

118TH CONGRESS
1ST SESSION

H. R. 5291

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Ms. WILLIAMS of Georgia (for herself, Mr. THOMPSON of Mississippi, Ms. PORTER, Mr. VARGAS, Mr. SCHIFF, Ms. LEE of California, Mr. ESPAILLAT, Ms. JACOBS, Mr. CARTER of Louisiana, Ms. CLARKE of New York, Ms. SCANLON, Ms. BARRAGÁN, Ms. KAMLAGER-DOVE, Mr. MULLIN, Ms. BROWN, Mrs. WATSON COLEMAN, Mr. DOGGETT, Ms. SEWELL, Ms. CROCKETT, Ms. JACKSON LEE, Ms. NORTON, Ms. McCLELLAN, Ms. JAYAPAL, Mr. GRIJALVA, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. EVANS, Mr. NICKEL, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Ms. TLAIB, Mr. JOHNSON of Georgia, Mr. BOWMAN, Ms. WASSERMAN SCHULTZ, Mr. PAYNE, Mr. KRISHNAMOORTHY, Mr. DAVIS of Illinois, Mr. BLUMENAUER, Mrs. CHERFILUS-McCORMICK, Mr. SCOTT of Virginia, and Mrs. NAPOLITANO) 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 ensure that voters in elections for Federal office do not wait in long lines in order to vote, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “People Over Long
3 Lines Act” or the “POLL Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The right to vote for all Americans is fun-
7 damental and rules for voting and election adminis-
8 tration should protect the right to vote and promote
9 voter participation.

10 (2) It is the responsibility of the State and Fed-
11 eral governments to ensure that every eligible citizen
12 is able to register to vote and to cast a ballot.

13 (3) There continues to be an alarming move-
14 ment to erect barriers to make it more difficult for
15 Americans to participate in our Nation’s democratic
16 process. The Nation has witnessed unprecedented ef-
17 forts to turn back the clock and erect barriers to
18 voting for communities of color, which have faced
19 historic and continuing discrimination, as well as
20 disabled, young, elderly, and low-income Americans.

21 (4) One way voting in communities of color has
22 been suppressed is through long waits at polling lo-
23 cations. Studies have shown a number of contrib-
24 uting factors, including the drastic reduction of early
25 voting days, poor allocation of resources to certain

1 communities, cuts to election funding, and a reduc-
2 tion of polling locations.

3 (5) A 2019 study led by economist Keith Chen
4 of the University of California, Los Angeles,
5 matched anonymous location data from 10,000,000
6 smart phones to 93,000 polling places to create the
7 most extensive map to date of voter wait times
8 across the United States. The results showed one
9 very clear disparity: voters in predominantly Black
10 neighborhoods waited 29 percent longer, on average,
11 than those in White neighborhoods. They were also
12 about 74 percent more likely to wait for more than
13 half an hour.

14 (6) Waiting in long lines discourages people
15 from voting, undermines confidence in the electoral
16 system, and imposes economic costs on voters.

17 (7) Long lines are estimated to have deterred
18 between 500,000 and 700,000 people from casting
19 their ballot in 2012.

20 (8) These problems led to the creation of the bi-
21 partisan Presidential Commission on Election Ad-
22 ministration, which issued a 2014 report that set
23 forth a standard: “No citizen should have to wait
24 more than 30 minutes to vote.”.

1 (9) Despite the work of the Presidential Com-
2 mission on Election Administration, long lines con-
3 tinue, particularly in communities of color where ra-
4 cial discrimination in voting is a clear and persistent
5 problem.

6 (10) In the Arizona 2016 Presidential primary,
7 in one Maricopa County polling place for mostly
8 Latino voters, some waited for 4 hours or more in
9 the 80-degree heat to cast their ballots. For the
10 2016 general election, 3 people collapsed while wait-
11 ing to vote in an hours-long line in Georgia, and a
12 line to vote in Ohio was a half-mile long.

13 (11) According to a nationwide study, in 2016,
14 roughly 3 percent of people standing in line at vot-
15 ing locations left before they could vote as a result
16 of long lines.

17 (12) The disenfranchisement that long lines
18 create for voters is not limited to that one election.
19 Research suggests that for each hour would-be vot-
20 ers wait, their probability of voting in the next elec-
21 tion drops by 1 percentage point.

