



AMERICAN CONFIDENCE IN ELECTIONS ACT

Educate. Engage. Reform.

H.R. 4563, American Confidence in Elections Act (ACE Act)

Summary: The *American Confidence in Elections Act* (ACE Act) is the key Republican election integrity bill now that we are in the Majority. It focuses on the importance of strong election integrity reforms that meet the moment by bolstering voter confidence in our elections while respecting the Constitution, federalism, and conservative principles. Further, the ACE Act continues to address disappointing challenges faced by military and overseas voters and makes the biggest legislative effort in a generation to protect political speech in a climate where Democrats are doing everything in their power to determine “truth” and silence conservative voices.

General Findings

- States have the primary role in establishing election law and administering elections.
- All eligible American voters must be able to vote, and all lawful votes must be counted.
- Political speech is protected speech and all voices must be protected.

Title I – Election Administration Integrity (H.R. 4494, L. Lee)

Providing States with the Tools to Bolster Voter Confidence and Improve Election Integrity

- Establishes with the existing bipartisan Election Assistance Commission (EAC) Standards Board and Local Leadership Council a federal forum for states to share best practices and discuss successes and failures so that all may benefit from innovation and lessons learned across the country. The forum will create no binding recommendations but will release records of its conversations in the form of voluntary considerations on the following topics: the process for the administration of ballots delivered by mail, voter identity verification procedures, such as signature matching and verification, voter list maintenance, access for election observers, timely reporting of the results of ballot counting, recruiting poll workers, public education with respect to the certification and testing of voter machines prior to elections, post-election audits, and secure chain of custody procedures for ballots and election equipment. (H.R. 4407, Feenstra)
- Gives the EAC exclusive authority to develop, issue, and oversee voluntary election technology standards for voting and nonvoting related technology and equipment, and directs the EAC to develop voluntary guidelines for nonvoting election technology like electronic poll books. (H.R. 4457, Gimenez)
- Establishes the EAC as the lead federal agency on all election administration matters and grants the agency exclusive authority to make election administration grant disbursements to states and to develop voluntary certification standards and guidelines for voting and nonvoting election equipment. (H.R. 4479, D’Esposito)
- Requires the National Institute of Science and Technology to provide status reports to Congress on its responsibilities under the *Help America Vote Act of 2002* (HAVA).
- Confirms that states must provide access for congressional election observers under Congress’ constitutional role to serve as the “Judge of the Elections, Returns and Qualifications of its own Members[.]” (H.R. 4474, Carey)
- Asks states to work with Tribal Governments to identify and assign a mailing address to homes on Tribal land.
- Expressly allows states to use HAVA dollars to conduct post-election independent audits. (H.R. 4555, Murphy)
- Requires any public communications paid for by HAVA dollars to contain a disclaimer.
- Allows states to provide preference to veterans and individuals with disabilities when hiring election workers. (H.R. 4486, M. Garcia)
- Clarifies that election materials that must be preserved for 22 months pursuant to HAVA include ballots, ballot images, and ballot envelopes of voted ballots, as well as any other records that would be useful in a post-election audit. Creates a limited avenue for public access limited to candidates, political parties, and observers, all as defined by state law.
- Repeals Biden Executive Order 14019 and prohibits federal agencies from engaging in voter registration/mobilization activities and requires agencies that submitted a plan for promoting voter registration under E.O. 14019 to give it to Congress. (H.R. 3072, Tenney)
- Prohibits the use of federal funds by states to administer elections for federal office unless the state imposes certain restrictions on ballot harvesting. (H.R. 4544, Edwards)
- Directs the Government Accountability Office (GAO) to conduct a study on the feasibility of requiring all voting equipment used in federal elections to be manufactured and assembled in the United States.

- Establishes a bipartisan panel to recommend to Congress model legislation providing for an appropriate process to resolve any vacancy created by the death of a candidate in a contingent presidential or vice-presidential elect. (H.R. 4491, M. Johnson)

