

**H.R. 3295 - HELP AMERICA VOTE ACT OF 2002**

**JOINT EXPLANATORY STATEMENT**

**TITLE I-PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES**

*Sec. 101. Payments to States for activities to improve administration of elections.*

Provides payments to States to improve the administration of federal elections, designates permitted uses of the funds, and sets the size of the payment at an amount based on the relative size of the voting-age population plus a minimum.

*Sec. 102. Replacement of punch card and lever voting machines.*

Provides payments to States to replace punch card and lever voting systems with other systems meeting the requirements of this Act.

*Sec. 103. Guaranteed minimum payment amount.*

Sets the minimum aggregate payment under Sec. 101 and 102 at \$5 million.

*Sec. 104. Authorization of appropriations.*

Authorizes \$325 million in no-year funds for each program under Sec. 101 and 102 plus sums necessary for administration of the program, with unexpended or returned funds to be used for requirements payments under title II.

*Sec. 105. Administration of programs.*

Provides authority to expedite payments.

*Sec. 106. Effective date.*

Requires payments to be made within 45 days of enactment.

**TITLE II-COMMISSION**

## **Subtitle A-Establishment and General Organization**

### *PART 1-ELECTION ASSISTANCE COMMISSION*

#### **Sec. 201. Establishment.**

Establishes the Election Assistance Commission, the Election Assistance Commission Standards Board, the Election Assistance Board of Advisors, and the Technical Guidelines Development Committee.

#### *Sec. 202. Duties.*

Stipulates that the Commission will serve as a national clearinghouse for information on federal elections and will carry out duties described in this Title, in Title III, and in Title V.

#### *Sec. 203. Membership and appointment.*

Requires that the four Commission members are appointed by the President with the advice and consent of the Senate.

#### *Sec. 204. Staff.*

Creates positions for an Executive Director and General Counsel and stipulates that the Executive Director may appoint additional staff.

#### *Sec. 205. Powers.*

Empowers the Commission to hold hearings, take testimony, receive evidence, let contracts, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies.

#### *Sec. 206. Dissemination of information.*

Requires the Commission to disseminate information on its activities to the public on an ongoing basis.

#### *Sec. 207. Annual report.*

Requires that the Commission submit a report to Congress by January 1 of each year on its activities for the previous fiscal year, including each program carried out, grant payments made, a copy of submitted reports by grant recipients, information on voluntary standards adopted, votes taken by the Commission, and other appropriate information.

#### *Sec. 208. Requiring majority approval for actions.*

Requires that any action of the Commission be approved by three members.

#### *Sec. 209. Limitation on rulemaking authority.*

Prohibits the Commission from imposing any rule, regulation, or taking any action that imposes requirements on State or local governments except as permitted under the National Voter Registration Act of 1993.

#### *Sec. 210. Authorization of appropriations.*

Authorizes a maximum appropriation of \$10 million per year for FY2003 through FY2005, in addition to grants and payments authorized under the title.

## *PART 2-ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS*

*Sec. 211. Establishment.* Establishes a Standards Board and a Board of Advisors under the Election Assistance Commission.

*Sec. 212. Duties.* Requires that the two boards review the guidelines described in this title.

*Sec. 213. Membership of Standards Board.*

Sets membership at 110, to include, from each State, the chief election official and a local election official chosen by peers in the State, with no two members from a state to be from the same political party, and also requires the board to select a nine-member Executive Board.

*Sec. 214. Membership of Board of Advisors.*

Sets membership at 37, two each appointed by the National Governors Association; the National Conference of State Legislatures; the National Association of Secretaries of State; the National Association of State Election Directors; the National Association of Counties; the National Association of County Recorders; Election Administrators, and Clerks; the U.S. Conference of Mayors; the Election Center; and the International Association of County Recorders, Election Officials, and Treasurers; the U.S. Commission on Civil Rights; the Architectural and Transportation Barrier Compliance Board; plus the chief of the Office of Public Integrity of the Department of Justice; the chief of the Voting Section of the Civil Rights Division of the Department of Justice; the director of the Federal Voting Assistance Program of the Department of Defense; plus four members representing professionals in the field of science and technology; plus eight members representing voter interests, of which four are appointed by the House Administration Committee, two by the chairman and two by the ranking minority member; and four members appointed by the Committee on Rules and Administration of the Senate, two by the chairman and two by the ranking minority member.

