

118TH CONGRESS
1ST SESSION

H. R. 5292

To establish a democracy advancement and innovation program, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Ms. WILLIAMS of Georgia (for herself, Ms. SEWELL, Mr. ALLRED, Mr. SCOTT of Virginia, Mr. VEASEY, Mr. BEYER, Ms. GARCIA of Texas, Mr. SWALWELL, Mr. THOMPSON of Mississippi, Ms. PORTER, Mr. VARGAS, Mr. EVANS, Mr. SCHIFF, Ms. LEE of California, Mr. ESPAILLAT, Ms. JACOBS, Mr. DAVID SCOTT of Georgia, Mr. CARTER of Louisiana, Ms. CLARKE of New York, Ms. SCANLON, Ms. BARRAGÁN, Ms. KAMLAGERDOVE, Mr. MULLIN, Ms. BROWN, Mr. DOGGETT, Ms. CROCKETT, Ms. JACKSON LEE, Ms. NORTON, Ms. MCCLELLAN, Mr. GRIJALVA, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, 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, Mrs. WATSON COLEMAN, Mr. SARBANES, Mr. CASTEN, Ms. TITUS, Ms. KELLY of Illinois, Mr. CLEAVER, Mr. RASKIN, Ms. SALINAS, Mrs. NAPOLITANO, Ms. BUDZINSKI, Mr. BLUMENAUER, Mr. DAVIS of Illinois, and Mrs. CHERFILUS-MCCORMICK) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To establish a democracy advancement and innovation
program, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Sustaining Our Democracy Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS AND ALLOCATIONS TO STATES

Sec. 101. Democracy Advancement and Innovation Program.

Sec. 102. State plan.

Sec. 103. Prohibitions.

Sec. 104. Amount of State allocation.

Sec. 105. Procedures for disbursements of payments and allocations.

Sec. 106. Office of Democracy Advancement and Innovation.

**TITLE II—STATE ELECTION ASSISTANCE AND INNOVATION
TRUST FUND**

Sec. 201. State Election Assistance and Innovation Trust Fund.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.

Sec. 302. Rule of construction regarding calculation of deadlines.

Sec. 303. Severability.

6 **TITLE I—PAYMENTS AND**
7 **ALLOCATIONS TO STATES**

8 **SEC. 101. DEMOCRACY ADVANCEMENT AND INNOVATION**
9 **PROGRAM.**

10 (a) **ESTABLISHMENT.**—There is established a pro-
11 gram to be known as the “Democracy Advancement and
12 Innovation Program” under which the Director of the Of-
13 fice of Democracy Advancement and Innovation shall
14 make allocations to each State for each fiscal year to carry
15 out democracy promotion activities described in subsection
16 (b).

1 (b) DEMOCRACY PROMOTION ACTIVITIES DE-
2 SCRIBED.—The democracy promotion activities described
3 in this subsection are as follows:

4 (1) Activities to promote innovation to improve
5 efficiency and smooth functioning in the administra-
6 tion of elections for Federal office and to secure the
7 infrastructure used in the administration of such
8 elections, including making upgrades to voting
9 equipment and voter registration systems, voter reg-
10 istration and nonpartisan voter outreach activities,
11 securing voting locations, expanding polling places
12 and the availability of early and mail voting, and
13 promoting cybersecurity.

14 (2) Activities to recruit, train, and retain non-
15 partisan election officials and poll workers and to
16 protect election officials (both nonpartisan and those
17 elected or appointed to their position) from threats
18 against them in the course of their work admin-
19 istering Federal elections.

20 (3) Activities to increase access to voting in
21 elections for Federal office by underserved commu-
22 nities, individuals with disabilities, racial and lan-
23 guage minority groups, individuals entitled to vote
24 by absentee ballot under the Uniformed and Over-

1 seas Citizens Absentee Voting Act, and voters resid-
2 ing in Indian lands.

3 (c) PERMITTING STATES TO RETAIN AND RESERVE
4 ALLOCATIONS FOR FUTURE USE.—A State may retain
5 and reserve an allocation received for a fiscal year to carry
6 out democracy promotion activities in any subsequent fis-
7 cal year.

