

Report for Congress

Received through the CRS Web

Election Reform Legislation: Comparison of House and Senate Versions of H.R. 3295

May 15, 2002

name redacted
Senior Specialist in Science and Technology
Resources, Science, and Industry Division

name redacted
Analyst in American National Government
Government and Finance Division

Election Reform Legislation: Comparison of House and Senate Versions of H.R. 3295

Summary

In the wake of the November 2000 presidential election, Congress, the states, and various commissions have examined election procedures, the reliability and costs of different voting technologies, whether national standards are necessary, and the federal role in the election process. More than 80 bills addressing various aspects of federal election reform have been introduced in the 107th Congress. One bill, H.R. 3295, has passed the House and Senate in different forms and is awaiting conference. The Help America Vote Act (Ney-Hoyer), passed the House on December 12, 2001. The Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002 (Dodd-McConnell), passed the Senate on April 11, 2002.

Both bills establish a new federal commission to replace the Office of Election Administration (OEA) of the Federal Election Commission and also to perform new functions as described in the bills. The House version also establishes two boards, with broad-based membership, under the new commission to address aspects of voting system standards. The Senate version establishes a temporary committee to study Internet voting and related topics.

Both bills provide grants to state and local governments for replacing and improving registration and voting systems and for improvements in election administration. Ney-Hoyer provides \$2.25 billion total through FY2004 in formula matching grants to replace or improve punchcard voting systems and for state election funds for general voting improvements. Dodd-McConnell provides \$3.5 billion total through FY2006 in categorical grants to help states and localities meet the requirements described in the bill, to improve election systems, and to make polling places accessible, with the last two programs requiring matching funds.

Both bills establish federal standards or requirements, but differ in what those standards address and how they are applied. They both require that provisional ballots be made available and that states using voter registration have statewide systems that are accurately maintained. Dodd-McConnell includes requirements for voter identification. With respect to voting systems and technology, both address error correction by voters, accessibility for disabled persons, and auditability. Dodd-McConnell also addresses machine error rate and alternative languages. Ney-Hoyer provides a statutory basis for the voluntary federal voting system standards and for certification of voting systems. It addresses performance benchmarks for state voting systems. It also requires states to develop standards for what constitutes a vote and to implement safeguards for voting by uniformed and overseas voters. Dodd-McConnell requires the federal government to promulgate implementation guidelines for its registration, provisional ballot, and voting system requirements. Ney-Hoyer leaves the specific methods of implementing its standards to the discretion of the states. Both bills would create programs to recruit students to work at the polls on election day and would make several changes in current law relating to military and overseas voters.

Contents

Major Provisions	2
New Agency	2
Grant Programs	2
Standards/Requirements	2
Military and Overseas Voters	3
Poll Worker Recruitment	3
Comparison of House and Senate Versions	3

List of Tables

Table 1. Side-by-Side Comparison of House-Passed and Senate-Passed Versions of H.R. 3295	7
Table 2. Bill Sections by CRS Topic/Subtopic, H.R. 3295	176
Table 3. CRS Topics/Subtopics by Section, House Version of H.R. 3295	180
Table 4. CRS Topics/Subtopics by Section, Senate Version of H.R. 3295	182

Election Reform Legislation: Comparison of House and Senate Versions of H.R. 3295

The November 2000 election may be remembered as a turning point with respect to the nation's election systems. Historically, elections in the United States are administered at the state and local level, and the federal government does not set mandatory standards for voting systems, nor does it provide funding for the administration of elections. However, in the wake of the 2000 election, Congress, the states, and various commissions have examined election procedures, the reliability and costs of different voting technologies, whether national standards are necessary, and the federal role in the election process. Although individual states may adopt reforms as the result of the 2000 election, as some already have, the central question concerns the role of the federal government in reforming the voting process.

More than 80 bills addressing various aspects of federal election reform have been introduced in the 107th Congress. Some would make far-reaching changes to the electoral system, while others would enact more limited changes to specific aspects of the process, such as establishing an election day holiday, modifying the existing law for voting by military personnel and overseas citizens, or changing the National Voter Registration Act.

One bill, H.R. 3295, has passed the House and Senate in different forms and is awaiting conference:

- The Help America Vote Act (Ney-Hoyer), passed the House of Representatives on December 12, 2001, on a vote of 362–63. It had been reported by the House Administration Committee on December 10 (H.Rept. 107-329).
- The Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002 (Dodd-McConnell), passed the Senate on April 11, 2002, on a vote of 99–1. The Senate Rules and Administration Committee had reported S. 565, the Equal Protection of Voting Rights Act, on November 28, 2001. Floor debate on a bipartisan substitute (S.Amdt. 2688) began on February 13, 2002. Forty-one amendments were approved before the bill was passed. The Senate then substituted the text of S. 565 as passed into H.R. 3295, vitiated passage of S. 565, and insisted on a conference.

This report provides a brief description of major provisions in the two bills, followed by a detailed side-by-side comparison of the provisions, using the text as it appears in the bills.

Major Provisions

New Agency. Both bills establish a new federal commission to replace the Office of Election Administration (OEA) of the Federal Election Commission and also to perform new functions as described in the bills. Ney-Hoyer also establishes two boards, with broad-based membership, under this commission to address aspects of voting system standards. Dodd-McConnell establishes a temporary committee to study Internet voting and related topics.

Grant Programs. Both bills provide grants to state and local governments for replacing and improving registration and voting systems and for improvements in election administration. Ney-Hoyer provides \$2.25 billion total through FY2004 in formula matching grants to replace or improve punchcard voting systems (requiring application) and for state election funds for general voting improvements (requiring certification by states that certain conditions have been met). It also provides competitive grants for research and pilot projects. Dodd-McConnell provides \$3.5 billion total through FY2006 in categorical grants (requiring application and approval) to help states and localities meet the requirements described in the bill, to improve election systems, and to make polling places accessible, with the last two programs requiring matching funds.

Standards/Requirements. Both bills establish federal standards or requirements, but differ in what those standards address and how they are applied.

- The requirements in Dodd-McConnell apply specifically to federal elections, while the minimum standards described in Ney-Hoyer apply to state election systems generally.
- Both bills require that provisional ballots be made available, but Dodd-McConnell has more specific provisions.
- Both require that states using voter registration have statewide systems that are accurately maintained, but provisions in Dodd-McConnell are more detailed and include requirements for identification for first-time voters who register by mail.
- With respect to voting systems and technology, both address error correction by voters and accessibility for disabled persons, but provisions in Ney-Hoyer apply only to new voting systems (however, states accepting election fund payments must provide accessibility with current systems). Dodd-McConnell also mandates standards for auditability (a condition for receipt of election fund payments in Ney-Hoyer), machine error rates, and alternative languages. The House bill, in contrast, provides an explicit statutory basis for the current system of voluntary federal standards and for the certification of voting systems. It also requires, as a condition for election fund payments, the establishment of performance benchmarks for state voting systems.
- Ney-Hoyer requires states to develop standards for what constitutes a vote for a given system and to implement safeguards for voting by uniformed and overseas voters. As a condition for election fund payments, it also requires states to provide for voter education and poll worker training.
- Dodd-McConnell requires the U.S. Department of Justice (DOJ) to promulgate implementation guidelines for its registration and provisional

ballot requirements, and for the OEA director to develop the standards for voting systems, with the new agency assuming those responsibilities once it is established. Ney-Hoyer leaves the specific methods of implementing its standards to the discretion of the states.

- Both bills provide for enforcement of requirements through civil action by DOJ.

Military and Overseas Voters. Both bills would make several changes in current law relating to military and overseas voters, mostly aimed at providing safeguards or enhancements for participation by such voters in elections.

Poll Worker Recruitment. Both bills would create programs to recruit college students to serve as nonpartisan poll workers and assistants. Ney-Hoyer would also establish a federally chartered nonprofit corporation to help recruit secondary school students for similar activities.

Comparison of House and Senate Versions

Table 1 below provides a comparison of the two bills using actual bill text; for a comparison using summaries of provisions, see the *CRS Electronic Briefing Book on Election Reform*. Tables 2–4 provide crosswalks to Table 1 by topic and section.

Table 1 is organized by topic and subtopic as identified by CRS, based on a comparative analysis of the bills. Provisions that appear to be comparable or nearly so are juxtaposed to the extent possible, and where a bill has no comparable provision, that is noted. Some readers of this report will be interested in a complete description of all the provisions in each bill that are relevant to a particular topic or subtopic. Therefore, where a provision is relevant to more than one topic or subtopic, it is listed under each. Those repetitions are indicated in the table by square brackets (see below).

Formatting in Table 1 is as follows: Bill text appears in plain roman type. Topics and subtopics identified by CRS are indicated by headings as follows: Top-level headings are in **BOLD CAPS**, second-level in **Bold**, third-level in ***Bold Italics***, and fourth-level in *Italics*. CRS comments and annotations are also in *italics*. Bill text that is repeated is placed in square brackets. That occurs in two situations:

- If subsections of a section are divided between topics or subtopics, the section number is bracketed wherever it appears — e.g., [Sec. 203. (a)]. Additional descriptive text may also be repeated for clarity — e.g., [Sec. 306. Commission personnel matters.].
- If a provision appears under more than one topic in the table, it is bracketed and the other topic where it occurs is indicated in a comment — e.g.,

[Sec. 221 (c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS- The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.] *Sec. 221 (c) also appears below under VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voluntary Standards, p. 83.*

Contents of Table 1, Side-by-Side Comparison of House-Passed and Senate-Passed Versions of H.R. 3295

TITLE OF ACT	7
ELECTION COMMISSION	7
Membership and Appointment of Commissioners	8
Composition and Method of Appointment	8
Qualifications	8
Outside Activities	9
Date of Appointment	9
Term of Appointment	10
Vacancies	10
Chair and Vice Chair	11
Compensation	11
Duties	12
Clearinghouse	12
Standards	13
Grants	16
Help America Vote College Program	16
National Voter Registration Act	17
Review of Election Procedures	17
Studies	17
Powers	27
Hearings	27
Commission Decisions	28
Administrative Support	30
Rulemaking Authority	31
Meetings of the Commission	31
Staff/Personnel	31
Appointment and Compensation	31
Temporary and Intermittent Services	34
Board of Advisors and Standards Board	34
Authorization of Appropriations	35
Standards Board and Board of Advisors	35
Standards Board	35
Board of Advisors	39
Standards and Advisory Boards' Powers	41
Claims Against Boards	42
State and Local Input	43
Advisory Committee on Electronic Voting	44
Transition Provisions	52
Interim Functions of the Federal Election Commission	52
Interim Functions of the Attorney General	53
Interim Functions of the Access Board	54
Federal Election Campaign Act	54
National Voter Registration Act	55
Property, Records, Personnel	55
Applicability of Civil Service Laws	56

Effective Date	57
MANDATORY STANDARDS AND REQUIREMENTS	58
Voting Systems	59
Voter Error	59
Audit Capacity	60
Accessibility for Disabled and Blind Voters	61
Multilingual Capability	62
Machine Error Rates	64
Other Voting System Provisions	64
Provisional Voting	66
Voting Information	69
Voter Registration Systems	69
Establishment of Statewide Voter Registration System/List	70
List Maintenance	70
Identification Requirements for Voters Who Register by Mail	73
What Constitutes a Vote	76
Military/Overseas Voters	77
Standards Enforcement	77
Safe Harbor	77
Effective Dates	78
VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION	79
Voluntary Standards	79
Technical Standards Development Committee	83
Process for Adoption of Voluntary Standards	85
Voting System Testing and Certification	87
Information on Voluntary Standards and Certification	89
GRANT PROGRAMS	90
Election Assistance/Requirements Programs	90
Use of Funds/Authorized Activities	90
Payments/Allocation of Funds	91
Application Process/Conditions for Receipt of Funds	94
Authorization of Appropriations	99
Availability of Funds	100
Reports	100
Audits	101
Effective Date	101
Incentive Program	101
Authorized Activities	109
Punch Card Voting Machine Programs	110
Replacement of Machines	110
Enhancing Performance of Existing Systems	115
Accessibility Program	120
Research and Pilot Programs	125
Research Program	125
Pilot Program	126
Role of National Institute of Standards and Technology	128

Audits	129
Reports	130
National Student/Parent Mock Election Program	130
MILITARY AND OVERSEAS VOTING	132
Voting Assistance Programs	132
Mail Delivery Procedures	137
Designation of Single State Office to Administer Law	139
Standard for Invalidation of Absentee Military Ballots	140
Voters Recently Separated From Military Service	142
States Prohibited From Refusing Registration or Absentee Ballot Applications Due to Early Submission	144
Distribution of Federal Military Voting Laws	145
Simplification of Absentee Application Procedures	145
Registration Rejection Notice	148
Use of Standard Oath	148
Use of Military Installations as Polling Places	150
Report on Absentee Ballots Sent and Received	152
Study on Permanent Registration of Overseas Citizens	154
Study on Prohibiting Notarization Requirements	154
Guarantee of Voting Rights in State and Local Elections	155
Safeguards for Military and Overseas Voters	156
Effective Dates	158
POLL WORKER RECRUITING PROGRAMS	158
Help America Vote College Program	158
Help America Vote Foundation	160
EFFECT ON EXISTING VOTING LAWS	168
CRIMINAL PENALTIES/PROHIBITIONS	169
Fraud Relating to Internet Voting	169
Providing False Information in Registering or Voting	170
Coercing Voters to Cast Votes for Every Office	171
MISCELLANEOUS	171
State Defined	171
Use of Social Security Numbers	172
Curbside Voting	173
Impacts on States	174

Table 1. Side-by-Side Comparison of House-Passed and Senate-Passed Versions of H.R. 3295

House Version of H.R. 3295	Senate Version of H.R. 3295
TITLE OF ACT	
An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.	An Act to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes.
SHORT TITLE OF ACT	
Sec. 1. Short Title; Table of Contents. (a) SHORT TITLE- This Act may be cited as the ‘Help America Vote Act of 2001’.	Section 1. Short Title; Table of Contents. (a) SHORT TITLE- This Act may be cited as the ‘Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002’.
ELECTION COMMISSION	
TITLE II-COMMISSION Subtitle A–Establishment and General Organization PART 1–ELECTION ASSISTANCE COMMISSION Sec. 201. Establishment. There is hereby established as an independent entity in the executive branch the Election Assistance Commission (hereafter in this title referred to as the ‘Commission’), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) under part 2 and the Election Assistance	TITLE III–ADMINISTRATION Subtitle A–Election Administration Commission Sec. 301. Establishment of the Election Administration Commission. There is established the Election Administration Commission (in this subtitle referred to as the ‘Commission’) as an independent establishment (as defined in section 104 of title 5, United States Code).

House Version of H.R. 3295	Senate Version of H.R. 3295
Commission Board of Advisors under part 2.	
Membership and Appointment of Commissioners	
<i>Composition and Method of Appointment</i>	
[Sec. 203.] Membership and appointment. [(a)] MEMBERSHIP- (1) IN GENERAL- The Commission shall have 4 members appointed by the President, by and with the consent of the Senate, of whom— (A) 1 shall be appointed from among a list of nominees submitted by the majority leader of the Senate; (B) 1 shall be appointed from among a list of nominees submitted by the minority leader of the Senate; (C) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives; and (D) 1 shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.	[Sec. 302.] Membership of the Commission. (a) NUMBER AND APPOINTMENT- (1) COMPOSITION- The Commission shall be composed of 4 members appointed by the President, by and with the advice and consent of the Senate. (2) RECOMMENDATIONS- Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.
<i>Qualifications</i>	
[Sec. 203. (a)] (2) QUALIFICATIONS- Each member of the Commission shall have experience with or expertise in election administration or the study of elections, except that no individual may serve as a member of the Commission if the individual is an officer or employee of the Federal Government at any time during the period of service on the Commission.	[Sec. 302. (b)] QUALIFICATIONS- (1) IN GENERAL- Each member appointed under subsection (a) shall be appointed on the basis of— (A) knowledge of—

House Version of H.R. 3295	Senate Version of H.R. 3295
	(i) and experience with, election law; (ii) and experience with, election technology; (iii) and experience with, Federal, State, or local election administration; (iv) the Constitution; or (v) the history of the United States; and (B) integrity, impartiality, and good judgment. (2) PARTY AFFILIATION- Not more than 2 of the 4 members appointed under subsection (a) may be affiliated with the same political party. (3) FEDERAL OFFICERS AND EMPLOYEES- Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.
	<i>Outside Activities</i>
[Sec. 203. (d)] (3) OUTSIDE EMPLOYMENT PERMITTED- A member of the Commission may hold any other office or employment not inconsistent or in conflict with the member's duties, responsibilities, and powers as a member of the Commission.	[Sec. 302. (b)] (4) OTHER ACTIVITIES- No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.
	<i>Date of Appointment</i>
[Sec. 203. (a)] (3) DATE OF APPOINTMENT- The appointments of the members of the Commission shall be made	[Sec. 302.] (c) DATE OF APPOINTMENT- The appointments of the members of the Commission shall be made not later than

House Version of H.R. 3295	Senate Version of H.R. 3295
not later than 30 days after the date of enactment of this Act.	the date that is 90 days after the date of enactment of this Act.
<i>Term of Appointment</i>	
[Sec. 203. (b)] TERM OF SERVICE- (1) IN GENERAL- Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term. (2) TERMS OF INITIAL APPOINTEES- As designated by the President at the time of appointment, of the members first appointed— (A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and (B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.	[Sec. 302. (d)] PERIOD OF APPOINTMENT; VACANCIES- (1) PERIOD OF APPOINTMENT- Members shall be appointed for a term of 6 years, except that, of the members first appointed, 2 of the members who are not affiliated with the same political party shall be appointed for a term of 4 years. Except as provided in paragraph (2), a member may only serve 1 term.
<i>Vacancies</i>	
[Sec. 203. (b)] (3) VACANCIES- (A) IN GENERAL- A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment. (B) EXPIRED TERMS- A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.	[Sec. 302. (d)] (2) VACANCIES- (A) IN GENERAL- A vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment. (B) EXPIRED TERMS- A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a

House Version of H.R. 3295	Senate Version of H.R. 3295
(C) UNEXPIRED TERMS- An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.	member of the Commission. (C) UNEXPIRED TERMS- An individual appointed to fill a vacancy on the Commission occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced. Such individual may be appointed to a full term in addition to the unexpired term for which that individual is appointed.
<i>Chair and Vice Chair</i>	
[Sec. 203.] (c) CHAIR AND VICE CHAIR- The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.	[Sec. 302.] (e) CHAIRPERSON; VICE CHAIRPERSON- (1) IN GENERAL- The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year. (2) NUMBER OF TERMS- A member of the Commission may serve as the chairperson only twice during the term of office to which such member is appointed. (3) POLITICAL AFFILIATION- The chairperson and vice chairperson may not be affiliated with the same political party.
<i>Compensation</i>	
[Sec. 203. (d)] COMPENSATION- (1) IN GENERAL- Members of the Commission shall each be paid at an annual rate equal to \$30,000. (2) TRAVEL EXPENSES- Members of the Commission shall each receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under	[Sec. 306. Commission personnel matters.] (a) COMPENSATION OF MEMBERS- Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

