

113TH CONGRESS
2D SESSION

S. 2865

To amend the National Voter Registration Act of 1993 to provide for voter registration through the Internet, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mrs. GILLIBRAND (for herself, Mr. MERKLEY, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the National Voter Registration Act of 1993 to provide for voter registration through the Internet, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voter Registration
5 Modernization Act”.

6 **SEC. 2. REQUIRING AVAILABILITY OF INTERNET FOR**
7 **VOTER REGISTRATION.**

8 (a) REQUIRING AVAILABILITY OF INTERNET FOR
9 REGISTRATION.—The National Voter Registration Act of

1 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
2 after section 6 the following new section:

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

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

6 “(1) AVAILABILITY OF ONLINE REGISTRA-
7 TION.—Each State, acting through the chief State
8 election official, shall ensure that the following serv-
9 ices are available to the public at any time on the
10 official public websites of the appropriate State and
11 local election officials in the State, in the same man-
12 ner and subject to the same terms and conditions as
13 the services provided by voter registration agencies
14 under section 7(a):

15 “(A) Online application for voter registra-
16 tion.

17 “(B) Online assistance to applicants in ap-
18 plying to register to vote.

19 “(C) Online completion and submission by
20 applicants of the mail voter registration applica-
21 tion form prescribed by the Election Assistance
22 Commission pursuant to section 9(a)(2), includ-
23 ing assistance with providing a signature in
24 electronic form as required under subsection
25 (c).

1 “(D) Online receipt of completed voter reg-
2 istration applications.

3 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

4 A State shall accept an online voter registration applica-
5 tion provided by an individual under this section, and en-
6 sure that the individual is registered to vote in the State,
7 if—

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

14 “(2)(A) in the case of an individual who has a
15 signature on file with the State motor vehicle au-
16 thority, the information provided in the application
17 matches the records of such State motor vehicle au-
18 thority; and

19 “(B) in any other case, the individual provides
20 a signature in electronic form in accordance with
21 subsection (c).

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

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

4 “(2) submitting with the application an elec-
5 tronic copy of the individual’s handwritten signature
6 through electronic means.

7 “(d) PROVISION OF SERVICES IN NONPARTISAN
8 MANNER.—The services made available under subsection
9 (a) shall be provided in a manner that ensures that, con-
10 sistent with section 7(a)(5)—

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 “(e) 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 “(f) NONDISCRIMINATION AMONG REGISTERED VOT-
2 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
3 rying out this Act, the Help America Vote Act of 2002,
4 or any other Federal, State, or local law governing the
5 treatment of registered voters in the State or the adminis-
6 tration of elections for public office in the State, a State
7 shall treat a registered voter who registered to vote online
8 in accordance with this section in the same manner as the
9 State treats a registered voter who registered to vote by
10 mail.

11 “(g) ACCESSIBILITY OF ONLINE REGISTRATION.—
12 The services provided under subsection (a) shall be pro-
13 vided in a manner that is accessible to individuals with
14 disabilities, including those that are blind and visually im-
15 paired, in a manner that provides the same opportunity
16 for access and participation (including privacy and inde-
17 pendence) as for other voters.”.

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

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)) is amended—

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

6 (B) by redesignating subparagraph (D) as
 7 subparagraph (E); and

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

10 “(D) in the case of online registration
 11 through the official public website of an election
 12 official under section 6A, if the valid voter reg-
 13 istration application is submitted online not
 14 later than the lesser of 30 days, or the period
 15 provided by State law, before the date of the
 16 election (as determined by treating the date on
 17 which the application is sent electronically as
 18 the date on which it is submitted); and”.

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

23 **SEC. 3. USE OF INTERNET TO UPDATE REGISTRATION IN-**
 24 **FORMATION.**

25 (a) IN GENERAL.—

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

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

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

20 “(B) PROCESSING OF UPDATED INFORMA-
21 TION BY ELECTION OFFICIALS.—If a registered
22 voter updates registration information under
23 subparagraph (A), the appropriate State or
24 local election official shall—

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

4 “(ii) if the updated registration infor-
5 mation affects the voter’s eligibility to vote
6 in an election for Federal office, ensure
7 that the information is processed with re-
8 spect to the election if the voter updates
9 the information not later than the lesser of
10 30 days, or the period provided by State
11 law, before the date of the election.”.

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

17 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
18 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
19 tion 8(d)(2)(A) of the National Voter Registration Act of
20 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

21 (1) in the first sentence, by inserting after “re-
22 turn the card” the following: “or update the reg-
23 istrant’s information on the computerized Statewide
24 voter registration list using the online method pro-

1 vided under section 303(a)(6) of the Help America
2 Vote Act of 2002”; and

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

8 **SEC. 4. STUDY ON BEST PRACTICES FOR INTERNET REG-**
9 **ISTRATION.**

10 (a) IN GENERAL.—The Director of the National In-
11 stitute of Standards and Technology shall conduct an on-
12 going study on best practices for implementing the re-
13 quirements for Internet registration under section 6A of
14 the National Voter Registration Act of 1993 (as added
15 by section 2) and the requirement to permit voters to up-
16 date voter registration information online under section
17 303(a)(6) of the Help America Vote Act of 2002 (as added
18 by section 3) in a fully accessible manner.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 4 months
21 after the date of the enactment of this Act, the Di-
22 rector of the National Institute of Standards and
23 Technology shall make publicly available a report on
24 the study conducted under subsection (a).

1 (2) QUADRENNIAL UPDATE.—The Director of
2 the National Institute of Standards and Technology
3 shall review and update the report made under para-
4 graph (1).

