

112TH CONGRESS  
1ST SESSION

# H. R. 108

To protect voting rights and to improve the administration of Federal elections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. CONYERS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To protect voting rights and to improve the administration of Federal elections, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Voting Opportunity and Technology Enhancement  
6 Rights Act of 2011”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—IMPROVING ELECTION ADMINISTRATION

- Sec. 101. National Federal write-in absentee ballot.
- Sec. 102. Verified ballots; preservation.
- Sec. 103. Requirements for counting provisional ballots.
- Sec. 104. Minimum requirements for voting systems and poll workers in polling places.
- Sec. 105. Election day registration.
- Sec. 106. Integrity of voter registration list.
- Sec. 107. Early voting.
- Sec. 108. Improvements to voting systems.
- Sec. 109. Voter registration.
- Sec. 110. Establishing voter identification.
- Sec. 111. Impartial administration of elections.
- Sec. 112. Strengthening the Election Assistance Commission.
- Sec. 113. Additional protections to ensure fair administration of Federal elections.
- Sec. 114. Authorization of appropriations.
- Sec. 115. Effective date.

#### TITLE II—PROHIBITING DECEPTIVE PRACTICES

- Sec. 201. Prohibiting deceptive practices in Federal elections.
- Sec. 202. Corrective action.
- Sec. 203. Reports to Congress.
- Sec. 204. Severability.
- Sec. 205. Authorization of appropriations.

#### TITLE III—PROHIBITING VOTER CAGING

- Sec. 301. Voter caging and other questionable challenges prohibited.
- Sec. 302. Severability.

#### TITLE IV—RESTORING VOTING RIGHTS

- Sec. 401. Rights of citizens.
- Sec. 402. Enforcement.
- Sec. 403. Notification of restoration of voting rights.
- Sec. 404. Definitions.
- Sec. 405. Relation to other laws.
- Sec. 406. Federal prison funds.
- Sec. 407. Effective date.

#### TITLE V—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

- Sec. 501. Treatment of election day in same manner as legal public holiday for purposes of Federal employment.
- Sec. 502. Study by Comptroller General of impact on voter participation.
- Sec. 503. Sense of Congress regarding treatment of day by private employers.

1 **TITLE I—IMPROVING ELECTION**  
2 **ADMINISTRATION**

3 **SEC. 101. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**  
4 **LOT.**

5 (a) REQUIRING STATES TO ACCEPT BALLOT.—

6 (1) IN GENERAL.—Title III of the Help Amer-  
7 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.) is  
8 amended by adding at the end the following new  
9 subtitle:

10 **“Subtitle C—Additional**  
11 **Requirements**

12 **“SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSEN-**  
13 **TEE BALLOT.**

14 “(a) IN GENERAL.—Any person who is otherwise  
15 qualified to vote in a Federal election in a State shall be  
16 permitted to use the national Federal write-in absentee  
17 ballot prescribed by the Commission under section 297 to  
18 cast a vote in an election for Federal office.

19 “(b) SUBMISSION AND PROCESSING.—

20 “(1) IN GENERAL.—Except as otherwise pro-  
21 vided in this section, a national Federal write-in ab-  
22 sentee ballot shall be submitted and processed in the  
23 manner provided under the standards prescribed by  
24 the Commission under section 297(b).

1           “(2) DEADLINE.—An otherwise eligible national  
2 Federal write-in absentee ballot shall be counted if  
3 postmarked or signed before the close of the polls on  
4 election day and received by the appropriate State  
5 election official on or before the date which is 10  
6 days after the date of the election or the date pro-  
7 vided for receipt of absentee ballots under State law,  
8 whichever is later.

9           “(c) SPECIAL RULES.—The following rules shall  
10 apply with respect to national Federal write-in absentee  
11 ballots:

12           “(1) In completing the ballot, the voter may  
13 designate a candidate by writing in the name of the  
14 candidate or by writing in the name of a political  
15 party (in which case the ballot shall be counted for  
16 the candidate of that political party).

17           “(2) In the case of the offices of President and  
18 Vice President, a vote for a named candidate or a  
19 vote by writing in the name of a political party shall  
20 be counted as a vote for the electors supporting the  
21 candidate involved.

22           “(3) Any abbreviation, misspelling, or other  
23 minor variation in the form of the name of a can-  
24 didate or a political party shall be disregarded in de-  
25 termining the validity of the ballot.

1       “(d) EFFECTIVE DATE.—Each State shall be re-  
2       quired to comply with the requirements of this section on  
3       and after January 1, 2013.”.

4               (2) CONFORMING AMENDMENT RELATING TO  
5       ENFORCEMENT.—Section 401 of the Help America  
6       Vote Act of 2002 (42 U.S.C. 15511) is amended by  
7       striking “and 303” and inserting “303, and subtitle  
8       C”.

9               (3) CLERICAL AMENDMENT.—The table of con-  
10       tents of title III of such Act is amended by adding  
11       at the end the following:

  “Subtitle C—Additional Requirements

  “Sec. 321. Use of national Federal write-in absentee ballot.”.

12               (b) GUIDANCE AND STANDARDS FOR NATIONAL  
13       FEDERAL WRITE-IN ABSENTEE BALLOT.—

14               (1) IN GENERAL.—Title II of the Help America  
15       Vote Act of 2002 (42 U.S.C. 15321 et seq.) is  
16       amended by adding at the end the following new  
17       subtitle:

18                                       **“Subtitle E—Guidance and**  
19                                       **Standards**

20       **“SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**  
21       **LOT.**

22               “(a) FORM OF BALLOT.—The Commission shall pre-  
23       scribe a national Federal write-in absentee ballot (includ-

1 ing a secrecy envelope and mailing envelope for such bal-  
2 lot) for use in elections for Federal office.

3 “(b) STANDARDS.—The Commission shall prescribe  
4 standards for—

5 “(1) distributing the national Federal write-in  
6 absentee ballot, including standards for distributing  
7 such ballot through the Internet; and

8 “(2) processing and submission of the national  
9 Federal write-in absentee ballot.”.

10 (2) CONFORMING AMENDMENT.—Section 202  
11 of the Help America Vote Act of 2002 (42 U.S.C.  
12 15322) is amended—

13 (A) by redesignating paragraphs (5) and  
14 (6) as paragraphs (6) and (7); and

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

17 “(5) carrying out the duties described in sub-  
18 title E;”.

19 (3) CLERICAL AMENDMENT.—The table of con-  
20 tents for title II of such Act is amended by adding  
21 at the end the following:

“Subtitle E—Guidance and Standards

“Sec. 297. National Federal write-in absentee ballot.”.

22 (c) COORDINATION WITH UNIFORMED AND OVER-  
23 SEAS CITIZENS ABSENTEE VOTING ACT.—

1           (1) IN GENERAL.—The Presidential designee  
2           under the Uniformed and Overseas Absentee Voting  
3           Act, in consultation with the Election Assistance  
4           Commission, shall facilitate the use and return of  
5           the national Federal write-in ballot prescribed by the  
6           Commission under section 297 of the Help America  
7           Vote Act of 2002 (as added by subsection (b)(1)) for  
8           absent uniformed service voters and overseas voters  
9           so that such voters face no greater difficulties in the  
10          submission and processing of their ballots than those  
11          faced by absentee voters who reside in the United  
12          States.

13          (2) DEFINITIONS.—The terms “absent uni-  
14          formed service voter” and “overseas voter” shall  
15          have the meanings given such terms by section 107  
16          of the Uniformed and Overseas Citizens Absentee  
17          Voting Act (42 U.S.C. 1973gg–6).

18 **SEC. 102. VERIFIED BALLOTS; PRESERVATION.**

19          (a) VERIFICATION.—

20               (1) IN GENERAL.—Section 301(a) of the Help  
21               America Vote Act of 2002 (42 U.S.C. 15481(a)) is  
22               amended by adding at the end the following new  
23               paragraph:

1           “(7) VERIFIED BALLOTS.—In order to meet the  
2 requirements of paragraph (1)(A)(i), on and after  
3 January 1, 2011:

4           “(A) The voting system shall provide an  
5 independent means of voter verification which  
6 meets the requirements of subparagraph (B)  
7 and which allows each voter to verify the accu-  
8 racy of the ballot before it is cast and counted,  
9 and to correct any errors before the record of  
10 the ballot is produced and preserved under this  
11 paragraph and paragraph (2)(B)(iii).