*Sec. 215. Powers of Boards; no compensation for service.*

Empowers each board to hold hearings, take testimony, and receive evidence, obtain information from Federal agencies and support from the General Services Administration, and to use the mails as do other Federal agencies. Prohibits issuance of subpoenas. Requires each board to meet at least yearly and prohibits compensation of board members, but permits payment of travel expenses.

*Sec. 216. Status of Boards and members for purposes of claims against Board.*

Applies provisions of 28 U.S.C., Chapters 161 and 171, with respect to liability of boards and members, with an exception for criminal acts and other willful misconduct.

## *PART 3-TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE*

*Sec. 221. Technical Guidelines Development Committee.*

Establishes a 15-member Technical Guidelines Development Committee, to assist in the development of voluntary voting system guidelines (and modifications), to be chaired by the Director of the National Institute of Standards and Technology (NIST), and with members appointed jointly by the Director and the Commission and drawn from the Standards Board, the Board of Advisors, the Compliance Board, the Architectural and Transportation Barriers Compliance Board, the American National Standards Institute, the Institute of Electrical and Electronics Engineers, the National Association of State Election Directors, and other persons with relevant scientific and technical expertise. Prohibits compensation of members, but permits payment of travel expense, and requires publication of recommendations of the Development Committee in the Federal Register when the Commission adopts any guideline.

*Sec. 222. Process for adoption.*

Requires the Executive Director of the Commission to take recommendations of the Development Committee into account in developing guidelines, and for the two boards to review the proposed guidelines, with a vote of the Commission required for adoption.

### **Subtitle B-Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software**

*Sec. 231. Certification and testing of voting systems.*

Requires the Commission to provide for testing, certification, decertification, and recertification of voting systems by accredited laboratories; NIST provides a list of recommended candidates for certification and provides for continuing review of laboratory performance.

### **Subtitle C-Studies and Other Activities to Promote Effective Administration of Federal Elections**

*Sec. 241. Periodic studies of election administration issues.*

Requires periodic, publicly available studies to promote improvements in election administration and methods of voting.

*Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.*

Requires a study, in consultation with DOD, on best practices for facilitating voting by military and overseas voters.

*Sec. 243. Report on human factor research.*

Requires a report, in consultation with NIST, on application of human factors research to voting systems.

*Sec. 244. Study and report on voters who register by mail and use of social security information.*

Requires a study of the impact of requirements in Sec. 303(b) for first time mail registrants, and a study, in consultation with the Social Security Administration, on using Social Security numbers in election administration.

*Sec. 245. Study and report on electronic voting and the electoral process.*

Requires a study of issues associated with the use of electronic communication and Internet technologies in the electoral process.

*Sec. 246. Study and report on free absentee ballot postage.*

Requires a study, in consultation with the Postal Service, on a program to waive or reduce postage for absentee ballots.

*Sec. 247. Consultation with Standards Board and Board of Advisors.*

Requires the Commission to consult with the Standards Board and Board of Advisors in performing duties under this subtitle.

### **Subtitle D-Election Assistance**

#### *PART 1-REQUIREMENTS PAYMENTS*

*Sec. 251. Requirements payments.*

Requires the Commission to make yearly payments to qualifying States to meet the requirements of the Act, including certain retroactive payments, and for other activities to improve election administration.

*Sec. 252. Allocation of funds.*

Sets the size of a payment to an amount based on the relative size of the voting-age population, designates a minimum payment, and stipulates that funds can be retained until expended.

*Sec. 253. Condition for receipt of funds.*

Requires a State, to be eligible, to certify that it has filed a plan with the Commission meeting the requirements of Sec. 254-256 and a plan for implementing the requirements of Sec. 402, that it will use the funds in a manner consistent with Federal laws, as they apply to this Act, and with title III requirements, and that it has provided a 5% match. Gives States discretion to choose the method of compliance.

*Sec. 254. State plan.*

Describes required elements of the State plan and required elements and uses of the State Election Fund. Exempts State and local jurisdictions from legal actions based on information in the plan, except with respect to criminal acts.

*Sec. 255. Process for development and filing of plan; publication by Commission.*

Requires the chief State election official to develop the plan through a committee including local election officials and other citizens, and requires the Commission to publish submitted plans in the Federal Register.