22 (13) Congress has the authority under article I,
23 section 4 of the Constitution of the United States to
24 enact laws governing the time, place, and manner of
25 Federal elections.

1 the State, including for voters with disabilities, and
2 a waiting time of less than 30 minutes at any polling
3 place in the election.

4 “(2) PUBLIC NOTICE COMMENT REQUIRE-
5 MENT.—The public notice and comment require-
6 ments of this paragraph are met if—

7 “(A) not later than 30 days prior to the
8 submission of the plan to the Commission, the
9 State made a preliminary version of the plan
10 available for public inspection and comment;

11 “(B) the State publishes notice that the
12 preliminary version of the plan is so available;
13 and

14 “(C) the State took the public comments
15 made regarding the preliminary version of the
16 plan into account in preparing the plan which
17 was submitted to the Commission under para-
18 graph (1).

19 “(b) PROHIBITION ON UNREASONABLE VOTER WAIT-
20 ING TIMES.—Each State shall ensure that no person vot-
21 ing in an election for Federal office shall wait for more
22 than 30 minutes at any polling place for purposes of cast-
23 ing a vote in such election.

24 “(c) REMEDIAL PLANS FOR STATES WITH EXCES-
25 SIVE VOTER WAIT TIMES.—

1 “(1) REVIEW OF VOTER WAIT TIMES.—After
2 each election for Federal office, the Commission
3 shall review voter waiting times for each jurisdiction
4 for which voting in such election took place and
5 make publicly available a report on its findings.

6 “(2) STATE REMEDIAL PLANS.—

7 “(A) REMEDIAL PLANS.—Notwithstanding
8 section 209, each jurisdiction for which the
9 Commission, after the review conducted under
10 paragraph (1), determines that a substantial
11 number of voters, including voters with disabili-
12 ties, waited more than 60 minutes to cast a
13 vote, or in which there were substantial viola-
14 tions of the standards established under section
15 299, shall comply with a State remedial plan
16 established by the Attorney General to provide
17 for the effective allocation of resources to ad-
18 minister elections for Federal office held in the
19 State and to reduce the waiting time of voters.

20 “(B) COORDINATION.—Each remedial plan
21 established by the Attorney General shall pro-
22 vide for coordination between the Commission,
23 the Attorney General, and the State involved to
24 monitor the compliance of the State with the
25 remedial plan during the period leading up to

1 the election and on the date of the election and
2 to respond to serious delays in the ability of
3 voters, including voters with disabilities, to cast
4 their ballots at polling places.

5 “(C) TERMINATION.—A jurisdiction shall
6 not be required to comply with a State remedial
7 plan required under subparagraph (A) if the
8 Commission determines that the voter waiting
9 times were less than 60 minutes for 2 consecu-
10 tive regularly scheduled general elections for
11 Federal office.

12 “(3) JURISDICTION DEFINED.—For purposes of
13 this subsection, the term ‘jurisdiction’ has the mean-
14 ing given the term ‘registrar’s jurisdiction’ in section
15 8(j) of the National Voter Registration Act of 1993
16 (42 U.S.C. 1973gg–6(j)).

17 “(4) STANDARDS.—Not later than 180 days
18 after the date of the enactment of this section, the
19 Attorney General shall establish standards for con-
20 ducting the review under paragraph (1) and for es-
21 tablishing remedial plans under paragraph (2)(A).

22 “(5) ROLE OF OFFICE OF CIVIL RIGHTS AND
23 COMMISSION.—The Attorney General shall carry out
24 this section acting through the Office of Civil Rights

1 of the Department of Justice and in consultation
2 with the Commission.

3 “(6) APPROPRIATIONS.—In addition to other
4 amounts authorized to be appropriated to the Com-
5 mission, there are authorized to be appropriated for
6 each of the fiscal years 2023 through 2032,
7 \$5,000,000 for each such year for the Commission
8 to carry out this subsection.

9 “(d) EMERGENCY BALLOTS.—

10 “(1) IN GENERAL.—In the event of a failure of
11 voting equipment or other circumstance at a polling
12 place that causes an unreasonable delay, any indi-
13 vidual who is waiting at the polling place to cast a
14 ballot in an election for Federal office at the time
15 of the failure shall be advised immediately of the in-
16 dividual’s right to use an emergency paper ballot,
17 and upon request shall be provided with such an
18 emergency paper ballot for the election and the sup-
19 plies necessary to mark the ballot.

