

113TH CONGRESS
2^D SESSION

S. 2751

To provide payments to States for activities to expand early voting access, provide for an equitable distribution of early voting polling locations, including early voting polling locations on Indian tribal land, and to implement voter registration reforms for elections for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. WALSH introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To provide payments to States for activities to expand early voting access, provide for an equitable distribution of early voting polling locations, including early voting polling locations on Indian tribal land, and to implement voter registration reforms for elections for Federal office, 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 “Rural and Tribal Voter
5 Rights Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CHIEF STATE ELECTION OFFICIAL.—The
 4 term “chief State election official” means, with re-
 5 spect to a State, the individual designated by the
 6 State under section 10 of the National Voter Reg-
 7 istration Act of 1993 (42 U.S.C. 1973gg–8) to be
 8 responsible for coordination of the State’s respon-
 9 sibilities under such Act.

10 (2) COMMISSION.—The term “Commission”
 11 means the Election Assistance Commission estab-
 12 lished under section 201 of the Help America Vote
 13 Act of 2002 (42 U.S.C. 15321).

14 **SEC. 3. PAYMENTS TO STATES FOR ACTIVITIES TO EXPAND**
 15 **EARLY VOTING ACCESS, PROVIDE FOR EQUI-**
 16 **TABLE DISTRIBUTION OF EARLY VOTING**
 17 **POLLING LOCATIONS, AND VOTER REGISTRA-**
 18 **TION REFORMS.**

19 (a) IN GENERAL.—The Commission shall make a re-
 20 quirements payment each fiscal year in an amount deter-
 21 mined under subsection (b) to each State that the Com-
 22 mission determines meets the requirements described in
 23 section 4(b).

24 (b) AMOUNT OF PAYMENT.—

25 (1) IN GENERAL.—Subject to subsection (c),
 26 the amount of a payment made to a State for a fis-

1 cal year under this section shall be equal to the
2 product of—

3 (A) the total amount appropriated for pay-
4 ments for the fiscal year pursuant to the au-
5 thorization under subsection (h) minus the total
6 amount of all of the minimum payment
7 amounts determined under subsection (c); and

8 (B) the State allocation percentage for the
9 State (as determined under paragraph (2)).

10 (2) STATE ALLOCATION PERCENTAGE DE-
11 FINED.—The “State allocation percentage” for a
12 State is the amount (expressed as a percentage)
13 equal to the quotient of—

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

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

20 (c) GUARANTEED MINIMUM PAYMENT AMOUNT.—

21 The amount of a payment made to a State for a fiscal
22 year under this section may not be less than—

23 (1) in the case of any of the several States or
24 the District of Columbia, one-half of 1 percent of the
25 total amount appropriated for payments under the

1 authorization under subsection (h) for the fiscal
2 year; or

3 (2) in the case of the Commonwealth of Puerto
4 Rico, Guam, American Samoa, or the United States
5 Virgin Islands, one-tenth of 1 percent of such total
6 amount.

7 (d) STATE RECEIPT OF FUNDS.—A State is eligible
8 to receive a payment under this section for a fiscal year
9 if the chief executive officer of the State, or designee, in
10 consultation and coordination with the chief State election
11 official, has filed with the Commission a statement certi-
12 fying that the State is in compliance with the require-
13 ments of section 4(b).

14 (e) USE OF PAYMENT.—

15 (1) IN GENERAL.—A State shall use the funds
16 provided under a payment made under this section
17 to carry out the requirements of this Act, including
18 the following:

19 (A) Training and hiring election officials,
20 poll workers, and election volunteers.

21 (B) Establishing early voting locations.

22 (C) Implementing the State plan described
23 in section 4(b).

1 (D) Acquiring, leasing, improving, modi-
2 fying, or replacing voting technology to imple-
3 ment the requirements of this Act.

4 (E) Establishing online registration sys-
5 tems.

6 (F) Educating voters about voting oppor-
7 tunities, voter registration, voting procedures,
8 and voting rights.

9 (2) USE FOR OTHER PURPOSES.—Subject to
10 paragraph (3), a State may use the funds provided
11 under a payment made under this section to improve
12 the administration of elections for Federal office if
13 the chief State election official certifies that the re-
14 quirements of this Act have been met.

