

112TH CONGRESS
1ST SESSION

S. 168

To amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and to require organizations to register with the State prior to the distribution of such forms.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. VITTER (for himself, Mr. MCCAIN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and to require organizations to register with the State prior to the distribution of such forms.

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 “Voter Fraud Preven-
5 tion Act”.

1 **SEC. 2. STANDARDS FOR DISTRIBUTION OF VOTER REG-**
 2 **ISTRATION APPLICATION FORMS AND REG-**
 3 **ISTRATION REQUIREMENTS FOR ORGANIZA-**
 4 **TIONS.**

5 (a) IN GENERAL.—Subtitle A of title III of the Help
 6 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
 7 amended by inserting after section 303 the following new
 8 section:

9 **“SEC. 303A. STANDARDS FOR DISTRIBUTION OF VOTER**
 10 **REGISTRATION APPLICATION FORMS AND**
 11 **REGISTRATION REQUIREMENTS FOR ORGA-**
 12 **NIZATIONS.**

13 **“(a) STANDARDS FOR DISTRIBUTION OF VOTER**
 14 **REGISTRATION APPLICATION FORMS.—**

15 **“(1) STANDARDS DESCRIBED.—**

16 **“(A) IN GENERAL.—**An individual may not
 17 distribute a voter registration application form
 18 for elections for Federal office held in a State
 19 if the individual—

20 **“(i)** has been convicted of a felony
 21 under any State or Federal law;

22 **“(ii)** does not sign and print legibly
 23 their name on the form;

24 **“(iii)** does not provide identifying in-
 25 formation (including their name, address,
 26 and other appropriate contact information,

1 including the name and address of any or-
2 ganization which pays them directly or in-
3 directly to distribute such forms) to the
4 election official to whom the form will be
5 submitted upon completion by the appli-
6 cant; and

7 “(iv) does not certify, under penalty
8 of perjury, that—

9 “(I) they have not received finan-
10 cial compensation based on the num-
11 ber of voter registration application
12 forms submitted by the individual to
13 an election official upon completion by
14 the applicant; and

15 “(II) the information provided by
16 the individual under this subpara-
17 graph is accurate to the best of the
18 individual’s knowledge.

19 “(B) EXCEPTION FOR UNPAID DISTRIBU-
20 TIONS.—Subparagraph (A) does not apply with
21 respect to the distribution of a voter registra-
22 tion application form by an individual who is
23 not compensated directly or indirectly for the
24 distribution of the form.

25 “(2) PENALTIES.—

1 “(A) DISTRIBUTION OF FORMS BY INDI-
2 VIDUALS NOT MEETING STANDARDS.—Any indi-
3 vidual who distributes a voter registration appli-
4 cation form for elections for Federal office in a
5 State in violation of paragraph (1) shall be
6 guilty of a misdemeanor and fined in accord-
7 ance with title 18, United States Code.

8 “(B) EMPLOYMENT OF INELIGIBLE INDI-
9 VIDUAL TO DISTRIBUTE FORMS.—Any person
10 who employs an individual to distribute voter
11 registration application forms for elections for
12 Federal office in a State and who knows, or
13 should reasonably be expected to know, that the
14 individual does not meet the standards de-
15 scribed in paragraph (1) shall be guilty of a
16 misdemeanor and fined in accordance with title
17 18, United States Code.

18 “(3) EFFECTIVE DATE.—This subsection shall
19 apply with respect to voter registration application
20 forms distributed on or after the date that is 180
21 days after the date of enactment of this section.

22 “(b) REGISTRATION REQUIREMENTS FOR ORGANIZA-
23 TIONS.—

24 “(1) IN GENERAL.—An organization may not
25 provide for the distribution of voter registration ap-

1 plication forms (including any payment of an indi-
2 vidual directly or indirectly to distribute such forms)
3 for elections for Federal office held in a State if the
4 organization has not registered with the State (in
5 accordance with procedures established by the
6 State).

7 “(2) PENALTIES.—Any organization which pro-
8 vides for the distribution of voter registration appli-
9 cation forms for elections for Federal office in a
10 State in violation of paragraph (1) shall be guilty of
11 a misdemeanor and fined in accordance with title
12 18, United States Code.

13 “(3) EFFECTIVE DATE.—This subsection shall
14 apply with respect to voter registration application
15 forms distributed on or after the date that is 180
16 days after the date of enactment of this section.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 of such Act is amended by inserting after the item relating
19 to section 303 the following:

“Sec. 303A. Standards for distribution of voter registration application forms
and registration requirements for organizations.”.

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