oil. As I have indicated, Venezuela is on strike. Iraq has terminated its production. We are told there is a grave threat in Colombia by revolutionists who are threatening to blow up the pipeline. There are complications now that the Saudis have been accused of funding, if you will, terrorist activities associated with the deaths of Israelis and the bombings, human bombings that have taken place.

As we address this vulnerability, we have to recognize the reality. It focuses in on the current debate on ethanol. As we look at where we are, we are going to have to have more gasoline in California; we are going to have to have more gasoline in New York. The price is going to go up.

Our alternatives, it seems to me, are quite obvious. We should reduce our dependence on imported sources. That brings us to the ANWR debate which will be taking place very soon.

Finally, the Schumer amendment would strike the renewable fuels standards, as we know, contained in section 819 of the bill. That portion called for mandated use of renewable motor fuels such as ethanol and biodiesel. This mandate is part of a larger package of provisions on MTBE and boutique fuels, and I am certainly supportive of reducing the boutique fuels.

I am not usually a big fan of mandates, but the renewable fuel standards will reduce our dependence on foreign oil.

I will have more to say later, but I encourage my colleagues to participate in this discussion and recognize the significance of our increased vulnerability and why we are going to be using the gasoline when in reality we will be paying for it.

I find it ironic that California is dependent on Alaska, and as Alaskan oil declines, that dependence is going to shift over to the importation of oil to California from Iran, Iraq, wherever—Saudi Arabia. Of course, New York is dependent on Venezuelan oil as well. If we do not do something domestically, we are going to pay the piper.

I yield the floor.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (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.

Pending:

Roberts/McConnell amendment No. 2907, to eliminate the administrative procedures of requiring election officials to notify voters by mail whether or not their individual vote was counted.

Clinton amendment No. 3108, to establish a residual ballot performance benchmark.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided between the Senator from Connecticut, Mr. DODD, and the Senator from Kentucky, Mr. MCCONNELL, or their designees.

MODIFICATION TO AMENDMENT NO. 3107

Mr. DODD. Mr. President, I ask unanimous consent that amendment No. 3107, previously agreed to, be modified with the technical correction that I now send to the desk.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The modification to the amendment is as follows:

At the appropriate place in the bill, insert page 13, line 12 through page 14, line 7 of the amendment.

Mr. MCCONNELL. Mr. President, this is a big day for the Senate. After a year and a half of discussions, negotiations, introduction, and reintroduction of legislation, we are finally prepared to pass a comprehensive, truly bipartisan election reform bill.

I say ''finally,'' but the truth is, a year and a half is lightning fast in the Senate. Senator TORRICELLI and I proposed a comprehensive election reform bill before the dust had settled in Florida. Shortly after, Senator TORRICELLI and I joined with Senator SCHUMER to put together yet another bill which garnered the support of 71 Senators—fairly evenly split between Democrats and Republicans. Senator DODD, meanwhile, introduced legislation that was supported by all Democratic Senators.

Four months ago, Senators DODD, BOND, SCHUMER, TORRICELLI, and I reached a bipartisan compromise. That was brought before this body in February. Through the passage of thoughtful amendments offered by my colleagues on both sides of the aisle, we have substantially improved the underlying bill. The final product is legislation which ensures that all Americans who are eligible to vote, and who have the right to vote, are able to do so, and to do so only once. This bill strengthens the integrity of the process so that voters know that their right to vote is not diluted through fraud committed by others. This legislation will make American election systems more accurate, more accessible, and more honest while respecting the primacy of States and localities in the administration of elections.

I look forward to a House-Senate conference so that soon we may move even closer toward enactment of a law that will improve America's election systems.

I thank Senator DODD for his steadfast and persistent leadership on this issue. He truly has been the champion of promoting accessibility in elections. My thanks to Senator BOND who gave us our rallying cry behind this bill, ''making it easier to vote, and harder to cheat.'' This bill does just that and Senator BOND deserves the lion's share of the credit for that accomplishment. I also thank Senator SCHUMER, who joined with me nearly 1 year ago to advance a new approach to this issue. Any my thanks to Senator TORRICELLI, who has been there from the beginning with me in this exercise. I thank you all for your hard work and perseverance which has brought us to this triumphant moment.

Before I yield the floor, I would like to reiterate my strong opposition to the Clinton amendment which we will vote on shortly. The amendment creates a federally mandated acceptable error rate that is a one size fits all number. This approach is completely contrary to every other provision of this legislation.

If adopted, this amendment would do three things:

No. 1, Deliver the Department of Justice into our home States to prosecute our State and local election officials for choices made by or errors committed by voters;

No. 2, Undermine the sanctity of the secret ballot and

No. 3, Force the elimination of many voting systems used across this country.

On that last point, I urge my colleagues who hail from States which use paper ballots, mail-in voting or absentee voting to take a close look at this amendment. Your States will have a choice: change their systems or recruit top notch legal talent to defend themselves in court.

This choice will also be faced by States using lever machines, punch cared systems, optical scans, and DRE machines.

If this amendment is agreed to, perhaps we should move to increase the Justice Department appropriation so that it can ready a team of lawyers for each State.

Finally, I thank my staff on the Rules Committee: Brian Lewis, Leon Sequeira, Chris Moore, Hugh Farrish, and our staff director, Tam Somerville—all of whom have been deeply involved in this issue from the beginning—and, from Senator DODD's staff, Shawn Maher, Kenny Gill, Ronnie Gillespie, we have enjoyed working with them.

Also, on Senator BOND's staff, Julile Dammann and Jack Bartling have been truly outstanding. It has been a pleasure to work with them.

On Senator SCHUMER's staff, Sharon Levin; and, on Senator TORRICELLI's staff, Sarah Wills—we appreciate the opportunity to work with all of these folks in developing this legislation.

I see my colleague from Missouri is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, how much time is available on this side?

The PRESIDING OFFICER. Ten minutes.

Mr. BOND. I thank the Chair. I will not require that much time, but please advise me if I go over 5 minutes.

Mr. President, I come back again to congratulate and thank the chairman and ranking member of this committee, Senator DODD and Senator MCCONNELL, for their great work.

It has been 10 long, arduous months to do something that is vitally important to the health and the vitality of our system of legislative government. The 2000 election opened the eyes of many Americans to the flaws and failures of our election machinery, our voting systems, and even how we determine what a vote is. We learned of hanging chads, inactive lists, and we discovered our military votes were mishandled and lost. We learned that legal voters were turned away while dead voters cast ballots. We discovered that many people voted twice while too many were not even counted once.

That is why we are here today. The final compromise bill—and it is a compromise in the true essence of the word—tries to address each of these fundamental problems we have discovered and to meet the basic test. That test, I trust all of my colleagues now understand, is that we must make it easier to vote but tough to cheat.

In the 2000 elections, fraud was prevalent. Fraud was too frequently found. Among the most bizarre and fraudulent efforts that occurred in St. Louis was the filing of a lawsuit by a dead man to keep the polls open beyond closing time because he feared the long lines would prevent him from voting. That probably wasn't the only problem he had. His identification was later switched to that of a partisan political operative for a congressional candidate even though evidence showed that man had already voted that day. Unfortunately, the practice of the deceased voting was not limited to the lawsuit to keep the polls open. We have had a number of ballot registrations made in the name of people who have departed this earthly veil.

Albert ''Red'' Villa registered to vote on the 10th anniversary of his death—truly a significant theological effort. The deceased mother of a prosecuting attorney in St. Louis City was also registered to vote.

This was the mayoral primary of 2001 which got people excited in St. Louis because it wasn't a minor election where we just voted for the President, the Governor, the Senators, and Congress. We were talking about relevant votes there. We were talking about the race for the mayor's office which controls votes and which controls jobs in the City of St. Louis.

We also had our own outrageous system of provisional voting underway in St. Louis City. People went to judges and said they didn't show up on the registration list so they asked for court orders to be permitted to vote. Some of the reasons given, which were accepted by our judiciary, were that they should be allowed to vote because they were legally registered. One of them said: I am him a Democrat. The other said: I wanted to vote for Gore. The other said: I was suffering from a mental illness. My favorite was: I am a convicted felon and didn't realize I had to reregister. That person, and 1,300 others, were allowed to vote even though it is against the law for a felon to vote in Missouri.

Subsequent investigation by the secretary of state in Missouri found that 97 percent of those who were ordered to vote by judges voted illegally. They were not entitled to vote.

That is why the whole structure of this bill is so important. Provisional voting will be permitted, but actually putting the ballot in the ballot box will be delayed until there has been an opportunity to ascertain that the person is a registered voter.

We have seen fraud. I think perhaps it was best described by the Missouri Court of Appeals in shutting down the fraudulent effort to keep the polls open. The argument in St. Louis City was that the Democratically controlled City Election Board in the Democratic City of St. Louis was conspiring to keep the Democratic voters in St. Louis City from voting for Democratic candidates. That was the suit filed by the dead man who said that the long lines kept him from voting. The Missouri Court of Appeals said it best in its order shutting down the polls when it said:

> Commendable zeal to protect voting rights must be tempered by the corresponding duty to protect the integrity of the voting process. Equal vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

We have seen not only people who have rightfully been denied the opportunity to vote. Unfortunately, the votes of those who have the right to vote have been diluted and have been canceled because fraud has been prevalent in St. Louis, and I believe in other areas of the country.

