

115TH CONGRESS  
1ST SESSION

# H. R. 12

To modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2017

Mr. LEWIS of Georgia (for himself, Mr. CLYBURN, Mr. HOYER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. PELOSI, Ms. ADAMS, Mr. AGUILAR, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Ms. BORDALLO, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY, Mr. CORREA, Mr. COSTA, Mr. COURTNEY, Mr. CRIST, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. ESPAILLAT, Ms. ESTY of Connecticut, Mr. EVANS, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GALLEG0, Mr. GARAMENDI, Mr. GONZALEZ of Texas, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS, Mr. HECK, Mr. HIGGINS of New York, Mr. HIMES, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KIHUEN, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. KRISHNAMOORTH1, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE, Mr. LEVIN, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr.

MEEKS, Ms. MENG, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. NOLAN, Mr. NORCROSS, Ms. NORTON, Mr. O'HALLERAN, Mr. O'ROURKE, Mr. PANETTA, Mr. PASCRELL, Mr. PAYNE, Mr. PETERS, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Ms. ROSEN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRAEDER, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL of Alabama, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Mr. TONKO, Mr. VARGAS, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, Science, Space, and Technology, Veterans' Affairs, Oversight and Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Voter Empowerment Act of 2017”.

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

1           (1) all eligible citizens of the United States  
 2           should access and exercise their constitutional right  
 3           to vote in a free, fair, and timely manner; and

4           (2) the integrity, security, and accountability of  
 5           the voting process must be vigilantly protected,  
 6           maintained, and enhanced in order to protect and  
 7           preserve electoral and participatory democracy in the  
 8           United States.

9           (c) TABLE OF CONTENTS.—The table of contents of  
 10 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—VOTER REGISTRATION MODERNIZATION

Sec. 100. Short title.

##### Subtitle A—Promoting Internet Registration

Sec. 101. Requiring availability of Internet for voter registration.

Sec. 102. Use of Internet to update registration information.

Sec. 103. Provision of election information by electronic mail to individuals registered to vote.

Sec. 104. Clarification of requirement regarding necessary information to show eligibility to vote.

Sec. 105. Effective date.

##### Subtitle B—Automated Registration of Certain Individuals

Sec. 111. Automated voter registration.

Sec. 112. List maintenance, privacy, and security.

Sec. 113. Promoting accuracy of statewide voter registration lists.

Sec. 114. Definitions.

Sec. 115. Effective date.

##### Subtitle C—Other Initiatives To Promote Voter Registration

Sec. 121. Same day registration.

Sec. 122. Acceptance of voter registration applications from individuals under 18 years of age.

Sec. 123. Annual reports on voter registration statistics.

##### Subtitle D—Availability of HAVA Requirements Payments

Sec. 131. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

Subtitle E—Prohibiting Interference With Voter Registration

- Sec. 141. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 142. Establishment of best practices.

TITLE II—ACCESS TO VOTING FOR INDIVIDUALS WITH DISABILITIES

- Sec. 201. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 202. Pilot programs for enabling individuals with disabilities to register to vote and vote privately and independently at residences.
- Sec. 203. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

TITLE III—PROHIBITING VOTER CAGING

- Sec. 301. Voter caging and other questionable challenges prohibited.
- Sec. 302. Development and adoption of best practices for preventing voter caging.
- Sec. 303. Severability.

TITLE IV—PROHIBITING DECEPTIVE PRACTICES

- Sec. 401. Prohibition on deceptive practices in Federal elections.
- Sec. 402. Modification of penalty for voter intimidation.
- Sec. 403. Sentencing guidelines.
- Sec. 404. Reporting violations; corrective action.

TITLE V—DEMOCRACY RESTORATION

- Sec. 501. Rights of citizens.
- Sec. 502. Enforcement.
- Sec. 503. Notification of restoration of voting rights.
- Sec. 504. Definitions.
- Sec. 505. Relation to other laws.
- Sec. 506. Federal prison funds.
- Sec. 507. Effective date.

TITLE VI—ACCURACY, INTEGRITY, AND SECURITY OF ELECTIONS

- Sec. 600. Short title.

Subtitle A—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 601. Paper ballot and manual counting requirements.
- Sec. 602. Accessibility and ballot verification for individuals with disabilities.
- Sec. 603. Durability and readability requirements for ballots.
- Sec. 604. Effective date for new requirements.

Subtitle B—Requirement for Mandatory Manual Audits by Hand Count

- Sec. 611. Mandatory manual audits.

“Subtitle C—Mandatory Manual Audits

- “Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to certification.

“Sec. 328. Effective date.

Sec. 612. Availability of enforcement under Help America Vote Act of 2002.

Sec. 613. Guidance on best practices for alternative audit mechanisms.

Sec. 614. Clerical amendment.

## TITLE VII—PROVISIONAL BALLOTS

Sec. 701. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

## TITLE VIII—EARLY VOTING AND VOTING BY MAIL

Sec. 801. Early voting and voting by mail.

## TITLE IX—ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS

Sec. 901. Extending guarantee of residency for voting purposes to family members of absent military personnel.

Sec. 902. Pre-election reports on availability and transmission of absentee ballots.

Sec. 903. Enforcement.

Sec. 904. Revisions to 45-day absentee ballot transmission rule.

Sec. 905. Use of single absentee ballot application for subsequent elections.

Sec. 906. Effective date.

## TITLE X—POLL WORKER RECRUITMENT AND TRAINING

Sec. 1001. Leave to serve as a poll worker for Federal employees.

Sec. 1002. Grants to States for poll worker recruitment and training.

Sec. 1003. Model poll worker training program.

Sec. 1004. State defined.

## TITLE XI—ENHANCEMENT OF ENFORCEMENT

Sec. 1101. Enhancement of enforcement of Help America Vote Act of 2002.

## TITLE XII—FEDERAL ELECTION INTEGRITY

Sec. 1201. Prohibition on campaign activities by chief State election administration officials.

## TITLE XIII—OTHER ELECTION ADMINISTRATION IMPROVEMENTS

Sec. 1301. Treatment of universities as voter registration agencies.

Sec. 1302. Minimum notification requirements for voters affected by polling place changes.

Sec. 1303. Voter information response systems and hotline.

Sec. 1304. Reauthorization of election assistance commission.

Sec. 1305. Application of laws to Commonwealth of Northern Mariana Islands.

Sec. 1306. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

Sec. 1307. No effect on other laws.

# **TITLE I—VOTER REGISTRATION MODERNIZATION**

## **SEC. 100. SHORT TITLE.**

This title may be cited as the “Voter Registration Modernization Act of 2017”.

## **Subtitle A—Promoting Internet Registration**

### **SEC. 101. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.**

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

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

“(a) REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—

“(1) AVAILABILITY OF ONLINE REGISTRATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as

1 the services provided by voter registration agencies  
2 under section 7(a):

3 “(A) Online application for voter registra-  
4 tion.

5 “(B) Online assistance to applicants in ap-  
6 plying to register to vote.

7 “(C) Online completion and submission by  
8 applicants of the mail voter registration applica-  
9 tion form prescribed by the Election Assistance  
10 Commission pursuant to section 9(a)(2), includ-  
11 ing assistance with providing a signature in  
12 electronic form as required under subsection  
13 (c).

14 “(D) Online receipt of completed voter reg-  
15 istration applications.

16 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—  
17 A State shall accept an online voter registration applica-  
18 tion provided by an individual under this section, and en-  
19 sure that the individual is registered to vote in the State,  
20 if—

21 “(1) the individual meets the same voter reg-  
22 istration requirements applicable to individuals who  
23 register to vote by mail in accordance with section  
24 6(a)(1) using the mail voter registration application

1 form prescribed by the Election Assistance Commis-  
2 sion pursuant to section 9(a)(2); and

3 “(2) the individual provides a signature in elec-  
4 tronic form in accordance with subsection (c) (but  
5 only in the case of applications submitted during or  
6 after the second year in which this section is in ef-  
7 fect in the State).

8 “(c) SIGNATURES IN ELECTRONIC FORM.—For pur-  
9 poses of this section, an individual provides a signature  
10 in electronic form by—

11 “(1) executing a computerized mark in the sig-  
12 nature field on an online voter registration applica-  
13 tion; or

14 “(2) submitting with the application an elec-  
15 tronic copy of the individual’s handwritten signature  
16 through electronic means.

17 “(d) CONFIRMATION AND DISPOSITION.—

18 “(1) CONFIRMATION OF RECEIPT.—Upon the  
19 online submission of a completed voter registration  
20 application by an individual under this section, the  
21 appropriate State or local election official shall send  
22 the individual a notice confirming the State’s receipt  
23 of the application and providing instructions on how  
24 the individual may check the status of the applica-  
25 tion.



1           “(2) NOTICE OF DISPOSITION.—As soon as the  
2           appropriate State or local election official has ap-  
3           proved or rejected an application submitted by an in-  
4           dividual under this section, the official shall send the  
5           individual a notice of the disposition of the applica-  
6           tion.

7           “(3) METHOD OF NOTIFICATION.—The appro-  
8           priate State or local election official shall send the  
9           notices required under this subsection by regular  
10          mail, and, in the case of an individual who has re-  
11          quested that the State provide voter registration and  
12          voting information through electronic mail, by both  
13          electronic mail and regular mail.

14          “(e) PROVISION OF SERVICES IN NONPARTISAN  
15          MANNER.—The services made available under subsection  
16          (a) shall be provided in a manner that ensures that, con-  
17          sistent with section 7(a)(5)—

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

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

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

2   In meeting the requirements of this section, the State shall  
3   establish appropriate technological security measures to  
4   prevent to the greatest extent practicable any unauthor-  
5   ized access to information provided by individuals using  
6   the services made available under subsection (a).

7       “(g) USE OF ADDITIONAL TELEPHONE-BASED SYS-

8   TEM.—A State shall make the services made available on-  
9   line under subsection (a) available through the use of an  
10   automated telephone-based system, subject to the same  
11   terms and conditions applicable under this section to the  
12   services made available online, in addition to making the  
13   services available online in accordance with the require-  
14   ments of this section.

15       “(h) NONDISCRIMINATION AMONG REGISTERED

16   VOTERS USING MAIL AND ONLINE REGISTRATION.—In  
17   carrying out this Act, the Help America Vote Act of 2002,  
18   or any other Federal, State, or local law governing the  
19   treatment of registered voters in the State or the adminis-  
20   tration of elections for public office in the State, a State  
21   shall treat a registered voter who registered to vote online  
22   in accordance with this section in the same manner as the  
23   State treats a registered voter who registered to vote by  
24   mail.”.

1 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS  
2 USING ONLINE REGISTRATION.—

3 (1) TREATMENT AS INDIVIDUALS REGISTERING  
4 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME  
5 VOTER IDENTIFICATION REQUIREMENTS.—Section  
6 303(b)(1)(A) of the Help America Vote Act of 2002  
7 (52 U.S.C. 21083(b)(1)(A)) is amended by striking  
8 “by mail” and inserting “by mail or online under  
9 section 6A of the National Voter Registration Act of  
10 1993”.

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

14 (A) by redesignating paragraph (5) as  
15 paragraph (6); and

16 (B) by inserting after paragraph (4) the  
17 following new paragraph:

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

20 “(A) IN GENERAL.—A State shall, in a  
21 uniform and nondiscriminatory manner, require  
22 an individual to meet the requirements of sub-  
23 paragraph (B) if—

24 “(i) the individual registered to vote  
25 in the State online under section 6A of the

1 National Voter Registration Act of 1993;  
2 and

3 “(ii) the individual has not previously  
4 voted in an election for Federal office in  
5 the State.

6 “(B) REQUIREMENTS.—An individual  
7 meets the requirements of this subparagraph  
8 if—

9 “(i) in the case of an individual who  
10 votes in person, the individual provides the  
11 appropriate State or local election official  
12 with a handwritten signature; or

13 “(ii) in the case of an individual who  
14 votes by mail, the individual submits with  
15 the ballot a handwritten signature.

16 “(C) INAPPLICABILITY.—Subparagraph  
17 (A) does not apply in the case of an individual  
18 who is—

19 “(i) entitled to vote by absentee ballot  
20 under the Uniformed and Overseas Citi-  
21 zens Absentee Voting Act (52 U.S.C.  
22 20302 et seq.);

23 “(ii) provided the right to vote other-  
24 wise than in person under section  
25 3(b)(2)(B)(ii) of the Voting Accessibility

1                   for the Elderly and Handicapped Act (52  
2                   U.S.C. 20102(b)(2)(B)(ii)); or  
3                   “(iii) entitled to vote otherwise than  
4                   in person under any other Federal law.”.

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

10          (c) CONFORMING AMENDMENTS.—

11               (1) TIMING OF REGISTRATION.—Section 8(a)(1)  
12               of the National Voter Registration Act of 1993 (52  
13               U.S.C. 20507(a)(1)) is amended—

14                       (A) by striking “and” at the end of sub-  
15                       paragraph (C);

16                       (B) by redesignating subparagraph (D) as  
17                       subparagraph (E); and

18                       (C) by inserting after subparagraph (C)  
19                       the following new subparagraph:

20                               “(D) in the case of online registration  
21                               through the official public website of an election  
22                               official under section 6A, if the valid voter reg-  
23                               istration application is submitted online not  
24                               later than the lesser of 30 days, or the period  
25                               provided by State law, before the date of the

1 election (as determined by treating the date on  
 2 which the application is sent electronically as  
 3 the date on which it is submitted); and”.

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

8 **SEC. 102. USE OF INTERNET TO UPDATE REGISTRATION IN-**  
 9 **FORMATION.**

10 (a) IN GENERAL.—

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

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

18 “(A) IN GENERAL.—The appropriate State  
 19 or local election official shall ensure that any  
 20 registered voter on the computerized list may at  
 21 any time update the voter’s registration infor-  
 22 mation, including the voter’s address and elec-  
 23 tronic mail address, online through the official  
 24 public website of the election official responsible  
 25 for the maintenance of the list, so long as the

1 voter attests to the contents of the update by  
2 providing a signature in electronic form in the  
3 same manner required under section 6A(c) of  
4 the National Voter Registration Act of 1993.

5 “(B) PROCESSING OF UPDATED INFORMA-  
6 TION BY ELECTION OFFICIALS.—If a registered  
7 voter updates registration information under  
8 subparagraph (A), the appropriate State or  
9 local election official shall—

10 “(i) revise any information on the  
11 computerized list to reflect the update  
12 made by the voter; and

13 “(ii) if the updated registration infor-  
14 mation affects the voter’s eligibility to vote  
15 in an election for Federal office, ensure  
16 that the information is processed with re-  
17 spect to the election if the voter updates  
18 the information not later than the lesser of  
19 7 days, or the period provided by State  
20 law, before the date of the election.

21 “(C) CONFIRMATION AND DISPOSITION.—

22 “(i) CONFIRMATION OF RECEIPT.—  
23 Upon the online submission of updated  
24 registration information by an individual  
25 under this paragraph, the appropriate

1 State or local election official shall send  
2 the individual a notice confirming the  
3 State's receipt of the updated information  
4 and providing instructions on how the indi-  
5 vidual may check the status of the update.

6 “(ii) NOTICE OF DISPOSITION.—As  
7 soon as the appropriate State or local elec-  
8 tion official has accepted or rejected up-  
9 dated information submitted by an indi-  
10 vidual under this paragraph, the official  
11 shall send the individual a notice of the  
12 disposition of the update.

13 “(iii) METHOD OF NOTIFICATION.—  
14 The appropriate State or local election offi-  
15 cial shall send the notices required under  
16 this subparagraph by regular mail, and, in  
17 the case of an individual who has re-  
18 quested that the State provide voter reg-  
19 istration and voting information through  
20 electronic mail, by both electronic mail and  
21 regular mail.”.

22 (2) CONFORMING AMENDMENT RELATING TO  
23 EFFECTIVE DATE.—Section 303(d)(1)(A) of such  
24 Act (52 U.S.C. 21083(d)(1)(A)) is amended by



1 striking “subparagraph (B)” and inserting “sub-  
 2 paragraph (B) and subsection (a)(6)”.

3 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-  
 4 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-  
 5 tion 8(d)(2)(A) of the National Voter Registration Act of  
 6 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

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

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

18 **SEC. 103. PROVISION OF ELECTION INFORMATION BY**  
 19 **ELECTRONIC MAIL TO INDIVIDUALS REG-**  
 20 **ISTERED TO VOTE.**

21 (a) INCLUDING OPTION ON VOTER REGISTRATION  
 22 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-  
 23 CEIVE INFORMATION.—

1           (1) IN GENERAL.—Section 9(b) of the National  
2       Voter Registration Act of 1993 (52 U.S.C.  
3       20508(b)) is amended—

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

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

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

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

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

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

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

16       “(3) PROVISION OF OTHER INFORMATION BY  
17 ELECTRONIC MAIL.—If an individual who is a reg-  
18 istered voter has provided the State or local election  
19 official with an electronic mail address for the pur-  
20 pose of receiving voting information (as described in  
21 section 9(b)(5) of the National Voter Registration  
22 Act of 1993), the appropriate State or local election  
23 official, through electronic mail transmitted not later  
24 than 7 days before the date of the election involved,  
25 shall provide the individual with information on how

1 to obtain the following information by electronic  
2 means:

3 “(A) The name and address of the polling  
4 place at which the individual is assigned to vote  
5 in the election.

6 “(B) The hours of operation for the polling  
7 place.

8 “(C) A description of any identification or  
9 other information the individual may be re-  
10 quired to present at the polling place.”.

11 **SEC. 104. CLARIFICATION OF REQUIREMENT REGARDING**  
12 **NECESSARY INFORMATION TO SHOW ELIGI-**  
13 **BILITY TO VOTE.**

14 Section 8 of the National Voter Registration Act of  
15 1993 (52 U.S.C. 20507) is amended—

16 (1) by redesignating subsection (j) as sub-  
17 section (k); and

18 (2) by inserting after subsection (i) the fol-  
19 lowing new subsection:

20 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-  
21 CANTS PROVIDING NECESSARY INFORMATION TO SHOW  
22 ELIGIBILITY TO VOTE.—For purposes meeting the re-  
23 quirement of subsection (a)(1) that an eligible applicant  
24 is registered to vote in an election for Federal office within  
25 the deadlines required under such subsection, the State

1 shall consider an applicant to have provided a ‘valid voter  
2 registration form’ if—

3 “(1) the applicant has accurately completed the  
4 application form and attested to the statement re-  
5 quired by section 9(b)(2); and

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

10 **SEC. 105. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided in subsection  
12 (b), the amendments made by this subtitle (other than the  
13 amendments made by section 104) shall take effect Janu-  
14 ary 1, 2018.

15 (b) WAIVER.—Subject to the approval of the Election  
16 Assistance Commission, if a State certifies to the Election  
17 Assistance Commission that the State will not meet the  
18 deadline referred to in subsection (a) because of extraor-  
19 dinary circumstances and includes in the certification the  
20 reasons for the failure to meet the deadline, subsection  
21 (a) shall apply to the State as if the reference in such  
22 subsection to “January 1, 2018” were a reference to  
23 “January 1, 2020”.

1                   **Subtitle B—Automated**  
2   **Registration of Certain Individuals**

3   **SEC. 111. AUTOMATED VOTER REGISTRATION.**

4           (a) COLLECTION OF INFORMATION BY SOURCE  
5 AGENCIES.—

6               (1) DUTIES OF SOURCE AGENCIES.—Each  
7 source agency in a State (as defined in subsection  
8 (e)) shall, with each application for services or as-  
9 sistance by an individual, and with each recertifi-  
10 cation, renewal, or change of address relating to  
11 such services or assistance—

12                   (A) notify each such individual of the sub-  
13 stantive qualifications of an elector in the State,  
14 using language approved by the State’s chief  
15 election official;

16                   (B) notify each such individual that there  
17 is an opportunity to be registered to vote or up-  
18 date voter registration, but that voter registra-  
19 tion is voluntary, and that neither registering  
20 nor declining to register to vote will in any way  
21 affect the availability of services or benefits, nor  
22 be used for other purposes;

23                   (C) require that each such individual indi-  
24 cate, after considering the substantive qualifica-

1           tion of an elector in the State, whether or not  
2           the person wishes to be registered;

3           (D) ensure that each such individual's  
4           transaction with the agency cannot be com-  
5           pleted until the individual has indicated whether  
6           he or she wishes to register to vote; and

7           (E) for each such individual who consents  
8           to using the individual's records with the source  
9           agency to enable the individual to register to  
10          vote under this section, collect a signed affirma-  
11          tion of eligibility to register to vote in the State.

12          (2) NO EFFECT ON RIGHT TO DECLINE VOTER  
13          REGISTRATION.—Nothing in this subtitle shall be  
14          construed to interfere with the right of any person  
15          to decline to be registered to vote for any reason.

