

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1
OFFERED BY MS. LOFGREN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “For the People Act
3 of 2019”.

**4 SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF
5 CONTENTS.**

6 (a) DIVISIONS.—This Act is organized into 3 divi-
7 sions as follows:

8 (1) Division A—Voting.

9 (2) Division B—Campaign Finance.

10 (3) Division C—Ethics.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—VOTING

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

- Sec. 1001. Requiring availability of Internet for voter registration.
- Sec. 1002. Use of Internet to update registration information.
- Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.
- Sec. 1004. Clarification of requirement regarding necessary information to show eligibility to vote.
- Sec. 1005. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

- Sec. 1011. Short title; findings and purpose.
- Sec. 1012. Automatic registration of eligible individuals.
- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

PART 4—CONDITIONS ON REMOVAL ON BASIS OF INTERSTATE CROSS-CHECKS

- Sec. 1041. Conditions on removal of registrants from official list of eligible voters on basis of interstate cross-checks.

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. Annual reports on voter registration statistics.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

- Sec. 1061. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 1071. [Reserved].
- Sec. 1072. Establishment of best practices.

Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

- Sec. 1201. [Reserved].
- Sec. 1202. Development and adoption of best practices for preventing voter caging.

Subtitle D—[Reserved]

Subtitle E—[Reserved]

Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.
- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Effective date for new requirements.

Subtitle G—Provisional Ballots

- Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle H—Early Voting

- Sec. 1611. Early voting.

Subtitle I—Voting by Mail

- Sec. 1621. Voting by Mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1702. Enforcement.
- Sec. 1703. Revisions to 45-day absentee ballot transmission rule.
- Sec. 1704. Use of single absentee ballot application for subsequent elections.
- Sec. 1705. Effective date.

Subtitle K—Poll Worker Recruitment and Training

- Sec. 1801. [Reserved].
- Sec. 1802. Grants to States for poll worker recruitment and training.
- Sec. 1803. State defined.

Subtitle L—Enhancement of Enforcement

- Sec. 1811. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle M—Federal Election Integrity

- Sec. 1821. Prohibition on campaign activities by chief State election administration officials.

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

- Sec. 1901. Treatment of institutions of higher education.
- Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
- Sec. 1903. [Reserved].

- Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.
- Sec. 1905. [Reserved].
- Sec. 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.
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- Sec. 1911. Reauthorization of Election Assistance Commission.
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- Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 1922. No effect on other laws.

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- Sec. 1931. Severability.

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- Sec. 3003. Incorporation of definitions.

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- Sec. 3202. National Commission to Protect United States Democratic Institutions.

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- Sec. 5102. Voucher program described.
- Sec. 5103. Reports.
- Sec. 5104. Definitions.

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ELECTION CAMPAIGNS

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- “Sec. 502. Procedures for making payments.
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“Subtitle B—Eligibility and Certification

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- Sec. 9302. Definitions.
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- Sec. 9304. Federal agency responsibilities.
- Sec. 9305. Removing and altering reports.
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Subtitle E—Severability

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TITLE X—[RESERVED]

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2 **TITLE I—ELECTION ACCESS**

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

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- Sec. 1001. Requiring availability of Internet for voter registration.
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1 **SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.**

2 (a) **SHORT TITLE.**—This title may be cited as the
3 “Voter Empowerment Act of 2019”.

4 (b) **STATEMENT OF POLICY.**—It is the policy of the
5 United States that—

6 (1) all eligible citizens of the United States
7 should access and exercise their constitutional right
8 to vote in a free, fair, and timely manner; and

9 (2) the integrity, security, and accountability of
10 the voting process must be vigilantly protected,
11 maintained, and enhanced in order to protect and
12 preserve electoral and participatory democracy in the
13 United States.

14 **Subtitle A—Voter Registration**
15 **Modernization**

16 **SEC. 1000A. SHORT TITLE.**

17 This subtitle may be cited as the “Voter Registration
18 Modernization Act of 2019”.

19 **PART 1—PROMOTING INTERNET REGISTRATION**

20 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**
21 **VOTER REGISTRATION.**

22 (a) **REQUIRING AVAILABILITY OF INTERNET FOR**
23 **REGISTRATION.**—The National Voter Registration Act of
24 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
25 after section 6 the following new section:

1 **“SEC. 6A. INTERNET REGISTRATION.**

2 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
3 ONLINE REGISTRATION.—

4 “(1) AVAILABILITY OF ONLINE REGISTRATION
5 AND CORRECTION OF EXISTING REGISTRATION IN-
6 FORMATION.—Each State, acting through the chief
7 State election official, shall ensure that the following
8 services are available to the public at any time on
9 the official public websites of the appropriate State
10 and local election officials in the State, in the same
11 manner and subject to the same terms and condi-
12 tions as the services provided by voter registration
13 agencies under section 7(a):

14 “(A) Online application for voter registra-
15 tion.

16 “(B) Online assistance to applicants in ap-
17 plying to register to vote.

18 “(C) Online completion and submission by
19 applicants of the mail voter registration applica-
20 tion form prescribed by the Election Assistance
21 Commission pursuant to section 9(a)(2), includ-
22 ing assistance with providing a signature as re-
23 quired under subsection (c).

24 “(D) Online receipt of completed voter reg-
25 istration applications.

1 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
2 A State shall accept an online voter registration applica-
3 tion provided by an individual under this section, and en-
4 sure that the individual is registered to vote in the State,
5 if—

6 “(1) the individual meets the same voter reg-
7 istration requirements applicable to individuals who
8 register to vote by mail in accordance with section
9 6(a)(1) using the mail voter registration application
10 form prescribed by the Election Assistance Commis-
11 sion pursuant to section 9(a)(2); and

12 “(2) the individual meets the requirements of
13 subsection (c) to provide a signature in electronic
14 form (but only in the case of applications submitted
15 during or after the second year in which this section
16 is in effect in the State).

17 “(c) SIGNATURE REQUIREMENTS.—

18 “(1) IN GENERAL.—For purposes of this sec-
19 tion, an individual meets the requirements of this
20 subsection as follows:

21 “(A) In the case of an individual who has
22 a signature on file with a State agency, includ-
23 ing the State motor vehicle authority, that is
24 required to provide voter registration services
25 under this Act or any other law, the individual

1 consents to the transfer of that electronic signa-
2 ture.

3 “(B) If subparagraph (A) does not apply,
4 the individual submits with the application an
5 electronic copy of the individual’s handwritten
6 signature through electronic means.

7 “(C) If subparagraph (A) and subpara-
8 graph (B) do not apply, the individual executes
9 a computerized mark in the signature field on
10 an online voter registration application, in ac-
11 cordance with reasonable security measures es-
12 tablished by the State, but only if the State ac-
13 cepts such mark from the individual.

14 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
15 MEET REQUIREMENT.—If an individual is unable to
16 meet the requirements of paragraph (1), the State
17 shall—

18 “(A) permit the individual to complete all
19 other elements of the online voter registration
20 application;

21 “(B) permit the individual to provide a sig-
22 nature at the time the individual requests a bal-
23 lot in an election (whether the individual re-
24 quests the ballot at a polling place or requests
25 the ballot by mail); and

1 “(C) if the individual carries out the steps
2 described in subparagraph (A) and subpara-
3 graph (B), ensure that the individual is reg-
4 istered to vote in the State.

5 “(3) NOTICE.—The State shall ensure that in-
6 dividuals applying to register to vote online are noti-
7 fied of the requirements of paragraph (1) and of the
8 treatment of individuals unable to meet such re-
9 quirements, as described in paragraph (2).

10 “(d) CONFIRMATION AND DISPOSITION.—

11 “(1) CONFIRMATION OF RECEIPT.—Upon the
12 online submission of a completed voter registration
13 application by an individual under this section, the
14 appropriate State or local election official shall send
15 the individual a notice confirming the State’s receipt
16 of the application and providing instructions on how
17 the individual may check the status of the applica-
18 tion.

19 “(2) NOTICE OF DISPOSITION.—Not later than
20 7 days after the appropriate State or local election
21 official has approved or rejected an application sub-
22 mitted by an individual under this section, the offi-
23 cial shall send the individual a notice of the disposi-
24 tion of the application.

1 “(3) METHOD OF NOTIFICATION.—The appro-
2 priate State or local election official shall send the
3 notices required under this subsection by regular
4 mail, and, in the case of an individual who has pro-
5 vided the official with an electronic mail address, by
6 both electronic mail and regular mail.