20 “(2) BALLOT REQUIREMENTS.—Any emergency
21 paper ballot provided under paragraph (1) shall—

22 “(A) include the names of each candidate
23 for each Federal office for which voting occurs
24 at such polling place; and

1 “(1) IN GENERAL.—If the court finds a viola-
2 tion of section 304(b), the court shall assess a civil
3 penalty equal to the sum of—

4 “(A) \$50; plus

5 “(B) an additional \$50 for each additional
6 hour the person waited at the polling place to
7 cast a vote; plus

8 “(C) reasonable attorney fees, including
9 litigation expenses, and costs.

10 “(2) SPECIAL RULE.—If the court determines
11 that the violation was due to an intentional action
12 to suppress votes or was made with reckless dis-
13 regard of the requirements of section 304—

14 “(A) paragraph (1)(A) shall be applied by
15 substituting ‘\$650’ for ‘\$50’; and

16 “(B) paragraph (1)(B) shall be applied by
17 substituting ‘\$150’ for ‘\$50’.”.

18 (c) CONFORMING AMENDMENT.—Section 202 of such
19 Act (52 U.S.C. 20922) is amended—

20 (1) by redesignating paragraphs (5) and (6) as
21 paragraphs (6) and (7), respectively; and

22 (2) by inserting after paragraph (4) the fol-
23 lowing new paragraph:

24 “(5) carrying out the duties described in section
25 304(c);”.

1 (d) CLERICAL AMENDMENTS.—The table of contents
2 of the Help America Vote Act of 2002 is amended—

3 (1) by redesignating the items relating to sec-
4 tions 304 and 305 as relating to sections 305 and
5 306, and by inserting after the item relating to sec-
6 tion 303 the following new item:

“Sec. 304. Unreasonable voter waiting times.”;

7 and

8 (2) by inserting after the item relating to sec-
9 tion 402 the following new item:

“Sec. 403. Private right of action for unreasonable voter waiting time.”.

10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to elections held on
12 or after the expiration of the 180-day period which begins
13 on the date of the enactment of this Act.

14 **SEC. 4. MINIMUM REQUIRED VOTING SYSTEMS, POLL**
15 **WORKERS, AND ELECTION RESOURCES.**

16 (a) MINIMUM REQUIREMENTS.—

17 (1) IN GENERAL.—Title III of the Help Amer-
18 ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
19 amended by adding at the end the following new
20 subtitle:

1 **“Subtitle C—Additional**
2 **Requirements**

3 **“SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND**
4 **POLL WORKERS.**

5 “(a) IN GENERAL.—Each State shall provide for the
6 minimum required number of voting systems, poll workers,
7 and other election resources (including all other physical
8 resources) for each voting site on the day of any Federal
9 election and on any days during which such State allows
10 early voting for a Federal election in accordance with the
11 standards determined under section 299.

12 “(b) DEFINITIONS.—For purposes of this section and
13 section 299—

14 “(1) the term ‘voting site’ means a polling loca-
15 tion; and

16 “(2) the term ‘voting system’ means the total
17 combination of mechanical, electromechanical, or
18 electronic equipment (including the software,
19 firmware, and documentation required to program,
20 control, and support the equipment) that is used at
21 a voting site—

22 “(A) to check the official list of eligible
23 voters for purposes of confirming that an indi-
24 vidual is eligible to cast a vote at the site;

25 “(B) to cast and count votes; and

1 “(C) to maintain and produce any audit
2 trail information.

3 “(c) EFFECTIVE DATE.—Each State shall be re-
4 quired to comply with the requirements of this section on
5 and after January 1, 2025.”.

6 (2) CONFORMING AMENDMENT.—Section 401
7 of the Help America Vote Act of 2002 (52 U.S.C.
8 21111) is amended by striking “and 303” and in-
9 serting “303, and subtitle C”.

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

“Subtitle C—Additional Requirements

“Sec. 321. Minimum required voting systems and poll workers.”.