16          (b) TRANSFER OF INFORMATION ON INDIVIDUALS  
17          CONSENTING TO VOTER REGISTRATION.—

18           (1) TRANSFER.—For each individual who noti-  
19           fies the source agency that the individual consents to  
20           voter registration under this section, the source  
21           agency shall transfer to the chief State election offi-  
22           cial of the State the following data, to the extent the  
23           data is available to the source agency:

24           (A) The given name or names and sur-  
25           name or surnames.

1 (B) Date of birth.

2 (C) Residential address.

3 (D) Mailing address.

4 (E) Signature, in electronic form.

5 (F) Date of the last change to the infor-  
6 mation.

7 (G) The motor vehicle driver's license  
8 number.

9 (H) The last four digits of the Social Secu-  
10 rity number.

11 (2) TIMING OF TRANSFER.—The source agency  
12 shall transfer the data described in paragraph (1) to  
13 the chief State election official on a daily basis.

14 (3) FORMAT.—The data transferred under  
15 paragraph (1) shall be transferred in a format com-  
16 patible with the Statewide computerized voter reg-  
17 istration list under section 303 of the Help America  
18 Vote Act of 2002.

19 (4) PROHIBITING STORAGE OF INFORMATION.—  
20 Any information collected by the source agency  
21 under this section with respect to an individual who  
22 consents to register to vote under this section may  
23 not be stored by the source agency in any form after  
24 the information is transferred to the chief State elec-  
25 tion official under paragraph (1).



1       (c) REGISTRATION OF INDIVIDUALS BY CHIEF STATE  
2 ELECTION OFFICIAL.—

3           (1) COMPARISON WITH STATEWIDE VOTER REG-  
4 ISTRATION LIST.—Upon receiving information from  
5 a source agency with respect to an individual under  
6 subsection (b), the chief State election official shall  
7 determine whether the individual is included in the  
8 computerized Statewide voter registration list estab-  
9 lished and maintained under section 303 of the Help  
10 America Vote Act of 2002 (52 U.S.C. 21083).

11          (2) REGISTRATION OF INDIVIDUALS NOT ON  
12 STATEWIDE LIST.—If an individual for whom infor-  
13 mation is received from a source agency under sub-  
14 section (b) is eligible to vote in elections for Federal  
15 office in the State and is not on the computerized  
16 Statewide voter registration list, the chief State elec-  
17 tion official shall—

18           (A) ensure that the individual is registered  
19 to vote in such elections not later than 5 days  
20 after receiving the information, without regard  
21 to whether or not the information provided by  
22 the source agency includes the individual's sig-  
23 nature;

1 (B) update the Statewide computerized  
2 voter registration list to include the individual;  
3 and

4 (C) notify the individual that the individual  
5 is registered to vote in elections for Federal of-  
6 fice in the State.

7 (3) TREATMENT OF INFORMATION INCOR-  
8 RECTLY PROVIDED.—If a source agency provides the  
9 chief State election official with information with re-  
10 spect to an individual who did not consent to be reg-  
11 istered to vote under this section, the chief State  
12 election official shall not take any action to register  
13 the individual to vote, except that no such individual  
14 who is already included on the computerized State-  
15 wide voter registration list shall be removed from the  
16 list solely because the information was incorrectly  
17 provided under subsection (b).

18 (4) NO EFFECT ON OTHER MEANS OF REG-  
19 ISTRATION.—Nothing in this section affects a  
20 State’s obligation to register voters upon receipt of  
21 a valid voter registration application through means  
22 provided by National Voter Registration Act of 1993  
23 (52 U.S.C. 20501 et seq.), the internet registration  
24 procedure described in subtitle A, or other valid  
25 means.

1           (5) INDIVIDUALS IN EXISTING RECORDS.—No  
2       later than January 2019, each individual who is list-  
3       ed in a source agency’s records and for whom there  
4       exists reason to believe the individual is a citizen  
5       and not otherwise ineligible to vote shall be mailed  
6       a postage pre-paid return postcard including a box  
7       for the individual to check, together with the state-  
8       ment (in close proximity to the box and in promi-  
9       nent type), “By checking this box, I affirm that I  
10      am a citizen of the United States, am eligible to vote  
11      in this State, and will be at least eighteen years old  
12      by the next general election. I understand that by  
13      checking this box, I will be registered to vote if I am  
14      eligible to vote in the State.”, along with a clear de-  
15      scription of the voting eligibility requirements in the  
16      State. The postcard shall also include, where re-  
17      quired for voter registration, a place for the individ-  
18      ual’s signature and designation of party affiliation.  
19      An individual who checks the box and returns the  
20      completed postcard postmarked not later than the  
21      lesser of the fifteenth day before an election for Fed-  
22      eral office, or the period provided by State law, shall  
23      be registered to vote in that election.

1 (d) OPTIONS FOR STATE TO REQUIRE SPECIAL  
 2 TREATMENT OF INDIVIDUALS REGISTERED AUTOMATI-  
 3 CALLY.—

4 (1) TREATMENT AS INDIVIDUALS REGISTERING  
 5 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME  
 6 VOTER IDENTIFICATION REQUIREMENTS.—Section  
 7 303(b)(1)(A) of the Help America Vote Act of 2002  
 8 (52 U.S.C. 21083(b)(1)(A)), as amended by section  
 9 101(b)(1), is amended by striking “of 1993” and in-  
 10 serting “of 1993 or (at the option of the State) was  
 11 registered automatically under section 111 of the  
 12 Voter Registration Modernization Act of 2017”.

13 (2) REQUIRING SIGNATURE.—Section 303(b) of  
 14 such Act (52 U.S.C. 21083(b)), as amended by sec-  
 15 tion 101(b)(2), is amended—

16 (A) by redesignating paragraph (6) as  
 17 paragraph (7); and

18 (B) by inserting after paragraph (5) the  
 19 following new paragraph:

20 “(5) OPTION FOR STATE TO REQUIRE SIGNA-  
 21 TURE REQUIREMENTS FOR FIRST-TIME VOTERS REG-  
 22 ISTERED AUTOMATICALLY.—

23 “(A) IN GENERAL.—A State may, in a uni-  
 24 form and nondiscriminatory manner, require an

1 individual to meet the requirements of subpara-  
2 graph (B) if—

3 “(i) the individual was registered to  
4 vote in the State automatically under sec-  
5 tion 111 of the Voter Registration Mod-  
6 ernization Act of 2017; and

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

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

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

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

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

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

zens Absentee Voting Act (52 U.S.C. 20302 et seq.);

“(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(b)(2)(B)(ii)); or

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

(3) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(2)(A) of such Act (52 U.S.C. 21083(d)(2)(A)), as amended by section 101(b)(3), is amended by striking “subsection (b)(5)” and inserting “subsections (b)(5) and (b)(6)”.

(e) SOURCE AGENCIES DESCRIBED.—

(1) IN GENERAL.—With respect to any State, a “source agency” is—

(A) each State office which is described in paragraph (2); and

(B) each Federal office which is described in paragraph (3) which is located in the State, except that such office shall be a source agency only with respect to individuals who are residents of the State in which the office is located.

(2) STATE OFFICES DESCRIBED.—

(A) IN GENERAL.—The State offices described in this paragraph are as follows:

(i) The State motor vehicle authority.

(ii) Each office in the State which is designated as a voter registration agency in a State pursuant to section 7(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)).

(iii) Each State agency that administers a program providing assistance pursuant to pursuant to title III of the Social Security Act (42 U.S.C. 501 et seq.).

(iv) Each State agency primarily responsible for maintaining identifying information for students enrolled at public secondary schools in the State, including, where applicable, the State agency responsible for maintaining the education data system described in section 6401(e)(2) of the America COMPETES Act (20 U.S.C. 9871(e)(2)).

(v) In the case of a State in which an individual disenfranchised by a criminal conviction may become eligible to vote

1           upon completion of criminal sentence or  
2           any part thereof, or upon formal restora-  
3           tion of rights, the State agency responsible  
4           for administering that sentence, or part  
5           thereof, or that restoration of rights.

6           (vi) In the case of a State in which an  
7           individual disenfranchised by adjudication  
8           of mental incompetence or similar condi-  
9           tion becomes eligible to register to vote  
10          upon the restoration of competence or  
11          similar condition, each State agency re-  
12          sponsible for determining when competence  
13          or a similar condition is met.

14          (vii) Such other office which may be  
15          designated as a source agency by the chief  
16          State election official of the State.

17          (B) CRITERIA FOR DESIGNATION OF ADDI-  
18          TIONAL SOURCE AGENCIES.—In designating of-  
19          fices of the State as source agencies for pur-  
20          poses of subparagraph (A)(vii), the chief State  
21          election official shall give priority on the basis  
22          of the following criteria:

23               (i) The extent to which individuals re-  
24               ceiving services or assistance from the of-  
25               fice are likely to be individuals who are eli-



1 gible to register to vote in elections for  
2 Federal office in the State but who are not  
3 registered to vote in such elections.

4 (ii) The accuracy of the office's  
5 records with respect to identifying informa-  
6 tion (including age, citizenship status, and  
7 residency) for individuals receiving services  
8 or assistance from the office.

9 (iii) The cost-effectiveness of obtain-  
10 ing such identifying information and trans-  
11 mitting the information to the chief State  
12 election official.

13 (iv) The extent to which the designa-  
14 tion of the office as a voter registration  
15 agency will promote the registration of eli-  
16 gible individuals to vote in elections for  
17 Federal office in the State and the accu-  
18 racy of the State's Statewide computerized  
19 voter registration list under the Help  
20 America Vote Act of 2002.

21 (3) FEDERAL OFFICES DESCRIBED.—The Fed-  
22 eral offices described in this paragraph are as fol-  
23 lows:

24 (A) Armed Forces recruitment offices.

1           (B) The United States Immigration and  
2 Customs Enforcement Bureau, but only with  
3 respect to individuals who complete the natu-  
4 ralization process.

5           (C) The Social Security Administration.

6           (D) The Administrative Office of the  
7 United States Courts, the Federal Bureau of  
8 Prisons, and the United States Probation Serv-  
9 ice, but only with respect to individuals com-  
10 pleting terms of prison, sentences, probation, or  
11 parole.

12          (E) The Department of Veterans Affairs,  
13 but only with respect to individuals applying for  
14 or using health care services or services for  
15 homeless individuals.

16          (F) The Defense Manpower Data Center  
17 of the Department of Defense.

18          (G) The Indian Health Services of the De-  
19 partment of Health and Human Services.

20          (H) The Center for Medicare and Medicaid  
21 Services of the Department of Health and  
22 Human Services.

23          (I) Any other Federal office which des-  
24 ignated by a State (with the consent of the

1           President) as a source agency with respect to  
2           the State.

3 **SEC. 112. LIST MAINTENANCE, PRIVACY, AND SECURITY.**

4       (a) DATABASE MANAGEMENT STANDARDS.—

5           (1) DATABASE MATCHING STANDARDS.—The  
6       chief State election official of each State shall estab-  
7       lish standards governing the comparison of data on  
8       the Statewide computerized voter registration list  
9       under section 303 of the Help America Vote Act of  
10      2002, the data provided by various source agencies  
11      under section 111, and relevant data from other  
12      sources, including the specific data elements and  
13      data matching rules to be used for purposes of de-  
14      termining—

15           (A) whether a data record from any source  
16      agency represents the same individual as a  
17      record in another source agency or on the  
18      Statewide list;

19           (B) whether a data record from any source  
20      agency represents an individual already reg-  
21      istered to vote in the State;

22           (C) whether two data records in the State-  
23      wide computerized voter registration list rep-  
24      resent duplicate records for the same individual;

1 (D) whether a data record supplied by any  
2 list maintenance source represents an individual  
3 already registered to vote in the State; and

4 (E) which information will be treated as  
5 more current and reliable when data records  
6 from multiple sources present information for  
7 the same individual.

8 (2) STANDARDS FOR DETERMINING INELIGI-  
9 BILITY.—The chief State election official of a State  
10 shall establish uniform and non-discriminatory  
11 standards describing the specific conditions under  
12 which an individual will be determined for list main-  
13 tenance purposes to be ineligible to vote in an elec-  
14 tion for Federal office in the State.

15 (b) PRIVACY AND SECURITY STANDARDS.—

16 (1) PRIVACY AND SECURITY POLICY.—The chief  
17 State election official of a State shall publish and  
18 enforce a privacy and security policy specifying each  
19 class of users who shall have authorized access to  
20 the computerized Statewide voter registration list,  
21 specifying for each such class the permission and  
22 levels of access to be granted, and setting forth  
23 other safeguards to protect the privacy and security  
24 of the information on the list. Such policy shall in-  
25 clude security safeguards to protect personal infor-

1       mation in the data transfer process under section  
2       111, the online or telephone interface, the mainte-  
3       nance of the voter registration database, and audit  
4       procedure to track individual access to the system.

5           (2) NO UNAUTHORIZED ACCESS.—The chief  
6       election official of a State shall establish policies and  
7       enforcement procedures to prevent unauthorized ac-  
8       cess to or use of the computerized Statewide voter  
9       registration list, any list or other information pro-  
10      vided by a source agency under section 111, or any  
11      maintenance source for the list. Nothing in this  
12      paragraph shall be construed to prohibit access to  
13      information required for official purposes for pur-  
14      poses of voter registration, election administration,  
15      and the enforcement of election laws.

16           (3) INTER-AGENCY TRANSFERS.—

17           (A) IN GENERAL.—The chief election offi-  
18      cial of a State shall establish policies and en-  
19      forcement procedures to maintain security dur-  
20      ing inter-agency transfers of information re-  
21      quired or permitted under this subtitle. Each  
22      State agency and third party participating in  
23      such inter-agency transfers of information shall  
24      facilitate and comply with such policies. Noth-  
25      ing in this subparagraph shall prevent a source

1 agency under section 111 from establishing and  
2 enforcing additional security measures to pro-  
3 tect the confidentiality and integrity of inter-  
4 agency data transfers. No State or local election  
5 official shall transfer or facilitate the transfer  
6 of information from the computerized Statewide  
7 voter registration list to any source agency  
8 under section 111.

9 (B) TRANSMISSION THROUGH SECURE  
10 THIRD PARTIES PERMITTED.—Nothing in this  
11 section shall be construed to prevent a source  
12 agency under section 111 from contracting with  
13 a third party to assist in the transmission of  
14 data to a chief State election official, so long as  
15 the data transmission complies with the appli-  
16 cable requirements of this subtitle, including  
17 the privacy and security provisions of this sec-  
18 tion.

19 (4) RECORDS RETENTION.—The chief State  
20 election official of a State shall establish standards  
21 and procedures to maintain all election records re-  
22 quired for purposes of this subtitle, including for the  
23 purpose of determining the eligibility of persons  
24 casting provisional ballots under section 302 of the  
25 Help America Vote Act of 2002. Records for individ-

1 uals who have been retained on the computerized  
2 Statewide voter registration list under section 301 of  
3 such Act but identified as ineligible to vote in an  
4 election for Federal office within the State, or re-  
5 moved from the list due to ineligibility, shall be  
6 maintained and kept available until at least the date  
7 of the second general election for Federal office that  
8 occurs after the date that the individual was identi-  
9 fied as ineligible.

10 (c) PUBLICATION OF STANDARDS.—The chief State  
11 election official of a State shall publish on the official's  
12 website the standards established under this section, and  
13 shall make those standards available in written form upon  
14 public request.

15 (d) PROTECTION OF SOURCE INFORMATION.—The  
16 identity of the specific source agency through which an  
17 individual consented to register to vote under section 111  
18 shall not be disclosed to the public and shall not be re-  
19 tained after the individual is added to the computerized  
20 Statewide voter registration list.

21 (e) CONFIDENTIALITY OF INFORMATION.—The chief  
22 State election official of a State shall establish policies and  
23 enforcement procedures to ensure that personal informa-  
24 tion provided by source agencies or otherwise transmitted  
25 under this section is kept confidential and is available only

1 to authorized users. For purposes of these policies and  
2 procedures, the term “personal information” means any  
3 of the following:

4 (1) Any portion of an individual’s Social Secu-  
5 rity number.

6 (2) Any portion of an individual’s motor vehicle  
7 driver’s license number or State identification card  
8 number.

9 (3) An individual’s signature.

10 (4) An individual’s personal residence and con-  
11 tact information (in the case of individuals with re-  
12 spect to whom such information is required to be  
13 maintained as confidential under State law).

14 (5) Sensitive information relating to persons in  
15 categories designated confidential by Federal or  
16 State law, including victims of domestic violence or  
17 stalking, prosecutors and law enforcement personnel,  
18 and participants in a witness protection program.

19 (6) An individual’s phone number.

20 (7) An individual’s email address.

21 (8) Any indication of an individual’s status as  
22 a citizen or noncitizen of the United States.

23 (9) Such other information as the chief State  
24 election official may designate as confidential to the  
25 extent reasonably necessary to prevent identity theft



1 or impersonation, except that the chief State election  
2 official may not designate as confidential under this  
3 subparagraph the name, address, or date of registra-  
4 tion of an individual, or, where applicable, the self-  
5 identified racial or ethnic category of the individual  
6 as applicable under Revisions to OMB Directive  
7 Number 15 or successor directives.

8 (f) PROTECTIONS AGAINST LIABILITY OF INDIVID-  
9 UALS ON BASIS OF INFORMATION TRANSFERRED.—

10 (1) NO INDIVIDUAL LIABILITY FOR REGISTRA-  
11 TION OF INELIGIBLE INDIVIDUAL.—If an individual  
12 who is not eligible to register to vote in elections for  
13 Federal office is registered to vote in such elections  
14 by a chief State election official under section 111,  
15 the individual shall not be subject to any penalty, in-  
16 cluding the imposition of a fine or term of imprison-  
17 ment, adverse treatment in any immigration or nat-  
18 uralization proceeding, or the denial of any status  
19 under immigration laws, under any law prohibiting  
20 an individual who is not eligible to register to vote  
21 in elections for Federal office from registering to  
22 vote in such elections. Nothing in this paragraph  
23 shall be construed to waive the liability of any indi-  
24 vidual who knowingly provides false information to  
25 any person regarding the individual's eligibility to

1 register to vote or vote in elections for Federal of-  
2 fice.

3 (2) PROHIBITING USE OF INFORMATION BY OF-  
4 FICIALS.—No person acting under color of law may  
5 use the information received by the chief State elec-  
6 tion official under section 111 to attempt to deter-  
7 mine the citizenship status of any individual for im-  
8 migration enforcement, criminal law enforcement  
9 (other than enforcement of election laws), or any  
10 purpose other than voter registration, election ad-  
11 ministration, or the enforcement of election laws.

12 (g) PROHIBITION ON TRANSFER OF INFORMATION  
13 IRRELEVANT TO ADMINISTRATION OF ELECTIONS.—No  
14 source agency shall transmit any information under sec-  
15 tion 111 which is irrelevant to the administration of elec-  
16 tions. To the extent that an election official receives any  
17 information which is accidentally or inadvertently trans-  
18 ferred by a source agency under such section, the official  
19 shall immediately delete the information from the official's  
20 records.

21 (h) RESTRICTION ON USE OF INFORMATION.—No in-  
22 formation relating to an individual's absence from the  
23 Statewide voter registration list under section 303 of the  
24 Help America Vote Act of 2002 or an individual's declina-  
25 tion to supply information for voter registration purposes

1 to a source agency under section 111 may be disclosed  
2 to the public for immigration enforcement, criminal law  
3 enforcement other than enforcement of laws against elec-  
4 tion crimes, or used for any purpose other than voter reg-  
5 istration, election administration, or the enforcement of  
6 election laws.

7 (i) NONDISCRIMINATION.—No person acting under  
8 color of law may discriminate against any individual on  
9 the basis of the individual's absence from the statewide  
10 voter registration list, the information supplied by the in-  
11 dividual for voter registration purpose to a source agency  
12 under section 111, or the individual's declination to supply  
13 such information, except as required for purposes of voter  
14 registration, election administration, and the enforcement  
15 of election laws.

16 (j) PROHIBITION ON THE USE OF VOTER REGISTRA-  
17 TION INFORMATION FOR COMMERCIAL OR NONGOVERN-  
18 MENTAL PURPOSES.—Voter registration information col-  
19 lected under this subtitle shall not be used for commercial  
20 purposes including for comparison with any existing com-  
21 mercial list or database.

22 (k) PENALTY.—Whoever knowingly uses information  
23 or permits information to be used in violation of this sec-  
24 tion shall be imprisoned for not more than 1 year, fined  
25 under title 18, United States Code, or both.