12           “(B) A means of voter verification meets  
13 the requirements of this subparagraph if the  
14 voting system allows the voter to choose from  
15 one of the following options to verify the voter’s  
16 vote selection:

17           “(i) A paper record.

18           “(ii) An audio record.

19           “(iii) A pictorial record.

20           “(iv) An electronic record or other  
21 means that provides for voter verification  
22 that is accessible for individuals with dis-  
23 abilities, including nonvisual accessibility  
24 for the blind and visually impaired, in a  
25 manner that provides privacy and inde-



1           pendence equal to that provided for other  
2           voters.

3           “(C) Any means of verification described  
4           in clause (ii), (iii), or (iv) of subparagraph (B)  
5           must provide verification which is equal or su-  
6           perior to verification through the use of a paper  
7           record.

8           “(D) None of the means of verification  
9           under this paragraph may employ cryptography  
10          in the record.”

11          (2) CONFORMING AMENDMENT.—Clause (i) of  
12          section 301(a)(1)(A) of such Act (42 U.S.C.  
13          15481(a)(1)(A)(i)) is amended by inserting “and  
14          consistent with the requirements of paragraphs (2),  
15          (4), and (7)” after “independent manner”.

16          (b) PRESERVATION OF RECORDS.—Section  
17          301(a)(2)(B)(iii) of such Act (42 U.S.C.  
18          15481(a)(2)(B)(iii)) is amended to read as follows:

19                  “(iii) The record produced to meet the  
20                  requirements of paragraph (1)(A)(i) and  
21                  this paragraph shall be available as an offi-  
22                  cial record for any audit or recount con-  
23                  ducted with respect to any election in  
24                  which the system is used, and shall be pre-

1 served after the voter has verified its accu-  
2 racy—

3 “(I) in the case of a paper  
4 record, within the polling place on the  
5 date of the election in a manner that  
6 ensures the security of the votes as  
7 verified; and

8 “(II) in the case of a record de-  
9 scribed in clause (ii), (iii), or (iv) of  
10 paragraph (7)(B), through a method  
11 established by the Commission which  
12 provides protection of the record equal  
13 to or superior to the methods used to  
14 preserve paper records.”.

15 (c) GUIDANCE.—

16 (1) IN GENERAL.—Subtitle E of title II of such  
17 Act, as added by section 101(b)(1), is amended by  
18 adding at the end the following new section:

19 **“SEC. 298. VERIFIED BALLOTS.**

20 “(a) STANDARDS.—The Commission shall issue uni-  
21 form and nondiscriminatory standards—

22 “(1) for verified ballots required under section  
23 301(a)(7); and

24 “(2) for meeting the audit requirements of sec-  
25 tion 301(a)(2).

1       “(b) AUDITS.—The standards issued under sub-  
2 section (a) shall provide for partial audits of the results  
3 of elections using the records produced pursuant to section  
4 301(a)(7), and shall provide that those records shall be  
5 used for the official count of votes in the event that the  
6 tallies derived from the records differ from the tallies oth-  
7 erwise derived from the voting system used in the election  
8 involved.”.

9           (2) CLERICAL AMENDMENT.—The table of con-  
10 tents for subtitle E of title II of such Act, as added  
11 by this Act, is amended by adding at the end the fol-  
12 lowing new item:

“Sec. 298. Verified ballots.”.

13       (d) REPORTS.—

14           (1) ELECTION ASSISTANCE COMMISSION.—Sec-  
15 tion 207 of such Act (42 U.S.C. 15327) is amend-  
16 ed—

17           (A) by redesignating paragraph (5) as  
18 paragraph (6); and

19           (B) by inserting after paragraph (4) the  
20 following new paragraph:

21           “(5) A description of the progress on imple-  
22 menting the verified ballot requirements of section  
23 301(a)(7) and the impact of the use of such require-  
24 ments on the accessibility, privacy, security,  
25 usability, and auditability of voting systems.”.

1           (2) STATE REPORTS.—Section 258 of such Act  
2           (42 U.S.C. 15408) is amended—

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

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

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

9                   “(4) an analysis and description in the form  
10                  and manner prescribed by the Commission of the  
11                  progress on implementing the verified ballot require-  
12                  ments of section 301(a)(7).”.

13 **SEC. 103. REQUIREMENTS FOR COUNTING PROVISIONAL**  
14 **BALLOTS.**

15           (a) IN GENERAL.—Section 302 of the Help America  
16           Vote Act of 2002 (42 U.S.C. 15482) is amended—

17                   (1) by redesignating subsection (d) as sub-  
18                   section (e); and

19                   (2) by inserting after subsection (c) the fol-  
20                   lowing new subsection:

21                   “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-  
22                  LOTS.—For purposes of subsection (a)(4), notwith-  
23                  standing at which polling place a provisional ballot is cast  
24                  within the State, the State shall count such ballot if the

1 individual who cast such ballot is otherwise eligible to vote  
2 in the election.”.

3 (b) EFFECTIVE DATE.—Section 302(e) of such Act  
4 (42 U.S.C. 15482(e)), as redesignated by subsection (a),  
5 is amended to read as follows:

6 “(e) EFFECTIVE DATE FOR PROVISIONAL VOTING  
7 AND VOTING INFORMATION.—

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, 2004.

12 “(2) STATEWIDE COUNTING OF PROVISIONAL  
13 BALLOTS.—Each State shall be required to comply  
14 with the requirements of subsection (d) on and after  
15 January 1, 2013.”.

16 **SEC. 104. MINIMUM REQUIREMENTS FOR VOTING SYSTEMS**  
17 **AND POLL WORKERS IN POLLING PLACES.**

18 (a) MINIMUM REQUIREMENTS.—

19 (1) IN GENERAL.—Subtitle C of title III of the  
20 Help America Vote Act of 2002, as added by section  
21 101(a)(1), is amended by adding at the end the fol-  
22 lowing new section:

1 **“SEC. 322. MINIMUM REQUIREMENTS FOR VOTING SYS-**  
 2 **TEMS AND POLL WORKERS.**

3 “(a) IN GENERAL.—Each State shall provide for the  
 4 minimum required number of functioning and accurate  
 5 voting systems and poll workers required in each precinct  
 6 on the day of any Federal election and on any days during  
 7 which such State allows early voting for a Federal election  
 8 in accordance with the standards determined under sec-  
 9 tion 299A.

10 “(b) EFFECTIVE DATE.—Each State shall be re-  
 11 quired to comply with the requirements of this section on  
 12 and after January 1, 2013.”.

13 (2) CLERICAL AMENDMENT.—The table of con-  
 14 tents for subtitle C of title III of such Act, as added  
 15 by section 101(a)(3), is amended by adding at the  
 16 end the following new item:

“Sec. 322. Minimum required voting systems and poll workers.”.

17 (b) STANDARDS.—

18 (1) IN GENERAL.—Subtitle E of title II of such  
 19 Act, as added and amended by this Act, is amended  
 20 by adding at the end the following new section:

21 **“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM**  
 22 **REQUIRED VOTING SYSTEMS AND POLL**  
 23 **WORKERS.**

24 “(a) IN GENERAL.—The Commission shall issue  
 25 standards regarding the minimum number of voting sys-

1 tems and poll workers required in each precinct on the  
2 day of any Federal election and on any days during which  
3 early voting is allowed for a Federal election.

4 “(b) DISTRIBUTION.—The standards described in  
5 subsection (a) shall provide for a uniform and nondiscrim-  
6 inatory geographic distribution of such systems and work-  
7 ers, based on a ratio of the number of systems and work-  
8 ers per voter, taking into account voter registration statis-  
9 tics for the precinct, the most recent available census data  
10 regarding the number of individuals residing within the  
11 precinct who are eligible to register to vote, and the level  
12 of voter turnout during previous elections held in the pre-  
13 cinct.

14 “(c) DEVIATION.—The standards described in sub-  
15 section (a) shall permit States, upon providing adequate  
16 public notice, to deviate from any allocation requirements  
17 in the case of unforeseen circumstances such as a natural  
18 disaster, terrorist attack, or a change in voter turnout.”.