8 (d) REQUIRING SUBMISSION AND APPROVAL OF
9 STATE PLAN.—

10 (1) IN GENERAL.—A State shall receive an allo-
11 cation under the Program for a fiscal year if—

12 (A) not later than 90 days before the first
13 day of the fiscal year, the chief State election
14 official of the State submits to the Director the
15 State plan described in section 102; and

16 (B) not later than 45 days before the first
17 day of the fiscal year, the Director, in consulta-
18 tion with the Election Assistance Commission
19 as described in paragraph (3), determines that
20 the State plan will enable the State to carry out
21 democracy promotion activities and approves
22 the plan.

23 (2) SUBMISSION AND APPROVAL OF REVISED
24 PLAN.—If the Director does not approve the State
25 plan as submitted by the State under paragraph (1)

1 with respect to a fiscal year, the State shall receive
2 a payment under the Program for the fiscal year if,
3 at any time prior to the end of the fiscal year—

4 (A) the chief State election official of the
5 State submits a revised version of the State
6 plan; and

7 (B) the Director, in consultation with the
8 Election Assistance Commission as described in
9 paragraph (3), determines that the revised
10 version of the State plan will enable the State
11 to carry out democracy promotion activities and
12 approves the plan.

13 (3) ELECTION ASSISTANCE COMMISSION CON-
14 SULTATION.—With respect to a State plan sub-
15 mitted under paragraph (1) or a revised plan sub-
16 mitted under paragraph (2)—

17 (A) the Director shall, prior to making a
18 determination on approval of the plan, consult
19 with the Election Assistance Commission; and

20 (B) the Election Assistance Commission
21 shall submit to the Director a written assess-
22 ment with respect to whether the proposed ac-
23 tivities of the plan satisfy the requirements of
24 this Act.

1 (4) CONSULTATION WITH LEGISLATURE.—The
2 chief State election official of the State shall develop
3 the State plan submitted under paragraph (1) and
4 any revised plan submitted under paragraph (2) in
5 consultation with the majority party and minority
6 party leaders of each house of the State legislature.

7 (5) RULES FOR STATES THAT DO NOT SUBMIT
8 A STATE PLAN.—If a State fails to submit a State
9 plan described in section 102 before the date re-
10 quired under paragraph (1)(A), under rules estab-
11 lished by the Director—

12 (A) for purposes of this title (other than
13 section 104)—

14 (i) each political subdivision within
15 the State shall be treated as a State for
16 purposes of this title (other than section
17 104); and

18 (ii) in applying this title to such polit-
19 ical subdivision, any duties required of the
20 chief State election official shall be under-
21 taken by the executive official of such po-
22 litical subdivision charged with the admin-
23 istration of elections;

24 (B) in applying this subsection to any po-
25 litical subdivision of the State—

1 (i) paragraph (1)(A) shall be applied
2 by substituting “the first day of the fiscal
3 year” for “90 days before the first day of
4 the fiscal year”;

5 (ii) paragraph (1)(B) shall be applied
6 by substituting “30 days after the first day
7 of the fiscal year” for “45 days before the
8 first day of the fiscal year”; and

9 (iii) paragraph (4) shall not apply;
10 and

11 (C) the amount of the allocation made to
12 each such political subdivision under the Pro-
13 gram shall be the sum of—

14 (i) an amount which bears the same
15 proportion to the amount determined
16 under section 104 with respect to the State
17 in which the political subdivision is located
18 as—

19 (I) the population of the political
20 subdivision; bears to

21 (II) the population of such State;
22 plus

23 (ii) an amount (not to exceed 100 per-
24 cent of the amount determined with re-
25 spect to the political subdivision under

1 clause (i)) which bears the same proportion
2 to the unsubscribed funds of the State
3 as—

4 (I) the population of the political
5 subdivision; bears to

6 (II) the population of the number
7 of political subdivisions within the
8 State that submitted a plan under
9 section 102 before the date required
10 under paragraph (1)(A) (after appli-
11 cation of subparagraph (B)).