7 “(e) PROVISION OF SERVICES IN NONPARTISAN
8 MANNER.—The services made available under subsection
9 (a) shall be provided in a manner that ensures that, con-
10 sistent with section 7(a)(5)—

11 “(1) the online application does not seek to in-
12 fluence an applicant’s political preference or party
13 registration; and

14 “(2) there is no display on the website pro-
15 moting any political preference or party allegiance,
16 except that nothing in this paragraph may be con-
17 strued to prohibit an applicant from registering to
18 vote as a member of a political party.

19 “(f) PROTECTION OF SECURITY OF INFORMATION.—
20 In meeting the requirements of this section, the State shall
21 establish appropriate technological security measures to
22 prevent to the greatest extent practicable any unauthor-
23 ized access to information provided by individuals using
24 the services made available under subsection (a).

1 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
2 sure that the services made available under this section
3 are made available to individuals with disabilities to the
4 same extent as services are made available to all other in-
5 dividuals.

6 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
7 TEM.—A State shall make the services made available on-
8 line under subsection (a) available through the use of an
9 automated telephone-based system, subject to the same
10 terms and conditions applicable under this section to the
11 services made available online, in addition to making the
12 services available online in accordance with the require-
13 ments of this section.

14 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
15 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
16 rying out this Act, the Help America Vote Act of 2002,
17 or any other Federal, State, or local law governing the
18 treatment of registered voters in the State or the adminis-
19 tration of elections for public office in the State, a State
20 shall treat a registered voter who registered to vote online
21 in accordance with this section in the same manner as the
22 State treats a registered voter who registered to vote by
23 mail.”.

24 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
25 USING ONLINE REGISTRATION.—

1 (1) TREATMENT AS INDIVIDUALS REGISTERING
2 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
3 VOTER IDENTIFICATION REQUIREMENTS.—Section
4 303(b)(1)(A) of the Help America Vote Act of 2002
5 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
6 “by mail” and inserting “by mail or online under
7 section 6A of the National Voter Registration Act of
8 1993”.

9 (2) REQUIRING SIGNATURE FOR FIRST-TIME
10 VOTERS IN JURISDICTION.—Section 303(b) of such
11 Act (52 U.S.C. 21083(b)) is amended—

12 (A) by redesignating paragraph (5) as
13 paragraph (6); and

14 (B) by inserting after paragraph (4) the
15 following new paragraph:

16 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
17 TIME VOTERS USING ONLINE REGISTRATION.—

18 “(A) IN GENERAL.—A State shall, in a
19 uniform and nondiscriminatory manner, require
20 an individual to meet the requirements of sub-
21 paragraph (B) if—

22 “(i) the individual registered to vote
23 in the State online under section 6A of the
24 National Voter Registration Act of 1993;
25 and

1 “(ii) the individual has not previously
2 voted in an election for Federal office in
3 the State.

4 “(B) REQUIREMENTS.—An individual
5 meets the requirements of this subparagraph
6 if—

7 “(i) in the case of an individual who
8 votes in person, the individual provides the
9 appropriate State or local election official
10 with a handwritten signature; or

11 “(ii) in the case of an individual who
12 votes by mail, the individual submits with
13 the ballot a handwritten signature.

14 “(C) INAPPLICABILITY.—Subparagraph
15 (A) does not apply in the case of an individual
16 who is—

17 “(i) entitled to vote by absentee ballot
18 under the Uniformed and Overseas Citi-
19 zens Absentee Voting Act (52 U.S.C.
20 20302 et seq.);

21 “(ii) provided the right to vote other-
22 wise than in person under section
23 3(b)(2)(B)(ii) of the Voting Accessibility
24 for the Elderly and Handicapped Act (52
25 U.S.C. 20102(b)(2)(B)(ii)); or

1 “(iii) entitled to vote otherwise than
2 in person under any other Federal law.”.

3 (3) CONFORMING AMENDMENT RELATING TO
4 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
5 Act (52 U.S.C. 21083(d)(2)(A)) is amended by
6 striking “Each State” and inserting “Except as pro-
7 vided in subsection (b)(5), each State”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) TIMING OF REGISTRATION.—Section 8(a)(1)
10 of the National Voter Registration Act of 1993 (52
11 U.S.C. 20507(a)(1)) is amended—

12 (A) by striking “and” at the end of sub-
13 paragraph (C);

14 (B) by redesignating subparagraph (D) as
15 subparagraph (E); and

16 (C) by inserting after subparagraph (C)
17 the following new subparagraph:

18 “(D) in the case of online registration
19 through the official public website of an election
20 official under section 6A, if the valid voter reg-
21 istration application is submitted online not
22 later than the lesser of 30 days, or the period
23 provided by State law, before the date of the
24 election (as determined by treating the date on

1 which the application is sent electronically as
2 the date on which it is submitted); and”.

3 (2) INFORMING APPLICANTS OF ELIGIBILITY
4 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)
5 of such Act (52 U.S.C. 20507(a)(5)) is amended by
6 striking “and 7” and inserting “6A, and 7”.

7 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**
8 **INFORMATION.**

9 (a) IN GENERAL.—

10 (1) UPDATES TO INFORMATION CONTAINED ON
11 COMPUTERIZED STATEWIDE VOTER REGISTRATION
12 LIST.—Section 303(a) of the Help America Vote Act
13 of 2002 (52 U.S.C. 21083(a)) is amended by adding
14 at the end the following new paragraph:

15 “(6) USE OF INTERNET BY REGISTERED VOT-
16 ERS TO UPDATE INFORMATION.—

17 “(A) IN GENERAL.—The appropriate State
18 or local election official shall ensure that any
19 registered voter on the computerized list may at
20 any time update the voter’s registration infor-
21 mation, including the voter’s address and elec-
22 tronic mail address, online through the official
23 public website of the election official responsible
24 for the maintenance of the list, so long as the
25 voter attests to the contents of the update by

1 providing a signature in electronic form in the
2 same manner required under section 6A(c) of
3 the National Voter Registration Act of 1993.

4 “(B) PROCESSING OF UPDATED INFORMA-
5 TION BY ELECTION OFFICIALS.—If a registered
6 voter updates registration information under
7 subparagraph (A), the appropriate State or
8 local election official shall—

9 “(i) revise any information on the
10 computerized list to reflect the update
11 made by the voter; and

12 “(ii) if the updated registration infor-
13 mation affects the voter’s eligibility to vote
14 in an election for Federal office, ensure
15 that the information is processed with re-
16 spect to the election if the voter updates
17 the information not later than the lesser of
18 7 days, or the period provided by State
19 law, before the date of the election.

20 “(C) CONFIRMATION AND DISPOSITION.—

21 “(i) CONFIRMATION OF RECEIPT.—
22 Upon the online submission of updated
23 registration information by an individual
24 under this paragraph, the appropriate
25 State or local election official shall send

1 the individual a notice confirming the
2 State’s receipt of the updated information
3 and providing instructions on how the indi-
4 vidual may check the status of the update.

5 “(ii) NOTICE OF DISPOSITION.—Not
6 later than 7 days after the appropriate
7 State or local election official has accepted
8 or rejected updated information submitted
9 by an individual under this paragraph, the
10 official shall send the individual a notice of
11 the disposition of the update.

12 “(iii) METHOD OF NOTIFICATION.—
13 The appropriate State or local election offi-
14 cial shall send the notices required under
15 this subparagraph by regular mail, and, in
16 the case of an individual who has re-
17 quested that the State provide voter reg-
18 istration and voting information through
19 electronic mail, by both electronic mail and
20 regular mail.”.

21 (2) CONFORMING AMENDMENT RELATING TO
22 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
23 Act (52 U.S.C. 21083(d)(1)(A)) is amended by
24 striking “subparagraph (B)” and inserting “sub-
25 paragraph (B) and subsection (a)(6)”.

1 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
2 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
3 tion 8(d)(2)(A) of the National Voter Registration Act of
4 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

5 (1) in the first sentence, by inserting after “re-
6 turn the card” the following: “or update the reg-
7 istrant’s information on the computerized Statewide
8 voter registration list using the online method pro-
9 vided under section 303(a)(6) of the Help America
10 Vote Act of 2002”; and

11 (2) in the second sentence, by striking “re-
12 turned,” and inserting the following: “returned or if
13 the registrant does not update the registrant’s infor-
14 mation on the computerized Statewide voter reg-
15 istration list using such online method,”.

16 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**
17 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
18 **ISTERED TO VOTE.**

19 (a) INCLUDING OPTION ON VOTER REGISTRATION
20 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
21 CEIVE INFORMATION.—

22 (1) IN GENERAL.—Section 9(b) of the National
23 Voter Registration Act of 1993 (52 U.S.C.
24 20508(b)) is amended—

1 (A) by striking “and” at the end of para-
2 graph (3);

3 (B) by striking the period at the end of
4 paragraph (4) and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(5) shall include a space for the applicant to
8 provide (at the applicant’s option) an electronic mail
9 address, together with a statement that, if the appli-
10 cant so requests, instead of using regular mail the
11 appropriate State and local election officials shall
12 provide to the applicant, through electronic mail sent
13 to that address, the same voting information (as de-
14 fined in section 302(b)(2) of the Help America Vote
15 Act of 2002) which the officials would provide to the
16 applicant through regular mail.”.

