the person was directly or indirectly  
6 formed or established by or at the request or  
7 suggestion of, or with the encouragement of,  
8 the candidate (including an individual who later  
9 becomes a candidate) or committee or agents of  
10 the candidate or committee, including with the  
11 approval of the candidate or committee or  
12 agents of the candidate or committee.

13 “(B) The candidate or committee or any  
14 agent of the candidate or committee solicits  
15 funds, appears at a fundraising event, or en-  
16 engages in other fundraising activity on the per-  
17 son’s behalf during the election cycle involved,  
18 including by providing the person with names of  
19 potential donors or other lists to be used by the  
20 person in engaging in fundraising activity, re-  
21 gardless of whether the person pays fair market  
22 value for the names or lists provided. For pur-  
23 poses of this subparagraph, the term ‘election  
24 cycle’ means, with respect to an election for  
25 Federal office, the period beginning on the day

1 after the date of the most recent general elec-  
2 tion for that office (or, if the general election  
3 resulted in a runoff election, the date of the  
4 runoff election) and ending on the date of the  
5 next general election for that office (or, if the  
6 general election resulted in a runoff election,  
7 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 end-  
11 ing on the date on which the person makes the  
12 payment, has been employed or retained as a  
13 political, campaign media, or fundraising ad-  
14 viser or consultant for the candidate or com-  
15 mittee or for any other entity directly or indi-  
16 rectly controlled by the candidate or committee,  
17 or has held a formal position with the candidate  
18 or committee (including a position as an em-  
19 ployee of the office of the candidate at any time  
20 the candidate held any Federal, State, or local  
21 public office during 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  
25 person makes the payment, has provided or is

1 providing professional services relating to the  
2 campaign to the candidate or committee, unless  
3 the person providing the professional services  
4 used a firewall or similar procedure in accord-  
5 ance with subsection (d). For purposes of this  
6 subparagraph, the term ‘professional services’  
7 includes any services in support of the can-  
8 didate’s or committee’s campaign activities, in-  
9 cluding advertising, message, strategy, policy,  
10 polling, allocation of resources, fundraising, and  
11 campaign operations, but does not include ac-  
12 counting or 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 inci-  
17 dental discussions about the candidate’s cam-  
18 paign with a member of the immediate family  
19 of the candidate. For purposes of this subpara-  
20 graph, the term ‘immediate family’ has the  
21 meaning given such term in section 9004(e) of  
22 the Internal Revenue Code of 1986.

23 “(d) USE OF FIREWALL AS SAFE HARBOR.—

24 “(1) NO COORDINATION IF FIREWALL AP-  
25 PLIES.—A person shall not be determined to have

1       made a payment in cooperation, consultation, or  
2       concert with, or at the request or suggestion of, a  
3       candidate or committee in accordance with this sec-  
4       tion if the person established and used a firewall or  
5       similar procedure to restrict the sharing of informa-  
6       tion between individuals who are employed by or who  
7       are serving as agents for the person making the pay-  
8       ment, but only if the firewall or similar procedures  
9       meet the requirements of paragraph (2).

10           “(2) REQUIREMENTS DESCRIBED.—The re-  
11       quirements described in this paragraph with respect  
12       to a firewall or similar procedure are as follows:

13           “(A) The firewall or procedure is designed  
14       and implemented to prohibit the flow of infor-  
15       mation 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,  
19       services to a candidate who is clearly identified  
20       in the communication or an authorized com-  
21       mittee of the candidate, the candidate’s oppo-  
22       nent or an authorized committee of the can-  
23       didate’s opponent, or a committee of a political  
24       party.

1           “(B) The firewall or procedure must be de-  
2           scribed in a written policy that is distributed,  
3           signed, and dated by all relevant employees,  
4           consultants, and clients subject to the policy.

5           “(C) The policy must be preserved and re-  
6           tained by the person for at least 5 years fol-  
7           lowing any termination or cessation of represen-  
8           tation by employees, consultants, and clients  
9           who are subject to the policy.

10          “(D) The policy must prohibit any employ-  
11          ees, consultants, and clients who are subject to  
12          the policy from attending meetings, trainings,  
13          or other discussions where nonpublic plans,  
14          projects, activities, or needs of candidates for  
15          election for Federal office or political commit-  
16          tees are discussed.

17          “(E) The policy must prohibit each owner  
18          of an organization, and each executive, man-  
19          ager, and supervisor within an organization,  
20          from simultaneously overseeing the work of em-  
21          ployees and consultants who are subject to the  
22          firewall or procedure.

23          “(F) The policy must place restrictions on  
24          internal and external communications, including  
25          by establishing separate emailing lists, for em-

1 employees, consultants, and clients who are subject  
2 to the firewall or procedure and those who are  
3 not subject to the firewall or procedure.

4 “(G) The policy must require the person to  
5 establish separate files, including electronic file  
6 folders—

7 “(i) for employees, consultants, and  
8 clients who are subject to the firewall or  
9 procedure and to prohibit access to such  
10 files by employees, consultants, and clients  
11 who are not subject to the firewall or pro-  
12 cedure; and

13 “(ii) for employees, consultants, and  
14 clients who are not subject to the firewall  
15 or procedure and to prohibit access to such  
16 files by employees, consultants, and clients  
17 who are subject to the firewall or proce-  
18 dure.

19 “(H) The person must conduct a training  
20 on the applicable requirements and obligations  
21 of this Act and the policy for all employees,  
22 consultants, and clients.

23 “(3) EXCEPTION IF INFORMATION IS SHARED  
24 REGARDLESS OF FIREWALL.—A person who estab-  
25 lished and used a firewall or similar procedure which

1 meets the requirements of paragraph (2) shall be de-  
2 termined to have made a payment in cooperation,  
3 consultation, or concert with, or at the request or  
4 suggestion of, a candidate or committee in accord-  
5 ance with this section if specific information indi-  
6 cates that, notwithstanding the establishment and  
7 use of the firewall or similar procedure, information  
8 about the candidate's or committee's campaign  
9 plans, projects, activities, or needs that is material  
10 to the creation, production, or distribution of the  
11 covered communication was used or conveyed to the  
12 person paying for the communication.

13 “(4) USE AS DEFENSE TO ENFORCEMENT AC-  
14 TION.—If, in a procedure or action brought by the  
15 Commission under section 309, a person who is al-  
16 leged to have committed a violation of this Act which  
17 involves the making of a contribution which consists  
18 of a payment for a coordinated expenditure raises  
19 the use of a firewall or similar procedure as a de-  
20 fense, the person shall provide the Commission  
21 with—

22 “(A) a copy of the signed and dated fire-  
23 wall or procedure policy which applied to the  
24 person's employees, consultants, or clients

1           whose conduct is at issue in the procedure or  
2           action; and

3           “(B) a sworn, written affidavit of the em-  
4           ployees, consultants, or clients who were subject  
5           to the policy that the terms, conditions, and re-  
6           quirements of the policy were met.

7           “(e) COVERED COMMUNICATION DEFINED.—

8           “(1) IN GENERAL.—For purposes of this sec-  
9           tion, the term ‘covered communication’ means, with  
10          respect to a candidate or an authorized committee of  
11          a candidate, a public communication (as defined in  
12          section 301(22)) which—

13           “(A) expressly advocates the election of the  
14           candidate or the defeat of an opponent of the  
15           candidate (or contains the functional equivalent  
16           of express advocacy);

17           “(B) promotes or supports the election of  
18           the candidate, or attacks or opposes the election  
19           of an opponent of the candidate (regardless of  
20           whether the communication expressly advocates  
21           the election or defeat of a candidate or contains  
22           the functional equivalent of express advocacy);  
23           or

24           “(C) refers to the candidate or an oppo-  
25           nent of the candidate but is not described in



1           subparagraph (A) or subparagraph (B), but  
2           only if the communication is disseminated dur-  
3           ing the applicable election period.

4           “(2) APPLICABLE ELECTION PERIOD.—In para-  
5           graph (1)(C), the ‘applicable election period’ with re-  
6           spect to a communication means—

7                   “(A) in the case of a communication which  
8                   refers to a candidate in a general, special, or  
9                   runoff election, the 120-day period which ends  
10                  on the date of the election; or

11                  “(B) in the case of a communication which  
12                  refers to a candidate in a primary or preference  
13                  election, or convention or caucus of a political  
14                  party that has authority to nominate a can-  
15                  didate, the 60-day period which ends on the  
16                  date of the election or convention or caucus.

17           “(3) SPECIAL RULES FOR COMMUNICATIONS IN-  
18           VOLVING CONGRESSIONAL CANDIDATES.—For pur-  
19           poses of this subsection, a public communication  
20           shall not be considered to be a covered communica-  
21           tion with respect to a candidate for election for an  
22           office other than the office of President or Vice  
23           President unless it is publicly disseminated or dis-  
24           tributed in the jurisdiction of the office the can-  
25           didate is seeking.

1 “(f) PENALTY.—

2 “(1) DETERMINATION OF AMOUNT.—Any per-  
3 son who knowingly and willfully commits a violation  
4 of this Act which involves the making of a contribu-  
5 tion which consists of a payment for a coordinated  
6 expenditure shall be fined an amount equal to the  
7 greater of—

8 “(A) in the case of a person who makes a  
9 contribution which consists of a payment for a  
10 coordinated expenditure in an amount exceeding  
11 the applicable contribution limit under this Act,  
12 300 percent of the amount by which the  
13 amount of the payment made by the person ex-  
14 ceeds such applicable contribution limit; or

15 “(B) in the case of a person who is prohib-  
16 ited under this Act from making a contribution  
17 in any amount, 300 percent of the amount of  
18 the payment made by the person for the coordi-  
19 nated expenditure.

20 “(2) JOINT AND SEVERAL LIABILITY.—Any di-  
21 rector, manager, or officer of a person who is subject  
22 to a penalty under paragraph (1) shall be jointly and  
23 severally liable for any amount of such penalty that  
24 is not paid by the person prior to the expiration of  
25 the 1-year period which begins on the date the Com-

1 mission imposes the penalty or the 1-year period  
2 which begins on the date of the final judgment fol-  
3 lowing any judicial review of the Commission’s ac-  
4 tion, whichever is later.”.

5 (c) EFFECTIVE DATE.—

6 (1) REPEAL OF EXISTING REGULATIONS ON CO-  
7 ORDINATION.—Effective upon the expiration of the  
8 90-day period which begins on the date of the enact-  
9 ment of this Act—

10 (A) the regulations on coordinated commu-  
11 nications adopted by the Federal Election Com-  
12 mission which are in effect on the date of the  
13 enactment of this Act (as set forth under the  
14 heading “Coordination” in subpart C of part  
15 109 of title 11, Code of Federal Regulations)  
16 are repealed; and

17 (B) the Federal Election Commission shall  
18 promulgate new regulations on coordinated  
19 communications which reflect the amendments  
20 made by this Act.

21 (2) EFFECTIVE DATE.—The amendments made  
22 by this section shall apply with respect to payments  
23 made on or after the expiration of the 120-day pe-  
24 riod which begins on the date of the enactment of  
25 this Act, without regard to whether or not the Fed-

1       eral Election Commission has promulgated regula-  
2       tions in accordance with paragraph (1)(B) as of the  
3       expiration of such period.

4       **Subtitle B—Restoring Integrity to**  
5       **America’s Elections**

6       **SEC. 7101. SHORT TITLE.**

7       This subtitle may be cited as the “Restoring Integrity  
8       to America’s Elections Act”.

9       **SEC. 7102. REVISION TO ENFORCEMENT PROCESS.**

10       (a) STANDARD FOR INITIATING INVESTIGATIONS AND  
11       DETERMINING WHETHER VIOLATIONS HAVE OC-  
12       CURRED.—

13               (1) REVISION OF STANDARDS.—Section 309(a)  
14       of the Federal Election Campaign Act of 1971 (52  
15       U.S.C. 30109(a)) is amended by striking paragraphs  
16       (2) and (3) and inserting the following:

17       “(2)(A) The general counsel, upon receiving a com-  
18       plaint filed with the Commission under paragraph (1) or  
19       upon the basis of information ascertained by the Commis-  
20       sion in the normal course of carrying out its supervisory  
21       responsibilities, shall make a determination as to whether  
22       or not there is reason to believe that a person has com-  
23       mitted, or is about to commit, a violation of this Act or  
24       chapter 95 or chapter 96 of the Internal Revenue Code  
25       of 1986, and as to whether or not the Commission should

1 either initiate an investigation of the matter or that the  
2 complaint should be dismissed. The general counsel shall  
3 promptly provide notification to the Commission of such  
4 determination and the reasons therefore, together with  
5 any written response submitted under paragraph (1) by  
6 the person alleged to have committed the violation. Upon  
7 the expiration of the 30-day period which begins on the  
8 date the general counsel provides such notification, the  
9 general counsel's determination shall take effect, unless  
10 during such 30-day period the Commission, by vote of a  
11 majority of the members of the Commission who are serv-  
12 ing at the time, overrules the general counsel's determina-  
13 tion. If the determination by the general counsel that the  
14 Commission should investigate the matter takes effect, or  
15 if the determination by the general counsel that the com-  
16 plaint should be dismissed is overruled as provided under  
17 the previous sentence, the general counsel shall initiate an  
18 investigation of the matter on behalf of the Commission.

19       “(B) If the Commission initiates an investigation  
20 pursuant to subparagraph (A), the Commission, through  
21 the Chair, shall notify the subject of the investigation of  
22 the alleged violation. Such notification shall set forth the  
23 factual basis for such alleged violation. The Commission  
24 shall make an investigation of such alleged violation, which  
25 may include a field investigation or audit, in accordance

1 with the provisions of this section. The general counsel  
2 shall provide notification to the Commission of any intent  
3 to issue a subpoena or conduct any other form of discovery  
4 pursuant to the investigation. Upon the expiration of the  
5 15-day period which begins on the date the general counsel  
6 provides such notification, the general counsel may issue  
7 the subpoena or conduct the discovery, unless during such  
8 15-day period the Commission, by vote of a majority of  
9 the members of the Commission who are serving at the  
10 time, prohibits the general counsel from issuing the sub-  
11 poena or conducting the discovery.

12 “(3)(A) Upon completion of an investigation under  
13 paragraph (2), the general counsel shall make a deter-  
14 mination as to whether or not there is probable cause to  
15 believe that a person has committed, or is about to com-  
16 mit, a violation of this Act or chapter 95 or chapter 96  
17 of the Internal Revenue Code of 1986, and shall promptly  
18 submit such determination to the Commission, and shall  
19 include with the determination a brief stating the position  
20 of the general counsel on the legal and factual issues of  
21 the case.

22 “(B) At the time the general counsel submits to the  
23 Commission the determination under subparagraph (A),  
24 the general counsel shall simultaneously notify the re-  
25 spondent of such determination and the reasons therefore,

1 shall provide the respondent with an opportunity to submit  
2 a brief within 30 days stating the position of the respond-  
3 ent on the legal and factual issues of the case and replying  
4 to the brief of the general counsel. The general counsel  
5 shall promptly submit such brief to the Commission upon  
6 receipt.

7       “(C) Upon the expiration of the 30-day period which  
8 begins on the date the general counsel submits the deter-  
9 mination to the Commission under subparagraph (A) (or,  
10 if the respondent submits a brief under subparagraph (B),  
11 upon the expiration of the 30-day period which begins on  
12 the date the general counsel submits the respondent’s brief  
13 to the Commission under such subparagraph), the general  
14 counsel’s determination shall take effect, unless during  
15 such 30-day period the Commission, by vote of a majority  
16 of the members of the Commission who are serving at the  
17 time, overrules the general counsel’s determination. If the  
18 determination by the general counsel that there is prob-  
19 able cause to believe that a person has committed, or is  
20 about to commit, a violation of this Act or chapter 95 or  
21 chapter 96 of the Internal Revenue Code of 1986, or if  
22 the determination by the general counsel that there is not  
23 probable cause that a person has committed or is about  
24 to commit such a violation is overruled as provided under  
25 the previous sentence, for purposes of this subsection, the

1 Commission shall be deemed to have determined that there  
2 is probable cause that the person has committed or is  
3 about to commit such a violation.”.

4 (2) CONFORMING AMENDMENT RELATING TO  
5 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-  
6 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))  
7 is amended—

8 (A) in the third sentence, by striking “the  
9 Commission” and inserting “the general coun-  
10 sel”; and

11 (B) by amending the fourth sentence to  
12 read as follows: “Not later than 15 days after  
13 receiving notice from the general counsel under  
14 the previous sentence, the person may provide  
15 the general counsel with a written response that  
16 no action should be taken against such person  
17 on the basis of the complaint.”.

18 (b) REVISION OF STANDARD FOR REVIEW OF DIS-  
19 MISSAL OF COMPLAINTS.—

20 (1) IN GENERAL.—Section 309(a)(8) of such  
21 Act (52 U.S.C. 30109(a)(8)) is amended to read as  
22 follows:

23 “(8)(A)(i) Any party aggrieved by an order of the  
24 Commission dismissing a complaint filed by such party  
25 may file a petition with the United States District Court



1 for the District of Columbia. Any petition under this sub-  
2 paragraph shall be filed within 60 days after the date on  
3 which the party received notice of the dismissal of the  
4 complaint.

5 “(ii) In any proceeding under this subparagraph, the  
6 court shall determine by de novo review whether the agen-  
7 cy’s dismissal of the complaint is contrary to law. In any  
8 matter in which the penalty for the alleged violation is  
9 greater than \$50,000, the court should disregard any  
10 claim or defense by the Commission of prosecutorial dis-  
11 cretion as a basis for dismissing the complaint.

12 “(B)(i) Any party who has filed a complaint with the  
13 Commission and who is aggrieved by a failure of the Com-  
14 mission, within one year after the filing of the complaint,  
15 to act on such complaint, may file a petition with the  
16 United States District Court for the District of Columbia.

17 “(ii) In any proceeding under this subparagraph, the  
18 court shall determine by de novo review whether the agen-  
19 cy’s failure to act on the complaint is contrary to law.

20 “(C) In any proceeding under this paragraph the  
21 court may declare that the dismissal of the complaint or  
22 the failure to act is contrary to law, and may direct the  
23 Commission to conform with such declaration within 30  
24 days, failing which the complainant may bring, in the

1 name of such complainant, a civil action to remedy the  
2 violation involved in the original complaint.”.

3 (2) **EFFECTIVE DATE.**—The amendments made  
4 by paragraph (1) shall apply—

5 (A) in the case of complaints which are  
6 dismissed by the Federal Election Commission,  
7 with respect to complaints which are dismissed  
8 on or after the date of the enactment of this  
9 Act; and

10 (B) in the case of complaints upon which  
11 the Federal Election Commission failed to act,  
12 with respect to complaints which were filed on  
13 or after the date of the enactment of this Act.

14 (c) **REGULATIONS.**—Not later than 180 days after  
15 the date of the enactment of this Act, the Federal Election  
16 Commission shall promulgate new regulations on the en-  
17 forcement process under section 309 of the Federal Elec-  
18 tion Campaign Act of 1971 (52 U.S.C. 30109) to take  
19 into account the amendments made by this section.

20 **SEC. 7103. OFFICIAL EXERCISING THE RESPONSIBILITIES**  
21 **OF THE GENERAL COUNSEL.**

22 Section 306(f)(1) of the Federal Election Campaign  
23 Act of 1971 (52 U.S.C. 30106(f)(1)) is amended by add-  
24 ing at the end the following new sentence: “In the event  
25 of a vacancy in the position of the General Counsel, the

1 most senior attorney employed within the Office of the  
2 General Counsel at the time the vacancy arises shall exer-  
3 cise all the responsibilities of the General Counsel until  
4 the vacancy is filled.”.

5 **SEC. 7104. PERMITTING APPEARANCE AT HEARINGS ON RE-**  
6 **QUESTS FOR ADVISORY OPINIONS BY PER-**  
7 **SONS OPPOSING THE REQUESTS.**

8 (a) IN GENERAL.—Section 308 of such Act (52  
9 U.S.C. 30108) is amended by adding at the end the fol-  
10 lowing new subsection:

11 “(e) To the extent that the Commission provides an  
12 opportunity for a person requesting an advisory opinion  
13 under this section (or counsel for such person) to appear  
14 before the Commission to present testimony in support of  
15 the request, and the person (or counsel) accepts such op-  
16 portunity, the Commission shall provide a reasonable op-  
17 portunity for an interested party who submitted written  
18 comments under subsection (d) in response to the request  
19 (or counsel for such interested party) to appear before the  
20 Commission to present testimony in response to the re-  
21 quest.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply with respect to requests for advi-  
24 sory opinions under section 308 of the Federal Election

1 Campaign Act of 1971 which are made on or after the  
2 date of the enactment of this Act.

3 **SEC. 7105. PERMANENT EXTENSION OF ADMINISTRATIVE**  
4 **PENALTY AUTHORITY.**

5 Section 309(a)(4)(C)(v) of the Federal Election Cam-  
6 paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is  
7 amended by striking “, and that end on or before Decem-  
8 ber 31, 2023”.

9 **SEC. 7106. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

10 Section 306(e) of the Federal Election Campaign Act  
11 of 1971 (52 U.S.C. 30106(e)) is amended—

12 (1) by striking “(e) The Commission” and in-  
13 serting “(e)(1) The Commission”; and

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

16 “(2) Members and employees of the Commission shall  
17 be subject to limitations on ex parte communications, as  
18 provided in the regulations promulgated by the Commis-  
19 sion regarding such communications which are in effect  
20 on the date of the enactment of this paragraph.”.

21 **SEC. 7107. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**  
22 **REPRESENT FEC IN SUPREME COURT.**

23 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of  
24 the Federal Election Campaign Act of 1971 (52 U.S.C.  
25 30106(f)(4)) is amended by striking “any action instituted

1 under this Act, either (A) by attorneys” and inserting  
2 “any action instituted under this Act, including an action  
3 before the Supreme Court of the United States, either (A)  
4 by the General Counsel of the Commission and other at-  
5 torneys”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 paragraph (1) shall apply with respect to actions insti-  
8 tuted before, on, or after the date of the enactment of  
9 this Act.

10 **SEC. 7108. REQUIRING FORMS TO PERMIT USE OF ACCENT**  
11 **MARKS.**

12 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-  
13 eral Election Campaign Act of 1971 (52 U.S.C.  
14 30111(a)(1)) is amended by striking the semicolon at the  
15 end and inserting the following: “, and shall ensure that  
16 all such forms (including forms in an electronic format)  
17 permit the person using the form to include an accent  
18 mark as part of the person’s identification;”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall take effect upon the expiration of the  
21 90-day period which begins on the date of the enactment  
22 of this Act.

1 **SEC. 7109. EXTENSION OF THE STATUTES OF LIMITATIONS**  
2 **FOR OFFENSES UNDER THE FEDERAL ELEC-**  
3 **TION CAMPAIGN ACT OF 1971.**

4 (a) CIVIL OFFENSES.—Section 309(a) of the Federal  
5 Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is  
6 amended by inserting after paragraph (9) the following  
7 new paragraph:

8 “(10) No person shall be subject to a civil penalty  
9 under this subsection with respect to a violation of this  
10 Act unless a complaint is filed with the Commission with  
11 respect to the violation under paragraph (1), or the Com-  
12 mission responds to information with respect to the viola-  
13 tion which is ascertained in the normal course of carrying  
14 out its supervisory responsibilities under paragraph (2),  
15 not later than 10 years after the date on which the viola-  
16 tion occurred.”.

17 (b) CRIMINAL OFFENSES.—Section 406(a) of such  
18 Act (52 U.S.C. 30145(a)) is amended by striking “5  
19 years” and inserting “10 years”.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply with respect to violations occurring  
22 on or after the date of enactment of this Act.

23 **SEC. 7110. EFFECTIVE DATE; TRANSITION.**

24 (a) IN GENERAL.—Except as otherwise provided, this  
25 subtitle and the amendments made by this subtitle shall  
26 take effect and apply on the date of the enactment of this

1 Act, without regard to whether or not the Federal Election  
2 Commission has promulgated regulations to carry out this  
3 subtitle and the amendments made by this subtitle.

4 (b) TRANSITION.—

5 (1) NO EFFECT ON EXISTING CASES OR PRO-  
6 CEEDINGS.—Nothing in this subtitle or in any  
7 amendment made by this subtitle shall affect any of  
8 the powers exercised by the Federal Election Com-  
9 mission prior to the date of the enactment of this  
10 Act, including any investigation initiated by the  
11 Commission prior to such date or any proceeding  
12 (including any enforcement action) pending as of  
13 such date.

14 (2) TREATMENT OF CERTAIN COMPLAINTS.—If,  
15 as of the date of the enactment of this Act, the Gen-  
16 eral Counsel of the Federal Election Commission has  
17 not made any recommendation to the Commission  
18 under section 309(a) of the Federal Election Cam-  
19 paign Act of 1971 (52 U.S.C. 30109) with respect  
20 to a complaint filed prior to the date of the enact-  
21 ment of this Act, this subtitle and the amendments  
22 made by this subtitle shall apply with respect to the  
23 complaint in the same manner as this subtitle and  
24 the amendments made by this subtitle apply with re-

1           spect to a complaint filed on or after the date of the  
2           enactment of this Act.

3           **Subtitle C—Imposition of Fee for**  
4           **Reports Filed by Paper**

5           **SEC. 7201. IMPOSITION OF FEE FOR REPORTS FILED BY**  
6           **PAPER.**

7           Section 304(a)(11)(A) of the Federal Election Cam-  
8           paign Act of 1971 (52 U.S.C. 30104(a)(11)(A)) is amend-  
9           ed—

10           (1) by striking “and” at the end of clause (i);

11           (2) by striking the period at the end of clause  
12           (ii) and inserting “; and”; and

13           (3) by adding at the end the following new  
14           clause:

15           “(iii) shall be assessed a \$20.00 filing fee for  
16           any designation, statement, or report under this Act  
17           filed by paper, with the fees received by the Commis-  
18           sion under this clause deposited into the general  
19           fund of the Treasury for the purposes of deficit re-  
20           duction.”.



1                   **TITLE VIII—CITIZEN**  
2                   **EMPOWERMENT**  
3           **Subtitle A—Funding to Promote**  
4                   **Democracy**  
5           **PART 1—PAYMENTS AND ALLOCATIONS TO**  
6                   **STATES**  
7   **SEC. 8001. DEMOCRACY ADVANCEMENT AND INNOVATION**  
8                   **PROGRAM.**

9           (a) **ESTABLISHMENT.**—There is established a pro-  
10 gram to be known as the “Democracy Advancement and  
11 Innovation Program” under which the Director of the Of-  
12 fice of Democracy Advancement and Innovation shall  
13 make allocations to each State for each fiscal year to carry  
14 out democracy promotion activities described in subsection  
15 (b).

16           (b) **DEMOCRACY PROMOTION ACTIVITIES DE-**  
17 **SCRIBED.**—The democracy promotion activities described  
18 in this subsection are as follows:

19                   (1) Activities to promote innovation to improve  
20 efficiency and smooth functioning in the administra-  
21 tion of elections for Federal office and to secure the  
22 infrastructure used in the administration of such  
23 elections, including making upgrades to voting  
24 equipment and voter registration systems, securing  
25 voting locations, expanding polling places and the

1 availability of early and mail voting, recruiting and  
2 training nonpartisan election officials, and pro-  
3 moting cybersecurity.

4 (2) Activities to ensure equitable access to de-  
5 mocracy, including the following:

6 (A) Enabling candidates who seek office in  
7 the State to receive payments as participating  
8 candidates under title V of the Federal Election  
9 Campaign Act of 1971 (as added by subtitle  
10 B), but only if the State will enable candidates  
11 to receive such payments during an entire elec-  
12 tion cycle.

13 (B) Operating a Democracy Credit Pro-  
14 gram under part 1 of subtitle B, but only if the  
15 State will operate the program during an entire  
16 election cycle.

17 (C) Other activities to ensure equitable ac-  
18 cess to democracy, including administering a  
19 ranked-choice voting system and carrying out  
20 Congressional redistricting through independent  
21 commissions.

22 (3) Activities to increase access to voting in  
23 elections for Federal office by underserved commu-  
24 nities, individuals with disabilities, racial and lan-  
25 guage minority groups, individuals entitled to vote

1 by absentee ballot under the Uniformed and Over-  
2 seas Citizens Absentee Voting Act, and voters resid-  
3 ing in Indian lands.

4 (c) PERMITTING STATES TO RETAIN AND RESERVE  
5 ALLOCATIONS FOR FUTURE USE.—A State may retain  
6 and reserve an allocation received for a fiscal year to carry  
7 out democracy promotion activities in any subsequent fis-  
8 cal year.

9 (d) REQUIRING SUBMISSION AND APPROVAL OF  
10 STATE PLAN.—

11 (1) IN GENERAL.—A State shall receive an allo-  
12 cation under the Program for a fiscal year if—

13 (A) not later than 90 days before the first  
14 day of the fiscal year, the chief State election  
15 official of the State submits to the Director the  
16 State plan described in section 8002; and

17 (B) not later than 45 days before the first  
18 day of the fiscal year, the Director, in consulta-  
19 tion with the Election Assistance Commission  
20 and the Federal Election Commission as de-  
21 scribed in paragraph (3), determines that the  
22 State plan will enable the State to carry out de-  
23 mocracy promotion activities and approves the  
24 plan.

1           (2) SUBMISSION AND APPROVAL OF REVISED  
2           PLAN.—If the Director does not approve the State  
3           plan as submitted by the State under paragraph (1)  
4           with respect to a fiscal year, the State shall receive  
5           a payment under the Program for the fiscal year if,  
6           at any time prior to the end of the fiscal year—

7                   (A) the chief State election official of the  
8                   State submits a revised version of the State  
9                   plan; and

10                   (B) the Director, in consultation with the  
11                   Election Assistance Commission and the Fed-  
12                   eral Election Commission as described in para-  
13                   graph (3), determines that the revised version  
14                   of the State plan will enable the State to carry  
15                   out democracy promotion activities and ap-  
16                   proves the plan.

17           (3) ELECTION ASSISTANCE COMMISSION AND  
18           FEDERAL ELECTION COMMISSION CONSULTATION.—  
19           With respect to a State plan submitted under para-  
20           graph (1) or a revised plan submitted under para-  
21           graph (2)—

22                   (A) the Director shall, prior to making a  
23                   determination on approval of the plan, consult  
24                   with the Election Assistance Commission with  
25                   respect to the proposed State activities de-

1           scribed in subsection (b)(1) and with the Fed-  
2           eral Election Commission with respect to the  
3           proposed State activities described in subsection  
4           (b)(2)(A) and (b)(2)(B); and

5                   (B) the Election Assistance Commission  
6           and the Federal Election Commission shall sub-  
7           mit to the Director a written assessment with  
8           respect to whether the proposed activities of the  
9           plan satisfy the requirements of this Act.

10           (4) CONSULTATION WITH LEGISLATURE.—The  
11           chief State election official of the State shall develop  
12           the State plan submitted under paragraph (1) and  
13           the revised plan submitted under paragraph (2) in  
14           consultation with the majority party and minority  
15           party leaders of each house of the State legislature.

16           (e) STATE REPORT ON USE OF ALLOCATIONS.—Not  
17           later than 90 days after the last day of a fiscal year for  
18           which an allocation was made to the State under the Pro-  
19           gram, the chief State election official of the State shall  
20           submit a report to the Director describing how the State  
21           used the allocation, including a description of the democ-  
22           racy promotion activities the State carried out with the  
23           allocation.

24           (f) PUBLIC AVAILABILITY OF INFORMATION.—

1           (1) PUBLICLY AVAILABLE WEBSITE.—The Di-  
2           rector shall make available on a publicly accessible  
3           website the following:

4                   (A) State plans submitted under para-  
5                   graph (1) of subsection (d) and revised plans  
6                   submitted under paragraph (2) of subsection  
7                   (d).

