

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom to Vote Act”.

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

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

7 (1) Division A—Voter Access.

8 (2) Division B—Election Integrity.

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

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

Sec. 1. Short title.

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

Sec. 3. Findings of general constitutional authority.

Sec. 4. Standards for judicial review.

Sec. 5. Severability.

DIVISION I—VOTER ACCESS

TITLE I—ELECTION MODERNIZATION AND ADMINISTRATION

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—AUTOMATIC VOTER REGISTRATION

- Sec. 1001. Short title; findings and purpose.
- Sec. 1002. Automatic registration of eligible individuals.
- Sec. 1003. Voter protection and security in automatic registration.
- Sec. 1004. Payments and grants.
- Sec. 1005. Miscellaneous provisions.
- Sec. 1006. Definitions.
- Sec. 1007. Effective date.

PART 2—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

Sec. 1011. Election day as legal public holiday.

PART 3—PROMOTING INTERNET REGISTRATION

- Sec. 1021. Requiring availability of internet for voter registration.
- Sec. 1022. Use of internet to update registration information.
- Sec. 1023. Provision of election information by electronic mail to individuals registered to vote.
- Sec. 1024. Clarification of requirement regarding necessary information to show eligibility to vote.
- Sec. 1025. Prohibiting State from requiring applicants to provide more than last 4 digits of social security number.
- Sec. 1026. Application of rules to certain exempt States.
- Sec. 1027. Report on data collection relating to online voter registration systems.
- Sec. 1028. Permitting voter registration application form to serve as application for absentee ballot.
- Sec. 1029. Effective date.

PART 4—SAME DAY VOTER REGISTRATION

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

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

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

PART 6—FUNDING SUPPORT TO STATES FOR COMPLIANCE

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

Subtitle B—Access to Voting for Individuals With Disabilities

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

Subtitle C—Early Voting

- Sec. 1201. Early voting.

Subtitle D—Voting by Mail

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

Subtitle E—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1401. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1402. Enforcement.
- Sec. 1403. Transmission requirements; repeal of waiver provision.
- Sec. 1404. Use of single absentee ballot application for subsequent elections.
- Sec. 1405. Extending guarantee of residency for voting purposes to family members of absent military personnel.
- Sec. 1406. Technical clarifications to conform to Military and Overseas Voter Empowerment Act amendments related to the Federal write-in absentee ballot.
- Sec. 1407. Treatment of post card registration requests.
- Sec. 1408. Presidential designee report on voter disenfranchisement.
- Sec. 1409. Effective date.

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- Sec. 1603. Elimination of 14-day time period between general election and run-off election for Federal elections in the Virgin Islands and Guam.

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- Sec. 7103. Official exercising the responsibilities of the general counsel.
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- Sec. 8111. Benefits and eligibility requirements for candidates.
Sec. 8112. Contributions and expenditures by multicandidate and political
party committees on behalf of participating candidates.
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poses other than campaign for election.
Sec. 8114. Deadline for regulations.

Subtitle C—Personal Use Services as Authorized Campaign Expenditures

- Sec. 8201. Short title; findings; purpose.
Sec. 8202. Treatment of payments for child care and other personal use serv-
ices as authorized campaign expenditure.

Subtitle D—Empowering Small Dollar Donations

- Sec. 8301. Permitting political party committees to provide enhanced support
for House candidates through use of separate small dollar ac-
counts.

Subtitle E—Severability

- Sec. 8401. Severability.

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

3 Congress finds that the Constitution of the United
4 States grants explicit and broad authority to protect the
5 right to vote, to regulate elections for Federal office, to
6 prevent and remedy discrimination in voting, and to de-
7 fend the Nation's democratic process. Congress enacts the
8 Freedom to Vote Act pursuant to this broad authority,
9 including but not limited to the following:

- 10 (1) Congress finds that it has broad authority
11 to regulate the time, place, and manner of congres-
12 sional elections under the Elections Clause of the
13 Constitution, article I, section 4, clause 1. The Su-

1 preme Court has affirmed that the “substantive
2 scope” of the Elections Clause is “broad”; that
3 “Times, Places, and Manner” are “comprehensive
4 words which embrace authority to provide for a com-
5 plete code for congressional elections”; and “[t]he
6 power of Congress over the Times, Places and Man-
7 ner of congressional elections is paramount, and may
8 be exercised at any time, and to any extent which
9 it deems expedient; and so far as it is exercised, and
10 no farther, the regulations effected supersede those
11 of the State which are inconsistent therewith”. *Ari-
12 zona v. Inter Tribal Council of Arizona*, 570 U.S. 1,
13 8–9 (2013) (internal quotation marks and citations
14 omitted). Indeed, “Congress has plenary and para-
15 mount jurisdiction over the whole subject” of con-
16 gressional elections, *Ex parte Siebold*, 100 U.S. (10
17 Otto) 371, 388 (1879), and this power “may be ex-
18 ercised as and when Congress sees fit”, and “so far
19 as it extends and conflicts with the regulations of
20 the State, necessarily supersedes them”. *Id.* at 384.
21 Among other things, Congress finds that the Elec-
22 tions Clause was intended to “vindicate the people’s
23 right to equality of representation in the House”.
24 *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964), and to

1 address partisan gerrymandering, *Rucho v. Common*
2 *Cause*, 139 S. Ct. 2484 (2019).

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

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

19 (B) Section 1 of the Fourteenth Amendment
20 protects the fundamental right to vote, which is “of
21 the most fundamental significance under our con-
22 stitutional structure”. *Ill. Bd. of Election v. Socialist*
23 *Workers Party*, 440 U.S. 173, 184 (1979); see
24 *United States v. Classic*, 313 U.S. 299 (1941) (“Ob-
25 viously included within the right to choose, secured

1 by the Constitution, is the right of qualified voters
2 within a State to cast their ballots and have them
3 counted . . .”). As the Supreme Court has repeatedly
4 affirmed, the right to vote is “preservative of all
5 rights”, *Yick Wo v. Hopkins*, 118 U.S. 356, 370
6 (1886). Section 2 of the Fourteenth Amendment
7 also protects the right to vote, granting Congress
8 additional authority to reduce a State’s representa-
9 tion in Congress when the right to vote is abridged
10 or denied.

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

22 (D) Congress also finds that “the right of suf-
23 frage can be denied by a debasement or dilution of
24 the weight of a citizen’s vote just as effectively as by
25 wholly prohibiting the free exercise of the franchise”.

1 *Reynolds v. Sims*, 377 U.S. 533, 555 (1964). Con-
2 gress finds that the right of suffrage has been so di-
3 luted and debased by means of gerrymandering of
4 districts. Congress finds that it has authority pursu-
5 ant to section 5 of the Fourteenth Amendment to
6 remedy this debasement.

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

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

24 (C) Recent elections and studies have shown
25 that minority communities wait longer in lines to

1 vote, are more likely to have their mail ballots re-
2 jected, continue to face intimidation at the polls, are
3 more likely to be disenfranchised by voter purges,
4 and are disproportionately burdened by excessively
5 onerous voter identification and other voter restric-
6 tions. Research shows that communities of color are
7 more likely to face nearly every barrier to voting
8 than their white counterparts.

9 (D) Congress finds that racial disparities in dis-
10 enfranchisement due to past felony convictions is
11 particularly stark. In 2020, according to the Sen-
12 tencing Project, an estimated 5,200,000 Americans
13 could not vote due to a felony conviction. One in 16
14 African Americans of voting age is disenfranchised,
15 a rate 3.7 times greater than that of non-African
16 Americans. In seven States—Alabama, Florida,
17 Kentucky, Mississippi, Tennessee, Virginia, and Wy-
18 oming—more than one in seven African Americans
19 is disenfranchised, twice the national average for Af-
20 rican Americans. Congress finds that felony dis-
21 enfranchisement was one of the tools of intentional
22 racial discrimination during the Jim Crow era. Con-
23 gress further finds that current racial disparities in
24 felony disenfranchisement are linked to this history
25 of voter suppression, structural racism in the crimi-

1 nal justice system, and ongoing effects of historical
2 discrimination.

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

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

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

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

19 (a) IN GENERAL.—For any action brought for declar-
20 atory or injunctive relief to challenge, whether facially or
21 as-applied, the constitutionality or lawfulness of any provi-
22 sion of this Act or any amendment made by this Act or
23 any rule or regulation promulgated under this Act, the fol-
24 lowing rules shall apply:

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

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

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

19 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-
20 tion at the time of its commencement is not subject to
21 subsection (a), but an amendment, counterclaim, cross-
22 claim, affirmative defense, or any other pleading or motion
23 is filed challenging, whether facially or as-applied, the con-
24 stitutionality or lawfulness of this Act or any amendment
25 made by this Act or any rule or regulation promulgated

1 under this Act, the district court shall transfer the action
2 to the District Court for the District of Columbia, and
3 the action shall thereafter be conducted pursuant to sub-
4 section (a).

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

17 **SEC. 5. SEVERABILITY.**

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

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

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

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Voter Empowerment Act of 2023”.

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

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

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

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

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

22 This subtitle may be cited as the “Voter Registration
23 Modernization Act of 2023”.

1 **PART 1—AUTOMATIC VOTER REGISTRATION**

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

3 (a) **SHORT TITLE.**—This part may be cited as the
4 “Automatic Voter Registration Act of 2023”.

5 (b) **FINDINGS AND PURPOSE.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

21 “(b) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(c) APPLICABLE AGENCY RESPONSIBILITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(d) VOTER PROTECTION.—

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

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

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

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

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

18 “(A) PUBLIC DISCLOSURE PROHIBITED.—

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

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

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

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

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

11 “(V) The individual’s signature.

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

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

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

1 “(e) MISCELLANEOUS PROVISIONS.—

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

8 “(2) TRANSMISSION THROUGH SECURE THIRD
9 PARTY PERMITTED.—Nothing in this section or in
10 the Automatic Voter Registration Act of 2023 shall
11 be construed to prevent an applicable agency from
12 contracting with a third party to assist the agency
13 in meeting the information transmittal requirements
14 of this section, so long as the data transmittal com-
15 plies with the applicable requirements of this section
16 and such Act, including provisions relating privacy
17 and security.

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

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

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

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

12 “(f) APPLICABILITY.—

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

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

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

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

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

5 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) SECURITY POLICY.—

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

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

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

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

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

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

9 (A) CERTIFICATION.—The chief State elec-
10 tion official of the State shall annually file with
11 the Election Assistance Commission a state-
12 ment certifying to the Director of the National
13 Institute of Standards and Technology that the
14 State is in compliance with the standards re-
15 ferred to in paragraphs (2) and (3). A State
16 may meet the requirement of the previous sen-
17 tence by filing with the Commission a statement
18 which reads as follows: “_____ hereby
19 certifies that it is in compliance with the stand-
20 ards referred to in paragraphs (2) and (3) of
21 section 1003(d) of the Automatic Voter Reg-
22 istration Act of 2023.” (with the blank to be
23 filled in with the name of the State involved).

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

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

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

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

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

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

3 (1) Voter registration records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

7 (A) \$3,000,000,000 for fiscal year 2023;

8 and

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

11 (2) CONTINUING AVAILABILITY OF FUNDS.—

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

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

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

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

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

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

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

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

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

12 **SEC. 1006. DEFINITIONS.**

13 In this part, the following definitions apply:

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

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

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

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

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

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

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

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

16 **HOLIDAY**

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

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

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

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

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

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

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to the regularly
6 scheduled general elections for Federal office held in No-
7 vember 2024 or any succeeding year.

8 **PART 3—PROMOTING INTERNET REGISTRATION**

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

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

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

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

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

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

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

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

11 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

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

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

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

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

3 “(c) SIGNATURE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

22 “(d) CONFIRMATION AND DISPOSITION.—

23 “(1) CONFIRMATION OF RECEIPT.—

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

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

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

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

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

16 “(2) NOTICE OF DISPOSITION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

3 (a) IN GENERAL.—

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

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

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

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

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

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

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

14 “(C) CONFIRMATION AND DISPOSITION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(1) Section 6A (as added by section 1021(a)
16 of the Voter Registration Modernization Act of
17 2023).

18 “(2) Section 8(a)(1)(E) (as added by section
19 1021(e)(1) of the Voter Registration Modernization
20 Act of 2023).

21 “(3) Section 8(a)(5) (as amended by section
22 1021(e)(2) of Voter Registration Modernization Act
23 of 2023), but only to the extent such provision re-
24 lates to section 6A.

1 “(4) Section 8(j) (as added by section 1024 of
2 the Voter Registration Modernization Act of 2023),
3 but only to the extent such provision relates to sec-
4 tion 6A.”.

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

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

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

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

20 (1) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 “(a) IN GENERAL.—

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

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

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

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

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

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

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

4 “(d) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

“Sec. 304. Same day registration.”.

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

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

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to elections held
12 in 2023 or any succeeding year.

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

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

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

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

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

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

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

16 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (b) UNIFORM STATEMENT.—

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

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

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

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

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

23 (3) LANGUAGES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 1043. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
2 **CATIONS FROM INDIVIDUALS UNDER 18**
3 **YEARS OF AGE.**

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

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

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

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

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

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

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to elections occur-
3 ring on or after January 1, 2023.

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

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

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

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

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

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

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

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

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

9 “(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

“Sec. 305. Voter privacy programs.”.

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

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

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

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

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

18 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
19 TIES.—Notwithstanding paragraph (3), a State may
20 use a requirements payment to carry out any of the
21 requirements of the Voter Registration Moderniza-
22 tion Act of 2023, including the requirements of the
23 National Voter Registration Act of 1993 which are
24 imposed pursuant to the amendments made to such

1 Act by the Voter Registration Modernization Act of
2 2023.”.

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

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to fiscal year 2023
9 and each succeeding fiscal year.

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

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

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

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

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

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

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

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

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

12 “(3) accept and process, with respect to any
13 election for Federal office, any otherwise valid voter
14 registration application and absentee ballot applica-
15 tion from an individual with a disability if the appli-
16 cation is received by the appropriate State election
17 official within the deadline for the election which is
18 applicable under Federal law;

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

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

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

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

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

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

1 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
2 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
3 TEE BALLOT PROCEDURES FOR VOTERS WITH DISABIL-
4 ITIES IN STATE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tion applications and absentee ballot applica-
2 tions under subsection (a)(4);

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

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

9 “(2) CLARIFICATION REGARDING PROVISION OF
10 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
11 TION.—A State may, in addition to the means of
12 electronic communication so designated, provide
13 multiple means of electronic communication to indi-
14 viduals with disabilities, including a means of elec-
15 tronic communication for the appropriate jurisdic-
16 tion of the State.

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

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

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

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

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

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

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

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

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

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

22 “(f) EFFECTIVE DATE.—This section shall apply
23 with respect to elections for Federal office held on or after
24 January 1, 2023.”.

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

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

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

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

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

12 “(4) in the case of the recommendations with
13 respect to section 306, January 1, 2023.”.

14 (2) REDESIGNATION.—

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

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

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

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

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

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

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

7 **ACCESSIBLE ELECTION WEBSITES.**

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

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

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

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

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

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

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

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

5 “(B) online training and resources on—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(c) STATE PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(6) State Assistive Technology Act Programs.

19 “(7) A visual access advocacy organization.

20 “(8) An organization for the deaf.

21 “(9) A mental health organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (a) REQUIREMENT.—

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

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

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

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

16 “(a) IN GENERAL.—Each State shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (C) by striking paragraph (3).

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

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

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

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

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

12 (E) in section 8—

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

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

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

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

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

25 (3) SHORT TITLE AMENDMENT.—

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

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

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

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

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

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

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

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

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

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

16 “(b) EFFECTIVE DATE.—This section shall apply
17 with respect to elections for Federal office held on or after
18 January 1, 2023.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(4) For fiscal year 2023 and each succeeding
14 fiscal year, such sums as may be necessary to carry
15 out this part.”.

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

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

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

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

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

1 pursuant to the authority of subsection (a) for a
2 payment to a State or unit of local government for
3 fiscal year 2023 or any succeeding fiscal year, any
4 portion of such amounts which have not been obli-
5 gated or expended by the State or unit of local gov-
6 ernment prior to the expiration of the 4-year period
7 which begins on the date the State or unit of local
8 government first received the amounts shall be
9 transferred to the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) REPORTS.—

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

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

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

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

8 (d) TIMING.—The Commission shall make the first
9 grants under this section for pilot programs which will be
10 in effect with respect to elections for Federal office held
11 in 2023, or, at the option of a State, with respect to other
12 elections for public office held in the State in 2023.

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

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

19 **FOR INDIVIDUALS WITH DISABILITIES.**

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

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

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

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

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

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

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

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

18 (B) malfunction; or

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

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

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

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

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

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

17 (b) REPORT.—

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

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

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

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

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

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

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

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

19 **Subtitle C—Early Voting**

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

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

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

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

5 **“SEC. 310. EARLY VOTING.**

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

12 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

13 “(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(d) LOCATION OF POLLING PLACES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 performed in accordance with existing State
2 law; or

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

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

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

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

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

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

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

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

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

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

“Sec. 310. Early voting.”.

10 **Subtitle D—Voting by Mail**

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

12 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(1) REQUIREMENT.—

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

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

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

16 “(2) DUE PROCESS REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(C) OTHER REQUIREMENTS.—

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

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

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

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

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

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

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

5 “(3) REPORT.—

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

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

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

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

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

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

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

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

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

22 “(c) APPLICATIONS FOR ABSENTEE BALLOTS.—

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

1 mit an individual to submit an application for an ab-
2 sentee ballot online.

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

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

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

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

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

1 date of the election, the election official shall
2 ensure that the ballot and related voting mate-
3 rials are promptly mailed to the individual.

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

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

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

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

7 “(B) DURATION OF TREATMENT.—

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

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

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

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

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

3 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
4 ABILITIES.—Each State shall ensure that all absentee bal-
5 lot applications, absentee ballots, and related voting mate-
6 rials in elections for Federal office are accessible to indi-
7 viduals with disabilities in a manner that provides the
8 same opportunity for access and participation (including
9 with privacy and independence) as for other voters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) EFFECTIVE DATE.—The amendments made
8 by this subsection shall apply to absentee ballots re-
9 lating to an election for Federal office occurring on
10 or after January 1, 2023.

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

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

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

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

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

6 (a) IN GENERAL.—

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

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

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

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

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

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

3 “(1) through a program—

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

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

9 “(i) carries out procedures to track
10 and confirm the receipt of such ballots;
11 and

12 “(ii) makes information on the receipt
13 of such ballots available to the individual
14 who cast the ballot; and

15 “(C) which meets the requirements of sub-
16 section (c); or

17 “(2) through the ballot materials tracking serv-
18 ice established under section 1302(b) of the Free-
19 dom to Vote Act.

20 “(c) STATE PROGRAM REQUIREMENTS.—The re-
21 quirements of this subsection are as follows:

22 “(1) INFORMATION ON WHETHER VOTE WAS
23 ACCEPTED.—The information referred to under sub-
24 section (b)(1)(B)(ii) with respect to the receipt of
25 mail-in ballot or an absentee ballot shall include in-

1 formation regarding whether the vote cast on the
2 ballot was accepted, and, in the case of a vote which
3 was rejected, the reasons therefor.

4 “(2) AVAILABILITY OF INFORMATION.—Infor-
5 mation on whether a ballot was accepted or rejected
6 shall be available within 1 business day of the State
7 accepting or rejecting the ballot.

8 “(3) ACCESSIBILITY OF INFORMATION.—

9 “(A) IN GENERAL.—Except as provided
10 under subparagraph (B), the information pro-
11 vided under the program shall be available by
12 means of online access using the internet site of
13 the State or local election office.

14 “(B) USE OF TOLL-FREE TELEPHONE
15 NUMBER BY OFFICIALS WITHOUT INTERNET
16 SITE.—In the case of a State or local election
17 official whose office does not have an internet
18 site, the program shall require the official to es-
19 tablish a toll-free telephone number that may be
20 used by an individual who cast an absentee bal-
21 lot to obtain the information required under
22 subsection (b)(1)(B).

23 “(d) EFFECTIVE DATE.—This section shall apply
24 with respect to the regularly scheduled general election for

1 Federal office held in November 2024 and each succeeding
2 election for Federal office.”.

3 (2) CONFORMING AMENDMENTS.—Section 102
4 of the Uniformed and Overseas Citizens Absentee
5 Voting Act (52 U.S.C. 20302(a)) is amended by
6 striking subsection (h) and redesignating subsection
7 (i) as subsection (h).

8 (b) BALLOTING MATERIALS TRACKING SERVICE.—

9 (1) IN GENERAL.—Not later than January 1,
10 2024, the Secretary of Homeland Security, in con-
11 sultation with the Chair of the Election Assistance
12 Commission, the Postmaster General, the Director
13 of the General Services Administration, the Presi-
14 dential designee, and State election officials, shall
15 establish a balloting materials tracking service to be
16 used by State and local jurisdictions to inform voters
17 on the status of voter registration applications, ab-
18 sentee ballot applications, absentee ballots, and mail-
19 in ballots.

20 (2) INFORMATION TRACKED.—The balloting
21 materials tracking service established under para-
22 graph (1) shall provide to a voter the following infor-
23 mation with respect to that voter:

24 (A) In the case of balloting materials sent
25 by mail, tracking information from the United

1 States Postal Service and the Presidential des-
2 ignee on balloting materials sent to the voter
3 and, to the extent feasible, returned by the
4 voter.

5 (B) The date on which any request by the
6 voter for an application for voter registration or
7 an absentee ballot was received.

8 (C) The date on which any such requested
9 application was sent to the voter.

10 (D) The date on which any such completed
11 application was received from the voter and the
12 status of such application.

13 (E) The date on which any mail-in ballot
14 or absentee ballot was sent to the voter.

15 (F) The date on which any mail-in ballot
16 or absentee ballot was out for delivery to the
17 voter.

18 (G) The date on which the post office proc-
19 esses the ballot.

20 (H) The date on which the returned ballot
21 was out for delivery to the election office.

22 (I) Whether such ballot was accepted and
23 counted, and in the case of any ballot not
24 counted, the reason why the ballot was not
25 counted.

1 The information described in subparagraph (I) shall
2 be available not later than 1 day after a determina-
3 tion is made on whether or not to accept and count
4 the ballot.

5 (3) METHOD OF PROVIDING INFORMATION.—
6 The balloting materials tracking service established
7 under paragraph (1) shall allow voters the option to
8 receive the information described in paragraph (2)
9 through email (or other electronic means) or through
10 the mail.

11 (4) PUBLIC AVAILABILITY OF LIMITED INFOR-
12 MATION.—Information described in subparagraphs
13 (E), (G), and (I) of paragraph (2) shall be made
14 available to political parties and voter registration
15 organizations, at cost to cover the expense of pro-
16 viding such information, for use, in accordance with
17 State guidelines and procedures, in helping to return
18 or cure mail-in ballots during any period in which
19 mail-in ballots may be returned.

20 (5) PROHIBITION ON FEES.—The Director may
21 not charge any fee to a State or jurisdiction for use
22 of the balloting materials tracking service in connec-
23 tion with any Federal, State, or local election.

24 (6) PRESIDENTIAL DESIGNEE.—For purposes
25 of this subsection, the term “Presidential designee”

1 means the Presidential designee under section
2 101(a) of the Uniformed and Overseas Citizens Ab-
3 santee Voting Act (52 U.S.C. 30201).

4 (7) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to the Di-
6 rector such sums as are necessary for purposes of
7 carrying out this subsection.

8 (c) REIMBURSEMENT FOR COSTS INCURRED BY
9 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title
10 II of the Help America Vote Act of 2002 (42 U.S.C.
11 15401 et seq.) is amended by adding at the end the fol-
12 lowing new part:

13 **“PART 7—PAYMENTS TO REIMBURSE STATES**
14 **FOR COSTS INCURRED IN ESTABLISHING**
15 **PROGRAM TO TRACK AND CONFIRM RE-**
16 **CEIPT OF ABSENTEE BALLOTS**

17 **“SEC. 297. PAYMENTS TO STATES.**

18 “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-
19 cordance with this section, the Commission shall make a
20 payment to a State to reimburse the State for the costs
21 incurred in establishing the absentee ballot tracking pro-
22 gram under section 312(b)(1) (including costs incurred
23 prior to the date of the enactment of this part).

24 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

1 “(1) CERTIFICATION REQUIRED.—In order to
2 receive a payment under this section, a State shall
3 submit to the Commission a statement containing—

4 “(A) a certification that the State has es-
5 tablished an absentee ballot tracking program
6 with respect to elections for Federal office held
7 in the State; and

8 “(B) a statement of the costs incurred by
9 the State in establishing the program.

10 “(2) AMOUNT OF PAYMENT.—The amount of a
11 payment made to a State under this section shall be
12 equal to the costs incurred by the State in estab-
13 lishing the absentee ballot tracking program, as set
14 forth in the statement submitted under paragraph
15 (1), except that such amount may not exceed the
16 product of—

17 “(A) the number of jurisdictions in the
18 State which are responsible for operating the
19 program; and

20 “(B) \$3,000.

21 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
22 CEIVED.—A State may not receive more than one
23 payment under this part.

1 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be
3 appropriated to the Commission for fiscal year 2023 and
4 each succeeding fiscal year such sums as may be necessary
5 for payments under this part.

6 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
7 amounts appropriated pursuant to the authorization under
8 this section shall remain available until expended.”.

9 (d) CLERICAL AMENDMENTS.—The table of contents
10 of such Act, as amended by section 1031(c), 1044(b), sec-
11 tion 1101(c), section 1102(c), section 1103(a), section
12 1104(c), section 1201(c), and section 1301(a), is amend-
13 ed—

14 (1) by adding at the end of the items relating
15 to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-
TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE
BALLOTS

“Sec. 297. Payments to states.

“Sec. 297A. Authorization of appropriations.”;

16 (2) by redesignating the items relating to sec-
17 tions 312 and 313 as relating to sections 313 and
18 314, respectively; and

19 (3) by inserting after the item relating to sec-
20 tion 311 the following new item:

“Sec. 312. Absentee ballot tracking program.”.

1 **SEC. 1303. ELECTION MAIL AND DELIVERY IMPROVE-**
2 **MENTS.**

3 (a) POSTMARK REQUIRED FOR BALLOTS.—

4 (1) IN GENERAL.—Chapter 34 of title 39,
5 United States Code, as amended by section 1301(b),
6 is amended by adding at the end the following:

7 **“§ 3408. Postmark required for ballots**

8 “(a) IN GENERAL.—In the case of any absentee bal-
9 lot carried by the Postal Service, the Postal Service shall
10 indicate on the ballot envelope, using a postmark or other-
11 wise—

12 “(1) the fact that the ballot was carried by the
13 Postal Service; and

14 “(2) the date on which the ballot was mailed.

15 “(b) DEFINITIONS.—As used in this section—

16 “(1) the term ‘absentee ballot’ means any ballot
17 transmitted by a voter by mail in an election for
18 Federal office, but does not include any ballot cov-
19 ered by section 3406; and

20 “(2) the term ‘election for Federal office’ means
21 a general, special, primary, or runoff election for the
22 office of President or Vice President, or of Senator
23 or Representative in, or Delegate or Resident Com-
24 missioner to, the Congress.”.

25 (2) TECHNICAL AND CONFORMING AMEND-
26 MENT.—The table of sections for chapter 34 of title

1 39, United States Code, as amended by section
2 1301(b), is amended by adding at the end the fol-
3 lowing:

“3408. Postmark required for ballots.”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply to absentee ballots re-
6 lating to an election for Federal office occurring on
7 or after January 1, 2023.

8 (b) GREATER VISIBILITY FOR BALLOTS.—

9 (1) IN GENERAL.—Subtitle A of title III of the
10 Help America Vote Act of 2002 (52 U.S.C. 21081
11 et seq.), as amended by section 1031(a), section
12 1044(a), section 1101(a), section 1102(a), section
13 1103(a), section 1104(a), section 1201(a), section
14 1301(a), and section 1302(a), is amended—

15 (A) by redesignating sections 313 and 314
16 as sections 314 and 315, respectively; and

17 (B) by inserting after section 312 the fol-
18 lowing new section:

19 **“SEC. 313. BALLOT VISIBILITY.**

20 “(a) IN GENERAL.—Each State or local election offi-
21 cial shall—

22 “(1) affix Tag 191, Domestic and International
23 Mail-In Ballots (or any successor tag designated by
24 the United States Postal Service), to any tray or
25 sack of official ballots relating to an election for

1 Federal office that is destined for a domestic or
2 international address;

3 “(2) use the Official Election Mail logo to des-
4 ignate official ballots relating to an election for Fed-
5 eral office that is destined for a domestic or inter-
6 national address; and

7 “(3) if an intelligent mail barcode is utilized for
8 any official ballot relating to an election for Federal
9 office that is destined for a domestic or international
10 address, ensure the specific ballot service type identi-
11 fier for such mail is visible.

12 “(b) EFFECTIVE DATE.—The requirements of this
13 section shall apply to elections for Federal office occurring
14 on and after January 1, 2023.”.

15 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)
16 of such Act (52 U.S.C. 21101(b)), as added and re-
17 designated by section 1101(b) and as amended by
18 sections 1102, 1103 and 1104, is amended by strik-
19 ing “and 309” and inserting “309, and 313”.

20 (3) CLERICAL AMENDMENTS.—The table of
21 contents of such Act, as amended by section
22 1031(e), section 1044(b), section 1101(c), section
23 1102(e), section 1103(a), section 1104(c), section
24 1201(c), section 1301(a), and section 1302(a), is
25 amended—

1 (A) by redesignating the items relating to
2 sections 313 and 314 as relating to sections
3 314 and 315; and

4 (B) by inserting after the item relating to
5 section 312 the following new item:

“Sec. 313. Ballot visibility.”.

6 **SEC. 1304. CARRIAGE OF ELECTION MAIL.**

7 (a) TREATMENT OF ELECTION MAIL.—

8 (1) TREATMENT AS FIRST-CLASS MAIL; FREE
9 POSTAGE.—Chapter 34 of title 39, United States
10 Code, as amended by section 1301(b) and section
11 1303(a), is amended by adding at the end the fol-
12 lowing:

13 **“§ 3409. Domestic election mail; restriction of oper-
14 ational changes prior to elections**

15 “(a) DEFINITION.—In this section, the term ‘election
16 mail’ means—

17 “(1) a blank or completed voter registration ap-
18 plication form, voter registration card, or similar
19 materials, relating to an election for Federal office;

20 “(2) a blank or completed absentee and other
21 mail-in ballot application form, and a blank or com-
22 pleted absentee or other mail-in ballot, relating to an
23 election for Federal office, and

24 “(3) other materials relating to an election for
25 Federal office that are mailed by a State or local

1 election official to an individual who is registered to
2 vote.

3 “(b) CARRIAGE OF ELECTION MAIL.—Election mail
4 (other than balloting materials covered under section 3406
5 (relating to the Uniformed and Overseas Absentee Voting
6 Act)), individually or in bulk, shall be carried in accord-
7 ance with the service standards established for first-class
8 mail under section 3691.

9 “(c) NO POSTAGE REQUIRED FOR COMPLETED BAL-
10 LOTS.—Completed absentee or other mail-in ballots (other
11 than balloting materials covered under section 3406 (relat-
12 ing to the Uniformed and Overseas Absentee Voting Act))
13 shall be carried free of postage.

14 “(d) RESTRICTION OF OPERATIONAL CHANGES.—
15 During the 120-day period which ends on the date of an
16 election for Federal office, the Postal Service may not
17 carry out any new operational change that would restrict
18 the prompt and reliable delivery of election mail. This sub-
19 section applies to operational changes which include—

20 “(1) removing or eliminating any mail collection
21 box without immediately replacing it; and

22 “(2) removing, decommissioning, or any other
23 form of stopping the operation of mail sorting ma-
24 chines, other than for routine maintenance.

1 “(e) ELECTION MAIL COORDINATOR.—The Postal
2 Service shall appoint an Election Mail Coordinator at each
3 area office and district office to facilitate relevant informa-
4 tion sharing with State, territorial, local, and Tribal elec-
5 tion officials in regards to the mailing of election mail.”.

6 (2) REIMBURSEMENT OF POSTAL SERVICE FOR
7 REVENUE FORGONE.—Section 2401(e) of title 39,
8 United States Code, is amended by striking “sec-
9 tions 3217 and 3403 through 3406” and inserting
10 “sections 3217, 3403 through 3406, and 3409”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of sections for chapter 34 of title 39, United
13 States Code, as amended by section 1301(b) and section
14 1303(a), is amended by adding at the end the following:

“3409. Domestic election mail; restriction of operational changes prior to elec-
tions.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect upon the expiration of the
17 180-day period which begins on the date of the enactment
18 of this section.

19 **SEC. 1305. REQUIRING STATES TO PROVIDE SECURED**
20 **DROP BOXES FOR VOTED BALLOTS IN ELEC-**
21 **TIONS FOR FEDERAL OFFICE.**

22 (a) REQUIREMENT.—Subtitle A of title III of the
23 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
24 as amended by section 1031(a), section 1044(a), section

1 1101(a), section 1102(a), section 1103(a), section
2 1104(a), section 1201(a), section 1301(a), section
3 1302(a), and section 1303(b) is amended—

4 (1) by redesignating sections 314 and 315 as
5 sections 315 and 316, respectively; and

6 (2) by inserting after section 313 the following
7 new section:

8 **“SEC. 314. USE OF SECURED DROP BOXES FOR VOTED BAL-**
9 **LOTS.**

10 “(a) **REQUIRING USE OF DROP BOXES.**—Each juris-
11 diction shall provide in-person, secured, and clearly labeled
12 drop boxes at which individuals may, at any time during
13 the period described in subsection (b), drop off voted bal-
14 lots in an election for Federal office.

15 “(b) **MINIMUM PERIOD FOR AVAILABILITY OF DROP**
16 **BOXES.**—The period described in this subsection is, with
17 respect to an election, the period which begins on the first
18 day on which the jurisdiction sends mail-in ballots or ab-
19 sentee ballots (other than ballots for absent uniformed
20 overseas voters (as defined in section 107(1) of the Uni-
21 formed and Overseas Citizens Absentee Voting Act (52
22 U.S.C. 20310(1))) or overseas voters (as defined in section
23 107(5) of such Act (52 U.S.C. 20310(5)))) to voters for
24 such election and which ends at the time the polls close
25 for the election in the jurisdiction involved.

1 “(c) ACCESSIBILITY.—

2 “(1) HOURS OF ACCESS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), each drop box provided
5 under this section shall be accessible to voters
6 for a reasonable number of hours each day.

7 “(B) 24-HOUR DROP BOXES.—

8 “(i) IN GENERAL.—Of the number of
9 drop boxes provided in any jurisdiction,
10 not less the required number shall be ac-
11 cessible for 24-hours per day during the
12 period described in subsection (b).

13 “(ii) REQUIRED NUMBER.—The re-
14 quired number is the greater of—

15 “(I) 25 percent of the drop boxes
16 required under subsection (d); or

17 “(II) 1 drop box.

18 “(2) POPULATION.—

19 “(A) IN GENERAL.—Drop boxes provided
20 under this section shall be accessible for use—

21 “(i) by individuals with disabilities, as
22 determined in consultation with the protec-
23 tion and advocacy systems (as defined in
24 section 102 of the Developmental Disabil-

1 ities Assistance and Bill of Rights Act of
2 2000 (42 U.S.C. 15002)) of the State;

3 “(ii) by individuals with limited pro-
4 ficiency in the English language; and

5 “(iii) by homeless individuals (as de-
6 fined in section 103 of the McKinney-
7 Vento Homeless Assistance Act (42 U.S.C.
8 11302)) within the State.

9 “(B) DETERMINATION OF ACCESSIBILITY
10 FOR INDIVIDUALS WITH DISABILITIES.—For
11 purposes of this paragraph, drop boxes shall be
12 considered to be accessible for use by individ-
13 uals with disabilities if the drop boxes meet
14 such criteria as the Attorney General may es-
15 tablish for such purposes.

16 “(C) RULE OF CONSTRUCTION.—If a drop
17 box provided under this section is on the
18 grounds of or inside a building or facility which
19 serves as a polling place for an election during
20 the period described in subsection (b), nothing
21 in this subsection may be construed to waive
22 any requirements regarding the accessibility of
23 such polling place for the use of individuals
24 with disabilities, individuals with limited pro-

1 iciency in the English language, or homeless
2 individuals.

3 “(d) NUMBER OF DROP BOXES.—Each jurisdiction
4 shall have—

5 “(1) in the case of any election for Federal of-
6 fice prior to the regularly scheduled general election
7 for Federal office held in November 2024, not less
8 than 1 drop box for every 45,000 registered voters
9 located in the jurisdiction; and

10 “(2) in the case of the regularly scheduled gen-
11 eral election for Federal office held in November
12 2024 and each election for Federal office occurring
13 thereafter, not less than the greater of—

14 “(A) 1 drop box for every 45,000 reg-
15 istered voters located in the jurisdiction; or

16 “(B) 1 drop box for every 15,000 votes
17 that were cast by mail in the jurisdiction in the
18 most recent general election that includes an
19 election for the office of President.

20 In no case shall a jurisdiction have less than 1 drop
21 box for any election for Federal office.

22 “(e) LOCATION OF DROP BOXES.—The State shall
23 determine the location of drop boxes provided under this
24 section in a jurisdiction on the basis of criteria which en-
25 sure that the drop boxes are—

1 “(1) available to all voters on a non-discrimina-
2 tory basis;

3 “(2) accessible to voters with disabilities (in ac-
4 cordance with subsection (c));

5 “(3) accessible by public transportation to the
6 greatest extent possible;

7 “(4) available during all hours of the day;

8 “(5) sufficiently available in all communities in
9 the jurisdiction, including rural communities and on
10 Tribal lands within the jurisdiction (subject to sub-
11 section (f)); and

12 “(6) geographically distributed to provide a rea-
13 sonable opportunity for voters to submit their voted
14 ballot in a timely manner.

15 “(f) TIMING OF SCANNING AND PROCESSING OF
16 BALLOTS.—For purposes of section 311(g) (relating to
17 the timing of the processing and scanning of ballots for
18 tabulation), a vote cast using a drop box provided under
19 this section shall be treated in the same manner as a ballot
20 cast by mail.

21 “(g) POSTING OF INFORMATION.—On or adjacent to
22 each drop box provided under this section, the State shall
23 post information on the requirements that voted absentee
24 ballots must meet in order to be counted and tabulated
25 in the election.

1 “(h) REMOTE SURVEILLANCE.—Nothing in this sec-
2 tion shall prohibit a State from providing for the security
3 of drop boxes through remote or electronic surveillance.

4 “(i) RULES FOR DROP BOXES ON TRIBAL LANDS.—
5 In applying this section with respect to Tribal lands in
6 a jurisdiction, the appropriate State and local election offi-
7 cials shall meet the applicable requirements of the Frank
8 Harrison, Elizabeth Peratrovich, and Miguel Trujillo Na-
9 tive American Voting Rights Act of 2021.

10 “(j) EFFECTIVE DATE.—This section shall apply
11 with respect to the regularly scheduled general election for
12 Federal office held in November 2022 and each succeeding
13 election for Federal office.”.

14 (b) CLERICAL AMENDMENTS.—The table of contents
15 of such Act, as amended by section 1031(c), section
16 1044(b), section 1101(c), section 1102(c), section
17 1103(a), section 1104(c), section 1201(c), section
18 1301(c), section 1302(a), and section 1303(b), is amend-
19 ed—

20 (1) by redesignating the items relating to sec-
21 tions 314 and 315 as relating to sections 315 and
22 316, respectively; and

23 (2) by inserting after the item relating to sec-
24 tion 313 the following new item:

“Sec. 314. Use of secured drop boxes for voted absentee ballots.”.

1 **Subtitle E—Absent Uniformed**
2 **Services Voters and Overseas**
3 **Voters**

4 **SEC. 1401. PRE-ELECTION REPORTS ON AVAILABILITY AND**
5 **TRANSMISSION OF ABSENTEE BALLOTS.**

6 Section 102(c) of the Uniformed and Overseas Citi-
7 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
8 ed to read as follows:

9 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
10 AND RECEIPT OF ABSENTEE BALLOTS.—

11 “(1) PRE-ELECTION REPORT ON ABSENTEE
12 BALLOT AVAILABILITY.—Not later than 55 days be-
13 fore any regularly scheduled general election for
14 Federal office, each State shall submit a report to
15 the Attorney General certifying that absentee ballots
16 for the election are or will be available for trans-
17 mission to absent uniformed services voters and
18 overseas voters by not later than 46 days before the
19 election. The report shall be in a form prescribed by
20 the Attorney General and shall require the State to
21 certify specific information about ballot availability
22 from each unit of local government which will ad-
23 minister the election.

24 “(2) PRE-ELECTION REPORT ON ABSENTEE
25 BALLOTS TRANSMITTED.—

1 “(A) IN GENERAL.—Not later than 43
2 days before any election for Federal office held
3 in a State, the chief State election official of
4 such State shall submit a report containing the
5 information in subparagraph (B) to the Attor-
6 ney General.

7 “(B) INFORMATION REPORTED.—The re-
8 port under subparagraph (A) shall consist of
9 the following:

10 “(i) The total number of absentee bal-
11 lots validly requested by absent uniformed
12 services voters and overseas voters whose
13 requests were received by the 47th day be-
14 fore the election by each unit of local gov-
15 ernment within the State that will transmit
16 absentee ballots.

17 “(ii) The total number of ballots
18 transmitted to such voters by the 46th day
19 before the election by each unit of local
20 government within the State that will ad-
21 minister the election.

22 “(iii) Specific information about any
23 late transmitted ballots.

24 “(C) REQUIREMENT TO SUPPLEMENT IN-
25 COMPLETE INFORMATION.—If the report under

1 subparagraph (A) has incomplete information
2 on any items required to be included in the re-
3 port, the chief State election official shall make
4 all reasonable efforts to expeditiously supple-
5 ment the report with complete information.

6 “(D) FORMAT.—The report under sub-
7 paragraph (A) shall be in a format prescribed
8 by the Attorney General in consultation with
9 the chief State election officials of each State.

10 “(3) POST-ELECTION REPORT ON NUMBER OF
11 ABSENTEE BALLOTS TRANSMITTED AND RE-
12 CEIVED.—Not later than 90 days after the date of
13 each regularly scheduled general election for Federal
14 office, each State and unit of local government
15 which administered the election shall (through the
16 State, in the case of a unit of local government) sub-
17 mit a report to the Election Assistance Commission
18 on the combined number of absentee ballots trans-
19 mitted to absent uniformed services voters and over-
20 seas voters for the election and the combined num-
21 ber of such ballots which were returned by such vot-
22 ers and cast in the election, and shall make such re-
23 port available to the general public that same day.”.

1 **SEC. 1402. ENFORCEMENT.**

2 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
3 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
4 and Overseas Citizens Absentee Voting Act (52 U.S.C.
5 20307) is amended to read as follows:

6 **“SEC. 105. ENFORCEMENT.**

7 “(a) ACTION BY ATTORNEY GENERAL.—The Attor-
8 ney General may bring civil action in an appropriate dis-
9 trict court for such declaratory or injunctive relief as may
10 be necessary to carry out this title.

11 “(b) PRIVATE RIGHT OF ACTION.—A person who is
12 aggrieved by a violation of this title may bring a civil ac-
13 tion in an appropriate district court for such declaratory
14 or injunctive relief as may be necessary to carry out this
15 title.

16 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
17 any action brought under this section, the only necessary
18 party defendant is the State, and it shall not be a defense
19 to any such action that a local election official or a unit
20 of local government is not named as a defendant, notwith-
21 standing that a State has exercised the authority described
22 in section 576 of the Military and Overseas Voter Em-
23 powerment Act to delegate to another jurisdiction in the
24 State any duty or responsibility which is the subject of
25 an action brought under this section.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to violations alleged
3 to have occurred on or after the date of the enactment
4 of this Act.

5 **SEC. 1403. TRANSMISSION REQUIREMENTS; REPEAL OF**
6 **WAIVER PROVISION.**

7 (a) IN GENERAL.—Paragraph (8) of section 102(a)
8 of the Uniformed and Overseas Citizens Absentee Voting
9 Act (52 U.S.C. 20302(a)) is amended to read as follows:

10 “(8) transmit a validly requested absentee bal-
11 lot to an absent uniformed services voter or overseas
12 voter by the date and in the manner determined
13 under subsection (g);”.

14 (b) BALLOT TRANSMISSION REQUIREMENTS AND
15 REPEAL OF WAIVER PROVISION.—Subsection (g) of sec-
16 tion 102 of such Act (52 U.S.C. 20302(g)) is amended
17 to read as follows:

18 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

19 “(1) IN GENERAL.—For purposes of subsection
20 (a)(8), in the case in which a valid request for an
21 absentee ballot is received at least 47 days before an
22 election for Federal office, the following rules shall
23 apply:

1 “(A) TRANSMISSION DEADLINE.—The
2 State shall transmit the absentee ballot not
3 later than 46 days before the election.

4 “(B) SPECIAL RULES IN CASE OF FAILURE
5 TO TRANSMIT ON TIME.—

6 “(i) IN GENERAL.—If the State fails
7 to transmit any absentee ballot by the 46th
8 day before the election as required by sub-
9 paragraph (A) and the absent uniformed
10 services voter or overseas voter did not re-
11 quest electronic ballot transmission pursu-
12 ant to subsection (f), the State shall trans-
13 mit such ballot by express delivery.

14 “(ii) EXTENDED FAILURE.—If the
15 State fails to transmit any absentee ballot
16 by the 41st day before the election, in ad-
17 dition to transmitting the ballot as pro-
18 vided in clause (i), the State shall—

19 “(I) in the case of absentee bal-
20 lots requested by absent uniformed
21 services voters with respect to regu-
22 larly scheduled general elections, no-
23 tify such voters of the procedures es-
24 tablished under section 103A for the

1 collection and delivery of marked ab-
2 sentee ballots; and

3 “(II) in any other case, provide
4 for the return of such ballot by ex-
5 press delivery.

6 “(iii) COST OF EXPRESS DELIVERY.—
7 In any case in which express delivery is re-
8 quired under this subparagraph, the cost
9 of such express delivery—

10 “(I) shall not be paid by the
11 voter; and

12 “(II) if determined appropriate
13 by the chief State election official,
14 may be required by the State to be
15 paid by a local jurisdiction.

16 “(iv) EXCEPTION.—Clause (ii)(II)
17 shall not apply when an absent uniformed
18 services voter or overseas voter indicates
19 the preference to return the late sent ab-
20 sentee ballot by electronic transmission in
21 a State that permits return of an absentee
22 ballot by electronic transmission.

23 “(v) ENFORCEMENT.—A State’s com-
24 pliance with this subparagraph does not
25 bar the Attorney General from seeking ad-

1 ditional remedies necessary to fully resolve
2 or prevent ongoing, future, or systematic
3 violations of this provision or to effectuate
4 the purposes of this Act.

5 “(C) SPECIAL PROCEDURE IN EVENT OF
6 DISASTER.—If a disaster (hurricane, tornado,
7 earthquake, storm, volcanic eruption, landslide,
8 fire, flood, or explosion), or an act of terrorism
9 prevents the State from transmitting any ab-
10 sentee ballot by the 46th day before the election
11 as required by subparagraph (A), the chief
12 State election official shall notify the Attorney
13 General as soon as practicable and take all ac-
14 tions necessary, including seeking any necessary
15 judicial relief, to ensure that affected absent
16 uniformed services voters and overseas voters
17 are provided a reasonable opportunity to receive
18 and return their absentee ballots in time to be
19 counted.

20 “(2) REQUESTS RECEIVED AFTER 47TH DAY
21 BEFORE ELECTION.—For purposes of subsection
22 (a)(8), in the case in which a valid request for an
23 absentee ballot is received less than 47 days but not
24 less than 30 days before an election for Federal of-

1 State determines that the voter has registered to vote in
2 another State or is otherwise no longer eligible to vote in
3 the State.

4 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
5 GROUNDS OF EARLY SUBMISSION.—A State may not
6 refuse to accept or to process, with respect to any election
7 for Federal office, any otherwise valid voter registration
8 application or absentee ballot application (including the
9 postcard form prescribed under section 101) submitted by
10 an absent uniformed services voter or overseas voter on
11 the grounds that the voter submitted the application be-
12 fore the first date on which the State otherwise accepts
13 or processes such applications for that election which are
14 submitted by absentee voters who are not members of the
15 uniformed services or overseas citizens.”

16 (b) REQUIREMENT FOR REVISION TO POSTCARD
17 FORM.—

18 (1) IN GENERAL.—The Presidential designee
19 shall ensure that the official postcard form pre-
20 scribed under section 101(b)(2) of the Uniformed
21 and Overseas Citizens Absentee Voting Act (52
22 U.S.C. 20301(b)(2)) enables a voter using the form
23 to—

24 (A) request an absentee ballot for each
25 election for Federal office held in a State

1 through the end of the calendar year following
2 the next regularly scheduled general election for
3 Federal office; or

4 (B) request an absentee ballot for a spe-
5 cific election or elections for Federal office held
6 in a State during the period described in sub-
7 paragraph (A).

8 (2) **PRESIDENTIAL DESIGNEE.**—For purposes
9 of this paragraph, the term “Presidential designee”
10 means the individual designated under section
11 101(a) of the Uniformed and Overseas Citizens Ab-
12 sentee Voting Act (52 U.S.C. 20301(a)).

13 (c) **EFFECTIVE DATE.**—The amendment made by
14 subsection (a) shall apply with respect to voter registration
15 and absentee ballot applications which are submitted to
16 a State or local election official on or after the date of
17 the enactment of this Act.

18 **SEC. 1405. EXTENDING GUARANTEE OF RESIDENCY FOR**
19 **VOTING PURPOSES TO FAMILY MEMBERS OF**
20 **ABSENT MILITARY PERSONNEL.**

21 Section 102 of the Uniformed and Overseas Citizens
22 Absentee Voting Act (52 U.S.C. 20302), as amended by
23 section 1302, is amended by adding at the end the fol-
24 lowing new subsection:

1 “(i) GUARANTEE OF RESIDENCY FOR SPOUSES AND
2 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
3 SERVICE.—For the purposes of voting in any election for
4 any Federal office or any State or local office, a spouse
5 or dependent of an individual who is an absent uniformed
6 services voter described in subparagraph (A) or (B) of sec-
7 tion 107(1) shall not, solely by reason of that individual’s
8 absence and without regard to whether or not such spouse
9 or dependent is accompanying that individual—

10 “(1) be deemed to have lost a residence or
11 domicile in that State, without regard to whether or
12 not that individual intends to return to that State;

13 “(2) be deemed to have acquired a residence or
14 domicile in any other State; or

15 “(3) be deemed to have become a resident in or
16 a resident of any other State.”.

17 **SEC. 1406. TECHNICAL CLARIFICATIONS TO CONFORM TO**
18 **MILITARY AND OVERSEAS VOTER EMPOWER-**
19 **MENT ACT AMENDMENTS RELATED TO THE**
20 **FEDERAL WRITE-IN ABSENTEE BALLOT.**

21 (a) IN GENERAL.—Section 102(a)(3) of the Uni-
22 formed and Overseas Citizens Absentee Voting Act (52
23 U.S.C. 20302(a)(3)) is amended by striking “general elec-
24 tions” and inserting “general, special, primary, and runoff
25 elections”.

1 (b) CONFORMING AMENDMENT.—Section 103 of
2 such Act (52 U.S.C. 20303) is amended—

3 (1) in subsection (b)(2)(B), by striking “gen-
4 eral”; and

5 (2) in the heading thereof, by striking “**GEN-
6 ERAL**”.

7 **SEC. 1407. TREATMENT OF POST CARD REGISTRATION RE-
8 QUESTS.**

9 Section 102 of the Uniformed and Overseas Citizens
10 Absentee Voting Act (52 U.S.C. 20302), as amended by
11 sections 1302 and 1405, is amended by adding at the end
12 the following new subsection:

13 “(j) TREATMENT OF POST CARD REGISTRATIONS.—
14 A State shall not remove any absent uniformed services
15 voter or overseas voter who has registered to vote using
16 the official post card form (prescribed under section 101)
17 from the official list of registered voters except in accord-
18 ance with subparagraph (A), (B), or (C) of section 8(a)(3)
19 of the National Voter Registration Act of 1993 (52 U.S.C.
20 20507).”.

21 **SEC. 1408. PRESIDENTIAL DESIGNEE REPORT ON VOTER
22 DISENFRANCHISEMENT.**

23 (a) IN GENERAL.—Not later than 1 year of enact-
24 ment of this Act, the Presidential designee shall submit
25 to Congress a report on the impact of wide-spread mail-

1 in voting on the ability of active duty military
2 servicemembers to vote, how quickly their votes are count-
3 ed, and whether higher volumes of mail-in votes makes
4 it harder for such individuals to vote in elections for Fed-
5 eral elections.

6 (b) **PRESIDENTIAL DESIGNEE.**—For purposes of this
7 section, the term “Presidential designee” means the indi-
8 vidual designated under section 101(a) of the Uniformed
9 and Overseas Citizens Absentee Voting Act (52 U.S.C.
10 20301(a)).

11 **SEC. 1409. EFFECTIVE DATE.**

12 Except as provided in section 1402(b) and section
13 1404(c), the amendments made by this subtitle shall apply
14 with respect to elections occurring on or after January 1,
15 2023.

16 **Subtitle F—Enhancement of**
17 **Enforcement**

18 **SEC. 1501. ENHANCEMENT OF ENFORCEMENT OF HELP**

19 **AMERICA VOTE ACT OF 2002.**

20 (a) **COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT**
21 **OF ACTION.**—Section 401 of the Help America Vote Act
22 of 2002 (52 U.S.C. 21111) is amended—

23 (1) by striking “The Attorney General” and in-
24 serting “(a) **IN GENERAL.**—The Attorney General”;
25 and

1 (2) by adding at the end the following new sub-
2 sections:

3 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
4 SONS.—A person who is aggrieved by a violation of title
5 III that impairs their ability to cast a ballot or a provi-
6 sional ballot, to register or maintain one’s registration to
7 vote, or to vote on a voting system meeting the require-
8 ments of such title, which has occurred, is occurring, or
9 is about to occur may file a written, signed, and notarized
10 complaint with the Attorney General describing the viola-
11 tion and requesting the Attorney General to take appro-
12 priate action under this section. The Attorney General
13 shall immediately provide a copy of a complaint filed under
14 the previous sentence to the entity responsible for admin-
15 istering the State-based administrative complaint proce-
16 dures described in section 402(a) for the State involved.

17 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
18 TION.—Any person who is authorized to file a complaint
19 under subsection (b) (including any individual who seeks
20 to enforce the individual’s right to a voter-verifiable paper
21 ballot, the right to have the voter-verifiable paper ballot
22 counted in accordance with this Act, or any other right
23 under title III) may file an action under section 1979 of
24 the Revised Statutes of the United States (42 U.S.C.
25 1983) to enforce the uniform and nondiscriminatory elec-

1 tion technology and administration requirements under
2 subtitle A of title III.

3 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
4 in this section may be construed to affect the availability
5 of the State-based administrative complaint procedures re-
6 quired under section 402 to any person filing a complaint
7 under this subsection.”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to violations occurring
10 with respect to elections for Federal office held in 2023
11 or any succeeding year.

12 **Subtitle G—Promoting Voter Ac-**
13 **cess Through Election Adminis-**
14 **tration Modernization Improve-**
15 **ments**

16 **PART 1—PROMOTING VOTER ACCESS**

17 **SEC. 1601. MINIMUM NOTIFICATION REQUIREMENTS FOR**
18 **VOTERS AFFECTED BY POLLING PLACE**
19 **CHANGES.**

20 (a) REQUIREMENTS.—Section 302 of the Help Amer-
21 ica Vote Act of 2002 (52 U.S.C. 21082) is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (e); and

24 (2) by inserting after subsection (c) the fol-
25 lowing new subsection:

1 “(d) MINIMUM NOTIFICATION REQUIREMENTS FOR
2 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

3 “(1) REQUIREMENT FOR PRECINCT-BASED
4 POLLING.—

5 “(A) IN GENERAL.—If an applicable indi-
6 vidual has been assigned to a polling place that
7 is different than the polling place that such in-
8 dividual was assigned with respect to the most
9 recent past election for Federal office in which
10 the individual was eligible to vote—

11 “(i) the appropriate election official
12 shall, not later than 2 days before the be-
13 ginning of an early voting period—

14 “(I) notify the individual of the
15 location of the polling place; and

16 “(II) post a general notice on the
17 website of the State or jurisdiction, on
18 social media platforms (if available),
19 and on signs at the prior polling
20 place; and

21 “(ii) if such assignment is made after
22 the date which is 2 days before the begin-
23 ning of an early voting period and the indi-
24 vidual appears on the date of the election
25 at the polling place to which the individual

1 was previously assigned, the jurisdiction
2 shall make every reasonable effort to en-
3 able the individual to vote a ballot on the
4 date of the election without the use of a
5 provisional ballot.

6 “(B) APPLICABLE INDIVIDUAL.—For pur-
7 poses of subparagraph (A), the term ‘applicable
8 individual’ means, with respect to any election
9 for Federal office, any individual—

10 “(i) who is registered to vote in a ju-
11 risdiction for such election and was reg-
12 istered to vote in such jurisdiction for the
13 most recent past election for Federal of-
14 fice; and

15 “(ii) whose voter registration address
16 has not changed since such most recent
17 past election for Federal office.

18 “(C) METHODS OF NOTIFICATION.—The
19 appropriate election official shall notify an indi-
20 vidual under clause (i)(I) of subparagraph (A)
21 by mail, telephone, and (if available) text mes-
22 sage and electronic mail.

23 “(2) REQUIREMENTS FOR VOTE CENTERS.—In
24 the case of a jurisdiction in which individuals are
25 not assigned to specific polling places, not later than

1 2 days before the beginning of an early voting pe-
2 riod, the appropriate election official shall notify
3 each individual eligible to vote in such jurisdiction of
4 the location of all polling places at which the indi-
5 vidual may vote.

6 “(3) NOTICE WITH RESPECT TO CLOSED POLL-
7 ING PLACES.—

8 “(A) IN GENERAL.—If a location which
9 served as a polling place for an election for
10 Federal office in a State does not serve as a
11 polling place in the next election for Federal of-
12 fice held in the State, the State shall ensure
13 that signs are posted at such location on the
14 date of the election and during any early voting
15 period for the election containing the following
16 information:

17 “(i) A statement that the location is
18 not serving as a polling place in the elec-
19 tion.

20 “(ii) The locations serving as polling
21 places in the election in the jurisdiction in-
22 volved.

23 “(iii) The name and address of any
24 substitute polling place serving the same

1 precinct and directions from the former
2 polling place to the new polling place.

3 “(iv) Contact information, including a
4 telephone number and website, for the ap-
5 propriate State or local election official
6 through which an individual may find the
7 polling place to which the individual is as-
8 signed for the election.

9 “(B) INTERNET POSTING.—Each State
10 which is required to post signs under subpara-
11 graph (A) shall also provide such information
12 through a website and through social media (if
13 available).

14 “(4) LINGUISTIC PREFERENCE.—The notices
15 required under this subsection shall comply with the
16 requirements of section 203 of the Voting Rights
17 Act of 1965 (52 U.S.C. 10503).

18 “(5) EFFECTIVE DATE.—This subsection shall
19 apply with respect to elections held on or after Janu-
20 ary 1, 2023.”.

21 (b) CONFORMING AMENDMENT.—Section 302(e) of
22 such Act (52 U.S.C. 21082(e)), as redesignated by sub-
23 section (a), is amended by striking “Each State” and in-
24 serting “Except as provided in subsection (d)(4), each
25 State”.

1 **SEC. 1602. APPLICABILITY TO COMMONWEALTH OF THE**
2 **NORTHERN MARIANA ISLANDS.**

3 Paragraphs (6) and (8) of section 107 of the Uni-
4 formed and Overseas Citizens Absentee Voting Act (52
5 U.S.C. 20310) are each amended by striking “and Amer-
6 ican Samoa” and inserting “American Samoa, and the
7 Commonwealth of the Northern Mariana Islands”.

8 **SEC. 1603. ELIMINATION OF 14-DAY TIME PERIOD BETWEEN**
9 **GENERAL ELECTION AND RUNOFF ELECTION**
10 **FOR FEDERAL ELECTIONS IN THE VIRGIN IS-**
11 **LANDS AND GUAM.**

12 Section 2 of the Act entitled “An Act to provide that
13 the unincorporated territories of Guam and the Virgin Is-
14 lands shall each be represented in Congress by a Delegate
15 to the House of Representatives”, approved April 10,
16 1972 (48 U.S.C. 1712), is amended—

17 (1) by striking “(a) The Delegate” and insert-
18 ing “The Delegate”;

19 (2) by striking “on the fourteenth day following
20 such an election” in the fourth sentence of sub-
21 section (a); and

22 (3) by striking subsection (b).

1 **SEC. 1604. APPLICATION OF FEDERAL ELECTION ADMINIS-**
2 **TRATION LAWS TO TERRITORIES OF THE**
3 **UNITED STATES.**

4 (a) NATIONAL VOTER REGISTRATION ACT OF
5 1993.—Section 3(4) of the National Voter Registration
6 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
7 “States and the District of Columbia” and inserting
8 “States, the District of Columbia, the Commonwealth of
9 Puerto Rico, Guam, American Samoa, the United States
10 Virgin Islands, and the Commonwealth of the Northern
11 Mariana Islands”.

12 (b) HELP AMERICA VOTE ACT OF 2002.—

13 (1) COVERAGE OF COMMONWEALTH OF THE
14 NORTHERN MARIANA ISLANDS.—Section 901 of the
15 Help America Vote Act of 2002 (52 U.S.C. 21141)
16 is amended by striking “and the United States Vir-
17 gin Islands” and inserting “the United States Virgin
18 Islands, and the Commonwealth of the Northern
19 Mariana Islands”.

20 (2) CONFORMING AMENDMENTS TO HELP
21 AMERICA VOTE ACT OF 2002.—Such Act is further
22 amended as follows:

23 (A) The second sentence of section
24 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
25 by striking “and American Samoa” and insert-

1 ing “American Samoa, and the Commonwealth
2 of the Northern Mariana Islands”.

3 (B) Section 252(c)(2) (52 U.S.C.
4 21002(c)(2)) is amended by striking “or the
5 United States Virgin Islands” and inserting
6 “the United States Virgin Islands, or the Com-
7 monwealth of the Northern Mariana Islands”.