19 (2) CLERICAL AMENDMENT.—The table of con-  
20 tents for subtitle E of title II of such Act, as added  
21 and amended by this Act, is amended by adding at  
22 the end the following new item:

“Sec. 299. Standards for establishing the minimum required voting systems  
and poll workers.”.

23 **SEC. 105. ELECTION DAY REGISTRATION.**

24 (a) REQUIREMENT.—

1           (1) IN GENERAL.—Subtitle C of title III of the  
2           Help America Vote Act of 2002, as added and  
3           amended by this Act, is amended by adding at the  
4           end the following new section:

5   **“SEC. 323. ELECTION DAY REGISTRATION.**

6           “(a) IN GENERAL.—

7                   “(1) REGISTRATION.—Notwithstanding section  
8                   8(a)(1)(D) of the National Voter Registration Act of  
9                   1993 (42 U.S.C. 1973gg–6), each State shall permit  
10                  any individual on the day of a Federal election—

11                           “(A) to register to vote in such election at  
12                           the polling place using the form established by  
13                           the Commission pursuant to section 297; 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 Act, there is no  
19                  voter registration requirement for individuals in the  
20                  State with respect to elections for Federal office.

21                  “(b) EFFECTIVE DATE.—Each State shall be re-  
22                  quired to comply with the requirements of subsection (a)  
23                  on and after January 1, 2013.”.

24                  (2) CLERICAL AMENDMENT.—The table of con-  
25                  tents for subtitle C of title III of such Act, as added



1 and amended by this Act, is amended by adding at  
2 the end the following new item:

“Sec. 323. Election Day registration.”.

3 (b) ELECTION DAY REGISTRATION FORM.—

4 (1) IN GENERAL.—Subtitle E of title II of such  
5 Act, as added and amended by this Act, is amended  
6 by adding at the end the following new section:

7 **“SEC. 299A. ELECTION DAY REGISTRATION FORM.**

8 “The Commission shall develop an election day reg-  
9 istration form for elections for Federal office.”.

10 (2) CLERICAL AMENDMENT.—The table of con-  
11 tents for subtitle E of title II of such Act, as added  
12 and amended by this Act, is amended by adding at  
13 the end the following new item:

“Sec. 299A. Election Day registration form.”.

14 **SEC. 106. INTEGRITY OF VOTER REGISTRATION LIST.**

15 (a) IN GENERAL.—Subtitle C of title III of the Help  
16 America Vote Act of 2002, as added and amended by this  
17 Act, is amended by adding at the end the following new  
18 section:

19 **“SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.**

20 “(a) PUBLIC NOTICE.—Not later than 45 days before  
21 any Federal election, each State shall provide public notice  
22 of all names which have been removed from the voter reg-  
23 istration list of such State under section 303 since the  
24 later of the most recent election for Federal office or the

1 day of the most recent previous public notice provided  
2 under this section.

3 “(b) NOTICE TO INDIVIDUAL VOTERS.—

4 “(1) IN GENERAL.—No individual shall be re-  
5 moved from the voter registration list under section  
6 303 unless such individual is first provided with a  
7 notice which meets the requirements of paragraph  
8 (2).

9 “(2) REQUIREMENTS OF NOTICE.—The notice  
10 required under paragraph (1) shall be—

11 “(A) provided to each voter in a uniform  
12 and nondiscriminatory manner;

13 “(B) consistent with the requirements of  
14 the National Voter Registration Act of 1993  
15 (42 U.S.C. 1973gg et seq.); and

16 “(C) in the form and manner prescribed by  
17 the Election Assistance Commission.

18 “(c) EFFECTIVE DATE.—Each State shall be re-  
19 quired to comply with the requirements of this section on  
20 and after January 1, 2013.”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 for subtitle C of title III of such Act, as added and amend-  
23 ed by this Act, is amended by adding at the end the fol-  
24 lowing new item:

“Sec. 324. Removal from voter registration list.”.

1 **SEC. 107. EARLY VOTING.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—Subtitle C of title III of the  
4 Help America Vote Act of 2002, as added and  
5 amended by this Act, is amended by adding at the  
6 end the following new section:

7 **“SEC. 325. EARLY VOTING.**

8 “(a) IN GENERAL.—Each State shall allow individ-  
9 uals to vote in an election for Federal office not less than  
10 15 days prior to the day scheduled for such election in  
11 the same manner as voting is allowed on such day.

12 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—  
13 Each polling place which allows voting prior to the day  
14 of a Federal election pursuant to subsection (a) shall—

15 “(1) allow such voting for no less than 4 hours  
16 on each day (other than Sunday); and

17 “(2) have uniform hours each day for which  
18 such voting occurs.

19 “(c) APPLICATION OF ELECTION DAY REGISTRATION  
20 TO EARLY VOTING.—A State shall permit individuals to  
21 register to vote at each polling place which allows voting  
22 prior to the day of a Federal election pursuant to sub-  
23 section (a) in the same manner as the State is required  
24 to permit individuals to register to vote and vote on the  
25 day of the election under section 323.

1       “(d) EFFECTIVE DATE.—Each State shall be re-  
2       quired to comply with the requirements of this section on  
3       and after January 1, 2013.”.

4               (2) CLERICAL AMENDMENT.—The table of con-  
5       tents for subtitle C of title III of such Act, as added  
6       and amended by this Act, is amended by adding at  
7       the end the following new item:

“Sec. 325. Early voting.”.

8       (b) STANDARDS FOR EARLY VOTING.—

9               (1) IN GENERAL.—Subtitle E of title II of the  
10       Help America Vote Act of 2002, as added and  
11       amended by this Act, is amended by adding at the  
12       end the following new section:

13       **“SEC. 299B. STANDARDS FOR EARLY VOTING.**

14       “(a) IN GENERAL.—The Commission shall issue  
15       standards for the administration of voting prior to the day  
16       scheduled for a Federal election. Such standards shall in-  
17       clude the nondiscriminatory geographic placement of poll-  
18       ing places at which such voting occurs.

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

24               (2) CLERICAL AMENDMENT.—The table of con-  
25       tents for subtitle E of title II of such Act, as added

1 and amended by this Act, is amended by adding at  
2 the end the following new item:

“Sec. 299B. Standards for early voting.”.

3 **SEC. 108. IMPROVEMENTS TO VOTING SYSTEMS.**

4 (a) IN GENERAL.—Section 301(a)(1)(B) of the Help  
5 America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is  
6 amended by striking “, a punch card voting system, or  
7 a central count voting system”.

8 (b) CLARIFICATION OF REQUIREMENTS FOR PUNCH  
9 CARD SYSTEMS.—Section 301(a)(1)(A) of such Act (42  
10 U.S.C. 15481(a)(1)(A)) is amended by striking “any  
11 lever” and inserting “any punch card voting system,  
12 lever”.

13 **SEC. 109. VOTER REGISTRATION.**

14 (a) IN GENERAL.—Section 303(b)(4) of the Help  
15 America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is  
16 amended by adding at the end the following new subpara-  
17 graphs:

18 (C) EXCEPTION.—On and after January  
19 1, 2013—

20 (i) in lieu of the questions and state-  
21 ments required under subparagraph (A),  
22 such mail voter registration form shall in-  
23 clude an affidavit to be signed by the reg-  
24 istrant attesting both to citizenship and  
25 age; and

1                   “(ii) subparagraph (B) shall not  
2                   apply.

3                   “(D) APPLICATION TO FORMS DEVELOPED  
4                   BY STATES.—For purposes of section 6(a)(2) of  
5                   the National Voter Registration Act of 1993  
6                   (42 U.S.C. 1973gg-4(a)(2)), any form devel-  
7                   oped and used by a State for the registration  
8                   of voters in elections for Federal office shall not  
9                   be considered to meet all of the criteria stated  
10                  in section 9(b) of such Act unless the form  
11                  meets the requirements of subparagraph (C).”.

12                  (b) INTERNET REGISTRATION.—

13                  (1) IN GENERAL.—Subtitle C of title III of  
14                  such Act, as added and amended by this Act, is  
15                  amended by adding at the end the following new sec-  
16                  tion:

17                  **“SEC. 326. INTERNET REGISTRATION.**

18                  “(a) INTERNET REGISTRATION.—Each State shall  
19                  establish a program under which individuals may access  
20                  and submit voter registration forms electronically through  
21                  the Internet.

