

113TH CONGRESS  
1ST SESSION

# S. 85

To provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 3), 2013

Mr. COONS (for himself, Mr. WARNER, Mr. WHITEHOUSE, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

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 “Louis L. Redding Fair,  
5 Accurate, Secure, and Timely Voting Act of 2013” or the  
6 “FAST Voting Act of 2013”.

1 **SEC. 2. INCENTIVES FOR STATES TO INVEST IN PRACTICES**  
2 **AND TECHNOLOGY THAT ARE DESIGNED TO**  
3 **EXPEDITE VOTING AT THE POLLS AND SIM-**  
4 **PLIFY VOTER REGISTRATION.**

5 (a) **PURPOSES.**—The purposes of this section are  
6 to—

7 (1) provide incentives for States to invest in  
8 practices and technology that are designed to expe-  
9 dite voting at the polls; and

10 (2) provide incentives for States to simplify  
11 voter registration.

12 (b) **RESERVATION OF FUNDS.**—From the amount  
13 made available to carry out this section for a fiscal year,  
14 the Attorney General may reserve not more than 10 per-  
15 cent of such amount to carry out activities related to—

16 (1) technical assistance; and

17 (2) outreach and dissemination.

18 (c) **PROGRAM AUTHORIZED.**—

19 (1) **IN GENERAL.**—From the amounts made  
20 available under subsection (h) for a fiscal year and  
21 not reserved under subsection (b), the Attorney Gen-  
22 eral shall award grants, on a competitive basis, to  
23 States in accordance with subsection (d)(2), to en-  
24 able the States to carry out the purposes of this sec-  
25 tion.

1           (2) NUMBER OF GRANTS.—A State may not re-  
2           ceive more than 1 grant under this section per grant  
3           period.

4           (3) DURATION OF GRANTS.—

5           (A) IN GENERAL.—A grant under this sec-  
6           tion shall be awarded for a period of not more  
7           than 4 years.

8           (B) CONTINUATION OF GRANTS.—A State  
9           that is awarded a grant under this section shall  
10          not receive grant funds under this section for  
11          the second or any subsequent year of the grant  
12          unless the State demonstrates to the Attorney  
13          General, at such time and in such manner as  
14          determined by the Attorney General, that the  
15          State is—

16               (i) making progress in implementing  
17               the plan under subsection (d)(1)(C) at a  
18               rate that the Attorney General determines  
19               will result in the State fully implementing  
20               such plan during the remainder of the  
21               grant period; or

22               (ii) making progress against the per-  
23               formance measures set forth in subsection  
24               (e) at a rate that the Attorney General de-  
25               termines will result in the State reaching

1           its targets and achieving the objectives of  
2           the grant during the remainder of the  
3           grant period.

4       (d) APPLICATIONS.—

5           (1) APPLICATIONS.—Each State that desires to  
6       receive a grant under this section shall submit an  
7       application to the Attorney General at such time, in  
8       such manner, and containing such information as  
9       the Attorney General may reasonably require. At a  
10      minimum, each such application shall include—

11           (A) documentation of the applicant's  
12      record, as applicable—

13           (i) in providing various voter registra-  
14      tion opportunities;

15           (ii) in providing early voting;

16           (iii) in providing absentee voting;

17           (iv) in providing assistance to voters  
18      who do not speak English as a primary  
19      language;

20           (v) in providing assistance to voters  
21      with disabilities;

22           (vi) in providing effective access to  
23      voting for members of the armed services;

24           (vii) in providing formal training of  
25      election officials;

1 (viii) in auditing or otherwise docu-  
2 menting waiting times at polling stations;

3 (ix) in allocating polling locations,  
4 equipment, and staff to match population  
5 distribution;

6 (x) in responding to voting irregular-  
7 ities and concerns raised at polling sta-  
8 tions;

9 (xi) in creating and adhering to con-  
10 tingency voting plans in the event of a nat-  
11 ural or other disaster; and

12 (xii) with respect to any other per-  
13 formance measure described in subsection  
14 (e) that is not included in clauses (i)  
15 through (xi);

16 (B) evidence of conditions of innovation  
17 and reform that the applicant has established  
18 and the applicant's proposed plan for imple-  
19 menting additional conditions for innovation  
20 and reform, including—

21 (i) a description of how the applicant  
22 has identified and eliminated ineffective  
23 practices in the past and the applicant's  
24 plan for doing so in the future;

1 (ii) a description of how the applicant  
2 has identified and promoted effective prac-  
3 tices in the past and the applicant’s plan  
4 for doing so in the future; and

5 (iii) steps the applicant has taken and  
6 will take to eliminate statutory, regulatory,  
7 procedural, or other barriers and to facili-  
8 tate the full implementation of the pro-  
9 posed plan under this subparagraph;