Preventing Non-Citizens from Participating in Our Elections

- Expressly restates that it is a felony for non-citizens to vote in federal elections.
- Requires DHS and the Social Security Administration, as well as other relevant federal agencies, to provide voter data to states, at no cost, so they can remove non-citizens and dead voters from their voter rolls. (H.R. 3162, Roy)
- Penalizes states that allow non-citizen voting in state or local elections by reducing the share of new HAVA grant funds by 30%. (H.R. 4460, Griffith)
- Prohibits states from maintaining a single voter registration roll for state and federal elections if the state permits non-citizens to vote in state and local elections. Prohibits states from using federal dollars to build or maintain a state-specific roll containing non-citizens. (H.R. 4460, Griffith)
- Requires states that allow non-citizen voting to have separate ballots for local races if the election occurs during a federal election and prohibits federal dollars to create ballots for non-citizens. (H.R. 4460, Griffith)
- Requires federal courts to notify the chief state election official and attorney general when non-citizens are excused from jury duty so that states may update their voter rolls. Requires election officials to coordinate their registration rolls with federal court jury lists.
- Prohibits foreign nationals from making financial or in-kind contributions in connection with state or local ballot initiatives or referendums and adds criminal penalties for doing so. (H.R. 4484, Fitzpatrick)
- Prohibits tax-exempt entities that have received contributions from foreign nationals within the last four years from contributing to Super PACs and other political committees.
- Requires states to include with their existing biannual reports to the EAC the total number of inactive registrants and the number of registrants removed from the list of official voters. (H.R. 4317, H.R. 4318, Palmer)
- Allows a state's proof of citizenship requirement to be included in the state instructions on the national mail voter registration form maintained by EAC. (H.R. 4316, Palmer)
- Allows states to remove from their voter registration rolls any identified non-citizen immediately and without a blackout period.

Promoting Voter Identification

- Modernizes the existing HAVA first-time mail voter ID requirement to include all first-time voter registrations made using any method other than in-person at an elections office or state voter registration agency. Also requires certain voters who request a mail ballot or vote by mail to provide ID.
- Reforms the REAL ID Act to require U.S. citizenship to be printed on all qualifying individuals' identification documents issued or renewed after January 1, 2026. (H.R. 4597, Van Orden)
- Recognizes REAL ID identification documents as appropriate for photographic voter identification, as recommended by the Carter-Baker Commission.

Ending Private Funding for Election Administration

- Removes the federal tax exemption for private funding for election administration. (H.R. 1725, Tenney)

Requiring D.C., Which Congress Controls, to Implement Election Integrity and Voter Confidence Measures (H.R. 4477, Cline)

- This bill implements changes in the District of Columbia to serve as an example to the states of effective election administration. This includes:
 - a requirement for all voters to present a photo ID to vote in person or to request an absentee/mail ballot. (H.R. 4492, Johnson). It also requires D.C. to provide voters a free copy of an ID if necessary (H.R. 4488, Greene) and include photos of registered voters in the poll books with measures in place to protect privacy (H.R. 4487, Gonzalez-Colon);
 - a requirement that voter roll list maintenance be conducted annually and a prohibition on same-day registration (H.R. 4496, Norman);
 - a prohibition on ballot harvesting (H.R. 4415, Grothman) and certain restrictions on the use of ballot drop boxes (H.R. 4523, Moran);
 - a prohibition on mailing ballots except upon a voter's request;

- a repeal of the *D.C. Local Resident Voting Rights Act* that allows non-citizens to vote and a prohibition on non-citizen voting (H.R. 4396, Bost);
- a prohibition on ranked-choice voting (H.R. 4493, Lawler);
- a requirement for meaningful observer access;
- a requirement for a signature verification process for mail ballots and a requirement for signatures to be dated;
- a requirement that all ballots except military/overseas ballots be received by the close of polls and that election officials report unofficial results no later than 10:00 a.m. the following day;
- a requirement that after the closing of polls on Election Day, the District makes available on a publicly accessible website the total number of voted ballots in the possession of election officials as of the time of the closing of polls and publishes the total number of *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA) ballots requested and received; (H.R. 4543, Donalds)
- a requirement that D.C. officials ensure that all election administration activities are carried out in a bipartisan manner;
- a requirement that provisional ballots only be counted when cast in the correct precinct; (H.R. 4650, Loudermilk) and
- a requirement that an audit be conducted following each election before the time to contest the election expires.

Title II – Military Voting Administration

- Directs the GAO to analyze the effectiveness of the federal government in carrying out its responsibilities under UOCAVA and a study on improving voting access for absent uniformed services voters.

