

**Calendar No. 239**107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 565**

To establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

---

**IN THE SENATE OF THE UNITED STATES**

MARCH 19, 2001

Mr. DODD (for himself, Mr. DASCHLE, Mr. INOUE, Mr. DAYTON, Mr. KERRY, Mr. KENNEDY, Mr. CORZINE, Mr. LEAHY, Mr. REID, Mrs. CLINTON, Mr. BAYH, Mr. REED, Mr. NELSON of Florida, Mrs. BOXER, Mr. EDWARDS, Mr. BIDEN, Mrs. CARNAHAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. SARBANES, Ms. STABENOW, Mr. WELLSTONE, Mr. TORRICELLI, Ms. LANDRIEU, Mr. JOHNSON, Mr. LEVIN, Mr. LIEBERMAN, Mr. MILLER, Mr. NELSON of Nebraska, Mr. ROCKEFELLER, Mr. WYDEN, Mr. HARKIN, Ms. CANTWELL, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HOLLINGS, Mrs. LINCOLN, Mr. SCHUMER, Mr. CLELAND, Mr. KOHL, Mr. BREAUX, Mr. CONRAD, Mr. BYRD, Mr. CARPER, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

NOVEMBER 28, 2001

Reported by Mr. DODD, without amendment

# A BILL

To establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5 “Equal Protection of Voting Rights Act of 2001”.

6        (b) TABLE OF CONTENTS.—The table of contents of  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.  
 Sec. 2. Findings.

TITLE I—ESTABLISHMENT OF COMMISSION ON VOTING RIGHTS  
 AND PROCEDURES

Sec. 101. Establishment.  
 Sec. 102. Membership of the Commission.  
 Sec. 103. Duties of the Commission.  
 Sec. 104. Powers of the Commission.  
 Sec. 105. Commission personnel matters.  
 Sec. 106. Termination of the Commission.  
 Sec. 107. Authorization of appropriations for the Commission.

TITLE II—ELECTION TECHNOLOGY AND ADMINISTRATION  
 IMPROVEMENT GRANT PROGRAM

Sec. 201. Establishment of grant program.  
 Sec. 202. Authorized activities.

- Sec. 203. General policies and criteria for the approval of applications of States and localities; requirements of State plans.
- Sec. 204. Submission of applications of States and localities.
- Sec. 205. Approval of applications of States and localities.
- Sec. 206. Federal matching funds.
- Sec. 207. Audits and examinations of States and localities.
- Sec. 208. Reports to Congress and the Attorney General.
- Sec. 209. Definitions of State and locality.
- Sec. 210. Authorization of appropriations.

TITLE III—REQUIREMENTS FOR ELECTION TECHNOLOGY AND  
ADMINISTRATION

- Sec. 301. Uniform and nondiscriminatory requirements for election technology and administration.
- Sec. 302. Guidelines and technical specifications.
- Sec. 303. Requiring States to meet requirements.
- Sec. 304. Enforcement by Attorney General.

TITLE IV—MISCELLANEOUS

- Sec. 401. Relationship to other laws.

**1 SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The right to vote is a fundamental and in-  
4 controvertible right under the Constitution.

5 (2) There is a need for Congress to encourage  
6 and enable every eligible American to vote by re-  
7 affirming that the right to vote is a fundamental  
8 right under the Constitution.

9 (3) There is a need for Congress to encourage  
10 and enable every eligible American to vote by re-  
11 affirming that the United States is a democratic  
12 Government “of the people, by the people, and for  
13 the people” where every vote counts.

14 (4) There is a need for Congress to encourage  
15 and enable every eligible American to vote by elimi-

1 nating procedural, physical, and technological obsta-  
2 cles to voting.

3 (5) There is a need to counter discrimination in  
4 voting by removing barriers to the exercise of the  
5 constitutionally protected right to vote.

6 (6) There is a concern that persons with dis-  
7 abilities and impairments face difficulties in voting.

8 (7) There are practices designed to purge illegal  
9 voters from voter rolls which result in the elimi-  
10 nation of legal voters as well.

11 (8) State governments have already begun to  
12 examine ways to improve the administration of elec-  
13 tions and to modernize mechanisms and machinery  
14 for voting.

15 (9) Congress has authority under section 4 of  
16 article I of the Constitution of the United States,  
17 section 5 of the 14th amendment to the Constitution  
18 of the United States, and section 2 of the 15th  
19 amendment to the Constitution of the United States  
20 to enact legislation to address the equal protection  
21 violations that may be caused by outdated voting  
22 systems.

23 (10) Congress has an obligation to ensure that  
24 the necessary resources are available to States and  
25 localities to improve election technology and election

1 administration and to ensure the integrity of and  
2 full participation of all Americans in the democratic  
3 elections process.

4 **TITLE I—ESTABLISHMENT OF**  
5 **COMMISSION ON VOTING**  
6 **RIGHTS AND PROCEDURES**

7 **SEC. 101. ESTABLISHMENT.**

8 There is established the Commission on Voting  
9 Rights and Procedures (in this title referred to as the  
10 “Commission”).

11 **SEC. 102. MEMBERSHIP OF THE COMMISSION.**

12 (a) **NUMBER AND APPOINTMENT.**—The Commission  
13 shall be composed of 12 members of whom—

14 (1) 6 members shall be appointed by the Presi-  
15 dent;

16 (2) 3 members shall be appointed by the Minor-  
17 ity Leader of the Senate (or, if the Minority Leader  
18 is a member of the same political party as the Presi-  
19 dent, by the Majority Leader of the Senate); and

20 (3) 3 members shall be appointed by the Minor-  
21 ity Leader of the House of Representatives (or, if  
22 the Minority Leader is a member of the same polit-  
23 ical party as the President, by the Majority Leader  
24 of the House of Representatives).