17 (2) PROHIBITING USE FOR PURPOSES UNRE-
18 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-
19 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is
20 amended by adding at the end the following new
21 subsection:

22 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
23 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
24 chief State election official shall ensure that any electronic
25 mail address provided by an applicant under subsection

1 (b)(5) is used only for purposes of carrying out official
2 duties of election officials and is not transmitted by any
3 State or local election official (or any agent of such an
4 official, including a contractor) to any person who does
5 not require the address to carry out such official duties
6 and who is not under the direct supervision and control
7 of a State or local election official.”.

8 (b) REQUIRING PROVISION OF INFORMATION BY
9 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-
10 ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended
11 by adding at the end the following new paragraph:

12 “(3) PROVISION OF OTHER INFORMATION BY
13 ELECTRONIC MAIL.—If an individual who is a reg-
14 istered voter has provided the State or local election
15 official with an electronic mail address for the pur-
16 pose of receiving voting information (as described in
17 section 9(b)(5) of the National Voter Registration
18 Act of 1993), the appropriate State or local election
19 official, through electronic mail transmitted not later
20 than 7 days before the date of the election for Fed-
21 eral office involved, shall provide the individual with
22 information on how to obtain the following informa-
23 tion by electronic means:

1 “(A) The name and address of the polling
2 place at which the individual is assigned to vote
3 in the election.

4 “(B) The hours of operation for the polling
5 place.

6 “(C) A description of any identification or
7 other information the individual may be re-
8 quired to present at the polling place.”.

9 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**
10 **NECESSARY INFORMATION TO SHOW ELIGI-**
11 **BILITY TO VOTE.**

12 Section 8 of the National Voter Registration Act of
13 1993 (52 U.S.C. 20507) is amended—

14 (1) by redesignating subsection (j) as sub-
15 section (k); and

16 (2) by inserting after subsection (i) the fol-
17 lowing new subsection:

18 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
19 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
20 ELIGIBILITY TO VOTE.—For purposes meeting the re-
21 quirement of subsection (a)(1) that an eligible applicant
22 is registered to vote in an election for Federal office within
23 the deadlines required under such subsection, the State
24 shall consider an applicant to have provided a ‘valid voter
25 registration form’ if—

1 “(1) the applicant has substantially completed
2 the application form and attested to the statement
3 required by section 9(b)(2); and

4 “(2) in the case of an applicant who registers
5 to vote online in accordance with section 6A, the ap-
6 plicant provides a signature in accordance with sub-
7 section (c) of such section.”.

8 **SEC. 1005. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), the amendments made by this part (other than the
11 amendments made by section 1004) shall take effect Jan-
12 uary 1, 2020.

13 (b) WAIVER.—Subject to the approval of the Election
14 Assistance Commission, if a State certifies to the Election
15 Assistance Commission that the State will not meet the
16 deadline referred to in subsection (a) because of extraor-
17 dinary circumstances and includes in the certification the
18 reasons for the failure to meet the deadline, subsection
19 (a) shall apply to the State as if the reference in such
20 subsection to “January 1, 2020” were a reference to
21 “January 1, 2022”.

22 **PART 2—AUTOMATIC VOTER REGISTRATION**

23 **SEC. 1011. SHORT TITLE; FINDINGS AND PURPOSE.**

24 (a) SHORT TITLE.—This part may be cited as the
25 “Automatic Voter Registration Act of 2019”.

1 (b) FINDINGS AND PURPOSE.—

2 (1) FINDINGS.—Congress finds that—

3 (A) the right to vote is a fundamental
4 right of citizens of the United States;

5 (B) it is the responsibility of the State and
6 Federal Governments to ensure that every eligi-
7 ble citizen is registered to vote;

8 (C) existing voter registration systems can
9 be inaccurate, costly, inaccessible and con-
10 fusing, with damaging effects on voter partici-
11 pation in elections and disproportionate impacts
12 on young people, persons with disabilities, and
13 racial and ethnic minorities; and

14 (D) voter registration systems must be up-
15 dated with 21st Century technologies and pro-
16 cedures to maintain their security.

17 (2) PURPOSE.—It is the purpose of this part—

18 (A) to establish that it is the responsibility
19 of government at every level to ensure that all
20 eligible citizens are registered to vote;

21 (B) to enable the State and Federal Gov-
22 ernments to register all eligible citizens to vote
23 with accurate, cost-efficient, and up-to-date pro-
24 cedures;

1 (C) to modernize voter registration and list
2 maintenance procedures with electronic and
3 Internet capabilities; and

4 (D) to protect and enhance the integrity,
5 accuracy, efficiency, and accessibility of the
6 electoral process for all eligible citizens.

7 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**
8 **VIDUALS.**

9 (a) **REQUIRING STATES TO ESTABLISH AND OPER-**
10 **ATE AUTOMATIC REGISTRATION SYSTEM.—**

11 (1) **IN GENERAL.—**The chief State election offi-
12 cial of each State shall establish and operate a sys-
13 tem of automatic registration for the registration of
14 eligible individuals to vote for elections for Federal
15 office in the State, in accordance with the provisions
16 of this part.

17 (2) **DEFINITION.—**The term “automatic reg-
18 istration” means a system that registers an indi-
19 vidual to vote in elections for Federal office in a
20 State, if eligible, by electronically transferring the
21 information necessary for registration from govern-
22 ment agencies to election officials of the State so
23 that, unless the individual affirmatively declines to
24 be registered, the individual will be registered to vote
25 in such elections.

1 (b) REGISTRATION OF VOTERS BASED ON NEW
2 AGENCY RECORDS.—The chief State election official
3 shall—

4 (1) not later than 15 days after a contributing
5 agency has transmitted information with respect to
6 an individual pursuant to section 1013, ensure that
7 the individual is registered to vote in elections for
8 Federal office in the State if the individual is eligible
9 to be registered to vote in such elections; and

10 (2) not later than 120 days after a contributing
11 agency has transmitted such information with re-
12 spect to the individual, send written notice to the in-
13 dividual, in addition to other means of notice estab-
14 lished by this part, of the individual's voter registra-
15 tion status.

16 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
17 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
18 State election official shall—

19 (1) identify all individuals whose information is
20 transmitted by a contributing agency pursuant to
21 section 1014 and who are eligible to be, but are not
22 currently, registered to vote in that State;

23 (2) promptly send each such individual written
24 notice, in addition to other means of notice estab-
25 lished by this part, which shall not identify the con-

1 tributing agency that transmitted the information
2 but shall include—

3 (A) an explanation that voter registration
4 is voluntary, but if the individual does not de-
5 cline registration, the individual will be reg-
6 istered to vote;

7 (B) a statement offering the opportunity to
8 decline voter registration through means con-
9 sistent with the requirements of this part;

10 (C) in the case of a State in which affili-
11 ation or enrollment with a political party is re-
12 quired in order to participate in an election to
13 select the party's candidate in an election for
14 Federal office, a statement offering the indi-
15 vidual the opportunity to affiliate or enroll with
16 a political party or to decline to affiliate or en-
17 roll with a political party, through means con-
18 sistent with the requirements of this part;

19 (D) the substantive qualifications of an
20 elector in the State as listed in the mail voter
21 registration application form for elections for
22 Federal office prescribed pursuant to section 9
23 of the National Voter Registration Act of 1993,
24 the consequences of false registration, and a
25 statement that the individual should decline to

1 register if the individual does not meet all those
2 qualifications;

3 (E) instructions for correcting any erro-
4 neous information; and

5 (F) instructions for providing any addi-
6 tional information which is listed in the mail
7 voter registration application form for elections
8 for Federal office prescribed pursuant to section
9 9 of the National Voter Registration Act of
10 1993;

11 (3) ensure that each such individual who is eli-
12 gible to register to vote in elections for Federal of-
13 fice in the State is promptly registered to vote not
14 later than 45 days after the official sends the indi-
15 vidual the written notice under paragraph (2), un-
16 less, during the 30-day period which begins on the
17 date the election official sends the individual such
18 written notice, the individual declines registration in
19 writing, through a communication made over the
20 Internet, or by an officially-logged telephone commu-
21 nication; and

22 (4) send written notice to each such individual,
23 in addition to other means of notice established by
24 this part, of the individual's voter registration sta-
25 tus.