13 (b) STANDARDS.—

14 (1) IN GENERAL.—Title II of the Help America
15 Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
16 amended by adding at the end the following new
17 subtitle:

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

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

23 “(a) IN GENERAL.—Not later than 6 months after
24 the date of the enactment of the POLL Act, the Attorney

1 General, acting through the Office of Civil Rights of the
2 Department of Justice and in consultation with the Com-
3 mission, shall issue standards regarding the minimum
4 number of voting systems, poll workers, and other election
5 resources (including all other physical resources) required
6 under section 321 on the day of any Federal election and
7 on any days during which early voting is allowed for a
8 Federal election.

9 “(b) DISTRIBUTION.—

10 “(1) IN GENERAL.—The standards described in
11 subsection (a) shall provide for a uniform and non-
12 discriminatory distribution of such systems, workers,
13 and other resources, and shall take into account,
14 among other factors, the following with respect to
15 any voting site (as defined in section 321(b)):

16 “(A) The voting-age population.

17 “(B) Voter turnout in past elections.

18 “(C) The number of voters registered.

19 “(D) The number of voters who have reg-
20 istered since the most recent Federal election.

21 “(E) Census data for the population served
22 by such voting site.

23 “(F) The educational levels and socio-eco-
24 nomic factors of the population served by such
25 voting site.

1 “(G) The needs and numbers of disabled
2 voters and voters with limited English pro-
3 ficiency.

4 “(H) The type of voting systems used.

5 “(2) NO FACTOR DISPOSITIVE.—The standards
6 shall provide that any distribution of such systems
7 shall take into account the totality of all relevant
8 factors, including the effects of State laws on the
9 availability of such systems and resources for use by
10 local election officials, and no single factor shall be
11 dispositive under the standards.

12 “(3) PURPOSE.—To the extent possible, the
13 standards shall provide for a distribution of voting
14 systems, poll workers, and other election resources,
15 with the goals of—

16 “(A) ensuring an equal waiting time for all
17 voters in the State; and

18 “(B) preventing a waiting time of over 30
19 minutes at any polling place.

20 “(4) SPECIAL RULE REGARDING ELECTRONIC
21 POLL BOOKS.—Notwithstanding paragraphs (1), (2),
22 and (3), in the case of any voting site that uses an
23 electronic poll book, the standards described in sub-
24 section (a) shall require at least 1 paper poll book
25 (containing all of the information necessary to con-

1 firm that an individual is eligible to cast a vote at
2 the site) for each such electronic poll book used at
3 such voting site.

4 “(c) DEVIATION.—The standards described in sub-
5 section (a) shall permit States, upon giving reasonable
6 public notice, to deviate from any allocation requirements
7 in the case of unforeseen circumstances such as a natural
8 disaster or terrorist attack.”.

9 (2) CONFORMING AMENDMENT.—Section 202
10 of such Act (52 U.S.C. 20922), as amended by sec-
11 tion 3(c), is amended—

12 (A) by redesignating paragraphs (4), (5),
13 and (6) as paragraphs (5), (6), and (7), respec-
14 tively; 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 of such Act is amended by adding at the end
21 of the items relating to title II the following:

“Subtitle E—Guidance and Standards

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

1 **SEC. 5. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF**
 2 **STATE ELECTION ADMINISTRATION OFFI-**
 3 **CIALS.**

4 (a) IN GENERAL.—Title III of the Federal Election
 5 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
 6 amended by inserting after section 319 the following new
 7 section:

8 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
 9 ADMINISTRATION OFFICIALS

10 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
 11 for a chief State election administration official to take
 12 an active part in political management or in a political
 13 campaign with respect to any election for Federal office
 14 over which such official has supervisory authority.

15 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 16 FICIAL.—The term ‘chief State election administration of-
 17 ficial’ means the highest State official with responsibility
 18 for the administration of Federal elections under State
 19 law.

20 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
 21 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
 22 litical management or in a political campaign’ means—

23 “(1) serving as a member of an authorized com-
 24 mittee of a candidate for Federal office;

1 “(2) the use of official authority or influence
2 for the purpose of interfering with or affecting the
3 result of an election for Federal office;

4 “(3) the solicitation, acceptance, or receipt of a
5 contribution from any person on behalf of a can-
6 didate for Federal office; and

7 “(4) any other act which would be prohibited
8 under paragraph (2) or (3) of section 7323(b) of
9 title 5, United States Code, if taken by an individual
10 to whom such paragraph applies (other than any
11 prohibition on running for public office).