1 (b) QUALIFICATIONS.—Each member appointed  
2 under subsection (a) shall be chosen on the basis of—

3 (1) experience with, and knowledge of—

4 (A) election law;

5 (B) election technology;

6 (C) Federal, State, or local election admin-  
7 istration;

8 (D) the Constitution; or

9 (E) the history of the United States; and

10 (2) integrity, impartiality, and good judgment.

11 (c) PERIOD OF APPOINTMENT; VACANCIES.—

12 (1) PERIOD OF APPOINTMENT.—Each member  
13 shall be appointed for the life of the Commission.

14 (2) VACANCIES.—

15 (A) IN GENERAL.—A vacancy in the Com-  
16 mission shall not affect its powers.

17 (B) MANNER OF REPLACEMENT.—Not  
18 later than 60 days after the date of the va-  
19 cancy, a vacancy on the Commission shall be  
20 filled in the same manner as the original ap-  
21 pointment was made and shall be subject to any  
22 conditions which applied with respect to the  
23 original appointment.

24 (d) CHAIRPERSON; VICE CHAIRPERSON.—

1           (1) IN GENERAL.—The Commission shall elect  
2 a chairperson and vice chairperson from among its  
3 members.

4           (2) POLITICAL AFFILIATION.—The chairperson  
5 and vice chairperson may not be affiliated with the  
6 same political party.

7           (e) DATE OF APPOINTMENT.—The appointments of  
8 the members of the Commission shall be made not later  
9 than 45 days after the date of enactment of this Act.

10          (f) MEETINGS.—

11           (1) IN GENERAL.—The Commission shall meet  
12 at the call of the chairperson.

13           (2) INITIAL MEETING.—Not later than 20 days  
14 after the date on which all members of the Commis-  
15 sion have been appointed, the Commission shall hold  
16 its first meeting.

17           (3) QUORUM.—A majority of the members of  
18 the Commission shall constitute a quorum, but a  
19 lesser number of members may hold hearings.

20          (g) VOTING.—Each action of the Commission shall  
21 be approved by a majority vote of the entire Commission.  
22 Each member shall have 1 vote.

23 **SEC. 103. DUTIES OF THE COMMISSION.**

24          (a) STUDY.—

1           (1) IN GENERAL.—The Commission shall con-  
2           duct a thorough study of—

3                   (A) election technology and systems;

4                   (B) designs of ballots and the uniformity  
5           of ballots;

6                   (C) access to ballots and polling places, in-  
7           cluding timely notice of voting locations and  
8           matters relating to access for—

9                           (i) voters with disabilities;

10                           (ii) voters with visual impairments;

11                           (iii) voters with limited English lan-  
12           guage proficiency;

13                           (iv) voters who need assistance in  
14           order to understand the voting process or  
15           how to cast a ballot; and

16                           (v) other voters with special needs;

17                   (D) the effect of the capacity of voting sys-  
18           tems on the efficiency of election administra-  
19           tion, including how the number of ballots which  
20           may be processed by a single machine over a  
21           period of time affects the number of machines  
22           needed to carry out an election at a particular  
23           polling place and the number of polling places  
24           and other facilities necessary to serve the vot-  
25           ers;

1 (E) voter registration and maintenance of  
2 voter rolls, including the use of provisional vot-  
3 ing and standards for reenfranchisement of vot-  
4 ers;

5 (F) alternative voting methods;

6 (G) voter intimidation, both real and per-  
7 ceived;

8 (H) accuracy of voting, election proce-  
9 dures, and election technology;

10 (I) voter education;

11 (J) election personnel and volunteer train-  
12 ing;

13 (K)(i) the implementation of title I of the  
14 Uniformed and Overseas Citizens Absentee Vot-  
15 ing Act (42 U.S.C. 1973ff et seq.) and the  
16 amendments made by title II of that Act by—

17 (I) the Secretary of Defense, acting as  
18 the Presidential designee under section  
19 101 of that Act (42 U.S.C. 1973ff);

20 (II) each other Federal Government  
21 official having responsibilities under that  
22 Act; and

23 (III) each State; and

24 (ii) whether any legislative or administra-  
25 tive action is necessary to provide a meaningful

1 opportunity for each absent uniformed services  
2 voter (as defined in section 107(1) of that Act  
3 (42 U.S.C. 1973ff-6(1))) and each overseas  
4 voter (as defined in section 107(5) of that Act  
5 (42 U.S.C. 1973ff-6(5))) to register to vote  
6 and vote in elections for Federal office;

7 (L) the feasibility and advisability of estab-  
8 lishing the date on which elections for Federal  
9 office are held as a Federal or State holiday;

10 (M) the feasibility and advisability of es-  
11 tablishing modified polling place hours, and the  
12 effects thereof; and

13 (N)(i) how the Federal Government can,  
14 on a permanent basis, best provide ongoing as-  
15 sistance to State and local authorities to im-  
16 prove the administration of elections for Fed-  
17 eral office;

18 (ii) how the requirements for voting sys-  
19 tems, provisional voting, and sample ballots de-  
20 scribed in section 301 can, on a permanent  
21 basis, best be administered; and

22 (iii) whether an existing or a new Federal  
23 agency should provide such assistance.