1       (l) EXCLUSION FROM LISTS OF INDIVIDUALS DE-  
2 CLINING REGISTRATION.—The chief State election official  
3 of a State shall ensure that, with respect to any individual  
4 who declines the opportunity to register to vote under sec-  
5 tion 111, the individual’s information is not included on  
6 the computerized Statewide voter registration list under  
7 section 303 of the Help America Vote Act of 2002 and  
8 is not provided to any third party (except to the extent  
9 required under other law). Nothing in this subsection shall  
10 be construed to preclude an individual who has previously  
11 declined the opportunity to register to vote from subse-  
12 quently registering to vote.

13       (m) ASSISTANCE TO STATES FOR CARRYING OUT  
14 LIST SECURITY, MAINTENANCE, AND PRIVACY REQUIRE-  
15 MENTS.—

16           (1) AUTHORIZATION OF FUNDING.—Section  
17 257(a) of the Help America Vote Act of 2002 (52  
18 U.S.C. 21007(a)) is amended by adding at the end  
19 the following new paragraph:

20           “(5) For fiscal year 2018, such sums as may be  
21 necessary for such payments, except that a State  
22 may use a requirement payment made with funds  
23 authorized under this paragraph solely to upgrade  
24 the security of the State’s voter registration lists and  
25 voter registration processes and to carry out other

activities necessary to meet the requirements of section 303(a)(3) (relating to the technological security of the State’s computerized voter registration list) and the requirements of the Voter Registration Modernization Act of 2017.”.

(2) WAIVER OF 5 PERCENT MATCH REQUIREMENT.—Section 253(b)(5) of such Act (52 U.S.C. 21003(b)(5)) is amended—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(B) by adding at the end the following new subparagraph:

“(C) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(5) of this title for fiscal year 2018.”.

**SEC. 113. PROMOTING ACCURACY OF STATEWIDE VOTER REGISTRATION LISTS.**

(a) DEADLINES FOR TRANSMITTAL OF CHANGE OF ADDRESS OR OTHER IDENTIFYING INFORMATION.—

(1) INFORMATION RECEIVED BY STATE MOTOR VEHICLE AUTHORITY.—Section 5(d) of the National

1       Voter Registration Act of 1993 (52 U.S.C.  
2       20504(d)) is amended to read as follows:

3       “(d) AUTOMATIC TRANSMITTAL OF CHANGE OF AD-  
4       DRESS OR OTHER IDENTIFYING INFORMATION.—Not  
5       later than 24 hours after receiving a change of address  
6       form or any other information indicating that identifying  
7       information with respect to an individual which is included  
8       in the records of the State motor vehicle authority has  
9       been changed, the State motor vehicle authority shall  
10      transmit such form or other information to the chief State  
11      election official, unless—

12               “(1) the records of the authority include infor-  
13      mation indicating that the individual is not eligible  
14      to register to vote in the State; or

15               “(2) the individual States on the form or other-  
16      wise indicates that the change of address or other  
17      information is not for voter registration purposes.”.

18               (2) INFORMATION RECEIVED BY OTHER VOTER  
19      REGISTRATION AGENCIES.—Section 7 of such Act  
20      (52 U.S.C. 20506) is amended by adding at the end  
21      the following new subsection:

22               “(e) AUTOMATIC TRANSMITTAL OF CHANGE OF AD-  
23      DRESS OR OTHER IDENTIFYING INFORMATION.—Not  
24      later than 24 hours after receiving a change of address  
25      form or any other information indicating that identifying

1 information with respect to an individual which is included  
2 in the records of a voter registration agency designated  
3 under this section has been changed, the appropriate offi-  
4 cial of such agency shall transmit such form or other in-  
5 formation to the chief State election official, unless—

6 “(1) the records of the agency include informa-  
7 tion indicating that the individual is not eligible to  
8 register to vote in the State; or

9 “(2) the individual States on the form or other-  
10 wise indicates that the change of address or other  
11 information is not for voter registration purposes.”.

12 (3) INFORMATION RECEIVED FROM SOURCE  
13 AGENCIES.—Not later than 24 hours after receiving  
14 a change of address form or any other information  
15 indicating that identifying information with respect  
16 to an individual which is included in the records of  
17 a source agency designated under section 111 has  
18 been changed, the appropriate official of such agency  
19 shall transmit such form or other information to the  
20 chief State election official, unless—

21 (A) the records of the agency include infor-  
22 mation indicating that the individual is not eli-  
23 gible to register to vote in the State; or

24 (B) the individual States on the form or  
25 otherwise indicates that the change of address

1           or other information is not for voter registra-  
2           tion purposes.

3           (b) REVISION OF STATEWIDE COMPUTERIZED LIST  
4 TO REFLECT REVISED INFORMATION.—Section 303(a) of  
5 the Help America Vote Act of 2002 (52 U.S.C. 21083(a)),  
6 as amended by section 102(a), is amended by adding at  
7 the end the following new paragraph:

8           “(7) REVISION OF LIST TO REFLECT INFORMA-  
9           TION RECEIVED FROM OTHER STATE OFFICES.—

10           “(A) IN GENERAL.—If a State motor vehi-  
11           cle authority (pursuant to section 5(d) of the  
12           National Voter Registration Act of 1993) a  
13           voter registration agency (designated under sec-  
14           tion 7 of such Act), or a source agency (des-  
15           ignated under section 111 of the Voter Reg-  
16           istration Modernization Act of 2017) transmits  
17           to the chief State election official a change of  
18           address form or any other information indi-  
19           cating that identifying information with respect  
20           to an individual has been changed, the appro-  
21           priate State or local election official shall—

22           “(i) determine whether the individual  
23           appears on the computerized list estab-  
24           lished under this section; and



1           “(ii) if the individual appears on the  
2           list, revise the information relating to the  
3           individual on the list to reflect the individ-  
4           ual’s new address or other changed identi-  
5           fying information.

6           “(B) NOTIFICATION TO VOTERS.—If an  
7           election official revises any voter registration in-  
8           formation on the computerized list with respect  
9           to any voter (including removing the voter from  
10          the list), immediately after revising the infor-  
11          mation, the official shall send the individual a  
12          written notice of the revision which includes the  
13          following information:

14               “(i) The voter’s name, date of birth,  
15               and address, as reflected in the revised in-  
16               formation on the computerized list.

17               “(ii) A statement that the voter’s  
18               voter registration information has been up-  
19               dated.

20               “(iii) Information on how to correct  
21               information on the computerized list.

22               “(iv) A statement of the eligibility re-  
23               quirements for registered voters in the  
24               State.

1           “(v) A statement (in larger font size  
2           than the other statements on the notice)  
3           that it is illegal for an individual who does  
4           not meet the eligibility requirements for  
5           registered voters in the State to vote in an  
6           election in the State.

7           “(vi) A statement that the voter may  
8           terminate the voter’s status as a registered  
9           voter in the State, or request a change in  
10          the voter’s voter registration information,  
11          at any time by contacting the appropriate  
12          State or local election official, together  
13          with contact information for such official  
14          (including any website through which the  
15          voter may contact the official or obtain in-  
16          formation on voter registration in the  
17          State).

18          “(C) USE OF ELECTRONIC MAIL.—If an  
19          election official has an electronic mail address  
20          for any voter to whom the official is required to  
21          send a written notice under this paragraph, the  
22          official may meet the requirements of this para-  
23          graph by sending the notice to the voter in elec-  
24          tronic form at that address, but only if prior to  
25          sending the notice, the official sends a test elec-

1           tronic mail to the voter at that address and re-  
2           ceives confirmation that the address is current  
3           and valid.”.

4           (c) **EFFECTIVE DATE.**—The amendments made by  
5 this section shall apply with respect to elections occurring  
6 during 2018 or any succeeding year.

7 **SEC. 114. DEFINITIONS.**

8           (a) **CHIEF STATE ELECTION OFFICIAL.**—In this sub-  
9 title, the “chief State election official” means, with respect  
10 to a State, the individual designated by the State under  
11 section 10 of the National Voter Registration Act of 1993  
12 (52 U.S.C. 20509) to be responsible for coordination of  
13 the State’s responsibilities under such Act.

14          (b) **STATE.**—In this subtitle, a “State” includes the  
15 District of Columbia, the Commonwealth of Puerto Rico,  
16 the United States Virgin Islands, Guam, American  
17 Samoa, and the Commonwealth of the Northern Mariana  
18 Islands, but does not include any State in which, under  
19 a State law in effect continuously on and after the date  
20 of the enactment of this Act, there is no voter registration  
21 requirement for individuals in the State with respect to  
22 elections for Federal office.

23 **SEC. 115. EFFECTIVE DATE.**

24          This subtitle and the amendments made by this sub-  
25 title shall apply with respect to the regularly scheduled

1 general election for Federal office held in November 2018  
2 and each succeeding election for Federal office.

3 **Subtitle C—Other Initiatives To**  
4 **Promote Voter Registration**

5 **SEC. 121. SAME DAY REGISTRATION.**

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

8 (1) by redesignating sections 304 and 305 as  
9 sections 305 and 306; and

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

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

13 **“(a) IN GENERAL.—**

14 **“(1) REGISTRATION.—**Notwithstanding section  
15 8(a)(1)(D) of the National Voter Registration Act of  
16 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall  
17 permit any eligible individual on the day of a Fed-  
18 eral election and on any day when voting, including  
19 early voting, is permitted for a Federal election—

20 **“(A) to register to vote in such election at**  
21 **the polling place using a form that meets the**  
22 **requirements under section 9(b) of the National**  
23 **Voter Registration Act of 1993 (or, if the indi-**  
24 **vidual is already registered to vote, to revise**

1           any of the individual’s voter registration infor-  
2           mation); and

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

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

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

14          “(c) EFFECTIVE DATE.—Each State shall be re-  
15          quired to comply with the requirements of subsection (a)  
16          for the regularly scheduled general election for Federal of-  
17          fice occurring in November 2018 and for any subsequent  
18          election for Federal office.”.

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

23          (c) CLERICAL AMENDMENT.—The table of contents  
24          of such Act is amended—

1           (1) by redesignating the items relating to sec-  
 2           tions 304 and 305 as relating to sections 305 and  
 3           306; and

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

“Sec. 304. Same day registration.”.

6   **SEC. 122. ACCEPTANCE OF VOTER REGISTRATION APPLICA-**  
 7                           **TIONS FROM INDIVIDUALS UNDER 18 YEARS**  
 8                           **OF AGE.**

9           (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of  
 10          the National Voter Registration Act of 1993 (52 U.S.C.  
 11          20507), as amended by section 104, is amended—

12           (1) by redesignating subsection (k) as sub-  
 13           section (l); and

14           (2) by inserting after subsection (j) the fol-  
 15           lowing new subsection:

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

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

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

6           (b) EFFECTIVE DATE.—The amendment made by  
 7           subsection (a) shall apply with respect to elections occur-  
 8           ring on or after January 1, 2018.

9   **SEC. 123. ANNUAL REPORTS ON VOTER REGISTRATION STA-**  
 10                           **TISTICS.**

11           (a) ANNUAL REPORT.—Not later than 90 days after  
 12           the end of each year, each State shall submit to the Elec-  
 13           tion Assistance Commission and Congress a report con-  
 14           taining the following categories of information for the  
 15           year:

16                   (1) The number of individuals who were reg-  
 17                   istered under section 111.

18                   (2) The number of voter registration applica-  
 19                   tion forms completed by individuals that were trans-  
 20                   mitted by motor vehicle authorities in the State  
 21                   (pursuant to section 5(d) of the National Voter Reg-  
 22                   istration Act of 1993) and voter registration agen-  
 23                   cies in the State (as designated under section 7 of  
 24                   such Act) to the chief State election official of the

1 State, broken down by each such authority and  
2 agency.

3 (3) The number of such individuals whose voter  
4 registration application forms were accepted and  
5 who were registered to vote in the State and the  
6 number of such individuals whose forms were re-  
7 jected and who were not registered to vote in the  
8 State, broken down by each such authority and  
9 agency.

10 (4) The number of change of address forms and  
11 other forms of information indicating that an indi-  
12 vidual's identifying information has been changed  
13 that were transmitted by such motor vehicle authori-  
14 ties and voter registration agencies to the chief State  
15 election official of the State, broken down by each  
16 such authority and agency and the type of form  
17 transmitted.

18 (5) The number of individuals on the Statewide  
19 computerized voter registration list (as established  
20 and maintained under section 303 of the Help  
21 America Vote Act of 2002) whose voter registration  
22 information was revised by the chief State election  
23 official as a result of the forms transmitted to the  
24 official by such motor vehicle authorities and voter  
25 registration agencies (as described in paragraph



1       (3)), broken down by each such authority and agen-  
2       cy and the type of form transmitted.

3           (6) The number of individuals who requested  
4       the chief State election official to revise voter reg-  
5       istration information on such list, and the number of  
6       individuals whose information was revised as a result  
7       of such a request.

8       (b) BREAKDOWN OF INFORMATION BY RACE OF IN-  
9       DIVIDUALS.—In preparing the report under this section,  
10      the State shall, for each category of information described  
11      in subsection (a), include a breakdown by race of the indi-  
12      viduals whose information is included in the category, to  
13      the extent that information on the race of such individuals  
14      is available to the State.

15      (c) CONFIDENTIALITY OF INFORMATION.—In pre-  
16      paring and submitting a report under this section, the  
17      chief State election official shall ensure that no informa-  
18      tion regarding the identification of any individual is re-  
19      vealed.

20      (d) STATE DEFINED.—In this section, a “State” in-  
21      cludes the District of Columbia, the Commonwealth of  
22      Puerto Rico, the United States Virgin Islands, Guam,  
23      American Samoa, and the Commonwealth of the Northern  
24      Mariana Islands, but does not include any State in which,  
25      under a State law in effect continuously on and after the

1 date of the enactment of this Act, there is no voter reg-  
 2 istration requirement for individuals in the State with re-  
 3 spect to elections for Federal office.

## 4 **Subtitle D—Availability of HAVA** 5 **Requirements Payments**

### 6 **SEC. 131. AVAILABILITY OF REQUIREMENTS PAYMENTS** 7 **UNDER HAVA TO COVER COSTS OF COMPLI-** 8 **ANCE WITH NEW REQUIREMENTS.**

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

11 (1) in paragraph (1), by striking “(2) and (3)”  
 12 and inserting “(2), (3), and (4)”; and

13 (2) by adding at the end the following new  
 14 paragraph:

15 “(4) CERTAIN VOTER REGISTRATION ACTIVI-  
 16 TIES.—A State may use a requirements payment to  
 17 carry out any of the requirements of the Voter Reg-  
 18 istration Modernization Act of 2017, including the  
 19 requirements of the National Voter Registration Act  
 20 of 1993 which are imposed pursuant to the amend-  
 21 ments made to such Act by the Voter Registration  
 22 Modernization Act of 2017.”.

23 (b) CONFORMING AMENDMENT.—Section 254(a)(1)  
 24 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-

1 ing “section 251(a)(2)” and inserting “section  
2 251(b)(2)”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to fiscal year 2018  
5 and each succeeding fiscal year.

## 6 **Subtitle E—Prohibiting Inter-** 7 **ference With Voter Registration**

### 8 **SEC. 141. PROHIBITING HINDERING, INTERFERING WITH,** 9 **OR PREVENTING VOTER REGISTRATION .**

10 (a) IN GENERAL.—Chapter 29 of title 18, United  
11 States Code is amended by adding at the end the following  
12 new section:

#### 13 **“§ 612. Hindering, interfering with, or preventing** 14 **registering to vote**

15 “(a) PROHIBITION.—It shall be unlawful for any per-  
16 son, whether acting under color of law or otherwise, to  
17 corruptly hinder, interfere with, or prevent another person  
18 from registering to vote or aiding another person in reg-  
19 istering to vote in any election for Federal office.

20 “(b) ATTEMPT.—Any person who attempts to commit  
21 any offense described in subsection (a) shall be subject to  
22 the same penalties as those prescribed for the offense that  
23 the person attempted to commit.

1       “(c) PENALTY.—Any person who violates subsection  
2 (a) shall be fined under this title, imprisoned not more  
3 than 5 years, or both.

4       “(d) ELECTION FOR FEDERAL OFFICE DEFINED.—  
5 For purposes of this section, the term ‘election for Federal  
6 office’ means a general, special, primary, or runoff election  
7 held to nominate or elect a candidate for the office of  
8 President or Vice President, presidential elector, or of  
9 Senator or Representative in, or Delegate or Resident  
10 Commissioner to, the Congress.”.

11       (b) CLERICAL AMENDMENT.—The table of sections  
12 for chapter 29 of title 18, United States Code is amended  
13 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

14       (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply with respect to elections held on  
16 or after the date of the enactment of this Act, except that  
17 no person may be found to have violated section 612 of  
18 title 18, United States Code (as added by subsection (a)),  
19 on the basis of any act occurring prior to the date of the  
20 enactment of this Act.

21 **SEC. 142. ESTABLISHMENT OF BEST PRACTICES.**

22       (a) BEST PRACTICES.—Not later than 180 days after  
23 the date of the enactment of this Act, the Election Assist-  
24 ance Commission shall develop and publish recommenda-  
25 tions for best practices for States to use to deter and pre-

1 vent violations of section 612 of title 18, United States  
2 Code (as added by section 141), and section 12 of the Na-  
3 tional Voter Registration Act of 1993 (52 U.S.C. 20511)  
4 (relating to the unlawful interference with registering to  
5 vote, or voting, or attempting to register to vote or vote),  
6 including practices to provide for the posting of relevant  
7 information at polling places and voter registration agen-  
8 cies under such Act, the training of poll workers and elec-  
9 tion officials, and relevant educational materials. For pur-  
10 poses of this subsection, the term “State” includes the  
11 District of Columbia, the Commonwealth of Puerto Rico,  
12 Guam, American Samoa, the United States Virgin Is-  
13 lands, and the Commonwealth of the Northern Mariana  
14 Islands.

15 (b) INCLUSION IN VOTER INFORMATION REQUIRE-  
16 MENTS.—Section 302(b)(2) of the Help America Vote Act  
17 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

18 (1) by striking “and” at the end of subpara-  
19 graph (E);

20 (2) by striking the period at the end of sub-  
21 paragraph (F) and inserting “; and”; and

22 (3) by adding at the end the following new sub-  
23 paragraph:

24 “(G) information relating to the prohibi-  
25 tions of section 612 of title 18, United States

1 Code, and section 12 of the National Voter  
 2 Registration Act of 1993 (52 U.S.C. 20511)  
 3 (relating to the unlawful interference with reg-  
 4 istering to vote, or voting, or attempting to reg-  
 5 ister to vote or vote), including information on  
 6 how individuals may report allegations of viola-  
 7 tions of such prohibitions.”.

8 **TITLE II—ACCESS TO VOTING**  
 9 **FOR INDIVIDUALS WITH DIS-**  
 10 **ABILITIES**

11 **SEC. 201. REQUIREMENTS FOR STATES TO PROMOTE AC-**  
 12 **CESS TO VOTER REGISTRATION AND VOTING**  
 13 **FOR INDIVIDUALS WITH DISABILITIES.**

14 (a) REQUIREMENTS.—Subtitle A of title III of the  
 15 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
 16 as amended by section 114, is amended—

17 (1) by redesignating sections 305 and 306 as  
 18 sections 306 and 307; and

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

21 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**  
 22 **FOR INDIVIDUALS WITH DISABILITIES.**

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

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

4           “(2) accept and process, with respect to any  
5       election for Federal office, any otherwise valid voter  
6       registration application and absentee ballot applica-  
7       tion from an individual with a disability if the appli-  
8       cation is received by the appropriate State election  
9       official not less than 30 days before the election;

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

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

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

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

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

12          “(5) transmit a validly requested absentee bal-  
13          lot to an individual with a disability—

14               “(A) except as provided in subsection (e),  
15               in the case in which the request is received at  
16               least 45 days before an election for Federal of-  
17               fice, not later than 45 days before the election;  
18               and

19               “(B) in the case in which the request is re-  
20               ceived less than 45 days before an election for  
21               Federal office—

22                       “(i) in accordance with State law; and

23                       “(ii) if practicable and as determined  
24                       appropriate by the State, in a manner that



1 expedites the transmission of such absen-  
2 tee ballot; and

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

9 “(b) DESIGNATION OF SINGLE STATE OFFICE TO  
10 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-  
11 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS  
12 IN STATE.—Each State shall designate a single office  
13 which shall be responsible for providing information re-  
14 garding voter registration procedures and absentee ballot  
15 procedures to be used by individuals with disabilities with  
16 respect to elections for Federal office to all individuals  
17 with disabilities who wish to register to vote or vote in  
18 any jurisdiction in the State.