22                  “(b) EFFECTIVE DATE.—Each State shall be re-  
23                  quired to comply with the requirements of this section on  
24                  and after January 1, 2013.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents for subtitle C of title III of such Act, as added  
 3           and amended by this Act, is amended by adding at  
 4           the end the following new item:

“Sec. 326. Internet registration.”.

5           (c) STANDARDS FOR INTERNET REGISTRATION.—

6           (1) IN GENERAL.—Subtitle E of such Act, as  
 7           added and amended by this Act, is amended by add-  
 8           ing at the end the following new section:

9           **“SEC. 299C. STANDARDS FOR INTERNET REGISTRATION**  
 10                                   **PROGRAMS.**

11           “The Commission shall establish standards regarding  
 12           the design and operation of programs which allow elec-  
 13           tronic voter registration through the Internet.”.

14           (2) CLERICAL AMENDMENT.—The table of con-  
 15           tents for subtitle E of title II of such Act, as added  
 16           and amended by this Act, is amended by adding at  
 17           the end the following new item:

“Sec. 299C. Standards for Internet registration programs.”.

18           **SEC. 110. ESTABLISHING VOTER IDENTIFICATION.**

19           (a) IN GENERAL.—

20           (1) IN PERSON VOTING.—Section  
 21           303(b)(2)(A)(i) of the Help America Vote Act of  
 22           2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended—

23                           (A) by striking “or” at the end of sub-  
 24                           clause (I); and

1 (B) by adding at the end the following new  
2 subclause:

3 “(III) executes a written affidavit  
4 attesting to such individual’s identity;  
5 or”.

6 (2) VOTING BY MAIL.—Section 303(b)(2)(A)(ii)  
7 of such Act (42 U.S.C. 15483(b)(2)(A)(ii)) is  
8 amended—

9 (A) by striking “or” at the end of sub-  
10 clause (I);

11 (B) by striking the period at the end of  
12 subclause (II) and inserting “; or”; and

13 (C) and by adding at the end the following  
14 new subclause:

15 “(III) a written affidavit, exe-  
16 cuted by such individual, attesting to  
17 such individual’s identity.”.

18 (b) STANDARDS FOR VERIFYING VOTER INFORMA-  
19 TION.—

20 (1) IN GENERAL.—Subtitle E of such Act, as  
21 added and amended by this Act, is amended by add-  
22 ing at the end the following new section:

23 **“SEC. 299D. VOTER IDENTIFICATION.**

24 “The Commission shall develop standards for  
25 verifying the identification information required under sec-



1 tion 303(a)(5) in connection with the registration of an  
2 individual to vote in a Federal election.”.

3 (2) CLERICAL AMENDMENT.—The table of con-  
4 tents for subtitle E of title II of such Act, as added  
5 by this Act, is amended by adding at the end the fol-  
6 lowing new item:

“Sec. 299D. Voter identification.”.

7 **SEC. 111. IMPARTIAL ADMINISTRATION OF ELECTIONS.**

8 (a) ELECTION ADMINISTRATION REQUIREMENTS.—

9 (1) IN GENERAL.—Subtitle C of title III of the  
10 Help America Vote Act of 2002, as added and  
11 amended by this Act, is amended by adding at the  
12 end the following new section:

13 **“SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.**

14 “(a) NOTICE OF CHANGES IN STATE ELECTION  
15 LAWS.—Not later than 15 days prior to any Federal elec-  
16 tion, each State shall issue a public notice describing all  
17 changes in State law affecting the administration of Fed-  
18 eral elections since the most recent prior election.

19 “(b) OBSERVERS.—

20 “(1) IN GENERAL.—Each State shall allow uni-  
21 form and nondiscriminatory access to any polling  
22 place for purposes of observing a Federal election  
23 to—

24 “(A) voting rights and civil rights organi-  
25 zations; and

1           “(B) nonpartisan domestic observers and  
2           international observers.

3           “(2) NOTICE OF DENIAL OF OBSERVATION RE-  
4           QUEST.—Each State shall issue a public notice with  
5           respect to any denial of a request by any observer  
6           described in paragraph (1) for access to any polling  
7           place for purposes of observing a Federal election.  
8           Such notice shall be issued not later than 24 hours  
9           after such denial.

10           “(3) NO INTERFERENCE WITH ELECTION PER-  
11           MITTED.—Nothing in this subsection may be con-  
12           strued to permit any individual observing a Federal  
13           election pursuant to this subsection to engage in  
14           campaign activity at a polling place or interfere in  
15           any way with the conduct of the election.

16           “(c) EFFECTIVE DATE.—Each State shall be re-  
17           quired to comply with the requirements of this section on  
18           and after January 1, 2013.”.

19           (2) CLERICAL AMENDMENT.—The table of con-  
20           tents for subtitle C of title III of such Act, as added  
21           and amended by this Act, is amended by adding at  
22           the end the following new item:

“Sec. 327. Election administration requirements.”.

23           (b) STUDY OF ADMINISTRATION OF ELECTIONS BY  
24           NONPARTISAN BOARDS.—

1           (1) STUDY.—The Election Assistance Commis-  
2           sion shall conduct a study analyzing the feasibility  
3           and desirability of requiring States to carry out the  
4           administration of elections for Federal office  
5           through nonpartisan election boards.

6           (2) REPORT.—Not later than January 1, 2013,  
7           the Commission shall submit a report to Congress  
8           and the relevant committees of Congress on the  
9           study conducted under paragraph (1).

10 **SEC. 112. STRENGTHENING THE ELECTION ASSISTANCE**  
11 **COMMISSION.**

12           (a) BUDGET REQUESTS.—

13           (1) IN GENERAL.—Part 1 of subtitle A of title  
14           II of the Help America Vote Act of 2002 (42 U.S.C.  
15           15321 et seq.) is amended by inserting after section  
16           209 the following new section:

17 **“SEC. 209A. SUBMISSION OF BUDGET REQUESTS.**

18           “Whenever the Commission submits any budget esti-  
19           mate or request to the President or the Office of Manage-  
20           ment and Budget, it shall concurrently transmit a copy  
21           of such estimate or request to the Congress and to all rel-  
22           evant committees of the House and Senate.”.

23           (2) CLERICAL AMENDMENT.—The table of con-  
24           tents for part 1 of subtitle A of title II of such Act

1 is amended by inserting after the item relating to  
2 section 209 the following new item:

“Sec. 209A. Submission of budget requests.”.

3 (b) EXEMPTION FROM PAPERWORK REDUCTION  
4 ACT.—Section 3502(1) of title 44, United States Code,  
5 is amended—

6 (1) by redesignating subparagraphs (B), (C),  
7 and (D) as subparagraphs (C), (D), and (E); and

8 (2) by inserting after subparagraph (A) the fol-  
9 lowing new subparagraph:

10 “(B) the Election Assistance Commis-  
11 sion;”.

12 (c) RULEMAKING.—Section 209 of the Help America  
13 Vote Act of 2002 (42 U.S.C. 15239) is amended—

14 (1) by striking “The Commission” and insert-  
15 ing the following:

16 “(a) IN GENERAL.—Except as provided in subsection  
17 (b), the Commission”; and

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

20 “(b) EXCEPTION.—On and after January 1, 2013,  
21 subsection (a) shall not apply to any authority granted  
22 under subtitle E of this title or subtitle C of title III.”.

23 (d) NIST AUTHORITY.—

24 (1) IN GENERAL.—Subtitle E of title II of the  
25 Help America Vote Act of 2002, as added and

1 amended by this Act, is amended by adding at the  
2 end the following new section:

3 **“SEC. 299E. TECHNICAL SUPPORT.**

4 “At the request of the Commission, the Director of  
5 the National Institute of Standards and Technology shall  
6 provide the Commission with technical support necessary  
7 for the Commission to carry out its duties under this  
8 title.”.

9 (2) CLERICAL AMENDMENT.—The table of con-  
10 tents for subtitle E of title II of such Act, as added  
11 by this Act, is amended by adding at the end the fol-  
12 lowing new item:

“Sec. 299E. Technical support.”.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 210 of the Help America Vote Act of 2002 (42 U.S.C.  
15 15330) is amended by striking “for each of the fiscal years  
16 2003 through 2005” and all that follows and inserting the  
17 following: “for the Commission to carry out this title the  
18 following:

19 “(1) For each of fiscal years 2003 through  
20 2011, \$10,000,000.