24 (2) WEBSITE.—In addition to any other publi-  
25 cation activities the Commission may be required to

1 carry out, for purposes of conducting the study  
2 under this subsection the Commission shall establish  
3 an Internet website to facilitate public comment and  
4 participation.

5 (b) RECOMMENDATIONS.—

6 (1) RECOMMENDATIONS OF BEST PRACTICES IN  
7 VOTING AND ELECTION ADMINISTRATION.—The  
8 Commission shall develop specific recommendations  
9 with respect to the matters studied under subsection  
10 (a) that identify those methods of voting and admin-  
11 istering elections studied by the Commission that  
12 would—

13 (A) be convenient, accessible, nondiscrim-  
14 inatory, and easy to use for voters in elections  
15 for Federal office, including voters with disabil-  
16 ities, voters with visual impairments, absent  
17 uniformed services voters, overseas voters, and  
18 other voters with special needs, including voters  
19 with limited English language proficiency or  
20 who otherwise need assistance in order to un-  
21 derstand the voting process or to cast a ballot;

22 (B) yield the broadest participation; and

23 (C) produce accurate results.

24 (2) RECOMMENDATIONS FOR PROVIDING AS-  
25 SISTANCE IN FEDERAL ELECTIONS.—The Commis-

1 sion shall develop specific recommendations with re-  
2 spect to the matters studied under subsection  
3 (a)(1)(N) on how the Federal Government can, on  
4 a permanent basis, best provide ongoing assistance  
5 to State and local authorities to improve the admin-  
6 istration of elections for Federal office, and identify  
7 whether an existing or a new Federal agency should  
8 provide such assistance.

9 (3) RECOMMENDATIONS FOR VOTER PARTICIPA-  
10 TION IN FEDERAL ELECTIONS.—The Commission  
11 shall develop specific recommendations with respect  
12 to the matters studied under subsection (a) on  
13 methods—

14 (A) to increase voter registration;

15 (B) to increase the accuracy of voter rolls  
16 and participation and inclusion of legal voters;

17 (C) to improve voter education; and

18 (D) to improve the training of election per-  
19 sonnel and volunteers.

20 (4) CONSISTENCY WITH ELECTION TECH-  
21 NOLOGY AND ADMINISTRATION REQUIREMENTS.—  
22 The Commission shall ensure that the specific rec-  
23 ommendations developed under this subsection are  
24 consistent with the uniform and nondiscriminatory

1 election technology and administration requirements  
2 under section 301.

3 (c) REPORTS.—

4 (1) INTERIM REPORTS.—Not later than the  
5 date on which the Commission submits the final re-  
6 port under paragraph (2), the Commission may sub-  
7 mit to the President and Congress such interim re-  
8 ports as a majority of the members of the Commis-  
9 sion determine appropriate.

10 (2) FINAL REPORT.—

11 (A) IN GENERAL.—Not later than 1 year  
12 after the date of enactment of this Act, the  
13 Commission shall submit to the President and  
14 Congress a final report that has received the  
15 approval of a majority of the members of the  
16 Commission.

17 (B) CONTENT.—The final report shall  
18 contain—

19 (i) a detailed statement of the find-  
20 ings and conclusions of the Commission on  
21 the matters studied under subsection (a);

22 (ii) a detailed statement of the rec-  
23 ommendations developed under subsection  
24 (b) which received a majority vote of the  
25 members of the Commission; and

1 (iii) any dissenting or minority opin-  
2 ions of the members of the Commission.

3 **SEC. 104. POWERS OF THE COMMISSION.**

4 (a) HEARINGS.—The Commission or, at its direction,  
5 any subcommittee or member of the Commission, may, for  
6 the purpose of carrying out this title—

7 (1) hold such hearings, sit and act at such  
8 times and places, take such testimony, receive such  
9 evidence, and administer such oaths; and

10 (2) require, by subpoena or otherwise, the at-  
11 tendance and testimony of such witnesses and the  
12 production of such books, records, correspondence,  
13 memoranda, papers, documents, tapes, and materials  
14 as the Commission or such subcommittee or member  
15 considers advisable.

16 (b) ISSUANCE AND ENFORCEMENT OF SUB-  
17 POENAS.—

18 (1) ISSUANCE.—Any subpoena issued under  
19 subsection (a) shall be issued by the chairperson and  
20 vice chairperson of the Commission acting jointly.  
21 Each subpoena shall bear the signature of the chair-  
22 person of the Commission and shall be served by any  
23 person or class of persons designated by the chair-  
24 person for that purpose.

1           (2) ENFORCEMENT.—In the case of contumacy  
2           or failure to obey a subpoena issued under sub-  
3           section (a), the United States district court for the  
4           judicial district in which the subpoenaed person re-  
5           sides, is served, or may be found may issue an order  
6           requiring such person to appear at any designated  
7           place to testify or to produce documentary or other  
8           evidence. Any failure to obey the order of the court  
9           may be punished by the court as a contempt of that  
10          court.

11          (c) WITNESS ALLOWANCES AND FEES.—Section  
12          1821 of title 28, United States Code, shall apply to wit-  
13          nesses requested or subpoenaed to appear at any hearing  
14          of the Commission. The per diem and mileage allowances  
15          for witnesses shall be paid from funds available to pay the  
16          expenses of the Commission.

17          (d) INFORMATION FROM FEDERAL AGENCIES.—The  
18          Commission may secure directly from any Federal depart-  
19          ment or agency such information as the Commission con-  
20          siders necessary to carry out this title. Upon request of  
21          the chairperson and vice chairperson of the Commission  
22          acting jointly, the head of such department or agency shall  
23          furnish such information to the Commission.

