

118TH CONGRESS
1ST SESSION

H. R. 4479

To amend the Help America Vote Act of 2002 to improve the administration and operation of the Election Assistance Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2023

Mr. D'ESPOSITO introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to improve the administration and operation of the Election Assistance Commission, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Positioning the Elec-
5 tion Assistance Commission for the Future Act of 2023”.

6 **SEC. 2. FINDINGS RELATING TO THE ADMINISTRATION OF**
7 **THE ELECTION ASSISTANCE COMMISSION.**

8 Congress finds the following:

9 (1) The Election Assistance Commission best
10 serves the American people when operating within

1 its core statutory functions, including serving as a
2 clearinghouse for information on election administra-
3 tion, providing grants, and testing and certifying
4 election equipment.

5 (2) The American people are best served when
6 Federal agency election assistance is offered by a
7 single agency with expertise in this space. The Elec-
8 tion Assistance Commission, composed of four elec-
9 tion experts from different political parties, is best
10 situated among the Federal government agencies to
11 offer assistance services to citizens and to guide
12 other Federal agencies that have responsibilities in
13 the elections space. The Commission is also best
14 suited to determine the timing of the issuance of any
15 advisories and to disburse all appropriated election
16 grant funding.

17 (3) To this end, Congress finds that the Elec-
18 tion Assistance Commission should be viewed as the
19 lead Federal government agency on all election ad-
20 ministration matters, and other Federal agencies op-
21 erating in this space should look to the Commission
22 for guidance, direction, and support on election ad-
23 ministration-related issues.

1 **SEC. 3. REQUIREMENTS WITH RESPECT TO STAFF AND**
2 **FUNDING OF THE ELECTION ASSISTANCE**
3 **COMMISSION.**

4 (a) **STAFF.**—Section 204(a)(5) of the Help America
5 Vote Act of 2002 (52 U.S.C. 20924(a)(5)) is amended by
6 striking “of such additional personnel” and inserting “of
7 not more than 55 full-time equivalent employees to carry
8 out the duties and responsibilities under this Act”.

9 (b) **FUNDING.**—Section 210 of the Help America
10 Vote Act of 2002 (52 U.S.C. 20930) is amended—

11 (1) by striking “for each of the fiscal years
12 2003 through 2005” and inserting “for each of the
13 fiscal years 2024 through 2026”; and

14 (2) by striking “(but not to exceed \$10,000,000
15 for each such year)” and inserting “(but not to ex-
16 ceed \$25,000,000 for each such year)”.

17 (c) **PROHIBITION ON CERTAIN USE OF FUNDS.**—

18 (1) **PROHIBITION.**—None of the funds author-
19 ized to be appropriated or otherwise made available
20 under subsection (b) may be obligated or expended
21 for the operation of an advisory committee estab-
22 lished by the Election Assistance Commission pursu-
23 ant to and in accordance with the provisions of the
24 Federal Advisory Committee Act (5 U.S.C. App. 2),
25 except with respect to the operation of the Local
26 Leadership Council.

1 (2) NO EFFECT ON ENTITIES ESTABLISHED BY
2 HELP AMERICA VOTE ACT OF 2002.—Paragraph (1)
3 does not apply with respect to the operation of any
4 entity established by the Help America Vote Act of
5 2002, including the Election Assistance Commission
6 Standards Board, the Election Assistance Commis-
7 sion Board of Advisors, and the Technical Guide-
8 lines Development Committee.

9 (d) REQUIREMENTS WITH RESPECT TO COMPENSA-
10 TION OF MEMBERS OF THE COMMISSION.—Section
11 203(d) of the Help America Vote Act of 2002 (52 U.S.C.
12 20923(d)) is amended—

13 (1) in paragraph (1), by striking “at the annual
14 rate of basic pay prescribed for level IV of the Exec-
15 utive Schedule under section 5315 of title 5, United
16 States Code” and inserting “at an annual rate of
17 basic pay equal to the amount of \$186,300, as ad-
18 justed under section 5318 of title 5, United States
19 Code, in the same manner as the annual rate of pay
20 for positions at each level of the Executive Sched-
21 ule”;