12 For purposes of subparagraph (C)(ii), the
13 unsubscribed funds of any State is the sum of the
14 amounts described in subparagraph (C)(i) with re-
15 spect to political subdivisions in the State which did
16 not submit a plan under this subsection before the
17 date required under paragraph (1)(A) (after applica-
18 tion of subparagraph (B)).

19 (e) STATE REPORT ON USE OF ALLOCATIONS.—Not
20 later than 90 days after the last day of a fiscal year for
21 which an allocation was made to the State under the Pro-
22 gram, the chief State election official of the State shall
23 submit a report to the Director describing how the State
24 used the allocation, including a description of the democ-

1 racy promotion activities the State carried out with the
2 allocation.

3 (f) PUBLIC AVAILABILITY OF INFORMATION.—

4 (1) PUBLICLY AVAILABLE WEBSITE.—The Di-
5 rector shall make available on a publicly accessible
6 website the following:

7 (A) State plans submitted under para-
8 graph (1) of subsection (d) and revised plans
9 submitted under paragraph (2) of subsection
10 (d).

11 (B) The Director’s notifications of deter-
12 minations with respect to such plans under sub-
13 section (d).

14 (C) Reports submitted by States under
15 subsection (e).

16 (2) REDACTION.—The Director may redact in-
17 formation required to be made available under para-
18 graph (1) if the information would be properly with-
19 held from disclosure under section 552 of title 5,
20 United States Code, or if the public disclosure of the
21 information is otherwise prohibited by law.

22 (g) EFFECTIVE DATE.—This section shall apply with
23 respect to fiscal year 2024 and each succeeding fiscal year.

1 **SEC. 102. STATE PLAN.**

2 (a) CONTENTS.—A State plan under this section with
3 respect to a State is a plan containing each of the fol-
4 lowing:

5 (1) A description of the democracy promotion
6 activities the State will carry out with the payment
7 made under the Program.

8 (2) A statement of whether or not the State in-
9 tends to retain and reserve the payment for future
10 democracy promotion activities.

11 (3) A statement of how the State intends to
12 distribute resources under the plan, including how
13 the distribution of resources will address geographic
14 and racial disparities within the State.

15 (4) A description of how the State intends to
16 allocate funds to carry out the proposed activities,
17 which shall include the amount the State intends to
18 allocate to each such activity, including (if applica-
19 ble) a specific allocation for—

20 (A) activities described in subsection
21 101(b)(1) (relating to election administration);

22 (B) activities described in section
23 101(b)(2) (relating to activities to recruit, train,
24 retain, and protect election workers); and

25 (C) activities described in section
26 101(b)(3) (relating to activities to increase ac-

1 cess to voting in elections for Federal office by
2 certain communities).

3 (5) A description of how funds allocated under
4 paragraph (4) will be allocated to political subdivi-
5 sions of the State.

6 (6) A description of how the State will establish
7 the fund described in subsection (b) for purposes of
8 administering the democracy promotion activities
9 which the State will carry out with the payment, in-
10 cluding information on fund management.

11 (7) A description of the State-based administra-
12 tive complaint procedures established for purposes of
13 section 103(a)(2).

14 (8) A statement regarding whether the pro-
15 posed activities to be funded are permitted under
16 State law, or whether the official intends to seek
17 legal authorization for such activities.

18 (b) REQUIREMENTS FOR FUND.—

19 (1) FUND DESCRIBED.—For purposes of sub-
20 section (a)(6), a fund described in this subsection
21 with respect to a State is a fund which is established
22 in the treasury of the State government, which is
23 used in accordance with paragraph (2), and which
24 consists of the following amounts:

1 (A) Amounts appropriated or otherwise
2 made available by the State for carrying out the
3 democracy promotion activities for which the
4 payment is made to the State under the Pro-
5 gram.

6 (B) The payment made to the State under
7 the Program.

8 (C) Such other amounts as may be appro-
9 priated under law.

10 (D) Interest earned on deposits of the
11 fund.