8 (3) CONFORMING AMENDMENT RELATING TO
9 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
10 TION WITH LOCAL ELECTION OFFICIALS.—Section
11 90102(c) of title 36, United States Code, is amend-
12 ed by striking “and the United States Virgin Is-
13 lands” and inserting “the United States Virgin Is-
14 lands, and the Commonwealth of the Northern Mar-
15 iana Islands”.

16 **SEC. 1605. APPLICATION OF FEDERAL VOTER PROTECTION**
17 **LAWS TO TERRITORIES OF THE UNITED**
18 **STATES.**

19 (a) INTIMIDATION OF VOTERS.—Section 594 of title
20 18, United States Code, is amended by striking “Delegate
21 from the District of Columbia, or Resident Commis-
22 sioner,” and inserting “or Delegate or Resident Commis-
23 sioner to the Congress”.

24 (b) INTERFERENCE BY GOVERNMENT EMPLOY-
25 EES.—Section 595 of title 18, United States Code, is

1 amended by striking “Delegate from the District of Co-
2 lumbia, or Resident Commissioner,” and inserting “or
3 Delegate or Resident Commissioner to the Congress”.

4 (c) VOTING BY NONCITIZENS.—Section 611(a) of
5 title 18, United States Code, is amended by striking “Del-
6 egate from the District of Columbia, or Resident Commis-
7 sioner,” and inserting “or Delegate or Resident Commis-
8 sioner to the Congress”.

9 **SEC. 1606. ENSURING EQUITABLE AND EFFICIENT OPER-**
10 **ATION OF POLLING PLACES.**

11 (a) IN GENERAL.—

12 (1) REQUIREMENT.—Subtitle A of title III of
13 the Help America Vote Act of 2002 (52 U.S.C.
14 21081 et seq.), as amended by section 1031(a), sec-
15 tion 1044(a), section 1101(a), section 1102(a), sec-
16 tion 1103(a), section 1104(a), section 1201(a), sec-
17 tion 1301(a), section 1302(a), section 1303(b), and
18 section 1305(a), is amended—

19 (A) by redesignating sections 315 and 316
20 as sections 316 and 317, respectively; and

21 (B) by inserting after section 314 the fol-
22 lowing new section:

1 **“SEC. 315. ENSURING EQUITABLE AND EFFICIENT OPER-**
2 **ATION OF POLLING PLACES.**

3 “(a) PREVENTING UNREASONABLE WAITING TIMES
4 FOR VOTERS.—

5 “(1) IN GENERAL.—Each State or jurisdiction
6 shall take reasonable efforts to provide a sufficient
7 number of voting systems, poll workers, and other
8 election resources (including physical resources) at a
9 polling place used in any election for Federal office,
10 including a polling place at which individuals may
11 cast ballots prior to the date of the election, to en-
12 sure—

13 “(A) a fair and equitable waiting time for
14 all voters in the State or jurisdiction; and

15 “(B) that no individual will be required to
16 wait longer than 30 minutes to cast a ballot at
17 the polling place.

18 “(2) CRITERIA.—In determining the number of
19 voting systems, poll workers, and other election re-
20 sources provided at a polling place for purposes of
21 paragraph (1), the State or jurisdiction shall take
22 into account the following factors:

23 “(A) The voting age population.

24 “(B) Voter turnout in past elections.

25 “(C) The number of voters registered.

1 “(D) The number of voters who have reg-
2 istered since the most recent Federal election.

3 “(E) Census data for the population served
4 by the polling place, such as the proportion of
5 the voting-age population who are under 25
6 years of age or who are naturalized citizens.

7 “(F) The needs and numbers of voters
8 with disabilities and voters with limited English
9 proficiency.

10 “(G) The type of voting systems used.

11 “(H) The length and complexity of initia-
12 tives, referenda, and other questions on the bal-
13 lot.

14 “(I) Such other factors, including relevant
15 demographic factors relating to the population
16 served by the polling place, as the State con-
17 siders appropriate.

18 “(3) RULE OF CONSTRUCTION.—Nothing in
19 this subsection may be construed—

20 “(A) to authorize a State or jurisdiction to
21 meet the requirements of this subsection by
22 closing any polling place, prohibiting an indi-
23 vidual from entering a line at a polling place,
24 or refusing to permit an individual who has ar-

1 rived at a polling place prior to closing time
2 from voting at the polling place; or

3 “(B) to limit the use of mobile voting cen-
4 ters.

5 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS
6 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

7 “(1) LIMITATION.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B) and paragraph (2), each
10 State shall establish hours of operation for all
11 polling places in the State on the date of any
12 election for Federal office held in the State
13 such that the polling place with the greatest
14 number of hours of operation on such date is
15 not in operation for more than 2 hours longer
16 than the polling place with the fewest number
17 of hours of operation on such date.

18 “(B) PERMITTING VARIANCE ON BASIS OF
19 POPULATION.—Subparagraph (A) does not
20 apply to the extent that the State establishes
21 variations in the hours of operation of polling
22 places on the basis of the overall population or
23 the voting age population (as the State may se-
24 lect) of the unit of local government in which
25 such polling places are located.

1 “(2) EXCEPTIONS FOR POLLING PLACES WITH
2 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
3 MENT.—Paragraph (1) does not apply in the case of
4 a polling place—

5 “(A) whose hours of operation are estab-
6 lished, in accordance with State law, by the unit
7 of local government in which the polling place
8 is located; or

9 “(B) which is required pursuant to an
10 order by a court to extend its hours of oper-
11 ation beyond the hours otherwise established.

12 “(c) ENSURING ACCESS TO POLLING PLACES FOR
13 VOTERS.—

14 “(1) PROXIMITY TO PUBLIC TRANSPOR-
15 TATION.—To the greatest extent practicable, each
16 State and jurisdiction shall ensure that each polling
17 place used on the date of the election is located with-
18 in walking distance of a stop on a public transpor-
19 tation route.

20 “(2) AVAILABILITY IN RURAL AREAS.—In the
21 case of a jurisdiction that includes a rural area, the
22 State or jurisdiction shall—

23 “(A) ensure that an appropriate number of
24 polling places (not less than one) used on the

1 date of the election will be located in such rural
2 areas; and

3 “(B) ensure that such polling places are lo-
4 cated in communities which will provide the
5 greatest opportunity for residents of rural areas
6 to vote on Election Day.

7 “(3) CAMPUSES OF INSTITUTIONS OF HIGHER
8 EDUCATION.—In the case of a jurisdiction that is
9 not considered a vote by mail jurisdiction described
10 in section 310(b)(2) or a small jurisdiction described
11 in section 310(b)(3) and that includes an institution
12 of higher education (as defined under section 102 of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1002)), including a branch campus of such an insti-
15 tution, the State or jurisdiction shall—

16 “(A) ensure that an appropriate number of
17 polling places (not less than one) used on the
18 date of the election will be located on the phys-
19 ical campus of each such institution, including
20 each such branch campus; and

21 “(B) ensure that such polling places pro-
22 vide the greatest opportunity for residents of
23 the jurisdiction to vote.

1 “(d) EFFECTIVE DATE.—This section shall take ef-
2 fect upon the expiration of the 180-day period which be-
3 gins on the date of the enactment of this subsection.”.

4 (2) CONFORMING AMENDMENTS RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION
6 ASSISTANCE COMMISSION.—Section 321(b) of such
7 Act (52 U.S.C. 21101(b)), as redesignated and
8 amended by section 1101(b) and as amended by sec-
9 tions, 1102, 1103, 1104, and 1201, is amended—

10 (A) by striking “and” at the end of para-
11 graph (4);

12 (B) by redesignating paragraph (5) as
13 paragraph (6);

14 (C) in paragraph (6), as so redesignated,
15 by striking “paragraph (4)” and inserting
16 “paragraph (4) or (5)”; and

17 (D) by inserting after paragraph (4) the
18 following new paragraph:

19 “(5) in the case of the recommendations with
20 respect to section 315, 180 days after the date of
21 the enactment of such section; and”.

22 (3) CLERICAL AMENDMENTS.—The table of
23 contents of such Act, as amended by section
24 1031(c), section 1044(b), section 1101(c), section
25 1102(c), section 1103(a), section 1104(c), section

1 1201(c), section 1301(a), section 1302(a), section
2 1303(b), and section 1305(b), is amended—

3 (A) by redesignating the items relating to
4 sections 315 and 316 as relating to sections
5 316 and 317, respectively; and

6 (B) by inserting after the item relating to
7 section 314 the following new item:

“Sec. 315. Ensuring equitable and efficient operation of polling places.”.

8 (b) STUDY OF METHODS TO ENFORCE FAIR AND EQ-
9 UITABLE WAITING TIMES.—

10 (1) STUDY.—The Election Assistance Commis-
11 sion and the Comptroller General of the United
12 States shall conduct a joint study of the effective-
13 ness of various methods of enforcing the require-
14 ments of section 315(a) of the Help America Vote
15 Act of 2002, as added by subsection (a), including
16 methods of best allocating resources to jurisdictions
17 which have had the most difficulty in providing a
18 fair and equitable waiting time at polling places to
19 all voters, and to communities of color in particular.

20 (2) REPORT.—Not later than 18 months after
21 the date of the enactment of this Act, the Election
22 Assistance Commission and the Comptroller General
23 of the United States shall publish and submit to
24 Congress a report on the study conducted under
25 paragraph (1).

1 **SEC. 1607. PROHIBITING STATES FROM RESTRICTING**
2 **CURBSIDE VOTING.**

3 (a) REQUIREMENT.—Subtitle A of title III of the
4 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
5 as amended by section 1031(a), section 1044(a), section
6 1101(a), section 1102(a), section 1103(a), section
7 1104(a), section 1201(a), section 1301(a), section
8 1302(a), section 1303(b), section 1305(a), and section
9 1606(a)(1), is amended—

10 (1) by redesignating sections 316 and 317 as
11 sections 317 and 318, respectively; and

12 (2) by inserting after section 315 the following
13 new section:

14 **“SEC. 316. PROHIBITING STATES FROM RESTRICTING**
15 **CURBSIDE VOTING.**

16 “(a) PROHIBITION.—A State may not—

17 “(1) prohibit any jurisdiction administering an
18 election for Federal office in the State from utilizing
19 curbside voting as a method by which individuals
20 may cast ballots in the election; or

21 “(2) impose any restrictions which would ex-
22 clude any individual who is eligible to vote in such
23 an election in a jurisdiction which utilizes curbside
24 voting from casting a ballot in the election by such
25 method.

1 “(b) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2022 and each succeeding
4 election for Federal office.”.

5 (b) CLERICAL AMENDMENTS.—The table of contents
6 of such Act, as amended by section 1031(c), section
7 1044(b), section 1101(c), section 1102(c), section
8 1103(a), section 1104(c), section 1201(c), section
9 1301(a), section 1302(a), section 1303(b), section
10 1305(a), and section 1606(a)(3), is amended—

11 (1) by redesignating the items relating to sec-
12 tions 316 and 317 as relating to sections 317 and
13 318, respectively; and

14 (2) by inserting after the item relating to sec-
15 tion 315 the following new item:

“Sec. 316. Prohibiting States from restricting curbside voting.”.

16 **PART 2—IMPROVEMENTS IN OPERATION OF**

17 **ELECTION ASSISTANCE COMMISSION**

18 **SEC. 1611. REAUTHORIZATION OF ELECTION ASSISTANCE**

19 **COMMISSION.**

20 Section 210 of the Help America Vote Act of 2002
21 (52 U.S.C. 20930) is amended—

22 (1) by striking “for each of the fiscal years
23 2003 through 2005” and inserting “for fiscal year
24 2023 and each succeeding fiscal year”; and

1 (2) by striking “(but not to exceed \$10,000,000
2 for each such year)”.

3 **SEC. 1612. RECOMMENDATIONS TO IMPROVE OPERATIONS**
4 **OF ELECTION ASSISTANCE COMMISSION.**

5 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
6 AND CYBERSECURITY.—Not later than June 30, 2023,
7 the Election Assistance Commission shall carry out an as-
8 sessment of the security and effectiveness of the Commis-
9 sion’s information technology systems, including the cy-
10 bersecurity of such systems.

11 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
12 PROCEDURES.—

13 (1) REVIEW OF PROCEDURES.—The Election
14 Assistance Commission shall carry out a review of
15 the effectiveness and efficiency of the State-based
16 administrative complaint procedures established and
17 maintained under section 402 of the Help America
18 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
19 tigation and resolution of allegations of violations of
20 title III of such Act.

21 (2) RECOMMENDATIONS TO STREAMLINE PRO-
22 CEDURES.—Not later than June 30, 2023, the Com-
23 mission shall submit to Congress a report on the re-
24 view carried out under paragraph (1), and shall in-
25 clude in the report such recommendations as the

1 Commission considers appropriate to streamline and
2 improve the procedures which are the subject of the
3 review.

4 **SEC. 1613. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
5 **ANCE COMMISSION FROM CERTAIN GOVERN-**
6 **MENT CONTRACTING REQUIREMENTS.**

7 (a) IN GENERAL.—Section 205 of the Help America
8 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
9 ing subsection (e).

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to contracts entered
12 into by the Election Assistance Commission on or after
13 the date of the enactment of this Act.

14 **PART 3—MISCELLANEOUS PROVISIONS**

15 **SEC. 1621. DEFINITION OF ELECTION FOR FEDERAL OF-**
16 **FICE.**

17 (a) DEFINITION.—Title IX of the Help America Vote
18 Act of 2002 (52 U.S.C. 21141 et seq.) is amended by add-
19 ing at the end the following new section:

20 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

21 “For purposes of titles I through III, the term ‘elec-
22 tion for Federal office’ means a general, special, primary,
23 or runoff election for the office of President or Vice Presi-
24 dent, or of Senator or Representative in, or Delegate or
25 Resident Commissioner to, the Congress.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by adding at the end of the items
3 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

4 **SEC. 1622. NO EFFECT ON OTHER LAWS.**

5 (a) IN GENERAL.—Except as specifically provided,
6 nothing in this title may be construed to authorize or re-
7 quire conduct prohibited under any of the following laws,
8 or to supersede, restrict, or limit the application of such
9 laws:

10 (1) The Voting Rights Act of 1965 (52 U.S.C.
11 10301 et seq.).

12 (2) The Voting Accessibility for the Elderly and
13 Handicapped Act (52 U.S.C. 20101 et seq.).

14 (3) The Uniformed and Overseas Citizens Ab-
15 sentee Voting Act (52 U.S.C. 20301 et seq.).

16 (4) The National Voter Registration Act of
17 1993 (52 U.S.C. 20501 et seq.).

18 (5) The Americans with Disabilities Act of
19 1990 (42 U.S.C. 12101 et seq.).

20 (6) The Rehabilitation Act of 1973 (29 U.S.C.
21 701 et seq.).

22 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
23 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
24 proval by any person of a payment or grant application
25 under this title, or any other action taken by any person

1 under this title, shall not be considered to have any effect
2 on requirements for preclearance under section 5 of the
3 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
4 requirements of such Act.

5 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
6 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
7 in this title or the amendments made by this title may
8 be construed to prohibit any State from enacting any law
9 which provides greater opportunities for individuals to reg-
10 ister to vote and to vote in elections for Federal office than
11 are provided by this title and the amendments made by
12 this title.

13 **SEC. 1623. CLARIFICATION OF EXEMPTION FOR STATES**
14 **WITHOUT VOTER REGISTRATION.**

15 To the extent that any provision of this title or any
16 amendment made by this title imposes a requirement on
17 a State relating to registering individuals to vote in elec-
18 tions for Federal office, such provision shall not apply in
19 the case of any State in which, under law that is in effect
20 continuously on and after the date of the enactment of
21 this Act, there is no voter registration requirement for any
22 voter in the State with respect to an election for Federal
23 office.

1 **SEC. 1624. CLARIFICATION OF EXEMPTION FOR STATES**
2 **WHICH DO NOT COLLECT TELEPHONE INFOR-**
3 **MATION.**

4 (a) AMENDMENT TO HELP AMERICA VOTE ACT OF
5 2002.—Subtitle A of title III of the Help America Vote
6 Act of 2002 (52 U.S.C. 21081 et seq.), as amended by
7 section 1031(a), section 1044(a), section 1101(a), section
8 1102(a), section 1103(a), section 1104(a), section
9 1201(a), section 1301(a), section 1302(a), section
10 1303(b), section 1305(a), section 1606(a)(1), and section
11 1607(a), is amended—

12 (1) by redesignating sections 317 and 318 as
13 sections 318 and 319, respectively; and

14 (2) by inserting after section 316 the following
15 new section:

16 **“SEC. 317. APPLICATION OF CERTAIN PROVISIONS TO**
17 **STATES WHICH DO NOT COLLECT TELE-**
18 **PHONE INFORMATION.**

19 “(a) IN GENERAL.—To the extent that any provision
20 of this title imposes a requirement on a State or jurisdic-
21 tion relating to contacting voters by telephone, such provi-
22 sion shall not apply in the case of any State which continu-
23 ously on and after the date of the enactment of this Act,
24 does not collect telephone numbers for voters as part of
25 voter registration in the State with respect to an election
26 for Federal office.

1 “(b) EXCEPTION.—Subsection (a) shall not apply in
2 any case in which the voter has voluntarily provided tele-
3 phone information.”.

4 (b) CLERICAL AMENDMENTS.—The table of contents
5 of such Act, as amended by section 1031(c), section
6 1044(b), section 1101(c), section 1102(c), section
7 1103(a), section 1104(c), section 1201(c), section
8 1301(a), section 1302(a), section 1303(b), section
9 1305(a), section 1606(a)(3), and section 1607(b), is
10 amended—

11 (1) by redesignating the items relating to sec-
12 tions 317 and 318 as relating to sections 318 and
13 319, respectively; and

14 (2) by inserting after the item relating to sec-
15 tion 316 the following new item:

“Sec. 317. Application of certain provisions to States which do not collect tele-
phone information.”.

16 **Subtitle H—Democracy Restoration**

17 **SEC. 1701. SHORT TITLE.**

18 This subtitle may be cited as the “Democracy Res-
19 toration Act of 2023”.

20 **SEC. 1702. FINDINGS.**

21 Congress makes the following findings:

22 (1) The right to vote is the most basic constitu-
23 tive act of citizenship. Regaining the right to vote

1 reintegrates individuals with criminal convictions
2 into free society, helping to enhance public safety.

3 (2) Article I, section 4, of the Constitution
4 grants Congress ultimate supervisory power over
5 Federal elections, an authority which has repeatedly
6 been upheld by the United States Supreme Court.

7 (3) Basic constitutional principles of fairness
8 and equal protection require an equal opportunity
9 for citizens of the United States to vote in Federal
10 elections. The right to vote may not be abridged or
11 denied by the United States or by any State on ac-
12 count of race, color, gender, or previous condition of
13 servitude. The 13th, 14th, 15th, 19th, 24th, and
14 26th Amendments to the Constitution empower Con-
15 gress to enact measures to protect the right to vote
16 in Federal elections. The 8th Amendment to the
17 Constitution provides for no excessive bail to be re-
18 quired, nor excessive fines imposed, nor cruel and
19 unusual punishments inflicted.

20 (4) There are 3 areas in which discrepancies in
21 State laws regarding criminal convictions lead to un-
22 fairness in Federal elections—

23 (A) the lack of a uniform standard for vot-
24 ing in Federal elections leads to an unfair dis-

1 parity and unequal participation in Federal
2 elections based solely on where a person lives;

3 (B) laws governing the restoration of vot-
4 ing rights after a criminal conviction vary
5 throughout the country and persons in some
6 States can easily regain their voting rights
7 while in other States persons effectively lose
8 their right to vote permanently; and

9 (C) State disenfranchisement laws dis-
10 proportionately impact racial and ethnic minori-
11 ties.

12 (5) State disenfranchisement laws vary widely.
13 Two States (Maine and Vermont) and the Common-
14 wealth of Puerto Rico do not disenfranchise individ-
15 uals with criminal convictions at all. In 2020, the
16 District of Columbia re-enfranchised its citizens who
17 are under the supervision of the Federal Bureau of
18 Prisons. Twenty-eight states disenfranchise certain
19 individuals on felony probation or parole. In 11
20 States, a conviction for certain offenses can result in
21 lifetime disenfranchisement.

22 (6) Several States deny the right to vote to in-
23 dividuals convicted of certain misdemeanors.

24 (7) In 2020, an estimated 5,200,000 citizens of
25 the United States, or about 1 in 44 adults in the

1 United States, could not vote as a result of a felony
2 conviction. Of the 5,200,000 citizens barred from
3 voting then, only 24 percent were in prison. By con-
4 trast, 75 percent of persons disenfranchised then re-
5 sided in their communities while on probation or pa-
6 role or after having completed their sentences. Ap-
7 proximately 2,200,000 citizens who had completed
8 their sentences were disenfranchised due to restric-
9 tive State laws. As of November 2018, the lifetime
10 ban for persons with certain felony convictions was
11 eliminated through a Florida ballot initiative. As a
12 result, as many as 1,400,000 people are now eligible
13 to have their voting rights restored. In 4 States—
14 Alabama, Florida, Mississippi, and Tennessee—more
15 than 7 percent of the total population is
16 disenfranchised.

17 (8) In those States that disenfranchise individ-
18 uals post-sentence, the right to vote can be regained
19 in theory, but in practice this possibility is often
20 granted in a non-uniform and potentially discrimina-
21 tory manner. Disenfranchised individuals sometimes
22 must either obtain a pardon or an order from the
23 Governor or an action by the parole or pardon
24 board, depending on the offense and State. Individ-

1 uals convicted of a Federal offense often have addi-
2 tional barriers to regaining voting rights.

3 (9) Many felony disenfranchisement laws today
4 derive directly from post-Civil War efforts to stifle
5 the Fourteenth and Fifteenth Amendments. Between
6 1865 and 1880, at least 14 states—Alabama, Ar-
7 kansas, Colorado, Florida, Georgia, Illinois, Mis-
8 sissippi, Missouri, Nebraska, New York, North Caro-
9 lina, South Carolina, Tennessee, and Texas—en-
10 acted or expanded their felony disenfranchisement
11 laws. One of the primary goals of these laws was to
12 prevent African Americans from voting. Of the
13 states that enacted or expanded their felony dis-
14 enfranchisement laws during this post-Civil War pe-
15 riod, at least 11 continue to preclude persons on fel-
16 ony probation or parole from voting.

17 (10) State disenfranchisement laws dispropor-
18 tionately impact racial and ethnic minorities. In re-
19 cent years, African Americans have been imprisoned
20 at over 5 times the rate of Whites. More than 6 per-
21 cent of the voting-age African-American population,
22 or 1,800,000 African Americans, are disenfranchised
23 due to a felony conviction. In 9 States—Alabama
24 (16 percent), Arizona (13 percent), Florida (15 per-
25 cent), Kentucky (15 percent), Mississippi (16 per-

1 cent), South Dakota (14 percent), Tennessee (21
2 percent), Virginia (16 percent), and Wyoming (36
3 percent)—more than 1 in 8 African Americans are
4 unable to vote because of a felony conviction, twice
5 the national average for African Americans.

6 (11) Latino citizens are also disproportionately
7 disenfranchised based upon their disproportionate
8 representation in the criminal justice system. In re-
9 cent years, Latinos have been imprisoned at 2.5
10 times the rate of Whites. More than 2 percent of the
11 voting-age Latino population, or 560,000 Latinos,
12 are disenfranchised due to a felony conviction. In 34
13 states Latinos are disenfranchised at a higher rate
14 than the general population. In 11 states 4 percent
15 or more of Latino adults are disenfranchised due to
16 a felony conviction (Alabama, 4 percent; Arizona, 7
17 percent; Arkansas, 4 percent; Idaho, 4 percent;
18 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4
19 percent; Mississippi, 5 percent; Nebraska, 6 percent;
20 Tennessee, 11 percent; Wyoming, 4 percent), twice
21 the national average for Latinos.

22 (12) Disenfranchising citizens who have been
23 convicted of a criminal offense and who are living
24 and working in the community serves no compelling

1 State interest and hinders their rehabilitation and
2 reintegration into society.

3 (13) State disenfranchisement laws can sup-
4 press electoral participation among eligible voters by
5 discouraging voting among family and community
6 members of disenfranchised persons. Future elec-
7 toral participation by the children of disenfranchised
8 parents may be impacted as well. Models of success-
9 ful re-entry for persons convicted of a crime empha-
10 size the importance of community ties, feeling vested
11 and integrated, and prosocial attitudes. Individuals
12 with criminal convictions who succeed in avoiding re-
13 cidivism are typically more likely to see themselves
14 as law-abiding members of the community. Restora-
15 tion of voting rights builds those qualities and facili-
16 tates reintegration into the community. That is why
17 allowing citizens with criminal convictions who are
18 living in a community to vote is correlated with a
19 lower likelihood of recidivism. Restoration of voting
20 rights thus reduces violence and protects public safe-
21 ty.

22 (14) The United States is one of the only West-
23 ern democracies that permits the permanent denial
24 of voting rights for individuals with felony convic-
25 tions.

1 (15) The Eighth Amendment’s prohibition on
2 cruel and unusual punishments “guarantees individ-
3 uals the right not to be subjected to excessive sanc-
4 tions.” (*Roper v. Simmons*, 543 U.S. 551, 560
5 (2005)). That right stems from the basic precept of
6 justice “that punishment for crime should be grad-
7 uated and proportioned to [the] offense.” *Id.*
8 (quoting *Weems v. United States*, 217 U.S. 349, 367
9 (1910)). As the Supreme Court has long recognized,
10 “[t]he concept of proportionality is central to the
11 Eighth Amendment.” (*Graham v. Florida*, 560 U.S.
12 48, 59 (2010)). Many State disenfranchisement laws
13 are grossly disproportional to the offenses that lead
14 to disenfranchisement and thus violate the bar on
15 cruel and unusual punishments. For example, a
16 number of states mandate lifetime disenfranchise-
17 ment for a single felony conviction or just two felony
18 convictions, even where the convictions were for non-
19 violent offenses. In numerous other States, dis-
20 enfranchisement can last years or even decades while
21 individuals remain on probation or parole, often only
22 because a person cannot pay their legal financial ob-
23 ligations. These kinds of extreme voting bans run
24 afoul of the Eighth Amendment.

1 (16) The Twenty-Fourth Amendment provides
2 that the right to vote “shall not be denied or
3 abridged by the United States or any State by rea-
4 son of failure to pay any poll tax or other tax.”. Sec-
5 tion 2 of the Twenty-Fourth Amendment gives Con-
6 gress the power to enforce this article by appropriate
7 legislation. Court fines and fees that individuals
8 must pay to have their voting rights restored con-
9 stitute an “other tax” for purposes of the Twenty-
10 Fourth Amendment. At least five States explicitly
11 require the payment of fines and fees before individ-
12 uals with felony convictions can have their voting
13 rights restored. More than 20 other states effectively
14 tie the right to vote to the payment of fines and
15 fees, by requiring that individuals complete their
16 probation or parole before their rights are restored.
17 In these States, the non-payment of fines and fees
18 is a basis on which probation or parole can be ex-
19 tended. Moreover, these states sometimes do not
20 record the basis on which an individual’s probation
21 or parole was extended, making it impossible to de-
22 termine from the State’s records whether non-pay-
23 ment of fines and fees is the reason that an indi-
24 vidual remains on probation or parole. For these
25 reasons, the only way to ensure that States do not

1 deny the right to vote based solely on non-payment
2 of fines and fees is to prevent States from condi-
3 tioning voting rights on the completion of probation
4 or parole.

5 **SEC. 1703. RIGHTS OF CITIZENS.**

6 The right of an individual who is a citizen of the
7 United States to vote in any election for Federal office
8 shall not be denied or abridged because that individual has
9 been convicted of a criminal offense unless such individual
10 is serving a felony sentence in a correctional institution
11 or facility at the time of the election.

12 **SEC. 1704. ENFORCEMENT.**

13 (a) ATTORNEY GENERAL.—The Attorney General
14 may, in a civil action, obtain such declaratory or injunctive
15 relief as is necessary to remedy a violation of this subtitle.

16 (b) PRIVATE RIGHT OF ACTION.—

17 (1) IN GENERAL.—A person who is aggrieved
18 by a violation of this subtitle may provide written
19 notice of the violation to the chief election official of
20 the State involved.

21 (2) RELIEF.—Except as provided in paragraph
22 (3), if the violation is not corrected within 90 days
23 after receipt of a notice under paragraph (1), or
24 within 20 days after receipt of the notice if the viola-
25 tion occurred within 120 days before the date of an

1 election for Federal office, the aggrieved person
2 may, in a civil action, obtain declaratory or injunc-
3 tive relief with respect to the violation.

4 (3) EXCEPTION.—If the violation occurred
5 within 30 days before the date of an election for
6 Federal office, the aggrieved person need not provide
7 notice to the chief election official of the State under
8 paragraph (1) before bringing a civil action to obtain
9 declaratory or injunctive relief with respect to the
10 violation.

11 **SEC. 1705. NOTIFICATION OF RESTORATION OF VOTING**
12 **RIGHTS.**

13 (a) STATE NOTIFICATION.—

14 (1) NOTIFICATION.—On the date determined
15 under paragraph (2), each State shall—

16 (A) notify in writing any individual who
17 has been convicted of a criminal offense under
18 the law of that State that such individual—

19 (i) has the right to vote in an election
20 for Federal office pursuant to the Democ-
21 racy Restoration Act of 2023; and

22 (ii) may register to vote in any such
23 election; and

1 (B) provide such individual with any mate-
2 rials that are necessary to register to vote in
3 any such election.

4 (2) DATE OF NOTIFICATION.—

5 (A) FELONY CONVICTION.—In the case of
6 such an individual who has been convicted of a
7 felony, the notification required under para-
8 graph (1) shall be given on the date on which
9 the individual—

10 (i) is sentenced to serve only a term
11 of probation; or

12 (ii) is released from the custody of
13 that State (other than to the custody of
14 another State or the Federal Government
15 to serve a term of imprisonment for a fel-
16 ony conviction).

17 (B) MISDEMEANOR CONVICTION.—In the
18 case of such an individual who has been con-
19 victed of a misdemeanor, the notification re-
20 quired under paragraph (1) shall be given on
21 the date on which such individual is sentenced
22 by a State court.

23 (b) FEDERAL NOTIFICATION.—

1 (1) NOTIFICATION.—Any individual who has
2 been convicted of a criminal offense under Federal
3 law—

4 (A) shall be notified in accordance with
5 paragraph (2) that such individual—

6 (i) has the right to vote in an election
7 for Federal office pursuant to the Democ-
8 racy Restoration Act of 2023; and

9 (ii) may register to vote in any such
10 election; and

11 (B) shall be provided with any materials
12 that are necessary to register to vote in any
13 such election.

14 (2) DATE OF NOTIFICATION.—

15 (A) FELONY CONVICTION.—In the case of
16 such an individual who has been convicted of a
17 felony, the notification required under para-
18 graph (1) shall be given—

19 (i) in the case of an individual who is
20 sentenced to serve only a term of proba-
21 tion, by the Assistant Director for the Of-
22 fice of Probation and Pretrial Services of
23 the Administrative Office of the United
24 States Courts on the date on which the in-
25 dividual is sentenced; or

1 (ii) in the case of any individual com-
2 mitted to the custody of the Bureau of
3 Prisons, by the Director of the Bureau of
4 Prisons, during the period beginning on
5 the date that is 6 months before such indi-
6 vidual is released and ending on the date
7 such individual is released from the cus-
8 tody of the Bureau of Prisons.

9 (B) MISDEMEANOR CONVICTION.—In the
10 case of such an individual who has been con-
11 victed of a misdemeanor, the notification re-
12 quired under paragraph (1) shall be given on
13 the date on which such individual is sentenced
14 by a court established by an Act of Congress.

15 **SEC. 1706. DEFINITIONS.**

16 For purposes of this subtitle:

17 (1) CORRECTIONAL INSTITUTION OR FACIL-
18 ITY.—The term “correctional institution or facility”
19 means any prison, penitentiary, jail, or other institu-
20 tion or facility for the confinement of individuals
21 convicted of criminal offenses, whether publicly or
22 privately operated, except that such term does not
23 include any residential community treatment center
24 (or similar public or private facility).

25 (2) ELECTION.—The term “election” means—

1 (A) a general, special, primary, or runoff
2 election;

3 (B) a convention or caucus of a political
4 party held to nominate a candidate;

5 (C) a primary election held for the selec-
6 tion of delegates to a national nominating con-
7 vention of a political party; or

8 (D) a primary election held for the expres-
9 sion of a preference for the nomination of per-
10 sons for election to the office of President.

11 (3) FEDERAL OFFICE.—The term “Federal of-
12 fice” means the office of President or Vice President
13 of the United States, or of Senator or Representa-
14 tive in, or Delegate or Resident Commissioner to,
15 the Congress of the United States.

16 (4) PROBATION.—The term “probation” means
17 probation, imposed by a Federal, State, or local
18 court, with or without a condition on the individual
19 involved concerning—

20 (A) the individual’s freedom of movement;

21 (B) the payment of damages by the indi-
22 vidual;

23 (C) periodic reporting by the individual to
24 an officer of the court; or

1 (D) supervision of the individual by an of-
2 ficer of the court.

3 **SEC. 1707. RELATION TO OTHER LAWS.**

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
5 Nothing in this subtitle may be construed to prohibit the
6 States from enacting any State law which affords the right
7 to vote in any election for Federal office on terms less
8 restrictive than those established by this subtitle.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
10 edies established by this subtitle—

11 (1) are in addition to all other rights and rem-
12 edies provided by law, and

13 (2) shall not supersede, restrict, or limit the ap-
14 plication of the Voting Rights Act of 1965 (52
15 U.S.C. 10301 et seq.) or the National Voter Reg-
16 istration Act of 1993 (52 U.S.C. 20501 et seq.).

17 **SEC. 1708. FEDERAL PRISON FUNDS.**

18 No State, unit of local government, or other person
19 may receive or use, to construct or otherwise improve a
20 prison, jail, or other place of incarceration, any Federal
21 funds unless that person has in effect a program under
22 which each individual incarcerated in that person's juris-
23 diction who is a citizen of the United States is notified,
24 upon release from such incarceration, of that individual's
25 rights under section 1703.

1 **SEC. 1709. EFFECTIVE DATE.**

2 This subtitle shall apply to citizens of the United
3 States voting in any election for Federal office held after
4 the date of the enactment of this Act.

5 **Subtitle I—Voter Identification and**
6 **Allowable Alternatives**

7 **SEC. 1801. REQUIREMENTS FOR VOTER IDENTIFICATION.**

8 (a) REQUIREMENT TO PROVIDE IDENTIFICATION AS
9 CONDITION OF RECEIVING BALLOT.—Section 303 of the
10 Help America Vote Act of 2002 (52 U.S.C. 21083) is
11 amended by redesignating subsections (c) and (d) as sub-
12 sections (d) and (e), respectively, and by inserting after
13 subsection (b) the following new subsection:

14 “(c) VOTER IDENTIFICATION REQUIREMENTS.—

15 “(1) VOTER IDENTIFICATION REQUIREMENT
16 DEFINED.—For purposes of this subsection:

17 “(A) IN GENERAL.—The term ‘voter iden-
18 tification requirement’ means any requirement
19 that an individual desiring to vote in person in
20 an election for Federal office present identifica-
21 tion as a requirement to receive or cast a ballot
22 in person in such election.

23 “(B) EXCEPTION.—Such term does not in-
24 clude any requirement described in subsection
25 (b)(2)(A) as applied with respect to an indi-
26 vidual described in subsection (b)(1).

1 “(2) IN GENERAL.—If a State or local jurisdic-
2 tion has a voter identification requirement, the State
3 or local jurisdiction—

4 “(A) shall treat any applicable identifying
5 document as meeting such voter identification
6 requirement;

7 “(B) notwithstanding the failure to present
8 an applicable identifying document, shall treat
9 an individual desiring to vote in person in an
10 election for Federal office as meeting such voter
11 identification requirement if—

12 “(i) the individual presents the appro-
13 priate State or local election official with a
14 sworn written statement, signed in the
15 presence of the official by an adult who
16 has known the individual for at least six
17 months under penalty of perjury, attesting
18 to the individual’s identity;

19 “(ii) the official has known the indi-
20 vidual for at least six months; or

21 “(iii) in the case of a resident of a
22 State-licensed care facility, an employee of
23 the facility confirms the individual’s iden-
24 tity; and

1 “(C) shall permit any individual desiring to
2 vote in an election for Federal office who does
3 not present an applicable identifying document
4 required under subparagraph (A) or qualify for
5 an exception under subparagraph (B) to cast a
6 provisional ballot with respect to the election
7 under section 302 in accordance with paragraph
8 (3).

9 “(3) RULES FOR PROVISIONAL BALLOT.—

10 “(A) IN GENERAL.—An individual may
11 cast a provisional ballot pursuant to paragraph
12 (2)(C) so long as the individual presents the ap-
13 propriate State or local election official with a
14 sworn written statement, signed by the indi-
15 vidual under penalty of perjury, attesting to the
16 individual’s identity.

17 “(B) PROHIBITION ON OTHER REQUIRE-
18 MENTS.—Except as otherwise provided this
19 paragraph, a State or local jurisdiction may not
20 impose any other additional requirement or con-
21 dition with respect to the casting of a provi-
22 sional ballot by an individual described in para-
23 graph (2)(C).

24 “(C) COUNTING OF PROVISIONAL BAL-
25 LOT.—In the case of a provisional ballot cast

1 pursuant to paragraph (2)(C), the appropriate
2 State or local election official shall not make a
3 determination under section 302(a)(4) that the
4 individual is eligible under State law to vote in
5 the election unless—

6 “(i) the official determines that the
7 signature on such statement matches the
8 signature of such individual on the official
9 list of registered voters in the State or
10 other official record or document used by
11 the State to verify the signatures of voters;
12 or

13 “(ii) not later than 10 days after cast-
14 ing the provisional ballot, the individual
15 presents an applicable identifying docu-
16 ment, either in person or by electronic
17 methods, to the official and the official
18 confirms the individual is the person iden-
19 tified on the applicable identifying docu-
20 ment.

21 “(D) NOTICE AND OPPORTUNITY TO CURE
22 DISCREPANCY IN SIGNATURES OR OTHER DE-
23 FECTS ON PROVISIONAL BALLOTS.—

24 “(i) NOTICE AND OPPORTUNITY TO
25 CURE DISCREPANCY IN SIGNATURES.—If

1 an individual casts a provisional ballot
2 under this paragraph and the appropriate
3 State or local election official determines
4 that a discrepancy exists between the sig-
5 nature on such ballot and the signature of
6 such individual on the official list of reg-
7 istered voters in the State or other official
8 record or document used by the State to
9 verify the signatures of voters, such elec-
10 tion official, prior to making a final deter-
11 mination as to the validity of such ballot,
12 shall—

13 “(I) as soon as practical, but no
14 later than the next business day after
15 such determination is made, make a
16 good faith effort to notify the indi-
17 vidual by mail, telephone, and (if
18 available) text message and electronic
19 mail that—

20 “(aa) a discrepancy exists
21 between the signature on such
22 ballot and the signature of the
23 individual on the official list of
24 registered voters in the State or
25 other official record or document

1 used by the State to verify the
2 signatures of voters; and

3 “(bb) if such discrepancy is
4 not cured prior to the expiration
5 of the third day following the
6 State’s deadline for receiving
7 mail-in ballots or absentee bal-
8 lots, such ballot will not be
9 counted; and

10 “(II) cure such discrepancy and
11 count the ballot if, prior to the expira-
12 tion of the third day following the
13 State’s deadline for receiving mail-in
14 ballots or absentee ballots, the indi-
15 vidual provides the official with infor-
16 mation to cure such discrepancy, ei-
17 ther in person, by telephone, or by
18 electronic methods.

19 “(ii) NOTICE AND OPPORTUNITY TO
20 CURE OTHER DEFECTS.—If an individual
21 casts a provisional ballot under this para-
22 graph with a defect which, if left uncured,
23 would cause the ballot to not be counted,
24 the appropriate State or local election offi-

1 cial, prior to making a final determination
2 as to the validity of the ballot, shall—

3 “(I) as soon as practical, but no
4 later than the next business day after
5 such determination is made, make a
6 good faith effort to notify the indi-
7 vidual by mail, telephone, and (if
8 available) text message and electronic
9 mail that—

10 “(aa) the ballot has some
11 defect; and

12 “(bb) if the individual does
13 not cure the other defect prior to
14 the expiration of the third day
15 following the State’s deadline for
16 receiving mail-in ballots or absen-
17 tee ballots, such ballot will not be
18 counted; and

19 “(II) count the ballot if, prior to
20 the expiration of the third day fol-
21 lowing the State’s deadline for receiv-
22 ing mail-in ballots or absentee ballots,
23 the individual cures the defect.

24 “(E) NO EXEMPTION.—Notwithstanding
25 section 302(a), States described in section 4(b)

1 of the National Voter Registration Act of 1993
2 shall be required to meet the requirements of
3 paragraph (2)(C).

4 “(F) RULE OF CONSTRUCTION.—

5 “(i) IN GENERAL.—Nothing in para-
6 graph (2)(C) or this paragraph shall be
7 construed to prevent a State from permit-
8 ting an individual who provides a sworn
9 statement described in subparagraph (A)
10 to cast a regular ballot in lieu of a provi-
11 sional ballot.

12 “(ii) REGULAR BALLOT.—For purpose
13 of this subparagraph, the term ‘regular
14 ballot’ means a ballot which is cast and
15 counted in same manner as ballots cast by
16 individuals meeting the voter identification
17 requirement (and all other applicable re-
18 quirements with respect to voting in the
19 election).

20 “(4) DEVELOPMENT AND USE OF PRE-PRINTED
21 VERSION OF STATEMENT BY COMMISSION.—

22 “(A) IN GENERAL.—The Commission shall
23 develop pre-printed versions of the statements
24 described in paragraphs (2)(B)(i) and (3)(A)

1 which include appropriate blank spaces for the
2 provision of names and signatures.

3 “(B) PROVIDING PRE-PRINTED COPY OF
4 STATEMENT.—Each State and jurisdiction that
5 has a voter identification requirement shall
6 make copies of the pre-printed version of the
7 statement developed under subparagraph (A)
8 available at polling places for use by individuals
9 voting in person.

10 “(5) REQUIRED PROVISION OF IDENTIFYING
11 DOCUMENTS.—

12 “(A) IN GENERAL.—Each State and juris-
13 diction that has a voter identification require-
14 ment shall—

15 “(i) for each individual who, on or
16 after the applicable date, is registered to
17 vote in such State or jurisdiction in elec-
18 tions for Federal office, provide the indi-
19 vidual with a government-issued identifica-
20 tion that meets the requirements of this
21 subsection without charge;

22 “(ii) for each individual who, before
23 the applicable date, was registered to vote
24 in such State or jurisdiction in elections
25 for Federal office but does not otherwise

1 possess an identifying document, provide
2 the individual with a government-issued
3 identification that meets the requirements
4 of this subsection without charge, so long
5 as the State provides the individual with
6 reasonable opportunities to obtain such
7 identification prior to the date of the elec-
8 tion; and

9 “(iii) for each individual who is pro-
10 vided with an identification under clause
11 (i) or clause (ii), provide the individual
12 with such assistance without charge upon
13 request as may be necessary to enable the
14 individual to obtain and process any docu-
15 mentation necessary to obtain the identi-
16 fication.

17 “(B) APPLICABLE DATE.—For purposes of
18 this paragraph, the term ‘applicable date’
19 means the later of—

20 “(i) January 1, 2022, or

21 “(ii) the first date after the date of
22 the enactment of this subsection for which
23 the State or local jurisdiction has in effect
24 a voter identification requirement.

1 “(6) APPLICABLE IDENTIFYING DOCUMENT.—

2 For purposes of this subsection—

3 “(A) IN GENERAL.—The term ‘applicable
4 identifying document’ means, with respect to
5 any individual, any document issued to such in-
6 dividual containing the individual’s name.

7 “(B) INCLUDED DOCUMENTS.—The term
8 ‘applicable identifying document’ shall include
9 any of the following (so long as such document
10 is not expired, as indicated by an expiration
11 date included on the document):

12 “(i) A valid driver’s license or an
13 identification card issued by a State, the
14 Federal Government, or a State or feder-
15 ally recognized Tribal government.

16 “(ii) A State-issued identification de-
17 scribed in paragraph (4).

18 “(iii) A valid United States passport
19 or passport card.

20 “(iv) A valid employee identification
21 card issued by—

22 “(I) any branch, department,
23 agency, or entity of the United States
24 Government or of any State,

1 “(II) any State or federally rec-
2 ognized Tribal government, or

3 “(III) any county, municipality,
4 board, authority, or other political
5 subdivision of a State.

6 “(v) A valid student identification
7 card issued by an institution of higher edu-
8 cation, or a valid high school identification
9 card issued by a State-accredited high
10 school.

11 “(vi) A valid military identification
12 card issued by the United States.

13 “(vii) A valid gun license or concealed
14 carry permit.

15 “(viii) A valid Medicare card or Social
16 Security card.

17 “(ix) A valid birth certificate.

18 “(x) A valid voter registration card.

19 “(xi) A valid hunting or fishing li-
20 cense issued by a State.

21 “(xii) A valid identification card
22 issued to the individual by the Supple-
23 mental Nutrition Assistance (SNAP) pro-
24 gram.

1 “(xiii) A valid identification card
2 issued to the individual by the Temporary
3 Assistance for Needy Families (TANF)
4 program.

5 “(xiv) A valid identification card
6 issued to the individual by Medicaid.

7 “(xv) A valid bank card or valid debit
8 card.

9 “(xvi) A valid utility bill issued within
10 six months of the date of the election.

11 “(xvii) A valid lease or mortgage doc-
12 ument issued within six months of the date
13 of the election.

14 “(xviii) A valid bank statement issued
15 within six months of the date of the elec-
16 tion.

17 “(xix) A valid health insurance card
18 issued to the voter.

19 “(xx) Any other document containing
20 the individual’s name issued by—

21 “(I) any branch, department,
22 agency, or entity of the United States
23 Government or of any State;

24 “(II) any State or federally rec-
25 ognized tribal government; or

1 “(III) any county, municipality,
2 board, authority, or other political
3 subdivision of a State.

4 “(C) COPIES AND ELECTRONIC DOCU-
5 MENTS ACCEPTED.—The term ‘applicable iden-
6 tifying document’ includes—

7 “(i) any copy of a document described
8 in subparagraph (A) or (B); and

9 “(ii) any document described in sub-
10 paragraph (A) or (B) which is presented in
11 electronic format.”.

12 (b) PAYMENTS TO STATES TO COVER COSTS OF RE-
13 QUIRED IDENTIFICATION DOCUMENTS.—

14 (1) IN GENERAL.—The Election Assistance
15 Commission shall make payments to States to cover
16 the costs incurred in providing identifications under
17 section 303(c)(5) of the Help America Vote Act of
18 2002, as amended by this section.

19 (2) AMOUNT OF PAYMENT.—The amount of the
20 payment made to a State under this subsection for
21 any year shall be equal to the amount of fees which
22 would have been collected by the State during the
23 year in providing the identifications required under
24 section 303(c)(5) of such Act if the State had
25 charged the usual and customary rates for such

1 identifications, as determined on the basis of infor-
2 mation furnished to the Commission by the State at
3 such time and in such form as the Commission may
4 require.

5 (3) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated for pay-
7 ments under this subsection an aggregate amount of
8 \$5,000,000 for fiscal year 2023 and each of the 4
9 succeeding fiscal years.

10 (c) CONFORMING AMENDMENTS.—Section
11 303(b)(2)(A) of the Help America Vote Act of 2002 (52
12 U.S.C. 21083(b)(2)(A)) is amended—

13 (1) in clause (i), by striking “in person” and all
14 that follows and inserting “in person, presents to the
15 appropriate State or local election official an applica-
16 ble identifying document (as defined in subsection
17 (c)(6)); or”; and

18 (2) in clause (ii), by striking “by mail” and all
19 that follows and inserting “by mail, submits with the
20 ballot an applicable identifying document (as so de-
21 fined).”.

22 (d) DEFINITION.—For the purposes of this section,
23 the term “State” means each of the several States, the
24 District of Columbia, the Commonwealth of Puerto Rico,
25 Guam, American Samoa, the United States Virgin Is-

1 lands, and the Commonwealth of the Northern Mariana
2 Islands.

3 (e) EFFECTIVE DATE.—Section 303(e) of such Act
4 (52 U.S.C. 21083(d)(2)), as redesignated by subsection
5 (a), is amended by adding at the end the following new
6 paragraph:

7 “(3) VOTER IDENTIFICATION REQUIRE-
8 MENTS.—Each State and jurisdiction shall be re-
9 quired to comply with the requirements of subsection
10 (c) with respect to elections for Federal office held
11 on or after January 1, 2023.”.

12 **Subtitle II—Voter List**

13 **Maintenance Procedures**

14 **PART 1—VOTER CAGING PROHIBITED**

15 **SEC. 1901. VOTER CAGING PROHIBITED.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term “voter caging document” means—

18 (A) a non-forwardable document sent by
19 any person other than a State or local election
20 official that is returned to the sender or a third
21 party as undelivered or undeliverable despite an
22 attempt to deliver such document to the address
23 of a registered voter or applicant; or

24 (B) any document sent by any person
25 other than a State or local election official with

1 instructions to an addressee that the document
2 be returned to the sender or a third party but
3 is not so returned, despite an attempt to deliver
4 such document to the address of a registered
5 voter or applicant;

6 (2) the term “voter caging list” means a list of
7 individuals compiled from voter caging documents;
8 and

9 (3) the term “unverified match list” means any
10 list produced by matching the information of reg-
11 istered voters or applicants for voter registration to
12 a list of individuals who are ineligible to vote in the
13 registrar’s jurisdiction, by virtue of death, convic-
14 tion, change of address, or otherwise, unless one of
15 the pieces of information matched includes a signa-
16 ture, photograph, or unique identifying number en-
17 suring that the information from each source refers
18 to the same individual.

19 (b) PROHIBITION AGAINST VOTER CAGING.—No
20 State or local election official shall prevent an individual
21 from registering or voting in any election for Federal of-
22 fice, or permit in connection with any election for Federal
23 office a formal challenge under State law to an individual’s
24 registration status or eligibility to vote, if the basis for
25 such decision is evidence consisting of—

1 (1) a voter caging document or voter caging
2 list;

3 (2) an unverified match list;

4 (3) an error or omission on any record or paper
5 relating to any application, registration, or other act
6 requisite to voting, if such error or omission is not
7 material to an individual's eligibility to vote under
8 section 2004(a)(2)(B) of the Revised Statutes (52
9 U.S.C. 10101(a)(2)(B)); or

10 (4) any other evidence so designated for pur-
11 poses of this section by the Election Assistance Com-
12 mission,

13 except that the election official may use such evidence if
14 it is corroborated by independent evidence of the individ-
15 ual's ineligibility to register or vote.

16 (c) ENFORCEMENT.—

17 (1) CIVIL ENFORCEMENT.—

18 (A) IN GENERAL.—The Attorney General
19 may bring a civil action in an appropriate dis-
20 trict court for such declaratory or injunctive re-
21 lief as is necessary to carry out this section.

22 (B) PRIVATE RIGHT OF ACTION.—

23 (i) IN GENERAL.—A person who is ag-
24 grievied by a violation of this section may
25 provide written notice of the violation to

1 the chief election official of the State in-
2 volved.

3 (ii) RELIEF.—Except as provided in
4 clause (iii), if the violation is not corrected
5 within 90 days after receipt of a notice
6 under clause (i), or within 20 days after
7 receipt of the notice if the violation oc-
8 curred within 120 days before the date of
9 an election for Federal office, the ag-
10 grievied person may, in a civil action, ob-
11 tain declaratory or injunctive relief with re-
12 spect to the violation.

13 (iii) EXCEPTION.—If the violation oc-
14 curred within 30 days before the date of
15 an election for Federal office, on the date
16 of the election, or after the date of the
17 election but prior to the completion of the
18 canvass, the aggrieved person need not
19 provide notice under clause (i) before
20 bringing a civil action to obtain declaratory
21 or injunctive relief with respect to the vio-
22 lation.

23 (2) CRIMINAL PENALTY.—Whoever knowingly
24 challenges the eligibility of one or more individuals
25 to register or vote or knowingly causes the eligibility

1 of such individuals to be challenged in violation of
2 this section with the intent that one or more eligible
3 voters be disqualified, shall be fined under title 18,
4 United States Code, or imprisoned not more than 1
5 year, or both, for each such violation. Each violation
6 shall be a separate offense.

7 (d) NO EFFECT ON RELATED LAWS.—Nothing in
8 this section is intended to override the protections of the
9 National Voter Registration Act of 1993 (52 U.S.C.
10 20501 et seq.) or to affect the Voting Rights Act of 1965
11 (52 U.S.C. 10301 et seq.).

12 **PART 2—SAVING ELIGIBLE VOTERS FROM VOTER**
13 **PURGING**

14 **SEC. 1911. CONDITIONS FOR REMOVAL OF VOTERS FROM**
15 **LIST OF REGISTERED VOTERS.**

16 (a) CONDITIONS DESCRIBED.—The National Voter
17 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
18 amended by inserting after section 8 the following new
19 section:

20 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
21 **OFFICIAL LIST OF REGISTERED VOTERS.**

22 **“(a) VERIFICATION ON BASIS OF OBJECTIVE AND**
23 **RELIABLE EVIDENCE OF INELIGIBILITY.—**

24 **“(1) REQUIRING VERIFICATION.—**Notwith-
25 standing any other provision of this Act, a State

1 may not remove the name of any registrant from the
2 official list of voters eligible to vote in elections for
3 Federal office in the State unless the State verifies,
4 on the basis of objective and reliable evidence, that
5 the registrant is ineligible to vote in such elections.

6 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
7 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
8 purposes of paragraph (1), except as permitted
9 under section 8(d) after a notice described in para-
10 graph (2) of such section has been sent, the fol-
11 lowing factors, or any combination thereof, shall not
12 be treated as objective and reliable evidence of a reg-
13 istrant’s ineligibility to vote:

14 “(A) The failure of the registrant to vote
15 in any election.

16 “(B) The failure of the registrant to re-
17 spond to any election mail, unless the election
18 mail has been returned as undeliverable.

19 “(C) The failure of the registrant to take
20 any other action with respect to voting in any
21 election or with respect to the registrant’s sta-
22 tus as a registrant.

23 “(3) REMOVAL BASED ON OFFICIAL
24 RECORDS.—

1 “(A) IN GENERAL.—Nothing in this sec-
2 tion shall prohibit a State from removing a reg-
3 istrant from the official list of eligible voters in
4 elections for Federal office if, on the basis of of-
5 ficial records maintained by the State, a State
6 or local election official knows, on the basis of
7 objective and reliable evidence, that the reg-
8 istrant has—

9 “(i) died; or

10 “(ii) permanently moved out of the
11 State and is no longer eligible to vote in
12 the State.

13 “(B) OPPORTUNITY TO DEMONSTRATE
14 ELIGIBILITY.—The State shall provide a voter
15 removed from the official list of eligible voters
16 in elections for Federal office under this para-
17 graph an opportunity to demonstrate that the
18 registrant is eligible to vote and be reinstated
19 on the official list of eligible voters in elections
20 for Federal office in the State.

21 “(b) NOTICE AFTER REMOVAL.—

22 “(1) NOTICE TO INDIVIDUAL REMOVED.—

23 “(A) IN GENERAL.—Not later than 48
24 hours after a State removes the name of a reg-
25 istrant from the official list of eligible voters,

1 the State shall send notice of the removal to the
2 former registrant, and shall include in the no-
3 tice the grounds for the removal and informa-
4 tion on how the former registrant may contest
5 the removal or be reinstated, including a tele-
6 phone number for the appropriate election offi-
7 cial.

8 “(B) EXCEPTIONS.—Subparagraph (A)
9 does not apply in the case of a registrant—

10 “(i) who sends written confirmation to
11 the State that the registrant is no longer
12 eligible to vote in the registrar’s jurisdic-
13 tion in which the registrant was registered;
14 or

15 “(ii) who is removed from the official
16 list of eligible voters by reason of the death
17 of the registrant.

18 “(2) PUBLIC NOTICE.—Not later than 48 hours
19 after conducting any general program to remove the
20 names of ineligible voters from the official list of eli-
21 gible voters (as described in section 8(a)(4)), the
22 State shall disseminate a public notice through such
23 methods as may be reasonable to reach the general
24 public (including by publishing the notice in a news-
25 paper of wide circulation and posting the notice on

1 the websites of the appropriate election officials)
2 that list maintenance is taking place and that reg-
3 istrants should check their registration status to en-
4 sure no errors or mistakes have been made. The
5 State shall ensure that the public notice dissemi-
6 nated under this paragraph is in a format that is
7 reasonably convenient and accessible to voters with
8 disabilities, including voters who have low vision or
9 are blind.”.

10 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
11 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
12 20507(d)) is amended by adding at the end the following
13 new paragraph:

14 “(4) A State may not transmit a notice to a
15 registrant under this subsection unless the State ob-
16 tains objective and reliable evidence (in accordance
17 with the standards for such evidence which are de-
18 scribed in section 8A(a)(2)) that the registrant has
19 changed residence to a place outside the registrar’s
20 jurisdiction in which the registrant is registered.”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) NATIONAL VOTER REGISTRATION ACT OF
23 1993.—Section 8(a) of such Act (52 U.S.C.
24 20507(a)) is amended—

1 (A) in paragraph (3), by striking “pro-
2 vide” and inserting “subject to section 8A, pro-
3 vide”; and

4 (B) in paragraph (4), by striking “con-
5 duct” and inserting “subject to section 8A, con-
6 duct”.

7 (2) **HELP AMERICA VOTE ACT OF 2002.**—Section
8 303(a)(4)(A) of the Help America Vote Act of 2002
9 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
10 “registrants” the second place it appears and insert-
11 ing “and subject to section 8A of such Act, reg-
12 istrants”.

13 (d) **EFFECTIVE DATE.**—The amendments made by
14 this section shall take effect on the date of the enactment
15 of this Act.

16 **Subtitle III—Severability**

17 **SEC. 1921. SEVERABILITY.**

18 If any provision of this title or any amendment made
19 by this title, or the application of any such provision or
20 amendment to any person or circumstance, is held to be
21 unconstitutional, the remainder of this title, and the appli-
22 cation of such provision or amendment to any other person
23 or circumstance, shall not be affected by the holding.

1 **DIVISION II—ELECTION**
2 **INTEGRITY**
3 **TITLE I—PROHIBITING INTER-**
4 **REFERENCE WITH VOTER REG-**
5 **ISTRATION**

6 **SEC. 2001. PROHIBITING HINDERING, INTERFERING WITH,**
7 **OR PREVENTING VOTER REGISTRATION.**

8 (a) **IN GENERAL.**—Chapter 29 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 612. Hindering, interfering with, or preventing**
12 **registering to vote**

13 “(a) **PROHIBITION.**—It shall be unlawful for any per-
14 son, whether acting under color of law or otherwise, to
15 corruptly hinder, interfere with, or prevent another person
16 from registering to vote or to corruptly hinder, interfere
17 with, or prevent another person from aiding another per-
18 son in registering to vote.

19 “(b) **ATTEMPT.**—Any person who attempts to commit
20 any offense described in subsection (a) shall be subject to
21 the same penalties as those prescribed for the offense that
22 the person attempted to commit.

23 “(c) **PENALTY.**—Any person who violates subsection
24 (a) shall be fined under this title, imprisoned not more
25 than 5 years, or both.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 29 of title 18, United States Code, is amended
3 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to elections held on
6 or after the date of the enactment of this Act, except that
7 no person may be found to have violated section 612 of
8 title 18, United States Code (as added by subsection (a)),
9 on the basis of any act occurring prior to the date of the
10 enactment of this Act.

11 **SEC. 2002. ESTABLISHMENT OF BEST PRACTICES.**

12 (a) BEST PRACTICES.—Not later than 180 days after
13 the date of the enactment of this Act, the Attorney Gen-
14 eral shall develop and publish recommendations for best
15 practices for States to use to deter and prevent violations
16 of section 612 of title 18, United States Code (as added
17 by section 2001), and section 12 of the National Voter
18 Registration Act of 1993 (52 U.S.C. 20511) (relating to
19 the unlawful interference with registering to vote, or vot-
20 ing, or attempting to register to vote or vote), including
21 practices to provide for the posting of relevant information
22 at polling places and voter registration agencies under
23 such Act, the training of poll workers and election offi-
24 cials, and relevant educational materials. For purposes of
25 this subsection, the term “State” includes the District of

1 Columbia, the Commonwealth of Puerto Rico, Guam,
2 American Samoa, the United States Virgin Islands, and
3 the Commonwealth of the Northern Mariana Islands.

4 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
5 MENTS.—Section 302(b)(2) of the Help America Vote Act
6 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

7 (1) by striking “and” at the end of subpara-
8 graph (E);

9 (2) by striking the period at the end of sub-
10 paragraph (F) and inserting “; and”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(G) information relating to the prohibi-
14 tions of section 612 of title 18, United States
15 Code, and section 12 of the National Voter
16 Registration Act of 1993 (52 U.S.C. 20511)
17 (relating to the unlawful interference with reg-
18 istering to vote, or voting, or attempting to reg-
19 ister to vote or vote), including information on
20 how individuals may report allegations of viola-
21 tions of such prohibitions.”.

1 **TITLE II—PREVENTING**
2 **ELECTION SUBVERSION**
3 **Subtitle A—Restrictions on Re-**
4 **moval of Election Administra-**
5 **tors**

6 **SEC. 3001. RESTRICTIONS ON REMOVAL OF LOCAL ELEC-**
7 **TION ADMINISTRATORS IN ADMINISTRATION**
8 **OF ELECTIONS FOR FEDERAL OFFICE.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) Congress has explicit and broad authority to
12 regulate the time, place, and manner of Federal elec-
13 tions under the Elections Clause under article I, sec-
14 tion 4, clause 1 of the Constitution, including by es-
15 tablishing standards for the fair, impartial, and uni-
16 form administration of Federal elections by State
17 and local officials.

18 (2) The Elections Clause was understood from
19 the framing of the Constitution to contain “words of
20 great latitude,” granting Congress broad power over
21 Federal elections and a plenary right to preempt
22 State regulation in this area. As made clear at the
23 Constitutional Convention and the State ratification
24 debates that followed, this grant of congressional au-
25 thority was meant to “insure free and fair elec-

1 tions,” promote the uniform administration of Fed-
2 eral elections, and “preserve and restore to the peo-
3 ple their equal and sacred rights of election.”