This bill goes a long way towards achieving the goal of making it easier to vote and harder to cheat.

I urge the support of my colleagues for this very important bipartisan measure. I extend my thanks to the chairman and the ranking member of the Rules Committee.

Mr. DODD. Mr. President, I yield 2 minutes to the distinguished Senator from Oregon, Mr. WYDEN, and 2 minutes to the distinguished Senator from New York, Mr. SCHUMER.

For the information of Members, at the conclusion of that, depending on the time left of my friend from Kentucky, we will close debate, and there will be a vote on the Roberts amendment, then a vote on the Clinton amendment, and then a vote on final passage. That is how this will play out over the next 45 minutes or an hour.

So with that, let me turn to my colleague from Oregon and thank him and the Senator from New York for their tremendous support and tireless effort on behalf of this piece of legislation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I begin by expressing my thanks to Senator DODD and Senator MCCONNELL. Both of them worked tirelessly with me and Senator CANTWELL and others.

This legislation we will vote on will now protect an innovation, a pioneering step forward that I think is going to make a huge difference for the American people; that is, voting by mail.

What we saw earlier, as the debate went forward, was various proposals that would have put new hurdles, new obstacles in front of this legislation that has empowered thousands and thousands of Americans. I am very proud that my State has led the way in this innovative approach, but I think it is the wave of the future.

There is a reason why millions of older people and disabled people and others enjoy and prefer voting by mail. They like the convenience, and they understand that it meets the test that Senator BOND and others have talked about, which would be a winning combination for the American people.

Let's make it easier to vote but not easier to cheat. Voting by mail has proven it is up to that challenge. We have shown in our State that we will come down with a every aggressive effort against those who try to abuse the system, try to exploit it. We have not seen any significant problem with it.

It is a bipartisan effort. Senator SMITH has joined with me in it. Senator CANTWELL has made the case for the State of Washington.

I close by saying that over many months Senator DODD and Senator MCCONNELL, knowing that we were camped out with their staffs, could have said, look, this is an issue that only a couple States care about, but they did not. I think they have showed their commitment not just to protecting people in Oregon or Washington who feel so passionately about this subject, but I think they understand this truly is a pioneering step forward. It is part of the wave of future. It is the next step before we see people voting online.

From the beginning of this debate, I have said that this legislation should be about deferring voter fraud and promoting voter participation. Many weeks of negotiations finally have produced an agreement that I believe will do both.

If first-time Oregon voter Mabel Barnes had mailed in her ballot under the election reform bill that was on the Senate floor 6 weeks ago, her vote probably would not have counted—even

if she were legally registered to vote. Her vote would have been tossed away simply because she failed to include with it a photo ID or other proof of identification.

Mabel Barnes would not have been alone. Under the bill that was on the Senate floor then, millions of first-time voters would have been disenfranchised just because they failed to bring a copy of their photo ID to the polls.

But Mabel Barnes and millions of other first-time voters won't have to worry about their votes counting now, and they won't have to worry about stopping by a copy center before they vote. That's because over the course of the last few weeks Senators CANTWELL, BOND, MCCONNELL, MURRAY, and I have worked out an agreement that protects Oregon's vote-by-mail system and the right to have every mail-in-vote by a legally registered first-time voter count.

The agreement Senators CANTWELL, BOND, MCCONNELL, MURRAY, and I worked out gives voters who register by mail more options to verify their identity. Instead of a photo ID or proof of residence, first-time voters in a state may put their driver's license number or the last four digits of their social security card on their registration card. This means they won't have to stop by a copy center before they register or before they vote. This will mean business as usual for the petition drives and campus registration efforts in Oregon, where thousands of first-time voters register by mail.

The agreement also guarantees that voters who cast their ballots by mail have the same provisional or replacement ballot rights as voters who go to the polls. Under the agreement if a first-time voter in a state fails to supply a driver's license number or the last four digits of their social security number when they register, their vote will still count if state election officials determine they are eligible under state law. In Oregon, this means that the vote of every legally registered Oregonian will count if an election official verifies that the signature on the ballot matches the signature on file with the registration.

Under the agreement, Oregon's pioneering vote-by-mail system will continue, unchanged.

I understand where the photo ID requirement sprang from: a concern that mail-in voter registration and balloting engender fraud. But in Oregon—the only all vote-by-mail state and the state that pioneered motor voter—there is very little fraud. No one has come forward with proof of widespread fraud in Oregon. In fact, I was elected to the United States Senate in the first all vote-by-mail special election. Senator GORDON SMITH, my opponent in that race, never raised any questions about fraud. Oregon's penalties for fraud are much tougher than federal law—up to $100,000 in fines and or 5 years in jail.

Since Oregonians voted overwhelmingly to use a vote-by-mail system, participation has gone up and fraud has gone down. In fact, in the last federal election, 80 percent of the registered voters cast a ballot. Since the May 1996 primary, 13 cases of fraud have been prosecuted; convictions were won in five and eight are still pending. In the last federal election, only 192 ballots were not counted because they failed the signature verification test. This is a pretty good record.

This legislation should be about deterring voter fraud and not voter participation. The agreement Senators CANTWELL, BOND, MCCONNELL, MURRAY, and I have reached does this. The time to fight fraud is at the beginning of the process—at the time of registration. That is what our agreement does. At the same time, I have also said that legislation should not make it harder for legally registered voters to cast a ballot, or discourage people from voting. The agreement will do this as well.

This has not been an easy task. I want to commend Senators BOND, CANTWELL, MCCONNELL, and MURRAY for sticking with the negotiations, and I especially want to thank Chairman DODD for the support he and his staff have given us in reaching the agreement and in including it in the managers' package.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York.

Mr. SCHUMER. Mr. President, I reiterate what I said last night. Senator DODD was indefatigable on this bill. It would not have happened without him. Senator MCCONNELL was steadfast in terms of principle, sticking to what he believed but making sure we had a bill done. I thank them both for their leadership as well as my other colleagues who worked so hard on this bill.

Mr. President, democracy works slowly—sometimes too slowly—but inexorably. We had the great scandal in Florida where people could not vote, where people's votes were not counted, where people voted for the wrong person despite their intention.

Now, almost 2 years later, we are doing something very real about it. I wish it had come sooner, but this bill has been worth waiting for.

And the problem is not just in Florida, as we learned. In my State of New York, I voted, first, in 1969. I used the same exact type of machine when I voted in 2001, despite all of our technological changes. And the lines to vote in New York are legion. Just because we are the world's oldest democracy does not mean we have to use the world's oldest technology.

At the core of this bill is a view that that changes, that we will help the States update.

Despite the strength of our democracy, if we do not do a good job maintaining the actual mechanism that drives it—our voting systems—we fail the voters and undermine the values for which our Founding Fathers fought and died.

Voting should be accessible, accurate, and speedy in all places, all of the time. This is not a someplace, some-of-the-time proposition. The right to vote is too sacred. This bill provides both the funds and the standards to make sure that exactly happens.

So I urge all my colleagues to have a rousing vote of support for this bill. We often have an opportunity to support legislation that makes our lives better. That is why we are here. But today we have an opportunity to make a little history. And it is something we will never forget.

PROVISIONAL VOTING AND VERMONT

Mr. JEFFORDS. Mr. President, I would first like to thank Senator DODD for all his hard work on this very important bill. This legislation will help ensure that the problems that occurred during the 2000 elections will not happen again, and hopefully increase the number of Americans that participate in the most sacred right of a democracy, voting. I would like to take this opportunity though to discuss the provisional voting section of the bill and its effect on the affidavit voting system we have in Vermont.

Mr. DODD. Mr. President, I thank Senator JEFFORDS for his early support of reform of the election system. I also appreciate his hard work to ensure that the good qualities of Vermont's election system are protected and replicated around the United States. I would be pleased to take the time to answer any question he may have on the provisional voting section of the bill.

Mr. JEFFORDS. In Vermont when a person arrives at the polling place to vote and their name does not appear on the voter checklist, even though they believe they have properly registered, we have a system that would allow them to cast a ballot. The voter completes an affidavit form swearing that they had properly applied but were not added to the voter checklist. The form is reviewed by the Board of Civil Authority at the polling place and unless the information appears false the person is allowed to cast a ballot. If the information appears to be false, the Board of Civil Authority will not allow the person to cast a ballot and refers them to a local judge to get added to the voter checklist for the election that day.

The ballots cast this way are counted exactly like the other ballots and included in the final totals. The information from the approved affidavits is immediately used to update the voter checklist. My question to you Senator DODD is that while this system is not called a provisional balloting system it appears to me that the affidavit voting system conforms to all the requirements in this legislation, and therefore the State of Vermont would already have satisfied the provisional balloting requirements of the bill?

Mr. DODD. I would agree with the Senator from Vermont. In mine and

my staff's review of different States' election procedures, Vermont's system of affidavit voting would satisfy the provisional balloting requirements of this legislation.