House Version of H.R. 3295	Senate Version of H.R. 3295
subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.	
Duties	
Clearinghouse	
[Sec. 202. Duties. The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by— (1) carrying out the duties described in subtitle B (relating to voluntary election standards);] <i>Sec. 202 (1) also appears below under Standards, p. 13.</i> [(2) carrying out the duties described in subtitle C (relating to election assistance), and providing information and training on the management of the grants provided under such subtitle; and] <i>Sec. 202 (2) also appears below under Grants, p. 16.</i> [(3) developing and carrying out the Help America Vote College Program under title III.] <i>Sec. 202 (3) also appears below under Help America Vote College Program, p. 16.</i> [Sec. 221. (a)] (8) Make information on the Federal election system available to the public and the media. [Sec. 221. (a)] (10) Compile and make available to the public the official certified results of general elections for Federal office and reports comparing the rates of voter registration, voter turnout, voting system functions, and ballot errors among jurisdictions in the United States.	[Sec. 303.] Duties of the Commission. (a) IN GENERAL- The Commission— (1) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to elections for Federal office; (3) shall make available information regarding the Federal election system to the public and media; (4) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout; (5) shall establish an Internet website to facilitate public access, public comment, and public participation in the activities of the Commission, and shall make all information on such website available in print;

House Version of H.R. 3295	Senate Version of H.R. 3295
(11) Gather information and serve as a clearinghouse concerning issues relating to Federal, State, and local elections. [Sec. 225. Dissemination of information. On an ongoing basis, the Commission shall disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out under this subtitle, including— (1) the voluntary election standards adopted by the Commission, together with guidelines for applying the standards and other information to assist in their implementation; (2) the list of laboratories accredited to carry out testing, certification, decertification, and recertification of voting system hardware and software under section 224; and (3) a list of voting system hardware and software products which have been certified pursuant to section 224 as meeting the applicable voluntary standards adopted by the Commission under this subtitle.] <i>Sec. 225 also appears below under</i> VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Information on Voluntary Standards and Certification, p. 89.	
Standards	
[Sec. 202. Duties. The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by— (1) carrying out the duties described in subtitle B (relating to	[Sec. 303. (a) (7) beginning on the transition date (as defined in section 316(a)(2)), shall administer—] (A) the voting systems standards under section 101; (B) the provisional voting requirements under section 102;

House Version of H.R. 3295	Senate Version of H.R. 3295
voluntary election standards);] <i>Sec.202 (1) also appears above under Clearinghouse, p. 12.</i> [Sec. 221. Development of voluntary election standards. (a) IN GENERAL- The Commission shall: (1) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary engineering and procedural performance standards for voting systems used in Federal elections which shall meet the following requirements:] <i>Sec.221 (a) (1) also appears below, in its entirety, under VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voluntary Standards, p. 79.</i> [Sec. 221 (a) (2) Maintain a clearinghouse of information on the experiences of State and local governments in implementing the voluntary standards described in paragraph (1) and in operating voting systems in general. (3) In accordance with section 224, provide for the voluntary testing, certification, decertification, and recertification of voting systems. (4) Advise States and units of local government regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places. Additionally, in accordance with section 223, the Commission shall develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary standards for maintaining and enhancing the accessibility and	(C) the computerized statewide voter registration list requirements and requirements for voters who register by mail under section 103;

House Version of H.R. 3295	Senate Version of H.R. 3295
privacy of registration facilities, polling places, and voting methods with the goal of promoting for all individuals, including the elderly and individuals with disabilities (including blindness), the accessibility of polling places and the effective use of voting systems and voting equipment which provide the opportunity for casting a secure and secret ballot, and shall include in such standards voluntary guidelines regarding accessibility and ease-of-use for States and units of local government to use when obtaining voting equipment and selecting polling places. In carrying out this paragraph, the Commission shall consult with the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) and other individuals and entities with expertise in the accessibility of facilities for individuals with disabilities.] <i>Sec.221 (a) (2)-(4) also appear below under VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voluntary Standards, p. 80.</i> [Sec. 221. (a) (6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uninformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following:] <i>Sec.221 (6) also appears below under VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voluntary Standards, p. 81, along with issues to be addressed.</i>	

House Version of H.R. 3295	Senate Version of H.R. 3295
[Sec. 221 (c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS- The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.] <i>Sec. 221 (c) also appears below under</i> VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voluntary Standards, p. 83.	
Grants	
[Sec. 202. Duties. The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by— (2) carrying out the duties described in subtitle C (relating to election assistance), and providing information and training on the management of the grants provided under such subtitle; and] <i>Sec. 202 (2) also appears above under</i> Clearinghouse, p. 12.	[Sec. 303. (a) (7) beginning on the transition date (as defined in section 316(a)(2)), shall administer—] (D) the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under subtitle A of title II; (E) the Federal Election Reform Incentive Grant Program under subtitle C of title II; and (F) the Federal Election Accessibility Grant Program under subtitle B of title II.
Help America Vote College Program	
[Sec. 202. Duties. The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by— (3) developing and carrying out the Help America Vote College Program under title III.] <i>Sec. 202 (2) also appears above under</i> Clearinghouse, p. 12.	<i>No provision in Title II, but Sec. 508 below, under</i> POLL WORKER RECRUITING PROGRAMS, Help America Vote College Program, p. 158, gives the Commission similar responsibility.

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>National Voter Registration Act</i>	
[Sec. 221. (a)] (7) Carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7) regarding mail voter registration.	[Sec. 303. (a)] (2) shall carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7);
<i>Review of Election Procedures</i>	
[Sec. 221. (a)] (9) At the request of State officials, assist such officials in the review of election or vote counting procedures in Federal elections, through bipartisan panels of election professionals assembled by the Commission for such purpose.	<i>No provision</i>
<i>Studies</i>	
<i>Periodic Studies</i>	
[Sec. 221. (a)] (5) Make periodic studies available to the public regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which— (A) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services, blind and disabled voters, and voters with limited English proficiency; (B) will yield the most accurate, secure, and expeditious system for voting and tabulating election results; (C) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and (D) will be efficient and cost-effective for use. [Sec. 221. (b) ELECTION ADMINISTRATION ISSUES DESCRIBED-]	[Sec. 303. (a)] (6) shall conduct the study on election technology and administration under subsection (b)(1) and submit the report under subsection (b)(2) (<i>probably refers to (b)(3)</i>); and [Sec. 303. (b)] STUDIES AND REPORTS ON ELECTION TECHNOLOGY AND ADMINISTRATION-

House Version of H.R. 3295	Senate Version of H.R. 3295
The election administration issues described in this subsection are as follows: (1) Current and alternate methods and mechanisms of voting and counting votes in elections for Federal office. (2) Current and alternate ballot designs for elections for Federal office. (3) Current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site. (4) Current and alternate methods of conducting provisional voting. (5) Current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including disabled voters and voters with limited English proficiency. (6) Current and alternate methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.	(2) STUDIES- The Commission shall conduct periodic studies of— (A) methods of election technology and voting systems in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems; (B) ballot designs for elections for Federal office; (C) methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including blind and disabled voters, and voters with limited proficiency in the English language; (D) nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office; (E) methods of voter intimidation;

House Version of H.R. 3295	Senate Version of H.R. 3295
(7) Current and alternate methods of recruiting and improving the performance of poll workers. (8) Federal and State laws governing the eligibility of persons to vote. (9) Current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections. (10) Matters particularly relevant to voting and administering elections in rural and urban areas. (11) Conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time. (12) The ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.	(F) the recruitment and training of poll workers; (G) the feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing election day as a Federal holiday; (H) ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance; (I)(i) the laws and procedures used by each State that govern— (I) recounts of ballots cast in elections for Federal office; (II) contests of determinations regarding whether votes are counted in such elections; and (III) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections

House Version of H.R. 3295	Senate Version of H.R. 3295
	for Federal office; (ii) the best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i); and (iii) whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office; (J) such other matters as the Commission determines are appropriate; and (K) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient. (3) REPORTS- The Commission shall submit to the President and Congress a report on each study conducted under paragraph (2) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.
	<i>First-Time Voters Who Register by Mail</i>
<i>No provision</i>	[Sec. 303. (b)] (1) STUDY OF FIRST TIME VOTERS WHO REGISTER BY MAIL- (A) STUDY- (i) IN GENERAL- The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail. (ii) SPECIFIC ISSUES STUDIED- The study conducted under clause (i) shall include--

House Version of H.R. 3295	Senate Version of H.R. 3295
	(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration; (II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and (III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card. (B) REPORT- Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.
Sec. 262. (b) REPORT ON HUMAN FACTOR RESEARCH- Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems,	<i>Human Factors Research</i> <i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
including methods to improve access for individuals with disabilities (including blindness) and to reduce voter error and the number of spoiled ballots in elections.	
<i>Free Absentee Ballot Postage</i>	
<i>No provision</i>	Sec. 507. Study and report on free absentee ballot postage (a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM- (1) IN GENERAL- The Election Administration Commission established under section 301 shall conduct a study on the feasibility and advisability of the establishment by the Federal Election Commission and the Postal Service of a program under which the Postal Service shall waive the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters. (2) PUBLIC SURVEY- As part of the study conducted under paragraph (1), the Election Administration Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program. (b) REPORT- (1) SUBMISSION- Not later than the date that is 1 year after the date of enactment of this Act, the Election Administration Commission shall submit to Congress a report on the study

House Version of H.R. 3295	Senate Version of H.R. 3295
	conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate. (2) COSTS- The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1). (3) IMPLEMENTATION- The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots submitted in the general election for Federal office held in 2004. (4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED- The report submitted under paragraph (1) shall– (A) include recommendations of the Federal Election Commission on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and (B) identify methods to increase the number of such individuals who vote in elections for Federal office. (c) POSTAL SERVICE DEFINED- The term ‘Postal Service’ means the United States Postal Service established under section 201 of title 39, United States Code.
	<i>Election Day Holiday</i>
<i>No provision</i>	Sec. 511. Election day holiday study. (a) IN GENERAL- In carrying out its duty under section

House Version of H.R. 3295	Senate Version of H.R. 3295
	303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the advisability of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President, or of establishing uniform weekend voting hours. (b) FACTORS CONSIDERED- In conducting that study, the Commission shall take into consideration the following factors: (1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well-below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of non-voters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule. (2) One of the recommendations of the National Commission on Election Reform led by former President’s Carter and Ford is ‘Congress should enact legislation to hold presidential and congressional elections on a national holiday’. Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal Government or on the weekends, may allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday. (3) Holding elections on a holiday or weekend could allow more working people to vote more easily, potentially increasing voter turnout. It could increase the pool of available poll workers and make public buildings more available for use as

House Version of H.R. 3295	Senate Version of H.R. 3295
	polling places. Holding elections over a weekend could provide flexibility needed for uniform polling hours. (4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Any new voting day options should be sensitive to the religious observances of voters of all faiths and to our Nation's veterans.
	<i>Broadcasting False Information</i> <i>No provision</i> Sec. 513. Broadcasting false election information. In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of Federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.
	<i>Military/Overseas Voters</i> <i>No provision</i> [Sec. 409. Study and report on the development of a standard oath for use with overseas voting materials. (a) STUDY - The Election Administration Commission established under section 301 (in this section referred to as the 'Commission'), shall conduct a study on the feasibility and advisability of— (1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

House Version of H.R. 3295	Senate Version of H.R. 3295
	(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1). (b) REPORT- The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.]<i>Sec. 409 also appears below under MILITARY AND OVERSEAS VOTING, Use of Standard Oath, p. 148.</i> [Sec. 406. Study and report on permanent registration of overseas voters; distribution of overseas voting information by a single State office; study and report on expansion of single State office duties. (a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS- (1) STUDY- The Election Administration Commission established under section 301 (in this subsection referred to as the ‘Commission’), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279) and this title. (2) REPORT- The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.] <i>Sec. 406 also appears below under MILITARY AND OVERSEAS VOTING, Study on Permanent Registration of Overseas</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
	Citizens, p. 154. [Sec. 410. Study and report on prohibiting notarization requirements. (a) STUDY- The Election Administration Commission established under section 301 (in this section referred to as the ‘Commission’), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uninformed services voter or overseas voter on the grounds that the document involved is not notarized. (b) REPORT- The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.]<i>Sec. 410 also appears above under MILITARY AND OVERSEAS VOTING, Study on Prohibiting Notarization Requirements, p. 154.</i>
	Powers
	Hearings
[Sec. 205.] Powers. (a) HEARINGS AND SESSIONS- The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.	[Sec. 305.] Powers of the Commission. (a) HEARINGS- The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths as the Commission or such subcommittee or member considers advisable.

House Version of H.R. 3295	Senate Version of H.R. 3295
Commission Decisions	
[Sec. 223 (c) FINAL APPROVAL- (1) IN GENERAL- A voluntary standard described in subsection (a) (or modification of such a standard) shall not be considered to be finally adopted by the Commission unless the majority of the members of the Commission vote to approve the final adoption of the standard (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b). (2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS- The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).] <i>Sec. 223 (c) also appears below under VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Process for Adoption of Voluntary Standards, p. 86 .</i> [Sec. 224 (b) (2) APPROVAL BY COMMISSION- The Commission shall vote on the proposed accreditation of each laboratory on the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a majority vote of the members of the Commission.] <i>Sec. 224 (b) (2) also appears below under VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voting System Testing and Certification, p. 88.</i>	[Sec. 305.] (b) VOTING- (1) IN GENERAL- Each action of the Commission shall be approved by a majority vote of the members of the Commission and each member of the Commission shall have 1 vote. (2) SPECIAL RULES- (A) UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS- (i) ADOPTION OR REVISION OF STANDARDS AND GUIDELINES- If standards or guidelines have been promulgated under section 101, 102, or 103 as of the transition date (as defined in section 316(a)(2)), not later than 30 days after the transition date, the Commission shall— (I) adopt such standards or guidelines by a majority vote of the members of the Commission; or (II) promulgate revisions to such standards or guidelines and such revisions shall take effect only upon the approval of a majority of the members of the Commission. (ii) ESTABLISHMENT OF STANDARDS AND GUIDELINES- (I) If standards or guidelines have not been promulgated under section 101, 102, or 103 as of the transition date (as defined in section 316(a)(2)), the Commission shall promulgate such standards or guidelines not later than the date described in

House Version of H.R. 3295	Senate Version of H.R. 3295
	subclause (II) and such standards or guidelines shall take effect only upon the approval of a majority of the members of the Commission. (II) The date described this subclause is the later of— (aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or (bb) the date that is 30 days after the transition date (as defined in section 316(a)(2)). (B) GRANT PROGRAMS- (i) APPROVAL OR DENIAL- The grants shall be approved or denied under sections 204, 213, and 223 by a majority vote of the members of the Commission not later than the date that is 30 days after the date on which the application is submitted to the Commission under section 203, 212, or 222. (ii) ADOPTION OR REVISION OF GENERAL POLICIES AND CRITERIA- If general policies and criteria for the approval of applications have been established under section 204, 213, or 223 as of the transition date (as defined in section 316(a)(2)), not later than 30 days after the transition date, the Commission shall— (I) adopt such general policies and criteria by a majority vote of the members of the Commission; or (II) promulgate revisions to such general policies and criteria and such revisions shall take effect only upon the approval of a majority of the members of the Commission.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(iii) ESTABLISHMENT OF GENERAL POLICIES AND CRITERIA- (I) If general policies and criteria for the approval of applications have been established under section 204, 213, or 223 as of the transition date (as defined in section 316(a)(2)), the Commission shall promulgate such general policies and criteria not later than the date described in subclause (II) and such general policies and criteria shall take effect only upon the approval of a majority of the members of the Commission. (II) The date described this subclause is the later of— (aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or (bb) the date that is 30 days after the transition date (as defined in section 316(a)(2)).
	<i>Administrative Support</i> [Sec. 205.] (b) INFORMATION FROM FEDERAL AGENCIES- The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission. (c) POSTAL SERVICES- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government. (d) ADMINISTRATIVE SUPPORT SERVICES- Upon the [Sec. 305.] (c) INFORMATION FROM FEDERAL AGENCIES- The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission. (d) POSTAL SERVICES- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

House Version of H.R. 3295	Senate Version of H.R. 3295
request of the Chair of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act. (e) CONTRACTS- The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).	
<i>Rulemaking Authority</i>	
Sec. 206. Limitation on rulemaking authority. The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993.	<i>No provision</i>
Meetings of the Commission	
<i>No provision</i>	Sec. 304. Meetings of the Commission. The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.
Staff/Personnel	
<i>Appointment and Compensation</i>	
[Sec. 204.] Staff. (a) EXECUTIVE DIRECTOR AND OTHER STAFF-	[Sec. 306. Commission personnel matters.](b) STAFF-

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) IN GENERAL- The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule. (4) OTHER STAFF- Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate. <i>(No specific provisions for General Counsel)</i> (5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS- The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule. (2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR- Except as provided in paragraph (3)(C), the Executive Director shall serve for a term of 4 years. An Executive Director may be reappointed for additional terms. (3) PROCEDURE FOR APPOINTMENT-	(3) COMPENSATION- The Commission may fix the compensation of the Executive Director, General Counsel, and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director, General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title. (C) TERM- The term of the Executive Director and the General Counsel shall be for a period of 6 years. An individual may not serve for more than 2 terms as the Executive Director or the General Counsel. The appointment of an individual with respect to each term shall be approved by a majority of the members of the Commission. (D) CONTINUANCE IN OFFICE- Notwithstanding subparagraph (C), the Executive Director and General Counsel shall continue in office until a successor is appointed under paragraph (1). (1) APPOINTMENT AND TERMINATION- Subject to paragraph (2), the Commission may, without regard to the

House Version of H.R. 3295	Senate Version of H.R. 3295
(A) IN GENERAL- When a vacancy exists in the position of the Executive Director, the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors (described in part 2) shall each appoint a search committee to recommend not fewer than 3 nominees for the position. (B) REQUIRING CONSIDERATION OF NOMINEES- Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director. (C) SPECIAL RULES FOR FIRST EXECUTIVE DIRECTOR- (i) CONVENING OF SEARCH COMMITTEES- The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members. (ii) INTERIM INITIAL APPOINTMENT- Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as the first Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the first Executive Director from serving any additional term.	provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an Executive Director, a General Counsel, and such other personnel as may be necessary to enable the Commission to perform its duties. (2) EXECUTIVE DIRECTOR; GENERAL COUNSEL- (A) APPOINTMENT AND TERMINATION- The appointment and termination of the Executive Director and General Counsel under paragraph (1) shall be approved by a majority of the members of the Commission. (B) INITIAL APPOINTMENT- Beginning on the transition date (as defined in section 316(a)(2)), the Director of the Office of Election Administration of the Federal Election Commission shall serve as the Executive Director of the Commission until such date as a successor is appointed under paragraph (1).