*Sec. 256. Requirement for public notice and comment.*

Requires a State to provide opportunity for public comments on the State plan and to take them into account in finalizing the plan.

*Sec. 257. Authorization of appropriations.*

Authorizes a total of \$3 billion for FY2003 through FY2005, to remain available until expended.

*Sec. 258. Reports.*

Requires a yearly report by the State on activities conducted with the use of payments under this part.

*PART 2-PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES*

*Sec. 261. Payments to States and units of local government to assure access or disabled voters.*

Requires the Secretary of Health and Human Services to make yearly payments to eligible States and local governments to assure access to polling places for individuals with disabilities, including the blind and visually impaired, and to provide them with information on accessibility.

*Sec. 262. Amount of payment.*

Requires the Secretary to determine payment amounts. Specifies that payments can be retained until expended.

*Sec. 263. Requirements for eligibility.*

Requires a jurisdiction seeking funds to file an application that describes how the payment will be used and provides other required information required by the Secretary. Exempts State and local jurisdictions from legal actions based on information in the application, except with respect to criminal acts.

*Sec. 264. Authorization of appropriations.*

Authorizes appropriations totaling \$100 million for FY2003 through FY2005, to remain available until expended.

*Sec. 265. Reports.*

Requires a report by recipients to the Secretary on activities conducted and a yearly report by the Secretary to Congress.

*PART 3-GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS*

*Sec. 271. Grants for research on voting technology improvements.*

Establishes a grant program, to be administered in consultation with NIST, for research and development to improve election systems and technology.

*Sec. 272. Report.*

Requires recipients to submit reports to the Commission describing activities under the grant.

*Sec. 273. Authorization of appropriations.*

Authorizes appropriations of \$20 million for FY2003, to be available until expended.

*PART 4-PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY*

*Sec. 281. Pilot program.*

Establishes a grant program, to be administered in consultation with NIST, to test and implement new voting technologies on a trial basis.

It is the intent of the managers that such pilot programs shall include initiatives with regard to election administration methodologies.

*Sec. 282. Report.*

Requires submission of a report to the Commission describing activities under the grant.

*Sec. 283. Authorization of appropriations.*

Authorizes appropriations of \$10 million for FY2003, to be available until expended.

*PART 5-PROTECTION AND ADVOCACY SYSTEMS*

*Sec. 291. Payments for protection and advocacy systems.*

Requires the Secretary of Health and Human Services to award grants to entities in each State that represent persons with disabilities to provide services to ensure such persons full participation in the electoral process and sets minimum grant amounts as specified in the Rehabilitation Act of 1973. Also provides a 7% set-aside for grants for training and

technical assistance.

*Sec. 292. Authorization of appropriations.*

Authorizes appropriations of \$10 million per year for FY2003 through FY2006 and such sums as necessary in subsequent fiscal years; prohibits recipients from using grant funds for litigation activities involving election-related accessibility.

*PART 6-NATIONAL STUDENT AND PARENT MOCK ELECTION*

*Sec. 295. National Student and Parent Mock Election.*

Authorizes the Election Assistance Commission to award grants to a nonprofit, nonpartisan organization known as the National Student and Parent Mock Election, to simulate national elections that permit participation by students and parents.

*Sec. 296. Authorization of Appropriations.*

Authorizes \$200,000 for FY2003 and such sums as necessary in subsequent years.

**TITLE III-UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND  
ADMINISTRATION REQUIREMENTS**

**Subtitle A-Requirements**

*Sec. 301. Voting systems standards.*

Beginning January 1, 2006, requires all voting systems used in federal elections, while maintaining voter privacy and ballot confidentiality, to (1) permit voters to verify their selections on the ballot, notify them of overvotes, and permit them to change their votes and correct any errors before casting the ballot; however, jurisdictions using paper ballot, punchcard, or central-count voting systems (including absentee and mail-in ballots) may instead use voter education and instruction programs for notification of overvotes; (2) produce a permanent paper record for the voting system that can be manually audited and is available as an official record for recounts; and (3) provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters, through use of at least one DRE or properly equipped voting system at each polling place; however, any system purchased with funds made available under Title II on or after January 1, 2007 must provide accessibility; (4) provide alternative language accessibility as required by law; and (5) comply with the error rate standards in the federal voting system standards in effect on the date of enactment. Requires each State to adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified voting system.