21 “(2) For fiscal year 2012, \$23,000,000, of  
22 which \$3,000,000 is solely to carry out section  
23 299E.

24 “(3) For fiscal year 2013 and each succeeding  
25 fiscal year, such sums as may be necessary.”.

1 **SEC. 113. ADDITIONAL PROTECTIONS TO ENSURE FAIR AD-**  
2 **MINISTRATION OF FEDERAL ELECTIONS.**

3 (a) REQUIRING USE OF PUBLICLY AVAILABLE OPEN  
4 SOURCE SOFTWARE IN VOTING MACHINES.—

5 (1) REQUIRING USE OF OPEN SOURCE SOFT-  
6 WARE.—

7 (A) IN GENERAL.—Subtitle C of title III of  
8 such Act, as added and amended by this Act,  
9 is amended by adding at the end the following  
10 new section:

11 **“SEC. 328. REQUIRING USE OF PUBLICLY AVAILABLE OPEN**  
12 **SOURCE SOFTWARE IN VOTING MACHINES.**

13 “(a) IN GENERAL.—Each State shall ensure that  
14 each voting machine used by the State for elections for  
15 Federal office uses open source software which may be ac-  
16 cessible for inspection by the public, in accordance with  
17 standards established by the Commission under section  
18 299G.

19 “(b) EFFECTIVE DATE.—Each State shall be re-  
20 quired to comply with the requirements of this section on  
21 and after January 1, 2013.”.

22 (B) CLERICAL AMENDMENT.—The table of  
23 contents for subtitle C of title III of such Act,  
24 as added and amended by this Act, is amended  
25 by adding at the end the following new item:

“Sec. 328. Requiring use of publicly available open source software in voting machines.”.

1 (2) ESTABLISHMENT OF STANDARDS.—

2 (A) IN GENERAL.—Subtitle E of title II of  
3 such Act, as added and amended by this Act,  
4 is amended by adding at the end the following  
5 new section:

6 **“SEC. 299F. STANDARDS FOR PUBLICLY AVAILABLE OPEN**  
7 **SOURCE SOFTWARE IN VOTING MACHINES.**

8 “The Commission shall establish standards for the  
9 software used in voting machines for elections for Federal  
10 offices, including standards to ensure that all such soft-  
11 ware is open source software which may be accessible for  
12 inspection by the public.”.

13 (B) CLERICAL AMENDMENT.—The table of  
14 contents for subtitle E of title II of such Act,  
15 as added and amended by this Act, is amended  
16 by adding at the end the following new item:

“Sec. 299F. Standards for publicly available open source software in voting machines.”.

17 (b) STANDARDS FOR CONDUCTING RECOUNTS.—

18 (1) IN GENERAL.—Subtitle C of title III of  
19 such Act, as added and amended by this Act, is  
20 amended by adding at the end the following new sec-  
21 tion:

1 **“SEC. 329. STANDARDS FOR CONDUCTING RECOUNTS.**

2 “In conducting any recount with respect to any elec-  
3 tion for Federal office in the State, the State shall ensure  
4 that a vote in the election will be counted when the intent  
5 of the voter can reasonably be determined from the bal-  
6 lot.”.

7 (2) CLERICAL AMENDMENT.—The table of con-  
8 tents for subtitle C of title III of such Act, as added  
9 and amended by this Act, is amended by adding at  
10 the end the following new item:

“Sec. 329. Standards for conducting recounts.”.

11 (c) PROHIBITING CONFLICTS OF INTEREST OF ENTI-  
12 TIES INVOLVED IN MANUFACTURE, DISTRIBUTION, OR  
13 OTHER ACTIVITIES RELATING TO VOTING MACHINES.—

14 (1) PROHIBITING AGREEMENTS BY STATES  
15 WITH ENTITIES FAILING TO MEET ANTI-CONFLICT  
16 OF INTEREST STANDARDS.—

17 (A) IN GENERAL.—Subtitle C of title III of  
18 such Act, as added and amended by this Act,  
19 is amended by adding at the end the following  
20 new section:



1 **“SEC. 329A. PROHIBITING AGREEMENTS WITH ENTITIES**  
 2 **FAILING TO MEET ANTI-CONFLICT OF INTER-**  
 3 **EST STANDARDS FOR ENTITIES INVOLVED**  
 4 **WITH VOTING MACHINES.**

5 “(a) IN GENERAL.—In carrying out an election for  
 6 Federal office, a State may not enter into any agreement  
 7 with an entity regarding the manufacture, distribution, in-  
 8 stallation, servicing, or other activity with respect to a vot-  
 9 ing machine to be used for the election if the entity is  
 10 not in compliance with the standards established by the  
 11 Commission under section 299G for prohibiting conflicts  
 12 of interest of such entities.

13 “(b) EFFECTIVE DATE.—Each State shall be re-  
 14 quired to comply with the requirements of this section on  
 15 and after January 1, 2013.”.

16 (B) CLERICAL AMENDMENT.—The table of  
 17 contents for subtitle C of title III of such Act,  
 18 as added and amended by this Act, is amended  
 19 by adding at the end the following new item:

“Sec. 329A. Prohibiting agreement with entities failing to meet anti-conflict of  
 interest standards for entities involved with voting machines.”.

20 (2) ESTABLISHMENT OF STANDARDS.—

21 (A) IN GENERAL.—Subtitle E of title II of  
 22 such Act, as added and amended by this Act,  
 23 is amended by adding at the end the following  
 24 new section:

1 **“SEC. 299G. STANDARDS FOR PROHIBITING CONFLICTS OF**  
2 **INTEREST OF ENTITIES INVOLVED IN MANU-**  
3 **FACTURE, DISTRIBUTION, OR OTHER ACTIVI-**  
4 **TIES RELATING TO VOTING MACHINES.**

5 “The Commission shall establish standards to pro-  
6 hibit conflicts of interest of entities engaged in the manu-  
7 facture, distribution, installation, servicing, or other activi-  
8 ties with respect to voting machines, including standards  
9 to prohibit any such entity from directly or indirectly pro-  
10 viding any funds or property (including in-kind funds and  
11 property) to any candidate for public office, any political  
12 party, any political committee under the Federal Election  
13 Campaign Act of 1971, any organization described in sec-  
14 tion 527 of the Internal Revenue Code of 1986, or any  
15 other entity organized for any partisan political purpose.”.

16 (B) CLERICAL AMENDMENT.—The table of  
17 contents for subtitle E of title II of such Act,  
18 as added and amended by this Act, is amended  
19 by adding at the end the following new item:

“Sec. 299G. Standards for prohibiting conflicts of interest of entities involved  
in manufacture, distribution, or other activities relating to vot-  
ing machines.”.

20 **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 257(a) of the Help America Vote Act of 2002  
22 (42 U.S.C. 15408(a)) is amended by adding at the end  
23 the following new paragraphs:

1           “(5) For fiscal year 2012, in addition to the  
2 amount authorized under paragraph (4) for the pur-  
3 poses described in such paragraph, \$2,000,000,000.

4           “(6) For each fiscal year after 2012, in addi-  
5 tion to the amount authorized under paragraph (4)  
6 for the purposes described in such paragraph, such  
7 sums as are necessary.”.

8 **SEC. 115. EFFECTIVE DATE.**

9           This title and the amendments made by this title  
10 shall take effect on January 1, 2012.

11                   **TITLE II—PROHIBITING**  
12                   **DECEPTIVE PRACTICES**

13 **SEC. 201. PROHIBITING DECEPTIVE PRACTICES IN FED-**  
14                   **ERAL ELECTIONS.**

15           (a) CIVIL ACTIONS.—Section 2004(b) of the Revised  
16 Statutes (42 U.S.C. 1971(b)) is amended—

17                   (1) by striking “No person” and inserting “(1)  
18 PROHIBITION.—No person”;

19                   (2) by striking “any candidate for the office”  
20 and all that follows and inserting “any candidate in  
21 any election for Federal office.”; and

22                   (3) by adding at the end the following new  
23 paragraphs:

24                   “(2) FALSE STATEMENTS REGARDING FEDERAL  
25 ELECTIONS.—

1           “(A) PROHIBITION.—No person, whether  
2 acting under color of law or otherwise, shall,  
3 during the 90-day period which ends on the  
4 date of an election for Federal office, by any  
5 means, including by means of written, elec-  
6 tronic, or telephonic communications, commu-  
7 nicate or cause to be communicated information  
8 described in subparagraph (B), or produce in-  
9 formation described in subparagraph (B), with  
10 the intent that such information be commu-  
11 nicated, if such information is materially false  
12 and if such person—

13                   “(i) knows such information to be  
14 false; and

15                   “(ii) has the intent to mislead voters,  
16 or the intent to impede, hinder, discourage,  
17 or prevent another person from exercising  
18 the right to vote in an election for Federal  
19 office.