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>Temporary and Intermittent Services</i>	
[Sec. 204.] (b) EXPERTS AND CONSULTANTS- Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, with the approval of a majority of the members of the Commission. (c) STAFF OF FEDERAL AGENCIES- Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.	[Sec. 306] (c) DETAIL OF GOVERNMENT EMPLOYEES- Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. (d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.
<i>Board of Advisors and Standards Board</i>	
[Sec. 204.] (d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD- At the request of the Election Assistance Commission Board of Advisors or the Election Assistance Commission Standards Board established under part 2, the Executive Director shall enter into such arrangements as the Executive Director considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission). (e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS- In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Election Assistance Commission Board of Advisors	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
and the Election Assistance Commission Standards Board established under part 2.	
Authorization of Appropriations	
Sec. 207. Authorization of appropriations. In addition to the amounts authorized for payments and grants under subtitle C and the amounts authorized to be appropriated for the program under section 303, there are authorized to be appropriated for each of the fiscal years 2002 through 2004 such sums as may be necessary (but not to exceed \$10,000,000 for each such year) for the Commission to carry out its duties under this title.	Sec. 307. Authorization of appropriations. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subtitle.
Standards Board and Board of Advisors	
Standards Board	
Part 2–Election Assistance Commission Standards Board and Board of Advisors Sec. 211. Establishment. There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the ‘Standards Board’) and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the ‘Board of Advisors’). Sec. 212. Duties. The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in section 223, review any of the voluntary engineering and procedural performance standards described in section 221(a)(1), any of the voluntary standards described in section 221(a)(4), and any	<i>No provision, but see Sec. 506 below under State and Local Input, p. 43.</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
of the voluntary election management practice standards described in section 221(a)(6) (and any modifications to such standards) which are recommended by the Commission under subtitle B. Sec. 213. Membership of Standards Board. (a) COMPOSITION- (1) IN GENERAL- Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows: (A) 55 shall be State election officials selected by the chief State election officials of each State. (B) 55 shall be local election officials selected in accordance with paragraph (2). (2) LIST OF LOCAL ELECTION OFFICIALS- Each State's local election officials shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official. (3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED- The 2 members of the Standards Board who represent the same State may not be members of the same political party.	

House Version of H.R. 3295	Senate Version of H.R. 3295
(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT- (1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION- Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to chair of the Federal Election Commission containing– (A) a statement that the selected State election official agrees to serve on the Standards Board under this title; and (B) the name of the representative local election official from the State selected under subsection (a)(2) who will serve on the Standards Board under this title. (2) CERTIFICATION- Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title. (3) EFFECT OF FAILURE TO PROVIDE NOTICE- If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the Executive Board under subsection (c). (4) ROLE OF COMMISSION- Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.	

House Version of H.R. 3295	Senate Version of H.R. 3295
(c) EXECUTIVE BOARD - (1) IN GENERAL- Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom— (A) not more than 5 may be State election officials; (B) not more than 5 may be local election officials; and (C) not more than 5 may be members of the same political party. (2) TERMS- Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms. (3) STAGGERING OF INITIAL TERMS- Of the members first selected to serve on the Executive Board of the Standards Board— (A) 3 shall serve for one term; (B) 3 shall serve for 2 consecutive terms; and (C) 3 shall serve for 3 consecutive terms, as determined by lot at the time the members are first appointed. (4) DUTIES- In addition to any other duties assigned under this	

House Version of H.R. 3295	Senate Version of H.R. 3295
title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.	
<i>Board of Advisors</i>	<i>Board of Advisors</i>
Sec. 214. Membership of Board of Advisors. (a) IN GENERAL- The Board of Advisors shall be composed of 25 members appointed as follows: (1) 2 members appointed by the United States Commission on Civil Rights. (2) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792). (3) 2 members appointed by the National Governors Association. (4) 2 members appointed by the National Conference of State Legislatures. (5) 2 members appointed by the National Association of Secretaries of State. (6) 2 members appointed by the National Association of State Election Directors. (7) 2 members appointed by the National Association of Counties. (8) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.	<i>No provision, but see Sec. 506 below under State and Local Input, p. 43.</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
(9) 2 members appointed by the United States Conference of Mayors. (10) 2 members appointed by the Election Center. (11) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers. (12) 2 members representing professionals in the field of science and technology, of whom 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the majority leader of the Senate (or, if the majority leader is a member of the same political party as the Speaker, by the minority leader of the Senate). (13) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee. (b) DIVERSITY IN APPOINTMENTS- Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States. (c) TERM OF SERVICE; VACANCY - Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made. (d) CHAIR- The Board of Advisors shall elect a Chair from among its members.	

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>Standards and Advisory Boards' Powers</i>	
Sec. 215. Powers of boards; no compensation for service. (a) HEARINGS AND SESSIONS- (1) IN GENERAL- To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence. (2) MEETINGS- The Standards Board and the Board of Advisors shall each hold a meeting of its members-- (A) not less frequently than once every year for purposes of voting on the standards referred to it under section 223; (B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and (C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title. (b) INFORMATION FROM FEDERAL AGENCIES- The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board. (c) POSTAL SERVICES- The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government. (d) ADMINISTRATIVE SUPPORT SERVICES- Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title. (e) NO COMPENSATION FOR SERVICE- Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.	
Claims Against Boards	
Sec. 216. Status of boards and members for purposes of claims against board. (a) IN GENERAL- The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
in the course of the duties and responsibilities of the Board. (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT- Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.	
State and Local Input	State and Local Input
<i>No provision, but see Standards Board and Board of Advisors above, p. 35.</i>	Sec. 506. Sense of the Senate regarding State and local input into changes made to the electoral process. (a) FINDINGS- Congress finds the following: (1) Although Congress has the responsibility to ensure that our citizens' right to vote is protected, and that votes are counted in a fair and accurate manner, States and localities have a vested interest in the electoral process. (2) The Federal Government should ensure that States and localities have some say in any election mandates placed upon the States and localities. (3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials. (b) SENSE OF THE SENATE- It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

House Version of H.R. 3295	Senate Version of H.R. 3295
Advisory Committee on Electronic Voting	
<i>No provision, but Sec. 221 (b) (1) provides for periodic study of “alternate methods of voting.” See ELECTION COMMISSION, Duties, above, p. 17.</i>	Subtitle C–Advisory Committee on Electronic Voting and the Electoral Process Sec. 321. Establishment of Committee. (a) ESTABLISHMENT- There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the ‘Committee’). (b) MEMBERSHIP- (1) COMPOSITION- The Committee shall be composed of 16 members as follows: (A) FEDERAL REPRESENTATIVES- Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative. (B) INTERNET REPRESENTATIVES- Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security). (C) STATE AND LOCAL REPRESENTATIVES- Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

House Version of H.R. 3295	Senate Version of H.R. 3295
	(D) PRIVATE SECTOR REPRESENTATIVES- Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech). (2) APPOINTMENTS- Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner: (A) SENATE MAJORITY LEADER- Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C). (B) SENATE MINORITY LEADER- Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C). (C) SPEAKER OF THE HOUSE- Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C). (D) HOUSE MINORITY LEADER- Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C). (E) SENATE MAJORITY AND HOUSE MINORITY JOINTLY- Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and

House Version of H.R. 3295	Senate Version of H.R. 3295
	the Minority Leader of the House of Representatives. (F) HOUSE MAJORITY AND SENATE MINORITY JOINTLY- Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate. (3) DATE- The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act. (c) PERIOD OF APPOINTMENT; VACANCIES- Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment. (d) INITIAL MEETING- Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting. (e) MEETINGS- (1) IN GENERAL- The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee. (2) NOTICE- Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register. (3) OPEN MEETINGS- Each Committee meeting shall be open to the public. (f) QUORUM- Eight members of the Committee shall

House Version of H.R. 3295	Senate Version of H.R. 3295
	constitute a quorum, but a lesser number of members may hold hearings. (g) CHAIRPERSON- The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee. (h) ADDITIONAL RULES- The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee. Sec. 322. Duties of the Committee. (a) STUDY- (1) IN GENERAL- The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process. (2) ISSUES TO BE STUDIED- The Committee may include in the study conducted under paragraph (1) an examination of— (A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote; (B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral

House Version of H.R. 3295	Senate Version of H.R. 3295
	process; (C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections; (D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies; (E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot; (F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems); (G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities; (H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

House Version of H.R. 3295	Senate Version of H.R. 3295
	(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections. (b) REPORT- (1) TRANSMISSION- Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee. (2) APPROVAL OF REPORT- Any finding or recommendation included in the report shall be agreed to by at least 2/3 of the members of the Committee serving at the time the finding or recommendation is made. (3) INTERNET POSTING- The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5). Sec. 323. Powers of the Committee. (a) HEARINGS- (1) IN GENERAL- The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle. (2) OPPORTUNITIES TO TESTIFY- The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify

House Version of H.R. 3295	Senate Version of H.R. 3295
	at hearings. (b) INFORMATION FROM FEDERAL AGENCIES- The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee. (c) POSTAL SERVICES- The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government. (d) GIFTS- (1) IN GENERAL- The Committee may accept, use, and dispose of gifts or donations of services or property. (2) UNUSED GIFTS- Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor. Sec. 324. Committee personnel matters. (a) COMPENSATION OF MEMBERS- Each member of the Committee shall serve without compensation. (b) TRAVEL EXPENSES- The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee. (c) STAFF-

House Version of H.R. 3295	Senate Version of H.R. 3295
	(1) IN GENERAL- The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee. (2) COMPENSATION- The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title. (3) PERSONNEL AS FEDERAL EMPLOYEES- (A) IN GENERAL- The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title. (B) MEMBERS OF COMMITTEE- Subparagraph (A) shall not be construed to apply to members of the Committee. (d) DETAIL OF GOVERNMENT EMPLOYEES- Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. (e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The Chairperson of the Committee may procure temporary and intermittent services

House Version of H.R. 3295	Senate Version of H.R. 3295
	under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title. Sec. 325. Termination of the Committee. The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1). Sec. 326. Authorization of appropriations. (a) IN GENERAL- There are authorized to be appropriated to carry out this subtitle not less than \$2,000,000 from the funds appropriated under section 307. (b) AVAILABILITY- Any sums appropriated under the authorization contained in this subtitle shall remain available, without fiscal year limitation, until expended.
	Transition Provisions
TITLE VII–TRANSITION PROVISIONS Subtitle A–Transfer to Commission of Functions Under Certain Laws	Subtitle B–Transition Provisions
	<i>Interim Functions of the Federal Election Commission</i>
<i>No provision</i>	[Sec. 311.] Equal Protection of Voting Rights Act of 2001. (a) TRANSFER OF CERTAIN FUNCTIONS OF FEDERAL ELECTION COMMISSION- There are transferred to the Election Administration Commission established under section 301 all functions of the Federal Election Commission under section 101 and under subtitles A and B of title II before the transition date (as defined in section 316(a)(2)).

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>Interim Functions of the Attorney General</i>	
<i>No provision</i>	[Sec. 311.] (b) TRANSFER OF CERTAIN FUNCTIONS OF THE ATTORNEY GENERAL- (1) TITLE I FUNCTIONS- There are transferred to the Election Administration Commission established under section 301 all functions of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under sections 102 and 103 before the transition date (as defined in section 316(a)(2)). (2) GRANTMAKING FUNCTIONS- (A) IN GENERAL- Except as provided in paragraph (2), there are transferred to the Election Administration Commission established under section 301 all functions of the Attorney General, the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice, and the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under subtitles A, B, and C of title II before the transition date (as defined in section 316(a)(2)). (B) EXCEPTION- The functions of the Attorney General relating to the review of State plans under section 204 and the certification requirements under section 213 shall not be transferred under paragraph (1). (3) ENFORCEMENT- The Attorney General shall remain responsible for any enforcement action required under this Act, including the enforcement of the voting systems standards through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under section 104

House Version of H.R. 3295	Senate Version of H.R. 3295
	and the criminal penalties under section 502.
<i>Interim Functions of the Access Board</i>	
<i>No provision</i>	[Sec. 311.] (c) TRANSFER OF CERTAIN FUNCTIONS OF THE ACCESS BOARD- There are transferred to the Election Administration Commission established under section 301 all functions of the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) under section 101 and under subtitles A, B, and C of title II before the transition date (as defined in section 316(a)(2)), except that— (1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and (2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.
<i>Federal Election Campaign Act</i>	
Sec. 701. Federal Election Campaign Act of 1971. (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION- There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act. (b) CONFORMING AMENDMENT- Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is	Sec. 312. Federal Election Campaign Act of 1971. (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION- There are transferred to the Election Administration Commission established under section 301 all functions of the Director of the Office of the Election Administration of the Federal Election Commission before the transition date (as defined in section 316(a)(2)). (b) CONFORMING AMENDMENT- Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

House Version of H.R. 3295	Senate Version of H.R. 3295
amended— (1) in paragraph (8), by inserting ‘and’ at the end; (2) in paragraph (9), by striking ‘; and’ and inserting a period; and (3) by striking paragraph (10) and the second and third sentences.	(1) in paragraph (8), by inserting ‘and’ at the end; (2) in paragraph (9), by striking ‘; and’ and inserting a period; and (3) by striking paragraph (10) and the second and third sentences.
National Voter Registration Act	
Sec. 702. National Voter Registration Act of 1993. (a) TRANSFER OF FUNCTIONS- There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act. (b) CONFORMING AMENDMENT- Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by striking ‘Federal Election Commission’ and inserting ‘Election Assistance Commission’.	Sec. 313. National Voter Registration Act of 1993. (a) TRANSFER OF FUNCTIONS- There are transferred to the Election Administration Commission established under section 301 all functions of the Federal Election Commission under the National Voter Registration Act of 1993 before the transition date (as defined in section 316(a)(2)). (b) CONFORMING AMENDMENT- For purposes of section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)), the reference to the Federal Election Commission shall be deemed to be a reference to the Election Administration Commission.
Property, Records, Personnel	
Sec. 703. Transfer of property, records, and personnel. (a) PROPERTY AND RECORDS- The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.	Sec. 314. Transfer of property, records, and personnel. (a) PROPERTY AND RECORDS- The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission for appropriate allocation.

House Version of H.R. 3295	Senate Version of H.R. 3295
(b) PERSONNEL- (1) IN GENERAL- The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission. (2) EFFECT- Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.	(b) PERSONNEL- The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission.
<i>Applicability of Civil Service Laws</i>	
Subtitle B–Coverage of Commission Under Certain Laws and Programs Sec. 711. Treatment of Commission personnel under certain civil service laws. (a) COVERAGE UNDER HATCH ACT- Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ‘or the Election Assistance Commission’ after ‘Commission’. (b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE- Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ‘or the Election Assistance Commission’ after ‘Commission’. Sec. 712. Coverage under Inspector General Act of 1978. (a) IN GENERAL- Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ‘the Election Assistance Commission,’ after ‘Federal Election	Sec. 315. Coverage of Election Administration Commission under certain laws and programs. (a) TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS- (1) COVERAGE UNDER HATCH ACT- Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ‘or the Election Administration Commission’ after ‘Commission’. (2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE- Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ‘or the Election Administration Commission’ after ‘Commission’. (b) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978- Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ‘ the Election Administration Commission,’ after ‘Federal Election

House Version of H.R. 3295	Senate Version of H.R. 3295
Commission, ' . (b) EFFECTIVE DATE- The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.	Commission, ' .
<i>Effective Date</i>	
Sec. 704. Effective date; transition. (a) EFFECTIVE DATE- This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203. (b) TRANSITION- With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.	Sec. 316. Effective date; transition. (a) EFFECTIVE DATE- (1) IN GENERAL- This subtitle and the amendments made by this subtitle shall take effect on the transition date (as defined in paragraph (2)). (2) TRANSITION DATE DEFINED- In this section, the term 'transition date' means the earlier of— (A) the date that is 1 year after the date of enactment of this Act; or (B) the date that is 60 days after the first date on which all of the members of the Election Administration Commission have been appointed under section 302. (b) TRANSITION- With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

House Version of H.R. 3295	Senate Version of H.R. 3295
MANDATORY STANDARDS FOR STATE ELECTION SYSTEMS	MANDATORY STANDARDS AND REQUIREMENTS
TITLE V – MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS Sec. 501. Minimum standards for State election systems. (a) IN GENERAL– The chief State election official of each State shall certify in writing to the Election Assistance Commission that— (1) in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans With Disabilities Act of 1990; and (2) the State has enacted legislation to enable the State to meet each of the minimum standards for State election systems described in section 502. (b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE– The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a)(2) shall be left to the discretion of the State. (c) CHIEF STATE ELECTION OFFICIAL DEFINED– In this title, the ‘chief State election official’ of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the State’s responsibilities under such Act. [Sec. 502.] Standards described.	TITLE I – UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS Sec. 105. Minimum Standards. The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 509.