4 (3) In the founding debates on the Elections
5 Clause, many delegates also argued that a broad
6 grant of authority to Congress over Federal elections
7 was necessary to check any “abuses that might be
8 made of the discretionary power” to regulate the
9 time, place, and manner of elections granted the
10 States, including attempts at partisan entrenchment,
11 malapportionment, and the exclusion of political mi-
12 norities. As the Supreme Court has recognized, the
13 Elections Clause empowers Congress to “protect the
14 elections on which its existence depends,” *Ex parte*
15 *Yarbrough*, 110 U.S. 651, 658 (1884), and “protect
16 the citizen in the exercise of rights conferred by the
17 Constitution of the United States essential to the
18 healthy organization of the government itself,” *id.* at
19 666.

20 (4) The Elections Clause grants Congress “ple-
21 nary and paramount jurisdiction over the whole sub-
22 ject” of Federal elections, *Ex parte Siebold*, 100
23 U.S. 371, 388 (1879), allowing Congress to imple-
24 ment “a complete code for congressional elections.”
25 *Smiley v. Holm*, 285 U.S. 355, 366 (1932). The

1 Elections Clause, unlike, for example, the Commerce
2 Clause, has been found to grant Congress the au-
3 thority to compel States to alter their regulations as
4 to Federal elections, *id.* at *id.* at 366–67, even if
5 these alterations would impose additional costs on
6 the States to execute or enforce. *Association of Com-*
7 *munity Organizations for Reform Now v. Miller*, 129
8 F.3d 833 (6th Cir. 1997).

9 (5) The phrase “manner of holding elections”
10 in the Elections Clause has been interpreted by the
11 Supreme Court to authorize Congress to regulate all
12 aspects of the Federal election process, including
13 “notices, registration, supervision of voting, protec-
14 tion of voters, prevention of fraud and corrupt prac-
15 tices, counting of votes, duties of inspectors and can-
16 vassers, and the making and publication of election
17 returns.” *Smiley v. Holm*, 285 U.S. 355, 366
18 (1932).

19 (6) The Supreme Court has recognized the
20 broad “substantive scope” of the Elections Clause
21 and upheld Federal laws promulgated thereunder
22 regulating redistricting, voter registration, campaign
23 finance, primary elections, recounts, party affiliation
24 rules, and balloting.

1 (7) The authority of Congress under the Elec-
2 tions Clause also entails the power to ensure en-
3 forcement of its laws regulating Federal elections.
4 “[I]f Congress has the power to make regulations, it
5 must have the power to enforce them.” *Ex parte*
6 *Siebold*, 100 U.S. 371, 387 (1879). The Supreme
7 Court has noted that there can be no question that
8 Congress may impose additional penalties for of-
9 fenses committed by State officers in connection
10 with Federal elections even if they differ from the
11 penalties prescribed by State law for the same acts.
12 *Id.* at 387–88.

13 (8) The fair and impartial administration of
14 Federal elections by State and local officials is cen-
15 tral to “the successful working of this government,”
16 *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and
17 to “protect the act of voting . . . and the election
18 itself from corruption or fraud,” *id.* at 661–62.

19 (9) The Elections Clause thus grants Congress
20 the authority to ensure that the administration of
21 Federal elections is free of political bias or discrimi-
22 nation and that election officials are insulated from
23 political influence or other forms of coercion in dis-
24 charging their duties in connection with Federal
25 elections.

1 (10) In some States, oversight of local election
2 administrators has been allocated to State Election
3 Boards, or special commissions formed by those
4 boards, that are appointed by the prevailing political
5 party in a State, as opposed to nonpartisan or elect-
6 ed office holders.

7 (11) In certain newly enacted State policies,
8 these appointed statewide election administrators
9 have been granted wide latitude to suspend or re-
10 move local election administrators in cases where the
11 statewide election administrators identify whatever
12 the State deems to be a violation. There is no re-
13 quirement that there be a finding of intent by the
14 local election administrator to commit the violation.

15 (12) Local election administrators across the
16 country can be suspended or removed according to
17 different standards, potentially exposing them to dif-
18 ferent political pressures or biases that could result
19 in uneven administration of Federal elections.

20 (13) The Elections Clause grants Congress the
21 ultimate authority to ensure that oversight of State
22 and local election administrators is fair and impar-
23 tial in order to ensure equitable and uniform admin-
24 istration of Federal elections.

25 (b) RESTRICTION.—

1 (1) STANDARD FOR REMOVAL OF A LOCAL
2 ELECTION ADMINISTRATOR.—A statewide election
3 administrator may only suspend, remove, or relieve
4 the duties of a local election administrator in the
5 State with respect to the administration of an elec-
6 tion for Federal office for inefficiency, neglect of
7 duty, or malfeasance in office.

8 (2) PRIVATE RIGHT OF ACTION.—

9 (A) IN GENERAL.—Any local election ad-
10 ministrator suspended, removed, or otherwise
11 relieved of duties in violation of paragraph (1)
12 with respect to the administration of an election
13 for Federal office or against whom any pro-
14 ceeding for suspension, removal, or relief from
15 duty in violation of paragraph (1) with respect
16 to the administration of an election for Federal
17 office may be pending, may bring an action in
18 an appropriate district court of the United
19 States for declaratory or injunctive relief with
20 respect to the violation. Any such action shall
21 name as the defendant the statewide election
22 administrator responsible for the adverse ac-
23 tion. The district court shall, to the extent prac-
24 ticable, expedite any such proceeding.

1 (B) STATUTE OF LIMITATIONS.—Any ac-
2 tion brought under this subsection must be
3 commenced not later than one year after the
4 date of the suspension, removal, relief from du-
5 ties, or commencement of the proceeding to re-
6 move, suspend, or relieve the duties of a local
7 election administrator with respect to the ad-
8 ministration of an election for Federal office.

9 (3) ATTORNEY’S FEES.—In any action or pro-
10 ceeding under this subsection, the court may allow
11 a prevailing plaintiff, other than the United States,
12 reasonable attorney’s fees as part of the costs, and
13 may include expert fees as part of the attorney’s fee.
14 The term “prevailing plaintiff” means a plaintiff
15 that substantially prevails pursuant to a judicial or
16 administrative judgment or order, or an enforceable
17 written agreement.

18 (4) REMOVAL OF STATE PROCEEDINGS TO FED-
19 ERAL COURT.—A local election administrator who is
20 subject to an administrative or judicial proceeding
21 for suspension, removal, or relief from duty by a
22 statewide election administrator with respect to the
23 administration of an election for Federal office may
24 remove the proceeding to an appropriate district
25 court of the United States. Any order remanding a

1 case to the State court or agency from which it was
2 removed under this subsection shall be reviewable by
3 appeal or otherwise.

4 (5) RIGHT OF UNITED STATES TO INTER-
5 VENE.—

6 (A) NOTICE TO ATTORNEY GENERAL.—

7 Whenever any administrative or judicial pro-
8 ceeding is brought to suspend, remove, or re-
9 lieve the duties of any local election adminis-
10 trator by a statewide election administrator
11 with respect to the administration of an election
12 for Federal office, the statewide election admin-
13 istrator who initiated such proceeding shall de-
14 liver a copy of the pleadings instituting the pro-
15 ceeding to the Assistant Attorney General for
16 the Civil Rights Division of the Department of
17 Justice. The local election administrator against
18 whom such proceeding is brought may also de-
19 liver such pleadings to the Assistant Attorney
20 General.

21 (B) RIGHT TO INTERVENE.—The United
22 States may intervene in any administrative or
23 judicial proceeding brought to suspend, remove,
24 or relieve the duties of any local election admin-
25 istrator by a statewide election administrator

1 with respect to the administration of an election
2 for Federal office and in any action initiated
3 pursuant to paragraph (2) or in any removal
4 pursuant to paragraph (4).

5 (6) REVIEW.—In reviewing any action brought
6 under this section, a court of the United States shall
7 not afford any deference to any State official, ad-
8 ministrator, or tribunal that initiated, approved, ad-
9 judicated, or reviewed any administrative or judicial
10 proceeding to suspend, remove, or otherwise relieve
11 the duties of a local election administrator.

12 (c) REPORTS TO DEPARTMENT OF JUSTICE.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the suspension, removal, or relief of the duties of a
15 local election administrator by a statewide election
16 administrator, the Statewide election administrator
17 shall submit to the Assistant Attorney General for
18 the Civil Rights Divisions of the Department of Jus-
19 tice a report that includes the following information:

20 (A) A statement that a local election ad-
21 ministrator was suspended, removed, or relieved
22 of their duties.

23 (B) Information on whether the local elec-
24 tion administrator was determined to have en-

1 gaged in gross negligence, neglect of duty, or
2 malfeasance in office.

3 (C) A description of the effect that the
4 suspension, removal, or relief of the duties of
5 the local election administrator will have on—

6 (i) the administration of elections and
7 voters in the election jurisdictions for
8 which the local election official provided
9 such duties; and

10 (ii) the administration of elections and
11 voters in the State at large.

12 (D) Demographic information about the
13 local election official suspended, removed, or re-
14 lieved and the jurisdictions for which such elec-
15 tion official was providing the duties suspended,
16 removed, or relieved.

17 (E) Such other information as requested
18 by the Assistant Attorney General for the pur-
19 poses of determining—

20 (i) whether such suspension, removal,
21 or relief of duties was based on unlawful
22 discrimination; and

23 (ii) (whether such suspension, re-
24 moval, or relief of duties was due to gross

1 negligence, neglect of duty, or malfeasance
2 in office.

3 (2) EXPEDITED REPORTING FOR ACTIONS
4 WITHIN 30 DAYS OF AN ELECTION.—

5 (A) IN GENERAL.—If a suspension, re-
6 moval, or relief of duties of a local adminis-
7 trator described in paragraph (1) occurs during
8 the period described in subparagraph (B), the
9 report required under paragraph (1) shall be
10 submitted not later than 48 hours after such
11 suspension, removal, or relief of duties.

12 (B) PERIOD DESCRIBED.—The period de-
13 scribed in this subparagraph is any period
14 which begins 60 days before the date of an elec-
15 tion for Federal office and which ends 60 days
16 after such election.

17 (d) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) ELECTION.—The term “election” has the
20 meaning given the term in section 301(1) of the
21 Federal Election Campaign Act of 1971 (52 U.S.C.
22 30101(1)).

23 (2) FEDERAL OFFICE.—The term “Federal of-
24 fice” has the meaning given the term in section

1 301(3) of the Federal Election Campaign Act of
2 1971 (52 U.S.C. 30101(3)).

3 (3) LOCAL ELECTION ADMINISTRATOR.—The
4 term “local election administrator” means, with re-
5 spect to a local jurisdiction in a State, the individual
6 or entity responsible for the administration of elec-
7 tions for Federal office in the local jurisdiction.

8 (4) STATEWIDE ELECTION ADMINISTRATOR.—
9 The term “Statewide election administrator” means,
10 with respect to a State—

11 (A) the individual or entity, including a
12 State elections board, responsible for the ad-
13 ministration of elections for Federal office in
14 the State on a statewide basis; or

15 (B) a statewide legislative or executive en-
16 tity with the authority to suspend, remove, or
17 relieve a local election administrator.

18 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to grant any additional authority
20 to remove a local elections administrator beyond any au-
21 thority provided under the law of the State.

1 **Subtitle B—Increased Protections**
2 **for Election Workers**

3 **SEC. 3101. HARASSMENT OF ELECTION WORKERS PROHIB-**
4 **ITED.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United 6
6 States Code, as amended by section 2001(a), is amended
7 by adding at the end the following new section:

8 **“SEC. 613. HARASSMENT OF ELECTION RELATED OFFI-**
9 **CIALS.**

10 “(a) HARASSMENT OF ELECTION WORKERS.—It
11 shall be unlawful for any person, whether acting under
12 color of law or otherwise, to intimidate, threaten, coerce,
13 or attempt to intimidate, threaten, or coerce an election
14 worker described in subsection (b) with intent to impede,
15 intimidate, or interfere with such official while engaged
16 in the performance of official duties, or with intent to re-
17 taliate against such official on account of the performance
18 of official duties.

19 “(b) ELECTION WORKER DESCRIBED.—An election
20 worker as described in this section is any individual who
21 is an election official, poll worker, or an election volunteer
22 in connection with an election for a Federal office.

23 “(c) PENALTY.—Any person who violates subsection
24 (a) shall be fined not more than \$100,000, imprisoned for
25 not more than 5 years, or both.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 29 of title 18, United States Code, as amended
3 by section 2001(b), is amended by adding at the end the
4 following new item:

“613. Harassment of election related officials.”.

5 **SEC. 3102. PROTECTION OF ELECTION WORKERS.**

6 Paragraph (2) of section 119(b) of title 18, United
7 States Code, is amended by striking “or” at the end of
8 subparagraph (C), by inserting “or” at the end of sub-
9 paragraph (D), and by adding at the end the following
10 new subparagraph:

11 “(E) any individual who is an election offi-
12 cial, a poll worker, or an election volunteer in
13 connection with an election for a Federal of-
14 fice;”.

15 **Subtitle C—Prohibiting Deceptive**
16 **Practices and Preventing Voter**
17 **Intimidation**

18 **SEC. 3201. SHORT TITLE.**

19 This subtitle may be cited as the “Deceptive Prac-
20 tices and Voter Intimidation Prevention Act of 2023”.

21 **SEC. 3202. PROHIBITION ON DECEPTIVE PRACTICES IN**
22 **FEDERAL ELECTIONS.**

23 (a) PROHIBITION.—Subsection (b) of section 2004 of
24 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

1 (1) by striking “No person” and inserting the
2 following:

3 “(1) IN GENERAL.—No person”; and

4 (2) by inserting at the end the following new
5 paragraphs:

6 “(2) FALSE STATEMENTS REGARDING FEDERAL
7 ELECTIONS.—

8 “(A) PROHIBITION.—No person, whether
9 acting under color of law or otherwise, shall,
10 within 60 days before an election described in
11 paragraph (5), by any means, including by
12 means of written, electronic, or telephonic com-
13 munications, communicate or cause to be com-
14 municated information described in subpara-
15 graph (B), or produce information described in
16 subparagraph (B) with the intent that such in-
17 formation be communicated, if such person—

18 “(i) knows such information to be ma-
19 terially false; and

20 “(ii) has the intent to impede or pre-
21 vent another person from exercising the
22 right to vote in an election described in
23 paragraph (5).

1 “(B) INFORMATION DESCRIBED.—Infor-
2 mation is described in this subparagraph if such
3 information is regarding—

4 “(i) the time, place, or manner of
5 holding any election described in para-
6 graph (5); or

7 “(ii) the qualifications for or restric-
8 tions on voter eligibility for any such elec-
9 tion, including—

10 “(I) any criminal, civil, or other
11 legal penalties associated with voting
12 in any such election; or

13 “(II) information regarding a
14 voter’s registration status or eligi-
15 bility.

16 “(3) FALSE STATEMENTS REGARDING PUBLIC
17 ENDORSEMENTS.—

18 “(A) PROHIBITION.—No person, whether
19 acting under color of law or otherwise, shall,
20 within 60 days before an election described in
21 paragraph (5), by any means, including by
22 means of written, electronic, or telephonic com-
23 munications, communicate, or cause to be com-
24 municated, a materially false statement about
25 an endorsement, if such person—

1 “(i) knows such statement to be false;

2 and

3 “(ii) has the intent to impede or pre-
4 vent another person from exercising the
5 right to vote in an election described in
6 paragraph (5).

7 “(B) DEFINITION OF ‘MATERIALLY
8 FALSE’.—For purposes of subparagraph (A), a
9 statement about an endorsement is ‘materially
10 false’ if, with respect to an upcoming election
11 described in paragraph (5)—

12 “(i) the statement states that a spe-
13 cifically named person, political party, or
14 organization has endorsed the election of a
15 specific candidate for a Federal office de-
16 scribed in such paragraph; and

17 “(ii) such person, political party, or
18 organization has not endorsed the election
19 of such candidate.

20 “(4) HINDERING, INTERFERING WITH, OR PRE-
21 VENTING VOTING OR REGISTERING TO VOTE.—No
22 person, whether acting under color of law or other-
23 wise, shall intentionally hinder, interfere with, or
24 prevent another person from voting, registering to
25 vote, or aiding another person to vote or register to

1 vote in an election described in paragraph (5), in-
2 cluding by operating a polling place or ballot box
3 that falsely purports to be an official location estab-
4 lished for such an election by a unit of government.

5 “(5) ELECTION DESCRIBED.—An election de-
6 scribed in this paragraph is any general, primary,
7 runoff, or special election held solely or in part for
8 the purpose of nominating or electing a candidate
9 for the office of President, Vice President, Presi-
10 dential elector, Member of the Senate, Member of
11 the House of Representatives, or Delegate or Com-
12 missioner from a Territory or possession.”

13 (b) PRIVATE RIGHT OF ACTION.—

14 (1) IN GENERAL.—Subsection (c) of section
15 2004 of the Revised Statutes (52 U.S.C. 10101(c))
16 is amended—

17 (A) by striking “Whenever any person”
18 and inserting the following:

19 “(1) IN GENERAL.—Whenever any person”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(2) CIVIL ACTION.—Any person aggrieved by a
23 violation of this section may institute a civil action
24 for preventive relief, including an application in a
25 United States district court for a permanent or tem-

1 porary injunction, restraining order, or other order.
2 In any such action, the court, in its discretion, may
3 allow the prevailing party a reasonable attorney’s fee
4 as part of the costs.”.

5 (2) CONFORMING AMENDMENTS.—Section 2004
6 of the Revised Statutes (52 U.S.C. 10101) is
7 amended—

8 (A) in subsection (e), by striking “sub-
9 section (c)” and inserting “subsection (c)(1)”;
10 and

11 (B) in subsection (g), by striking “sub-
12 section (e)” and inserting “subsection (c)(1)”.

13 (c) CRIMINAL PENALTIES.—

14 (1) DECEPTIVE ACTS.—Section 594 of title 18,
15 United States Code, is amended—

16 (A) by striking “Whoever” and inserting
17 the following:

18 “(a) INTIMIDATION.—Whoever”;

19 (B) in subsection (a), as inserted by sub-
20 paragraph (A), by striking “at any election”
21 and inserting “at any general, primary, runoff,
22 or special election”; and

23 (C) by adding at the end the following new
24 subsections:

25 “(b) DECEPTIVE ACTS.—

1 “(1) FALSE STATEMENTS REGARDING FEDERAL
2 ELECTIONS.—

3 “(A) PROHIBITION.—It shall be unlawful
4 for any person, whether acting under color of
5 law or otherwise, within 60 days before an elec-
6 tion described in subsection (e), by any means,
7 including by means of written, electronic, or tel-
8 ephonic communications, to communicate or
9 cause to be communicated information de-
10 scribed in subparagraph (B), or produce infor-
11 mation described in subparagraph (B) with the
12 intent that such information be communicated,
13 if such person—

14 “(i) knows such information to be ma-
15 terially false; and

16 “(ii) has the intent to impede or pre-
17 vent another person from exercising the
18 right to vote in an election described in
19 subsection (e).

20 “(B) INFORMATION DESCRIBED.—Infor-
21 mation is described in this subparagraph if such
22 information is regarding—

23 “(i) the time or place of holding any
24 election described in subsection (e); or

1 “(ii) the qualifications for or restric-
2 tions on voter eligibility for any such elec-
3 tion, including—

4 “(I) any criminal, civil, or other
5 legal penalties associated with voting
6 in any such election; or

7 “(II) information regarding a
8 voter’s registration status or eligi-
9 bility.

10 “(2) PENALTY.—Any person who violates para-
11 graph (1) shall be fined not more than \$100,000,
12 imprisoned for not more than 5 years, or both.

13 “(c) HINDERING, INTERFERING WITH, OR PRE-
14 VENTING VOTING OR REGISTERING TO VOTE.—

15 “(1) PROHIBITION.—It shall be unlawful for
16 any person, whether acting under color of law or
17 otherwise, to corruptly hinder, interfere with, or pre-
18 vent another person from voting, registering to vote,
19 or aiding another person to vote or register to vote
20 in an election described in subsection (e).

21 “(2) PENALTY.—Any person who violates para-
22 graph (1) shall be fined not more than \$100,000,
23 imprisoned for not more than 5 years, or both.

24 “(d) ATTEMPT.—Any person who attempts to commit
25 any offense described in subsection (a), (b)(1), or (c)(1)

1 shall be subject to the same penalties as those prescribed
2 for the offense that the person attempted to commit.

3 “(e) ELECTION DESCRIBED.—An election described
4 in this subsection is any general, primary, runoff, or spe-
5 cial election held solely or in part for the purpose of nomi-
6 nating or electing a candidate for the office of President,
7 Vice President, Presidential elector, Senator, Member of
8 the House of Representatives, or Delegate or Resident
9 Commissioner to the Congress.”.

10 (2) MODIFICATION OF PENALTY FOR VOTER IN-
11 TIMIDATION.—Section 594(a) of title 18, United
12 States Code, as amended by paragraph (1), is
13 amended by striking “fined under this title or im-
14 prisoned not more than one year” and inserting
15 “fined not more than \$100,000, imprisoned for not
16 more than 5 years”.

17 (3) SENTENCING GUIDELINES.—

18 (A) REVIEW AND AMENDMENT.—Not later
19 than 180 days after the date of enactment of
20 this Act, the United States Sentencing Commis-
21 sion, pursuant to its authority under section
22 994 of title 28, United States Code, and in ac-
23 cordance with this section, shall review and, if
24 appropriate, amend the Federal sentencing
25 guidelines and policy statements applicable to

1 persons convicted of any offense under section
2 594 of title 18, United States Code, as amend-
3 ed by this section.

4 (B) AUTHORIZATION.—The United States
5 Sentencing Commission may amend the Federal
6 Sentencing Guidelines in accordance with the
7 procedures set forth in section 21(a) of the Sen-
8 tencing Act of 1987 (28 U.S.C. 994 note) as
9 though the authority under that section had not
10 expired.

11 (4) PAYMENTS FOR REFRAINING FROM VOT-
12 ING.—Subsection (c) of section 11 of the Voting
13 Rights Act of 1965 (52 U.S.C. 10307) is amended
14 by striking “either for registration to vote or for vot-
15 ing” and inserting “for registration to vote, for vot-
16 ing, or for not voting”.

17 **SEC. 3203. CORRECTIVE ACTION.**

18 (a) CORRECTIVE ACTION.—

19 (1) IN GENERAL.—If the Attorney General re-
20 ceives a credible report that materially false informa-
21 tion has been or is being communicated in violation
22 of paragraphs (2) and (3) of section 2004(b) of the
23 Revised Statutes (52 U.S.C. 10101(b)), as added by
24 section 3202(a), and if the Attorney General deter-
25 mines that State and local election officials have not

1 taken adequate steps to promptly communicate accu-
2 rate information to correct the materially false infor-
3 mation, the Attorney General shall, pursuant to the
4 written procedures and standards under subsection
5 (b), communicate to the public, by any means, in-
6 cluding by means of written, electronic, or telephonic
7 communications, accurate information designed to
8 correct the materially false information.

9 (2) COMMUNICATION OF CORRECTIVE INFORMA-
10 TION.—Any information communicated by the Attor-
11 ney General under paragraph (1)—

12 (A) shall—

13 (i) be accurate and objective;

14 (ii) consist of only the information
15 necessary to correct the materially false in-
16 formation that has been or is being com-
17 municated; and

18 (iii) to the extent practicable, be by a
19 means that the Attorney General deter-
20 mines will reach the persons to whom the
21 materially false information has been or is
22 being communicated; and

23 (B) shall not be designed to favor or dis-
24 favor any particular candidate, organization, or
25 political party.

1 (b) WRITTEN PROCEDURES AND STANDARDS FOR
2 TAKING CORRECTIVE ACTION.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Attorney
5 General shall publish written procedures and stand-
6 ards for determining when and how corrective action
7 will be taken under this section.

8 (2) INCLUSION OF APPROPRIATE DEADLINES.—
9 The procedures and standards under paragraph (1)
10 shall include appropriate deadlines, based in part on
11 the number of days remaining before the upcoming
12 election.

13 (3) CONSULTATION.—In developing the proce-
14 dures and standards under paragraph (1), the Attor-
15 ney General shall consult with the Election Assist-
16 ance Commission, State and local election officials,
17 civil rights organizations, voting rights groups, voter
18 protection groups, and other interested community
19 organizations.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Attorney General
22 such sums as may be necessary to carry out this subtitle.

23 **SEC. 3204. REPORTS TO CONGRESS.**

24 (a) IN GENERAL.—Not later than 180 days after
25 each general election for Federal office, the Attorney Gen-

1 eral shall submit to Congress a report compiling all allega-
2 tions received by the Attorney General of deceptive prac-
3 tices described in paragraphs (2), (3), and (4) of section
4 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
5 added by section 3202(a), relating to the general election
6 for Federal office and any primary, runoff, or a special
7 election for Federal office held in the 2 years preceding
8 the general election.

9 (b) CONTENTS.—

10 (1) IN GENERAL.—Each report submitted
11 under subsection (a) shall include—

12 (A) a description of each allegation of a
13 deceptive practice described in subsection (a),
14 including the geographic location, racial and
15 ethnic composition, and language minority-
16 group membership of the persons toward whom
17 the alleged deceptive practice was directed;

18 (B) the status of the investigation of each
19 allegation described in subparagraph (A);

20 (C) a description of each corrective action
21 taken by the Attorney General under section
22 4(a) in response to an allegation described in
23 subparagraph (A);

1 (D) a description of each referral of an al-
2 legation described in subparagraph (A) to other
3 Federal, State, or local agencies;

4 (E) to the extent information is available,
5 a description of any civil action instituted under
6 section 2004(c)(2) of the Revised Statutes (52
7 U.S.C. 10101(c)(2)), as added by section
8 3202(b), in connection with an allegation de-
9 scribed in subparagraph (A); and

10 (F) a description of any criminal prosecu-
11 tion instituted under section 594 of title 18,
12 United States Code, as amended by section
13 3202(c), in connection with the receipt of an al-
14 legation described in subparagraph (A) by the
15 Attorney General.

16 (2) EXCLUSION OF CERTAIN INFORMATION.—

17 (A) IN GENERAL.—The Attorney General
18 shall not include in a report submitted under
19 subsection (a) any information protected from
20 disclosure by rule 6(e) of the Federal Rules of
21 Criminal Procedure or any Federal criminal
22 statute.

23 (B) EXCLUSION OF CERTAIN OTHER IN-
24 FORMATION.—The Attorney General may deter-
25 mine that the following information shall not be

1 included in a report submitted under subsection

2 (a):

3 (i) Any information that is privileged.

4 (ii) Any information concerning an
5 ongoing investigation.

6 (iii) Any information concerning a
7 criminal or civil proceeding conducted
8 under seal.

9 (iv) Any other nonpublic information
10 that the Attorney General determines the
11 disclosure of which could reasonably be ex-
12 pected to infringe on the rights of any in-
13 dividual or adversely affect the integrity of
14 a pending or future criminal investigation.

15 (c) REPORT MADE PUBLIC.—On the date that the
16 Attorney General submits the report under subsection (a),
17 the Attorney General shall also make the report publicly
18 available through the internet and other appropriate
19 means.

20 **SEC. 3205. PRIVATE RIGHTS OF ACTION BY ELECTION OFFI-**
21 **CIALS.**

22 Subsection (c)(2) of section 2004 of the Revised Stat-
23 utes (52 U.S.C. 10101(b)), as added by section 3202(b),
24 is amended—

1 (1) by striking “Any person” and inserting the
2 following:

3 “(A) IN GENERAL.—Any person”; and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(B) INTIMIDATION, ETC.—

7 “(i) IN GENERAL.—A person ag-
8 grieved by a violation of subsection (b)(1)
9 shall include, without limitation, an officer
10 responsible for maintaining order and pre-
11 venting intimidation, threats, or coercion
12 in or around a location at which voters
13 may cast their votes. .

14 “(ii) CORRECTIVE ACTION.—If the At-
15 torney General receives a credible report
16 that conduct that violates or would be rea-
17 sonably likely to violate subsection (b)(1)
18 has occurred or is likely to occur, and if
19 the Attorney General determines that
20 State and local officials have not taken
21 adequate steps to promptly communicate
22 that such conduct would violate subsection
23 (b)(1) or applicable State or local laws, At-
24 torney General shall communicate to the
25 public, by any means, including by means

1 of written, electronic, or telephonic commu-
2 nications, accurate information designed to
3 convey the unlawfulness of proscribed con-
4 duct under subsection (b)(1) and the re-
5 sponsibilities of and resources available to
6 State and local officials to prevent or cor-
7 rect such violations.”.

8 **SEC. 3206. MAKING INTIMIDATION OF TABULATION, CAN-**
9 **VASS, AND CERTIFICATION EFFORTS A**
10 **CRIME.**

11 Section 12(1) of the National Voter Registration Act
12 (52 U.S.C. 20511) is amended—

13 (1) in subparagraph (B), by striking “or” at
14 the end; and

15 (2) by adding at the end the following new sub-
16 paragraph:

17 “(D) processing or scanning ballots, or
18 tabulating, canvassing, or certifying voting re-
19 sults; or”.

20 **Subtitle D—Protection of Election**
21 **Records & Election Infrastructure**

22 **SEC. 3301. STRENGTHEN PROTECTIONS FOR FEDERAL**
23 **ELECTION RECORDS.**

24 (a) **FINDING OF CONSTITUTIONAL AUTHORITY.—**

25 Congress finds as follows:

1 (1) Congress has explicit and broad authority to
2 regulate the time, place, and manner of Federal elec-
3 tions under the Elections Clause under article I, sec-
4 tion 4, clause 1 of the Constitution, including by es-
5 tablishing standards for the fair, impartial, and uni-
6 form administration of Federal elections by State
7 and local officials.

8 (2) The Elections Clause grants Congress “ple-
9 nary and paramount jurisdiction over the whole sub-
10 ject” of Federal elections, *Ex parte Siebold*, 100
11 U.S. 371, 388 (1879), allowing Congress to imple-
12 ment “a complete code for congressional elections.”
13 *Smiley v. Holm*, 285 U.S. 355, 366 (1932).

14 (3) The fair and impartial administration of
15 Federal elections by State and local officials is cen-
16 tral to “the successful working of this government”,
17 *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and
18 to “protect the act of voting . . . and the election
19 itself from corruption or fraud”, *id.* at 661–62.

20 (4) The Elections Clause thus grants Congress
21 the authority to strengthen the protections for Fed-
22 eral election records.

23 (5) Congress has intervened in the electoral
24 process to protect the health and legitimacy of fed-
25 eral elections, including for example, Congress’ en-

1 actment of the Help America Vote Act of 2002 as
2 a response to several issues that occurred during the
3 2000 Presidential election. *See* “The Elections
4 Clause: Constitutional Interpretation and Congres-
5 sional Exercise”, Hearing Before Comm. on House
6 Administration, 117th Cong. (2021), written testi-
7 mony of Vice Dean Franita Tolson at 3.

8 (b) STRENGTHENING OF PROTECTIONS.—Section
9 301 of the Civil Rights Act of 1960 (52 U.S.C. 20701)
10 is amended—

11 (1) by striking “Every officer” and inserting
12 the following:

13 “(a) IN GENERAL.—Every officer”;

14 (2) by striking “records and papers” and in-
15 sserting “records (including electronic records), pa-
16 pers, and election equipment” each place the term
17 appears;

18 (3) by striking “record or paper” and inserting
19 “record (including electronic record), paper, or elec-
20 tion equipment”;

21 (4) by inserting “(but only under the direct ad-
22 ministrative supervision of an election officer). Not-
23 withstanding any other provision of this section, the
24 paper record of a voter’s cast ballot shall remain the

1 official record of the cast ballot for purposes of this
2 title” after “upon such custodian”;

3 (5) by inserting “, or acts in reckless disregard
4 of,” after “fails to comply with”; and

5 (6) by inserting after subsection (a) the fol-
6 lowing:

7 “(b) ELECTION EQUIPMENT.—The requirement in
8 subsection (a) to preserve election equipment shall not be
9 construed to prevent the reuse of such equipment in any
10 election that takes place within twenty-two months of a
11 Federal election described in subsection (a), provided that
12 all electronic records, files, and data from such equipment
13 related to such Federal election are retained and pre-
14 served.

15 “(c) GUIDANCE.—Not later than 1 year after the
16 date of enactment of this subsection, the Director of the
17 Cybersecurity and Infrastructure Security Agency of the
18 Department of Homeland Security, in consultation with
19 the Election Assistance Commission and the Attorney
20 General, shall issue guidance regarding compliance with
21 subsections (a) and (b), including minimum standards and
22 best practices for retaining and preserving records and pa-
23 pers in compliance with subsection (a). Such guidance
24 shall also include protocols for enabling the observation
25 of the preservation, security, and transfer of records and

1 papers described in subsection (a) by the Attorney General
2 and by a representative of each party, as defined by the
3 Attorney General.”.

4 (c) PROTECTING THE INTEGRITY OF PAPER BAL-
5 LOTS IN FEDERAL ELECTIONS.—

6 (1) PROTOCOLS AND CONDITIONS FOR INSPEC-
7 TION OF BALLOTS.—Not later than 60 days after
8 the date of the enactment of this Act, the Attorney
9 General, in consultation with the Director of the Cy-
10 bersecurity and Infrastructure Security Agency of
11 the Department of Homeland Security and the Elec-
12 tion Assistance Commission, shall promulgate regu-
13 lations establishing the election security protocols
14 and conditions, including appropriate chain of cus-
15 tody and proper preservation practices, which will
16 apply to the inspection of the paper ballots which
17 are required to be retained and preserved under sec-
18 tion 301 of the Civil Rights Act of 1960 (52 U.S.C.
19 20701).

20 (2) CAUSE OF ACTION FOR INJUNCTIVE AND
21 DECLARATORY RELIEF.—The Attorney General may
22 bring an action in an appropriate district court of
23 the United States for such declaratory or injunctive
24 relief as may be necessary to ensure compliance with
25 the regulations promulgated under subsection (a).

1 **SEC. 3302. PENALTIES; INSPECTION; NONDISCLOSURE; JU-**
2 **RISDICTION.**

3 (a) EXPANSION OF SCOPE OF PENALTIES FOR IN-
4 TERFERENCE.—Section 302 of the Civil Rights Act of
5 1960 (52 U.S.C. 20702) is amended—

6 (1) by inserting “, or whose reckless disregard
7 of section 301 results in the theft, destruction, con-
8 cealment, mutilation, or alteration of,” after “or al-
9 ters”; and

10 (2) by striking “record or paper” and inserting
11 “record (including electronic record), paper, or elec-
12 tion equipment”.

13 (b) INSPECTION, REPRODUCTION, AND COPYING.—
14 Section 303 of such Act (52 U.S.C. 20703) is amended
15 by striking “record or paper” each place it appears and
16 inserting “record (including electronic record), paper, or
17 election equipment”.

18 (c) NONDISCLOSURE.—Section 304 of such Act (52
19 U.S.C. 20704) is amended by striking “record or paper”
20 and inserting “record (including electronic record), paper,
21 or election equipment”.

22 (d) JURISDICTION TO COMPEL PRODUCTION.—Sec-
23 tion 305 of such Act (52 U.S.C. 20705) is amended by
24 striking “record or paper” each place it appears and in-
25 serting “record (including electronic record), paper, or
26 election equipment”.

1 **SEC. 3303. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

2 Title III of the Civil Rights Act of 1960 (52 U.S.C.
3 20701 et seq.) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 307. JUDICIAL REVIEW TO ENSURE COMPLIANCE.**

6 “(a) CAUSE OF ACTION.—The Attorney General, a
7 representative of the Attorney General, or a candidate in
8 a Federal election described in section 301 may bring an
9 action in the district court of the United States for the
10 judicial district in which a record or paper is located, or
11 in the United States District Court for the District of Co-
12 lumbia, to compel compliance with the requirements of
13 section 301.

14 “(b) DUTY TO EXPEDITE.—It shall be the duty of
15 the court to advance on the docket, and to expedite to
16 the greatest possible extent the disposition of, the action
17 and any appeal under this section.”.

18 **Subtitle E—Judicial Protection of**
19 **the Right to Vote and Non-par-**
20 **tisan Vote Tabulation**

21 **PART 1—RIGHT TO VOTE ACT**

22 **SEC. 3401. SHORT TITLE.**

23 This part may be cited as the “Right to Vote Act”.

1 **SEC. 3402. UNDUE BURDENS ON THE ABILITY TO VOTE IN**
2 **ELECTIONS FOR FEDERAL OFFICE PROHIB-**
3 **ITED.**

4 (a) IN GENERAL.—Every citizen of legal voting age
5 shall have the right to vote and have one’s vote counted
6 in elections for Federal office free from any burden on
7 the time, place, or manner of voting, as set forth in sub-
8 sections (b) and (c).

9 (b) RETROGRESSION.—A government may not dimin-
10 ish the ability to vote or to have one’s vote counted in
11 an election for Federal office unless the law, rule, stand-
12 ard, practice, procedure, or other governmental action
13 causing the diminishment is the least restrictive means of
14 significantly furthering an important, particularized gov-
15 ernment interest.

16 (c) SUBSTANTIAL IMPAIRMENT.—

17 (1) IN GENERAL.—A government may not sub-
18 stantially impair the ability of an individual to vote
19 or to have one’s vote counted in an election for Fed-
20 eral office unless the law, rule, standard, practice,
21 procedure, or other governmental action causing the
22 impairment significantly furthers an important, par-
23 ticularized governmental interest.

24 (2) SUBSTANTIAL IMPAIRMENT.—For purposes
25 of this section, a substantial impairment is a non-
26 trivial impairment that makes it more difficult to

1 vote or to have one's vote counted than if the law,
2 rule, standard, practice, procedure, or other govern-
3 mental action had not been adopted or implemented.
4 An impairment may be substantial even if the voter
5 or other similarly situated voters are able to vote or
6 to have one's vote counted notwithstanding the im-
7 pairment.

8 **SEC. 3403. JUDICIAL REVIEW.**

9 (a) CIVIL ACTION.—An action challenging a violation
10 of this part may be brought by any aggrieved person or
11 the Attorney General in the district court for the District
12 of Columbia, or the district court for the district in which
13 the violation took place or where any defendant resides
14 or does business, at the selection of the plaintiff, to obtain
15 all appropriate relief, whether declaratory or injunctive, or
16 facial or as-applied. Process may be served in any district
17 where a defendant resides, does business, or may be found.

18 (b) STANDARDS TO BE APPLIED.—A courts adjudi-
19 cating an action brought under this part shall apply the
20 following standards:

21 (1) RETROGRESSION.—

22 (A) A plaintiff establishes a prima facie
23 case of retrogression by demonstrating by a
24 preponderance of the evidence that a rule,
25 standard, practice, procedure, or other govern-

1 mental action diminishes the ability, or other-
2 wise makes it more difficult, to vote, or have
3 one's vote counted.

4 (B) If a plaintiff establishes a prima facie
5 case as described in subparagraph (A), the gov-
6 ernment shall be provided an opportunity to
7 demonstrate by clear and convincing evidence
8 that the diminishment is necessary to signifi-
9 cantly further an important, particularized gov-
10 ernmental interest.

11 (C) If the government meets its burden
12 under subparagraph (B), the challenged rule,
13 standard, practice, procedure, or other govern-
14 mental action shall nonetheless be deemed in-
15 valid if the plaintiff demonstrates by a prepon-
16 derance of the evidence that the government
17 could adopt or implement a less-restrictive
18 means of furthering the particularized impor-
19 tant governmental interest.

20 (2) SUBSTANTIAL IMPAIRMENT.—

21 (A) A plaintiff establishes a prima facie
22 case of substantial impairment by dem-
23 onstrating by a preponderance of the evidence
24 that a rule, standard, practice, procedure, or
25 other governmental action is a non-trivial im-

1 pairment of the ability to vote or to have one's
2 vote counted.

3 (B) If a plaintiff establishes a prima facie
4 case as described in subparagraph (A), the gov-
5 ernment shall be provided an opportunity to
6 demonstrate by clear and convincing evidence
7 that the impairment significantly furthers an
8 important, particularized governmental interest.

9 (c) DUTY TO EXPEDITE.—It shall be the duty of the
10 court to advance on the docket and to expedite to the
11 greatest reasonable extent the disposition of the action
12 and appeal under this section.

13 (d) ATTORNEY'S FEES.—Section 722(b) of the Re-
14 vised Statutes (42 U.S.C. 1988(b)) is amended—

15 (1) by striking “or section 40302” and insert-
16 ing “section 40302”; and

17 (2) by striking “, the court” and inserting “, or
18 section 3402(a) of the Freedom to Vote Act, the
19 court”.

20 **SEC. 3404. DEFINITIONS.**

21 In this part—

22 (1) the term “covered entity” means the Dis-
23 trict of Columbia, the Commonwealth of Puerto
24 Rico, Guam, American Samoa, the United States

1 Virgin Islands, and the Commonwealth of the North-
2 ern Mariana Islands;

3 (2) the terms “election” and “Federal office”
4 have the meanings given such terms in section 301
5 of the Federal Election Campaign Act of 1971 (52
6 U.S.C. 30101);

7 (3) the term “have one’s vote counted” means
8 all actions necessary to have a vote included in the
9 appropriate totals of votes cast with respect to can-
10 didates for public office for which votes are received
11 in an election and reflected in the certified vote to-
12 tals by any government responsible for tallying or
13 certifying the results of elections for Federal office;

14 (4) the term “government” includes a branch,
15 department, agency, instrumentality, and official (or
16 other person acting under color of law) of the
17 United States, of any State, of any covered entity,
18 or of any political subdivision of any State or cov-
19 ered entity; and

20 (5) the term “vote” means all actions necessary
21 to make a vote effective, including registration or
22 other action required by law as a prerequisite to vot-
23 ing, casting a ballot.

1 **SEC. 3405. RULES OF CONSTRUCTION.**

2 (a) BURDENS NOT AUTHORIZED.—Nothing in this
3 part may be construed to authorize a government to bur-
4 den the right to vote in elections for Federal office.

5 (b) OTHER RIGHTS AND REMEDIES.—Nothing in
6 this part shall be construed to alter any rights existing
7 under a State constitution or the Constitution of the
8 United States, or to limit any remedies for any other viola-
9 tions of Federal, State, or local law.

10 (c) OTHER PROVISIONS OF THIS ACT.—Nothing in
11 this subtitle shall be construed as affecting section 1703
12 of this Act (relating to rights of citizens).

13 (d) OTHER DEFINITIONS.—The definitions set forth
14 in section 3404 shall apply only to this part and shall not
15 be construed to amend or interpret any other provision
16 of law.

17 **SEC. 3406. SEVERABILITY.**

18 If any provision of this part or the application of such
19 provision to any citizen or circumstance is held to be un-
20 constitutional, the remainder of this part and the applica-
21 tion of the provisions of such to any citizen or cir-
22 cumstance shall not be affected thereby.

23 **SEC. 3407. EFFECTIVE DATE.**

24 (a) ACTIONS BROUGHT FOR RETROGRESSION.—Sub-
25 section (b) of section 3402 shall apply to any law, rule,
26 standard, practice, procedure, or other governmental ac-

1 tion that was not in effect during the November 2020 gen-
2 eral election for Federal office but that will be in effect
3 with respect to elections for Federal office occurring on
4 or after January 1, 2023, even if such law, rule, standard,
5 practice, procedure, or other governmental action is al-
6 ready in effect as of the date of the enactment of this
7 Act.

8 (b) ACTIONS BROUGHT FOR SUBSTANTIAL IMPAIR-
9 MENT.—Subsection (c) of section 3402 shall apply to any
10 law, rule, standard, practice, procedure, or other govern-
11 mental action in effect with respect to elections for Fed-
12 eral office occurring on or after January 1, 2023.

13 **PART 2—CLARIFYING JURISDICTION OVER**
14 **ELECTION DISPUTES**

15 **SEC. 3411. FINDINGS.**

16 In addition to providing for the statutory rights de-
17 scribed in sections part 1, including judicial review under
18 section 3403, Congress makes the following findings re-
19 garding enforcement of constitutional provisions pro-
20 tecting the right to vote:

21 (1) It is a priority of Congress to ensure that
22 pending and future disputes arising under the Fif-
23 teenth Amendment or any other constitutional provi-
24 sions protecting the right to vote may be heard in
25 federal court.

1 (2) The Fifth Circuit has misconstrued section
2 1344 of title 28, United States Code, to deprive
3 Federal courts of subject matter jurisdiction in cer-
4 tain classes of cases that implicate voters' constitu-
5 tional rights, *see, e.g., Keyes v. Gunn*, 890 F.3d 232
6 (5th Cir. 2018), cert. denied, 139 S. Ct. 434 (2018);
7 *Johnson v. Stevenson*, 170 F.2d 108 (5th Cir. 1948).

8 (3) Section 1344 of such title is also super-
9 fluous in light of other broad grants of Federal ju-
10 risdiction. *See, e.g.,* section 1331, section 1343(a)(3),
11 and section 1343(a)(4) of title 28, United States
12 Code.

13 (4) Congress therefore finds that a repeal of
14 section 1344 is appropriate and that such repeal will
15 ensure that Federal courts nationwide are empow-
16 ered to enforce voters' constitutional rights in fed-
17 eral elections and state legislative elections.

18 **SEC. 3412. CLARIFYING AUTHORITY OF UNITED STATES**

19 **DISTRICT COURTS TO HEAR CASES.**

20 (a) **IN GENERAL.**—Section 1344 of title 28, United
21 States Code, is repealed.

22 (b) **CONTINUING AUTHORITY OF COURTS TO HEAR**
23 **CASES UNDER OTHER EXISTING AUTHORITY.**—Nothing
24 in this part may be construed to affect the authority of
25 district courts of the United States to exercise jurisdiction

1 pursuant to existing provisions of law, including sections
2 1331, 1343(a)(3), and 1343(a)(4) of title 28, United
3 States Code, in any cases arising under the Constitution,
4 laws, or treaties of the United States concerning the ad-
5 ministration, conduct, or results of an election for Federal
6 office or state legislative office.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 for chapter 85 of title 28, United States Code, is amended
9 by striking the item relating to section 1344.

10 **SEC. 3413. EFFECTIVE DATE.**

11 This part and the amendments made by this part
12 shall apply to actions brought on or after the date of the
13 enactment of this Act and to actions brought before the
14 date of enactment of this Act which are pending as of such
15 date.

16 **Subtitle F—Poll Worker**
17 **Recruitment and Training**

18 **SEC. 3501. GRANTS TO STATES FOR POLL WORKER RE-**
19 **CRUITMENT AND TRAINING.**

20 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
21 SION.—

22 (1) IN GENERAL.—The Election Assistance
23 Commission (hereafter referred to as the “Commis-
24 sion”) shall, subject to the availability of appropria-
25 tions provided to carry out this section, make a

1 grant to each eligible State for recruiting and train-
2 ing individuals to serve as poll workers on dates of
3 elections for public office.

4 (2) USE OF COMMISSION MATERIALS.—In car-
5 rying out activities with a grant provided under this
6 section, the recipient of the grant shall use the man-
7 ual prepared by the Commission on successful prac-
8 tices for poll worker recruiting, training, and reten-
9 tion as an interactive training tool, and shall develop
10 training programs with the participation and input
11 of experts in adult learning.

12 (3) ACCESS AND CULTURAL CONSIDER-
13 ATIONS.—The Commission shall ensure that the
14 manual described in paragraph (2) provides training
15 in methods that will enable poll workers to provide
16 access and delivery of services in a culturally com-
17 petent manner to all voters who use their services,
18 including those with limited English proficiency, di-
19 verse cultural and ethnic backgrounds, disabilities,
20 and regardless of gender, sexual orientation, or gen-
21 der identity. These methods must ensure that each
22 voter will have access to poll worker services that are
23 delivered in a manner that meets the unique needs
24 of the voter.

25 (b) REQUIREMENTS FOR ELIGIBILITY.—

1 (1) APPLICATION.—Each State that desires to
2 receive a payment under this section shall submit an
3 application for the payment to the Commission at
4 such time and in such manner and containing such
5 information as the Commission shall require.

6 (2) CONTENTS OF APPLICATION.—Each appli-
7 cation submitted under paragraph (1) shall—

8 (A) describe the activities for which assist-
9 ance under this section is sought;

10 (B) provide assurances that the funds pro-
11 vided under this section will be used to supple-
12 ment and not supplant other funds used to
13 carry out the activities;

14 (C) provide assurances that the State will
15 furnish the Commission with information on the
16 number of individuals who served as poll work-
17 ers after recruitment and training with the
18 funds provided under this section;

19 (D) provide assurances that the State will
20 dedicate poll worker recruitment efforts with re-
21 spect to—

22 (i) youth and minors, including by re-
23 cruiting at institutions of higher education
24 and secondary education; and

1 (ii) diversity, including with respect to
2 race, ethnicity, and disability; and

3 (E) provide such additional information
4 and certifications as the Commission deter-
5 mines to be essential to ensure compliance with
6 the requirements of this section.

7 (c) AMOUNT OF GRANT.—

8 (1) IN GENERAL.—The amount of a grant
9 made to a State under this section shall be equal to
10 the product of—

11 (A) the aggregate amount made available
12 for grants to States under this section; and

13 (B) the voting age population percentage
14 for the State.

15 (2) VOTING AGE POPULATION PERCENTAGE DE-
16 FINED.—In paragraph (1), the “voting age popu-
17 lation percentage” for a State is the quotient of—

18 (A) the voting age population of the State
19 (as determined on the basis of the most recent
20 information available from the Bureau of the
21 Census); and

22 (B) the total voting age population of all
23 States (as determined on the basis of the most
24 recent information available from the Bureau of
25 the Census).

1 (d) REPORTS TO CONGRESS.—

2 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
3 later than 6 months after the date on which the
4 final grant is made under this section, each recipient
5 of a grant shall submit a report to the Commission
6 on the activities conducted with the funds provided
7 by the grant.

8 (2) REPORTS BY COMMISSION.—Not later than
9 1 year after the date on which the final grant is
10 made under this section, the Commission shall sub-
11 mit a report to Congress on the grants made under
12 this section and the activities carried out by recipi-
13 ents with the grants, and shall include in the report
14 such recommendations as the Commission considers
15 appropriate.

16 (e) FUNDING.—

17 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
18 PROPRIATED.—Any amount appropriated to carry
19 out this section shall remain available without fiscal
20 year limitation until expended.

21 (2) ADMINISTRATIVE EXPENSES.—Of the
22 amount appropriated for any fiscal year to carry out
23 this section, not more than 3 percent shall be avail-
24 able for administrative expenses of the Commission.

1 **SEC. 3502. STATE DEFINED.**

2 In this subtitle, the term “State” includes the Dis-
3 trict of Columbia, the Commonwealth of Puerto Rico,
4 Guam, American Samoa, the United States Virgin Is-
5 lands, and the Commonwealth of the Northern Mariana
6 Islands.

7 **Subtitle G—Preventing Poll**
8 **Observer Interference**

9 **SEC. 3601. PROTECTIONS FOR VOTERS ON ELECTION DAY.**

10 (a) REQUIREMENTS.—Subtitle A of title III of the
11 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)
12 is amended by inserting after section 303 the following
13 new section:

14 **“SEC. 303A. VOTER PROTECTION REQUIREMENTS.**

15 **“(a) REQUIREMENTS FOR CHALLENGES BY PERSONS**
16 **OTHER THAN ELECTION OFFICIALS.—**

17 **“(1) REQUIREMENTS FOR CHALLENGES.—**No
18 person, other than a State or local election official,
19 shall submit a formal challenge to an individual’s eli-
20 gibility to register to vote in an election for Federal
21 office or to vote in an election for Federal office un-
22 less that challenge is supported by personal knowl-
23 edge with respect to each individual challenged re-
24 garding the grounds for ineligibility which is—

25 **“(A) documented in writing; and**

1 “(B) subject to an oath or attestation
2 under penalty of perjury that the challenger has
3 a good faith factual basis to believe that the in-
4 dividual who is the subject of the challenge is
5 ineligible to register to vote or vote in that elec-
6 tion, except a challenge which is based on the
7 race, ethnicity, or national origin of the indi-
8 vidual who is the subject of the challenge may
9 not be considered to have a good faith factual
10 basis for purposes of this paragraph.

11 “(2) PROHIBITION ON CHALLENGES ON OR
12 NEAR DATE OF ELECTION.—No person, other than
13 a State or local election official, shall be permitted—

14 “(A) to challenge an individual’s eligibility
15 to vote in an election for Federal office on the
16 date of the election on grounds that could have
17 been made in advance of such date, or

18 “(B) to challenge an individual’s eligibility
19 to register to vote in an election for Federal of-
20 fice or to vote in an election for Federal office
21 less than 10 days before the election unless the
22 individual registered to vote less than 20 days
23 before the election.

24 “(b) BUFFER RULE.—

1 “(1) IN GENERAL.—A person who is serving as
2 a poll observer with respect to an election for Fed-
3 eral office may not come within 8 feet of—

4 “(A) a voter or ballot at a polling location
5 during any period of voting (including any pe-
6 riod of early voting) in such election; or

7 “(B) a ballot at any time during which the
8 processing, scanning, tabulating, canvassing, or
9 certifying voting results is occurring.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) may be construed to limit the ability
12 of a State or local election official to require poll ob-
13 servers to maintain a distance greater than 8 feet.

14 “(c) EFFECTIVE DATE.—This section shall apply
15 with respect to elections for Federal office occurring on
16 and after January 1, 2023.”.

17 (b) CONFORMING AMENDMENT RELATING TO VOL-
18 UNTARY GUIDANCE.—Section 321(b)(4) of such Act (52
19 U.S.C. 21101(b)), as added and redesignated by section
20 1101(b) and as amended by sections 1102, 1103, 1104,
21 and 1303, is amended by striking “and 313” and inserting
22 “313, and 303A”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of such Act is amended by inserting after the item relating
25 to section 303 the following:

“Sec. 303A. Voter protection requirements.”.

1 **Subtitle H—Preventing Restric-**
2 **tions on Food and Beverages**

3 **SEC. 3701. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This subtitle may be cited as the
5 “Voters’ Access to Water Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) States have a legitimate interest in prohib-
8 iting electioneering at or near polling places, and
9 each State has some form of restriction on political
10 activities near polling places when voting is taking
11 place.

12 (2) In recent elections, voters have waited in
13 unacceptably long lines to cast their ballot. During
14 the 2018 midterm election, more than 3,000,000
15 voters were made to wait longer than the acceptable
16 threshold for wait times set by the Presidential
17 Commission on Election Administration, including
18 many well-documented cases where voters were made
19 to wait for several hours. A disproportionate number
20 of those who had to wait long periods were Black or
21 Latino voters, who were more likely than White vot-
22 ers to wait in the longest lines on Election Day.

23 (3) Allowing volunteers to donate food and
24 water to all people waiting in line at a polling place,
25 regardless of the voters’ political preference and

1 without engaging in electioneering activities or par-
2 tisan advocacy, helps ensure Americans who face
3 long lines at their polling place can still exercise
4 their Constitutional right to vote, without risk of de-
5 hydration, inadequate food, discomfort, and risks to
6 health.

7 **SEC. 3702. PROHIBITING RESTRICTIONS ON DONATIONS OF**
8 **FOOD AND BEVERAGES AT POLLING STA-**
9 **TIONS.**

10 (a) REQUIREMENT.—Subtitle A of title III of the
11 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
12 as amended by section 1031(a), section 1044(a), section
13 1101(a), section 1102(a), section 1103(a), section
14 1104(a), section 1201(a), section 1301(a), section
15 1302(a), section 1303(b), section 1305(a), section
16 1606(a)(1), section 1607(a), and section 1624(a) is
17 amended—

18 (1) by redesignating sections 318 and 319 as
19 sections 319 and 320, respectively; and

20 (2) by inserting after section 317 the following
21 new section:

1 **“SEC. 318. PROHIBITING STATES FROM RESTRICTING DO-**
2 **NATIONS OF FOOD AND BEVERAGES AT**
3 **POLLING STATIONS.**

4 “(a) PROHIBITION.—Subject to the exception in sub-
5 section (b), a State may not impose any restriction on the
6 donation of food and nonalcoholic beverages to persons
7 outside of the entrance to the building where a polling
8 place for a Federal election is located, provided that such
9 food and nonalcoholic beverages are distributed without
10 regard to the electoral participation or political pref-
11 erences of the recipients.

12 “(b) EXCEPTION.—A State may require persons dis-
13 tributing food and nonalcoholic beverages outside the en-
14 trance to the building where a polling place for a Federal
15 election is located to refrain from political or election-
16 eering activity.

17 “(c) EFFECTIVE DATE.—This section shall apply
18 with respect to elections for Federal office occurring on
19 and after January 1, 2023.”.

20 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of
21 such Act (52 U.S.C. 21101(b)), as added and redesignated
22 by section 1101(b) and as amended by sections 1102,
23 1103, 1104, 1303, and 3601(b), is amended by striking
24 “and 303A” and inserting “303A, and 317”.

25 (c) CLERICAL AMENDMENTS.—The table of contents
26 of such Act, as amended by section 1031(c), section

1 1044(b), section 1101(c), section 1102(c), section
2 1103(a), section 1104(c), section 1201(c), section
3 1301(a), section 1302(a), section 1303(b), section
4 1305(a), section 1606(a)(3), section 1607(b), and section
5 1624(b) is amended—

6 (1) by redesignating the items relating to sec-
7 tions 318 and 319 as relating to sections 319 and
8 320, respectively; and

9 (2) by inserting after the item relating to sec-
10 tion 317 the following new item:

“Sec. 318. Prohibiting States from restricting donations of food and beverages
at polling stations.”.

11 **Subtitle I—Establishing Duty to**
12 **Report Foreign Election Inter-**
13 **ference**

14 **SEC. 3801. FINDINGS RELATING TO ILLICIT MONEY UNDER-**
15 **MINING OUR DEMOCRACY.**

16 Congress finds the following:

17 (1) Criminals, terrorists, and corrupt govern-
18 ment officials frequently abuse anonymously held
19 Limited Liability Companies (LLCs), also known as
20 “shell companies,” to hide, move, and launder the
21 dirty money derived from illicit activities such as
22 trafficking, bribery, exploitation, and embezzlement.
23 Ownership and control of the finances that run
24 through shell companies are obscured to regulators

1 and law enforcement because little information is re-
2 quired and collected when establishing these entities.

3 (2) The public release of the “Panama Papers”
4 in 2016 and the “Paradise Papers” in 2017 revealed
5 that these shell companies often purchase and sell
6 United States real estate. United States anti-money
7 laundering laws do not apply to cash transactions in-
8 volving real estate effectively concealing the bene-
9 ficiaries and transactions from regulators and law
10 enforcement.

11 (3) Since the Supreme Court’s decisions in *Citi-*
12 *zens United v. Federal Election Commission*, 558
13 U.S. 310 (2010), millions of dollars have flowed into
14 super PACs through LLCs whose funders are anon-
15 ymous or intentionally obscured. Criminal investiga-
16 tions have uncovered LLCs that were used to hide
17 illegal campaign contributions from foreign criminal
18 fugitives, to advance international influence-buying
19 schemes, and to conceal contributions from donors
20 who were already under investigation for bribery and
21 racketeering. Voters have no way to know the true
22 sources of the money being routed through these
23 LLCs to influence elections, including whether any
24 of the funds come from foreign or other illicit
25 sources.

1 (4) Congress should curb the use of anonymous
2 shell companies for illicit purposes by requiring
3 United States companies to disclose their beneficial
4 owners, strengthening anti-money laundering and
5 counter-terrorism finance laws.

6 (5) Congress should examine the money laun-
7 dering and terrorist financing risks in the real estate
8 market, including the role of anonymous parties, and
9 review legislation to address any vulnerabilities iden-
10 tified in this sector.

11 (6) Congress should examine the methods by
12 which corruption flourishes and the means to detect
13 and deter the financial misconduct that fuels this
14 driver of global instability. Congress should monitor
15 government efforts to enforce United States
16 anticorruption laws and regulations.

17 **SEC. 3802. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
18 **CONTACTS.**

19 (a) INITIAL NOTICE.—

20 (1) IN GENERAL.—Section 304 of the Federal
21 Election Campaign Act of 1971 (52 U.S.C. 30104)
22 is amended by adding at the end the following new
23 subsection:

24 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
25 TACTS.—

1 “(1) COMMITTEE OBLIGATION TO NOTIFY.—
2 Not later than 1 week after a reportable foreign con-
3 tact, each political committee shall notify the Fed-
4 eral Bureau of Investigation and the Commission of
5 the reportable foreign contact and provide a sum-
6 mary of the circumstances with respect to such re-
7 portable foreign contact. The Federal Bureau of In-
8 vestigation, not later than 1 week after receiving a
9 notification from a political committee under this
10 paragraph, shall submit to the political committee,
11 the Permanent Select Committee on Intelligence of
12 the House of Representatives, and the Select Com-
13 mittee on Intelligence of the Senate written or elec-
14 tronic confirmation of receipt of the notification.

15 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
16 Not later than 3 days after a reportable foreign con-
17 tact—

18 “(A) each candidate and each immediate
19 family member of a candidate shall notify the
20 treasurer or other designated official of the
21 principal campaign committee of such candidate
22 of the reportable foreign contact and provide a
23 summary of the circumstances with respect to
24 such reportable foreign contact; and

1 “(B) each official, employee, or agent of a
2 political committee shall notify the treasurer or
3 other designated official of the committee of the
4 reportable foreign contact and provide a sum-
5 mary of the circumstances with respect to such
6 reportable foreign contact.

7 “(3) REPORTABLE FOREIGN CONTACT.—In this
8 subsection:

9 “(A) IN GENERAL.—The term ‘reportable
10 foreign contact’ means any direct or indirect
11 contact or communication that—

12 “(i) is between—

13 “(I) a candidate, an immediate
14 family member of the candidate, a po-
15 litical committee, or any official, em-
16 ployee, or agent of such committee;
17 and

18 “(II) an individual that the per-
19 son described in subclause (I) knows,
20 has reason to know, or reasonably be-
21 lieves is a covered foreign national;
22 and

23 “(ii) the person described in clause
24 (i)(I) knows, has reason to know, or rea-
25 sonably believes involves—

1 “(I) an offer or other proposal
2 for a contribution, donation, expendi-
3 ture, disbursement, or solicitation de-
4 scribed in section 319; or

5 “(II) direct or indirect coordina-
6 tion or collaboration with, or a direct
7 or indirect offer or provision of infor-
8 mation or services to or from, a cov-
9 ered foreign national in connection
10 with an election.

