

115TH CONGRESS
1ST SESSION

H. R. 1398

To provide funds to give States incentives to invest in practices and technology designed to expedite voting at the polls and simplify voter registration, improve voting system security, and promote automatic voter registration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2017

Mr. CONNOLLY (for himself and Mr. LANGEVIN) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To provide funds to give States incentives to invest in practices and technology designed to expedite voting at the polls and simplify voter registration, improve voting system security, and promote automatic voter registration, 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 “Fair, Accurate, Secure, and Timely Voting Act of 2017”
6 or the “FAST Voting Act of 2017”.

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING VOTER PARTICIPATION

Sec. 101. Incentives for States to invest in practices and technology designed
 to expedite voting at the polls and simplify voter registration.

Sec. 102. Criteria for awarding grants.

Sec. 103. Criteria for evaluating applications.

Sec. 104. Authorization of appropriations.

TITLE II—IMPROVING VOTING SYSTEM SECURITY

Sec. 201. Incentives for States to improve voting system security.

Sec. 202. Criteria for awarding grants.

Sec. 203. Criteria for evaluating applications.

Sec. 204. Authorization of appropriations.

TITLE III—ENCOURAGING AUTOMATIC VOTER REGISTRATION

Sec. 301. Incentives for States to implement automatic voter registration.

Sec. 302. Applications.

Sec. 303. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Establishment of performance measures and targets.

Sec. 402. Reporting requirements.

Sec. 403. State defined.

3 **TITLE I—IMPROVING VOTER**
 4 **PARTICIPATION**

5 **SEC. 101. INCENTIVES FOR STATES TO INVEST IN PRAC-**
 6 **TICES AND TECHNOLOGY DESIGNED TO EX-**
 7 **PEDITE VOTING AT THE POLLS AND SIM-**
 8 **PLIFY VOTER REGISTRATION.**

9 (a) GRANTS AUTHORIZED.—

10 (1) IN GENERAL.—From the amounts made
 11 available under section 104 for a fiscal year and not
 12 reserved under section (b) of section 104, the Elec-
 13 tion Assistance Commission (hereafter in this title

1 referred to as the “Commission”) shall award
2 grants, on a competitive basis, to States in accord-
3 ance with section 103.

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

7 (3) DURATION OF GRANTS.—

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

11 (B) CONTINUATION OF GRANTS.—A State
12 that is awarded a grant under this section shall
13 not receive grant funds under this section for
14 the second or any subsequent year of the grant
15 unless the State demonstrates to the Commis-
16 sion, at such time and in such manner as deter-
17 mined by the Commission, that the State is—

18 (i) making progress in implementing
19 the grant implementation plan described in
20 section 102(b) at a rate that the Commis-
21 sion determines will result in the State
22 fully implementing such plan during the
23 remainder of the grant period; or

24 (ii) making progress against the per-
25 formance measures established under sec-

1 tion 401 at a rate that the Commission de-
2 termines will result in the State reaching
3 its targets and achieving the objectives of
4 the grant during the remainder of the
5 grant period.

6 (b) USE OF FUNDS.—Each State that receives a
7 grant under this title shall use the funds provided by the
8 grant to carry out the State’s grant implementation plan
9 described in section 102(b).

10 **SEC. 102. CRITERIA FOR AWARDING GRANTS.**

11 (a) APPLICATIONS.—Each State that desires to re-
12 ceive a grant under this title shall submit an application
13 to the Commission at such time, in such manner, and con-
14 taining such information as the Commission may reason-
15 ably require. At a minimum, each such application shall
16 include each of the following:

17 (1) A documentation of the State’s record in
18 carrying out the following in the administration of
19 elections for public office:

20 (A) Providing various voter registration
21 opportunities and record of providing electronic
22 transfer of voter registration information from
23 government agencies to election officials.

24 (B) Providing early voting.

25 (C) Providing absentee voting.

1 (D) Providing assistance to voters who do
2 not speak English as a primary language.

3 (E) Providing assistance to voters with dis-
4 abilities at and beyond the level required by
5 Federal law.

6 (F) Providing effective access to voting for
7 members of the uniformed services at and be-
8 yond the level required by Federal law.

9 (G) Providing formal training of election
10 officials.

11 (H) Auditing waiting times at polling
12 places.

13 (I) Allocating polling locations, equipment,
14 and staff to match population distribution.

15 (J) Responding to voting irregularities and
16 concerns raised at polling stations.

17 (K) Creating and adhering to contingency
18 voting plans in the event of a natural or other
19 disaster.

20 (L) Any other performance measure estab-
21 lished under section 401 in providing various
22 voter registration opportunities.

23 (2) Evidence of established conditions of inno-
24 vation and reform in the administration of elections

1 for public office in the State and the State's pro-
2 posed plan for implementing additional conditions.