24          (e) POSTAL SERVICES.—The Commission may use  
25          the United States mails in the same manner and under

1 the same conditions as other departments and agencies of  
2 the Federal Government.

3 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
4 request of the chairperson and vice chairperson of the  
5 Commission acting jointly, the Administrator of the Gen-  
6 eral Services Administration shall provide to the Commis-  
7 sion, on a reimbursable basis, the administrative support  
8 services that are necessary to enable the Commission to  
9 carry out its duties under this title.

10 (g) GIFTS AND DONATIONS.—The Commission may  
11 accept, use, and dispose of gifts or donations of services  
12 or property to carry out this title.

13 (h) APPLICATION OF FEDERAL ADVISORY COM-  
14 MITTEE ACT.—Except as otherwise provided in this Act,  
15 the Commission shall be subject to the requirements of  
16 the Federal Advisory Committee Act (5 U.S.C. App.).

17 **SEC. 105. COMMISSION PERSONNEL MATTERS.**

18 (a) COMPENSATION OF MEMBERS.—Each member of  
19 the Commission who is not an officer or employee of the  
20 Federal Government shall be compensated at a rate equal  
21 to the daily equivalent of the annual rate of basic pay pre-  
22 scribed for level IV of the Executive Schedule under sec-  
23 tion 5315 of title 5, United States Code, for each day (in-  
24 cluding travel time) during which such member is engaged  
25 in the performance of the duties of the Commission. All

1 members of the Commission who are officers or employees  
2 of the United States shall serve without compensation in  
3 addition to that received for their services as officers or  
4 employees of the United States.

5 (b) TRAVEL EXPENSES.—The members of the Com-  
6 mission shall be allowed travel expenses, including per  
7 diem in lieu of subsistence, at rates authorized for employ-  
8 ees of agencies under subchapter I of chapter 57 of title  
9 5, United States Code, while away from their homes or  
10 regular places of business in the performance of services  
11 for the Commission.

12 (c) STAFF.—

13 (1) IN GENERAL.—The chairperson and vice  
14 chairperson of the Commission, acting jointly, may,  
15 without regard to the civil service laws and regula-  
16 tions, appoint and terminate an executive director  
17 and such other additional personnel as may be nec-  
18 essary to enable the Commission to perform its du-  
19 ties. The employment of an executive director shall  
20 be subject to confirmation by the Commission.

21 (2) COMPENSATION.—The chairperson and vice  
22 chairperson of the Commission, acting jointly, may  
23 fix the compensation of the executive director and  
24 other personnel without regard to chapter 51 and  
25 subchapter III of chapter 53 of title 5, United

1 States Code, relating to classification of positions  
2 and General Schedule pay rates, except that the rate  
3 of pay for the executive director and other personnel  
4 may not exceed the rate payable for level V of the  
5 Executive Schedule under section 5316 of such title.

6 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any  
7 Federal Government employee may be detailed to the  
8 Commission without reimbursement, and such detail shall  
9 be without interruption or loss of civil service status or  
10 privilege.

11 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**  
12 **TENT SERVICES.**—The chairperson and vice chairperson  
13 of the Commission, acting jointly, may procure temporary  
14 and intermittent services under section 3109(b) of title 5,  
15 United States Code, at rates for individuals which do not  
16 exceed the daily equivalent of the annual rate of basic pay  
17 prescribed for level V of the Executive Schedule under sec-  
18 tion 5316 of such title.

19 **SEC. 106. TERMINATION OF THE COMMISSION.**

20 The Commission shall terminate 45 days after the  
21 date on which the Commission submits its final report and  
22 recommendations under section 103(c)(2).

1 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
2 **COMMISSION.**

3 (a) IN GENERAL.—There are authorized to be appro-  
4 priated such sums as may be necessary to carry out the  
5 purposes of this title.

6 (b) AVAILABILITY.—Any sums appropriated under  
7 the authorization contained in this section shall remain  
8 available, without fiscal year limitation, until expended.

9 **TITLE II—ELECTION TECH-**  
10 **NOLOGY AND ADMINISTRA-**  
11 **TION IMPROVEMENT GRANT**  
12 **PROGRAM**

13 **SEC. 201. ESTABLISHMENT OF GRANT PROGRAM.**

14 (a) IN GENERAL.—The Attorney General, subject to  
15 the general policies and criteria for the approval of appli-  
16 cations established under section 203 and in consultation  
17 with the Federal Election Commission, is authorized to  
18 make grants to States and localities to pay the Federal  
19 share of the costs of the activities described in section 202.

20 (b) ACTION THROUGH OFFICE OF JUSTICE PRO-  
21 GRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL  
22 RIGHTS.—In carrying out this title, the Attorney General  
23 shall act through the Assistant Attorney General for the  
24 Office of Justice Programs and the Assistant Attorney  
25 General for the Civil Rights Division.

1 **SEC. 202. AUTHORIZED ACTIVITIES.**

2 (a) IN GENERAL.—A State or locality may use grant  
3 payments received under this title—

4 (1) to improve, acquire, or replace voting equip-  
5 ment or technology and improve the accessibility of  
6 polling places, including providing physical access for  
7 persons with disabilities and to other individuals  
8 with special needs, and nonvisual access for voters  
9 with visual impairments, and assistance to voters  
10 with limited proficiency in the English language;

11 (2) to implement new election administration  
12 procedures to increase voter participation and reduce  
13 disenfranchisement, such as “same-day” voter reg-  
14 istration procedures;

15 (3) to educate voters concerning voting proce-  
16 dures, voting rights or voting technology, and to  
17 train election personnel; or

18 (4) upon completion of the final report under  
19 section 103(c)(2), to implement recommendations  
20 contained in such report under section  
21 103(c)(2)(B)(ii).