11 “(B) EXCEPTIONS.—

12 “(i) CONTACTS IN OFFICIAL CAPACITY
13 AS ELECTED OFFICIAL.—The term ‘report-
14 able foreign contact’ shall not include any
15 contact or communication with a covered
16 foreign national by an elected official or an
17 employee of an elected official solely in an
18 official capacity as such an official or em-
19 ployee.

20 “(ii) CONTACTS FOR PURPOSES OF
21 ENABLING OBSERVATION OF ELECTIONS
22 BY INTERNATIONAL OBSERVERS.—The
23 term ‘reportable foreign contact’ shall not
24 include any contact or communication with
25 a covered foreign national by any person

1 which is made for purposes of enabling the
2 observation of elections in the United
3 States by a foreign national or the obser-
4 vation of elections outside of the United
5 States by a candidate, political committee,
6 or any official, employee, or agent of such
7 committee.

8 “(iii) EXCEPTIONS NOT APPLICABLE
9 IF CONTACTS OR COMMUNICATIONS IN-
10 VOLVE PROHIBITED DISBURSEMENTS.—A
11 contact or communication by an elected of-
12 ficial or an employee of an elected official
13 shall not be considered to be made solely
14 in an official capacity for purposes of
15 clause (i), and a contact or communication
16 shall not be considered to be made for pur-
17 poses of enabling the observation of elec-
18 tions for purposes of clause (ii), if the con-
19 tact or communication involves a contribu-
20 tion, donation, expenditure, disbursement,
21 or solicitation described in section 319.

22 “(C) COVERED FOREIGN NATIONAL DE-
23 FINED.—

1 “(i) IN GENERAL.—In this paragraph,
2 the term ‘covered foreign national’
3 means—

4 “(I) a foreign principal (as de-
5 fined in section 1(b) of the Foreign
6 Agents Registration Act of 1938 (22
7 U.S.C. 611(b)) that is a government
8 of a foreign country or a foreign polit-
9 ical party;

10 “(II) any person who acts as an
11 agent, representative, employee, or
12 servant, or any person who acts in
13 any other capacity at the order, re-
14 quest, or under the direction or con-
15 trol, of a foreign principal described in
16 subclause (I) or of a person any of
17 whose activities are directly or indi-
18 rectly supervised, directed, controlled,
19 financed, or subsidized in whole or in
20 major part by a foreign principal de-
21 scribed in subclause (I); or

22 “(III) any person included in the
23 list of specially designated nationals
24 and blocked persons maintained by
25 the Office of Foreign Assets Control

1 of the Department of the Treasury
2 pursuant to authorities relating to the
3 imposition of sanctions relating to the
4 conduct of a foreign principal de-
5 scribed in subclause (I).

6 “(ii) CLARIFICATION REGARDING AP-
7 PPLICATION TO CITIZENS OF THE UNITED
8 STATES.—In the case of a citizen of the
9 United States, subclause (II) of clause (i)
10 applies only to the extent that the person
11 involved acts within the scope of that per-
12 son’s status as the agent of a foreign prin-
13 cipal described in subclause (I) of clause
14 (i).

15 “(4) IMMEDIATE FAMILY MEMBER.—In this
16 subsection, the term ‘immediate family member’
17 means, with respect to a candidate, a parent, parent-
18 in-law, spouse, adult child, or sibling.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply with respect to report-
21 able foreign contacts which occur on or after the
22 date of the enactment of this Act.

23 (b) INFORMATION INCLUDED ON REPORT.—

24 (1) IN GENERAL.—Section 304(b) of such Act
25 (52 U.S.C. 30104(b)) is amended—

1 (A) by striking “and” at the end of para-
2 graph (7);

3 (B) by striking the period at the end of
4 paragraph (8) and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(9) for any reportable foreign contact (as de-
8 fined in subsection (j)(3))—

9 “(A) the date, time, and location of the
10 contact;

11 “(B) the date and time of when a des-
12 ignated official of the committee was notified of
13 the contact;

14 “(C) the identity of individuals involved;
15 and

16 “(D) a description of the contact, including
17 the nature of any contribution, donation, ex-
18 penditure, disbursement, or solicitation involved
19 and the nature of any activity described in sub-
20 section (j)(3)(A)(ii)(II) involved.”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall apply with respect to reports
23 filed on or after the expiration of the 60-day period
24 which begins on the date of the enactment of this
25 Act.

1 **SEC. 3803. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
2 **PORTING COMPLIANCE SYSTEM.**

3 (a) IN GENERAL.—Section 302 of the Federal Elec-
4 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
5 by adding at the end the following new subsection:

6 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
7 POLICY.—

8 “(1) REPORTING.—Each political committee
9 shall establish a policy that requires all officials, em-
10 ployees, and agents of such committee (and, in the
11 case of an authorized committee, the candidate and
12 each immediate family member of the candidate) to
13 notify the treasurer or other appropriate designated
14 official of the committee of any reportable foreign
15 contact (as defined in section 304(j)) not later than
16 3 days after such contact was made.

17 “(2) RETENTION AND PRESERVATION OF
18 RECORDS.—Each political committee shall establish
19 a policy that provides for the retention and preserva-
20 tion of records and information related to reportable
21 foreign contacts (as so defined) for a period of not
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-
25 ment of organization under section 303(a), and
26 with each report filed under section 304(a), the

1 treasurer of each political committee (other
2 than an authorized committee) shall certify
3 that—

4 “(i) the committee has in place poli-
5 cies that meet the requirements of para-
6 graphs (1) and (2);

7 “(ii) the committee has designated an
8 official to monitor compliance with such
9 policies; and

10 “(iii) not later than 1 week after the
11 beginning of any formal or informal affili-
12 ation with the committee, all officials, em-
13 ployees, and agents of such committee
14 will—

15 “(I) receive notice of such poli-
16 cies;

17 “(II) be informed of the prohibi-
18 tions under section 319; and

19 “(III) sign a certification affirm-
20 ing their understanding of such poli-
21 cies and prohibitions.

22 “(B) AUTHORIZED COMMITTEES.—With
23 respect to an authorized committee, the can-
24 didate shall make the certification required
25 under subparagraph (A).”

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall apply with respect to political
4 committees which file a statement of organization
5 under section 303(a) of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
7 the date of the enactment of this Act.

8 (2) TRANSITION RULE FOR EXISTING COMMIT-
9 TEES.—Not later than 30 days after the date of the
10 enactment of this Act, each political committee
11 under the Federal Election Campaign Act of 1971
12 shall file a certification with the Federal Election
13 Commission that the committee is in compliance
14 with the requirements of section 302(j) of such Act
15 (as added by subsection (a)).

16 **SEC. 3804. CRIMINAL PENALTIES.**

17 Section 309(d)(1) of the Federal Election Campaign
18 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
19 ing at the end the following new subparagraphs:

20 “(E) Any person who knowingly and willfully com-
21 mits a violation of subsection (j) or (b)(9) of section 304
22 or section 302(j) shall be fined not more than \$500,000,
23 imprisoned not more than 5 years, or both.

24 “(F) Any person who knowingly and willfully conceals
25 or destroys any materials relating to a reportable foreign

1 contact (as defined in section 304(j)) shall be fined not
2 more than \$1,000,000, imprisoned not more than 5 years,
3 or both.”.

4 **SEC. 3805. REPORT TO CONGRESSIONAL INTELLIGENCE**
5 **COMMITTEES.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, and annually thereafter,
8 the Director of the Federal Bureau of Investigation shall
9 submit to the congressional intelligence committees a re-
10 port relating to notifications received by the Federal Bu-
11 reau of Investigation under section 304(j)(1) of the Fed-
12 eral Election Campaign Act of 1971 (as added by section
13 4902(a) of this Act).

14 (b) ELEMENTS.—Each report under subsection (a)
15 shall include, at a minimum, the following with respect
16 to notifications described in subsection (a):

17 (1) The number of such notifications received
18 from political committees during the year covered by
19 the report.

20 (2) A description of protocols and procedures
21 developed by the Federal Bureau of Investigation re-
22 lating to receipt and maintenance of records relating
23 to such notifications.

24 (3) With respect to such notifications received
25 during the year covered by the report, a description

1 of any subsequent actions taken by the Director re-
2 sulting from the receipt of such notifications.

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
4 DEFINED.—In this section, the term “congressional intel-
5 ligence committees” has the meaning given that term in
6 section 3 of the National Security Act of 1947 (50 U.S.C.
7 3003).

8 **SEC. 3806. RULE OF CONSTRUCTION.**

9 Nothing in this subtitle or the amendments made by
10 this subtitle shall be construed—

11 (1) to impede legitimate journalistic activities;

12 or

13 (2) to impose any additional limitation on the
14 right to express political views or to participate in
15 public discourse of any individual who—

16 (A) resides in the United States;

17 (B) is not a citizen of the United States or
18 a national of the United States, as defined in
19 section 101(a)(22) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1101(a)(22)); and

21 (C) is not lawfully admitted for permanent
22 residence, as defined by section 101(a)(20) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(20)).

1 **Subtitle II—Promoting Accuracy,**
2 **Integrity, and Security Through**
3 **Voter-Verifiable Permanent**
4 **Paper Ballot**

5 **SEC. 3901. SHORT TITLE.**

6 This subtitle may be cited as the “Voter Confidence
7 and Increased Accessibility Act of 2023”.

8 **SEC. 3902. PAPER BALLOT AND MANUAL COUNTING RE-**
9 **QUIREMENTS.**

10 (a) **IN GENERAL.**—Section 301(a)(2) of the Help
11 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
12 amended to read as follows:

13 “(2) **PAPER BALLOT REQUIREMENT.**—

14 “(A) **VOTER-VERIFIABLE PAPER BAL-**
15 **LOTS.**—

16 “(i) The voting system shall require
17 the use of an individual, durable, voter-
18 verifiable paper ballot of the voter’s vote
19 selections that shall be marked by the
20 voter and presented to the voter for
21 verification before the voter’s ballot is pre-
22 served in accordance with subparagraph
23 (B), and which shall be counted by hand or
24 other counting device or read by a ballot
25 tabulation device. For purposes of this sub-

1 clause, the term ‘individual, durable, voter-
2 verifiable paper ballot’ means a paper bal-
3 lot marked by the voter by hand or a paper
4 ballot marked through the use of a nontab-
5 ulating ballot marking device or system, so
6 long as the voter shall have the option at
7 every in-person voting location to mark by
8 hand a printed ballot that includes all rel-
9 evant contests and candidates.

10 “(ii) The voting system shall provide
11 the voter with an opportunity to correct
12 any error on the paper ballot before the
13 permanent voter-verifiable paper ballot is
14 preserved in accordance with subparagraph
15 (B).

16 “(iii) The voting system shall not pre-
17 serve the voter-verifiable paper ballots in
18 any manner that makes it possible, at any
19 time after the ballot has been cast, to asso-
20 ciate a voter with the record of the voter’s
21 vote selections.

22 “(iv) The voting system shall prevent,
23 through mechanical means or through
24 independently verified protections, the
25 modification or addition of vote selections

1 on a printed or marked ballot at any time
2 after the voter has been provided an oppor-
3 tunity to correct errors on the ballot pur-
4 suant to clause (ii).

5 “(B) PRESERVATION AS OFFICIAL
6 RECORD.—The individual, durable, voter-
7 verifiable paper ballot used in accordance with
8 subparagraph (A) shall constitute the official
9 ballot and shall be preserved and used as the
10 official ballot for purposes of any recount or
11 audit conducted with respect to any election for
12 Federal office in which the voting system is
13 used.

14 “(C) MANUAL COUNTING REQUIREMENTS
15 FOR RECOUNTS AND AUDITS.—

16 “(i) Each paper ballot used pursuant
17 to subparagraph (A) shall be suitable for a
18 manual audit, and such ballots, or at least
19 those ballots the machine could not count,
20 shall be counted by hand in any recount or
21 audit conducted with respect to any elec-
22 tion for Federal office.

23 “(ii) In the event of any inconsist-
24 encies or irregularities between any elec-
25 tronic vote tallies and the vote tallies de-

1 terminated by counting by hand the indi-
2 vidual, durable, voter-verifiable paper bal-
3 lots used pursuant to subparagraph (A),
4 the individual, durable, voter-verifiable
5 paper ballots shall be the true and correct
6 record of the votes cast.

7 “(D) SENSE OF CONGRESS.—It is the
8 sense of Congress that as innovation occurs in
9 the election infrastructure sector, Congress
10 should ensure that this Act and other Federal
11 requirements for voting systems are updated to
12 keep pace with best practices and recommenda-
13 tions for security and accessibility.”.

14 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
15 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
16 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
17 is amended by inserting “(including the paper ballots re-
18 quired to be used under paragraph (2))” after “voting sys-
19 tem”.

20 (c) OTHER CONFORMING AMENDMENTS.—Section
21 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
22 ed—

23 (1) in subparagraph (A)(i), by striking “count-
24 ed” and inserting “counted, in accordance with
25 paragraphs (2) and (3)”;

1 (2) in subparagraph (A)(ii), by striking “count-
2 ed” and inserting “counted, in accordance with
3 paragraphs (2) and (3)”;

4 (3) in subparagraph (A)(iii), by striking “count-
5 ed” each place it appears and inserting “counted, in
6 accordance with paragraphs (2) and (3)”;

7 (4) in subparagraph (B)(ii), by striking “count-
8 ed” and inserting “counted, in accordance with
9 paragraphs (2) and (3)”.

10 **SEC. 3903. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
11 **INDIVIDUALS WITH DISABILITIES.**

12 (a) IN GENERAL.—Paragraph (3) of section 301(a)
13 of the Help America Vote Act of 2002 (52 U.S.C.
14 21081(a)(3)) is amended to read as follows:

15 “(3) ACCESSIBILITY FOR INDIVIDUALS WITH
16 DISABILITIES.—

17 “(A) IN GENERAL.—The voting system
18 shall—

19 “(i) be accessible for individuals with
20 disabilities, including nonvisual accessi-
21 bility for the blind and visually impaired,
22 in a manner that provides the same oppor-
23 tunity for access and participation (includ-
24 ing privacy and independence) as for other
25 voters;

1 “(ii)(I) ensure that individuals with
2 disabilities and others are given an equiva-
3 lent opportunity to vote, including with pri-
4 vacy and independence, in a manner that
5 produces a voter-verifiable paper ballot;
6 and

7 “(II) satisfy the requirement of clause
8 (i) through the use at in-person polling lo-
9 cations of a sufficient number (not less
10 than one) of voting systems equipped to
11 serve individuals with and without disabil-
12 ities, including nonvisual and enhanced vis-
13 ual accessibility for the blind and visually
14 impaired, and nonmanual and enhanced
15 manual accessibility for the mobility and
16 dexterity impaired; and

17 “(iii) if purchased with funds made
18 available under title II on or after January
19 1, 2007, meet the voting system standards
20 for disability access (as outlined in this
21 paragraph).

22 “(B) MEANS OF MEETING REQUIRE-
23 MENTS.—A voting system may meet the re-
24 quirements of subparagraph (A)(i) and para-
25 graph (2) by—

1 “(i) allowing the voter to privately
2 and independently verify the permanent
3 paper ballot through the presentation, in
4 accessible form, of the printed or marked
5 vote selections from the same printed or
6 marked information that would be used for
7 any vote tabulation or auditing;

8 “(ii) allowing the voter to privately
9 and independently verify and cast the per-
10 manent paper ballot without requiring the
11 voter to manually handle the paper ballot;

12 “(iii) marking ballots that are iden-
13 tical in size, ink, and paper stock to those
14 ballots that would either be marked by
15 hand or be marked by a ballot marking de-
16 vice made generally available to voters; or

17 “(iv) combining ballots produced by
18 any ballot marking devices reserved for in-
19 dividuals with disabilities with ballots that
20 have either been marked by voters by hand
21 or marked by ballot marking devices made
22 generally available to voters, in a way that
23 prevents identification of the ballots that
24 were cast using any ballot marking device

1 that was reserved for individuals with dis-
2 abilities.

3 “(C) SUFFICIENT NUMBER.—For purposes
4 of subparagraph (A)(ii)(II), the sufficient num-
5 ber of voting systems for any in-person polling
6 location shall be determined based on guidance
7 from the Attorney General, in consultation with
8 the Architectural and Transportation Barriers
9 Compliance Board established under section
10 502(a)(1) of the Rehabilitation Act of 1973 (29
11 U.S.C. 792(a)(1)) (commonly referred to as the
12 United States Access Board) and the Commis-
13 sion.”.

14 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
15 AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

16 (1) STUDY AND REPORTING.—Subtitle C of
17 title II of such Act (52 U.S.C. 21081 et seq.) is
18 amended—

19 (A) by redesignating section 247 as section
20 248; and

21 (B) by inserting after section 247 the fol-
22 lowing new section:

1 **“SEC. 248. STUDY AND REPORT ON ACCESSIBLE VOTING**
2 **OPTIONS.**

3 “(a) GRANTS TO STUDY AND REPORT.—The Com-
4 mission, in coordination with the Access Board and the
5 Cybersecurity and Infrastructure Security Agency, shall
6 make grants to not fewer than 2 eligible entities to study,
7 test, and develop—

8 “(1) accessible and secure remote voting sys-
9 tems;

10 “(2) voting, verification, and casting devices to
11 enhance the accessibility of voting and verification
12 for individuals with disabilities; or

13 “(3) both of the matters described in paragraph
14 (1) and (2).

15 “(b) ELIGIBILITY.—An entity is eligible to receive a
16 grant under this part if it submits to the Commission (at
17 such time and in such form as the Commission may re-
18 quire) an application containing—

19 “(1) a certification that the entity shall com-
20 plete the activities carried out with the grant not
21 later than January 1, 2024; and

22 “(2) such other information and certifications
23 as the Commission may require.

24 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
25 nology developed with the grants made under this section
26 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-
2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-
4 NOLOGY IMPROVEMENTS.—The Commission shall carry
5 out this section so that the activities carried out with the
6 grants made under subsection (a) are coordinated with the
7 research conducted under the grant program carried out
8 by the Commission under section 271, to the extent that
9 the Commission determine necessary to provide for the ad-
10 vancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out subsection
13 (a) \$10,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents of such Act is amended—

16 (A) by redesignating the item relating to
17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to
19 section 247 the following new item:

“Sec. 248. Study and report on accessible voting options.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
22 adopting any voluntary guidance under subtitle B of title
23 III of the Help America Vote Act with respect to the ac-
24 cessibility of the paper ballot verification requirements for
25 individuals with disabilities, the Election Assistance Com-

1 mission shall include and apply the same accessibility
2 standards applicable under the voluntary guidance adopt-
3 ed for accessible voting systems under such subtitle.

4 (d) PERMITTING USE OF FUNDS FOR PROTECTION
5 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
6 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
7 tion 292(a) of the Help America Vote Act of 2002 (52
8 U.S.C. 21062(a)) is amended by striking “; except that”
9 and all that follows and inserting a period.

10 **SEC. 3904. DURABILITY AND READABILITY REQUIREMENTS**
11 **FOR BALLOTS.**

12 Section 301(a) of the Help America Vote Act of 2002
13 (52 U.S.C. 21081(a)) is amended by adding at the end
14 the following new paragraph:

15 “(7) DURABILITY AND READABILITY REQUIRE-
16 MENTS FOR BALLOTS.—

17 “(A) DURABILITY REQUIREMENTS FOR
18 PAPER BALLOTS.—

19 “(i) IN GENERAL.—All voter-verifiable
20 paper ballots required to be used under
21 this Act shall be marked or printed on du-
22 rable paper.

23 “(ii) DEFINITION.—For purposes of
24 this Act, paper is ‘durable’ if it is capable
25 of withstanding multiple counts and re-

1 counts by hand without compromising the
2 fundamental integrity of the ballots, and
3 capable of retaining the information
4 marked or printed on them for the full du-
5 ration of a retention and preservation pe-
6 riod of 22 months.

7 “(B) READABILITY REQUIREMENTS FOR
8 PAPER BALLOTS MARKED BY BALLOT MARKING
9 DEVICE.—All voter-verifiable paper ballots com-
10 pleted by the voter through the use of a ballot
11 marking device shall be clearly readable by the
12 voter without assistance (other than eyeglasses
13 or other personal vision enhancing devices) and
14 by a ballot tabulation device or other device
15 equipped for individuals with disabilities.”.

16 **SEC. 3905. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
17 **SIGN.**

18 (a) STUDY.—The Election Assistance Commission
19 shall conduct a study of the best ways to design ballots
20 used in elections for public office, including paper ballots
21 and electronic or digital ballots, to minimize confusion and
22 user errors.

23 (b) REPORT.—Not later than one year after the date
24 of the enactment of this Act, the Election Assistance Com-

1 mission shall submit to Congress a report on the study
2 conducted under subsection (a).

3 **SEC. 3906. BALLOT MARKING DEVICE CYBERSECURITY RE-**
4 **QUIREMENTS.**

5 Section 301(a) of the Help America Vote Act of 2002
6 (52 U.S.C. 21081(a)), as amended by section 3914, is fur-
7 ther amended by adding at the end the following new para-
8 graphs:

9 “(8) PROHIBITION OF USE OF WIRELESS COM-
10 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
11 No system or device upon which ballot marking de-
12 vices or ballot tabulation devices are configured,
13 upon which ballots are marked by voters at a polling
14 place (except as necessary for individuals with dis-
15 abilities to use ballot marking devices that meet the
16 accessibility requirements of paragraph (3)), or upon
17 which votes are cast, tabulated, or aggregated shall
18 contain, use, or be accessible by any wireless, power-
19 line, or concealed communication device.

20 “(9) PROHIBITING CONNECTION OF SYSTEM TO
21 THE INTERNET.—No system or device upon which
22 ballot marking devices or ballot tabulation devices
23 are configured, upon which ballots are marked by
24 voters at a voting place, or upon which votes are
25 cast, tabulated, or aggregated shall be connected to

1 the internet or any non-local computer system via
2 telephone or other communication network at any
3 time.”.

4 **SEC. 3907. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

5 Section 301(d) of the Help America Vote Act of 2002
6 (52 U.S.C. 21081(d)) is amended to read as follows:

7 “(d) EFFECTIVE DATE.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), each State and jurisdiction shall be re-
10 quired to comply with the requirements of this sec-
11 tion on and after January 1, 2006.

12 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
13 MENTS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraphs (B) and (C), the requirements of
16 this section which are first imposed on a State
17 or jurisdiction pursuant to the amendments
18 made by the Voter Confidence and Increased
19 Accessibility Act of 2023 shall apply with re-
20 spect to voting systems used for any election for
21 Federal office held in 2023 or any succeeding
22 year.

23 “(B) SPECIAL RULE FOR JURISDICTIONS
24 USING CERTAIN PAPER RECORD PRINTERS OR

1 CERTAIN SYSTEMS USING OR PRODUCING
2 VOTER-VERIFIABLE PAPER RECORDS IN 2020.—

3 “(i) IN GENERAL.—In the case of a
4 jurisdiction described in clause (ii), the re-
5 quirements of paragraphs (2)(A)(i) and (7)
6 of subsection (a) (as amended or added by
7 the Voter Confidence and Increased Acces-
8 sibility Act of 2023) shall not apply before
9 the date on which the jurisdiction replaces
10 the printers or systems described in clause
11 (ii)(I) for use in the administration of elec-
12 tions for Federal office.

13 “(ii) JURISDICTIONS DESCRIBED.—A
14 jurisdiction described in this clause is a ju-
15 risdiction—

16 “(I) which used voter-verifiable
17 paper record printers attached to di-
18 rect recording electronic voting ma-
19 chines, or which used other voting
20 systems that used or produced paper
21 records of the vote verifiable by voters
22 but that are not in compliance with
23 paragraphs (2)(A)(i) and (7) of sub-
24 section (a) (as amended or added by
25 the Voter Confidence and Increased

1 Accessibility Act of 2023), for the ad-
2 ministration of the regularly sched-
3 uled general election for Federal office
4 held in November 2020; and

5 “(II) which will continue to use
6 such printers or systems for the ad-
7 ministration of elections for Federal
8 office held in years before the applica-
9 ble year.

10 “(iii) MANDATORY AVAILABILITY OF
11 PAPER BALLOTS AT POLLING PLACES
12 USING GRANDFATHERED PRINTERS AND
13 SYSTEMS.—

14 “(I) REQUIRING BALLOTS TO BE
15 OFFERED AND PROVIDED.—The ap-
16 propriate election official at each poll-
17 ing place that uses a printer or sys-
18 tem described in clause (ii)(I) for the
19 administration of elections for Federal
20 office shall offer each individual who
21 is eligible to cast a vote in the election
22 at the polling place the opportunity to
23 cast the vote using a blank printed
24 paper ballot which the individual may
25 mark by hand and which is not pro-

1 duced by the direct recording elec-
2 tronic voting machine or other such
3 system. The official shall provide the
4 individual with the ballot and the sup-
5 plies necessary to mark the ballot, and
6 shall ensure (to the greatest extent
7 practicable) that the waiting period
8 for the individual to cast a vote is the
9 lesser of 30 minutes or the average
10 waiting period for an individual who
11 does not agree to cast the vote using
12 such a paper ballot under this clause.

13 “(II) TREATMENT OF BALLOT.—
14 Any paper ballot which is cast by an
15 individual under this clause shall be
16 counted and otherwise treated as a
17 regular ballot for all purposes (includ-
18 ing by incorporating it into the final
19 unofficial vote count (as defined by
20 the State) for the precinct) and not as
21 a provisional ballot, unless the indi-
22 vidual casting the ballot would have
23 otherwise been required to cast a pro-
24 visional ballot.

1 “(III) POSTING OF NOTICE.—

2 The appropriate election official shall
3 ensure there is prominently displayed
4 at each polling place a notice that de-
5 scribes the obligation of the official to
6 offer individuals the opportunity to
7 cast votes using a printed blank paper
8 ballot. The notice shall comply with
9 the requirements of section 203 of the
10 Voting Rights Act of 1965 (52 U.S.C.
11 10503).

12 “(IV) TRAINING OF ELECTION
13 OFFICIALS.—The chief State election
14 official shall ensure that election offi-
15 cials at polling places in the State are
16 aware of the requirements of this
17 clause, including the requirement to
18 display a notice under subclause (III),
19 and are aware that it is a violation of
20 the requirements of this title for an
21 election official to fail to offer an indi-
22 vidual the opportunity to cast a vote
23 using a blank printed paper ballot.

24 “(V) PERIOD OF APPLICA-
25 BILITY.—The requirements of this

1 clause apply only during the period
2 beginning on January 1, 2023, and
3 ending on the date on which the which
4 the jurisdiction replaces the printers
5 or systems described in clause (ii)(I)
6 for use in the administration of elec-
7 tions for Federal office.

8 “(C) DELAY FOR CERTAIN JURISDICTIONS
9 USING VOTING SYSTEMS WITH WIRELESS COM-
10 MUNICATION DEVICES OR INTERNET CONNec-
11 TIONS.—

12 “(i) DELAY.—In the case of a juris-
13 diction described in clause (ii), subpara-
14 graph (A) shall apply to a voting system in
15 the jurisdiction as if the reference in such
16 subparagraph to ‘2023’ were a reference to
17 ‘the applicable year’, but only with respect
18 to the following requirements of this sec-
19 tion.

20 “(I) Paragraph (8) of subsection
21 (a) (relating to prohibition of wireless
22 communication devices)

23 “(II) Paragraph (9) of subsection
24 (a) (relating to prohibition of con-
25 necting systems to the internet)

1 “(ii) JURISDICTIONS DESCRIBED.—A
2 jurisdiction described in this clause is a ju-
3 risdiction—

4 “(I) which used a voting system
5 which is not in compliance with para-
6 graphs (8) or (9) of subsection (a) (as
7 amended or added by the Voter Con-
8 fidence and Increased Accessibility
9 Act of 2023) for the administration of
10 the regularly scheduled general elec-
11 tion for Federal office held in Novem-
12 ber 2020;

13 “(II) which was not able, to all
14 extent practicable, to comply with
15 paragraph (8) and (9) of subsection
16 (a) before January 1, 2022; and

17 “(III) which will continue to use
18 such printers or systems for the ad-
19 ministration of elections for Federal
20 office held in years before the applica-
21 ble year.

22 “(iii) APPLICABLE YEAR.—

23 “(I) IN GENERAL.—Except as
24 provided in subclause (II), the term
25 ‘applicable year’ means 2026.

1 “(II) EXTENSION.—If a State or
2 jurisdiction certifies to the Commis-
3 sion not later than January 1, 2026,
4 that the State or jurisdiction will not
5 meet the requirements described in
6 subclauses (I) and (II) of clause (i) by
7 such date because it would be imprac-
8 tical to do so and includes in the cer-
9 tification the reasons for the failure to
10 meet the deadline, the term ‘applica-
11 ble year’ means 2030.”.

12 **SEC. 3908. GRANTS FOR OBTAINING COMPLIANT PAPER**
13 **BALLOT VOTING SYSTEMS AND CARRYING**
14 **OUT VOTING SYSTEM SECURITY IMPROVE-**
15 **MENTS.**

16 (a) AVAILABILITY OF GRANTS.—

17 (1) IN GENERAL.—Subtitle D of title II of the
18 Help America Vote Act of 2002 (52 U.S.C. 21001
19 et seq.), as amended by section 1302(c), is amended
20 by adding at the end the following new part:

1 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
3 **RYING OUT VOTING SYSTEM SECURITY IM-**
4 **PROVEMENTS**

5 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
6 **BALLOT VOTING SYSTEMS AND CARRYING**
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
8 **MENTS.**

9 “(a) AVAILABILITY AND USE OF GRANT.—

10 “(1) IN GENERAL.—The Commission shall
11 make a grant to each eligible State—

12 “(A) to replace a voting system—

13 “(i) which does not meet the require-
14 ments which are first imposed on the State
15 pursuant to the amendments made by the
16 Voter Confidence and Increased Accessi-
17 bility Act of 2023 with a voting system
18 which—

19 “(I) does meet such require-
20 ments; and

21 “(II) in the case of a grand-
22 fathered voting system (as defined in
23 paragraph (2)), is in compliance with
24 the most recent voluntary voting sys-
25 tem guidelines; or

1 “(ii) which does meet such require-
2 ments but which is not in compliance with
3 the most recent voluntary voting system
4 guidelines with another system which does
5 meet such requirements and is in compli-
6 ance with such guidelines;

7 “(B) to carry out voting system security
8 improvements described in section 298A with
9 respect to the regularly scheduled general elec-
10 tion for Federal office held in November 2022
11 and each succeeding election for Federal office;

12 “(C) to implement and model best prac-
13 tices for ballot design, ballot instructions, and
14 the testing of ballots; and

15 “(D) to purchase or acquire accessible vot-
16 ing systems that meet the requirements of
17 paragraph (2) and paragraph (3)(A)(i) of sec-
18 tion 301(a) by the means described in para-
19 graph (3)(B) of such section.

20 “(2) DEFINITION OF GRANDFATHERED VOTING
21 SYSTEM.—In this subsection, the term ‘grand-
22 fathered voting system’ means a voting system that
23 is used by a jurisdiction described in subparagraph
24 (B)(ii) or (C)(ii) of section 301(d)(2).

25 “(b) AMOUNT OF PAYMENT.—

1 “(1) IN GENERAL.—The amount of payment
2 made to an eligible State under this section shall be
3 the minimum payment amount described in para-
4 graph (2) plus the voting age population proportion
5 amount described in paragraph (3).

6 “(2) MINIMUM PAYMENT AMOUNT.—The min-
7 imum payment amount described in this paragraph
8 is—

9 “(A) in the case of any of the several
10 States or the District of Columbia, one-half of
11 1 percent of the aggregate amount made avail-
12 able for payments under this section; and

13 “(B) in the case of the Commonwealth of
14 Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, or the Common-
16 wealth of the Northern Mariana Islands, one-
17 tenth of 1 percent of such aggregate amount.

18 “(3) VOTING AGE POPULATION PROPORTION
19 AMOUNT.—The voting age population proportion
20 amount described in this paragraph is the product
21 of—

22 “(A) the aggregate amount made available
23 for payments under this section minus the total
24 of all of the minimum payment amounts deter-
25 mined under paragraph (2); and

1 “(B) the voting age population proportion
2 for the State (as defined in paragraph (4)).

3 “(4) VOTING AGE POPULATION PROPORTION
4 DEFINED.—The term ‘voting age population propor-
5 tion’ means, with respect to a State, the amount
6 equal to the quotient of—

7 “(A) the voting age population of the State
8 (as reported in the most recent decennial cen-
9 sus); and

10 “(B) the total voting age population of all
11 States (as reported in the most recent decennial
12 census).

13 “(5) REQUIREMENT RELATING TO PURCHASE
14 OF ACCESSIBLE VOTING SYSTEMS.—An eligible State
15 shall use not less than 10 percent of funds received
16 by the State under this section to purchase acces-
17 sible voting systems described in subsection
18 (a)(1)(D).

19 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
20 **DESCRIBED.**

21 “(a) PERMITTED USES.—A voting system security
22 improvement described in this section is any of the fol-
23 lowing:

24 “(1) The acquisition of goods and services from
25 qualified election infrastructure vendors by purchase,

1 lease, or such other arrangements as may be appro-
2 priate.

3 “(2) Cyber and risk mitigation training.

4 “(3) A security risk and vulnerability assess-
5 ment of the State’s election infrastructure (as de-
6 fined in section 3908(b) of the Voter Confidence and
7 Increased Accessibility Act of 2023) which is carried
8 out by a provider of cybersecurity services under a
9 contract entered into between the chief State elec-
10 tion official and the provider.

11 “(4) The maintenance of infrastructure used
12 for elections, including addressing risks and
13 vulnerabilities which are identified under either of
14 the security risk and vulnerability assessments de-
15 scribed in paragraph (3), except that none of the
16 funds provided under this part may be used to ren-
17 ovate or replace a building or facility which is not
18 a primary provider of information technology serv-
19 ices for the administration of elections, and which is
20 used primarily for purposes other than the adminis-
21 tration of elections for public office.

22 “(5) Providing increased technical support for
23 any information technology infrastructure that the
24 chief State election official deems to be part of the
25 State’s election infrastructure (as so defined) or des-

1 ignates as critical to the operation of the State’s
2 election infrastructure (as so defined).

3 “(6) Enhancing the cybersecurity and oper-
4 ations of the information technology infrastructure
5 described in paragraph (4).

6 “(7) Enhancing the cybersecurity of voter reg-
7 istration systems.

8 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
9 DORS DESCRIBED.—For purposes of this part, a ‘qualified
10 election infrastructure vendor’ is any person who provides,
11 supports, or maintains, or who seeks to provide, support,
12 or maintain, election infrastructure (as defined in section
13 3908(b) of the Voter Confidence and Increased Accessi-
14 bility Act of 2023) on behalf of a State, unit of local gov-
15 ernment, or election agency (as defined in section 3908(b)
16 of such Act) who meets the criteria described in section
17 3908(b) of such Act.

18 **“SEC. 298B. ELIGIBILITY OF STATES.**

19 “A State is eligible to receive a grant under this part
20 if the State submits to the Commission, at such time and
21 in such form as the Commission may require, an applica-
22 tion containing—

23 “(1) a description of how the State will use the
24 grant to carry out the activities authorized under
25 this part;

1 “(2) a certification and assurance that, not
2 later than 5 years after receiving the grant, the
3 State will carry out voting system security improve-
4 ments, as described in section 298A; and

5 “(3) such other information and assurances as
6 the Commission may require.

7 **“SEC. 298C. REPORTS TO CONGRESS.**

8 “Not later than 90 days after the end of each fiscal
9 year, the Commission shall submit a report to the Com-
10 mittees on Homeland Security, House Administration, and
11 the Judiciary of the House of Representatives and the
12 Committees on Homeland Security and Governmental Af-
13 fairs, the Judiciary, and Rules and Administration of the
14 Senate, on the activities carried out with the funds pro-
15 vided under this part.

16 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) AUTHORIZATION.—There are authorized to be
18 appropriated for grants under this part—

19 “(1) \$2,400,000,000 for fiscal year 2023; and

20 “(2) \$175,000,000 for each of the fiscal years
21 2025, 2027, 2029, and 2031.

22 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
23 amounts appropriated pursuant to the authorization of
24 this section shall remain available until expended.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
 2 tents of such Act, as amended by section 1402(c),
 3 is amended by adding at the end of the items relat-
 4 ing to subtitle D of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
 SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and
 carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

5 (b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
 6 DORS.—

7 (1) IN GENERAL.—The Secretary, in consulta-
 8 tion with the Chair, shall establish and publish cri-
 9 teria for qualified election infrastructure vendors for
 10 purposes of section 298A of the Help America Vote
 11 Act of 2002 (as added by this Act).

12 (2) CRITERIA.—The criteria established under
 13 paragraph (1) shall include each of the following re-
 14 quirements:

15 (A) The vendor shall—

16 (i) be owned and controlled by a cit-
 17 izen or permanent resident of the United
 18 States or a member of the Five Eyes intel-
 19 ligence-sharing alliance; and

20 (ii) in the case of any election infra-
 21 structure which is a voting machine, en-

1 sure that such voting machine is assembled
2 in the United States.

3 (B) The vendor shall disclose to the Sec-
4 retary and the Chair, and to the chief State
5 election official of any State to which the ven-
6 dor provides any goods and services with funds
7 provided under part 8 of subtitle D of title II
8 of the Help America Vote Act of 2002 (as
9 added by this Act), of any sourcing outside the
10 United States for parts of the election infra-
11 structure.

12 (C) The vendor shall disclose to the Sec-
13 retary and the Chair, and to the chief State
14 election official of any State to which the ven-
15 dor provides any goods and services with funds
16 provided under such part 8, the identification of
17 any entity or individual with a more than 5 per-
18 cent ownership interest in the vendor.

19 (D) The vendor agrees to ensure that the
20 election infrastructure will be developed and
21 maintained in a manner that is consistent with
22 the cybersecurity best practices issued by the
23 Cybersecurity and Infrastructure Security
24 Agency of the Department of Homeland Secu-
25 rity.

1 (E) The vendor agrees to maintain its in-
2 formation technology infrastructure in a man-
3 ner that is consistent with the cybersecurity
4 best practices issued by the Cybersecurity and
5 Infrastructure Security Agency of the Depart-
6 ment of Homeland Security.

7 (F) The vendor agrees to ensure that the
8 election infrastructure will be developed and
9 maintained in a manner that is consistent with
10 the supply chain best practices issued by the
11 Cybersecurity and Infrastructure Security
12 Agency of the Department of Homeland Secu-
13 rity.

14 (G) The vendor agrees to ensure that it
15 has personnel policies and practices in place
16 that are consistent with personnel best prac-
17 tices, including cybersecurity training and back-
18 ground checks, issued by the Cybersecurity and
19 Infrastructure Security Agency of the Depart-
20 ment of Homeland Security.

21 (H) The vendor agrees to ensure that the
22 election infrastructure will be developed and
23 maintained in a manner that is consistent with
24 data integrity best practices, including require-
25 ments for encrypted transfers and validation,

1 testing and checking printed materials for accu-
2 racy, and disclosure of quality control incidents,
3 issued by the Cybersecurity and Infrastructure
4 Security Agency of the Department of Home-
5 land Security.

6 (I) The vendor agrees to meet the require-
7 ments of paragraph (3) with respect to any
8 known or suspected cybersecurity incidents in-
9 volving any of the goods and services provided
10 by the vendor pursuant to a grant under part
11 8 of subtitle D of title II of the Help America
12 Vote Act of 2002 (as added by this Act).

13 (J) The vendor agrees to permit inde-
14 pendent security testing by the Election Assist-
15 ance Commission (in accordance with section
16 231(a) of the Help America Vote Act of 2002
17 (52 U.S.C. 20971)) and by the Secretary of the
18 goods and services provided by the vendor pur-
19 suant to a grant under part 8 of subtitle D of
20 title II of the Help America Vote Act of 2002
21 (as added by this Act).

22 (3) CYBERSECURITY INCIDENT REPORTING RE-
23 QUIREMENTS.—

24 (A) IN GENERAL.—A vendor meets the re-
25 quirements of this paragraph if, upon becoming

1 aware of the possibility that an election cyberse-
2 curity incident has occurred involving any of
3 the goods and services provided by the vendor
4 pursuant to a grant under part 8 of subtitle D
5 of title II of the Help America Vote Act of
6 2002 (as added by this Act)—

7 (i) the vendor promptly assesses
8 whether or not such an incident occurred,
9 and submits a notification meeting the re-
10 quirements of subparagraph (B) to the
11 Secretary and the Chair of the assessment
12 as soon as practicable (but in no case later
13 than 3 days after the vendor first becomes
14 aware of the possibility that the incident
15 occurred);

16 (ii) if the incident involves goods or
17 services provided to an election agency, the
18 vendor submits a notification meeting the
19 requirements of subparagraph (B) to the
20 agency as soon as practicable (but in no
21 case later than 3 days after the vendor
22 first becomes aware of the possibility that
23 the incident occurred), and cooperates with
24 the agency in providing any other nec-

1 necessary notifications relating to the inci-
2 dent; and

3 (iii) the vendor provides all necessary
4 updates to any notification submitted
5 under clause (i) or clause (ii).

6 (B) CONTENTS OF NOTIFICATIONS.—Each
7 notification submitted under clause (i) or clause
8 (ii) of subparagraph (A) shall contain the fol-
9 lowing information with respect to any election
10 cybersecurity incident covered by the notifica-
11 tion:

12 (i) The date, time, and time zone
13 when the election cybersecurity incident
14 began, if known.

15 (ii) The date, time, and time zone
16 when the election cybersecurity incident
17 was detected.

18 (iii) The date, time, and duration of
19 the election cybersecurity incident.

20 (iv) The circumstances of the election
21 cybersecurity incident, including the spe-
22 cific election infrastructure systems be-
23 lieved to have been accessed and informa-
24 tion acquired, if any.

1 (v) Any planned and implemented
2 technical measures to respond to and re-
3 cover from the incident.

4 (vi) In the case of any notification
5 which is an update to a prior notification,
6 any additional material information relat-
7 ing to the incident, including technical
8 data, as it becomes available.

9 (C) DEVELOPMENT OF CRITERIA FOR RE-
10 PORTING.—Not later than 1 year after the date
11 of enactment of this Act, the Director of the
12 Cybersecurity and Infrastructure Security
13 Agency shall, in consultation with the Election
14 Infrastructure Sector Coordinating Council, de-
15 velop criteria for incidents which are required to
16 be reported in accordance with subparagraph
17 (A).

18 (4) DEFINITIONS.—In this subsection:

19 (A) CHAIR.—The term “Chair” means the
20 Chair of the Election Assistance Commission.

21 (B) CHIEF STATE ELECTION OFFICIAL.—
22 The term “chief State election official” means,
23 with respect to a State, the individual des-
24 ignated by the State under section 10 of the
25 National Voter Registration Act of 1993 (52

1 U.S.C. 20509) to be responsible for coordina-
2 tion of the State’s responsibilities under such
3 Act.

4 (C) ELECTION AGENCY.—The term “elec-
5 tion agency” means any component of a State,
6 or any component of a unit of local government
7 in a State, which is responsible for the adminis-
8 tration of elections for Federal office in the
9 State.

10 (D) ELECTION INFRASTRUCTURE.—The
11 term “election infrastructure” means storage
12 facilities, polling places, and centralized vote
13 tabulation locations used to support the admin-
14 istration of elections for public office, as well as
15 related information and communications tech-
16 nology, including voter registration databases,
17 voting machines, electronic mail and other com-
18 munications systems (including electronic mail
19 and other systems of vendors who have entered
20 into contracts with election agencies to support
21 the administration of elections, manage the
22 election process, and report and display election
23 results), and other systems used to manage the
24 election process and to report and display elec-
25 tion results on behalf of an election agency.

1 (E) SECRETARY.—The term “Secretary”
2 means the Secretary of Homeland Security.

3 (F) STATE.—The term “State” has the
4 meaning given such term in section 901 of the
5 Help America Vote Act of 2002 (52 U.S.C.
6 21141).

7 **Subtitle III—Provisional Ballots**

8 **SEC. 3911. REQUIREMENTS FOR COUNTING PROVISIONAL** 9 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 10 **NONDISCRIMINATORY STANDARDS.**

11 (a) IN GENERAL.—Section 302 of the Help America
12 Vote Act of 2002 (52 U.S.C. 21082), as amended by sec-
13 tion 1601(a), is amended—

14 (1) by redesignating subsection (e) as sub-
15 section (h); and

16 (2) by inserting after subsection (d) the fol-
17 lowing new subsections:

18 “(e) COUNTING OF PROVISIONAL BALLOTS.—

19 “(1) IN GENERAL.—

20 “(A) For purposes of subsection (a)(4), if
21 a provisional ballot is cast within the same
22 county in which the voter is registered or other-
23 wise eligible to vote, then notwithstanding the
24 precinct or polling place at which a provisional
25 ballot is cast within the county, the appropriate

1 election official of the jurisdiction in which the
2 individual is registered or otherwise eligible to
3 vote shall count each vote on such ballot for
4 each election in which the individual who cast
5 such ballot is eligible to vote.

6 “(B) In addition to the requirements under
7 subsection (a), for each State or political sub-
8 division that provides voters provisional ballots,
9 challenge ballots, or affidavit ballots under the
10 State’s applicable law governing the voting
11 processes for those voters whose eligibility to
12 vote is determined to be uncertain by election
13 officials, election officials shall—

14 “(i) provide clear written instructions
15 indicating the reason the voter was given a
16 provisional ballot, the information or docu-
17 ments the voter needs to prove eligibility,
18 the location at which the voter must ap-
19 pear to submit these materials or alter-
20 native methods, including email or fac-
21 simile, that the voter may use to submit
22 these materials, and the deadline for sub-
23 mitting these materials;

1 “(ii) provide a verbal translation of
2 any written instructions to the voter if nec-
3 essary;

4 “(iii) permit any voter who votes pro-
5 visionally at any polling place on Indian
6 lands to appear at any polling place or at
7 a central location for the election board to
8 submit the documentation or information
9 to prove eligibility; and

10 “(iv) notify the voter as to whether
11 the voter’s provisional ballot was counted
12 or rejected and provide the reason for re-
13 jection if the voter’s provisional ballot was
14 rejected after the voter provided the re-
15 quired information or documentation on
16 eligibility.

17 “(2) RULE OF CONSTRUCTION.—Nothing in
18 this subsection shall prohibit a State or jurisdiction
19 from counting a provisional ballot which is cast in
20 a different county within the State than the county
21 in which the voter is registered or otherwise eligible
22 to vote.

23 “(f) DUE PROCESS REQUIREMENTS FOR STATES RE-
24 QUIRING SIGNATURE VERIFICATION.—

25 “(1) REQUIREMENT.—

1 “(A) IN GENERAL.—A State may not im-
2 pose a signature verification requirement as a
3 condition of accepting and counting a provi-
4 sional ballot submitted by any individual with
5 respect to an election for Federal office unless
6 the State meets the due process requirements
7 described in paragraph (2).

8 “(B) SIGNATURE VERIFICATION REQUIRE-
9 MENT DESCRIBED.—In this subsection, a ‘sig-
10 nature verification requirement’ is a require-
11 ment that an election official verify the identi-
12 fication of an individual by comparing the indi-
13 vidual’s signature on the provisional ballot with
14 the individual’s signature on the official list of
15 registered voters in the State or another official
16 record or other document used by the State to
17 verify the signatures of voters.

18 “(2) DUE PROCESS REQUIREMENTS.—

19 “(A) NOTICE AND OPPORTUNITY TO CURE
20 DISCREPANCY IN SIGNATURES.—If an indi-
21 vidual submits a provisional ballot and the ap-
22 propriate State or local election official deter-
23 mines that a discrepancy exists between the sig-
24 nature on such ballot and the signature of such
25 individual on the official list of registered voters

1 in the State or other official record or document
2 used by the State to verify the signatures of
3 voters, such election official, prior to making a
4 final determination as to the validity of such
5 ballot, shall—

6 “(i) as soon as practical, but no later
7 than the next business day after such de-
8 termination is made, make a good faith ef-
9 fort to notify the individual by mail, tele-
10 phone, and (if available) text message and
11 electronic mail that—

12 “(I) a discrepancy exists between
13 the signature on such ballot and the
14 signature of the individual on the offi-
15 cial list of registered voters in the
16 State or other official record or docu-
17 ment used by the State to verify the
18 signatures of voters; and

19 “(II) if such discrepancy is not
20 cured prior to the expiration of the
21 third day following the State’s dead-
22 line for receiving mail-in ballots or ab-
23 sentee ballots, such ballot will not be
24 counted ; and

1 “(ii) cure such discrepancy and count
2 the ballot if, prior to the expiration of the
3 third day following the State’s deadline for
4 receiving mail-in ballots or absentee bal-
5 lots, the individual provides the official
6 with information to cure such discrepancy,
7 either in person, by telephone, or by elec-
8 tronic methods.

9 “(B) NOTICE AND OPPORTUNITY TO CURE
10 MISSING SIGNATURE OR OTHER DEFECT.—If an
11 individual submits a provisional ballot without a
12 signature or submits a provisional ballot with
13 another defect which, if left uncured, would
14 cause the ballot to not be counted, the appro-
15 priate State or local election official, prior to
16 making a final determination as to the validity
17 of the ballot, shall—

18 “(i) as soon as practical, but no later
19 than the next business day after such de-
20 termination is made, make a good faith ef-
21 fort to notify the individual by mail, tele-
22 phone, and (if available) text message and
23 electronic mail that—

1 “(I) the ballot did not include a
2 signature or has some other defect;
3 and

4 “(II) if the individual does not
5 provide the missing signature or cure
6 the other defect prior to the expira-
7 tion of the third day following the
8 State’s deadline for receiving mail-in
9 ballots or absentee ballots, such ballot
10 will not be counted; and

11 “(ii) count the ballot if, prior to the
12 expiration of the third day following the
13 State’s deadline for receiving mail-in bal-
14 lots or absentee ballots, the individual pro-
15 vides the official with the missing signa-
16 ture on a form proscribed by the State or
17 cures the other defect.

18 “(C) OTHER REQUIREMENTS.—

19 “(i) IN GENERAL.—An election official
20 may not make a determination that a dis-
21 crepancy exists between the signature on a
22 provisional ballot and the signature of the
23 individual on the official list of registered
24 voters in the State or other official record

1 or other document used by the State to
2 verify the signatures of voters unless—

3 “(I) at least 2 election officials
4 make the determination;

5 “(II) each official who makes the
6 determination has received training in
7 procedures used to verify signatures;
8 and

9 “(III) of the officials who make
10 the determination, at least one is af-
11 filiated with the political party whose
12 candidate received the most votes in
13 the most recent statewide election for
14 Federal office held in the State and at
15 least one is affiliated with the political
16 party whose candidate received the
17 second most votes in the most recent
18 statewide election for Federal office
19 held in the State.

20 “(ii) EXCEPTION.—Clause (i)(III)
21 shall not apply to any State in which,
22 under a law that is in effect continuously
23 on and after the date of enactment of this
24 section, determinations regarding signature
25 discrepancies are made by election officials

1 who are not affiliated with a political
2 party.

3 “(3) REPORT.—

4 “(A) IN GENERAL.—Not later than 120
5 days after the end of a Federal election cycle,
6 each chief State election official shall submit to
7 the Commission a report containing the fol-
8 lowing information for the applicable Federal
9 election cycle in the State:

10 “(i) The number of provisional ballots
11 invalidated due to a discrepancy under this
12 subsection.

13 “(ii) Description of attempts to con-
14 tact voters to provide notice as required by
15 this subsection.

16 “(iii) Description of the cure process
17 developed by such State pursuant to this
18 subsection, including the number of provi-
19 sional ballots determined valid as a result
20 of such process.

21 “(B) SUBMISSION TO CONGRESS.—Not
22 later than 10 days after receiving a report
23 under subparagraph (A), the Commission shall
24 transmit such report to Congress.

1 “(C) FEDERAL ELECTION CYCLE DE-
2 FINED.—For purposes of this subsection, the
3 term ‘Federal election cycle’ means, with re-
4 spect to any regularly scheduled election for
5 Federal office, the period beginning on the day
6 after the date of the preceding regularly sched-
7 uled general election for Federal office and end-
8 ing on the date of such regularly scheduled gen-
9 eral election.

10 “(4) RULE OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed—

12 “(A) to prohibit a State from rejecting a
13 ballot attempted to be cast in an election for
14 Federal office by an individual who is not eligi-
15 ble to vote in the election; or

16 “(B) to prohibit a State from providing an
17 individual with more time and more methods
18 for curing a discrepancy in the individual’s sig-
19 nature, providing a missing signature, or curing
20 any other defect than the State is required to
21 provide under this subsection.

22 “(5) EFFECTIVE DATE.—This subsection shall
23 apply with respect to elections held on or after Janu-
24 ary 1, 2023.

1 “(g) UNIFORM AND NONDISCRIMINATORY STAND-
2 ARDS.—

3 “(1) IN GENERAL.—Consistent with the re-
4 quirements of this section, each State shall establish
5 uniform and nondiscriminatory standards for the
6 issuance, handling, and counting of provisional bal-
7 lots.

8 “(2) EFFECTIVE DATE.—This subsection shall
9 apply with respect to elections held on or after Janu-
10 ary 1, 2023.

11 “(h) ADDITIONAL CONDITIONS PROHIBITED.—If an
12 individual in a State is eligible to cast a provisional ballot
13 as provided under this section, the State may not impose
14 any additional conditions or requirements (including con-
15 ditions or requirements regarding the timeframe in which
16 a provisional ballot may be cast) on the eligibility of the
17 individual to cast such provisional ballot.”.

18 (b) CONFORMING AMENDMENT.—Section 302(h) of
19 such Act (52 U.S.C. 21082(g)), as amended by section
20 1601(a) and redesignated by subsection (a), is amended
21 by striking “subsection (d)(4)” and inserting “subsections
22 (d)(4), (e)(3), and (f)(2)”.

1 **TITLE III—VOTING SYSTEM**
2 **SECURITY**

3 **SEC. 4001. POST-ELECTION AUDIT REQUIREMENT.**

4 (a) IN GENERAL.—Title III of the Help America
5 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
6 by section 3601, is amended by inserting after section
7 303A the following new section:

8 **“SEC. 303B. POST-ELECTION AUDITS.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) POST-ELECTION AUDIT.—Except as pro-
11 vided in subsection (c)(1)(B), the term ‘post-election
12 audit’ means, with respect to any election contest, a
13 post-election process that—

14 “(A) has a probability of at least 95 per-
15 cent of correcting the reported outcome if the
16 reported outcome is not the correct outcome;

17 “(B) will not change the outcome if the re-
18 ported outcome is the correct outcome; and

19 “(C) involves a manual adjudication of
20 voter intent from some or all of the ballots val-
21 idly cast in the election contest.

22 “(2) REPORTED OUTCOME; CORRECT OUTCOME;
23 OUTCOME.—

24 “(A) REPORTED OUTCOME.—The term ‘re-
25 ported outcome’ means the outcome of an elec-

1 tion contest which is determined according to
2 the canvass and which will become the official,
3 certified outcome unless it is revised by an
4 audit, recount, or other legal process.

5 “(B) CORRECT OUTCOME.—The term ‘cor-
6 rect outcome’ means the outcome that would be
7 determined by a manual adjudication of voter
8 intent for all votes validly cast in the election
9 contest.

10 “(C) OUTCOME.—The term ‘outcome’
11 means the winner or set of winners of an elec-
12 tion contest.

13 “(3) MANUAL ADJUDICATION OF VOTER IN-
14 TENT.—The term ‘manual adjudication of voter in-
15 tent’ means direct inspection and determination by
16 humans, without assistance from electronic or me-
17 chanical tabulation devices, of the ballot choices
18 marked by voters on each voter-verifiable paper
19 record.

20 “(4) BALLOT MANIFEST.—The term ‘ballot
21 manifest’ means a record maintained by each juris-
22 diction that—

23 “(A) is created without reliance on any
24 part of the voting system used to tabulate
25 votes;

1 “(B) functions as a sampling frame for
2 conducting a post-election audit; and

3 “(C) accounts for all ballots validly cast re-
4 gardless of how they were tabulated and in-
5 cludes a precise description of the manner in
6 which the ballots are physically stored, includ-
7 ing the total number of physical groups of bal-
8 lots, the numbering system for each group, a
9 unique label for each group, and the number of
10 ballots in each such group.

11 “(b) REQUIREMENTS.—

12 “(1) IN GENERAL.—

13 “(A) AUDITS.—

14 “(i) IN GENERAL.—Each State and
15 jurisdiction shall administer post-election
16 audits of the results of all election contests
17 for Federal office held in the State in ac-
18 cordance with the requirements of para-
19 graph (2).

20 “(ii) EXCEPTION.—Clause (i) shall
21 not apply to any election contest for which
22 the State or jurisdiction conducts a full re-
23 count through a manual adjudication of
24 voter intent.

1 “(B) FULL MANUAL TABULATION.—If a
2 post-election audit conducted under subpara-
3 graph (A) corrects the reported outcome of an
4 election contest, the State or jurisdiction shall
5 use the results of the manual adjudication of
6 voter intent conducted as part of the post-elec-
7 tion audit as the official results of the election
8 contest.

9 “(2) AUDIT REQUIREMENTS.—

10 “(A) RULES AND PROCEDURES.—

11 “(i) IN GENERAL.—Not later than 6
12 years after the date of the enactment of
13 this section, the chief State election official
14 of the State shall establish rules and proce-
15 dures for conducting post-election audits.

16 “(ii) MATTERS INCLUDED.—The rules
17 and procedures established under clause (i)
18 shall include the following:

19 “(I) Rules and procedures for en-
20 suring the security of ballots and docu-
21 menting that prescribed procedures
22 were followed.

23 “(II) Rules and procedures for
24 ensuring the accuracy of ballot mani-
25 fests produced by jurisdictions.

1 “(III) Rules and procedures for
2 governing the format of ballot mani-
3 fests and other data involved in post-
4 election audits.

5 “(IV) Methods to ensure that
6 any cast vote records used in a post-
7 election audit are those used by the
8 voting system to tally the results of
9 the election contest sent to the chief
10 State election official of the State and
11 made public.

12 “(V) Rules and procedures for
13 the random selection of ballots to be
14 inspected manually during each audit.

15 “(VI) Rules and procedures for
16 the calculations and other methods to
17 be used in the audit and to determine
18 whether and when the audit of each
19 election contest is complete.

20 “(VII) Rules and procedures for
21 testing any software used to conduct
22 post-election audits.

23 “(B) PUBLIC REPORT.—

24 “(i) IN GENERAL.—After the comple-
25 tion of the post-election audit and at least

1 5 days before the election contest is cer-
2 tified by the State, the State shall make
3 public and submit to the Commission a re-
4 port on the results of the audit, together
5 with such information as necessary to con-
6 firm that the audit was conducted prop-
7 erly.

8 “(ii) **FORMAT OF DATA.**—All data
9 published with the report under clause (i)
10 shall be published in machine-readable,
11 open data formats.

12 “(iii) **PROTECTION OF ANONYMITY OF**
13 **VOTES.**—Information and data published
14 by the State under this subparagraph shall
15 not compromise the anonymity of votes.

16 “(iv) **REPORT MADE AVAILABLE BY**
17 **COMMISSION.**—After receiving any report
18 submitted under clause (i), the Commis-
19 sion shall make such report available on its
20 website.

21 “(3) **EFFECTIVE DATE; WAIVER.**—

22 “(A) **IN GENERAL.**—Except as provided in
23 subparagraphs (B) and (C), each State and ju-
24 risdiction shall be required to comply with the
25 requirements of this subsection for the first reg-

1 ularly scheduled election for Federal office oc-
2 curring in 2032 and for each subsequent elec-
3 tion for Federal office.

4 “(B) WAIVER.—Except as provided in sub-
5 paragraph (C), if a State certifies to the Com-
6 mission not later than the first regularly sched-
7 uled election for Federal office occurring in
8 2032, that the State will not meet the deadline
9 described in subparagraph (A) because it would
10 be impracticable to do so and includes in the
11 certification the reasons for the failure to meet
12 such deadline, subparagraph (A) of this sub-
13 section and subsection (c)(2)(A) shall apply to
14 the State as if the reference in such subsections
15 to ‘2032’ were a reference to ‘2034’.

16 “(C) ADDITIONAL WAIVER PERIOD.—If a
17 State certifies to the Commission not later than
18 the first regularly scheduled election for Federal
19 office occurring in 2034, that the State will not
20 meet the deadline described in subparagraph
21 (B) because it would be impracticable to do so
22 and includes in the certification the reasons for
23 the failure to meet such deadline, subparagraph
24 (B) of this subsection and subsection (c)(2)(A)
25 shall apply to the State as if the reference in

1 such subsections to ‘2034’ were a reference to
2 ‘2036’.

3 “(c) PHASED IMPLEMENTATION.—

4 “(1) POST-ELECTION AUDITS.—

5 “(A) IN GENERAL.—For the regularly
6 scheduled elections for Federal office occurring
7 in 2024 and 2026, each State shall administer
8 a post-election audit of the result of at least one
9 statewide election contest for Federal office held
10 in the State, or if no such statewide contest is
11 on the ballot, one election contest for Federal
12 office chosen at random.

13 “(B) POST-ELECTION AUDIT DEFINED.—

14 In this subsection, the term ‘post-election audit’
15 means a post-election process that involves a
16 manual adjudication of voter intent from a
17 sample of ballots validly cast in the election
18 contest.

19 “(2) POST-ELECTION AUDITS FOR SELECT CON-
20 TESTS.—Subject to subparagraphs (B) and (C) of
21 subsection (b)(3), for the regularly scheduled elec-
22 tions for Federal office occurring in 2028 and for
23 each subsequent election for Federal office that oc-
24 curs prior to the first regularly scheduled election
25 for Federal office occurring in 2032, each State

1 shall administer a post-election audit of the result of
2 at least one statewide election contest for Federal of-
3 fice held in the State, or if no such statewide contest
4 is on the ballot, one election contest for Federal of-
5 fice chosen at random.

6 “(3) STATES THAT ADMINISTER POST-ELEC-
7 TION AUDITS FOR ALL CONTESTS.—A State shall be
8 exempt from the requirements of this subsection for
9 any regularly scheduled election for Federal office in
10 which the State meets the requirements of sub-
11 section (b).”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 for such Act, as amended by section 3601, is amended
14 by inserting after the item relating to section 303A the
15 following new item:

“Sec. 303B. Post-election audits.”.

16 (c) STUDY ON POST-ELECTION AUDIT BEST PRAC-
17 TICES.—

18 (1) IN GENERAL.—The Director of the National
19 Institute of Standards and Technology shall estab-
20 lish an advisory committee to study post-election au-
21 dits and establish best practices for post-election
22 audit methodologies and procedures.