3 (3) Evidence of collaboration between relevant
4 stakeholders in developing the grant implementation
5 plan described in subsection (b).

6 (4) Annual performance measures and targets
7 for the activities carried out with the grant.

8 (5) A description of the State's plan to conduct
9 a rigorous evaluation of the effectiveness of the ac-
10 tivities carried out with the grant.

11 (6) The grant implementation plan described in
12 subsection (b).

13 (b) GRANT IMPLEMENTATION PLAN.—The grant im-
14 plementation plan described in this subsection is a plan
15 developed by the State for using funds provided by the
16 grant to improve the State's performance on the perform-
17 ance measures established under section 401, including
18 how the State will carry out some or all of the following:

19 (1) Providing flexible registration opportunities,
20 including online and same-day registration and reg-
21 istration updating.

22 (2) Providing early voting, at a minimum of 9
23 of the 10 calendar days preceding an election, at
24 sufficient and flexible hours.

1 (3) Providing absentee voting, including no-ex-
2 cuse absentee voting.

3 (4) Providing assistance to voters who do not
4 speak English as a primary language beyond the
5 minimum requirements of the Voting Rights Act of
6 1965.

7 (5) Providing assistance to voters with disabil-
8 ities, including visual impairment, at and beyond the
9 level required by Federal law.

10 (6) Providing effective access to voting for
11 members of the uniformed services at and beyond
12 the level required by Federal law.

13 (7) Providing formal training of election offi-
14 cials, including State and county administrators and
15 volunteers.

16 (8) Auditing and reducing waiting times at poll-
17 ing places.

18 (9) Allocating polling locations, equipment, and
19 staff to match population distribution.

20 (10) Responding to any reports of voting irreg-
21 ularities or concerns raised at polling places.

22 (11) Creating contingency voting plans in the
23 event of natural or other disaster.

24 (12) Improving the wait times at the persist-
25 ently poorest performing polling stations.

1 **SEC. 103. CRITERIA FOR EVALUATING APPLICATIONS.**

2 (a) AWARD BASIS.—The Commission shall award
3 grants to States under this title on a competitive basis,
4 based on the quality of the State’s application submitted
5 under section 102, including—

6 (1) the State’s record in the areas described in
7 paragraph (1) of section 102(a);

8 (2) the State’s record of, and commitment to,
9 establishing conditions for innovation and reform, as
10 described in paragraph (2) of section 102(a);

11 (3) the quality and likelihood of success of the
12 State’s grant implementation plan described in sec-
13 tion 102(b) in showing improvement in the areas de-
14 scribed in paragraph (1) of section 102(a), including
15 the State’s capacity to implement the plan and evi-
16 dence of collaboration as described in paragraph (3)
17 of section 102(a); and

18 (4) the State’s evaluation plan as described in
19 paragraph (5) of section 102(a).

20 (b) EXPLANATION.—The Commission shall publish
21 an explanation of how the application review process under
22 this paragraph will ensure an equitable and objective eval-
23 uation based on the criteria described in subsection (a).

24 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

25 (a) IN GENERAL.—There are authorized to be appro-
26 priated such sums as may be necessary for fiscal year

1 2017 and each succeeding fiscal year to carry out this
2 title.

3 (b) RESERVATION OF FUNDS.—From the amount
4 made available to carry out this title for a fiscal year, the
5 Commission may reserve not more than 10 percent of such
6 amount to carry out activities related to—

7 (1) technical assistance; and

8 (2) outreach and dissemination.

9 **TITLE II—IMPROVING VOTING**
10 **SYSTEM SECURITY**

11 **SEC. 201. INCENTIVES FOR STATES TO IMPROVE VOTING**
12 **SYSTEM SECURITY.**

13 (a) GRANTS AUTHORIZED.—

14 (1) IN GENERAL.—From the amounts made
15 available under section 204 for a fiscal year and not
16 reserved under section (b) of section 204, the Elec-
17 tion Assistance Commission (hereafter in this title
18 referred to as the “Commission”) shall award
19 grants, on a competitive basis, to States in accord-
20 ance with section 203.

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

24 (3) DURATION OF GRANTS.—

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

4 (B) CONTINUATION OF GRANTS.—A State
5 that is awarded a grant under this section shall
6 not receive grant funds under this section for
7 the second or any subsequent year of the grant
8 unless the State demonstrates to the Commis-
9 sion, at such time and in such manner as deter-
10 mined by the Commission, that the State is—

11 (i) making progress in implementing
12 the grant implementation plan described in
13 section 202(b) at a rate that the Commis-
14 sion determines will result in the State
15 fully implementing such plan during the
16 remainder of the grant period; or

17 (ii) making progress against the per-
18 formance measures established under sec-
19 tion 401 at a rate that the Commission de-
20 termines will result in the State reaching
21 its targets and achieving the objectives of
22 the grant during the remainder of the
23 grant period.