Mr. JEFFORDS. I appreciate Senator DODD's clarification of this issue, and look forward with working with him to ensure enactment of this important legislation.

MAINE'S SAME DAY REGISTRATION

Ms. COLLINS. Maine has same day registration so a voter can register at the polls or at a public office nearby and vote on the same day. If someone challenges the voter's right on that day, the ballot is marked as a challenged ballot. If a voter goes to the polls to vote and does not have identification or does not appear on the voting rolls, the presiding election official will challenge the voter, and his or her ballot will be treated as a challenged vote. The presiding election official keeps a list of voters challenged and the reason why they were challenged. After the time for voting expires, the presiding election official seals the list. The challenged votes are counted on election day. In the event of a recount, and if the challenged ballots could make a difference in the outcome of the election, the ballots and list are examined by the appropriate authority. The distinguished chairman of the Senate Committee on Rules has done excellent work crafting the important bill before us. I would ask him whether, then, Maine's system comply with this Election Reform Act?

Mr. DODD. I thank the Senator from Maine for her excellent question and for her steadfast support for election reform efforts. Let me assure her that Maine's system does comply with the Election Reform Act.

Ms. COLLINS. I would like to thank the senior Senator from Connecticut for his assistance and congratulate him on the impending passage of this bill.

ELECTION DAY AS NATIONAL HOLIDAY COLLOQUY

Mrs. BOXER. I thank my good friend from Connecticut and commend him for his hard work on this bill; I agree with him when he refers to this as ''landmark legislation.'' The Dodd-McConnell compromise makes many necessary improvements in our current elections system and moves us toward the ultimate goal that we all share of ensuring that our elections are fair, accurate and accessible to all.

In addition to securing the fairness of elections, however, I believe that it is in the best interest of our Nation, as with any representative democracy, to see that as many people as possible participate in the process. Would my friend from Connecticut agree with me that ensuring high turnout at the voting booth is also an important goal in terms of improving our electoral process?

Mr. DODD. I certainly agree with my good friend from California, and hope that this bill will help achieve that goal by improving accessibility, offering ballot materials in alternative languages and by addressing some of the things that can make the voting process intimidating or confusing.

Mrs. BOXER. One idea that has come up time and again in conversation with my constituents and various organizations in my State of California, is the possibility of creating a Federal holiday on election day. I think that this would be one of the most effective ways to ensure that as many people as possible have an opportunity to cast their vote and exercise that most fundamental democratic right. Many of the hard-working people in this country—people for whom election day represents a unique opportunity to make their voices heard—find it difficult to get to the polls. Many work long hours, or have children that they have to get to school. Would the Senator from Connecticut agree that we should make it easier for these people to cast their vote as well?

Mr. DODD. I agree with the Senator from California, and I would tell her that is the idea behind the entire legislation. We want to make sure that all eligible voters have an opportunity to cast their ballot and have it counted fairly and accurately.

Mrs. BOXER. I had considered offering an amendment to this bill that would in fact create a federal holiday on election day to help give as many people as possible the opportunity to vote. I would ask my friend from Connecticut if such a proposal was ever considered when this bill was being drafted?

Mr. DODD. I say to my friend from California that I did consider including a provision to that effect in the bill. We looked into the ramifications such a provision would have and, with time running short, ultimately concluded that there were too many variables and that we simply did not have enough information to include it as a requirement in the bill. We did, however, instruct the Election Administration Committee—the new election oversight body created by the bill—to conduct a study on conducting elections on different days, at different places, and during different hours, including the possibility of creating an election day holiday.

Mrs. BOXER. I hope that such a study would be thorough in investigating each of those possibilities and that it would be conducted as soon as reasonably possible. If such a study were to conclude that the creation of an election day holiday was possible and would indeed further the goals of this bill, we would want to begin the process of making it happen as soon as possible. Could my friend from Connecticut assure me that this study will be thorough and will be undertaken promptly upon enactment of this legislation?

Mr. DODD. I share the Senator from California's interest in moving forward with such a study as soon as is possible.

Mrs. BOXER. I look forward to working with my good friend from Connecticut in pushing the Commission to complete the study. In the meantime, I am introducing legislation to establish election day in Presidential election years as a legal public holiday.

Mr. DODD. I thank the Senator from California.

ELECTRONIC VOTING

Ms. CANTWELL. Mr. President, I take this opportunity to commend Senators DODD, MCCONNELL, SCHUMER, and BOND for their dedication and diligence in addressing what I believe to be an issue of critical importance to our country—protecting voting rights and ensuring the integrity of the electoral system in our Nation. Especially given the events in the world today, making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The State of Washington has a long and trusted history as a leader in election administration. Through great efforts and cooperation, the state has pioneered such programs as Motor Voter, provisional balloting, vote by mail, and absentee voting.

I would like to thank Senator DODD, the chairman of the Rules committee for his support for an amendment that I offered with Senator MURRAY'S support that has been adopted. The amendment guarantees that states are able to continue using mail-in voting, while also providing new safeguards to make mail-in voters aware of how to properly fill out their ballots, and how, if needed to obtain a replacement.

Voters in my State are proud of our system that offers voters the option of voting by mail or in the polling place, and they are extremely committed to seeing it continue. The mail-in ballot, in my opinion, offers voters several advantages. First, it allows voters to cast their ballots on their own time and at their own convenience. It also allows voters to make more informed choices, as they are able to consult literature sent by the State and by the campaigns in making their decisions. Because these votes are cast without the pressure of other voters waiting in line, or without the time crunch of being late to work or to pickup the kids, voters are also less likely to make mistakes that will disqualify their ballots.

In addition, the mail-in system is very secure. Each ballot that is cast by mail requires, that the voter sign the outer envelope. This signature is then checked against the voters signature that is kept on file and only when there is agreement that the signatures match is the ballot counted. Washington State has consistently increased the number of voters choosing to vote by mail and through provisional voting without any allegations that these types of voting have involved fraud or other misconduct. In fact, the procedures in place have consistently ensured the integrity and security of our elections and led to public confidence in our system that is unparalleled anywhere in the country.

It has not always been this way. In the early 1990s, we had several close elections that pointed out the vulnerabilities in our system. These close elections led Washington to become one of the first States to adopt statewide guidelines that ensured that each jurisdiction followed the same rules in determining how ballots are verified and counted. In addition, my State also adopted other requirements for testing and procedural consistency. It is my hope that this legislation will lead other states to follow our example and institute similar guidelines and procedures that will result in more people voting and making sure that all votes are properly cast and counted.

Our challenge, at the Federal level, is to ensure that in passing legislation that reduces hurdles to civic participation across the country, we respect the role of the States in selecting types of voting that work well for their citizens and lead to maximum participation. I believe that this bill as amended does that, and I would like to thank the chairman of the Rules Committee for his commitment to this bill and to ensuring that states have the flexibility to keep their systems in place.

I would like to address one additional point. In drafting legislation, it is often very difficult to look to the future and anticipate the impact that legislation will have on new technologies. To truly reform the Federal election process, this legislation must remedy the infirmities of the present system. However, it also must be forward-looking in its approach. It should welcome the implementation of new election technologies. The flexibility of this legislation to accommodate innovation will be the ultimate strength of federal election reform.

I firmly believe that voting by computer, whether by internet or some other remote electronic system, is likely to happen in many states in the near future. In fact, Arizona has already held a party caucus in which voters were permitted to vote over the internet. At the same time, I believe that the security concerns are such that most States, mine included, are not yet ready to provide this option to voters.

However, in the interests of looking to the future, I would like to seek clarification from the chairman of the Rules Committee about how this legislation would affect internet or other forms of remote electronic voting.

Is it the Chairman's understanding that the bill as it is currently written would not prevent States from offering voters the option of voting on the internet, so long as the State could show that the internet voting system complied with the security protocol standards written by the new Election Administration Commission, and that the voting system also complied with the requirements of the legislation on accessibility for the disabled, providing an audit trail of ballots, and by providing voters a means to make certain they had not made a mistake?

Mr. DODD. I agree with Senator CANTWELL that very serious concerns remain about voting by internet. As she knows, this legislation specifically requests that the new organization, the Election Administration Commission, study internet voting. I am looking forward to seeing what it learns. However, I hope very much that States will think very carefully before moving to internet voting, and will make sure that the security concerns are fully addressed.

That said, the Senator is correct that nothing in this bill prohibits states from implementing voting on a remote electronic system like the internet, as long as the system is certified by the new Election Administration Commission, and complies with the other standards in the legislation.

I agree with the Senator that it is important to welcome the development of new election technologies and it was my intent, and my cosponsors' intent to provide the states as much flexibility as possible to accommodate innovation while still implementing necessary minimum standards that will ensure that all our citizens' right to vote is protected.

Ms. CANTWELL. Thank you, Mr. Chairman. I appreciate all your efforts on this legislation, and I agree that this bill is drafted in a manner that will not limit the development and implementation of new election technologies so long as the new technologies satisfy security protocols and meet the requirements of the minimum standards. I also hope that this legislation will in fact spur the development of new election technologies that are more voter friendly and more cost efficient.