8                   (B) The Director’s notifications of deter-  
9                   minations with respect to such plans under sub-  
10                  section (d).

11                  (C) Reports submitted by States under  
12                  subsection (e).

13           (2) REDACTION.— The Director may redact in-  
14           formation required to be made available under para-  
15           graph (1) if the information would be properly with-  
16           held from disclosure under section 552 of title 5,  
17           United States Code, or if the public disclosure of the  
18           information is otherwise prohibited by law.

19           (g) EFFECTIVE DATE.—This section shall apply with  
20           respect to fiscal year 2023 and each succeeding fiscal year.

21   **SEC. 8002. STATE PLAN.**

22           (a) CONTENTS.—A State plan under this section with  
23           respect to a State is a plan containing each of the fol-  
24           lowing:

1           (1) A description of the democracy promotion  
2 activities the State will carry out with the payment  
3 made under the Program.

4           (2) A statement of whether or not the State in-  
5 tends to retain and reserve the payment for future  
6 democracy promotion activities.

7           (3) A description of how the State intends to  
8 allocate funds to carry out the proposed activities,  
9 which shall include the amount the State intends to  
10 allocate to each such activity, including (if applica-  
11 ble) a specific allocation for—

12                   (A) activities described in subsection  
13 8001(b)(1) (relating to election administration);

14                   (B) activities described in section  
15 8001(b)(2)(A) (relating to payments to partici-  
16 pating candidates in the State under title V of  
17 the Federal Election Campaign Act of 1971),  
18 together with the information required under  
19 subsection (c);

20                   (C) activities described in section  
21 8001(b)(2)(B) (relating to the operation of a  
22 Democracy Credit Program under part 1 of  
23 subtitle B);

1 (D) activities described in section  
2 8001(b)(2)(C) (relating to other activities to en-  
3 sure equitable access to democracy; and

4 (E) activities described in section  
5 8001(b)(3) (relating to activities to increase ac-  
6 cess to voting in elections for Federal office by  
7 certain communities).

8 (4) A description of how the State will establish  
9 the fund described in subsection (b) for purposes of  
10 administering the democracy promotion activities  
11 which the State will carry out with the payment, in-  
12 cluding information on fund management.

13 (5) A description of the State-based administra-  
14 tive complaint procedures established for purposes of  
15 section 8003(b).

16 (6) A statement regarding whether the pro-  
17 posed activities to be funded are permitted under  
18 State law, or whether the official intends to seek  
19 legal authorization for such activities.

20 (b) REQUIREMENTS FOR FUND.—

21 (1) FUND DESCRIBED.—For purposes of sub-  
22 section (a)(4), a fund described in this subsection  
23 with respect to a State is a fund which is established  
24 in the treasury of the State government, which is



1 used in accordance with paragraph (2), and which  
2 consists of the following amounts:

3 (A) Amounts appropriated or otherwise  
4 made available by the State for carrying out the  
5 democracy promotion activities for which the  
6 payment is made to the State under the Pro-  
7 gram.

8 (B) The payment made to the State under  
9 the Program.

10 (C) Such other amounts as may be appro-  
11 priated under law.

12 (D) Interest earned on deposits of the  
13 fund.

14 (2) USE OF FUND.—Amounts in the fund shall  
15 be used by the State exclusively to carry out democ-  
16 racy promotion activities for which the payment is  
17 made to the State under the Program.

18 (3) TREATMENT OF STATES THAT REQUIRE  
19 CHANGES TO STATE LAW.—In the case of a State  
20 that requires State legislation to establish the fund  
21 described in this subsection, the Director shall defer  
22 disbursement of the payment to such State under  
23 the Program until such time as legislation estab-  
24 lishing the fund is enacted.

1           (c) SPECIFIC INFORMATION ON USE OF FUNDS TO  
2 ENABLE CANDIDATES TO PARTICIPATE IN MATCHING  
3 FUNDS PROGRAM.—If the State plan under this section  
4 includes an allocation for activities described in section  
5 8001(b)(2)(A) (relating to payments to participating can-  
6 didates in the State under title V of the Federal Election  
7 Campaign Act of 1971), the State shall include in the plan  
8 specific information on how the amount of the allocation  
9 will enable the State to provide for the viable participation  
10 of candidates in the State under such title, including the  
11 assumptions made by the State in determining the amount  
12 of the allocation.

13 **SEC. 8003. PROHIBITING REDUCTION IN ACCESS TO PAR-**  
14 **TICIPATION IN ELECTIONS.**

15           (a) PROHIBITING USE OF PAYMENTS.—A State may  
16 not use a payment made under the Program to carry out  
17 any activity which has the purpose or effect of diminishing  
18 the ability of any citizen of the United States to partici-  
19 pate in the electoral process.

20           (b) STATE-BASED ADMINISTRATIVE COMPLAINT  
21 PROCEDURES.—

22               (1) ESTABLISHMENT.—A State receiving a pay-  
23 ment under the Program shall establish uniform and  
24 nondiscriminatory State-based administrative com-  
25 plaint procedures under which any person who be-

1       believes that a violation of subsection (a) has occurred,  
2       is occurring, or is about to occur may file a com-  
3       plaint.

4           (2) NOTIFICATION TO DIRECTOR.—The State  
5       shall transmit to the Director a description of each  
6       complaint filed under the procedures, together  
7       with—

8           (A) if the State provides a remedy with re-  
9       spect to the complaint, a description of the rem-  
10      edy; or

11          (B) if the State dismisses the complaint, a  
12      statement of the reasons for the dismissal.

13          (3) REVIEW BY DIRECTOR.—

14          (A) REQUEST FOR REVIEW.—Any person  
15      who is dissatisfied with the final decision under  
16      a State-based administrative complaint proce-  
17      dure under this subsection may, not later than  
18      60 days after the decision is made, file a re-  
19      quest with the Director to review the decision.

20          (B) ACTION BY DIRECTOR.—Upon receiv-  
21      ing a request under subparagraph (A), the Di-  
22      rector shall review the decision and, in accord-  
23      ance with such procedures as the Director may  
24      establish, including procedures to provide notice  
25      and an opportunity for a hearing, may uphold

1 the decision or reverse the decision and provide  
2 an appropriate remedy.

3 (C) PUBLIC AVAILABILITY OF MATE-  
4 RIAL.—The Director shall make available on a  
5 publicly accessible website all material relating  
6 to a request for review and determination by  
7 the Director under this paragraph, shall be  
8 made available on a publicly accessible website,  
9 except that the Director may redact material  
10 required to be made available under this sub-  
11 paragraph if the material would be properly  
12 withheld from disclosure under section 552 of  
13 title 5, United States Code, or if the public dis-  
14 closure of the material is otherwise prohibited  
15 by law.

16 (4) RIGHT TO PETITION FOR REVIEW.—

17 (A) IN GENERAL.—Any person aggrieved  
18 by an action of the Director under subpara-  
19 graph (B) of paragraph (3) may file a petition  
20 with the United States District Court for the  
21 District of Columbia.

22 (B) DEADLINE TO FILE PETITION.—Any  
23 petition under this subparagraph shall be filed  
24 not later than 60 days after the date of the ac-

1           tion taken by the Director under subparagraph  
2           (B) of paragraph (3).

3           (C) STANDARD OF REVIEW.—In any pro-  
4           ceeding under this paragraph, the court shall  
5           determine whether the action of the Director  
6           was arbitrary, capricious, an abuse of discre-  
7           tion, or otherwise not in accordance with law  
8           under section 706 of title 5, United States  
9           Code, and may direct the Office to conform  
10          with any such determination within 30 days.

11          (c) ACTION BY ATTORNEY GENERAL FOR DECLARA-  
12          TORY AND INJUNCTIVE RELIEF.—The Attorney General  
13          may bring a civil action against any State in an appro-  
14          priate United States District Court for such declaratory  
15          and injunctive relief (including a temporary restraining  
16          order, a permanent or temporary injunction, or other  
17          order) as may be necessary to enforce subsection (a).

18          **SEC. 8004. AMOUNT OF STATE ALLOCATION.**

19          (a) STATE-SPECIFIC AMOUNT.—The amount of the  
20          allocation made to a State under the Program for a fiscal  
21          year shall be equal to the product of—

22                  (1) the Congressional district allocation amount  
23                  (determined under subsection (b)); and

1           (2) the number of Congressional districts in the  
2           State for the next regularly scheduled general elec-  
3           tion 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  
10          year, as determined by the Director under sub-  
11          section (c); divided by

12          (2) the total number of Congressional districts  
13          in all States.

14          (c)    DETERMINATION    OF    AGGREGATE    AMOUNT  
15    AVAILABLE    FOR    ALLOCATIONS;    NOTIFICATION    TO  
16    STATES.—Not later than 120 days before the first day  
17    of each fiscal year, the Director—

18          (1) shall, in accordance with section 8012, de-  
19          termine and establish the aggregate amount avail-  
20          able for allocations to States under the Program for  
21          the fiscal 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 Treas-  
13 ury to disburse amounts from the Trust Fund for  
14 payment to the State in the aggregate amount pro-  
15 vided under the plan for such activities.

16 (2) TIMING.—As soon as practicable after the  
17 Director directs the Secretary of the Treasury to  
18 disburse amounts for payment to a State under  
19 paragraph (1), the Secretary of the Treasury shall  
20 make the payment to the State under such para-  
21 graph.

22 (3) CONTINUING AVAILABILITY OF FUNDS  
23 AFTER APPROPRIATION.—A payment made to a  
24 State under this subsection shall be available with-  
25 out fiscal year limitation.

1 (b) ALLOCATION TO ELECTION ASSISTANCE COMMIS-  
2 SION FOR PAYMENTS TO STATES FOR CERTAIN ELECTION  
3 ADMINISTRATION ACTIVITIES.—

4 (1) ALLOCATION.—If the approved State plan  
5 of a State includes activities described in section  
6 8001(b)(1), upon approving the State plan under  
7 section 8002, the Director shall direct the Secretary  
8 of the Treasury to allocate to the Election Assist-  
9 ance Commission the amount provided for such ac-  
10 tivities under the plan.

11 (2) PAYMENT TO STATE.—As soon as prac-  
12 ticable after receiving an allocation under paragraph  
13 (1) with respect to a State, the Election Assistance  
14 Commission shall make a payment to the State in  
15 the amount of the State's allocation.

16 (3) CONTINUING AVAILABILITY OF FUNDS  
17 AFTER APPROPRIATION.—A payment made to a  
18 State by the Election Assistance Commission under  
19 this subsection shall be available without fiscal year  
20 limitation.

21 (c) ALLOCATION TO FEDERAL ELECTION COMMIS-  
22 SION FOR PAYMENTS TO PARTICIPATING CANDIDATES  
23 FROM STATE.—If the approved State plan of a State in-  
24 cludes activities described in section 8001(b)(2)(A), relat-  
25 ing to payments to participating candidates in the State



1 under title V of the Federal Election Campaign Act of  
2 1971, upon approving the State plan under section 8002,  
3 the Director shall direct the Secretary of the Treasury to  
4 allocate to the Federal Election Commission the amount  
5 provided for such activities under the plan.

6 (d) ALLOCATION TO FEDERAL ELECTION COMMIS-  
7 SION FOR PAYMENTS FOR DEMOCRACY CREDIT PRO-  
8 GRAM.—If the approved State plan of a State includes ac-  
9 tivities described in section 8001(b)(2)(B), relating to pay-  
10 ments to the State for the operation of a Democracy Cred-  
11 it Program under part 1 of subtitle B, upon approving  
12 the State plan under section 8002, the Director shall di-  
13 rect the Secretary of the Treasury to allocate to the Fed-  
14 eral Election Commission the amount provided for such  
15 activities under the plan.

16 (e) CERTAIN PAYMENTS MADE DIRECTLY TO LOCAL  
17 ELECTION ADMINISTRATORS.—Under rules established by  
18 the Director not later than 270 days after the date of the  
19 enactment of this Act, portions of amounts disbursed to  
20 States by the Secretary of the Treasury under subsection  
21 (a) and payments made to States by the Election Assist-  
22 ance Commission under subsection (b) may be provided  
23 directly to local election administrators carrying out activi-  
24 ties in the State plan which may be carried out with such  
25 amounts and payments.

1 **SEC. 8006. OFFICE OF DEMOCRACY ADVANCEMENT AND IN-**  
2 **NOVATION.**

3 (a) **ESTABLISHMENT.**—There is established as an  
4 independent establishment in the executive branch the Of-  
5 fice of Democracy Advancement and Innovation.

6 (b) **DIRECTOR.**—

7 (1) **IN GENERAL.**—The Office shall be headed  
8 by a Director, who shall be appointed by the Presi-  
9 dent with the advice and consent of the Senate.

10 (2) **TERM OF SERVICE.**—The Director shall  
11 serve for a term of 6 years and may be reappointed  
12 to an additional term, and may continue serving as  
13 Director until a replacement is appointed. A vacancy  
14 in the position of Director shall be filled in the same  
15 manner as the original appointment.

16 (3) **COMPENSATION.**—The Director shall be  
17 paid at an annual rate of pay equal to the annual  
18 rate in 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 re-  
21 moves the Director, the President shall communicate  
22 in writing the reasons for the removal to both  
23 Houses of Congress not later than 30 days before-  
24 hand. Nothing in this paragraph shall be construed  
25 to prohibit a personnel action otherwise authorized  
26 by law.

1 (c) GENERAL COUNSEL AND OTHER STAFF.—

2 (1) GENERAL COUNSEL.—The Director shall  
3 appoint a general counsel who shall be paid at an  
4 annual rate of pay equal to the annual rate in effect  
5 for level III of the Executive Schedule. In the event  
6 of a vacancy in the position of the Director, the  
7 General Counsel shall exercise all the responsibilities  
8 of the Director until such vacancy is filled.

9 (2) SENIOR STAFF.—The Director may appoint  
10 and fix the pay of staff designated as Senior staff,  
11 such as a Deputy Director, who may be paid at an  
12 annual rate of pay equal to the annual rate in effect  
13 for level IV of the Executive Schedule.

14 (3) OTHER STAFF.—In addition to the General  
15 Counsel and Senior staff, the Director may appoint  
16 and fix the pay of such other staff as the Director  
17 considers necessary to carry out the duties of the  
18 Office, except that no such staff may be com-  
19 pensated at an annual rate exceeding the daily  
20 equivalent of the annual rate of basic pay in effect  
21 for grade GS-15 of the General Schedule.

22 (d) DUTIES.—The duties of the Office are as follows:

23 (1) ADMINISTRATION OF PROGRAM.—The Di-  
24 rector shall administer the Program, in consultation  
25 with the Election Assistance Commission and the

1 Federal Election Commission, including by holding  
2 quarterly meetings of representatives from such  
3 Commissions.

4 (2) OVERSIGHT OF TRUST FUND.—The Direc-  
5 tor shall oversee the operation of the Trust Fund  
6 and monitor its balances, in consultation with the  
7 Secretary of the Treasury. The Director may hold  
8 funds in reserve to cover the expenses of the Office  
9 and to preserve the solvency of the Trust Fund.

10 (3) REPORTS.—Not later than 180 days after  
11 the date of the regularly scheduled general election  
12 for Federal office held in 2024 and each succeeding  
13 regularly scheduled general election for Federal of-  
14 fice thereafter, the Director shall submit to the  
15 Committee on House Administration of the House of  
16 Representatives and the Committee on Rules and  
17 Administration of the Senate a report on the activi-  
18 ties carried out under the Program and the amounts  
19 deposited into and paid from the Trust Fund during  
20 the two most recent fiscal years.

21 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF  
22 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—

23 (1) IN GENERAL.—Section 8G(a)(2) of the In-  
24 spector General Act of 1978 (5 U.S.C. App.) is  
25 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  
4 by paragraph (1) shall take effect 180 days after the  
5 appointment of the Director.

6 (f) COVERAGE UNDER HATCH ACT.—Clause (i) of  
7 section 7323(b)(2)(B) of title 5, United States Code, is  
8 amended—

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 Advance-  
14 ment 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  
24 AND DISTRIBUTION OF FUNDS.—Not later than 90  
25 days after the date of the enactment of this Act, the

1 Director shall promulgate such rules and regulations  
2 as the Director considers necessary and appropriate  
3 to carry out the requirements of this part and the  
4 amendments 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  
12 AND 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 Direc-  
16 tor of the Office of Management and Budget is au-  
17 thorized to perform the functions of the Office under  
18 this title, and shall act for all purposes as, and with  
19 the full 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; PER-  
2 MITTING EXTENSION.—The Director of the Of-  
3 fice of Management and Budget shall cease pro-  
4 viding interim administrative services under this  
5 paragraph upon the expiration of the transition  
6 period, 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 Direc-  
10 tor of the Office of Management and Budget  
11 jointly transmit to the Committee on House Ad-  
12 ministration of the House of Representatives  
13 and the Committee on Rules and Administra-  
14 tion of the Senate—

15 (i) a written determination that an or-  
16 derly implementation of this title is not  
17 feasible by the expiration of the transition  
18 period;

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 Man-  
24 agement and Budget shall continue pro-

1           viding services under the authority of this  
2           subparagraph; 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  
8           subsection, the “transition period” is the period  
9           which begins on the effective date of this Act and  
10          ends on the date on which the Director is appointed  
11          and confirmed.

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  
18          this Act.

19          (i) **AUTHORIZATION OF APPROPRIATIONS.**—There  
20          are authorized to be appropriated from the Trust Fund  
21          such sums as may be necessary to carry out the activities  
22          of the Office for fiscal year 2023 and each succeeding fis-  
23          cal 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 As-  
7 sistance 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  
12 31, United States Code, and section 6761 of the In-  
13 ternal Revenue Code of 1986 (as added by section  
14 8013); and

15                   (2) gifts or bequests deposited pursuant to sub-  
16 section (d).

17           (c) **USE OF FUNDS.**—Amounts in the Trust Fund  
18 shall be used to make payments and allocations under the  
19 Program (as described in section 8012(a)) and to carry  
20 out the activities of the Office.

21           (d) **ACCEPTANCE OF GIFTS.**—The Office may accept  
22 gifts or bequests for deposit into the Trust Fund.

23           (e) **NO TAXPAYER FUNDS PERMITTED.**—No tax-  
24 payer funds may be deposited into the Trust Fund. For  
25 purposes of this subsection, the term “taxpayer funds”

1 means revenues received by the Internal Revenue Service  
2 from tax liabilities.

3 (f) **EFFECTIVE DATE.**—This section shall take effect  
4 on the date of the enactment of this subtitle.

5 **SEC. 8012. USES OF FUND.**

6 (a) **PAYMENTS AND ALLOCATIONS DESCRIBED.**—For  
7 each fiscal year, amounts in the Fund shall be used as  
8 follows:

9 (1) Payments to States under the Program, as  
10 described in section 8005(a).

11 (2) Allocations to the Election Assistance Com-  
12 mission, to be used for payments for certain election  
13 administration activities, as described in section  
14 8005(b).

15 (3) Allocations to the Federal Election Commis-  
16 sion, to be used for payments to participating can-  
17 didates under title V of the Federal Election Cam-  
18 paign Act of 1971, as described in section 8005(c).

19 (4) Allocations to the Federal Election Commis-  
20 sion, to be used for payments to States operating a  
21 Democracy Credit Program under part 1 of subtitle  
22 B, as described in section 8005(d).

23 (b) **DETERMINATION OF AGGREGATE AMOUNT OF**  
24 **STATE ALLOCATIONS.**—The Director shall determine and  
25 establish the aggregate amount of State allocations for

1 each fiscal year, taking into account the anticipated bal-  
2 ances of the Trust Fund. In carrying out this subsection,  
3 the Director shall consult with the Federal Election Com-  
4 mission and the Election Assistance Commission, but shall  
5 be solely responsible for making the final determinations  
6 under this subsection.

7 **SEC. 8013. ASSESSMENTS AGAINST FINES AND PENALTIES.**

8 (a) ASSESSMENTS RELATING TO CRIMINAL OF-  
9 FENSES.—

10 (1) IN GENERAL.—Chapter 201 of title 18,  
11 United States Code, is amended by adding at the  
12 end the following new section:

13 **“§ 3015. Special assessments for State Election Assist-  
14 ance and Innovation Trust Fund**

15 “(a) ASSESSMENTS.—

16 “(1) CONVICTIONS OF CRIMES.—In addition to  
17 any assessment imposed under this chapter, the  
18 court shall assess on any organizational defendant or  
19 any defendant who is a corporate officer or person  
20 with equivalent authority in any other organization  
21 who is convicted of a criminal offense under Federal  
22 law an amount equal to 4.75 percent of any fine im-  
23 posed on that defendant in the sentence imposed for  
24 that conviction.



1           (1) IN GENERAL.—Chapter 97 of title 31,  
2           United States Code, is amended by adding at the  
3           end the following new section:

4   **“§ 9706. Special assessments for State Election Assist-**  
5                           **ance and Innovation Trust Fund**

6           “(a) ASSESSMENTS.—

7                   “(1) CIVIL PENALTIES.—Any entity of the Fed-  
8           eral Government which is authorized under any law,  
9           rule, or regulation to impose a civil penalty shall as-  
10          sess on each person, other than a natural person  
11          who is not a corporate officer or person with equiva-  
12          lent authority in any other organization, on whom  
13          such a penalty is imposed an amount equal to 4.75  
14          percent of the amount of the penalty.

15                   “(2) ADMINISTRATIVE PENALTIES.—Any entity  
16          of the Federal Government which is authorized  
17          under any law, rule, or regulation to impose an ad-  
18          ministrative penalty shall assess on each person,  
19          other than a natural person who is not a corporate  
20          officer or person with equivalent authority in any  
21          other organization, on whom such a penalty is im-  
22          posed an amount equal to 4.75 percent of the  
23          amount of the penalty.

24                   “(3) SETTLEMENTS.—Any entity of the Federal  
25          Government which is authorized under any law, rule,

1 or regulation to enter into a settlement agreement or  
2 consent decree with any person, other than a natural  
3 person who is not a corporate officer or person with  
4 equivalent authority in any other organization, in  
5 satisfaction of any allegation of an action or omis-  
6 sion by the person which would be subject to a civil  
7 penalty or administrative penalty shall assess on  
8 such person an amount equal to 4.75 percent of the  
9 amount of the settlement.

10 “(b) MANNER OF COLLECTION.—An amount as-  
11 sessed under subsection (a) shall be collected—

12 “(1) in the case of an amount assessed under  
13 paragraph (1) of such subsection, in the manner in  
14 which civil penalties are collected by the entity of the  
15 Federal Government involved;

16 “(2) in the case of an amount assessed under  
17 paragraph (2) of such subsection, in the manner in  
18 which administrative penalties are collected by the  
19 entity of the Federal Government involved; and

20 “(3) in the case of an amount assessed under  
21 paragraph (3) of such subsection, in the manner in  
22 which amounts are collected pursuant to settlement  
23 agreements or consent decrees entered into by the  
24 entity of the Federal Government involved.

1           “(c) TRANSFERS.—In a manner consistent with sec-  
2 tion 3302(b) of this title, there shall be transferred from  
3 the General Fund of the Treasury to the State Election  
4 Assistance and Innovation Trust Fund under section 8011  
5 of the Freedom to Vote: John R. Lewis Act an amount  
6 equal to the amount of the assessments collected under  
7 this section.

8           “(d) EXCEPTION FOR PENALTIES AND SETTLE-  
9 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE  
10 CODE OF 1986.—

11           “(1) IN GENERAL.—No assessment shall be  
12 made under subsection (a) with respect to any civil  
13 or administrative penalty imposed, or any settlement  
14 agreement or consent decree entered into, under the  
15 authority of the Internal Revenue Code of 1986.

16           “(2) CROSS REFERENCE.—For application of  
17 special assessments for the State Election Assistance  
18 and Innovation Trust Fund with respect to certain  
19 penalties under the Internal Revenue Code of 1986,  
20 see section 6761 of the Internal Revenue Code of  
21 1986.”.

22           “(2) CLERICAL AMENDMENT.—The table of sec-  
23 tions of chapter 97 of title 31, United States Code,  
24 is amended by adding at the end the following:

“9706. Special assessments for State Election Assistance and Innovation Trust  
Fund.”.

1 (c) ASSESSMENTS RELATING TO CERTAIN PEN-  
2 ALTIES UNDER THE INTERNAL REVENUE CODE OF  
3 1986.—

4 (1) IN GENERAL.—Chapter 68 of the Internal  
5 Revenue Code of 1986 is amended by adding at the  
6 end the following new subchapter:

7 **“Subchapter D—Special Assessments for**  
8 **State Election Assistance and Innovation**  
9 **Trust Fund**

10 **“SEC. 6761. SPECIAL ASSESSMENTS FOR STATE ELECTION**  
11 **ASSISTANCE AND INNOVATION TRUST FUND.**

12 “(a) IN GENERAL.—Each person required to pay a  
13 covered penalty shall pay an additional amount equal to  
14 4.75 percent of the amount of such penalty.

15 “(b) COVERED PENALTY.—For purposes of this sec-  
16 tion, the term ‘covered penalty’ means any addition to tax,  
17 additional amount, penalty, or other liability provided  
18 under subchapter A or B.

19 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

20 “(1) IN GENERAL.—In the case of a taxpayer  
21 who is an individual, subsection (a) shall not apply  
22 to any covered penalty if such taxpayer is an exempt  
23 taxpayer for the taxable year for which such covered  
24 penalty is assessed.



1           “(2) EXEMPT TAXPAYER.—For purposes of this  
2           subsection, a taxpayer is an exempt taxpayer for any  
3           taxable year if the taxable income of such taxpayer  
4           for such taxable year does not exceed the dollar  
5           amount at which begins the highest rate bracket in  
6           effect under section 1 with respect to such taxpayer  
7           for such taxable year.

8           “(d) APPLICATION OF CERTAIN RULES.—Except as  
9           provided in subsection (e), the additional amount deter-  
10          mined under subsection (a) shall be treated for purposes  
11          of this title in the same manner as the covered penalty  
12          to which such additional amount relates.

13          “(e) TRANSFER TO STATE ELECTION ADMINISTRA-  
14          TION AND INNOVATION TRUST FUND.—The Secretary  
15          shall deposit any additional amount under subsection (a)  
16          in the General Fund of the Treasury and shall transfer  
17          from such General Fund to the State Election Assistance  
18          and Innovation Trust Fund under section 8011 of the  
19          Freedom to Vote: John R. Lewis Act an amount equal  
20          to the amounts so deposited (and, notwithstanding sub-  
21          section (d), such additional amount shall not be the basis  
22          for any deposit, transfer, credit, appropriation, or any  
23          other payment, to any other trust fund or account). Rules  
24          similar to the rules of section 9601 shall apply for pur-  
25          poses of this subsection.”.

1           (2) CLERICAL AMENDMENT.—The table of sub-  
2 chapters for chapter 68 of such Code is amended by  
3 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR STATE ELECTION ASSISTANCE  
AND INNOVATION TRUST FUND”.

4           (d) EFFECTIVE DATES.—

5           (1) IN GENERAL.—Except as provided in para-  
6 graph (2), the amendments made by this section  
7 shall apply with respect to convictions, agreements,  
8 and penalties which occur on or after the date of the  
9 enactment of this Act.

10           (2) ASSESSMENTS RELATING TO CERTAIN PEN-  
11 ALTIES UNDER THE INTERNAL REVENUE CODE OF  
12 1986.—The amendments made by subsection (c)  
13 shall apply to covered penalties assessed after the  
14 date of the enactment of this Act.

### 15           **PART 3—GENERAL PROVISIONS**

#### 16   **SEC. 8021. DEFINITIONS.**

17           In this subtitle, the following definitions apply:

18           (1) The term “chief State election official” has  
19 the meaning given such term in section 253(e) of the  
20 Help America Vote Act of 2002 (52 U.S.C.  
21 21003(e)).

22           (2) The term “Director” means the Director of  
23 the Office.

1           (3) The term “election cycle” means the period  
2 beginning on the day after the date of the most re-  
3 cent regularly scheduled general election for Federal  
4 office and ending on the date of the next regularly  
5 scheduled general election for Federal office.

6           (4) The term “Indian lands” includes—

7           (A) Indian country, as defined under sec-  
8 tion 1151 of title 18, United States Code;

9           (B) any land in Alaska owned, pursuant to  
10 the Alaska Native Claims Settlement Act (43  
11 U.S.C. 1601 et seq.), by an Indian Tribe that  
12 is a Native village (as defined in section 3 of  
13 that Act (43 U.S.C. 1602)) or by a Village Cor-  
14 poration that is associated with an Indian Tribe  
15 (as defined in section 3 of that Act (43 U.S.C.  
16 1602));

17           (C) any land on which the seat of the Trib-  
18 al government is located; and

19           (D) any land that is part or all of a Tribal  
20 designated statistical area associated with an  
21 Indian Tribe, or is part or all of an Alaska Na-  
22 tive village statistical area associated with an  
23 Indian Tribe, as defined by the Census Bureau  
24 for the purposes of the most recent decennial  
25 census.

1           (5) The term “Office” means the Office of De-  
2           mocracy Advancement and Innovation established  
3           under section 8005.

4           (6) The term “Program” means the Democracy  
5           Advancement and Innovation Program established  
6           under section 8001.

7           (7) The term “State” means each of the several  
8           States, the District of Columbia, the Commonwealth  
9           of Puerto Rico, Guam, American Samoa, the United  
10          States Virgin Islands, and the Commonwealth of the  
11          Northern Mariana Islands.

12          (8) The term “Trust Fund” means the State  
13          Election Assistance and Innovation Trust Fund es-  
14          tablished under section 8011.

15   **SEC. 8022. RULE OF CONSTRUCTION REGARDING CALCULA-**  
16                                   **TION OF DEADLINES.**

17          (a) **IN GENERAL.**—With respect to the calculation of  
18          any period of time for the purposes of a deadline in this  
19          subtitle, the last day of the period shall be included in  
20          such calculation, unless such day is a Saturday, a Sunday,  
21          or a legal public holiday, in which case the period of such  
22          deadline shall be extended until the end of the next day  
23          which is not a Saturday, a Sunday, a legal public holiday.

24          (b) **LEGAL PUBLIC HOLIDAY DEFINED.**—For the  
25          purposes of this section, the term “legal public holiday”

1 means a day described in section 6103(a) of title 5, United  
2 States Code.

3 **Subtitle B—Elections for House of**  
4 **Representatives**

5 **SEC. 8101. SHORT TITLE.**

6 This subtitle may be cited as the “Government By  
7 the People Act of 2021”.

8 **PART 1—OPTIONAL DEMOCRACY CREDIT**  
9 **PROGRAM**

10 **SEC. 8102. ESTABLISHMENT OF PROGRAM.**

11 (a) **ESTABLISHMENT.**—The Federal Election Com-  
12 mission (hereafter in this part referred to as the “Commis-  
13 sion”) shall establish a program under which the Commis-  
14 sion shall make payments to States to operate a credit  
15 program which is described in section 8103 during an elec-  
16 tion cycle.

17 (b) **REQUIREMENTS FOR PROGRAM.**—A State is eligi-  
18 ble to operate a credit program under this part with re-  
19 spect to an election cycle if, not later than 120 days before  
20 the cycle begins, the State submits to the Commission a  
21 statement containing—

22 (1) information and assurances that the State  
23 will operate a credit program which contains the ele-  
24 ments described in section 8103(a);

1           (2) information and assurances that the State  
2 will establish fraud prevention mechanisms described  
3 in section 8103(b);

4           (3) information and assurances that the State  
5 will establish a commission to oversee and implement  
6 the program as described in section 8103(c);

7           (4) information and assurances that the State  
8 will carry out a public information campaign as de-  
9 scribed in section 8103(d);

10          (5) information and assurances that the State  
11 will submit reports as required under section 8104;

12          (6) information and assurances that, not later  
13 than 60 days before the beginning of the cycle, the  
14 State will complete any actions necessary to operate  
15 the program during the cycle; and

16          (7) such other information and assurances as  
17 the Commission may require.