20           “(B) INFORMATION DESCRIBED.—Infor-  
21 mation described in this subparagraph is infor-  
22 mation regarding—

23                   “(i) the time or place of holding any  
24 election for Federal office; or

1           “(ii) the qualifications for, or restric-  
2           tions on eligibility of, a voter in an election  
3           for Federal office, including—

4                   “(I) any criminal penalties asso-  
5                   ciated with voting in any such elec-  
6                   tion; or

7                   “(II) information regarding a  
8                   voter’s registration status or eligi-  
9                   bility.

10           “(3) FALSE STATEMENTS REGARDING PUBLIC  
11           ENDORSEMENTS.—

12                   “(A) PROHIBITION.—During the 90-day  
13                   period which ends on the date of an election for  
14                   Federal office, no person, whether acting under  
15                   color of law or otherwise, shall, by any means,  
16                   including by means of written, electronic, or tel-  
17                   ephonic communications, make to the public, or  
18                   cause to be made to the public, a materially  
19                   false statement about an endorsement of a spe-  
20                   cific candidate in such election if such person  
21                   intends to mislead any voter and knows that  
22                   the statement is false.

23                   “(B) DEFINITION OF MATERIALLY FALSE  
24                   STATEMENT.—For purposes of subparagraph  
25                   (A), a statement about an endorsement of a

1 candidate in an election for Federal office is a  
2 ‘materially false statement’ if—

3 “(i) the statement states that a spe-  
4 cifically named person (including a political  
5 party or other organization) has endorsed  
6 the candidate in that election;

7 “(ii) such person has not endorsed the  
8 candidate in that election; and

9 “(iii) such person does not support  
10 any candidate in that election or such per-  
11 son has publicly and explicitly stated that  
12 the person supports the election of a dif-  
13 ferent candidate in that election.

14 “(4) HINDERING, INTERFERING WITH, OR PRE-  
15 VENTING VOTING OR REGISTERING TO VOTE.—No  
16 person, whether acting under color of law or other-  
17 wise, shall corruptly hinder, interfere with, or pre-  
18 vent another person from voting, registering to vote,  
19 or aiding another person in voting or registering to  
20 vote in any election for Federal office.

21 “(5) ELECTION FOR FEDERAL OFFICE DE-  
22 FINED.—In this subsection, the term ‘election for  
23 Federal office’ means a general, special, primary, or  
24 runoff election held to nominate or elect a candidate  
25 for the office of President or Vice President, presi-

1       dential elector, or of Senator or Representative in, or  
2       Delegate or Resident Commissioner to, the Con-  
3       gress.”.

4       (b) PRIVATE RIGHT OF ACTION.—

5             (1) IN GENERAL.—Section 2004(c) of the Re-  
6       vised Statutes (42 U.S.C. 1971(c)) is amended—

7                     (A) by striking “Whenever any person”  
8                     and inserting “(1) Whenever any person”; and

9                     (B) by adding at the end the following new  
10                    paragraph:

11                    “(2) Any person aggrieved by a violation of  
12                    subsection (b)(2), subsection (b)(3), or subsection  
13                    (b)(4) may institute a civil action for preventive re-  
14                    lief, including an application in a United States dis-  
15                    trict court for a permanent or temporary injunction,  
16                    restraining order, or other order.”.

17             (2) CONFORMING AMENDMENTS.—Section 2004  
18       of the Revised Statutes (42 U.S.C. 1971) is amend-  
19       ed—

20                     (A) in subsection (e), by striking “sub-  
21                     section (c)” and inserting “subsection (c)(1)”;  
22                     and

23                     (B) in subsection (g), by striking “sub-  
24                     section (e)” and inserting “subsection (c)(1)”.

25       (c) CRIMINAL PENALTIES.—

1           (1) INCREASE IN PENALTY FOR INTIMIDATION  
2           OF VOTERS.—Section 594 of title 18, United States  
3           Code, is amended by striking “any candidate for the  
4           office” and all that follows and inserting the fol-  
5           lowing: “any candidate in any election for Federal  
6           office shall be fined under this title, imprisoned not  
7           more than 5 years, or both. For purposes of this  
8           section, the term ‘election for Federal office’ means  
9           a general, special, primary, or runoff election held to  
10          nominate or elect a candidate for the office of Presi-  
11          dent or Vice President, presidential elector, or of  
12          Senator or Representative in, or Delegate or Resi-  
13          dent Commissioner to, the Congress.”.

14          (2) FALSE STATEMENTS REGARDING FEDERAL  
15          ELECTIONS.—

16                 (A) IN GENERAL.—Chapter 29 of title 18,  
17                 United States Code, is amended by adding at  
18                 the end the following new section:

19         **“§ 612. False statements regarding Federal elections**

20                 “(a) PROHIBITION.—It shall be unlawful for any per-  
21                 son, whether acting under color of law or otherwise, during  
22                 the 90-day period which ends on the date of an election  
23                 for Federal office, by any means, including by means of  
24                 written, electronic, or telephonic communications, to com-  
25                 municate or cause to be communicated materially false in-



1 formation described in subsection (b), or produce materi-  
2 ally false information described in subsection (b) with the  
3 intent that such information be communicated, if such  
4 person—

5           “(1) knows such information to be false; and

6           “(2) has the intent to mislead voters, or the in-  
7 tent to impede, hinder, discourage, or prevent an-  
8 other person from exercising the right to vote, in the  
9 election.

10       “(b) INFORMATION DESCRIBED.—Information de-  
11 scribed in this subsection is information regarding—

12           “(1) the time or place of holding any election  
13 for Federal office; or

14           “(2) the qualifications for, or restrictions on eli-  
15 gibility of, a voter in an election for Federal office,  
16 including—

17                   “(A) any criminal penalties associated with  
18 voting in any such election; or

19                   “(B) information regarding a voter’s reg-  
20 istration status or eligibility.

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

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

4       “(e) ELECTION FOR FEDERAL OFFICE DEFINED.—  
5 In this section, the term ‘election for Federal office’ has  
6 the meaning given such term in section 594.”.

7               (B) CLERICAL AMENDMENT.—The table of  
8 sections for chapter 29 of title 18, United  
9 States Code, is amended by adding at the end  
10 the following new item:

“612. False statements regarding Federal elections.”.

11           (3) HINDERING, INTERFERING WITH, OR PRE-  
12 VENTING VOTING OR REGISTERING TO VOTE.—

13           (A) IN GENERAL.—Chapter 29 of title 18,  
14 United States Code, as amended by paragraph  
15 (2)(A), is further amended by adding at the end  
16 the following new section:

17 **“§ 613. Hindering, interfering with, or preventing vot-**  
18 **ing or registering to vote**

19       “(a) PROHIBITION.—It shall be unlawful for any per-  
20 son, whether acting under color of law or otherwise, to  
21 corruptly hinder, interfere with, or prevent another person  
22 from voting, registering to vote, or aiding another person  
23 in voting or registering to vote in any election for Federal  
24 office.

1           “(b) ATTEMPT.—Any person who attempts to commit  
2 any offense described in subsection (a) shall be subject to  
3 the same penalties as those prescribed for the offense that  
4 the person attempted to commit.

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

8           “(d) ELECTION FOR FEDERAL OFFICE DEFINED.—  
9 In this section, the term ‘election for Federal office’ has  
10 the meaning given such term in section 594.”.