22 (b) REQUIREMENTS FOR ELECTION TECHNOLOGY  
23 AND ADMINISTRATION.—A State or locality may use grant  
24 payments received under this title—

25 (1) on or after the date on which the voting  
26 system requirements specifications are issued under

1 section 302(a), to implement the requirements under  
2 section 301(a);

3 (2) on or after the date on which the provi-  
4 sional voting requirements guidelines are issued  
5 under section 302(b), to implement the requirements  
6 under section 301(b); and

7 (3) on or after the date on which the sample  
8 ballot requirements guidelines are issued under sec-  
9 tion 302(c), to implement the requirements under  
10 section 301(c).

11 **SEC. 203. GENERAL POLICIES AND CRITERIA FOR THE AP-  
12 PROVAL OF APPLICATIONS OF STATES AND  
13 LOCALITIES; REQUIREMENTS OF STATE  
14 PLANS.**

15 (a) GENERAL POLICIES.—The Attorney General shall  
16 establish general policies with respect to the approval of  
17 applications of States and localities, the awarding of  
18 grants, and the use of assistance made available under this  
19 title.

20 (b) CRITERIA.—

21 (1) IN GENERAL.—The Attorney General shall  
22 establish criteria with respect to the approval of ap-  
23 plications of States and localities submitted under  
24 section 204, including the requirements for State  
25 plans under paragraph (2).

1           (2) REQUIREMENTS OF STATE PLANS.—The  
2 Attorney General shall not approve an application of  
3 a State unless the State plan of that State provides  
4 for each of the following:

5           (A) Uniform nondiscriminatory voting  
6 standards within the State for election adminis-  
7 tration and technology that—

8           (i) meet the requirements for voting  
9 systems, provisional voting, and sample  
10 ballots described in section 301;

11           (ii) provide for ease and convenience  
12 of voting for all voters, including accuracy,  
13 nonintimidation, and nondiscrimination;

14           (iii) ensure conditions for voters with  
15 disabilities, including nonvisual access for  
16 voters with visual impairments, provide the  
17 same opportunity for access and participa-  
18 tion by such voters, including privacy and  
19 independence;

20           (iv) ensure access for voters with lim-  
21 ited English language proficiency, voters  
22 who need assistance in order to understand  
23 the voting process or how to cast a ballot,  
24 and other voters with special needs;

1 (v) ensure compliance with the Voting  
2 Accessibility for the Elderly and Handi-  
3 capped Act (42 U.S.C. 1973ee et seq.);

4 (vi) ensure compliance with the Voting  
5 Rights Act of 1965 (42 U.S.C. 1973 et  
6 seq.), including sections 4(f)(4) and 203 of  
7 such Act (42 U.S.C. 1973b(f)(4) and  
8 1973aa-1a);

9 (vii) ensure compliance with the Na-  
10 tional Voter Registration Act of 1993 (42  
11 U.S.C. 1973gg et seq.); and

12 (viii) ensure that overseas voters and  
13 absent uniformed service voters (as such  
14 terms are defined in section 107 of the  
15 Uniformed and Overseas Citizens Absentee  
16 Voting Act (42 U.S.C. 1973ff-6)) have a  
17 meaningful opportunity to exercise their  
18 voting rights as citizens of the United  
19 States.

20 (B) Accuracy of the records of eligible vot-  
21 ers in the States to ensure that legally reg-  
22 istered voters appear in such records and pre-  
23 vent any purging of such records to remove ille-  
24 gal voters that result in the elimination of legal  
25 voters as well.

1 (C) Voter education programs regarding  
2 the right to vote and methodology and proce-  
3 dures for participating in elections and training  
4 programs for election personnel and volunteers,  
5 including procedures to carry out subparagraph  
6 (D).

7 (D) An effective method of notifying voters  
8 at polling places on the day of election of basic  
9 voting procedures to effectuate their vote as  
10 provided for in State and Federal law.

11 (E) A timetable for meeting the elements  
12 of the plan.

13 (3) CONSISTENCY WITH ELECTION TECH-  
14 NOLOGY AND ADMINISTRATION REQUIREMENTS.—  
15 The criteria established by the Attorney General  
16 under this subsection and the State plans required  
17 under this subsection shall be consistent with the  
18 uniform and nondiscriminatory election technology  
19 and administration requirements under section 301.

20 (c) CONSULTATION.—In establishing the general poli-  
21 cies and criteria under this section, the Attorney General  
22 shall consult with the Federal Election Commission.

23 **SEC. 204. SUBMISSION OF APPLICATIONS OF STATES AND**  
24 **LOCALITIES.**

25 (a) SUBMISSION OF APPLICATIONS BY STATES.—

1           (1) IN GENERAL.—Subject to paragraph (3),  
2           the chief executive officer of each State desiring to  
3           receive a grant under this title shall submit an appli-  
4           cation to the Attorney General at such time, in such  
5           manner, and accompanied by such additional infor-  
6           mation as the Attorney General, in consultation with  
7           the Federal Election Commission, may reasonably  
8           require.

9           (2) CONTENTS OF APPLICATIONS.—Each appli-  
10          cation submitted under paragraph (1) shall include  
11          the following:

12                 (A) STATE PLAN.—A State plan that—

13                         (i) is developed in consultation with  
14                         State and local election officials;

15                         (ii) describes the activities authorized  
16                         under section 202 for which assistance  
17                         under this title is sought; and

18                         (iii) contains a detailed explanation of  
19                         how the State will comply with the require-  
20                         ments described in section 203(b).