15 (3) LIMITATION.—A State may not use any
16 portion of a payment under this section—

17 (A) to pay costs associated with any litiga-
18 tion; or

19 (B) for the payment of any judgment.

20 (f) ELIGIBILITY.—A State is eligible to receive a pay-
21 ment under this section notwithstanding that State legis-
22 lation is required to carry out an activity under this Act
23 and the State legislation has not been enacted at the time
24 this Act takes effect.

1 (g) DEPOSIT OF AMOUNTS IN STATE ELECTION
 2 FUND.—A State shall deposit any funds provided under
 3 this section in the State election fund described in section
 4 254(b) of the Help America Vote Act of 2002 (42 U.S.C.
 5 15404(b)).

6 (h) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
 8 appropriated to carry out this section such sums as
 9 may be necessary to provide grants to States to
 10 carry out the requirements of this Act.

11 (2) CONTINUING AVAILABILITY OF FUNDS
 12 AFTER APPROPRIATION.—Any payment made to a
 13 State under this section shall be available to the
 14 State without fiscal year limitation.

15 **SEC. 4. EQUITABLE DISTRIBUTION OF EARLY VOTING**
 16 **POLLING LOCATIONS.**

17 (a) TRIBAL EARLY VOTING LOCATIONS.—A State or
 18 local election official shall provide at least one early voting
 19 location on tribal land when requested by the applicable
 20 Tribal government.

21 (b) STATE EARLY VOTING LOCATION DISTRIBUTION
 22 PLAN DEVELOPMENT.—

23 (1) IN GENERAL.—Each State shall, after rea-
 24 sonable notice and public hearings, adopt and sub-
 25 mit to the Commission, not later than the date that

1 is 2 years after the date of enactment of this Act,
2 a plan which provides for the equitable distribution
3 of early voting locations.

4 (2) STATE PLAN DEVELOPMENT.—The chief ex-
5 ecutive officer of each State, or designee, in con-
6 sultation and coordination with the chief State elec-
7 tion official, shall develop the State plan through a
8 committee of appropriate individuals, including the
9 local election officials of the two most populous ju-
10 risdictions in the State, other local election officials
11 in the State, stakeholders, and other citizens, ap-
12 pointed for such purpose by the chief State election
13 official.

14 (3) STATE PLAN REQUIREMENTS.—A State
15 plan shall ensure that eligible voters have adequate
16 access to early voting locations, taking into consider-
17 ation each of the following:

18 (A) Population density.

19 (B) Travel time to local election offices.

20 (C) Travel time to permanent or tem-
21 porary early voting locations.

22 (D) The potential use of alternate early
23 voting locations, including public buildings, city
24 and county government buildings, tribal govern-
25 ment offices, public libraries, fairgrounds, civic

1 centers, courthouses, senior centers, community
2 centers, and private places of business.

3 (E) The extent to which members of a
4 class protected by section 2(a) of the Voting
5 Rights of Act of 1965 (42 U.S.C. 1973(a)) have
6 an equal opportunity to participate in early vot-
7 ing and have an equal opportunity to access
8 early voting locations.

9 (F) The potential use of temporary early
10 voting locations, including mobile voting sys-
11 tems.

12 (4) REVISION OF STATE PLAN.—Each State
13 plan shall provide for revision of the plan from time
14 to time as may be necessary to take account of
15 changes in voter populations.

16 (5) PUBLICATION BY COMMISSION.—The Com-
17 mission shall publish in the Federal Register each
18 State plan submitted to the Commission under this
19 subsection.

20 (6) EXEMPTION FOR STATES THAT PROVIDE
21 FOR EQUITABLE DISTRIBUTION OF EARLY VOTING
22 LOCATIONS.—The requirements of this subsection
23 shall not apply to a State that, under State law that
24 is in effect continuously on and after June 1, 2016,
25 provides for the equitable distribution of early voting

1 locations in the State with respect to elections for
2 Federal office (as determined by the Commission).