11                       (B) CLERICAL AMENDMENT.—The table of  
12 sections for chapter 29 of title 18, United  
13 States Code, as amended by paragraph (2)(B),  
14 is amended by adding at the end the following  
15 new item:

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

16           (4) SENTENCING GUIDELINES.—

17                       (A) REVIEW AND AMENDMENT.—Not later  
18 than 180 days after the date of enactment of  
19 this Act, the United States Sentencing Commis-  
20 sion, pursuant to its authority under section  
21 994 of title 28, United States Code, and in ac-  
22 cordance with this section, shall review and, if  
23 appropriate, amend the Federal sentencing  
24 guidelines and policy statements applicable to  
25 persons convicted of any offense under chapter

1           29 of title 18, United States Code, to take into  
2           account the amendments made by this sub-  
3           section.

4                   (B) AUTHORIZATION.—The United States  
5           Sentencing Commission may, for the purposes  
6           of carrying out subparagraph (A), amend the  
7           Federal sentencing guidelines in accordance  
8           with the procedures set forth in section 21(a) of  
9           the Sentencing Act of 1987 (28 U.S.C. 994  
10          note) as though the authority under that sec-  
11          tion had not expired.

12          (d) EFFECTIVE DATE.—The amendments made by  
13          this section shall apply with respect to elections held on  
14          or after the date of the enactment of this Act, except that  
15          no person may be found to have violated subsections (b)(2)  
16          or (b)(3) of section 2004(b) of the Revised Statutes (as  
17          added by subsection (a)), section 612 of title 18, United  
18          States Code (as added by subsection (c)(2)), or section  
19          613 of title 18, United States Code (as added by sub-  
20          section (c)(3)) on the basis of any act occurring prior to  
21          the date of the enactment of this Act.

22   **SEC. 202. CORRECTIVE ACTION.**

23          (a) IN GENERAL.—If the Attorney General receives  
24          a credible report that materially false information regard-  
25          ing an election for Federal office has been or is being com-

1 municated in violation of section 2004(b)(2) of the Revised  
2 Statutes (as added by section 201(a)), and if the Attorney  
3 General determines that State and local election officials  
4 have not taken adequate steps to promptly communicate  
5 accurate information to correct the materially false infor-  
6 mation, the Attorney General may, in his discretion, com-  
7 municate to the public, by any means, including by means  
8 of written, electronic, or telephonic communications, accu-  
9 rate information designed to correct such materially false  
10 information.

11 (b) CONTENTS OF CORRECTIVE INFORMATION.—The  
12 corrective information communicated by the Attorney  
13 General under subsection (a) shall be accurate and objec-  
14 tive, shall not be designed to favor or disfavor any par-  
15 ticular candidate, organization, or political party, and  
16 shall consist of only the information necessary to correct  
17 the false statement that has been or is being commu-  
18 nicated.

19 (c) METHOD OF DISSEMINATION OF CORRECTIVE IN-  
20 FORMATION.—When reasonably possible, any communica-  
21 tion of corrective information under this section shall be  
22 by means that the Attorney General determines will reach  
23 the persons to whom the false statement has been or is  
24 being communicated.

1 **SEC. 203. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 180 days after  
3 each regularly scheduled general election for Federal of-  
4 fice, the Attorney General shall submit to the appropriate  
5 committees of Congress a report compiling all allegations  
6 of violations of section 2004(b)(2) of the Revised Statutes  
7 (as added by section 201(a)), section 2004(b)(3) of the  
8 Revised Statutes (as added by section 201(a)), and section  
9 612 of title 18, United States Code (as added by section  
10 201(c)(2)) which were received by the Attorney General  
11 with respect to such election and all other previous elec-  
12 tions for Federal office which were held after the date of  
13 the previous regularly scheduled general election for Fed-  
14 eral office.

15 (b) CONTENTS.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), each report submitted under subsection  
18 (a) shall include—

19 (A) descriptions of each allegation of a vio-  
20 lation, including the geographic location and the  
21 racial and ethnic composition, as well as lan-  
22 guage minority-group membership (if any), of  
23 the persons toward whom the alleged violation  
24 was directed;

25 (B) the status of the investigation of each  
26 such allegation;

1 (C) descriptions of each corrective action  
2 taken under section 202(a) in response to such  
3 allegations;

4 (D) descriptions of each referral of such an  
5 allegation to other Federal, State, or local agen-  
6 cies;

7 (E) descriptions of any civil litigation insti-  
8 tuted under subsection (b)(2) or subsection  
9 (b)(3) of section 2004(b) of the Revised Stat-  
10 utes (as added by section 201(a)) in connection  
11 with such allegations; and

12 (F) descriptions of any criminal prosecu-  
13 tion instituted under section 612 of title 18,  
14 United States Code (as added by section  
15 201(c)(2)) in connection with the receipt of  
16 such allegations.

17 (2) EXCEPTION.—The Attorney General shall  
18 withhold from the report submitted under subsection  
19 (a) any information protected from disclosure by  
20 Rule 6(e) of the Federal Rules of Criminal Proce-  
21 dure or any Federal criminal statute, and also may  
22 withhold from the report any privileged information,  
23 any information concerning ongoing investigations,  
24 any information concerning a criminal or civil pro-  
25 ceeding conducted under seal, and any other non-

1 public information the disclosure of which as deter-  
2 mined by the Attorney General could reasonably be  
3 expected to infringe on the rights of any individual  
4 or adversely affect the integrity of a pending or fu-  
5 ture criminal investigation.

6 (c) **REPORT MADE PUBLIC.**—On the date that the  
7 Attorney General submits the report required under sub-  
8 section (a), the Attorney General shall also make the re-  
9 port publicly available through the Internet and other ap-  
10 propriate means.

11 (d) **EFFECTIVE DATE.**—This section shall apply with  
12 respect to the regularly scheduled general election for Fed-  
13 eral office held in November 2012 and each succeeding  
14 regularly scheduled general election for Federal office.

15 **SEC. 204. SEVERABILITY.**

16 If any provision of this title or any amendment made  
17 by this title, or the application of a provision or amend-  
18 ment to any person or circumstance, is held to be uncon-  
19 stitutional, the remainder of this title and the amendments  
20 made by this title, and the application of the provisions  
21 and amendments to any person or circumstance, shall not  
22 be affected by the holding.



1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Attor-  
3 ney General such sums as may be necessary to carry out  
4 this title and the amendments made by this title.

5 **TITLE III—PROHIBITING VOTER**  
6 **CAGING**

7 **SEC. 301. VOTER CAGING AND OTHER QUESTIONABLE**  
8 **CHALLENGES PROHIBITED.**

9       (a) IN GENERAL.—Chapter 29 of title 18, United  
10 States Code, as amended by section 201(a), is amended  
11 by adding at the end the following:

12 **“§ 614. Voter caging and other questionable chal-**  
13 **lenges**

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

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

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

21                       “(B) any document with instructions to an  
22 addressee that the document be returned to the  
23 sender or a third party but is not so returned,  
24 despite an attempt to deliver such document to  
25 the address of a registered voter or applicant,

1           unless at least two Federal election cycles have  
2           passed since the date of the attempted delivery;

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

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

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

23                  “(1) a voter caging document or voter caging  
24          list;

25                  “(2) an unverified match list;

1           “(3) an error or omission on any record or  
2 paper relating to any application, registration, or  
3 other act requisite to voting, if such error or omis-  
4 sion is not material to an individual’s eligibility to  
5 vote under section 2004 of the Revised Statutes, as  
6 amended (42 U.S.C. 1971(a)(2)(B)); or

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

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

13           “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
14 OTHER THAN ELECTION OFFICIALS.—

15           “(1) ATTESTATION OF FIRST-HAND KNOWL-  
16 EDGE OF INELIGIBILITY.—No person, other than a  
17 State or local election official, shall submit a formal  
18 challenge to an individual’s eligibility to register to  
19 vote in an election for Federal office or to vote in  
20 an election for Federal office unless that challenge  
21 is supported by personal, first-hand knowledge re-  
22 garding the grounds for ineligibility which is—

23                   “(A) documented in writing; and

24                   “(B) subject to an oath or attestation  
25           under penalty of perjury that the individual

1           who is the subject of the challenge is ineligible  
2           to register to vote or vote in that election.