19 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-  
20 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO  
21 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-  
22 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-  
23 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING  
24 INFORMATION.—

1           “(1) IN GENERAL.—Each State shall, in addi-  
2           tion to the designation of a single State office under  
3           subsection (b), designate not less than 1 means of  
4           electronic communication—

5                   “(A) for use by individuals with disabilities  
6           who wish to register to vote or vote in any ju-  
7           risdiction in the State to request voter registra-  
8           tion applications and absentee ballot applica-  
9           tions under subsection (a)(3);

10                   “(B) for use by States to send voter reg-  
11           istration applications and absentee ballot appli-  
12           cations requested under such subsection; and

13                   “(C) for the purpose of providing related  
14           voting, balloting, and election information to in-  
15           dividuals with disabilities.

16           “(2) CLARIFICATION REGARDING PROVISION OF  
17           MULTIPLE MEANS OF ELECTRONIC COMMUNICA-  
18           TION.—A State may, in addition to the means of  
19           electronic communication so designated, provide  
20           multiple means of electronic communication to indi-  
21           viduals with disabilities, including a means of elec-  
22           tronic communication for the appropriate jurisdic-  
23           tion of the State.

24           “(3) INCLUSION OF DESIGNATED MEANS OF  
25           ELECTRONIC COMMUNICATION WITH INFORMA-

1 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-  
2 COMPANY BALLOTING MATERIALS.—Each State shall  
3 include a means of electronic communication so des-  
4 ignated with all informational and instructional ma-  
5 terials that accompany balloting materials sent by  
6 the State to individuals with disabilities.

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

15 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS  
16 BY MAIL AND ELECTRONICALLY.—

17 “(1) IN GENERAL.—Each State shall establish  
18 procedures—

19 “(A) to transmit blank absentee ballots by  
20 mail and electronically (in accordance with the  
21 preferred method of transmission designated by  
22 the individual with a disability under subpara-  
23 graph (B)) to individuals with disabilities for an  
24 election for Federal office; and

1           “(B) by which the individual with a dis-  
2           ability can designate whether the individual pre-  
3           fers that such blank absentee ballot be trans-  
4           mitted by mail or electronically.

5           “(2) TRANSMISSION IF NO PREFERENCE INDI-  
6           CATED.—In the case where an individual with a dis-  
7           ability does not designate a preference under para-  
8           graph (1)(B), the State shall transmit the ballot by  
9           any delivery method allowable in accordance with ap-  
10          plicable State law, or if there is no applicable State  
11          law, by mail.

12          “(e) HARDSHIP EXEMPTION.—

13               “(1) IN GENERAL.—If the chief State election  
14          official determines that the State is unable to meet  
15          the requirement under subsection (a)(5)(A) with re-  
16          spect to an election for Federal office due to an  
17          undue hardship described in paragraph (2)(B), the  
18          chief State election official shall request that the At-  
19          torney General grant a waiver to the State of the  
20          application of such subsection. Such request shall in-  
21          clude—

22               “(A) a recognition that the purpose of  
23          such subsection is to individuals with disabili-  
24          ties enough time to vote in an election for Fed-  
25          eral office;

1           “(B) an explanation of the hardship that  
2           indicates why the State is unable to transmit  
3           such individuals an absentee ballot in accord-  
4           ance with such subsection;

5           “(C) the number of days prior to the elec-  
6           tion for Federal office that the State requires  
7           absentee ballots be transmitted to such individ-  
8           uals; and

9           “(D) a comprehensive plan to ensure that  
10          such individuals are able to receive absentee  
11          ballots which they have requested and submit  
12          marked absentee ballots to the appropriate  
13          State election official in time to have that ballot  
14          counted in the election for Federal office, which  
15          includes—

16               “(i) the steps the State will undertake  
17               to ensure that such individuals have time  
18               to receive, mark, and submit their ballots  
19               in time to have those ballots counted in the  
20               election;

21               “(ii) why the plan provides such indi-  
22               viduals sufficient time to vote as a sub-  
23               stitute for the requirements under such  
24               subsection; and

1 “(iii) the underlying factual informa-  
2 tion which explains how the plan provides  
3 such sufficient time to vote as a substitute  
4 for such requirements.

5 “(2) APPROVAL OF WAIVER REQUEST.—The  
6 Attorney General shall approve a waiver request  
7 under paragraph (1) if the Attorney General deter-  
8 mines each of the following requirements are met:

9 “(A) The comprehensive plan under sub-  
10 paragraph (D) of such paragraph provides indi-  
11 viduals with disabilities sufficient time to re-  
12 ceive absentee ballots they have requested and  
13 submit marked absentee ballots to the appro-  
14 priate State election official in time to have that  
15 ballot counted in the election for Federal office.

16 “(B) One or more of the following issues  
17 creates an undue hardship for the State:

18 “(i) The State’s primary election date  
19 prohibits the State from complying with  
20 subsection (a)(5)(A).

21 “(ii) The State has suffered a delay in  
22 generating ballots due to a legal contest.

23 “(iii) The State Constitution prohibits  
24 the State from complying with such sub-  
25 section.

1 “(3) TIMING OF WAIVER.—

2 “(A) IN GENERAL.—Except as provided  
3 under subparagraph (B), a State that requests  
4 a waiver under paragraph (1) shall submit to  
5 the Attorney General the written waiver request  
6 not later than 90 days before the election for  
7 Federal office with respect to which the request  
8 is submitted. The Attorney General shall ap-  
9 prove or deny the waiver request not later than  
10 65 days before such election.

11 “(B) EXCEPTION.—If a State requests a  
12 waiver under paragraph (1) as the result of an  
13 undue hardship described in paragraph  
14 (2)(B)(ii), the State shall submit to the Attor-  
15 ney General the written waiver request as soon  
16 as practicable. The Attorney General shall ap-  
17 prove or deny the waiver request not later than  
18 5 business days after the date on which the re-  
19 quest is received.

20 “(4) APPLICATION OF WAIVER.—A waiver ap-  
21 proved under paragraph (2) shall only apply with re-  
22 spect to the election for Federal office for which the  
23 request was submitted. For each subsequent election  
24 for Federal office, the Attorney General shall only  
25 approve a waiver if the State has submitted a re-

1       quest under paragraph (1) with respect to such elec-  
2       tion.

3       “(f) INDIVIDUAL WITH A DISABILITY DEFINED.—In  
4       this section, an ‘individual with a disability’ means an in-  
5       dividual with an impairment that substantially limits any  
6       major life activities and who is otherwise qualified to vote  
7       in elections for Federal office.

8       “(g) EFFECTIVE DATE.—This section shall apply  
9       with respect to elections for Federal office held on or after  
10      January 1, 2018.”.

11      (b) CONFORMING AMENDMENT RELATING TO  
12      ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
13      SISTANCE COMMISSION.—Section 311(b) of such Act (52  
14      U.S.C. 21101(b)) is amended—

15              (1) by striking “and” at the end of paragraph  
16              (2);

17              (2) by striking the period at the end of para-  
18              graph (3) and inserting “; and”; and

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

21              “(4) in the case of the recommendations with  
22              respect to section 305, January 1, 2018.”.

23      (c) CLERICAL AMENDMENT.—The table of contents  
24      of such Act, as amended by section 114(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; and

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

“Sec. 305. Access to voter registration and voting for individuals with disabili-  
 ities.”.

6   **SEC. 202. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**  
 7                       **WITH DISABILITIES TO REGISTER TO VOTE**  
 8                       **AND VOTE PRIVATELY AND INDEPENDENTLY**  
 9                       **AT RESIDENCES.**

10       (a) ESTABLISHMENT OF PILOT PROGRAMS.—The  
 11       Election Assistance Commission (hereafter referred to as  
 12       the “Commission”) shall make grants to eligible States to  
 13       conduct pilot programs under which—

14           (1) individuals with disabilities may use elec-  
 15       tronic means (including the Internet and telephones  
 16       utilizing assistive devices) to register to vote and to  
 17       request and receive absentee ballots, in a manner  
 18       which permits such individuals to do so privately  
 19       and independently at their own residences; and

20           (2) individuals with disabilities may use the  
 21       telephone to cast ballots electronically from their  
 22       own residences, but only if the telephone used is not  
 23       connected to the Internet.

24       (b) REPORTS.—

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

6           (2) DEADLINE.—A State shall submit a report  
7           under paragraph (1) not later than 90 days after  
8           the last election for public office held in the State  
9           during the year.

10          (c) ELIGIBILITY.—A State is eligible to receive a  
11          grant under this section if the State submits to the Com-  
12          mission, at such time and in such form as the Commission  
13          may require, an application containing such information  
14          and assurances as the Commission may require.

15          (d) TIMING.—The Commission shall make the first  
16          grants under this section for pilot programs which will be  
17          in effect with respect to elections for Federal office held  
18          in 2018, or, at the option of a State, with respect to other  
19          elections for public office held in the State in 2018.

20          (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
21          authorized to be appropriated for grants for pilot pro-  
22          grams under this section \$30,000,000 for fiscal year 2018  
23          and each succeeding fiscal year.

24          (f) STATE DEFINED.—In this section, the term  
25          “State” includes the District of Columbia, the Common-

1 wealth of Puerto Rico, Guam, American Samoa, the  
2 United States Virgin Islands, and the Commonwealth of  
3 the Northern Mariana Islands.

4 **SEC. 203. EXPANSION AND REAUTHORIZATION OF GRANT**  
5 **PROGRAM TO ASSURE VOTING ACCESS FOR**  
6 **INDIVIDUALS WITH DISABILITIES.**

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

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

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

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

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

9           “(4) For fiscal year 2018 and each succeeding  
10          fiscal year, such sums as may be necessary to carry  
11          out this part.”.

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

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

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

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

20               “(1) DEADLINE FOR OBLIGATION AND EXPEND-  
21               ITURE.—In the case of any amounts appropriated  
22               pursuant to the authority of subsection (a) for a  
23               payment to a State or unit of local government for  
24               fiscal year 2018 or any succeeding fiscal year, any  
25               portion of such amounts which have not been obli-

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

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

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

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

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

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

1   **TITLE III—PROHIBITING VOTER**  
2                           **CAGING**

3   **SEC. 301. VOTER CAGING AND OTHER QUESTIONABLE**  
4                           **CHALLENGES PROHIBITED.**

5           (a) IN GENERAL.—Chapter 29 of title 18, United  
6 States Code, as amended by section 141(a), is amended  
7 by adding at the end the following:

8   **“§ 613. Voter caging and other questionable chal-**  
9                           **lenges**

10           “(a) DEFINITIONS.—In this section—

11                   “(1) the term ‘voter caging document’ means—

12                           “(A) a nonforwardable document that is  
13 returned to the sender or a third party as unde-  
14 livered or undeliverable despite an attempt to  
15 deliver such document to the address of a reg-  
16 istered voter or applicant; or

17                           “(B) any document with instructions to an  
18 addressee that the document be returned to the  
19 sender or a third party but is not so returned,  
20 despite an attempt to deliver such document to  
21 the address of a registered voter or applicant,  
22 unless at least two Federal election cycles have  
23 passed since the date of the attempted delivery;

1           “(2) the term ‘voter caging list’ means a list of  
2           individuals compiled from voter caging documents;  
3           and

4           “(3) the term ‘unverified match list’ means a  
5           list produced by matching the information of reg-  
6           istered voters or applicants for voter registration to  
7           a list of individuals who are ineligible to vote in the  
8           registrar’s jurisdiction, by virtue of death, convic-  
9           tion, change of address, or otherwise; unless one of  
10          the pieces of information matched includes a signa-  
11          ture, photograph, or unique identifying number en-  
12          suring that the information from each source refers  
13          to the same individual.

14          “(b) PROHIBITION AGAINST VOTER CAGING.—No  
15          State or local election official shall prevent an individual  
16          from registering or voting in any election for Federal of-  
17          fice, or permit in connection with any election for Federal  
18          office a formal challenge under State law to an individual’s  
19          registration status or eligibility to vote, if the basis for  
20          such decision is evidence consisting of—

21                 “(1) a voter caging document or voter caging  
22                 list;

23                 “(2) an unverified match list;

24                 “(3) an error or omission on any record or  
25                 paper relating to any application, registration, or

1 other act requisite to voting, if such error or omis-  
2 sion is not material to an individual's eligibility to  
3 vote under section 2004 of the Revised Statutes, as  
4 amended (52 U.S.C. 10101(a)(2)(B)); or

5 “(4) any other evidence so designated for pur-  
6 poses of this section by the Election Assistance Com-  
7 mission,

8 except that the election official may use such evidence if  
9 it is corroborated by independent evidence of the individ-  
10 ual's ineligibility to register or vote.

11 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
12 OTHER THAN ELECTION OFFICIALS.—No person, other  
13 than a State or local election official, shall submit a formal  
14 challenge to an individual's eligibility to register to vote  
15 in an election for Federal office or to vote in an election  
16 for Federal office unless that challenge is supported by  
17 personal knowledge regarding the grounds for ineligibility  
18 which is—

19 “(1) documented in writing; and

20 “(2) subject to an oath or attestation under  
21 penalty of perjury that the challenger has a good  
22 faith factual basis to believe that the individual who  
23 is the subject of the challenge is ineligible to register  
24 to vote or vote in that election, except a challenge  
25 which is based on the race or national origin of the



1 individual who is the subject of the challenge may  
 2 not be considered to have a good faith factual basis  
 3 for purposes of this paragraph.

4 “(d) PENALTIES FOR KNOWING MISCONDUCT.—  
 5 Whoever knowingly challenges the eligibility of one or  
 6 more individuals to register or vote or knowingly causes  
 7 the eligibility of such individuals to be challenged in viola-  
 8 tion of this section with the intent that one or more eligi-  
 9 ble voters be disqualified, shall be fined under this title  
 10 or imprisoned not more than 1 year, or both, for each such  
 11 violation. Each violation shall be a separate offense.

12 “(e) NO EFFECT ON RELATED LAWS.—Nothing in  
 13 this section is intended to override the protections of the  
 14 National Voter Registration Act of 1993 (52 U.S.C.  
 15 20501 et seq.) or to affect the Voting Rights Act of 1965  
 16 (52 U.S.C. 10301 et seq.).”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
 18 for chapter 29 of title 18, United States Code, as amended  
 19 by section 141(b), is amended by adding at the end the  
 20 following:

“613. Voter caging and other questionable challenges.”.

21 **SEC. 302. DEVELOPMENT AND ADOPTION OF BEST PRAC-**  
 22 **TICES FOR PREVENTING VOTER CAGING.**

23 (a) BEST PRACTICES.—Not later than 180 days after  
 24 the date of the enactment of this Act, the Election Assist-  
 25 ance Commission shall develop and publish for the use of

1 States recommendations for best practices to deter and  
2 prevent violations of section 613 of title 18, United States  
3 Code, as added by section 301(a), including practices to  
4 provide for the posting of relevant information at polling  
5 places and voter registration agencies, the training of poll  
6 workers and election officials, and relevant educational  
7 measures. For purposes of this subsection, the term  
8 “State” includes the District of Columbia, the Common-  
9 wealth of Puerto Rico, Guam, American Samoa, the  
10 United States Virgin Islands, and the Commonwealth of  
11 the Northern Mariana Islands.

12 (b) INCLUSION IN VOTING INFORMATION REQUIRE-  
13 MENTS.—Section 302(b)(2) of the Help America Vote Act  
14 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section  
15 141(b), is amended—

16 (1) by striking “and” at the end of subpara-  
17 graph (F);

18 (2) by striking the period at the end of sub-  
19 paragraph (G) and inserting “; and”; and

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

22 “(H) information relating to the prohibi-  
23 tion against voter caging and other questionable  
24 challenges (as set forth in section 613 of title  
25 18, United States Code), including information

1           on how individuals may report allegations of  
2           violations of such prohibition.”.

3 **SEC. 303. SEVERABILITY.**

4           If any provision of this title or any amendment made  
5 by this title, or the application of a provision to any person  
6 or circumstance, is held to be unconstitutional, the re-  
7 mainder of this title and the amendments made by this  
8 title, and the application of the provisions to any person  
9 or circumstance, shall not be affected by the holding.

10                   **TITLE IV—PROHIBITING**  
11                   **DECEPTIVE PRACTICES**

12 **SEC. 401. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**  
13                   **ERAL ELECTIONS.**

14           (a) IN GENERAL.—Chapter 29 of title 18, United  
15 States Code, as amended by section 141(a) and section  
16 301(a), is amended by adding at the end the following:

17 **“§ 614. False election-related information in Federal**  
18                   **elections**

19           “(a) A person, including an election official, who in  
20 any election for Federal office knowingly and willfully de-  
21 prives, defrauds, or attempts to deprive or defraud the  
22 residents of a State of their free and fair exercise of the  
23 right to vote by the communication of election-related in-  
24 formation that is known by the person to be materially

1 false, fictitious, or fraudulent shall be fined under this title  
 2 or imprisoned not more than 1 year, or both.

3 “(b) As used in this section—

4 “(1) the term ‘election for Federal office’ means  
 5 any general, primary, runoff, or special election for  
 6 the office of President, Vice President, presidential  
 7 elector, Member of the Senate, Member of the House  
 8 of Representatives, or Delegate or Resident Commis-  
 9 sioner to the Congress; and

10 “(2) the term ‘election-related information’  
 11 means any oral or written communication regard-  
 12 ing—

13 “(A) the time or place of an election for  
 14 Federal office;

15 “(B) criminal penalties associated with  
 16 voting in such an election;

17 “(C) an individual’s voter registration sta-  
 18 tus or eligibility to vote in such an election; or

19 “(D) the explicit endorsement by any per-  
 20 son or organization of a candidate in such an  
 21 election.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
 23 for chapter 29 of title 18, United States Code, as amended  
 24 by section 141(b) and section 301(b), is amended by add-  
 25 ing at the end the following new item:

“614. False election-related information in Federal elections.”.

1 **SEC. 402. MODIFICATION OF PENALTY FOR VOTER INTIMI-**  
2 **DATION.**

3 Section 594 of title 18, United States Code, is  
4 amended by striking “one year” and inserting “5 years”.

5 **SEC. 403. SENTENCING GUIDELINES.**

6 (a) REVIEW AND AMENDMENT.—Not later than 90  
7 days after the date of enactment of this Act, the United  
8 States Sentencing Commission, pursuant to its authority  
9 under section 994 of title 28, United States Code, and  
10 in accordance with this section, shall review and, if appro-  
11 priate, amend the Federal sentencing guidelines and policy  
12 statements applicable to persons convicted of any offense  
13 under any sections of title 18, United States Code, that  
14 are added or modified by this Act.

15 (b) AUTHORIZATION.—The United States Sentencing  
16 Commission may, for the purposes of the amendments  
17 made pursuant to this title, amend the Federal sentencing  
18 guidelines in accordance with the procedures set forth in  
19 section 21(a) of the Sentencing Act of 1987 (28 U.S.C.  
20 994 note) as though the authority under that section had  
21 not expired.

22 **SEC. 404. REPORTING VIOLATIONS; CORRECTIVE ACTION.**

23 (a) REPORTING.—Any person may submit a report  
24 to the Attorney General regarding any violation or possible  
25 violation of section 594 or section 614 of title 18, United  
26 States Code (as added by section 401(a)).

1 (b) CORRECTIVE ACTION.—

2 (1) IN GENERAL.—Immediately after receiving  
3 a report under subsection (a), the Attorney General  
4 shall consider and review the report, and if the At-  
5 torney General determines that there is a reasonable  
6 basis to find that a violation included in the report  
7 has occurred, the Attorney General shall—

8 (A) undertake all effective measures nec-  
9 essary to provide correct information to voters  
10 affected by the false information; and

11 (B) refer the matter to the appropriate  
12 Federal and State authorities for criminal pros-  
13 ecution or civil action after the election in-  
14 volved.

15 (2) REGULATIONS.—The Attorney General shall  
16 promulgate regulations regarding the methods and  
17 means of corrective actions to be taken under para-  
18 graph (1). Such regulations shall be developed in  
19 consultation with the Election Assistance Commis-  
20 sion, civil rights organizations, voting rights groups,  
21 State and local election officials, voter protection  
22 groups, and other interested community organiza-  
23 tions.

24 (3) STUDY AND REPORT ON METHODS OF DIS-  
25 SEMINATING CORRECTIVE INFORMATION.—

1 (A) IN GENERAL.—The Attorney General,  
2 in consultation with the Federal Communica-  
3 tions Commission and the Election Assistance  
4 Commission, shall conduct a study on the feasi-  
5 bility of providing the corrective information  
6 under paragraph (1) through public service an-  
7 nouncements, the emergency alert system, or  
8 other forms of public broadcast.

9 (B) REPORT.—Not later than 180 days  
10 after the date of the enactment of this Act, the  
11 Attorney General shall submit to Congress a re-  
12 port detailing the results of the study conducted  
13 under subparagraph (A).