21                 (B) COMPLIANCE WITH FEDERAL MATCH-  
22                 ING REQUIREMENTS.—An assurance that the  
23                 State will pay the non-Federal share of the  
24                 costs of the activities for which assistance is  
25                 sought from non-Federal sources that may be

1 accompanied by a request for a waiver of the  
2 matching requirements under section 206(b)(2).

3 (C) ADDITIONAL ASSURANCES.—Such ad-  
4 ditional assurances as the Attorney General, in  
5 consultation with the Federal Election Commis-  
6 sion, determines to be essential to ensure com-  
7 pliance with the requirements of this title.

8 (3) AVAILABILITY OF STATE PLANS FOR RE-  
9 VIEW AND COMMENT.—A State submitting an appli-  
10 cation under this section shall make the State plan  
11 proposed to be included in that application available  
12 to the public for review and comment prior to the  
13 submission of the application.

14 (b) SUBMISSION OF APPLICATIONS BY LOCAL-  
15 ITIES.—

16 (1) IN GENERAL.—If a State has submitted an  
17 application under subsection (a), a locality of that  
18 State may submit an application for assistance to  
19 the Attorney General at such time, in such manner,  
20 and accompanied by such additional information as  
21 the Attorney General, in consultation with the Fed-  
22 eral Election Commission, may reasonably require.

23 (2) CONTENTS OF APPLICATIONS.—Each appli-  
24 cation submitted by a locality under paragraph (1)  
25 shall include the following:

1 (A) CONSISTENCY WITH STATE PLAN.—In-  
2 formation similar to the information required to  
3 be submitted under the State plan under sub-  
4 section (a)(2)(A) that is not inconsistent with  
5 that plan.

6 (B) NONDUPLICATION OF EFFORT.—As-  
7 surances that any assistance directly provided  
8 to the locality under this title is not available to  
9 that locality through the State.

10 (C) COMPLIANCE WITH FEDERAL MATCH-  
11 ING REQUIREMENTS.—A description of how the  
12 locality will pay the non-Federal share from  
13 non-Federal sources that may be accompanied  
14 by a request for a waiver of the matching re-  
15 quirements under section 206(b)(2).

16 (D) ADDITIONAL ASSURANCES.—Such ad-  
17 ditional assurances as the Attorney General, in  
18 consultation with the Federal Election Commis-  
19 sion, determines to be essential to ensure com-  
20 pliance with the requirements of this title.

21 **SEC. 205. APPROVAL OF APPLICATIONS OF STATES AND LO-**  
22 **CALITIES.**

23 (a) APPROVAL OF STATE APPLICATIONS.—

24 (1) IN GENERAL.—The Attorney General, in  
25 consultation with the Federal Election Commission,

1 shall approve applications in accordance with the  
2 general policies and criteria for the approval of ap-  
3 plications established under section 203.

4 (2) PUBLICATION OF STATE PLANS AND SOLICI-  
5 TATION OF COMMENTS.—After receiving an applica-  
6 tion of a State submitted under section 204(a)(1),  
7 the Attorney General shall publish the State plan  
8 contained in that application in the Federal Register  
9 and solicit comments on the plan from the public.  
10 The publication of and the solicitation of comments  
11 on such a plan pursuant to this subsection shall not  
12 be treated as an exercise of rulemaking authority by  
13 the Attorney General for purposes of subchapter II  
14 of chapter 5 of title 5, United States Code.

15 (3) APPROVAL.—At any time after the expira-  
16 tion of the 30-day period which begins on the date  
17 the State plan is published in the Federal Register  
18 under subsection (a), and taking into consideration  
19 any comments received under such subsection, the  
20 Attorney General, in consultation with the Federal  
21 Election Commission, shall approve or disapprove  
22 the application that contains the State plan pub-  
23 lished under paragraph (2) in accordance with the  
24 general policies and criteria established under sec-  
25 tion 203.

1 (b) APPROVAL OF APPLICATIONS OF LOCALITIES.—

2 If the Attorney General has approved the application of  
3 a State under subsection (a), the Attorney General, in con-  
4 sultation with the Federal Election Commission, may ap-  
5 prove an application submitted by a locality of that State  
6 under section 204(b) in accordance with the general poli-  
7 cies and criteria established under section 203.

8 **SEC. 206. FEDERAL MATCHING FUNDS.**

9 (a) PAYMENTS.—The Attorney General shall pay to  
10 each State or locality having an application approved  
11 under section 205 the Federal share of the cost of the  
12 activities described in that application.

13 (b) FEDERAL SHARE.—

14 (1) IN GENERAL.—Subject to paragraphs (2),  
15 (3), and (4), for purposes of subsection (a), the Fed-  
16 eral share shall be 80 percent.

17 (2) WAIVER.—The Attorney General may speci-  
18 fy a Federal share greater than 80 percent under  
19 terms and conditions consistent with this title.

20 (3) INCENTIVE FOR EARLY ACTION.—For any  
21 recipient of a grant whose application was received  
22 prior to March 1, 2002, the Federal share shall be  
23 90 percent.

24 (4) REIMBURSEMENT FOR COST OF MEETING  
25 REQUIREMENTS.—With respect to the authorized ac-



1 **SEC. 208. REPORTS TO CONGRESS AND THE ATTORNEY**

2 **GENERAL.**

3 (a) REPORTS TO CONGRESS.—Not later than Janu-  
4 ary 31, 2003, and each year thereafter, the Attorney Gen-  
5 eral shall submit to the President and Congress a report  
6 on the program under this title for the preceding year.