18       (c) REIMBURSEMENT OF COSTS.—

19           (1) REIMBURSEMENT.—Upon receiving the re-  
20 port submitted by a State under section 8104(a)  
21 with respect to an election cycle, the Commission  
22 shall transmit a payment to the State in an amount  
23 equal to the reasonable costs incurred by the State  
24 in operating the credit program under this part dur-  
25 ing the cycle.

1           (2) SOURCE OF FUNDS.—Payments to a State  
2           under the program shall be made using amounts al-  
3           located to the Commission for purposes of making  
4           payments under this part with respect to the State  
5           from the State Election Assistance and Innovation  
6           Trust Fund (hereafter referred to as the “Fund”)   
7           under section 8012, in the amount allocated with re-  
8           spect to the State under section 8005(d).

9           (3) CAP ON AMOUNT OF PAYMENT.—The aggre-  
10          gate amount of payments made to any State with re-  
11          spect to two consecutive election cycles period may  
12          not exceed \$10,000,000. If the State determines  
13          that the maximum payment amount under this para-  
14          graph with respect to such cycles is not, or may not  
15          be, sufficient to cover the reasonable costs incurred  
16          by the State in operating the program under this  
17          part for such cycles, the State shall reduce the  
18          amount of the credit provided to each qualified indi-  
19          vidual by such pro rata amount as may be necessary  
20          to ensure that the reasonable costs incurred by the  
21          State in operating the program will not exceed the  
22          amount paid to the State with respect to such cycles.

23          (d) CONTINUING AVAILABILITY OF FUNDS AFTER  
24          APPROPRIATION.—A payment made to a State under this  
25          part shall be available without fiscal year limitation.

1 **SEC. 8103. CREDIT PROGRAM DESCRIBED.**

2 (a) GENERAL ELEMENTS OF PROGRAM.—

3 (1) ELEMENTS DESCRIBED.—The elements of a  
4 credit program operated by a State under this part  
5 are as follows:

6 (A) The State shall provide each qualified  
7 individual upon the individual's request with a  
8 credit worth \$25 to be known as a "Democracy  
9 Credit" during the election cycle which will be  
10 assigned a routing number and which at the op-  
11 tion of the individual will be provided in either  
12 paper or electronic form.

13 (B) Using the routing number assigned to  
14 the Democracy Credit, the individual may sub-  
15 mit the Democracy Credit in either electronic or  
16 paper form to qualified candidates for election  
17 for the office of Representative in, or Delegate  
18 or Resident Commissioner to, the Congress and  
19 allocate such portion of the value of the Democ-  
20 racy Credit in increments of \$5 as the indi-  
21 vidual may select to any such candidate.

22 (C) If the candidate transmits the Democ-  
23 racy Credit to the Commission, the Commission  
24 shall pay the candidate the portion of the value  
25 of the Democracy Credit that the individual al-  
26 located to the candidate, which shall be consid-



1           ered a contribution by the individual to the can-  
2           didate for purposes of the Federal Election  
3           Campaign Act of 1971.

4           (2) DESIGNATION OF QUALIFIED INDIVID-  
5           UALS.—For purposes of paragraph (1)(A), a “quali-  
6           fied individual” with respect to a State means an in-  
7           dividual—

8                   (A) who is a resident of the State;

9                   (B) who will be of voting age as of the  
10           date of the election for the candidate to whom  
11           the individual submits a Democracy Credit; and

12                   (C) who is not prohibited under Federal  
13           law from making contributions to candidates  
14           for election for Federal office.

15           (3) TREATMENT AS CONTRIBUTION TO CAN-  
16           DIDATE.—For purposes of the Federal Election  
17           Campaign Act of 1971, the submission of a Democ-  
18           racy Credit to a candidate by an individual shall be  
19           treated as a contribution to the candidate by the in-  
20           dividual in the amount of the portion of the value  
21           of the Credit that the individual allocated to the can-  
22           didate.

23           (b) FRAUD PREVENTION MECHANISM.—In addition  
24           to the elements described in subsection (a), a State oper-  
25           ating a credit program under this part shall permit an

1 individual to revoke a Democracy Credit not later than  
2 2 days after submitting the Democracy Credit to a can-  
3 didate.

4 (c) OVERSIGHT COMMISSION.—In addition to the ele-  
5 ments described in subsection (a), a State operating a  
6 credit program under this part shall establish a commis-  
7 sion or designate an existing entity to oversee and imple-  
8 ment the program in the State, except that no such com-  
9 mission or entity may be comprised of elected officials.

10 (d) PUBLIC INFORMATION CAMPAIGN.—In addition  
11 to the elements described in subsection (a), a State oper-  
12 ating a credit program under this part shall carry out a  
13 public information campaign to disseminate awareness of  
14 the program among qualified individuals.

15 (e) NO TAXPAYER FUNDS PERMITTED TO CARRY  
16 OUT PROGRAM.—No taxpayer funds shall be used to carry  
17 out the credit program under this part. For purposes of  
18 this subsection, the term “taxpayer funds” means reve-  
19 nues received by the Internal Revenue Service from tax  
20 liabilities.

21 **SEC. 8104. REPORTS.**

22 (a) STATE REPORTS.—Not later than 6 months after  
23 each first election cycle during which the State operates  
24 a program under this part, the State shall submit a report  
25 to the Commission and the Office of Democracy Advance-

1 ment and Innovation analyzing the operation and effec-  
2 tiveness of the program during the cycle and including  
3 such other information as the Commission may require.

4 (b) **STUDY AND REPORT ON IMPACT AND EFFEC-**  
5 **TIVENESS OF CREDIT PROGRAMS.—**

6 (1) **STUDY.**—The Commission shall conduct a  
7 study on the efficacy of political credit programs, in-  
8 cluding the program under this part and other simi-  
9 lar programs, in expanding and diversifying the pool  
10 of individuals who participate in the electoral proc-  
11 ess, including those who participate as donors and  
12 those who participate as candidates.

13 (2) **REPORT.**—Not later than 1 year after the  
14 first election cycle for which States operate the pro-  
15 gram under this part, the Commission shall publish  
16 and submit to Congress a report on the study con-  
17 ducted under paragraph (1).

18 **SEC. 8105. ELECTION CYCLE DEFINED.**

19 In this part, the term “election cycle” means the pe-  
20 riod beginning on the day after the date of the most recent  
21 regularly scheduled general election for Federal office and  
22 ending on the date of the next regularly scheduled general  
23 election for Federal office.

1 **PART 2—OPTIONAL SMALL DOLLAR FINANCING**  
2 **OF ELECTIONS FOR HOUSE OF REPRESENTA-**  
3 **TIVES**

4 **SEC. 8111. BENEFITS AND ELIGIBILITY REQUIREMENTS**  
5 **FOR CANDIDATES.**

6 The Federal Election Campaign Act of 1971 (52  
7 U.S.C. 30101 et seq.) is amended by adding at the end  
8 the following:

9 **“TITLE V—SMALL DOLLAR FI-**  
10 **NANCING OF ELECTIONS FOR**  
11 **HOUSE OF REPRESENTA-**  
12 **TIVES**

13 **“Subtitle A—Benefits**

14 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

15 “(a) IN GENERAL.—If a candidate for election to the  
16 office of Representative in, or Delegate or Resident Com-  
17 missioner to, the Congress is certified as a participating  
18 candidate under this title with respect to an election for  
19 such office, the candidate shall be entitled to payments  
20 as provided under this title.

21 “(b) AMOUNT OF PAYMENT.—The amount of a pay-  
22 ment made under this title shall be equal to 600 percent  
23 of the amount of qualified small dollar contributions re-  
24 ceived by the candidate since the most recent payment  
25 made to the candidate under this title during the election  
26 cycle, without regard to whether or not the candidate re-

1 ceived any of the contributions before, during, or after the  
2 Small Dollar Democracy qualifying period applicable to  
3 the candidate under section 511(c).

4 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-  
5 MENTS.—The aggregate amount of payments made to a  
6 participating candidate with respect to an election cycle  
7 under this title may not exceed 50 percent of the average  
8 of the 20 greatest amounts of disbursements made by the  
9 authorized committees of any winning candidate for the  
10 office of Representative in, or Delegate or Resident Com-  
11 missioner to, the Congress during the most recent election  
12 cycle, rounded to the nearest \$100,000.

13 “(d) NO TAXPAYER FUNDS PERMITTED.—No tax-  
14 payer funds shall be used to make payments under this  
15 title. For purposes of this subsection, the term ‘taxpayer  
16 funds’ means revenues received by the Internal Revenue  
17 Service from tax liabilities.

18 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

19 “(a) IN GENERAL.—The Division Director shall  
20 make a payment under section 501 to a candidate who  
21 is certified as a participating candidate upon receipt from  
22 the candidate of a request for a payment which includes—

23 “(1) a statement of the number and amount of  
24 qualified small dollar contributions received by the  
25 candidate since the most recent payment made to

1 the candidate under this title during the election  
2 cycle;

3 “(2) a statement of the amount of the payment  
4 the candidate anticipates receiving with respect to  
5 the request;

6 “(3) a statement of the total amount of pay-  
7 ments the candidate has received under this title as  
8 of the date of the statement; and

9 “(4) such other information and assurances as  
10 the Division Director may require.

11 “(b) RESTRICTIONS ON SUBMISSION OF RE-  
12 QUESTS.—A candidate may not submit a request under  
13 subsection (a) unless each of the following applies:

14 “(1) The amount of the qualified small dollar  
15 contributions in the statement referred to in sub-  
16 section (a)(1) is equal to or greater than \$5,000, un-  
17 less the request is submitted during the 30-day pe-  
18 riod which ends on the date of a general election.

19 “(2) The candidate did not receive a payment  
20 under this title during the 7-day period which ends  
21 on the date the candidate submits the request.

22 “(c) TIME OF PAYMENT.—The Division Director  
23 shall, in coordination with the Secretary of the Treasury,  
24 take such steps as may be necessary to ensure that the  
25 Secretary is able to make payments under this section

1 from the Treasury not later than 2 business days after  
2 the receipt of a request submitted under subsection (a).

3 **“SEC. 503. USE OF FUNDS.**

4       “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN  
5 EXPENDITURES.—A candidate shall use payments made  
6 under this title, including payments provided with respect  
7 to a previous election cycle which are withheld from remit-  
8 tance to the Commission in accordance with section  
9 524(a)(2), only for making direct payments for the receipt  
10 of goods and services which constitute authorized expendi-  
11 tures (as determined in accordance with title III) in con-  
12 nection with the election cycle involved.

13       “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-  
14 PENSES, FINES, OR PENALTIES.—Notwithstanding title  
15 III, a candidate may not use payments made under this  
16 title for the payment of expenses incurred in connection  
17 with any action, claim, or other matter before the Commis-  
18 sion or before any court, hearing officer, arbitrator, or  
19 other dispute resolution entity, or for the payment of any  
20 fine or civil monetary penalty.

21 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**  
22 **SCRIBED.**

23       “(a) IN GENERAL.—In this title, the term ‘qualified  
24 small dollar contribution’ means, with respect to a can-

1 didate and the authorized committees of a candidate, a  
2 contribution that meets the following requirements:

3 “(1) The contribution is in an amount that is—

4 “(A) not less than \$1; and

5 “(B) not more than \$200.

6 “(2)(A) The contribution is made directly by an  
7 individual to the candidate or an authorized com-  
8 mittee of the candidate and is not—

9 “(i) forwarded from the individual making  
10 the contribution to the candidate or committee  
11 by another person; or

12 “(ii) received by the candidate or com-  
13 mittee with the knowledge that the contribution  
14 was made at the request, suggestion, or rec-  
15 ommendation of another person.

16 “(B) In this paragraph—

17 “(i) the term ‘person’ does not include an  
18 individual (other than an individual described in  
19 section 304(i)(7) of the Federal Election Cam-  
20 paign Act of 1971), a political committee of a  
21 political party, or any political committee which  
22 is not a separate segregated fund described in  
23 section 316(b) of the Federal Election Cam-  
24 paign Act of 1971 and which does not make  
25 contributions or independent expenditures, does



1 not engage in lobbying activity under the Lob-  
2 bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
3 seq.), and is not established by, controlled by,  
4 or affiliated with a registered lobbyist under  
5 such Act, an agent of a registered lobbyist  
6 under such Act, or an organization which re-  
7 tains or employs a registered lobbyist under  
8 such Act; and

9 “(ii) a contribution is not ‘made at the re-  
10 quest, suggestion, or recommendation of an-  
11 other person’ solely on the grounds that the  
12 contribution is made in response to information  
13 provided to the individual making the contribu-  
14 tion by any person, so long as the candidate or  
15 authorized committee does not know the iden-  
16 tity of the person who provided the information  
17 to such individual.

18 “(3) The individual who makes the contribution  
19 does not make contributions to the candidate or the  
20 authorized committees of the candidate with respect  
21 to the election involved in an aggregate amount that  
22 exceeds the amount described in paragraph (1)(B),  
23 or any contribution to the candidate or the author-  
24 ized committees of the candidate with respect to the

1 election involved that otherwise is not a qualified  
2 small dollar contribution.

3 “(b) TREATMENT OF DEMOCRACY CREDITS.—Any  
4 payment received by a candidate and the authorized com-  
5 mittees of a candidate which consists of a Democracy  
6 Credit under the Freedom to Vote: John R. Lewis Act  
7 shall be considered a qualified small dollar contribution  
8 for purposes of this title, so long as the individual making  
9 the payment meets the requirements of paragraphs (2)  
10 and (3) of subsection (a).

11 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-  
12 TIONS.—

13 “(1) PROHIBITING DONOR FROM MAKING SUB-  
14 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING  
15 ELECTION CYCLE.—

16 “(A) IN GENERAL.—An individual who  
17 makes a qualified small dollar contribution to a  
18 candidate or the authorized committees of a  
19 candidate with respect to an election may not  
20 make any subsequent contribution to such can-  
21 didate or the authorized committees of such  
22 candidate with respect to the election cycle  
23 which is not a qualified small dollar contribu-  
24 tion.

1           “(B) EXCEPTION FOR CONTRIBUTIONS TO  
2           CANDIDATES WHO VOLUNTARILY WITHDRAW  
3           FROM PARTICIPATION DURING QUALIFYING PE-  
4           RIOD.—Subparagraph (A) does not apply with  
5           respect to a contribution made to a candidate  
6           who, during the Small Dollar Democracy quali-  
7           fying period described in section 511(c), sub-  
8           mits a statement to the Commission under sec-  
9           tion 513(c) to voluntarily withdraw from par-  
10          ticipating in the program under this title.

11          “(2) TREATMENT OF SUBSEQUENT NON-  
12          QUALIFIED CONTRIBUTIONS.—If, notwithstanding  
13          the prohibition described in paragraph (1), an indi-  
14          vidual who makes a qualified small dollar contribu-  
15          tion to a candidate or the authorized committees of  
16          a candidate with respect to an election makes a sub-  
17          sequent contribution to such candidate or the au-  
18          thorized committees of such candidate with respect  
19          to the election which is prohibited under paragraph  
20          (1) because it is not a qualified small dollar con-  
21          tribution, the candidate may take one of the fol-  
22          lowing actions:

23                 “(A) Not later than 2 weeks after receiving  
24                 the contribution, the candidate may return the  
25                 subsequent contribution to the individual. In

1 the case of a subsequent contribution which is  
2 not a qualified small dollar contribution because  
3 the contribution fails to meet the requirements  
4 of paragraph (3) of subsection (a) (relating to  
5 the aggregate amount of contributions made to  
6 the candidate or the authorized committees of  
7 the candidate by the individual making the con-  
8 tribution), the candidate may return an amount  
9 equal to the difference between the amount of  
10 the subsequent contribution and the amount de-  
11 scribed in paragraph (1)(B) of subsection (a).

12 “(B) The candidate may retain the subse-  
13 quent contribution, so long as not later than 2  
14 weeks after receiving the subsequent contribu-  
15 tion, the candidate remits to the Commission an  
16 amount equal to any payments received by the  
17 candidate under this title which are attributable  
18 to the qualified small dollar contribution made  
19 by the individual involved. Such amount shall  
20 be used to supplement the allocation made to  
21 the Commission with respect to candidates from  
22 the State in which the candidate seeks office, as  
23 described in section 541(a).

24 “(3) NO EFFECT ON ABILITY TO MAKE MUL-  
25 TIPLE CONTRIBUTIONS.—Nothing in this section

1       may be construed to prohibit an individual from  
2       making multiple qualified small dollar contributions  
3       to any candidate or any number of candidates, so  
4       long as each contribution meets each of the require-  
5       ments of paragraphs (1), (2), and (3) of subsection  
6       (a).

7       “(d) NOTIFICATION REQUIREMENTS FOR CAN-  
8       DIDATES.—

9               “(1) NOTIFICATION.—Each authorized com-  
10       mittee of a candidate who seeks to be a participating  
11       candidate under this title shall provide the following  
12       information in any materials for the solicitation of  
13       contributions, including any internet site through  
14       which individuals may make contributions to the  
15       committee:

16               “(A) A statement that if the candidate is  
17       certified as a participating candidate under this  
18       title, the candidate will receive matching pay-  
19       ments in an amount which is based on the total  
20       amount of qualified small dollar contributions  
21       received.

22               “(B) A statement that a contribution  
23       which meets the requirements set forth in sub-  
24       section (a) shall be treated as a qualified small  
25       dollar contribution under this title.

1           “(C) A statement that if a contribution is  
2           treated as qualified small dollar contribution  
3           under this title, the individual who makes the  
4           contribution may not make any contribution to  
5           the candidate or the authorized committees of  
6           the candidate during the election cycle which is  
7           not a qualified small dollar contribution.

8           “(2) ALTERNATIVE METHODS OF MEETING RE-  
9           QUIREMENTS.—An authorized committee may meet  
10          the requirements of paragraph (1)—

11           “(A) by including the information de-  
12           scribed in paragraph (1) in the receipt provided  
13           under section 512(b)(3) to a person making a  
14           qualified small dollar contribution; or

15           “(B) by modifying the information it pro-  
16           vides to persons making contributions which is  
17           otherwise required under title III (including in-  
18           formation it provides through the internet).

## 19           **“Subtitle B—Eligibility and** 20           **Certification**

21          **“SEC. 511. ELIGIBILITY.**

22           “(a) IN GENERAL.—A candidate for the office of  
23          Representative in, or Delegate or Resident Commissioner  
24          to, the Congress is eligible to be certified as a participating

1 candidate under this title with respect to an election if  
2 the candidate meets the following requirements:

3           “(1) The candidate files with the Commission a  
4 statement of intent to seek certification as a partici-  
5 pating candidate.

6           “(2) The candidate meets the qualifying re-  
7 quirements of section 512.

8           “(3) The candidate files with the Commission a  
9 statement certifying that the authorized committees  
10 of the candidate meet the requirements of section  
11 504(d).

12           “(4) Not later than the last day of the Small  
13 Dollar Democracy qualifying period, the candidate  
14 files with the Commission an affidavit signed by the  
15 candidate and the treasurer of the candidate’s prin-  
16 cipal campaign committee declaring that the can-  
17 didate—

18                   “(A) has complied and, if certified, will  
19 comply with the contribution and expenditure  
20 requirements of section 521;

21                   “(B) if certified, will run only as a partici-  
22 pating candidate for all elections for the office  
23 that such candidate is seeking during that elec-  
24 tion cycle; and

1           “(C) has either qualified or will take steps  
2           to qualify under State law to be on the ballot.

3           “(5) The candidate files with the Commission a  
4           certification that the candidate will not use any allo-  
5           cation from the Fund to directly or indirectly pay  
6           salaries, fees, consulting expenses, or any other com-  
7           pensation for services rendered to themselves, family  
8           members (including spouses as well as children, par-  
9           ents, siblings, or any of their spouses), or any entity  
10          or organization in which they have an ownership in-  
11          terest.

12          “(b) GENERAL ELECTION.—Notwithstanding sub-  
13          section (a), a candidate shall not be eligible to be certified  
14          as a participating candidate under this title for a general  
15          election or a general runoff election unless the candidate’s  
16          party nominated the candidate to be placed on the ballot  
17          for the general election or the candidate is otherwise quali-  
18          fied to be on the ballot under State law.

19          “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-  
20          RIOD DEFINED.—The term ‘Small Dollar Democracy  
21          qualifying period’ means, with respect to any candidate  
22          for an office, the 180-day period (during the election cycle  
23          for such office) which begins on the date on which the  
24          candidate files a statement of intent under section  
25          511(a)(1), except that such period may not continue after



1 the date that is 30 days before the date of the general  
2 election for the office.

3 **“SEC. 512. QUALIFYING REQUIREMENTS.**

4 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-  
5 TRIBUTIONS.—A candidate for the office of Representative  
6 in, or Delegate or Resident Commissioner to, the Congress  
7 meets the requirement of this section if, during the Small  
8 Dollar Democracy qualifying period described in section  
9 511(c), each of the following occurs:

10 “(1) Not fewer than 1,000 individuals make a  
11 qualified small dollar contribution to the candidate.

12 “(2) The candidate obtains a total dollar  
13 amount of qualified small dollar contributions which  
14 is equal to or greater than \$50,000.

15 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
16 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each  
17 qualified small dollar contribution—

18 “(1) may be made by means of a personal  
19 check, money order, debit card, credit card, elec-  
20 tronic payment account, or any other method  
21 deemed appropriate by the Division Director;

22 “(2) shall be accompanied by a signed state-  
23 ment (or, in the case of a contribution made online  
24 or through other electronic means, an electronic

1 equivalent) containing the contributor's name and  
2 address; and

3 “(3) shall be acknowledged by a receipt that is  
4 sent to the contributor with a copy (in paper or elec-  
5 tronic form) kept by the candidate for the Commis-  
6 sion.

7 “(c) VERIFICATION OF CONTRIBUTIONS.—

8 “(1) PROCEDURES.—The Division Director  
9 shall establish procedures for the auditing and  
10 verification of the contributions received and expend-  
11 itures made by participating candidates under this  
12 title, including procedures for random audits, to en-  
13 sure that such contributions and expenditures meet  
14 the requirements of this title.

15 “(2) AUTHORITY OF COMMISSION TO REVISE  
16 PROCEDURES.—The Commission, by a vote of not  
17 fewer than four of its members, may revise the pro-  
18 cedures established by the Division Director under  
19 this subsection.

20 **“SEC. 513. CERTIFICATION.**

21 “(a) DEADLINE AND NOTIFICATION.—

22 “(1) IN GENERAL.—Not later than 5 business  
23 days after a candidate files an affidavit under sec-  
24 tion 511(a)(4), the Division Director shall—

1           “(A) determine whether or not the can-  
2           didate meets the requirements for certification  
3           as a participating candidate;

4           “(B) if the Division Director determines  
5           that the candidate meets such requirements,  
6           certify the candidate as a participating can-  
7           didate; and

8           “(C) notify the candidate of the Division  
9           Director’s determination.

10          “(2) DEEMED CERTIFICATION FOR ALL ELEC-  
11          TIONS IN ELECTION CYCLE.—If the Division Direc-  
12          tor certifies a candidate as a participating candidate  
13          with respect to the first election of the election cycle  
14          involved, the Division Director shall be deemed to  
15          have certified the candidate as a participating can-  
16          didate with respect to all subsequent elections of the  
17          election cycle.

18          “(3) AUTHORITY OF COMMISSION TO REVERSE  
19          DETERMINATION BY DIVISION DIRECTOR.—During  
20          the 10-day period which begins on the date the Divi-  
21          sion Director makes a determination under this sub-  
22          section, the Commission, by a vote of not fewer than  
23          four of its members, may review and reverse the de-  
24          termination. If the Commission reverses the deter-

1 mination, the Commission shall promptly notify the  
2 candidate involved.

3 “(b) REVOCATION OF CERTIFICATION.—

4 “(1) IN GENERAL.—The Division Director shall  
5 revoke a certification under subsection (a) if—

6 “(A) a candidate fails to qualify to appear  
7 on the ballot at any time after the date of cer-  
8 tification (other than a candidate certified as a  
9 participating candidate with respect to a pri-  
10 mary election who fails to qualify to appear on  
11 the ballot for a subsequent election in that elec-  
12 tion cycle);

13 “(B) a candidate ceases to be a candidate  
14 for the office involved, as determined on the  
15 basis of an official announcement by an author-  
16 ized committee of the candidate or on the basis  
17 of a reasonable determination by the Commis-  
18 sion; or

19 “(C) a candidate otherwise fails to comply  
20 with the requirements of this title, including  
21 any regulatory requirements prescribed by the  
22 Commission.

23 “(2) EXISTENCE OF CRIMINAL SANCTION.—The  
24 Division Director shall revoke a certification under  
25 subsection (a) if a penalty is assessed against the

1 candidate under section 309(d) with respect to the  
2 election.

3 “(3) EFFECT OF REVOCATION.—If a can-  
4 didate’s certification is revoked under this sub-  
5 section—

6 “(A) the candidate may not receive pay-  
7 ments under this title during the remainder of  
8 the election cycle involved; and

9 “(B) in the case of a candidate whose cer-  
10 tification is revoked pursuant to subparagraph  
11 (A) or subparagraph (C) of paragraph (1)—

12 “(i) the candidate shall repay to the  
13 Commission an amount equal to the pay-  
14 ments received under this title with respect  
15 to the election cycle involved plus interest  
16 (at a rate determined by the Commission  
17 on the basis of an appropriate annual per-  
18 centage rate for the month involved) on  
19 any such amount received, which shall be  
20 used by the Commission to supplement the  
21 allocation made to the Commission with re-  
22 spect to the State in which the candidate  
23 seeks office, as described in section 541(a);  
24 and

1                   “(ii) the candidate may not be cer-  
2                   tified as a participating candidate under  
3                   this title with respect to the next election  
4                   cycle.

5                   “(4) PROHIBITING PARTICIPATION IN FUTURE  
6                   ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-  
7                   OCATIONS.—If the Division Director revokes the cer-  
8                   tification of an individual as a participating can-  
9                   didate under this title pursuant to subparagraph (A)  
10                  or subparagraph (C) of paragraph (1) a total of 3  
11                  times, the individual may not be certified as a par-  
12                  ticipating candidate under this title with respect to  
13                  any subsequent election.

14                  “(5) AUTHORITY OF COMMISSION TO REVERSE  
15                  REVOCATION BY DIVISION DIRECTOR.—During the  
16                  10-day period which begins on the date the Division  
17                  Director makes a determination under this sub-  
18                  section, the Commission, by a vote of not fewer than  
19                  four of its members, may review and reverse the de-  
20                  termination. If the Commission reverses the deter-  
21                  mination, the Commission shall promptly notify the  
22                  candidate involved.

23                  “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-  
24                  PATING DURING QUALIFYING PERIOD.—At any time dur-  
25                  ing the Small Dollar Democracy qualifying period de-

1 scribed in section 511(c), a candidate may withdraw from  
2 participation in the program under this title by submitting  
3 to the Commission a statement of withdrawal (without re-  
4 gard to whether or not the Commission has certified the  
5 candidate as a participating candidate under this title as  
6 of the time the candidate submits such statement), so long  
7 as the candidate has not submitted a request for payment  
8 under section 502.

9 “(d) PARTICIPATING CANDIDATE DEFINED.—In this  
10 title, a ‘participating candidate’ means a candidate for the  
11 office of Representative in, or Delegate or Resident Com-  
12 missioner to, the Congress who is certified under this sec-  
13 tion as eligible to receive benefits under this title.

14 **“Subtitle C—Requirements for Can-**  
15 **didates Certified as Partici-**  
16 **pating Candidates**

17 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
18 **MENTS.**

19 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND  
20 EXPENDITURES.—Except as provided in subsection (c), a  
21 participating candidate with respect to an election shall,  
22 with respect to all elections occurring during the election  
23 cycle for the office involved, accept no contributions from  
24 any source and make no expenditures from any amounts,  
25 other than the following:

1           “(1) Qualified small dollar contributions.

2           “(2) Payments under this title.

3           “(3) Contributions from political committees es-  
4           tablished and maintained by a national or State po-  
5           litical party, subject to the applicable limitations of  
6           section 315.

7           “(4) Subject to subsection (b), personal funds  
8           of the candidate or of any immediate family member  
9           of the candidate (other than funds received through  
10          qualified small dollar contributions).

11          “(5) Contributions from individuals who are  
12          otherwise permitted to make contributions under  
13          this Act, subject to the applicable limitations of sec-  
14          tion 315, except that the aggregate amount of con-  
15          tributions a participating candidate may accept from  
16          any individual with respect to any election during  
17          the election cycle may not exceed \$1,000.

18          “(6) Contributions from multicandidate political  
19          committees, subject to the applicable limitations of  
20          section 315.

21          “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

22                 “(1) LIMIT ON AMOUNT.—A candidate who is  
23                 certified as a participating candidate may use per-  
24                 sonal funds (including personal funds of any imme-  
25                 diate family member of the candidate) so long as—



1           “(A) the aggregate amount used with re-  
2           spect to the election cycle (including any period  
3           of the cycle occurring prior to the candidate’s  
4           certification as a participating candidate) does  
5           not exceed \$50,000; and

6           “(B) the funds are used only for making  
7           direct payments for the receipt of goods and  
8           services which constitute authorized expendi-  
9           tures in connection with the election cycle in-  
10          volved.

11          “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
12          In this subsection, the term ‘immediate family mem-  
13          ber’ means, with respect to a candidate—

14                 “(A) the candidate’s spouse;

15                 “(B) a child, stepchild, parent, grand-  
16                 parent, brother, half-brother, sister, or half-sis-  
17                 ter of the candidate or the candidate’s spouse;  
18                 and

19                 “(C) the spouse of any person described in  
20                 subparagraph (B).

21          “(c) EXCEPTIONS.—

22                 “(1) EXCEPTION FOR CONTRIBUTIONS RE-  
23                 CEIVED PRIOR TO FILING OF STATEMENT OF IN-  
24                 TENT.—A candidate who has accepted contributions  
25                 that are not described in subsection (a) is not in vio-

1        lation of subsection (a), but only if all such contribu-  
2        tions are—

3                “(A) returned to the contributor;

4                “(B) submitted to the Commission, to be  
5        used to supplement the allocation made to the  
6        Commission with respect to the State in which  
7        the candidate seeks office, as described in sec-  
8        tion 541(a); or

9                “(C) spent in accordance with paragraph  
10        (2).

11               “(2) EXCEPTION FOR EXPENDITURES MADE  
12        PRIOR TO FILING OF STATEMENT OF INTENT.—If a  
13        candidate has made expenditures prior to the date  
14        the candidate files a statement of intent under sec-  
15        tion 511(a)(1) that the candidate is prohibited from  
16        making under subsection (a) or subsection (b), the  
17        candidate is not in violation of such subsection if the  
18        aggregate amount of the prohibited expenditures is  
19        less than the amount referred to in section  
20        512(a)(2) (relating to the total dollar amount of  
21        qualified small dollar contributions which the can-  
22        didate is required to obtain) which is applicable to  
23        the candidate.

24               “(3) EXCEPTION FOR CAMPAIGN SURPLUSES  
25        FROM A PREVIOUS ELECTION.—Notwithstanding

1 paragraph (1), unexpended contributions received by  
2 the candidate or an authorized committee of the  
3 candidate with respect to a previous election may be  
4 retained, but only if the candidate places the funds  
5 in escrow and refrains from raising additional funds  
6 for or spending funds from that account during the  
7 election cycle in which a candidate is a participating  
8 candidate.