14 (4) PUBLICIZING AVAILABILITY OF REM-  
15 EDIES.—The Attorney General shall make public  
16 through the Internet, radio, television, and news-  
17 paper advertisements information on the responsibil-  
18 ities, contact information, and complaint procedures  
19 applicable under this section.

20 (c) REPORTS TO CONGRESS.—

21 (1) IN GENERAL.—Not later than 90 days after  
22 any election with respect to which a report has been  
23 submitted under subsection (a), the Attorney Gen-  
24 eral shall submit to Congress a report compiling all

1 such reports submitted under subsection (a) with re-  
2 spect to that election.

3 (2) CONTENTS.—

4 (A) IN GENERAL.—Each report submitted  
5 under paragraph (1) shall include—

6 (i) detailed information on specific al-  
7 legations;

8 (ii) statistical compilations of how  
9 many allegations were made and of what  
10 type;

11 (iii) the geographic locations of and  
12 the populations affected by the alleged vio-  
13 lations;

14 (iv) the status of the investigations of  
15 such allegations;

16 (v) any corrective actions taken in re-  
17 sponse to such allegations;

18 (vi) the rationale used for any correc-  
19 tive actions or for any refusal to pursue an  
20 allegation;

21 (vii) the effectiveness of any such cor-  
22 rective actions;

23 (viii) whether a Voting Integrity Task  
24 Force was established with respect to such



1 election, and, if so, how such task force  
2 was staffed and funded;

3 (ix) any referrals of information to  
4 other Federal, State, or local agencies; and

5 (x) any criminal prosecution instituted  
6 under title 18, United States Code, in con-  
7 nection with such allegations.

8 (3) REPORT MADE PUBLIC.—On the date that  
9 the Attorney General submits the report under para-  
10 graph (1), the Attorney General shall also make the  
11 report publicly available through the Internet and  
12 other appropriate means.

13 (d) DELEGATION OF DUTIES.—

14 (1) USE OF VOTING INTEGRITY TASK FORCE.—  
15 The Attorney General shall delegate the responsibil-  
16 ities under this section with respect to a particular  
17 election to a Voting Integrity Task Force established  
18 by the Attorney General for such purpose.

19 (2) COMPOSITION.—A Voting Integrity Task  
20 Force established under paragraph (1) shall be  
21 under the direction of the Assistant Attorney Gen-  
22 eral for the Civil Rights Division and the Assistant  
23 Attorney General for the Criminal Division, acting  
24 jointly.

## **TITLE V—DEMOCRACY RESTORATION**

### **SEC. 501. RIGHTS OF CITIZENS.**

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

### **SEC. 502. ENFORCEMENT.**

(a) ATTORNEY GENERAL.—The Attorney General may, in a civil action, obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

**SEC. 503. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.**

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual has the right to vote in an election for Federal office pursuant to this title and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

(i) is sentenced to serve only a term of probation; or

1 (ii) is released from the custody of  
2 that State (other than to the custody of  
3 another State or the Federal Government  
4 to serve a term of imprisonment for a fel-  
5 ony conviction).

6 (B) MISDEMEANOR CONVICTION.—In the  
7 case of such an individual who has been con-  
8 victed of a misdemeanor, the notification re-  
9 quired under paragraph (1) shall be given on  
10 the date on which such individual is sentenced  
11 by a State court.

12 (b) FEDERAL NOTIFICATION.—

13 (1) NOTIFICATION.—On the date determined  
14 under paragraph (2), the Director of the Bureau of  
15 Prisons shall notify in writing any individual who  
16 has been convicted of a criminal offense under Fed-  
17 eral law that such individual has the right to vote  
18 in an election for Federal office pursuant to this  
19 title and may register to vote in any such election.

20 (2) DATE OF NOTIFICATION.—

21 (A) FELONY CONVICTION.—In the case of  
22 such an individual who has been convicted of a  
23 felony, the notification required under para-  
24 graph (1) shall be given on the date on which  
25 the individual—

1 (i) is sentenced to serve only a term  
2 of probation by a court established by an  
3 Act of Congress; or

4 (ii) is released from the custody of the  
5 Bureau of Prisons (other than to the cus-  
6 tody of a State to serve a term of impris-  
7 onment for a felony conviction).

8 (B) MISDEMEANOR CONVICTION.—In the  
9 case of such an individual who has been con-  
10 victed of a misdemeanor, the notification re-  
11 quired under paragraph (1) shall be given on  
12 the date on which such individual is sentenced  
13 by a State court.

14 **SEC. 504. DEFINITIONS.**

15 For purposes of this title:

16 (1) CORRECTIONAL INSTITUTION OR FACIL-  
17 ITY.—The term “correctional institution or facility”  
18 means any prison, penitentiary, jail, or other institu-  
19 tion or facility for the confinement of individuals  
20 convicted of criminal offenses, whether publicly or  
21 privately operated, except that such term does not  
22 include any residential community treatment center  
23 (or similar public or private facility).

24 (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. 505. RELATION TO OTHER LAWS.**

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—  
5 Nothing in this title shall 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 title.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
10 edies established by this title are in addition to all other  
11 rights and remedies provided by law, and neither rights  
12 and remedies established by this title shall supersede, re-  
13 strict, or limit the application of the Voting Rights Act  
14 of 1965 (52 U.S.C. 10301 et seq.) or the National Voter  
15 Registration Act (52 U.S.C. 20501).

16 **SEC. 506. FEDERAL PRISON FUNDS.**

17 No State, unit of local government, or other person  
18 may receive or use, to construct or otherwise improve a  
19 prison, jail, or other place of incarceration, any Federal  
20 grant amounts unless that person has in effect a program  
21 under which each individual incarcerated in that person's  
22 jurisdiction who is a citizen of the United States is noti-  
23 fied, upon release from such incarceration, of that individ-  
24 ual's rights under section 501.

1 **SEC. 507. EFFECTIVE DATE.**

2 This title shall apply to citizens of the United States  
3 voting in any election for Federal office held after the date  
4 of the enactment of this Act.

5 **TITLE VI—ACCURACY, INTEG-**  
6 **RITY, AND SECURITY OF**  
7 **ELECTIONS**

8 **SEC. 600. SHORT TITLE.**

9 This title may be cited as the “Voter Confidence and  
10 Increased Accessibility Act of 2017”.

11 **Subtitle A—Promoting Accuracy,**  
12 **Integrity, and Security Through**  
13 **Voter-Verified Permanent Paper**  
14 **Ballot**

15 **SEC. 601. PAPER BALLOT AND MANUAL COUNTING RE-**  
16 **QUIREMENTS.**

17 (a) IN GENERAL.—Section 301(a)(2) of the Help  
18 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is  
19 amended to read as follows:

20 “(2) PAPER BALLOT REQUIREMENT.—

21 “(A) VOTER-VERIFIED PAPER BALLOTS.—

22 “(i) PAPER BALLOT REQUIREMENT.—

23 (I) The voting system shall require the use  
24 of an individual, durable, voter-verified,  
25 paper ballot of the voter’s vote that shall  
26 be marked and made available for inspec-



tion and verification by the voter before the voter's vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other counting device. For purposes of this subclause, the term 'individual, durable, voter-verified, paper ballot' means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand.

“(II) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the permanent voter-verified paper ballot is preserved in accordance with clause (ii).

“(III) The voting system shall not preserve the voter-verified paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.

“(ii) PRESERVATION AS OFFICIAL RECORD.—The individual, durable, voter-

1 verified, paper ballot used in accordance  
2 with clause (i) shall constitute the official  
3 ballot and shall be preserved and used as  
4 the official ballot for purposes of any re-  
5 count or audit conducted with respect to  
6 any election for Federal office in which the  
7 voting system is used.

8 “(iii) MANUAL COUNTING REQUIRE-  
9 MENTS FOR RECOUNTS AND AUDITS.—(I)  
10 Each paper ballot used pursuant to clause  
11 (i) shall be suitable for a manual audit,  
12 and shall be counted by hand in any re-  
13 count or audit conducted with respect to  
14 any election for Federal office.

15 “(II) In the event of any inconsis-  
16 tencies or irregularities between any elec-  
17 tronic vote tallies and the vote tallies de-  
18 termined by counting by hand the indi-  
19 vidual, durable, voter-verified, paper ballots  
20 used pursuant to clause (i), and subject to  
21 subparagraph (B), the individual, durable,  
22 voter-verified, paper ballots shall be the  
23 true and correct record of the votes cast.

24 “(iv) APPLICATION TO ALL BAL-  
25 LOTS.—The requirements of this subpara-

graph shall apply to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters.

“(B) SPECIAL RULE FOR TREATMENT OF DISPUTES WHEN PAPER BALLOTS HAVE BEEN SHOWN TO BE COMPROMISED.—

“(i) IN GENERAL.—In the event that—

“(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified, paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

“(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that

1 the paper ballots have been com-  
2 promised (by damage or mischief or  
3 otherwise) and that a sufficient num-  
4 ber of the ballots have been so com-  
5 promised that the result of the elec-  
6 tion could be changed,

7 the determination of the appropriate rem-  
8 edy with respect to the election shall be  
9 made in accordance with applicable State  
10 law, except that the electronic tally shall  
11 not be used as the exclusive basis for de-  
12 termining the official certified result.

13 “(ii) RULE FOR CONSIDERATION OF  
14 BALLOTS ASSOCIATED WITH EACH VOTING  
15 MACHINE.—For purposes of clause (i),  
16 only the paper ballots deemed com-  
17 promised, if any, shall be considered in the  
18 calculation of whether or not the result of  
19 the election could be changed due to the  
20 compromised paper ballots.”.

21 (b) CONFORMING AMENDMENT CLARIFYING APPLI-  
22 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—  
23 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))  
24 is amended by inserting “(including the paper ballots re-

1 quired to be used under paragraph (2))” after “voting sys-  
2 tem”.

3 (c) OTHER CONFORMING AMENDMENTS.—Section  
4 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
5 ed—

6 (1) in subparagraph (A)(i), by striking “count-  
7 ed” and inserting “counted, in accordance with  
8 paragraphs (2) and (3)”;

9 (2) in subparagraph (A)(ii), by striking “count-  
10 ed” and inserting “counted, in accordance with  
11 paragraphs (2) and (3)”;

12 (3) in subparagraph (A)(iii), by striking “count-  
13 ed” each place it appears and inserting “counted, in  
14 accordance with paragraphs (2) and (3)”;

15 (4) in subparagraph (B)(ii), by striking “count-  
16 ed” and inserting “counted, in accordance with  
17 paragraphs (2) and (3)”.

18 **SEC. 602. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
19 **INDIVIDUALS WITH DISABILITIES.**

20 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help  
21 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is  
22 amended to read as follows:

23 “(B)(i) satisfy the requirement of subpara-  
24 graph (A) through the use of at least one voting  
25 system equipped for individuals with disabil-

ities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired, at each polling place; and

“(ii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

“(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing; and

“(II) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot; and”.

(b) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT VERIFICATION MECHANISMS.—

1           (1) STUDY AND REPORTING.—Subtitle C of  
2       title II of such Act (52 U.S.C. 21081 et seq.) is  
3       amended—

4                   (A) by redesignating section 247 as section  
5       248; and

6                   (B) by inserting after section 246 the fol-  
7       lowing new section:

8       **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**  
9                   **BALLOT VERIFICATION MECHANISMS.**

10       “(a) STUDY AND REPORT.—The Director of the Na-  
11      tional Science Foundation shall make grants to not fewer  
12      than 3 eligible entities to study, test, and develop acces-  
13      sible paper ballot voting, verification, and casting mecha-  
14      nisms and devices and best practices to enhance the acces-  
15      sibility of paper ballot voting and verification mechanisms  
16      for individuals with disabilities, for voters whose primary  
17      language is not English, and for voters with difficulties  
18      in literacy, including best practices for the mechanisms  
19      themselves and the processes through which the mecha-  
20      nisms are used.

21       “(b) ELIGIBILITY.—An entity is eligible to receive a  
22      grant under this part if it submits to the Director (at such  
23      time and in such form as the Director may require) an  
24      application containing—

1           “(1) certifications that the entity shall specifi-  
2           cally investigate enhanced methods or devices, in-  
3           cluding non-electronic devices, that will assist such  
4           individuals and voters in marking voter-verified  
5           paper ballots and presenting or transmitting the in-  
6           formation printed or marked on such ballots back to  
7           such individuals and voters, and casting such ballots;

8           “(2) a certification that the entity shall com-  
9           plete the activities carried out with the grant not  
10          later than December 31, 2018; and

11          “(3) such other information and certifications  
12          as the Director may require.

13          “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
14          nology developed with the grants made under this section  
15          shall be treated as non-proprietary and shall be made  
16          available to the public, including to manufacturers of vot-  
17          ing systems.

18          “(d) COORDINATION WITH GRANTS FOR TECH-  
19          NOLOGY IMPROVEMENTS.—The Director shall carry out  
20          this section so that the activities carried out with the  
21          grants made under subsection (a) are coordinated with the  
22          research conducted under the grant program carried out  
23          by the Commission under section 271, to the extent that  
24          the Director and Commission determine necessary to pro-  
25          vide for the advancement of accessible voting technology.



1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 is authorized to be appropriated to carry out subsection  
 3 (a) \$5,000,000, to remain available until expended.”.

4               (2) CLERICAL AMENDMENT.—The table of con-  
 5 tents of such Act is amended—

6                       (A) by redesignating the item relating to  
 7 section 247 as relating to section 248; and

8                       (B) by inserting after the item relating to  
 9 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-  
 nisms.”.

10       (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
 11 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
 12 adopting any voluntary guidance under subtitle B of title  
 13 III of the Help America Vote Act with respect to the ac-  
 14 cessibility of the paper ballot verification requirements for  
 15 individuals with disabilities, the Election Assistance Com-  
 16 mission shall include and apply the same accessibility  
 17 standards applicable under the voluntary guidance adopt-  
 18 ed for accessible voting systems under such subtitle.

19       (d) PERMITTING USE OF FUNDS FOR PROTECTION  
 20 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
 21 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
 22 tion 292(a) of the Help America Vote Act of 2002 (52  
 23 U.S.C. 21062(a)) is amended by striking “; except that”  
 24 and all that follows and inserting a period.

1 **SEC. 603. DURABILITY AND READABILITY REQUIREMENTS**  
2 **FOR BALLOTS.**

3 Section 301(a) of the Help America Vote Act of 2002  
4 (52 U.S.C. 21081(a)) is amended by adding at the end  
5 the following new paragraph:

6 “(7) DURABILITY AND READABILITY REQUIRE-  
7 MENTS FOR BALLOTS.—

8 “(A) DURABILITY REQUIREMENTS FOR  
9 PAPER BALLOTS.—

10 “(i) IN GENERAL.—All voter-verified  
11 paper ballots required to be used under  
12 this Act shall be marked or printed on du-  
13 rable paper.

14 “(ii) DEFINITION.—For purposes of  
15 this Act, paper is ‘durable’ if it is capable  
16 of withstanding multiple counts and re-  
17 counts by hand without compromising the  
18 fundamental integrity of the ballots, and  
19 capable of retaining the information  
20 marked or printed on them for the full du-  
21 ration of a retention and preservation pe-  
22 riod of 22 months.

23 “(B) READABILITY REQUIREMENTS FOR  
24 PAPER BALLOTS MARKED BY BALLOT MARKING  
25 DEVICE.—All voter-verified paper ballots com-  
26 pleted by the voter through the use of a ballot

1 marking device shall be clearly readable by the  
2 voter without assistance (other than eyeglasses  
3 or other personal vision enhancing devices) and  
4 by an optical character recognition device or  
5 other device equipped for individuals with dis-  
6 abilities.”.

7 **SEC. 604. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

8 Section 301(d) of the Help America Vote Act of 2002  
9 (52 U.S.C. 21081(d)) is amended to read as follows:

10 “(d) EFFECTIVE DATE.—

11 “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), each State and jurisdiction shall be re-  
13 quired to comply with the requirements of this sec-  
14 tion on and after January 1, 2006.

15 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
16 MENTS.—

17 “(A) IN GENERAL.—Except as provided in  
18 subparagraphs (B) and (C), the requirements of  
19 this section which are first imposed on a State  
20 and jurisdiction pursuant to the amendments  
21 made by title I of the Voter Confidence and In-  
22 creased Accessibility Act of 2017 shall apply  
23 with respect to voting systems used for any  
24 election for Federal office held in 2022 or any  
25 succeeding year.

1 “(B) DELAY FOR JURISDICTIONS USING  
2 CERTAIN PAPER RECORD PRINTERS OR CERTAIN  
3 SYSTEMS USING OR PRODUCING VOTER-  
4 VERIFIABLE PAPER RECORDS IN 2020.—

5 “(i) DELAY.—In the case of a juris-  
6 diction described in clause (ii), subpara-  
7 graph (A) shall apply to a voting system in  
8 the jurisdiction as if the reference in such  
9 subparagraph to ‘2022’ were a reference to  
10 ‘2024’, but only with respect to the fol-  
11 lowing requirements of this section:

12 “(I) Paragraph (2)(A)(i)(I) of  
13 subsection (a) (relating to the use of  
14 voter-marked paper ballots).

15 “(II) Paragraph (3)(B)(ii)(I) and  
16 (II) of subsection (a) (relating to ac-  
17 cess to verification from and casting  
18 of the durable paper ballot).

19 “(III) Paragraph (7) of sub-  
20 section (a) (relating to durability and  
21 readability requirements for ballots).

22 “(ii) JURISDICTIONS DESCRIBED.—A  
23 jurisdiction described in this clause is a ju-  
24 risdiction—

1 “(I) which used voter verifiable  
2 paper record printers attached to di-  
3 rect recording electronic voting ma-  
4 chines, or which used other voting  
5 systems that used or produced paper  
6 records of the vote verifiable by voters  
7 but that are not in compliance with  
8 paragraphs (2)(A)(i)(I), (3)(B)(ii)(I)  
9 and (II), and (7) of subsection (a) (as  
10 amended or added by the Voter Con-  
11 fidence and Increased Accessibility  
12 Act of 2017), for the administration  
13 of the regularly scheduled general  
14 election for Federal office held in No-  
15 vember 2020; and

16 “(II) which will continue to use  
17 such printers or systems for the ad-  
18 ministration of elections for Federal  
19 office held in years before 2022.

20 “(iii) MANDATORY AVAILABILITY OF  
21 PAPER BALLOTS AT POLLING PLACES  
22 USING GRANDFATHERED PRINTERS AND  
23 SYSTEMS.—

24 “(I) REQUIRING BALLOTS TO BE  
25 OFFERED AND PROVIDED.—The ap-

1 appropriate election official at each poll-  
2 ing place that uses a printer or sys-  
3 tem described in clause (ii)(I) for the  
4 administration of elections for Federal  
5 office shall offer each individual who  
6 is eligible to cast a vote in the election  
7 at the polling place the opportunity to  
8 cast the vote using a blank pre-print-  
9 ed paper ballot which the individual  
10 may mark by hand and which is not  
11 produced by the direct recording elec-  
12 tronic voting machine or other such  
13 system. The official shall provide the  
14 individual with the ballot and the sup-  
15 plies necessary to mark the ballot, and  
16 shall ensure (to the greatest extent  
17 practicable) that the waiting period  
18 for the individual to cast a vote is the  
19 lesser of 30 minutes or the average  
20 waiting period for an individual who  
21 does not agree to cast the vote using  
22 such a paper ballot under this clause.

23 “(II) TREATMENT OF BALLOT.—  
24 Any paper ballot which is cast by an  
25 individual under this clause shall be

1 counted and otherwise treated as a  
2 regular ballot for all purposes (includ-  
3 ing by incorporating it into the final  
4 unofficial vote count (as defined by  
5 the State) for the precinct) and not as  
6 a provisional ballot, unless the indi-  
7 vidual casting the ballot would have  
8 otherwise been required to cast a pro-  
9 visional ballot.

10 “(III) POSTING OF NOTICE.—

11 The appropriate election official shall  
12 ensure there is prominently displayed  
13 at each polling place a notice that de-  
14 scribes the obligation of the official to  
15 offer individuals the opportunity to  
16 cast votes using a pre-printed blank  
17 paper ballot.

18 “(IV) TRAINING OF ELECTION

19 OFFICIALS.—The chief State election  
20 official shall ensure that election offi-  
21 cials at polling places in the State are  
22 aware of the requirements of this  
23 clause, including the requirement to  
24 display a notice under subclause (III),  
25 and are aware that it is a violation of

1 the requirements of this title for an  
2 election official to fail to offer an indi-  
3 vidual the opportunity to cast a vote  
4 using a blank pre-printed paper ballot.

5 “(V) PERIOD OF APPLICA-  
6 BILITY.—The requirements of this  
7 clause apply only during the period in  
8 which the delay is in effect under  
9 clause (i).