12 (2) USE OF FUND.—Amounts in the fund shall
13 be used by the State exclusively to carry out democ-
14 racy promotion activities for which the payment is
15 made to the State under the Program.

16 (3) TREATMENT OF STATES THAT REQUIRE
17 CHANGES TO STATE LAW.—In the case of a State
18 that requires State legislation to establish the fund
19 described in this subsection, the Director shall defer
20 disbursement of the payment to such State under
21 the Program until such time as legislation estab-
22 lishing the fund is enacted.

23 **SEC. 103. PROHIBITIONS.**

24 (a) PROHIBITED USES OF PAYMENTS.—

1 (1) IN GENERAL.—A State may not use a pay-
2 ment made under the Program to carry out—

3 (A) any activity described in paragraph
4 (2); or

5 (B) any other activity which has the pur-
6 pose or effect of diminishing the ability of any
7 eligible voter to participate in the electoral proc-
8 ess.

9 (2) PROHIBITED ACTIVITIES.—The following
10 are activities described in this paragraph:

11 (A) Activities that intimidate, threaten, or
12 coerce voters, poll workers, or election adminis-
13 trators.

14 (B) The restriction of the distribution of
15 food or nonalcoholic beverages to voters while
16 waiting at polling places (other than restrictions
17 on distributions made on the basis of the elec-
18 toral participation or political preference of the
19 recipient).

20 (C) The removal of election administrators
21 from their positions other than for negligence,
22 neglect of duty, or malfeasance in office.

23 (D) Defending against lawsuits alleging
24 voter-suppression practices or proposed prac-
25 tices.

1 (E) The investigation of claims of voter
2 fraud based on the mere invocation of interests
3 in voter confidence or prevention of fraud.

4 (F) The performance of audits that—

5 (i) fail to meet best practices estab-
6 lished by the Election Assistance Commis-
7 sion;

8 (ii) fail to meet the requirements for
9 record retention under title III of the Civil
10 Rights Act of 1960 (52 U.S.C. 20701 et
11 seq.); or

12 (iii) otherwise jeopardize election
13 records, voting equipment, electronic poll
14 books, or election management systems (as
15 defined under the voluntary guidance
16 issued by the Election Assistance Commis-
17 sion under section 311 of the Help Amer-
18 ica Vote Act of 2002 (52 U.S.C. 21101)).

19 (G) The removal of voters from voter rolls
20 based on evidence that is not reliable.

21 (H) Activities preventing individuals seek-
22 ing to have their right to vote or register to
23 vote restored.

24 (I) The purchase of voting machines that
25 do not require the use of individual voter-

1 verifiable paper ballots marked through the use
2 of a nontabulating ballot marking device or sys-
3 tem.

4 (b) STATE-BASED ADMINISTRATIVE COMPLAINT
5 PROCEDURES.—

6 (1) ESTABLISHMENT.—A State receiving a pay-
7 ment under the Program shall establish uniform and
8 nondiscriminatory State-based administrative com-
9 plaint procedures under which any person who be-
10 lieves that a violation of subsection (a) has occurred,
11 is occurring, or is about to occur may file a com-
12 plaint.

13 (2) NOTIFICATION TO DIRECTOR.—The State
14 shall transmit to the Director a description of each
15 complaint filed under the procedures, together
16 with—

17 (A) if the State provides a remedy with re-
18 spect to the complaint, a description of the rem-
19 edy; or

20 (B) if the State dismisses the complaint, a
21 statement of the reasons for the dismissal.

22 (3) REVIEW BY DIRECTOR.—

23 (A) REQUEST FOR REVIEW.—Any person
24 who is dissatisfied with the final decision under
25 a State-based administrative complaint proce-

1 dure under this subsection may, not later than
2 60 days after the decision is made, file a re-
3 quest with the Director to review the decision.

4 (B) ACTION BY DIRECTOR.—Upon receiv-
5 ing a request under subparagraph (A), the Di-
6 rector shall review the decision and, in accord-
7 ance with such procedures as the Director may
8 establish, including procedures to provide notice
9 and an opportunity for a hearing, may uphold
10 the decision or reverse the decision and provide
11 an appropriate remedy.