House Version of H.R. 3295	Senate Version of H.R. 3295
The minimum standards for State election systems described in this section are as follows:	
Voting Systems	
<i>Voter Error</i>	
[Sec. 502.] (7) If the State uses voting systems which give voters the opportunity to correct errors, the State shall ensure that voters are able to check for and correct errors under conditions which assure privacy. States, and units of local government within the States, procuring new voting machines within their jurisdiction, except for States and units replacing or supplementing existing equipment (within the same voting system), shall ensure that the new voting system gives voters the opportunity to correct errors before the vote is cast.	[Sec. 101.] Voting systems standards. (a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements: (1) IN GENERAL- (A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall— (i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted; (ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and (iii) if the voter selects votes for more than 1 candidate for a single office, the voting system shall— (I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

House Version of H.R. 3295	Senate Version of H.R. 3295
	(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted. (B) A State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (including mail-in absentee ballots or mail-in ballots), may meet the requirements of subparagraph (A) by— (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and (ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error). (C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.
	<i>Audit Capacity</i>
<i>No provision</i>	[Sec. 101. (a)] (2) AUDIT CAPACITY- (A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system. (B) MANUAL AUDIT CAPACITY- (i) PERMANENT PAPER RECORD- The voting system shall produce a permanent paper record with a manual audit capacity for such system.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(ii) CORRECTION OF ERRORS- The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. (iii) OFFICIAL RECORD FOR RECOUNTS- The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.
<i>Accessibility for Disabled and Blind Voters</i> [Sec. 502.] (6) The State requires new voting systems to provide a practical and effective means for voters with physical disabilities (including blindness) to cast a secret ballot. <i>A related provision appears as a condition for receiving formula grant funds:</i> [Sec. 233. Conditions for receipt of funds. (a) IN GENERAL- In order to receive an Election Fund payment for a fiscal year, the chief State election official of the State shall provide the Commission with the following certifications: (4) A certification that— (A) in each precinct or polling place in the State, there is at least one voting system available which is fully accessible to individuals with physical disabilities (including blindness); and (B) if the State uses any portion of its Election Fund payment to obtain new voting machines, at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities (including blindness).]	[Sec. 101 (a)] (3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall— (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; (B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and (C) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>Sec. 233. (a) (4) also appears below under GRANT PROGRAMS, Election Assistance/Requirements Programs, p. 94.</i>	
<i>Multilingual Capability</i>	
<i>No provision</i>	[Sec. 101 (a)] (4) MULTILINGUAL VOTING MATERIALS- (A) IN GENERAL- Except as provided in subparagraph (B), the voting system shall provide alternative language accessibility— (i) with respect to a language other than English in a State or jurisdiction if, as determined by the Director of the Bureau of the Census— (D)(aa) at least 5 percent of the total number of voting-age citizens who reside in such State or jurisdiction speak that language as their first language and who are limited-English proficient; or (bb) there are at least 10,000 voting-age citizens who reside in that jurisdiction who speak that language as their first language and who are limited-English proficient; and (II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate; or (ii) with respect to a language other than English that is spoken by Native American or Alaskan native citizens in a jurisdiction that contains all or any part of an Indian reservation if, as determined by the Director of the Bureau of the Census— (I) at least 5 percent of the total number of citizens on the

House Version of H.R. 3295	Senate Version of H.R. 3295
	reservation are voting-age Native American or Alaskan native citizens who speak that language as their first language and who are limited-English proficient; and (II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate. (B) EXCEPTIONS- (i) If a State meets the criteria of item (aa) of subparagraph (A)(i)(I) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if— (I) less than 5 percent of the total number of voting-age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and (II) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language. (ii) A State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under the preceding provisions of this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirements of this paragraph with respect to such additional language by providing alternative language accessibility through the voting systems used to meet the requirement of paragraph (3)(B) if— (I) it is not practicable to add the alternative language to the lever voting system or the addition of the language would cause

House Version of H.R. 3295	Senate Version of H.R. 3295
	the voting system to become more confusing or difficult to read for other voters; (II) the State or locality has filed a request for a waiver with the Office of Election Administration of the Federal Election Commission or, after the transition date (as defined in section 316(a)(2)), with the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (3)(B) would provide alternative language accessibility; and (III) the Office of Election Administration or the Election Administration Commission (as appropriate) has approved the request filed under subclause (II).
	<i>Machine Error Rates</i> [Sec. 101 (a)] (5) ERROR RATES- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).
	<i>Other Voting System Provisions</i> [Sec. 101.] (b) VOTING SYSTEM DEFINED- In this section, the term ‘voting system’ means— (1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—
<i>No provision</i>	[Sec. 101.] (b) VOTING SYSTEM DEFINED- In this section, the term ‘voting system’ means— (1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

House Version of H.R. 3295	Senate Version of H.R. 3295
	(A) to define ballots; (B) to cast and count votes; (C) to report or display election results; and (D) to maintain and produce any audit trail information; (2) the practices and associated documentation used— (A) to identify system components and versions of such components; (B) to test the system during its development and maintenance; (C) to maintain records of system errors and defects; (D) to determine specific system changes to be made to a system after the initial qualification of the system; and (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots). [Sec. 101 (c) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION- (1) IN GENERAL- Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of

House Version of H.R. 3295	Senate Version of H.R. 3295
	such Office so that such standards meet the requirements established under subsection (a). (2) QUADRENNIAL REVIEW- The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board and the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.]<i>Sec. 101 (c) also appears below under</i> VOLUNTARY STANDARDS AND CERTIFICATION OF VOTING SYSTEMS, Voluntary Standards, p. 79. (d) CONSTRUCTION- Nothing in this section shall require a jurisdiction to change the voting system or systems (including paper balloting systems, including in-person, absentee, and mail-in paper balloting systems, lever machine systems, punchcard systems, optical scanning systems, and direct recording electronic systems) used in an election in order to be in compliance with this Act.
Provisional Voting	Provisional Voting
[Sec. 502.] (3) The State permits, by the deadline required under section 504(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, or has adopted an alternative which achieves the same objective, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail.	[Sec. 102.] Provisional voting and voting information requirements (a) REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

House Version of H.R. 3295	Senate Version of H.R. 3295
	(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election. (2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is— (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election. (3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4). (4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election. (5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot. (c) VOTERS WHO VOTE AFTER THE POLLS CLOSE- Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). (d) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION- Not later than January 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

House Version of H.R. 3295	Senate Version of H.R. 3295
Voting Information	
<i>No provision</i>	[Sec. 102.] (b) VOTING INFORMATION REQUIREMENTS- (1) PUBLIC POSTING ON ELECTION DAY- The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office. (2) VOTING INFORMATION DEFINED- In this section, the term ‘voting information’ means— (A) a sample version of the ballot that will be used for that election; (B) information regarding the date of the election and the hours during which polling places will be open; (C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; (D) instructions for mail-in registrants and first-time voters under section 103(b); and (E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.
Voter Registration Systems	
<i>See below</i>	[Sec. 103.] Computerized statewide voter registration list requirements and requirements for voters who register by mail. (a) COMPUTERIZED STATEWIDE VOTER

House Version of H.R. 3295	Senate Version of H.R. 3295
	REGISTRATION LIST REQUIREMENTS- (1) IMPLEMENTATION -
<i>Establishment of Statewide Voter Registration System/List</i> [Sec. 502.] (1) The State will implement an official Statewide voter registration system networked to every local jurisdiction in the State, with provisions for sharing data with other States, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.	[Sec. 103. (a)] (1) (A) IN GENERAL- Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement an interactive computerized statewide voter registration list that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ‘computerized list’). (B) EXCEPTION- The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office. (2) ACCESS- The computerized list shall be accessible to each State and local election official in the State.
<i>List Maintenance</i> [Sec. 502.] (2) The State election system includes provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following: (A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993, registrants who have not voted in 2 or more consecutive general elections for Federal office and who	[Sec. 103. (a)] (3) COMPUTERIZED LIST MAINTENANCE- (A) IN GENERAL- The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows: (i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42

House Version of H.R. 3295	Senate Version of H.R. 3295
have not responded to a notice shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote. (B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters. Sec. 802. Miscellaneous provisions to protect integrity of election process. (a) CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE- Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking the period at the end and inserting the following: ‘, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar’s jurisdiction.’. <i>Sec. 802 (b) appears below under CRIMINAL PENALTIES/ PROHIBITIONS, Coercing Voters to Cast Votes for Every Office, p. 171.</i>	U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6). (ii) For purposes of removing names of ineligible voters from the official list of eligible voters— (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death. (iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law. (B) CONDUCT- The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that— (i) the name of each registered voter appears in the computerized list; (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and (iii) duplicate names are eliminated from the computerized list. (4) TECHNOLOGICAL SECURITY OF COMPUTERIZED

House Version of H.R. 3295	Senate Version of H.R. 3295
	LIST- The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section. (5) INTERACTION WITH FEDERAL INFORMATION- (A) ACCESS TO FEDERAL INFORMATION- (i) IN GENERAL- Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials. (ii) PROCEDURE- The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information. (B) APPLICABLE INFORMATION- For purposes of this subsection, the term ‘applicable information’ means information regarding whether– (i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner’s records; and (ii) such individual is shown on the records of the Commissioner as being deceased.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(C) EXCEPTION- Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).
Identification Requirements for Voters Who Register by Mail	
<i>No provision</i>	[Sec. 103.] (b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL- (1) IN GENERAL- Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall require an individual to meet the requirements of paragraph (2) if— (A) the individual registered to vote in a jurisdiction by mail; and (B)(i) the individual has not previously voted in an election for Federal office in the State; or (ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a). (2) REQUIREMENTS- (A) IN GENERAL- An individual meets the requirements of this paragraph if the individual— (i) in the case of an individual who votes in person—

House Version of H.R. 3295	Senate Version of H.R. 3295
	(I) presents to the appropriate State or local election official a current and valid photo identification; or (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or (ii) in the case of an individual who votes by mail, submits with the ballot— (I) a copy of a current and valid photo identification; or (II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter. (B) FAIL-SAFE VOTING- (i) IN PERSON- An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a). (ii) BY MAIL- An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 102(a). (3) INAPPLICABILITY - Paragraph (1) shall not apply in the case of a person— (A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either—

House Version of H.R. 3295	Senate Version of H.R. 3295
	(i) a copy of a current valid photo identification; or (ii) a copy of a current utility bill, bank statement, Government check, paycheck, or Government document that shows the name and address of the voter; (B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either— (I) a driver’s license number; or (II) at least the last 4 digits of the individual’s social security number; and (ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or (C) who is— (i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.); (ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or (iii) entitled to vote otherwise than in person under any other Federal law. (4) CONTENTS OF MAIL-IN REGISTRATION FORM- The

House Version of H.R. 3295	Senate Version of H.R. 3295
	mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include: (A) The question ‘Are you a citizen of the United States of America?’ and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States. (B) The question ‘Will you be 18 years of age on or before election day?’ and boxes for the applicant to check to indicate whether or not the applicant will be 18 or older on election day. (C) The statement ‘If you checked ‘no’ in response to either of these questions, do not complete this form’ . (5) CONSTRUCTION- Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date. (c) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION- Not later than October 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).
[Sec. 502.] (4) The State has adopted uniform standards that define what will constitute a vote on each category of voting equipment certified for use in the State.	What Constitutes a Vote <i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
Military/Overseas Voters	
[Sec. 502. (5) The State has implemented safeguards to ensure that absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) in the jurisdiction have the opportunity to vote and to have their votes counted.] <i>Sec. 502 (5) also appears below under MILITARY AND OVERSEAS VOTING, Safeguards for Military and Overseas Voters, p. 156.</i>	<i>No provision</i>
Standards Enforcement	
Sec. 503. Enforcement. (a) REPORT BY COMMISSION TO ATTORNEY GENERAL- If a State does not provide a certification under section 501 to the Election Assistance Commission, or if the Commission has credible evidence that a State's certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General. (b) ACTION BY ATTORNEY GENERAL- After receiving notice from the Commission under subsection (a), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this title.	[Sec. 104.] Enforcement by the Civil Rights Division of the Department of Justice. (a) IN GENERAL- Subject to subsection (b), the Attorney General, acting through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title. (c) RELATION TO OTHER LAWS- The remedies established by this section are in addition to all other rights and remedies provided by law.
Safe Harbor	
<i>No provision</i>	[Sec. 104.] (b) SAFE HARBOR- (1) IN GENERAL- Except as provided in paragraph (2), if a State or locality receives funds under a grant program under subtitle A or B of title II for the purpose of meeting a

House Version of H.R. 3295	Senate Version of H.R. 3295
	requirement under section 101, 102, or 103, such State or locality shall be deemed to be in compliance with such requirement until January 1, 2010, and no action may be brought under this Act against such State or locality on the basis that the State or locality is not in compliance with such requirement before such date. (2) EXCEPTION- The safe harbor provision under paragraph (1) shall not apply with respect to the requirement described in section 101(a)(3).
Effective Dates	Effective Dates
Sec. 504. Effective date. (a) IN GENERAL- Except as provided in subsection (b), the requirements of this title shall take effect upon the expiration of the 2-year period which begins on the date of the enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this title with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election. (b) DEADLINES FOR IMPLEMENTATION OF PROVISIONAL VOTING- The minimum standard described in section 502(3) (relating to permitting in-precinct provisional voting) shall apply with respect to the regularly scheduled general election for Federal office held in November 2002 and each succeeding election for Federal office, except that if the chief State election official of a State certifies that good cause exists to delay the implementation of such standard in the State, the standard shall apply in the State with respect to the regularly scheduled general election for Federal office held in	[Sec. 101.Voting systems standards.] (e) EFFECTIVE DATE- Each State and locality shall be required to comply with the requirements of this section on and after January 1, 2006. [Sec. 102.] (e) EFFECTIVE DATE- (1) PROVISIONAL VOTING- Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004. (2) VOTING INFORMATION- Each State and locality shall be required to comply with the requirements of subsection (b) on and after the date of enactment of this Act. [Sec. 103] (d) EFFECTIVE DATE- (1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS- Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004. (2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL- (A) IN GENERAL- Each State and locality shall be required to comply with the requirements of subsection (b) on and after

House Version of H.R. 3295	Senate Version of H.R. 3295
November 2004 and each succeeding election for Federal office held in the State.	January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph. (B) APPLICABILITY WITH RESPECT TO INDIVIDUALS- The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.
VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION	
Voluntary Standards	
Subtitle B–Voluntary Election Standards [Sec. 221. Development of voluntary election standards. (a) IN GENERAL- The Commission shall: (1) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary engineering and procedural performance standards for voting systems used in Federal elections which shall meet the following requirements:] <i>Sec.221 (a) (1) also appears above under ELECTION COMMISSION, Duties, p. 14.</i> (A) The scope of the standards should include security (including a documentary audit for non-ballot systems), the procedures for certification and decertification of software and hardware, the assessment of usability, and operational guidelines for the proper use and maintenance of equipment. (B) The standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter.	<i>No provision. However, Sec. 101 (c) contains the following provision, which arguably applies to the voluntary standards currently maintained by the Federal Election Commission:</i> [Sec. 101 (c) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION- (1) IN GENERAL- Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that such standards meet the requirements established under subsection (a). (2) QUADRENNIAL REVIEW- The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board and the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than

House Version of H.R. 3295	Senate Version of H.R. 3295
(C) Each voting tally system certified for use should include as part of the certification a proposed statement of what constitutes a proper vote in the design and operation of the system. (D) New voting equipment systems certified either by the Federal government or by any State should provide a practical and effective means for voters with physical disabilities (including blindness) to cast a secret ballot. [Sec. 221 (a) (2) Maintain a clearinghouse of information on the experiences of State and local governments in implementing the voluntary standards described in paragraph (1) and in operating voting systems in general. (3) In accordance with section 224, provide for the voluntary testing, certification, decertification, and recertification of voting systems. (4) Advise States and units of local government regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places. Additionally, in accordance with section 223, the Commission shall develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary standards for maintaining and enhancing the accessibility and privacy of registration facilities, polling places, and voting methods with the goal of promoting for all individuals, including the elderly and individuals with disabilities (including blindness), the accessibility of polling places and the effective use of voting systems and voting equipment which provide the opportunity for casting a secure and secret ballot,	once every 4 years.]<i>Sec. 101 (c) also appears above under</i> MANDATORY STANDARDS AND REQUIREMENTS, Voting Systems, p. 65.

House Version of H.R. 3295	Senate Version of H.R. 3295
and shall include in such standards voluntary guidelines regarding accessibility and ease-of-use for States and units of local government to use when obtaining voting equipment and selecting polling places. In carrying out this paragraph, the Commission shall consult with the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) and other individuals and entities with expertise in the accessibility of facilities for individuals with disabilities.] <i>Sec.221 (a) (2)-(4) also appear above under</i> ELECTION COMMISSION, Duties, p. 14. <i>Sec. 221 (a) (5), on making periodic studies available to the public, appears above under</i> ELECTION COMMISSION, Duties, p. 17. [Sec. 221. (a) (6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following: (A) The rights of residence of uniformed services voters absent due to military orders. (B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots.	

House Version of H.R. 3295	Senate Version of H.R. 3295
(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year. (D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters. (E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots. (F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters. (G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud. (H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year. (I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters. (J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters. (K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.] <i>Sec. 221 (a) (6) (D)–(F) also appears below under</i> MILITARY AND OVERSEAS VOTING, Mail Delivery	

House Version of H.R. 3295	Senate Version of H.R. 3295
Procedures, p. 138, and the first paragraph appears above under ELECTION COMMISSION, Duties, p. 15. Sec. 221 (a) (7) to (11), on NVRA, election information, review of procedures, and clearinghouse duties, appear above under ELECTION COMMISSION, Duties, p. 12. Sec. 221 (b), on issues to be studied by the EAC, appears above under ELECTION COMMISSION, Duties, p. 17. [Sec. 221 (c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS- The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.] Sec. 221 (c) also appears above under ELECTION COMMISSION, Duties, p. 16.	
Technical Standards Development Committee	
Sec. 222. Technical standards development committee. (a) ESTABLISHMENT- There is hereby established the Technical Standards Development Committee (hereafter in this subtitle referred to as the ‘Development Committee’). (b) DUTIES- (1) IN GENERAL- The Development Committee shall assist the Executive Director of the Commission in the developing of voluntary standards under this subtitle by recommending standards (and modifications to standards) to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment. (2) DEADLINE FOR INITIAL SET OF	No provision

House Version of H.R. 3295	Senate Version of H.R. 3295
RECOMMENDATIONS- The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed. (c) MEMBERSHIP - (1) IN GENERAL- The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following: (A) An equal number of each of the following: (i) Members of the Standards Board. (ii) Members of the Board of Advisors. (iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792). (B) A representative of the American National Standards Institute. (C) Other individuals with technical and scientific expertise relating to voting systems and voting equipment. (2) QUORUM- A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.	