1 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
2 OF AGE.—A State may not refuse to treat an individual
3 as an eligible individual for purposes of this part on the
4 grounds that the individual is less than 18 years of age
5 at the time a contributing agency receives information
6 with respect to the individual, so long as the individual
7 is at least 16 years of age at such time.

8 (e) CONTRIBUTING AGENCY DEFINED.—In this part,
9 the term “contributing agency” means, with respect to a
10 State, an agency listed in section 1013(e).

11 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
12 **ISTRATION.**

13 (a) IN GENERAL.—In accordance with this part, each
14 contributing agency in a State shall assist the State’s chief
15 election official in registering to vote all eligible individuals
16 served by that agency.

17 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
18 CIES.—

19 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
20 TION.—With each application for service or assist-
21 ance, and with each related recertification, renewal,
22 or change of address, or, in the case of an institu-
23 tion of higher education, with each registration of a
24 student for enrollment in a course of study, each
25 contributing agency that (in the normal course of its

1 operations) requests individuals to affirm United
2 States citizenship (either directly or as part of the
3 overall application for service or assistance) shall in-
4 form each such individual who is a citizen of the
5 United States of the following:

6 (A) Unless that individual declines to reg-
7 ister to vote, or is found ineligible to vote, the
8 individual will be registered to vote or, if appli-
9 cable, the individual's registration will be up-
10 dated.

11 (B) The substantive qualifications of an
12 elector in the State as listed in the mail voter
13 registration application form for elections for
14 Federal office prescribed pursuant to section 9
15 of the National Voter Registration Act of 1993,
16 the consequences of false registration, and the
17 individual should decline to register if the indi-
18 vidual does not meet all those qualifications.

19 (C) In the case of a State in which affili-
20 ation or enrollment with a political party is re-
21 quired in order to participate in an election to
22 select the party's candidate in an election for
23 Federal office, the requirement that the indi-
24 vidual must affiliate or enroll with a political
25 party in order to participate in such an election.

1 (D) Voter registration is voluntary, and
2 neither registering nor declining to register to
3 vote will in any way affect the availability of
4 services or benefits, nor be used for other pur-
5 poses.

6 (2) OPPORTUNITY TO DECLINE REGISTRATION
7 REQUIRED.—Each contributing agency shall ensure
8 that each application for service or assistance, and
9 each related recertification, renewal, or change of
10 address, or, in the case of an institution of higher
11 education, each registration of a student for enroll-
12 ment in a course of study, cannot be completed until
13 the individual is given the opportunity to decline to
14 be registered to vote.

15 (3) INFORMATION TRANSMITTAL.—Upon the
16 expiration of the 30-day period which begins on the
17 date the contributing agency informs the individual
18 of the information described in paragraph (1), each
19 contributing agency shall electronically transmit to
20 the appropriate State election official, in a format
21 compatible with the statewide voter database main-
22 tained under section 303 of the Help America Vote
23 Act of 2002 (52 U.S.C. 21083), the following infor-
24 mation, unless during such 30-day period the indi-
25 vidual declined to be registered to vote:

1 (A) The individual's given name(s) and
2 surname(s).

3 (B) The individual's date of birth.

4 (C) The individual's residential address.

5 (D) Information showing that the indi-
6 vidual is a citizen of the United States.

7 (E) The date on which information per-
8 taining to that individual was collected or last
9 updated.

10 (F) If available, the individual's signature
11 in electronic form.

12 (G) Information regarding the individual's
13 affiliation or enrollment with a political party,
14 if the individual provides such information.

15 (H) Any additional information listed in
16 the mail voter registration application form for
17 elections for Federal office prescribed pursuant
18 to section 9 of the National Voter Registration
19 Act of 1993, including any valid driver's license
20 number or the last 4 digits of the individual's
21 social security number, if the individual pro-
22 vided such information.

23 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
24 TRIBUTING AGENCIES.—With each application for service
25 or assistance, and with each related recertification, re-

1 newal, or change of address, any contributing agency that
2 in the normal course of its operations does not request
3 individuals applying for service or assistance to affirm
4 United States citizenship (either directly or as part of the
5 overall application for service or assistance) shall—

6 (1) complete the requirements of section 7(a)(6)
7 of the National Voter Registration Act of 1993 (52
8 U.S.C. 20506(a)(6));

9 (2) ensure that each applicant's transaction
10 with the agency cannot be completed until the appli-
11 cant has indicated whether the applicant wishes to
12 register to vote or declines to register to vote in elec-
13 tions for Federal office held in the State; and

14 (3) for each individual who wishes to register to
15 vote, transmit that individual's information in ac-
16 cordance with subsection (b)(3).

17 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
18 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
19 SERVICE OR ASSISTANCE.—Each contributing agency
20 shall offer each individual, with each application for serv-
21 ice or assistance, and with each related recertification, re-
22 newal, or change of address, or in the case of an institu-
23 tion of higher education, with each registration of a stu-
24 dent for enrollment in a course of study, the opportunity
25 to register to vote as prescribed by this section without

1 regard to whether the individual previously declined a reg-
2 istration opportunity.

3 (e) CONTRIBUTING AGENCIES.—

4 (1) STATE AGENCIES.—In each State, each of
5 the following agencies shall be treated as a contrib-
6 uting agency:

7 (A) Each agency in a State that is re-
8 quired by Federal law to provide voter registra-
9 tion services, including the State motor vehicle
10 authority and other voter registration agencies
11 under the National Voter Registration Act of
12 1993.

13 (B) Each agency in a State that admin-
14 isters a program pursuant to title III of the So-
15 cial Security Act (42 U.S.C. 501 et seq.), title
16 XIX of the Social Security Act (42 U.S.C. 1396
17 et seq.), or the Patient Protection and Afford-
18 able Care Act (Public Law 111–148).

19 (C) Each State agency primarily respon-
20 sible for regulating the private possession of
21 firearms.

22 (D) Each State agency primarily respon-
23 sible for maintaining identifying information for
24 students enrolled at public secondary schools,
25 including, where applicable, the State agency

1 responsible for maintaining the education data
2 system described in section 6201(e)(2) of the
3 America COMPETES Act (20 U.S.C.
4 9871(e)(2)).

5 (E) In the case of a State in which an in-
6 dividual disenfranchised by a criminal convic-
7 tion may become eligible to vote upon comple-
8 tion of a criminal sentence or any part thereof,
9 or upon formal restoration of rights, the State
10 agency responsible for administering that sen-
11 tence, or part thereof, or that restoration of
12 rights.

13 (F) Any other agency of the State which is
14 designated by the State as a contributing agen-
15 cy.

16 (2) FEDERAL AGENCIES.—In each State, each
17 of the following agencies of the Federal government
18 shall be treated as a contributing agency with re-
19 spect to individuals who are residents of that State
20 (except as provided in subparagraph (C)):

21 (A) The Social Security Administration,
22 the Department of Veterans Affairs, the De-
23 fense Manpower Data Center of the Depart-
24 ment of Defense, the Employee and Training
25 Administration of the Department of Labor,

1 and the Center for Medicare & Medicaid Serv-
2 ices of the Department of Health and Human
3 Services.

4 (B) The Bureau of Citizenship and Immi-
5 gration Services, but only with respect to indi-
6 viduals who have completed the naturalization
7 process.

8 (C) In the case of an individual who is a
9 resident of a State in which an individual
10 disenfranchised by a criminal conviction under
11 Federal law may become eligible to vote upon
12 completion of a criminal sentence or any part
13 thereof, or upon formal restoration of rights,
14 the Federal agency responsible for admin-
15 istering that sentence or part thereof (without
16 regard to whether the agency is located in the
17 same State in which the individual is a resi-
18 dent), but only with respect to individuals who
19 have completed the criminal sentence or any
20 part thereof.

21 (D) Any other agency of the Federal gov-
22 ernment which the State designates as a con-
23 tributing agency, but only if the State and the
24 head of the agency determine that the agency
25 collects information sufficient to carry out the

1 responsibilities of a contributing agency under
2 this section.

3 (3) SPECIAL RULE FOR INSTITUTIONS OF HIGH-
4 ER EDUCATION.—

5 (A) SPECIAL RULE.—For purposes of this
6 part, each institution of higher education de-
7 scribed in subparagraph (B) shall be treated as
8 a contributing agency in the State in which it
9 is located, except that—

10 (i) the institution shall be treated as
11 a contributing agency only if, in its normal
12 course of operations, the institution re-
13 quests each student registering for enroll-
14 ment in a course of study, including enroll-
15 ment in a program of distance education,
16 as defined in section 103(7) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1003(7)), to affirm whether or not the stu-
19 dent is a United States citizen; and

20 (ii) if the institution is treated as a
21 contributing agency in a State pursuant to
22 clause (i), the institution shall serve as a
23 contributing agency only with respect to
24 students, including students enrolled in a
25 program of distance education, as defined

1 in section 103(7) of the Higher Education
2 Act of 1965 (20 U.S.C. 1003(7)), who re-
3 side in the State.