Stipulates that the above requirements do not compel a jurisdiction to change to a different kind of voting system if the system it uses, including any paper ballot system, meets or can be modified to meet the requirements of this section.

*Sec. 302. Provisional voting and voting information requirements.*

Requires that, beginning January 1, 2004, persons who claim to be registered to vote in a federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible be offered and permitted to cast a provisional ballot, the ballot be promptly verified and counted if determined to be valid under State law, and the voter (and no one else) be able to ascertain whether the ballot was counted (and if not, why not) through a free-access system and be informed of that option when the ballot is cast. Stipulates that States that do not require voter registration or that are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) may use applicable State law.

Requires that a sample ballot and other voter information be posted at polling places on election day.

Requires that, if polling hours are extended as a result of a court order, any ballot cast in a federal election during that extension be provisional and be held separately from other provisional ballots.

*Sec. 303. Computerized Statewide voter registration list requirements and requirements for voters who register by mail.*

Beginning January 1, 2004 - or 2006 if the State certifies for good cause that it cannot meet that deadline - requires States to implement and maintain an interactive, centralized, and official Statewide computerized voter registration list accessible to all election officials in the State, and that contains registration information on every registered voter in the State. Requires the system to use a unique identification number for each registered voter and to be coordinated with other State databases. Persons can be removed from the list only under applicable provisions of NVRA. Election officials shall perform list maintenance with respect to the computerized list on a regular basis. If individuals are to be removed from the computerized list, they shall be removed in accordance with the provisions of NVRA. Consistent with NVRA, registrants who have not responded to a notice and have not voted in two consecutive general elections for federal office shall be removed from the official list of registered voters except that no registration may be removed solely by reason of failure to vote. Requires applicants to provide a valid driver's license number or, for applicants who do not have a valid driver's license number, the last four digits of the Social Security number. The State shall assign a unique identifier to individuals who do not have a valid driver's license number or a Social Security number. Requires sharing of information between voter registration and motor vehicle authority databases. Amends Sec. 205(r) of the Social Security Act to establish a mechanism for verifying the accuracy of information provided by a State driver's licence agency with respect to applications for voter registration. Requires States to use the mechanism except those that, in accordance with Sec. 7 of the Privacy Act of 1975, use the full Social Security number for voter registration, for whom this provision is optional.

Beginning January 1, 2003, requires certain voters who register by mail to present identification either when registering or when voting. Applies to persons who have not previously voted in a federal election in the State, or in the jurisdiction if the State does not comply with the requirements for a statewide computerized voter registration list. Accepted identification includes a copy of a current and valid photo identification (the original if voting in person), utility bill, bank statement, or government document that shows the name and address of the voter. Alternatively, the voter may cast a provisional ballot. Does not apply if the mail-in registration includes the voter's name, date of birth, and driver's license number or the last 4 digits of the Social Security number, and they match an existing State identification record. Also does not apply to voters entitled to vote otherwise than in person under federal law.

Requires that mail-in voter registration forms developed under NVRA include questions requiring voters to verify that they are U.S. citizens and old enough to vote, and requires States to notify voters who fail to complete the question on citizenship and provide the applicant with an opportunity to complete the form prior to the next election for Federal office.

It is the intent of the managers that such questions should be clearly and conspicuously stated on the front of the registration form.

Requires States and localities to comply with provisions on mail registration beginning January 1, 2004, except that they must be prepared to receive stipulated mail-in registration materials beginning January 1, 2003.

*Sec. 304. Minimum requirements.*

Allows States to establish election technology and administration requirements stricter than those established under this title.

*Sec. 305. Methods of implementation left to discretion of State.*

Gives States discretion to choose the methods of implementation.

### **Subtitle B-Voluntary Guidance**



*Sec. 311. Adoption of voluntary guidance by Commission.*

Requires the Commission to adopt voluntary guidance to assist States in meeting requirements of subtitle A and to update recommendations adopted with respect to Sec. 301 every four years.

*Sec. 312. Process for adoption.*

Requires that the adoption process include public notice, comment, and hearings, and publication of the final recommendations in the Federal Register.

#### **TITLE IV-ENFORCEMENT**

*Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.*

Allows for civil action by the Attorney General to carry out the requirements under Sec. 301-303.

*Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.*

Requires States receiving funds under this Act to establish and maintain administrative procedures to receive, process, and act upon complaints about violations of provisions in title III. Requires States not receiving funds to either certify that they meet complaint-procedure requirements or to submit a plan describing steps to be taken to meet title III requirements. Such plan, if not approved by the Department of Justice, shall result in the State being deemed to be out of compliance with the requirements.

#### **TITLE V-HELP AMERICA VOTE COLLEGE PROGRAM**

*Sec. 501. Establishment of program.*

Requires the Commission to establish the "Help America Vote College Program" to encourage students at institutions of higher learning, including community colleges, to serve as nonpartisan poll workers or assistants and to encourage States and local governments to use students in that capacity.

*Sec. 502. Activities under program.*

Requires the Commission, in consultation with chief State election officials, to develop materials, sponsor seminars and workshops, advertise the program to students, make grants, assist any institution that wishes to participate, and take other appropriate actions. Limits grants to nonpartisan undertakings and requires the Commission to coordinate with institutions of higher learning and to make materials and assistance available without charge.

*Sec. 503. Authorization of appropriations.*

Authorizes appropriations of \$5 million for FY2003 and sums as necessary thereafter.

#### **TITLE VI-HELP AMERICA VOTE FOUNDATION**

*Sec. 601. Help America Vote Foundation.*

Amends Part B of subtitle II of 36 U.S.C. to establish the federally chartered Help America Vote Foundation to mobilize secondary school students to participate as nonpartisan poll workers and assistants, to the extent permitted under State law.

Requires the foundation to act without partisan bias or promotion of any particular point of view and to consult with the

chief election officials in the States, the District of Columbia, and Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

Establishes a 12-member board of directors with four appointed by the President, two by the Speaker of the House of Representatives, two by the House minority leader, two by the Senate majority leader, and two by the Senate minority leader, and with the chairs and ranking Members of the House Administration Committee and the Senate Rules and Administration Committee as ex officio, nonvoting members.

Sets the term of office at four years and stipulates that members are not employees of the Federal government. Prohibits compensation of board members, but permits payment of travel expenses. Restricts personal liability of members to gross negligence.

Requires the board to meet at least yearly and to select a member as chair, who shall not hold or have held any partisan elected office or national political-party committee office.

Permits the board to appoint and remove officers and employees of the foundation and stipulates that they are not employees of the Federal government except as otherwise provided in this chapter.

Grants the foundation such powers as necessary to carry out this chapter and also the usual powers of a corporation acting as a trustee in the District of Columbia, where the foundation will be located. Requires the foundation to have a designated agent to receive service of process for it.

Permits the foundation to accept gifts, devises, and bequests for its benefit and to let contracts. Also permits it to sponsor an annual conference to honor persons who have served as poll workers or participated in foundation programs and activities.

Requires an annual audit by an independent auditor.

Permits the Attorney General to bring a civil action for relief for behavior by the foundation that is inconsistent with the purposes designated in this title.

Excludes the U.S. government from any liability or obligation incurred by the foundation.

Authorizes \$5 million for FY2003 and such sums as necessary thereafter.

Requires a report to the Commission on activities during the prior fiscal year.

## **TITLE VII-VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS**

### *Sec. 701. Voting assistance programs.*

Amends 10 U.S.C. 1566 to require the Secretary of Defense to establish procedures to provide the time and resources for voting assistance officers to perform voting assistance duties during the period in advance of a general election. Requires the Secretary of Defense, to the maximum extent possible, to implement procedures to ensure that a postmark or other proof of mailing date is provided on each absentee ballot. Requires the secretaries, through voting assistance officers, to provide notice to members of the armed forces of the last date before a general election for which ballots mailed at the facility can be expected to be delivered in a timely fashion to State and local election officials. Requires the secretaries to ensure that members of the military and their dependents have access to information on voter registration and absentee ballot requirements and deadlines. Requires that each person who enlists receive the national voter registration form at the time of enlistment or soon thereafter.

### *Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.*

Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to require each State to designate a single office to provide information to all absent uniformed services voters and overseas voters who wish to register or vote in any jurisdiction in the State.

*Sec. 703. Report on absentee ballots transmitted and received after general elections.*

Amends the UOCAVA to require States to submit a public report to the Commission on the number of absentee ballots transmitted to absent uniformed services and overseas voters and the number returned and cast in the election, and requires the Commission to develop a standardized format for such reports.

