

Calendar No. 2

117TH CONGRESS
1ST SESSION

S. 13

To establish an advisory committee to make recommendations on improvements to the security, integrity, and administration of Federal elections.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2021

Mr. SCOTT of South Carolina (for himself, Mr. HOEVEN, Mr. CRAMER, Mr. COTTON, Mr. LANKFORD, Mrs. FISCHER, Ms. ERNST, Mr. SULLIVAN, Mrs. CAPITO, Mr. YOUNG, Mr. CASSIDY, Mr. BOOZMAN, Mr. MORAN, and Mr. ROUNDS) introduced the following bill; which was read the first time

JANUARY 19, 2021

Read the second time and placed on the calendar

A BILL

To establish an advisory committee to make recommendations on improvements to the security, integrity, and administration of Federal elections.

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. 2020 BIPARTISAN ADVISORY COMMITTEE.**

4 (a) ESTABLISHMENT.—There is established within
5 the Election Assistance Commission the 2020 Bipartisan

1 Advisory Committee (referred to in this section as the
2 “Advisory Committee”).

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The Advisory Committee
5 shall be composed of 18 members of whom—

6 (A) nine shall be appointed by the leader
7 of the Republican caucus in the Senate (in con-
8 sultation with the minority leader of the House
9 of Representatives), one of which shall be ap-
10 pointed as a Co-Chairperson of the Advisory
11 Committee; and

12 (B) nine shall be appointed by the Speaker
13 of the House of Representatives (in consultation
14 with the leader of the Democratic caucus in the
15 Senate), one of which shall be appointed as a
16 Co-Chairperson of the Advisory Committee.

17 (2) REPRESENTATION.—Individuals appointed
18 to the Advisory Committee under paragraph (1)
19 shall be geographically balanced and shall include
20 representatives of Federal, State, and local govern-
21 ments and of the legal, cybersecurity, and election
22 administration and technology communities.

23 (3) DATE.—The appointments of the members
24 of the Advisory Committee shall be made not later

1 than 90 days after the date of enactment of this
2 Act.

3 (c) PERIOD OF APPOINTMENT; VACANCIES.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), a member of the Advisory shall be ap-
6 pointed for the duration of the Advisory Committee.

7 (2) REMOVAL.—A member may be removed
8 from the Advisory Committee at any time at the
9 upon concurrence of both of the Co-Chairpersons of
10 the Advisory Committee.

11 (3) VACANCIES.—A vacancy in the Advisory
12 Committee—

13 (A) shall not affect the powers of the Com-
14 mission; and

15 (B) shall be filled in the same manner as
16 the original appointment.

17 (d) DUTIES.—

18 (1) STUDY.—

19 (A) IN GENERAL.—The Advisory Com-
20 mittee shall, consistent with applicable law,
21 study the integrity and administration of the
22 general election for Federal office held in No-
23 vember 2020 and make recommendations to
24 State legislatures to improve the security, integ-
25 rity, and administration of Federal elections.

1 (B) MATTERS STUDIED.—The matters
2 studied by the Advisory Committee shall in-
3 clude—

4 (i) the effects of the COVID–19 pan-
5 demic on the administration of the general
6 election for Federal office held in Novem-
7 ber 2020;

8 (ii) the election practices adopted by
9 Federal, State, and local governments in
10 response to the COVID–19 pandemic, in-
11 cluding—

12 (I) practices that undermined the
13 security and integrity of the election;
14 and

15 (II) practices that strengthened
16 the security and integrity of the elec-
17 tion;

18 (iii) the laws, rules, policies, activities,
19 strategies, and practices regarding mail-in
20 ballots, absentee ballots, and vote-by-mail
21 procedures, including—

22 (I) measures that undermined
23 the security and integrity of the elec-
24 tion; and

1 (II) measures that strengthened
2 the security and integrity of the elec-
3 tion;

4 (iv) any laws, rules, policies, activities,
5 strategies, and practices that would have
6 allowed improper or fraudulent votes to be
7 cast in such election and the scope of any
8 improper and fraudulent votes that were
9 cast in the election;

10 (v) any laws, rules, policies, activities,
11 strategies, and practices, or failure to
12 apply such laws, rules, policies, activities,
13 strategies, and practices, that would have
14 allowed improper or fraudulent voter reg-
15 istration and the scope of any improper or
16 fraudulent voter registration; and