5 (c) USE OF BEST PRACTICES IN EAC VOLUNTARY
6 GUIDANCE.—Subsection (a) of section 311 of the Help
7 America Vote Act of 2002 (52 U.S.C. 21101(a)) is amend-
8 ed by adding at the end the following new sentence: “Such
9 voluntary guidance shall utilize the best practices devel-
10 oped by the Director of the National Institute of Stand-
11 ards and Technology under section 4 of the Voter Reg-
12 istration Modernization Act for the use of the Internet in
13 voter registration.”.

14 **SEC. 5. PROVISION OF ELECTION INFORMATION BY ELEC-**
15 **TRONIC MAIL TO INDIVIDUALS REGISTERED**
16 **TO VOTE.**

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

20 (1) IN GENERAL.—Section 9(b) of the National
21 Voter Registration Act of 1993 (52 U.S.C.
22 20508(b)) is amended—

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

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

3 (C) by adding at the end the following new
4 paragraph:

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

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

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

1 State or local election official (or any agent of such an
2 official, including a contractor) to any person who does
3 not require the address to carry out such official duties
4 and who is not under the direct supervision and control
5 of a State or local election official.”.

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

10 “(3) PROVISION OF OTHER INFORMATION BY
11 ELECTRONIC MAIL.—If an individual who is a reg-
12 istered voter has provided the State or local election
13 official with an electronic mail address for the pur-
14 pose of receiving voting information (as described in
15 section 9(b)(5) of the National Voter Registration
16 Act of 1993), the appropriate State or local election
17 official, through electronic mail transmitted not later
18 than 30 days before the date of the election involved,
19 shall provide the individual with information on how
20 to obtain the following information by electronic
21 means:

22 “(A) The name and address of the polling
23 place at which the individual is assigned to vote
24 in the election.

1 “(B) The hours of operation for the polling
2 place.

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

6 **SEC. 6. CLARIFICATION OF REQUIREMENT REGARDING**
7 **NECESSARY INFORMATION TO SHOW ELIGI-**
8 **BILITY TO VOTE.**

9 Section 8 of the National Voter Registration Act of
10 1993 (52 U.S.C. 20507) is amended—

11 (1) by redesignating subsection (j) as sub-
12 section (k); and

13 (2) by inserting after subsection (i) the fol-
14 lowing new subsection:

15 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
16 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
17 ELIGIBILITY TO VOTE.—For purposes meeting the re-
18 quirement of subsection (a)(1) that an eligible applicant
19 is registered to vote in an election for Federal office within
20 the deadlines required under such subsection, the State
21 shall consider an applicant to have provided a ‘valid voter
22 registration form’ if—

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

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

5 **SEC. 7. IMPLEMENTATION PAYMENTS.**

6 (a) IN GENERAL.—The Election Assistance Commis-
7 sion shall make an implementation payment each year in
8 an amount determined under subsection (c) to each State.

9 (b) USE OF FUNDS.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), a State receiving a payment under sub-
12 section (a) shall use the payment only to meet the
13 requirements of this Act.

14 (2) OTHER ACTIVITIES.—A State may use im-
15 plementation payments to carry out other activities
16 to improve the administration of elections for Fed-
17 eral office if the State certifies to the Commission
18 that—

19 (A) the State has implemented the require-
20 ments of this Act; and

21 (B) the amount expended with respect to
22 such other activities does not exceed the an
23 amount equal to the minimum payment amount
24 applicable to the State under subsection (c)(3).

1 (3) LIMITATION.—Rules similar to the rules of
2 section 251(f) of the Help America Vote Act of 2002
3 (52 U.S.C. 21001(f)) shall apply for purposes of this
4 section.

5 (c) ALLOCATION OF FUNDS.—

6 (1) IN GENERAL.—Subject to paragraph (3),
7 the amount of an implementation payment made to
8 a State for any year shall be equal to—

9 (A) the total amount appropriated for im-
10 plementation payments for the year pursuant to
11 the authorization under subsection (d); and

12 (B) the State allocation percentage for the
13 State.

14 (2) STATE ALLOCATION PERCENTAGE.—The
15 term “State allocation percentage” has the same
16 meaning as given such term under section 252(b) of
17 the Help America Vote Act of 2002 (52 U.S.C.
18 21002(b)).

19 (3) MINIMUM AMOUNT OF PAYMENT; OTHER
20 RULES.—Rules similar to the rules of subsections
21 (c), (d), and (e) of section 252 of such Act (52
22 U.S.C. 21002) shall apply for purposes of this sub-
23 section.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated for implementation payments under
3 this section \$15,000,000 for fiscal year 2015.

4 (2) AVAILABILITY.—Any amounts appropriated
5 pursuant to the authority of paragraph (1) shall re-
6 main available without fiscal year limitation until ex-
7 pended.

8 (e) REPORTS.—Not later than April 1, 2017, each
9 State which received an implementation payment under
10 this section shall submit a report to the Commission on
11 the activities conducted with funds provided under this
12 section.

13 **SEC. 8. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as provided in subsection
15 (b), the amendments made by this Act (other than the
16 amendments made by section 5) shall take effect January
17 1, 2016.

18 (b) WAIVER.—If a State certifies to the Election As-
19 sistance Commission not later than January 1, 2016, that
20 the State will not meet the deadline referred to in sub-
21 section (a) for good cause and includes in the certification
22 the reasons for the failure to meet such deadline, sub-
23 section (a) shall apply to the State as if the reference in

1 such subsection to “January 1, 2016” were a reference
2 to “January 1, 2018”.

○