9 “(4) EXCEPTION FOR CONTRIBUTIONS RE-  
10 CEIVED BEFORE THE EFFECTIVE DATE OF THIS  
11 TITLE.—Contributions received and expenditures  
12 made by the candidate or an authorized committee  
13 of the candidate prior to the effective date of this  
14 title shall not constitute a violation of subsection (a)  
15 or (b). Unexpended contributions shall be treated  
16 the same as campaign surpluses under paragraph  
17 (3), and expenditures made shall count against the  
18 limit in paragraph (2).

19 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-  
20 PENDITURES.—For purposes of this section, a payment  
21 made by a political party in coordination with a partici-  
22 pating candidate shall not be treated as a contribution to  
23 or as an expenditure made by the participating candidate.

24 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
25 TEES.—

1           “(1) PROHIBITION.—An authorized committee  
2 of a candidate who is certified as a participating  
3 candidate under this title with respect to an election  
4 may not establish a joint fundraising committee with  
5 a political committee other than another authorized  
6 committee of the candidate.

7           “(2) STATUS OF EXISTING COMMITTEES FOR  
8 PRIOR ELECTIONS.—If a candidate established a  
9 joint fundraising committee described in paragraph  
10 (1) with respect to a prior election for which the  
11 candidate was not certified as a participating can-  
12 didate under this title and the candidate does not  
13 terminate the committee, the candidate shall not be  
14 considered to be in violation of paragraph (1) so  
15 long as that joint fundraising committee does not re-  
16 ceive any contributions or make any disbursements  
17 during the election cycle for which the candidate is  
18 certified as a participating candidate under this title.

19           “(f) PROHIBITION ON LEADERSHIP PACS.—

20           “(1) PROHIBITION.—A candidate who is cer-  
21 tified as a participating candidate under this title  
22 with respect to an election may not associate with,  
23 establish, finance, maintain, or control a leadership  
24 PAC.

1           “(2) STATUS OF EXISTING LEADERSHIP  
2 PACS.—If a candidate established, financed, main-  
3 tained, or controlled a leadership PAC prior to being  
4 certified as a participating candidate under this title  
5 and the candidate does not terminate the leadership  
6 PAC, the candidate shall not be considered to be in  
7 violation of paragraph (1) so long as the leadership  
8 PAC does not receive any contributions or make any  
9 disbursements during the election cycle for which the  
10 candidate is certified as a participating candidate  
11 under this title.

12           “(3) LEADERSHIP PAC DEFINED.—In this sub-  
13 section, the term ‘leadership PAC’ has the meaning  
14 given such term in section 304(i)(8)(B).

15 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

16           “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-  
17 MITTED CONTRIBUTIONS.—Each authorized committee of  
18 a candidate certified as a participating candidate under  
19 this title—

20           “(1) shall provide for separate accounting of  
21 each type of contribution described in section 521(a)  
22 which is received by the committee; and

23           “(2) shall provide for separate accounting for  
24 the payments received under this title.

1       “(b) ENHANCED DISCLOSURE OF INFORMATION ON  
2 DONORS.—

3               “(1) MANDATORY IDENTIFICATION OF INDIVID-  
4 UALS MAKING QUALIFIED SMALL DOLLAR CON-  
5 TRIBUTIONS.—Each authorized committee of a par-  
6 ticipating candidate under this title shall, in accord-  
7 ance with section 304(b)(3)(A), include in the re-  
8 ports the committee submits under section 304 the  
9 identification of each person who makes a qualified  
10 small dollar contribution to the committee.

11               “(2) MANDATORY DISCLOSURE THROUGH  
12 INTERNET.—Each authorized committee of a partici-  
13 pating candidate under this title shall ensure that all  
14 information reported to the Commission under this  
15 Act with respect to contributions and expenditures  
16 of the committee is available to the public on the  
17 internet (whether through a site established for pur-  
18 poses of this subsection, a hyperlink on another pub-  
19 lic site of the committee, or a hyperlink on a report  
20 filed electronically with the Commission) in a search-  
21 able, sortable, and downloadable manner.

22 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF**  
23 **MATCHING FUNDS.**

24       “(a) MANDATORY SPENDING OF AVAILABLE PRI-  
25 VATE FUNDS.—An authorized committee of a candidate

1 certified as a participating candidate under this title may  
2 not make any expenditure of any payments received under  
3 this title in any amount unless the committee has made  
4 an expenditure in an equivalent amount of funds received  
5 by the committee which are described in paragraphs (1),  
6 (3), (4), (5), and (6) of section 521(a).

7 “(b) LIMITATION.—Subsection (a) applies to an au-  
8 thorized committee only to the extent that the funds re-  
9 ferred to in such subsection are available to the committee  
10 at the time the committee makes an expenditure of a pay-  
11 ment received under this title.

12 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

13 “(a) REMITTANCE REQUIRED.—Not later than the  
14 date that is 180 days after the last election for which a  
15 candidate certified as a participating candidate qualifies  
16 to be on the ballot during the election cycle involved, such  
17 participating candidate shall remit to the Commission an  
18 amount equal to the balance of the payments received  
19 under this title by the authorized committees of the can-  
20 didate which remain unexpended as of such date, which  
21 shall be used to supplement the allocation made to the  
22 Commission with respect to the State in which the can-  
23 didate seeks office, as described in section 541(a).

24 “(b) PERMITTING CANDIDATES PARTICIPATING IN  
25 NEXT ELECTION CYCLE TO RETAIN PORTION OF

1 UNSPENT FUNDS.—Notwithstanding subsection (a), a  
2 participating candidate may withhold not more than  
3 \$100,000 from the amount required to be remitted under  
4 subsection (a) if the candidate files a signed affidavit with  
5 the Commission that the candidate will seek certification  
6 as a participating candidate with respect to the next elec-  
7 tion cycle, except that the candidate may not use any por-  
8 tion of the amount withheld until the candidate is certified  
9 as a participating candidate with respect to that next elec-  
10 tion cycle. If the candidate fails to seek certification as  
11 a participating candidate prior to the last day of the Small  
12 Dollar Democracy qualifying period for the next election  
13 cycle (as described in section 511), or if the Commission  
14 notifies the candidate of the Commission’s determination  
15 does not meet the requirements for certification as a par-  
16 ticipating candidate with respect to such cycle, the can-  
17 didate shall immediately remit to the Commission the  
18 amount withheld.

## 19 **“Subtitle D—Enhanced Match** 20 **Support**

21 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

22 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In  
23 addition to the payments made under subtitle A, the Divi-  
24 sion Director shall make an additional payment to an eligi-  
25 ble candidate under this subtitle.



1       “(b) USE OF FUNDS.—A candidate shall use the ad-  
2 ditional payment under this subtitle only for authorized  
3 expenditures in connection with the election involved.

4       **“SEC. 532. ELIGIBILITY.**

5       “(a) IN GENERAL.—A candidate is eligible to receive  
6 an additional payment under this subtitle if the candidate  
7 meets each of the following requirements:

8               “(1) The candidate is on the ballot for the gen-  
9 eral election for the office the candidate seeks.

10              “(2) The candidate is certified as a partici-  
11 pating candidate under this title with respect to the  
12 election.

13              “(3) During the enhanced support qualifying  
14 period, the candidate receives qualified small dollar  
15 contributions in a total amount of not less than  
16 \$50,000.

17              “(4) During the enhanced support qualifying  
18 period, the candidate submits to the Division Direc-  
19 tor a request for the payment which includes—

20                      “(A) a statement of the number and  
21 amount of qualified small dollar contributions  
22 received by the candidate during the enhanced  
23 support qualifying period;

1           “(B) a statement of the amount of the  
2           payment the candidate anticipates receiving  
3           with respect to the request; and

4           “(C) such other information and assur-  
5           ances as the Division Director may require.

6           “(5) After submitting a request for the addi-  
7           tional payment under paragraph (4), the candidate  
8           does not submit any other application for an addi-  
9           tional payment under this subtitle.

10          “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-  
11          SCRIBED.—In this subtitle, the term ‘enhanced support  
12          qualifying period’ means, with respect to a general elec-  
13          tion, the period which begins 60 days before the date of  
14          the election and ends 14 days before the date of the elec-  
15          tion.

16          **“SEC. 533. AMOUNT.**

17          “(a) IN GENERAL.—Subject to subsection (b), the  
18          amount of the additional payment made to an eligible can-  
19          didate under this subtitle shall be an amount equal to 50  
20          percent of—

21                 “(1) the amount of the payment made to the  
22                 candidate under section 501(b) with respect to the  
23                 qualified small dollar contributions which are re-  
24                 ceived by the candidate during the enhanced support

1       qualifying period (as included in the request sub-  
2       mitted by the candidate under section 532(a)(4)); or  
3             “(2) in the case of a candidate who is not eligi-  
4       ble to receive a payment under section 501(b) with  
5       respect to such qualified small dollar contributions  
6       because the candidate has reached the limit on the  
7       aggregate amount of payments under subtitle A for  
8       the election cycle under section 501(c), the amount  
9       of the payment which would have been made to the  
10      candidate under section 501(b) with respect to such  
11      qualified small dollar contributions if the candidate  
12      had not reached such limit.

13      “(b) LIMIT.—The amount of the additional payment  
14      determined under subsection (a) with respect to a can-  
15      didate may not exceed \$500,000.

16      “(c) NO EFFECT ON AGGREGATE LIMIT.—The  
17      amount of the additional payment made to a candidate  
18      under this subtitle shall not be included in determining  
19      the aggregate amount of payments made to a participating  
20      candidate with respect to an election cycle under section  
21      501(c).

22      **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**  
23                                    **UNSPENT FUNDS AFTER ELECTION.**

24      “Notwithstanding section 524(a)(2), a candidate who  
25      receives an additional payment under this subtitle with re-

1 spect to an election is not permitted to withhold any por-  
2 tion from the amount of unspent funds the candidate is  
3 required to remit to the Commission under section  
4 524(a)(1).

5 **“Subtitle E—Administrative**  
6 **Provisions**

7 **“SEC. 541. SOURCE OF PAYMENTS.**

8 “(a) ALLOCATIONS FROM STATE ELECTION ASSIST-  
9 ANCE AND INNOVATION TRUST FUND.—The amounts  
10 used to make payments to participating candidates under  
11 this title who seek office in a State shall be derived from  
12 the allocations made to the Commission with respect to  
13 the State from the State Election Assistance and Innova-  
14 tion Trust Fund (hereafter referred to as the ‘Fund’)  
15 under section 8012 of the Freedom to Vote: John R.  
16 Lewis Act, as provided under section 8005(c) of such Act.

17 “(b) USE OF ALLOCATIONS TO MAKE PAYMENTS TO  
18 PARTICIPATING CANDIDATES.—

19 “(1) PAYMENTS TO PARTICIPATING CAN-  
20 DIDATES.—The allocations made to the Commission  
21 as described in subsection (a) shall be available with-  
22 out further appropriation or fiscal year limitation to  
23 make payments to participating candidates as pro-  
24 vided in this title.

1           “(2) ONGOING REVIEW TO DETERMINE SUFFI-  
2           CIENCY OF STATE ALLOCATIONS.—

3           “(A) ONGOING REVIEW.—Not later than  
4           90 days before the first day of each election  
5           cycle (beginning with the first election cycle  
6           that begins after the date of the enactment of  
7           this title), and on an ongoing basis until the  
8           end of the election cycle, the Division Director,  
9           in consultation with the Director of the Office  
10          of Democracy Advancement and Innovation,  
11          shall determine whether the amount of the allo-  
12          cation made to the Commission with respect to  
13          candidates who seek office in a State as de-  
14          scribed in subsection (a) will be sufficient to  
15          make payments to participating candidates in  
16          the State in the amounts provided in this title  
17          during such election cycle.

18          “(B) OPPORTUNITY FOR STATE TO IN-  
19          CREASE ALLOCATION.—If, at any time the Divi-  
20          sion Director determines under subparagraph  
21          (A) that the amount anticipated to be available  
22          in the Fund for payments to participating can-  
23          didates in a State with respect to the election  
24          cycle involved is not, or may not be, sufficient  
25          to satisfy the full entitlements of participating

1 candidates in the State to payments under this  
2 title for such election cycle—

3 “(i) the Division Director shall notify  
4 the State and Congress; and

5 “(ii) the State may direct the Director  
6 of the Office of Democracy Advancement  
7 and Innovation to direct the Secretary of  
8 the Treasury to use the funds described in  
9 subparagraph (C), in such amounts as the  
10 State may direct, as an additional alloca-  
11 tion to the Commission with respect to the  
12 State for purposes of subsection (a), in ac-  
13 cordance with section 8012 of the Freedom  
14 to Vote: John R. Lewis Act.

15 “(C) FUNDS DESCRIBED.—The funds de-  
16 scribed in this subparagraph are funds which  
17 were allocated to the State under the Democ-  
18 racy Advancement and Innovation Program  
19 under subtitle A of title VIII of the Freedom to  
20 Vote: John R. Lewis Act which, under the State  
21 plan under section 8002 of such Act, were to be  
22 used for democracy promotion activities de-  
23 scribed in paragraph (1), (2)(B), (2)(C), or (3)  
24 of section 8001(b) of such Act but which re-  
25 main unobligated.

1           “(3) ELIMINATION OF LIMIT OF AMOUNT OF  
2           QUALIFIED SMALL DONOR CONTRIBUTIONS.—

3           “(A) ELIMINATION OF LIMIT.—If, after  
4           notifying the State under subparagraph (B)(i)  
5           and (if the State so elects) the State directs an  
6           additional allocation to the Commission as pro-  
7           vided under such subparagraph, the Division  
8           Director determines that the amount antici-  
9           pated to be available in the Fund for payments  
10          to participating candidates in the State with re-  
11          spect to the election cycle involved is still not,  
12          or may still not be, sufficient to satisfy the full  
13          entitlements of participating candidates in the  
14          State to payments under this title for such elec-  
15          tion cycle, the limit on the amount of a quali-  
16          fied small donor contribution under section  
17          504(a)(1)(B) shall not apply with respect to a  
18          participating candidate in the State under this  
19          title. Nothing in this subparagraph may be con-  
20          strued to waive the limit on the aggregate  
21          amount of contributions a participating can-  
22          didate may accept from any individual under  
23          section 521(a)(5).

24          “(B) DETERMINATION OF AMOUNT OF  
25          PAYMENT TO CANDIDATE.—In determining

1 under section 501(b) the amount of the pay-  
2 ment made to a participating candidate for  
3 whom the limit on the amount of a qualified  
4 small donor contribution does not apply pursu-  
5 ant to subparagraph (A), there shall be ex-  
6 cluded any qualified small donor contribution to  
7 the extent that the amount contributed by the  
8 individual involved exceeds the limit on the  
9 amount of such a contribution under section  
10 504(a)(1)(B).

11 “(C) NO USE OF AMOUNTS FROM OTHER  
12 SOURCES.—In any case in which the Division  
13 Director determines that the allocation made to  
14 the Commission with respect to candidates in a  
15 State as described in subsection (a) is insuffi-  
16 cient to make payments to participating can-  
17 didates in the State under this title (taking into  
18 account any increase in the allocation under  
19 paragraph (2)), moneys shall not be made avail-  
20 able from any other source for the purpose of  
21 making such payments.

22 “(c) EFFECTIVE DATE.—This section shall take ef-  
23 fect on the date of the enactment of this title, without  
24 regard to whether or not regulations have been promul-  
25 gated to carry out this section.



1 **“SEC. 542. ADMINISTRATION THROUGH DEDICATED DIVI-**  
2 **SION WITHIN COMMISSION.**

3 “(a) ADMINISTRATION THROUGH DEDICATED DIVI-  
4 SION.—

5 “(1) ESTABLISHMENT.—The Commission shall  
6 establish a separate division within the Commission  
7 which is dedicated to issuing regulations to carry out  
8 this title and to otherwise carrying out the operation  
9 of this title.

10 “(2) APPOINTMENT OF DIRECTOR AND  
11 STAFF.—

12 “(A) APPOINTMENT.—Not later than June  
13 1, 2022, the Commission shall appoint a direc-  
14 tor to head the division established under this  
15 section (to be known as the ‘Division Director’)  
16 and such other staff as the Commission con-  
17 siders appropriate to enable the division to  
18 carry out its duties.

19 “(B) ROLE OF GENERAL COUNSEL.—If, at  
20 any time after the date referred to in subpara-  
21 graph (A), there is a vacancy in the position of  
22 the Division Director, the General Counsel of  
23 the Commission shall serve as the acting Divi-  
24 sion Director until the Commission appoints a  
25 Division Director under this paragraph.

1           “(3) PRIVATE RIGHT OF ACTION.—Any person  
2           aggrieved by the failure of the Commission to meet  
3           the requirements of this subsection may file an ac-  
4           tion in an appropriate district court of the United  
5           States for such relief, including declaratory and in-  
6           junctive relief, as may be appropriate.

7           “(b) REGULATIONS.—Not later than the deadline set  
8           forth in section 8114 of the Freedom to Vote: John R.  
9           Lewis Act, the Commission, acting through the dedicated  
10          division established under this section, shall prescribe reg-  
11          ulations to carry out the purposes of this title, including  
12          regulations—

13               “(1) to establish procedures for verifying the  
14               amount of qualified small dollar contributions with  
15               respect to a candidate;

16               “(2) to establish procedures for effectively and  
17               efficiently monitoring and enforcing the limits on the  
18               raising of qualified small dollar contributions;

19               “(3) to establish procedures for effectively and  
20               efficiently monitoring and enforcing the limits on the  
21               use of personal funds by participating candidates;

22               “(4) to establish procedures for monitoring the  
23               use of payments made from the allocation made to  
24               the Commission as described in section 541(a) and  
25               matching contributions under this title through au-

1       dits of not fewer than  $\frac{1}{10}$  (or, in the case of the  
2       first 3 election cycles during which the program  
3       under this title is in effect, not fewer than  $\frac{1}{3}$ ) of all  
4       participating candidates or other mechanisms;

5           “(5) to establish procedures for carrying out  
6       audits under section 541(b) and permitting States to  
7       make additional allocations as provided under sec-  
8       tion 541(b)(2)(B); and

9           “(6) to establish rules for preventing fraud in  
10      the operation of this title which supplement similar  
11      rules which apply under this Act.

12   **“SEC. 543. VIOLATIONS AND PENALTIES.**

13       “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
14   TION AND EXPENDITURE REQUIREMENTS.—If a can-  
15   didate who has been certified as a participating candidate  
16   accepts a contribution or makes an expenditure that is  
17   prohibited under section 521, the Commission may assess  
18   a civil penalty against the candidate in an amount that  
19   is not more than 3 times the amount of the contribution  
20   or expenditure. Any amounts collected under this sub-  
21   section shall be used to supplement the allocation made  
22   to the Commission with respect to the State in which the  
23   candidate seeks office, as described in section 541(a).

24       “(b) REPAYMENT FOR IMPROPER USE OF PAY-  
25   MENTS.—

1           “(1) IN GENERAL.—If the Commission deter-  
2 mines that any payment made to a participating  
3 candidate was not used as provided for in this title  
4 or that a participating candidate has violated any of  
5 the dates for remission of funds contained in this  
6 title, the Commission shall so notify the candidate  
7 and the candidate shall pay to the Commission an  
8 amount which shall be used to supplement the allo-  
9 cation made to the Commission with respect to the  
10 State in which the candidate seeks office, as de-  
11 scribed in section 541(a) and which shall be equal  
12 to—

13                   “(A) the amount of payments so used or  
14 not remitted, as appropriate; and

15                   “(B) interest on any such amounts (at a  
16 rate determined by the Commission).

17           “(2) OTHER ACTION NOT PRECLUDED.—Any  
18 action by the Commission in accordance with this  
19 subsection shall not preclude enforcement pro-  
20 ceedings by the Commission in accordance with sec-  
21 tion 309(a), including a referral by the Commission  
22 to the Attorney General in the case of an apparent  
23 knowing and willful violation of this title.

24           “(c) PROHIBITING CERTAIN CANDIDATES FROM  
25 QUALIFYING AS PARTICIPATING CANDIDATES.—

1           “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-  
2           ALTIES.—If the Commission assesses 3 or more civil  
3           penalties under subsection (a) against a candidate  
4           (with respect to either a single election or multiple  
5           elections), the Commission may refuse to certify the  
6           candidate as a participating candidate under this  
7           title with respect to any subsequent election, except  
8           that if each of the penalties were assessed as the re-  
9           sult of a knowing and willful violation of any provi-  
10          sion of this Act, the candidate is not eligible to be  
11          certified as a participating candidate under this title  
12          with respect to any subsequent election.

13           “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-  
14          ALTY.—A candidate is not eligible to be certified as  
15          a participating candidate under this title with re-  
16          spect to an election if a penalty has been assessed  
17          against the candidate under section 309(d) with re-  
18          spect to any previous election.

19           “(d) IMPOSITION OF CRIMINAL PENALTIES.—For  
20          criminal penalties for the failure of a participating can-  
21          didate to comply with the requirements of this title, see  
22          section 309(d).

23          **“SEC. 544. INDEXING OF AMOUNTS.**

24           “(a) INDEXING.—In any calendar year after 2026,  
25          section 315(c)(1)(B) shall apply to each amount described

1 in subsection (b) in the same manner as such section ap-  
2 plies to the limitations established under subsections  
3 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-  
4 cept that for purposes of applying such section to the  
5 amounts described in subsection (b), the ‘base period’  
6 shall be 2026.

7 “(b) AMOUNTS DESCRIBED.—The amounts described  
8 in this subsection are as follows:

9 “(1) The amount referred to in section  
10 502(b)(1) (relating to the minimum amount of quali-  
11 fied small dollar contributions included in a request  
12 for payment).

13 “(2) The amounts referred to in section  
14 504(a)(1) (relating to the amount of a qualified  
15 small dollar contribution).

16 “(3) The amount referred to in section  
17 512(a)(2) (relating to the total dollar amount of  
18 qualified small dollar contributions).

19 “(4) The amount referred to in section  
20 521(a)(5) (relating to the aggregate amount of con-  
21 tributions a participating candidate may accept from  
22 any individual with respect to an election).

23 “(5) The amount referred to in section  
24 521(b)(1)(A) (relating to the amount of personal

1 funds that may be used by a candidate who is cer-  
2 tified as a participating candidate).

3 “(6) The amounts referred to in section  
4 524(a)(2) (relating to the amount of unspent funds  
5 a candidate may retain for use in the next election  
6 cycle).

7 “(7) The amount referred to in section  
8 532(a)(3) (relating to the total dollar amount of  
9 qualified small dollar contributions for a candidate  
10 seeking an additional payment under subtitle D).

11 “(8) The amount referred to in section 533(b)  
12 (relating to the limit on the amount of an additional  
13 payment made to a candidate under subtitle D).

14 **“SEC. 545. ELECTION CYCLE DEFINED.**

15 “In this title, the term ‘election cycle’ means, with  
16 respect to an election for an office, the period beginning  
17 on the day after the date of the most recent general elec-  
18 tion for that office (or, if the general election resulted in  
19 a runoff election, the date of the runoff election) and end-  
20 ing on the date of the next general election for that office  
21 (or, if the general election resulted in a runoff election,  
22 the date of the runoff election).

1 **“SEC. 546. DIVISION DIRECTOR DEFINED.**

2 “In this title, the term ‘Division Director’ means the  
3 individual serving as the director of the division estab-  
4 lished under section 542.”.

5 **SEC. 8112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**  
6 **CANDIDATE AND POLITICAL PARTY COMMIT-**  
7 **TEES ON BEHALF OF PARTICIPATING CAN-**  
8 **DIDATES.**

9 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-  
10 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL  
11 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal  
12 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is  
13 amended by adding at the end the following new para-  
14 graph:

15 “(10) In the case of a multicandidate political com-  
16 mittee or any political committee of a political party, the  
17 committee may make a contribution to a candidate who  
18 is a participating candidate under title V with respect to  
19 an election only if the contribution is paid from a separate,  
20 segregated account of the committee which consists solely  
21 of contributions which meet the following requirements:

22 “(A) Each such contribution is in an amount  
23 which meets the requirements for the amount of a  
24 qualified small dollar contribution under section  
25 504(a)(1) with respect to the election involved.



1           “(B) Each such contribution is made by an in-  
2           dividual who is not otherwise prohibited from mak-  
3           ing a contribution under this Act.

4           “(C) The individual who makes the contribution  
5           does not make contributions to the committee during  
6           the year in an aggregate amount that exceeds the  
7           limit described in section 504(a)(1).”.

8           (b) PERMITTING UNLIMITED COORDINATED EX-  
9           PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-  
10          ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.  
11          30116(d)) is amended—

12           (1) in paragraph (3), by striking “The national  
13           committee” and inserting “Except as provided in  
14           paragraph (6), the national committee”; and

15           (2) by adding at the end the following new  
16           paragraph:

17           “(6) The limits described in paragraph (3) do not  
18           apply in the case of expenditures in connection with the  
19           general election campaign of a candidate for the office of  
20           Representative in, or Delegate or Resident Commissioner  
21           to, the Congress who is a participating candidate under  
22           title V with respect to the election, but only if—

23           “(A) the expenditures are paid from a separate,  
24           segregated account of the committee which is de-  
25           scribed in subsection (a)(10); and

1           “(B) the expenditures are the sole source of  
2           funding provided by the committee to the can-  
3           didate.”.

4   **SEC. 8113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
5                           **TICIPATING CANDIDATES FOR PURPOSES**  
6                           **OTHER THAN CAMPAIGN FOR ELECTION.**

7           Section 313 of the Federal Election Campaign Act  
8           of 1971 (52 U.S.C. 30114) is amended by adding at the  
9           end the following new subsection:

10          “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS  
11          BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-  
12          ING.—Notwithstanding paragraph (2), (3), or (4) of sub-  
13          section (a), if a candidate for election for the office of Rep-  
14          resentative in, or Delegate or Resident Commissioner to,  
15          the Congress is certified as a participating candidate  
16          under title V with respect to the election, any contribution  
17          which the candidate is permitted to accept under such title  
18          may be used only for authorized expenditures in connec-  
19          tion with the candidate’s campaign for such office, subject  
20          to section 503(b).”.

21   **SEC. 8114. DEADLINE FOR REGULATIONS.**

22          Not later than October 1, 2022, the Federal Election  
23          Commission shall promulgate such regulations as may be  
24          necessary to carry out this part and the amendments made  
25          by this part. This part and the amendments made by this

1 part shall take effect on such date without regard to  
2 whether the Commission has promulgated the regulations  
3 required under the previous sentence by such date.

4 **Subtitle C—Personal Use Services**  
5 **as Authorized Campaign Ex-**  
6 **penditures**

7 **SEC. 8201. SHORT TITLE; FINDINGS; PURPOSE.**

8 (a) **SHORT TITLE.**—This subtitle may be cited as the  
9 “Help America Run Act”.

10 (b) **FINDINGS.**—Congress finds the following:

11 (1) Everyday Americans experience barriers to  
12 entry before they can consider running for office to  
13 serve their communities.

14 (2) Current law states that campaign funds  
15 cannot be spent on everyday expenses that would  
16 exist whether or not a candidate were running for  
17 office, like childcare and food. While the law seems  
18 neutral, its actual effect is to privilege the independ-  
19 ently wealthy who want to run, because given the de-  
20 mands of running for office, candidates who must  
21 work to pay for childcare or to afford health insur-  
22 ance are effectively being left out of the process,  
23 even if they have sufficient support to mount a via-  
24 ble campaign.

1           (3) Thus current practice favors those prospec-  
2           tive candidates who do not need to rely on a regular  
3           paycheck to make ends meet. The consequence is  
4           that everyday Americans who have firsthand knowl-  
5           edge of the importance of stable childcare, a safety  
6           net, or great public schools are less likely to get a  
7           seat at the table. This governance by the few is anti-  
8           thetical to the democratic experiment, but most im-  
9           portantly, when lawmakers do not share the con-  
10          cerns of everyday Americans, their policies reflect  
11          that.

12          (4) These circumstances have contributed to a  
13          Congress that does not always reflect everyday  
14          Americans. The New York Times reported in 2019  
15          that fewer than 5 percent of representatives cite  
16          blue-collar or service jobs in their biographies. A  
17          2015 survey by the Center for Responsive Politics  
18          showed that the median net worth of lawmakers was  
19          just over \$1 million in 2013, or 18 times the wealth  
20          of the typical American household.

21          (5) These circumstances have also contributed  
22          to a governing body that does not reflect the nation  
23          it serves. For instance, women are 51 percent of the  
24          American population. Yet even with a record number  
25          of women serving in the One Hundred Sixteenth

1 Congress, the Pew Research Center notes that more  
2 than three out of four Members of this Congress are  
3 male. The Center for American Women And Politics  
4 found that one third of women legislators surveyed  
5 had been actively discouraged from running for of-  
6 fice, often by political professionals. This type of dis-  
7 couragement, combined with the prohibitions on  
8 using campaign funds for domestic needs like  
9 childcare, burdens that still fall disproportionately  
10 on American women, particularly disadvantages  
11 working mothers. These barriers may explain why  
12 only 10 women in history have given birth while  
13 serving in Congress, in spite of the prevalence of  
14 working parents in other professions. Yet working  
15 mothers and fathers are best positioned to create  
16 policy that reflects the lived experience of most  
17 Americans.

18 (6) Working mothers, those caring for their el-  
19 derly parents, and young professionals who rely on  
20 their jobs for health insurance should have the free-  
21 dom to run to serve the people of the United States.  
22 Their networks and net worth are simply not the  
23 best indicators of their strength as prospective pub-  
24 lic servants. In fact, helping ordinary Americans to  
25 run may create better policy for all Americans.

1           (c) PURPOSE.—It is the purpose of this subtitle to  
2 ensure that all Americans who are otherwise qualified to  
3 serve this Nation are able to run for office, regardless of  
4 their economic status. By expanding permissible uses of  
5 campaign funds and providing modest assurance that test-  
6 ing a run for office will not cost one’s livelihood, the Help  
7 America Run Act will facilitate the candidacy of represent-  
8 atives who more accurately reflect the experiences, chal-  
9 lenges, and 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 Elec-  
15 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-  
16 ed by section 8113, is amended by adding at the end the  
17 following new subsection:

18           “(e) TREATMENT OF PAYMENTS FOR CHILD CARE  
19 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED  
20 CAMPAIGN EXPENDITURE.—

21                   “(1) AUTHORIZED EXPENDITURES.—For pur-  
22 poses of subsection (a), the payment by an author-  
23 ized committee of a candidate for any of the per-  
24 sonal use services described in paragraph (3) shall  
25 be treated as an authorized expenditure if the serv-

1       ices are necessary to enable the participation of the  
2       candidate in campaign-connected activities.

3           “(2) LIMITATIONS.—

4                   “(A) LIMIT ON TOTAL AMOUNT OF PAY-  
5                   MENTS.—The total amount of payments made  
6                   by an authorized committee of a candidate for  
7                   personal 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  
18                  candidate makes payments for the salary of the  
19                  candidate, 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  
4 ARE OFFICEHOLDERS.—Paragraph (1) does not  
5 apply with respect to an authorized committee  
6 of a candidate who is a holder of Federal office.

7 “(3) PERSONAL USE SERVICES DESCRIBED.—  
8 The personal use services described in this para-  
9 graph are 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 de-  
15 pendent who is a qualifying relative under sec-  
16 tion 152 of the Internal Revenue Code of 1986.

17 “(D) Health insurance premiums.”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect on the date of the enactment  
20 of this Act and shall take effect without regard to whether  
21 or not the Federal Election Commission has promulgated  
22 regulations to carry out such amendments.