7 Each report shall contain the following:

8 (1) A description and analysis of any activities  
9 funded by a grant awarded under this title.

10 (2) Any recommendation for legislative or ad-  
11 ministrative action that the Attorney General con-  
12 siders appropriate.

13 (b) REPORTS TO THE ATTORNEY GENERAL.—The  
14 Attorney General shall require each recipient of a grant  
15 under this title to submit reports to the Attorney General,  
16 at such time, in such manner, and containing such infor-  
17 mation as the Attorney General considers appropriate.

18 **SEC. 209. DEFINITIONS OF STATE AND LOCALITY.**

19 In this title:

20 (1) STATE.—The term “State” means each of  
21 the several States, the District of Columbia, the  
22 Commonwealth of Puerto Rico, American Samoa,  
23 Guam, and the United States Virgin Islands.

24 (2) LOCALITY.—The term “locality” means a  
25 political subdivision of a State.

1 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION.—

3 (1) IN GENERAL.—There are authorized to be  
4 appropriated to the Department of Justice such  
5 sums as may be necessary for each of fiscal years  
6 2002, 2003, 2004, 2005, and 2006.

7 (2) USE OF AMOUNTS.—Amounts appropriated  
8 under paragraph (1) shall be for the purpose of—

9 (A) awarding grants under this Act; and

10 (B) paying for the costs of administering  
11 the program to award such grants.

12 (3) FEDERAL ELECTION COMMISSION.—There  
13 are authorized to be appropriated to the Federal  
14 Election Commission for each of fiscal years 2002,  
15 2003, 2004, 2005, and 2006 such sums as may be  
16 necessary for the purpose of carrying out the provi-  
17 sions of this Act.

18 (b) LIMITATION.—Not more than 1 percent of any  
19 sums appropriated under paragraph (1) of subsection (a)  
20 may be used to pay for the administrative costs described  
21 in paragraph (2)(B) of such subsection.

22 (c) SUPPLEMENTAL APPROPRIATIONS.—There are  
23 authorized to be appropriated as supplemental appropria-  
24 tions for fiscal year 2001, such sums as the Department  
25 of Justice and the Federal Election Commission consider  
26 necessary to carry out the provisions of this Act.

1 **TITLE III—REQUIREMENTS FOR**  
2 **ELECTION TECHNOLOGY AND**  
3 **ADMINISTRATION**

4 **SEC. 301. UNIFORM AND NONDISCRIMINATORY REQUIRE-**  
5 **MENTS FOR ELECTION TECHNOLOGY AND**  
6 **ADMINISTRATION.**

7 (a) VOTING SYSTEMS.—Each voting system used in  
8 an election for Federal office shall meet the following re-  
9 quirements:

10 (1) The voting system shall permit the voter to  
11 verify the votes selected by the voter on a ballot be-  
12 fore the ballot is cast and tabulated, and shall pro-  
13 vide the voter with the opportunity to correct any  
14 error before the ballot is cast and tabulated.

15 (2) If the voter selects votes for more than one  
16 candidate for a single office, the voting system shall  
17 notify the voter before the ballot is cast and tab-  
18 ulated of the effect of casting multiple votes for the  
19 office, and shall provide the voter with the oppor-  
20 tunity to correct the ballot before the ballot is cast  
21 and tabulated.

22 (3) If the voter selects votes for fewer than the  
23 number of candidates for which votes may be cast,  
24 the voting system shall notify the voter before the  
25 ballot is cast and tabulated of the effect of such se-

1       lection, and shall provide the voter with the oppor-  
2       tunity to correct the ballot before the ballot is cast  
3       and tabulated.

4               (4) The voting system shall produce a record  
5       with an audit capacity for each ballot cast.

6               (5) The voting system shall be accessible for in-  
7       dividuals with disabilities and other individuals with  
8       special needs, including providing nonvisual accessi-  
9       bility for the blind and visually impaired, which pro-  
10      vides the same opportunity for access and participa-  
11      tion (including privacy and independence) as for  
12      other voters, and shall provide alternative language  
13      accessibility for individuals with limited proficiency  
14      in the English language.

15              (6) The error rate of a voting system in count-  
16      ing and tabulating ballots (determined by taking  
17      into account only those errors which are attributable  
18      to the voting system and not attributable to the act  
19      of the voter) shall not exceed the error rate stand-  
20      ards as established in the national Voting Systems  
21      Standards issued and maintained by the Office of  
22      Election Administration of the Federal Election  
23      Commission in effect on the date of enactment of  
24      this Act and shall not be inconsistent with respect  
25      to the requirements under section 301.

1 (b) PROVISIONAL VOTING.—If the name of an indi-  
2 vidual who declares to be a registrant eligible to vote at  
3 a polling place in an election for Federal office does not  
4 appear on the official list of registrants eligible to vote  
5 at the polling place, or it is otherwise asserted by an elec-  
6 tion official that the individual is not eligible to vote at  
7 the polling place—

8 (1) an election official at the polling place shall  
9 notify the individual that the individual may cast a  
10 provisional ballot in the election;

11 (2) the individual shall be permitted to cast a  
12 vote at that polling place upon written affirmation  
13 by the individual before an election official at that  
14 polling place that the individual is so eligible;

15 (3) an election official at the polling place shall  
16 transfer the ballot cast by the individual to an ap-  
17 propriate State or local election official for prompt  
18 verification of the declaration made by the individual  
19 in the affirmation required under paragraph (2);

20 (4) if the appropriate State or local election of-  
21 ficial verifies the declaration made by the individual  
22 in the affirmation, the individual's vote shall be tab-  
23 ulated; and

24 (5) the appropriate State or local election offi-  
25 cial shall notify the individual in writing of the final

1 disposition of the individual's affirmation and the  
2 treatment of the individual's vote.