24 (b) USE OF FUNDS.—Each State that receives a
25 grant under this title shall use the funds provided by the

1 grant to carry out the State's grant implementation plan
2 described in section 202(b).

3 **SEC. 202. CRITERIA FOR AWARDING GRANTS.**

4 (a) APPLICATIONS.—Each State that desires to re-
5 ceive a grant under this title shall submit an application
6 to the Commission at such time, in such manner, and con-
7 taining such information as the Commission may reason-
8 ably require. At a minimum, each such application shall
9 include each of the following:

10 (1) A documentation of the State's record in
11 carrying out the following in the administration of
12 elections for public office:

13 (A) Providing voting machines that are
14 less than 10 years old.

15 (B) Providing voting equipment that gen-
16 erates a verifiable paper trail at polling places.

17 (C) Implementing strong chain of custody
18 procedures for the physical security of voting
19 equipment and paper records at all stages of
20 the process.

21 (D) Conducting pre-election testing on
22 every voting machine and ensuring that paper
23 ballots are available wherever electronic ma-
24 chines are used.

1 (E) Mandating post-election risk-limiting
2 audits to confirm the validity of electronic re-
3 sults.

4 (F) Keeping offline backups of voter reg-
5 istration lists.

6 (G) Providing a secure voter registration
7 database that logs requests submitted to the
8 database.

9 (H) Publishing and enforcing a policy de-
10 tailing use limitations and security safeguards
11 to protect voters' personal information in the
12 voter registration process.

13 (I) Providing secure processes and proce-
14 dures for reporting vote tallies.

15 (J) Providing a secure platform for dis-
16 seminating vote totals.

17 (K) Any other performance measure estab-
18 lished under section 401 in providing voting
19 system security.

20 (2) Evidence of established conditions of inno-
21 vation and reform in providing voting system secu-
22 rity and the State's proposed plan for implementing
23 additional conditions.

1 (3) Evidence of collaboration between relevant
2 stakeholders in developing the grant implementation
3 plan described in subsection (b).

4 (4) Annual performance measures and targets
5 for the activities carried out with the grant.

6 (5) A description of the State’s plan to conduct
7 a rigorous evaluation of the effectiveness of the ac-
8 tivities carried out with the grant.

9 (6) The grant implementation plan described in
10 subsection (b).

11 (b) GRANT IMPLEMENTATION PLAN.—The grant im-
12 plementation plan described in this subsection is a plan
13 developed by the State for using funds provided by the
14 grant to improve the State’s performance on the perform-
15 ance measures established under section 401, including
16 how the State will carry out some or all of the following:

17 (1) Providing voting machines that are less
18 than 10 years old.

19 (2) Updating voting equipment to provide a
20 verifiable paper trail at polling stations.

21 (3) Implementing strong chain of custody pro-
22 cedures for the physical security of voting equipment
23 and paper records at all stages of the process.

1 (4) Conducting pre-election testing on every
2 voting machine and ensuring paper ballots are avail-
3 able wherever electronic machines are used.

4 (5) Mandating post-election risk-limiting audits
5 to confirm the validity of electronic results.

6 (6) Keeping offline backups of voter registra-
7 tion lists.

8 (7) Providing a secure voter registration data-
9 base that logs requests submitted to the database.

10 (8) Publishing and enforcing a policy detailing
11 use limitations and security safeguards to protect
12 voters' personal information in the voter registration
13 process.

14 (9) Providing secure processes and procedures
15 for reporting vote tallies.

16 (10) Providing a secure platform for dissemi-
17 nating vote totals.

18 **SEC. 203. CRITERIA FOR EVALUATING APPLICATIONS.**

19 (a) AWARD BASIS.—The Commission shall award
20 grants to States under this title on a competitive basis,
21 based on the quality of the State's application submitted
22 under section 202, including—

23 (1) the State's record in the areas described in
24 paragraph (1) of section 202(a);

1 (2) the State’s record of, and commitment to,
2 establishing conditions for innovation and reform, as
3 described in paragraph (2) of section 202(a);

4 (3) the quality and likelihood of success of the
5 State’s grant implementation plan described in sec-
6 tion 202(b) in showing improvement in the areas de-
7 scribed in paragraph (1) of section 202(a), including
8 the State’s capacity to implement the plan and evi-
9 dence of collaboration as described in paragraph (3)
10 of section 202(a); and

11 (4) the State’s evaluation plan as described in
12 paragraph (5) of section 202(a).

13 (b) EXPLANATION.—The Commission shall publish
14 an explanation of how the application review process under
15 this paragraph will ensure an equitable and objective eval-
16 uation based on the criteria described in subsection (a).