1           **Subtitle D—Empowering Small**  
2                           **Dollar Donations**

3   **SEC. 8301. PERMITTING POLITICAL PARTY COMMITTEES TO**  
4                           **PROVIDE ENHANCED SUPPORT FOR 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 “ex-  
11 ceed \$5,000 or, in the case of a contribution made by a  
12 national committee of a political party from an account  
13 described in paragraph (11), exceed \$10,000”.

14           (b) ELIMINATION OF LIMIT ON COORDINATED EX-  
15 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.  
16 30116(d)(5)) is amended by striking “subsection (a)(9)”  
17 and inserting “subsection (a)(9) or subsection (a)(11)”.

18           (c) ACCOUNTS DESCRIBED.—Section 315(a) of such  
19 Act (52 U.S.C. 30116(a)), as amended by section 8112(a),  
20 is amended by adding at the end the following new para-  
21 graph:

22           “(11) An account described in this paragraph is a  
23 separate, segregated account of a national congressional  
24 campaign committee of a political party which—

1           “(A) supports only candidates for election for  
2           the office of Representative in, or Delegate or Resi-  
3           dent Commissioner to, the Congress; and

4           “(B) consists exclusively of contributions made  
5           during a calendar year by individuals whose aggre-  
6           gate contributions to the committee during the year  
7           do not exceed \$200.”.

8           (d) **EFFECTIVE DATE.**—The amendments made by  
9           this section shall apply with respect to elections held on  
10          or after the date of the enactment of this Act and shall  
11          take effect without regard to whether or not the Federal  
12          Election Commission has promulgated regulations to carry  
13          out such 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  
22          affected 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  
5 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  
19 U.S.C. 10301), as amended by subsection (a), is further  
20 amended by striking subsection (b) and inserting the fol-  
21 lowing:

22               “(b) A violation of subsection (a) for vote dilution is  
23 established if, based on the totality of circumstances, it  
24 is shown that the political processes leading to nomination  
25 or election in the State or political subdivision are not

1 equally open to participation by members of a class of citi-  
2 zens protected by subsection (a) in that its members have  
3 less opportunity than other members of the electorate to  
4 participate in the political process and to elect representa-  
5 tives of their choice. The extent to which members of a  
6 protected class have been elected to office in the State or  
7 political subdivision is one circumstance which may be  
8 considered: *Provided*, That nothing in this section estab-  
9 lishes a right to have members of a protected class elected  
10 in numbers equal to their proportion in the population.  
11 The legal standard articulated in *Thornburg v. Gingles*,  
12 478 U.S. 30 (1986), governs claims under this subsection.  
13 For purposes of this subsection a class of citizens pro-  
14 tected by subsection (a) may include a cohesive coalition  
15 of members of different racial or language minority  
16 groups.”.

17 (c) VOTE DENIAL OR ABRIDGEMENT.—Section 2 of  
18 such Act (52 U.S.C. 10301), as amended by subsections  
19 (a) and (b), is further amended by adding at the end the  
20 following:

21 “(c)(1) A violation of subsection (a) for vote denial  
22 or abridgment is established if the challenged qualifica-  
23 tion, prerequisite, standard, practice, or procedure im-  
24 poses a discriminatory burden on members of a class of  
25 citizens protected by subsection (a), meaning that—

1           “(A) members of the protected class face dis-  
2           proportionate costs or burdens in complying with the  
3           qualification, prerequisite, standard, practice, or pro-  
4           cedure, considering the totality of the circumstances;  
5           and

6           “(B) such disproportionate costs or burdens  
7           are, at least in part, caused by or linked to social  
8           and historical conditions that have produced or cur-  
9           rently produce discrimination against members of  
10          the protected class.

11          “(2) The challenged qualification, prerequisite, stand-  
12          ard, practice, or procedure need only be a but-for cause  
13          of the discriminatory burden or perpetuate a pre-existing  
14          discriminatory burden.

15          “(3)(A) The totality of the circumstances for consid-  
16          eration relative to a violation of subsection (a) for vote  
17          denial or abridgment shall include the following factors,  
18          which, individually and collectively, show how a voting  
19          qualification, prerequisite, standard, practice, or proce-  
20          dure can function to amplify the effects of past or present  
21          racial discrimination:

22                  “(i) The history of official voting-related dis-  
23          crimination in the State or political subdivision.

1           “(ii) The extent to which voting in the elections  
2 of the State or political subdivision is racially polar-  
3 ized.

4           “(iii) The extent to which members of the pro-  
5 tected class bear the effects of discrimination in  
6 areas such as education, employment, and health,  
7 which hinder the ability of those members to partici-  
8 pate effectively in the political process.

9           “(iv) The use of overt or subtle racial appeals  
10 either in political campaigns or surrounding the  
11 adoption or maintenance of the challenged qualifica-  
12 tion, prerequisite, standard, practice, or procedure.

13           “(v) The extent to which members of the pro-  
14 tected class have been elected to public office in the  
15 jurisdiction, except that the fact that the protected  
16 class is too small to elect candidates of its choice  
17 shall not defeat a claim of vote denial or abridgment  
18 under this section.

19           “(vi) Whether there is a significant lack of re-  
20 sponsiveness on the part of elected officials to the  
21 particularized needs of members of the protected  
22 class.

23           “(vii) Whether the policy underlying the State  
24 or political subdivision’s use of the challenged quali-  
25 fication, prerequisite, standard, practice, or proce-

1       dure has a tenuous connection to that qualification,  
2       prerequisite, standard, practice, or procedure. In  
3       making a determination under this clause, a court  
4       shall consider whether the qualification, prerequisite,  
5       standard, practice, or procedure in question was de-  
6       signed to advance and materially advances a valid  
7       and substantiated State interest.

8       “(B) A particular combination or number of factors  
9       under subparagraph (A) shall not be required to establish  
10      a violation of subsection (a) for vote denial or abridgment.  
11      Additionally, a litigant can show a variety of factors to  
12      establish a violation of subsection (a), and is not limited  
13      to those factors listed under subparagraph (A).

14      “(C) In evaluating the totality of the circumstances  
15      for consideration relative to a violation of subsection (a)  
16      for vote denial or abridgment, the following factors shall  
17      not weigh against a finding of a violation:

18              “(i) The total number or share of members of  
19              a protected class on whom a challenged qualification,  
20              prerequisite, standard, practice, or procedure does  
21              not impose a material burden.

22              “(ii) The degree to which the challenged quali-  
23              fication, prerequisite, standard, practice, or proce-  
24              dure has a long pedigree or was in widespread use  
25              at some earlier date.

1           “(iii) The use of an identical or similar quali-  
2           fication, prerequisite, standard, practice, or proce-  
3           dure in other States or political subdivisions.

4           “(iv) The availability of other forms of voting  
5           unimpacted by the challenged qualification, pre-  
6           requisite, standard, practice, or procedure to all  
7           members of the electorate, including members of the  
8           protected class, unless the State or political subdivi-  
9           sion is simultaneously expanding those other quali-  
10          fications, prerequisites, standards, practices, or pro-  
11          cedures to eliminate any disproportionate burden im-  
12          posed by the challenged qualification, prerequisite,  
13          standard, practice, or procedure.

14          “(v) A prophylactic impact on potential criminal  
15          activity by individual voters, if such crimes have not  
16          occurred in the State or political subdivision in sub-  
17          stantial numbers.

18          “(vi) Mere invocation of interests in voter con-  
19          fidence or prevention of fraud.”.

20          (d) INTENDED VOTE DILUTION OR VOTE DENIAL OR  
21          ABRIDGMENT.—Section 2 of such Act (52 U.S.C. 10301),  
22          as amended by subsections (a), (b), and (c) is further  
23          amended by adding at the end the following:

24          “(d)(1) A violation of subsection (a) is also estab-  
25          lished if a challenged qualification, prerequisite, standard,



1 practice, or procedure is intended, at least in part, to di-  
2 lute the voting strength of a protected class or to deny  
3 or abridge the right of any citizen of the United States  
4 to vote on account of race, color, or in contravention of  
5 the guarantees set forth in section 4(f)(2).

6 “(2) Discrimination on account of race or color, or  
7 in contravention of the guarantees set forth in section  
8 4(f)(2), need only be one purpose of a qualification, pre-  
9 requisite, standard, practice, or procedure in order to es-  
10 tablish a violation of subsection (a), as described in this  
11 subsection. A qualification, prerequisite, standard, prac-  
12 tice, or procedure intended to dilute the voting strength  
13 of a protected class or to make it more difficult for mem-  
14 bers of a protected class to cast a ballot that will be count-  
15 ed constitutes a violation of subsection (a), as described  
16 in this subsection, even if an additional purpose of the  
17 qualification, prerequisite, standard, practice, or proce-  
18 dure is to benefit a particular political party or group.

19 “(3) Recent context, including actions by official deci-  
20 sionmakers in prior years or in other contexts preceding  
21 the decision responsible for the challenged qualification,  
22 prerequisite, standard, practice, or procedure, and includ-  
23 ing actions by predecessor government actors or individual  
24 members of a decisionmaking body, may be relevant to

1 making a determination about a violation of subsection  
2 (a), as described under this subsection.

3 “(4) A claim that a violation of subsection (a) has  
4 occurred, as described under this subsection, shall require  
5 proof of a discriminatory impact but shall not require  
6 proof of violation of subsection (b) or (c).”.

7 **SEC. 9002. RETROGRESSION.**

8 Section 2 of the Voting Rights Act of 1965 (52  
9 U.S.C. 10301 et seq.), as amended by section 9001 of this  
10 Act, is further amended by adding at the end the fol-  
11 lowing:

12 “(e) A violation of subsection (a) is established when  
13 a State or political subdivision enacts or seeks to admin-  
14 ister any qualification or prerequisite to voting or stand-  
15 ard, practice, or procedure with respect to voting in any  
16 election that has the purpose of or will have the effect  
17 of diminishing the ability of any citizens of the United  
18 States on account of race or color, or in contravention of  
19 the guarantees set forth in section 4(f)(2), to participate  
20 in the electoral process or elect their preferred candidates  
21 of choice. This subsection applies to any action taken on  
22 or after January 1, 2021, by a State or political subdivi-  
23 sion to enact or seek to administer any such qualification  
24 or prerequisite to voting or standard, practice or proce-  
25 dure.

1 “(f) Notwithstanding the provisions of subsection (e),  
2 final decisions of the United States District Court of the  
3 District of Columbia on applications or petitions by States  
4 or political subdivisions for preclearance under section 5  
5 of any changes in voting prerequisites, standards, prac-  
6 tices, or procedures, supersede the provisions of subsection  
7 (e).”.

8 **SEC. 9003. VIOLATIONS TRIGGERING AUTHORITY OF**  
9 **COURT TO RETAIN JURISDICTION.**

10 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-  
11 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended  
12 by striking “violations of the fourteenth or fifteenth  
13 amendment” and inserting “violations of the 14th or 15th  
14 Amendment, violations of this Act, or violations of any  
15 Federal law that prohibits discrimination in voting on the  
16 basis of race, color, or membership in a language minority  
17 group,”.

18 (b) CONFORMING AMENDMENT.—Section 3(a) of  
19 such Act (52 U.S.C. 10302(a)) is amended by striking  
20 “violations of the fourteenth or fifteenth amendment” and  
21 inserting “violations of the 14th or 15th Amendment, vio-  
22 lations of this Act, or violations of any Federal law that  
23 prohibits discrimination in voting on the basis of race,  
24 color, or membership in a language minority group,”.

1 **SEC. 9004. CRITERIA FOR COVERAGE OF STATES AND PO-**  
2 **LITICAL SUBDIVISIONS.**

3 (a) DETERMINATION OF STATES AND POLITICAL  
4 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

5 (1) IN GENERAL.—Section 4(b) of the Voting  
6 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-  
7 ed to read as follows:

8 “(b) DETERMINATION OF STATES AND POLITICAL  
9 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

10 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-  
11 TIONS DURING PREVIOUS 25 YEARS.—

12 “(A) STATEWIDE APPLICATION.—Sub-  
13 section (a) applies with respect to a State and  
14 all political subdivisions within the State during  
15 a calendar year if—

16 “(i) fifteen or more voting rights vio-  
17 lations occurred in the State during the  
18 previous 25 calendar years; or

19 “(ii) ten or more voting rights viola-  
20 tions occurred in the State during the pre-  
21 vious 25 calendar years, at least one of  
22 which was committed by the State itself  
23 (as opposed to a political subdivision with-  
24 in the State).

25 “(B) APPLICATION TO SPECIFIC POLITICAL  
26 SUBDIVISIONS.—Subsection (a) applies with re-

1           spect to a political subdivision as a separate  
2           unit during a calendar year if three or more  
3           voting rights violations occurred in the subdivi-  
4           sion during the previous 25 calendar years.

5           “(2) PERIOD OF APPLICATION.—

6                   “(A) IN GENERAL.—Except as provided in  
7           subparagraph (B), if, pursuant to paragraph  
8           (1), subsection (a) applies with respect to a  
9           State or political subdivision during a calendar  
10          year, subsection (a) shall apply with respect to  
11          such State or political subdivision for the pe-  
12          riod—

13                   “(i) that begins on January 1 of the  
14           year in which subsection (a) applies; and

15                   “(ii) that ends on the date which is 10  
16           years after the date described in clause (i).

17           “(B) NO FURTHER APPLICATION AFTER  
18          DECLARATORY JUDGMENT.—

19                   “(i) STATES.—If a State obtains a de-  
20           claratory judgment under subsection (a),  
21           and the judgment remains in effect, sub-  
22           section (a) shall no longer apply to such  
23           State and all political subdivisions in the  
24           State pursuant to paragraph (1)(A) unless,  
25           after the issuance of the declaratory judg-

1                   ment, paragraph (1)(A) applies to the  
2                   State solely on the basis of voting rights  
3                   violations occurring after the issuance of  
4                   the declaratory judgment, or paragraph  
5                   (1)(B) applies to the political subdivision  
6                   solely on the basis of voting rights viola-  
7                   tions occurring after the issuance of the  
8                   declaratory judgment.

9                   “(ii) POLITICAL SUBDIVISIONS.—If a  
10                  political subdivision obtains a declaratory  
11                  judgment under subsection (a), and the  
12                  judgment remains in effect, subsection (a)  
13                  shall no longer apply to such political sub-  
14                  division pursuant to paragraph (1), includ-  
15                  ing pursuant to paragraph (1)(A) (relating  
16                  to the statewide application of subsection  
17                  (a)), unless, after the issuance of the de-  
18                  claratory judgment, paragraph (1)(B) ap-  
19                  plies to the political subdivision solely on  
20                  the basis of voting rights violations occur-  
21                  ring after the issuance of the declaratory  
22                  judgment.

23                  “(3) DETERMINATION OF VOTING RIGHTS VIO-  
24                  LATION.—For purposes of paragraph (1), a voting

1 rights violation occurred in a State or political sub-  
2 division if any of the following applies:

3 “(A) JUDICIAL RELIEF; VIOLATION OF  
4 THE 14TH OR 15TH AMENDMENT.—Any final  
5 judgment (that has not been reversed on ap-  
6 peal) occurred, in which the plaintiff prevailed  
7 and in which any court of the United States de-  
8 termined that a denial or abridgement of the  
9 right of any citizen of the United States to vote  
10 on account of race, color, or membership in a  
11 language minority group occurred, that a voting  
12 qualification or prerequisite to voting or stand-  
13 ard, practice, or procedure with respect to vot-  
14 ing created an undue burden on the right to  
15 vote in connection with a claim that the law un-  
16 duly burdened voters of a particular race, color,  
17 or language minority group, or that race was  
18 the predominant factor motivating the decision  
19 to place a significant number of voters within  
20 or outside of a particular district, unless nar-  
21 rowly tailored in service of a compelling interest  
22 or in response to an objection interposed by the  
23 Department of Justice, in violation of the 14th  
24 or 15th Amendment to the Constitution of the

1 United States, anywhere within the State or  
2 subdivision.

3 “(B) JUDICIAL RELIEF; VIOLATIONS OF  
4 THIS ACT.—Any final judgment (that has not  
5 been reversed on appeal) occurred in which the  
6 plaintiff prevailed and in which any court of the  
7 United States determined that a voting quali-  
8 fication or prerequisite to voting or standard,  
9 practice, or procedure with respect to voting  
10 was imposed or applied or would have been im-  
11 posed or applied anywhere within the State or  
12 subdivision in a manner that resulted or would  
13 have resulted in a denial or abridgement of the  
14 right of any citizen of the United States to vote  
15 on account of race, color, or membership in a  
16 language minority group, in violation of sub-  
17 section (e) or (f) or section 2, 201, or 203, or  
18 any final judgment (that has not been reversed  
19 on appeal) occurred in which a court of the  
20 United States found a State or political subdivi-  
21 sion failed to comply with section 5(a): *Pro-*  
22 *vided*, That if the voting qualifications or pre-  
23 requisites to voting or standards, practices, or  
24 procedures that the court finds required compli-  
25 ance with section 5(a) subsequently go into ef-



1           fect (without alteration or amendment) in ac-  
2           cordance with the procedures in section 5(a),  
3           then such finding shall not count as a violation.

4           “(C) FINAL JUDGMENT; DENIAL OF DE-  
5           CLARATORY JUDGMENT.—In a final judgment  
6           (that has not been reversed on appeal), any  
7           court of the United States has denied the re-  
8           quest of the State or subdivision for a declara-  
9           tory judgment under section 3(c) or section 5,  
10          and thereby prevented a voting qualification or  
11          prerequisite to voting or standard, practice, or  
12          procedure with respect to voting from being en-  
13          forced anywhere within the State or subdivision.

14          “(D) OBJECTION BY THE ATTORNEY GEN-  
15          ERAL.—The Attorney General has interposed  
16          an objection under section 3(c) or section 5,  
17          and thereby prevented a voting qualification or  
18          prerequisite to voting or standard, practice, or  
19          procedure with respect to voting from being en-  
20          forced anywhere within the State or subdivision.  
21          A violation under this subparagraph has not oc-  
22          curred where an objection has been withdrawn  
23          by the Attorney General, unless the withdrawal  
24          was in response to a change in the law or prac-  
25          tice that served as the basis of the objection. A

1 violation under this subparagraph has not oc-  
2 curred where the objection is based solely on a  
3 State or political subdivision's failure to comply  
4 with a procedural process that would not other-  
5 wise count as an independent violation of this  
6 Act.

7 “(E) CONSENT DECREE, SETTLEMENT, OR  
8 OTHER AGREEMENT.—

9 “(i) AGREEMENT.—A consent decree,  
10 settlement, or other agreement was adopt-  
11 ed or entered by a court of the United  
12 States that contains an admission of liabil-  
13 ity by the defendants, which resulted in the  
14 alteration or abandonment of a voting  
15 practice anywhere in the territory of such  
16 State or subdivision that was challenged on  
17 the ground that the practice denied or  
18 abridged the right of any citizen of the  
19 United States to vote on account of race,  
20 color, or membership in a language minor-  
21 ity group in violation of subsection (e) or  
22 (f) or section 2, 201, or 203, or the 14th  
23 or 15th Amendment.

24 “(ii) INDEPENDENT VIOLATIONS.—A  
25 voluntary extension or continuation of a

1 consent decree, settlement, or agreement  
2 described in clause (i) shall not count as  
3 an independent violation under this sub-  
4 paragraph. Any other extension or modi-  
5 fication of such a consent decree, settle-  
6 ment, or agreement, if the consent decree,  
7 settlement, or agreement has been in place  
8 for ten years or longer, shall count as an  
9 independent violation under this subpara-  
10 graph. If a court of the United States  
11 finds that a consent decree, settlement, or  
12 agreement described in clause (i) itself de-  
13 nied or abridged the right of any citizen of  
14 the United States to vote on account of  
15 race, color, or membership in a language  
16 minority group, violated subsection (e) or  
17 (f) or section 2, 201, or 203, or created an  
18 undue burden on the right to vote in con-  
19 nection with a claim that the consent de-  
20 cree, settlement, or other agreement un-  
21 duly burdened voters of a particular race,  
22 color, or language minority group, that  
23 finding shall count as an independent vio-  
24 lation under this subparagraph.

1           “(F) MULTIPLE VIOLATIONS.—Each in-  
2           stance in which a voting qualification or pre-  
3           requisite to voting or standard, practice, or pro-  
4           cedure with respect to voting, including each re-  
5           districting plan, is found to be a violation by a  
6           court of the United States pursuant to subpara-  
7           graph (A) or (B), or prevented from being en-  
8           forced pursuant to subparagraph (C) or (D), or  
9           altered or abandoned pursuant to subparagraph  
10          (E) shall count as an independent violation  
11          under this paragraph. Within a redistricting  
12          plan, each violation under this paragraph found  
13          to violate the rights of any group of voters  
14          within an individual district based on race,  
15          color, or language minority group shall count as  
16          an independent violation under this paragraph.

17          “(4) TIMING OF DETERMINATIONS.—

18                 “(A) DETERMINATIONS OF VOTING RIGHTS  
19                 VIOLATIONS.—As early as practicable during  
20                 each calendar year, the Attorney General shall  
21                 make the determinations required by this sub-  
22                 section, including updating the list of voting  
23                 rights violations occurring in each State and po-  
24                 litical subdivision for the previous calendar  
25                 year.

1           “(B) EFFECTIVE UPON PUBLICATION IN  
2 FEDERAL REGISTER.—A determination or cer-  
3 tification of the Attorney General under this  
4 section or under section 8 or 13 shall be effec-  
5 tive upon publication in the Federal Register.”.

6           (2) CONFORMING AMENDMENTS.—Section 4(a)  
7 of such Act (52 U.S.C. 10303(a)) is amended—

8           (A) in paragraph (1), in the first sentence  
9 of the matter preceding subparagraph (A), by  
10 striking “any State with respect to which” and  
11 all that follows through “unless” and inserting  
12 “any State to which this subsection applies dur-  
13 ing a calendar year pursuant to determinations  
14 made under subsection (b), or in any political  
15 subdivision of such State (as such subdivision  
16 existed on the date such determinations were  
17 made with respect to such State), though such  
18 determinations were not made with respect to  
19 such subdivision as a separate unit, or in any  
20 political subdivision with respect to which this  
21 subsection applies during a calendar year pur-  
22 suant to determinations made with respect to  
23 such subdivision as a separate unit under sub-  
24 section (b), unless”;

1 (B) in paragraph (1), in the matter pre-  
2 ceding subparagraph (A), by striking the second  
3 sentence;

4 (C) in paragraph (1)(A), by striking “(in  
5 the case of a State or subdivision seeking a de-  
6 claratory judgment under the second sentence  
7 of this subsection)”;

8 (D) in paragraph (1)(B), by striking “(in  
9 the case of a State or subdivision seeking a de-  
10 claratory judgment under the second sentence  
11 of this subsection)”;

12 (E) in paragraph (3), by striking “(in the  
13 case of a State or subdivision seeking a declara-  
14 tory judgment under the second sentence of this  
15 subsection)”;

16 (F) in paragraph (5), by striking “(in the  
17 case of a State or subdivision which sought a  
18 declaratory judgment under the second sentence  
19 of this subsection)”;

20 (G) by striking paragraphs (7) and (8);  
21 and

22 (H) by redesignating paragraph (9) as  
23 paragraph (7).

24 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
25 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such

1 Act (52 U.S.C. 10303(a)(1)), as amended by subsection  
2 (a), is further amended, in the first sentence, by striking  
3 “race or color,” and inserting “race or color, or in con-  
4 travention of the guarantees of subsection (f)(2),”.

5 (c) FACILITATING BAILOUT.—Section 4(a) of the  
6 Voting Rights Act of 1965 (52 U.S.C. 10303(a)), as  
7 amended by subsection (a), is further amended—

8 (1) by striking paragraph (1)(C);

9 (2) by inserting at the beginning of paragraph  
10 (7), as redesignated by subsection (a)(2)(H), the fol-  
11 lowing: “Any plaintiff seeking a declaratory judg-  
12 ment under this subsection on the grounds that the  
13 plaintiff meets the requirements of paragraph (1)  
14 may request that the Attorney General consent to  
15 entry of judgment.”; and

16 (3) by adding at the end the following:

17 “(8) If a political subdivision is subject to the applica-  
18 tion of this subsection, due to the applicability of sub-  
19 section (b)(1)(A), the political subdivision may seek a de-  
20 claratory judgment under this section if the subdivision  
21 demonstrates that the subdivision meets the criteria estab-  
22 lished by the subparagraphs of paragraph (1), for the 10  
23 years preceding the date on which subsection (a) applied  
24 to the political subdivision under subsection (b)(1)(A).

1 “(9) If a political subdivision was not subject to the  
2 application of this subsection by reason of a declaratory  
3 judgment entered prior to the date of enactment of the  
4 John R. Lewis Voting Rights Advancement Act of 2021,  
5 and is not, subsequent to that date of enactment, subject  
6 to the application of this subsection under subsection  
7 (b)(1)(B), then that political subdivision shall not be sub-  
8 ject to the requirements of this subsection.”.

9 **SEC. 9005. DETERMINATION OF STATES AND POLITICAL**  
10 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**  
11 **FOR COVERED PRACTICES.**

12 The Voting Rights Act of 1965 (52 U.S.C. 10301 et  
13 seq.) is further amended by inserting after section 4 the  
14 following:

15 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**  
16 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**  
17 **FOR COVERED PRACTICES.**

18 “(a) PRACTICE-BASED PRECLEARANCE.—

19 “(1) IN GENERAL.—Each State and each polit-  
20 ical subdivision shall—

21 “(A) identify any change to a law, regula-  
22 tion, or policy that includes a voting qualifica-  
23 tion or prerequisite to voting, or a standard,  
24 practice, or procedure with respect to voting,



1 that is a covered practice described in sub-  
2 section (b); and

3 “(B) ensure that no such covered practice  
4 is implemented unless or until the State or po-  
5 litical subdivision, as the case may be, complies  
6 with subsection (c).

7 “(2) DETERMINATIONS OF CHARACTERISTICS  
8 OF VOTING-AGE POPULATION.—

9 “(A) IN GENERAL.—As early as prac-  
10 ticable during each calendar year, the Attorney  
11 General, in consultation with the Director of  
12 the Bureau of the Census and the heads of  
13 other relevant offices of the government, shall  
14 make the determinations required by this sec-  
15 tion regarding voting-age populations and the  
16 characteristics of such populations, and shall  
17 publish a list of the States and political subdivi-  
18 sions to which a voting-age population char-  
19 acteristic described in subsection (b) applies.

20 “(B) PUBLICATION IN THE FEDERAL REG-  
21 ISTER.—A determination (including a certifi-  
22 cation) of the Attorney General under this  
23 paragraph shall be effective upon publication in  
24 the Federal Register.

1           “(b) COVERED PRACTICES.—To assure that the right  
2 of citizens of the United States to vote is not denied or  
3 abridged on account of race, color, or membership in a  
4 language minority group as a result of the implementation  
5 of certain qualifications or prerequisites to voting, or  
6 standards, practices, or procedures with respect to voting  
7 in a State or political subdivision, the following shall be  
8 covered practices subject to the requirements described in  
9 subsection (a):

10           “(1) CHANGES TO METHOD OF ELECTION.—

11           Any change to the method of election—

12           “(A) to add seats elected at-large in a  
13 State or political subdivision where—

14           “(i) two or more racial groups or lan-  
15 guage minority groups each represent 20  
16 percent or more of the voting-age popu-  
17 lation in the State or political subdivision,  
18 respectively; or

19           “(ii) a single language minority group  
20 represents 20 percent or more of the vot-  
21 ing-age population on Indian lands located  
22 in whole or in part in the State or political  
23 subdivision; or

24           “(B) to convert one or more seats elected  
25 from a single-member district to one or more

1 at-large seats or seats from a multi-member  
2 district in a State or political subdivision  
3 where—

4 “(i) two or more racial groups or lan-  
5 guage minority groups each represent 20  
6 percent or more of the voting-age popu-  
7 lation in the State or political subdivision,  
8 respectively; or

9 “(ii) a single language minority group  
10 represents 20 percent or more of the vot-  
11 ing-age population on Indian lands located  
12 in whole or in part in the State or political  
13 subdivision.

14 “(2) CHANGES TO POLITICAL SUBDIVISION  
15 BOUNDARIES.—Any change or series of changes  
16 within a year to the boundaries of a political subdivi-  
17 sion that reduces by 3 or more percentage points the  
18 percentage of the political subdivision’s voting-age  
19 population that is comprised of members of a single  
20 racial group or language minority group in the polit-  
21 ical subdivision where—

22 “(A) two or more racial groups or lan-  
23 guage minority groups each represent 20 per-  
24 cent or more of the political subdivision’s vot-  
25 ing-age population; or

1           “(B) a single language minority group rep-  
2           resents 20 percent or more of the voting-age  
3           population on Indian lands located in whole or  
4           in part in the political subdivision.

5           “(3) CHANGES THROUGH REDISTRICTING.—  
6           Any change to the apportionment or boundaries of  
7           districts for Federal, State, or local elections in a  
8           State or political subdivision where any racial group  
9           or language minority group that is not the largest  
10          racial group or language minority group in the juris-  
11          diction and that represents 15 percent or more of  
12          the State or political subdivision’s voting-age popu-  
13          lation experiences a population increase of at least  
14          20 percent of its voting-age population, over the pre-  
15          ceding decade (as calculated by the Bureau of the  
16          Census under the most recent decennial census), in  
17          the jurisdiction.

18          “(4) CHANGES IN DOCUMENTATION OR QUALI-  
19          FICATIONS TO VOTE.—Any change to requirements  
20          for documentation or proof of identity to vote or reg-  
21          ister to vote in elections for Federal, State, or local  
22          offices that will exceed or be more stringent than  
23          such requirements under State law on the day before  
24          the date of enactment of the John R. Lewis Voting  
25          Rights Advancement Act of 2021.

1           “(5) CHANGES TO MULTILINGUAL VOTING MA-  
2           TERIALS.—Any change that reduces multilingual  
3           voting materials or alters the manner in which such  
4           materials are provided or distributed, where no simi-  
5           lar reduction or alteration occurs in materials pro-  
6           vided in English for such election.

7           “(6) CHANGES THAT REDUCE, CONSOLIDATE,  
8           OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-  
9           ING OPPORTUNITIES.—Any change that reduces,  
10          consolidates, or relocates voting locations in elections  
11          for Federal, State, or local office, including early,  
12          absentee, and election-day voting locations, or re-  
13          duces days or hours of in-person voting on any Sun-  
14          day during a period occurring prior to the date of  
15          an election for Federal, State, or local office during  
16          which voters may cast ballots in such election, if the  
17          location change, or reduction in days or hours, ap-  
18          plies—

19                 “(A) in one or more census tracts in which  
20                 two or more language minority groups or racial  
21                 groups each represent 20 percent or more of  
22                 the voting-age population; or

23                 “(B) on Indian lands in which at least 20  
24                 percent of the voting-age population belongs to  
25                 a single language minority group.

1           “(7) NEW LIST MAINTENANCE PROCESS.—Any  
2           change to the maintenance process for voter reg-  
3           istration lists that adds a new basis for removal  
4           from the list of active voters registered to vote in  
5           elections for Federal, State, or local office, or that  
6           incorporates new sources of information in deter-  
7           mining a voter’s eligibility to vote in elections for  
8           Federal, State, or local office, if such a change  
9           would have a statistically significant disparate im-  
10          pact, concerning the removal from voter rolls, on  
11          members of racial groups or language minority  
12          groups that constitute greater than 5 percent of the  
13          voting-age population—

14                 “(A) in the case of a political subdivision  
15                 imposing such change if—

16                         “(i) two or more racial groups or lan-  
17                         guage minority groups each represent 20  
18                         percent or more of the voting-age popu-  
19                         lation of the political subdivision; or

20                         “(ii) a single language minority group  
21                         represents 20 percent or more of the vot-  
22                         ing-age population on Indian lands located  
23                         in whole or in part in the political subdivi-  
24                         sion; or

1           “(B) in the case of a State imposing such  
2 change, if two or more racial groups or lan-  
3 guage minority groups each represent 20 per-  
4 cent or more of the voting-age population of—

5                   “(i) the State; or

6                   “(ii) a political subdivision in the  
7 State, except that the requirements under  
8 subsections (a) and (c) shall apply only  
9 with respect to each such political subdivi-  
10 sion individually.