3           “(2) PROHIBITING CHALLENGES BASED ON  
4           CERTAIN EVIDENCE.—No person, other than a State  
5           or local election official, shall submit a formal chal-  
6           lenge to an individual’s eligibility to register to vote  
7           in an election for Federal office or to vote in an elec-  
8           tion for Federal office if the basis for such challenge  
9           is evidence consisting of—

10                   “(A) a voter caging document or voter cag-  
11           ing list;

12                   “(B) an unverified match list;

13                   “(C) an error or omission on any record or  
14           paper relating to any application, registration,  
15           or other act requisite to voting, if such error or  
16           omission is not material to an individual’s eligi-  
17           bility to vote under section 2004 of the Revised  
18           Statutes, as amended (42 U.S.C.  
19           1971(a)(2)(B)); or

20                   “(D) any other evidence so designated for  
21           purposes of this section by the Election Assist-  
22           ance Commission.

23           “(d) PENALTIES FOR KNOWING MISCONDUCT.—  
24           Whoever knowingly challenges the eligibility of one or  
25           more individuals to register or vote or knowingly causes

1 the eligibility of such individuals to be challenged in viola-  
2 tion of this section with the intent that one or more eligi-  
3 ble voters be disqualified, shall be fined under this title  
4 or imprisoned not more than 5 years, or both, for each  
5 such violation. Each violation shall be a separate offense.

6 “(e) NO EFFECT ON RELATED LAWS.—Nothing in  
7 this section is intended to override the protections of the  
8 National Voter Registration Act of 1993 (42 U.S.C.  
9 1973gg et seq.) or to affect the Voting Rights Act of 1965  
10 (42 U.S.C. 1973 et seq.).”

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 for chapter 29 of title 18, United States Code, as amended  
13 by section 201(b), is amended by adding at the end the  
14 following:

“614. Voter caging and other questionable challenges.”

15 **SEC. 302. SEVERABILITY.**

16 If any provision of this title or any amendment made  
17 by this title, or the application of a provision to any person  
18 or circumstance, is held to be unconstitutional, the re-  
19 mainder of this title and the amendments made by this  
20 title, and the application of the provisions to any person  
21 or circumstance, shall not be affected by the holding.

1     **TITLE IV—RESTORING VOTING**  
2                                     **RIGHTS**

3     **SEC. 401. RIGHTS OF CITIZENS.**

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

10    **SEC. 402. ENFORCEMENT.**

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

14           (b) PRIVATE RIGHT OF ACTION.—

15                 (1) NOTICE TO ELECTION OFFICIAL.—A person  
16 who is aggrieved by a violation of this title may pro-  
17 vide written notice of the violation to the chief elec-  
18 tion official of the State involved.

19                 (2) ACTION PERMITTED.—Except as provided  
20 in paragraph (3), if the violation is not corrected  
21 within 90 days after receipt of a notice under para-  
22 graph (1), or within 20 days after receipt of the no-  
23 tice if the violation occurred within 120 days before  
24 the date of an election for Federal office, the ag-

1       grieved person may, in a civil action obtain declara-  
2       tory or injunctive relief with respect to the violation.

3           (3) WAIVER OF NOTICE FOR VIOLATIONS OC-  
4       CURRING NEAR DATE OF ELECTION.—If the viola-  
5       tion occurred within 30 days before the date of an  
6       election for Federal office, the aggrieved person need  
7       not provide notice to the chief election official of the  
8       State under paragraph (1) before bringing a civil ac-  
9       tion to obtain declaratory or injunctive relief with re-  
10      spect to the violation.

11 **SEC. 403. 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 notify in writ-  
16       ing any individual who has been convicted of a  
17       criminal offense under the law of that State that  
18       such individual has the right to vote in an election  
19       for Federal office pursuant to this title and may reg-  
20       ister to vote in any such election.

21           (2) DATE OF NOTIFICATION.—

22           (A) FELONY CONVICTION.—In the case of  
23       such an individual who has been convicted of a  
24       felony, the notification required under para-

1 graph (1) shall be given on the date on which  
2 the individual—

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

5 (ii) is released from the custody of  
6 that State (other than to the custody of  
7 another State or the Federal Government  
8 to serve a term of imprisonment for a fel-  
9 ony conviction).

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

15 (b) FEDERAL NOTIFICATION.—

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

23 (2) DATE OF NOTIFICATION.—

24 (A) FELONY CONVICTION.—In the case of  
25 such an individual who has been convicted of a



1 felony, the notification required under para-  
2 graph (1) shall be given on the date on which  
3 the individual—

4 (i) is sentenced to serve only a term  
5 of probation by a court established by an  
6 Act of Congress; or

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

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

16 **SEC. 404. DEFINITIONS.**

17 For purposes of this title:

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

1 (2) ELECTION.—The term “election” means—

2 (A) a general, special, primary, or runoff  
3 election;

4 (B) a convention or caucus of a political  
5 party held to nominate a candidate;

6 (C) a primary election held for the selec-  
7 tion of delegates to a national nominating con-  
8 vention of a political party; or

9 (D) a primary election held for the expres-  
10 sion of a preference for the nomination of per-  
11 sons for election to the office of President.

12 (3) FEDERAL OFFICE.—The term “Federal of-  
13 fice” means the office of President or Vice President  
14 of the United States, or of Senator or Representa-  
15 tive in, or Delegate or Resident Commissioner to,  
16 the Congress of the United States.

17 (4) PROBATION.—The term “probation” means  
18 probation, imposed by a Federal, State, or local  
19 court, with or without a condition on the individual  
20 involved concerning—

21 (A) the individual’s freedom of movement;

22 (B) the payment of damages by the indi-  
23 vidual;

24 (C) periodic reporting by the individual to  
25 an officer of the court; or

1 (D) supervision of the individual by an of-  
2 ficer of the court.

3 **SEC. 405. RELATION TO OTHER LAWS.**

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—  
5 Nothing in this title shall be construed to prohibit the  
6 States enacting any State law which affords the right to  
7 vote in any election for Federal office on terms less restric-  
8 tive than those established by this title.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
10 edies established by this title are in addition to all other  
11 rights and remedies provided by law, and neither rights  
12 and remedies established by this title shall supersede, re-  
13 strict, or limit the application of the Voting Rights Act  
14 of 1965 (42 U.S.C. 1973 et seq.) or the National Voter  
15 Registration Act (42 U.S.C. 1973–gg).

16 **SEC. 406. FEDERAL PRISON FUNDS.**

17 No State, unit of local government, or other person  
18 may receive or use, to construct or otherwise improve a  
19 prison, jail, or other place of incarceration, any Federal  
20 grant amounts unless that person has in effect a program  
21 under which each individual incarcerated in that person's  
22 jurisdiction who is a citizen of the United States is noti-  
23 fied, upon release from such incarceration, of that individ-  
24 ual's rights under section 401.

1 **SEC. 407. EFFECTIVE DATE.**

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

5 **TITLE V—ELECTION DAY AS**  
6 **LEGAL PUBLIC HOLIDAY**

7 **SEC. 501. TREATMENT OF ELECTION DAY IN SAME MANNER**  
8 **AS LEGAL PUBLIC HOLIDAY FOR PURPOSES**  
9 **OF FEDERAL EMPLOYMENT.**

10 For purposes of any law relating to Federal employ-  
11 ment, the Tuesday next after the first Monday in Novem-  
12 ber in 2012 and each even-numbered year thereafter shall  
13 be treated in the same manner as a legal public holiday  
14 described in section 6103 of title 5, United States Code.

15 **SEC. 502. STUDY BY COMPTROLLER GENERAL OF IMPACT**  
16 **ON VOTER PARTICIPATION.**

17 (a) **IN GENERAL.**—The Comptroller General shall  
18 conduct a study of the impact of section 501 on voter par-  
19 ticipation.

20 (b) **REPORT.**—Not later than May 1, 2017, the  
21 Comptroller General shall submit a report to Congress and  
22 the President on the results of the study conducted under  
23 subsection (a).

1 **SEC. 503. SENSE OF CONGRESS REGARDING TREATMENT**  
2 **OF DAY BY PRIVATE EMPLOYERS.**

3 It is the sense of Congress that private employers in  
4 the United States should give their employees a day off  
5 on the Tuesday next after the first Monday in November  
6 in 2012 and each even-numbered year thereafter to enable  
7 the employees to cast votes in the elections held on that  
8 day.

○