17 (vi) any laws, rules, policies, activities,
18 strategies, and practices that would bolster
19 public confidence in the integrity of future
20 general elections for Federal office and re-
21 duce the perceived possibility of fraud, in-
22 cluding, but not limited to, voter identifica-
23 tion statutes for both in-person and absen-
24 tee voting, increased voter list maintenance
25 policies pursuant to the National Voter

1 Registration Act of 1993 (52 U.S.C.
2 20501 et seq.), and use of the Electronic
3 Registration Information Center.

4 (2) REPORTS.—

5 (A) INITIAL REPORT.—Not later than 180
6 days after the date of the enactment of this
7 Act, the Advisory Committee shall submit to
8 the Election Assistance Commission and the ap-
9 propriate Congressional committees a report on
10 the matter studied under paragraph (1). Such
11 report shall include—

12 (i) precinct-by-precinct data high-
13 lighting the number and incidence of any
14 improper and fraudulent votes that were
15 cast in the election; and

16 (ii) precinct-by-precinct data high-
17 lighting the number and incidence of any
18 improper and fraudulent voter registra-
19 tions.

20 (B) RECOMMENDATIONS.—

21 (i) IN GENERAL.—Not later than 360
22 days after the date of the enactment of
23 this Act, the Advisory Committee shall
24 submit to the Election Assistance Commis-
25 sion and the appropriate Congressional

1 committees recommendations on the fol-
2 lowing:

3 (I) The best practices that should
4 be adopted by at each level of local
5 and State Government for admin-
6 istering elections for Federal office—

7 (aa) during the COVID-19
8 pandemic; and

9 (bb) during other national
10 emergencies.

11 (II) The best practices that
12 should be adopted at each level of
13 local and State Government to miti-
14 gate fraud and increase the integrity
15 and security of mail-in ballots, absen-
16 tee ballots, and vote-by-mail proce-
17 dures.

18 (III) The best practices that
19 should be adopted at each level of
20 local and State Government to pre-
21 vent improper or fraudulent votes
22 from being cast.

23 (IV) The best practices that
24 should be adopted at each level of
25 local and State Government to pre-

1 vent improper voters from being reg-
2 istered.

3 (ii) MINORITY VIEWS.—In the case of
4 any recommendation with respect to which
5 one-third or more of the Committee does
6 not concur, the report shall include a jus-
7 tification for why such members do not
8 concur.

9 (C) APPROPRIATE CONGRESSIONAL COM-
10 MITTEES.—For purposes of this paragraph, the
11 term “appropriate Congressional Committees”
12 means—

13 (i) the Committee on Rules and Ad-
14 ministration of the Senate;

15 (ii) the Committee on the Judiciary of
16 the Senate;

17 (iii) the Committee on House Admin-
18 istration of the House of Representatives;

19 and

20 (iv) the Committee on the Judiciary of
21 the House of Representatives.

22 (e) COMMISSION PERSONNEL MATTERS.—

23 (1) PROHIBITION ON COMPENSATION OF MEM-
24 BERS.—The members of the Advisory Committee
25 may not receive pay or benefits from the United

1 States Government by reason of their service on the
2 Advisory Committee.

3 (2) STAFF.—

4 (A) IN GENERAL.—Each Co-Chairperson
5 of the Advisory Committee may appoint not
6 more than 5 subject matter experts to serve as
7 staff to the Advisory Committee.

8 (B) COMPENSATION.—The Co-Chair-
9 persons of the Advisory Committee may fix the
10 compensation of the staff of the Advisor Com-
11 mittee without regard to chapter 51 and sub-
12 chapter III of chapter 53 of title 5, United
13 States Code, relating to classification of posi-
14 tions and General Schedule pay rates, except
15 that the rate of pay for the staff may not ex-
16 ceed the rate payable for level V of the Execu-
17 tive Schedule under section 5316 of that title.

18 (f) TERMINATION.—The Advisory Committee shall
19 terminate 90 days after the date on which the Advisory
20 Committee submits the report required under subsection
21 (d).

22 (g) NONAPPLICABILITY OF FACA.—The Federal Ad-
23 visory Committee Act (5 U.S.C. App.) shall not apply to
24 the Advisory Committee.

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