11       “(c) PRECLEARANCE.—

12           “(1) IN GENERAL.—

13                   “(A) ACTION .—Whenever a State or polit-  
14 ical subdivision with respect to which the re-  
15 quirements set forth in subsection (a) are in ef-  
16 fect shall enact, adopt, or seek to implement  
17 any covered practice described under subsection  
18 (b), such State or subdivision may institute an  
19 action in the United States District Court for  
20 the District of Columbia for a declaratory judg-  
21 ment that such covered practice neither has the  
22 purpose nor will have the effect of denying or  
23 abridging the right to vote on account of race,  
24 color, or membership in a language minority  
25 group, and unless and until the court enters

1           such judgment such covered practice shall not  
2           be implemented.

3           “(B) SUBMISSION TO ATTORNEY GEN-  
4           ERAL.—

5           “(i) IN GENERAL.—Notwithstanding  
6           subparagraph (A), such covered practice  
7           may be implemented without such pro-  
8           ceeding if the covered practice has been  
9           submitted by the chief legal officer or other  
10          appropriate official of such State or sub-  
11          division to the Attorney General and the  
12          Attorney General has not interposed an ob-  
13          jection within 60 days after such submis-  
14          sion, or upon good cause shown, to facili-  
15          tate an expedited approval within 60 days  
16          after such submission, the Attorney Gen-  
17          eral has affirmatively indicated that such  
18          objection will not be made. An exigency,  
19          including a natural disaster, inclement  
20          weather, or other unforeseeable event, re-  
21          quiring a changed qualification, pre-  
22          requisite, standard, practice, or procedure  
23          within 30 days of a Federal, State, or local  
24          election shall constitute good cause requir-  
25          ing the Attorney General to expedite con-



1           sideration of the submission. To the extent  
2           feasible, expedited consideration shall con-  
3           sider the views of individuals affected by  
4           the changed qualification, prerequisite,  
5           standard, practice, or procedure.

6           “(ii) EFFECT OF INDICATION.—Nei-  
7           ther an affirmative indication by the Attor-  
8           ney General that no objection will be made,  
9           nor the Attorney General’s failure to ob-  
10          ject, nor a declaratory judgment entered  
11          under this subsection shall bar a subse-  
12          quent action to enjoin implementation of  
13          such covered practice. In the event the At-  
14          torney General affirmatively indicates that  
15          no objection will be made within the 60-  
16          day period following receipt of a submis-  
17          sion, the Attorney General may reserve the  
18          right to reexamine the submission if addi-  
19          tional information comes to the Attorney  
20          General’s attention during the remainder  
21          of the 60-day period which would otherwise  
22          require objection in accordance with this  
23          subsection.

24          “(C) COURT.—Any action under this sub-  
25          section shall be heard and determined by a

1 court of three judges in accordance with the  
2 provisions of section 2284 of title 28, United  
3 States Code, and any appeal shall lie to the Su-  
4 preme Court.

5 “(2) DENYING OR ABRIDGING THE RIGHT TO  
6 VOTE.—Any covered practice described in subsection  
7 (b) that has the purpose of or will have the effect  
8 of diminishing the ability of any citizens of the  
9 United States on account of race, color, or member-  
10 ship in a language minority group, to elect their pre-  
11 ferred candidates of choice denies or abridges the  
12 right to vote within the meaning of paragraph (1).

13 “(3) PURPOSE DEFINED.—The term ‘purpose’  
14 in paragraphs (1) and (2) shall include any discrimi-  
15 natory purpose.

16 “(4) PURPOSE OF PARAGRAPH (2).—The pur-  
17 pose of paragraph (2) is to protect the ability of  
18 such citizens to elect their preferred candidates of  
19 choice.

20 “(d) ENFORCEMENT.—The Attorney General or any  
21 aggrieved citizen may file an action in a district court of  
22 the United States to compel any State or political subdivi-  
23 sion to satisfy the obligations set forth in this section.  
24 Such an action shall be heard and determined by a court  
25 of three judges under section 2284 of title 28, United

1 States Code. In any such action, the court shall provide  
2 as a remedy that implementation of any voting qualifica-  
3 tion or prerequisite to voting, or standard, practice, or  
4 procedure with respect to voting, that is the subject of the  
5 action under this subsection be enjoined unless the court  
6 determines that—

7           “(1) the voting qualification or prerequisite to  
8           voting, or standard, practice, or procedure with re-  
9           spect to voting, is not a covered practice described  
10          in subsection (b); or

11          “(2) the State or political subdivision has com-  
12          plied with subsection (c) with respect to the covered  
13          practice at issue.

14          “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE  
15          MINORITY GROUPS.—For purposes of this section, the cal-  
16          culation of the population of a racial group or a language  
17          minority group shall be carried out using the methodology  
18          in the guidance of the Department of Justice entitled  
19          ‘Guidance Concerning Redistricting Under Section 5 of  
20          the Voting Rights Act; Notice’ (76 Fed. Reg. 7470 (Feb-  
21          ruary 9, 2011)).

22          “(f) SPECIAL RULE.—For purposes of determina-  
23          tions under this section, any data provided by the Bureau  
24          of the Census, whether based on estimation from a sample

1 or actual enumeration, shall not be subject to challenge  
2 or review in any court.

3 “(g) **MULTILINGUAL VOTING MATERIALS.**—In this  
4 section, the term ‘multilingual voting materials’ means  
5 registration or voting notices, forms, instructions, assist-  
6 ance, or other materials or information relating to the  
7 electoral process, including ballots, provided in the lan-  
8 guage or languages of one or more language minority  
9 groups.”.

10 **SEC. 9006. PROMOTING TRANSPARENCY TO ENFORCE THE**  
11 **VOTING RIGHTS ACT.**

12 (a) **TRANSPARENCY.**—The Voting Rights Act of 1965  
13 (52 U.S.C. 10301 et seq.) is amended by inserting after  
14 section 5 the following:

15 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**  
16 **TECT VOTING RIGHTS.**

17 “(a) **NOTICE OF ENACTED CHANGES.**—

18 “(1) **NOTICE OF CHANGES.**—If a State or polit-  
19 ical subdivision makes any change in any qualifica-  
20 tion or prerequisite to voting or standard, practice,  
21 or procedure with respect to voting in any election  
22 for Federal office that will result in the qualification  
23 or prerequisite, standard, practice, or procedure  
24 being different from that which was in effect as of  
25 180 days before the date of the election for Federal

1 office, the State or political subdivision shall provide  
2 reasonable public notice in such State or political  
3 subdivision and on the website of the State or polit-  
4 ical subdivision, of a concise description of the  
5 change, including the difference between the  
6 changed qualification or prerequisite, standard, prac-  
7 tice, or procedure and the qualification, prerequisite,  
8 standard, practice, or procedure which was pre-  
9 viously in effect. The public notice described in this  
10 paragraph, in such State or political subdivision and  
11 on the website of a State or political subdivision,  
12 shall be in a format that is reasonably convenient  
13 and accessible to persons with disabilities who are el-  
14 igible to vote, including persons who have low vision  
15 or are blind.

16 “(2) DEADLINE FOR NOTICE.—A State or polit-  
17 ical subdivision shall provide the public notice re-  
18 quired under paragraph (1) not later than 48 hours  
19 after making the change involved.

20 “(b) TRANSPARENCY REGARDING POLLING PLACE  
21 RESOURCES.—

22 “(1) IN GENERAL.—In order to identify any  
23 changes that may impact the right to vote of any  
24 person, prior to the 30th day before the date of an  
25 election for Federal office, each State or political

1 subdivision with responsibility for allocating reg-  
2 istered voters, voting machines, and official poll  
3 workers to particular precincts and polling places  
4 shall provide reasonable public notice in such State  
5 or political subdivision and on the website of a State  
6 or political subdivision, of the information described  
7 in paragraph (2) for precincts and polling places  
8 within such State or political subdivision. The public  
9 notice described in this paragraph, in such State or  
10 political subdivision and on the website of a State or  
11 political subdivision, shall be in a format that is rea-  
12 sonably convenient and accessible to persons with  
13 disabilities who are eligible to vote, including persons  
14 who have low vision or are blind.

15 “(2) INFORMATION DESCRIBED.—The informa-  
16 tion described in this paragraph with respect to a  
17 precinct or polling place is each of the following:

18 “(A) The name or number.

19 “(B) In the case of a polling place, the lo-  
20 cation, including the street address, and wheth-  
21 er such polling place is accessible to persons  
22 with disabilities.

23 “(C) The voting-age population of the area  
24 served by the precinct or polling place, broken  
25 down by demographic group if such breakdown

1 is reasonably available to such State or political  
2 subdivision.

3 “(D) The number of registered voters as-  
4 signed to the precinct or polling place, broken  
5 down by demographic group if such breakdown  
6 is reasonably available to such State or political  
7 subdivision.

8 “(E) The number of voting machines as-  
9 signed, including the number of voting ma-  
10 chines accessible to persons with disabilities  
11 who are eligible to vote, including persons who  
12 have low vision or are blind.

13 “(F) The number of official paid poll  
14 workers assigned.

15 “(G) The number of official volunteer poll  
16 workers assigned.

17 “(H) In the case of a polling place, the  
18 dates and hours of operation.

19 “(3) UPDATES IN INFORMATION REPORTED.—  
20 If a State or political subdivision makes any change  
21 in any of the information described in paragraph  
22 (2), the State or political subdivision shall provide  
23 reasonable public notice in such State or political  
24 subdivision and on the website of a State or political  
25 subdivision, of the change in the information not

1 later than 48 hours after the change occurs or, if  
2 the change occurs fewer than 48 hours before the  
3 date of the election for Federal office, as soon as  
4 practicable after the change occurs. The public no-  
5 tice described in this paragraph and published on  
6 the website of a State or political subdivision shall  
7 be in a format that is reasonably convenient and ac-  
8 cessible to persons with disabilities who are eligible  
9 to vote, including persons who have low vision or are  
10 blind.

11 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-  
12 MOGRAPHICS AND ELECTORAL DISTRICTS.—

13 “(1) REQUIRING PUBLIC NOTICE OF  
14 CHANGES.—Not later than 10 days after making  
15 any change in the constituency that will participate  
16 in an election for Federal, State, or local office or  
17 the boundaries of a voting unit or electoral district  
18 in an election for Federal, State, or local office (in-  
19 cluding through redistricting, reapportionment,  
20 changing from at-large elections to district-based  
21 elections, or changing from district-based elections  
22 to at-large elections), a State or political subdivision  
23 shall provide reasonable public notice in such State  
24 or political subdivision and on the website of a State  
25 or political subdivision, of the demographic and elec-



1       total data described in paragraph (3) for each of the  
2       geographic areas described in paragraph (2).

3               “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-  
4       ographic areas described in this paragraph are as  
5       follows:

6               “(A) The State as a whole, if the change  
7       applies statewide, or the political subdivision as  
8       a whole, if the change applies across the entire  
9       political subdivision.

10              “(B) If the change includes a plan to re-  
11       place or eliminate voting units or electoral dis-  
12       tricts, each voting unit or electoral district that  
13       will be replaced or eliminated.

14              “(C) If the change includes a plan to es-  
15       tablish new voting units or electoral districts,  
16       each such new voting unit or electoral district.

17              “(3) DEMOGRAPHIC AND ELECTORAL DATA.—  
18       The demographic and electoral data described in this  
19       paragraph with respect to a geographic area de-  
20       scribed in paragraph (2) are each of the following:

21              “(A) The voting-age population, broken  
22       down by demographic group.

23              “(B) The number of registered voters, bro-  
24       ken down by demographic group if such break-

1 down is reasonably available to the State or po-  
2 litical subdivision involved.

3 “(C)(i) If the change applies to a State,  
4 the actual number of votes, or (if it is not rea-  
5 sonably practicable for the State to ascertain  
6 the actual number of votes) the estimated num-  
7 ber of votes received by each candidate in each  
8 statewide election held during the 5-year period  
9 which ends on the date the change involved is  
10 made; and

11 “(ii) if the change applies to only one polit-  
12 ical subdivision, the actual number of votes, or  
13 (if it is not reasonably practicable for the polit-  
14 ical subdivision to ascertain the actual number  
15 of votes) the estimated number of votes in each  
16 subdivision-wide election held during the 5-year  
17 period which ends on the date the change in-  
18 volved is made.

19 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-  
20 RISDICTIONS.—Compliance with this subsection shall  
21 be voluntary for a political subdivision of a State un-  
22 less the subdivision is one of the following:

23 “(A) A county or parish.

24 “(B) A municipality with a population  
25 greater than 10,000, as determined by the Bu-

1           reau of the Census under the most recent de-  
2           cennial census.

3           “(C) A school district with a population  
4           greater than 10,000, as determined by the Bu-  
5           reau of the Census under the most recent de-  
6           cennial census. For purposes of this subpara-  
7           graph, the term ‘school district’ means the geo-  
8           graphic area under the jurisdiction of a local  
9           educational agency (as defined in section 8101  
10          of the Elementary and Secondary Education  
11          Act of 1965).

12          “(d) RULES REGARDING FORMAT OF INFORMA-  
13          TION.—The Attorney General may issue rules specifying  
14          a reasonably convenient and accessible format that States  
15          and political subdivisions shall use to provide public notice  
16          of information under this section.

17          “(e) NO DENIAL OF RIGHT TO VOTE.—The right to  
18          vote of any person shall not be denied or abridged because  
19          the person failed to comply with any change made by a  
20          State or political subdivision to a voting qualification, pre-  
21          requisite, standard, practice, or procedure if the State or  
22          political subdivision involved did not meet the applicable  
23          requirements of this section with respect to the change.

24          “(f) DEFINITIONS.—In this section—

1           “(1) the term ‘demographic group’ means each  
2           group which section 2 protects from the denial or  
3           abridgement of the right to vote on account of race  
4           or color, or in contravention of the guarantees set  
5           forth in section 4(f)(2);

6           “(2) the term ‘election for Federal office’ means  
7           any general, special, primary, or runoff election held  
8           solely or in part for the purpose of electing any can-  
9           didate for the office of President, Vice President,  
10          Presidential elector, Senator, Member of the House  
11          of Representatives, or Delegate or Resident Commis-  
12          sioner to the Congress; and

13          “(3) the term ‘persons with disabilities’, means  
14          individuals with a disability, as defined in section 3  
15          of the Americans with Disabilities Act of 1990.”.

16          (b) EFFECTIVE DATE.—The amendment made by  
17          subsection (a)(1) shall apply with respect to changes which  
18          are made on or after the expiration of the 60-day period  
19          which begins on the date of the enactment of this Act.

20       **SEC. 9007. AUTHORITY TO ASSIGN OBSERVERS.**

21          (a) CLARIFICATION OF AUTHORITY IN POLITICAL  
22          SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section  
23          8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.  
24          10305(a)(2)(B)) is amended to read as follows:

1           “(B) in the Attorney General’s judgment,  
2           the assignment of observers is otherwise nec-  
3           essary to enforce the guarantees of the 14th or  
4           15th Amendment or any provision of this Act  
5           or any other Federal law protecting the right of  
6           citizens of the United States to vote; or”.

7           (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-  
8           LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of  
9           such Act (52 U.S.C. 10305(a)) is amended—

10           (1) by striking “or” at the end of paragraph

11           (1);

12           (2) by inserting after paragraph (2) the fol-  
13           lowing:

14           “(3) the Attorney General certifies with respect  
15           to a political subdivision that—

16           “(A) the Attorney General has received  
17           written meritorious complaints from residents,  
18           elected officials, or civic participation organiza-  
19           tions that efforts to violate section 203 are like-  
20           ly to occur; or

21           “(B) in the Attorney General’s judgment,  
22           the assignment of observers is necessary to en-  
23           force the guarantees of section 203;”); and

1           (3) by moving the margin for the continuation  
2           text following paragraph (3), as added by paragraph  
3           (2) of this subsection, 2 ems to the left.

4           (c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS  
5 TO THE ATTORNEY GENERAL.—

6           (1) ENFORCEMENT PROCEEDINGS.—Section  
7           3(a) of the Voting Rights Act of 1965 (52 U.S.C.  
8           10302(a)) is amended by striking “United States  
9           Civil Service Commission in accordance with section  
10          6” and inserting “Attorney General in accordance  
11          with section 8”.

12          (2) OBSERVERS; APPOINTMENT AND COM-  
13          PENSATION.—Section 8 of the Voting Rights Act of  
14          1965 (52 U.S.C. 10305) is amended—

15                 (A) in subsection (a), in the flush matter  
16                 at the end, by striking “Director of the Office  
17                 of Personnel Management shall assign as many  
18                 observers for such subdivision as the Director”  
19                 and inserting “Attorney General shall assign as  
20                 many observers for such subdivision as the At-  
21                 torney General”;

22                 (B) in subsection (c), by striking “Director  
23                 of the Office of Personnel Management” and  
24                 inserting “Attorney General”; and

1 (C) in subsection (c), by adding at the end  
2 the following: “The Director of the Office of  
3 Personnel Management may, with the consent  
4 of the Attorney General, assist in the selection,  
5 recruitment, hiring, training, or deployment of  
6 these or other individuals authorized by the At-  
7 torney General for the purpose of observing  
8 whether persons who are entitled to vote are  
9 being permitted to vote and whether those votes  
10 are being properly tabulated.”.

11 (3) TERMINATION OF CERTAIN APPOINTMENTS  
12 OF OBSERVERS.—Section 13(a)(1) of the Voting  
13 Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is  
14 amended by striking “notifies the Director of the Of-  
15 fice of Personnel Management,” and inserting “de-  
16 termines,”.

17 **SEC. 9008. CLARIFICATION OF AUTHORITY TO SEEK RE-**  
18 **LIEF.**

19 (a) POLL TAX.—Section 10(b) of the Voting Rights  
20 Act of 1965 (52 U.S.C. 10306(b)) is amended by striking  
21 “the Attorney General is authorized and directed to insti-  
22 tute forthwith in the name of the United States such ac-  
23 tions,” and inserting “an aggrieved person or (in the name  
24 of the United States) the Attorney General may institute  
25 such actions”.

1 (b) CAUSE OF ACTION.—Section 12(d) of the Voting  
2 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended to  
3 read as follows:

4 “(d) Whenever there are reasonable grounds to be-  
5 lieve that any person has engaged in, or is about to engage  
6 in, any act or practice that would (1) deny any citizen  
7 the right to register, to cast a ballot, or to have that ballot  
8 counted properly and included in the appropriate totals  
9 of votes cast in violation of the 14th, 15th, 19th, 24th,  
10 or 26th Amendments to the Constitution of the United  
11 States, (2) violate subsection (a) or (b) of section 11, or  
12 (3) violate any other provision of this Act or any other  
13 Federal voting rights law that prohibits discrimination on  
14 the basis of race, color, or membership in a language mi-  
15 nority group, an aggrieved person or (in the name of the  
16 United States) the Attorney General may institute an ac-  
17 tion for preventive relief, including an application for a  
18 temporary or permanent injunction, restraining order, or  
19 other appropriate order. Nothing in this subsection shall  
20 be construed to create a cause of action for civil enforce-  
21 ment of criminal provisions of this or any other Act.”.

22 (c) JUDICIAL RELIEF.—Section 204 of the Voting  
23 Rights Act of 1965 (52 U.S.C. 10504) is amended by  
24 striking the first sentence and inserting the following:  
25 “Whenever there are reasonable grounds to believe that



1 a State or political subdivision has engaged or is about  
2 to engage in any act or practice prohibited by a provision  
3 of this title, an aggrieved person or (in the name of the  
4 United States) the Attorney General may institute an ac-  
5 tion in a district court of the United States, for a restrain-  
6 ing order, a preliminary or permanent injunction, or such  
7 other order as may be appropriate.”.

8 (d) ENFORCEMENT OF TWENTY-SIXTH AMEND-  
9 MENT.—Section 301(a)(1) of the Voting Rights Act of  
10 1965 (52 U.S.C. 10701(a)(1)) is amended to read as fol-  
11 lows:

12 “(a)(1) An aggrieved person or (in the name of the  
13 United States) the Attorney General may institute an ac-  
14 tion in a district court of the United States, for a restrain-  
15 ing order, a preliminary or permanent injunction, or such  
16 other order as may be appropriate to implement the 26th  
17 Amendment to the Constitution of the United States.”.

18 **SEC. 9009. PREVENTIVE RELIEF.**

19 Section 12(d) of the Voting Rights Act of 1965 (52  
20 U.S.C. 10308(d)), as amended by section 108, is further  
21 amended by adding at the end the following:

22 “(2)(A) In considering any motion for preliminary re-  
23 lief in any action for preventive relief described in this sub-  
24 section, the court shall grant the relief if the court deter-  
25 mines that the complainant has raised a serious question

1 as to whether the challenged voting qualification or pre-  
2 requisite to voting or standard, practice, or procedure vio-  
3 lates any of the provisions listed in section 111(a)(1) of  
4 the John R. Lewis Voting Rights Advancement Act and,  
5 on balance, the hardship imposed on the defendant by the  
6 grant of the relief will be less than the hardship which  
7 would be imposed on the plaintiff if the relief were not  
8 granted.

9 “(B) In making its determination under this para-  
10 graph with respect to a change in any voting qualification,  
11 prerequisite to voting, or standard, practice, or procedure  
12 with respect to voting, the court shall consider all relevant  
13 factors and give due weight to the following factors, if they  
14 are present:

15 “(i) Whether the qualification, prerequisite,  
16 standard, practice, or procedure in effect prior to the  
17 change was adopted as a remedy for a Federal court  
18 judgment, consent decree, or admission regarding—

19 “(I) discrimination on the basis of race or  
20 color in violation of the 14th or 15th Amend-  
21 ment to the Constitution of the United States;

22 “(II) a violation of the 19th, 24th, or 26th  
23 Amendments to the Constitution of the United  
24 States;

25 “(III) a violation of this Act; or

1           “(IV) voting discrimination on the basis of  
2           race, color, or membership in a language minor-  
3           ity group in violation of any other Federal or  
4           State law.

5           “(ii) Whether the qualification, prerequisite,  
6           standard, practice, or procedure in effect prior to the  
7           change served as a ground for the dismissal or set-  
8           tlement of a claim alleging—

9           “(I) discrimination on the basis of race or  
10          color in violation of the 14th or 15th Amend-  
11          ment to the Constitution of the United States;

12          “(II) a violation of the 19th, 24th, or 26th  
13          Amendment to the Constitution of the United  
14          States;

15          “(III) a violation of this Act; or

16          “(IV) voting discrimination on the basis of  
17          race, color, or membership in a language minor-  
18          ity group in violation of any other Federal or  
19          State law.

20          “(iii) Whether the change was adopted fewer  
21          than 180 days before the date of the election with  
22          respect to which the change is to take or takes ef-  
23          fect.

24          “(iv) Whether the defendant has failed to pro-  
25          vide timely or complete notice of the adoption of the

1 change as required by applicable Federal or State  
2 law.

3 “(3) A jurisdiction’s inability to enforce its voting or  
4 election laws, regulations, policies, or redistricting plans,  
5 standing alone, shall not be deemed to constitute irrep-  
6 arable harm to the public interest or to the interests of  
7 a defendant in an action arising under the Constitution  
8 or any Federal law that prohibits discrimination on the  
9 basis of race, color, or membership in a language minority  
10 group in the voting process, for the purposes of deter-  
11 mining whether a stay of a court’s order or an interlocu-  
12 tory appeal under section 1253 of title 28, United States  
13 Code, is warranted.”.

14 **SEC. 9010. BILINGUAL ELECTION REQUIREMENTS.**

15 Section 203(b)(1) of the Voting Rights Act of 1965  
16 (52 U.S.C. 10503(b)(1)) is amended by striking “2032”  
17 and inserting “2037”.

18 **SEC. 9011. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**

19 **LAWS.**

20 (a) IN GENERAL.—

21 (1) RELIEF FOR VIOLATIONS OF VOTING  
22 RIGHTS LAWS.—In this section, the term “prohibited  
23 act or practice” means—

24 (A) any act or practice—

1 (i) that creates an undue burden on  
2 the fundamental right to vote in violation  
3 of the 14th Amendment to the Constitu-  
4 tion of the United States or violates the  
5 Equal Protection Clause of the 14th  
6 Amendment to the Constitution of the  
7 United States; or

8 (ii) that is prohibited by the 15th,  
9 19th, 24th, or 26th Amendment to the  
10 Constitution of the United States, section  
11 2004 of the Revised Statutes (52 U.S.C.  
12 10101), the Voting Rights Act of 1965 (52  
13 U.S.C. 10301 et seq.), the National Voter  
14 Registration Act of 1993 (52 U.S.C.  
15 20501 et seq.), the Uniformed and Over-  
16 seas Citizens Absentee Voting Act (52  
17 U.S.C. 20301 et seq.), the Help America  
18 Vote Act of 2002 (52 U.S.C. 20901 et  
19 seq.), the Voting Accessibility for the El-  
20 derly and Handicapped Act (52 U.S.C.  
21 20101 et seq.), or section 2003 of the Re-  
22 vised Statutes (52 U.S.C. 10102); and

23 (B) any act or practice in violation of any  
24 Federal law that prohibits discrimination with  
25 respect to voting, including the Americans with

1           Disabilities Act of 1990 (42 U.S.C. 12101 et  
2           seq.).

3           (2) RULE OF CONSTRUCTION.—Nothing in this  
4           section shall be construed to diminish the authority  
5           or scope of authority of any person to bring an ac-  
6           tion under any Federal law.

7           (3) ATTORNEY’S FEES.—Section 722(b) of the  
8           Revised Statutes (42 U.S.C. 1988(b)) is amended by  
9           inserting “a provision described in section 111(a)(1)  
10          of the John R. Lewis Voting Rights Advancement  
11          Act of 2021,” after “title VI of the Civil Rights Act  
12          of 1964,”.

13          (b) GROUNDS FOR EQUITABLE RELIEF.—In any ac-  
14          tion for equitable relief pursuant to a law listed under sub-  
15          section (a), proximity of the action to an election shall not  
16          be a valid reason to deny such relief, or stay the operation  
17          of or vacate the issuance of such relief, unless the party  
18          opposing the issuance or continued operation of relief  
19          meets the burden of proving by clear and convincing evi-  
20          dence that the issuance of the relief would be so close in  
21          time to the election as to cause irreparable harm to the  
22          public interest or that compliance with such relief would  
23          impose serious burdens on the party opposing relief.

24          (1) IN GENERAL.—In considering whether to  
25          grant, deny, stay, or vacate any order of equitable

1 relief, the court shall give substantial weight to the  
2 public's interest in expanding access to the right to  
3 vote. A State's generalized interest in enforcing its  
4 enacted laws shall not be a relevant consideration in  
5 determining whether equitable relief is warranted.

6 (2) PRESUMPTIVE SAFE HARBOR.—Where equi-  
7 table relief is sought either within 30 days of the  
8 adoption or reasonable public notice of the chal-  
9 langed policy or practice, or more than 60 days be-  
10 fore the date of an election to which the relief being  
11 sought will apply, proximity to the election will be  
12 presumed not to constitute a harm to the public in-  
13 terest or a burden on the party opposing relief.

14 (c) GROUNDS FOR STAY OR VACATUR IN FEDERAL  
15 CLAIMS INVOLVING VOTING RIGHTS.—

16 (1) PROSPECTIVE EFFECT.—In reviewing an  
17 application for a stay or vacatur of equitable relief  
18 granted pursuant to a law listed in subsection (a),  
19 a court shall give substantial weight to the reliance  
20 interests of citizens who acted pursuant to such  
21 order under review. In fashioning a stay or vacatur,  
22 a reviewing court shall not order relief that has the  
23 effect of denying or abridging the right to vote of  
24 any citizen who has acted in reliance on the order.

1           (2) WRITTEN EXPLANATION.—No stay or  
2 vacatur under this subsection shall issue unless the  
3 reviewing court makes specific findings that the pub-  
4 lic interest, including the public’s interest in expand-  
5 ing access to the ballot, will be harmed by the con-  
6 tinuing operation of the equitable relief or that com-  
7 pliance with such relief will impose serious burdens  
8 on the party seeking such a stay or vacatur such  
9 that those burdens substantially outweigh the bene-  
10 fits to the public interest. In reviewing an applica-  
11 tion for a stay or vacatur of equitable relief, findings  
12 of fact made in issuing the order under review shall  
13 not be set aside unless clearly erroneous.

14 **SEC. 9012. PROTECTION OF TABULATED VOTES.**

15       The Voting Rights Act of 1965 (52 U.S.C. 10307)  
16 is amended—

17           (1) in section 11—

18               (A) by amending subsection (a) to read as  
19 follows:

20       “(a) No person acting under color of law shall—

21               “(1) fail or refuse to permit any person to vote  
22 who is entitled to vote under Federal law or is other-  
23 wise qualified to vote;

24               “(2) willfully fail or refuse to tabulate, count,  
25 and report such person’s vote; or



1           “(3) willfully fail or refuse to certify the aggre-  
2           gate tabulations of such persons’ votes or certify the  
3           election of the candidates receiving sufficient such  
4           votes to be elected to office.”; and

5                   (B) in subsection (b), by inserting “sub-  
6           section (a) or” after “duties under”; and

7           (2) in section 12—

8                   (A) in subsection (b)—

9                           (i) by striking “a year following an  
10                           election in a political subdivision in which  
11                           an observer has been assigned” and insert-  
12                           ing “22 months following an election for  
13                           Federal office”; and

14                           (ii) by adding at the end the fol-  
15                           lowing: “Whenever the Attorney General  
16                           has reasonable grounds to believe that any  
17                           person has engaged in or is about to en-  
18                           gage in an act in violation of this sub-  
19                           section, the Attorney General may institute  
20                           (in the name of the United States) a civil  
21                           action in Federal district court seeking ap-  
22                           propriate relief.”;

23                   (B) in subsection (c), by inserting “or so-  
24                   licits a violation of” after “conspires to violate”;  
25                   and

1 (C) in subsection (e), by striking the first  
2 and second sentences and inserting the fol-  
3 lowing: “If, after the closing of the polls in an  
4 election for Federal office, persons allege that  
5 notwithstanding (1) their registration by an ap-  
6 propriate election official and (2) their eligi-  
7 bility to vote in the political subdivision, their  
8 ballots have not been counted in such election,  
9 and if upon prompt receipt of notifications of  
10 these allegations, the Attorney General finds  
11 such allegations to be well founded, the Attor-  
12 ney General may forthwith file with the district  
13 court an application for an order providing for  
14 the counting and certification of the ballots of  
15 such persons and requiring the inclusion of  
16 their votes in the total vote for all applicable of-  
17 fices before the results of such election shall be  
18 deemed final and any force or effect given  
19 thereto.”.