INTERACTIVE VOTER REGISTRATION AND FUNDING MECHANISM

Mrs. LINCOLN. Mr. President, I rise to commend the sponsors of the election reform bill that is before the Senate today. I especially want to recognize Senators DODD and MCCONNELL who have worked tirelessly to overcome many obstacles in an effort to strengthen the fundamental right of all citizens to participate in the democratic process. I wholeheartedly support their overarching goal to make it easier for every eligible American to vote and to have their voted counted and I appreciate their willingness to work with me to address some specific concerns about how the bill may impact my home State of Arkansas.

I wish to engage in a brief colloquy with Chairman DODD to clarify for the record his understanding of how two specific provisions in the legislation will work in practice. The first point I want to raise involves the requirement in the Senate bill that all States implement a statewide interactive voter registration list. Is it the Senator's understanding that States can meet this requirement by having an interactive computer containing voter registration information at each county clerk's office but not at each individual polling location?

Mr. DODD. As the lead sponsor of the Senate bill, I am pleased to reassure the Senator from Arkansas that State and local election officials would not have to place an interactive computer containing voter registration information at each polling place to meet the requirements of this legislation. As my colleague from Arkansas indicated, States could met this particular requirement if they had an interactive computer containing the States' voter registration list at each county clerk's office. I and others who crafted this language were aware that polling places in Arkansas and in many other States lack phone service and therefore it would be impractical to set up a computer network or the like at each polling location during every Federal election.

Mrs. LINCOLN. I thank my colleague for his comments. Another concern that has been brought to my attention is the funding mechanism in the Senate bill. I know my colleague from Connecticut is aware that the method through which Federal funds are distributed to State and local governments to meet the requirements in this bill is very different than the House bill. The House bill distributes Federal funding based on the proportion of eligible voters in each State. This is commonly referred to as a formula.

Conversely, the Senate bill establishes three separate discretionary grant programs to help States improve their voting systems and meet the requirements that are in this bill. I certainly support the goal of helping all States improve their voting systems. However, I also support helping all states get their fair share of federal funding. Based on my knowledge of competitive grants in other Federal programs, I am concerned about this program turning into a competition among professional grant writers. I do not think such a system helps my State nor do I believe it is good public policy when you are applying new mandates on thousands of jurisdictions in all 50 States. So I would appreciate knowing my colleague's view on how he and others who drafted this legislation envision the discretionary grant process working in practice. What if Congress only appropriates half of the funding that is authorized in this bill? Will there still be enough for all states to meet their needs, or is it first come first served?

Mr. DODD. I am certainly aware of the concerns raised by my colleague from Arkansas. I can assure my good friend and other Senators who have raised similar concerns that we have not designed a funding distribution system where only the best applications will be funded. In fact, we have carefully calculated the amount of funding we feel will be needed for all states and local jurisdictions to meet the minimum standards we have included in this legislation. Therefore, I appreciate the opportunity today to clear up any confusion surrounding

this issue by saying that I and others who crafted this bill fully intend for the Justice Department to distribute funding to all states and local governments based on the need for improvement they identify in their application.

Our intent certainly is not to enact a jobs program for professional grant writers no do we expect states or local governments to hire grant writers in order to receive Federal funding under this bill. As chairman of the Senate Rules Committee, I certainly intend to closely monitor the implementation of this legislation to ensure it is applied in practice as Congress intended. You have my word that I will be the first to object if I think the federal agency charged with distributing funding is not distributing resources to eligible recipients in a fair and equitable manner.

Mrs. LINCOLN. I thank my friend from Connecticut for his clarification on these two issues. Based on his assurance I look forward to supporting this bill.

FULL-TIME RECREATIONAL VEHICLE OWNERS

Mrs. FEINSTEIN. Mr. President, I wish to engage the chairman of the Committee on Rules and Administration, Senator DODD, in a colloquy concerning the voting rights of thousands of American citizens, many of whom are members of the Good Sam Club, which is based in California.

The citizens to whom I am referring own recreation vehicles, RVs, and live in them year round. The number of full-time ''RVers'' grows larger each year. These individuals, most of whom are retirees, have sold their conventional homes and travel around the country year round in their RVs and mobile homes. Ostensibly, they do not have a permanent address.

While nobody can question these individuals' right to travel, the fact is that this lifestyle does create a series of logistical problems, particularly as it relates to their ability to establish a domicile. While they may not remain at any one location, full-time RVers must still register their vehicles, maintain a current driver's license, obtain insurance, have some kind of legal address, and pay taxes. They also have, or should have, the right to register to vote if they so choose.

Two years ago, the voting rights of over 9,000 full-time RVers who were registered to vote in Polk County, TX, was challenged in court. The plaintiffs in this case argued that since these individuals did not reside in Polk County on a permanent basis, they constituted a significant voting block of ''nonresidents'' that was likely to have an effect on the outcome of the election, and that their votes should be disallowed. Ultimately, the full-time RVers' constitutional right to vote was upheld in court, but future challenges are likely.

The legislation that we are considering today would establish an Election Administration Commission, EAC. Among other responsibilities, this Commission is mandated to conduct a number of studies on various election issues, and report its findings to the President and Congress. Does the Senator from Connecticut agree that, at the very least, the issue of full-time RVers voting rights would be a suitable topic for the Commission to study?

Mr. DODD. Yes, I certainly agree with the Senator from California. We do not want to disenfranchise anyone, accidentally or otherwise, who is eligible to vote, and we need to address the unique set of circumstances surrounding our fellow citizens who have chosen not to live in one particular location, but rather to travel year round across our great nation. The right to vote of all full-time RVers needs to be safeguarded. Certainly this is an issue the Commission could study.

Mrs. FEINSTEIN. I thank the Senator for his remarks and for his leadership on this bill. I am pleased that he shares my strongly-held view that we need to ensure that the voting rights of all American citizens, regardless of where they reside, needs to be safeguarded.

PATH OF TRAVEL

Mr. ENZI. Mr. President, I would like to inquire of the Senator from Connecticut, Mr. DODD, on the intent of the grants to be awarded to states for the purpose of constructing ''polling places, including the path of travel.'' Is ''path of travel'' intended to cover the construction of paved, asphalted, or similarly surfaced disabled or handicapped parking spaces, as well as sidewalks, ramps, and similar disabled access ways to the buildings which house the voting system?

Mr. DODD. I thank the Senator from Wyoming for his question. The grants to be awarded to states under this act would include construction of these types of infrastructure improvements, and are intended to include things like disabled parking spaces, sidewalks, ramps, and similar access ways.

Mr. ENZI. As the chairman is aware, these grants are very important to small, rural states like Wyoming, which have polling places in some very remote or rural locations. In Wyoming, we actually have some polling places in trailers on gravel roads. Because the Act requires a special voting system for the disabled to be installed in each polling place, Wyoming needs to be sure it can accommodate the disabled by making certain the state can pay for these special systems and ensure the disabled can get into the building to vote. These types of grants will ensure that the buildings which house the special voting equipment for the disabled are ADA accessible.

I am also aware the chairman has included the Collins amendment in the manager's amendment to the act. I understand this amendment is intended to assure a minimum amount of grant money is available to each state to improve their voting systems and infrastructure. This is important to the State of Wyoming so it can afford to install these special systems and construct the infrastructure necessary to give the disabled the same opportunity to enter a voting booth and exercise their right to vote.

Mr. DODD. As the Senator has indicated, the managers' amendment includes a provision to ensure that each state will be guaranteed a minimum of one half of one percent of the grant money available under the act, which is approximately $17.5 million dollars over five years. I am glad this act will help address the concerns of small, rural States like Wyoming, and I look forward to working with the Senator form Wyoming to address any further concerns or questions he may have on to how this act will impact rural states.

DETERRING VOTER FRAUD AND PROMOTING VOTER PARTICIPATION

Ms. CANTWELL. Mr. President, I rise to thank my colleague Senator BOND for his hard work in making sure that the identification requirements for first time voters in this bill did not have the unintended consequences for people who vote by mail. I think that we all agree that any election reform passed by the U.S. Senate should be about two things: deterring voter fraud and promoting voter participation. Many weeks of negotiations finally have produced an agreement that I believe will do both. Thanks to hard work by Senator WYDEN and Senator BOND, together with the managers of the bill, Senator DODD and Senator MCCONNELL, and Senator MURRAY and Senator SMITH, we have come up with a solution. The compromise addresses Senator BOND's concerns about making certain first time voters are who they say they are, but that doesn't have an unfair and burdensome impact on progressive states like Washington and Oregon where many—and in the case of Oregon all—voters vote by mail. This compromise will not simply benefit voters who vote by mail in Washington in Oregon, but will benefit all States that allow voters to vote by mail.

This compromise does two things. First, it creates a mechanism for election officials to verify the identity of first time voters who register by mail before they get to the polls. And second, it makes clear that voters who vote by mail, just like voters who go to the polls, can still cast a provisional or replacement ballot even if they fail to provide identification in their ballot when they cast their vote by mail. The provisional or replacement ballot will be counted as long as elections officials determine the voter's eligibility under the laws of their State.