House Version of H.R. 3295	Senate Version of H.R. 3295
(d) NO COMPENSATION FOR SERVICE- Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee. (e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY- At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle. (f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER- At the time the Commission adopts any standard pursuant to section 223, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the standard adopted.	
Process for Adoption of Voluntary Standards	
Sec. 223. Process for adoption of voluntary standards. (a) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND STANDARDS BOARD- (1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE- In developing standards and	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
modifications for purposes of this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Standards Development Committee under section 222. (2) BOARD OF ADVISORS- The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Board of Advisors. (3) STANDARDS BOARD- The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Executive Board of the Standards Board, who shall review the standard (or modification) and forward its recommendations to the Standards Board. (b) REVIEW- Upon receipt of a voluntary standard described in subsection (a) (or modification of such a standard) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the standard (or modification) to the Commission. [Sec. 223. (c) FINAL APPROVAL-	

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) IN GENERAL- A voluntary standard described in subsection (a) (or modification of such a standard) shall not be considered to be finally adopted by the Commission unless the majority of the members of the Commission vote to approve the final adoption of the standard (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b). (2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS- The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).] Sec. 223 (c) <i>also appears above under ELECTION COMMISSION, Powers, p. 28.</i>	
Voting System Testing and Certification	
Sec. 224. Certification and testing of voting systems. (a) CERTIFICATION AND TESTING- (1) IN GENERAL- The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories. (2) OPTIONAL USE BY STATES- At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
under this section. (b) LABORATORY ACCREDITATION- (1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY- Not later than 6 months after the Commission first adopts voluntary engineering and procedural performance standards under this subtitle, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section. [Sec. 224 (b) (2) APPROVAL BY COMMISSION- The Commission shall vote on the proposed accreditation of each laboratory on the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a majority vote of the members of the Commission.] <i>Sec. 224 (b) (2) also appears above under ELECTION COMMISSION, Powers, p. 28.</i> (c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY - (1) IN GENERAL- In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such	

House Version of H.R. 3295	Senate Version of H.R. 3295
laboratories, including recommendations to revoke the accreditation of any such laboratory. (2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION- The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a majority vote of the members of the Commission.	
Information on Voluntary Standards and Certification	
[Sec. 225. Dissemination of information. On an ongoing basis, the Commission shall disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out under this subtitle, including— (1) the voluntary election standards adopted by the Commission, together with guidelines for applying the standards and other information to assist in their implementation; (2) the list of laboratories accredited to carry out testing, certification, decertification, and recertification of voting system hardware and software under section 224; and (3) a list of voting system hardware and software products which have been certified pursuant to section 224 as meeting the applicable voluntary standards adopted by the Commission under this subtitle.] <i>Sec. 225 also appears above under</i> ELECTION COMMISSION, Duties, p. 13.	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
GRANT PROGRAMS	
Election Assistance/Requirements Programs	
Title II—Commission Subtitle C—Election Assistance Part 1—Election Fund Payments to States for Voting System Improvements [Sec. 231.] Election fund payments to States for voting system improvements. (a) IN GENERAL- The Commission shall make an Election Fund payment each year in an amount determined under section 232 to each State which meets the requirements described in section 233 for the year. (c) ADOPTION OF COMMISSION STANDARDS NOT REQUIRED TO RECEIVE PAYMENT- Nothing in this part may be construed to require a State to implement any of the voluntary standards adopted by the Commission with respect to any matter as a condition for receiving an Election Fund payment. [Sec. 231 (d) SCHEDULE OF PAYMENTS- As soon as practicable after all members of the Commission are appointed (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make Election Fund payments to States under this part.] <i>Sec. 231 (d) also appears below under Effective Date, p. 101.</i>	Title II—Grant Programs Subtitle A—Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program Sec. 201. Establishment of the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program. (a) IN GENERAL- There is established a Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 204 and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized to make grants to States and localities to pay the costs of the activities described in section 205. (b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION- In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice and the Assistant Attorney General in charge of the Civil Rights Division of that Department.
Use of Funds/Authorized Activities	
[Sec. 231 (b) USE OF FUNDS- A State receiving an Election	Sec. 205. Authorized activities.

House Version of H.R. 3295	Senate Version of H.R. 3295
Fund payment shall use the payment for any or all of the following activities: (1) Establishing and maintaining accurate lists of eligible voters. (2) Encouraging eligible voters to vote. (3) Improving verification and identification of voters at the polling place. (4) Improving equipment and methods for casting and counting votes. (5) Recruiting and training election official and poll workers. (6) Improving the quantity and quality of available polling places. (7) Educating voters about their rights and responsibilities. (8) Assuring access for voters with physical disabilities (including blindness). (9) Carrying out other activities to improve the administration of elections in the State.] <i>Sec. 231 (b) also appears below under Incentive Grant Program, p. 109.</i>	A State or locality may use grant payments received under this subtitle for any of the following purposes: (1) To implement voting system standards that meet the requirements of section 101. (2) To provide for provisional voting that meets the requirements of section 102(a) and to meet the voting information requirements under section 102(b). (3) To establish a computerized statewide voter registration list that meets the requirements of section 103(a) and to meet the requirements for voters who register by mail under section 103(b).
Payments/Allocation of Funds	
[Sec. 232.] Allocation of funds. (a) IN GENERAL- Subject to subsection (c), the amount of an Election Fund payment made to a State for a year shall be equal to the product of—	[Sec. 206.] Payments. (a) PAYMENTS - (1) IN GENERAL- Subject to paragraph (2), the Attorney

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) the total amount appropriated for Election Fund payments for the year under section 234; and (2) the State allocation percentage for the State (as determined under subsection (b)). (b) STATE ALLOCATION PERCENTAGE DEFINED- The ‘State allocation percentage’ for a State is the amount (expressed as a percentage) equal to the quotient of– (1) the voting age population of the State; and (2) the total voting age population of all States.	General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.
<i>Minimum Payments</i>	
[Sec. 232.] (c) MINIMUM AMOUNT OF PAYMENT- The amount of an Election Fund payment made to a State for a year may not be less than– (1) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the total amount appropriated for Election Fund payments for the year under section 234; or (2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 20 percent of the amount described in paragraph (1).	[Sec. 206.] (a) (2) INITIAL PAYMENT AMOUNT- The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.
<i>Retroactive Payments</i>	
<i>No provision</i>	[Sec. 206.] (b) RETROACTIVE PAYMENTS- The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for election technology or administration that meets a requirement of section 101, 102, or 103 that were incurred

House Version of H.R. 3295	Senate Version of H.R. 3295
	during the period beginning on January 1, 2001, and ending on the date on which such application was approved under such section. A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.
<i>Payments to State Protection and Advocacy Systems</i>	
<i>No provision</i>	[Sec. 206.] (c) PROTECTION AND ADVOCACY SYSTEMS- (1) IN GENERAL- In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.). (2) MINIMUM GRANT AMOUNT- The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than \$70,000 and \$35,000, respectively.

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>Application Process/Conditions for Receipt of Funds</i>	
[Sec. 233.] Conditions for receipt of funds. [(a)] IN GENERAL- In order to receive an Election Fund payment for a fiscal year, the chief State election official of the State shall provide the Commission with the following certifications:	[Sec. 202.] State plans. [(a)] IN GENERAL- Each State that desires to receive a grant under this subtitle shall develop a State plan, in consultation with State and local election officials of that State, that provides for each of the following:
<i>Provision of Matching Funds and Establishment of Election Fund</i>	
[Sec. 233. (a)](1) A certification that the State has authorized and appropriated funds for carrying out the activities for which the Election Fund payment is made in an amount equal to 25 percent of the total amount to be spent for such activities (taking into account the Election Fund payment and the amount spent by the State). (5) A certification that the State has established a fund described in subsection (b) for purposes of administering its activities under this part.	<i>No provision</i>
<i>Voting System Standards/Requirements</i>	
[Sec. 233. (a)] (3) A certification that the State is in compliance with the voluntary voting system standards and certification processes adopted by the Commission or that the State has enacted legislation establishing its own State voting system standards and processes which (at a minimum) ensure that new voting mechanisms have the audit capacity to produce a record for each ballot cast. [Sec. 233. (a) (4) A certification that— (A) in each precinct or polling place in the State, there is at least one voting system available which is fully accessible to	[Sec. 202. (a)] (1) UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS- A description of how the State will use the funds made available under this subtitle to meet each of the following requirements: (A) The voting system standards under section 101.

House Version of H.R. 3295	Senate Version of H.R. 3295
individuals with physical disabilities (including blindness); and (B) if the State uses any portion of its Election Fund payment to obtain new voting machines, at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities (including blindness).] Sec. 233. (a) (4) also appears above under MANDATORY STANDARDS AND REQUIREMENTS, Voting Systems, p. 61.	
Provisional Voting and Voter Registration Requirements	
<i>No provision</i>	[Sec. 202. (a)] (B) The provisional voting requirements under section 102. (C) The computerized statewide voter registration list requirements under section 103(a), including a description of— (i) how State and local election officials will ensure the accuracy of the list of eligible voters in the State to ensure that only registered voters appear in such list; and (ii) the precautions that the State will take to prevent the removal of eligible voters from the list. (D) The requirements for voters who register by mail under section 103(b), including the steps that the State will take to ensure— (i) the accuracy of mail-in and absentee ballots; and (ii) that the use of mail-in and absentee ballots does not result in duplicate votes.

House Version of H.R. 3295	Senate Version of H.R. 3295
<i>Performance Benchmarks for Voting Systems</i>	
[Sec. 233. (a)] (2) A certification that the State has set a uniform Statewide benchmark for voting system performance in each local jurisdiction administering elections, expressed as a percentage of residual vote in the contest at the top of the ballot, and requires local jurisdictions to report data relevant to this benchmark after each general election for Federal office.	<i>No provision</i>
<i>Voting Fraud</i>	
<i>No provision</i>	[Sec. 202. (a)] (2) IDENTIFICATION, DETERRENCE, AND INVESTIGATION OF VOTING FRAUD- An assessment of the susceptibility of elections for Federal office in the State to voting fraud and a description of how the State intends to identify, deter, and investigate such fraud.
<i>Compliance with Existing Federal Law</i>	
[Sec. 233. (a)] (6) A certification that, in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), and the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).	[Sec. 202. (a)] (3) COMPLIANCE WITH EXISTING FEDERAL LAW- Assurances that the State will comply with existing Federal laws, as such laws relate to the provisions of this Act, including the following: (A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa-1a). (B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.). (C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.). (D) The National Voter Registration Act of 1993 (42 U.S.C.

House Version of H.R. 3295	Senate Version of H.R. 3295
	1973gg et seq.). (E) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).
<i>Voter Education and Poll Worker Training</i>	
[Sec. 233. (a)] (7) A certification that the State provides for voter education and poll worker training programs to improve access to and participation in the electoral process, and provides relevant training in the requirements of the National Voter Registration Act of 1993 for personnel of State motor vehicle authority offices and other voter registration agencies designated by the State under such Act.	<i>No provision</i>
<i>Nonsupplanting Use of Funds</i>	
[Sec. 233. (a)] (8) A certification that the Election Fund payment has not and will not supplant funds provided under existing programs funded in the State for carrying out the activities for which the Election Fund payment is made.	<i>No provision</i>
<i>Methods of Compliance</i>	
[Sec. 233.] (c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE- The specific choices on the methods of complying with the requirements described in subsection (a) shall be left to the discretion of the State.	<i>No provision</i>
<i>Approval of Applications</i>	
<i>No specific provision, but Sec. 233 (a) requires certification by chief state election official with respect to Sec. 233 (a) (1)–(8).</i>	Sec. 204. Approval of applications. The Attorney General shall establish general policies and criteria with respect to the approval of applications submitted by States and localities under section 203(a) (including a review

House Version of H.R. 3295	Senate Version of H.R. 3295
	of State plans developed under section 202), the awarding of grants under this subtitle, and the use of assistance made available under this subtitle.
<i>Other Provisions</i> [Sec. 233. (a)] (b) REQUIREMENTS FOR ELECTION FUND- (1) ELECTION FUND DESCRIBED- For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts: (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the Election Fund payment is made to the State under this part. (B) The Election Fund payment made to the State under this part. (C) Such other amounts as may be appropriated under law. (D) Interest earned on deposits of the fund. (2) USE OF FUND- Amounts in the fund shall be used by the State exclusively to carry out the activities for which the Election Fund payment is made to the State under this part. (d) CHIEF STATE ELECTION OFFICIAL DEFINED- In this subtitle, the ‘chief State election official’ of a State is the [Sec. 202. (a)] (4) TIMETABLE- A timetable for meeting the elements of the State plan. (b) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT- A State shall make the State plan developed under subsection (a) available for public review and comment before the submission of an application under section 203(a). .Sec. 203. Application. (a) IN GENERAL- Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time and in such manner as the Attorney General may require, and containing the information required under subsection (b) and such other information as the Attorney General may require. (b) CONTENTS- (1) STATES- Each application submitted by a State shall contain the State plan developed under section 202 and a description of how the State proposes to use funds made available under this subtitle to implement such State plan. (2) LOCALITIES- Each application submitted by a locality shall contain a description of how the locality proposes to use the funds made available under this subtitle in a manner that is consistent with the State plan developed under section 202.	

House Version of H.R. 3295	Senate Version of H.R. 3295
individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the State’s responsibilities under such Act.	(c) SAFE HARBOR- No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a), including any information contained in the State plan developed under section 202.
<i>Authorization of Appropriations</i>	
Sec. 234. Authorization of appropriations. There are authorized to be appropriated for Election Fund payments under this part an aggregate amount of \$2,250,000,000 for fiscal years 2002 through 2004.	[Sec. 209.] Authorization of appropriations. (a) IN GENERAL- There are authorized to be appropriated to carry out the provisions of this subtitle the following amounts: (1) For fiscal year 2003, \$1,000,000,000. (2) For fiscal year 2004, \$1,300,000,000. (3) For fiscal year 2005, \$500,000,000. (4) For fiscal year 2006, \$200,000,000. (5) For each subsequent fiscal year, such sums as may be necessary. (b) PROTECTION AND ADVOCACY SYSTEMS- In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c): Provided, That none of the funds provided by this subsection shall be used to commence any litigation related to election-related disability access; notwithstanding the general authorities of the protection and advocacy systems are otherwise afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.). Sec. 512. Sense of the Senate on compliance with election technology and administration requirements.

House Version of H.R. 3295	Senate Version of H.R. 3295
	It is the sense of the Senate that full funding shall be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.
<i>Availability of Funds</i>	
[Sec. 232.] (d) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION- An Election Fund payment made to a State under this part shall be available to the State without fiscal year limitation.	[Sec. 209.] (c) AVAILABILITY- Any amounts appropriated pursuant to the authority of this section shall remain available until expended.
<i>Reports</i>	
Sec. 235. Reports. Not later than the 6 months after the end of each fiscal year for which a State received an Election Fund payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report— (1) a list of expenditures made with respect to each category of activities described in section 231(b); and (2) the number and type of articles of voting equipment obtained with the funds. [Sec. 262. Reports. (a) ANNUAL REPORTS ON ACTIVITIES- Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the activities carried out by the Commission under this subtitle during the previous fiscal year, and shall include in the report a description of all applications	Sec. 208. Reports to Congress and the Attorney General. (a) REPORTS TO CONGRESS- (1) IN GENERAL- Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year. (2) CONTENTS- Each report submitted under paragraph (1) shall contain the following: (A) A description and analysis of any activities funded by a grant awarded under this subtitle. (B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate. (b) REPORTS TO THE ATTORNEY GENERAL- The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the

House Version of H.R. 3295	Senate Version of H.R. 3295
for Election Fund payments and grants received by the Commission during the year under this subtitle and the disposition of such applications.] <i>Sec. 262 (a) also appears below under Research and Pilot Programs, p. 130</i>	Attorney General considers appropriate.
<i>Audits</i>	
Part 4–Miscellaneous [Sec. 263. Audit (b) MANDATORY AUDIT- In addition to audits conducted pursuant to subsection (a), all funds provided under this subtitle shall be subject to mandatory audit at least once during the lifetime of the programs under this subtitle.] <i>Sec. 263 (b) also appears below under Research and Pilot Programs, p. 130.</i>	Sec. 207. Audits and examinations of States and localities. (a) RECORDKEEPING REQUIREMENT- Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe. (b) AUDITS AND EXAMINATIONS- The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.
<i>Effective Date</i>	
[Sec. 231 (d) SCHEDULE OF PAYMENTS- As soon as practicable after all members of the Commission are appointed (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make Election Fund payments to States under this part.] <i>Sec. 231 (d) also appears above immediately under Election Assistance/Requirements Programs, p. 90.</i>	Sec. 210. Effective date. The Attorney General shall establish the general policies and criteria for the approval of applications under section 204 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.
Incentive Program	
<i>No specific provision, but Election Fund (above under Election</i>	Subtitle B–Federal Election Reform Incentive Grant Program

House Version of H.R. 3295	Senate Version of H.R. 3295
Assistance/Requirements Programs, p. 90) and Punch Card Voting Machine Programs payments (p. 110 below) can be used for some similar purposes.	Sec. 211. Establishment of the Federal Election Reform Incentive Grant Program. (a) IN GENERAL- There is established a Federal Election Reform Incentive Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 213(a) and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized to make grants to States and localities to pay the costs of the activities described in section 214. (b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION- In carrying out this subtitle, the Attorney General shall act through— (1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and (2) the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice (in this subtitle referred to as the ‘Assistant Attorney General for Civil Rights’). Sec. 212. Application. (a) IN GENERAL- Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section. (b) CONTENTS- Each application submitted under subsection (a) shall—

House Version of H.R. 3295	Senate Version of H.R. 3295
	(1) describe the activities for which assistance under this section is sought; (2) contain a request for certification by the Assistant Attorney General for Civil Rights described in subsection (c); (3) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and (4) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle. (c) REQUEST FOR CERTIFICATION BY THE CIVIL RIGHTS DIVISION- (1) COMPLIANCE WITH CURRENT FEDERAL ELECTION LAW- (A) IN GENERAL- Except as provided in subparagraph (B), each request for certification described in subsection (b)(2) shall contain a specific and detailed demonstration that the State or locality is in compliance with each of the following laws, as such laws relate to the provisions of this Act: (i) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa-1a). (ii) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.). (iii) The Uniformed and Overseas Citizens Absentee Voting

House Version of H.R. 3295	Senate Version of H.R. 3295
	Act (42 U.S.C. 1973ff et seq.). (iv) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.). (v) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.). (vi) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.). (B) APPLICANTS UNABLE TO MEET REQUIREMENTS- Each State or locality that, at the time it applies for a grant under this subtitle, does not demonstrate that it meets each requirement described in subparagraph (A), shall submit to the Attorney General a detailed and specific demonstration of how the State or locality intends to use grant funds to meet each such requirement. (2) UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION- In addition to the demonstration required under paragraph (1), each request for certification described in subsection (b)(2) shall contain a specific and detailed demonstration that the proposed use of grant funds by the State or locality is not inconsistent with the requirements under section 101, 102, or 103. (d) SAFE HARBOR- No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a), including any information contained in the request for certification described in subsection (c). Sec. 213. Approval of applications.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(a) IN GENERAL- Subject to subsection (b), the Attorney General shall establish general policies and criteria for the approval of applications submitted under section 212(a). (b) CERTIFICATION PROCEDURE- (1) IN GENERAL- The Attorney General may not approve an application of a State or locality submitted under section 212(a) unless the Attorney General has received a certification from the Assistant Attorney General for Civil Rights under paragraph (4) with respect to such State or locality. (2) TRANSMITTAL OF REQUEST- Upon receipt of the request for certification submitted under section 212(b)(2), the Attorney General shall transmit such request to the Assistant Attorney General for Civil Rights. (3) CERTIFICATION; NONCERTIFICATION- (A) CERTIFICATION- If the Assistant Attorney General for Civil Rights finds that the request for certification demonstrates that— (i) a State or locality meets the requirements of subparagraph (A) of section 212(c)(1), or that a State or locality has provided a detailed and specific demonstration of how it will use funds received under this section to meet such requirements under subparagraph (B) of such section; and (ii) the proposed use of grant funds by the State or locality meets the requirements of section 212(c)(2), the Assistant Attorney General for Civil Rights shall certify that the State or locality is eligible to receive a grant under this