23 (2) ADVISORY COMMITTEE.—The Director of
24 the National Institute of Standards and Technology

1 shall appoint individuals to the advisory committee
2 and secure the representation of—

3 (A) State and local election officials;

4 (B) individuals with experience and exper-
5 tise in election security;

6 (C) individuals with experience and exper-
7 tise in post-election audit procedures; and

8 (D) individuals with experience and exper-
9 tise in statistical methods.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated such sums
12 as are necessary to carry out the purposes of this
13 subsection.

14 **SEC. 4002. ELECTION INFRASTRUCTURE DESIGNATION.**

15 Subparagraph (J) of section 2001(3) of the Home-
16 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
17 by inserting “, including election infrastructure” before
18 the period at the end.

19 **SEC. 4003. GUIDELINES AND CERTIFICATION FOR ELEC-**
20 **TRONIC POLL BOOKS AND REMOTE BALLOT**
21 **MARKING SYSTEMS.**

22 (a) INCLUSION UNDER VOLUNTARY VOTING SYSTEM
23 GUIDELINES.—Section 222 of the Help America Vote Act
24 of 2002 (52 U.S.C. 20962) is amended—

1 (1) by redesignating subsections (a), (b), (c),
2 (d), and (e) as subsections (b), (c), (d), (e), and (f);

3 (2) by inserting after the section heading the
4 following:

5 “(a) VOLUNTARY VOTING SYSTEM GUIDELINES.—
6 The Commission shall adopt voluntary voting system
7 guidelines that describe functionality, accessibility, and se-
8 curity principles for the design, development, and oper-
9 ation of voting systems, electronic poll books, and remote
10 ballot marking systems.”; and

11 (3) by adding at the end the following new sub-
12 sections:

13 “(g) INITIAL GUIDELINES FOR ELECTRONIC POLL
14 BOOKS AND REMOTE BALLOT MARKING SYSTEMS.—

15 “(1) ADOPTION DATE.—The Commission shall
16 adopt initial voluntary voting system guidelines for
17 electronic poll books and remote ballot marking sys-
18 tems not later than 1 year after the date of the en-
19 actment of the Freedom to Vote Act.

20 “(2) SPECIAL RULE FOR INITIAL GUIDE-
21 LINES.—The Commission may adopt initial vol-
22 untary voting system guidelines for electronic poll
23 books and remote ballot marking systems without
24 modifying the most recently adopted voluntary vot-
25 ing system guidelines for voting systems.

1 “(h) DEFINITIONS.—In this section:

2 “(1) ELECTRONIC POLL BOOK.—The term ‘elec-
3 tronic poll book’ means the total combination of me-
4 chanical, electromechanical, or electronic equipment
5 (including the software, firmware, and documenta-
6 tion required to program, control, and support the
7 equipment) that is used—

8 “(A) to retain the list of registered voters
9 at a polling location, or vote center, or other lo-
10 cation at which voters cast votes in an election
11 for Federal office; and

12 “(B) to identify registered voters who are
13 eligible to vote in an election.

14 “(2) REMOTE BALLOT MARKING SYSTEM.—The
15 term ‘remote ballot marking system’ means an elec-
16 tion system that—

17 “(A) is used by a voter to mark their bal-
18 lots outside of a voting center or polling place;
19 and

20 “(B) allows a voter to receive a blank bal-
21 lot to mark electronically, print, and then cast
22 by returning the printed ballot to the elections
23 office or other designated location.”.

24 (b) PROVIDING FOR CERTIFICATION OF ELECTRONIC
25 POLL BOOKS AND REMOTE BALLOT MARKING SYSTEM.—

1 Section 231(a) of the Help America Vote Act of 2002 (52
2 U.S.C. 20971(a)) is amended in paragraphs (1) and (2)
3 by inserting “, electronic poll books, and remote ballot
4 marking systems” after “software”.

5 **SEC. 4004. PRE-ELECTION REPORTS ON VOTING SYSTEM**
6 **USAGE.**

7 (a) **REQUIRING STATES TO SUBMIT REPORTS.**—Title
8 III of the Help America Vote Act of 2002 (52 U.S.C.
9 21081 et seq.) is amended by inserting after section 301
10 the following new section:

11 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
12 **USAGE.**

13 “(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Not
14 later than 120 days before the date of each regularly
15 scheduled general election for Federal office, the chief
16 State election official of a State shall submit a report to
17 the Commission containing a detailed voting system usage
18 plan for each jurisdiction in the State which will admin-
19 ister the election, including a detailed plan for the usage
20 of electronic poll books and other equipment and compo-
21 nents of such system. If a jurisdiction acquires and imple-
22 ments a new voting system within the 120 days before the
23 date of the election, it shall notify the chief State election
24 official of the State, who shall submit to the Commission

1 in a timely manner an updated report under the preceding
2 sentence.

3 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2022 and each succeeding
6 regularly scheduled general election for Federal office”.

7 (b) **CLERICAL AMENDMENT.**—The table of contents
8 of such Act is amended by inserting after the item relating
9 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

10 **SEC. 4005. USE OF VOTING MACHINES MANUFACTURED IN**
11 **THE UNITED STATES.**

12 (a) **REQUIREMENT.**—Section 301(a) of the Help
13 America Vote Act of 2002 (52 U.S.C. 21081(a)), as
14 amended by section 3904 and section 3906, is further
15 amended by adding at the end the following new para-
16 graph:

17 “(10) **VOTING MACHINE REQUIREMENTS.**—

18 “(A) **MANUFACTURING REQUIREMENTS.**—

19 By not later than the date of the regularly
20 scheduled general election for Federal office oc-
21 ccurring in November 2024, each State shall
22 seek to ensure to the extent practicable that
23 any voting machine used in such election and in
24 any subsequent election for Federal office is
25 manufactured in the United States.

1 “(B) ASSEMBLY REQUIREMENTS.—By not
2 later than the date of the regularly scheduled
3 general election for Federal office occurring in
4 November 2024, each State shall seek to ensure
5 that any voting machine purchased or acquired
6 for such election and in any subsequent election
7 for Federal office is assembled in the United
8 States.

9 “(C) SOFTWARE AND CODE REQUIRE-
10 MENTS.—By not later than the date of the reg-
11 ularly scheduled general election for Federal of-
12 fice occurring in November 2024, each State
13 shall seek to ensure that any software or code
14 developed for any voting system purchased or
15 acquired for such election and in any subse-
16 quent election for Federal office is developed
17 and stored in the United States.”.

18 (b) CONFORMING AMENDMENT RELATING TO EF-
19 FECTIVE DATE.—Section 301(d)(1) of such Act (52
20 U.S.C. 21081(d)(1)), as amended by section 3907, is
21 amended by striking “paragraph (2)” and inserting “sub-
22 section (a)(10) and paragraph (2)”.

1 **SEC. 4006. USE OF POLITICAL PARTY HEADQUARTERS**
2 **BUILDING FUND FOR TECHNOLOGY OR CY-**
3 **BERSECURITY-RELATED PURPOSES.**

4 (a) PERMITTING USE OF FUND.—Section
5 315(a)(9)(B) of the Federal Election Campaign Act of
6 1971 (52 U.S.C. 30116(a)(9)(B)) is amended by striking
7 the period at the end and inserting the following: “, and
8 to defray technology or cybersecurity-related expenses.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to calendar year
11 2023 and each succeeding calendar year.

12 **SEC. 4007. SEVERABILITY.**

13 If any provision of this title or any amendment made
14 by this title, or the application of any such provision or
15 amendment to any person or circumstance, is held to be
16 unconstitutional, the remainder of this title, and the appli-
17 cation of such provision or amendment to any other person
18 or circumstance, shall not be affected by the holding.

19 **DIVISION III—CIVIC PARTICIPA-**
20 **TION AND EMPOWERMENT**
21 **TITLE I—NONPARTISAN**
22 **REDISTRICTING REFORM**

23 **SEC. 5001. FINDING OF CONSTITUTIONAL AUTHORITY.**

24 Congress finds that it has the authority to establish
25 the terms and conditions States must follow in carrying

1 out congressional redistricting after an apportionment of
2 Members of the House of Representatives because—

3 (1) the authority granted to Congress under ar-
4 ticle I, section 4 of the Constitution of the United
5 States gives Congress the power to enact laws gov-
6 erning the time, place, and manner of elections for
7 Members of the House of Representatives;

8 (2) the authority granted to Congress under
9 section 5 of the 14th amendment to the Constitution
10 gives Congress the power to enact laws to enforce
11 section 2 of such amendment, which requires Rep-
12 resentatives to be apportioned among the several
13 States according to their number;

14 (3) the authority granted to Congress under
15 section 5 of the 14th amendment to the Constitution
16 gives Congress the power to enact laws to enforce
17 section 1 of such amendment, including protections
18 against excessive partisan gerrymandering that Fed-
19 eral courts have not enforced because they under-
20 stand such enforcement to be committed to Congress
21 by the Constitution;

22 (4) of the authority granted to Congress to en-
23 force article IV, section 4, of the Constitution, and
24 the guarantee of a Republican Form of Government
25 to every State, which Federal courts have not en-

1 forced because they understand such enforcement to
2 be committed to Congress by the Constitution;

3 (5) requiring States to use uniform redistricting
4 criteria is an appropriate and important exercise of
5 such authority; and

6 (6) partisan gerrymandering dilutes citizens'
7 votes because partisan gerrymandering injures vot-
8 ers and political parties by infringing on their First
9 Amendment right to associate freely and their Four-
10 teenth Amendment right to equal protection of the
11 laws.

12 **SEC. 5002. BAN ON MID-DECADE REDISTRICTING.**

13 A State that has been redistricted in accordance with
14 this title may not be redistricted again until after the next
15 apportionment of Representatives under section 22(a) of
16 the Act entitled “An Act to provide for the fifteenth and
17 subsequent decennial censuses and to provide for an ap-
18 portionment of Representatives in Congress”, approved
19 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
20 State to conduct such subsequent redistricting to comply
21 with the Constitution of the United States, the Voting
22 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms
23 or conditions of this title, or applicable State law.

1 **SEC. 5003. CRITERIA FOR REDISTRICTING.**

2 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A State
3 may not use a congressional redistricting plan enacted fol-
4 lowing the notice of apportionment transmitted to the
5 President on April 26, 2021, or any subsequent notice of
6 apportionment, if such plan is not in compliance with this
7 section, without regard to whether or not the plan was
8 enacted by the State before, on, or after the effective date
9 of this title.

10 (b) **RANKED CRITERIA.**—Under the redistricting plan
11 of a State, there shall be established single-member con-
12 gressional districts using the following criteria as set forth
13 in the following order of priority:

14 (1) Districts shall comply with the United
15 States Constitution, including the requirement that
16 they substantially equalize total population, without
17 regard to age, citizenship status, or immigration sta-
18 tus.

19 (2) Districts shall comply with the Voting
20 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-
21 cluding by creating any districts where, if based
22 upon the totality of the circumstances, 2 or more po-
23 litically cohesive groups protected by such Act are
24 able to elect representatives of choice in coalition
25 with one another, and all applicable Federal laws.

1 (3)(A) Districts shall be drawn, to the extent
2 that the totality of the circumstances warrant, to en-
3 sure the practical ability of a group protected under
4 the Voting Rights Act of 1965 (52 U.S.C. 10301 et
5 seq.) to participate in the political process and to
6 nominate candidates and to elect representatives of
7 choice is not diluted or diminished, regardless of
8 whether or not such protected group constitutes a
9 majority of a district's population, voting age popu-
10 lation, or citizen voting age population.

11 (B) For purposes of subparagraph (A), the as-
12 sessment of whether a protected group has the prac-
13 tical ability to nominate candidates and to elect rep-
14 resentatives of choice shall require the consideration
15 of the following factors:

16 (i) Whether the group is politically cohe-
17 sive.

18 (ii) Whether there is racially polarized vot-
19 ing in the relevant geographic region.

20 (iii) If there is racially polarized voting in
21 the relevant geographic region, whether the pre-
22 ferred candidates of the group nevertheless re-
23 ceive a sufficient amount of consistent crossover
24 support from other voters such that the group
25 is a functional majority with the ability to both

1 nominate candidates and elect representatives
2 of choice.

3 (4)(A) Districts shall be drawn to respect com-
4 munities of interest and neighborhoods to the extent
5 practicable after compliance with the requirements
6 of paragraphs (1) through (3). A community of in-
7 terest is defined as an area for which the record be-
8 fore the entity responsible for developing and adopt-
9 ing the redistricting plan demonstrates the existence
10 of broadly shared interests and representational
11 needs, including shared interests and representa-
12 tional needs rooted in common ethnic, racial, eco-
13 nomic, Indian, social, cultural, geographic, or his-
14 toric identities, or arising from similar socioeconomic
15 conditions. The term communities of interest may, if
16 the record warrants, include political subdivisions
17 such as counties, municipalities, Indian lands, or
18 school districts, but shall not include common rela-
19 tionships with political parties or political can-
20 didates.

21 (B) For purposes of subparagraph (A), in con-
22 sidering the needs of multiple, overlapping commu-
23 nities of interest, the entity responsible for devel-
24 oping and adopting the redistricting plan shall give
25 greater weight to those communities of interest

1 whose representational needs would most benefit
2 from the community's inclusion in a single congress-
3 sional district.

4 (c) NO FAVORING OR DISFAVORING OF POLITICAL
5 PARTIES.—

6 (1) PROHIBITION.—A State may not use a re-
7 districting plan to conduct an election if the plan's
8 congressional districts, when considered cumulatively
9 on a statewide basis, have been drawn with the in-
10 tent or have the effect of materially favoring or
11 disfavoring any political party.

12 (2) DETERMINATION OF EFFECT.—The deter-
13 mination of whether a redistricting plan has the ef-
14 fect of materially favoring or disfavoring a political
15 party shall be based on an evaluation of the totality
16 of circumstances which, at a minimum, shall involve
17 consideration of each of the following factors:

18 (A) Computer modeling based on relevant
19 statewide general elections for Federal office
20 held over the 8 years preceding the adoption of
21 the redistricting plan setting forth the probable
22 electoral outcomes for the plan under a range
23 of reasonably foreseeable conditions.

24 (B) An analysis of whether the redis-
25 tricting plan is statistically likely to result in

1 partisan advantage or disadvantage on a state-
2 wide basis, the degree of any such advantage or
3 disadvantage, and whether such advantage or
4 disadvantage is likely to be present under a
5 range of reasonably foreseeable electoral condi-
6 tions.

7 (C) A comparison of the modeled electoral
8 outcomes for the redistricting plan to the mod-
9 eled electoral outcomes for alternative plans
10 that demonstrably comply with the require-
11 ments of paragraphs (1), (2), and (3) of sub-
12 section (b) in order to determine whether rea-
13 sonable alternatives exist that would result in
14 materially lower levels of partisan advantage or
15 disadvantage on a statewide basis. For purposes
16 of this subparagraph, alternative plans consid-
17 ered may include both actual plans proposed
18 during the redistricting process and other plans
19 prepared for purposes of comparison.

20 (D) Any other relevant information, includ-
21 ing how broad support for the redistricting plan
22 was among members of the entity responsible
23 for developing and adopting the plan and
24 whether the processes leading to the develop-
25 ment and adoption of the plan were transparent

1 and equally open to all members of the entity
2 and to the public.

3 (3) REBUTTABLE PRESUMPTION.—

4 (A) TRIGGER.—In any civil action brought
5 under section 5006 in which a party asserts a
6 claim that a State has enacted a redistricting
7 plan which is in violation of this subsection, a
8 party may file a motion not later than 30 days
9 after the enactment of the plan (or, in the case
10 of a plan enacted before the effective date of
11 this Act, not later than 30 days after the effec-
12 tive date of this Act) requesting that the court
13 determine whether a presumption of such a vio-
14 lation exists. If such a motion is timely filed,
15 the court shall hold a hearing not later than 15
16 days after the date the motion is filed to assess
17 whether a presumption of such a violation ex-
18 ists.

19 (B) ASSESSMENT.—To conduct the assess-
20 ment required under subparagraph (A), the
21 court shall do the following:

22 (i) Determine the number of congress-
23 sional districts under the plan that would
24 have been carried by each political party's
25 candidates for the office of President and

1 the office of Senator in the 2 most recent
2 general elections for the office of President
3 and the 2 most recent general elections for
4 the office of Senator (other than special
5 general elections) immediately preceding
6 the enactment of the plan, except that if a
7 State conducts a primary election for the
8 office of Senator which is open to can-
9 didates of all political parties, the primary
10 election shall be used instead of the gen-
11 eral election and the number of districts
12 carried by a party's candidates for the of-
13 fice of Senator shall be determined on the
14 basis of the combined vote share of all can-
15 didates in the election who are affiliated
16 with such party.

17 (ii) Determine, for each of the 4 elec-
18 tions assessed under clause (i), whether
19 the number of districts that would have
20 been carried by any party's candidate as
21 determined under clause (i) results in par-
22 tisan advantage or disadvantage in excess
23 of the applicable threshold described in
24 subparagraph (C). The degree of partisan
25 advantage or disadvantage shall be deter-

1 mined by one or more standard quan-
2 titative measures of partisan fairness
3 that—

4 (I) use a party's share of the
5 statewide vote to calculate a cor-
6 responding benchmark share of seats;
7 and

8 (II) measure the amount by
9 which the share of seats the party's
10 candidates would have won in the
11 election involved exceeds that bench-
12 mark share of seats.

13 (C) APPLICABLE THRESHOLD DE-
14 SCRIBED.—The applicable threshold described
15 in this subparagraph is, with respect to a State
16 and a number of seats, the greater of—

17 (i) an amount equal to 7 percent of
18 the number of congressional districts in
19 the State; or

20 (ii) one congressional district.

21 (D) DESCRIPTION OF QUANTITATIVE
22 MEASURES; PROHIBITING ROUNDING.—In car-
23 rying out this subsection—

24 (i) the standard quantitative measures
25 of partisan fairness used by the court may

1 include the simplified efficiency gap but
2 may not include strict proportionality; and
3 (ii) the court may not round any num-
4 ber.

5 (E) PRESUMPTION OF VIOLATION.—A plan
6 is presumed to violate paragraph (1) if, on the
7 basis of at least one standard quantitative
8 measure of partisan fairness, it exceeds the ap-
9 plicable threshold described in subparagraph
10 (C) with respect to 2 or more of the 4 elections
11 assessed under subparagraph (B).

12 (F) STAY OF USE OF PLAN.—Notwith-
13 standing any other provision of this title, in any
14 action under this paragraph, the following rules
15 shall apply:

16 (i) Upon filing of a motion under sub-
17 paragraph (A), a State's use of the plan
18 which is the subject of the motion shall be
19 automatically stayed pending resolution of
20 such motion.

21 (ii) If after considering the motion,
22 the court rules that the plan is presumed
23 under subparagraph (B) to violate para-
24 graph (1), a State may not use such plan
25 until and unless the court which is car-

1 rying out the determination of the effect of
2 the plan under paragraph (2) determines
3 that, notwithstanding the presumptive vio-
4 lation, the plan does not violate paragraph
5 (1).

6 (G) NO EFFECT ON OTHER ASSESS-
7 MENTS.—The absence of a presumption of a
8 violation with respect to a redistricting plan as
9 determined under this paragraph shall not af-
10 fect the determination of the effect or intent of
11 the plan under this section.

12 (4) DETERMINATION OF INTENT.—A court may
13 rely on all available evidence when determining
14 whether a redistricting plan was drawn with the in-
15 tent to materially favor or disfavor a political party,
16 including evidence of the partisan effects of a plan,
17 the degree of support the plan received from mem-
18 bers of the entity responsible for developing and
19 adopting the plan, and whether the processes leading
20 to development and adoption of the plan were trans-
21 parent and equally open to all members of the entity
22 and to the public.

23 (5) NO VIOLATION BASED ON CERTAIN CRI-
24 TERIA.—No redistricting plan shall be found to be
25 in violation of paragraph (1) because of the proper

1 application of the criteria set forth in paragraphs
2 (1), (2), or (3) of subsection (b), unless one or more
3 alternative plans could have complied with such
4 paragraphs without having the effect of materially
5 favoring or disfavoring a political party.

6 (d) FACTORS PROHIBITED FROM CONSIDERATION.—

7 In developing the redistricting plan for the State, the
8 State may not take into consideration any of the following
9 factors, except as necessary to comply with the criteria
10 described in paragraphs (1) through (3) of subsection (b),
11 to achieve partisan fairness and comply with subsection
12 (b), and to enable the redistricting plan to be measured
13 against the external metrics described in section 5004(c):

14 (1) The residence of any Member of the House
15 of Representatives or candidate.

16 (2) The political party affiliation or voting his-
17 tory of the population of a district.

18 (e) ADDITIONAL CRITERIA.—A State may not rely
19 upon criteria, districting principles, or other policies of the
20 State which are not set forth in this section to justify non-
21 compliance with the requirements of this section.

22 (f) APPLICABILITY.—

23 (1) IN GENERAL.—This section applies to any
24 authority, whether appointed, elected, judicial, or

1 otherwise, responsible for enacting the congressional
2 redistricting plan of a State.

3 (2) DATE OF ENACTMENT.—This section ap-
4 plies to any congressional redistricting plan enacted
5 following the notice of apportionment transmitted to
6 the President on April 26, 2021, regardless of the
7 date of enactment by the State of the congressional
8 redistricting plan.

9 (g) SEVERABILITY OF CRITERIA.—If any provision of
10 this section or any amendment made by this section, or
11 the application of any such provision or amendment to any
12 person or circumstance, is held to be unconstitutional, the
13 remainder of this section, and the application of such pro-
14 vision or amendment to any other person or circumstance,
15 shall not be affected by the holding.

16 **SEC. 5004. DEVELOPMENT OF PLAN.**

17 (a) PUBLIC NOTICE AND INPUT.—

18 (1) USE OF OPEN AND TRANSPARENT PROC-
19 ESS.—The entity responsible for developing and
20 adopting the congressional redistricting plan of a
21 State shall solicit and take into consideration com-
22 ments from the public throughout the process of de-
23 veloping the plan, and shall carry out its duties in
24 an open and transparent manner which provides for

1 the widest public dissemination reasonably possible
2 of its proposed and final redistricting plans.

3 (2) WEBSITE.—

4 (A) FEATURES.—The entity shall maintain
5 a public Internet site which is not affiliated
6 with or maintained by the office of any elected
7 official and which includes the following fea-
8 tures:

9 (i) All proposed redistricting plans
10 and the final redistricting plan, including
11 the accompanying written evaluation under
12 subsection (c).

13 (ii) All comments received from the
14 public submitted under paragraph (1).

15 (iii) Access in an easily usable format
16 to the demographic and other data used by
17 the entity to develop and analyze the pro-
18 posed redistricting plans, together with any
19 reports analyzing and evaluating such
20 plans and access to software that members
21 of the public may use to draw maps of pro-
22 posed districts.

23 (iv) A method by which members of
24 the public may submit comments directly
25 to the entity.

1 (B) SEARCHABLE FORMAT.—The entity
2 shall ensure that all information posted and
3 maintained on the site under this paragraph,
4 including information and proposed maps sub-
5 mitted by the public, shall be maintained in an
6 easily searchable format.

7 (3) MULTIPLE LANGUAGE REQUIREMENTS FOR
8 ALL NOTICES.—The entity responsible for developing
9 and adopting the plan shall make each notice which
10 is required to be posted and published under this
11 section available in any language in which the State
12 (or any jurisdiction in the State) is required to pro-
13 vide election materials under section 203 of the Vot-
14 ing Rights Act of 1965 (52 U.S.C. 10503).

15 (b) DEVELOPMENT OF PLAN.—

16 (1) HEARINGS.—The entity responsible for de-
17 veloping and adopting the congressional redistricting
18 plan shall hold hearings both before and after releas-
19 ing proposed plans in order to solicit public input on
20 the content of such plans. These hearings shall—

21 (A) be held in different regions of the
22 State and streamed live on the public Internet
23 site maintained under subsection (a)(2);

24 (B) be sufficient in number, scheduled at
25 times and places, and noticed and conducted in

1 a manner to ensure that all members of the
2 public, including members of racial, ethnic, and
3 language minorities protected under the Voting
4 Rights Act of 1965, have a meaningful oppor-
5 tunity to attend and provide input both before
6 and after the entity releases proposed plans.

7 (2) POSTING OF MAPS.—The entity responsible
8 for developing and adopting the congressional redis-
9 tricting plan shall make proposed plans, amend-
10 ments to proposed plans, and the data needed to
11 analyze such plans for compliance with the criteria
12 of this title available for public review, including on
13 the public Internet site required under subsection
14 (a)(2), for a period of not less than 5 days before
15 any vote or hearing is held on any such plan or any
16 amendment to such a plan.

17 (c) RELEASE OF WRITTEN EVALUATION OF PLAN
18 AGAINST EXTERNAL METRICS REQUIRED PRIOR TO
19 VOTE.—The entity responsible for developing and adopt-
20 ing the congressional redistricting plan for a State may
21 not hold a vote on a proposed redistricting plan, including
22 a vote in a committee, unless at least 48 hours prior to
23 holding the vote the State has released a written evalua-
24 tion that measures each such plan against external metrics
25 which cover the criteria set forth in section 5003(b), in-

1 cluding the impact of the plan on the ability of members
2 of a class of citizens protected by the Voting Rights Act
3 of 1965 (52 U.S.C. 10301 et seq.) to elect candidates of
4 choice, the degree to which the plan preserves or divides
5 communities of interest, and any analysis used by the
6 State to assess compliance with the requirements of sec-
7 tion 5003(b) and (c).

8 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
9 sponsible for developing and adopting the congressional
10 redistricting plan for a State shall make all public com-
11 ments received about potential plans, including alternative
12 plans, available to the public on the Internet site required
13 under subsection (a)(2), at no cost, not later than 24
14 hours prior to holding a vote on final adoption of a plan.

15 **SEC. 5005. FAILURE BY STATE TO ENACT PLAN.**

16 (a) DEADLINE FOR ENACTMENT OF PLAN.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), each State shall enact a final congress-
19 sional redistricting plan following transmission of a
20 notice of apportionment to the President by the ear-
21 liest of—

22 (A) the deadline set forth in State law, in-
23 cluding any extension to the deadline provided
24 in accordance with State law;

1 (B) February 15 of the year in which reg-
2 ularly scheduled general elections for Federal
3 office are held in the State; or

4 (C) 90 days before the date of the next
5 regularly scheduled primary election for Federal
6 office held in the State.

7 (2) SPECIAL RULE FOR PLANS ENACTED PRIOR
8 TO EFFECTIVE DATE OF TITLE.—If a State enacted
9 a final congressional redistricting plan prior to the
10 effective date of this title and the plan is not in com-
11 pliance with the requirements of this title, the State
12 shall enact a final redistricting plan which is in com-
13 pliance with the requirements of this title not later
14 than 45 days after the effective date of this title.

15 (b) DEVELOPMENT OF PLAN BY COURT IN CASE OF
16 MISSED DEADLINE.—If a State has not enacted a final
17 congressional redistricting plan by the applicable deadline
18 under subsection (a), or it appears reasonably likely that
19 a State will fail to enact a final congressional redistricting
20 plan by such deadline—

21 (1) any citizen of the State may file an action
22 in the United States district court for the applicable
23 venue asking the district court to assume jurisdic-
24 tion;

1 (2) the United States district court for the ap-
2 plicable venue, acting through a 3-judge court con-
3 vened pursuant to section 2284 of title 28, United
4 States Code, shall have the exclusive authority to de-
5 velop and publish the congressional redistricting
6 plan for the State; and

7 (3) the final congressional redistricting plan de-
8 veloped and published by the court under this sec-
9 tion shall be deemed to be enacted on the date on
10 which the court publishes the final congressional re-
11 districting plan, as described in subsection (e).

12 (c) APPLICABLE VENUE.—For purposes of this sec-
13 tion, the “applicable venue” with respect to a State is the
14 District of Columbia or the judicial district in which the
15 capital of the State is located, as selected by the first party
16 to file with the court sufficient evidence that a State has
17 failed to, or is reasonably likely to fail to, enact a final
18 redistricting plan for the State prior to the expiration of
19 the applicable deadline set forth in subsection (a).

20 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

21 (1) CRITERIA.—In developing a redistricting
22 plan for a State under this section, the court shall
23 adhere to the same terms and conditions that ap-
24 plied (or that would have applied, as the case may

1 be) to the development of a plan by the State under
2 section 5003.

3 (2) ACCESS TO INFORMATION AND RECORDS.—

4 The court shall have access to any information,
5 data, software, or other records and material that
6 was used (or that would have been used, as the case
7 may be) by the State in carrying out its duties
8 under this title.

9 (3) HEARING; PUBLIC PARTICIPATION.—In de-
10 veloping a redistricting plan for a State, the court
11 shall—

12 (A) hold one or more evidentiary hearings
13 at which interested members of the public may
14 appear and be heard and present testimony, in-
15 cluding expert testimony, in accordance with
16 the rules of the court; and

17 (B) consider other submissions and com-
18 ments by the public, including proposals for re-
19 districting plans to cover the entire State or
20 any portion of the State.

21 (4) USE OF SPECIAL MASTER.—To assist in the
22 development and publication of a redistricting plan
23 for a State under this section, the court may appoint
24 a special master to make recommendations to the
25 court on possible plans for the State.

1 (e) PUBLICATION OF PLAN.—

2 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—

3 Upon completing the development of one or more
4 initial redistricting plans, the court shall make the
5 plans available to the public at no cost, and shall
6 also make available the underlying data used to de-
7 velop the plans and a written evaluation of the plans
8 against external metrics (as described in section
9 5004(c)).

10 (2) PUBLICATION OF FINAL PLAN.—At any
11 time after the expiration of the 14-day period which
12 begins on the date the court makes the plans avail-
13 able to the public under paragraph (1), and taking
14 into consideration any submissions and comments by
15 the public which are received during such period, the
16 court shall develop and publish the final redistricting
17 plan for the State.

18 (f) USE OF INTERIM PLAN.—In the event that the
19 court is not able to develop and publish a final redis-
20 tricting plan for the State with sufficient time for an up-
21 coming election to proceed, the court may develop and
22 publish an interim redistricting plan which shall serve as
23 the redistricting plan for the State until the court develops
24 and publishes a final plan in accordance with this section.
25 Nothing in this subsection may be construed to limit or

1 otherwise affect the authority or discretion of the court
2 to develop and publish the final redistricting plan, includ-
3 ing the discretion to make any changes the court deems
4 necessary to an interim redistricting plan.

5 (g) APPEALS.—Review on appeal of any final or in-
6 terim plan adopted by the court in accordance with this
7 section shall be governed by the appellate process in sec-
8 tion 5006.

9 (h) STAY OF STATE PROCEEDINGS.—The filing of an
10 action under this section shall act as a stay of any pro-
11 ceedings in State court with respect to the State’s congres-
12 sional redistricting plan unless otherwise ordered by the
13 court.

14 **SEC. 5006. CIVIL ENFORCEMENT.**

15 (a) CIVIL ENFORCEMENT.—

16 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
17 torney General may bring a civil action for such re-
18 lief as may be appropriate to carry out this title.

19 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
20 TION.—

21 (A) IN GENERAL.—Any person residing or
22 domiciled in a State who is aggrieved by the
23 failure of the State to meet the requirements of
24 the Constitution or Federal law, including this
25 title, with respect to the State’s congressional

1 redistricting, may bring a civil action in the
2 United States district court for the applicable
3 venue for such relief as may be appropriate to
4 remedy the failure.

5 (B) SPECIAL RULE FOR CLAIMS RELATING
6 TO PARTISAN ADVANTAGE.—For purposes of
7 subparagraph (A), a person who is aggrieved by
8 the failure of a State to meet the requirements
9 of section 5003(c) may include—

10 (i) any political party or committee in
11 the State; and

12 (ii) any registered voter in the State
13 who resides in a congressional district that
14 the voter alleges was drawn in a manner
15 that contributes to a violation of such sec-
16 tion.

17 (C) NO AWARDING OF DAMAGES TO PRE-
18 VAILING PARTY.—Except for an award of attor-
19 ney's fees under subsection (d), a court in a
20 civil action under this section shall not award
21 the prevailing party any monetary damages,
22 compensatory, punitive, or otherwise.

23 (3) DELIVERY OF COMPLAINT TO HOUSE AND
24 SENATE.—In any action brought under this section,
25 a copy of the complaint shall be delivered promptly

1 to the Clerk of the House of Representatives and the
2 Secretary of the Senate.

3 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
4 VENUE.—The district courts of the United States
5 shall have exclusive jurisdiction to hear and deter-
6 mine claims asserting that a congressional redistricting
7 plan violates the requirements of the Con-
8 stitution or Federal law, including this title. The ap-
9 plicable venue for such an action shall be the United
10 States District Court for the District of Columbia or
11 for the judicial district in which the capital of the
12 State is located, as selected by the person bringing
13 the action. In a civil action that includes a claim
14 that a redistricting plan is in violation of section
15 5003(b) or (c), the United States District Court for
16 the District of Columbia shall have jurisdiction over
17 any defendant who has been served in any United
18 States judicial district in which the defendant re-
19 sides, is found, or has an agent, or in the United
20 States judicial district in which the capital of the
21 State is located. Process may be served in any
22 United States judicial district where a defendant re-
23 sides, is found, or has an agent, or in the United
24 States judicial district in which the capital of the
25 State is located.

1 (5) USE OF 3-JUDGE COURT.—If an action
2 under this section raises statewide claims under the
3 Constitution or this title, the action shall be heard
4 by a 3-judge court convened pursuant to section
5 2284 of title 28, United States Code.

6 (6) REVIEW OF FINAL DECISION.—A final deci-
7 sion in an action brought under this section shall be
8 reviewable on appeal by the United States Court of
9 Appeals for the District of Columbia Circuit, which
10 shall hear the matter sitting en banc. There shall be
11 no right of appeal in such proceedings to any other
12 court of appeals. Such appeal shall be taken by the
13 filing of a notice of appeal within 10 days of the
14 entry of the final decision. A final decision by the
15 Court of Appeals may be reviewed by the Supreme
16 Court of the United States by writ of certiorari.

17 (b) EXPEDITED CONSIDERATION.—In any action
18 brought under this section, it shall be the duty of the dis-
19 trict court, the United States Court of Appeals for the
20 District of Columbia Circuit, and the Supreme Court of
21 the United States (if it chooses to hear the action) to ad-
22 vance on the docket and to expedite to the greatest pos-
23 sible extent the disposition of the action and appeal.

24 (c) REMEDIES.—

25 (1) ADOPTION OF REPLACEMENT PLAN.—

1 (A) IN GENERAL.—If the district court in
2 an action under this section finds that the con-
3 gressional redistricting plan of a State violates,
4 in whole or in part, the requirements of this
5 title—

6 (i) the court shall adopt a replacement
7 congressional redistricting plan for the
8 State in accordance with the process set
9 forth in section 5005; or

10 (ii) if circumstances warrant and no
11 delay to an upcoming regularly scheduled
12 election for the House of Representatives
13 in the State would result, the district
14 court, in its discretion, may allow a State
15 to develop and propose a remedial congres-
16 sional redistricting plan for review by the
17 court to determine whether the plan is in
18 compliance with this title, except that—

19 (I) the State may not develop
20 and propose a remedial plan under
21 this clause if the court determines
22 that the congressional redistricting
23 plan of the State was enacted with
24 discriminatory intent in violation of

1 the Constitution or section 5003(b);
2 and

3 (II) nothing in this clause may be
4 construed to permit a State to use
5 such a remedial plan which has not
6 been approved by the court.

7 (B) PROHIBITING USE OF PLANS IN VIOLA-
8 TION OF REQUIREMENTS.—No court shall order
9 a State to use a congressional redistricting plan
10 which violates, in whole or in part, the require-
11 ments of this title, or to conduct an election
12 under terms and conditions which violate, in
13 whole or in part, the requirements of this title.

14 (C) SPECIAL RULE IN CASE FINAL ADJU-
15 DICATION NOT EXPECTED WITHIN 3 MONTHS
16 OF ELECTION.—

17 (i) DUTY OF COURT.—If final adju-
18 dication of an action under this section is
19 not reasonably expected to be completed at
20 least 3 months prior to the next regularly
21 scheduled primary election for the House
22 of Representatives in the State, the district
23 court shall—

24 (I) develop, adopt, and order the
25 use of an interim congressional redis-

1 tricting plan in accordance with sec-
2 tion 5005(f) to address any claims
3 under this title for which a party
4 seeking relief has demonstrated a sub-
5 stantial likelihood of success; or

6 (II) order adjustments to the
7 timing of primary elections for the
8 House of Representatives and other
9 related deadlines, as needed, to allow
10 sufficient opportunity for adjudication
11 of the matter and adoption of a reme-
12 dial or replacement plan for use in the
13 next regularly scheduled general elec-
14 tions for the House of Representa-
15 tives.

16 (ii) PROHIBITING FAILURE TO ACT ON
17 GROUNDS OF PENDENCY OF ELECTION.—
18 The court may not refuse to take any ac-
19 tion described in clause (i) on the grounds
20 of the pendency of the next election held in
21 the State or the potential for disruption,
22 confusion, or additional burdens with re-
23 spect to the administration of the election
24 in the State.

1 (2) NO STAY PENDING APPEAL.—Notwith-
2 standing the appeal of an order finding that a con-
3 gressional redistricting plan of a State violates, in
4 whole or in part, the requirements of this title, no
5 stay shall issue which shall bar the development or
6 adoption of a replacement or remedial plan under
7 this subsection, as may be directed by the district
8 court, pending such appeal. If such a replacement or
9 remedial plan has been adopted, no appellate court
10 may stay or otherwise enjoin the use of such plan
11 during the pendency of an appeal, except upon an
12 order holding, based on the record, that adoption of
13 such plan was an abuse of discretion.

14 (3) SPECIAL AUTHORITY OF COURT OF AP-
15 PEALS.—

16 (A) ORDERING OF NEW REMEDIAL
17 PLAN.—If, upon consideration of an appeal
18 under this title, the Court of Appeals deter-
19 mines that a plan does not comply with the re-
20 quirements of this title, it shall direct that the
21 District Court promptly develop a new remedial
22 plan with assistance of a special master for con-
23 sideration by the Court of Appeals.

24 (B) FAILURE OF DISTRICT COURT TO
25 TAKE TIMELY ACTION.—If, at any point during

1 the pendency of an action under this section,
2 the District Court fails to take action necessary
3 to permit resolution of the case prior to the
4 next regularly scheduled election for the House
5 of Representatives in the State or fails to grant
6 the relief described in paragraph (1)(C), any
7 party may seek a writ of mandamus from the
8 Court of Appeals for the District of Columbia
9 Circuit. The Court of Appeals shall have juris-
10 diction over the motion for a writ of mandamus
11 and shall establish an expedited briefing and
12 hearing schedule for resolution of the motion. If
13 the Court of Appeals determines that a writ
14 should be granted, the Court of Appeals shall
15 take any action necessary, including developing
16 a congressional redistricting plan with assist-
17 ance of a special master to ensure that a reme-
18 dial plan is adopted in time for use in the next
19 regularly scheduled election for the House of
20 Representatives in the State.

21 (4) EFFECT OF ENACTMENT OF REPLACEMENT
22 PLAN.—A State’s enactment of a redistricting plan
23 which replaces a plan which is the subject of an ac-
24 tion under this section shall not be construed to
25 limit or otherwise affect the authority of the court

1 to adjudicate or grant relief with respect to any
2 claims or issues not addressed by the replacement
3 plan, including claims that the plan which is the
4 subject of the action was enacted, in whole or in
5 part, with discriminatory intent, or claims to con-
6 sider whether relief should be granted under section
7 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
8 10302(c)) based on the plan which is the subject of
9 the action.

10 (d) ATTORNEY'S FEES.—In a civil action under this
11 section, the court may allow the prevailing party (other
12 than the United States) reasonable attorney fees, includ-
13 ing litigation expenses, and costs.

14 (e) RELATION TO OTHER LAWS.—

15 (1) RIGHTS AND REMEDIES ADDITIONAL TO
16 OTHER RIGHTS AND REMEDIES.—The rights and
17 remedies established by this section are in addition
18 to all other rights and remedies provided by law, and
19 neither the rights and remedies established by this
20 section nor any other provision of this title shall su-
21 persede, restrict, or limit the application of the Vot-
22 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

23 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
24 this title authorizes or requires conduct that is pro-

1 hibited by the Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).

3 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
4 ture, or State may claim legislative privilege under either
5 State or Federal law in a civil action brought under this
6 section or in any other legal challenge, under either State
7 or Federal law, to a redistricting plan enacted under this
8 title.

9 (g) REMOVAL.—

10 (1) IN GENERAL.—At any time, a civil action
11 brought in a State court which asserts a claim for
12 which the district courts of the United States have
13 exclusive jurisdiction under this title may be re-
14 moved by any party in the case, including an inter-
15 venor, by filing, in the district court for an applica-
16 ble venue under this section, a notice of removal
17 signed pursuant to Rule 11 of the Federal Rules of
18 Civil Procedure containing a short and plain state-
19 ment of the grounds for removal. Consent of parties
20 shall not be required for removal.

21 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
22 SUPPLEMENTAL JURISDICTION.—If a civil action re-
23 moved in accordance with paragraph (1) contains
24 claims not within the original or supplemental juris-
25 diction of the district court, the district court shall

1 sever all such claims and remand them to the State
2 court from which the action was removed.

3 **SEC. 5007. NO EFFECT ON ELECTIONS FOR STATE AND**
4 **LOCAL OFFICE.**

5 Nothing in this title or in any amendment made by
6 this title may be construed to affect the manner in which
7 a State carries out elections for State or local office, in-
8 cluding the process by which a State establishes the dis-
9 tricts used in such elections.

10 **SEC. 5008. EFFECTIVE DATE.**

11 (a) IN GENERAL.—This title and the amendments
12 made by this title shall apply on the date of enactment
13 of this title.

14 (b) APPLICATION TO CONGRESSIONAL REDIS-
15 TRICTING PLANS RESULTING FROM 2020 DECENNIAL
16 CENSUS.—Notwithstanding subsection (a), this title and
17 the amendments made by this title, other than section
18 5004, shall apply with respect to each congressional redis-
19 tricting plan enacted pursuant to the notice of apporportion-
20 ment transmitted to the President on April 26, 2021,
21 without regard to whether or not a State enacted such
22 a plan prior to the date of the enactment of this Act.

1 **TITLE II—CAMPAIGN FINANCE**
2 **TRANSPARENCY**
3 **Subtitle A—DISCLOSE Act**

4 **SEC. 6001. SHORT TITLE.**

5 This subtitle may be cited as the “Democracy Is
6 Strengthened by Casting Light On Spending in Elections
7 Act of 2023” or the “DISCLOSE Act of 2023”.

8 **SEC. 6002. FINDINGS.**

9 Congress finds the following:

10 (1) Campaign finance disclosure is a narrowly
11 tailored and minimally restrictive means to advance
12 substantial government interests, including fostering
13 an informed electorate capable of engaging in self-
14 government and holding their elected officials ac-
15 countable, detecting and deterring quid pro quo cor-
16 ruption, and identifying information necessary to en-
17 force other campaign finance laws, including cam-
18 paign contribution limits and the prohibition on for-
19 eign money in U.S. campaigns. To further these
20 substantial interests, campaign finance disclosure
21 must be timely and complete, and must disclose the
22 true and original source of money given, transferred,
23 and spent to influence Federal elections. Current law
24 does not meet this objective because corporations
25 and other entities that the Supreme Court has per-

1 mitted to spend money to influence Federal elections
2 are subject to few if any transparency requirements.

3 (2) As the Supreme Court recognized in its per
4 curiam opinion in *Buckley v. Valeo*, 424 U.S. 1,
5 (1976), “disclosure requirements certainly in most
6 applications appear to be the least restrictive means
7 of curbing the evils of campaign ignorance and cor-
8 ruption that Congress found to exist.” *Buckley*, 424
9 U.S. at 68. In *Citizens United v. FEC*, the Court re-
10 iterated that “disclosure is a less restrictive alter-
11 native to more comprehensive regulations of speech.”
12 558 U.S. 310, 369 (2010).

13 (3) No subsequent decision has called these
14 holdings into question, including the Court’s decision
15 in *Americans for Prosperity Foundation v. Bonta*,
16 141 S. Ct. 2373 (2021). That case did not involve
17 campaign finance disclosure, and the Court did not
18 overturn its longstanding recognition of the substan-
19 tial interests furthered by such disclosure.

20 (4) Campaign finance disclosure is also essen-
21 tial to enforce the Federal Election Campaign Act’s
22 prohibition on contributions by and solicitations of
23 foreign nationals. *See* section 319 of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30121).

1 (5) Congress should close loopholes allowing
2 spending by foreign nationals in domestic elections.
3 For example, in 2021, the Federal Election Commis-
4 sion, the independent Federal agency charged with
5 protecting the integrity of the Federal campaign fi-
6 nance process, found reason to believe and concil-
7 iated a matter where an experienced political con-
8 sultant knowingly and willfully violated Federal law
9 by soliciting a contribution from a foreign national
10 by offering to transmit a \$2,000,000 contribution to
11 a super PAC through his company and two
12 501(c)(4) organizations, to conceal the origin of the
13 funds. This scheme was only unveiled after appear-
14 ing in a The Telegraph UK article and video cap-
15 turing the solicitation. *See* Conciliation Agreement,
16 MURs 7165 & 7196 (Great America PAC, et al.),
17 date June 28, 2021; Factual and Legal Analysis,
18 MURs 7165 & 7196 (Jesse Benton), dated Mar. 2,
19 2021.

1 **PART 1—CLOSING LOOPHOLES ALLOWING**
2 **SPENDING BY FOREIGN NATIONALS IN ELEC-**
3 **TIONS**

4 **SEC. 6003. CLARIFICATION OF APPLICATION OF FOREIGN**
5 **MONEY BAN TO CERTAIN DISBURSEMENTS**
6 **AND ACTIVITIES.**

7 Section 319(b) of the Federal Election Campaign Act
8 of 1971 (52 U.S.C. 30121(b)) is amended—

9 (1) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and by
11 moving such subparagraphs 2 ems to the right;

12 (2) by striking “As used in this section, the
13 term” and inserting the following: “DEFINITIONS.—
14 For purposes of this section—

15 “(1) FOREIGN NATIONAL.—The term”;

16 (3) by moving paragraphs (1) and (2) two ems
17 to the right and redesignating them as subpara-
18 graphs (A) and (B), respectively; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(2) CONTRIBUTION AND DONATION.—For pur-
22 poses of paragraphs (1) and (2) of subsection (a),
23 the term ‘contribution or donation’ includes any dis-
24 bursement to a political committee which accepts do-
25 nations or contributions that do not comply with any
26 of the limitations, prohibitions, and reporting re-

1 requirements of this Act (or any disbursement to or on
2 behalf of any account of a political committee which
3 is established for the purpose of accepting such do-
4 nations or contributions), or to any other person for
5 the purpose of funding an expenditure, independent
6 expenditure, or electioneering communication (as de-
7 fined in section 304(f)(3)).”.

8 **SEC. 6004. STUDY AND REPORT ON ILLICIT FOREIGN**
9 **MONEY IN FEDERAL ELECTIONS.**

10 (a) **STUDY.**—For each 4-year election cycle (begin-
11 ning with the 4-year election cycle ending in 2020), the
12 Comptroller General shall conduct a study on the inci-
13 dence of illicit foreign money in all elections for Federal
14 office held during the preceding 4-year election cycle, in-
15 cluding what information is known about the presence of
16 such money in elections for Federal office.

17 (b) **REPORT.**—

18 (1) **IN GENERAL.**—Not later than the applicable
19 date with respect to any 4-year election cycle, the
20 Comptroller General shall submit to the appropriate
21 congressional committees a report on the study con-
22 ducted under subsection (a).

23 (2) **MATTERS INCLUDED.**—The report sub-
24 mitted under paragraph (1) shall include a descrip-
25 tion of the extent to which illicit foreign money was

1 used to target particular groups, including rural
2 communities, African-American and other minority
3 communities, and military and veteran communities,
4 based on such targeting information as is available
5 and accessible to the Comptroller General.

6 (3) APPLICABLE DATE.—For purposes of para-
7 graph (1), the term “applicable date” means—

8 (A) in the case of the 4-year election cycle
9 ending in 2020, the date that is 1 year after
10 the date of the enactment of this Act; and

11 (B) in the case of any other 4-year election
12 cycle, the date that is 1 year after the date on
13 which such 4-year election cycle ends.

14 (c) DEFINITIONS.—As used in this section:

15 (1) 4-YEAR ELECTION CYCLE.—The term “4-
16 year election cycle” means the 4-year period ending
17 on the date of the general election for the offices of
18 President and Vice President.

19 (2) ILLICIT FOREIGN MONEY.—The term “illicit
20 foreign money” means any contribution, donation,
21 expenditure, or disbursement by a foreign national
22 (as defined in section 319(b) of the Federal Election
23 Campaign Act of 1971 (52 U.S.C.30121(b))) prohib-
24 ited under such section.

1 (3) ELECTION; FEDERAL OFFICE.—The terms
2 “election” and “Federal office” have the meanings
3 given such terms under section 301 of the Federal
4 Election Campaign Act of 1971 (53 U.S.C. 30101).

5 (4) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on House Administra-
9 tion of the House of Representatives;

10 (B) the Committee on Rules and Adminis-
11 tration of the Senate;

12 (C) the Committee on the Judiciary of the
13 House of Representatives; and

14 (D) the Committee on the Judiciary of the
15 Senate.

16 (d) SUNSET.—This section shall not apply to any 4-
17 year election cycle beginning after the election for the of-
18 fices of President and Vice President in 2032.

19 **SEC. 6005. PROHIBITION ON CONTRIBUTIONS AND DONA-**
20 **TIONS BY FOREIGN NATIONALS IN CONNEX-**
21 **ION WITH BALLOT INITIATIVES AND**
22 **REFERENDA.**

23 (a) IN GENERAL.—Section 319(b) of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as

1 amended by section 6003, is amended by adding at the
2 end the following new paragraph:

3 “(3) FEDERAL, STATE, OR LOCAL ELECTION.—

4 The term ‘Federal, State, or local election’ includes
5 a State or local ballot initiative or referendum, but
6 only in the case of—

7 “(A) a covered foreign national described
8 in section 304(j)(3)(C);

9 “(B) a foreign principal described in sec-
10 tion 1(b)(2) or 1(b)(3) of the Foreign Agent
11 Registration Act of 1938, as amended (22
12 U.S.C. 611(b)(2) or (b)(3)) or an agent of such
13 a foreign principal under such Act.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall apply with respect to elections held in
16 2023 or any succeeding year.

17 **SEC. 6006. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
18 **FOREIGN MONEY BAN.**

19 (a) DISBURSEMENTS DESCRIBED.—Section
20 319(a)(1) of the Federal Election Campaign Act of 1971
21 (52 U.S.C. 30121(a)(1)) is amended—

22 (1) by striking “or” at the end of subparagraph
23 (B); and

24 (2) by striking subparagraph (C) and inserting
25 the following:

1 “(C) an expenditure;

2 “(D) an independent expenditure;

3 “(E) a disbursement for an electioneering
4 communication (within the meaning of section
5 304(f)(3));

6 “(F) a disbursement for a communication
7 which is placed or promoted for a fee on a
8 website, web application, or digital application
9 that refers to a clearly identified candidate for
10 election for Federal office and is disseminated
11 within 60 days before a general, special or run-
12 off election for the office sought by the can-
13 didate or 30 days before a primary or pref-
14 erence election, or a convention or caucus of a
15 political party that has authority to nominate a
16 candidate for the office sought by the can-
17 didate;

18 “(G) a disbursement by a covered foreign
19 national described in section 304(j)(3)(C) for a
20 broadcast, cable or satellite communication, or
21 for a communication which is placed or pro-
22 moted for a fee on a website, web application,
23 or digital application, that promotes, supports,
24 attacks or opposes the election of a clearly iden-
25 tified candidate for Federal, State, or local of-

1 fice (regardless of whether the communication
2 contains express advocacy or the functional
3 equivalent of express advocacy);

4 “(H) a disbursement for a broadcast,
5 cable, or satellite communication, or for any
6 communication which is placed or promoted for
7 a fee on an online platform (as defined in sec-
8 tion 304(k)(3)), that discusses a national legis-
9 lative issue of public importance in a year in
10 which a regularly scheduled general election for
11 Federal office is held, but only if the disburse-
12 ment is made by a covered foreign national de-
13 scribed in section 304(j)(3)(C);

14 “(I) a disbursement by a covered foreign
15 national described in section 304(j)(3)(C) to
16 compensate any person for internet activity that
17 promotes, supports, attacks or opposes the elec-
18 tion of a clearly identified candidate for Fed-
19 eral, State, or local office (regardless of whether
20 the activity contains express advocacy or the
21 functional equivalent of express advocacy); or

22 “(J) a disbursement by a covered foreign
23 national described in section 304(j)(3)(C) for a
24 Federal judicial nomination communication (as
25 defined in section 324(g)(2));”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to disbursements
3 made on or after the date of the enactment of this Act.

4 **SEC. 6007. PROHIBITING ESTABLISHMENT OF CORPORA-**
5 **TION TO CONCEAL ELECTION CONTRIBU-**
6 **TIONS AND DONATIONS BY FOREIGN NATION-**
7 **ALS.**

8 (a) PROHIBITION.—Chapter 29 of title 18, United
9 States Code, as amended by section 2001(a) and section
10 3101(a), is amended by adding at the end the following:

11 **“§ 614. Establishment of corporation to conceal elec-**
12 **tion contributions and donations by for-**
13 **ign nationals**

14 “(a) OFFENSE.—It shall be unlawful for an owner,
15 officer, attorney, or incorporation agent of a corporation,
16 company, or other entity to establish or use the corpora-
17 tion, company, or other entity with the intent to conceal
18 an activity of a foreign national (as defined in section 319
19 of the Federal Election Campaign Act of 1971 (52 U.S.C.
20 30121)) prohibited under such section 319.

21 “(b) PENALTY.—Any person who violates subsection
22 (a) shall be imprisoned for not more than 5 years, fined
23 under this title, or both.”.

24 (b) TABLE OF SECTIONS.—The table of sections for
25 chapter 29 of title 18, United States Code, as amended

1 by section 2001(b) and section 3101(b), is amended by
2 inserting after the item relating to section 612 the fol-
3 lowing:

“614. Establishment of corporation to conceal election contributions and dona-
tions by foreign nationals.”.

4 **PART 2—REPORTING OF CAMPAIGN-RELATED**
5 **DISBURSEMENTS**

6 **SEC. 6011. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
7 **MENTS.**

8 (a) IN GENERAL.—Section 324 of the Federal Elec-
9 tion Campaign Act of 1971 (52 U.S.C. 30126) is amended
10 to read as follows:

11 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
12 **MENTS BY COVERED ORGANIZATIONS.**

13 “(a) DISCLOSURE STATEMENT.—

14 “(1) IN GENERAL.—Any covered organization
15 that makes campaign-related disbursements aggre-
16 gating more than \$10,000 in an election reporting
17 cycle shall, not later than 24 hours after each disclo-
18 sure date, file a statement with the Commission
19 made under penalty of perjury that contains the in-
20 formation described in paragraph (2)—

21 “(A) in the case of the first statement filed
22 under this subsection, for the period beginning
23 on the first day of the election reporting cycle
24 (or, if earlier, the period beginning one year be-

1 fore the first such disclosure date) and ending
2 on the first such disclosure date; and

3 “(B) in the case of any subsequent state-
4 ment filed under this subsection, for the period
5 beginning on the previous disclosure date and
6 ending on such disclosure date.

7 “(2) INFORMATION DESCRIBED.—The informa-
8 tion described in this paragraph is as follows:

9 “(A) The name of the covered organization
10 and the principal place of business of such or-
11 ganization and, in the case of a covered organi-
12 zation that is a corporation (other than a busi-
13 ness concern that is an issuer of a class of secu-
14 rities registered under section 12 of the Securi-
15 ties Exchange Act of 1934 (15 U.S.C. 78l) or
16 that is required to file reports under section
17 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
18 tity described in subsection (e)(2), a list of the
19 beneficial owners (as defined in paragraph
20 (4)(A)) of the entity that—

21 “(i) identifies each beneficial owner by
22 name and current residential or business
23 street address; and

24 “(ii) if any beneficial owner exercises
25 control over the entity through another

1 legal entity, such as a corporation, partner-
2 ship, limited liability company, or trust,
3 identifies each such other legal entity and
4 each such beneficial owner who will use
5 that other entity to exercise control over
6 the entity.

7 “(B) The amount of each campaign-related
8 disbursement made by such organization during
9 the period covered by the statement of more
10 than \$1,000, and the name and address of the
11 person to whom the disbursement was made.

12 “(C) In the case of a campaign-related dis-
13 bursement that is not a covered transfer, the
14 election to which the campaign-related disburse-
15 ment pertains and if the disbursement is made
16 for a public communication, the name of any
17 candidate identified in such communication and
18 whether such communication is in support of or
19 in opposition to a candidate.

20 “(D) A certification by the chief executive
21 officer or person who is the head of the covered
22 organization that the campaign-related dis-
23 bursement is not made in cooperation, consulta-
24 tion, or concert with or at the request or sug-
25 gestion of a candidate, authorized committee, or

1 agent of a candidate, political party, or agent of
2 a political party.

3 “(E)(i) If the covered organization makes
4 campaign-related disbursements using exclu-
5 sively funds in a segregated bank account con-
6 sisting of funds that were paid directly to such
7 account by persons other than the covered orga-
8 nization that controls the account, for each
9 such payment to the account—

10 “(I) the name and address of each
11 person who made such payment during the
12 period covered by the statement;

13 “(II) the date and amount of such
14 payment; and

15 “(III) the aggregate amount of all
16 such payments made by the person during
17 the period beginning on the first day of the
18 election reporting cycle (or, if earlier, the
19 period beginning one year before the dis-
20 closure date) and ending on the disclosure
21 date,

22 but only if such payment was made by a person
23 who made payments to the account in an aggre-
24 gate amount of \$10,000 or more during the pe-
25 riod beginning on the first day of the election

1 reporting cycle (or, if earlier, the period begin-
2 ning one year before the disclosure date) and
3 ending on the disclosure date.

4 “(ii) In any calendar year after 2022, sec-
5 tion 315(e)(1)(B) shall apply to the amount de-
6 scribed in clause (i) in the same manner as
7 such section applies to the limitations estab-
8 lished under subsections (a)(1)(A), (a)(1)(B),
9 (a)(3), and (h) of such section, except that for
10 purposes of applying such section to the
11 amounts described in subsection (b), the ‘base
12 period’ shall be calendar year 2022.

13 “(F)(i) If the covered organization makes
14 campaign-related disbursements using funds
15 other than funds in a segregated bank account
16 described in subparagraph (E), for each pay-
17 ment to the covered organization—

18 “(I) the name and address of each
19 person who made such payment during the
20 period covered by the statement;

21 “(II) the date and amount of such
22 payment; and

23 “(III) the aggregate amount of all
24 such payments made by the person during
25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the
2 period beginning one year before the dis-
3 closure date) and ending on the disclosure
4 date,

5 but only if such payment was made by a person
6 who made payments to the covered organization
7 in an aggregate amount of \$10,000 or more
8 during the period beginning on the first day of
9 the election reporting cycle (or, if earlier, the
10 period beginning one year before the disclosure
11 date) and ending on the disclosure date.

12 “(ii) In any calendar year after 2022, sec-
13 tion 315(e)(1)(B) shall apply to the amount de-
14 scribed in clause (i) in the same manner as
15 such section applies to the limitations estab-
16 lished under subsections (a)(1)(A), (a)(1)(B),
17 (a)(3), and (h) of such section, except that for
18 purposes of applying such section to the
19 amounts described in subsection (b), the ‘base
20 period’ shall be calendar year 2022.

21 “(G) Such other information as required in
22 rules established by the Commission to promote
23 the purposes of this section.

24 “(3) EXCEPTIONS.—

1 “(A) AMOUNTS RECEIVED IN ORDINARY
2 COURSE OF BUSINESS.—The requirement to in-
3 clude in a statement filed under paragraph (1)
4 the information described in paragraph (2)
5 shall not apply to amounts received by the cov-
6 ered organization in commercial transactions in
7 the ordinary course of any trade or business
8 conducted by the covered organization or in the
9 form of investments (other than investments by
10 the principal shareholder in a limited liability
11 corporation) in the covered organization. For
12 purposes of this subparagraph, amounts re-
13 ceived by a covered organization as remittances
14 from an employee to the employee’s collective
15 bargaining representative shall be treated as
16 amounts received in commercial transactions in
17 the ordinary course of the business conducted
18 by the covered organization.

19 “(B) DONOR RESTRICTION ON USE OF
20 FUNDS.—The requirement to include in a state-
21 ment submitted under paragraph (1) the infor-
22 mation described in subparagraph (F) of para-
23 graph (2) shall not apply if—

24 “(i) the person described in such sub-
25 paragraph prohibited, in writing, the use of

1 the payment made by such person for cam-
2 paign-related disbursements; and

3 “(ii) the covered organization agreed
4 to follow the prohibition and deposited the
5 payment in an account which is segregated
6 from any account used to make campaign-
7 related disbursements.

8 “(C) THREAT OF HARASSMENT OR RE-
9 PRISAL.—The requirement to include any infor-
10 mation relating to the name or address of any
11 person (other than a candidate) in a statement
12 submitted under paragraph (1) shall not apply
13 if the inclusion of the information would subject
14 the person to serious threats, harassment, or
15 reprisals.

16 “(4) OTHER DEFINITIONS.—For purposes of
17 this section:

18 “(A) BENEFICIAL OWNER DEFINED.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), the term ‘beneficial
21 owner’ means, with respect to any entity,
22 a natural person who, directly or indi-
23 rectly—

1 “(I) exercises substantial control
2 over an entity through ownership, vot-
3 ing rights, agreement, or otherwise; or

4 “(II) has a substantial interest in
5 or receives substantial economic bene-
6 fits from the assets of an entity.

7 “(ii) EXCEPTIONS.—The term ‘bene-
8 ficial owner’ shall not include—

9 “(I) a minor child;

10 “(II) a person acting as a nomi-
11 nee, intermediary, custodian, or agent
12 on behalf of another person;

13 “(III) a person acting solely as
14 an employee of an entity and whose
15 control over or economic benefits from
16 the entity derives solely from the em-
17 ployment status of the person;

18 “(IV) a person whose only inter-
19 est in an entity is through a right of
20 inheritance, unless the person also
21 meets the requirements of clause (i);
22 or

23 “(V) a creditor of an entity, un-
24 less the creditor also meets the re-
25 quirements of clause (i).