With regard to the first part of the compromise, election officials in States like Oregon and Washington will be able to satisfy themselves about the identity of a first time voter before they arrive at the pools or cast their ballot by mail for the first time. If the election official is able to compare the information that the voter provides on his or her voter registration card with

information contained in an existing state database such as the Department of Motor Vehicles, and the information matches, the voter will not be asked to produce independent identification when they vote. In fact, even if a voter fails to provide the identification information at the time they vote, the vote may still be cast as a provisional or replacement ballot and will be counted as long as State elections officials verify the voter's eligibility under the laws of the voter's State. Is that the Senator's understanding?

Mr. WYDEN. The Senator is correct. Under the agreement you and I have worked out with Senators BOND, MCCONNELL, DODD, and MURRAY, voters who register by mail are given more options to verify their identity. Our agreement protects Oregon's vote-by-mail system, as well as the majority of voters who vote by mail in Washington, and provides protections to make sure that every mail-in vote by a legally registered first-time voter can be counted.

Instead of a identification or proof to resident, first-time voters in a state may put their driver's license number or the last four digits of their Social Security card on their registration card.

If that number, along with the name and date of birth of the voter matches another State record, like the Department of Motor Vehicle's, the voter won't be required to provide any further identification. This means they won't have to stop by a copy center before they register or before they vote. This will mean business as usual for the petition drives, the campus registrations and every get-out-the-vote effort in Oregon, where thousands of first-time voters register by mail. Without this compromise, every one of these initiatives to get more citizens voting would have been stymied.

The agreement also guarantees that voters who cast their ballots by mail have the same provisional or replacement ballot rights as voters who go to the polls. Under the agreement if a first-time voter in a state fails to supply a driver's license number or the last four digits of their Social Security number when they register, their vote can still be counted even if their ballot is received without a photocopy of identification, if the state election officials determines that the voter is in fact legally registered under state law. These provisions will also not take effect until January of 2003 ensuring that this year's election will not be disrupted by new requirements.

Under the agreement, Oregon's pioneering and successful vote-by-mail system will continue, unchanged.

I understand the concerns that sparked the identification requirement: a concern that mail-in voter registration and balloting engender fraud. But in Oregon—the only all vote-by-mail state and the state that pioneered Motor Voter—there is very little fraud. No one has come forward with proof of widespread fraud in Oregon. In fact, I was elected to the Senate in the first all vote-by-mail special election. Senator GORDON SMITH, my opponent in that race, never raised any questions about fraud. Oregon's penalties for fraud are much tougher than federal law—up to $100,000 in fines and/or 5 years in jail.

Since Oregonians voted overwhelmingly in 1998 to use a vote-by-mail system, participation has gone up and fraud has gone down. In fact, in the last Federal election, 80 percent of the registered voters cast a ballot. Since the May 1996 primary, 13 cases of fraud have been prosecuted; convictions were won in five and eight are still pending. In the last federal election, only 192 ballots were not counted because they failed the signature verification test. This is a pretty good record. Has the Senator had similar results in her State?

Ms. CANTWELL. I agree completely with my colleague from Oregon. The mail in voting system in my State has allowed voters to have flexibility in deciding whether to go to the polls or vote from home. In our last election, over 65 percent opted to vote by mail.

Our system has increased participation, and has resulted in no serious allegation of fraud. Like the mail in system in Oregon, I was elected in a very close election where the majority of ballots were cast by mail, but no allegations of fraud were raised.

In addition, voting by mail allows voters to be significantly more informed. By sitting at home with their ballot and their sample voting materials, voters are able to make more informed choices without the pressures of a busy schedule or a line at the booth.

I am very pleased that this agreement provides protections that will make sure that all legally registered first time voters who vote by mail, will still have their votes counted. Their votes will be counted if State election officials determine the voter is properly registered according to Washington State law. In Washington, if a first-time voter forgets to include a photocopy in their ballot, the election official will verify whether or not the voter is in fact legally registered by following the Washington state law, and performing a careful verification of the signature on the ballot.

This compromise makes sense because it allows each state to best determine how to count provisional ballots, and because it provides the same protection to mail in voters that are already provided to voters who vote at the polls in the original election reform bill.

I ask the Senator if he agrees that this is how the compromise will work?

Mr. BOND. I agree with my colleagues Senator WYDEN and Senator CANTWELL, as to how the compromise works, and I would like to thank them for working diligently on this compromise. I am pleased we were able to make a change to the identification provision that all states can comply with.

I have said repeatedly that requiring first time voters to verify their identity is a reasonable means of preventing fraud, and in fact many States already have this requirement.

But I agree completely with the Senators from Washington and Oregon that voters who vote by mail, but fail to include a copy of their photo identification, should be able to cast a provisional ballot, just like voters who go to the polls without their identification.

By ensuring that it is a state or local election official that is making the determination about whether a provisional vote is valid, I believe we have built in significant safeguards that will prevent fraud.

I also agree that allowing election officials to verify the identity of a first time voter by matching specific information about the voter on the registration card to an existing state record with information on the voter, is a reasonable means to prevent fraud.

I am happy to support this compromise and look forward to passing the final legislation later today.

Mr. WYDEN. This agreement follows the right priorities by fighting fraud at the beginning of the process—at the time of registration. That is what our agreement does. At the same time, I have also said that legislation should not make it harder for legally registered voters to cast a ballot, or discourage people from voting. The agreement will do this as well.

This has not been an easy task. I want to commend Senators BOND, CANTWELL, MCCONNELL, and MURRAY for sticking with the negotiations, and I especially want to thank Chairman DODD for the support he and his staff have given us in reaching the agreement and in including it in the managers' package.

Mr. LIEBERMAN. Mr. President, amendment No. 2926 will ensure that the Election Administration Commission studies State recount and contest procedures, so that we lessen the chance that what happened in Florida during the November 2000 election will occur elsewhere.

That election revealed many problems in our Nation's voting procedures, the bulk of which are being addressed in this historic legislation. When states fully implement the provisions of S. 565, I am confident that Americans will have good reason to have greater confidence that their Federal elections are fair, efficient, and accurate down to the last vote.

But, we also have to be concerned about what occurs after those ballots have been cast, especially in cases when an election is excruciatingly close. In November 2000, we all found out what can happen in our electoral democracy when recounts are required or when elections are contested to determine who won and who lost. In broad terms, the system that was designed by our Founders and has evolved

over the years is a brilliant one. But given the sheer size of this country, the complexity of many State regulations, and the various ways and means of voting, we must ensure that the system we cherish is brought fully up to speed with the times in which we live.

Even after we say good riddance to chads and butterflies, we will certainly continue to have close Federal elections, and elections in which the first count has to be verified for one reason or another. Therefore I believe we will not have completed the job of election reform until we make sure that we—governments at all levels, as well as the public—better understand how States determine when votes should be recounted, how votes should be recounted, and who should do the recounting. We must not allow this window of reform to close without first enduring that we know whether or not State recount and contest procedures are adequate, so that in the future it is voters, without the intervention of the courts, who determine the winners of our elections.

In 2000, of course, it was Florida—surrounded on three sides by water and on all sides by media scrutiny—that became the poster state for recount procedures gone awry. But in frames, we must acknowledge that if other States had been placed under the same microscope as Florida, the same problems would have been revealed. Florida was not the only state that was totally unprepared to deal with a neck-and-neck election.

The National Commission on Federal Election Reform, chaired so ably by Presidents Carter and Ford, made several observations about this issue that were evident to the whole world watching events in Florida, but which could apply to many other States as well. The commission found that recount and contest laws are not designed for statewide challenges. They noted that state deadlines did not mesh well with the federal schedule. Each county in Florida made its own decisions about what, when, or whether to recount. And, perhaps most surprising to all of us involved, in performing recounts, the definition of a vote varied from county to county, and from official to official within the counties.

I do not want to recount, relieve, or rehash all of the painful debates from that election. There is no point to be served now re-enacting the legal battle that transfixed our country and the world.

But in our ongoing quest to form a more perfect union, we have to ask ourselves whether we can improve the procedures for future recounts, and how we can put in place procedures that are clear to voters, and I might add candidates, well before the election. If on the first Monday in November we are all on the same page as to what constitutes a vote on each type of voting equipment and for every kind of voting method, what recount and contest procedures are, and other critical questions, things will be much less confusion and frustrating to all Americans come the first Tuesday in November. In perfect hindsight, I think we would all agree that it is not one's benefit for us to rely on the courts or others to tell us the rules as we go along.

The amendment would simply require the new Election Administration Commission being created by this legislation to systematically examine the State laws and procedures governing recounts and contests in Federal elections, determine the best practices, and, report to the President and Congress whether or not state procedures are adequate. The commission would also study whether or not states have adopted uniform definitions for what constitutes a vote on each kind of voting machinery they use, and whether or not there is a need for more consistency in State recount and contest procedures.

This amendment recognizes that, as is appropriate under our system of government, administration of Federal elections will still remain primarily the purview of the States. However, be directing the Election Administration Commission to study State recount and contest laws and procedures and promote best practices, I hope we can help to ensure that the events in Florida following the November 2000 election are never repeated.

I want to thank the chairman and ranking member for working with us and accepting this amendment, and I urge its adoption by the Senate.

