

Republican Introduced Amendments to H.R. 1

Table of Contents

TITLE I – Election Access

- a. This amendment strikes section 1001 – This provision of H.R. 1 requires every state to implement online voter registration to federal standards.
- b. This amendment strikes section 1012 (d) – This provision in H.R. 1 would prohibit states from treating 16 and 17-year-olds as ineligible to vote for the purposes of automatic registration.
- c. This amendment strikes section 1013 – This provision in H.R. 1 would require each state and federal contributing agency and universities to transfer customer data for the purposes of registering them to vote.
- d. This amendment strikes section 1014 – This provision requires a one-time transfer of data from contributing agencies to state election agencies for the purposes of registration.
- e. This amendment strikes and replace Section 1015 (a)(2) and would allow states to alert authorities if someone knowingly certifies citizenship and is not a citizen.
- f. This amendment strikes section 1017 – This provision authorizes \$500,000,000 for the purposes of implementing automatic voter registration.
- g. This amendment strikes section 1019 (b) – This provision allows third-party vendors to handle voter information.
- h. This amendment strikes section 1019 (e) – This provision extends the private right of action under the NVRA to the previous sections.
- i. This amendment strikes section 1031 – This section would require same-day voter registration for all Federal elections.
- j. This amendment strikes section 1041 – This section would place additional conditions that States must meet to remove registrants from voter rolls through cross-check systems.
- k. This amendment strikes section 1502 – This provision requires the use of Paper ballots in Federal Elections.
- l. This amendment strikes section 1504 – This section requires certain standards for the Paper Ballots.
- m. This amendment strikes section 1601 – This section requires states to count provisional ballots regardless of the precinct at which a voter tries to vote.
- n. This amendment strikes Section 1611 – This section requires every state to adopt 15-days of early voting.
- o. This amendment strikes section 1621 – This amendment requires voting by mail in federal elections.
- p. This amendment strikes section 1901 – This provision allows college students to establish a second residency.
- q. This amendment strikes section 1904 – This provision allows for a sworn statement of identification in place of voter ID laws.
- r. This amendment would add a new subtitle prohibiting the practice of ballot harvesting.
- s. This amendment would add a new subtitle prohibiting funds authorized in this bill to be made available to anyone who does not certify that they did not aid in the creation or enactment of this bill.

TITLE II – Election Integrity

- a. This amendment strikes section 2502 – This provision would overturn the Supreme Court and prohibit states from removing invalid voters from their rolls.

TITLE III – Election Security

- a. This amendment strikes section 3001 and replaces it with the Secure Elections Act, a bipartisan bill from the 115th Congress.

TITLE IV – Campaign Finance Transparency

- a. This amendment strikes section 4122 – This provision creates a new standard of judicial review.
- b. This amendment strikes section 4208 – This provision creates new political record requirements for online platforms.

TITLE V – Campaign Finance Empowerment

- a. This amendment strikes section 5101 – This section creates the “My voice voucher pilot program.” (Provides citizens vouchers which they could then give to candidates as contributions.)
- b. This amendment strikes section 5111 – This section creates a 6:1 small dollar match program.
- c. This amendment would require the identification for every small dollar donor under Section 5111 if the aggregate of qualifying small dollar donations from outside the district exceeds \$250,000.

TITLE VI – Campaign Finance Oversight

- a. This amendment strikes section 6002 – This provision in H.R. 1 changes the current 6-member commission makeup of the Federal Election Commission to a 5-member commission. This amendment strikes section 6003 – This provision of H.R. 1 gives new powers to the Chair of the Commission that currently require bipartisan support. This amendment strikes section 6004 – This section provides the General Counsel of the FEC new authority and takes power away for the commissioners whose job it is to enforce campaign finance law through the bipartisan commission.