4 (B) INSTITUTIONS DESCRIBED.—An insti-
5 tution described in this subparagraph is an in-
6 stitution of higher education which has a pro-
7 gram participation agreement in effect with the
8 Secretary of Education under section 487 of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1094) and which is located in a State to which
11 section 4(b) of the National Voter Registration
12 Act of 1993 (52 U.S.C. 20503(b)) does not
13 apply.

14 (4) PUBLICATION.—Not later than 180 days
15 prior to the date of each election for Federal office
16 held in the State, the chief State election official
17 shall publish on the public website of the official an
18 updated list of all contributing agencies in that
19 State.

20 (5) PUBLIC EDUCATION.—The chief State elec-
21 tion official of each State, in collaboration with each
22 contributing agency, shall take appropriate measures
23 to educate the public about voter registration under
24 this section.

1 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
2 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
3 **EXISTING RECORDS.**

4 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
5 each individual already listed in a contributing agency’s
6 records as of the date of enactment of this Act, and for
7 whom the agency has the information listed in section
8 1013(b)(3), the agency shall promptly transmit that infor-
9 mation to the appropriate State election official in accord-
10 ance with section 1013(b)(3) not later than the effective
11 date described in section 1011(a).

12 (b) TRANSITION.—For each individual listed in a con-
13 tributing agency’s records as of the effective date de-
14 scribed in section 1011(a) (but who was not listed in a
15 contributing agency’s records as of the date of enactment
16 of this Act), and for whom the agency has the information
17 listed in section 1013(b)(3), the Agency shall promptly
18 transmit that information to the appropriate State election
19 official in accordance with section 1013(b)(3) not later
20 than 6 months after the effective date described in section
21 1011(a).

22 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**
23 **MATIC REGISTRATION.**

24 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
25 An individual shall not be prosecuted under any Federal
26 or State law, adversely affected in any civil adjudication

1 concerning immigration status or naturalization, or sub-
2 ject to an allegation in any legal proceeding that the indi-
3 vidual is not a citizen of the United States on any of the
4 following grounds:

5 (1) The individual notified an election office of
6 the individual's automatic registration to vote under
7 this part.

8 (2) The individual is not eligible to vote in elec-
9 tions for Federal office but was automatically reg-
10 istered to vote under this part.

11 (3) The individual was automatically registered
12 to vote under this part at an incorrect address.

13 (4) The individual declined the opportunity to
14 register to vote or did not make an affirmation of
15 citizenship, including through automatic registration,
16 under this part.

17 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
18 TION.—The automatic registration of any individual or the
19 fact that an individual declined the opportunity to register
20 to vote or did not make an affirmation of citizenship (in-
21 cluding through automatic registration) under this part
22 may not be used as evidence against that individual in any
23 State or Federal law enforcement proceeding, and an indi-
24 vidual's lack of knowledge or willfulness of such registra-

1 tion may be demonstrated by the individual's testimony
2 alone.

3 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-
4 ing in subsections (a) or (b) may be construed to prohibit
5 or restrict any action under color of law against an indi-
6 vidual who—

7 (1) knowingly and willfully makes a false state-
8 ment to effectuate or perpetuate automatic voter
9 registration by any individual; or

10 (2) casts a ballot knowingly and willfully in vio-
11 lation of State law or the laws of the United States.

12 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
13 FORMATION.—Nothing in this part authorizes a contrib-
14 uting agency to collect, retain, transmit, or publicly dis-
15 close any of the following:

16 (1) An individual's decision to decline to reg-
17 ister to vote or not to register to vote.

18 (2) An individual's decision not to affirm his or
19 her citizenship.

20 (3) Any information that a contributing agency
21 transmits pursuant to section 1013(b)(3), except in
22 pursuing the agency's ordinary course of business.

23 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
24 MATION.—

25 (1) PUBLIC DISCLOSURE PROHIBITED.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), with respect to any individual for
3 whom any State election official receives infor-
4 mation from a contributing agency, the State
5 election officials shall not publicly disclose any
6 of the following:

7 (i) The identity of the contributing
8 agency.

9 (ii) Any information not necessary to
10 voter registration.

11 (iii) Any voter information otherwise
12 shielded from disclosure under State law or
13 section 8(a) of the National Voter Reg-
14 istration Act of 1993 (52 U.S.C.
15 20507(a)).

16 (iv) Any portion of the individual's so-
17 cial security number.

18 (v) Any portion of the individual's
19 motor vehicle driver's license number.

20 (vi) The individual's signature.

21 (vii) The individual's telephone num-
22 ber.

23 (viii) The individual's email address.

24 (B) SPECIAL RULE FOR INDIVIDUALS REG-
25 ISTERED TO VOTE.—With respect to any indi-

1 vidual for whom any State election official re-
2 ceives information from a contributing agency
3 and who, on the basis of such information, is
4 registered to vote in the State under this part,
5 the State election officials shall not publicly dis-
6 close any of the following:

7 (i) The identity of the contributing
8 agency.

9 (ii) Any information not necessary to
10 voter registration.

11 (iii) Any voter information otherwise
12 shielded from disclosure under State law or
13 section 8(a) of the National Voter Reg-
14 istration Act of 1993 (52 U.S.C.
15 20507(a)).

16 (iv) Any portion of the individual's so-
17 cial security number.

18 (v) Any portion of the individual's
19 motor vehicle driver's license number.

20 (vi) The individual's signature.

21 (2) VOTER RECORD CHANGES.—Each State
22 shall maintain for at least 2 years and shall make
23 available for public inspection (and, where available,
24 photocopying at a reasonable cost), including in elec-
25 tronic form and through electronic methods, all

1 records of changes to voter records, including remov-
2 als, the reasons for removals, and updates.

3 (3) DATABASE MANAGEMENT STANDARDS.—

4 The Director of the National Institute of Standards
5 and Technology shall, after providing the public with
6 notice and the opportunity to comment—

7 (A) establish standards governing the com-
8 parison of data for voter registration list main-
9 tenance purposes, identifying as part of such
10 standards the specific data elements, the
11 matching rules used, and how a State may use
12 the data to determine and deem that an indi-
13 vidual is ineligible under State law to vote in an
14 election, or to deem a record to be a duplicate
15 or outdated;

16 (B) ensure that the standards developed
17 pursuant to this paragraph are uniform and
18 nondiscriminatory and are applied in a uniform
19 and nondiscriminatory manner; and

20 (C) not later than 45 days after the dead-
21 line for public notice and comment, publish the
22 standards developed pursuant to this paragraph
23 on the Director's website and make those
24 standards available in written form upon re-
25 quest.

1 (4) SECURITY POLICY.—The Director of the
2 National Institute of Standards and Technology
3 shall, after providing the public with notice and the
4 opportunity to comment, publish privacy and secu-
5 rity standards for voter registration information not
6 later than 45 days after the deadline for public no-
7 tice and comment. The standards shall require the
8 chief State election official of each State to adopt a
9 policy that shall specify—

10 (A) each class of users who shall have au-
11 thorized access to the computerized statewide
12 voter registration list, specifying for each class
13 the permission and levels of access to be grant-
14 ed, and setting forth other safeguards to pro-
15 tect the privacy, security, and accuracy of the
16 information on the list; and

17 (B) security safeguards to protect personal
18 information transmitted through the informa-
19 tion transmittal processes of section 1013 or
20 section 1014, the online system used pursuant
21 to section 1017, any telephone interface, the
22 maintenance of the voter registration database,
23 and any audit procedure to track access to the
24 system.

1 (5) STATE COMPLIANCE WITH NATIONAL
2 STANDARDS.—

3 (A) CERTIFICATION.—The chief executive
4 officer of the State shall annually file with the
5 Election Assistance Commission a statement
6 certifying to the Director of the National Insti-
7 tute of Standards and Technology that the
8 State is in compliance with the standards re-
9 ferred to in paragraphs (3) and (4). A State
10 may meet the requirement of the previous sen-
11 tence by filing with the Commission a statement
12 which reads as follows: “_____ hereby
13 certifies that it is in compliance with the stand-
14 ards referred to in paragraphs (3) and (4) of
15 section 1015(e) of the Automatic Voter Reg-
16 istration Act of 2019.” (with the blank to be
17 filled in with the name of the State involved).