12 (C) PUBLIC AVAILABILITY OF MATE-
13 RIAL.—The Director shall make available on a
14 publicly accessible website all material relating
15 to a request for review and determination by
16 the Director under this paragraph, except that
17 the Director may redact material required to be
18 made available under this subparagraph if the
19 material would be properly withheld from dis-
20 closure under section 552 of title 5, United
21 States Code, or if the public disclosure of the
22 material is otherwise prohibited by law.

23 (4) RIGHT TO PETITION FOR REVIEW.—

24 (A) IN GENERAL.—Any person aggrieved
25 by an action of the Director under subpara-

1 graph (B) of paragraph (3) may file a petition
2 with the United States District Court for the
3 District of Columbia.

4 (B) DEADLINE TO FILE PETITION.—Any
5 petition under this subparagraph shall be filed
6 not later than 60 days after the date of the ac-
7 tion taken by the Director under subparagraph
8 (B) of paragraph (3).

9 (C) STANDARD OF REVIEW.—In any pro-
10 ceeding under this paragraph, the court shall
11 determine whether the action of the Director
12 was arbitrary, capricious, an abuse of discre-
13 tion, or otherwise not in accordance with law
14 under section 706 of title 5, United States
15 Code, and may direct the Office to conform
16 with any such determination within 30 days.

17 (c) ACTION BY ATTORNEY GENERAL FOR DECLARA-
18 TORY AND INJUNCTIVE RELIEF.—The Attorney General
19 may bring a civil action against any State in an appro-
20 priate United States District Court for such declaratory
21 and injunctive relief (including a temporary restraining
22 order, a permanent or temporary injunction, or other
23 order) as may be necessary to enforce subsection (a).

1 **SEC. 104. AMOUNT OF STATE ALLOCATION.**

2 (a) STATE-SPECIFIC AMOUNT.—The amount of the
3 allocation made to a State under the Program for a fiscal
4 year shall be equal to the product of—

5 (1) the Congressional district allocation amount
6 (determined under subsection (b)); and

7 (2) the number of Congressional districts in the
8 State for the next regularly scheduled general elec-
9 tion for Federal office held in the State.

10 (b) CONGRESSIONAL DISTRICT ALLOCATION
11 AMOUNT.—For purposes of subsection (a), the “Congres-
12 sional district allocation amount” with respect to a fiscal
13 year is equal to the quotient of—

14 (1) the aggregate amount available for alloca-
15 tions to States under the Program for the fiscal
16 year, as determined by the Director under sub-
17 section (c); divided by

18 (2) the total number of Congressional districts
19 in all States.

20 (c) DETERMINATION OF AGGREGATE AMOUNT
21 AVAILABLE FOR ALLOCATIONS; NOTIFICATION TO
22 STATES.—Not later than 120 days before the first day
23 of each fiscal year, the Director—

24 (1) shall determine and establish the aggregate
25 amount available for allocations to States under the
26 Program for the fiscal year, taking into account the

1 anticipated balances of the Trust Fund (including
2 any amounts appropriated pursuant to section
3 106(i)); and

4 (2) shall notify each State of the amount of the
5 State's allocation under the Program for the fiscal
6 year.

7 In making the determination under paragraph (1), the Di-
8 rector shall consult with the Election Assistance Commis-
9 sion, but shall be solely responsible for making the final
10 determinations under such paragraph.

11 (d) SOURCE OF PAYMENTS.—The amounts used to
12 make allocations and payments under the Program shall
13 be derived solely from the Trust Fund.

14 **SEC. 105. PROCEDURES FOR DISBURSEMENTS OF PAY-**
15 **MENTS AND ALLOCATIONS.**

16 (a) ALLOCATION.—Upon approving the State plan
17 under section 102, the Director shall direct the Secretary
18 of the Treasury to allocate to the Election Assistance
19 Commission the amount provided for activities under the
20 plan.