22 (2) in paragraph (2), by striking “No member
23 appointed” and inserting “Except as provided in
24 paragraph (3), no member appointed”; and

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

3 “(3) SUPPLEMENTAL EMPLOYMENT AND COM-
4 PENSATION.—An individual serving a term of service
5 on the Commission shall be permitted to hold a posi-
6 tion at an institution of higher education (as such
7 term is defined in section 101 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1001)) if—

9 “(A) the General Counsel of the Election
10 Assistance Commission determines that such
11 position does not create a conflict of interest
12 with the individual’s position as a sitting mem-
13 ber of the Commission and grants the indi-
14 vidual approval to hold the position; and

15 “(B) the annual rate of compensation re-
16 ceived by the individual from such institution is
17 not greater than the amount equal to 49.9 per-
18 cent of the annual rate of basic pay paid to the
19 individual under paragraph (1).”.

20 (e) OFFICE OF INSPECTOR GENERAL.—Section 204
21 of the Help America Vote Act of 2002 (52 U.S.C. 20924)
22 is amended by adding at the end the following new sub-
23 section:

24 “(f) OFFICE OF INSPECTOR GENERAL.—The Inspec-
25 tor General of the Election Assistance Commission may

1 appoint not more than 7 full-time equivalent employees
2 to assist the Inspector General to carry out the duties and
3 responsibilities under section 4 of the Inspector General
4 Act of 1978 (5 U.S.C. App. 4), of whom 2 shall have pri-
5 marily administrative duties and responsibilities.”.

6 (f) EFFECTIVE DATE.—This section and the amend-
7 ments made by this section shall take effect on October
8 1, 2023.

9 **SEC. 4. EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE**
10 **COMMISSION TO MAKE ELECTION ADMINIS-**
11 **TRATION PAYMENTS TO STATES.**

12 (a) IN GENERAL.—No entity of the Federal Govern-
13 ment other than the Election Assistance Commission may
14 make any payment to a State for purposes of admin-
15 istering elections for Federal office, including obtaining
16 election and voting equipment and infrastructure, enhanc-
17 ing election and voting technology, and making election
18 and voting security improvements, including with respect
19 to cybersecurity and infrastructure.

20 (b) EFFECTIVE DATE.—Subsection (a) shall apply
21 with respect to payments made on or after the date of
22 the enactment of this Act.

1 **SEC. 5. EXECUTIVE BOARD OF THE STANDARDS BOARD AU-**
2 **THORITY TO ENTER INTO CONTRACTS.**

3 Section 213(c) of the Help America Vote Act of 2002
4 (52 U.S.C. 20943(c)) is amended by adding at the end
5 the following new paragraph:

6 “(5) **AUTHORITY TO ENTER INTO CON-**
7 **TRACTS.**—The Executive Board of the Standards
8 Board may, using amounts already made available
9 to the Commission, enter into contracts to employ
10 and retain no more than 2 individuals to enable the
11 Standards Board to discharge its duties with respect
12 to the examination and release of voluntary consider-
13 ations with respect to the administration of elections
14 for Federal offices by the States under section 247,
15 except that—

16 “(A) no more than 1 individual from the
17 same political party may be employed under
18 such contracts at the same time;

19 “(B) the authority to enter into such con-
20 tracts shall end on the earlier of the date of the
21 release of the considerations or December 31,
22 2024; and

23 “(C) no additional funds may be appro-
24 priated to the Commission for the purposes of
25 carrying out this paragraph.”.

1 **SEC. 6. ELECTION ASSISTANCE COMMISSION PRIMARY**
2 **ROLE IN ELECTION ADMINISTRATION.**

3 Except as provided in any other provision of law, the
4 Election Assistance Commission shall, with respect to any
5 other entity of the Federal Government, have primary ju-
6 risdiction to address issues with respect to the administra-
7 tion of elections for Federal office.