18 (B) PUBLICATION OF POLICIES AND PRO-
19 CEDURES.—The chief State election official of a
20 State shall publish on the official’s website the
21 policies and procedures established under this
22 section, and shall make those policies and pro-
23 cedures available in written form upon public
24 request.

1 (C) FUNDING DEPENDENT ON CERTIFI-
2 CATION.—If a State does not timely file the cer-
3 tification required under this paragraph, it shall
4 not receive any payment under this part for the
5 upcoming fiscal year.

6 (D) COMPLIANCE OF STATES THAT RE-
7 QUIRE CHANGES TO STATE LAW.—In the case
8 of a State that requires State legislation to
9 carry out an activity covered by any certifi-
10 cation submitted under this paragraph, for a
11 period of not more than 2 years the State shall
12 be permitted to make the certification notwith-
13 standing that the legislation has not been en-
14 acted at the time the certification is submitted,
15 and such State shall submit an additional cer-
16 tification once such legislation is enacted.

17 (f) RESTRICTIONS ON USE OF INFORMATION.—No
18 person acting under color of law may discriminate against
19 any individual based on, or use for any purpose other than
20 voter registration, election administration, or enforcement
21 relating to election crimes, any of the following:

22 (1) Voter registration records.

23 (2) An individual's declination to register to
24 vote or complete an affirmation of citizenship under
25 section 1013(b).

1 (3) An individual's voter registration status.

2 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
3 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-
4 formation collected under this part shall not be used for
5 commercial purposes. Nothing in this subsection may be
6 construed to prohibit the transmission, exchange, or dis-
7 semination of information for political purposes, including
8 the support of campaigns for election for Federal, State,
9 or local public office or the activities of political commit-
10 tees (including committees of political parties) under the
11 Federal Election Campaign Act of 1971.

12 **SEC. 1016. REGISTRATION PORTABILITY AND CORRECTION.**

13 (a) CORRECTING REGISTRATION INFORMATION AT
14 POLLING PLACE.—Notwithstanding section 302(a) of the
15 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
16 an individual is registered to vote in elections for Federal
17 office held in a State, the appropriate election official at
18 the polling place for any such election (including a location
19 used as a polling place on a date other than the date of
20 the election) shall permit the individual to—

21 (1) update the individual's address for purposes
22 of the records of the election official;

23 (2) correct any incorrect information relating to
24 the individual, including the individual's name and

1 political party affiliation, in the records of the elec-
2 tion official; and

3 (3) cast a ballot in the election on the basis of
4 the updated address or corrected information, and to
5 have the ballot treated as a regular ballot and not
6 as a provisional ballot under section 302(a) of such
7 Act.

8 (b) **UPDATES TO COMPUTERIZED STATEWIDE VOTER**
9 **REGISTRATION LISTS.**—If an election official at the poll-
10 ing place receives an updated address or corrected infor-
11 mation from an individual under subsection (a), the offi-
12 cial shall ensure that the address or information is
13 promptly entered into the computerized Statewide voter
14 registration list in accordance with section
15 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
16 (52 U.S.C. 21083(a)(1)(A)(vi)).

17 **SEC. 1017. PAYMENTS AND GRANTS.**

18 (a) **IN GENERAL.**—The Election Assistance Commis-
19 sion shall make grants to each eligible State to assist the
20 State in implementing the requirements of this part (or,
21 in the case of an exempt State, in implementing its exist-
22 ing automatic voter registration program).

23 (b) **ELIGIBILITY; APPLICATION.**—A State is eligible
24 to receive a grant under this section if the State submits

1 to the Commission, at such time and in such form as the
2 Commission may require, an application containing—

3 (1) a description of the activities the State will
4 carry out with the grant;

5 (2) an assurance that the State shall carry out
6 such activities without partisan bias and without
7 promoting any particular point of view regarding
8 any issue; and

9 (3) such other information and assurances as
10 the Commission may require.

11 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
12 sion shall determine the amount of a grant made to an
13 eligible State under this section. In determining the
14 amounts of the grants, the Commission shall give priority
15 to providing funds for those activities which are most like-
16 ly to accelerate compliance with the requirements of this
17 part (or, in the case of an exempt State, which are most
18 likely to enhance the ability of the State to automatically
19 register individuals to vote through its existing automatic
20 voter registration program), including—

21 (1) investments supporting electronic informa-
22 tion transfer, including electronic collection and
23 transfer of signatures, between contributing agencies
24 and the appropriate State election officials;

1 (2) updates to online or electronic voter reg-
2 istration systems already operating as of the date of
3 the enactment of this Act;

4 (3) introduction of online voter registration sys-
5 tems in jurisdictions in which those systems did not
6 previously exist; and

7 (4) public education on the availability of new
8 methods of registering to vote, updating registration,
9 and correcting registration.

10 (d) **AUTHORIZATION OF APPROPRIATIONS.—**

11 (1) **AUTHORIZATION.—**There are authorized to
12 be appropriated to carry out this section—

13 (A) \$500,000,000 for fiscal year 2019; and

14 (B) such sums as may be necessary for
15 each succeeding fiscal year.

16 (2) **CONTINUING AVAILABILITY OF FUNDS.—**

17 Any amounts appropriated pursuant to the authority
18 of this subsection shall remain available without fis-
19 cal year limitation until expended.

20 **SEC. 1018. TREATMENT OF EXEMPT STATES.**

21 (a) **WAIVER OF REQUIREMENTS.—**Except as pro-
22 vided in subsection (b), this part does not apply with re-
23 spect to an exempt State.

24 (b) **EXCEPTIONS.—**The following provisions of this
25 part apply with respect to an exempt State:

1 (1) section 1016 (relating to registration port-
2 ability and correction).

3 (2) section 1017 (relating to payments and
4 grants).

5 (3) Section 1019(e) (relating to enforcement).

6 (4) Section 1019(f) (relating to relation to
7 other laws).

8 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

9 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—
10 Each contributing agency shall ensure that the services
11 it provides under this part are made available to individ-
12 uals with disabilities to the same extent as services are
13 made available to all other individuals.

14 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
15 PERMITTED.—Nothing in this part shall be construed to
16 prevent a contributing agency from contracting with a
17 third party to assist the agency in meeting the information
18 transmittal requirements of this part, so long as the data
19 transmittal complies with the applicable requirements of
20 this part, including the privacy and security provisions of
21 section 1015.

22 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
23 OF SERVICES.—The services made available by contrib-
24 uting agencies under this part and by the State under sec-
25 tions 1006 and 1007 shall be made in a manner consistent

1 with paragraphs (4), (5), and (6)(C) of section 7(a) of
2 the National Voter Registration Act of 1993 (52 U.S.C.
3 20506(a)).

4 (d) NOTICES.—Each State may send notices under
5 this part via electronic mail if the individual has provided
6 an electronic mail address and consented to electronic mail
7 communications for election-related materials. All notices
8 sent pursuant to this part that require a response must
9 offer the individual notified the opportunity to respond at
10 no cost to the individual.

11 (e) ENFORCEMENT.—Section 11 of the National
12 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
13 ing to civil enforcement and the availability of private
14 rights of action, shall apply with respect to this part in
15 the same manner as such section applies to such Act.

16 (f) RELATION TO OTHER LAWS.—Except as pro-
17 vided, nothing in this part may be construed to authorize
18 or require conduct prohibited under, or to supersede, re-
19 strict, or limit the application of any of the following:

20 (1) The Voting Rights Act of 1965 (52 U.S.C.
21 10301 et seq.).

22 (2) The Uniformed and Overseas Citizens Ab-
23 santee Voting Act (52 U.S.C. 20301 et seq.).

24 (3) The National Voter Registration Act of
25 1993 (52 U.S.C. 20501 et seq.).

1 (4) The Help America Vote Act of 2002 (52
2 U.S.C. 20901 et seq.).

3 **SEC. 1020. DEFINITIONS.**

4 In this part, the following definitions apply:

5 (1) The term “chief State election official”
6 means, with respect to a State, the individual des-
7 ignated by the State under section 10 of the Na-
8 tional Voter Registration Act of 1993 (52 U.S.C.
9 20509) to be responsible for coordination of the
10 State’s responsibilities under such Act.

11 (2) The term “Commission” means the Election
12 Assistance Commission.

13 (3) The term “exempt State” means a State
14 which, under law which is in effect continuously on
15 and after the date of the enactment of this Act, op-
16 erates an automatic voter registration program
17 under which an individual is automatically registered
18 to vote in elections for Federal office in the State if
19 the individual provides the motor vehicle authority of
20 the State (or, in the case of a State in which an in-
21 dividual is automatically registered to vote at the
22 time the individual applies for benefits or services
23 with a Permanent Dividend Fund of the State, pro-
24 vides the appropriate official of such Fund) with

1 such identifying information as the State may re-
2 quire.