House Version of H.R. 3295	Senate Version of H.R. 3295
	subtitle. (B) NONCERTIFICATION- If the Assistant Attorney General for Civil Rights finds that the request for certification does not demonstrate that a State or locality meets the requirements described in subparagraph (A), the Assistant Attorney General for Civil Rights shall not certify that the State or locality is eligible to receive a grant under this subtitle. (4) TRANSMITTAL OF CERTIFICATION- The Assistant Attorney General for Civil Rights shall transmit to the Attorney General either— (A) a certification under subparagraph (A) of paragraph (3); or (B) a notice of noncertification under subparagraph (B) of such paragraph, together with a report identifying the relevant deficiencies in the State’s or locality’s system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality. Sec. 215. Payments; Federal share. (a) PAYMENTS- (1) IN GENERAL- Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application. (2) INITIAL PAYMENT AMOUNT- The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities

House Version of H.R. 3295	Senate Version of H.R. 3295
	authorized under section 214. (3) RETROACTIVE PAYMENTS- The Attorney General may make retroactive payments to States and localities having an application approved under section 213 for the Federal share of any costs for election technology or administration that meets the requirements of sections 101, 102, and 103 that were incurred during the period beginning on January 1, 2001, and ending on the date on which such application was approved under such section. (b) FEDERAL SHARE- (1) IN GENERAL- Except as provided in paragraph (2), the Federal share of the costs shall be a percentage determined by the Attorney General that does not exceed 80 percent. (2) EXCEPTION- The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality. Sec. 216. Audits and examinations of States and localities. (a) RECORDKEEPING REQUIREMENT- Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe. (b) AUDITS AND EXAMINATIONS- The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have

House Version of H.R. 3295	Senate Version of H.R. 3295
	access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant. (c) OTHER AUDITS- If the Assistant Attorney General for Civil Rights has certified a State or locality as eligible to receive a grant under this subtitle in order to meet a certification requirement described in section 212(c)(1)(A) (as permitted under section 214(5)) and such State or locality is a recipient of such a grant, such Assistant Attorney General, in consultation with the Federal Election Commission shall— (1) audit such recipient to ensure that the recipient has achieved, or is achieving, compliance with the certification requirements described in section 212(c)(1)(A); and (2) have access to any record of the recipient that the Attorney General determines may be related to such a grant for the purpose of conducting such an audit. Sec. 217. Reports to Congress and the Attorney General. (a) REPORTS TO CONGRESS- (1) IN GENERAL- Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year. (2) CONTENTS- Each report submitted under paragraph (1) shall contain the following: (A) A description and analysis of any activities funded by a grant awarded under this subtitle.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate. (b) REPORTS TO THE ATTORNEY GENERAL- The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate. Sec. 218. Authorization of appropriations. (a) IN GENERAL- There are authorized to be appropriated \$400,000,000 for fiscal year 2002 to carry out the provisions of this subtitle. (b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended. Sec. 219. Effective date. The Attorney General shall establish the general policies and criteria for the approval of applications under section 213(a) in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.
<i>No provision, but Punch Card Voting Machine Programs (p. 110 below) provide funds for replacement or improvement of punchcard voting systems, and Election Fund program (above under Election Assistance/Requirements Programs, p. 90) provides for related activities as follows:</i> [Sec. 231 (b) USE OF FUNDS- A State receiving an Election Fund payment shall use the payment for any or all of the	Authorized Activities Sec. 214. Authorized activities. A State or locality may use grant payments received under this subtitle— (1) to improve, acquire, lease, modify, or replace voting systems and technology and to improve the accessibility of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for

House Version of H.R. 3295	Senate Version of H.R. 3295
following activities: (1) Establishing and maintaining accurate lists of eligible voters. (2) Encouraging eligible voters to vote. (3) Improving verification and identification of voters at the polling place. (4) Improving equipment and methods for casting and counting votes. (5) Recruiting and training election official and poll workers. (6) Improving the quantity and quality of available polling places. (7) Educating voters about their rights and responsibilities. (8) Assuring access for voters with physical disabilities (including blindness). (9) Carrying out other activities to improve the administration of elections in the State.] <i>Sec. 231 (b) also appears above under Election Assistance/Requirements Programs, p. 90.</i>	individuals with visual impairments, and providing assistance to individuals with limited proficiency in the English language; (2) to implement new election administration procedures to increase voter participation and to reduce disenfranchisement, such as ‘same-day’ voter registration procedures; (3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election officials, poll workers, and election volunteers; (4) to implement new election administration procedures such as requiring individuals to present identification at the polls and programs to identify, to deter, and to investigate voting fraud and to refer allegations of voting fraud to the appropriate authority; (5) to meet the requirements of current Federal election law in accordance with the demonstration submitted under section 212(c)(1)(B) of such section; (6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations and general election information; or (7) to meet the requirements under section 101, 102, or 103.
Punch Card Voting Machine Programs	
<i>Replacement of Machines</i>	
TITLE I—PUNCH CARD VOTING MACHINES Subtitle A—Replacement of Machines Sec. 101. Establishment of program. (a) IN GENERAL— Not later than 30 days after the date of the	<i>No provision, but Incentive Program (above, p. 109) provides specifically for replacement of voting systems (Sec. 214).</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
enactment of this Act, the Administrator of General Services (hereafter in this title referred to as the ‘Administrator’) shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000. (b) USE OF FUNDS- A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to replace its punch card voting system with a voting system which does not use punch cards (by purchase, lease, or such other arrangement as may be appropriate). (c) DEADLINE- (1) IN GENERAL- A State or unit of local government receiving a payment under the program under this subtitle shall- (A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and (B) ensure that all of the punch card voting systems under its jurisdiction have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004. (2) WAIVER- If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a	

House Version of H.R. 3295	Senate Version of H.R. 3295
notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if— (A) the reference in paragraph (1)(A) to ‘November 2002’ were a reference to ‘November 2004’; and (B) the reference in paragraph (1)(B) to ‘November 2004’ were a reference to ‘November 2006’. Sec. 102. Eligibility. (a) STATES- A State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains— (1) assurances that the State will use the payment (either directly or as reimbursement) to replace punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000; (2) assurances that in replacing punch card voting systems the State will continue to meets (<i>sic</i>) its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act, and will consider the use of new technology by individuals with disabilities (including blindness); (3) assurances that in replacing punch card voting systems the	

House Version of H.R. 3295	Senate Version of H.R. 3295
State will provide for alternative language accessibility for individuals with limited English proficiency, consistent with the requirements of the Voting Rights Act of 1965 and any other applicable provisions of law; and (4) such other information and assurances as the Administrator may require which are necessary for the administration of the program. (b) UNIT OF LOCAL GOVERNMENT- A unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator— (1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located— (A) failed to submit an application under subsection (a) within the deadline specified under such subsection, (B) is otherwise not eligible to receive a payment under the program, or (C) will not use the payment to replace punch card voting systems in the unit; and (2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a). Sec. 103. Amount of payment. (a) IN GENERAL- The amount of payment made to a State or	

House Version of H.R. 3295	Senate Version of H.R. 3295
unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of replacing the punch card voting systems used in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of— (1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and (2) \$6,000. (b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED- In subsection (a), the ‘applicable per precinct matching rate’ is— (1) 90 percent; or (2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census). Sec. 104. Audit and repayment of funds. (a) AUDIT- Funds provided under the program under this subtitle shall be subject to audit by the Administrator. (b) REPAYMENT FOR FAILURE TO MEET DEADLINES- If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 101(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State	

House Version of H.R. 3295	Senate Version of H.R. 3295
or unit under the program. Sec. 105. Punch card voting system defined. For purposes of this subtitle, a ‘punch card voting system’ means any of the following voting systems: (1) C.E.S. (2) Datavote. (3) PBC Counter. (4) Pollstar. (5) Punch Card. (6) Vote Recorder. (7) Votomatic.	
<i>Enhancing Performance of Existing Systems</i>	
Subtitle B–Enhancing Performance of Existing Systems Sec. 111. Establishment of program. (a) IN GENERAL– Not later than 30 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000. (b) USE OF FUNDS– A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to make technical enhancements to the performance of its punch card voting system (by any arrangement as may be appropriate). (c) DEADLINE–	<i>No provision, but Incentive Program (above, p. 109) provides specifically for improvement of voting systems (Sec. 214).</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) IN GENERAL- A State or unit of local government receiving a payment under the program under this subtitle shall— (A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and (B) ensure that technical enhancements have been made to the performance of all of the punch card voting systems under its jurisdiction in time for the regularly scheduled general election for Federal office to be held in November 2004. (2) WAIVER- If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if— (A) the reference in paragraph (1)(A) to ‘November 2002’ were a reference to ‘November 2004’; and (B) the reference in paragraph (1)(B) to ‘November 2004’ were a reference to ‘November 2006’. Sec. 112. Eligibility. (a) STATES- Subject to subsection (c), a State is eligible to receive a payment under the program under this subtitle if it	

House Version of H.R. 3295	Senate Version of H.R. 3295
submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains— (1) assurances that the State will use the payment (either directly or as reimbursement) to make technical enhancements to the performance of punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000; (2) assurances that in enhancing the performance of such voting systems the State will continue to meet its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act; and (3) such other information and assurances as the Administrator may require which are necessary for the administration of the program. (b) UNITS OF LOCAL GOVERNMENT- Subject to subsection (c), a unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator— (1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located— (A) failed to submit an application under subsection (a) within the deadline specified under such subsection, (B) is otherwise not eligible to receive a payment under the	

House Version of H.R. 3295	Senate Version of H.R. 3295
program, or (C) will not use the payment to enhance the performance of punch card voting systems in the unit; and (2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a). (c) PROHIBITING PARTICIPATION IN PUNCH CARD REPLACEMENT PROGRAM- A State or unit of local government is not eligible to receive a payment under the program under this subtitle if the State or unit receives a payment under the program under subtitle A. Sec. 113. Amount of payment. (a) IN GENERAL- The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of the activities to be funded with the payment under the program in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of— (1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and (2) \$2,000. (b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED- In subsection (a), the ‘applicable per precinct matching rate’ is—	

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) 90 percent; or (2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census). Sec. 114. Audit and repayment of funds. (a) AUDIT- Funds provided under the program under this subtitle shall be subject to audit by the Administrator. (b) REPAYMENT FOR FAILURE TO MEET REQUIREMENTS- If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 111(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program. Subtitle C—General Provisions Sec. 121. Authorization of appropriations. (a) IN GENERAL- There are authorized to be appropriated for payments under this title \$400,000,000, to remain available until expended (subject to subsection (b)). (b) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR ELECTION FUND PAYMENTS- (1) IN GENERAL- The amounts referred to in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make Election Fund payments under part 1 of subtitle C of title II.	

House Version of H.R. 3295	Senate Version of H.R. 3295
(2) AMOUNTS DESCRIBED- The amounts referred to in this paragraph are as follows: (A) Any amounts appropriated pursuant to the authorization under this section which remain unobligated as of the date of the regularly scheduled general election for Federal office held in November 2002. (B) Any amounts paid to the Administrator by a State or unit of local government under section 104(b). (C) Any amounts paid to the Administrator by a State or unit of local government under section 114(b). Sec. 122. Punch card voting system defined. For purposes of this title, a ‘punch card voting system’ means any of the following voting systems: (1) C.E.S. (2) Datavote. (3) PBC Counter. (4) Pollstar. (5) Punch Card. (6) Vote Recorder. (7) Votomatic.	
Accessibility Program	Accessibility Program
<i>No provision, but Election Fund payments (above, p. 90, under Election Assistance/Requirements Programs) may be used to assure access for voters with physical disabilities (Sec. 231(b)(8)).</i>	Subtitle C–Federal Election Accessibility Grant Program Sec. 221. Establishment of the Federal Election Accessibility Grant Program. (a) IN GENERAL- There is established a Federal Election Accessibility Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of

House Version of H.R. 3295	Senate Version of H.R. 3295
	applications established under section 223 by the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) (in this subtitle referred to as the ‘Access Board’), is authorized to make grants to States and localities to pay the costs of the activities described in section 224. (b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION- In carrying out this subtitle, the Attorney General shall act through– (1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and (2) the Assistant Attorney General in charge of the Civil Rights Division of that Department. Sec. 222. Application. (a) IN GENERAL- Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section. (b) CONTENTS- Each application submitted under subsection (a) shall– (1) describe the activities for which assistance under this section is sought; (2) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

House Version of H.R. 3295	Senate Version of H.R. 3295
	(3) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle. (c) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM- A State or locality that desires to do so may submit an application under this section as part of any application submitted under section 212(a). (d) SAFE HARBOR- No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a). Sec. 223. Approval of applications. The Access Board shall establish general policies and criteria for the approval of applications submitted under section 222(a). Sec. 224. Authorized activities. A State or locality may use grant payments received under this subtitle— (1) to make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and (2) to provide individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and to train election officials, poll workers, and election volunteers on how best to promote the access and

House Version of H.R. 3295	Senate Version of H.R. 3295
	participation of the individuals in elections for Federal office. Sec. 225. Payments; Federal share. (a) PAYMENTS- (1) IN GENERAL- Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application. (2) INITIAL PAYMENT AMOUNT- The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224. (b) FEDERAL SHARE- (1) IN GENERAL- Except as provided in paragraph (2), the Federal share of the costs shall be a percentage determined by the Attorney General that does not exceed 80 percent. (2) EXCEPTION- The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality. Sec. 226. Audits and examinations of States and localities. (a) RECORDKEEPING REQUIREMENT- Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Access Board, shall prescribe.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(b) AUDITS AND EXAMINATIONS- The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant. Sec. 227. Reports to Congress and the Attorney General. (a) REPORTS TO CONGRESS- (1) IN GENERAL- Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year. (2) CONTENTS- Each report submitted under paragraph (1) shall contain the following: (A) A description and analysis of any activities funded by a grant awarded under this subtitle. (B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate. (b) REPORTS TO THE ATTORNEY GENERAL- The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate. Sec. 228. Authorization of appropriations. (a) IN GENERAL- There are authorized to be appropriated

House Version of H.R. 3295	Senate Version of H.R. 3295
	\$100,000,000 for fiscal year 2002 to carry out the provisions of this subtitle. (b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended. Sec. 229. Effective date. The Access Board shall establish the general policies and criteria for the approval of applications under section 223 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.
Research and Pilot Programs	
<i>Research Program</i>	
PART 2—Grants for Research on Voting Technology Improvements Sec. 241. Grants for research on voting technology improvements. (a) IN GENERAL- The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology. (b) ELIGIBILITY- An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing— (1) assurances that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
(including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and (2) such other information and assurances as the Commission may require.(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE- Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance). Sec. 242. Report. (a) IN GENERAL- Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant. (b) DEADLINE- An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report. Sec. 243. Authorization of appropriations. There are authorized to be appropriated for grants under this part \$20,000,000 for fiscal year 2002.	
Pilot Program	
Part 3–Pilot Program for Testing of Equipment and Technology	No provision

House Version of H.R. 3295	Senate Version of H.R. 3295
Sec. 251. Pilot program. (a) IN GENERAL- The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are implemented on a trial basis. (b) ELIGIBILITY- An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing— (1) assurances that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and (2) such other information and assurances as the Commission may require. Sec. 252. Report. (a) IN GENERAL- Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant. (b) DEADLINE- An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report. Sec. 253. Authorization of appropriations.	

House Version of H.R. 3295	Senate Version of H.R. 3295
There are authorized to be appropriated for grants under this part \$10,000,000 for fiscal year 2002.	
<i>Role of National Institute of Standards and Technology</i>	
Sec. 261. Role of National Institute of Standards and Technology. (a) RECOMMENDATION OF TOPICS FOR RESEARCH UNDER VOTING RESEARCH GRANTS AND PILOT PROGRAMS- The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ‘Director’) shall submit to the Commission an annual list of the Director’s suggestions for issues which may be the subject of research funded with grants awarded under part 2 and part 3 during the year. (b) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION- The Commission shall submit each application it receives for a grant under part 2 or part 3 to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate. (c) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES- After the Commission has awarded a grant under part 2 or part 3, the Director shall monitor the grant and (to the extent permitted under the terms of the grant as awarded) may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant. (d) EVALUATION OF COMPLETED GRANTS- (1) IN GENERAL- After the recipient of a grant awarded by	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
the Commission has completed the terms of the grant, the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant. (2) INCLUSION IN REPORTS- The Commission shall include the evaluations submitted under paragraph (1) for a year in the report submitted for the year under section 262. (e) INTRAMURAL RESEARCH AND DEVELOPMENT- The Director shall establish a program for intramural research and development in areas to support the development of voluntary technical standards for voting products and systems, including— (1) the security of computers, computer networks, and computer data storage used in voting products and systems, including the Statewide voter registration networks required under the minimum standard described in section 502(1); (2) methods to detect and prevent fraud; (3) the protection of voter privacy; (4) the role of human factors in the design and application of voting products and systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and (5) remote access voting, including voting through the Internet.	
	Audits
[Sec. 263. Audit]	No provision

House Version of H.R. 3295	Senate Version of H.R. 3295
(a) IN GENERAL- As a condition of receiving funds under this subtitle, a State or entity described in part 2 or part 3 shall agree that such funds shall be subject to audit if 2 or more members of the Commission vote to require an audit. [Sec. 263 (b) MANDATORY AUDIT- In addition to audits conducted pursuant to subsection (a), all funds provided under this subtitle shall be subject to mandatory audit at least once during the lifetime of the programs under this subtitle.] <i>Sec. 263 (b) also appears above under Election Assistance/Requirements Programs, p. 101.</i>	
Reports	
[Sec. 262. Reports. (a) ANNUAL REPORTS ON ACTIVITIES- Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the activities carried out by the Commission under this subtitle during the previous fiscal year, and shall include in the report a description of all applications for Election Fund payments and grants received by the Commission during the year under this subtitle and the disposition of such applications.] <i>Sec. 262 (a) also appears above under Election Assistance/Requirements Programs, p. 100.</i> <i>Sec. 262 (b), on a study of human factors research, appears above under ELECTION COMMISSION, Duties, p. 21.</i>	<i>No provision</i>
National Student/Parent Mock Election Program	
<i>No provision</i>	Subtitle D—National Student/Parent Mock Election

House Version of H.R. 3295	Senate Version of H.R. 3295
	Sec. 231. National Student/Parent Mock Election. (a) IN GENERAL- The Election Administration Commission is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may— (1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and (2) consist of— (A) school forums and local cable call-in shows on the national issues to be voted upon in an ‘issues forum’; (B) speeches and debates before students and parents by local candidates or stand-ins for such candidates; (C) quiz team competitions, mock press conferences, and speech writing competitions; (D) weekly meetings to follow the course of the campaign; or (E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation. (b) REQUIREMENT- The National Student/Parent Mock Election shall present awards to outstanding student and parent mock election projects.