20 **SEC. 9013. ENFORCEMENT OF VOTING RIGHTS BY ATTOR-**  
21 **NEY GENERAL.**

22 Section 12 of the Voting Rights Act of 1965 (52  
23 U.S.C. 10308), as amended by this Act, is further amend-  
24 ed by adding at the end the following:

1           “(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY

2 GENERAL.—

3           “(1) IN GENERAL.—In order to fulfill the At-  
4 torney General’s responsibility to enforce this Act  
5 and other Federal laws that protect the right to  
6 vote, the Attorney General (or upon designation by  
7 the Attorney General, the Assistant Attorney Gen-  
8 eral for Civil Rights) is authorized, before com-  
9 mencing a civil action, to issue a demand for inspec-  
10 tion and information in writing to any State or polit-  
11 ical subdivision, or other governmental representa-  
12 tive or agent, with respect to any relevant documen-  
13 tary material that the Attorney General has reason  
14 to believe is within their possession, custody, or con-  
15 trol. A demand by the Attorney General under this  
16 subsection may require—

17                   “(A) the production of such documentary  
18 material for inspection and copying;

19                   “(B) answers in writing to written ques-  
20 tions with respect to such documentary mate-  
21 rial; or

22                   “(C) both the production described under  
23 subparagraph (A) and the answers described  
24 under subparagraph (B).

1           “(2) CONTENTS OF AN ATTORNEY GENERAL  
2 DEMAND.—

3           “(A) IN GENERAL.—Any demand issued  
4 under paragraph (1), shall include a sworn cer-  
5 tificate to identify the voting qualification or  
6 prerequisite to voting or standard, practice, or  
7 procedure with respect to voting, or other vot-  
8 ing related matter or issue, whose lawfulness  
9 the Attorney General is investigating and to  
10 identify the Federal law that protects the right  
11 to vote under which the investigation is being  
12 conducted. The demand shall be reasonably cal-  
13 culated to lead to the discovery of documentary  
14 material and information relevant to such inves-  
15 tigation. Documentary material includes any  
16 material upon which relevant information is re-  
17 corded, and includes written or printed mate-  
18 rials, photographs, tapes, or materials upon  
19 which information is electronically or magneti-  
20 cally recorded. Such demands shall be aimed at  
21 the Attorney General having the ability to in-  
22 spect and obtain copies of relevant materials (as  
23 well as obtain information) related to voting  
24 and are not aimed at the Attorney General tak-  
25 ing possession of original records, particularly

1           those that are required to be retained by State  
2           and local election officials under Federal or  
3           State law.

4           “(B) NO REQUIREMENT FOR PRODUC-  
5           TION.—Any demand issued under paragraph  
6           (1) may not require the production of any docu-  
7           mentary material or the submission of any an-  
8           swers in writing to written questions if such  
9           material or answers would be protected from  
10          disclosure under the standards applicable to  
11          discovery requests under the Federal Rules of  
12          Civil Procedure in an action in which the Attor-  
13          ney General or the United States is a party.

14          “(C) DOCUMENTARY MATERIAL.—If the  
15          demand issued under paragraph (1) requires  
16          the production of documentary material, it  
17          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                 to give the State or political subdivision, or

1 other governmental representative or  
2 agent, a reasonable period of time for as-  
3 sembling the documentary material and  
4 making it available for inspection and  
5 copying.

6 “(D) ANSWERS TO WRITTEN QUES-  
7 TIONS.—If the demand issued under paragraph  
8 (1) requires answers in writing to written ques-  
9 tions, it 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 sub-  
14 mitting answers in writing to the written  
15 questions.

16 “(E) SERVICE.—A demand issued under  
17 paragraph (1) may be served by a United  
18 States marshal or a deputy marshal, or by cer-  
19 tified mail, at any place within the territorial  
20 jurisdiction of any court of the United States.

21 “(3) RESPONSES TO AN ATTORNEY GENERAL  
22 DEMAND.—A State or political subdivision, or other  
23 governmental representative or agent, shall, with re-  
24 spect to any documentary material or any answer in  
25 writing produced under this subsection, provide a

1 sworn certificate, in such form as the demand issued  
2 under paragraph (1) designates, by a person having  
3 knowledge of the facts and circumstances relating to  
4 such production or written answer, authorized to act  
5 on behalf of the State or political subdivision, or  
6 other governmental representative or agent, upon  
7 which the 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  
18 of the State or political subdivision, or  
19 other governmental representative or  
20 agent, has 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.—

10          Whenever any State or political subdivision, or  
11          other governmental representative or agent,  
12          fails to comply with demand issued by the At-  
13          torney General under paragraph (1), the Attor-  
14          ney General may file, in a district court of the  
15          United States in which the State or political  
16          subdivision, or other governmental representa-  
17          tive or agent, is located, a petition for a judicial  
18          order enforcing the Attorney General demand  
19          issued under paragraph (1).

20          “(B) PETITION TO MODIFY.—

21          “(i) IN GENERAL.—Any State or po-  
22          litical subdivision, or other governmental  
23          representative or agent, that is served with  
24          a demand issued by the Attorney General  
25          under paragraph (1) may file in the United



1 States District Court for the District of  
2 Columbia a petition for an order of the  
3 court to modify or set aside the demand of  
4 the Attorney General.

5 “(ii) PETITION TO MODIFY.—Any pe-  
6 tition to modify or set aside a demand of  
7 the Attorney General issued under para-  
8 graph (1) must be filed within 20 days  
9 after the date of service of the Attorney  
10 General’s demand or at any time before  
11 the return date specified in the Attorney  
12 General’s demand, whichever date is ear-  
13 lier.

14 “(iii) CONTENTS OF PETITION.—The  
15 petition shall specify each ground upon  
16 which the petitioner relies in seeking relief  
17 under clause (i), and may be based upon  
18 any failure of the Attorney General’s de-  
19 mand to comply with the provisions of this  
20 section or upon any constitutional or other  
21 legal right or privilege of the State or po-  
22 litical subdivision, or other governmental  
23 representative or agent. During the pend-  
24 ency of the petition in the court, the court  
25 may stay, as it deems proper, the running

1 of the time allowed for compliance with the  
2 Attorney General’s demand, in whole or in  
3 part, except that the State or political sub-  
4 division, or other governmental representa-  
5 tive or agent, filing the petition shall com-  
6 ply with any portions of the Attorney Gen-  
7 eral’s demand not sought to be modified or  
8 set aside.”.

9 **SEC. 9014. DEFINITIONS.**

10 Title I of the Voting Rights Act of 1965 (52 U.S.C.  
11 10301) is amended by adding at the end the following:

12 **“SEC. 21. DEFINITIONS.**

13 “In this Act:

14 “(1) INDIAN.—The term ‘Indian’ has the mean-  
15 ing given the term in section 4 of the Indian Self-  
16 Determination and Education Assistance Act (25  
17 U.S.C. 5304).

18 “(2) INDIAN LANDS.—The term ‘Indian lands’  
19 means—

20 “(A) any Indian country of an Indian  
21 tribe, as such term is defined in section 1151  
22 of title 18, United States Code;

23 “(B) any land in Alaska that is owned,  
24 pursuant to the Alaska Native Claims Settle-  
25 ment Act, by an Indian tribe that is a Native

1 village (as such term is defined in section 3 of  
2 such Act), or by a Village Corporation that is  
3 associated with the Indian tribe (as such term  
4 is defined in section 3 of such Act);

5 “(C) any land on which the seat of govern-  
6 ment of the Indian tribe is located; and

7 “(D) any land that is part or all of a tribal  
8 designated statistical area associated with the  
9 Indian tribe, or is part or all of an Alaska Na-  
10 tive village statistical area associated with the  
11 tribe, as defined by the Bureau of the Census  
12 for the purposes of the most recent decennial  
13 census.

14 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’  
15 means the recognized governing body of any Indian  
16 or Alaska Native Tribe, band, nation, pueblo, village,  
17 community, component band, or component reserva-  
18 tion, individually identified (including parentheti-  
19 cally) in the list published most recently pursuant to  
20 section 104 of the Federally Recognized Indian  
21 Tribe List Act of 1994 (25 U.S.C. 5131).

22 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal  
23 Government’ means the recognized governing body  
24 of an Indian Tribe.

1           “(5) VOTING-AGE POPULATION.—The term  
2           ‘voting-age population’ means the numerical size of  
3           the population within a State, within a political sub-  
4           division, or within a political subdivision that con-  
5           tains Indian lands, as the case may be, that consists  
6           of persons age 18 or older, as calculated by the Bu-  
7           reau of the Census under the most recent decennial  
8           census.”.

9   **SEC. 9015. ATTORNEYS’ FEES.**

10          Section 14(c) of the Voting Rights Act of 1965 (52  
11   U.S.C. 10310(e)) is amended by adding at the end the  
12   following:

13          “(4) The term ‘prevailing party’ means a party to an  
14   action that receives at least some of the benefit sought  
15   by such action, states a colorable claim, and can establish  
16   that the action was a significant cause of a change to the  
17   status quo.”.

18   **SEC. 9016. OTHER TECHNICAL AND CONFORMING AMEND-**  
19                           **MENTS.**

20          (a) ACTIONS COVERED UNDER SECTION 3.—Section  
21   3(c) of the Voting Rights Act of 1965 (52 U.S.C.  
22   10302(c)) is amended—

23               (1) by striking “any proceeding instituted by  
24   the Attorney General or an aggrieved person under  
25   any statute to enforce” and inserting “any action

1 under any statute in which a party (including the  
2 Attorney General) seeks to enforce”; and

3 (2) by striking “at the time the proceeding was  
4 commenced” and inserting “at the time the action  
5 was commenced”.

6 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
7 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act  
8 (52 U.S.C. 10303(f)) is amended—

9 (1) in paragraph (1), by striking the second  
10 sentence; and

11 (2) by striking paragraphs (3) and (4).

12 (c) PERIOD DURING WHICH CHANGES IN VOTING  
13 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER  
14 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)  
15 is amended—

16 (1) in subsection (a), by striking “based upon  
17 determinations made under the first sentence of sec-  
18 tion 4(b) are in effect” and inserting “are in effect  
19 during a calendar year”;

20 (2) in subsection (a), by striking “November 1,  
21 1964” and all that follows through “November 1,  
22 1972” and inserting “the applicable date of cov-  
23 erage”; and

24 (3) by adding at the end the following new sub-  
25 section:

1 “(e) The term ‘applicable date of coverage’ means,  
2 with respect to a State or political subdivision—

3 “(1) January 1, 2021, if the most recent deter-  
4 mination for such State or subdivision under section  
5 4(b) was made during the first calendar year in  
6 which determinations are made following the date of  
7 enactment of the John R. Lewis Voting Rights Ad-  
8 vancement Act of 2021; or

9 “(2) the date on which the most recent deter-  
10 mination for such State or subdivision under section  
11 4(b) was made following the date of enactment of  
12 the John R. Lewis Voting Rights Advancement Act  
13 of 2021, if the most recent determination for such  
14 State or subdivision under section 4(b) was made  
15 after the first calendar year in which determinations  
16 are made following the date of enactment of the  
17 John R. Lewis Voting Rights Advancement Act of  
18 2021.”.

19 (d) REVIEW OF PRECLEARANCE SUBMISSION UNDER  
20 SECTION 5 DUE TO EXIGENCY.—Section 5 of such Act  
21 (52 U.S.C. 10304) is amended, in subsection (a), by in-  
22 serting “An exigency, including a natural disaster, inclem-  
23 ent weather, or other unforeseeable event, requiring such  
24 different qualification, prerequisite, standard, practice, or  
25 procedure within 30 days of a Federal, State, or local elec-

1 tion shall constitute good cause requiring the Attorney  
2 General to expedite consideration of the submission. To  
3 the extent feasible, expedited consideration shall consider  
4 the views of individuals affected by the different qualifica-  
5 tion, prerequisite, standard, practice, or procedure.” after  
6 “will not be made.”.

7 **SEC. 9017. SEVERABILITY.**

8       If any provision of the John R. Lewis Voting Rights  
9 Advancement Act of 2021 or any amendment made by this  
10 title, or the application of such a provision or amendment  
11 to any person or circumstance, is held to be unconstitu-  
12 tional or is otherwise enjoined or unenforceable, the re-  
13 mainder of this title and amendments made by this title,  
14 and the application of the provisions and amendments to  
15 any other person or circumstance, and any remaining pro-  
16 vision of the Voting Rights Act of 1965 (52 U.S.C. 10301  
17 et seq.), shall not be affected by the holding. In addition,  
18 if any provision of the Voting Rights Act of 1965 (52  
19 U.S.C. 10301 et seq.), or any amendment to the Voting  
20 Rights Act of 1965, or the application of such a provision  
21 or amendment to any person or circumstance, is held to  
22 be unconstitutional or is otherwise enjoined or unenforce-  
23 able, the application of the provision and amendment to  
24 any other person or circumstance, and any remaining pro-

1 visions of the Voting Rights Act of 1965, shall not be af-  
2 fected by the holding.

3 **SEC. 9018. GRANTS TO ASSIST WITH NOTICE REQUIRE-**  
4 **MENTS UNDER THE VOTING RIGHTS ACT OF**  
5 **1965.**

6 (a) IN GENERAL.—The Attorney General shall make  
7 grants each fiscal year to small jurisdictions who submit  
8 applications under subsection (b) for purposes of assisting  
9 such small jurisdictions with compliance with the require-  
10 ments of the Voting Rights Act of 1965 to submit or pub-  
11 lish notice of any change to a qualification, prerequisite,  
12 standard, practice or procedure affecting voting.

13 (b) APPLICATION.—To be eligible for a grant under  
14 this section, a small jurisdiction shall submit an applica-  
15 tion to the Attorney General in such form and containing  
16 such information as the Attorney General may require re-  
17 garding the compliance of such small jurisdiction with the  
18 provisions of the Voting Rights Act of 1965.

19 (c) SMALL JURISDICTION DEFINED.—For purposes  
20 of this section, the term “small jurisdiction” means any  
21 political subdivision of a State with a population of 10,000  
22 or less.



1     **Subtitle B—Election Worker and**  
2             **Polling Place Protection**

3     **SEC. 9101. SHORT TITLE.**

4             This title may be cited as the “Election Worker and  
5     Polling Place Protection Act”.

6     **SEC. 9102. ELECTION WORKER AND POLLING PLACE PRO-**  
7             **TECTION.**

8             Section 11 of the Voting Rights Act of 1965 (52  
9     U.S.C. 10307) is amended by adding at the end the fol-  
10    lowing:

11            “(f)(1) Whoever, whether or not acting under color  
12    of law, by force or threat of force, or violence, or threat  
13    of harm to any person or property, willfully intimidates  
14    or interferes with, or attempts to intimidate or interfere  
15    with, the ability of any person or any class of persons to  
16    vote or qualify to vote, or to qualify or act as a poll watch-  
17    er, or any legally authorized election official, in any pri-  
18    mary, special, or general election, or any person who is,  
19    or is employed by, an agent, contractor, or vendor of a  
20    legally authorized election official assisting in the adminis-  
21    tration of any primary, special, or general election, shall  
22    be fined not more than \$5,000, or imprisoned not more  
23    than one year, or both; and if bodily injury results from  
24    the acts committed in violation of this paragraph or if  
25    such acts include the use, attempted use, or threatened

1 use of a dangerous weapon, explosives, or fire, shall be  
2 fined not more than \$5,000 or imprisoned not more than  
3 5 years, or both.

4 “(2) Whoever, whether or not acting under color of  
5 law, willfully physically damages or threatens to physically  
6 damage any physical property being used as a polling  
7 place or tabulation center or other election infrastructure,  
8 with the intent to interfere with the administration of an  
9 election or the tabulation or certification of votes, shall  
10 be fined not more than \$5,000, or imprisoned not more  
11 than one year, or both; and if bodily injury results from  
12 the acts committed in violation of this paragraph or if  
13 such acts include the use, attempted use, or threatened  
14 use of a dangerous weapon, explosives, or fire, shall be  
15 fined not more than \$5,000 or imprisoned not more than  
16 5 years, or both.

17 “(3) For purposes of this subsection, de minimus  
18 damage or threats of de minimus damage to physical prop-  
19 erty shall not be considered a violation of this subsection.

20 “(4) For purposes of this subsection, the term ‘elec-  
21 tion infrastructure’ means any office of an election official,  
22 staff, worker, or volunteer or any physical, mechanical, or  
23 electrical device, structure, or tangible item used in the  
24 process of creating, distributing, voting, returning, count-

1 ing, tabulating, auditing, storing, or other handling of  
2 voter registration or ballot information.

3 “(g) No prosecution of any offense described in this  
4 subsection may be undertaken by the United States, ex-  
5 cept under the certification in writing of the Attorney Gen-  
6 eral, or a designee, that—

7 “(1) the State does not have jurisdiction;

8 “(2) the State has requested that the Federal  
9 Government assume jurisdiction; or

10 “(3) a prosecution by the United States is in  
11 the public interest and necessary to secure substan-  
12 tial justice.”.

## 13 **Subtitle C—Native American** 14 **Voting Rights Act**

### 15 **SEC. 9201. SHORT TITLE.**

16 This title may be cited as the “Frank Harrison, Eliz-  
17 abeth Peratrovich, and Miguel Trujillo Native American  
18 Voting Rights Act of 2021”.

### 19 **SEC. 9202. FINDINGS AND PURPOSES.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) The Constitution explicitly and implicitly  
22 grants Congress broad general powers to legislate on  
23 issues relating to Indian Tribes, powers consistently  
24 described as plenary and exclusive. These powers  
25 arise from the grant of authority in the Indian Com-

1       merce Clause and through legislative matters arising  
2       under the Treaty Clause.

3           (2) The Federal Government is responsible for  
4       upholding the obligations to which the Federal Gov-  
5       ernment has agreed through treaties, legislation, and  
6       executive orders, referred to as the Federal trust re-  
7       sponsibility toward Indian Tribes and their mem-  
8       bers.

9           (3) The Supreme Court has repeatedly relied on  
10      the nature of this “government to government” rela-  
11      tionship between the United States and sovereign  
12      Indian Tribes for congressional authority to enact  
13      “legislation that singles out Indians for particular  
14      and special treatment”. *Morton v. Mancari*, 417  
15      U.S. 535, 554–555 (1974).

16          (4) Legislation removing barriers to Native  
17      American voting is vital for the fulfillment of Con-  
18      gress’ “unique obligation” toward Indians, particu-  
19      larly ensuring that Native American voters are fully  
20      included as “qualified members of the modern body  
21      politic”. *Board of County Comm’rs v. Seber*, 318  
22      U.S. 705, 715 (1943).

23          (5) Under the Elections Clause of article I, sec-  
24      tion 4 of the Constitution, Congress has additional  
25      power to regulate any election conducted to select

1 Members of Congress. Taken together, the Indian  
2 Commerce Clause and the Election Clause give Con-  
3 gress broad authority to enact legislation to safe-  
4 guard the voting rights of Native American voters.

5 (6) Despite Congress' decision to grant Native  
6 Americans Federal citizenship, and with it the pro-  
7 tections of the Fifteenth Amendment, with passage  
8 of the Act of June 2, 1924 (Chapter 233; 43 Stat.  
9 253) (commonly known as the "Indian Citizenship  
10 Act of 1924"), States continued to deploy distinct  
11 methods for disenfranchising Indians by enacting  
12 statutes to exclude from voter rolls Indians living on  
13 Indian lands, requiring that Indians first terminate  
14 their relationship with their Indian Tribe, restricting  
15 the right to vote on account of a Tribal member's  
16 "guardianship" status, and imposing literacy tests.

17 (7) Barriers to voter access for Native Ameri-  
18 cans persist today, and such barriers range from ob-  
19 structing voter access to vote dilution and inten-  
20 tional malapportionment of electoral districts.

21 (8) The Native American Voting Rights Coal-  
22 tion's nine field hearings in Indian Country and  
23 four-State survey of voter discrimination revealed a  
24 number of additional obstacles that Native Ameri-  
25 cans must overcome in some States, including—

1 (A) a lack of accessible registration and  
2 polling sites, either due to conditions such as  
3 geography, lack of paved roads, the absence of  
4 reliable and affordable broadband connectivity,  
5 and restrictions on the time, place, and manner  
6 that eligible people can register and vote, in-  
7 cluding unequal opportunities for absentee,  
8 early, mail-in, and in-person voting;

9 (B) nontraditional or nonexistent addresses  
10 for residents on Indian reservations, lack of res-  
11 idential mail delivery and pick up, reliance on  
12 distant post offices with abbreviated operating  
13 hours for mail services, insufficient housing  
14 units, overcrowded homes, and high incidence of  
15 housing insecurity and homelessness, lack of ac-  
16 cess to vehicles, and disproportionate poverty  
17 which make voter registration, acquisition and  
18 dropping off of mail-in ballots, receipt of voting  
19 information and materials, and securing re-  
20 quired identification difficult, if not impossible;

21 (C) inadequate language assistance for  
22 Tribal members, including lack of outreach and  
23 publicity, the failure to provide complete, accu-  
24 rate, and uniform translations of all voting ma-  
25 terials in the relevant Native language, and an

1           insufficient number of trained bilingual poll  
2           workers; and

3                   (D) voter identification laws that discrimi-  
4           nate against Native Americans.

5           (9) The Department of Justice and courts also  
6           recognized that some jurisdictions have been unre-  
7           sponsive to reasonable requests from federally recog-  
8           nized Indian Tribes for more accessible voter reg-  
9           istration sites and in-person voting locations.

10           (10) According to the National Congress of  
11           American Indians, there is a wide gap between the  
12           voter registration and turnout rates of eligible Amer-  
13           ican Indians and Alaska Natives and the voter reg-  
14           istration and turnout rates of non-Hispanic White  
15           and other racial and ethnic groups.

16           (11) Despite these obstacles, the Native Amer-  
17           ican vote continues to play a significant role in Fed-  
18           eral, State, and local elections.

19           (12) In Alaska, New Mexico, Oklahoma, and  
20           South Dakota, Native Americans, American Indians,  
21           and Alaska Natives comprise approximately 10 per-  
22           cent or more of the voting population.

23           (13) The Native American vote also holds great  
24           potential, with over 1,000,000 voters who are eligible  
25           to vote, but are not registered to vote.

1 (b) PURPOSES.—The purposes of this title are—

2 (1) to fulfill the Federal Government’s trust re-  
3 sponsibility to protect and promote Native Ameri-  
4 cans’ exercise of their constitutionally guaranteed  
5 right to vote, including the right to register to vote  
6 and the ability to access all mechanisms for voting;

7 (2) to establish Tribal administrative review  
8 procedures for a specific subset of State actions that  
9 have been used to restrict access to the polls on In-  
10 dian lands;

11 (3) to expand voter registration under the Na-  
12 tional Voter Registration Act of 1993 (52 U.S.C.  
13 20501 et seq.) to cover Federal facilities;

14 (4) to afford equal treatment to forms of identi-  
15 fication unique to Indian Tribes and their members;

16 (5) to ensure American Indians and Alaska Na-  
17 tives experiencing homelessness, housing insecurity,  
18 or lacking residential mail pickup and delivery can  
19 pool resources to pick up and return ballots;

20 (6) to clarify the obligations of States and polit-  
21 ical subdivisions regarding the provision of trans-  
22 lated voting materials for American Indians and  
23 Alaska Natives under section 203 of the Voting  
24 Rights Act of 1965 (52 U.S.C. 10503);



1 (7) to provide Tribal leaders with a direct path-  
2 way to request Federal election observers and to  
3 allow public access to the reports of those election  
4 observers;

5 (8) to study the prevalence of nontraditional or  
6 nonexistent mailing addresses in Native communities  
7 and identify solutions to voter access that arise from  
8 the lack of an address; and

9 (9) to direct the Department of Justice to con-  
10 sult on an annual basis with Indian Tribes on issues  
11 related to voting.

12 **SEC. 9203. DEFINITIONS.**

13 In this title:

14 (1) ATTORNEY GENERAL.—The term “Attorney  
15 General” means the United States Attorney General.

16 (2) INDIAN; INDIAN LANDS; INDIAN TRIBE.—  
17 The terms “Indian”, “Indian lands”, and “Indian  
18 Tribe” have the meanings given those terms in sec-  
19 tion 21 of the Voting Rights Act of 1965 (as added  
20 by section 9014 of this Act).

21 (3) POLLING PLACE.—The term “polling place”  
22 means any location where a ballot is cast in elections  
23 for Federal office, and includes a voter center, poll,  
24 polling location, or polling place, depending on the  
25 State nomenclature.

1 **SEC. 9204. ESTABLISHMENT OF A NATIVE AMERICAN VOT-**  
2 **ING TASK FORCE GRANT PROGRAM.**

3 (a) IN GENERAL.—The United States Election As-  
4 sistance Commission (referred to in this section as the  
5 “Commission”) shall establish and administer, in coordi-  
6 nation with the Department of the Interior, a Native  
7 American voting task force grant program, through which  
8 the Commission shall provide financial assistance to eligi-  
9 ble applicants to enable those eligible applicants to estab-  
10 lish and operate a Native American Voting Task Force  
11 in each State with a federally recognized Indian Tribe.

12 (b) PURPOSES.—The purposes of the Native Amer-  
13 ican voting task force grant program are to—

14 (1) increase voter outreach, education, registra-  
15 tion, and turnout in Native American communities;

16 (2) increase access to the ballot for Native  
17 American communities, including additional satellite,  
18 early voting, and absentee voting locations;

19 (3) streamline and reduce inconsistencies in the  
20 voting process for Native Americans;

21 (4) provide, in the community’s dominant lan-  
22 guage, educational materials and classes on Indian  
23 lands about candidacy filing;

24 (5) train and educate State and local employ-  
25 ees, including poll workers, about—

1 (A) the language assistance and voter as-  
2 sistance requirements under sections 203 and  
3 208 of the Voting Rights Act of 1965 (52  
4 U.S.C. 10503; 10508);

5 (B) voter identification laws as affected by  
6 section 9008 of this title; and

7 (C) the requirements of Tribes, States, and  
8 precincts established under this title;

9 (6) identify model programs and best practices  
10 for providing language assistance to Native Amer-  
11 ican communities;

12 (7) provide nonpartisan poll watchers on elec-  
13 tion day in Native American communities;

14 (8) participate in and evaluate future redis-  
15 tricting efforts;

16 (9) address issues of internet connectivity as it  
17 relates to voter registration and ballot access in Na-  
18 tive American communities;

19 (10) work with Indian Tribes, States, and the  
20 Federal Government to establish mailing addresses  
21 that comply with applicable State and Federal re-  
22 quirements for receipt of voting information and ma-  
23 terials; and

1           (11) facilitate collaboration between local elec-  
2           tion officials, Native American communities, and  
3           Tribal elections offices.

4           (c) ELIGIBLE APPLICANT.—The term “eligible appli-  
5           cant” means—

6           (1) an Indian Tribe;

7           (2) a Secretary of State of a State, or another  
8           official of a State entity responsible for overseeing  
9           elections;

10          (3) a nonprofit organization that works, in  
11          whole or in part, on voting issues; or

12          (4) a consortium of entities described in para-  
13          graphs (1) through (3).

14          (d) APPLICATION AND SELECTION PROCESS.—

15          (1) IN GENERAL.—The Commission, in coordi-  
16          nation with the Department of the Interior and fol-  
17          lowing consultation with Indian Tribes about the im-  
18          plementation of the Native American voting task  
19          force grant program, shall establish guidelines for  
20          the process by which eligible applicants will submit  
21          applications.

22          (2) APPLICATIONS.—Each eligible applicant de-  
23          siring a grant under this section shall submit an ap-  
24          plication, according to the process established under  
25          paragraph (1), and at such time, in such manner,

1 and containing such information as the Commission  
2 may require. Such application shall include—

3 (A) a certification that the applicant is an  
4 eligible applicant;

5 (B) a proposed work plan addressing how  
6 the eligible applicant will establish and admin-  
7 ister a Native American Voting Task Force  
8 that achieves the purposes described in sub-  
9 section (b);

10 (C) if the eligible applicant is a consortium  
11 as described in subsection (c)(4), a description  
12 of the proposed division of responsibilities be-  
13 tween the participating entities;

14 (D) an explanation of the time period that  
15 the proposed Native American Voting Task  
16 Force will cover, which shall be a time period  
17 that is not more than 3 years; and

18 (E) the goals that the eligible applicant de-  
19 sires to achieve with the grant funds.

20 (e) USES OF FUNDS.—A grantee receiving funds  
21 under this section shall use such funds to carry out one  
22 or more of the activities described in subsection (b),  
23 through the grantee's Native American Voting Task  
24 Force.

25 (f) REPORTS.—

1 (1) REPORT TO THE COMMISSION.—

2 (A) IN GENERAL.—Not later than 1 year  
3 after the date on which an eligible applicant re-  
4 ceives grant funds under this section, and annu-  
5 ally thereafter for the duration of the grant,  
6 each eligible applicant shall prepare and submit  
7 a written report to the Commission describing  
8 the eligible applicant's progress in achieving the  
9 goals outlined in the application under sub-  
10 section (d)(2).

11 (B) RESPONSE.—Not later than 30 days  
12 after the date on which the Commission receives  
13 the report described in paragraph (1), the Com-  
14 mission will provide feedback, comments, and  
15 input to the eligible applicant in response to  
16 such report.

17 (2) REPORT TO CONGRESS.—Not later than 1  
18 year after the date of enactment of this title, and  
19 annually thereafter, the Commission shall prepare  
20 and submit a report to the Committee on Indian Af-  
21 fairs of the Senate and Committee on Natural Re-  
22 sources of the House of Representatives containing  
23 the results of the reports described under paragraph  
24 (1).

1 (g) RELATIONSHIP WITH OTHER LAWS.—Nothing in  
2 this section reduces State or local obligations provided for  
3 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et  
4 seq.), the National Voter Registration Act of 1993 (52  
5 U.S.C. 20501 et seq.), the Help America Vote Act of 2002  
6 (52 U.S.C. 20901 et seq.), or any other Federal law or  
7 regulation related to voting or the electoral process.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 \$10,000,000 for each of fiscal years 2022 through 2037.

11 **SEC. 9205. VOTER REGISTRATION SITES AT INDIAN SERV-**  
12 **ICE PROVIDERS AND ON INDIAN LANDS.**

13 Section 7(a) of the National Voter Registration Act  
14 of 1993 (52 U.S.C. 20506(a)) is amended—

15 (1) in paragraph (2)—

16 (A) in subparagraph (A), by striking  
17 “and” after the semicolon;

18 (B) in subparagraph (B), by striking the  
19 period at the end and inserting a semicolon;  
20 and

21 (C) by adding at the end the following:

22 “(C) any Federal facility or federally fund-  
23 ed facility that is primarily engaged in pro-  
24 viding services to an Indian Tribe; and

1           “(D) not less than one Federal facility or  
2           federally funded facility that is located within  
3           the Indian lands of an Indian Tribe, as applica-  
4           ble, (which may be the Federal facility or feder-  
5           ally funded facility described in subparagraph  
6           (C)).”; and

7           (2) by adding at the end the following:

8           “(8) Where practicable, each Federal agency  
9           that operates a Federal facility or a federally funded  
10          facility that is a designated voter registration agency  
11          in accordance with subparagraph (C) or (D) of para-  
12          graph (2) shall designate one or more special days  
13          per year at a centralized location within the bound-  
14          aries of the Indian lands of each applicable Indian  
15          Tribe for the purpose of informing members of the  
16          Indian Tribe of the timing, registration require-  
17          ments, and voting procedures in elections for Fed-  
18          eral office, at no cost to the Indian Tribe.”.

19 **SEC. 9206. ACCESSIBLE TRIBAL DESIGNATED POLLING**  
20 **SITES.**

21 (a) IN GENERAL.—

22 (1) DESIGNATION OF STATE OFFICER.—Each  
23 of the several States whose territory contains all or  
24 part of an Indian Tribe’s Indian lands shall des-  
25 ignate an officer within that State who will be re-



1       sponsible for compliance with the provisions of this  
2       section and who shall periodically consult with the  
3       Indian Tribes located wholly or partially within that  
4       State regarding compliance with the provisions of  
5       this section and coordination between the State and  
6       the Indian Tribe. The State shall provide written no-  
7       tice to each such Indian Tribe of the officer so des-  
8       ignated.