3 (4) The term “State” means each of the several
4 States and the District of Columbia.

5 **SEC. 1021. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), this part and the amendments made by this part shall
8 apply with respect to a State beginning January 1, 2021.

9 (b) WAIVER.—Subject to the approval of the Com-
10 mission, if a State certifies to the Commission that the
11 State will not meet the deadline referred to in subsection
12 (a) because of extraordinary circumstances and includes
13 in the certification the reasons for the failure to meet the
14 deadline, subsection (a) shall apply to the State as if the
15 reference in such subsection to “January 1, 2021” were
16 a reference to “January 1, 2023”.

17 **PART 3—SAME DAY VOTER REGISTRATION**

18 **SEC. 1031. SAME DAY REGISTRATION.**

19 (a) IN GENERAL.—Title III of the Help America
20 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

21 (1) by redesignating sections 304 and 305 as
22 sections 305 and 306; and

23 (2) by inserting after section 303 the following
24 new section:

1 **“SEC. 304. SAME DAY REGISTRATION.**

2 “(a) IN GENERAL.—

3 “(1) REGISTRATION.—Notwithstanding section
4 8(a)(1)(D) of the National Voter Registration Act of
5 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall
6 permit any eligible individual on the day of a Fed-
7 eral election and on any day when voting, including
8 early voting, is permitted for a Federal election—

9 “(A) to register to vote in such election at
10 the polling place using a form that meets the
11 requirements under section 9(b) of the National
12 Voter Registration Act of 1993 (or, if the indi-
13 vidual is already registered to vote, to revise
14 any of the individual’s voter registration infor-
15 mation); and

16 “(B) to cast a vote in such election.

17 “(2) EXCEPTION.—The requirements under
18 paragraph (1) shall not apply to a State in which,
19 under a State law in effect continuously on and after
20 the date of the enactment of this section, there is no
21 voter registration requirement for individuals in the
22 State with respect to elections for Federal office.

23 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
24 section, the term ‘eligible individual’ means, with respect
25 to any election for Federal office, an individual who is oth-
26 erwise qualified to vote in that election.

1 “(c) EFFECTIVE DATE.—Each State shall be re-
2 quired to comply with the requirements of subsection (a)
3 for the regularly scheduled general election for Federal of-
4 fice occurring in November 2020 and for any subsequent
5 election for Federal office.”.

6 (b) CONFORMING AMENDMENT RELATING TO EN-
7 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
8 is amended by striking “sections 301, 302, and 303” and
9 inserting “subtitle A of title III”.

10 (c) CLERICAL AMENDMENT.—The table of contents
11 of such Act is amended—

12 (1) by redesignating the items relating to sec-
13 tions 304 and 305 as relating to sections 305 and
14 306; and

15 (2) by inserting after the item relating to sec-
16 tion 303 the following new item:

“Sec. 304. Same day registration.”.

17 **PART 4—CONDITIONS ON REMOVAL ON BASIS OF**
18 **INTERSTATE CROSS-CHECKS**

19 **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS**
20 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**
21 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

22 (a) MINIMUM INFORMATION REQUIRED FOR RE-
23 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the
24 National Voter Registration Act of 1993 (52 U.S.C.
25 20507(c)(2)) is amended—

1 (1) by redesignating subparagraph (B) as sub-
2 paragraph (D); and

3 (2) by inserting after subparagraph (A) the fol-
4 lowing new subparagraphs:

5 “(B) To the extent that the program carried out by
6 a State under subparagraph (A) to systematically remove
7 the names of ineligible voters from the official lists of eligi-
8 ble voters uses information obtained in an interstate cross-
9 check, in addition to any other conditions imposed under
10 this Act on the authority of the State to remove the name
11 of the voter from such a list, the State may not remove
12 the name of the voter from such a list unless—

13 “(i) the State obtained the voter’s full name
14 (including the voter’s middle name, if any) and date
15 of birth, and the last 4 digits of the voter’s social
16 security number, in the interstate cross-check; or

17 “(ii) the State obtained documentation from the
18 ERIC system that the voter is no longer a resident
19 of the State.

20 “(C) In this paragraph—

21 “(i) the term ‘interstate cross-check’ means the
22 transmission of information from an election official
23 in one State to an election official of another State;
24 and

1 “(ii) the term ‘ERIC system’ means the system
2 operated by the Electronic Registration Information
3 Center to share voter registration information and
4 voter identification information among participating
5 States.”.

6 (b) **REQUIRING COMPLETION OF CROSS-CHECKS NOT**
7 **LATER THAN 6 MONTHS PRIOR TO ELECTION.**—Sub-
8 paragraph (A) of section 8(c)(2) of such Act (52 U.S.C.
9 20507(c)(2)) is amended by striking “not later than 90
10 days” and inserting the following: “not later than 90 days
11 (or, in the case of a program in which the State uses inter-
12 state cross-checks, not later than 6 months)”.

13 (c) **CONFORMING AMENDMENT.**—Subparagraph (F)
14 of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)) is
15 amended by striking “Subparagraph (A)” and inserting
16 “This paragraph”.

17 (d) **EFFECTIVE DATE.**—The amendments made by
18 this Act shall apply with respect to elections held on or
19 after the expiration of the 6-month period which begins
20 on the date of the enactment of this Act.

1 **PART 5—OTHER INITIATIVES TO PROMOTE**
2 **VOTER REGISTRATION**
3 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**
4 **STATISTICS.**

5 (a) ANNUAL REPORT.—Not later than 90 days after
6 the end of each year, each State shall submit to the Elec-
7 tion Assistance Commission and Congress a report con-
8 taining the following categories of information for the
9 year:

10 (1) The number of individuals who were reg-
11 istered under part 2.

12 (2) The number of voter registration applica-
13 tion forms completed by individuals that were trans-
14 mitted by motor vehicle authorities in the State
15 (pursuant to section 5(d) of the National Voter Reg-
16 istration Act of 1993) and voter registration agen-
17 cies in the State (as designated under section 7 of
18 such Act) to the chief State election official of the
19 State, broken down by each such authority and
20 agency.

21 (3) The number of such individuals whose voter
22 registration application forms were accepted and
23 who were registered to vote in the State and the
24 number of such individuals whose forms were re-
25 jected and who were not registered to vote in the

1 State, broken down by each such authority and
2 agency.

3 (4) The number of change of address forms and
4 other forms of information indicating that an indi-
5 vidual's identifying information has been changed
6 that were transmitted by such motor vehicle authori-
7 ties and voter registration agencies to the chief State
8 election official of the State, broken down by each
9 such authority and agency and the type of form
10 transmitted.

11 (5) The number of individuals on the Statewide
12 computerized voter registration list (as established
13 and maintained under section 303 of the Help
14 America Vote Act of 2002) whose voter registration
15 information was revised by the chief State election
16 official as a result of the forms transmitted to the
17 official by such motor vehicle authorities and voter
18 registration agencies (as described in paragraph
19 (3)), broken down by each such authority and agen-
20 cy and the type of form transmitted.

21 (6) The number of individuals who requested
22 the chief State election official to revise voter reg-
23 istration information on such list, and the number of
24 individuals whose information was revised as a result
25 of such a request.

1 (b) BREAKDOWN OF INFORMATION BY RACE AND
2 ETHNICITY OF INDIVIDUALS.—In preparing the report
3 under this section, the State shall, for each category of
4 information described in subsection (a), include a break-
5 down by race and ethnicity of the individuals whose infor-
6 mation is included in the category, to the extent that infor-
7 mation on the race and ethnicity of such individuals is
8 available to the State.

9 (c) CONFIDENTIALITY OF INFORMATION.—In pre-
10 paring and submitting a report under this section, the
11 chief State election official shall ensure that no informa-
12 tion regarding the identification of any individual is re-
13 vealed.

14 (d) STATE DEFINED.—In this section, a “State” in-
15 cludes the District of Columbia, the Commonwealth of
16 Puerto Rico, the United States Virgin Islands, Guam,
17 American Samoa, and the Commonwealth of the Northern
18 Mariana Islands, but does not include any State in which,
19 under a State law in effect continuously on and after the
20 date of the enactment of this Act, there is no voter reg-
21 istration requirement for individuals in the State with re-
22 spect to elections for Federal office.