Amendment Breakdown

Title I – Election Access

- 1) **Strike section 1001 – This provision of H.R. 1 requires every state to implement online voter registration to federal standards.**
 - Mandates a new federal standard and takes power to choose to participate in an online registration system away from state and local elections officials, as well as state legislatures.
 - Rushes process for states to develop and test proper safeguards creating an unnecessary risk.
 - Weakens the overall integrity of online voter registration by allowing voters to provide a signature electronically without any matching through a DMV database.
- 2) **Strike section 1012 (d) – This provision in H.R. 1 would prohibit states from treating 16 and 17-year-olds as ineligible to vote for the purposes of automatic registration.**
 - Requires the registering of 16 and 17-year-olds who are in fact not eligible to vote, only furthering the risk of fraud.
 - Creates a privacy issue as voter registration lists are publicly available, and this provision makes automatically registered minors' information publicly available.
 - Violates a citizen's basic free speech rights by choosing not to register.
- 3) **Strike section 1013 – This provision in H.R. 1 would require each state and federal contributing agency and universities to transfer customer data for the purposes of registering them to vote.**
 - Forces every state to adopt automatic voter registration, which currently only 16 states have automatic voter registration.
 - Forces state agencies to transfer customer records to their state election agency for the purposes of registration.
 - Raises serious concerns for agencies to be able to maintain accurate data during transmission.
 - Requires colleges and universities to automatically register students which is not the role of colleges.
- 4) **Strike section 1014 – This provision requires a one-time transfer of data from contributing agencies to state election agencies for the purposes of registration.**
 - Takes the transgressions outlined in Section 1013 and makes it retroactive, violating the privacy of those who have interacted with these agencies prior to the enactment of H.R. 1.
- 5) **Strike and replace Section 1015 (a)(2) and would allow states to alert authorities if someone knowingly certifies citizenship and is not a citizen.**
 - Protects non-citizens who knowingly certify U.S. citizenship and ultimately are registered to vote from prosecution or any civil adjudication concerning immigration status.
 - Handicaps the efforts of Federal immigration officials and their mission to promote homeland security and public safety by enforcing immigration laws.
- 6) **Strike section 1017 – This provision authorizes \$500,000,000 for the purposes of implementing automatic voter registration.**
 - Authorizes \$500 million in fiscal year 2019 be spent on grants awarded by the EAC for states to create or update online voter registration systems, accelerate compliance with H.R. 1, public education campaigns, and automatic registration system enhancements.
 - Leaves cost designation open-ended in terms of funding authorization, which is fiscally irresponsible.

- 7) **Strike section 1019 (b) – This provision allows third-party vendors to handle voter information.**
 - Allows third parties to manage sensitive voter data.
 - Invites new cybersecurity threats of hacking these private, third-party companies and vendors.

- 8) **Strike section 1019 (e) which extends the private right of action under the NVRA to the previous sections.**
 - Generates a larger number of civil litigation cases brought by election attorneys.
 - Creates more business for special interest election attorneys and clogs up the courts.

- 9) **Strike section 1031 which requires same-day voter registration for all Federal elections.**
 - Invites fraud and undermines the voter registration process through same-day registration.
 - Provides too little time to accurately verify the eligibility of an individual.
 - Places undue burden on poll workers who work extremely long hours and are often retirees.

- 10) **Strike section 1041 – This section would place additional conditions that states must meet to remove registrants from voter rolls through cross-check systems.**
 - Puts additional burdens on State’s already existing processes and invites broad interpretation.
 - Ignores interstate cross-check systems that currently serve as reliable tools for States to use.

- 11) **Strike section 1502 – This provision requires the use of Paper ballots in Federal Elections.**
 - Preempts state laws and the historical and constitutional role of states and localities in choosing the method of voting for their citizens.
 - Requires paper ballots be counted by hand, optical scanner, or other counting device thus ending the use of many ballot marking devices.

- 12) **Strike section 1504 – This section requires certain standards for the Paper Ballots.**
 - Oversteps the paper ballot requirement proposed in Section 1502.
 - Disregards state and local officials’ expert opinion regarding these requirements.

- 13) **Strike section 1601 – This section requires states to count provisional ballots regardless of the precinct at which a voter tries to vote.**
 - Requires that states count all provisional ballots regardless of the polling place of precinct where the voter casts a ballot in the state.
 - Creates a disruptive process to races for local office where out-of-precinct voters would be illegally casting a ballot for a race outside of where that voter lives.
 - Causes mass disruption for local officials.