12 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
13 MINISTRATION OF ELECTIONS INVOLVING ELECTION OF-
14 FICIAL OR IMMEDIATE FAMILY MEMBER.—

15 “(1) IN GENERAL.—This section does not apply
16 to a chief State election administration official with
17 respect to an election for Federal office in which
18 such official or an immediate family member of the
19 official is a candidate, but only if—

20 “(A) such official recuses himself or herself
21 from all of the official’s responsibilities for the
22 administration of such election; and

23 “(B) the official who assumes responsi-
24 bility for supervising the administration of the
25 election does not report directly to such official.

1 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
2 In paragraph (1), the term ‘immediate family mem-
3 ber’ means, with respect to a candidate, a father,
4 mother, son, daughter, brother, sister, husband,
5 wife, father-in-law, or mother-in-law.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall apply with respect to elections for
8 Federal office held after January 1, 2025.

9 **SEC. 6. PAYMENTS TO STATES TO PREVENT UNREASON-**
10 **ABLE WAIT TIMES AND PROMOTE WELL-RUN**
11 **ELECTIONS.**

12 (a) IN GENERAL.—Subtitle D of title II of the Help
13 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
14 amended by adding at the end the following:

15 **“PART VII—PAYMENTS FOR PREVENTING**
16 **UNREASONABLE VOTER WAIT TIMES**
17 **“SEC. 297. PAYMENTS TO STATES.**

18 “(a) IN GENERAL.—The Commission shall make a
19 payment to each eligible State. Such payments shall be
20 made not later than 30 days after the date of enactment
21 of this part.

22 “(b) ELIGIBLE STATE.—For purposes of this section,
23 a State is an eligible State if such State has filed with
24 the Commission a State plan covering the fiscal year in

1 which the State describes how it intends to use the funds
2 provided under this section.

3 “(c) USE OF FUNDS.—An eligible State shall use the
4 payment received under this part to meet the requirements
5 of sections 304 and 321.

6 “(d) AMOUNT OF PAYMENT.—

7 “(1) IN GENERAL.—The amount of payment
8 made to a State under this section shall be the min-
9 imum payment amount described in paragraph (2)
10 plus the voting age population proportion amount
11 described in paragraph (3).

12 “(2) MINIMUM PAYMENT AMOUNT.—The min-
13 imum payment amount described in this paragraph
14 is—

15 “(A) in the case of any of the several
16 States or the District of Columbia, one-half of
17 1 percent of the aggregate amount made avail-
18 able for payments under this section; and

19 “(B) in the case of the Commonwealth of
20 Puerto Rico, Guam, American Samoa, or the
21 United States Virgin Islands, one-tenth of 1
22 percent of such aggregate amount.

23 “(3) VOTING AGE POPULATION PROPORTION
24 AMOUNT.—The voting age population proportion

1 amount described in this paragraph is the product
2 of—

3 “(A) the aggregate amount made available
4 for payments under this section minus the total
5 of all of the minimum payment amounts deter-
6 mined under paragraph (2); and

7 “(B) the voting age population proportion
8 for the State (as defined in paragraph (4)).

9 “(4) VOTING AGE POPULATION PROPORTION
10 DEFINED.—The term ‘voting age population propor-
11 tion’ means, with respect to a State, the amount
12 equal to the quotient of—

13 “(A) the voting age population of the State
14 (as reported in the most recent decennial cen-
15 sus); and

16 “(B) the total voting age population of all
17 States (as reported in the most recent decennial
18 census).

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) IN GENERAL.—There are authorized to be
21 appropriated for payments under this section
22 \$500,000,000 for each fiscal year.

23 “(2) AVAILABILITY.—Any amounts appro-
24 priated pursuant to the authority of paragraph (1)

1 shall remain available without fiscal year limitation
2 until expended.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act is amended by inserting after the item relating
5 to section 296 the following:

“PART VII—PAYMENTS FOR PREVENTING UNREASONABLE VOTER WAIT
TIMES

“Sec. 297. Payments to States.”.

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