10 “(C) SPECIAL RULE FOR JURISDICTIONS  
11 USING CERTAIN NONTABULATING BALLOT  
12 MARKING DEVICES.—In the case of a jurisdic-  
13 tion which uses a nontabulating ballot marking  
14 device which automatically deposits the ballot  
15 into a privacy sleeve, subparagraph (A) shall  
16 apply to a voting system in the jurisdiction as  
17 if the reference in such subparagraph to ‘any  
18 election for Federal office held in 2022 or any  
19 succeeding year’ were a reference to ‘elections  
20 for Federal office occurring held in 2024 or  
21 each succeeding year’, but only with respect to  
22 paragraph (3)(B)(ii)(II) of subsection (a) (re-  
23 lating to nonmanual casting of the durable  
24 paper ballot).”.



1 **Subtitle B—Requirement for Man-**  
2 **datory Manual Audits by Hand**  
3 **Count**

4 **SEC. 611. MANDATORY MANUAL AUDITS.**

5 Title III of the Help America Vote Act of 2002 (52  
6 U.S.C. 21081 et seq.) is amended by adding at the end  
7 the following new subtitle:

8 **“Subtitle C—Mandatory Manual**  
9 **Audits**

10 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

11 **“(a) REQUIRING AUDITS.—**

12 **“(1) IN GENERAL.—**In accordance with this  
13 subtitle, each State shall administer, without ad-  
14 vance notice to the precincts or alternative audit  
15 units selected, audits of the results of all elections  
16 for Federal office held in the State (and, at the op-  
17 tion of the State or jurisdiction involved, of elections  
18 for State and local office held at the same time as  
19 such election) consisting of random hand counts of  
20 the voter-verified paper ballots required to be used  
21 and preserved pursuant to section 301(a)(2).

22 **“(2) EXCEPTION FOR CERTAIN ELECTIONS.—A**

23 State shall not be required to administer an audit of  
24 the results of an election for Federal office under

1       this subtitle if the winning candidate in the elec-  
2       tion—

3               “(A) had no opposition on the ballot; or

4               “(B) received 80 percent or more of the  
5       total number of votes cast in the election, as de-  
6       termined on the basis of the final unofficial vote  
7       count.

8       “(b) DETERMINATION OF ENTITY CONDUCTING AU-  
9       DITS; APPLICATION OF GAO INDEPENDENCE STAND-  
10      ARDS.—The State shall administer audits under this sub-  
11     title through an entity selected for such purpose by the  
12     State in accordance with such criteria as the State con-  
13     siders appropriate consistent with the requirements of this  
14     subtitle, except that the entity must meet the general  
15     standards established by the Comptroller General and as  
16     set forth in the Comptroller General’s Government Audit-  
17     ing Standards to ensure the independence (including, ex-  
18     cept as provided under section 323(b), the organizational  
19     independence) of entities performing financial audits, at-  
20     testation engagements, and performance audits.

21       “(c) REFERENCES TO ELECTION AUDITOR.—In this  
22     subtitle, the term ‘Election Auditor’ means, with respect  
23     to a State, the entity selected by the State under sub-  
24     section (b).

1 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

2 “(a) IN GENERAL.—Except as provided in subsection  
3 (b), the number of voter-verified paper ballots which will  
4 be subject to a hand count administered by the Election  
5 Auditor of a State under this subtitle with respect to an  
6 election shall be determined as follows:

7 “(1) In the event that the unofficial count as  
8 described in section 323(a)(1) reveals that the mar-  
9 gin of victory between the two candidates receiving  
10 the largest number of votes in the election is less  
11 than 1 percent of the total votes cast in that elec-  
12 tion, the hand counts of the voter-verified paper bal-  
13 lots shall occur in at least 10 percent of all precincts  
14 or equivalent locations (or alternative audit units  
15 used in accordance with the method provided for  
16 under subsection (b)) in the Congressional district  
17 involved (in the case of an election for the House of  
18 Representatives) or the State (in the case of any  
19 other election for Federal office).

20 “(2) In the event that the unofficial count as  
21 described in section 323(a)(1) reveals that the mar-  
22 gin of victory between the two candidates receiving  
23 the largest number of votes in the election is greater  
24 than or equal to 1 percent but less than 2 percent  
25 of the total votes cast in that election, the hand  
26 counts of the voter-verified paper ballots shall occur

1 in at least 5 percent of all precincts or equivalent lo-  
2 cations (or alternative audit units used in accord-  
3 ance with the method provided for under subsection  
4 (b)) in the Congressional district involved (in the  
5 case of an election for the House of Representatives)  
6 or the State (in the case of any other election for  
7 Federal office).

8 “(3) In the event that the unofficial count as  
9 described in section 323(a)(1) reveals that the mar-  
10 gin of victory between the two candidates receiving  
11 the largest number of votes in the election is equal  
12 to or greater than 2 percent of the total votes cast  
13 in that election, the hand counts of the voter-verified  
14 paper ballots shall occur in at least 3 percent of all  
15 precincts or equivalent locations (or alternative audit  
16 units used in accordance with the method provided  
17 for under subsection (b)) in the Congressional dis-  
18 trict involved (in the case of an election for the  
19 House of Representatives) or the State (in the case  
20 of any other election for Federal office).

21 “(b) USE OF ALTERNATIVE MECHANISM.—

22 “(1) PERMITTING USE OF ALTERNATIVE MECH-  
23 ANISM.—Notwithstanding subsection (a), a State  
24 may adopt and apply an alternative mechanism to  
25 determine the number of voter-verified paper ballots

1 which will be subject to the hand counts required  
2 under this subtitle with respect to an election, so  
3 long as the alternative mechanism uses the voter-  
4 verified paper ballots to conduct the audit and the  
5 National Institute of Standards and Technology de-  
6 termines that the alternative mechanism is in ac-  
7 cordance with the principles set forth in paragraph  
8 (2).

9 “(2) PRINCIPLES FOR APPROVAL.—In approv-  
10 ing an alternative mechanism under paragraph (1),  
11 the National Institute of Standards and Technology  
12 shall ensure that the audit procedure will have the  
13 property that for each election—

14 “(A) the alternative mechanism will be at  
15 least as statistically effective in ensuring the ac-  
16 curacy of the election results as the procedures  
17 under this subtitle; or

18 “(B) the alternative mechanism will  
19 achieve at least a 95% confidence interval (as  
20 determined in accordance with criteria set forth  
21 by the National Institute of Standards and  
22 Technology) with respect to the outcome of the  
23 election.

24 “(3) DEADLINE FOR RESPONSE.—The Director  
25 of the National Institute of Standards and Tech-

1 nology shall make a determination regarding a  
 2 State’s request to approve an alternative mechanism  
 3 under paragraph (1) not later than 30 days after re-  
 4 ceiving the State’s request.

5 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

6 “(a) IN GENERAL.—The Election Auditor of a State  
 7 shall administer an audit under this section of the results  
 8 of an election in accordance with the following procedures:

9 “(1) Within 24 hours after the State announces  
 10 the final unofficial vote count (as defined by the  
 11 State) in each precinct in the State, the Election  
 12 Auditor shall—

13 “(A) determine and then announce the  
 14 precincts or equivalent locations (or alternative  
 15 audit units used in accordance with the method  
 16 provided under section 322(b)) in the State in  
 17 which it will administer the audits; and

18 “(B) with respect to votes cast at the pre-  
 19 cinct or equivalent location on or before the  
 20 date of the election (other than provisional bal-  
 21 lots described in paragraph (2)), begin to ad-  
 22 minister the hand count of the votes on the  
 23 voter-verified paper ballots required to be used  
 24 and preserved under section 301(a)(2)(A) and  
 25 the comparison of the count of the votes on

1           those ballots with the final unofficial count of  
2           such votes as announced by the State.

3           “(2) With respect to votes cast other than at  
4           the precinct on the date of the election (other than  
5           votes cast before the date of the election described  
6           in paragraph (2)) or votes cast by provisional ballot  
7           on the date of the election which are certified and  
8           counted by the State on or after the date of the elec-  
9           tion, including votes cast by absent uniformed serv-  
10          ices voters and overseas voters under the Uniformed  
11          and Overseas Citizens Absentee Voting Act, the  
12          Election Auditor shall administer the hand count of  
13          the votes on the applicable voter-verified paper bal-  
14          lots required to be produced and preserved under  
15          section 301(a)(2)(A) and the comparison of the  
16          count of the votes on those ballots with the final un-  
17          official count of such votes as announced by the  
18          State.

19          “(b) USE OF PERSONNEL.—In administering the au-  
20          dits, the Election Auditor may utilize the services of the  
21          personnel of the State or jurisdiction, including election  
22          administration personnel and poll workers, without regard  
23          to whether or not the personnel have professional auditing  
24          experience.

1       “(c) LOCATION.—The Election Auditor shall admin-  
2       ister an audit of an election—

3               “(1) at the location where the ballots cast in  
4       the election are stored and counted after the date of  
5       the election or such other appropriate and secure lo-  
6       cation agreed upon by the Election Auditor and the  
7       individual that is responsible under State law for the  
8       custody of the ballots; and

9               “(2) in the presence of the personnel who under  
10      State law are responsible for the custody of the bal-  
11      lots.

12      “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-  
13      ING ABSENTEE VOTE COUNT.—In the case of a State in  
14      which the final count of absentee and provisional votes is  
15      not announced until after the date of the election, the  
16      Election Auditor shall initiate the process described in  
17      subsection (a) for administering the audit not later than  
18      24 hours after the State announces the final unofficial  
19      vote count for the votes cast at the precinct or equivalent  
20      location on or before the date of the election, and shall  
21      initiate the administration of the audit of the absentee and  
22      provisional votes pursuant to subsection (a)(2) not later  
23      than 24 hours after the State announces the final unoffi-  
24      cial count of such votes.

25      “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—



1           “(1) IN GENERAL.—If the Election Auditor  
2       finds that any of the hand counts administered  
3       under this section do not match the final unofficial  
4       tally of the results of an election, the Election Audi-  
5       tor shall administer hand counts under this section  
6       of such additional precincts (or alternative audit  
7       units) as the Election Auditor considers appropriate  
8       to resolve any concerns resulting from the audit and  
9       ensure the accuracy of the election results.

10           “(2) ESTABLISHMENT AND PUBLICATION OF  
11       PROCEDURES GOVERNING ADDITIONAL AUDITS.—  
12       Not later than August 1, 2021, each State shall es-  
13       tablish and publish procedures for carrying out the  
14       additional audits under this subsection, including the  
15       means by which the State shall resolve any concerns  
16       resulting from the audit with finality and ensure the  
17       accuracy of the election results.

18           “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit  
19       conducted under this section shall be conducted in a man-  
20       ner that allows public observation of the entire process.

21       **“SEC. 324. SELECTION OF PRECINCTS.**

22           “(a) IN GENERAL.—Except as provided in subsection  
23       (c), the selection of the precincts or alternative audit units  
24       in the State in which the Election Auditor of the State  
25       shall administer the hand counts under this subtitle shall

1 be made by the Election Auditor on a random basis, in  
2 accordance with procedures adopted by the National Insti-  
3 tute of Standards and Technology, except that at least one  
4 precinct shall be selected at random in each county, with  
5 additional precincts selected by the Election Auditor at the  
6 Auditor's discretion.

7       “(b) PUBLIC SELECTION.—The random selection of  
8 precincts under subsection (a) shall be conducted in pub-  
9 lic, at a time and place announced in advance.

10       “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-  
11 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a  
12 State does not sort absentee ballots by precinct and in-  
13 clude those ballots in the hand count with respect to that  
14 precinct, the State shall create absentee ballot precincts  
15 or audit units which are of similar size to the average pre-  
16 cinct or audit unit in the jurisdiction being audited, and  
17 shall include those absentee precincts or audit units  
18 among the precincts in the State in which the Election  
19 Auditor shall administer the hand counts under this sub-  
20 title.

21       “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY  
22 COMMISSION.—The National Institute of Standards and  
23 Technology shall adopt the procedures described in sub-  
24 section (a) not later than March 31, 2021, and shall pub-  
25 lish them in the Federal Register upon adoption.

1   **“SEC. 325. PUBLICATION OF RESULTS.**

2           “(a) SUBMISSION TO COMMISSION.—As soon as prac-  
3   ticable after the completion of an audit under this subtitle,  
4   the Election Auditor of a State shall submit to the Com-  
5   mission the results of the audit, and shall include in the  
6   submission a comparison of the results of the election in  
7   the precinct as determined by the Election Auditor under  
8   the audit and the final unofficial vote count in the precinct  
9   as announced by the State and all undervotes, overvotes,  
10   blank ballots, and spoiled, voided, or cancelled ballots, as  
11   well as a list of any discrepancies discovered between the  
12   initial, subsequent, and final hand counts administered by  
13   the Election Auditor and such final unofficial vote count  
14   and any explanation for such discrepancies, broken down  
15   by the categories of votes described in paragraphs (1)(B)  
16   and (2) of section 323(a).

17           “(b) PUBLICATION BY COMMISSION.—Immediately  
18   after receiving the submission of the results of an audit  
19   from the Election Auditor of a State under subsection (a),  
20   the Commission shall publicly announce and publish the  
21   information contained in the submission.

22           “(c) DELAY IN CERTIFICATION OF RESULTS BY  
23   STATE.—

24                   “(1) PROHIBITING CERTIFICATION UNTIL COM-  
25   PLETION OF AUDITS.—No State may certify the re-

1 sults of any election which is subject to an audit  
2 under this subtitle prior to—

3 “(A) to the completion of the audit (and,  
4 if required, any additional audit conducted  
5 under section 323(e)(1)) and the announcement  
6 and submission of the results of each such audit  
7 to the Commission for publication of the infor-  
8 mation required under this section; and

9 “(B) the completion of any procedure es-  
10 tablished by the State pursuant to section  
11 323(e)(2) to resolve discrepancies and ensure  
12 the accuracy of results.

13 “(2) DEADLINE FOR COMPLETION OF AUDITS  
14 OF PRESIDENTIAL ELECTIONS.—In the case of an  
15 election for electors for President and Vice President  
16 which is subject to an audit under this subtitle, the  
17 State shall complete the audits and announce and  
18 submit the results to the Commission for publication  
19 of the information required under this section in  
20 time for the State to certify the results of the elec-  
21 tion and provide for the final determination of any  
22 controversy or contest concerning the appointment  
23 of such electors prior to the deadline described in  
24 section 6 of title 3, United States Code.

1   **“SEC. 326. PAYMENTS TO STATES.**

2       “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-  
3   DITS.—In accordance with the requirements and proce-  
4   dures of this section, the Commission shall make a pay-  
5   ment to a State to cover the costs incurred by the State  
6   in carrying out this subtitle with respect to the elections  
7   that are the subject of the audits conducted under this  
8   subtitle.

9       “(b) CERTIFICATION OF COMPLIANCE AND ANTICI-  
10   PATED COSTS.—

11       “(1) CERTIFICATION REQUIRED.—In order to  
12   receive a payment under this section, a State shall  
13   submit to the Commission, in such form as the Com-  
14   mission may require, a statement containing—

15       “(A) a certification that the State will con-  
16   duct the audits required under this subtitle in  
17   accordance with all of the requirements of this  
18   subtitle;

19       “(B) a notice of the reasonable costs in-  
20   curred or the reasonable costs anticipated to be  
21   incurred by the State in carrying out this sub-  
22   title with respect to the elections involved; and

23       “(C) such other information and assur-  
24   ances as the Commission may require.

25       “(2) AMOUNT OF PAYMENT.—The amount of a  
26   payment made to a State under this section shall be

1 equal to the reasonable costs incurred or the reason-  
2 able costs anticipated to be incurred by the State in  
3 carrying out this subtitle with respect to the elec-  
4 tions involved, as set forth in the statement sub-  
5 mitted under paragraph (1).

6 “(3) TIMING OF NOTICE.—The State may not  
7 submit a notice under paragraph (1) until can-  
8 didates have been selected to appear on the ballot  
9 for all of the elections for Federal office which will  
10 be the subject of the audits involved.

11 “(c) TIMING OF PAYMENTS.—The Commission shall  
12 make the payment required under this section to a State  
13 not later than 30 days after receiving the notice submitted  
14 by the State under subsection (b).

15 “(d) RECOUPMENT OF OVERPAYMENTS.—No pay-  
16 ment may be made to a State under this section unless  
17 the State agrees to repay to the Commission the excess  
18 (if any) of—

19 “(1) the amount of the payment received by the  
20 State under this section with respect to the elections  
21 involved; over

22 “(2) the actual costs incurred by the State in  
23 carrying out this subtitle with respect to the elec-  
24 tions involved.

1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 is authorized to be appropriated to the Commission for  
 3 fiscal year 2020 and each succeeding fiscal year  
 4 \$100,000,000 for payments under this section.

5       **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**  
 6                       **COUNT UNDER STATE LAW PRIOR TO CER-**  
 7                       **TIFICATION.**

8       “(a) EXCEPTION.—This subtitle does not apply to  
 9 any election for which a recount under State law will com-  
 10 mence prior to the certification of the results of the elec-  
 11 tion, including but not limited to a recount required auto-  
 12 matically because of the margin of victory between the 2  
 13 candidates receiving the largest number of votes in the  
 14 election, but only if each of the following applies to the  
 15 recount:

16               “(1) The recount commences prior to the deter-  
 17 mination and announcement by the Election Auditor  
 18 under section 323(a)(1) of the precincts in the State  
 19 in which it will administer the audits under this sub-  
 20 title.

21               “(2) If the recount would apply to fewer than  
 22 100 percent of the ballots cast in the election—

23                       “(A) the number of ballots counted will be  
 24 at least as many as would be counted if an

1           audit were conducted with respect to the elec-  
2           tion in accordance with this subtitle; and

3           “(B) the selection of the precincts in which  
4           the recount will be conducted will be made in  
5           accordance with the random selection proce-  
6           dures applicable under section 324.

7           “(3) The recount for the election meets the re-  
8           quirements of section 323(f) (relating to public ob-  
9           servation).

10          “(4) The State meets the requirements of sec-  
11          tion 325 (relating to the publication of results and  
12          the delay in the certification of results) with respect  
13          to the recount.

14          “(b) CLARIFICATION OF EFFECT ON OTHER RE-  
15          QUIREMENTS.—Nothing in this section may be construed  
16          to waive the application of any other provision of this Act  
17          to any election (including the requirement set forth in sec-  
18          tion 301(a)(2) that the voter verified paper ballots serve  
19          as the vote of record and shall be counted by hand in all  
20          audits and recounts, including audits and recounts de-  
21          scribed in this subtitle).

22          **“SEC. 328. EFFECTIVE DATE.**

23          “‘This subtitle shall apply with respect to elections for  
24          Federal office held in 2020 or any succeeding year.’”.



1 **SEC. 612. AVAILABILITY OF ENFORCEMENT UNDER HELP**  
2 **AMERICA VOTE ACT OF 2002.**

3 Section 401 of the Help America Vote Act of 2002  
4 (52 U.S.C. 21111) is amended by striking the period at  
5 the end and inserting the following: “, or the requirements  
6 of subtitle C of title III.”.

7 **SEC. 613. GUIDANCE ON BEST PRACTICES FOR ALTER-**  
8 **NATIVE AUDIT MECHANISMS.**

9 (a) IN GENERAL.—Not later than May 1, 2021, the  
10 Director of the National Institute for Standards and Tech-  
11 nology shall establish guidance for States that wish to es-  
12 tablish alternative audit mechanisms under section 322(b)  
13 of the Help America Vote Act of 2002 (as added by section  
14 611). Such guidance shall be based upon scientifically and  
15 statistically reasonable assumptions for the purpose of cre-  
16 ating an alternative audit mechanism that will be con-  
17 sistent with the principles for approval described in section  
18 322(b)(2) of such Act (as so added).

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out subsection (a)  
21 \$100,000, to remain available until expended.

22 **SEC. 614. CLERICAL AMENDMENT.**

23 The table of contents of the Help America Vote Act  
24 of 2002 is amended by adding at the end of the items  
25 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to certification.

“Sec. 328. Effective date.”.

## 1           **TITLE VII—PROVISIONAL** 2                           **BALLOTS**

### 3   **SEC. 701. REQUIREMENTS FOR COUNTING PROVISIONAL** 4                           **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 5                           **NONDISCRIMINATORY STANDARDS.**

6           (a) IN GENERAL.—Section 302 of the Help America  
7   Vote Act of 2002 (52 U.S.C. 21082) is amended—

8                   (1) by redesignating subsection (d) as sub-  
9           section (f); and

10                  (2) by inserting after subsection (c) the fol-  
11   lowing new subsections:

12           “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-  
13   LOTS.—

14                  “(1) IN GENERAL.—For purposes of subsection  
15           (a)(4), notwithstanding the precinct or polling place  
16           at which a provisional ballot is cast within the State,  
17           the appropriate election official shall count each vote  
18           on such ballot for each election in which the indi-  
19           vidual who cast such ballot is eligible to vote.