- 14) **Strike Section 1611 – This section requires every state to adopt 15-days of early voting.**
 - Establishes a new federal mandate requiring all states offer 15 days of early voting by 2020, even though 39 states have already adopted some form of early voting.
 - Seeks to micromanage states and take power away from local officials as it forces a Washington developed “one-size fits all” mandate.
 - Disregards evidence that early voting has lead to lower voter turnout. (*Pew Research Center study 2013*)
 - Provides no break for election workers to set up for Election Day, which would create a logistical nightmare for election officials across the country.

- 15) **Strike section 1621 – This amendment requires voting by mail in federal elections.**

- Forces “no-excuse mail voting” in every state and locality.
- Upends current state programs that have been tailored to them and their state constitutions and laws in favor of a Washington imposed “one-size fits all” mandate.
- Mandates that states verify identity through signature match and preempts the law of many states that require witness signatures, photo I.D., non-photo I.D. or other ways of identification.

17) Strike section 1811 – This provision creates private right of action under HAVA.

- Creates a new avenue for frivolous lawsuits.
- Placates trial attorneys by establishing private rights of action by allowing candidates to litigate their way to victory.
- Opens the door to meritless lawsuits and an explosion in costs at the state and federal level due to meaningless litigation.

18) Strike section 1901 – This provision allows college students to establish a second residency.

- Allows college students to establish a second residency, which will weaken the voting system and increases vulnerability to fraud while again failing to implement the necessary and basic verification measures on who is registering to vote.
- Opens a door to voter fraud by allowing students to vote at their university without any requirement to change their legal residency or creating any mechanism for removing them from the voter rolls at their legal residence.
- Impedes on states’ rights to determine their own registration and voting practices, as protected under Article 1, Section 4 of the Constitution.

19) Strike section 1904 – This provision allows for a sworn statement of identification in place of voter ID laws.

- Usurps state voter identification laws by allowing sworn statements to be used in place of identification and in turn, weakens the voting system of the American people by increasing the election system’s vulnerability to fraud and failing to implement the necessary and basic accountability measures for voter registration.
- Undercuts states’ rights to determine their registration and voting practices, as protected under Article 1, Section 4 of the Constitution.
- Omits any adequate enforcement mechanisms to guard against fraud.

20) Add new a subtitle prohibiting the practice of ballot harvesting.

- Prohibits the practice of ballot harvesting while allowing for common sense exceptions for the disabled and elderly.
- Ballot harvesting is the practice in which organized workers or volunteers collect absentee ballots from certain voters and drop them off at a polling place or election office.
- Most recently, a new election ordered in the North Carolina 9th Congressional District because of ballot harvesting allegations.

21) Add a new subtitle prohibiting funds authorized in this bill to be made available to anyone who does not certify that they did not aid in the creation or enactment of this bill.

Title II – Election Integrity – Subtitle F – Voter Roll List Maintenance

- 22) **Strike section 2502 – This provision would overturn the Supreme Court and prohibit states from removing invalid voters from their rolls.**
- Overturns the National Voter Registration Act, which requires states to “conduct a general program that makes a reasonable effort to remove the names” of voters who are ineligible “by reason of” death or change in residence.
 - Makes it harder to maintain accurate voter rolls, which is critical to keeping election costs down and lines at the polls short.
 - Makes this requirement nearly impossible for states to comply with the NVRA.
 - Approximately 24 million voter registrations (1 in 8) in the U.S. are either invalid or inaccurate and about 2.75 million people are registered to vote in more than one state (Husted opinion).

Title III – Election Security

- 23) **Strike section 3001 and replace it with the Secure Elections Act, a bipartisan bill from the 115th Congress.**
- Adds the secure elections act, which was a bipartisan bill: 3 Dem; 2 Rep cosponsors in the Senate.
 - Designates federal elections and their infrastructure as critical infrastructure, ensures that every vote is cast by a paper ballot marked (or verifiable) by the voter, encourages security audits and the adoption of basic cybersecurity standards for voting infrastructure, and improves post-election auditing, especially through statistical sampling
 - Articulates a declaratory policy that threatens to impose costs on those who seek to threaten the integrity of US elections