1 “(iii) ANTI-ABUSE RULE.—The excep-
2 tions under clause (ii) shall not apply if
3 used for the purpose of evading, circum-
4 venting, or abusing the provisions of clause
5 (i) or paragraph (2)(A).

6 “(B) DISCLOSURE DATE.—The term ‘dis-
7 closure date’ means—

8 “(i) the first date during any election
9 reporting cycle by which a person has
10 made campaign-related disbursements ag-
11 gregating more than \$10,000; and

12 “(ii) any other date during such elec-
13 tion reporting cycle by which a person has
14 made campaign-related disbursements ag-
15 gregating more than \$10,000 since the
16 most recent disclosure date for such elec-
17 tion reporting cycle.

18 “(C) ELECTION REPORTING CYCLE.—The
19 term ‘election reporting cycle’ means the 2-year
20 period beginning on the date of the most recent
21 general election for Federal office.

22 “(D) PAYMENT.—The term ‘payment’ in-
23 cludes any contribution, donation, transfer, pay-
24 ment of dues, or other payment.

25 “(b) COORDINATION WITH OTHER PROVISIONS.—

1 “(1) OTHER REPORTS FILED WITH THE COM-
2 MISSION.—Information included in a statement filed
3 under this section may be excluded from statements
4 and reports filed under section 304.

5 “(2) TREATMENT AS SEPARATE SEGREGATED
6 FUND.—A segregated bank account referred to in
7 subsection (a)(2)(E) may be treated as a separate
8 segregated fund for purposes of section 527(f)(3) of
9 the Internal Revenue Code of 1986.

10 “(c) FILING.—Statements required to be filed under
11 subsection (a) shall be subject to the requirements of sec-
12 tion 304(d) to the same extent and in the same manner
13 as if such reports had been required under subsection (c)
14 or (g) of section 304.

15 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
16 FINED.—

17 “(1) IN GENERAL.—In this section, the term
18 ‘campaign-related disbursement’ means a disburse-
19 ment by a covered organization for any of the fol-
20 lowing:

21 “(A) An independent expenditure which ex-
22 pressly advocates the election or defeat of a
23 clearly identified candidate for election for Fed-
24 eral office, or is the functional equivalent of ex-
25 press advocacy because, when taken as a whole,

1 it can be interpreted by a reasonable person
2 only as advocating the election or defeat of a
3 candidate for election for Federal office.

4 “(B) An applicable public communication.

5 “(C) An electioneering communication, as
6 defined in section 304(f)(3).

7 “(D) A covered transfer.

8 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

9 “(A) IN GENERAL.—The term ‘applicable
10 public communication’ means any public com-
11 munication that refers to a clearly identified
12 candidate for election for Federal office and
13 which promotes or supports the election of a
14 candidate for that office, or attacks or opposes
15 the election of a candidate for that office, with-
16 out regard to whether the communication ex-
17 pressly advocates a vote for or against a can-
18 didate for that office.

19 “(B) EXCEPTION.—Such term shall not in-
20 clude any news story, commentary, or editorial
21 distributed through the facilities of any broad-
22 casting station or any print, online, or digital
23 newspaper, magazine, publication, or periodical,
24 unless such facilities are owned or controlled by

1 any political party, political committee, or can-
2 didate.

3 “(3) INTENT NOT REQUIRED.—A disbursement
4 for an item described in subparagraph (A), (B), (C)
5 or (D) of paragraph (1) shall be treated as a cam-
6 paign-related disbursement regardless of the intent
7 of the person making the disbursement.

8 “(e) COVERED ORGANIZATION DEFINED.—In this
9 section, the term ‘covered organization’ means any of the
10 following:

11 “(1) A corporation (other than an organization
12 described in section 501(c)(3) of the Internal Rev-
13 enue Code of 1986).

14 “(2) A limited liability corporation that is not
15 otherwise treated as a corporation for purposes of
16 this Act (other than an organization described in
17 section 501(c)(3) of the Internal Revenue Code of
18 1986).

19 “(3) An organization described in section
20 501(c) of such Code and exempt from taxation
21 under section 501(a) of such Code (other than an
22 organization described in section 501(c)(3) of such
23 Code).

24 “(4) A labor organization (as defined in section
25 316(b)).

1 “(5) Any political organization under section
2 527 of the Internal Revenue Code of 1986, other
3 than a political committee under this Act (except as
4 provided in paragraph (6)).

5 “(6) A political committee with an account that
6 accepts donations or contributions that do not com-
7 ply with the contribution limits or source prohibi-
8 tions under this Act, but only with respect to such
9 accounts.

10 “(f) COVERED TRANSFER DEFINED.—

11 “(1) IN GENERAL.—In this section, the term
12 ‘covered transfer’ means any transfer or payment of
13 funds by a covered organization to another person if
14 the covered organization—

15 “(A) designates, requests, or suggests that
16 the amounts be used for—

17 “(i) campaign-related disbursements
18 (other than covered transfers); or

19 “(ii) making a transfer to another
20 person for the purpose of making or pay-
21 ing for such campaign-related disburse-
22 ments;

23 “(B) made such transfer or payment in re-
24 sponse to a solicitation or other request for a
25 donation or payment for—

1 “(i) the making of or paying for cam-
2 paign-related disbursements (other than
3 covered transfers); or

4 “(ii) making a transfer to another
5 person for the purpose of making or pay-
6 ing for such campaign-related disburse-
7 ments;

8 “(C) engaged in discussions with the re-
9 cipient of the transfer or payment regarding—

10 “(i) the making of or paying for cam-
11 paign-related disbursements (other than
12 covered transfers); or

13 “(ii) donating or transferring any
14 amount of such transfer or payment to an-
15 other person for the purpose of making or
16 paying for such campaign-related disburse-
17 ments; or

18 “(D) knew or had reason to know that the
19 person receiving the transfer or payment would
20 make campaign-related disbursements in an ag-
21 gregate amount of \$50,000 or more during the
22 2-year period beginning on the date of the
23 transfer or payment.

24 “(2) EXCLUSIONS.—The term ‘covered transfer’
25 does not include any of the following:

1 “(A) A disbursement made by a covered
2 organization in a commercial transaction in the
3 ordinary course of any trade or business con-
4 ducted by the covered organization or in the
5 form of investments made by the covered orga-
6 nization.

7 “(B) A disbursement made by a covered
8 organization if—

9 “(i) the covered organization prohib-
10 ited, in writing, the use of such disburse-
11 ment for campaign-related disbursements;
12 and

13 “(ii) the recipient of the disbursement
14 agreed to follow the prohibition and depos-
15 ited the disbursement in an account which
16 is segregated from any account used to
17 make campaign-related disbursements.

18 “(3) SPECIAL RULE REGARDING TRANSFERS
19 AMONG AFFILIATES.—

20 “(A) SPECIAL RULE.—A transfer of an
21 amount by one covered organization to another
22 covered organization which is treated as a
23 transfer between affiliates under subparagraph
24 (C) shall be considered a covered transfer by
25 the covered organization which transfers the

1 amount only if the aggregate amount trans-
2 ferred during the year by such covered organi-
3 zation to that same covered organization is
4 equal to or greater than \$50,000.

5 “(B) DETERMINATION OF AMOUNT OF
6 CERTAIN PAYMENTS AMONG AFFILIATES.—In
7 determining the amount of a transfer between
8 affiliates for purposes of subparagraph (A), to
9 the extent that the transfer consists of funds
10 attributable to dues, fees, or assessments which
11 are paid by individuals on a regular, periodic
12 basis in accordance with a per-individual cal-
13 culation which is made on a regular basis, the
14 transfer shall be attributed to the individuals
15 paying the dues, fees, or assessments and shall
16 not be attributed to the covered organization.

17 “(C) DESCRIPTION OF TRANSFERS BE-
18 TWEEN AFFILIATES.—A transfer of amounts
19 from one covered organization to another cov-
20 ered organization shall be treated as a transfer
21 between affiliates if—

22 “(i) one of the organizations is an af-
23 filiate of the other organization; or

24 “(ii) each of the organizations is an
25 affiliate of the same organization,

1 except that the transfer shall not be treated as
2 a transfer between affiliates if one of the orga-
3 nizations is established for the purpose of mak-
4 ing campaign-related disbursements.

5 “(D) DETERMINATION OF AFFILIATE STA-
6 TUS.—For purposes of subparagraph (C), a
7 covered organization is an affiliate of another
8 covered organization if—

9 “(i) the governing instrument of the
10 organization requires it to be bound by de-
11 cisions of the other organization;

12 “(ii) the governing board of the orga-
13 nization includes persons who are specifi-
14 cally designated representatives of the
15 other organization or are members of the
16 governing board, officers, or paid executive
17 staff members of the other organization, or
18 whose service on the governing board is
19 contingent upon the approval of the other
20 organization; or

21 “(iii) the organization is chartered by
22 the other organization.

23 “(E) COVERAGE OF TRANSFERS TO AF-
24 FILATED SECTION 501(c)(3) ORGANIZA-
25 TIONS.—This paragraph shall apply with re-

1 spect to an amount transferred by a covered or-
2 organization to an organization described in para-
3 graph (3) of section 501(c) of the Internal Rev-
4 enue Code of 1986 and exempt from tax under
5 section 501(a) of such Code in the same man-
6 ner as this paragraph applies to an amount
7 transferred by a covered organization to an-
8 other covered organization.

9 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
10 MENTS.—Except as provided in subsection (b)(1), nothing
11 in this section shall be construed to waive or otherwise
12 affect any other requirement of this Act which relates to
13 the reporting of campaign-related disbursements.”.

14 (b) CONFORMING AMENDMENT.—Section 304(f)(6)
15 of such Act (52 U.S.C. 30104) is amended by striking
16 “Any requirement” and inserting “Except as provided in
17 section 324(b), any requirement”.

18 (c) REGULATIONS.—Not later than 6 months after
19 the date of the enactment of this Act, the Federal Election
20 Commission shall promulgate regulations relating the ap-
21 plication of the exemption under section 324(a)(3)(C) of
22 the Federal Election Campaign Act of 1971 (as added by
23 paragraph (1)). Such regulations—

24 (1) shall require that the legal burden of estab-
25 lishing eligibility for such exemption is upon the or-

1 organization required to make the report required
2 under section 324(a)(1) of such Act (as added by
3 paragraph (1)), and

4 (2) shall be consistent with the principles ap-
5 plied in *Citizens United v. Federal Election Commis-*
6 *sion*, 558 U.S. 310 (2010).

7 **SEC. 6012. REPORTING OF FEDERAL JUDICIAL NOMINA-**
8 **TION DISBURSEMENTS.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) A fair and impartial judiciary is critical for
12 our democracy and crucial to maintain the faith of
13 the people of the United States in the justice sys-
14 tem. As the Supreme Court held in *Caperton v.*
15 *Massey*, “there is a serious risk of actual bias—
16 based on objective and reasonable perceptions—
17 when a person with a personal stake in a particular
18 case had a significant and disproportionate influence
19 in placing the judge on the case.” (*Caperton v. A.*
20 *T. Massey Coal Co.*, 556 U.S. 868, 884 (2009)).

21 (2) Public trust in government is at a historic
22 low. According to polling, most Americans believe
23 that corporations have too much power and influence
24 in politics and the courts.

1 (3) The prevalence and pervasiveness of dark
2 money drives public concern about corruption in pol-
3 itics and the courts. Dark money is funding for or-
4 ganizations and political activities that cannot be
5 traced to actual donors. It is made possible by loop-
6 holes in our tax laws and regulations, weak oversight
7 by the Internal Revenue Service, and donor-friendly
8 court decisions.

9 (4) Under current law, “social welfare” organi-
10 zations and business leagues can use funds to influ-
11 ence elections so long as political activity is not their
12 “primary” activity. Super PACs can accept and
13 spend unlimited contributions from any non-foreign
14 source. These groups can spend tens of millions of
15 dollars on political activities. Such dark money
16 groups spent an estimated \$1,050,000,000 in the
17 2020 election cycle.

18 (5) Dark money is used to shape judicial deci-
19 sion-making. This can take many forms, akin to
20 agency capture: influencing judicial selection by con-
21 trolling who gets nominated and funding candidate
22 advertisements; creating public relations campaigns
23 aimed at mobilizing the judiciary around particular
24 issues; and drafting law review articles, amicus
25 briefs, and other products which tell judges how to

1 decide a given case and provide ready-made argu-
2 ments for willing judges to adopt.

3 (6) Over the past decade, nonprofit organiza-
4 tions that do not disclose their donors have spent
5 hundreds of millions of dollars to influence the nomi-
6 nation and confirmation process for Federal judges.
7 One organization alone has spent nearly
8 \$40,000,000 on advertisements supporting or oppos-
9 ing Supreme Court nominees since 2016.

10 (7) Anonymous money spent on judicial nomi-
11 nations is not subject to any disclosure require-
12 ments. Federal election laws only regulate contribu-
13 tions and expenditures relating to electoral politics;
14 thus, expenditures, contributions, and advocacy ef-
15 forts for Federal judgeships are not covered under
16 the Federal Election Campaign Act of 1971. With-
17 out more disclosure, the public has no way of know-
18 ing whether the people spending money supporting
19 or opposing judicial nominations have business be-
20 fore the courts.

21 (8) Congress and the American people have a
22 compelling interest in knowing who is funding these
23 campaigns to select and confirm judges to lifetime
24 appointments on the Federal bench.

1 (b) REPORTING.—Section 324 of the Federal Elec-
2 tion Campaign Act of 1971 (52 U.S.C. 30126), as amend-
3 ed by section 6011, is amended by redesignating sub-
4 section (g) as subsection (h) and by inserting after sub-
5 section (f) the following new subsection:

6 “(g) APPLICATION TO FEDERAL JUDICIAL NOMINA-
7 TIONS.—

8 “(1) IN GENERAL.—For purposes of this sec-
9 tion—

10 “(A) a disbursement by a covered organi-
11 zation for a Federal judicial nomination com-
12 munication shall be treated as a campaign-re-
13 lated disbursement; and

14 “(B) in the case of campaign-related dis-
15 bursements which are for Federal judicial nomi-
16 nation communications—

17 “(i) the dollar amounts in paragraphs
18 (1) and (2) of subsection (a) shall be ap-
19 plied separately with respect to such dis-
20 bursements and other campaign-related
21 disbursements;

22 “(ii) the election reporting cycle shall
23 be the calendar year in which the disburse-
24 ment for the Federal judicial nomination
25 communication is made;

1 “(iii) references to a candidate in sub-
2 sections (a)(2)(C), (a)(2)(D), and
3 (a)(3)(C) shall be treated as references to
4 a nominee for a Federal judge or justice;

5 “(iv) the reference to an election in
6 subsection (a)(2)(C) shall be treated as a
7 reference to the nomination of such nomi-
8 nee.

9 “(2) FEDERAL JUDICIAL NOMINATION COMMU-
10 NICATION.—

11 “(A) IN GENERAL.—The term ‘Federal ju-
12 dicial nomination communication’ means any
13 communication—

14 “(i) that is by means of any broad-
15 cast, cable, or satellite, paid internet, or
16 paid digital communication, paid pro-
17 motion, newspaper, magazine, outdoor ad-
18 vertising facility, mass mailing, telephone
19 bank, telephone messaging effort of more
20 than 500 substantially similar calls or elec-
21 tronic messages within a 30-day period, or
22 any other form of general public political
23 advertising; and

24 “(ii) which promotes, supports, at-
25 tacks, or opposes the nomination or Senate

1 confirmation of an individual as a Federal
2 judge or justice.

3 “(B) EXCEPTION.—Such term shall not in-
4 clude any news story, commentary, or editorial
5 distributed through the facilities of any broad-
6 casting station or any print, online, or digital
7 newspaper, magazine, publication, or periodical,
8 unless such facilities are owned or controlled by
9 any political party, political committee, or can-
10 didate.

11 “(C) INTENT NOT REQUIRED.—A disburse-
12 ment for an item described in subparagraph (A)
13 shall be treated as a disbursement for a Federal
14 judicial nomination communication regardless
15 of the intent of the person making the disburse-
16 ment.”.

17 **SEC. 6013. COORDINATION WITH FINCEN.**

18 (a) IN GENERAL.—The Director of the Financial
19 Crimes Enforcement Network of the Department of the
20 Treasury shall provide the Federal Election Commission
21 with such information as necessary to assist in admin-
22 istering and enforcing section 324 of the Federal Election
23 Campaign Act of 1971, as amended by this part.

24 (b) REPORT.—Not later than 6 months after the date
25 of the enactment of this Act, the Chairman of the Federal

1 Election Commission, in consultation with the Director of
2 the Financial Crimes Enforcement Network of the De-
3 partment of the Treasury, shall submit to Congress a re-
4 port with recommendations for providing further legisla-
5 tive authority to assist in the administration and enforce-
6 ment of such section 324.

7 **SEC. 6014. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
8 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
9 **BURSEMENTS CONSISTING OF COVERED**
10 **TRANSFERS.**

11 Section 319(b)(2) of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by
13 section 6003, is amended—

14 (1) by striking “includes any disbursement”
15 and inserting “includes—

16 “(A) any disbursement”;

17 (2) by striking the period at the end and insert-
18 ing “; and”, and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(B) any disbursement, other than a dis-
22 bursement described in section 324(a)(3)(A), to
23 another person who made a campaign-related
24 disbursement consisting of a covered transfer
25 (as described in section 324) during the 2-year

1 period ending on the date of the disburse-
2 ment.”.

3 **SEC. 6015. EFFECTIVE DATE.**

4 The amendments made by this part shall apply with
5 respect to disbursements made on or after January 1,
6 2023, and shall take effect without regard to whether or
7 not the Federal Election Commission has promulgated
8 regulations to carry out such amendments.

9 **PART 3—OTHER ADMINISTRATIVE REFORMS**

10 **SEC. 6021. PETITION FOR CERTIORARI.**

11 Section 307(a)(6) of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
13 serting “(including a proceeding before the Supreme
14 Court on certiorari)” after “appeal”.

15 **SEC. 6022. JUDICIAL REVIEW OF ACTIONS RELATED TO**
16 **CAMPAIGN FINANCE LAWS.**

17 (a) IN GENERAL.—Title IV of the Federal Election
18 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
19 amended by inserting after section 406 the following new
20 section:

21 **“SEC. 407. JUDICIAL REVIEW.**

22 “(a) IN GENERAL.—If any action is brought for de-
23 claratory or injunctive relief to challenge, whether facially
24 or as-applied, the constitutionality or lawfulness of any
25 provision of this Act, including title V, or of chapter 95

1 or 96 of the Internal Revenue Code of 1986, or is brought
2 to with respect to any action of the Commission under
3 chapter 95 or 96 of the Internal Revenue Code of 1986,
4 the following rules shall apply:

5 “(1) The action shall be filed in the United
6 States District Court for the District of Columbia
7 and an appeal from the decision of the district court
8 may be taken to the Court of Appeals for the Dis-
9 trict of Columbia Circuit.

10 “(2) In the case of an action relating to declar-
11 atory or injunctive relief to challenge the constitu-
12 tionality of a provision, the party filing the action
13 shall concurrently deliver a copy of the complaint to
14 the Clerk of the House of Representatives and the
15 Secretary of the Senate.

16 “(3) It shall be the duty of the United States
17 District Court for the District of Columbia and the
18 Court of Appeals for the District of Columbia Cir-
19 cuit to advance on the docket and to expedite to the
20 greatest possible extent the disposition of the action
21 and appeal.

22 “(b) CLARIFYING SCOPE OF JURISDICTION.—If an
23 action at the time of its commencement is not subject to
24 subsection (a), but an amendment, counterclaim, cross-
25 claim, affirmative defense, or any other pleading or motion

1 is filed challenging, whether facially or as-applied, the con-
2 stitutionality or lawfulness of this Act or of chapter 95
3 or 96 of the Internal Revenue Code of 1986, or is brought
4 to with respect to any action of the Commission under
5 chapter 95 or 96 of the Internal Revenue Code of 1986,
6 the district court shall transfer the action to the District
7 Court for the District of Columbia, and the action shall
8 thereafter be conducted pursuant to subsection (a).

9 “(c) INTERVENTION BY MEMBERS OF CONGRESS.—
10 In any action described in subsection (a) relating to de-
11 claratory or injunctive relief to challenge the constitu-
12 tionality of a provision, any Member of the House of Rep-
13 resentatives (including a Delegate or Resident Commis-
14 sioner to the Congress) or Senate shall have the right to
15 intervene either in support of or opposition to the position
16 of a party to the case regarding the constitutionality of
17 the provision. To avoid duplication of efforts and reduce
18 the burdens placed on the parties to the action, the court
19 in any such action may make such orders as it considers
20 necessary, including orders to require interveners taking
21 similar positions to file joint papers or to be represented
22 by a single attorney at oral argument.

23 “(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any
24 Member of Congress may bring an action, subject to the
25 special rules described in subsection (a), for declaratory

1 or injunctive relief to challenge, whether facially or as-ap-
2 plied, the constitutionality of any provision of this Act or
3 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 9011 of the Internal Revenue Code
6 of 1986 is amended to read as follows:

7 **“SEC. 9011. JUDICIAL REVIEW.**

8 “For provisions relating to judicial review of certifi-
9 cations, determinations, and actions by the Commission
10 under this chapter, see section 407 of the Federal Election
11 Campaign Act of 1971.”.

12 (2) Section 9041 of the Internal Revenue Code
13 of 1986 is amended to read as follows:

14 **“SEC. 9041. JUDICIAL REVIEW.**

15 “For provisions relating to judicial review of actions
16 by the Commission under this chapter, see section 407 of
17 the Federal Election Campaign Act of 1971.”.

18 (3) Section 310 of the Federal Election Cam-
19 paign Act of 1971 (52 U.S.C. 30110) is repealed.

20 (4) Section 403 of the Bipartisan Campaign
21 Reform Act of 2002 (52 U.S.C. 30110 note) is re-
22 pealed.

23 **SEC. 6023. EFFECTIVE DATE.**

24 The amendments made by this subtitle shall take ef-
25 fect and apply on the date of the enactment of this Act,

1 without regard to whether or not the Federal Election
2 Commission has promulgated regulations to carry out this
3 subtitle and the amendments made by this subtitle.

4 **Subtitle B—Honest Ads**

5 **SEC. 6101. SHORT TITLE.**

6 This subtitle may be cited as the “Honest Ads Act”.

7 **SEC. 6102. PURPOSE.**

8 The purpose of this subtitle is to enhance the integ-
9 rity of American democracy and national security by im-
10 proving disclosure requirements for online political adver-
11 tisements in order to uphold the Supreme Court’s well-
12 established standard that the electorate bears the right to
13 be fully informed.

14 **SEC. 6103. FINDINGS.**

15 Congress makes the following findings:

16 (1) In 2002, the Bipartisan Campaign Reform
17 Act of 2002 (Public Law 107–155) became law, es-
18 tablishing disclosure requirements for political adver-
19 tisements distributed from a television or radio
20 broadcast station or provider of cable or satellite tel-
21 evision. In 2003, the Supreme Court upheld regula-
22 tions on electioneering communications established
23 under the Act, noting that such requirements “pro-
24 vide the electorate with information and insure that
25 the voters are fully informed about the person or

1 group who is speaking.” The Court reaffirmed this
2 conclusion in 2010 by an 8–1 vote.

3 (2) In its 2006 rulemaking, the Federal Elec-
4 tion Commission, the independent Federal agency
5 charged with protecting the integrity of the Federal
6 campaign finance process, noted that 18 percent of
7 all Americans cited the internet as their leading
8 source of news about the 2004 Presidential election.
9 By contrast, Gallup and the Knight Foundation
10 found in 2020 that the majority of Americans, 58
11 percent, got most of their news about elections on-
12 line.

13 (3) According to a study from Borrell Associ-
14 ates, in 2016, \$1,415,000,000 was spent on online
15 advertising, more than quadruple the amount in
16 2012.

17 (4) Effective and complete transparency for vot-
18 ers must include information about the true and
19 original source of money given, transferred, and
20 spent on political advertisements made online.

21 (5) Requiring the disclosure of this information
22 is a necessary and narrowly tailored means to in-
23 form the voting public of who is behind digital ad-
24 vertising disseminated to influence their votes and to
25 enable the Federal Election Commission and the De-

1 partment of Justice to detect and prosecute illegal
2 foreign spending on local, State, and Federal elec-
3 tions and other campaign finance violations.

4 (6) Paid advertising on large online platforms is
5 different from advertising placed on other common
6 media in terms of the comparatively low cost of
7 reaching large numbers of people, the availability of
8 sophisticated microtargeting, and the ease with
9 which online advertisers, particularly those located
10 outside the United States, can evade disclosure re-
11 quirements. Requiring large online platforms to
12 maintain public files of information about the online
13 political ads they disseminate is the best and least
14 restrictive means to ensure the voting public has
15 complete information about who is trying to influ-
16 ence their votes and to aid enforcement of other
17 laws, including the prohibition on foreign money in
18 domestic campaigns.

19 (7) The reach of a few large internet plat-
20 forms—larger than any broadcast, satellite, or cable
21 provider—has greatly facilitated the scope and effec-
22 tiveness of disinformation campaigns. For instance,
23 the largest platform has over 210,000,000 American
24 users—over 160,000,000 of them on a daily basis.
25 By contrast, the largest cable television provider has

1 22,430,000 subscribers, while the largest satellite
2 television provider has 21,000,000 subscribers. And
3 the most-watched television broadcast in United
4 States history had 118,000,000 viewers.

5 (8) The public nature of broadcast television,
6 radio, and satellite ensures a level of publicity for
7 any political advertisement. These communications
8 are accessible to the press, fact-checkers, and polit-
9 ical opponents. This creates strong disincentives for
10 a candidate to disseminate materially false, inflam-
11 matory, or contradictory messages to the public. So-
12 cial media platforms, in contrast, can target portions
13 of the electorate with direct, ephemeral advertise-
14 ments often on the basis of private information the
15 platform has on individuals, enabling political adver-
16 tisements that are contradictory, racially or socially
17 inflammatory, or materially false.

18 (9) According to comscore, 2 companies own 8
19 of the 10 most popular smart phone applications as
20 of June 2017, including the most popular social
21 media and email services which deliver information
22 and news to users without requiring proactivity by
23 the user. Those same 2 companies accounted for 99
24 percent of revenue growth from digital advertising in
25 2016, including 77 percent of gross spending. 79

1 percent of online Americans—representing 68 per-
2 cent of all Americans—use the single largest social
3 network, while 66 percent of these users are most
4 likely to get their news from that site.

5 (10) Large social media platforms are the only
6 entities in possession of certain key data related to
7 paid online ads, including the exact audience tar-
8 geted by those ads and their number of impressions.
9 Such information, which cannot be reliably disclosed
10 by the purchasers of ads, is extremely useful for in-
11 forming the electorate, guarding against corruption,
12 and aiding in the enforcement of existing campaign
13 finance regulations.

14 (11) Paid advertisements on social media plat-
15 forms have served as critical tools for foreign online
16 influence campaigns—even those that rely on large
17 amounts of unpaid content—because such ads allow
18 foreign actors to test the effectiveness of different
19 messages, expose their messages to audiences who
20 have not sought out such content, and recruit audi-
21 ences for future campaigns and posts.

22 (12) In testimony before the Senate Select
23 Committee on Intelligence titled, “Disinformation: A
24 Primer in Russian Active Measures and Influence
25 Campaigns”, multiple expert witnesses testified that

1 while the disinformation tactics of foreign adver-
2 saries have not necessarily changed, social media
3 services now provide “platform[s] practically pur-
4 pose-built for active measures[.]” Similarly, as Gen.
5 Keith B. Alexander (RET.), the former Director of
6 the National Security Agency, testified, during the
7 Cold War “if the Soviet Union sought to manipulate
8 information flow, it would have to do so principally
9 through its own propaganda outlets or through ac-
10 tive measures that would generate specific news:
11 planting of leaflets, inciting of violence, creation of
12 other false materials and narratives. But the news
13 itself was hard to manipulate because it would have
14 required actual control of the organs of media, which
15 took long-term efforts to penetrate. Today, however,
16 because the clear majority of the information on so-
17 cial media sites is uncurated and there is a rapid
18 proliferation of information sources and other sites
19 that can reinforce information, there is an increasing
20 likelihood that the information available to average
21 consumers may be inaccurate (whether intentionally
22 or otherwise) and may be more easily manipulable
23 than in prior eras.”

24 (13) On November 24, 2016, The Washington
25 Post reported findings from 2 teams of independent

1 researchers that concluded Russians “exploited
2 American-made technology platforms to attack U.S.
3 democracy at a particularly vulnerable moment ***
4 as part of a broadly effective strategy of sowing dis-
5 trust in U.S. democracy and its leaders.”.

6 (14) On January 6, 2017, the Office of the Di-
7 rector of National Intelligence published a report ti-
8 tled “Assessing Russian Activities and Intentions in
9 Recent U.S. Elections”, noting that “Russian Presi-
10 dent Vladimir Putin ordered an influence campaign
11 in 2016 aimed at the US presidential election * *
12 *”. Moscow’s influence campaign followed a Russian
13 messaging strategy that blends covert intelligence
14 operation—such as cyber activity—with overt efforts
15 by Russian Government agencies, state-funded
16 media, third-party intermediaries, and paid social
17 media users or “trolls”.

18 (15) On September 6, 2017, the nation’s larg-
19 est social media platform disclosed that between
20 June 2015 and May 2017, Russian entities pur-
21 chased \$100,000 in political advertisements, pub-
22 lishing roughly 3,000 ads linked to fake accounts as-
23 sociated with the Internet Research Agency, a pro-
24 Kremlin organization. According to the company,

1 the ads purchased focused “on amplifying divisive
2 social and political messages ***”.

3 (16) Findings from a 2017 study on the manip-
4 ulation of public opinion through social media con-
5 ducted by the Computational Propaganda Research
6 Project at the Oxford Internet Institute found that
7 the Kremlin is using pro-Russian bots to manipulate
8 public discourse to a highly targeted audience. With
9 a sample of nearly 1,300,000 tweets, researchers
10 found that in the 2016 election’s 3 decisive States,
11 propaganda constituted 40 percent of the sampled
12 election-related tweets that went to Pennsylvanians,
13 34 percent to Michigan voters, and 30 percent to
14 those in Wisconsin. In other swing States, the figure
15 reached 42 percent in Missouri, 41 percent in Flor-
16 ida, 40 percent in North Carolina, 38 percent in
17 Colorado, and 35 percent in Ohio.

18 (17) 2018 reporting by the Washington Post
19 estimated that paid Russian ads received more than
20 37,000,000 impressions in 2016 and 2017.

21 (18) A 2019 Senate Select Committee on
22 Intelligence’s Report on Russian Active Measures
23 Campaigns and Interference in the 2016 U.S. Elec-
24 tion Volume 2: Russia’s Use of Social Media with
25 Additional Views, the Committee recommended

1 “that Congress examine legislative approaches to en-
2 suring Americans know the sources of online polit-
3 ical advertisements. The Federal Election Campaign
4 Act of 1971 requires political advertisements on tele-
5 vision, radio and satellite to disclose the sponsor of
6 the advertisement. The same requirements should
7 apply online. This will also help to ensure that the
8 IRA or any similarly situated actors cannot use paid
9 advertisements for purposes of foreign inter-
10 ference.”.

11 (19) A 2020 study by researchers at New York
12 University found undisclosed political advertisement
13 purchases on a large social media platform by a Chi-
14 nese state media company in violation of that plat-
15 form’s supposed prohibitions on foreign spending on
16 ads of social, national, or electoral importance.

17 (20) The same study also found that “there are
18 persistent issues with advertisers failing to disclose
19 political ads” and that in one social media plat-
20 form’s political ad archive, 68,879 pages (54.6 per-
21 cent of pages with political ads included in the ar-
22 chive) never provided a disclosure. Overall, there
23 were 357,099 ads run on that platforms without a
24 disclosure, accounting for at least \$37,000,000 in
25 spending on political ads.

1 (21) A 2020 report by the bipartisan and bi-
2 cameral U.S. Cyberspace Solarium Commission
3 found that “Although foreign nationals are banned
4 from contributing to U.S. political campaigns, they
5 are still allowed to purchase U.S. political advertise-
6 ments online, making the internet a fertile environ-
7 ment for conducting a malign influence campaign to
8 undermine American elections.” The Commission
9 concluded that Russian interference in the 2016
10 election was and still is possible, “because the
11 FECA, which establishes rules for transparency in
12 television, radio, and print media political adver-
13 tising, has not been amended to extend the same po-
14 litical advertising requirements to internet plat-
15 forms,” and that “[a]pplying these standards across
16 all media of communication would, among other
17 things, increase transparency of funding for political
18 advertisements, which would in turn strengthen reg-
19 ulators’ ability to reduce improper foreign influence
20 in our elections.”

21 (22) On March 16, 2021, the Office of the Di-
22 rector of National Intelligence released the declas-
23 sified Intelligence Community assessment of foreign
24 threats to the 2020 U.S. Federal elections. The de-
25 classified report found: “Throughout the election

1 cycle, Russia’s online influence actors sought to af-
2 fect U.S. public perceptions of the candidates, as
3 well as advance Moscow’s longstanding goals of un-
4 dermining confidence in US election processes and
5 increasing sociopolitical divisions among the Amer-
6 ican people.” The report also determined that Iran
7 sought to influence the election by “creating and
8 amplifying social media content that criticized [can-
9 didates].”

10 (23) According to a Wall Street Journal report
11 in April 2021, voluntary ad libraries operated by
12 major platforms rely on foreign governments to self-
13 report political ad purchases. These ad-buys, includ-
14 ing those diminishing major human rights violations
15 like the Uighur genocide, are under-reported by for-
16 eign government purchasers, with no substantial
17 oversight or repercussions from the platforms.

18 (24) Multiple reports have indicated that online
19 ads have become a key vector for strategic influence
20 by the People’s Republic of China. An April 2021
21 Wall Street Journal report noted that the Chinese
22 government and Chinese state-owned enterprises are
23 major purchasers of ads on the U.S.’s largest social
24 media platform, including to advance Chinese propa-
25 ganda.

1 (25) Large online platforms have made changes
2 to their policies intended to make it harder for for-
3 eign actors to purchase political ads. However, these
4 private actions have not been taken by all platforms,
5 have not been reliably enforced, and are subject to
6 immediate change at the discretion of the platforms.

7 (26) The Federal Election Commission has
8 failed to take action to address online political ad-
9 vertisements and current regulations on political ad-
10 vertisements do not provide sufficient transparency
11 to uphold the public’s right to be fully informed
12 about political advertisements made online.

13 **SEC. 6104. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the dramatic increase in digital political ad-
16 vertisements, and the growing centrality of online
17 platforms in the lives of Americans, requires the
18 Congress and the Federal Election Commission to
19 take meaningful action to ensure that laws and reg-
20 ulations provide the accountability and transparency
21 that is fundamental to our democracy;

22 (2) free and fair elections require both trans-
23 parency and accountability which give the public a
24 right to know the true sources of funding for polit-
25 ical advertisements, be they foreign or domestic, in

1 order to make informed political choices and hold
2 elected officials accountable; and

3 (3) transparency of funding for political adver-
4 tisements is essential to enforce other campaign fi-
5 nance laws, including the prohibition on campaign
6 spending by foreign nationals.

7 **SEC. 6105. EXPANSION OF DEFINITION OF PUBLIC COMMU-
8 NICATION.**

9 (a) IN GENERAL.—Paragraph (22) of section 301 of
10 the Federal Election Campaign Act of 1971 (52 U.S.C.
11 30101(22)) is amended by striking “or satellite commu-
12 nication” and inserting “satellite, paid internet, or paid
13 digital communication”.

14 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
15 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
16 amended—

17 (1) in paragraph (8)(B)(v), by striking “on
18 broadcasting stations, or in newspapers, magazines,
19 or similar types of general public political adver-
20 tising” and inserting “in any public communica-
21 tion”; and

22 (2) in paragraph (9)(B)—

23 (A) by amending clause (i) to read as fol-
24 lows:

1 “(i) any news story, commentary, or
2 editorial distributed through the facilities
3 of any broadcasting station or any print,
4 online, or digital newspaper, magazine,
5 blog, publication, or periodical, unless such
6 broadcasting, print, online, or digital facili-
7 ties are owned or controlled by any polit-
8 ical party, political committee, or can-
9 didate;” and

10 (B) in clause (iv), by striking “on broad-
11 casting stations, or in newspapers, magazines,
12 or similar types of general public political ad-
13 vertising” and inserting “in any public commu-
14 nication”.

15 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
16 Subsection (a) of section 318 of such Act (52 U.S.C.
17 30120) is amended—

18 (1) by striking “financing any communication
19 through any broadcasting station, newspaper, maga-
20 zine, outdoor advertising facility, mailing, or any
21 other type of general public political advertising”
22 and inserting “financing any public communication”;
23 and

24 (2) by striking “solicits any contribution
25 through any broadcasting station, newspaper, maga-

1 zine, outdoor advertising facility, mailing, or any
2 other type of general public political advertising”
3 and inserting “solicits any contribution through any
4 public communication”.

5 (d) **EFFECTIVE DATE.**—The amendments made by
6 this section shall take effect on the date of the enactment
7 of this Act and shall take effect without regard to whether
8 or not the Federal Election Commission has promulgated
9 the final regulations necessary to carry out this part and
10 the amendments made by this part by the deadline set
11 forth in subsection (e).

12 (e) **REGULATION.**—Not later than 1 year after the
13 date of the enactment of this Act, the Federal Election
14 Commission shall promulgate regulations on what con-
15 stitutes a paid internet or paid digital communication for
16 purposes of paragraph (22) of section 301 of the Federal
17 Election Campaign Act of 1971(52 U.S.C. 30101(22)), as
18 amended by subsection (a), except that such regulation
19 shall not define a paid internet or paid digital communica-
20 tion to include communications for which the only pay-
21 ment consists of internal resources, such as employee com-
22 pensation, of the entity paying for the communication.

23 **SEC. 6106. EXPANSION OF DEFINITION OF ELECTION-**
24 **EERING COMMUNICATION.**

25 (a) **EXPANSION TO ONLINE COMMUNICATIONS.**—

1 (1) APPLICATION TO QUALIFIED INTERNET AND
2 DIGITAL COMMUNICATIONS.—

3 (A) IN GENERAL.—Subparagraph (A) of
4 section 304(f)(3) of the Federal Election Cam-
5 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
6 is amended by striking “or satellite communica-
7 tion” each place it appears in clauses (i) and
8 (ii) and inserting “satellite, or qualified internet
9 or digital communication”.

10 (B) QUALIFIED INTERNET OR DIGITAL
11 COMMUNICATION.—Paragraph (3) of section
12 304(f) of such Act (52 U.S.C. 30104(f)) is
13 amended by adding at the end the following
14 new subparagraph:

15 “(D) QUALIFIED INTERNET OR DIGITAL
16 COMMUNICATION.—The term ‘qualified internet
17 or digital communication’ means any commu-
18 nication which is placed or promoted for a fee
19 on an online platform (as defined in subsection
20 (k)(3)).”.

21 (2) NONAPPLICATION OF RELEVANT ELEC-
22 TORATE TO ONLINE COMMUNICATIONS.—Section
23 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
24 30104(f)(3)(A)(i)(III)) is amended by inserting “any

1 broadcast, cable, or satellite” before “communica-
2 tion”.

3 (3) NEWS EXEMPTION.—Section
4 304(f)(3)(B)(i) of such Act (52 U.S.C.
5 30104(f)(3)(B)(i)) is amended to read as follows:

6 “(i) a communication appearing in a
7 news story, commentary, or editorial dis-
8 tributed through the facilities of any
9 broadcasting station or any online or dig-
10 ital newspaper, magazine, blog, publica-
11 tion, or periodical, unless such broad-
12 casting, online, or digital facilities are
13 owned or controlled by any political party,
14 political committee, or candidate;”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to communications
17 made on or after January 1, 2023 and shall take effect
18 without regard to whether or not the Federal Election
19 Commission has promulgated regulations to carry out
20 such amendments.

21 **SEC. 6107. APPLICATION OF DISCLAIMER STATEMENTS TO**
22 **ONLINE COMMUNICATIONS.**

23 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
24 MENT.—Subsection (a) of section 318 of the Federal Elec-

1 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
2 amended—

3 (1) by striking “shall clearly state” each place
4 it appears in paragraphs (1), (2), and (3) and in-
5 serting “shall state in a clear and conspicuous man-
6 ner”; and

7 (2) by adding at the end the following flush
8 sentence: “For purposes of this section, a commu-
9 nication does not make a statement in a clear and
10 conspicuous manner if it is difficult to read or hear
11 or if the placement is easily overlooked.”.

12 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
13 DIGITAL COMMUNICATIONS.—

14 (1) IN GENERAL.—Section 318 of such Act (52
15 U.S.C. 30120) is amended by adding at the end the
16 following new subsection:

17 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
18 DIGITAL COMMUNICATIONS.—

19 “(1) SPECIAL RULES WITH RESPECT TO STATE-
20 MENTS.—In the case of any qualified internet or
21 digital communication (as defined in section
22 304(f)(3)(D)) which is disseminated through a me-
23 dium in which the provision of all of the information
24 specified in this section is not possible, the commu-
25 nication shall, in a clear and conspicuous manner—

1 “(A) state the name of the person who
2 paid for the communication; and

3 “(B) provide a means for the recipient of
4 the communication to obtain the remainder of
5 the information required under this section with
6 minimal effort and without receiving or viewing
7 any additional material other than such re-
8 quired information.

9 “(2) SAFE HARBOR FOR DETERMINING CLEAR
10 AND CONSPICUOUS MANNER.—A statement in quali-
11 fied internet or digital communication (as defined in
12 section 304(f)(3)(D)) shall be considered to be made
13 in a clear and conspicuous manner as provided in
14 subsection (a) if the communication meets the fol-
15 lowing requirements:

16 “(A) TEXT OR GRAPHIC COMMUNICA-
17 TIONS.—In the case of a text or graphic com-
18 munication, the statement—

19 “(i) appears in letters at least as large
20 as the majority of the text in the commu-
21 nication; and

22 “(ii) meets the requirements of para-
23 graphs (2) and (3) of subsection (c).

24 “(B) AUDIO COMMUNICATIONS.—In the
25 case of an audio communication, the statement

1 is spoken in a clearly audible and intelligible
2 manner at the beginning or end of the commu-
3 nication and lasts at least 3 seconds.

4 “(C) VIDEO COMMUNICATIONS.—In the
5 case of a video communication which also in-
6 cludes audio, the statement—

7 “(i) is included at either the beginning
8 or the end of the communication; and

9 “(ii) is made both in—

10 “(I) a written format that meets
11 the requirements of subparagraph (A)
12 and appears for at least 4 seconds;
13 and

14 “(II) an audible format that
15 meets the requirements of subpara-
16 graph (B).

17 “(D) OTHER COMMUNICATIONS.—In the
18 case of any other type of communication, the
19 statement is at least as clear and conspicuous
20 as the statement specified in subparagraph (A),
21 (B), or (C).”.

22 (2) NONAPPLICATION OF CERTAIN EXCEP-
23 TIONS.—The exceptions provided in section
24 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
25 Regulations, or any successor to such rules, shall

1 have no application to qualified internet or digital
2 communications (as defined in section 304(f)(3)(D)
3 of the Federal Election Campaign Act of 1971).

4 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
5 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
6 Act (52 U.S.C. 30120(d)) is amended—

7 (1) in paragraph (1)(A)—

8 (A) by striking “which is transmitted
9 through radio” and inserting “which is in an
10 audio format”; and

11 (B) by striking “BY RADIO” in the heading
12 and inserting “AUDIO FORMAT”;

13 (2) in paragraph (1)(B)—

14 (A) by striking “which is transmitted
15 through television” and inserting “which is in
16 video format”; and

17 (B) by striking “BY TELEVISION” in the
18 heading and inserting “VIDEO FORMAT”; and

19 (3) in paragraph (2)—

20 (A) by striking “transmitted through radio
21 or television” and inserting “made in audio or
22 video format”; and

23 (B) by striking “through television” in the
24 second sentence and inserting “in video for-
25 mat”.

1 (d) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act and shall take effect without regard to
4 whether or not the Federal Election Commission has pro-
5 mulgated regulations to carry out such amendments.

6 **SEC. 6108. POLITICAL RECORD REQUIREMENTS FOR ON-**
7 **LINE PLATFORMS.**

8 (a) IN GENERAL.—Section 304 of the Federal Elec-
9 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
10 ed by section 3802, is amended by adding at the end the
11 following new subsection:

12 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
13 MENTS.—

14 “(1) IN GENERAL.—

15 “(A) REQUIREMENTS FOR ONLINE PLAT-
16 FORMS.—

17 “(i) IN GENERAL.—An online plat-
18 form shall maintain, and make available
19 for online public inspection in machine
20 readable format, a complete record of any
21 request to purchase on such online plat-
22 form a qualified political advertisement
23 which is made by a person whose aggre-
24 gate requests to purchase qualified political

1 advertisements on such online platform
2 during the calendar year exceeds \$500.

3 “(ii) REQUIREMENT RELATING TO PO-
4 LITICAL ADS SOLD BY THIRD PARTY AD-
5 VERTISING VENDORS.—An online platform
6 that displays a qualified political advertise-
7 ment sold by a third party advertising ven-
8 dor as defined in (3)(C), shall include on
9 its own platform an easily accessible and
10 identifiable link to the records maintained
11 by the third-party advertising vendor under
12 clause (i) regarding such qualified political
13 advertisement.

14 “(B) REQUIREMENTS FOR ADVER-
15 TISERS.—Any person who requests to purchase
16 a qualified political advertisement on an online
17 platform shall provide the online platform with
18 such information as is necessary for the online
19 platform to comply with the requirements of
20 subparagraph (A).

21 “(2) CONTENTS OF RECORD.—A record main-
22 tained under paragraph (1)(A) shall contain—

23 “(A) a digital copy of the qualified political
24 advertisement;

1 “(B) a description of the audience targeted
2 by the advertisement, the number of views gen-
3 erated from the advertisement, and the date
4 and time that the advertisement is first dis-
5 played and last displayed; and

6 “(C) information regarding—

7 “(i) the total cost of the advertise-
8 ment;

9 “(ii) the name of the candidate to
10 which the advertisement refers and the of-
11 fice to which the candidate is seeking elec-
12 tion, the election to which the advertise-
13 ment refers, or the national legislative
14 issue to which the advertisement refers (as
15 applicable);

16 “(iii) in the case of a request made
17 by, or on behalf of, a candidate, the name
18 of the candidate, the authorized committee
19 of the candidate, and the treasurer of such
20 committee; and

21 “(iv) in the case of any request not
22 described in clause (iii), the name of the
23 person purchasing the advertisement, the
24 name and address of a contact person for
25 such person, and a list of the chief execu-

1 tive officers or members of the executive
2 committee or of the board of directors of
3 such person.

4 “(3) ONLINE PLATFORM.—

5 “(A) IN GENERAL.—For purposes of this
6 subsection, subject to subparagraph (B), the
7 term ‘online platform’ means any public-facing
8 website, web application, or digital application
9 (including a social network, ad network, or
10 search engine) which—

11 “(i)(I) sells qualified political adver-
12 tisements; and

13 “(II) has 50,000,000 or more unique
14 monthly United States visitors or users for
15 a majority of months during the preceding
16 12 months; or

17 “(ii) is a third-party advertising ven-
18 dor that has 50,000,000 or more unique
19 monthly United States visitors in the ag-
20 gregate on any advertisement space that it
21 has sold or bought for a majority of
22 months during the preceding 12 months,
23 as measured by an independent digital rat-
24 ings service accredited by the Media Rat-
25 ings Council (or its successor).

1 “(B) EXEMPTION.—Such term shall not
2 include any online platform that is a distribu-
3 tion facility of any broadcasting station or
4 newspaper, magazine, blog, publication, or peri-
5 odical.

6 “(C) THIRD-PARTY ADVERTISING VENDOR
7 DEFINED.—For purposes of this subsection, the
8 term ‘third-party advertising vendor’ includes,
9 but is not limited to, any third-party adver-
10 tising vendor network, advertising agency, ad-
11 vertiser, or third-party advertisement serving
12 company that buys and sells advertisement
13 space on behalf of unaffiliated third-party
14 websites, search engines, digital applications, or
15 social media sites.

16 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
17 For purposes of this subsection, the term ‘qualified
18 political advertisement’ means any advertisement
19 (including search engine marketing, display adver-
20 tisements, video advertisements, native advertise-
21 ments, and sponsorships) that—

22 “(A) is made by or on behalf of a can-
23 didate; or

1 “(B) communicates a message relating to
2 any political matter of national importance, in-
3 cluding—

4 “(i) a candidate;

5 “(ii) any election to Federal office; or

6 “(iii) a national legislative issue of
7 public importance.

8 “(5) TIME TO MAINTAIN FILE.—The informa-
9 tion required under this subsection shall be made
10 available as soon as possible and shall be retained by
11 the online platform for a period of not less than 4
12 years.

13 “(6) SPECIAL RULE.—For purposes of this sub-
14 section, multiple versions of an advertisement that
15 contain no material differences (such as versions
16 that differ only because they contain a recipient’s
17 name, or differ only in size, color, font, or layout)
18 may be treated as a single qualified political adver-
19 tisement.

20 “(7) PENALTIES.—For penalties for failure by
21 online platforms, and persons requesting to purchase
22 a qualified political advertisement on online plat-
23 forms, to comply with the requirements of this sub-
24 section, see section 309.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act and shall take effect without regard to whether
4 or not the Federal Election Commission has promulgated
5 the final regulations necessary to carry out this part and
6 the amendments made by this part by the deadline set
7 forth in subsection (c).

8 (c) RULEMAKING.—Not later than 120 days after the
9 date of the enactment of this Act, the Federal Election
10 Commission shall establish rules—

11 (1) requiring common data formats for the
12 record required to be maintained under section
13 304(k) of the Federal Election Campaign Act of
14 1971 (as added by subsection (a)) so that all online
15 platforms submit and maintain data online in a com-
16 mon, machine-readable and publicly accessible for-
17 mat; and

18 (2) establishing search interface requirements
19 relating to such record, including searches by can-
20 didate name, issue, purchaser, and date.

21 (d) REPORTING.—Not later than 2 years after the
22 date of the enactment of this Act, and biannually there-
23 after, the Chairman of the Federal Election Commission
24 shall submit a report to Congress on—

1 (1) matters relating to compliance with and the
2 enforcement of the requirements of section 304(k) of
3 the Federal Election Campaign Act of 1971, as
4 added by subsection (a);

5 (2) recommendations for any modifications to
6 such section to assist in carrying out its purposes;
7 and

8 (3) identifying ways to bring transparency and
9 accountability to political advertisements distributed
10 online for free.

11 **SEC. 6109. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
12 **INDEPENDENT EXPENDITURES, AND DIS-**
13 **BURSEMENTS FOR ELECTIONEERING COM-**
14 **MUNICATIONS BY FOREIGN NATIONALS IN**
15 **THE FORM OF ONLINE ADVERTISING.**

16 Section 319 of the Federal Election Campaign Act
17 of 1971 (52 U.S.C. 30121) is amended by adding at the
18 end the following new subsection:

19 “(c) RESPONSIBILITIES OF BROADCAST STATIONS,
20 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
21 ONLINE PLATFORMS.—

22 “(1) IN GENERAL.—Each television or radio
23 broadcast station, provider of cable or satellite tele-
24 vision, or online platform (as defined in section
25 304(k)(3)) shall make reasonable efforts to ensure

1 that communications described in section 318(a) and
2 made available by such station, provider, or platform
3 are not purchased by a foreign national, directly or
4 indirectly.

5 “(2) REGULATIONS.— Not later than 1 year
6 after the date of the enactment of this subsection,
7 the Commission shall promulgate regulations on
8 what constitutes reasonable efforts under paragraph
9 (1).”.

10 **SEC. 6110. REQUIRING ONLINE PLATFORMS TO DISPLAY**
11 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
12 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
13 **TICES CONTINUE TO BE PRESENT WHEN AD-**
14 **VERTISEMENTS ARE SHARED.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-
16 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
17 ed by section 3802 and section 6108(a), is amended by
18 adding at the end the following new subsection:

19 “(1) ENSURING DISPLAY AND SHARING OF SPONSOR
20 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
21 MENTS.—

22 “(1) REQUIREMENT.—An online platform dis-
23 playing a qualified political advertisement shall—

24 “(A) display with the advertisement a visi-
25 ble notice identifying the sponsor of the adver-

1 tisement (or, if it is not practical for the plat-
2 form to display such a notice, a notice that the
3 advertisement is sponsored by a person other
4 than the platform); and

5 “(B) ensure that the notice will continue to
6 be displayed if a viewer of the advertisement
7 shares the advertisement with others on that
8 platform.

9 “(2) DEFINITIONS.—In this subsection—

10 “(A) the term ‘online platform’ has the
11 meaning given such term in subsection (k)(3);
12 and

13 “(B) the term ‘qualified political adver-
14 tisement’ has the meaning given such term in
15 subsection (k)(4).”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply with respect to advertisements
18 displayed on or after the 120-day period which begins on
19 the date of the enactment of this Act and shall take effect
20 without regard to whether or not the Federal Election
21 Commission has promulgated regulations to carry out
22 such amendments.

23 **Subtitle C—Spotlight Act**

24 **SEC. 6201. SHORT TITLE.**

25 This subtitle may be cited as the “Spotlight Act”.

1 **SEC. 6202. INCLUSION OF CONTRIBUTOR INFORMATION ON**
2 **ANNUAL RETURNS OF CERTAIN ORGANIZA-**
3 **TIONS.**

4 (a) REPEAL OF REGULATIONS.—The final regula-
5 tions of the Department of the Treasury relating to guid-
6 ance under section 6033 regarding the reporting require-
7 ments of exempt organizations (published at 85 Fed. Reg.
8 31959 (May 28, 2020)) shall have no force and effect.

9 (b) INCLUSION OF CONTRIBUTOR INFORMATION.—

10 (1) SOCIAL WELFARE ORGANIZATIONS.—Sec-
11 tion 6033(f)(1) of the Internal Revenue Code of
12 1986 is amended by inserting “(5),” after “para-
13 graphs”.

14 (2) LABOR ORGANIZATIONS AND BUSINESS
15 LEAGUES.—Section 6033 of such Code is amended
16 by redesignating subsection (o) as subsection (p)
17 and by inserting after subsection (n) the following
18 new subsection:

19 “(o) ADDITIONAL REQUIREMENTS FOR ORGANIZA-
20 TIONS DESCRIBED IN SUBSECTIONS (c)(5) AND (c)(6) OF
21 SECTION 501.—Every organization which is described in
22 paragraph (5) or (6) of section 501(c) and which is subject
23 to the requirements of subsection (a) shall include on the
24 return required under subsection (a) the information re-
25 ferred to in subsection (b)(5).”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to returns required to
3 be filed for taxable years ending after the date of the
4 enactment of this Act.

5 (c) MODIFICATION TO DISCRETIONARY EXCEP-
6 TIONS.—Section 6033(a)(3)(B) of the Internal Revenue
7 Code of 1986 is amended to read as follows:

8 “(B) DISCRETIONARY EXCEPTIONS.—

9 “(i) IN GENERAL.—Paragraph (1)
10 shall not apply to any organization if the
11 Secretary made a determination under this
12 subparagraph before July 16, 2018, that
13 such filing is not necessary to the efficient
14 administration of the internal revenue
15 laws.

16 “(ii) RECOMMENDATIONS FOR OTHER
17 EXCEPTIONS.—The Secretary may rec-
18 ommend to Congress that Congress relieve
19 any organization required under paragraph
20 (1) to file an information return from fil-
21 ing such a return if the Secretary deter-
22 mines that such filing does not advance a
23 national security, law enforcement, or tax
24 administration purpose.”.

1 **TITLE III—CAMPAIGN FINANCE**
2 **OVERSIGHT**
3 **Subtitle A—Stopping Super PAC—**
4 **Candidate Coordination**

5 **SEC. 7001. SHORT TITLE.**

6 This subtitle may be cited as the “Stop Super PAC—
7 Candidate Coordination Act”.

8 **SEC. 7002. CLARIFICATION OF TREATMENT OF COORDI-**
9 **NATED EXPENDITURES AS CONTRIBUTIONS**
10 **TO CANDIDATES.**

11 (a) TREATMENT AS CONTRIBUTION TO CAN-
12 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
13 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

14 (1) by striking “or” at the end of clause (i);

15 (2) by striking the period at the end of clause

16 (ii) and inserting “; or”; and

17 (3) by adding at the end the following new
18 clause:

19 “(iii) any payment made by any person
20 (other than a candidate, an authorized com-
21 mittee of a candidate, or a political committee
22 of a political party) for a coordinated expendi-
23 ture (as such term is defined in section 325)
24 which is not otherwise treated as a contribution
25 under clause (i) or clause (ii).”.

1 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
2 30101 et seq.) is amended by adding at the end the fol-
3 lowing new section:

4 **“SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.**

5 “(a) COORDINATED EXPENDITURES.—

6 “(1) IN GENERAL.—For purposes of section
7 301(8)(A)(iii), the term ‘coordinated expenditure’
8 means—

9 “(A) any expenditure, or any payment for
10 a covered communication described in sub-
11 section (d), which is made in cooperation, con-
12 sultation, or concert with, or at the request or
13 suggestion of, a candidate, an authorized com-
14 mittee of a candidate, a political committee of
15 a political party, or agents of the candidate or
16 committee, as defined in subsection (b); or

17 “(B) any payment for any communication
18 which republishes, disseminates, or distributes,
19 in whole or in part, any video or broadcast or
20 any written, graphic, or other form of campaign
21 material prepared by the candidate or com-
22 mittee or by agents of the candidate or com-
23 mittee (including any excerpt or use of any
24 video from any such broadcast or written,
25 graphic, or other form of campaign material).

1 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
2 COMMUNICATIONS.—A payment for a communication
3 (including a covered communication described in
4 subsection (e)) shall not be treated as a coordinated
5 expenditure under this subsection if—

6 “(A) the communication appears in a news
7 story, commentary, or editorial distributed
8 through the facilities of any broadcasting sta-
9 tion, newspaper, magazine, or other periodical
10 publication, unless such facilities are owned or
11 controlled by any political party, political com-
12 mittee, or candidate; or

13 “(B) the communication constitutes a can-
14 didate debate or forum conducted pursuant to
15 regulations adopted by the Commission pursu-
16 ant to section 304(f)(3)(B)(iii), or which solely
17 promotes such a debate or forum and is made
18 by or on behalf of the person sponsoring the de-
19 bate or forum.

20 “(b) COORDINATION DESCRIBED.—

21 “(1) IN GENERAL.—For purposes of this sec-
22 tion, a payment is made ‘in cooperation, consulta-
23 tion, or concert with, or at the request or suggestion
24 of,’ a candidate, an authorized committee of a can-
25 didate, a political committee of a political party, or

1 agents of the candidate or committee, if the pay-
2 ment, or any communication for which the payment
3 is made, is not made entirely independently of the
4 candidate, committee, or agents. For purposes of the
5 previous sentence, a payment or communication not
6 made entirely independently of the candidate or
7 committee includes any payment or communication
8 made pursuant to any general or particular under-
9 standing with, or pursuant to any communication
10 with, the candidate, committee, or agents about the
11 payment or communication.

12 “(2) NO FINDING OF COORDINATION BASED
13 SOLELY ON SHARING OF INFORMATION REGARDING
14 LEGISLATIVE OR POLICY POSITION.—For purposes
15 of this section, a payment shall not be considered to
16 be made by a person in cooperation, consultation, or
17 concert with, or at the request or suggestion of, a
18 candidate or committee, solely on the grounds that
19 the person or the person’s agent engaged in discus-
20 sions with the candidate or committee, or with any
21 agent of the candidate or committee, regarding that
22 person’s position on a legislative or policy matter
23 (including urging the candidate or committee to
24 adopt that person’s position), so long as there is no
25 communication between the person and the can-

1 didate or committee, or any agent of the candidate
2 or committee, regarding the candidate’s or commit-
3 tee’s campaign advertising, message, strategy, pol-
4 icy, polling, allocation of resources, fundraising, or
5 other campaign activities.

6 “(3) NO EFFECT ON PARTY COORDINATION
7 STANDARD.—Nothing in this section shall be con-
8 strued to affect the determination of coordination
9 between a candidate and a political committee of a
10 political party for purposes of section 315(d).

11 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
12 COVERED COMMUNICATIONS.—

13 “(1) PAYMENTS MADE IN COOPERATION, CON-
14 SULTATION, OR CONCERT WITH CANDIDATES.—For
15 purposes of subsection (a)(1)(A), if the person who
16 makes a payment for a covered communication, as
17 defined in subsection (e), is a coordinated spender
18 under paragraph (2) with respect to the candidate
19 as described in paragraph (2), the payment for the
20 covered communication is made in cooperation, con-
21 sultation, or concert with the candidate.

22 “(2) COORDINATED SPENDER DEFINED.—For
23 purposes of this subsection, the term ‘coordinated
24 spender’ means, with respect to a candidate or an
25 authorized committee of a candidate, a person (other

1 than a political committee of a political party) for
2 which any of the following applies:

3 “(A) During the 4-year period ending on
4 the date on which the person makes the pay-
5 ment, the person was directly or indirectly
6 formed or established by or at the request or
7 suggestion of, or with the encouragement of,
8 the candidate (including an individual who later
9 becomes a candidate) or committee or agents of
10 the candidate or committee, including with the
11 approval of the candidate or committee or
12 agents of the candidate or committee.

13 “(B) The candidate or committee or any
14 agent of the candidate or committee solicits
15 funds, appears at a fundraising event, or en-
16 engages in other fundraising activity on the per-
17 son’s behalf during the election cycle involved,
18 including by providing the person with names of
19 potential donors or other lists to be used by the
20 person in engaging in fundraising activity, re-
21 gardless of whether the person pays fair market
22 value for the names or lists provided. For pur-
23 poses of this subparagraph, the term ‘election
24 cycle’ means, with respect to an election for
25 Federal office, the period beginning on the day

1 after the date of the most recent general elec-
2 tion for that office (or, if the general election
3 resulted in a runoff election, the date of the
4 runoff election) and ending on the date of the
5 next general election for that office (or, if the
6 general election resulted in a runoff election,
7 the date of the runoff election).