*Sec. 704. Extension of period covered by single absentee ballot application.*

Amends UOCAVA to require that an absentee ballot application pertain to all elections for Federal office held in the State through the next two regularly scheduled Federal general elections.

*Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.*

Amends UOCAVA to require the Presidential designee to ensure that State officials are aware of the requirements of that Act, and to prescribe a standard oath regarding perjury in completion of a document required under the title. Requires States to use the standard oath if the State requires an oath or affirmation for any voting document.

*Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.*

Amends UOCAVA to prevent States from refusing to accept or process a valid voter registration or absentee ballot application submitted by an absent uniformed services voter on the grounds that the application was submitted before the first date on which the State accepts or processes such application for that year.

*Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.*

Amends section 102 of UOCAVA to require a state to provide to each absent uniformed services voter or overseas voter the reason for rejecting an absentee ballot or voter registration application.

## **TITLE VIII-TRANSITION PROVISIONS**

### **Subtitle A-Transfer to Commission of Functions Under Certain Laws**

*Sec. 801. Federal Election Campaign Act of 1971.*

Amends section 311 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438 (a)) and transfers to the Commission all functions of the Office of Election Administration of the Federal Election Commission.

*Sec. 802. National Voter Registration Act of 1993.*

Amends section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) and transfers to the Commission all functions that the Federal Election Commission exercises under the National Voter Registration Act.

*Sec. 803. Transfer of property, records, and personnel.*

Transfers to the Commission all personnel, contracts, liabilities, records, property, and other assets or interests of the offices and functions of the Federal Election Commission that are transferred by this subtitle.

*Sec. 804. Effective date; transition.*

Requires that this title take effect upon the appointment of all members of the Commission, which is authorized to utilize services from the entities from which functions will be transferred as needed for an orderly transfer. Directs the Office of Election Administration of the Federal Election to continue its functions in the interim.

### **Subtitle B-Coverage of Commission Under Certain Laws and Programs**

*Sec. 811. Treatment of Commission personnel under certain civil service laws.*

Amends 5 U.S.C. 7323 (b)(2)(B)(i)(I) and 3132(a)(1)(C) to specify that Commission personnel are covered by the Hatch Act and that the Commission is excluded from the Senior Executive Service.

*Sec. 812. Coverage under Inspector General Act of 1978.*

Amends section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) to provide for coverage under that Act.

## **TITLE IX-MISCELLANEOUS PROVISIONS**

*Sec. 901. State defined.*

Defines State to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

*Sec. 902. Audits and repayment of funds.*

Requires recipients of grants or payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. Authorizes each office that makes a grant or payment to audit or examine books, documents, papers and records of any recipient which are deemed pertinent to the grant or payment. Stipulates that the provision applies to all recipients of grants or payments under the Act. Requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. Stipulates that the Election Administration Commission is deemed the office making the grant with respect to General Services grants or payments. Requires that, if the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

*Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.*

Amends the National Voter Registration Act of 1993 to clarify the ability of election officials to remove from the voter registration list the name of an individual who has not responded to a notice from the registrar of voters and who has not voted in two or more consecutive general elections for Federal office.

The minimum standard requires that removal of those deemed ineligible must be done in a manner consistent with the National Voter Registration Act (NVRA). The procedures established by NVRA that guard against removal of eligible registrants remain in effect under this Act. Accordingly, H.R. 3295 leaves NVRA intact, and does not undermine it in any way.

*Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.*

Requires the Attorney General to conduct a review of existing criminal statutes to determine whether additional statutory offenses are needed to secure the use of the Internet in elections and whether existing penalties are adequate with respect to such offenses. Requires the Attorney General to submit a report on that review to the House and Senate Judiciary Committees, the Senate Rules and Administration Committee, and the House Administration Committee.

*Sec. 905. Other criminal penalties.*

Stipulates that individuals who provide false information with respect to registering to vote or voting, or conspire to provide such false information, will be fined, imprisoned, or both in accordance with 42 U.S.C.1973i(c).

*Sec. 906. No effect on other laws.*

Stipulates that nothing in the Act, except as specifically provided in section 303(b), authorizes or requires conduct prohibited by the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act of 1990, or the Rehabilitation Act of 1973; or may be construed to supersede, restrict, or limit those Acts.