Mrs. FEINSTEIN. Mr. President, stand on the threshold of passing perhaps the most important bill of the 107th Congress. S. 565 makes a long-overdue Federal investment in the most vital infrastructure our nation has: the infrastructure of democracy.

We have neglected this infrastructure for too long, and at our peril. Problems in Florida and elsewhere during the November 2000 Presidential election underscored the effects of our years of neglect.

I was pleased to see that President Bush's fiscal year 2003 budget request included $400 million for a revolving fund for States for election improvements, and additional funds projected through fiscal year 2005, for a total of $1.2 billion over 3 years. This is commendable, but I think it falls short of what we need.

S. 565 authorizes $3.5 billion through fiscal year 2006 to help States and localities:

Meet new Federal standards for voting systems;

Replace or upgrade voting technology;

Educate and train voters, election officials, and poll workers; and

Make polling places and equipment physically accessible to the disabled.

As Senator BOND and others have said, the new standards contained in S. 565 are meant to "make it easier to vote, and harder to vote fraudulently." What a laudable goal.

Under the bill, voting systems must notify voters if they "over vote"—that is, if they vote for too many candidates for a particular office or position. Voters must be given the opportunity to change their ballot, and verify that it comports with their wishes before casting it.

Voting systems must provide nonvisual accessibility for the blind and visually impaired. They must provide ballots in other languages for voters with limited proficiency in English.

The bill requires that voters be informed of their right—and be allowed—to cast provisional ballots if their eligibility is challenged at the polling place, and to find out if their votes are counted.

The bill also requires the States to develop statewide computerized and interactive voter registration lists both to make it easier to vote and to deter fraud.

To meet these requirements, S. 565 provides a 100 percent Federal match. There is no unfunded mandate here foisted on State and local governments. We give them the money they need to do what we ask them to do.

The bill comes at an absolutely crucial time for California. Last September, California Secretary of State Bill Jones "de-certified" the punch-card voting systems in nine counties, which collectively have 8.6 million registered voters. That's more people than the total populations of 39 States. The counties include:

Los Angeles (4 million registered voters);

San Diego (1 million registered voters);

San Bernardino (700,000 registered voters);

Alameda (700,000 registered voters); and

Sacramento (600,000 registered voters).

The other affected counties are Mendocino, Santa Clara, Shasta, and Solano.

Secretary of State Jones gave these jurisdictions until the November 2006 elections to upgrade their systems, presumably to "touch screen" machines, also known as "Direct Record Electronic"—DRE—devices.

You can imagine what a challenge it will be to get new systems in place for so many voters. In Los Angeles alone, the cost is expected to be between $90 million and $100 million. In Sacramento, it will cost $20 million to $30 million.

But there is more: civil rights groups and other plaintiffs sued to move the date up from 2006 to 2004. Just 2 months ago, U.S. District Judge Stephen V. Wilson ruled in favor of the plaintiffs.

So these counties have about 2 years—less really—to get new systems. It is absolutely imperative that we pass this bill, work out a compromise with the House, and get Federal funds to these—and other—jurisdictions as soon as possible.

Last month, California voters approved Proposition 41, a $200 million

bond measure that will provide 3-to-1 matching grants to county governments for the purchase of new election equipment. So the State is doing what it can to fix this problem. But it cannot do it by itself.

With regard to the bill before us, I want to commend Senators DODD and MCCONNELL for their hard work in negotiating the compromise we will be voting on shortly. Fixing our election systems—fixing the infrastructure of our democracy—is not a partisan issue. The chairman and ranking member of the Rules Committee have done an admirable job. I am confident that the Senate will approve the compromise amendment overwhelmingly.

I am also grateful that the Senate saw fit to approve 2 of my amendments. I offered these amendments to address concerns my staff and I heard from California election officials, notably Bradley J. Clark, the Alameda County Registrar who serves as President of the California Association of Clerks and Election Officials, and Connie B. McCormack and Mischelle Townsend, the Los Angeles County and Riverside County Registrars, respectively.

My first amendment would task the Election Administration Commission—EAC—created under the bill with studying the technical feasibility of providing ballots and other election materials in eight or more languages. Section 101(a)(4) of S. 565 as amended significantly expands the Voting Rights Act—VRA—of 1965 requirement regarding the availability of voter registration and election materials in foreign languages.

The VRA currently requires the availability of voter registration and election materials in native languages for specified ''language minority groups'' if a certain threshold is reached: No. 1, more than 5 percent of the voting-age citizens within the jurisdiction are members of a ''single language minority'' and have limited English-proficiency; or No. 2, there are at least 10,000 such voters.

The VRA restricts the term ''language minority groups/single language minority'' to people who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

S. 565, as amended, goes beyond the four categories above, and the registrars are concerned that it could require a larger jurisdiction like Los Angeles, San Francisco, or San Diego to prepare ballots and other election materials in languages not covered by the VRA without first assessing the need for such ballots.

We have school districts in these cities where 48 different languages are spoken.

In the November 2000 elections, Los Angeles County spent $2.2 million out of a total budget of $21 million to prepare registration materials and ballots in six languages: Spanish, Chinese, Japanese, Korean, Vietnamese, and Tagalog—the native language of Filipinos.

According to the Los Angeles County Registrar, Ms. McCormack, each language costs about $250,000 per election, and she anticipates adding Cambodian for the November 2002 election.

She certainly does not want to disenfranchise any voter, nor would I countenance such an effort. But I think it is important for the EAC to study the technical challenges the multi-lingual ballot provision places on a jurisdiction like Los Angeles.

For instance, Ms. McCormack told my staff that while the technology is improving, it is still very difficult to devise ballots in ''character'' languages such as Chinese, even on the newer machines.

Prior to the November 2000 elections, she invited companies to bid on a contract to provide a limited number of machines with multi-lingual ballot capabilities. She drew just two bids.

Another chief concern I heard about is the requirement in Section 102(a) of the substitute amendment that appropriate election officials must notify a provisional voter in writing within 30 days if his or her provisional ballot is rejected, and the reason for it being rejected.

The goal—getting voters properly registered—is certainly worthwhile, but the requirement is administratively cumbersome for some jurisdictions. Los Angeles County, for instance, received over 100,000 provisional ballots in the November 2000 elections, and rejected close to 40,000.

In addition to notifying, in writing, those voters whose provisional ballots have not been counted, the amended bill reburies election officials in each jurisdiction to establish a ''free access system'' such as a toll-free number or an official Website that voters can contact to determine if their provisional ballots have been counted.

It strikes me that establishing the free access system, informing voters about it, and allowing them to find this information out for themselves is more manageable than requiring the written notification.

In either instance, I am concerned about protecting the privacy of the data that such a free access system would contain.

S. 565, as amended—Section 102(a)(6)(BN)—is silent on that point.

Identify theft is one of the Nation's fastest growing crimes. I felt compelled to offer an amendment to the bill—which has been adopted—to direct the appropriate State or local election officials to protect the security of the personal information contained in the free access systems that will be created.

I am pleased that the Senate also adopted the amendment senators CHAFEE and REED of Rhode Island offered to ensure that State and local governments making multi-year payments for new voting equipment purchased prior to January 1, 2001 are eligible to apply for grants under this bill.

This amendment, as I understand it, ''grandfathers'' Riverside and Marin Counties so that they can tap into Section 203 grant monies to help them defray the cost of equipment they purchased prior to the November 2000 elections.

According to Ms. Townsend, the Riverside County Registrar, prior to the 2000 elections, Riverside County using Pitney Bowes for financing—purchased 4,250 touch screen machines from Sequoia, an Oakland manufacturer, at a cost of $14 million amortized over 15 years (for a total cost, including interest, of roughly $20 million).

The new DRE system was so successful that Riverside had one of the ten lowest voter error rates of all counties nationwide—less than one percent.

Ms. Townsend told my staff that much of the error rate was attributable to paper absentee ballots. ''Over-voting'' is impossible on touch screens, and ''under-voting'' is the prerogative of individual voters and, consequently, may not represent an error.

Riverside was the first county nationwide to rely exclusively on touch screens and is serving as a model for other jurisdictions. The county was commended in the report issued by the Election Reform Commission former Presidents Ford and Carter co-chaired.

Clearly, we do not want to punish Riverside County—or Marin County, which purchased DRE touch screen machines and precinct-based optical scanners in time for the November 2000 elections—for acting responsibly.

As I said a moment ago, I want to thank Senators DODD and MCCONNELL for accommodating my concerns. I think the amendments I offered and the Chafee-Reed amendment make an already outstanding bill even better.

While much of our discussion concerning specific provisions in the bill may sound arcane or parochial, there is also something much larger at stake here.

One hundred years ago, democracy was still very much a tenuous experiment around the world. Even in the United States, African-American men were largely disenfranchised and women still had to wait for 2 more decades before they could vote.

According to a 1999 report issued by Freedom House, in 1900, only 5 percent of the world's population had the right to elect their leader(s). Now, 58 percent of the world has this right.

In 1900, no nation elected its leader by universal adult suffrage; now, 119 nations do. That is 62 percent of all of the countries in the world.

According to the report, entitled Democracy's Century:

> Like economic progress, political progress has been uneven. But the general trends are hard to ignore. They reinforce the conclusion that humankind, in fits and starts, is rejecting oppression and opting for greater openness and freedom.