10 (C) a comprehensive and coherent plan for  
11 using funds under this section, and other Fed-  
12 eral, State, and local funds, to improve the ap-  
13 plicant’s performance on the measures de-  
14 scribed in subsection (e), consistent with cri-  
15 teria set forth by the Attorney General, includ-  
16 ing how the applicant will, if applicable—

17 (i) provide flexible registration oppor-  
18 tunities, including online and same-day  
19 registration and registration updating;

20 (ii) provide early voting, at a min-  
21 imum of 9 of the 10 calendar days pre-  
22 ceding an election, at sufficient and flexible  
23 hours;

24 (iii) provide absentee voting, including  
25 no-excuse absentee voting;

- 1 (iv) provide assistance to voters who  
2 do not speak English as a primary lan-  
3 guage;
- 4 (v) provide assistance to voters with  
5 disabilities, including visual impairment;
- 6 (vi) provide effective access to voting  
7 for members of the armed services;
- 8 (vii) provide formal training of elec-  
9 tion officials, including State and county  
10 administrators and volunteers;
- 11 (viii) audit and reduce waiting times  
12 at polling stations;
- 13 (ix) allocate polling locations, equip-  
14 ment, and staff to match population dis-  
15 tribution;
- 16 (x) respond to any reports of voting  
17 irregularities or concerns raised at the poll-  
18 ing station;
- 19 (xi) create contingency voting plans in  
20 the event of a natural or other disaster;  
21 and
- 22 (xii) improve the wait times at the  
23 persistently poorest performing polling sta-  
24 tions within the jurisdiction of the appli-  
25 cant;

1 (D) evidence of collaboration between the  
 2 State, local election officials, and other stake-  
 3 holders, in developing the plan described in sub-  
 4 paragraph (C), including evidence of the com-  
 5 mitment and capacity to implement the plan;

6 (E) the applicant's annual performance  
 7 measures and targets, consistent with the re-  
 8 quirements of subsection (e); and

9 (F) a description of the applicant's plan to  
 10 conduct a rigorous evaluation of the effective-  
 11 ness of activities carried out with funds under  
 12 this section.

13 (2) CRITERIA FOR EVALUATING APPLICA-  
 14 TIONS.—

15 (A) AWARD BASIS.—The Attorney General  
 16 shall award grants under this section on a com-  
 17 petitive basis, based on the quality of the appli-  
 18 cations submitted under paragraph (1), includ-  
 19 ing—

20 (i) each applicant's record in the  
 21 areas described in paragraph (1)(A);

22 (ii) each applicant's record of, and  
 23 commitment to, establishing conditions for  
 24 innovation and reform, as described in  
 25 paragraph (1)(B);



1 (iii) the quality and likelihood of suc-  
2 cess of each applicant's plan described in  
3 paragraph (1)(C) in showing improvement  
4 in the areas described in paragraph (1)(A),  
5 including each applicant's capacity to im-  
6 plement the plan and evidence of collabora-  
7 tion as described in paragraph (1)(D); and  
8 (iv) each applicant's evaluation plan  
9 as described in paragraph (1)(F).

10 (B) EXPLANATION.—The Attorney General  
11 shall publish an explanation of how the applica-  
12 tion review process under this paragraph will  
13 ensure an equitable and objective evaluation  
14 based on the criteria described in subparagraph  
15 (A).

16 (e) PERFORMANCE MEASURES.—Each State receiv-  
17 ing a grant under this section shall establish performance  
18 measures and targets, approved by the Attorney General,  
19 for the programs and activities carried out under this sec-  
20 tion. These measures shall, at a minimum, track the  
21 State's progress—

22 (1) in implementing its plan described in sub-  
23 section (d)(1)(C);

24 (2) in expediting voting at the polls or simpli-  
25 fying voter registration, as applicable; and

1           (3) on any other measures identified by the At-  
2           torney General.

3           (f) USES OF FUNDS.—Each State that receives a  
4           grant under this section shall use the grant funds for any  
5           purpose included in the State’s plan under subsection  
6           (d)(1)(C).

7           (g) REPORTING.—A State that receives a grant under  
8           this section shall submit to the Attorney General, at such  
9           time and in such manner as the Attorney General may  
10          require, an annual report including—

11           (1) data on the State’s progress in achieving  
12          the targets for the performance measures established  
13          under subsection (e);

14           (2) a description of the challenges the State has  
15          faced in implementing its program and how it has  
16          addressed or plans to address those challenges; and

17           (3) findings from the evaluation plan as de-  
18          scribed in subsection (d)(1)(F).

19          (h) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated such sums as may be  
21          necessary to carry out this section.

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