Title III – First Amendment Protection Act (H.R. 4472, Armstrong)

Protecting Political Speech and Association From Government Overreach

- Codifies existing donor disclosure protections for certain tax-exempt organizations. (*NAACP v. Alabama* and *AFPP v. Bonta*) (H.R. 4471, Armstrong)
- Increases from \$5,000 to \$50,000 the gross receipts threshold used to determine the eligibility of tax-exempt organizations for the exemption from certain disclosure and reporting requirements.
- Directs the Department of the Treasury to not issue, revise, or finalize any regulation revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of Section 501(c)(4) of the Internal Revenue Code.
- Repeals the requirement of persons making independent expenditures to report the identification of certain donors.
- Prohibits the Securities and Exchange Commission from issuing regulations regarding the disclosure of political contributions, contributions to tax-exempt organizations, or dues paid to trade associations.

Modernizing Campaign Finance Laws

- Repeals limits on coordinated political party expenditures, allowing party committees to work directly with candidates without current restrictions that require the use of independent expenditure units, hybrid advertisements, and other methods.
- Allows two or more political committees to participate in joint fundraising activities without the hassle of establishing a joint fundraising agreement or a separate joint committee (but maintains existing formal requirements as an option).
- Raises contribution limits for state political party committees and allows the establishment of higher-limit building, legal, and convention funds as used by the national party committees and indexes limits for inflation. Indexes other limits.
- Increases qualifying threshold for political committees, candidate committees, and independent expenditure reporting requirements and indexes for inflation.
- Increases “at-home” event exemption amounts and indexes for inflation.
- Excludes certain costs related to party committee and candidate communications soliciting funds from treatment as contributions or expenditures.
- Prohibits the use of federal funds in support of congressional campaigns.
- Removes statutory limits on aggregate individual contributions, which the Supreme Court struck down in 2014. (*McCutcheon v. FEC*)
- Makes permanent the FEC’s alternative dispute resolution process, which had been extended on a temporary basis.
- Permits candidates to name individuals who could disperse the funds of a federal campaign committee in accordance with the law in the event of a candidate's death or incapacitation.
- Codifies the existing regulatory prohibition on making political contributions in the name of another person.

- Modernizes reporting requirements for electioneering communications.
- Modernizes threshold amount and establishes a price index adjustment for political committee threshold.
- Increases the threshold limits for the real or personal property exemption and the travel expenses exemption and then indexes them for inflation.
- Exempts any payment for information or communication on the internet as a contribution unless it is disseminated for a fee on another person's website and expands the existing media exemption.
- Requires unanimous consent of FEC Commissioners to decline to defend an action against the agency.
- Establishes criminal penalties for theft from political committees.
- Removes a provision from the U.S. Code the Supreme Court struck down that prohibited minors from making campaign contributions.
- Freezes FEC commissioner pay if the commissioner serves in a holdover term for longer than 4 years.
- Establishes a 5-year statute of limitations for all violations of the *Federal Election Campaign Act of 1971*.

Title IV – Election Security (H.R. 4462, Mace)

- Makes the EAC the sole agency authorized to issue guidelines and certification standards for election and voting technology, software, and equipment and removes this authority from the Cybersecurity and Infrastructure Security Agency (CISA).
- Directs the Department of Homeland Security (DHS) and the Director of National Intelligence to report on physical and cybersecurity election threats to Congress and each state's chief state election official.
- Directs CISA to coordinate with EAC to determine if an elections-related cybersecurity advisory should be issued.
- Directs the EAC, in collaboration with the Technical Guidelines Development Committee and CISA, to establish a voluntary process to test for and monitor covered voting systems for cybersecurity vulnerabilities.
- Directs any federal entity that receives information about an election cybersecurity incident to promptly inform DHS.
- Requires DHS to notify state and local officials of election cybersecurity incidents and collaborate with the EAC to develop and release any cybersecurity advisories.

Title V – Sense of Congress with Respect to the Role of State Legislatures in Congressional Redistricting

- Congress plays a very limited role in congressional redistricting, ensuring that states carry out the process consistent with the Constitution.
- States are best situated—and constitutionally hold the power—to determine the best redistricting methods in their jurisdictions.
- Allows the Speaker of the House to join certain civil actions relating to House apportionment.
- Includes the *Citizen Census Monitoring Board Permanent Authorization Act of 2023* that establishes a Census Monitoring Board appointed by House and Senate leadership to observe and monitor the preparation and implementation of the 2030 census and each thereafter. This Board was authorized during the Gingrich Speakership and Clinton presidency and saw great success but was allowed to expire.

Title VI – Disinformation Governance Boards (H.R. 4514, Bice)

- Terminates the DHS Disinformation Governance Board and prohibits any federal government instrumentality from creating or operating a similar entity.