21 (b) PAYMENT TO STATE.—As soon as practicable
22 after receiving an allocation under subsection (a) with re-
23 spect to a State, the Election Assistance Commission shall
24 make payments to—

1 (1) local election administrators in the State
2 with respect to amounts related to activities in the
3 State plan carried out directly by such local election
4 administrators; and

5 (2) the State with respect to any amount not
6 described in paragraph (1).

7 (c) CONTINUING AVAILABILITY OF FUNDS AFTER
8 APPROPRIATION.—A payment made to a State by the
9 Election Assistance Commission under this section shall
10 be available without fiscal year limitation.

11 **SEC. 106. OFFICE OF DEMOCRACY ADVANCEMENT AND IN-**
12 **NOVATION.**

13 (a) ESTABLISHMENT.—There is established as an
14 independent establishment in the executive branch the Of-
15 fice of Democracy Advancement and Innovation.

16 (b) DIRECTOR.—

17 (1) IN GENERAL.—The Office shall be headed
18 by a Director, who shall be appointed by the Presi-
19 dent with the advice and consent of the Senate.

20 (2) TERM OF SERVICE.—The Director shall
21 serve for a term of 6 years and may be reappointed
22 to an additional term, and may continue serving as
23 Director until a replacement is appointed. A vacancy
24 in the position of Director shall be filled in the same
25 manner as the original appointment.

1 (3) COMPENSATION.—The Director shall be
2 paid at an annual rate of pay equal to the annual
3 rate in effect for level II of the Executive Schedule.

4 (4) REMOVAL.—The Director may be removed
5 from office by the President. If the President re-
6 moves the Director, the President shall communicate
7 in writing the reasons for the removal to both
8 Houses of Congress not later than 30 days before-
9 hand. Nothing in this paragraph shall be construed
10 to prohibit a personnel action otherwise authorized
11 by law.

12 (c) GENERAL COUNSEL AND OTHER STAFF.—

13 (1) GENERAL COUNSEL.—The Director shall
14 appoint a general counsel who shall be paid at an
15 annual rate of pay equal to the annual rate in effect
16 for level III of the Executive Schedule. In the event
17 of a vacancy in the position of the Director, the
18 General Counsel shall exercise all the responsibilities
19 of the Director until such vacancy is filled.

20 (2) SENIOR STAFF.—The Director may appoint
21 and fix the pay of staff designated as Senior staff,
22 such as a Deputy Director, who may be paid at an
23 annual rate of pay equal to the annual rate in effect
24 for level IV of the Executive Schedule.

1 (3) OTHER STAFF.—In addition to the General
2 Counsel and Senior staff, the Director may appoint
3 and fix the pay of such other staff as the Director
4 considers necessary to carry out the duties of the
5 Office, except that no such staff may be com-
6 pensated at an annual rate exceeding the daily
7 equivalent of the annual rate of basic pay in effect
8 for grade GS–15 of the General Schedule.

9 (d) DUTIES.—The duties of the Office are as follows:

10 (1) ADMINISTRATION OF PROGRAM.—The Di-
11 rector shall administer the Program, in consultation
12 with the Election Assistance Commission, including
13 by holding quarterly meetings of representatives
14 from such Commission.

15 (2) OVERSIGHT OF TRUST FUND.—The Direc-
16 tor shall oversee the operation of the Trust Fund
17 and monitor its balances, in consultation with the
18 Election Assistance Commission and the Secretary
19 of the Treasury. The Director may hold funds in re-
20 serve to cover the expenses of the Office and to pre-
21 serve the solvency of the Trust Fund.

22 (3) REPORTS.—Not later than 180 days after
23 the date of the regularly scheduled general election
24 for Federal office held in 2024 and each succeeding
25 regularly scheduled general election for Federal of-

1 fice thereafter, the Director, in consultation with the
2 Election Assistance Commission, shall submit to the
3 Committee on House Administration of the House of
4 Representatives and the Committee on Rules and
5 Administration of the Senate a report on the activi-
6 ties carried out under the Program and the amounts
7 deposited into and paid from the Trust Fund during
8 the two most recent fiscal years.