8 “(C) The person is established, directed, or
9 managed by the candidate or committee or by
10 any person who, during the 4-year period end-
11 ing on the date on which the person makes the
12 payment, has been employed or retained as a
13 political, campaign media, or fundraising ad-
14 viser or consultant for the candidate or com-
15 mittee or for any other entity directly or indi-
16 rectly controlled by the candidate or committee,
17 or has held a formal position with the candidate
18 or committee (including a position as an em-
19 ployee of the office of the candidate at any time
20 the candidate held any Federal, State, or local
21 public office during the 4-year period).

22 “(D) The person has retained the profes-
23 sional services of any person who, during the 2-
24 year period ending on the date on which the
25 person makes the payment, has provided or is

1 providing professional services relating to the
2 campaign to the candidate or committee, unless
3 the person providing the professional services
4 used a firewall or similar procedure in accord-
5 ance with subsection (d). For purposes of this
6 subparagraph, the term ‘professional services’
7 includes any services in support of the can-
8 didate’s or committee’s campaign activities, in-
9 cluding advertising, message, strategy, policy,
10 polling, allocation of resources, fundraising, and
11 campaign operations, but does not include ac-
12 counting or legal services.

13 “(E) The person is established, directed, or
14 managed by a member of the immediate family
15 of the candidate, or the person or any officer or
16 agent of the person has had more than inci-
17 dental discussions about the candidate’s cam-
18 paign with a member of the immediate family
19 of the candidate. For purposes of this subpara-
20 graph, the term ‘immediate family’ has the
21 meaning given such term in section 9004(e) of
22 the Internal Revenue Code of 1986.

23 “(d) USE OF FIREWALL AS SAFE HARBOR.—

24 “(1) NO COORDINATION IF FIREWALL AP-
25 PLIES.—A person shall not be determined to have

1 made a payment in cooperation, consultation, or
2 concert with, or at the request or suggestion of, a
3 candidate or committee in accordance with this sec-
4 tion if the person established and used a firewall or
5 similar procedure to restrict the sharing of informa-
6 tion between individuals who are employed by or who
7 are serving as agents for the person making the pay-
8 ment, but only if the firewall or similar procedures
9 meet the requirements of paragraph (2).

10 “(2) REQUIREMENTS DESCRIBED.—The re-
11 quirements described in this paragraph with respect
12 to a firewall or similar procedure are as follows:

13 “(A) The firewall or procedure is designed
14 and implemented to prohibit the flow of infor-
15 mation between employees and consultants pro-
16 viding services for the person paying for the
17 communication and those employees or consult-
18 ants providing, or who previously provided,
19 services to a candidate who is clearly identified
20 in the communication or an authorized com-
21 mittee of the candidate, the candidate’s oppo-
22 nent or an authorized committee of the can-
23 didate’s opponent, or a committee of a political
24 party.

1 “(B) The firewall or procedure must be de-
2 scribed in a written policy that is distributed,
3 signed, and dated by all relevant employees,
4 consultants, and clients subject to the policy.

5 “(C) The policy must be preserved and re-
6 tained by the person for at least 5 years fol-
7 lowing any termination or cessation of represen-
8 tation by employees, consultants, and clients
9 who are subject to the policy.

10 “(D) The policy must prohibit any employ-
11 ees, consultants, and clients who are subject to
12 the policy from attending meetings, trainings,
13 or other discussions where nonpublic plans,
14 projects, activities, or needs of candidates for
15 election for Federal office or political commit-
16 tees are discussed.

17 “(E) The policy must prohibit each owner
18 of an organization, and each executive, man-
19 ager, and supervisor within an organization,
20 from simultaneously overseeing the work of em-
21 ployees and consultants who are subject to the
22 firewall or procedure.

23 “(F) The policy must place restrictions on
24 internal and external communications, including
25 by establishing separate emailing lists, for em-

1 employees, consultants, and clients who are subject
2 to the firewall or procedure and those who are
3 not subject to the firewall or procedure.

4 “(G) The policy must require the person to
5 establish separate files, including electronic file
6 folders—

7 “(i) for employees, consultants, and
8 clients who are subject to the firewall or
9 procedure and to prohibit access to such
10 files by employees, consultants, and clients
11 who are not subject to the firewall or pro-
12 cedure; and

13 “(ii) for employees, consultants, and
14 clients who are not subject to the firewall
15 or procedure and to prohibit access to such
16 files by employees, consultants, and clients
17 who are subject to the firewall or proce-
18 dure.

19 “(H) The person must conduct a training
20 on the applicable requirements and obligations
21 of this Act and the policy for all employees,
22 consultants, and clients.

23 “(3) EXCEPTION IF INFORMATION IS SHARED
24 REGARDLESS OF FIREWALL.—A person who estab-
25 lished and used a firewall or similar procedure which

1 meets the requirements of paragraph (2) shall be de-
2 termined to have made a payment in cooperation,
3 consultation, or concert with, or at the request or
4 suggestion of, a candidate or committee in accord-
5 ance with this section if specific information indi-
6 cates that, notwithstanding the establishment and
7 use of the firewall or similar procedure, information
8 about the candidate's or committee's campaign
9 plans, projects, activities, or needs that is material
10 to the creation, production, or distribution of the
11 covered communication was used or conveyed to the
12 person paying for the communication.

13 “(4) USE AS DEFENSE TO ENFORCEMENT AC-
14 TION.—If, in a procedure or action brought by the
15 Commission under section 309, a person who is al-
16 leged to have committed a violation of this Act which
17 involves the making of a contribution which consists
18 of a payment for a coordinated expenditure raises
19 the use of a firewall or similar procedure as a de-
20 fense, the person shall provide the Commission
21 with—

22 “(A) a copy of the signed and dated fire-
23 wall or procedure policy which applied to the
24 person's employees, consultants, or clients

1 whose conduct is at issue in the procedure or
2 action; and

3 “(B) a sworn, written affidavit of the em-
4 ployees, consultants, or clients who were subject
5 to the policy that the terms, conditions, and re-
6 quirements of the policy were met.

7 “(e) COVERED COMMUNICATION DEFINED.—

8 “(1) IN GENERAL.—For purposes of this sec-
9 tion, the term ‘covered communication’ means, with
10 respect to a candidate or an authorized committee of
11 a candidate, a public communication (as defined in
12 section 301(22)) which—

13 “(A) expressly advocates the election of the
14 candidate or the defeat of an opponent of the
15 candidate (or contains the functional equivalent
16 of express advocacy);

17 “(B) promotes or supports the election of
18 the candidate, or attacks or opposes the election
19 of an opponent of the candidate (regardless of
20 whether the communication expressly advocates
21 the election or defeat of a candidate or contains
22 the functional equivalent of express advocacy);
23 or

24 “(C) refers to the candidate or an oppo-
25 nent of the candidate but is not described in

1 subparagraph (A) or subparagraph (B), but
2 only if the communication is disseminated dur-
3 ing the applicable election period.

4 “(2) APPLICABLE ELECTION PERIOD.—In para-
5 graph (1)(C), the ‘applicable election period’ with re-
6 spect to a communication means—

7 “(A) in the case of a communication which
8 refers to a candidate in a general, special, or
9 runoff election, the 120-day period which ends
10 on the date of the election; or

11 “(B) in the case of a communication which
12 refers to a candidate in a primary or preference
13 election, or convention or caucus of a political
14 party that has authority to nominate a can-
15 didate, the 60-day period which ends on the
16 date of the election or convention or caucus.

17 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
18 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
19 poses of this subsection, a public communication
20 shall not be considered to be a covered communica-
21 tion with respect to a candidate for election for an
22 office other than the office of President or Vice
23 President unless it is publicly disseminated or dis-
24 tributed in the jurisdiction of the office the can-
25 didate is seeking.

1 “(f) PENALTY.—

2 “(1) DETERMINATION OF AMOUNT.—Any per-
3 son who knowingly and willfully commits a violation
4 of this Act which involves the making of a contribu-
5 tion which consists of a payment for a coordinated
6 expenditure shall be fined an amount equal to the
7 greater of—

8 “(A) in the case of a person who makes a
9 contribution which consists of a payment for a
10 coordinated expenditure in an amount exceeding
11 the applicable contribution limit under this Act,
12 300 percent of the amount by which the
13 amount of the payment made by the person ex-
14 ceeds such applicable contribution limit; or

15 “(B) in the case of a person who is prohib-
16 ited under this Act from making a contribution
17 in any amount, 300 percent of the amount of
18 the payment made by the person for the coordi-
19 nated expenditure.

20 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
21 rector, manager, or officer of a person who is subject
22 to a penalty under paragraph (1) shall be jointly and
23 severally liable for any amount of such penalty that
24 is not paid by the person prior to the expiration of
25 the 1-year period which begins on the date the Com-

1 mission imposes the penalty or the 1-year period
2 which begins on the date of the final judgment fol-
3 lowing any judicial review of the Commission’s ac-
4 tion, whichever is later.”.

5 (c) EFFECTIVE DATE.—

6 (1) REPEAL OF EXISTING REGULATIONS ON CO-
7 ORDINATION.—Effective upon the expiration of the
8 90-day period which begins on the date of the enact-
9 ment of this Act—

10 (A) the regulations on coordinated commu-
11 nications adopted by the Federal Election Com-
12 mission which are in effect on the date of the
13 enactment of this Act (as set forth under the
14 heading “Coordination” in subpart C of part
15 109 of title 11, Code of Federal Regulations)
16 are repealed; and

17 (B) the Federal Election Commission shall
18 promulgate new regulations on coordinated
19 communications which reflect the amendments
20 made by this Act.

21 (2) EFFECTIVE DATE.—The amendments made
22 by this section shall apply with respect to payments
23 made on or after the expiration of the 120-day pe-
24 riod which begins on the date of the enactment of
25 this Act, without regard to whether or not the Fed-

1 eral Election Commission has promulgated regula-
2 tions in accordance with paragraph (1)(B) as of the
3 expiration of such period.

4 **Subtitle B—Restoring Integrity to** 5 **America’s Elections**

6 **SEC. 7101. SHORT TITLE.**

7 This subtitle may be cited as the “Restoring Integrity
8 to America’s Elections Act”.

9 **SEC. 7102. REVISION TO ENFORCEMENT PROCESS.**

10 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
11 DETERMINING WHETHER VIOLATIONS HAVE OC-
12 CURRED.—

13 (1) REVISION OF STANDARDS.—Section 309(a)
14 of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30109(a)) is amended by striking paragraphs
16 (2) and (3) and inserting the following:

17 “(2)(A) The general counsel, upon receiving a com-
18 plaint filed with the Commission under paragraph (1) or
19 upon the basis of information ascertained by the Commis-
20 sion in the normal course of carrying out its supervisory
21 responsibilities, shall make a determination as to whether
22 or not there is reason to believe that a person has com-
23 mitted, or is about to commit, a violation of this Act or
24 chapter 95 or chapter 96 of the Internal Revenue Code
25 of 1986, and as to whether or not the Commission should

1 either initiate an investigation of the matter or that the
2 complaint should be dismissed. The general counsel shall
3 promptly provide notification to the Commission of such
4 determination and the reasons therefore, together with
5 any written response submitted under paragraph (1) by
6 the person alleged to have committed the violation. Upon
7 the expiration of the 30-day period which begins on the
8 date the general counsel provides such notification, the
9 general counsel's determination shall take effect, unless
10 during such 30-day period the Commission, by vote of a
11 majority of the members of the Commission who are serv-
12 ing at the time, overrules the general counsel's determina-
13 tion. If the determination by the general counsel that the
14 Commission should investigate the matter takes effect, or
15 if the determination by the general counsel that the com-
16 plaint should be dismissed is overruled as provided under
17 the previous sentence, the general counsel shall initiate an
18 investigation of the matter on behalf of the Commission.

19 “(B) If the Commission initiates an investigation
20 pursuant to subparagraph (A), the Commission, through
21 the Chair, shall notify the subject of the investigation of
22 the alleged violation. Such notification shall set forth the
23 factual basis for such alleged violation. The Commission
24 shall make an investigation of such alleged violation, which
25 may include a field investigation or audit, in accordance

1 with the provisions of this section. The general counsel
2 shall provide notification to the Commission of any intent
3 to issue a subpoena or conduct any other form of discovery
4 pursuant to the investigation. Upon the expiration of the
5 15-day period which begins on the date the general counsel
6 provides such notification, the general counsel may issue
7 the subpoena or conduct the discovery, unless during such
8 15-day period the Commission, by vote of a majority of
9 the members of the Commission who are serving at the
10 time, prohibits the general counsel from issuing the sub-
11 poena or conducting the discovery.

12 “(3)(A) Upon completion of an investigation under
13 paragraph (2), the general counsel shall make a deter-
14 mination as to whether or not there is probable cause to
15 believe that a person has committed, or is about to com-
16 mit, a violation of this Act or chapter 95 or chapter 96
17 of the Internal Revenue Code of 1986, and shall promptly
18 submit such determination to the Commission, and shall
19 include with the determination a brief stating the position
20 of the general counsel on the legal and factual issues of
21 the case.

22 “(B) At the time the general counsel submits to the
23 Commission the determination under subparagraph (A),
24 the general counsel shall simultaneously notify the re-
25 spondent of such determination and the reasons therefore,

1 shall provide the respondent with an opportunity to submit
2 a brief within 30 days stating the position of the respond-
3 ent on the legal and factual issues of the case and replying
4 to the brief of the general counsel. The general counsel
5 shall promptly submit such brief to the Commission upon
6 receipt.

7 “(C) Upon the expiration of the 30-day period which
8 begins on the date the general counsel submits the deter-
9 mination to the Commission under subparagraph (A) (or,
10 if the respondent submits a brief under subparagraph (B),
11 upon the expiration of the 30-day period which begins on
12 the date the general counsel submits the respondent’s brief
13 to the Commission under such subparagraph), the general
14 counsel’s determination shall take effect, unless during
15 such 30-day period the Commission, by vote of a majority
16 of the members of the Commission who are serving at the
17 time, overrules the general counsel’s determination. If the
18 determination by the general counsel that there is prob-
19 able cause to believe that a person has committed, or is
20 about to commit, a violation of this Act or chapter 95 or
21 chapter 96 of the Internal Revenue Code of 1986, or if
22 the determination by the general counsel that there is not
23 probable cause that a person has committed or is about
24 to commit such a violation is overruled as provided under
25 the previous sentence, for purposes of this subsection, the

1 Commission shall be deemed to have determined that there
2 is probable cause that the person has committed or is
3 about to commit such a violation.”.

4 (2) CONFORMING AMENDMENT RELATING TO
5 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
6 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
7 is amended—

8 (A) in the third sentence, by striking “the
9 Commission” and inserting “the general coun-
10 sel”; and

11 (B) by amending the fourth sentence to
12 read as follows: “Not later than 15 days after
13 receiving notice from the general counsel under
14 the previous sentence, the person may provide
15 the general counsel with a written response that
16 no action should be taken against such person
17 on the basis of the complaint.”.

18 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
19 MISSAL OF COMPLAINTS.—

20 (1) IN GENERAL.—Section 309(a)(8) of such
21 Act (52 U.S.C. 30109(a)(8)) is amended to read as
22 follows:

23 “(8)(A)(i) Any party aggrieved by an order of the
24 Commission dismissing a complaint filed by such party
25 may file a petition with the United States District Court

1 for the District of Columbia. Any petition under this sub-
2 paragraph shall be filed within 60 days after the date on
3 which the party received notice of the dismissal of the
4 complaint.

5 “(ii) In any proceeding under this subparagraph, the
6 court shall determine by de novo review whether the agen-
7 cy’s dismissal of the complaint is contrary to law. In any
8 matter in which the penalty for the alleged violation is
9 greater than \$50,000, the court should disregard any
10 claim or defense by the Commission of prosecutorial dis-
11 cretion as a basis for dismissing the complaint.

12 “(B)(i) Any party who has filed a complaint with the
13 Commission and who is aggrieved by a failure of the Com-
14 mission, within one year after the filing of the complaint,
15 to act on such complaint, may file a petition with the
16 United States District Court for the District of Columbia.

17 “(ii) In any proceeding under this subparagraph, the
18 court shall determine by de novo review whether the agen-
19 cy’s failure to act on the complaint is contrary to law.

20 “(C) In any proceeding under this paragraph the
21 court may declare that the dismissal of the complaint or
22 the failure to act is contrary to law, and may direct the
23 Commission to conform with such declaration within 30
24 days, failing which the complainant may bring, in the

1 name of such complainant, a civil action to remedy the
2 violation involved in the original complaint.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall apply—

5 (A) in the case of complaints which are
6 dismissed by the Federal Election Commission,
7 with respect to complaints which are dismissed
8 on or after the date of the enactment of this
9 Act; and

10 (B) in the case of complaints upon which
11 the Federal Election Commission failed to act,
12 with respect to complaints which were filed on
13 or after the date of the enactment of this Act.

14 (c) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this Act, the Federal Election
16 Commission shall promulgate new regulations on the en-
17 forcement process under section 309 of the Federal Elec-
18 tion Campaign Act of 1971 (52 U.S.C. 30109) to take
19 into account the amendments made by this section.

20 **SEC. 7103. OFFICIAL EXERCISING THE RESPONSIBILITIES**
21 **OF THE GENERAL COUNSEL.**

22 Section 306(f)(1) of the Federal Election Campaign
23 Act of 1971 (52 U.S.C. 30106(f)(1)) is amended by add-
24 ing at the end the following new sentence: “In the event
25 of a vacancy in the position of the General Counsel, the

1 most senior attorney employed within the Office of the
2 General Counsel at the time the vacancy arises shall exer-
3 cise all the responsibilities of the General Counsel until
4 the vacancy is filled.”.

5 **SEC. 7104. PERMITTING APPEARANCE AT HEARINGS ON RE-**
6 **QUESTS FOR ADVISORY OPINIONS BY PER-**
7 **SONS OPPOSING THE REQUESTS.**

8 (a) IN GENERAL.—Section 308 of such Act (52
9 U.S.C. 30108) is amended by adding at the end the fol-
10 lowing new subsection:

11 “(e) To the extent that the Commission provides an
12 opportunity for a person requesting an advisory opinion
13 under this section (or counsel for such person) to appear
14 before the Commission to present testimony in support of
15 the request, and the person (or counsel) accepts such op-
16 portunity, the Commission shall provide a reasonable op-
17 portunity for an interested party who submitted written
18 comments under subsection (d) in response to the request
19 (or counsel for such interested party) to appear before the
20 Commission to present testimony in response to the re-
21 quest.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply with respect to requests for advi-
24 sory opinions under section 308 of the Federal Election

1 Campaign Act of 1971 which are made on or after the
2 date of the enactment of this Act.

3 **SEC. 7105. PERMANENT EXTENSION OF ADMINISTRATIVE**
4 **PENALTY AUTHORITY.**

5 Section 309(a)(4)(C)(v) of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is
7 amended by striking “, and that end on or before Decem-
8 ber 31, 2023”.

9 **SEC. 7106. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

10 Section 306(e) of the Federal Election Campaign Act
11 of 1971 (52 U.S.C. 30106(e)) is amended—

12 (1) by striking “(e) The Commission” and in-
13 serting “(e)(1) The Commission”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) Members and employees of the Commission shall
17 be subject to limitations on ex parte communications, as
18 provided in the regulations promulgated by the Commis-
19 sion regarding such communications which are in effect
20 on the date of the enactment of this paragraph.”.

21 **SEC. 7107. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
22 **REPRESENT FEC IN SUPREME COURT.**

23 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
24 the Federal Election Campaign Act of 1971 (52 U.S.C.
25 30106(f)(4)) is amended by striking “any action instituted

1 under this Act, either (A) by attorneys” and inserting
2 “any action instituted under this Act, including an action
3 before the Supreme Court of the United States, either (A)
4 by the General Counsel of the Commission and other at-
5 torneys”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 paragraph (1) shall apply with respect to actions insti-
8 tuted before, on, or after the date of the enactment of
9 this Act.

10 **SEC. 7108. REQUIRING FORMS TO PERMIT USE OF ACCENT**
11 **MARKS.**

12 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
13 eral Election Campaign Act of 1971 (52 U.S.C.
14 30111(a)(1)) is amended by striking the semicolon at the
15 end and inserting the following: “, and shall ensure that
16 all such forms (including forms in an electronic format)
17 permit the person using the form to include an accent
18 mark as part of the person’s identification;”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect upon the expiration of the
21 90-day period which begins on the date of the enactment
22 of this Act.

1 **SEC. 7109. EXTENSION OF THE STATUTES OF LIMITATIONS**
2 **FOR OFFENSES UNDER THE FEDERAL ELEC-**
3 **TION CAMPAIGN ACT OF 1971.**

4 (a) CIVIL OFFENSES.—Section 309(a) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is
6 amended by inserting after paragraph (9) the following
7 new paragraph:

8 “(10) No person shall be subject to a civil penalty
9 under this subsection with respect to a violation of this
10 Act unless a complaint is filed with the Commission with
11 respect to the violation under paragraph (1), or the Com-
12 mission responds to information with respect to the viola-
13 tion which is ascertained in the normal course of carrying
14 out its supervisory responsibilities under paragraph (2),
15 not later than 10 years after the date on which the viola-
16 tion occurred.”.

17 (b) CRIMINAL OFFENSES.—Section 406(a) of such
18 Act (52 U.S.C. 30145(a)) is amended by striking “5
19 years” and inserting “10 years”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to violations occurring
22 on or after the date of enactment of this Act.

23 **SEC. 7110. EFFECTIVE DATE; TRANSITION.**

24 (a) IN GENERAL.—Except as otherwise provided, this
25 subtitle and the amendments made by this subtitle shall
26 take effect and apply on the date of the enactment of this

1 Act, without regard to whether or not the Federal Election
2 Commission has promulgated regulations to carry out this
3 subtitle and the amendments made by this subtitle.

4 (b) TRANSITION.—

5 (1) NO EFFECT ON EXISTING CASES OR PRO-
6 CEEDINGS.—Nothing in this subtitle or in any
7 amendment made by this subtitle shall affect any of
8 the powers exercised by the Federal Election Com-
9 mission prior to the date of the enactment of this
10 Act, including any investigation initiated by the
11 Commission prior to such date or any proceeding
12 (including any enforcement action) pending as of
13 such date.

14 (2) TREATMENT OF CERTAIN COMPLAINTS.—If,
15 as of the date of the enactment of this Act, the Gen-
16 eral Counsel of the Federal Election Commission has
17 not made any recommendation to the Commission
18 under section 309(a) of the Federal Election Cam-
19 paign Act of 1971 (52 U.S.C. 30109) with respect
20 to a complaint filed prior to the date of the enact-
21 ment of this Act, this subtitle and the amendments
22 made by this subtitle shall apply with respect to the
23 complaint in the same manner as this subtitle and
24 the amendments made by this subtitle apply with re-

1 spect to a complaint filed on or after the date of the
2 enactment of this Act.

3 **Subtitle C—Imposition of Fee for**
4 **Reports Filed by Paper**

5 **SEC. 7201. IMPOSITION OF FEE FOR REPORTS FILED BY**
6 **PAPER.**

7 Section 304(a)(11)(A) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30104(a)(11)(A)) is amend-
9 ed—

10 (1) by striking “and” at the end of clause (i);

11 (2) by striking the period at the end of clause

12 (ii) and inserting “; and”; and

13 (3) by adding at the end the following new
14 clause:

15 “(iii) shall be assessed a \$20.00 filing fee for
16 any designation, statement, or report under this Act
17 filed by paper, with the fees received by the Commis-
18 sion under this clause deposited into the general
19 fund of the Treasury for the purposes of deficit re-
20 duction.”.

1 **TITLE IV—CITIZEN**
2 **EMPOWERMENT**
3 **Subtitle A—Funding to Promote**
4 **Democracy**

5 **PART 1—PAYMENTS AND ALLOCATIONS TO**
6 **STATES**

7 **SEC. 8001. DEMOCRACY ADVANCEMENT AND INNOVATION**
8 **PROGRAM.**

9 (a) **ESTABLISHMENT.**—There is established a pro-
10 gram to be known as the “Democracy Advancement and
11 Innovation Program” under which the Director of the Of-
12 fice of Democracy Advancement and Innovation shall
13 make allocations to each State for each fiscal year to carry
14 out democracy promotion activities described in subsection
15 (b).

16 (b) **DEMOCRACY PROMOTION ACTIVITIES DE-**
17 **SCRIBED.**—The democracy promotion activities described
18 in this subsection are as follows:

19 (1) Activities to promote innovation to improve
20 efficiency and smooth functioning in the administra-
21 tion of elections for Federal office and to secure the
22 infrastructure used in the administration of such
23 elections, including making upgrades to voting
24 equipment and voter registration systems, securing
25 voting locations, expanding polling places and the

1 availability of early and mail voting, recruiting and
2 training nonpartisan election officials, and pro-
3 moting cybersecurity.

4 (2) Activities to ensure equitable access to de-
5 mocracy, including the following:

6 (A) Enabling candidates who seek office in
7 the State to receive payments as participating
8 candidates under title V of the Federal Election
9 Campaign Act of 1971 (as added by subtitle
10 B), but only if the State will enable candidates
11 to receive such payments during an entire elec-
12 tion cycle.

13 (B) Operating a Democracy Credit Pro-
14 gram under part 1 of subtitle B, but only if the
15 State will operate the program during an entire
16 election cycle.

17 (C) Other activities to ensure equitable ac-
18 cess to democracy, including administering a
19 ranked-choice voting system and carrying out
20 Congressional redistricting through independent
21 commissions.

22 (3) Activities to increase access to voting in
23 elections for Federal office by underserved commu-
24 nities, individuals with disabilities, racial and lan-
25 guage minority groups, individuals entitled to vote

1 by absentee ballot under the Uniformed and Over-
2 seas Citizens Absentee Voting Act, and voters resid-
3 ing in Indian lands.

4 (c) PERMITTING STATES TO RETAIN AND RESERVE
5 ALLOCATIONS FOR FUTURE USE.—A State may retain
6 and reserve an allocation received for a fiscal year to carry
7 out democracy promotion activities in any subsequent fis-
8 cal year.

9 (d) REQUIRING SUBMISSION AND APPROVAL OF
10 STATE PLAN.—

11 (1) IN GENERAL.—A State shall receive an allo-
12 cation under the Program for a fiscal year if—

13 (A) not later than 90 days before the first
14 day of the fiscal year, the chief State election
15 official of the State submits to the Director the
16 State plan described in section 8002; and

17 (B) not later than 45 days before the first
18 day of the fiscal year, the Director, in consulta-
19 tion with the Election Assistance Commission
20 and the Federal Election Commission as de-
21 scribed in paragraph (3), determines that the
22 State plan will enable the State to carry out de-
23 mocracy promotion activities and approves the
24 plan.

1 (2) SUBMISSION AND APPROVAL OF REVISED
2 PLAN.—If the Director does not approve the State
3 plan as submitted by the State under paragraph (1)
4 with respect to a fiscal year, the State shall receive
5 a payment under the Program for the fiscal year if,
6 at any time prior to the end of the fiscal year—

7 (A) the chief State election official of the
8 State submits a revised version of the State
9 plan; and

10 (B) the Director, in consultation with the
11 Election Assistance Commission and the Fed-
12 eral Election Commission as described in para-
13 graph (3), determines that the revised version
14 of the State plan will enable the State to carry
15 out democracy promotion activities and ap-
16 proves the plan.

17 (3) ELECTION ASSISTANCE COMMISSION AND
18 FEDERAL ELECTION COMMISSION CONSULTATION.—
19 With respect to a State plan submitted under para-
20 graph (1) or a revised plan submitted under para-
21 graph (2)—

22 (A) the Director shall, prior to making a
23 determination on approval of the plan, consult
24 with the Election Assistance Commission with
25 respect to the proposed State activities de-

1 scribed in subsection (b)(1) and with the Fed-
2 eral Election Commission with respect to the
3 proposed State activities described in subsection
4 (b)(2)(A) and (b)(2)(B); and

5 (B) the Election Assistance Commission
6 and the Federal Election Commission shall sub-
7 mit to the Director a written assessment with
8 respect to whether the proposed activities of the
9 plan satisfy the requirements of this Act.

10 (4) CONSULTATION WITH LEGISLATURE.—The
11 chief State election official of the State shall develop
12 the State plan submitted under paragraph (1) and
13 the revised plan submitted under paragraph (2) in
14 consultation with the majority party and minority
15 party leaders of each house of the State legislature.

16 (e) STATE REPORT ON USE OF ALLOCATIONS.—Not
17 later than 90 days after the last day of a fiscal year for
18 which an allocation was made to the State under the Pro-
19 gram, the chief State election official of the State shall
20 submit a report to the Director describing how the State
21 used the allocation, including a description of the democ-
22 racy promotion activities the State carried out with the
23 allocation.

24 (f) PUBLIC AVAILABILITY OF INFORMATION.—

1 (1) PUBLICLY AVAILABLE WEBSITE.—The Di-
2 rector shall make available on a publicly accessible
3 website the following:

4 (A) State plans submitted under para-
5 graph (1) of subsection (d) and revised plans
6 submitted under paragraph (2) of subsection
7 (d).

8 (B) The Director’s notifications of deter-
9 minations with respect to such plans under sub-
10 section (d).

11 (C) Reports submitted by States under
12 subsection (e).

13 (2) REDACTION.— The Director may redact in-
14 formation required to be made available under para-
15 graph (1) if the information would be properly with-
16 held from disclosure under section 552 of title 5,
17 United States Code, or if the public disclosure of the
18 information is otherwise prohibited by law.

19 (g) EFFECTIVE DATE.—This section shall apply with
20 respect to fiscal year 2024 and each succeeding fiscal year.

21 **SEC. 8002. STATE PLAN.**

22 (a) CONTENTS.—A State plan under this section with
23 respect to a State is a plan containing each of the fol-
24 lowing:

1 (1) A description of the democracy promotion
2 activities the State will carry out with the payment
3 made under the Program.

4 (2) A statement of whether or not the State in-
5 tends to retain and reserve the payment for future
6 democracy promotion activities.

7 (3) A description of how the State intends to
8 allocate funds to carry out the proposed activities,
9 which shall include the amount the State intends to
10 allocate to each such activity, including (if applica-
11 ble) a specific allocation for—

12 (A) activities described in subsection
13 8001(b)(1) (relating to election administration);

14 (B) activities described in section
15 8001(b)(2)(A) (relating to payments to partici-
16 pating candidates in the State under title V of
17 the Federal Election Campaign Act of 1971),
18 together with the information required under
19 subsection (c);

20 (C) activities described in section
21 8001(b)(2)(B) (relating to the operation of a
22 Democracy Credit Program under part 1 of
23 subtitle B);

1 (D) activities described in section
2 8001(b)(2)(C) (relating to other activities to en-
3 sure equitable access to democracy; and

4 (E) activities described in section
5 8001(b)(3) (relating to activities to increase ac-
6 cess to voting in elections for Federal office by
7 certain communities).

8 (4) A description of how the State will establish
9 the fund described in subsection (b) for purposes of
10 administering the democracy promotion activities
11 which the State will carry out with the payment, in-
12 cluding information on fund management.

13 (5) A description of the State-based administra-
14 tive complaint procedures established for purposes of
15 section 8003(b).

16 (6) A statement regarding whether the pro-
17 posed activities to be funded are permitted under
18 State law, or whether the official intends to seek
19 legal authorization for such activities.

20 (b) REQUIREMENTS FOR FUND.—

21 (1) FUND DESCRIBED.—For purposes of sub-
22 section (a)(4), a fund described in this subsection
23 with respect to a State is a fund which is established
24 in the treasury of the State government, which is

1 used in accordance with paragraph (2), and which
2 consists of the following amounts:

3 (A) Amounts appropriated or otherwise
4 made available by the State for carrying out the
5 democracy promotion activities for which the
6 payment is made to the State under the Pro-
7 gram.

8 (B) The payment made to the State under
9 the Program.

10 (C) Such other amounts as may be appro-
11 priated under law.

12 (D) Interest earned on deposits of the
13 fund.

14 (2) USE OF FUND.—Amounts in the fund shall
15 be used by the State exclusively to carry out democ-
16 racy promotion activities for which the payment is
17 made to the State under the Program.

18 (3) TREATMENT OF STATES THAT REQUIRE
19 CHANGES TO STATE LAW.—In the case of a State
20 that requires State legislation to establish the fund
21 described in this subsection, the Director shall defer
22 disbursement of the payment to such State under
23 the Program until such time as legislation estab-
24 lishing the fund is enacted.

1 (c) SPECIFIC INFORMATION ON USE OF FUNDS TO
2 ENABLE CANDIDATES TO PARTICIPATE IN MATCHING
3 FUNDS PROGRAM.—If the State plan under this section
4 includes an allocation for activities described in section
5 8001(b)(2)(A) (relating to payments to participating can-
6 didates in the State under title V of the Federal Election
7 Campaign Act of 1971), the State shall include in the plan
8 specific information on how the amount of the allocation
9 will enable the State to provide for the viable participation
10 of candidates in the State under such title, including the
11 assumptions made by the State in determining the amount
12 of the allocation.

13 **SEC. 8003. PROHIBITING REDUCTION IN ACCESS TO PAR-**
14 **TICIPATION IN ELECTIONS.**

15 (a) PROHIBITING USE OF PAYMENTS.—A State may
16 not use a payment made under the Program to carry out
17 any activity which has the purpose or effect of diminishing
18 the ability of any citizen of the United States to partici-
19 pate in the electoral process.

20 (b) STATE-BASED ADMINISTRATIVE COMPLAINT
21 PROCEDURES.—

22 (1) ESTABLISHMENT.—A State receiving a pay-
23 ment under the Program shall establish uniform and
24 nondiscriminatory State-based administrative com-
25 plaint procedures under which any person who be-

1 believes that a violation of subsection (a) has occurred,
2 is occurring, or is about to occur may file a com-
3 plaint.

4 (2) NOTIFICATION TO DIRECTOR.—The State
5 shall transmit to the Director a description of each
6 complaint filed under the procedures, together
7 with—

8 (A) if the State provides a remedy with re-
9 spect to the complaint, a description of the rem-
10 edy; or

11 (B) if the State dismisses the complaint, a
12 statement of the reasons for the dismissal.

13 (3) REVIEW BY DIRECTOR.—

14 (A) REQUEST FOR REVIEW.—Any person
15 who is dissatisfied with the final decision under
16 a State-based administrative complaint proce-
17 dure under this subsection may, not later than
18 60 days after the decision is made, file a re-
19 quest with the Director to review the decision.

20 (B) ACTION BY DIRECTOR.—Upon receiv-
21 ing a request under subparagraph (A), the Di-
22 rector shall review the decision and, in accord-
23 ance with such procedures as the Director may
24 establish, including procedures to provide notice
25 and an opportunity for a hearing, may uphold

1 the decision or reverse the decision and provide
2 an appropriate remedy.

3 (C) PUBLIC AVAILABILITY OF MATE-
4 RIAL.—The Director shall make available on a
5 publicly accessible website all material relating
6 to a request for review and determination by
7 the Director under this paragraph, shall be
8 made available on a publicly accessible website,
9 except that the Director may redact material
10 required to be made available under this sub-
11 paragraph if the material would be properly
12 withheld from disclosure under section 552 of
13 title 5, United States Code, or if the public dis-
14 closure of the material is otherwise prohibited
15 by law.

16 (4) RIGHT TO PETITION FOR REVIEW.—

17 (A) IN GENERAL.—Any person aggrieved
18 by an action of the Director under subpara-
19 graph (B) of paragraph (3) may file a petition
20 with the United States District Court for the
21 District of Columbia.

22 (B) DEADLINE TO FILE PETITION.—Any
23 petition under this subparagraph shall be filed
24 not later than 60 days after the date of the ac-

1 tion taken by the Director under subparagraph
2 (B) of paragraph (3).

3 (C) STANDARD OF REVIEW.—In any pro-
4 ceeding under this paragraph, the court shall
5 determine whether the action of the Director
6 was arbitrary, capricious, an abuse of discre-
7 tion, or otherwise not in accordance with law
8 under section 706 of title 5, United States
9 Code, and may direct the Office to conform
10 with any such determination within 30 days.

11 (c) ACTION BY ATTORNEY GENERAL FOR DECLARA-
12 TORY AND INJUNCTIVE RELIEF.—The Attorney General
13 may bring a civil action against any State in an appro-
14 priate United States District Court for such declaratory
15 and injunctive relief (including a temporary restraining
16 order, a permanent or temporary injunction, or other
17 order) as may be necessary to enforce subsection (a).

18 **SEC. 8004. AMOUNT OF STATE ALLOCATION.**

19 (a) STATE-SPECIFIC AMOUNT.—The amount of the
20 allocation made to a State under the Program for a fiscal
21 year shall be equal to the product of—

22 (1) the Congressional district allocation amount
23 (determined under subsection (b)); and

1 (2) the number of Congressional districts in the
2 State for the next regularly scheduled general elec-
3 tion for Federal office held in the State.

4 (b) CONGRESSIONAL DISTRICT ALLOCATION
5 AMOUNT.—For purposes of subsection (a), the “Congres-
6 sional district allocation amount” with respect to a fiscal
7 year is equal to the quotient of—

8 (1) the aggregate amount available for alloca-
9 tions to States under the Program for the fiscal
10 year, as determined by the Director under sub-
11 section (c); divided by

12 (2) the total number of Congressional districts
13 in all States.

14 (c) DETERMINATION OF AGGREGATE AMOUNT
15 AVAILABLE FOR ALLOCATIONS; NOTIFICATION TO
16 STATES.—Not later than 120 days before the first day
17 of each fiscal year, the Director—

18 (1) shall, in accordance with section 8012, de-
19 termine and establish the aggregate amount avail-
20 able for allocations to States under the Program for
21 the fiscal year; and

22 (2) shall notify each State of the amount of the
23 State’s allocation under the Program for the fiscal
24 year.

1 (d) SOURCE OF PAYMENTS.—The amounts used to
2 make allocations and payments under the Program shall
3 be derived solely from the Trust Fund.

4 **SEC. 8005. PROCEDURES FOR DISBURSEMENTS OF PAY-**
5 **MENTS AND ALLOCATIONS.**

6 (a) DIRECT PAYMENTS TO STATES FOR CERTAIN AC-
7 TIVITIES UNDER STATE PLAN.—

8 (1) DIRECT PAYMENT.—If the approved State
9 plan of a State includes activities for which alloca-
10 tions are not made under subsections (b), (c), or (d),
11 upon approving the State plan under section 8002,
12 the Director shall direct the Secretary of the Treas-
13 ury to disburse amounts from the Trust Fund for
14 payment to the State in the aggregate amount pro-
15 vided under the plan for such activities.

16 (2) TIMING.—As soon as practicable after the
17 Director directs the Secretary of the Treasury to
18 disburse amounts for payment to a State under
19 paragraph (1), the Secretary of the Treasury shall
20 make the payment to the State under such para-
21 graph.

22 (3) CONTINUING AVAILABILITY OF FUNDS
23 AFTER APPROPRIATION.—A payment made to a
24 State under this subsection shall be available with-
25 out fiscal year limitation.

1 (b) ALLOCATION TO ELECTION ASSISTANCE COMMIS-
2 SION FOR PAYMENTS TO STATES FOR CERTAIN ELECTION
3 ADMINISTRATION ACTIVITIES.—

4 (1) ALLOCATION.—If the approved State plan
5 of a State includes activities described in section
6 8001(b)(1), upon approving the State plan under
7 section 8002, the Director shall direct the Secretary
8 of the Treasury to allocate to the Election Assist-
9 ance Commission the amount provided for such ac-
10 tivities under the plan.

11 (2) PAYMENT TO STATE.—As soon as prac-
12 ticable after receiving an allocation under paragraph
13 (1) with respect to a State, the Election Assistance
14 Commission shall make a payment to the State in
15 the amount of the State's allocation.

16 (3) CONTINUING AVAILABILITY OF FUNDS
17 AFTER APPROPRIATION.—A payment made to a
18 State by the Election Assistance Commission under
19 this subsection shall be available without fiscal year
20 limitation.

21 (c) ALLOCATION TO FEDERAL ELECTION COMMIS-
22 SION FOR PAYMENTS TO PARTICIPATING CANDIDATES
23 FROM STATE.—If the approved State plan of a State in-
24 cludes activities described in section 8001(b)(2)(A), relat-
25 ing to payments to participating candidates in the State

1 under title V of the Federal Election Campaign Act of
2 1971, upon approving the State plan under section 8002,
3 the Director shall direct the Secretary of the Treasury to
4 allocate to the Federal Election Commission the amount
5 provided for such activities under the plan.

6 (d) ALLOCATION TO FEDERAL ELECTION COMMIS-
7 SION FOR PAYMENTS FOR DEMOCRACY CREDIT PRO-
8 GRAM.—If the approved State plan of a State includes ac-
9 tivities described in section 8001(b)(2)(B), relating to pay-
10 ments to the State for the operation of a Democracy Cred-
11 it Program under part 1 of subtitle B, upon approving
12 the State plan under section 8002, the Director shall di-
13 rect the Secretary of the Treasury to allocate to the Fed-
14 eral Election Commission the amount provided for such
15 activities under the plan.

16 (e) CERTAIN PAYMENTS MADE DIRECTLY TO LOCAL
17 ELECTION ADMINISTRATORS.—Under rules established by
18 the Director not later than 270 days after the date of the
19 enactment of this Act, portions of amounts disbursed to
20 States by the Secretary of the Treasury under subsection
21 (a) and payments made to States by the Election Assist-
22 ance Commission under subsection (b) may be provided
23 directly to local election administrators carrying out activi-
24 ties in the State plan which may be carried out with such
25 amounts and payments.

1 **SEC. 8006. OFFICE OF DEMOCRACY ADVANCEMENT AND IN-**
2 **NOVATION.**

3 (a) ESTABLISHMENT.—There is established as an
4 independent establishment in the executive branch the Of-
5 fice of Democracy Advancement and Innovation.

6 (b) DIRECTOR.—

7 (1) IN GENERAL.—The Office shall be headed
8 by a Director, who shall be appointed by the Presi-
9 dent with the advice and consent of the Senate.

10 (2) TERM OF SERVICE.—The Director shall
11 serve for a term of 6 years and may be reappointed
12 to an additional term, and may continue serving as
13 Director until a replacement is appointed. A vacancy
14 in the position of Director shall be filled in the same
15 manner as the original appointment.

16 (3) COMPENSATION.—The Director shall be
17 paid at an annual rate of pay equal to the annual
18 rate in effect for level II of the Executive Schedule.

19 (4) REMOVAL.—The Director may be removed
20 from office by the President. If the President re-
21 moves the Director, the President shall communicate
22 in writing the reasons for the removal to both
23 Houses of Congress not later than 30 days before-
24 hand. Nothing in this paragraph shall be construed
25 to prohibit a personnel action otherwise authorized
26 by law.

1 (c) GENERAL COUNSEL AND OTHER STAFF.—

2 (1) GENERAL COUNSEL.—The Director shall
3 appoint a general counsel who shall be paid at an
4 annual rate of pay equal to the annual rate in effect
5 for level III of the Executive Schedule. In the event
6 of a vacancy in the position of the Director, the
7 General Counsel shall exercise all the responsibilities
8 of the Director until such vacancy is filled.

9 (2) SENIOR STAFF.—The Director may appoint
10 and fix the pay of staff designated as Senior staff,
11 such as a Deputy Director, who may be paid at an
12 annual rate of pay equal to the annual rate in effect
13 for level IV of the Executive Schedule.

14 (3) OTHER STAFF.—In addition to the General
15 Counsel and Senior staff, the Director may appoint
16 and fix the pay of such other staff as the Director
17 considers necessary to carry out the duties of the
18 Office, except that no such staff may be com-
19 pensated at an annual rate exceeding the daily
20 equivalent of the annual rate of basic pay in effect
21 for grade GS-15 of the General Schedule.

22 (d) DUTIES.—The duties of the Office are as follows:

23 (1) ADMINISTRATION OF PROGRAM.—The Di-
24 rector shall administer the Program, in consultation
25 with the Election Assistance Commission and the

1 Federal Election Commission, including by holding
2 quarterly meetings of representatives from such
3 Commissions.

4 (2) OVERSIGHT OF TRUST FUND.—The Direc-
5 tor shall oversee the operation of the Trust Fund
6 and monitor its balances, in consultation with the
7 Secretary of the Treasury. The Director may hold
8 funds in reserve to cover the expenses of the Office
9 and to preserve the solvency of the Trust Fund.

10 (3) REPORTS.—Not later than 180 days after
11 the date of the regularly scheduled general election
12 for Federal office held in 2024 and each succeeding
13 regularly scheduled general election for Federal of-
14 fice thereafter, the Director shall submit to the
15 Committee on House Administration of the House of
16 Representatives and the Committee on Rules and
17 Administration of the Senate a report on the activi-
18 ties carried out under the Program and the amounts
19 deposited into and paid from the Trust Fund during
20 the two most recent fiscal years.

21 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF
22 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—

23 (1) IN GENERAL.—Section 8G(a)(2) of the In-
24 spector General Act of 1978 (5 U.S.C. App.) is
25 amended by inserting “the Office of Democracy Ad-

1 vancement and Innovation,” after “Election Assist-
2 ance Commission,”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall take effect 180 days after the
5 appointment of the Director.

6 (f) COVERAGE UNDER HATCH ACT.—Clause (i) of
7 section 7323(b)(2)(B) of title 5, United States Code, is
8 amended—

9 (1) by striking “or” at the end of subclause
10 (XIII); and

11 (2) by adding at the end the following new sub-
12 clause:

13 “(XV) the Office of Democracy Advance-
14 ment and Innovation; or”.

15 (g) REGULATIONS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), not later than 270 days after the date of
18 enactment of this Act, the Director shall promulgate
19 such rules and regulations as the Director considers
20 necessary and appropriate to carry out the duties of
21 the Office under this Act and the amendments made
22 by this Act.

23 (2) STATE PLAN SUBMISSION AND APPROVAL
24 AND DISTRIBUTION OF FUNDS.—Not later than 90
25 days after the date of the enactment of this Act, the

1 Director shall promulgate such rules and regulations
2 as the Director considers necessary and appropriate
3 to carry out the requirements of this part and the
4 amendments made by this part.

5 (3) COMMENTS BY THE ELECTION ASSISTANCE
6 COMMISSION AND THE FEDERAL ELECTION COMMIS-
7 SION.—The Election Assistance Commission and the
8 Federal Election Assistance shall timely submit com-
9 ments with respect to any proposed regulations pro-
10 mulgated by the Director under this subsection.

11 (h) INTERIM AUTHORITY PENDING APPOINTMENT
12 AND CONFIRMATION OF DIRECTOR.—

13 (1) AUTHORITY OF DIRECTOR OF OFFICE OF
14 MANAGEMENT AND BUDGET.—Notwithstanding sub-
15 section (b), during the transition period, the Direc-
16 tor of the Office of Management and Budget is au-
17 thorized to perform the functions of the Office under
18 this title, and shall act for all purposes as, and with
19 the full powers of, the Director.

20 (2) INTERIM ADMINISTRATIVE SERVICES.—

21 (A) AUTHORITY OF OFFICE OF MANAGE-
22 MENT AND BUDGET.—During the transition pe-
23 riod, the Director of the Office of Management
24 and Budget may provide administrative services
25 necessary to support the Office.

1 (B) TERMINATION OF AUTHORITY; PER-
2 MITTING EXTENSION.—The Director of the Of-
3 fice of Management and Budget shall cease pro-
4 viding interim administrative services under this
5 paragraph upon the expiration of the transition
6 period, except that the Director of the Office of
7 Management and Budget may continue to pro-
8 vide such services after the expiration of the
9 transition period if the Director and the Direc-
10 tor of the Office of Management and Budget
11 jointly transmit to the Committee on House Ad-
12 ministration of the House of Representatives
13 and the Committee on Rules and Administra-
14 tion of the Senate—

15 (i) a written determination that an or-
16 derly implementation of this title is not
17 feasible by the expiration of the transition
18 period;

19 (ii) an explanation of why an exten-
20 sion is necessary for the orderly implemen-
21 tation of this title;

22 (iii) a description of the period during
23 which the Director of the Office of Man-
24 agement and Budget shall continue pro-

1 viding services under the authority of this
2 subparagraph; and

3 (iv) a description of the steps that will
4 be taken to ensure an orderly and timely
5 implementation of this title during the pe-
6 riod described in clause (iii).

7 (3) **TRANSITION PERIOD DEFINED.**—In this
8 subsection, the “transition period” is the period
9 which begins on the effective date of this Act and
10 ends on the date on which the Director is appointed
11 and confirmed.

12 (4) **LIMIT ON LENGTH OF PERIOD OF INTERIM**
13 **AUTHORITIES.**—Notwithstanding any other provision
14 of this subsection, the Director of the Office of Man-
15 agement and Budget may not exercise any authority
16 under this subsection after the expiration of the 24-
17 month period which begins on the effective date of
18 this Act.

19 (i) **AUTHORIZATION OF APPROPRIATIONS.**—There
20 are authorized to be appropriated from the Trust Fund
21 such sums as may be necessary to carry out the activities
22 of the Office for fiscal year 2024 and each succeeding fis-
23 cal year.

1 **PART 2—STATE ELECTION ASSISTANCE AND**

2 **INNOVATION TRUST FUND**

3 **SEC. 8011. STATE ELECTION ASSISTANCE AND INNOVATION**

4 **TRUST FUND.**

5 (a) **ESTABLISHMENT.**—There is established in the
6 Treasury a fund to be known as the “State Election As-
7 sistance and Innovation Trust Fund”.

8 (b) **CONTENTS.**—The Trust Fund shall consist solely
9 of—

10 (1) amounts transferred under section 3015 of
11 title 18, United States Code, section 9706 of title
12 31, United States Code, and section 6761 of the In-
13 ternal Revenue Code of 1986 (as added by section
14 8013); and

15 (2) gifts or bequests deposited pursuant to sub-
16 section (d).

17 (c) **USE OF FUNDS.**—Amounts in the Trust Fund
18 shall be used to make payments and allocations under the
19 Program (as described in section 8012(a)) and to carry
20 out the activities of the Office.

21 (d) **ACCEPTANCE OF GIFTS.**—The Office may accept
22 gifts or bequests for deposit into the Trust Fund.

23 (e) **NO TAXPAYER FUNDS PERMITTED.**—No tax-
24 payer funds may be deposited into the Trust Fund. For
25 purposes of this subsection, the term “taxpayer funds”

1 means revenues received by the Internal Revenue Service
2 from tax liabilities.

3 (f) **EFFECTIVE DATE.**—This section shall take effect
4 on the date of the enactment of this subtitle.

5 **SEC. 8012. USES OF FUND.**

6 (a) **PAYMENTS AND ALLOCATIONS DESCRIBED.**—For
7 each fiscal year, amounts in the Fund shall be used as
8 follows:

9 (1) Payments to States under the Program, as
10 described in section 8005(a).

11 (2) Allocations to the Election Assistance Com-
12 mission, to be used for payments for certain election
13 administration activities, as described in section
14 8005(b).

15 (3) Allocations to the Federal Election Commis-
16 sion, to be used for payments to participating can-
17 didates under title V of the Federal Election Cam-
18 paign Act of 1971, as described in section 8005(c).

19 (4) Allocations to the Federal Election Commis-
20 sion, to be used for payments to States operating a
21 Democracy Credit Program under part 1 of subtitle
22 B, as described in section 8005(d).

23 (b) **DETERMINATION OF AGGREGATE AMOUNT OF**
24 **STATE ALLOCATIONS.**—The Director shall determine and
25 establish the aggregate amount of State allocations for

1 each fiscal year, taking into account the anticipated bal-
2 ances of the Trust Fund. In carrying out this subsection,
3 the Director shall consult with the Federal Election Com-
4 mission and the Election Assistance Commission, but shall
5 be solely responsible for making the final determinations
6 under this subsection.

7 **SEC. 8013. ASSESSMENTS AGAINST FINES AND PENALTIES.**

8 (a) ASSESSMENTS RELATING TO CRIMINAL OF-
9 FENSES.—

10 (1) IN GENERAL.—Chapter 201 of title 18,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 3015. Special assessments for State Election Assist-
14 ance and Innovation Trust Fund**

15 “(a) ASSESSMENTS.—

16 “(1) CONVICTIONS OF CRIMES.—In addition to
17 any assessment imposed under this chapter, the
18 court shall assess on any organizational defendant or
19 any defendant who is a corporate officer or person
20 with equivalent authority in any other organization
21 who is convicted of a criminal offense under Federal
22 law an amount equal to 4.75 percent of any fine im-
23 posed on that defendant in the sentence imposed for
24 that conviction.

1 (1) IN GENERAL.—Chapter 97 of title 31,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 9706. Special assessments for State Election Assist-**
5 **ance and Innovation Trust Fund**

6 “(a) ASSESSMENTS.—

7 “(1) CIVIL PENALTIES.—Any entity of the Fed-
8 eral Government which is authorized under any law,
9 rule, or regulation to impose a civil penalty shall as-
10 sess on each person, other than a natural person
11 who is not a corporate officer or person with equiva-
12 lent authority in any other organization, on whom
13 such a penalty is imposed an amount equal to 4.75
14 percent of the amount of the penalty.

15 “(2) ADMINISTRATIVE PENALTIES.—Any entity
16 of the Federal Government which is authorized
17 under any law, rule, or regulation to impose an ad-
18 ministrative penalty shall assess on each person,
19 other than a natural person who is not a corporate
20 officer or person with equivalent authority in any
21 other organization, on whom such a penalty is im-
22 posed an amount equal to 4.75 percent of the
23 amount of the penalty.

24 “(3) SETTLEMENTS.—Any entity of the Federal
25 Government which is authorized under any law, rule,

1 or regulation to enter into a settlement agreement or
2 consent decree with any person, other than a natural
3 person who is not a corporate officer or person with
4 equivalent authority in any other organization, in
5 satisfaction of any allegation of an action or omis-
6 sion by the person which would be subject to a civil
7 penalty or administrative penalty shall assess on
8 such person an amount equal to 4.75 percent of the
9 amount of the settlement.

10 “(b) MANNER OF COLLECTION.—An amount as-
11 sessed under subsection (a) shall be collected—

12 “(1) in the case of an amount assessed under
13 paragraph (1) of such subsection, in the manner in
14 which civil penalties are collected by the entity of the
15 Federal Government involved;

16 “(2) in the case of an amount assessed under
17 paragraph (2) of such subsection, in the manner in
18 which administrative penalties are collected by the
19 entity of the Federal Government involved; and

20 “(3) in the case of an amount assessed under
21 paragraph (3) of such subsection, in the manner in
22 which amounts are collected pursuant to settlement
23 agreements or consent decrees entered into by the
24 entity of the Federal Government involved.

1 “(c) TRANSFERS.—In a manner consistent with sec-
2 tion 3302(b) of this title, there shall be transferred from
3 the General Fund of the Treasury to the State Election
4 Assistance and Innovation Trust Fund under section 8011
5 of the Freedom to Vote Act an amount equal to the
6 amount of the assessments collected under this section.

7 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
8 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
9 CODE OF 1986.—

10 “(1) IN GENERAL.—No assessment shall be
11 made under subsection (a) with respect to any civil
12 or administrative penalty imposed, or any settlement
13 agreement or consent decree entered into, under the
14 authority of the Internal Revenue Code of 1986.

15 “(2) CROSS REFERENCE.—For application of
16 special assessments for the State Election Assistance
17 and Innovation Trust Fund with respect to certain
18 penalties under the Internal Revenue Code of 1986,
19 see section 6761 of the Internal Revenue Code of
20 1986.”.

21 “(2) CLERICAL AMENDMENT.—The table of sec-
22 tions of chapter 97 of title 31, United States Code,
23 is amended by adding at the end the following:

“9706. Special assessments for State Election Assistance and Innovation Trust
Fund.”.

1 (c) ASSESSMENTS RELATING TO CERTAIN PEN-
2 ALTIES UNDER THE INTERNAL REVENUE CODE OF
3 1986.—

4 (1) IN GENERAL.—Chapter 68 of the Internal
5 Revenue Code of 1986 is amended by adding at the
6 end the following new subchapter:

7 **“Subchapter D—Special Assessments for**
8 **State Election Assistance and Innovation**
9 **Trust Fund**

10 **“SEC. 6761. SPECIAL ASSESSMENTS FOR STATE ELECTION**
11 **ASSISTANCE AND INNOVATION TRUST FUND.**

12 “(a) IN GENERAL.—Each person required to pay a
13 covered penalty shall pay an additional amount equal to
14 4.75 percent of the amount of such penalty.

15 “(b) COVERED PENALTY.—For purposes of this sec-
16 tion, the term ‘covered penalty’ means any addition to tax,
17 additional amount, penalty, or other liability provided
18 under subchapter A or B.

19 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

20 “(1) IN GENERAL.—In the case of a taxpayer
21 who is an individual, subsection (a) shall not apply
22 to any covered penalty if such taxpayer is an exempt
23 taxpayer for the taxable year for which such covered
24 penalty is assessed.

1 “(2) EXEMPT TAXPAYER.—For purposes of this
2 subsection, a taxpayer is an exempt taxpayer for any
3 taxable year if the taxable income of such taxpayer
4 for such taxable year does not exceed the dollar
5 amount at which begins the highest rate bracket in
6 effect under section 1 with respect to such taxpayer
7 for such taxable year.

8 “(d) APPLICATION OF CERTAIN RULES.—Except as
9 provided in subsection (e), the additional amount deter-
10 mined under subsection (a) shall be treated for purposes
11 of this title in the same manner as the covered penalty
12 to which such additional amount relates.

13 “(e) TRANSFER TO STATE ELECTION ADMINISTRA-
14 TION AND INNOVATION TRUST FUND.—The Secretary
15 shall deposit any additional amount under subsection (a)
16 in the General Fund of the Treasury and shall transfer
17 from such General Fund to the State Election Assistance
18 and Innovation Trust Fund under section 8011 of the
19 Freedom to Vote Act an amount equal to the amounts
20 so deposited (and, notwithstanding subsection (d), such
21 additional amount shall not be the basis for any deposit,
22 transfer, credit, appropriation, or any other payment, to
23 any other trust fund or account). Rules similar to the rules
24 of section 9601 shall apply for purposes of this sub-
25 section.”.

1 (2) CLERICAL AMENDMENT.—The table of sub-
2 chapters for chapter 68 of such Code is amended by
3 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR STATE ELECTION ASSISTANCE
AND INNOVATION TRUST FUND”.

4 (d) EFFECTIVE DATES.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the amendments made by this section
7 shall apply with respect to convictions, agreements,
8 and penalties which occur on or after the date of the
9 enactment of this Act.

10 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
11 ALTIES UNDER THE INTERNAL REVENUE CODE OF
12 1986.—The amendments made by subsection (c)
13 shall apply to covered penalties assessed after the
14 date of the enactment of this Act.

15 **PART 3—GENERAL PROVISIONS**

16 **SEC. 8021. DEFINITIONS.**

17 In this subtitle, the following definitions apply:

18 (1) The term “chief State election official” has
19 the meaning given such term in section 253(e) of the
20 Help America Vote Act of 2002 (52 U.S.C.
21 21003(e)).

22 (2) The term “Director” means the Director of
23 the Office.

1 (3) The term “election cycle” means the period
2 beginning on the day after the date of the most re-
3 cent regularly scheduled general election for Federal
4 office and ending on the date of the next regularly
5 scheduled general election for Federal office.

6 (4) The term “Indian lands” includes—

7 (A) Indian country, as defined under sec-
8 tion 1151 of title 18, United States Code;

9 (B) any land in Alaska owned, pursuant to
10 the Alaska Native Claims Settlement Act (43
11 U.S.C. 1601 et seq.), by an Indian Tribe that
12 is a Native village (as defined in section 3 of
13 that Act (43 U.S.C. 1602)) or by a Village Cor-
14 poration that is associated with an Indian Tribe
15 (as defined in section 3 of that Act (43 U.S.C.
16 1602));

17 (C) any land on which the seat of the Trib-
18 al government is located; and

19 (D) any land that is part or all of a Tribal
20 designated statistical area associated with an
21 Indian Tribe, or is part or all of an Alaska Na-
22 tive village statistical area associated with an
23 Indian Tribe, as defined by the Census Bureau
24 for the purposes of the most recent decennial
25 census.

1 (5) The term “Office” means the Office of De-
2 mocracy Advancement and Innovation established
3 under section 8005.

4 (6) The term “Program” means the Democracy
5 Advancement and Innovation Program established
6 under section 8001.

7 (7) The term “State” means each of the several
8 States, the District of Columbia, the Commonwealth
9 of Puerto Rico, Guam, American Samoa, the United
10 States Virgin Islands, and the Commonwealth of the
11 Northern Mariana Islands.

12 (8) The term “Trust Fund” means the State
13 Election Assistance and Innovation Trust Fund es-
14 tablished under section 8011.

15 **SEC. 8022. RULE OF CONSTRUCTION REGARDING CALCULA-**
16 **TION OF DEADLINES.**

17 (a) **IN GENERAL.**—With respect to the calculation of
18 any period of time for the purposes of a deadline in this
19 subtitle, the last day of the period shall be included in
20 such calculation, unless such day is a Saturday, a Sunday,
21 or a legal public holiday, in which case the period of such
22 deadline shall be extended until the end of the next day
23 which is not a Saturday, a Sunday, a legal public holiday.

24 (b) **LEGAL PUBLIC HOLIDAY DEFINED.**—For the
25 purposes of this section, the term “legal public holiday”

1 means a day described in section 6103(a) of title 5, United
2 States Code.

3 **Subtitle B—Elections for House of**
4 **Representatives**

5 **SEC. 8101. SHORT TITLE.**

6 This subtitle may be cited as the “Government By
7 the People Act of 2023”.

8 **PART 1—OPTIONAL DEMOCRACY CREDIT**
9 **PROGRAM**

10 **SEC. 8102. ESTABLISHMENT OF PROGRAM.**

11 (a) **ESTABLISHMENT.**—The Federal Election Com-
12 mission (hereafter in this part referred to as the “Commis-
13 sion”) shall establish a program under which the Commis-
14 sion shall make payments to States to operate a credit
15 program which is described in section 8103 during an elec-
16 tion cycle.