17 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated such sums as may be necessary for fiscal year
20 2017 and each succeeding fiscal year to carry out this
21 title.

22 (b) RESERVATION OF FUNDS.—From the amount
23 made available to carry out this title for a fiscal year, the
24 Commission may reserve not more than 10 percent of such
25 amount to carry out activities related to—

1 (1) technical assistance; and

2 (2) outreach and dissemination.

3 **TITLE III—ENCOURAGING AUTO-**
4 **MATIC VOTER REGISTRATION**

5 **SEC. 301. INCENTIVES FOR STATES TO IMPLEMENT AUTO-**
6 **MATIC VOTER REGISTRATION.**

7 (a) GRANTS AUTHORIZED.—

8 (1) IN GENERAL.—From the amounts made
9 available under section 303 for a fiscal year and not
10 reserved under section (b) of section 303, the Elec-
11 tion Assistance Commission (hereafter in this title
12 referred to as the “Commission”) shall award
13 grants, on a competitive basis, to States in accord-
14 ance with section 302.

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

18 (3) DURATION OF GRANTS.—

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

22 (B) CONTINUATION OF GRANTS.—A State
23 that is awarded a grant under this section shall
24 not receive grant funds under this section for
25 the second or any subsequent year of the grant

1 unless the State demonstrates to the Commis-
2 sion, at such time and in such manner as deter-
3 mined by the Commission, that the State is—

4 (i) making progress in implementing
5 the plan for the implementation of auto-
6 matic voter registration in the State, as de-
7 scribed in section 302(c), at a rate that the
8 Commission determines will result in the
9 State fully implementing such plan during
10 the remainder of the grant period; or

11 (ii) making progress against the per-
12 formance measures established under sec-
13 tion 401 at a rate that the Commission de-
14 termines will result in the State reaching
15 its targets and achieving the objectives of
16 the grant during the remainder of the
17 grant period.

18 (b) USE OF FUNDS.—Each State that receives a
19 grant under this title shall use the funds provided by the
20 grant to carry out the State’s plan for the implementation
21 of automatic voter registration in the State, as described
22 in section 302(c).

23 **SEC. 302. APPLICATIONS.**

24 (a) IN GENERAL.—Each State that desires to receive
25 a grant under this title shall submit an application to the

1 Commission at such time, in such manner, and containing
2 such information as the Commission may reasonably re-
3 quire. At a minimum, each such application shall include
4 the following:

5 (1) A detailed plan for the implementation of
6 automatic voter registration in the State.

7 (2) Annual performance measures and targets
8 for the activities carried out with the grant.

9 (3) A description of the State's plan to conduct
10 a rigorous evaluation of the effectiveness of the ac-
11 tivities carried out with the grant.

12 (b) SELECTION OF RECIPIENTS.—The Commission
13 shall award grants to States under this title on a competi-
14 tive basis, based on the quality of the State's application
15 submitted under subsection (a).

16 (c) AUTOMATIC VOTER REGISTRATION DE-
17 SCRIBED.—In this title, “automatic voter registration”
18 means a system under which a State registers individuals
19 to vote in elections for Federal office who are eligible to
20 vote in such elections by electronically transferring the in-
21 formation necessary for registration from government
22 agencies to election officials of the State so that, unless
23 the individual affirmatively declines to be registered, the
24 individual will be registered to vote in such elections.

1 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated such sums as may be necessary for fiscal year
4 2017 and each succeeding fiscal year to carry out this
5 title.

6 (b) RESERVATION OF FUNDS.—From the amount
7 made available to carry out this title for a fiscal year, the
8 Commission may reserve not more than 10 percent of such
9 amount to carry out activities related to—

10 (1) technical assistance; and

11 (2) outreach and dissemination.

12 **TITLE IV—GENERAL**
13 **PROVISIONS**

14 **SEC. 401. ESTABLISHMENT OF PERFORMANCE MEASURES**
15 **AND TARGETS.**

16 Each State receiving a grant under this Act shall es-
17 tablish performance measures and targets, approved by
18 the Election Assistance Commission (hereafter in this title
19 referred to as the “Commission”), for the programs and
20 activities carried out with the funds provided by the grant.

21 **SEC. 402. REPORTING REQUIREMENTS.**

22 Each State receiving a grant under this Act shall sub-
23 mit to the Commission, at such time and in such manner
24 as the Commission may require, an annual report includ-
25 ing—

1 (1) data on the State’s progress in achieving
2 the targets for the performance measures established
3 under section 401;

4 (2) a description of the challenges the State has
5 faced in implementing the programs and activities
6 funded by the grant and how it has addressed or
7 plans to address those challenges; and

8 (3) findings from the evaluation plan for the
9 grant.

10 **SEC. 403. STATE DEFINED.**

11 In this Act, the term “State” means each of the sev-
12 eral States and the District of Columbia.

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