This report was published before the terrorist attacks on September 11. We have been reminded in a visceral way that enemies of freedom still exist. We have met those enemies on the battlefields of Afghanistan. The battle we

now wage is every bit as serious as the cold war. I fervently believe that freedom will win out. Democracy will continue its march. Respect for human rights will grow.

The newly established or emerging democracies of the world look to us for inspiration and for guidance. That is why it is so crucial that we pass S. 565 and set about mending our democracy.

I traveled abroad after the 2000 elections, and I heard an earful from foreigners. ''Don't lecture us,'' they said, and rightfully so.

While we were able to settle on the results peacefully, in our courts, the events surrounding that election shame us, diminish us in the eyes of those who aspire to be like us, and embolden our enemies, freedom's enemies.

On April 27, 1994, 43 million black South Africans—86 percent of the eligible voters—cast their first ballots. Can any of us forget the poignant images we saw on television back then of people waiting 8 hours or more to vote, of lines of voters seemingly stretching to the horizon?

Yes, democracy is on the march. But it is fragile. We have to protect and nourish it. Even here in America—especially here in America. We are a beacon to the rest of the world, especially to oppressed people everywhere.

We Americans have been complacent and neglectful with regard to our democracy. We have allowed the infrastructure that sustains it to fray around the edges. Our democracy has lost some of its marvelous luster. It is time to restore that luster.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of this historic election reform legislation, which of course comes before the Senate at a time when our Nation is responding to new challenges at home and abroad.

I want to thank Senators DODD and MCCONNELL and other Senators for their hard work to create this bipartisan bill, and I thank the majority leader and the minority leader for working together and ensuring that this legislation is being considered at this time. Our efforts to address this issue together demonstrate to the American people that a matter as critical as election reform can and should be driven by the national interest, not by partisan, parochial or political interests.

After all, the integrity of self-governed democracies starts with the right of citizens to vote, and when that right is not shared equally, the strength of our democracy is diminished.

We must recognize and celebrate the fact that American history has been a story of continual progress in this regard. Generation after generation, voting booths have been opened and voting rights extended to groups of citizens once disenfranchised. That wonderful process of growth has, over the generations, built a broader and better America that has become a brighter beacon of equality and opportunity to people around the world.

But we can never stop forming, in the words of our Constitution, a more perfect union, and to that end we must realize that haphazard or bureaucratic disenfranchisement still occurs in America today as a result of arcane or confusing voting systems. We must realize that millions of Americans who are eligible to vote still encounter unnecessary barriers to casting their vote, and to having their votes counted. That disenfranchisement, whenever and however it occurs, is a blemish on the sanctity of our system, and it is a blemish that only we—the democratic representatives of the people—can help to heal.

The provisions in this legislation will help guarantee access and accuracy in the voting booth and ballot box by making sure that the fundamental right to vote of all citizens is protected, that the ballots of all registered voters are counted, and that only those persons who are eligible to vote can do so.

We can all agree that the November 2000 election—which I seem to recall reading a thing or two about in the newspapers—exposed serious flaws in our federal election process, and I am happy to say that this legislation has an answer for most of the flaws exposed.

Experts estimate that in November 2000, some 2.5 million Americans had their ballots for President discarded for any number of reasons. In some cases, the cause was faulty voting equipment, in others confusing ballots. This legislation will wisely require States to adopt voting systems which permit voters to verify their ballot choices and correct errors before their vote is cast. It requires states to adopt systems that address the needs of disabled voters, and of voters with limited English proficiency. And to make sure that these provisions have teeth, the bill sets Federal standards for voter error rates and requires states to meet or beat those benchmarks.

In the 2000 election, many citizens who believed they were eligible to vote were simply turned away from the polls. This legislation will make sure that all citizens who show up to vote have the right to cast provisional ballots, so that their votes can be tabulated if and when their eligibility is verified.

According to reports, in the 2000 election, other citizens were denied the right to vote because registration lists were simply not accurate. This legislation will require each State to create computerized, statewide voter registration lists and to coordinate those lists with other databases to ensure that the lists are as up-to-date and as error-free as possible.

The November 2000 election also made it painfully clear that states were being forced to bear the total financial burden for federal elections, and many states lacked the funding necessary to implement more efficient voting systems. This legislation authorizes $3.5 billion to help states and localities meet the requirements for upgrading voting systems, to improve accessibility for disabled and special needs voters, and to implement new procedures to increase voter turnout, educate voters, and identify, deter, and investigate voter fraud.

Mr. President, the revolutionary idea at the core of American democracy is that our government's power is derived from the consent of the governed. In other words, small-r republican government depends upon the small-d democratic right to vote. Two hundred years ago. Thomas Jefferson wrote, ''The will of the people . . . is the only legitimate foundation of any government, and to protect is free expression should be our first object.''

Today, the best way for us to protect the free expression of the will of the people is to build an election system that all Americans can count on, by ensuring that all their votes and only their votes are counted. This legislation furthers our progress toward that noble goal. It deserves our strong support.

Mr. GRASSLEY. Mr. President, we have before us a bill that seeks to take unprecedented steps to improve the methods by which Americans vote for our elected officials. To a large extent, Congress is charting new territory in an area where States have traditionally been left to their own devices. Congress has in the past stepped in to guarantee the right to vote for American military personnel and U.S. citizens who live abroad as well as to protect the voting rights of Americans against discrimination. Most recently, Congress has involved itself in the area of voter registration with the National Voter Registration Act of 1993. However, the Federal Government to date has had little or no role with respect to the administration of elections, which is traditionally a State and local responsibility.

Since this is new territory for Congress, we must start by asking ourselves what we are trying to accomplish. The closeness of the 2000 presidential election highlighted some of the shortcomings in the voting systems and processes that are used throughout the country. Many suggestions have been tossed around for ways we can improve elections in the United States ranging from radical constitutional reforms to minor adjustments on the local level. It is clear to me that the most important role Congress can play is to provide the resources, both financial and technical, that are necessary for states and communities to administer fair and accurate elections.

The Dodd-McConnell compromise legislation being considered by the Senate takes steps to help State and local governments achieve high standards of fairness and accuracy in elections. Still, the bill is not perfect. Because of the nature of compromise legislation, every Senator can find things they like and things they do not.

Nevertheless, this bill does accomplish one of the key objectives of Federal election reform. Central to any attempt to help States and localities improve their election systems is providing funds to do so. It's usually not lack of will but lack of funds that hinders local reform efforts. I'm pleased that this bill provides a total of $3.5 billion to States and localities to help improve the administration of elections. Funds will become available through a newly created Election Administration Commission for items like upgrading or replacing voting machines, improving accessibility for disabled voters, and simplifying voting and voter registration procedures.

On the other hand, one problem with this bill is the degree of Federal control that will be exerted on elections. It's difficult to strike the right balance between helping States and localities improve the administration of elections while still allowing for local flexibility. This bill contains a number of well intentioned but specific mandates on States and localities along with potentially heavy handed enforcement procedures if they are deemed to be out of compliance with Federal mandates. Still, the bill does provide for 100 percent funding for all Federal mandates thus lessening the impact on the State and local governments that must implement these mandates.

Finally, I'm pleased that measures were included in this bill, largely through the work of Senator BOND, to combat the problem of voter fraud. The Dodd-McConnell compromise strengthens language in current law providing penalties for giving false information with respect to voting or voter registration, or for conspiring to do so. It also clarifies that these penalties apply for giving false information with respect to naturalization, citizenship, or alien registration.

The compromise also contains carefully balanced language designed to protect against the kinds of fraud that can occur with mail-in voter registration and mail-in voting. While efforts to strip out these anti-fraud protections threatened to unravel the compromise, I am pleased that this matter was resolved and a compromise was found that protects the ability to vote by mail without weakening the bill's anti-fraud protections.

In addition, other measures have been added to the bill through amendments on the Senate floor to give States more tools to ensure the integrity of their voter lists and prevent fraud, including my amendment to allow for coordination of statewide voter lists with social security records to check for deaths and individuals registered under false identities. Voter fraud is a direct threat to the electoral process and these measures represent progress toward eliminating that threat.

At the end of the day, we have a bipartisan bill that takes concrete steps to help state and local governments improve the administration of elections. While it isn't perfect, the Dodd-McConnell legislation represents a positive move that should give Americans greater confidence in their elections and our system of government.

Mr. DOMENICI. Mr. President, I rise today to speak about Election Reform. Today is a good day for this country and the manner in which we hold federal elections.

For several weeks after the last vote was cast in the 2000 elections, Americans were inundated with image after image of ballots being counted and recounted. As the election was further scrutinized, numerous stories of voter fraud were brought to the nation's attention.

While the list of problems encountered during the last election is seemingly unending, the point is that there are improvements to the system that must be made. Today, we have taken a very big, very important step in making sure that this system works better. After all, we have no more important right as American citizens than the right to vote.

In this bill, we set forth some very important standards and procedures to protect this right. We will require systems to permit a voter to verify his ballot choices and correct errors before the ballot is cast so that the voter can be certain that his vote will be for the candidate of his choice.