8 **SEC. 7. GENERAL REQUIREMENTS FOR PAYMENTS MADE**
9 **BY ELECTION ASSISTANCE COMMISSION.**

10 (a) PROHIBITING USE OF PAYMENTS FOR GET-OUT-
11 THE-VOTE-ACTIVITY.—Subtitle D of title II of the Help
12 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
13 amended by adding at the end the following new part:

14 **“PART 7—GENERAL REQUIREMENTS FOR**
15 **PAYMENTS**
16 **“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-**
17 **THE-VOTE-ACTIVITY.**

18 “(a) PROHIBITION.—No payment made to a State or
19 unit of local government by the Commission may be used
20 for get-out-the-vote activity.

21 “(b) DEFINITION.—In this section, the term ‘get-out-
22 the-vote activity’ means, with respect to a payment made
23 to a State or unit of local government, any activity which,
24 at the time the payment is made, is treated as get-out-
25 the-vote-activity under the Federal Election Campaign Act

1 of 1971 and the regulations promulgated by the Federal
2 Election Commission to carry out such Act.”.

3 (b) **REQUIRING DISCLAIMER IN COMMUNICATIONS.**—
4 Part 7 of subtitle D of title II of such Act, as added by
5 subsection (b), is amended by adding at the end the fol-
6 lowing new section:

7 **“SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY**
8 **PAYMENTS TO INCLUDE DISCLAIMER.**

9 “(a) **REQUIREMENT.**—If a State or unit of local gov-
10 ernment disseminates a public communication which was
11 developed or disseminated in whole or in part with a pay-
12 ment made to the State or local government by the Com-
13 mission under this Act or any other Act, the State or unit
14 of local government shall ensure that the communication
15 includes, in a clear and conspicuous manner, the following
16 statement: ‘Paid for using Federal taxpayer funds pursu-
17 ant to the Help America Vote Act’.

18 “(b) **CLEAR AND CONSPICUOUS MANNER DE-**
19 **SCRIBED.**—A statement required under subsection (a)
20 shall be considered to be in a clear and conspicuous man-
21 ner if the statement meets the following requirements:

22 “(1) **TEXT OR GRAPHIC COMMUNICATIONS.**—In
23 the case of a text or graphic communication, the
24 statement—

1 “(A) appears in letters at least as large as
2 the majority of the text in the communication

3 “(B) is contained in a printed box set
4 apart from the other contents of the commu-
5 nication; and

6 “(C) is printed with a reasonable degree of
7 color contrast between the background and the
8 printed statement.

9 “(2) AUDIO COMMUNICATIONS.—In the case of
10 an audio communication, the statement is spoken in
11 a clearly audible and intelligible manner at the be-
12 ginning or end of the communication and lasts at
13 least 3 seconds.

14 “(3) VIDEO COMMUNICATIONS.—In the case of
15 a video communication which also includes audio,
16 the statement—

17 “(A) is included at either the beginning or
18 the end of the communication; and

19 “(B) is made both in—

20 “(i) a written format that meets the
21 requirements of subparagraph (A) and ap-
22 pears for at least 4 seconds; and

23 “(ii) an audible format that meets the
24 requirements of subparagraph (B).

1 “(4) OTHER COMMUNICATIONS.—In the case of
2 any other type of communication, the statement is
3 at least as clear and conspicuous as the statement
4 specified in paragraph (1), (2), or (3).

5 “(c) PUBLIC COMMUNICATION.—In this section, the
6 term ‘public communication’ means a communication re-
7 lating to the administration of an election for Federal of-
8 fice by means of any broadcast, cable, or satellite commu-
9 nication, newspaper, magazine, outdoor advertising facil-
10 ity, mass mailing, or telephone bank to the general public,
11 or any other form of general public advertising.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 of such Act is amended by inserting at the end of the items
14 relating to subtitle D of title II the following:

“PART 7—GENERAL REQUIREMENTS FOR PAYMENTS

“Sec. 297. Prohibiting use of payments for get-out-the-vote-activity.

“Sec. 297A. Requiring communications funded by payments to include dis-
claimer.”.

15 (d) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall apply with respect to pay-
17 ments made on or after the date of the enactment of this
18 Act.

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