Title IV – Campaign Finance Transparency

- 25) **Strike section 4122 – This provision creates a new standard of judicial review.**
- Creates new standards of judicial review that weakens the rights of respondents in Commission matters.
- If a respondent challenges in court a Commission decision finding that it violated the law, the court will defer to any reasonable interpretation the agency gives to the statute, but if the respondent wins at the Commission, no deference will be given to the FEC’s decision, if challenged in court.
- 27) **Strike section 4208 which creates new political record requirements for online platforms.**
- Requires any person or group spending as little as \$500 during a calendar year on “qualified political advertisements” on many popular and widely-accessed Internet platforms (including news and social networking websites, search engines, and mobile apps) would have to provide certain information to those platforms, and the information would have to be posted in an online “public file.”
 - The term “national legislative issue of public importance” is not defined and is borrowed from the “public file” requirements for broadcasters under the federal Communications Act, which also does not define this term.
 - Opens the door to grassroots groups using social media to promote contentious but important causes, such as support or opposition for a wall on the U.S.-Mexico border, immigration reform, the “Tea Party,” “Black Lives Matter,” or the “Women’s March,” to targeted supporters, being targeted for harassment and retaliation by opponents monitoring the content and scope of their online advertising campaigns using the information reported in the “public file.”

Title V – Campaign Finance Empowerment

29) Strike section 5101 – This section creates the "My voice voucher pilot program." (Provides citizens vouchers with they could then give to candidates contributions).

- Creates a money grab for politicians.
- Takes the feralization of elections and campaign financing to a whole other level.
- Places the Federal Election Commission in a position to manage this program, which it is not prepared to do and moves the FEC away from their central mission.

30) Strike section 5111 – This section creates a 6:1 small dollar match program.

- Creates a campaign ATM that will fill the pockets of politicians and political operatives nationwide.
- Uses the top 20 winning congressional campaigns as the cap for participation in this program – this would amount to approximately \$4.5 million – but would only increase with time.
- Does not speak to the inclusion of special elections, which are usually more expensive.
- Authorizes \$250,000,000 – this is only the tip of the iceberg.

31) Require the identification for every small dollar donor under Section 5111 if the aggregate of qualifying small dollar donations from outside the district exceeds \$250,000.

- Shines a light on the 6 to 1 match program which invites outside interference in elections, as it would require disclosure of small dollar donor after aggregate of qualifying small dollar donations from outside the district exceeds \$250,000.
- Ensures the people in each congressional district would know how much outside money was coming on through this matching program.

Title VI – Campaign Finance Oversight

(COMBINED INTO ONE AMENDMENT)

- 35) **Strike section 6002 – This provision in H.R. 1 changes the current 6-member commission makeup of the Federal Election Commission to a 5-member commission.**
- Does away with the bipartisan nature of the Federal Election Commission.
 - Rep. Marcia Fudge pointed out in our hearing that she would hate for it to mirror the partisanship of the U.S. Supreme Court.
- 36) **Strike section 6003 – This provision of H.R. 1 gives new powers to the Chair of the Commission that currently require bipartisan support.**
- Changes the current setting that the Vice Chair and Chair of the commission must be from different parties, which is to legitimize the Commission by assuring that it does not operate as a partisan agency.
 - Creates a speech czar in the form of a much more powerful Chair, appointed by the president, who would dominate the Commission.
 - Requires the Chair to “consult” with other commissioners on these matters, but the Chair would have full authority to act alone.
- 37) **Strike section 6004 – This section provides the General Counsel of the FEC new authority and takes power away for the commissioners whose job it is to enforce campaign finance law through the bipartisan commission.**
- Destroys the bipartisan requirement, allowing the president’s appointed Chair to name the General Counsel with the support of any two of the other four commissioners appointed by that same president – and no bipartisan support.
 - Enhances the power of the General Counsel in several ways.
 - Provides that the General Counsel may initiate an investigation if the Commission fails to pass a motion to reject the General Counsel’s recommendation within 30 days.
 - Allows commissioners to dodge any responsibility for their decisions by simply not taking a vote and letting the General Counsel’s recommendation take effect.
 - Enhances the power of the General Counsel to issue subpoenas on his or her own authority.