House Version of H.R. 3295	Senate Version of H.R. 3295
	Sec. 232. Authorization of appropriations. There are authorized to be appropriated to carry out the provisions of this subtitle \$650,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.
MILITARY AND OVERSEAS VOTING	
TITLE VI–VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS	TITLE IV–UNIFORMED SERVICES ELECTION REFORM
Voting Assistance Programs	
Sec. 601. Voting assistance programs. (a) IN GENERAL– (1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section: ‘Sec. 1566. Voting assistance: compliance assessments; assistance ‘(a) REGULATIONS- The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, and Marine Corps ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program. ‘(b) VOTING ASSISTANCE PROGRAMS DEFINED- In this section, the term ‘voting assistance programs’ means– ‘(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); and ‘(2) any similar program.	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
‘(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS- (1) The Inspector General of each of the Army, Navy, Air Force, and Marine Corps shall conduct— ‘(A) an annual review of the effectiveness of voting assistance programs; and ‘(B) an annual review of the compliance with voting assistance programs of that armed force. ‘(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3). ‘(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on— ‘(A) the effectiveness during the preceding calendar year of voting assistance programs; and ‘(B) the level of compliance during the preceding calendar year with voting assistance programs of each of the Army, Navy, Air Force, and Marine Corps. ‘(d) INSPECTOR GENERAL ASSESSMENTS- (1) The Inspector General of the Department of Defense shall periodically conduct at Department of Defense installations unannounced assessments of the compliance at those installations with—	

House Version of H.R. 3295	Senate Version of H.R. 3295
‘(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); ‘(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and ‘(C) other requirements of law regarding voting by members of the armed forces. ‘(2) The Inspector General shall conduct an assessment under paragraph (1) at not less than 10 Department of Defense installations each calendar year. ‘(3) Each assessment under paragraph (1) shall include a review of such compliance— ‘(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation; ‘(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and ‘(C) within unit voting assistance officers to measure program effectiveness. ‘(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS- The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection at the installation level an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense	

House Version of H.R. 3295	Senate Version of H.R. 3295
regulations regarding the Federal Voting Assistance Program. ‘(f) VOTING ASSISTANCE OFFICERS- (1) Voting assistance officers shall be appointed or assigned under Department of Defense regulations. Commanders at all levels are responsible for ensuring that unit voting officers are trained and equipped to provide information and assistance to members of the armed forces on voting matters. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer. The Secretary of each military department shall certify to Congress that (at a minimum) a voting assistance officer has been appointed or assigned for each military installation and major command under the jurisdiction of the department and that a replacement will be appointed if the original officer is no longer able to serve. ‘(2) Under regulations and procedures prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member’s duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots. ‘(3) As part of each assessment prepared by the Secretary of a military department under subsection (e), the Secretary shall— ‘(A) specify the number of members of the armed forces under the jurisdiction of the Secretary who are appointed or assigned to duty as voting assistance officers;	

House Version of H.R. 3295	Senate Version of H.R. 3295
‘(B) specify the ratio of voting assistance officers to active duty members of the armed forces under the jurisdiction of the Secretary; ‘(C) indicate whether this number and ratio comply with the requirements of the Federal Voting Assistance Program; and ‘(D) describe the training such members receive to perform their duties as voting assistance officers. ‘(g) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS- (1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the armed forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements. ‘(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists, reenlists, or voluntarily extends an enlistment or who completes a permanent change of station in an active or reserve component of the Army, Navy, Air Force, or Marine Corps shall receive such form at the time of the enlistment, reenlistment, extension, or completion of the permanent change of station, or as soon thereafter as practicable. ‘(3) Where practicable, a special day or days shall be	

House Version of H.R. 3295	Senate Version of H.R. 3295
designated at each military installation for the purpose of informing members of the armed forces and their dependents of election timing, registration requirements, and voting procedures.	
Mail Delivery Procedures	
[Sec.601.] ‘(h) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS- (1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly. ‘(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall submit to Congress a report describing the measures to be implemented	Sec. 504. Delivery of mail from overseas preceding Federal elections. (a) RESPONSIBILITIES OF SECRETARY OF DEFENSE- (1) ADDITIONAL DUTIES- Section 1566(g) of title 10, United States Code, as added by section 1602(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1274), is amended— (A) by redesignating paragraph (3) as paragraph (4); and (B) by striking paragraph (2) and inserting the following new paragraphs: ‘(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held.

House Version of H.R. 3295	Senate Version of H.R. 3295
to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures. ‘(3) The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials. ‘(4) In this section, the term ‘general Federal election month’ means November in an even-numbered year.’ . (2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item: ‘1566. Voting assistance: compliance assessments; assistance.’ . (b) INITIAL REPORT- The first report under section 1566(c)(3) of title 10, United States Code, as added by subsection (a), shall be submitted not later than March 31, 2003. [Sec. 221 (a) (6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uninformed services voters (as defined in section 107(1) of the	‘(3) The Secretary of each military department shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.’ . (2) REPORT- The Secretary of Defense shall submit to Congress a report describing the measures to be implemented under section 1566(g)(2) of title 10, United States Code (as added by paragraph (1)), to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures. (b) EFFECTIVE DATE- The amendments made by this section shall take effect as if included in section 1602 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1274) upon the enactment of that Act.

House Version of H.R. 3295	Senate Version of H.R. 3295
Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following: (D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters. (E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots. (F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.] <i>Sec.221 (a) (6) (D)–(F) also appears above under</i> VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION, Voluntary Standards, p. 81 , and below under Safeguards for Military and Overseas Voters, p. 156.	
Designation of Single State Office to Administer Law	
Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State. Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended– (1) by inserting ‘(a) IN GENERAL- ‘ before ‘Each State’; and (2) by adding at the end the following new subsection: ‘(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE-	Sec.406 (b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection: ‘(c) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS

House Version of H.R. 3295	Senate Version of H.R. 3295
‘(1) IN GENERAL- Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State. ‘(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS- Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State’s duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.’	IN THE STATE- Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.’ (c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES- (1) STUDY - The Election Administration Commission established under section 301 (in this subsection referred to as the ‘Commission’), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State. (2) REPORT- The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.
	Standard for Invalidation of Absentee Military Ballots
<i>No provision, but see Safeguards for Military and Overseas Voters below, p. 156.</i>	Sec. 401. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(a) IN GENERAL- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended— (1) by striking ‘Each State’ and inserting ‘(a) IN GENERAL- Each State’; and (2) by adding at the end the following: ‘(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS- ‘(1) IN GENERAL- A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter— ‘(A) solely on the grounds that the ballot lacked— ‘(i) a notarized witness signature; ‘(ii) an address (other than on a Federal write-in absentee ballot, commonly known as ‘SF186’); ‘(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or ‘(iv) an overseas postmark; or ‘(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

House Version of H.R. 3295	Senate Version of H.R. 3295
	‘(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW- Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.’. (b) EFFECTIVE DATE- The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.
	Voters Recently Separated From Military Service
<i>No provision</i>	Sec. 402. Maximization of access of recently separated uniformed services voters to the polls. (a) IN GENERAL- Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended— (1) in paragraph (3), by striking ‘and’ after the semicolon at the end; (2) in paragraph (4), by striking the period at the end and inserting a semicolon; and (3) by adding at the end the following new paragraphs: ‘(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed

House Version of H.R. 3295	Senate Version of H.R. 3295
	service voter for the purpose of voting in an election for Federal office; and ‘(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter— ‘(A) has registered to vote under this section; and ‘(B) is eligible to vote in that election under State law.’ . (b) DEFINITIONS- Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) is amended— (1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; (2) by inserting after paragraph (6) the following new paragraph: ‘(7) The term ‘recently separated uniformed services voter’ means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who— ‘(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; ‘(B) is no longer such a voter; and ‘(C) is otherwise qualified to vote in that election.’;

House Version of H.R. 3295	Senate Version of H.R. 3295
	(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and (4) by inserting after paragraph (9) the following new paragraph: ‘(10) The term ‘uniformed services voter’ means— ‘(A) a member of a uniformed service in active service; ‘(B) a member of the merchant marine; and ‘(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.’. (c) EFFECTIVE DATE- The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.
States Prohibited From Refusing Registration or Absentee Ballot Applications Due to Early Submission <i>No provision, but see Safeguards for Military and Overseas Voters below, p. 156.</i>	Sec. 403. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission. (a) IN GENERAL- Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279), is amended by adding at the end the following new subsection: ‘(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION- A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration

House Version of H.R. 3295	Senate Version of H.R. 3295
	application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.’ . (b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.
Distribution of Federal Military Voting Laws	
<i>No provision</i>	Sec. 404. Distribution of Federal military voter laws to the States. Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the ‘Secretary’), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.
Simplification of Absentee Application Procedures	
Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters. (a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROCESSING APPLICATION-	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) IN GENERAL- Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 602, is amended— (A) by amending paragraph (2) to read as follows: ‘(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election’; (B) by striking the period at the end of paragraph (3) and inserting ‘; and’; and (C) by adding at the end the following new paragraph: ‘(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application.’ . (2) CONFORMING AMENDMENTS- Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking ‘as recommended in section 104’ and inserting ‘as required under section 102(4)’. (b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS- Section 104 of such Act (42 U.S.C. 1973ff-3) is amended to read as follows: ‘SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.	

House Version of H.R. 3295	Senate Version of H.R. 3295
‘(a) IN GENERAL- If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot for each such election. ‘(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION- Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State. ‘(c) REVISION OF OFFICIAL POST CARD FORM- The Presidential designee shall revise the official post card form (prescribed under section 101) to enable a voter using the form to— ‘(1) request an absentee ballot for each election for Federal office held in a State for which the voter may be provided an absentee ballot under subsection (a); or ‘(2) request an absentee ballot for only the next scheduled election for Federal office held in a State. ‘(d) NO EFFECT ON VOTER REMOVAL PROGRAMS- Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in	

House Version of H.R. 3295	Senate Version of H.R. 3295
the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.’.	
Registration Rejection Notice	
<i>No provision</i>	Sec. 408. Other requirements to promote participation of overseas and absent uniformed services voters. Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection: ‘(e) REGISTRATION NOTIFICATION- With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.’.
Use of Standard Oath	
Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act. (a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT- Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: ‘, and ensuring that such officials are aware of the requirements of this Act;’. (b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS- (1) IN GENERAL- Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended–	[Sec. 409. Study and report on the development of a standard oath for use with overseas voting materials. (a) STUDY- The Election Administration Commission established under section 301 (in this section referred to as the ‘Commission’), shall conduct a study on the feasibility and advisability of–

House Version of H.R. 3295	Senate Version of H.R. 3295
(A) by striking ‘and’ at the end of paragraph (5); (B) by striking the period at the end of paragraph (6) and inserting ‘; and’; and (C) by adding at the end the following new paragraph: ‘(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.’. (2) REQUIRING STATES TO USE STANDARD OATH- Section 102(a) of such Act (42 U.S.C. 1973ff-1(b)), as amended by sections 603 and 605(a), is amended— (A) by striking ‘and’ at the end of paragraph (3); (B) by striking the period at the end of paragraph (4) and inserting ‘; and’; and (C) by adding at the end the following new paragraph: ‘(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).’. (c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNINFORMED SERVICES VOTERS- Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking ‘a general assessment’ and inserting ‘a separate statistical analysis’.	(1) prescribing a standard oath for use with any document under the Uninformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and (2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1). (b) REPORT- The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.]Sec. 409 also appears above under ELECTION COMMISSION, Duties, p. 25.

House Version of H.R. 3295	Senate Version of H.R. 3295
Use of Military Installations as Polling Places	
Sec. 606. Use of buildings on military installations and reserve component facilities as polling places. (a) LIMITED USE OF MILITARY INSTALLATIONS AUTHORIZED- Section 2670 of title 10, United States Code, is amended– (1) by striking ‘Under’ and inserting ‘(a) USE BY RED CROSS- Under’; (2) by striking ‘this section’ and inserting ‘this subsection’; and (3) by adding at the end the following new subsection: ‘(b) USE AS POLLING PLACES- (1) Notwithstanding any other provision of law, the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local public election, but only if such use is limited to eligible voters who reside on that military installation. ‘(2) If a building located on a military installation is made available under paragraph (1) as the site of a polling place, the Secretary shall continue to make the building available for subsequent elections unless the Secretary provides to the appropriate State or local election officials advance notice, in a reasonable and timely manner, of the reasons why the building will no longer be made available as a polling place. ‘(3) In this section, the term ‘military installation’ has the meaning given the term in section 2687(e) of this title.’.	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
(b) USE OF RESERVE COMPONENT FACILITIES- (1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection: ‘(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local public election notwithstanding any other provision of law. If a facility is made available as the site of a polling place with respect to an election, the Secretary shall continue to make the facility available for subsequent elections unless the Secretary provides to the appropriate State or local election officials advance notice, in a reasonable and timely manner, of the reasons why the facility will no longer be made available as a polling place.’. (2) Section 18236 of such title is amended by adding at the end the following: ‘(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local public election notwithstanding any other provision of law.’. (c) CONFORMING AMENDMENTS TO TITLE 18- (1) Section 592 of title 18, United States Code, is amended by adding at the end the following new sentence: ‘This section shall not apply to the actions of members of the Armed Forces at any polling place on a military installation where a general or special election is held in accordance with section 2670(b), 18235, or 18236 of title 10.’.	

House Version of H.R. 3295	Senate Version of H.R. 3295
(2) Section 593 of such title is amended by adding at the end the following new sentence: ‘This section shall not apply to the actions of members of the Armed Forces at any polling place on a military installation where a general or special election is held in accordance with section 2670(b), 18235, or 18236 of title 10.’. (d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW- Section 2003 of the Revised Statutes of the United States (42 U.S.C. 1972) is amended by adding at the end the following new sentence: ‘Making a military installation or reserve component facility available as a polling place in a Federal, State, or local public election in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, is deemed to be consistent with this section.’. (e) CLERICAL AMENDMENTS- (1) The heading of section 2670 of title 10, United States Code, is amended to read as follows: ‘Sec. 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections’. (2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows: ‘2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.’.	
	Report on Absentee Ballots Sent and Received

House Version of H.R. 3295	Senate Version of H.R. 3295
Sec. 603. Report on absentee ballots transmitted and received after general elections. (a) IN GENERAL- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 602, is amended by adding at the end the following new subsection: ‘(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED- Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2001) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.’ (b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS- The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.	Sec. 407. Report on absentee ballots transmitted and received after general elections. (a) IN GENERAL- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection: ‘(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED- Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.’ (b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS- The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

House Version of H.R. 3295	Senate Version of H.R. 3295
	Study on Permanent Registration of Overseas Citizens
<i>No provision</i>	[Sec. 406. Study and report on permanent registration of overseas voters; distribution of overseas voting information by a single State office; study and report on expansion of single State office duties. (a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS- (1) STUDY - The Election Administration Commission established under section 301 (in this subsection referred to as the ‘Commission’), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279) and this title. (2) REPORT - The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.] <i>Sec. 406 also appears above under ELECTION COMMISSION, Duties, p. 26.</i>
	Study on Prohibiting Notarization Requirements
<i>No provision</i>	[Sec. 410. Study and report on prohibiting notarization requirements. (a) STUDY - The Election Administration Commission established under section 301 (in this section referred to as the ‘Commission’), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or

House Version of H.R. 3295	Senate Version of H.R. 3295
	absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized. (b) REPORT- The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.]<i>Sec. 410 also appears above under ELECTION COMMISSION, Duties, p. 27.</i>
	Guarantee of Voting Rights in State and Local Elections
<i>No provision</i>	Sec. 505. State responsibility to guarantee military voting rights. (a) REGISTRATION AND BALLOTING- Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended— (1) by inserting ‘(a) ELECTIONS FOR FEDERAL OFFICES- ‘ before ‘Each State shall—‘; and (2) by adding at the end the following: ‘(b) ELECTIONS FOR STATE AND LOCAL OFFICES- Each State shall— ‘(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

House Version of H.R. 3295	Senate Version of H.R. 3295
	‘(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.’. (b) CONFORMING AMENDMENT- The heading for title I of such Act is amended by striking ‘FOR FEDERAL OFFICE’.
Safeguards for Military and Overseas Voters [Sec.502. (5) The State has implemented safeguards to ensure that absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) in the jurisdiction have the opportunity to vote and to have their votes counted.] <i>Sec. 502 (5) also appears above under MANDATORY STANDARDS AND REQUIREMENTS, Military/Overseas Voters, p. 77.</i> [Sec. 221. (a) (6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following: (A) The rights of residence of uniformed services voters absent due to military orders.	<i>No provision, but see Standard for Invalidation of Absentee Military Ballots, p. 140 above, and States Prohibited From Refusing Registration or Absentee Ballot Applications Due to Early Submission, p. 144.</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots. (C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year. (D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters. (E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots. (F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters. (G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud. (H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year. (I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters. (J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters. (K) Other issues related to the rights of absent uniformed	

House Version of H.R. 3295	Senate Version of H.R. 3295
services voters and overseas voters to participate in elections.] <i>Sec.221 (a) (6) also appears above under VOLUNTARY SYSTEMS STANDARDS, Voluntary Standards, p. 81;</i> <i>Sec.221 (a) (6) (D)– (F) also appear above under Mail Delivery Procedures, p. 138.</i>	
Effective Dates	
<i>No provision</i>	Sec. 405. Effective dates. Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after such effective date.
POLL WORKER RECRUITING PROGRAMS	
Help America Vote College Program	
TITLE III–HELP AMERICA VOTE COLLEGE PROGRAM Sec. 301. Establishment of Program. (a) IN GENERAL- Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the ‘Help America Vote College Program’ (hereafter in this title referred to as the ‘Program’). (b) PURPOSES OF PROGRAM- The purpose of the Program shall be– (1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and	Sec. 508. Help America vote college program (a) ESTABLISHMENT OF PROGRAM- (1) IN GENERAL- Not later than 1 year after the appointment of its members, the Election Administration Commission (in this section referred to as the ‘Commission’) shall develop a program to be known as the ‘Help America Vote College Program’ (in this section referred to as the ‘Program’). (2) PURPOSES OF PROGRAM- The purpose of the Program shall be– (A) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

House Version of H.R. 3295	Senate Version of H.R. 3295
(2) to encourage State and local governments to use the services of the students participating in the Program. Sec. 302. Activities under Program. (a) IN GENERAL- In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 301(b). (b) REQUIREMENTS FOR GRANT RECIPIENTS- In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias. (c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION- The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program. Sec. 303. Authorization of appropriations. In addition to any funds authorized to be appropriated to the Commission under section 207, there are authorized to be appropriated to carry out this title—	(B) to encourage State and local governments to use the services of the students participating in the Program. (b) ACTIVITIES UNDER PROGRAM- (1) IN GENERAL- In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in subsection (a)(2). (2) REQUIREMENTS FOR GRANT RECIPIENTS- In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias. (3) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION- The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program. (c) AUTHORIZATION OF APPROPRIATIONS- In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each succeeding fiscal year.