9               (2) PROVISION OF POLLING PLACES.—For each  
10       Indian Tribe that satisfies the obligations of sub-  
11       section (c), and for each election for a Federal offi-  
12       cial or State official that is held 180 days or later  
13       after the date on which the Indian Tribe initially  
14       satisfies such obligations, any State or political sub-  
15       division whose territory contains all or part of an In-  
16       dian Tribe’s Indian lands—

17               (A) shall provide a minimum of one polling  
18       place in each precinct in which there are eligible  
19       voters who reside on Indian lands, in a location  
20       selected by the Indian Tribe and at no cost to  
21       the Indian Tribe, regardless of the population  
22       or number of registered voters residing on In-  
23       dian lands;

1 (B) shall not reduce the number of polling  
2 locations on Indian lands based on population  
3 numbers;

4 (C) shall provide, at no cost to the Indian  
5 Tribe, additional polling places in locations on  
6 Indian lands selected by an Indian Tribe and  
7 requested under subsection (c) if, based on the  
8 totality of circumstances described in subsection  
9 (b), it is shown that not providing those addi-  
10 tional polling places would result in members of  
11 the Indian Tribe and living on Indian lands or  
12 other individuals residing on the Indian Tribe's  
13 Indian lands having less opportunity to vote  
14 than eligible voters in that State or political  
15 subdivision who are not members of an Indian  
16 Tribe or do not reside on Indian lands;

17 (D) shall, at each polling place located on  
18 Indian lands and at no cost to the Indian Tribe,  
19 make voting machines, tabulation machines, of-  
20 ficial receptacles designated for the return of  
21 completed absentee ballots, ballots, provisional  
22 ballots, and other voting materials available to  
23 the same or greater extent that such equipment  
24 and materials are made available at other poll-

1           ing places in the State or political subdivision  
2           that are not located on Indian lands;

3           (E) shall, at each polling place located on  
4           Indian lands, conduct the election using the  
5           same voting procedures that are used at other  
6           polling places in the State or political subdivi-  
7           sion that are not located on Indian lands, or  
8           other voting procedures that provide greater ac-  
9           cess for voters;

10          (F) shall, at each polling place located on  
11          Indian lands and at no cost to the Indian Tribe,  
12          make voter registration available during the pe-  
13          riod the polling place is open to the maximum  
14          extent allowable under State law;

15          (G) shall, at each polling place located on  
16          Indian lands, provide training, compensation,  
17          and other benefits to election officials and poll  
18          workers at no cost to the Indian Tribe and, at  
19          a minimum, to the same or greater extent that  
20          such training, compensation, and benefits are  
21          provided to election officials and poll workers at  
22          other polling places in the State or political  
23          subdivision that are not located on Indian  
24          lands;

1           (H) shall, in all cases, provide the Indian  
2           Tribe an opportunity to designate election offi-  
3           cials and poll workers to staff polling places  
4           within the Indian lands of the applicable Indian  
5           Tribe on every day that the polling places will  
6           be open;

7           (I) shall allow for any eligible voting mem-  
8           ber of the Indian Tribe or any eligible voting  
9           individual residing on Indian lands to vote early  
10          or in person at any polling place on Indian  
11          lands, regardless of that member or individual's  
12          residence or residential address, and shall not  
13          reject the ballot of any such member or indi-  
14          vidual on the grounds that the ballot was cast  
15          at the wrong polling place; and

16          (J) may fulfill the State's obligations  
17          under subparagraphs (A) and (C) by relocating  
18          existing polling places, by creating new polling  
19          places, or both.

20          (b) **EQUITABLE OPPORTUNITIES TO VOTE.**—

21           (1) **IN GENERAL.**—When assessing the opportu-  
22          nities to vote provided to members of an Indian  
23          Tribe and to other eligible voters in the State resid-  
24          ing on Indian lands in order to determine the num-  
25          ber of additional polling places (if any) that a State

1 or political subdivision must provide in accordance  
2 with subsection (a)(2)(C), the State, political sub-  
3 division, or any court applying this section, shall  
4 consider the totality of circumstances of—

5 (A) the number of voting-age citizens as-  
6 signed to each polling place;

7 (B) the distances that voters must travel  
8 to reach the polling places;

9 (C) the time that voters must spend trav-  
10 eling to reach the polling places, including  
11 under inclement weather conditions;

12 (D) the modes of transportation, if any,  
13 that are regularly and broadly available to vot-  
14 ers to use to reach the polling places;

15 (E) the existence of and access to frequent  
16 and reliable public transportation to the polling  
17 places;

18 (F) the length of lines and time voters  
19 waited to cast a ballot in previous elections; and

20 (G) any other factor relevant to effec-  
21 tuating the aim of achieving equal voting oppor-  
22 tunity for individuals living on Indian lands.

23 (2) ABSENCE OF FACTORS.—When assessing  
24 the opportunities to vote in accordance with para-  
25 graph (1), the State, political subdivision, or court

1 shall ensure that each factor described in paragraph  
2 (1) is considered regardless of whether any one fac-  
3 tor would lead to a determination not to provide ad-  
4 ditional polling places under subsection (a)(2)(C).

5 (c) FORM; PROVISION OF FORM; OBLIGATIONS OF  
6 THE INDIAN TRIBE.—

7 (1) FORM.—The Attorney General shall estab-  
8 lish the form described in this subsection through  
9 which an Indian Tribe can fulfill its obligations  
10 under this subsection.

11 (2) PROVISION OF FORM.—Each State or polit-  
12 ical subdivision whose territory contains all or part  
13 of an Indian Tribe's Indian lands—

14 (A) shall provide the form established  
15 under paragraph (1) to each applicable Indian  
16 Tribe not less than 30 days prior to the dead-  
17 line set by the State or political subdivision for  
18 completion of the obligations under this sub-  
19 section (which deadline shall be not less than  
20 30 days prior to a Federal election) whereby an  
21 Indian Tribe can fulfill its obligations under  
22 this subsection by providing the information de-  
23 scribed in paragraph (3) on that form and sub-  
24 mitting the form back to the applicable State or  
25 political subdivision by such deadline;

1 (B) shall not edit the form established  
2 under paragraph (1) or apply any additional ob-  
3 ligations on the Indian Tribe with respect to  
4 this section; and

5 (C) shall cooperate in good faith with the  
6 efforts of the Indian Tribe to satisfy the re-  
7 quirements of this subsection.

8 (3) OBLIGATIONS OF THE INDIAN TRIBE.—The  
9 requirements for a State and political subdivision  
10 under subsection (a)(2) shall apply with respect to  
11 an Indian Tribe once an Indian Tribe meets the fol-  
12 lowing obligations by completing the form specified  
13 in paragraph (1):

14 (A) The Indian Tribe specifies the number  
15 and locations of requested polling places, early  
16 voting locations, and ballot drop boxes to be  
17 provided on the Indian lands of that Indian  
18 Tribe.

19 (B) The Indian Tribe certifies that  
20 curbside voting will be available for any facili-  
21 ties that lack accessible entrances and exits in  
22 accordance with Federal and State law.

23 (C) The Indian Tribe certifies that the In-  
24 dian Tribe will ensure that each such requested  
25 polling place will be open and available to all el-

1 eligible voters who reside in the precinct or other  
2 geographic area assigned to such polling place,  
3 regardless of whether such eligible voters are  
4 members of the Indian Tribe or of any other  
5 Indian Tribe.

6 (D) The Indian Tribe requests that the  
7 State or political subdivision shall designate  
8 election officials and poll workers to staff such  
9 requested polling places, or certifies that the In-  
10 dian Tribe will designate election officials and  
11 poll workers to staff such polling places on  
12 every day that the polling places will be open.

13 (E) The Indian Tribe may request that the  
14 State or political subdivision provide absentee  
15 ballots without requiring an excuse, an absentee  
16 ballot request, or residential address to all eligi-  
17 ble voters who reside in the precinct or other  
18 geographic area assigned to such polling place,  
19 regardless of whether such eligible voters are  
20 members of the Indian Tribe or of any other  
21 Indian Tribe.

22 (4) ESTABLISHED POLLING PLACES.—Once a  
23 polling place is established under subsection  
24 (a)(2)(A) or subsection (a)(2)(C) the Tribe need not  
25 fill out the form designated under paragraph (1)



1       again unless or until that Indian Tribe requests  
2       modifications to the requests specified in the most  
3       recent form under paragraph (1).

4           (5) OPT OUT.—At any time that is 60 days or  
5       more before the date of an election, an Indian Tribe  
6       that previously has satisfied the obligations of para-  
7       graph (3) may notify the State or political subdivi-  
8       sion that the Indian Tribe intends to opt out of the  
9       standing obligation for one or more polling places  
10      that were established in accordance with subsection  
11      (a)(2)(A) or subsection (a)(2)(C) for a particular  
12      election or for all future elections. A Tribe may opt  
13      back in at any time.

14      (d) FEDERAL POLLING SITES.—Each State shall  
15      designate as voter polling facilities any of the facilities  
16      identified in accordance with subparagraph (C) or (D) of  
17      section 7(a)(2) of the National Voter Registration Act of  
18      1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian  
19      Tribe, provided that the facility meets the requirements  
20      of Federal and State law as applied to other polling places  
21      within the State or political subdivision. The applicable  
22      agency of the Federal Government shall ensure that such  
23      designated facilities are made available as polling places.

24      (e) MAIL-IN BALLOTING.—In States or political sub-  
25      divisions that permit absentee or mail-in balloting, the fol-

1 lowing shall apply with respect to an election for Federal  
2 office:

3 (1) An Indian Tribe may designate at least one  
4 building per precinct as a ballot pickup and collec-  
5 tion location (referred to in this section as a “trib-  
6 ally designated buildings”) at no cost to the Indian  
7 Tribe. The applicable State or political subdivision  
8 shall collect and timely deposit all ballots from each  
9 tribally designated building.

10 (2) At the applicable Tribe’s request, the State  
11 or political subdivision shall provide mail-in and ab-  
12 sentee ballots to each registered voter residing on  
13 Indian lands in the State or political subdivision  
14 without requiring a residential address, a mail-in or  
15 absentee ballot request, or an excuse for a mail-in or  
16 absentee ballot.

17 (3) The address of a tribally designated build-  
18 ing may serve as the residential address and mailing  
19 address for voters living on Indian lands if the trib-  
20 ally designated building is in the same precinct as  
21 that voter.

22 (4) If there is no tribally designated building  
23 within the precinct of a voter residing on Indian  
24 lands (including if the tribally designated building is

1 on Indian lands but not in the same precinct as the  
2 voter), the voter may—

3 (A) use another tribally designated build-  
4 ing within the Indian lands where the voter is  
5 located; or

6 (B) use such tribally designated building  
7 as a mailing address and may separately des-  
8 ignate the voter's appropriate precinct through  
9 a description of the voter's address, as specified  
10 in section 9428.4(a)(2) of title 11, Code of Fed-  
11 eral Regulations.

12 (5) In the case of a State or political subdivi-  
13 sion that is a covered State or political subdivision  
14 under section 203 of the Voting Rights Act of 1965  
15 (52 U.S.C. 10503), that State or political subdivi-  
16 sion shall provide absentee or mail-in voting mate-  
17 rials with respect to an election for Federal office in  
18 the language of the applicable minority group as well  
19 as in the English language, bilingual election voting  
20 assistance, and written translations of all voting ma-  
21 terials in the language of the applicable minority  
22 group, as required by section 203 of the Voting  
23 Rights Act of 1965 (52 U.S.C. 10503), as amended  
24 by this title.

1           (6) A State or political division shall make rea-  
2           sonable efforts to contact a voter who resides within  
3           Indian lands located within its jurisdiction and offer  
4           such voter a reasonable opportunity to cure any de-  
5           fect in an absentee ballot issued to and completed  
6           and returned by the voter, or appearing on or per-  
7           taining to the materials provided for the purpose of  
8           returning the absentee ballot, if State law would oth-  
9           erwise require the absentee ballot to be rejected due  
10          to such defect and the defect does not compromise  
11          ballot secrecy or involve a lack of witness or assist-  
12          ant signature, where such signature is mandated by  
13          State law.

14          (7) In a State or political subdivision that does  
15          not permit absentee or mail-in balloting for all eligi-  
16          ble voters in the State or political subdivision, that  
17          State or political subdivision shall nonetheless pro-  
18          vide for absentee or mail-in balloting for voters who  
19          reside on Indian lands consistent with this section if  
20          the State, political subdivision, or any court applying  
21          this section determines that the totality of cir-  
22          cumstances described in subsection (b) warrants es-  
23          tablishment of absentee or mail-in balloting for vot-  
24          ers who reside on Indian lands located within the ju-  
25          risdiction of the State or political subdivision.

1 (f) BALLOT DROP BOXES.—Each State shall—

2 (1) provide not less than one ballot drop box for  
3 each precinct on Indian lands, at no cost to the In-  
4 dian Tribe, at either the tribally designated building  
5 under subsection (e)(2) or an alternative site se-  
6 lected by the applicable Indian Tribe; and

7 (2) provide additional drop boxes at either the  
8 tribally designated building under subsection (e)(2)  
9 or an alternative site selected by the applicable In-  
10 dian Tribe if the State or political subdivision deter-  
11 mines that additional ballot drop boxes should be  
12 provided based on the criteria considered under the  
13 totality of circumstances enumerated under sub-  
14 section (b).

15 (g) EARLY VOTING.—

16 (1) EARLY VOTING LOCATIONS.—In a State or  
17 political subdivision that permits early voting in an  
18 election for Federal office, that State or political  
19 subdivision shall provide not less than one early vot-  
20 ing location for each precinct on Indian lands, at no  
21 cost to the Indian Tribe, at a site selected by the ap-  
22 plicable Indian Tribe, to allow individuals living on  
23 Indian lands to vote during an early voting period in  
24 the same manner as early voting is allowed on such  
25 date in the rest of the State or precinct. Additional

1 early voting sites shall be determined based on the  
2 criteria considered under the totality of cir-  
3 cumstances described in subsection (b).

4 (2) LENGTH OF PERIOD.—In a State or polit-  
5 ical subdivision that permits early voting in an elec-  
6 tion for Federal office, that State or political sub-  
7 division shall provide an early voting period with re-  
8 spect to that election that shall consist of a period  
9 of consecutive days (including weekends) which be-  
10 gins on the 15th day before the date of the election  
11 (or, at the option of the State or political subdivi-  
12 sion, on a day prior to the 15th day before the date  
13 of the election) and ends on the date of the election  
14 for all early voting locations on Indian lands.

15 (3) MINIMUM EARLY VOTING REQUIRE-  
16 MENTS.—Each polling place that allows voting dur-  
17 ing an early voting period under this subsection  
18 shall—

19 (A) allow such voting for no less than 10  
20 hours on each day;

21 (B) have uniform hours each day for which  
22 such voting occurs; and

23 (C) allow such voting to be held for some  
24 period of time prior to 9:00 a.m. (local time)

1           and some period of time after 5:00 p.m. (local  
2           time).

3           (4) BALLOT PROCESSING AND SCANNING RE-  
4           QUIREMENTS.—

5                   (A) IN GENERAL.—To the greatest extent  
6                   practicable, ballots cast during the early voting  
7                   period in an election for Federal office at voting  
8                   locations and drop boxes on Indian lands shall  
9                   be processed and scanned for tabulation in ad-  
10                  vance of the close of polls on the date of the  
11                  election.

12                   (B) LIMITATION.—Nothing in this sub-  
13                   section shall be construed to permit a State or  
14                   political subdivision to tabulate and count bal-  
15                   lots in an election for Federal office before the  
16                   closing of the polls on the date of the election.

17           (h) PROVISIONAL BALLOTS.—

18                   (1) IN GENERAL.—In addition to the require-  
19                   ments under section 302(a) of the Help America  
20                   Vote Act of 2002 (52 U.S.C. 21082(a)), for each  
21                   State or political subdivision that provides voters  
22                   provisional ballots, challenge ballots, or affidavit bal-  
23                   lots under the State's applicable law governing the  
24                   voting processes for those voters whose eligibility to

1       vote is determined to be uncertain by election offi-  
2       cials, election officials 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  
8               materials or alternative methods, including  
9               email or facsimile, that the voter may use to  
10              submit these materials, and the deadline for  
11              submitting these 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  
21             as an alternative to appearing in person to sub-  
22             mit the required information or documentation  
23             to prove eligibility;

24             (D) notify the voter on whether the voter's  
25             provisional ballot was counted or rejected by



1 telephone, email, or postal mail, or any other  
2 available method, including notifying the voter  
3 of any online tracking website if State law pro-  
4 vides for 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 doc-  
8 umentation 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 bal-  
12 lot is cast, that election officials—

13 (A) request and collect the voter's email  
14 address, if the voter has one, and transmit any  
15 written instructions issued to the voter in per-  
16 son 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 Gen-  
21 eral may bring a civil action in an appropriate dis-  
22 trict court for such declaratory or injunctive relief as  
23 is 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  
18                  notice under subparagraph (A); or

19                   (II) in the case of a violation that oc-  
20                  curs 120 days or less but more than 30  
21                  days before the date of an election for Fed-  
22                  eral office, the violation remains and 20  
23                  days or more have passed since the date on  
24                  which the chief election official of the State

1 receives the notice under subparagraph  
2 (A).

3 (C) In the case of a violation of this sec-  
4 tion that occurs 30 days or less before the date  
5 of an election for Federal office, an aggrieved  
6 person or Indian Tribe may bring a civil action  
7 in an appropriate district court for declaratory  
8 or injunctive relief with respect to the violation  
9 without providing notice to the chief election of-  
10 ficial of the State under subparagraph (A).

11 (3) RULE OF CONSTRUCTION.—Nothing in this  
12 section shall be construed to prevent a State or po-  
13 litical subdivision from providing additional polling  
14 places or early voting locations on Indian lands.

15 **SEC. 9207. PROCEDURES FOR REMOVAL OF POLLING**  
16 **PLACES AND VOTER REGISTRATION SITES ON**  
17 **INDIAN LANDS.**

18 (a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE  
19 REVIEW.—No State or political subdivision may carry out  
20 any of the following activities in an election for Federal  
21 office unless the requirements of subsection (b) have been  
22 met:

23 (1) Eliminating polling places or voter registra-  
24 tion sites on the Indian lands of an Indian Tribe.

1           (2) Moving or consolidating a polling place or  
2 voter registration site on the Indian lands of an In-  
3 dian Tribe to a location 1 mile or further from the  
4 existing location of the polling place or voter reg-  
5 istration site.

6           (3) Moving or consolidating a polling place on  
7 the Indian lands of an Indian Tribe to a location  
8 across a river, lake, mountain, or other natural  
9 boundary such that it increases travel time for a  
10 voter, regardless of distance.

11          (4) Eliminating in-person voting on the Indian  
12 lands of an Indian Tribe by designating an Indian  
13 reservation as a permanent absentee voting location,  
14 unless the Indian Tribe requests such a designation  
15 and has not later requested that the designation as  
16 a permanent absentee voting location be reversed.

17          (5) Removing an early voting location or other-  
18 wise diminishing early voting opportunities on In-  
19 dian lands.

20          (6) Removing a ballot drop box or otherwise di-  
21 minishing ballot drop boxes on Indian lands.

22          (7) Decreasing the number of days or hours  
23 that an in-person or early voting polling place is  
24 open on Indian lands only or changing the dates of

1 in-person or early voting only on the Indian lands of  
2 an Indian Tribe.

3 (b) TRIBAL ADMINISTRATIVE REVIEW.—

4 (1) IN GENERAL.—The requirements of this  
5 subsection have been met if—

6 (A) the impacted Indian Tribe submits to  
7 the Attorney General the Indian Tribe’s written  
8 consent to the proposed activity described in  
9 subsection (a);

10 (B) the State or political subdivision, after  
11 consultation with the impacted Indian Tribe  
12 and after attempting to have the impacted In-  
13 dian Tribe give consent as described in sub-  
14 paragraph (A), institutes an action in the  
15 United States District Court for the District of  
16 Columbia for a declaratory judgment, and a de-  
17 claratory judgment is issued based upon affirm-  
18 ative evidence provided by the State or political  
19 subdivision, that conclusively establishes that  
20 the specified activity described in subsection (a)  
21 proposed by the State or political subdivision  
22 neither has the purpose nor will have the effect  
23 of denying or abridging the right to vote on ac-  
24 count of race or color, membership in an Indian

1 Tribe, or membership in a language minority  
2 group; or

3 (C) the chief legal officer or other appro-  
4 priate official of such State or political subdivi-  
5 sion, after consultation with the impacted In-  
6 dian Tribe and after attempting to have the im-  
7 pacted Indian Tribe give consent as described  
8 in subparagraph (A), submits a request to carry  
9 out the specified activity described in subsection  
10 (a) to the Attorney General and the Attorney  
11 General affirmatively approves the specified ac-  
12 tivity.

13 (2) NO LIMITATION ON FUTURE ACTIONS.—

14 (A) NO BAR TO SUBSEQUENT ACTION.—  
15 Neither an affirmative indication by the Attor-  
16 ney General that no objection will be made, nor  
17 the Attorney General's failure to object, nor a  
18 declaratory judgment entered under this sec-  
19 tion, nor a written consent issued under para-  
20 graph (1)(A) shall bar a subsequent action to  
21 enjoin enforcement of an activity described in  
22 subsection (a).

23 (B) REEXAMINATION.—The Attorney Gen-  
24 eral reserves the right to reexamine any submis-  
25 sion under paragraph (1)(C) if additional rel-

1           evant information comes to the Attorney Gen-  
2           eral's attention.

3           (C) DISTRICT COURT.—Any action under  
4           this section shall be heard and determined by a  
5           district court of 3 judges in accordance with the  
6           provisions of section 2284 of title 28, United  
7           States Code, and any appeal shall lie to the Su-  
8           preme Court.

9   **SEC. 9208. TRIBAL VOTER IDENTIFICATION.**

10          (a) TRIBAL IDENTIFICATION.—If a State or political  
11          subdivision requires an individual to present identification  
12          for the purposes of voting or registering to vote in an elec-  
13          tion for Federal office, an identification card issued by a  
14          federally recognized Indian Tribe, the Bureau of Indian  
15          Affairs, the Indian Health Service, or any other Tribal or  
16          Federal agency issuing identification cards to eligible In-  
17          dian voters shall be treated as a valid form of identifica-  
18          tion for such purposes.

19          (b) ONLINE REGISTRATION.—If a State or political  
20          subdivision requires an identification card for an indi-  
21          vidual to register to vote online or to vote online, that  
22          State or political subdivision shall annually consult with  
23          an Indian Tribe to determine whether a tribal identifica-  
24          tion can feasibly be used to register to vote online or vote  
25          online.

1 (c) LIMITATION ON REQUIRING MULTIPLE FORMS  
2 OF IDENTIFICATION.—If a State or political subdivision  
3 requires an individual to present more than one form of  
4 identification for the purposes of voting or registering to  
5 vote in an election for Federal office, or for registering  
6 to vote online or to vote online, that State or political sub-  
7 division shall not require any member of an Indian Tribe  
8 to provide more than one form of identification if the  
9 member provides orally or in writing that the member does  
10 not possess more than one form of identification.

11 **SEC. 9209. PERMITTING VOTERS TO DESIGNATE OTHER**  
12 **PERSON TO RETURN BALLOT.**

13 Each State or political subdivision—

14 (1) shall permit any family member (including  
15 extended family member, such as a cousin, grand-  
16 child, or relation through marriage), caregiver, tribal  
17 assistance provider, or household member to return  
18 a sealed ballot of a voter that resides on Indian  
19 lands to a post office on Indian lands, a ballot drop  
20 box location in a State or political subdivision that  
21 provides ballot drop boxes, a tribally designated  
22 building under section 9206(e)(2), or an election of-  
23 fice, so long as the person designated to return the  
24 ballot or ballots on behalf of another voter does not  
25 receive any form of compensation based on the num-



1       ber of ballots that the person has returned and no  
2       individual, group, or organization provides com-  
3       pensation on this basis;

4           (2) may not put any limit on how many voted  
5       and sealed absentee ballots any designated person  
6       can return to the post office, ballot drop box loca-  
7       tion, tribally designated building, or election office  
8       under paragraph (1); and

9           (3) shall permit, at a minimum, any family  
10      member (including extended family member, such as  
11      a cousin, grandchild, or relation through marriage),  
12      caregiver, tribal assistance provider, or household  
13      member, including the voter, to return voter reg-  
14      istration applications, absentee ballot applications,  
15      or absentee ballots to ballot drop box locations in a  
16      State or political subdivision that provides ballot  
17      drop boxes for these purposes.

18   **SEC. 9210. BILINGUAL ELECTION REQUIREMENTS.**

19       Section 203 of the Voting Rights Act of 1965 (52  
20   U.S.C. 10503) is amended—

21           (1) in subsection (b)(3)(C), by striking “1990”  
22       and inserting “most recent”; and

23           (2) by striking subsection (e) and inserting the  
24       following:

1           “(c) PROVISION OF VOTING MATERIALS IN THE LAN-  
2   GUAGE OF A MINORITY GROUP.—

3           “(1) IN GENERAL.—Whenever any State or po-  
4   litical subdivision subject to the prohibition of sub-  
5   section (b), provides any registration or voting no-  
6   tices, forms, instructions, assistance, or other mate-  
7   rials or information relating to the electoral process,  
8   including ballots, it shall provide them in the lan-  
9   guage of the applicable minority group as well as in  
10  the English language.

11          “(2) EXCEPTIONS.—

12                 “(A) In the case of a minority group that  
13   is not American Indian or Alaska Native and  
14   the language of that minority group is oral or  
15   unwritten, the State or political subdivision  
16   shall only be required to furnish, in the covered  
17   language, oral instructions, assistance, trans-  
18   lation of voting materials, or other information  
19   relating to registration and voting.

20                 “(B) In the case of a minority group that  
21   is American Indian or Alaska Native, the State  
22   or political subdivision shall only be required to  
23   furnish in the covered language oral instruc-  
24   tions, assistance, or other information relating  
25   to registration and voting, including all voting

1 materials, if the Indian Tribe of that minority  
2 group has certified that the language of the ap-  
3 plicable American Indian or Alaska Native lan-  
4 guage is presently unwritten or the Indian  
5 Tribe does not want written translations in the  
6 minority language.

7 “(3) WRITTEN TRANSLATIONS FOR ELECTION  
8 WORKERS.—Notwithstanding paragraph (2), the  
9 State or political division may be required to provide  
10 written translations of voting materials, with the  
11 consent of any applicable Indian Tribe, to election  
12 workers to ensure that the translations from English  
13 to the language of a minority group are complete,  
14 accurate, and uniform.”.

15 **SEC. 9211. FEDERAL OBSERVERS TO PROTECT TRIBAL VOT-**  
16 **ING RIGHTS.**

17 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF  
18 1965.—Section 8(a) of the Voting Rights Act of 1965 (52  
19 U.S.C. 10305(a)) is amended—

20 (1) in paragraph (1), by striking “or” after the  
21 semicolon;

22 (2) in paragraph (2)(B), by adding “or” after  
23 the semicolon; and

24 (3) by inserting after paragraph (2) the fol-  
25 lowing:

1           “(3) the Attorney General has received a writ-  
2           ten complaint from an Indian Tribe that efforts to  
3           deny or abridge the right to vote under the color of  
4           law on account of race or color, membership in an  
5           Indian Tribe, or in contravention of the guarantees  
6           set forth in section 4(f)(2), are likely to occur;”.

7           (b) PUBLICLY AVAILABLE REPORTS.—The Attorney  
8           General shall make publicly available the reports of a Fed-  
9           eral election observer appointed pursuant to section  
10          (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.  
11          10305(a)(3)), as added by subsection (a), not later than  
12          6 months after the date that such reports are submitted  
13          to the Attorney General, except that any personally identi-  
14          fiable information relating to a voter or the substance of  
15          the voter’s ballot shall not be made public.

16          **SEC. 9212. TRIBAL JURISDICTION.**

17          (a) IN GENERAL.—Tribal law enforcement have the  
18          right to exercise their inherent authority to detain and or  
19          remove any non-Indian, not affiliated with the State, its  
20          political subdivision, or the Federal Government, from In-  
21          dian lands for intimidating, harassing, or otherwise imped-  
22          ing the ability of people to vote or of the State and its  
23          political subdivisions to conduct an election.

24          (b) CIVIL ACTION BY ATTORNEY GENERAL FOR RE-  
25          LIEF.—Whenever any person has engaged or there are

1 reasonable grounds to believe that any person is about to  
2 engage in any act or practice prohibited by this section,  
3 the Attorney General may institute for the United States,  
4 or in the name of the United States, an action for preven-  
5 tive relief, including an application for a temporary or per-  
6 manent injunction, restraining order, or other order, and  
7 including an order directed to the State and State or local  
8 election officials to require them to permit persons to vote  
9 and to count such votes.

10 **SEC. 9213. TRIBAL VOTING CONSULTATION.**

11 The Attorney General shall consult annually with In-  
12 dian Tribes regarding issues related to voting in elections  
13 for Federal office.

14 **SEC. 9214. ATTORNEYS' FEES, EXPERT FEES, AND LITIGA-**  
15 **TION EXPENSES.**

16 In a civil action under this title, the court shall award  
17 the prevailing party, other than the United States, reason-  
18 able attorney fees, including litigation expenses, reason-  
19 able expert fees, and costs.

20 **SEC. 9215. GAO STUDY AND REPORT.**

21 The Comptroller General shall study the prevalence  
22 of nontraditional or nonexistent mailing addresses among  
23 Indians, those who are members of Indian Tribes, and  
24 those residing on Indian lands and identify alternatives  
25 to remove barriers to voter registration, receipt of voter

1 information and materials, and receipt of ballots. The  
2 Comptroller General shall report the results of that study  
3 to Congress not later than 1 year after the date of enact-  
4 ment of this title.

5 **SEC. 9216. UNITED STATES POSTAL SERVICE CONSULTA-**  
6 **TION.**

7 The Postmaster General shall consult with Indian  
8 Tribes, on an annual basis, regarding issues relating to  
9 the United States Postal Service that present barriers to  
10 voting for eligible voters living on Indian lands.

11 **SEC. 9217. SEVERABILITY; RELATIONSHIP TO OTHER LAWS;**  
12 **TRIBAL SOVEREIGN IMMUNITY.**

13 (a) SEVERABILITY.—If any provision of this title, or  
14 the application of such a provision to any person, entity,  
15 or circumstance, is held to be invalid, the remaining provi-  
16 sions of this title and the application of all provisions of  
17 this title to any other person, entity, or circumstance shall  
18 not be affected by the invalidity.

19 (b) RELATIONSHIP TO OTHER LAWS.—Nothing in  
20 this title shall invalidate, or limit the rights, remedies, or  
21 procedures available under, or supersede, restrict, or limit  
22 the application of, the Voting Rights Act of 1965 (52  
23 U.S.C. 10301 et seq.), the National Voter Registration  
24 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America  
25 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other

1 Federal law or regulation related to voting or the electoral  
2 process. Notwithstanding any other provision of law, the  
3 provisions of this title, and the amendments made by this  
4 title, shall be applicable within the State of Maine.

5 (c) TRIBAL SOVEREIGN IMMUNITY.—Nothing in this  
6 title shall be construed as—

7 (1) affecting, modifying, diminishing, or other-  
8 wise impairing the sovereign immunity from suit en-  
9 joyed by an Indian Tribe; or

10 (2) authorizing or requiring the termination of  
11 any existing trust responsibility of the United States  
12 with respect to Indian people.

13 **SEC. 9218. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums  
15 as may be necessary to carry out this title.