3 (c) SAMPLE BALLOT.—

4 (1) MAILINGS TO VOTERS.—Not later than 10  
5 days prior to the date of an election for Federal of-  
6 fice, the appropriate election official shall mail to  
7 each individual who is registered to vote in such  
8 election a sample version of the ballot which will be  
9 used for the election together with—

10 (A) information regarding the date of the  
11 election and the hours during which polling  
12 places will be open;

13 (B) instructions on how to cast a vote on  
14 the ballot; and

15 (C) general information on voting rights  
16 under Federal and applicable State laws and in-  
17 structions on how to contact the appropriate of-  
18 ficials if these rights are alleged to be violated.

19 (2) PUBLICATION AND POSTING.—The sample  
20 version of the ballot which will be used for an elec-  
21 tion for Federal office and which is mailed under  
22 paragraph (1) shall be published in a newspaper of  
23 general circulation in the applicable geographic area  
24 not later than 10 days prior to the date of the elec-

1           tion, and shall be posted publicly at each polling  
2           place on the date of the election.

3 **SEC. 302. GUIDELINES AND TECHNICAL SPECIFICATIONS.**

4           (a) VOTING SYSTEMS REQUIREMENT SPECIFICA-  
5 TIONS.—In accordance with the requirements of this title  
6 regarding technical specifications, the Office of Election  
7 Administration of the Federal Election Commission shall  
8 develop national Voting Systems Specifications with re-  
9 spect to the voting systems requirement provided under  
10 section 301(a).

11           (b) PROVISIONAL VOTING GUIDELINES.—In accord-  
12 ance with the requirements of this title regarding provi-  
13 sional voting, the Civil Rights Division of the Department  
14 of Justice shall develop initial guidelines with respect to  
15 the provisional voting requirement provided for under sec-  
16 tion 301(b).

17           (c) SAMPLE BALLOT GUIDELINES.—In accordance  
18 with the requirements of this title regarding sample bal-  
19 lots, the Civil Rights Division of the Department of Jus-  
20 tice shall develop initial guidelines with respect to the sam-  
21 ple ballot requirement provided for under section 301(c).

22 **SEC. 303. REQUIRING STATES TO MEET REQUIREMENTS.**

23           (a) IN GENERAL.—Subject to subsection (b), a State  
24 or locality shall meet the requirements of section 301 with  
25 respect to the regularly scheduled election for Federal of-

1    office held in the State in 2004 and each subsequent election  
2    for Federal office held in the State, except that a State  
3    is not required to meet the guidelines and technical speci-  
4    fications under section 302 prior to the publication of such  
5    guidelines and specifications.

6           (b) TREATMENT OF ACTIVITIES RELATING TO VOT-  
7    ING SYSTEMS UNDER GRANT PROGRAM.—To the extent  
8    that a State has used funds provided under the Election  
9    Technology and Administration Improvement grant pro-  
10   gram under section 202(a) to purchase or modify voting  
11   systems in accordance with the State plan contained in  
12   its approved application under such program, the State  
13   shall be deemed to meet the requirements of section  
14   301(a).

15   **SEC. 304. ENFORCEMENT BY ATTORNEY GENERAL.**

16           (a) IN GENERAL.—The Attorney General may bring  
17   a civil action in an appropriate district court for such relief  
18   (including declaratory or injunctive relief) as may be nec-  
19   essary to carry out this title.

20           (b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—  
21   The Attorney General shall carry out this section through  
22   the Office of Civil Rights of the Department of Justice.

23           (c) RELATION TO OTHER LAWS.—The remedies es-  
24   tablished by this section are in addition to all other rights  
25   and remedies provided by law.

1       **TITLE IV—MISCELLANEOUS**

2       **SEC. 401. RELATIONSHIP TO OTHER LAWS.**

3       (a) IN GENERAL.—Nothing in this Act may be con-  
4       strued to authorize or require conduct prohibited under  
5       the following laws, or supersede, restrict, or limit such  
6       laws:

7               (1) The National Voter Registration Act of  
8       1993 (42 U.S.C. 1973gg et seq.).

9               (2) The Voting Rights Act of 1965 (42 U.S.C.  
10      1973 et seq.).

11              (3) The Voting Accessibility for the Elderly and  
12      Handicapped Act (42 U.S.C. 1973ee et seq.).

13              (4) The Uniformed and Overseas Citizens Ab-  
14      sentee Voting Act (42 U.S.C. 1973ff et seq.).

15              (5) The Americans with Disabilities Act of  
16      1990 (42 U.S.C. 1994 et seq.).

17       (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
18      QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
19      proval by the Attorney General of a State’s application  
20      for a grant under title II, or any other action taken by  
21      the Attorney General or a State under such title, shall not  
22      be considered to have any effect on requirements for  
23      preclearance under section 5 of the Voting Rights Act of  
24      1965 or any other requirements of such Act.

**Calendar No. 239**

107TH CONGRESS  
1ST SESSION

**S. 565**

---

---

**A BILL**

To establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

---

---

NOVEMBER 28, 2001

Reported without amendment