9 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF
10 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—

11 (1) IN GENERAL.—Section 415(a)(1)(A) of title
12 5, United States Code, is amended by inserting “the
13 Office of Democracy Advancement and Innovation,”
14 after “Election Assistance Commission,”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall take effect 180 days after the
17 appointment of the Director.

18 (f) COVERAGE UNDER HATCH ACT.—Clause (i) of
19 section 7323(b)(2)(B) of title 5, United States Code, is
20 amended—

21 (1) by striking “or” at the end of subclause
22 (XIII); and

23 (2) by adding at the end the following new sub-
24 clause:

1 “(XV) the Office of Democracy Advance-
2 ment and Innovation; or”.

3 (g) REGULATIONS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), not later than 270 days after the date of
6 enactment of this Act, the Director shall promulgate
7 such rules and regulations as the Director considers
8 necessary and appropriate to carry out the duties of
9 the Office under this Act and the amendments made
10 by this Act.

11 (2) STATE PLAN SUBMISSION AND APPROVAL
12 AND DISTRIBUTION OF FUNDS.—Not later than 90
13 days after the date of the enactment of this Act, the
14 Director shall promulgate such rules and regulations
15 as the Director considers necessary and appropriate
16 to carry out the requirements of this title and the
17 amendments made by this title.

18 (3) COMMENTS BY THE ELECTION ASSISTANCE
19 COMMISSION.—The Election Assistance Commission
20 shall timely submit comments with respect to any
21 proposed regulations promulgated by the Director
22 under this subsection.

23 (h) INTERIM AUTHORITY PENDING APPOINTMENT
24 AND CONFIRMATION OF DIRECTOR.—

1 (1) AUTHORITY OF DIRECTOR OF OFFICE OF
2 MANAGEMENT AND BUDGET.—Notwithstanding sub-
3 section (b), during the transition period, the Direc-
4 tor of the Office of Management and Budget is au-
5 thorized to perform the functions of the Office under
6 this Act, and shall act for all purposes as, and with
7 the full powers of, the Director.

8 (2) INTERIM ADMINISTRATIVE SERVICES.—

9 (A) AUTHORITY OF OFFICE OF MANAGE-
10 MENT AND BUDGET.—During the transition pe-
11 riod, the Director of the Office of Management
12 and Budget may provide administrative services
13 necessary to support the Office.

14 (B) TERMINATION OF AUTHORITY; PER-
15 MITTING EXTENSION.—The Director of the Of-
16 fice of Management and Budget shall cease pro-
17 viding interim administrative services under this
18 paragraph upon the expiration of the transition
19 period, except that the Director of the Office of
20 Management and Budget may continue to pro-
21 vide such services after the expiration of the
22 transition period if the Director and the Direc-
23 tor of the Office of Management and Budget
24 jointly transmit to the Committee on House Ad-
25 ministration of the House of Representatives

1 and the Committee on Rules and Administra-
2 tion of the Senate—

3 (i) a written determination that an or-
4 derly implementation of this Act is not fea-
5 sible by the expiration of the transition pe-
6 riod;

7 (ii) an explanation of why an exten-
8 sion is necessary for the orderly implemen-
9 tation of this Act;

10 (iii) a description of the period during
11 which the Director of the Office of Man-
12 agement and Budget shall continue pro-
13 viding services under the authority of this
14 subparagraph; and

15 (iv) a description of the steps that will
16 be taken to ensure an orderly and timely
17 implementation of this Act during the pe-
18 riod described in clause (iii).

19 (3) TRANSITION PERIOD DEFINED.—In this
20 subsection, the “transition period” is the period
21 which begins on the date of the enactment of this
22 Act and ends on the date on which the first Director
23 is appointed.

24 (4) LIMIT ON LENGTH OF PERIOD OF INTERIM
25 AUTHORITIES.—Notwithstanding any other provision

1 of this subsection, the Director of the Office of Man-
2 agement and Budget may not exercise any authority
3 under this subsection after the expiration of the 24-
4 month period which begins on the date of the enact-
5 ment of this Act.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated from the Trust Fund
8 such sums as may be necessary to carry out the activities
9 of the Office for fiscal year 2024 and each succeeding fis-
10 cal year.