3 **SEC. 5. EXPANDING EARLY VOTING ACCESS.**

4 (a) IN GENERAL.—Each State shall make early vot-
5 ing available to any eligible voter for at least ten days be-
6 fore an election for Federal office. An eligible voter may
7 cast their early voting ballots in person at an early voting
8 location during that 10-day period in the same manner
9 as any ballot would be cast in the precinct on election day.

10 (b) EFFECTIVE DATE.—Each State shall be required
11 to comply with the requirements of this section on and
12 after the date that is one year after the date of enactment
13 of this Act.

14 **SEC. 6. DESIGNATION OF CERTAIN FEDERAL FACILITIES AS**
15 **VOTER REGISTRATION AGENCIES.**

16 (a) IN GENERAL.—The Secretary of Veterans Af-
17 fairs, the Secretary of Health and Human Services, the
18 Commissioner of the Social Security Administration, the
19 Postmaster General, the Secretary of Agriculture, and the
20 Secretary of the Interior shall permit a State to designate
21 facilities of the respective agencies located in the State as
22 voter registration agencies under section 7 of the National
23 Voter Registration Act of 1993 (42 U.S.C. 1973gg-5).

1 (b) ACTIVITIES.—A voter registration agency des-
2 ignated under subsection (a) shall carry out the following
3 activities:

4 (1) Offer with each application to the agency
5 for service or assistance, and with each recertifi-
6 cation, renewal, or change of address form relating
7 to such service or assistance, the mail voter registra-
8 tion application form described in section 9 of the
9 National Voter Registration Act of 1993 (42 U.S.C.
10 1973gg-7(a)(2)) or the agency’s own form if it is
11 equivalent to the form described in such section, un-
12 less the applicant declines to register to vote or up-
13 date their voter registration in writing.

14 (2) Provide a form that includes the following:

15 (A) The question, “If you are not reg-
16 istered to vote where you live now, would you
17 like to apply to register to vote here today?”.

18 (B) If the agency provides public assist-
19 ance, the statement, “Applying to register or
20 declining to register to vote will not affect the
21 amount of assistance that you will be provided
22 by this agency.”.

23 (C) Boxes for the applicant to check to in-
24 dicate whether the applicant would like to reg-
25 ister or update their registration to vote, or de-

1 cline to register or update their registration to
2 vote.

3 (3) Provide assistance to applicants in com-
4 pleting the voter registration application forms, un-
5 less the applicant refuses such assistance in writing.

6 (4) Accept completed voter registration applica-
7 tion forms for transmittal to the appropriate State
8 or local election official.

9 (c) TRANSMITTAL.—

10 (1) IN GENERAL.—Subject to paragraph (2), a
11 completed voter registration application accepted at
12 a voter registration agency designated under sub-
13 section (a) shall be electronically transmitted, in a
14 format that can be translated and uploaded into the
15 Statewide voter database established pursuant to
16 section 303(a) of the Help America Vote Act of
17 2002 (42 U.S.C. 15483(a)), to the appropriate State
18 or local election official not later than 10 days after
19 the date of acceptance.

20 (2) EXCEPTION.—If a voter registration applica-
21 tion is accepted within 5 days before the last day
22 for registration to vote in an election for Federal of-
23 fice, the application shall be transmitted to the ap-
24 propriate State or local election official not later
25 than 5 days after the date of acceptance.

1 (3) UPDATED REGISTRATION.—If an applica-
2 tion is an updated voter registration, the voter reg-
3 istration agency shall label the updated registration
4 accordingly.

5 (d) CLARIFICATION REGARDING APPLICATION.—The
6 requirements of this section shall only apply to a voter
7 registration agency designated under subsection (a). Noth-
8 ing in this section shall affect the application of section
9 7 of the National Voter Registration Act of 1993 (42
10 U.S.C. 1973gg-5) to a voter registration agency not des-
11 ignated under such subsection.

12 (e) INTEGRATION WITH STATE ELECTRONIC VOTER
13 REGISTRATION SYSTEMS.—The Commission shall imple-
14 ment an online system that, to the extent practicable—

15 (1) provides an electronic means for a voter
16 registration agency designated under subsection (a)
17 to carry out the requirements of this section;

18 (2) transmits a completed voter registration ap-
19 plication to the appropriate State or local election
20 official; and

21 (3) in the case of an individual registering to
22 vote in a State that operates its own electronic voter
23 registration system, directs an applicant to that sys-
24 tem.