1 “(2) EFFECTIVE DATE.—This subsection shall  
 2 apply with respect to elections held on or after Janu-  
 3 ary 1, 2018.

4 “(e) UNIFORM AND NONDISCRIMINATORY STAND-  
 5 ARDS.—

6 “(1) IN GENERAL.—Consistent with the re-  
 7 quirements of this section, each State shall establish  
 8 uniform and nondiscriminatory standards for the  
 9 issuance, handling, and counting of provisional bal-  
 10 lots.

11 “(2) EFFECTIVE DATE.—This subsection shall  
 12 apply with respect to elections held on or after Janu-  
 13 ary 1, 2018.”.

14 (b) CONFORMING AMENDMENT.—Section 302(f) of  
 15 such Act (52 U.S.C. 21082(f)), as redesignated by sub-  
 16 section (a), is amended by striking “Each State” and in-  
 17 serting “Except as provided in subsections (d)(2) and  
 18 (e)(2), each State”.

## 19 **TITLE VIII—EARLY VOTING AND** 20 **VOTING BY MAIL**

### 21 **SEC. 801. EARLY VOTING AND VOTING BY MAIL.**

22 (a) REQUIREMENTS.—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 114(a) and section 201(a), is  
 25 amended—

1           (1) by redesignating sections 306 and 307 as  
2       sections 308 and 309; and

3           (2) by inserting after section 305 the following  
4       new sections:

5   **“SEC. 306. EARLY VOTING.**

6       “(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-  
7   TION.—

8           “(1) IN GENERAL.—Each State shall allow indi-  
9       viduals to vote in an election for Federal office dur-  
10      ing an early voting period which occurs prior to the  
11      date of the election, in the same manner as voting  
12      is allowed on such date.

13          “(2) LENGTH OF PERIOD.—The early voting  
14      period required under this subsection with respect to  
15      an election shall consist of a period of consecutive  
16      days (including weekends) which begins on the 15th  
17      day before the date of the election (or, at the option  
18      of the State, on a day prior to the 15th day before  
19      the date of the election) and ends on the date of the  
20      election.

21          “(b) MINIMUM EARLY VOTING REQUIREMENTS.—  
22      Each polling place which allows voting during an early vot-  
23      ing period under subsection (a) shall—

1           “(1) allow such voting for no less than 4 hours  
2           on each day, except that the polling place may allow  
3           such voting for fewer than 4 hours on Sundays; and

4           “(2) have uniform hours each day for which  
5           such voting occurs.

6           “(c) LOCATION OF POLLING PLACES NEAR PUBLIC  
7   TRANSPORTATION.—To the greatest extent practicable, a  
8   State shall ensure that each polling place which allows vot-  
9   ing during an early voting period under subsection (a) is  
10   located within walking distance of a stop on a public trans-  
11   portation route.

12          “(d) STANDARDS.—

13               “(1) IN GENERAL.—The Commission shall issue  
14               standards for the administration of voting prior to  
15               the day scheduled for a Federal election. Such  
16               standards shall include the nondiscriminatory geo-  
17               graphic placement of polling places at which such  
18               voting occurs.

19               “(2) DEVIATION.—The standards described in  
20               paragraph (1) shall permit States, upon providing  
21               adequate public notice, to deviate from any require-  
22               ment in the case of unforeseen circumstances such  
23               as a natural disaster, terrorist attack, or a change  
24               in voter turnout.

1       “(e) EFFECTIVE DATE.—This section shall apply  
2 with respect to elections held on or after January 1, 2018.

3       **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
4                   **MAIL.**

5       “(a) IN GENERAL.—If an individual in a State is eli-  
6 gible to cast a vote in an election for Federal office, the  
7 State may not impose any additional conditions or require-  
8 ments on the eligibility of the individual to cast the vote  
9 in such election by mail, except as required under sub-  
10 section (b) and except to the extent that the State imposes  
11 a deadline for requesting the ballot and related voting ma-  
12 terials from the appropriate State or local election official  
13 and for returning the ballot to the appropriate State or  
14 local election official.

15       “(b) REQUIRING SIGNATURE VERIFICATION.—A  
16 State may not accept and process an absentee ballot sub-  
17 mitted by any individual with respect to an election for  
18 Federal office unless the State verifies the identification  
19 of the individual by comparing the individual’s signature  
20 on the absentee ballot with the individual’s signature on  
21 the official list of registered voters in the State, in accord-  
22 ance with such procedures as the State may adopt.

23       “(c) EFFECTIVE DATE.—This section shall apply  
24 with respect to elections held on or after January 1,  
25 2018.”.

1 (b) CONFORMING AMENDMENT RELATING TO  
2 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
3 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
4 U.S.C. 21101(b)), as amended by section 201(b), is  
5 amended—

6 (1) by striking “and” at the end of paragraph  
7 (3);

8 (2) by striking the period at the end of para-  
9 graph (4) and inserting a semicolon; and

10 (3) by adding at the end the following new  
11 paragraphs:

12 “(5) in the case of the recommendations with  
13 respect to section 306, June 30, 2018; and

14 “(6) in the case of the recommendations with  
15 respect to section 307, June 30, 2018.”.

16 (c) CLERICAL AMENDMENT.—The table of contents  
17 of such Act is amended—

18 (1) by redesignating the items relating to sec-  
19 tions 306 and 307 as relating to sections 308 and  
20 309; and

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

“Sec. 306. Early voting.

“Sec. 307. Promoting ability of voters to vote by mail.”.

1 **TITLE IX—ABSENT UNIFORMED**  
2 **SERVICES VOTERS AND**  
3 **OVERSEAS VOTERS**

4 **SEC. 901. EXTENDING GUARANTEE OF RESIDENCY FOR**  
5 **VOTING PURPOSES TO FAMILY MEMBERS OF**  
6 **ABSENT MILITARY PERSONNEL.**

7 Section 705 of the Servicemembers Civil Relief Act  
8 (50 U.S.C. App. 595) is amended—

9 (1) in the heading, by striking “**SPOUSES**” and  
10 inserting “**FAMILY MEMBERS**”; and

11 (2) by amending subsection (b) to read as fol-  
12 lows:

13 “(b) **FAMILY MEMBERS.**—For the purposes of voting  
14 for in any election for any Federal office (as defined in  
15 section 301 of the Federal Election Campaign Act of 1971  
16 (52 U.S.C. 30101)) or any State or local office, a spouse,  
17 domestic partner, or dependent of a person who is absent  
18 from a State in compliance with military or naval orders  
19 shall not, solely by reason of that person’s absence and  
20 without regard to whether or not such family member is  
21 accompanying that person—

22 “(1) be deemed to have lost a residence or  
23 domicile in that State, without regard to whether or  
24 not the person intends to return to that State;



1 “(2) be deemed to have acquired a residence or  
2 domicile in any other State; or

3 “(3) be deemed to have become a resident in or  
4 a resident of any other State.”.

5 **SEC. 902. PRE-ELECTION REPORTS ON AVAILABILITY AND**  
6 **TRANSMISSION OF ABSENTEE BALLOTS.**

7 Section 102(c) of the Uniformed and Overseas Citi-  
8 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-  
9 ed to read as follows:

10 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,  
11 AND RECEIPT OF ABSENTEE BALLOTS.—

12 “(1) PRE-ELECTION REPORT ON ABSENTEE  
13 BALLOT AVAILABILITY.—Not later than 55 days be-  
14 fore any regularly scheduled general election for  
15 Federal office, each State shall submit a report to  
16 the Attorney General, the Election Assistance Com-  
17 mission (hereafter in this subsection referred to as  
18 the ‘Commission’), and the Presidential Designee,  
19 and make that report publicly available that same  
20 day, certifying that absentee ballots for the election  
21 are or will be available for transmission to absent  
22 uniformed services voters and overseas voters by not  
23 later than 45 days before the election. The report  
24 shall be in a form prescribed jointly by the Attorney  
25 General and the Commission and shall require the

1 State to certify specific information about ballot  
2 availability from each unit of local government which  
3 will administer the election.

4 “(2) PRE-ELECTION REPORT ON ABSENTEE  
5 BALLOT TRANSMISSION.—Not later than 43 days be-  
6 fore any regularly scheduled general election for  
7 Federal office, each State shall submit a report to  
8 the Attorney General, the Commission, and the  
9 Presidential Designee, and make that report publicly  
10 available that same day, certifying whether all ab-  
11 sentee ballots have been transmitted by not later  
12 than 45 days before the election to all qualified ab-  
13 sent uniformed services and overseas voters whose  
14 requests were received at least 45 days before the  
15 election. The report shall be in a form prescribed  
16 jointly by the Attorney General and the Commission,  
17 and shall require the State to certify specific infor-  
18 mation about ballot transmission, including the total  
19 numbers of ballot requests received and ballots  
20 transmitted, from each unit of local government  
21 which will administer the election.

22 “(3) POST-ELECTION REPORT ON NUMBER OF  
23 ABSENTEE BALLOTS TRANSMITTED AND RE-  
24 CEIVED.—Not later than 90 days after the date of  
25 each regularly scheduled general election for Federal

1 office, each State and unit of local government  
 2 which administered the election shall (through the  
 3 State, in the case of a unit of local government) sub-  
 4 mit a report to the Attorney General, the Commis-  
 5 sion, and the Presidential Designee on the combined  
 6 number of absentee ballots transmitted to absent  
 7 uniformed services voters and overseas voters for the  
 8 election and the combined number of such ballots  
 9 which were returned by such voters and cast in the  
 10 election, and shall make such report available to the  
 11 general public that same day.”.

12 **SEC. 903. ENFORCEMENT.**

13 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-  
 14 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed  
 15 and Overseas Citizens Absentee Voting Act (52 U.S.C.  
 16 20307) is amended to read as follows:

17 **“SEC. 105. ENFORCEMENT.**

18 “(a) ACTION BY ATTORNEY GENERAL.—

19 “(1) IN GENERAL.—The Attorney General may  
 20 bring civil action in an appropriate district court for  
 21 such declaratory or injunctive relief as may be nec-  
 22 essary to carry out this title.

23 “(2) PENALTY.—In a civil action brought under  
 24 paragraph (1), if the court finds that the State vio-  
 25 lated any provision of this title, it may, to vindicate

1       the public interest, assess a civil penalty against the  
2       State—

3               “(A) in an amount not to exceed \$110,000  
4               for each such violation, in the case of a first  
5               violation; or

6               “(B) in an amount not to exceed \$220,000  
7               for each such violation, for any subsequent vio-  
8               lation.

9               “(3) REPORT TO CONGRESS.—Not later than  
10       December 31 of each year, the Attorney General  
11       shall submit to Congress an annual report on any  
12       civil action brought under paragraph (1) during the  
13       preceding year.

14       “(b) PRIVATE RIGHT OF ACTION.—A person who is  
15       aggrieved by a State’s violation of this title may bring a  
16       civil action in an appropriate district court for such declar-  
17       atory or injunctive relief as may be necessary to carry out  
18       this title.

19       “(c) STATE AS ONLY NECESSARY DEFENDANT.—In  
20       any action brought under this section, the only necessary  
21       party defendant is the State, and it shall not be a defense  
22       to any such action that a local election official or a unit  
23       of local government is not named as a defendant, notwith-  
24       standing that a State has exercised the authority described  
25       in section 576 of the Military and Overseas Voter Em-

1 powerment Act to delegate to another jurisdiction in the  
2 State any duty or responsibility which is the subject of  
3 an action brought under this section.”.

4 (b) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to violations alleged  
6 to have occurred on or after the date of the enactment  
7 of this Act.

8 **SEC. 904. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANS-**  
9 **MISSION RULE.**

10 (a) REPEAL OF WAIVER AUTHORITY.—

11 (1) IN GENERAL.—Section 102 of the Uni-  
12 formed and Overseas Citizens Absentee Voting Act  
13 (52 U.S.C. 20302) is amended by striking sub-  
14 section (g).

15 (2) CONFORMING AMENDMENT.—Section  
16 102(a)(8)(A) of such Act (52 U.S.C.  
17 20302(a)(8)(A)) is amended by striking “except as  
18 provided in subsection (g),”.

19 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE  
20 OF FAILURE TO MEET REQUIREMENT.—Section 102 of  
21 such Act (52 U.S.C. 20302), as amended by subsection  
22 (a), is amended by inserting after subsection (f) the fol-  
23 lowing new subsection:

1       “(g) REQUIRING USE OF EXPRESS DELIVERY IN  
2 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN  
3 DEADLINES.—

4               “(1) TRANSMISSION OF BALLOT BY EXPRESS  
5 DELIVERY.—If a State fails to meet the requirement  
6 of subsection (a)(8)(A) to transmit a validly re-  
7 quested absentee ballot to an absent uniformed serv-  
8 ices voter or overseas voter not later than 45 days  
9 before the election (in the case in which the request  
10 is received at least 45 days before the election)—

11               “(A) the State shall transmit the ballot to  
12 the voter by express delivery; or

13               “(B) in the case of a voter who has des-  
14 ignated that absentee ballots be transmitted  
15 electronically in accordance with subsection  
16 (f)(1), the State shall transmit the ballot to the  
17 voter electronically.

18               “(2) SPECIAL RULE FOR TRANSMISSION FEWER  
19 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-  
20 rying out paragraph (1), a State transmits an ab-  
21 sentee ballot to an absent uniformed services voter  
22 or overseas voter fewer than 40 days before the elec-  
23 tion, the State shall enable the ballot to be returned  
24 by the voter by express delivery, except that in the  
25 case of an absentee ballot of an absent uniformed

1 services voter for a regularly scheduled general elec-  
 2 tion for Federal office, the State may satisfy the re-  
 3 quirement of this paragraph by notifying the voter  
 4 of the procedures for the collection and delivery of  
 5 such ballots under section 103A.”.

6 (c) CLARIFICATION OF TREATMENT OF WEEK-  
 7 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.  
 8 20302(a)(8)(A)) is amended by striking “the election;”  
 9 and inserting the following: “the election (or, if the 45th  
 10 day preceding the election is a weekend or legal public hol-  
 11 iday, not later than the most recent weekday which pre-  
 12 cedes such 45th day and which is not a legal public holi-  
 13 day, but only if the request is received by at least such  
 14 most recent weekday);”.

15 **SEC. 905. USE OF SINGLE ABSENTEE BALLOT APPLICATION**  
 16 **FOR SUBSEQUENT ELECTIONS.**

17 (a) IN GENERAL.—Section 104 of the Uniformed and  
 18 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)  
 19 is amended to read as follows:

20 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**  
 21 **ELECTIONS.**

22 “(a) IN GENERAL.—If a State accepts and processes  
 23 an official post card form (prescribed under section 101)  
 24 submitted by an absent uniformed services voter or over-  
 25 seas voter for simultaneous voter registration and absen-

1 tee ballot application (in accordance with section  
2 102(a)(4)) and the voter requests that the application be  
3 considered an application for an absentee ballot for each  
4 subsequent election for Federal office held in the State  
5 through the next regularly scheduled general election for  
6 Federal office (including any runoff elections which may  
7 occur as a result of the outcome of such general election),  
8 the State shall provide an absentee ballot to the voter for  
9 each such subsequent election.

10 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-  
11 TION.—Subsection (a) shall not apply with respect to a  
12 voter registered to vote in a State for any election held  
13 after the voter notifies the State that the voter no longer  
14 wishes to be registered to vote in the State or after the  
15 State determines that the voter has registered to vote in  
16 another State or is otherwise no longer eligible to vote in  
17 the State.

18 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON  
19 GROUNDS OF EARLY SUBMISSION.—A State may not  
20 refuse to accept or to process, with respect to any election  
21 for Federal office, any otherwise valid voter registration  
22 application or absentee ballot application (including the  
23 postcard form prescribed under section 101) submitted by  
24 an absent uniformed services voter or overseas voter on  
25 the grounds that the voter submitted the application be-



1 fore the first date on which the State otherwise accepts  
 2 or processes such applications for that election which are  
 3 submitted by absentee voters who are not members of the  
 4 uniformed services or overseas citizens.”.

5 (b) EFFECTIVE DATE.—The amendment made by  
 6 subsection (a) shall apply with respect to voter registration  
 7 and absentee ballot applications which are submitted to  
 8 a State or local election official on or after the date of  
 9 the enactment of this Act.

10 **SEC. 906. EFFECTIVE DATE.**

11 The amendments made by this title shall apply with  
 12 respect to elections occurring on or after January 1, 2018.

13 **TITLE X—POLL WORKER**  
 14 **RECRUITMENT AND TRAINING**

15 **SEC. 1001. LEAVE TO SERVE AS A POLL WORKER FOR FED-**  
 16 **ERAL EMPLOYEES.**

17 (a) IN GENERAL.—Subchapter II of chapter 63 of  
 18 title 5, United States Code, is amended by adding at the  
 19 end the following:

20 **“§ 6329. Absence in connection with serving as a poll**  
 21 **worker**

22 “(a) IN GENERAL.—An employee in or under an Ex-  
 23 ecutive agency is entitled to leave, without loss of or reduc-  
 24 tion in pay, leave to which otherwise entitled, credit for

1 time or service, or performance or efficiency rating, not  
 2 to exceed 6 days in a leave year, in order—

3 “(1) to provide election administration assist-  
 4 ance to a State or unit of local government at a poll-  
 5 ing place on the date of any election for public of-  
 6 fice; or

7 “(2) to receive any training without which such  
 8 employee would be ineligible to provide such assist-  
 9 ance.

10 “(b) REGULATIONS.—The Director of the Office of  
 11 Personnel Management may prescribe regulations for the  
 12 administration of this section, including regulations set-  
 13 ting forth the terms and conditions of the election admin-  
 14 istration assistance an employee may provide for purposes  
 15 of subsection (a).”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 for chapter 63 of title 5, United States Code, is amended  
 18 by inserting after the item relating to section 6328 the  
 19 following:

“6329. Absence in connection with serving as a poll worker.”.

20 **SEC. 1002. GRANTS TO STATES FOR POLL WORKER RE-**  
 21 **CRUITMENT AND TRAINING.**

22 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-  
 23 SION.—

24 (1) IN GENERAL.—The Election Assistance  
 25 Commission (hereafter referred to as the “Commis-

1 sion”) shall make a grant to each eligible State for  
2 recruiting and training individuals to serve as non-  
3 partisan poll workers on dates of elections for public  
4 office.

5 (2) USE OF COMMISSION MATERIALS.—In car-  
6 rying out activities with a grant provided under this  
7 section, the recipient of the grant shall use the man-  
8 ual prepared by the Commission on successful prac-  
9 tices for poll worker recruiting, training and reten-  
10 tion as an interactive training tool, and shall develop  
11 training programs with the participation and input  
12 of experts in adult learning.

13 (b) REQUIREMENTS FOR ELIGIBILITY.—

14 (1) APPLICATION.—Each State that desires to  
15 receive a payment under this section shall submit an  
16 application for the payment to the Commission at  
17 such time and in such manner and containing such  
18 information as the Commission shall require.

19 (2) CONTENTS OF APPLICATION.—Each appli-  
20 cation submitted under paragraph (1) shall—

21 (A) describe the activities for which assist-  
22 ance under this section is sought;

23 (B) provide assurances that the funds pro-  
24 vided under this section will be used to supple-

1           ment and not supplant other funds used to  
2           carry out the activities;

3           (C) provide assurances that the State will  
4           furnish the Commission with information on the  
5           number of individuals who served as non-  
6           partisan poll workers after recruitment and  
7           training with the funds provided under this sec-  
8           tion; and

9           (D) provide such additional information  
10          and certifications as the Commission deter-  
11          mines to be essential to ensure compliance with  
12          the requirements of this section.

13       (c) AMOUNT OF GRANT.—

14           (1) IN GENERAL.—The amount of a grant  
15          made to a State under this section shall be equal to  
16          the product of—

17           (A) the aggregate amount made available  
18          for grants to States under this section; and

19           (B) the voting age population percentage  
20          for the State.

21           (2) VOTING AGE POPULATION PERCENTAGE DE-  
22          FINED.—In paragraph (1), the “voting age popu-  
23          lation percentage” for a State is the quotient of—

24           (A) the voting age population of the State  
25          (as determined on the basis of the most recent

1 information available from the Bureau of the  
2 Census); and

3 (B) the total voting age population of all  
4 States (as determined on the basis of the most  
5 recent information available from the Bureau of  
6 the Census).

7 (d) REPORTS TO CONGRESS.—

8 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not  
9 later than 6 months after the date on which the  
10 final grant is made under this section, each recipient  
11 of a grant shall submit a report to the Commission  
12 on the activities conducted with the funds provided  
13 by the grant.