House Version of H.R. 3295	Senate Version of H.R. 3295
(1) \$5,000,000 for fiscal year 2002; and (2) such sums as may be necessary for each succeeding fiscal year.	
Help America Vote Foundation	
TITLE IV–HELP AMERICA VOTE FOUNDATION Sec. 401. Help America Vote Foundation. (a) IN GENERAL– Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following: ‘CHAPTER 1526–HELP AMERICA VOTE FOUNDATION ‘Sec. ‘152601. Organization. ‘152602. Purposes. ‘152603. Board of directors. ‘152604. Officers and employees. ‘152605. Powers. ‘152606. Principal office. ‘152607. Service of process. ‘152608. Annual audit. ‘152609. Civil action by Attorney General for equitable relief. ‘152610. Immunity of United States Government. ‘152611. Authorization of appropriations. ‘152612. Annual report. ‘Sec. 152601. Organization ‘(a) FEDERAL CHARTER- The Help America Vote Foundation (in this chapter, the ‘foundation’) is a federally	<i>No provision</i>

House Version of H.R. 3295	Senate Version of H.R. 3295
chartered corporation. ‘(b) NATURE OF FOUNDATION- The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government. ‘(c) PERPETUAL EXISTENCE- Except as otherwise provided, the foundation has perpetual existence. ‘Sec. 152602. Purposes ‘(a) IN GENERAL- The purposes of the foundation are to— ‘(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants; ‘(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States; and ‘(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation. ‘(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS- The foundation shall carry out its	

House Version of H.R. 3295	Senate Version of H.R. 3295
purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias. ‘(c) CONSULTATION WITH STATE ELECTION OFFICIALS- The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands. ‘Sec. 152603. Board of directors ‘(a) GENERAL- The board of directors is the governing body of the foundation. ‘(b) MEMBERS AND APPOINTMENT- (1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows: ‘(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President. ‘(B) 2 directors shall be appointed by the Speaker of the House of Representatives. ‘(C) 2 directors shall be appointed by the minority leader of the House of Representatives. ‘(D) 2 directors shall be appointed by the majority leader of the Senate.	

House Version of H.R. 3295	Senate Version of H.R. 3295
‘(E) 2 directors shall be appointed by the minority leader of the Senate. ‘(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board. ‘(3) A director is not an employee of the Federal government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter). ‘(4) The terms of office of the directors are 4 years. ‘(5) A vacancy on the board shall be filled in the manner in which the original appointment was made. ‘(c) CHAIR- The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party. ‘(d) QUORUM- The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation. ‘(e) MEETINGS- The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the	

House Version of H.R. 3295	Senate Version of H.R. 3295
board shall meet not less often than annually. ‘(f) REIMBURSEMENT OF EXPENSES- Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5. ‘(g) LIABILITY OF DIRECTORS- Directors are not personally liable, except for gross negligence. ‘Sec. 152604. Officers and employees ‘(a) APPOINTMENT OF OFFICERS AND EMPLOYEES- The board of directors appoints, removes, and replaces officers and employees of the foundation. ‘(b) STATUS AND COMPENSATION OF EMPLOYEES- ‘(1) IN GENERAL- Officers and employees of the foundation– ‘(A) are not employees of the Federal government (except as may otherwise be provided in this chapter); ‘(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and ‘(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5. ‘(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL- For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal government who travel on official	

House Version of H.R. 3295	Senate Version of H.R. 3295
business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal government. ‘Sec. 152605. Powers ‘(a) GENERAL- The foundation may– ‘(1) adopt a constitution and bylaws; ‘(2) adopt a seal which shall be judicially noticed; and ‘(3) do any other act necessary to carry out this chapter. ‘(b) POWERS AS TRUSTEE- To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power– ‘(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property; ‘(2) to acquire property or an interest in property by purchase or exchange; ‘(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property; ‘(4) to borrow money and issue instruments of indebtedness; ‘(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make	

House Version of H.R. 3295	Senate Version of H.R. 3295
payments necessary to carry out its functions; ‘(6) to sue and be sued; and ‘(7) to do any other act necessary and proper to carry out the purposes of the foundation. ‘(c) ENCUMBERED OR RESTRICTED GIFTS- A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation. ‘(d) CONTRACTS- The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes. ‘(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA- During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C., metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation. ‘Sec. 152606. Principal office ‘The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States. ‘Sec. 152607. Service of process	

House Version of H.R. 3295	Senate Version of H.R. 3295
‘The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation. ‘Sec. 152608. Annual audit ‘The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation. ‘Sec. 152609. Civil action by Attorney General for equitable relief ‘The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation— ‘(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or ‘(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so. ‘Sec. 152610. Immunity of United States Government ‘The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation. ‘Sec. 152611. Authorization of appropriations ‘There are authorized to be appropriated to the foundation for	

House Version of H.R. 3295	Senate Version of H.R. 3295
carrying out the purposes of this chapter-- ‘(1) \$5,000,000 for fiscal year 2002; and ‘(2) such sums as may be necessary for each succeeding fiscal year. ‘Sec. 152612. Annual report ‘As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.’ . (b) CLERICAL AMENDMENT- The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item: 152601’.	
EFFECT ON EXISTING VOTING LAWS	
Sec. 803. No effect on other laws. (a) IN GENERAL- Nothing in this Act and no action taken pursuant to this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Voting Accessibility for the	Sec. 509. Relationship to other laws. (a) IN GENERAL- Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct

House Version of H.R. 3295	Senate Version of H.R. 3295
Elderly and Handicapped Act, or the Americans with Disabilities Act of 1990. (b) NO CONDUCT AUTHORIZED WHICH IS PROHIBITED UNDER OTHER LAWS- Nothing in this Act authorizes or requires any conduct which is prohibited by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990. (c) APPLICATION TO STATES, LOCAL GOVERNMENTS, AND COMMISSION- Except as specifically provided in the case of the National Voter Registration Act of 1993, nothing in this Act may be construed to affect the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990 to any State, unit of local government, or other person, or to grant to the Election Assistance Commission the authority to carry out activities inconsistent with such Acts.	prohibited under the following laws, or supersede, restrict, or limit such laws: (1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.). (2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.). (3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.). (4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.). (5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.). (6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.). (b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT- The approval by the Attorney General of a State's application for a grant under title II, or any other action taken by the Attorney General or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.
CRIMINAL PENALTIES/PROHIBITIONS	
Fraud Relating to Internet Voting	
<i>No provision</i>	TITLE V—CRIMINAL PENALTIES; MISCELLANEOUS Sec. 501. Review and report on adequacy of existing electoral fraud statutes and penalties.

House Version of H.R. 3295	Senate Version of H.R. 3295
	(a) REVIEW- The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine— (1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and (2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses. (b) REPORT- The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Rules and Administration, and the House Committee on Administration on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.
	Providing False Information in Registering or Voting
<i>No provision</i>	Sec. 502. Other criminal penalties. (a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION- Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section. (b) FALSE INFORMATION IN REGISTERING AND VOTING- Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall

House Version of H.R. 3295	Senate Version of H.R. 3295
	be fined or imprisoned, or both, in accordance with such section.
Coercing Voters to Cast Votes for Every Office	
[Sec. 802.] (b) PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT- Section 594 of title 18, United States Code, is amended— (1) by striking ‘Whoever’ and inserting ‘(a) Whoever’; and (2) by adding at the end the following new subsection: ‘(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter’s right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.’ .	No provision
MISCELLANEOUS	
State Defined	
TITLE VIII–MISCELLANEOUS PROVISIONS Sec. 801. State defined. In this Act, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa,	No provision

House Version of H.R. 3295	Senate Version of H.R. 3295
and the United States Virgin Islands.	
Use of Social Security Numbers	
<i>No provision</i>	Sec. 503. Use of social security numbers for voter registration and election administration. (a) IN GENERAL- Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph: ‘(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security. ‘(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause. ‘(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of

House Version of H.R. 3295	Senate Version of H.R. 3295
	Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.’. (b) CONSTRUCTION- Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.
	Curbside Voting <i>No provision</i> Sec. 510. Voters with disabilities. (a) FINDINGS- Congress makes the following findings: (1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public. (2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped. (3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else. (4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making

House Version of H.R. 3295	Senate Version of H.R. 3295
	polling places physically accessible. (5) Curbside voting does not allow the voter the right to vote in privacy. (b) SENSE OF CONGRESS- It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.
	Impacts on States
<i>No provision</i>	Sec. 514. Sense of the Senate regarding changes made to the electoral process and how such changes impact States. It is the sense of the Senate that— (1) the provisions of this Act shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3); (2) the provisions of this Act permit States— (A) to use Federal funds to purchase new voting machines; and (B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3); (3) nothing in this Act requires States to replace existing voting machines; (4) nothing under section 101(a) of this Act specifically

House Version of H.R. 3295	Senate Version of H.R. 3295
	requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and (5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should recognize the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

Table 2. Bill Sections by CRS Topic/Subtopic, H.R. 3295

CRS TOPIC/Subtopic	Sections in H.R. 3295	
	House Version	Senate Version
TITLE OF ACT		
SHORT TITLE OF ACT		
ELECTION COMMISSION	Sec. 201	Sec. 301
Membership and Appointment of Commissioners	Sec. 203	Sec. 302 Sec. 306
Duties	Sec. 202 Sec. 221	Sec. 303
	Sec. 262	
		Sec. 406 Sec. 409–410 Sec. 507 Sec. 511 Sec. 513
Powers	Sec. 205 Sec. 223–224	Sec. 305
	Sec. 206	
Meetings of the Commission		Sec. 304
Staff/Personnel	Sec. 204	Sec. 306
Authorization of Appropriations	Sec. 207	Sec. 307
Standards Board and Board of Advisors	Sec. 211–216	
State and Local Input		Sec. 506
Advisory Committee on Electronic Voting		Sec. 321–326
Transition Provisions		Sec. 311 Sec. 316
	Sec. 701	Sec. 312
	Sec. 702	Sec. 313
	Sec. 703	Sec. 314
	Sec. 711–712	Sec. 315

CRS TOPIC/Subtopic	Sections in H.R. 3295	
	House Version	Senate Version
	Sec. 704	Sec. 316
MANDATORY STANDARDS AND REQUIREMENTS	Sec. 501	Sec. 105
Voting Systems	Sec. 502	Sec. 101
Provisional Voting	Sec. 502	Sec. 102
Voting Information		Sec. 102
Voter Registration Systems	Sec. 502 Sec. 802	Sec. 103
What Constitutes a Vote	Sec. 502	
Military/Overseas Voters	Sec. 502	
Standards Enforcement	Sec. 503	Sec. 104
Effective Dates	Sec. 504	Sec. 101–103
VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION	Sec. 221–225	
GRANT PROGRAMS		
Election Assistance/Requirements Programs	Sec. 231	Sec. 201 Sec. 205
	Sec. 232	Sec. 206
	Sec. 233	Sec. 202
		Sec. 203–204
	Sec. 232 Sec. 234	Sec. 209
	Sec. 235	Sec. 208
	Sec. 263	Sec. 207
	Sec. 231	Sec. 210
		Sec. 512
Incentive Program		Sec. 211–219

CRS TOPIC/Subtopic	Sections in H.R. 3295	
	House Version	Senate Version
Punch Card Voting Machine Programs	Sec. 101–105 Sec. 111–114 Sec. 121–122	
Accessibility Program		Sec. 221–229
Research and Pilot Programs	Sec. 241–243 Sec. 251–253 Sec. 261–263	
National Student/Parent Mock Election Program		Sec. 231–232
MILITARY AND OVERSEAS VOTING		
Voting Assistance Programs	Sec. 601	
Mail Delivery Procedures	Sec. 601 Sec. 221	Sec. 504
Designation of Single State Office to Administer Law	Sec. 602	Sec. 406
Standard for Invalidation of Absentee Military Ballots		Sec. 401
Voters Recently Separated From Military Service		Sec. 402
States Prohibited From Refusing Registration or Absentee Ballot Applications Due to Early Submission		Sec. 403
Distribution of Federal Military Voting Laws		Sec. 404
Simplification of Absentee Application Procedures	Sec. 604	
Registration Rejection Notice		Sec. 408
Use of Standard Oath	Sec. 605	Sec. 409
Use of Military Installations as Polling Places	Sec. 606	
Report on Absentee Ballots Sent and Received	Sec. 603	Sec. 407

CRS TOPIC/Subtopic	Sections in H.R. 3295	
	House Version	Senate Version
Study on Permanent Registration of Overseas Citizens		Sec. 406
Study on Prohibiting Notarization Requirements		Sec. 410
Guarantee of Voting Rights in State and Local Elections		Sec. 505
Safeguards for Military and Overseas Voters	Sec. 502 Sec. 221	
Effective Dates		Sec. 405
POLL WORKER RECRUITING PROGRAMS		
Help America Vote College Program	Sec. 301–303	Sec. 508
Help America Vote Foundation	Sec. 401	
EFFECT ON EXISTING VOTING LAWS	Sec. 803	Sec. 509
CRIMINAL PENALTIES/PROHIBITIONS		
Fraud Relating to Internet Voting		Sec. 501
Providing False Information in Registering or Voting		Sec. 502
Coercing Voters to Cast Votes for Every Office	Sec. 802	
MISCELLANEOUS		
State Defined	Sec. 801	
Use of Social Security Numbers		Sec. 503
Curbside Voting		Sec. 510
Impacts on States		Sec. 514

Table 3. CRS Topics/Subtopics by Section, House Version of H.R. 3295

Section	CRS Topic
Sec. 101–105 Sec. 111–114 Sec. 121–122	GRANT PROGRAMS Punch Card Voting Machine Programs
Sec. 201	ELECTION COMMISSION
Sec. 202	Duties
Sec. 203	Membership and Appointment of Commissioners
Sec. 204	Staff/Personnel
Sec. 205–206	Powers
Sec. 207	Authorization of Appropriations
Sec. 211–216	Standards Board and Board of Advisors
Sec. 221	Duties
	MILITARY AND OVERSEAS VOTING Mail Delivery Procedures Safeguards for Military and Overseas Voters
	VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION
Sec. 222–225	VOLUNTARY STANDARDS AND VOTING SYSTEM CERTIFICATION
Sec. 223–224	ELECTION COMMISSION Powers
Sec. 231–235	GRANT PROGRAMS Election Assistance/Requirements Programs
Sec. 241–243 Sec. 251–253 Sec. 261	GRANT PROGRAMS Research and Pilot Programs
Sec. 262	ELECTION COMMISSION Duties
	GRANT PROGRAMS Research and Pilot Programs
Sec. 263	Election Assistance/Requirements Programs Research and Pilot Programs

Section	CRS Topic
Sec. 301–303	POLL WORKER RECRUITING PROGRAMS Help America Vote College Program
Sec. 401	Help America Vote Foundation
Sec. 501	MANDATORY STANDARDS AND REQUIREMENTS
Sec. 502	Military/Overseas Voters Provisional Voting Voter Registration Systems Voting Systems What Constitutes a Vote
	MILITARY AND OVERSEAS VOTING Safeguards for Military and Overseas Voters
Sec. 503	MANDATORY STANDARDS AND REQUIREMENTS Standards Enforcement
Sec. 504	Effective Dates
Sec. 601	MILITARY AND OVERSEAS VOTING Mail Delivery Procedures Voting Assistance Programs
Sec. 602	Designation of Single State Office to Administer Law
Sec. 603	Report on Absentee Ballots Sent and Received
Sec. 604	Simplification of Absentee Application Procedures
Sec. 605	Use of Standard Oath
Sec. 606	Use of Military Installations as Polling Places
Sec. 701–704 Sec. 711–712	ELECTION COMMISSION Transition Provisions
Sec. 801	MISCELLANEOUS State Defined
Sec. 802	CRIMINAL PENALTIES/PROHIBITIONS Coercing Voters to Cast Votes for Every Office
	MANDATORY STANDARDS AND REQUIREMENTS Voter Registration Systems
Sec. 803	EFFECT ON EXISTING VOTING LAWS

Table 4. CRS Topics/Subtopics by Section, Senate Version of H.R. 3295

Section	CRS Topic
Sec. 101	MANDATORY STANDARDS AND REQUIREMENTS Voting Systems Effective Dates
Sec. 102	Provisional Voting Voting Information Effective Dates
Sec. 103	Voter Registration Systems Effective Dates
Sec. 104	Standards Enforcement
Sec. 105	MANDATORY STANDARDS AND REQUIREMENTS
Sec. 201–210	GRANT PROGRAMS Election Assistance/Requirements Programs
Sec. 211–219	Incentive Program
Sec. 221–229	Accessibility Program
Sec. 231–232	National Student/Parent Mock Election Program
Sec. 301	ELECTION COMMISSION
Sec. 302	Membership and Appointment of Commissioners
Sec. 303	Duties
Sec. 304	Meetings of the Commission
Sec. 305	Powers
Sec. 306	Membership and Appointment of Commissioners Staff/Personnel
Sec. 307	Authorization of Appropriations
Sec. 311–316	Transition Provisions
Sec. 321–326	Advisory Committee on Electronic Voting
Sec. 401	MILITARY AND OVERSEAS VOTING Standard for Invalidation of Absentee Military Ballots
Sec. 402	Voters Recently Separated From Military Service

Section	CRS Topic
Sec. 403	States Prohibited From Refusing Registration or Absentee Ballot Applications Due to Early Submission
Sec. 404	Distribution of Federal Military Voting Laws
Sec. 405	Effective Dates
Sec. 406	ELECTION COMMISSION Duties
	MILITARY AND OVERSEAS VOTING Designation of Single State Office to Administer Law Study on Permanent Registration of Overseas Citizens
Sec. 407	Report on Absentee Ballots Sent and Received
Sec. 408	Registration Rejection Notice
Sec. 409	ELECTION COMMISSION Duties
	MILITARY AND OVERSEAS VOTING Use of Standard Oath
Sec. 410	ELECTION COMMISSION Duties
	MILITARY AND OVERSEAS VOTING Study on Prohibiting Notarization Requirements
Sec. 501	CRIMINAL PENALTIES/PROHIBITIONS Fraud Relating to Internet Voting
Sec. 502	Providing False Information in Registering or Voting
Sec. 503	MISCELLANEOUS Use of Social Security Numbers
Sec. 504	MILITARY AND OVERSEAS VOTING Mail Delivery Procedures
Sec. 505	Guarantee of Voting Rights in State and Local Elections
Sec. 506	ELECTION COMMISSION State and Local Input
Sec. 507	Duties
Sec. 508	POLL WORKER RECRUITING PROGRAMS Help America Vote College Program

Section	CRS Topic
Sec. 509	EFFECT ON EXISTING VOTING LAWS
Sec. 510	MISCELLANEOUS Curbside Voting
Sec. 511	ELECTION COMMISSION Duties
Sec. 512	GRANT PROGRAMS Election Assistance/Requirements Programs
Sec. 513	ELECTION COMMISSION Duties
Sec. 514	MISCELLANEOUS Impacts on States

EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted names, phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.