In the case where an individual claims to be a registered voter who is eligible to vote but isn't on the official registration list, that individual will be allowed to cast a provisional vote. The appropriate election official must then verify the claim of eligibility. If the claim is verified, that vote will be counted. There will then be a free access system that the voter can use to check to see whether that vote was counted, and if not, the system will give the reason for that decision.

These measures, and others in the bill, are intended to make certain that the people who are eligible to vote are given that right. The other side of the coin is to make certain that people who are not eligible to vote are prevented from voting. One of the things that this bill does is require each state to implement an interactive, computerized, statewide, voter registration list. This will also help to make certain that noone is able to vote more than once.

One of the concerns that many states would have had with this piece of legislation is the cost involved in implementing these reforms. Recognizing these concerns, we have authorized $3.5 billion to make certain that the states do not bear the burden of these reforms.

This legislation represents the hard work of many members from both sides of the aisle. It is truly a testament to the good that can come from bi-partisanship and I commend all of the Senators who worked so hard to make this happen.

Mr. ROCKEFELLER. Mr. President, I thank Chairman DODD and Ranking Member MCCONNELL for working closely with me to reach agreement on an amendment to help ensure that the millions of Americans living overseas can vote in Federal elections.

Millions of Americans live abroad. Some are business people, some are military personnel, others are students, and some are Peace Corp volunteers. Their votes should count, too.

This amendment is simple and reasonable, but important. It directs the Commission created in the Election Reform package to consider the needs and concerns of millions of overseas voters, both civilian and military personnel. The amendment directs the commission to study the issue of long-term registration for overseas voters and make recommendations. It would create a single office in every state that overseas voters could contact for information about voter registration and absentee ballots. The Commission is asked to determine if this office could, and should do more. It states that when election officials reject an absentee ballot, the overseas voter should be notified and given an explanation on why their application was rejected. Finally, this amendment also ask states to report on the number of absentee ballots, within a reasonable time frame.

Early in my political career, I served as the Secretary of State for West Virginia, so I understand the importance of voting issues and the need to be sensitive to the concerns of states. But we also have an obligation to overseas Americans who deserve the chance to vote.

I deeply appreciate the interest and support of Chairman DODD, Senator MCCONNELL and their staffs. I know that the bipartisan House Election Reform legislation includes important provisions for overseas voters, both civilian and military, recognizing that they, too, deserve to vote.

Mr. MCCAIN. Mr. President, this afternoon I would like to commend my colleagues for passing S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001. I believe that this historic piece of legislation will resolve many of the problems that the country experienced in the Year 2000 election.

This bill includes a number of important elements that are designed to improve and safeguard the voting process across the country. The bill establishes uniform and nondiscriminatory Federal standards, including voter notification procedures and a uniform error rate for voting systems, that will reassure voters that their votes will be correctly registered. The bill also includes mandatory procedures for provisional voting that will ensure that all legitimate voters have the right to vote. Additionally, the bill establishes an interactive, computerized, statewide voter registration system that will prevent future incidents of election fraud. The

bill also includes Federal grant programs that will help the States pay for these new mandatory requirements, and provide incentives for States to replace voting machines, educate voters, and train poll workers. The bill also establishes an Election Administration Commission to improve the administration of elections across the country by using grant programs, studies, and recommendations.

Most importantly, this bill will play a role in improving the situation for disabled voters. The obstacles facing millions of disabled voters have concerned me long before the 2000 elections. I find it particularly distressing that many of our nation's disabled veterans, who sacrificed so much for our country, are confronted with too many obstacles, including inaccessible polling places and machines that cannot be used by blind and visually impaired voters. According to a 2001 GAO report, requested by Senator HARKIN and me, 84 percent of all polling places in the U.S. are not accessible to disabled voters. Additionally, no polling place visited by the GAO had a ballot or voting system available for blind or visually-impaired voters to mark a ballot without requiring assistance from a poll worker or companion.

I would like to thank my colleagues in the Senate for supporting my amendment to ensure that the Federal Access Board will be consulted on the new voting systems standards. The Access Board has a good deal of insight and experience in solving the accessibility issues facing voters with disabilities. I am also grateful to my colleagues for accepting Senator HARKIN's amendment, which I cosponsored, to make it the Sense of the Senate that ''curbside voting'' should be allowed by states only as a last resort. For many disabled voters, ''curbside voting'' strips away their sacred right to cast a private ballot. It is my hope that these amendments, combined with the $100 million grant program to improve the accessibility of polling places and the new voting systems standards, will ensure that the disabled community and our Nation's veterans will become more involved in our Nation's election process.

One major issue for the Senate was how to strike a balance between preventing voter fraud and ensuring greater participation by legitimate voters. The compromise substitute amendment included provisions that would both include mandatory Federal standards to make the election process easier for legitimate voters and prevent voter fraud. I cosponsored this amendment, because it struck the necessary bipartisan compromise that was required to ensure the passage of election reform legislation.

I voted against the Schumer-Wyden amendment and against two cloture motions regarding this amendment, because I believed that it would destroy this bipartisan compromise. The issue of election reform is so important that it requires broad bipartisan support, as was achieved in the House of Representatives with the Ney-Hoyer bill. While I understand the intentions of the proponents of the Schumer-Wyden amendment, I was concerned that this amendment would strip out the anti-fraud provisions of the compromise, and endanger passage of this bill. My hope was that this impasse would force the parties to work together to achieve meaningful election reform legislation. I am glad that Senators WYDEN and BOND were able to work together to resolve this obstacle, and that we are now voting on final passage of this bill.

Again, I would like to congratulate my colleagues on passing this legislation. It is my hope that the House-Senate Conference on this bill can be resolved soon. We owe it to the American people to ensure that they have fair, open, and accurate elections.

Mr. DASCHLE. Mr. President, I thank the distinguished chairman and ranking member of the Rules Committee, Senators DODD and MCCONNELL, for their incredible leadership, perseverence and hard work in getting us a strong bipartisan election reform bill.

I also thank Senators SCHUMER, BOND, TORRICELLI, MCCAIN and DURBIN for their tireless efforts in crafting this bipartisan substitute amendment. Without their collaboration and compromise, we would not even be considering, let alone passing, this very important piece of legislation.

It has been several months since we first began floor consideration of this bill, and I appreciate the tireless efforts, and diligence that Senator DODD has maintained. Without his leadership we would not be here today.

By working together, our colleagues have produced legislation that will protect the most basic of all American rights: the right to vote, and to have that vote counted.

This bill represents a fair, balanced, and responsible approach.

It will ensure that nondiscriminatory voting procedures exist in every polling place, while strengthening the integrity of the Federal election process.

We all know why this bill is necessary.

We remember the stories from the 2000 elections about: inadequate voter education; confusing ballots; outdated and unreliable voting machines; poll workers who were unable to assist voters who needed assistance because they were overwhelmed or undertrained, or both; and registered voters who were wrongly denied the right to vote, because their English was less than perfect, their name was mistakenly purged from a registration list, or some other equally unacceptable reason.

We heard reports of police roadblocks and other barriers that prevented some voters from even reaching the polls, not in the 1920s or 30s, or even the 1960s, but in 2000.

Today, we are celebrating the 34th anniversary of the 1968 Civil Rights Act, which prohibited discrimination in the sale, rental, or financing of housing.

In every generation, we have tried to tear down barriers to full participation in the life of this Nation.

But there is one means of participation that forms the foundation of every other: the right to vote.

And that is why we cannot allow those barriers to voting, physical or otherwise, which so tainted our democracy in the last century, to stretch into this one.

In all, it is estimated that between 4 million and 6 million Americans were unable to cast a vote, or did not have their vote counted, in the 2000 elections.

Between 4 and 6 million Americans, disenfranchised. In this day and age, that is simply unacceptable.

It is not enough for Congress to document or decry the problems we saw in the last election. We need to fix the problems before the next election.

It should not matter where you live, what color your skin is, or who you vote for. In America, the right to vote must never be compromised. Too many people have given too much to defend that right.

Our system leaves it to States to decide the mechanics of election procedures.

But the right to vote is not a State right. It is a constitutional guarantee. And it is up to us to see that it is protected.

Not all States experienced problems with voting in the last election. And some States that did have problems have taken steps to rectify them, and they are to be commended for that.

But there are still States, nearly 17 months after the 2000 elections, where equal access to the voting booth is not guaranteed. It is time for this Congress to step in and enact basic standards, to ensure that every American who is eligible to vote can vote.

That is what this bill does.

It requires States to ensure that their voting equipment meets minimum Federal standards for accuracy.

It says that voters who cast ''overvotes'' must be notified, and given a chance to correct their ballot.

It ensures that voting machines are accessible to individuals with disabilities, as well as those with limited English proficiency.

It establishes statewide computerized voter registration lists.

And it allows individuals whose names don't appear on voting lists to cast ''provisional'' ballots.

If it is determined that the person's name was left off the registration list mistakenly, the vote will then be counted. This will prevent voters from having to wait hours at the polls, or not vote at all, simply because of someone else's clerical mistake.

These are not onerous requirements, and they are not unfunded mandates. This bill includes $3.5 billion for States, to help them upgrade their voting systems. And it establishes a new,