14 (2) REPORTS BY COMMISSION.—Not later than  
15 1 year after the date on which the final grant is  
16 made under this section, the Commission shall sub-  
17 mit a report to Congress on the grants made under  
18 this section and the activities carried out by recipi-  
19 ents with the grants, and shall include in the report  
20 such recommendations as the Commission considers  
21 appropriate.

22 (e) FUNDING.—

23 (1) CONTINUING AVAILABILITY OF AMOUNT AP-  
24 PROPRIATED.—Any amount appropriated to carry

1 out this section shall remain available without fiscal  
2 year limitation until expended.

3 (2) ADMINISTRATIVE EXPENSES.—Of the  
4 amount appropriated for any fiscal year to carry out  
5 this section, not more than 3 percent shall be avail-  
6 able for administrative expenses of the Commission.

7 **SEC. 1003. MODEL POLL WORKER TRAINING PROGRAM.**

8 (a) DEVELOPMENT OF PROGRAM BY ELECTION AS-  
9 SISTANCE COMMISSION.—Not later than 1 year after the  
10 date of the enactment of this Act, the Election Assistance  
11 Commission shall develop and provide to each State mate-  
12 rials for a model poll worker training program which the  
13 State may use to train individuals to serve as poll workers  
14 in elections for Federal office.

15 (b) CONTENTS OF MATERIALS.—The materials for  
16 the model poll worker training program developed under  
17 this section shall include materials to provide training with  
18 respect to the following:

19 (1) The relevant provisions of the Federal laws  
20 which apply to the administration of elections for  
21 Federal office in the State, including the Voting  
22 Rights Act of 1965 and the Help America Vote Act  
23 of 2002.

1           (2) The provision of access to voting to individ-  
2           uals with disabilities in a manner which preserves  
3           the dignity and privacy of such individuals.

4           (3) The provision of access to voting to individ-  
5           uals with limited English language proficiency, and  
6           to individuals who are members or racial or ethnic  
7           minorities, consistent with the protections provided  
8           for such individuals under relevant law, in a manner  
9           which preserves the dignity of such individuals.

10          (4) Practical experience in the use of the voting  
11          machines which will be used in the election involved,  
12          including the accessibility features of such machines.

13          (5) Such other election administration subjects  
14          as the Commission considers appropriate to ensure  
15          that poll workers are able to effectively assist with  
16          the administration of elections for Federal office.

17   **SEC. 1004. STATE DEFINED.**

18          In this title, the term “State” includes the District  
19          of Columbia, the Commonwealth of Puerto Rico, Guam,  
20          American Samoa, the United States Virgin Islands, and  
21          the Commonwealth of the Northern Mariana Islands.

1       **TITLE XI—ENHANCEMENT OF**  
2                   **ENFORCEMENT**

3   **SEC. 1101. ENHANCEMENT OF ENFORCEMENT OF HELP**  
4                   **AMERICA VOTE ACT OF 2002.**

5       (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT  
6 OF ACTION.—Section 401 of the Help America Vote Act  
7 of 2002 (52 U.S.C. 21111) is amended—

8               (1) by striking “The Attorney General” and in-  
9       serting “(a) IN GENERAL.—The Attorney General”;  
10       and

11               (2) by adding at the end the following new sub-  
12       sections:

13       “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-  
14       SONS.—

15               “(1) IN GENERAL.—A person who is aggrieved  
16       by a violation of subtitle A or subtitle C of title III  
17       which has occurred, is occurring, or is about to  
18       occur may file a written, signed, notarized complaint  
19       with the Attorney General describing the violation  
20       and requesting the Attorney General to take appro-  
21       priate action under this section. The Attorney Gen-  
22       eral shall immediately provide a copy of a complaint  
23       filed under the previous sentence to the entity re-  
24       sponsible for administering the State-based adminis-



1       trative complaint procedures described in section  
2       402(a) for the State involved.

3           “(2) RESPONSE BY ATTORNEY GENERAL.—The  
4       Attorney General shall respond to each complaint  
5       filed under paragraph (1), in accordance with proce-  
6       dures established by the Attorney General that re-  
7       quire responses and determinations to be made with-  
8       in the same (or shorter) deadlines which apply to a  
9       State under the State-based administrative com-  
10      plaint procedures described in section 402(a)(2).  
11      The Attorney General shall immediately provide a  
12      copy of the response made under the previous sen-  
13      tence to the entity responsible for administering the  
14      State-based administrative complaint procedures de-  
15      scribed in section 402(a) for the State involved.

16      “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-  
17      TION.—Any person who is authorized to file a complaint  
18      under subsection (b)(1) (including any individual who  
19      seeks to enforce the individual’s right to a voter-verified  
20      paper ballot, the right to have the voter-verified paper bal-  
21      lot counted in accordance with this Act, or any other right  
22      under subtitles A or C of title III) may file an action under  
23      section 1979 of the Revised Statutes of the United States  
24      (42 U.S.C. 1983) to enforce the uniform and nondiscrim-  
25      inatory election technology and administration require-

1 ments under subtitle A of title III, or the requirements  
 2 of subtitle C 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 2018  
 11 or any succeeding year.

## 12 **TITLE XII—FEDERAL ELECTION** 13 **INTEGRITY**

### 14 **SEC. 1201. PROHIBITION ON CAMPAIGN ACTIVITIES BY** 15 **CHIEF STATE ELECTION ADMINISTRATION** 16 **OFFICIALS.**

17 (a) IN GENERAL.—Title III of the Federal Election  
 18 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
 19 amended by inserting after section 319 the following new  
 20 section:

21 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION  
 22 ADMINISTRATION OFFICIALS

23 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful  
 24 for a chief State election administration official to take  
 25 an active part in political management or in a political

1 campaign with respect to any election for Federal office  
2 over which such official has supervisory authority.

3 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-  
4 FICIAL.—The term ‘chief State election administration of-  
5 ficial’ means the highest State official with responsibility  
6 for the administration of Federal elections under State  
7 law.

8 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR  
9 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-  
10 litical management or in a political campaign’ means—

11 “(1) serving as a member of an authorized com-  
12 mittee of a candidate for Federal office;

13 “(2) the use of official authority or influence  
14 for the purpose of interfering with or affecting the  
15 result of an election for Federal office;

16 “(3) the solicitation, acceptance, or receipt of a  
17 contribution from any person on behalf of a can-  
18 didate for Federal office; and

19 “(4) any other act which would be prohibited  
20 under paragraph (2) or (3) of section 7323(b) of  
21 title 5, United States Code, if taken by an individual  
22 to whom such paragraph applies (other than any  
23 prohibition on running for public office).

24 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR  
25 IMMEDIATE FAMILY MEMBERS.—

1           “(1) IN GENERAL.—This section does not apply  
2           to a chief State election administration official with  
3           respect to an election for Federal office in which the  
4           official or an immediate family member of the offi-  
5           cial is a candidate.

6           “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
7           In paragraph (1), the term ‘immediate family mem-  
8           ber’ means, with respect to a candidate, a father,  
9           mother, son, daughter, brother, sister, husband,  
10          wife, father-in-law, or mother-in-law.”.

11          (b) EFFECTIVE DATE.—The amendments made by  
12          subsection (a) shall apply with respect to elections for  
13          Federal office held after December 2017.

14       **TITLE XIII—OTHER ELECTION**  
15       **ADMINISTRATION IMPROVE-**  
16       **MENTS**

17       **SEC. 1301. TREATMENT OF UNIVERSITIES AS VOTER REG-**  
18       **ISTRATION AGENCIES.**

19          (a) IN GENERAL.—Section 7(a) of the National Voter  
20          Registration Act of 1993 (52 U.S.C. 20506(a)) is amend-  
21          ed—

22               (1) in paragraph (2)—

23                       (A) by striking “and” at the end of sub-  
24                       paragraph (A);

1 (B) by striking the period at the end of  
 2 subparagraph (B) and inserting “; and”; and

3 (C) by adding at the end the following new  
 4 subparagraph:

5 “(C) each institution of higher education  
 6 (as defined in section 101 of the Higher Edu-  
 7 cation Act of 1965 (20 U.S.C. 1001)) in the  
 8 State that receives Federal funds.”; and

9 (2) in paragraph (6)(A), by inserting “or, in  
 10 the case of an institution of higher education, with  
 11 each registration of a student for enrollment in a  
 12 course of study” after “assistance,”.

13 (b) AMENDMENT TO HIGHER EDUCATION ACT OF  
 14 1965.—Section 487(a) of the Higher Education Act of  
 15 1965 (20 U.S.C. 1094(a)) is amended by striking para-  
 16 graph (23).

17 (c) EFFECTIVE DATE.—The amendments made by  
 18 this section shall apply with respect to elections held on  
 19 or after January 1, 2018.

20 **SEC. 1302. MINIMUM NOTIFICATION REQUIREMENTS FOR**  
 21 **VOTERS AFFECTED BY POLLING PLACE**  
 22 **CHANGES.**

23 (a) REQUIREMENTS.—Section 302 of the Help Amer-  
 24 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by  
 25 section 701(a), is amended—

1           (1) by redesignating subsection (f) as sub-  
2           section (g); and

3           (2) by inserting after subsection (e) the fol-  
4           lowing new subsection:

5           “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR  
6           VOTERS AFFECTED BY POLLING PLACE CHANGES.—

7           “(1) IN GENERAL.—If a State assigns an indi-  
8           vidual who is a registered voter in a State to a poll-  
9           ing place with respect to an election for Federal of-  
10          fice which is not the same polling place to which the  
11          individual was previously assigned with respect to  
12          the most recent election for Federal office in the  
13          State in which the individual was eligible to vote—

14               “(A) the State shall notify the individual of  
15               the location of the polling place not later than  
16               7 days before the date of the election; or

17               “(B) if the State makes such an assign-  
18               ment fewer than 7 days before the date of the  
19               election and the individual appears on the date  
20               of the election at the polling place to which the  
21               individual was previously assigned, the State  
22               shall make every reasonable effort to enable the  
23               individual to vote on the date of the election.

1           “(2) EFFECTIVE DATE.—This subsection shall  
2           apply with respect to elections held on or after Janu-  
3           ary 1, 2018.”.

4           (b) CONFORMING AMENDMENT.—Section 302(f) of  
5           such Act (52 U.S.C. 21082(f)), as redesignated by sub-  
6           section (a) and as amended by section 701(b), is amended  
7           by striking “(d)(2) and (e)(2)” and inserting “(d)(2),  
8           (e)(2), and (f)(2)”.

9           **SEC. 1303. VOTER INFORMATION RESPONSE SYSTEMS AND**  
10           **HOTLINE.**

11           (a) ESTABLISHMENT AND OPERATION OF SYSTEMS  
12           AND SERVICES.—

13           (1) STATE-BASED RESPONSE SYSTEMS.—The  
14           Attorney General shall coordinate the establishment  
15           of a State-based response system for responding to  
16           questions and complaints from individuals voting or  
17           seeking to vote, or registering to vote or seeking to  
18           register to vote, in elections for Federal office. Such  
19           system shall provide—

20           (A) State-specific, same-day, and imme-  
21           diate assistance to such individuals, including  
22           information on how to register to vote, the loca-  
23           tion and hours of operation of polling places,  
24           and how to obtain absentee ballots; and

1           (B) State-specific, same-day, and imme-  
2           diate assistance to individuals encountering  
3           problems with registering to vote or voting, in-  
4           cluding individuals encountering intimidation or  
5           deceptive practices.

6           (2) HOTLINE.—The Attorney General, in con-  
7           sultation with State election officials, shall establish  
8           and operate a toll-free telephone service, using a  
9           telephone number that is accessible throughout the  
10          United States and that uses easily identifiable nu-  
11          merals, through which individuals throughout the  
12          United States—

13                 (A) may connect directly to the State-  
14                 based response system described in paragraph  
15                 (1) with respect to the State involved;

16                 (B) may obtain information on voting in  
17                 elections for Federal office, including informa-  
18                 tion on how to register to vote in such elections,  
19                 the locations and hours of operation of polling  
20                 places, and how to obtain absentee ballots; and

21                 (C) may report information to the Attor-  
22                 ney General on problems encountered in reg-  
23                 istering to vote or voting, including incidences  
24                 of voter intimidation or suppression.



1           (3) COLLABORATION WITH STATE AND LOCAL  
2 ELECTION OFFICIALS.—

3           (A) COLLECTION OF INFORMATION FROM  
4 STATES.—The Attorney General shall coordi-  
5 nate the collection of information on State and  
6 local election laws and policies, including infor-  
7 mation on the Statewide computerized voter  
8 registration lists maintained under title III of  
9 the Help America Vote Act of 2002, so that in-  
10 dividuals who contact the free telephone service  
11 established under paragraph (2) on the date of  
12 an election for Federal office may receive an  
13 immediate response on that day.

14           (B) FORWARDING QUESTIONS AND COM-  
15 PLAINTS TO STATES.—If an individual contacts  
16 the free telephone service established under  
17 paragraph (2) on the date of an election for  
18 Federal office with a question or complaint with  
19 respect to a particular State or jurisdiction  
20 within a State, the Attorney General shall for-  
21 ward the question or complaint immediately to  
22 the appropriate election official of the State or  
23 jurisdiction so that the official may answer the  
24 question or remedy the complaint on that date.

1           (4) CONSULTATION REQUIREMENTS FOR DE-  
2       VELOPMENT OF SYSTEMS AND SERVICES.—The At-  
3       torney General shall ensure that the State-based re-  
4       sponse system under paragraph (1) and the free  
5       telephone service under paragraph (2) are each de-  
6       veloped in consultation with civil rights organiza-  
7       tions, voting rights groups, State and local election  
8       officials, voter protection groups, and other inter-  
9       ested community organizations, especially those that  
10      have experience in the operation of similar systems  
11      and services.

12      (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-  
13      ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH  
14      LANGUAGE PROFICIENCY.—The Attorney General shall  
15      design and operate the telephone service established under  
16      this section in a manner that ensures that individuals with  
17      disabilities and individuals with limited proficiency in the  
18      English language are fully able to use the service.

19      (c) VOTER HOTLINE TASK FORCE.—

20           (1) APPOINTMENT BY ATTORNEY GENERAL.—  
21      The Attorney General shall appoint individuals (in  
22      such number as the Attorney General considers ap-  
23      propriate but in no event fewer than 3) to serve on  
24      a Voter Hotline Task Force to provide ongoing anal-  
25      ysis and assessment of the operation of the tele-

1 phone service established under this section, and  
2 shall give special consideration in making appoint-  
3 ments to the Task Force to individuals who rep-  
4 resent civil rights organizations. At least one mem-  
5 ber of the Task Force shall be a representative of  
6 an organization promoting voting rights or civil  
7 rights which has experience in the operation of simi-  
8 lar telephone services or in protecting the rights of  
9 individuals to vote, especially individuals who are  
10 members or racial minorities or of communities who  
11 have been adversely affected by efforts to suppress  
12 voting rights.

13 (2) ELIGIBILITY.—An individual shall be eligi-  
14 ble to serve on the Task Force under this subsection  
15 if the individual meets such criteria as the Attorney  
16 General may establish, except that an individual may  
17 not serve on the task force if the individual has been  
18 convicted of any criminal offense relating to voter in-  
19 timidation or voter suppression.

20 (3) TERM OF SERVICE.—An individual ap-  
21 pointed to the Task Force shall serve a single term  
22 of 2 years, except that the initial terms of the mem-  
23 bers first appointed to the Task Force shall be stag-  
24 gered so that there are at least 3 individuals serving  
25 on the Task Force during each year. A vacancy in

1 the membership of the Task Force shall be filled in  
2 the same manner as the original appointment.

3 (4) NO COMPENSATION FOR SERVICE.—Mem-  
4 bers of the Task Force shall serve without pay, but  
5 shall receive travel expenses, including per diem in  
6 lieu of subsistence, in accordance with applicable  
7 provisions under subchapter I of chapter 57 of title  
8 5, United States Code.

9 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later  
10 than March 1 of each odd-numbered year, the Attorney  
11 General shall submit a report to Congress on the operation  
12 of the telephone service established under this section dur-  
13 ing the previous 2 years, and shall include in the report—

14 (1) an enumeration of the number and type of  
15 calls that were received by the service;

16 (2) a compilation and description of the reports  
17 made to the service by individuals citing instances of  
18 voter intimidation or suppression;

19 (3) an assessment of the effectiveness of the  
20 service in making information available to all house-  
21 holds in the United States with telephone service;

22 (4) any recommendations developed by the  
23 Task Force established under subsection (c) with re-  
24 spect to how voting systems may be maintained or  
25 upgraded to better accommodate voters and better

1 ensure the integrity of elections, including but not  
2 limited to identifying how to eliminate coordinated  
3 voter suppression efforts and how to establish effective  
4 mechanisms for distributing updates on changes  
5 to voting requirements; and

6 (5) any recommendations on best practices for  
7 the State-based response systems established under  
8 subsection (a)(1).

9 (e) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) AUTHORIZATION.—There are authorized to  
11 be appropriated to the Attorney General for fiscal  
12 year 2017 and each succeeding fiscal year such sums  
13 as may be necessary to carry out this section.

14 (2) SET-ASIDE FOR OUTREACH.—Of the  
15 amounts appropriated to carry out this Act for a fiscal  
16 year pursuant to the authorization under paragraph  
17 (1), not less than 15% shall be used for outreach  
18 activities to make the public aware of the  
19 availability of the telephone service established under  
20 this section, with an emphasis on outreach to individuals  
21 with disabilities and individuals with limited  
22 proficiency in the English language.

1 **SEC. 1304. REAUTHORIZATION OF ELECTION ASSISTANCE**  
2 **COMMISSION.**

3 Section 210 of the Help America Vote Act of 2002  
4 (52 U.S.C. 20930) is amended by striking “for each of  
5 the fiscal years 2003 through 2005” and inserting “for  
6 each of the fiscal years 2017 through 2022”.

7 **SEC. 1305. APPLICATION OF LAWS TO COMMONWEALTH OF**  
8 **NORTHERN MARIANA ISLANDS.**

9 (a) NATIONAL VOTER REGISTRATION ACT OF  
10 1993.—Section 3(4) of the National Voter Registration  
11 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking  
12 “States and the District of Columbia” and inserting  
13 “States, the District of Columbia, and the Commonwealth  
14 of the Northern Mariana Islands”.

15 (b) HELP AMERICA VOTE ACT OF 2002.—

16 (1) IN GENERAL.—Section 901 of the Help  
17 America Vote Act of 2002 (52 U.S.C. 21141) is  
18 amended by striking “and the United States Virgin  
19 Islands” and inserting “the United States Virgin Is-  
20 lands, and the Commonwealth of the Northern Mar-  
21 iana Islands”.

22 (2) CONFORMING AMENDMENT RELATING TO  
23 MINIMUM AMOUNT OF REQUIREMENTS PAYMENT TO  
24 TERRITORIES.—Section 252(c)(2) of such Act (52  
25 U.S.C. 21002(c)(2)) is amended by striking “or the  
26 United States Virgin Islands” and inserting “the

1 United States Virgin Islands, or the Commonwealth  
2 of the Northern Mariana Islands”.

3 **SEC. 1306. REPEAL OF EXEMPTION OF ELECTION ASSIST-**  
4 **ANCE COMMISSION FROM CERTAIN GOVERN-**  
5 **MENT CONTRACTING REQUIREMENTS .**

6 (a) IN GENERAL.—Section 205 of the Help America  
7 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-  
8 ing subsection (e).

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) shall apply with respect to contracts entered  
11 into by the Election Assistance Commission on or after  
12 the date of the enactment of this Act.

13 **SEC. 1307. NO EFFECT ON OTHER LAWS.**

14 (a) IN GENERAL.—Except as specifically provided,  
15 nothing in this Act may be construed to authorize or re-  
16 quire conduct prohibited under any of the following laws,  
17 or to supersede, restrict, or limit the application of such  
18 laws:

19 (1) The Voting Rights Act of 1965 (52 U.S.C.  
20 10301 et seq.).

21 (2) The Voting Accessibility for the Elderly and  
22 Handicapped Act (52 U.S.C. 20101 et seq.).

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

1           (4) The National Voter Registration Act of  
2           1993 (52 U.S.C. 20501 et seq.).

3           (5) The Americans with Disabilities Act of  
4           1990 (42 U.S.C. 12101 et seq.).

5           (6) The Rehabilitation Act of 1973 (29 U.S.C.  
6           701 et seq.).

7           (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
8           QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
9           proval by any person of a payment or grant application  
10          under this Act, or any other action taken by any person  
11          under this Act, shall not be considered to have any effect  
12          on requirements for preclearance under section 5 of the  
13          Voting Rights Act of 1965 (52 U.S.C. 10304) or any other  
14          requirements of such Act.

○