11 **TITLE II—STATE ELECTION AS-**
12 **SISTANCE AND INNOVATION**
13 **TRUST FUND**

14 **SEC. 201. STATE ELECTION ASSISTANCE AND INNOVATION**
15 **TRUST FUND.**

16 (a) ESTABLISHMENT.—There is established in the
17 Treasury a fund to be known as the “State Election As-
18 sistance and Innovation Trust Fund”.

19 (b) CONTENTS.—There is hereby appropriated to the
20 Trust Fund \$2,000,000,000 for each of fiscal years 2024
21 through 2033.

22 (c) USE OF FUNDS.—Amounts in the Trust Fund
23 shall be used to make payments and allocations under the
24 Program and to carry out the activities of the Office.

1 (d) ACCEPTANCE OF GIFTS.—The Office may accept
2 gifts or bequests for deposit into the Trust Fund.

3 **TITLE III—GENERAL**
4 **PROVISIONS**

5 **SEC. 301. DEFINITIONS.**

6 In this Act, the following definitions apply:

7 (1) The term “chief State election official” has
8 the meaning given such term in section 253(e) of the
9 Help America Vote Act of 2002 (52 U.S.C.
10 21003(e)).

11 (2) The term “Director” means the Director of
12 the Office.

13 (3) The term “Indian lands” includes—

14 (A) Indian country, as defined under sec-
15 tion 1151 of title 18, United States Code;

16 (B) any land in Alaska owned, pursuant to
17 the Alaska Native Claims Settlement Act (43
18 U.S.C. 1601 et seq.), by an Indian Tribe that
19 is a Native village (as defined in section 3 of
20 that Act (43 U.S.C. 1602)) or by a Village Cor-
21 poration that is associated with an Indian Tribe
22 (as defined in section 3 of that Act (43 U.S.C.
23 1602));

24 (C) any land on which the seat of the Trib-
25 al government is located; and

1 (D) any land that is part or all of a Tribal
2 designated statistical area associated with an
3 Indian Tribe, or is part or all of an Alaska Na-
4 tive village statistical area associated with an
5 Indian Tribe, as defined by the Census Bureau
6 for the purposes of the most recent decennial
7 census.

8 (4) The term “Office” means the Office of De-
9 mocracy Advancement and Innovation established
10 under section 105.

11 (5) The term “Program” means the Democracy
12 Advancement and Innovation Program established
13 under section 101.

14 (6) The term “State” means each of the several
15 States, the District of Columbia, the Commonwealth
16 of Puerto Rico, Guam, American Samoa, the United
17 States Virgin Islands, and the Commonwealth of the
18 Northern Mariana Islands.

19 (7) The term “Trust Fund” means the State
20 Election Assistance and Innovation Trust Fund es-
21 tablished under section 201.

22 **SEC. 302. RULE OF CONSTRUCTION REGARDING CALCULA-**
23 **TION OF DEADLINES.**

24 (a) IN GENERAL.—With respect to the calculation of
25 any period of time for the purposes of a deadline in this

1 Act, the last day of the period shall be included in such
2 calculation, unless such day is a Saturday, a Sunday, or
3 a legal public holiday, in which case the period of such
4 deadline shall be extended until the end of the next day
5 which is not a Saturday, a Sunday, or a legal public holi-
6 day.

7 (b) **LEGAL PUBLIC HOLIDAY DEFINED.**—For the
8 purposes of this section, the term “legal public holiday”
9 means a day described in section 6103(a) of title 5, United
10 States Code.

11 **SEC. 303. SEVERABILITY.**

12 If any provision of this Act or any amendment made
13 by this Act, or the application of any such provision or
14 amendment to any person or circumstance, is held to be
15 unconstitutional, the remainder of such Act and amend-
16 ments made by such Act and the application of such provi-
17 sion or amendment to any other person or circumstance,
18 shall not be affected by the holding.

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