17 (b) **REQUIREMENTS FOR PROGRAM.**—A State is eligi-
18 ble to operate a credit program under this part with re-
19 spect to an election cycle if, not later than 120 days before
20 the cycle begins, the State submits to the Commission a
21 statement containing—

22 (1) information and assurances that the State
23 will operate a credit program which contains the ele-
24 ments described in section 8103(a);

1 (2) information and assurances that the State
2 will establish fraud prevention mechanisms described
3 in section 8103(b);

4 (3) information and assurances that the State
5 will establish a commission to oversee and implement
6 the program as described in section 8103(c);

7 (4) information and assurances that the State
8 will carry out a public information campaign as de-
9 scribed in section 8103(d);

10 (5) information and assurances that the State
11 will submit reports as required under section 8104;

12 (6) information and assurances that, not later
13 than 60 days before the beginning of the cycle, the
14 State will complete any actions necessary to operate
15 the program during the cycle; and

16 (7) such other information and assurances as
17 the Commission may require.

18 (c) REIMBURSEMENT OF COSTS.—

19 (1) REIMBURSEMENT.—Upon receiving the re-
20 port submitted by a State under section 8104(a)
21 with respect to an election cycle, the Commission
22 shall transmit a payment to the State in an amount
23 equal to the reasonable costs incurred by the State
24 in operating the credit program under this part dur-
25 ing the cycle.

1 (2) SOURCE OF FUNDS.—Payments to a State
2 under the program shall be made using amounts al-
3 located to the Commission for purposes of making
4 payments under this part with respect to the State
5 from the State Election Assistance and Innovation
6 Trust Fund (hereafter referred to as the “Fund”)
7 under section 8012, in the amount allocated with re-
8 spect to the State under section 8005(d).

9 (3) CAP ON AMOUNT OF PAYMENT.—The aggre-
10 gate amount of payments made to any State with re-
11 spect to two consecutive election cycles period may
12 not exceed \$10,000,000. If the State determines
13 that the maximum payment amount under this para-
14 graph with respect to such cycles is not, or may not
15 be, sufficient to cover the reasonable costs incurred
16 by the State in operating the program under this
17 part for such cycles, the State shall reduce the
18 amount of the credit provided to each qualified indi-
19 vidual by such pro rata amount as may be necessary
20 to ensure that the reasonable costs incurred by the
21 State in operating the program will not exceed the
22 amount paid to the State with respect to such cycles.

23 (d) CONTINUING AVAILABILITY OF FUNDS AFTER
24 APPROPRIATION.—A payment made to a State under this
25 part shall be available without fiscal year limitation.

1 **SEC. 8103. CREDIT PROGRAM DESCRIBED.**

2 (a) GENERAL ELEMENTS OF PROGRAM.—

3 (1) ELEMENTS DESCRIBED.—The elements of a
4 credit program operated by a State under this part
5 are as follows:

6 (A) The State shall provide each qualified
7 individual upon the individual's request with a
8 credit worth \$25 to be known as a "Democracy
9 Credit" during the election cycle which will be
10 assigned a routing number and which at the op-
11 tion of the individual will be provided in either
12 paper or electronic form.

13 (B) Using the routing number assigned to
14 the Democracy Credit, the individual may sub-
15 mit the Democracy Credit in either electronic or
16 paper form to qualified candidates for election
17 for the office of Representative in, or Delegate
18 or Resident Commissioner to, the Congress and
19 allocate such portion of the value of the Democ-
20 racy Credit in increments of \$5 as the indi-
21 vidual may select to any such candidate.

22 (C) If the candidate transmits the Democ-
23 racy Credit to the Commission, the Commission
24 shall pay the candidate the portion of the value
25 of the Democracy Credit that the individual al-
26 located to the candidate, which shall be consid-

1 ered a contribution by the individual to the can-
2 didate for purposes of the Federal Election
3 Campaign Act of 1971.

4 (2) DESIGNATION OF QUALIFIED INDIVID-
5 UALS.—For purposes of paragraph (1)(A), a “quali-
6 fied individual” with respect to a State means an in-
7 dividual—

8 (A) who is a resident of the State;

9 (B) who will be of voting age as of the
10 date of the election for the candidate to whom
11 the individual submits a Democracy Credit; and

12 (C) who is not prohibited under Federal
13 law from making contributions to candidates
14 for election for Federal office.

15 (3) TREATMENT AS CONTRIBUTION TO CAN-
16 DIDATE.—For purposes of the Federal Election
17 Campaign Act of 1971, the submission of a Democ-
18 racy Credit to a candidate by an individual shall be
19 treated as a contribution to the candidate by the in-
20 dividual in the amount of the portion of the value
21 of the Credit that the individual allocated to the can-
22 didate.

23 (b) FRAUD PREVENTION MECHANISM.—In addition
24 to the elements described in subsection (a), a State oper-
25 ating a credit program under this part shall permit an

1 individual to revoke a Democracy Credit not later than
2 2 days after submitting the Democracy Credit to a can-
3 didate.

4 (c) OVERSIGHT COMMISSION.—In addition to the ele-
5 ments described in subsection (a), a State operating a
6 credit program under this part shall establish a commis-
7 sion or designate an existing entity to oversee and imple-
8 ment the program in the State, except that no such com-
9 mission or entity may be comprised of elected officials.

10 (d) PUBLIC INFORMATION CAMPAIGN.—In addition
11 to the elements described in subsection (a), a State oper-
12 ating a credit program under this part shall carry out a
13 public information campaign to disseminate awareness of
14 the program among qualified individuals.

15 (e) NO TAXPAYER FUNDS PERMITTED TO CARRY
16 OUT PROGRAM.—No taxpayer funds shall be used to carry
17 out the credit program under this part. For purposes of
18 this subsection, the term “taxpayer funds” means reve-
19 nues received by the Internal Revenue Service from tax
20 liabilities.

21 **SEC. 8104. REPORTS.**

22 (a) STATE REPORTS.—Not later than 6 months after
23 each first election cycle during which the State operates
24 a program under this part, the State shall submit a report
25 to the Commission and the Office of Democracy Advance-

1 ment and Innovation analyzing the operation and effec-
2 tiveness of the program during the cycle and including
3 such other information as the Commission may require.

4 (b) **STUDY AND REPORT ON IMPACT AND EFFEC-**
5 **TIVENESS OF CREDIT PROGRAMS.—**

6 (1) **STUDY.—**The Commission shall conduct a
7 study on the efficacy of political credit programs, in-
8 cluding the program under this part and other simi-
9 lar programs, in expanding and diversifying the pool
10 of individuals who participate in the electoral proc-
11 ess, including those who participate as donors and
12 those who participate as candidates.

13 (2) **REPORT.—**Not later than 1 year after the
14 first election cycle for which States operate the pro-
15 gram under this part, the Commission shall publish
16 and submit to Congress a report on the study con-
17 ducted under paragraph (1).

18 **SEC. 8105. ELECTION CYCLE DEFINED.**

19 In this part, the term “election cycle” means the pe-
20 riod beginning on the day after the date of the most recent
21 regularly scheduled general election for Federal office and
22 ending on the date of the next regularly scheduled general
23 election for Federal office.

1 **PART 2—OPTIONAL SMALL DOLLAR FINANCING**
2 **OF ELECTIONS FOR HOUSE OF REPRESENTA-**
3 **TIVES**

4 **SEC. 8111. BENEFITS AND ELIGIBILITY REQUIREMENTS**
5 **FOR CANDIDATES.**

6 The Federal Election Campaign Act of 1971 (52
7 U.S.C. 30101 et seq.) is amended by adding at the end
8 the following:

9 **“TITLE V—SMALL DOLLAR FI-**
10 **NANCING OF ELECTIONS FOR**
11 **HOUSE OF REPRESENTA-**
12 **TIVES**

13 **“Subtitle A—Benefits**

14 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

15 “(a) **IN GENERAL.**—If a candidate for election to the
16 office of Representative in, or Delegate or Resident Com-
17 missioner to, the Congress is certified as a participating
18 candidate under this title with respect to an election for
19 such office, the candidate shall be entitled to payments
20 as provided under this title.

21 “(b) **AMOUNT OF PAYMENT.**—The amount of a pay-
22 ment made under this title shall be equal to 600 percent
23 of the amount of qualified small dollar contributions re-
24 ceived by the candidate since the most recent payment
25 made to the candidate under this title during the election
26 cycle, without regard to whether or not the candidate re-

1 ceived any of the contributions before, during, or after the
2 Small Dollar Democracy qualifying period applicable to
3 the candidate under section 511(c).

4 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-
5 MENTS.—The aggregate amount of payments made to a
6 participating candidate with respect to an election cycle
7 under this title may not exceed 50 percent of the average
8 of the 20 greatest amounts of disbursements made by the
9 authorized committees of any winning candidate for the
10 office of Representative in, or Delegate or Resident Com-
11 missioner to, the Congress during the most recent election
12 cycle, rounded to the nearest \$100,000.

13 “(d) NO TAXPAYER FUNDS PERMITTED.—No tax-
14 payer funds shall be used to make payments under this
15 title. For purposes of this subsection, the term ‘taxpayer
16 funds’ means revenues received by the Internal Revenue
17 Service from tax liabilities.

18 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

19 “(a) IN GENERAL.—The Division Director shall
20 make a payment under section 501 to a candidate who
21 is certified as a participating candidate upon receipt from
22 the candidate of a request for a payment which includes—

23 “(1) a statement of the number and amount of
24 qualified small dollar contributions received by the
25 candidate since the most recent payment made to

1 the candidate under this title during the election
2 cycle;

3 “(2) a statement of the amount of the payment
4 the candidate anticipates receiving with respect to
5 the request;

6 “(3) a statement of the total amount of pay-
7 ments the candidate has received under this title as
8 of the date of the statement; and

9 “(4) such other information and assurances as
10 the Division Director may require.

11 “(b) RESTRICTIONS ON SUBMISSION OF RE-
12 QUESTS.—A candidate may not submit a request under
13 subsection (a) unless each of the following applies:

14 “(1) The amount of the qualified small dollar
15 contributions in the statement referred to in sub-
16 section (a)(1) is equal to or greater than \$5,000, un-
17 less the request is submitted during the 30-day pe-
18 riod which ends on the date of a general election.

19 “(2) The candidate did not receive a payment
20 under this title during the 7-day period which ends
21 on the date the candidate submits the request.

22 “(c) TIME OF PAYMENT.—The Division Director
23 shall, in coordination with the Secretary of the Treasury,
24 take such steps as may be necessary to ensure that the
25 Secretary is able to make payments under this section

1 from the Treasury not later than 2 business days after
2 the receipt of a request submitted under subsection (a).

3 **“SEC. 503. USE OF FUNDS.**

4 “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN
5 EXPENDITURES.—A candidate shall use payments made
6 under this title, including payments provided with respect
7 to a previous election cycle which are withheld from remit-
8 tance to the Commission in accordance with section
9 524(a)(2), only for making direct payments for the receipt
10 of goods and services which constitute authorized expendi-
11 tures (as determined in accordance with title III) in con-
12 nection with the election cycle involved.

13 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-
14 PENSES, FINES, OR PENALTIES.—Notwithstanding title
15 III, a candidate may not use payments made under this
16 title for the payment of expenses incurred in connection
17 with any action, claim, or other matter before the Commis-
18 sion or before any court, hearing officer, arbitrator, or
19 other dispute resolution entity, or for the payment of any
20 fine or civil monetary penalty.

21 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**
22 **SCRIBED.**

23 “(a) IN GENERAL.—In this title, the term ‘qualified
24 small dollar contribution’ means, with respect to a can-

1 didate and the authorized committees of a candidate, a
2 contribution that meets the following requirements:

3 “(1) The contribution is in an amount that is—

4 “(A) not less than \$1; and

5 “(B) not more than \$200.

6 “(2)(A) The contribution is made directly by an
7 individual to the candidate or an authorized com-
8 mittee of the candidate and is not—

9 “(i) forwarded from the individual making
10 the contribution to the candidate or committee
11 by another person; or

12 “(ii) received by the candidate or com-
13 mittee with the knowledge that the contribution
14 was made at the request, suggestion, or rec-
15 ommendation of another person.

16 “(B) In this paragraph—

17 “(i) the term ‘person’ does not include an
18 individual (other than an individual described in
19 section 304(i)(7) of the Federal Election Cam-
20 paign Act of 1971), a political committee of a
21 political party, or any political committee which
22 is not a separate segregated fund described in
23 section 316(b) of the Federal Election Cam-
24 paign Act of 1971 and which does not make
25 contributions or independent expenditures, does

1 not engage in lobbying activity under the Lob-
2 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
3 seq.), and is not established by, controlled by,
4 or affiliated with a registered lobbyist under
5 such Act, an agent of a registered lobbyist
6 under such Act, or an organization which re-
7 tains or employs a registered lobbyist under
8 such Act; and

9 “(ii) a contribution is not ‘made at the re-
10 quest, suggestion, or recommendation of an-
11 other person’ solely on the grounds that the
12 contribution is made in response to information
13 provided to the individual making the contribu-
14 tion by any person, so long as the candidate or
15 authorized committee does not know the iden-
16 tity of the person who provided the information
17 to such individual.

18 “(3) The individual who makes the contribution
19 does not make contributions to the candidate or the
20 authorized committees of the candidate with respect
21 to the election involved in an aggregate amount that
22 exceeds the amount described in paragraph (1)(B),
23 or any contribution to the candidate or the author-
24 ized committees of the candidate with respect to the

1 election involved that otherwise is not a qualified
2 small dollar contribution.

3 “(b) TREATMENT OF DEMOCRACY CREDITS.—Any
4 payment received by a candidate and the authorized com-
5 mittees of a candidate which consists of a Democracy
6 Credit under the Freedom to Vote Act shall be considered
7 a qualified small dollar contribution for purposes of this
8 title, so long as the individual making the payment meets
9 the requirements of paragraphs (2) and (3) of subsection
10 (a).

11 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-
12 TIONS.—

13 “(1) PROHIBITING DONOR FROM MAKING SUB-
14 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING
15 ELECTION CYCLE.—

16 “(A) IN GENERAL.—An individual who
17 makes a qualified small dollar contribution to a
18 candidate or the authorized committees of a
19 candidate with respect to an election may not
20 make any subsequent contribution to such can-
21 didate or the authorized committees of such
22 candidate with respect to the election cycle
23 which is not a qualified small dollar contribu-
24 tion.

1 “(B) EXCEPTION FOR CONTRIBUTIONS TO
2 CANDIDATES WHO VOLUNTARILY WITHDRAW
3 FROM PARTICIPATION DURING QUALIFYING PE-
4 RIOD.—Subparagraph (A) does not apply with
5 respect to a contribution made to a candidate
6 who, during the Small Dollar Democracy quali-
7 fying period described in section 511(c), sub-
8 mits a statement to the Commission under sec-
9 tion 513(c) to voluntarily withdraw from par-
10 ticipating in the program under this title.

11 “(2) TREATMENT OF SUBSEQUENT NON-
12 QUALIFIED CONTRIBUTIONS.—If, notwithstanding
13 the prohibition described in paragraph (1), an indi-
14 vidual who makes a qualified small dollar contribu-
15 tion to a candidate or the authorized committees of
16 a candidate with respect to an election makes a sub-
17 sequent contribution to such candidate or the au-
18 thorized committees of such candidate with respect
19 to the election which is prohibited under paragraph
20 (1) because it is not a qualified small dollar con-
21 tribution, the candidate may take one of the fol-
22 lowing actions:

23 “(A) Not later than 2 weeks after receiving
24 the contribution, the candidate may return the
25 subsequent contribution to the individual. In

1 the case of a subsequent contribution which is
2 not a qualified small dollar contribution because
3 the contribution fails to meet the requirements
4 of paragraph (3) of subsection (a) (relating to
5 the aggregate amount of contributions made to
6 the candidate or the authorized committees of
7 the candidate by the individual making the con-
8 tribution), the candidate may return an amount
9 equal to the difference between the amount of
10 the subsequent contribution and the amount de-
11 scribed in paragraph (1)(B) of subsection (a).

12 “(B) The candidate may retain the subse-
13 quent contribution, so long as not later than 2
14 weeks after receiving the subsequent contribu-
15 tion, the candidate remits to the Commission an
16 amount equal to any payments received by the
17 candidate under this title which are attributable
18 to the qualified small dollar contribution made
19 by the individual involved. Such amount shall
20 be used to supplement the allocation made to
21 the Commission with respect to candidates from
22 the State in which the candidate seeks office, as
23 described in section 541(a).

24 “(3) NO EFFECT ON ABILITY TO MAKE MUL-
25 TIPLE CONTRIBUTIONS.—Nothing in this section

1 may be construed to prohibit an individual from
2 making multiple qualified small dollar contributions
3 to any candidate or any number of candidates, so
4 long as each contribution meets each of the require-
5 ments of paragraphs (1), (2), and (3) of subsection
6 (a).

7 “(d) NOTIFICATION REQUIREMENTS FOR CAN-
8 DIDATES.—

9 “(1) NOTIFICATION.—Each authorized com-
10 mittee of a candidate who seeks to be a participating
11 candidate under this title shall provide the following
12 information in any materials for the solicitation of
13 contributions, including any internet site through
14 which individuals may make contributions to the
15 committee:

16 “(A) A statement that if the candidate is
17 certified as a participating candidate under this
18 title, the candidate will receive matching pay-
19 ments in an amount which is based on the total
20 amount of qualified small dollar contributions
21 received.

22 “(B) A statement that a contribution
23 which meets the requirements set forth in sub-
24 section (a) shall be treated as a qualified small
25 dollar contribution under this title.

1 “(C) A statement that if a contribution is
2 treated as qualified small dollar contribution
3 under this title, the individual who makes the
4 contribution may not make any contribution to
5 the candidate or the authorized committees of
6 the candidate during the election cycle which is
7 not a qualified small dollar contribution.

8 “(2) ALTERNATIVE METHODS OF MEETING RE-
9 QUIREMENTS.—An authorized committee may meet
10 the requirements of paragraph (1)—

11 “(A) by including the information de-
12 scribed in paragraph (1) in the receipt provided
13 under section 512(b)(3) to a person making a
14 qualified small dollar contribution; or

15 “(B) by modifying the information it pro-
16 vides to persons making contributions which is
17 otherwise required under title III (including in-
18 formation it provides through the internet).

19 **“Subtitle B—Eligibility and** 20 **Certification**

21 **“SEC. 511. ELIGIBILITY.**

22 “(a) IN GENERAL.—A candidate for the office of
23 Representative in, or Delegate or Resident Commissioner
24 to, the Congress is eligible to be certified as a participating

1 candidate under this title with respect to an election if
2 the candidate meets the following requirements:

3 “(1) The candidate files with the Commission a
4 statement of intent to seek certification as a partici-
5 pating candidate.

6 “(2) The candidate meets the qualifying re-
7 quirements of section 512.

8 “(3) The candidate files with the Commission a
9 statement certifying that the authorized committees
10 of the candidate meet the requirements of section
11 504(d).

12 “(4) Not later than the last day of the Small
13 Dollar Democracy qualifying period, the candidate
14 files with the Commission an affidavit signed by the
15 candidate and the treasurer of the candidate’s prin-
16 cipal campaign committee declaring that the can-
17 didate—

18 “(A) has complied and, if certified, will
19 comply with the contribution and expenditure
20 requirements of section 521;

21 “(B) if certified, will run only as a partici-
22 pating candidate for all elections for the office
23 that such candidate is seeking during that elec-
24 tion cycle; and

1 “(C) has either qualified or will take steps
2 to qualify under State law to be on the ballot.

3 “(5) The candidate files with the Commission a
4 certification that the candidate will not use any allo-
5 cation from the Fund to directly or indirectly pay
6 salaries, fees, consulting expenses, or any other com-
7 pensation for services rendered to themselves, family
8 members (including spouses as well as children, par-
9 ents, siblings, or any of their spouses), or any entity
10 or organization in which they have an ownership in-
11 terest.

12 “(b) GENERAL ELECTION.—Notwithstanding sub-
13 section (a), a candidate shall not be eligible to be certified
14 as a participating candidate under this title for a general
15 election or a general runoff election unless the candidate’s
16 party nominated the candidate to be placed on the ballot
17 for the general election or the candidate is otherwise quali-
18 fied to be on the ballot under State law.

19 “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-
20 RIOD DEFINED.—The term ‘Small Dollar Democracy
21 qualifying period’ means, with respect to any candidate
22 for an office, the 180-day period (during the election cycle
23 for such office) which begins on the date on which the
24 candidate files a statement of intent under section
25 511(a)(1), except that such period may not continue after

1 the date that is 30 days before the date of the general
2 election for the office.

3 **“SEC. 512. QUALIFYING REQUIREMENTS.**

4 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-
5 TRIBUTIONS.—A candidate for the office of Representative
6 in, or Delegate or Resident Commissioner to, the Congress
7 meets the requirement of this section if, during the Small
8 Dollar Democracy qualifying period described in section
9 511(c), each of the following occurs:

10 “(1) Not fewer than 1,000 individuals make a
11 qualified small dollar contribution to the candidate.

12 “(2) The candidate obtains a total dollar
13 amount of qualified small dollar contributions which
14 is equal to or greater than \$50,000.

15 “(b) REQUIREMENTS RELATING TO RECEIPT OF
16 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each
17 qualified small dollar contribution—

18 “(1) may be made by means of a personal
19 check, money order, debit card, credit card, elec-
20 tronic payment account, or any other method
21 deemed appropriate by the Division Director;

22 “(2) shall be accompanied by a signed state-
23 ment (or, in the case of a contribution made online
24 or through other electronic means, an electronic

1 equivalent) containing the contributor's name and
2 address; and

3 “(3) shall be acknowledged by a receipt that is
4 sent to the contributor with a copy (in paper or elec-
5 tronic form) kept by the candidate for the Commis-
6 sion.

7 “(c) VERIFICATION OF CONTRIBUTIONS.—

8 “(1) PROCEDURES.—The Division Director
9 shall establish procedures for the auditing and
10 verification of the contributions received and expend-
11 itures made by participating candidates under this
12 title, including procedures for random audits, to en-
13 sure that such contributions and expenditures meet
14 the requirements of this title.

15 “(2) AUTHORITY OF COMMISSION TO REVISE
16 PROCEDURES.—The Commission, by a vote of not
17 fewer than four of its members, may revise the pro-
18 cedures established by the Division Director under
19 this subsection.

20 **“SEC. 513. CERTIFICATION.**

21 “(a) DEADLINE AND NOTIFICATION.—

22 “(1) IN GENERAL.—Not later than 5 business
23 days after a candidate files an affidavit under sec-
24 tion 511(a)(4), the Division Director shall—

1 “(A) determine whether or not the can-
2 didate meets the requirements for certification
3 as a participating candidate;

4 “(B) if the Division Director determines
5 that the candidate meets such requirements,
6 certify the candidate as a participating can-
7 didate; and

8 “(C) notify the candidate of the Division
9 Director’s determination.

10 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
11 TIONS IN ELECTION CYCLE.—If the Division Direc-
12 tor certifies a candidate as a participating candidate
13 with respect to the first election of the election cycle
14 involved, the Division Director shall be deemed to
15 have certified the candidate as a participating can-
16 didate with respect to all subsequent elections of the
17 election cycle.

18 “(3) AUTHORITY OF COMMISSION TO REVERSE
19 DETERMINATION BY DIVISION DIRECTOR.—During
20 the 10-day period which begins on the date the Divi-
21 sion Director makes a determination under this sub-
22 section, the Commission, by a vote of not fewer than
23 four of its members, may review and reverse the de-
24 termination. If the Commission reverses the deter-

1 mination, the Commission shall promptly notify the
2 candidate involved.

3 “(b) REVOCATION OF CERTIFICATION.—

4 “(1) IN GENERAL.—The Division Director shall
5 revoke a certification under subsection (a) if—

6 “(A) a candidate fails to qualify to appear
7 on the ballot at any time after the date of cer-
8 tification (other than a candidate certified as a
9 participating candidate with respect to a pri-
10 mary election who fails to qualify to appear on
11 the ballot for a subsequent election in that elec-
12 tion cycle);

13 “(B) a candidate ceases to be a candidate
14 for the office involved, as determined on the
15 basis of an official announcement by an author-
16 ized committee of the candidate or on the basis
17 of a reasonable determination by the Commis-
18 sion; or

19 “(C) a candidate otherwise fails to comply
20 with the requirements of this title, including
21 any regulatory requirements prescribed by the
22 Commission.

23 “(2) EXISTENCE OF CRIMINAL SANCTION.—The
24 Division Director shall revoke a certification under
25 subsection (a) if a penalty is assessed against the

1 candidate under section 309(d) with respect to the
2 election.

3 “(3) EFFECT OF REVOCATION.—If a can-
4 didate’s certification is revoked under this sub-
5 section—

6 “(A) the candidate may not receive pay-
7 ments under this title during the remainder of
8 the election cycle involved; and

9 “(B) in the case of a candidate whose cer-
10 tification is revoked pursuant to subparagraph
11 (A) or subparagraph (C) of paragraph (1)—

12 “(i) the candidate shall repay to the
13 Commission an amount equal to the pay-
14 ments received under this title with respect
15 to the election cycle involved plus interest
16 (at a rate determined by the Commission
17 on the basis of an appropriate annual per-
18 centage rate for the month involved) on
19 any such amount received, which shall be
20 used by the Commission to supplement the
21 allocation made to the Commission with re-
22 spect to the State in which the candidate
23 seeks office, as described in section 541(a);
24 and

1 “(ii) the candidate may not be cer-
2 tified as a participating candidate under
3 this title with respect to the next election
4 cycle.

5 “(4) PROHIBITING PARTICIPATION IN FUTURE
6 ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-
7 OCATIONS.—If the Division Director revokes the cer-
8 tification of an individual as a participating can-
9 didate under this title pursuant to subparagraph (A)
10 or subparagraph (C) of paragraph (1) a total of 3
11 times, the individual may not be certified as a par-
12 ticipating candidate under this title with respect to
13 any subsequent election.

14 “(5) AUTHORITY OF COMMISSION TO REVERSE
15 REVOCATION BY DIVISION DIRECTOR.—During the
16 10-day period which begins on the date the Division
17 Director makes a determination under this sub-
18 section, the Commission, by a vote of not fewer than
19 four of its members, may review and reverse the de-
20 termination. If the Commission reverses the deter-
21 mination, the Commission shall promptly notify the
22 candidate involved.

23 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-
24 PATING DURING QUALIFYING PERIOD.—At any time dur-
25 ing the Small Dollar Democracy qualifying period de-

1 scribed in section 511(c), a candidate may withdraw from
2 participation in the program under this title by submitting
3 to the Commission a statement of withdrawal (without re-
4 gard to whether or not the Commission has certified the
5 candidate as a participating candidate under this title as
6 of the time the candidate submits such statement), so long
7 as the candidate has not submitted a request for payment
8 under section 502.

9 “(d) PARTICIPATING CANDIDATE DEFINED.—In this
10 title, a ‘participating candidate’ means a candidate for the
11 office of Representative in, or Delegate or Resident Com-
12 missioner to, the Congress who is certified under this sec-
13 tion as eligible to receive benefits under this title.

14 **“Subtitle C—Requirements for Can-**
15 **didates Certified as Partici-**
16 **pating Candidates**

17 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
18 **MENTS.**

19 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND
20 EXPENDITURES.—Except as provided in subsection (c), a
21 participating candidate with respect to an election shall,
22 with respect to all elections occurring during the election
23 cycle for the office involved, accept no contributions from
24 any source and make no expenditures from any amounts,
25 other than the following:

1 “(1) Qualified small dollar contributions.

2 “(2) Payments under this title.

3 “(3) Contributions from political committees es-
4 tablished and maintained by a national or State po-
5 litical party, subject to the applicable limitations of
6 section 315.

7 “(4) Subject to subsection (b), personal funds
8 of the candidate or of any immediate family member
9 of the candidate (other than funds received through
10 qualified small dollar contributions).

11 “(5) Contributions from individuals who are
12 otherwise permitted to make contributions under
13 this Act, subject to the applicable limitations of sec-
14 tion 315, except that the aggregate amount of con-
15 tributions a participating candidate may accept from
16 any individual with respect to any election during
17 the election cycle may not exceed \$1,000.

18 “(6) Contributions from multicandidate political
19 committees, subject to the applicable limitations of
20 section 315.

21 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

22 “(1) LIMIT ON AMOUNT.—A candidate who is
23 certified as a participating candidate may use per-
24 sonal funds (including personal funds of any imme-
25 diate family member of the candidate) so long as—

1 “(A) the aggregate amount used with re-
2 spect to the election cycle (including any period
3 of the cycle occurring prior to the candidate’s
4 certification as a participating candidate) does
5 not exceed \$50,000; and

6 “(B) the funds are used only for making
7 direct payments for the receipt of goods and
8 services which constitute authorized expendi-
9 tures in connection with the election cycle in-
10 volved.

11 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
12 In this subsection, the term ‘immediate family mem-
13 ber’ means, with respect to a candidate—

14 “(A) the candidate’s spouse;

15 “(B) a child, stepchild, parent, grand-
16 parent, brother, half-brother, sister, or half-sis-
17 ter of the candidate or the candidate’s spouse;
18 and

19 “(C) the spouse of any person described in
20 subparagraph (B).

21 “(c) EXCEPTIONS.—

22 “(1) EXCEPTION FOR CONTRIBUTIONS RE-
23 CEIVED PRIOR TO FILING OF STATEMENT OF IN-
24 TENT.—A candidate who has accepted contributions
25 that are not described in subsection (a) is not in vio-

1 lation of subsection (a), but only if all such contribu-
2 tions are—

3 “(A) returned to the contributor;

4 “(B) submitted to the Commission, to be
5 used to supplement the allocation made to the
6 Commission with respect to the State in which
7 the candidate seeks office, as described in sec-
8 tion 541(a); or

9 “(C) spent in accordance with paragraph
10 (2).

11 “(2) EXCEPTION FOR EXPENDITURES MADE
12 PRIOR TO FILING OF STATEMENT OF INTENT.—If a
13 candidate has made expenditures prior to the date
14 the candidate files a statement of intent under sec-
15 tion 511(a)(1) that the candidate is prohibited from
16 making under subsection (a) or subsection (b), the
17 candidate is not in violation of such subsection if the
18 aggregate amount of the prohibited expenditures is
19 less than the amount referred to in section
20 512(a)(2) (relating to the total dollar amount of
21 qualified small dollar contributions which the can-
22 didate is required to obtain) which is applicable to
23 the candidate.

24 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES
25 FROM A PREVIOUS ELECTION.—Notwithstanding

1 paragraph (1), unexpended contributions received by
2 the candidate or an authorized committee of the
3 candidate with respect to a previous election may be
4 retained, but only if the candidate places the funds
5 in escrow and refrains from raising additional funds
6 for or spending funds from that account during the
7 election cycle in which a candidate is a participating
8 candidate.

9 “(4) EXCEPTION FOR CONTRIBUTIONS RE-
10 CEIVED BEFORE THE EFFECTIVE DATE OF THIS
11 TITLE.—Contributions received and expenditures
12 made by the candidate or an authorized committee
13 of the candidate prior to the effective date of this
14 title shall not constitute a violation of subsection (a)
15 or (b). Unexpended contributions shall be treated
16 the same as campaign surpluses under paragraph
17 (3), and expenditures made shall count against the
18 limit in paragraph (2).

19 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-
20 PENDITURES.—For purposes of this section, a payment
21 made by a political party in coordination with a partici-
22 pating candidate shall not be treated as a contribution to
23 or as an expenditure made by the participating candidate.

24 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-
25 TEES.—

1 “(1) PROHIBITION.—An authorized committee
2 of a candidate who is certified as a participating
3 candidate under this title with respect to an election
4 may not establish a joint fundraising committee with
5 a political committee other than another authorized
6 committee of the candidate.

7 “(2) STATUS OF EXISTING COMMITTEES FOR
8 PRIOR ELECTIONS.—If a candidate established a
9 joint fundraising committee described in paragraph
10 (1) with respect to a prior election for which the
11 candidate was not certified as a participating can-
12 didate under this title and the candidate does not
13 terminate the committee, the candidate shall not be
14 considered to be in violation of paragraph (1) so
15 long as that joint fundraising committee does not re-
16 ceive any contributions or make any disbursements
17 during the election cycle for which the candidate is
18 certified as a participating candidate under this title.

19 “(f) PROHIBITION ON LEADERSHIP PACS.—

20 “(1) PROHIBITION.—A candidate who is cer-
21 tified as a participating candidate under this title
22 with respect to an election may not associate with,
23 establish, finance, maintain, or control a leadership
24 PAC.

1 “(2) STATUS OF EXISTING LEADERSHIP
2 PACS.—If a candidate established, financed, main-
3 tained, or controlled a leadership PAC prior to being
4 certified as a participating candidate under this title
5 and the candidate does not terminate the leadership
6 PAC, the candidate shall not be considered to be in
7 violation of paragraph (1) so long as the leadership
8 PAC does not receive any contributions or make any
9 disbursements during the election cycle for which the
10 candidate is certified as a participating candidate
11 under this title.

12 “(3) LEADERSHIP PAC DEFINED.—In this sub-
13 section, the term ‘leadership PAC’ has the meaning
14 given such term in section 304(i)(8)(B).

15 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

16 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-
17 MITTED CONTRIBUTIONS.—Each authorized committee of
18 a candidate certified as a participating candidate under
19 this title—

20 “(1) shall provide for separate accounting of
21 each type of contribution described in section 521(a)
22 which is received by the committee; and

23 “(2) shall provide for separate accounting for
24 the payments received under this title.

1 “(b) ENHANCED DISCLOSURE OF INFORMATION ON
2 DONORS.—

3 “(1) MANDATORY IDENTIFICATION OF INDIVID-
4 UALS MAKING QUALIFIED SMALL DOLLAR CON-
5 TRIBUTIONS.—Each authorized committee of a par-
6 ticipating candidate under this title shall, in accord-
7 ance with section 304(b)(3)(A), include in the re-
8 ports the committee submits under section 304 the
9 identification of each person who makes a qualified
10 small dollar contribution to the committee.

11 “(2) MANDATORY DISCLOSURE THROUGH
12 INTERNET.—Each authorized committee of a partici-
13 pating candidate under this title shall ensure that all
14 information reported to the Commission under this
15 Act with respect to contributions and expenditures
16 of the committee is available to the public on the
17 internet (whether through a site established for pur-
18 poses of this subsection, a hyperlink on another pub-
19 lic site of the committee, or a hyperlink on a report
20 filed electronically with the Commission) in a search-
21 able, sortable, and downloadable manner.

22 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF**
23 **MATCHING FUNDS.**

24 “(a) MANDATORY SPENDING OF AVAILABLE PRI-
25 VATE FUNDS.—An authorized committee of a candidate

1 certified as a participating candidate under this title may
2 not make any expenditure of any payments received under
3 this title in any amount unless the committee has made
4 an expenditure in an equivalent amount of funds received
5 by the committee which are described in paragraphs (1),
6 (3), (4), (5), and (6) of section 521(a).

7 “(b) LIMITATION.—Subsection (a) applies to an au-
8 thorized committee only to the extent that the funds re-
9 ferred to in such subsection are available to the committee
10 at the time the committee makes an expenditure of a pay-
11 ment received under this title.

12 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

13 “(a) REMITTANCE REQUIRED.—Not later than the
14 date that is 180 days after the last election for which a
15 candidate certified as a participating candidate qualifies
16 to be on the ballot during the election cycle involved, such
17 participating candidate shall remit to the Commission an
18 amount equal to the balance of the payments received
19 under this title by the authorized committees of the can-
20 didate which remain unexpended as of such date, which
21 shall be used to supplement the allocation made to the
22 Commission with respect to the State in which the can-
23 didate seeks office, as described in section 541(a).

24 “(b) PERMITTING CANDIDATES PARTICIPATING IN
25 NEXT ELECTION CYCLE TO RETAIN PORTION OF

1 UNSPENT FUNDS.—Notwithstanding subsection (a), a
2 participating candidate may withhold not more than
3 \$100,000 from the amount required to be remitted under
4 subsection (a) if the candidate files a signed affidavit with
5 the Commission that the candidate will seek certification
6 as a participating candidate with respect to the next elec-
7 tion cycle, except that the candidate may not use any por-
8 tion of the amount withheld until the candidate is certified
9 as a participating candidate with respect to that next elec-
10 tion cycle. If the candidate fails to seek certification as
11 a participating candidate prior to the last day of the Small
12 Dollar Democracy qualifying period for the next election
13 cycle (as described in section 511), or if the Commission
14 notifies the candidate of the Commission’s determination
15 does not meet the requirements for certification as a par-
16 ticipating candidate with respect to such cycle, the can-
17 didate shall immediately remit to the Commission the
18 amount withheld.

19 **“Subtitle D—Enhanced Match**
20 **Support**

21 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

22 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In
23 addition to the payments made under subtitle A, the Divi-
24 sion Director shall make an additional payment to an eligi-
25 ble candidate under this subtitle.

1 “(b) USE OF FUNDS.—A candidate shall use the ad-
2 ditional payment under this subtitle only for authorized
3 expenditures in connection with the election involved.

4 **“SEC. 532. ELIGIBILITY.**

5 “(a) IN GENERAL.—A candidate is eligible to receive
6 an additional payment under this subtitle if the candidate
7 meets each of the following requirements:

8 “(1) The candidate is on the ballot for the gen-
9 eral election for the office the candidate seeks.

10 “(2) The candidate is certified as a partici-
11 pating candidate under this title with respect to the
12 election.

13 “(3) During the enhanced support qualifying
14 period, the candidate receives qualified small dollar
15 contributions in a total amount of not less than
16 \$50,000.

17 “(4) During the enhanced support qualifying
18 period, the candidate submits to the Division Direc-
19 tor a request for the payment which includes—

20 “(A) a statement of the number and
21 amount of qualified small dollar contributions
22 received by the candidate during the enhanced
23 support qualifying period;

1 “(B) a statement of the amount of the
2 payment the candidate anticipates receiving
3 with respect to the request; and

4 “(C) such other information and assur-
5 ances as the Division Director may require.

6 “(5) After submitting a request for the addi-
7 tional payment under paragraph (4), the candidate
8 does not submit any other application for an addi-
9 tional payment under this subtitle.

10 “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-
11 SCRIBED.—In this subtitle, the term ‘enhanced support
12 qualifying period’ means, with respect to a general elec-
13 tion, the period which begins 60 days before the date of
14 the election and ends 14 days before the date of the elec-
15 tion.

16 **“SEC. 533. AMOUNT.**

17 “(a) IN GENERAL.—Subject to subsection (b), the
18 amount of the additional payment made to an eligible can-
19 didate under this subtitle shall be an amount equal to 50
20 percent of—

21 “(1) the amount of the payment made to the
22 candidate under section 501(b) with respect to the
23 qualified small dollar contributions which are re-
24 ceived by the candidate during the enhanced support

1 spect to an election is not permitted to withhold any por-
2 tion from the amount of unspent funds the candidate is
3 required to remit to the Commission under section
4 524(a)(1).

5 **“Subtitle E—Administrative**
6 **Provisions**

7 **“SEC. 541. SOURCE OF PAYMENTS.**

8 “(a) ALLOCATIONS FROM STATE ELECTION ASSIST-
9 ANCE AND INNOVATION TRUST FUND.—The amounts
10 used to make payments to participating candidates under
11 this title who seek office in a State shall be derived from
12 the allocations made to the Commission with respect to
13 the State from the State Election Assistance and Innova-
14 tion Trust Fund (hereafter referred to as the ‘Fund’)
15 under section 8012 of the Freedom to Vote Act, as pro-
16 vided under section 8005(c) of such Act.

17 “(b) USE OF ALLOCATIONS TO MAKE PAYMENTS TO
18 PARTICIPATING CANDIDATES.—

19 “(1) PAYMENTS TO PARTICIPATING CAN-
20 DIDATES.—The allocations made to the Commission
21 as described in subsection (a) shall be available with-
22 out further appropriation or fiscal year limitation to
23 make payments to participating candidates as pro-
24 vided in this title.

1 “(2) ONGOING REVIEW TO DETERMINE SUFFI-
2 CIENCY OF STATE ALLOCATIONS.—

3 “(A) ONGOING REVIEW.—Not later than
4 90 days before the first day of each election
5 cycle (beginning with the first election cycle
6 that begins after the date of the enactment of
7 this title), and on an ongoing basis until the
8 end of the election cycle, the Division Director,
9 in consultation with the Director of the Office
10 of Democracy Advancement and Innovation,
11 shall determine whether the amount of the allo-
12 cation made to the Commission with respect to
13 candidates who seek office in a State as de-
14 scribed in subsection (a) will be sufficient to
15 make payments to participating candidates in
16 the State in the amounts provided in this title
17 during such election cycle.

18 “(B) OPPORTUNITY FOR STATE TO IN-
19 CREASE ALLOCATION.—If, at any time the Divi-
20 sion Director determines under subparagraph
21 (A) that the amount anticipated to be available
22 in the Fund for payments to participating can-
23 didates in a State with respect to the election
24 cycle involved is not, or may not be, sufficient
25 to satisfy the full entitlements of participating

1 candidates in the State to payments under this
2 title for such election cycle—

3 “(i) the Division Director shall notify
4 the State and Congress; and

5 “(ii) the State may direct the Director
6 of the Office of Democracy Advancement
7 and Innovation to direct the Secretary of
8 the Treasury to use the funds described in
9 subparagraph (C), in such amounts as the
10 State may direct, as an additional alloca-
11 tion to the Commission with respect to the
12 State for purposes of subsection (a), in ac-
13 cordance with section 8012 of the Freedom
14 to Vote Act.

15 “(C) FUNDS DESCRIBED.—The funds de-
16 scribed in this subparagraph are funds which
17 were allocated to the State under the Democ-
18 racy Advancement and Innovation Program
19 under subtitle A of title VIII of the Freedom to
20 Vote Act which, under the State plan under
21 section 8002 of such Act, were to be used for
22 democracy promotion activities described in
23 paragraph (1), (2)(B), (2)(C), or (3) of section
24 8001(b) of such Act but which remain unobli-
25 gated.

1 “(3) ELIMINATION OF LIMIT OF AMOUNT OF
2 QUALIFIED SMALL DONOR CONTRIBUTIONS.—

3 “(A) ELIMINATION OF LIMIT.—If, after
4 notifying the State under subparagraph (B)(i)
5 and (if the State so elects) the State directs an
6 additional allocation to the Commission as pro-
7 vided under such subparagraph, the Division
8 Director determines that the amount antici-
9 pated to be available in the Fund for payments
10 to participating candidates in the State with re-
11 spect to the election cycle involved is still not,
12 or may still not be, sufficient to satisfy the full
13 entitlements of participating candidates in the
14 State to payments under this title for such elec-
15 tion cycle, the limit on the amount of a quali-
16 fied small donor contribution under section
17 504(a)(1)(B) shall not apply with respect to a
18 participating candidate in the State under this
19 title. Nothing in this subparagraph may be con-
20 strued to waive the limit on the aggregate
21 amount of contributions a participating can-
22 didate may accept from any individual under
23 section 521(a)(5).

24 “(B) DETERMINATION OF AMOUNT OF
25 PAYMENT TO CANDIDATE.—In determining

1 under section 501(b) the amount of the pay-
2 ment made to a participating candidate for
3 whom the limit on the amount of a qualified
4 small donor contribution does not apply pursu-
5 ant to subparagraph (A), there shall be ex-
6 cluded any qualified small donor contribution to
7 the extent that the amount contributed by the
8 individual involved exceeds the limit on the
9 amount of such a contribution under section
10 504(a)(1)(B).

11 “(C) NO USE OF AMOUNTS FROM OTHER
12 SOURCES.—In any case in which the Division
13 Director determines that the allocation made to
14 the Commission with respect to candidates in a
15 State as described in subsection (a) is insuffi-
16 cient to make payments to participating can-
17 didates in the State under this title (taking into
18 account any increase in the allocation under
19 paragraph (2)), moneys shall not be made avail-
20 able from any other source for the purpose of
21 making such payments.

22 “(c) EFFECTIVE DATE.—This section shall take ef-
23 fect on the date of the enactment of this title, without
24 regard to whether or not regulations have been promul-
25 gated to carry out this section.

1 **“SEC. 542. ADMINISTRATION THROUGH DEDICATED DIVI-**
2 **SION WITHIN COMMISSION.**

3 “(a) ADMINISTRATION THROUGH DEDICATED DIVI-
4 SION.—

5 “(1) ESTABLISHMENT.—The Commission shall
6 establish a separate division within the Commission
7 which is dedicated to issuing regulations to carry out
8 this title and to otherwise carrying out the operation
9 of this title.

10 “(2) APPOINTMENT OF DIRECTOR AND
11 STAFF.—

12 “(A) APPOINTMENT.—Not later than June
13 1, 2022, the Commission shall appoint a direc-
14 tor to head the division established under this
15 section (to be known as the ‘Division Director’)
16 and such other staff as the Commission con-
17 siders appropriate to enable the division to
18 carry out its duties.

19 “(B) ROLE OF GENERAL COUNSEL.—If, at
20 any time after the date referred to in subpara-
21 graph (A), there is a vacancy in the position of
22 the Division Director, the General Counsel of
23 the Commission shall serve as the acting Divi-
24 sion Director until the Commission appoints a
25 Division Director under this paragraph.

1 “(3) PRIVATE RIGHT OF ACTION.—Any person
2 aggrieved by the failure of the Commission to meet
3 the requirements of this subsection may file an ac-
4 tion in an appropriate district court of the United
5 States for such relief, including declaratory and in-
6 junctive relief, as may be appropriate.

7 “(b) REGULATIONS.—Not later than the deadline set
8 forth in section 8114 of the Freedom to Vote Act, the
9 Commission, acting through the dedicated division estab-
10 lished under this section, shall prescribe regulations to
11 carry out the purposes of this title, including regula-
12 tions—

13 “(1) to establish procedures for verifying the
14 amount of qualified small dollar contributions with
15 respect to a candidate;

16 “(2) to establish procedures for effectively and
17 efficiently monitoring and enforcing the limits on the
18 raising of qualified small dollar contributions;

19 “(3) to establish procedures for effectively and
20 efficiently monitoring and enforcing the limits on the
21 use of personal funds by participating candidates;

22 “(4) to establish procedures for monitoring the
23 use of payments made from the allocation made to
24 the Commission as described in section 541(a) and
25 matching contributions under this title through au-

1 dits of not fewer than $\frac{1}{10}$ (or, in the case of the
2 first 3 election cycles during which the program
3 under this title is in effect, not fewer than $\frac{1}{3}$) of all
4 participating candidates or other mechanisms;

5 “(5) to establish procedures for carrying out
6 audits under section 541(b) and permitting States to
7 make additional allocations as provided under sec-
8 tion 541(b)(2)(B); and

9 “(6) to establish rules for preventing fraud in
10 the operation of this title which supplement similar
11 rules which apply under this Act.

12 **“SEC. 543. VIOLATIONS AND PENALTIES.**

13 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
14 TION AND EXPENDITURE REQUIREMENTS.—If a can-
15 didate who has been certified as a participating candidate
16 accepts a contribution or makes an expenditure that is
17 prohibited under section 521, the Commission may assess
18 a civil penalty against the candidate in an amount that
19 is not more than 3 times the amount of the contribution
20 or expenditure. Any amounts collected under this sub-
21 section shall be used to supplement the allocation made
22 to the Commission with respect to the State in which the
23 candidate seeks office, as described in section 541(a).

24 “(b) REPAYMENT FOR IMPROPER USE OF PAY-
25 MENTS.—

1 “(1) IN GENERAL.—If the Commission deter-
2 mines that any payment made to a participating
3 candidate was not used as provided for in this title
4 or that a participating candidate has violated any of
5 the dates for remission of funds contained in this
6 title, the Commission shall so notify the candidate
7 and the candidate shall pay to the Commission an
8 amount which shall be used to supplement the allo-
9 cation made to the Commission with respect to the
10 State in which the candidate seeks office, as de-
11 scribed in section 541(a) and which shall be equal
12 to—

13 “(A) the amount of payments so used or
14 not remitted, as appropriate; and

15 “(B) interest on any such amounts (at a
16 rate determined by the Commission).

17 “(2) OTHER ACTION NOT PRECLUDED.—Any
18 action by the Commission in accordance with this
19 subsection shall not preclude enforcement pro-
20 ceedings by the Commission in accordance with sec-
21 tion 309(a), including a referral by the Commission
22 to the Attorney General in the case of an apparent
23 knowing and willful violation of this title.

24 “(c) PROHIBITING CERTAIN CANDIDATES FROM
25 QUALIFYING AS PARTICIPATING CANDIDATES.—

1 “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-
2 ALTIES.—If the Commission assesses 3 or more civil
3 penalties under subsection (a) against a candidate
4 (with respect to either a single election or multiple
5 elections), the Commission may refuse to certify the
6 candidate as a participating candidate under this
7 title with respect to any subsequent election, except
8 that if each of the penalties were assessed as the re-
9 sult of a knowing and willful violation of any provi-
10 sion of this Act, the candidate is not eligible to be
11 certified as a participating candidate under this title
12 with respect to any subsequent election.

13 “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-
14 ALTY.—A candidate is not eligible to be certified as
15 a participating candidate under this title with re-
16 spect to an election if a penalty has been assessed
17 against the candidate under section 309(d) with re-
18 spect to any previous election.

19 “(d) IMPOSITION OF CRIMINAL PENALTIES.—For
20 criminal penalties for the failure of a participating can-
21 didate to comply with the requirements of this title, see
22 section 309(d).

23 **“SEC. 544. INDEXING OF AMOUNTS.**

24 “(a) INDEXING.—In any calendar year after 2026,
25 section 315(c)(1)(B) shall apply to each amount described

1 in subsection (b) in the same manner as such section ap-
2 plies to the limitations established under subsections
3 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-
4 cept that for purposes of applying such section to the
5 amounts described in subsection (b), the ‘base period’
6 shall be 2026.

7 “(b) AMOUNTS DESCRIBED.—The amounts described
8 in this subsection are as follows:

9 “(1) The amount referred to in section
10 502(b)(1) (relating to the minimum amount of quali-
11 fied small dollar contributions included in a request
12 for payment).

13 “(2) The amounts referred to in section
14 504(a)(1) (relating to the amount of a qualified
15 small dollar contribution).

16 “(3) The amount referred to in section
17 512(a)(2) (relating to the total dollar amount of
18 qualified small dollar contributions).

19 “(4) The amount referred to in section
20 521(a)(5) (relating to the aggregate amount of con-
21 tributions a participating candidate may accept from
22 any individual with respect to an election).

23 “(5) The amount referred to in section
24 521(b)(1)(A) (relating to the amount of personal

1 funds that may be used by a candidate who is cer-
2 tified as a participating candidate).

3 “(6) The amounts referred to in section
4 524(a)(2) (relating to the amount of unspent funds
5 a candidate may retain for use in the next election
6 cycle).

7 “(7) The amount referred to in section
8 532(a)(3) (relating to the total dollar amount of
9 qualified small dollar contributions for a candidate
10 seeking an additional payment under subtitle D).

11 “(8) The amount referred to in section 533(b)
12 (relating to the limit on the amount of an additional
13 payment made to a candidate under subtitle D).

14 **“SEC. 545. ELECTION CYCLE DEFINED.**

15 “In this title, the term ‘election cycle’ means, with
16 respect to an election for an office, the period beginning
17 on the day after the date of the most recent general elec-
18 tion for that office (or, if the general election resulted in
19 a runoff election, the date of the runoff election) and end-
20 ing on the date of the next general election for that office
21 (or, if the general election resulted in a runoff election,
22 the date of the runoff election).

1 **“SEC. 546. DIVISION DIRECTOR DEFINED.**

2 “In this title, the term ‘Division Director’ means the
3 individual serving as the director of the division estab-
4 lished under section 542.”.

5 **SEC. 8112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
6 **CANDIDATE AND POLITICAL PARTY COMMIT-**
7 **TEES ON BEHALF OF PARTICIPATING CAN-**
8 **DIDATES.**

9 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-
10 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL
11 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal
12 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is
13 amended by adding at the end the following new para-
14 graph:

15 “(10) In the case of a multicandidate political com-
16 mittee or any political committee of a political party, the
17 committee may make a contribution to a candidate who
18 is a participating candidate under title V with respect to
19 an election only if the contribution is paid from a separate,
20 segregated account of the committee which consists solely
21 of contributions which meet the following requirements:

22 “(A) Each such contribution is in an amount
23 which meets the requirements for the amount of a
24 qualified small dollar contribution under section
25 504(a)(1) with respect to the election involved.

1 “(B) Each such contribution is made by an in-
2 dividual who is not otherwise prohibited from mak-
3 ing a contribution under this Act.

4 “(C) The individual who makes the contribution
5 does not make contributions to the committee during
6 the year in an aggregate amount that exceeds the
7 limit described in section 504(a)(1).”.

8 (b) PERMITTING UNLIMITED COORDINATED EX-
9 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-
10 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.
11 30116(d)) is amended—

12 (1) in paragraph (3), by striking “The national
13 committee” and inserting “Except as provided in
14 paragraph (6), the national committee”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(6) The limits described in paragraph (3) do not
18 apply in the case of expenditures in connection with the
19 general election campaign of a candidate for the office of
20 Representative in, or Delegate or Resident Commissioner
21 to, the Congress who is a participating candidate under
22 title V with respect to the election, but only if—

23 “(A) the expenditures are paid from a separate,
24 segregated account of the committee which is de-
25 scribed in subsection (a)(10); and

1 “(B) the expenditures are the sole source of
2 funding provided by the committee to the can-
3 didate.”.

4 **SEC. 8113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
5 **TICIPATING CANDIDATES FOR PURPOSES**
6 **OTHER THAN CAMPAIGN FOR ELECTION.**

7 Section 313 of the Federal Election Campaign Act
8 of 1971 (52 U.S.C. 30114) is amended by adding at the
9 end the following new subsection:

10 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS
11 BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-
12 ING.—Notwithstanding paragraph (2), (3), or (4) of sub-
13 section (a), if a candidate for election for the office of Rep-
14 resentative in, or Delegate or Resident Commissioner to,
15 the Congress is certified as a participating candidate
16 under title V with respect to the election, any contribution
17 which the candidate is permitted to accept under such title
18 may be used only for authorized expenditures in connec-
19 tion with the candidate’s campaign for such office, subject
20 to section 503(b).”.

21 **SEC. 8114. DEADLINE FOR REGULATIONS.**

22 Not later than October 1, 2023, the Federal Election
23 Commission shall promulgate such regulations as may be
24 necessary to carry out this part and the amendments made
25 by this part. This part and the amendments made by this

1 part shall take effect on such date without regard to
2 whether the Commission has promulgated the regulations
3 required under the previous sentence by such date.

4 **Subtitle C—Personal Use Services**
5 **as Authorized Campaign Ex-**
6 **penditures**

7 **SEC. 8201. SHORT TITLE; FINDINGS; PURPOSE.**

8 (a) **SHORT TITLE.**—This subtitle may be cited as the
9 “Help America Run Act”.

10 (b) **FINDINGS.**—Congress finds the following:

11 (1) Everyday Americans experience barriers to
12 entry before they can consider running for office to
13 serve their communities.

14 (2) Current law states that campaign funds
15 cannot be spent on everyday expenses that would
16 exist whether or not a candidate were running for
17 office, like childcare and food. While the law seems
18 neutral, its actual effect is to privilege the independ-
19 ently wealthy who want to run, because given the de-
20 mands of running for office, candidates who must
21 work to pay for childcare or to afford health insur-
22 ance are effectively being left out of the process,
23 even if they have sufficient support to mount a via-
24 ble campaign.

1 (3) Thus current practice favors those prospec-
2 tive candidates who do not need to rely on a regular
3 paycheck to make ends meet. The consequence is
4 that everyday Americans who have firsthand knowl-
5 edge of the importance of stable childcare, a safety
6 net, or great public schools are less likely to get a
7 seat at the table. This governance by the few is anti-
8 thetical to the democratic experiment, but most im-
9 portantly, when lawmakers do not share the con-
10 cerns of everyday Americans, their policies reflect
11 that.

12 (4) These circumstances have contributed to a
13 Congress that does not always reflect everyday
14 Americans. The New York Times reported in 2019
15 that fewer than 5 percent of representatives cite
16 blue-collar or service jobs in their biographies. A
17 2015 survey by the Center for Responsive Politics
18 showed that the median net worth of lawmakers was
19 just over \$1 million in 2013, or 18 times the wealth
20 of the typical American household.

21 (5) These circumstances have also contributed
22 to a governing body that does not reflect the nation
23 it serves. For instance, women are 51 percent of the
24 American population. Yet even with a record number
25 of women serving in the One Hundred Sixteenth

1 Congress, the Pew Research Center notes that more
2 than three out of four Members of this Congress are
3 male. The Center for American Women And Politics
4 found that one third of women legislators surveyed
5 had been actively discouraged from running for of-
6 fice, often by political professionals. This type of dis-
7 couragement, combined with the prohibitions on
8 using campaign funds for domestic needs like
9 childcare, burdens that still fall disproportionately
10 on American women, particularly disadvantages
11 working mothers. These barriers may explain why
12 only 10 women in history have given birth while
13 serving in Congress, in spite of the prevalence of
14 working parents in other professions. Yet working
15 mothers and fathers are best positioned to create
16 policy that reflects the lived experience of most
17 Americans.

18 (6) Working mothers, those caring for their el-
19 derly parents, and young professionals who rely on
20 their jobs for health insurance should have the free-
21 dom to run to serve the people of the United States.
22 Their networks and net worth are simply not the
23 best indicators of their strength as prospective pub-
24 lic servants. In fact, helping ordinary Americans to
25 run may create better policy for all Americans.

1 (c) PURPOSE.—It is the purpose of this subtitle to
2 ensure that all Americans who are otherwise qualified to
3 serve this Nation are able to run for office, regardless of
4 their economic status. By expanding permissible uses of
5 campaign funds and providing modest assurance that test-
6 ing a run for office will not cost one’s livelihood, the Help
7 America Run Act will facilitate the candidacy of represent-
8 atives who more accurately reflect the experiences, chal-
9 lenges, and ideals of everyday Americans.

10 **SEC. 8202. TREATMENT OF PAYMENTS FOR CHILD CARE**
11 **AND OTHER PERSONAL USE SERVICES AS AU-**
12 **THORIZED CAMPAIGN EXPENDITURE.**

13 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
14 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-
15 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-
16 ed by section 8113, is amended by adding at the end the
17 following new subsection:

18 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE
19 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
20 CAMPAIGN EXPENDITURE.—

21 “(1) AUTHORIZED EXPENDITURES.—For pur-
22 poses of subsection (a), the payment by an author-
23 ized committee of a candidate for any of the per-
24 sonal use services described in paragraph (3) shall
25 be treated as an authorized expenditure if the serv-

1 ices are necessary to enable the participation of the
2 candidate in campaign-connected activities.

3 “(2) LIMITATIONS.—

4 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
5 MENTS.—The total amount of payments made
6 by an authorized committee of a candidate for
7 personal use services described in paragraph (3)
8 may not exceed the limit which is applicable
9 under any law, rule, or regulation on the
10 amount of payments which may be made by the
11 committee for the salary of the candidate (with-
12 out regard to whether or not the committee
13 makes payments to the candidate for that pur-
14 pose).

15 “(B) CORRESPONDING REDUCTION IN
16 AMOUNT OF SALARY PAID TO CANDIDATE.—To
17 the extent that an authorized committee of a
18 candidate makes payments for the salary of the
19 candidate, any limit on the amount of such pay-
20 ments which is applicable under any law, rule,
21 or regulation shall be reduced by the amount of
22 any payments made to or on behalf of the can-
23 didate for personal use services described in
24 paragraph (3), other than personal use services

1 described in subparagraph (D) of such para-
2 graph.

3 “(C) EXCLUSION OF CANDIDATES WHO
4 ARE OFFICEHOLDERS.—Paragraph (1) does not
5 apply with respect to an authorized committee
6 of a candidate who is a holder of Federal office.

7 “(3) PERSONAL USE SERVICES DESCRIBED.—
8 The personal use services described in this para-
9 graph are as follows:

10 “(A) Child care services.

11 “(B) Elder care services.

12 “(C) Services similar to the services de-
13 scribed in subparagraph (A) or subparagraph
14 (B) which are provided on behalf of any de-
15 pendent who is a qualifying relative under sec-
16 tion 152 of the Internal Revenue Code of 1986.

17 “(D) Health insurance premiums.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act and shall take effect without regard to whether
21 or not the Federal Election Commission has promulgated
22 regulations to carry out such amendments.

1 **Subtitle D—Empowering Small**
2 **Dollar Donations**

3 **SEC. 8301. PERMITTING POLITICAL PARTY COMMITTEES TO**
4 **PROVIDE ENHANCED SUPPORT FOR HOUSE**
5 **CANDIDATES THROUGH USE OF SEPARATE**
6 **SMALL DOLLAR ACCOUNTS.**

7 (a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CAN-
8 DIDATES.—Section 315(a)(2)(A) of the Federal Election
9 Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is
10 amended by striking “exceed \$5,000” and inserting “ex-
11 ceed \$5,000 or, in the case of a contribution made by a
12 national committee of a political party from an account
13 described in paragraph (11), exceed \$10,000”.

14 (b) ELIMINATION OF LIMIT ON COORDINATED EX-
15 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.
16 30116(d)(5)) is amended by striking “subsection (a)(9)”
17 and inserting “subsection (a)(9) or subsection (a)(11)”.

18 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such
19 Act (52 U.S.C. 30116(a)), as amended by section 8112(a),
20 is amended by adding at the end the following new para-
21 graph:

22 “(11) An account described in this paragraph is a
23 separate, segregated account of a national congressional
24 campaign committee of a political party which—

1 “(A) supports only candidates for election for
2 the office of Representative in, or Delegate or Resi-
3 dent Commissioner to, the Congress; and

4 “(B) consists exclusively of contributions made
5 during a calendar year by individuals whose aggre-
6 gate contributions to the committee during the year
7 do not exceed \$200.”.

8 (d) **EFFECTIVE DATE.**—The amendments made by
9 this section shall apply with respect to elections held on
10 or after the date of the enactment of this Act and shall
11 take effect without regard to whether or not the Federal
12 Election Commission has promulgated regulations to carry
13 out such amendments.

14 **Subtitle E—Severability**

15 **SEC. 8401. SEVERABILITY.**

16 If any provision of this title or amendment made by
17 this title, or the application of a provision or amendment
18 to any person or circumstance, is held to be unconstitu-
19 tional, the remainder of this title and amendments made
20 by this title, and the application of the provisions and
21 amendment to any person or circumstance, shall not be
22 affected by the holding.

 Amend the title so as to read: “A bill to expand
 Americans’ access to the ballot box, reduce the influence
 of big money in politics, strengthen ethics rules for public
 servants, and implement other anti-corruption measures

for the purpose of fortifying our democracy, and for other purposes.”.