1 **SEC. 7. SAME DAY AND ELECTRONIC REGISTRATION.**

2 (a) **SAME DAY REGISTRATION.**—Notwithstanding
3 section 8(a)(1)(D) of the National Voter Registration Act
4 of 1993 (42 U.S.C. 1973gg–6), each State shall permit
5 any eligible individual on the day of an election for Federal
6 office and on any day when voting, including early voting,
7 is permitted for an election for Federal office—

8 (1) to register to vote in such election using a
9 form that meets the requirements under section 9(b)
10 of the National Voter Registration Act of 1993; and

11 (2) to cast a vote in such election.

12 (b) **ELECTRONIC REGISTRATION.**—

13 (1) **IN GENERAL.**—Each State shall provide a
14 secure online interface available to the public on a
15 public, government website that allows any eligible
16 individual to register to vote or to update their voter
17 registration with an online voter registration applica-
18 tion that meets the requirements of the mail voter
19 registration application form described in section 9
20 of the National Voter Registration Act of 1993 (42
21 U.S.C. 1973gg–7(a)(2)). The online application shall
22 be processed in the same manner as a mail voter
23 registration application form is processed, subject to
24 the requirements of section 303(b) of the Help
25 America Vote Act of 2002 (42 U.S.C. 15483(b)), ex-

1 cept that the absence of a written signature shall not
2 preclude the registration of an eligible individual.

3 (2) EFFECTIVE DATE.—Each State shall be re-
4 quired to comply with the requirements of this sub-
5 section on and after the date that is one year after
6 the date of enactment of this Act.

7 (c) ELIGIBLE INDIVIDUAL.—For purposes of this sec-
8 tion, the term “eligible individual” means, with respect to
9 an election for Federal office, an individual who is other-
10 wise qualified to vote in that election.

11 (d) EXCEPTION.—This section shall not apply to a
12 State in which, under a State law in effect continuously
13 on and after the date of the enactment of this section,
14 there is no voter registration requirement for individuals
15 in the State with respect to elections for Federal office.

16 **SEC. 8. ENFORCEMENT.**

17 (a) ATTORNEY GENERAL.—The Attorney General
18 may bring a civil action in an appropriate district court
19 for such declaratory or injunctive relief as is necessary to
20 carry out this Act.

21 (b) PRIVATE RIGHT OF ACTION.—

22 (1) NOTICE.—A person who is aggrieved by a
23 violation of this Act may provide written notice of
24 the violation to the chief State election official of the
25 State involved.

1 (2) CIVIL ACTION.—If the violation is not cor-
2 rected within 90 days after receipt of a notice under
3 paragraph (1), or within 20 days after receipt of the
4 notice if the violation occurred within 120 days be-
5 fore the date of an election for Federal office, the
6 aggrieved person may bring a civil action in an ap-
7 propriate district court for declaratory or injunctive
8 relief with respect to the violation.

9 (3) EXCEPTION TO NOTICE IF VIOLATION WITH-
10 IN 30 DAYS OF ELECTION.—If the violation occurred
11 within 30 days before the date of an election for
12 Federal office, the aggrieved person need not provide
13 notice to the chief State election official under para-
14 graph (1) before bringing a civil action under para-
15 graph (2).

16 (c) RELATION TO OTHER LAWS.—

17 (1) IN GENERAL.—The rights and remedies es-
18 tablished by this Act are in addition to all other
19 rights and remedies provided by law, and neither the
20 rights and remedies established by this section nor
21 any other provision of this Act shall supersede, re-
22 strict, or limit the application of the Voting Rights
23 Act of 1965 (42 U.S.C. 1973 et seq.).

24 (2) NO AUTHORIZATION OR REQUIREMENT FOR
25 CONDUCT PROHIBITED BY THE VOTING RIGHTS

1 ACT.—Nothing in this Act authorizes or requires
2 conduct that is prohibited by the Voting Rights Act
3 of 1965 (42 U.S.C. 1973 et seq.).

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