1 **PART 6—AVAILABILITY OF HAVA REQUIREMENTS**

2 **PAYMENTS**

3 **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS**

4 **UNDER HAVA TO COVER COSTS OF COMPLI-**

5 **ANCE WITH NEW REQUIREMENTS.**

6 (a) IN GENERAL.—Section 251(b) of the Help Amer-
7 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

8 (1) in paragraph (1), by striking “(2) and (3)”
9 and inserting “(2), (3), and (4)”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
13 TIES.—A State may use a requirements payment to
14 carry out any of the requirements of the Voter Reg-
15 istration Modernization Act of 2019, including the
16 requirements of the National Voter Registration Act
17 of 1993 which are imposed pursuant to the amend-
18 ments made to such Act by the Voter Registration
19 Modernization Act of 2019.”.

20 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
21 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-
22 ing “section 251(a)(2)” and inserting “section
23 251(b)(2)”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall apply with respect to fiscal year 2018
26 and each succeeding fiscal year.

1 **PART 7—PROHIBITING INTERFERENCE WITH**
2 **VOTER REGISTRATION**

3 **SEC. 1071. [RESERVED].**

4 **SEC. 1072. ESTABLISHMENT OF BEST PRACTICES.**

5 (a) BEST PRACTICES.—Not later than 180 days after
6 the date of the enactment of this Act, the Election Assist-
7 ance Commission shall develop and publish recommenda-
8 tions for best practices for States to use to deter and pre-
9 vent violations of section 612 of title 18, United States
10 Code (as added by section 1071), and section 12 of the
11 National Voter Registration Act of 1993 (52 U.S.C.
12 20511) (relating to the unlawful interference with reg-
13 istering to vote, or voting, or attempting to register to vote
14 or vote), including practices to provide for the posting of
15 relevant information at polling places and voter registra-
16 tion agencies under such Act, the training of poll workers
17 and election officials, and relevant educational materials.
18 For purposes of this subsection, the term “State” includes
19 the District of Columbia, the Commonwealth of Puerto
20 Rico, Guam, American Samoa, the United States Virgin
21 Islands, and the Commonwealth of the Northern Mariana
22 Islands.

23 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
24 MENTS.—Section 302(b)(2) of the Help America Vote Act
25 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (E);

3 (2) by striking the period at the end of sub-
4 paragraph (F) and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(G) information relating to the prohibi-
8 tions of section 612 of title 18, United States
9 Code, and section 12 of the National Voter
10 Registration Act of 1993 (52 U.S.C. 20511)
11 (relating to the unlawful interference with reg-
12 istering to vote, or voting, or attempting to reg-
13 ister to vote or vote), including information on
14 how individuals may report allegations of viola-
15 tions of such prohibitions.”.

16 **Subtitle B—Access to Voting for**
17 **Individuals With Disabilities**

18 **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-**
19 **CESS TO VOTER REGISTRATION AND VOTING**
20 **FOR INDIVIDUALS WITH DISABILITIES.**

21 (a) REQUIREMENTS.—Subtitle A of title III of the
22 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
23 as amended by section 1031(a), is amended—

24 (1) by redesignating sections 305 and 306 as
25 sections 306 and 307; and

1 (2) by inserting after section 304 the following
2 new section:

3 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**
4 **FOR INDIVIDUALS WITH DISABILITIES.**

5 “(a) TREATMENT OF APPLICATIONS AND BAL-
6 LOTS.—Each State shall—

7 “(1) permit individuals with disabilities to use
8 absentee registration procedures and to vote by ab-
9 sente ballot in elections for Federal office;

10 “(2) accept and process, with respect to any
11 election for Federal office, any otherwise valid voter
12 registration application and absentee ballot applica-
13 tion from an individual with a disability if the appli-
14 cation is received by the appropriate State election
15 official within the deadline for the election which is
16 applicable under Federal law;

17 “(3) in addition to any other method of reg-
18 istering to vote or applying for an absentee ballot in
19 the State, establish procedures—

20 “(A) for individuals with disabilities to re-
21 quest by mail and electronically voter registra-
22 tion applications and absentee ballot applica-
23 tions with respect to elections for Federal office
24 in accordance with subsection (c);

1 “(B) for States to send by mail and elec-
2 tronically (in accordance with the preferred
3 method of transmission designated by the indi-
4 vidual under subparagraph (C)) voter registra-
5 tion applications and absentee ballot applica-
6 tions requested under subparagraph (A) in ac-
7 cordance with subsection (c); and

8 “(C) by which such an individual can des-
9 ignate whether the individual prefers that such
10 voter registration application or absentee ballot
11 application be transmitted by mail or electroni-
12 cally;

13 “(4) in addition to any other method of trans-
14 mitting blank absentee ballots in the State, establish
15 procedures for transmitting by mail and electroni-
16 cally blank absentee ballots to individuals with dis-
17 abilities with respect to elections for Federal office
18 in accordance with subsection (d);

19 “(5) transmit a validly requested absentee bal-
20 lot to an individual with a disability—

21 “(A) except as provided in subsection (e),
22 in the case in which the request is received at
23 least 45 days before an election for Federal of-
24 fice, not later than 45 days before the election;
25 and

1 “(B) in the case in which the request is re-
2 ceived less than 45 days before an election for
3 Federal office—

4 “(i) in accordance with State law; and

5 “(ii) if practicable and as determined
6 appropriate by the State, in a manner that
7 expedites the transmission of such absen-
8 tee ballot; and

9 “(6) if the State declares or otherwise holds a
10 runoff election for Federal office, establish a written
11 plan that provides absentee ballots are made avail-
12 able to individuals with disabilities in a manner that
13 gives them sufficient time to vote in the runoff elec-
14 tion.

15 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
16 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
17 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS
18 IN STATE.—Each State shall designate a single office
19 which shall be responsible for providing information re-
20 garding voter registration procedures and absentee ballot
21 procedures to be used by individuals with disabilities with
22 respect to elections for Federal office to all individuals
23 with disabilities who wish to register to vote or vote in
24 any jurisdiction in the State.

1 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
2 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
3 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
4 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
5 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
6 INFORMATION.—

7 “(1) IN GENERAL.—Each State shall, in addi-
8 tion to the designation of a single State office under
9 subsection (b), designate not less than 1 means of
10 electronic communication—

11 “(A) for use by individuals with disabilities
12 who wish to register to vote or vote in any ju-
13 risdiction in the State to request voter registra-
14 tion applications and absentee ballot applica-
15 tions under subsection (a)(3);

16 “(B) for use by States to send voter reg-
17 istration applications and absentee ballot appli-
18 cations requested under such subsection; and

19 “(C) for the purpose of providing related
20 voting, balloting, and election information to in-
21 dividuals with disabilities.

22 “(2) CLARIFICATION REGARDING PROVISION OF
23 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
24 TION.—A State may, in addition to the means of
25 electronic communication so designated, provide

1 multiple means of electronic communication to indi-
2 viduals with disabilities, including a means of elec-
3 tronic communication for the appropriate jurisdic-
4 tion of the State.

5 “(3) INCLUSION OF DESIGNATED MEANS OF
6 ELECTRONIC COMMUNICATION WITH INFORMA-
7 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
8 COMPANY BALLOTING MATERIALS.—Each State shall
9 include a means of electronic communication so des-
10 ignated with all informational and instructional ma-
11 terials that accompany balloting materials sent by
12 the State to individuals with disabilities.

13 “(4) TRANSMISSION IF NO PREFERENCE INDI-
14 CATED.—In the case where an individual with a dis-
15 ability does not designate a preference under sub-
16 section (a)(3)(C), the State shall transmit the voter
17 registration application or absentee ballot application
18 by any delivery method allowable in accordance with
19 applicable State law, or if there is no applicable
20 State law, by mail.

21 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
22 BY MAIL AND ELECTRONICALLY.—

23 “(1) IN GENERAL.—Each State shall establish
24 procedures—

1 “(A) to securely transmit blank absentee
2 ballots by mail and electronically (in accordance
3 with the preferred method of transmission des-
4 ignated by the individual with a disability under
5 subparagraph (B)) to individuals with disabili-
6 ties for an election for Federal office; and

7 “(B) by which the individual with a dis-
8 ability can designate whether the individual pre-
9 fers that such blank absentee ballot be trans-
10 mitted by mail or electronically.

11 “(2) TRANSMISSION IF NO PREFERENCE INDI-
12 CATED.—In the case where an individual with a dis-
13 ability does not designate a preference under para-
14 graph (1)(B), the State shall transmit the ballot by
15 any delivery method allowable in accordance with ap-
16 plicable State law, or if there is no applicable State
17 law, by mail.

18 “(3) APPLICATION OF METHODS TO TRACK DE-
19 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL
20 REQUESTING BALLOT.—Under the procedures estab-
21 lished under paragraph (1), the State shall apply
22 such methods as the State considers appropriate,
23 such as assigning a unique identifier to the ballot,
24 to ensure that if an individual with a disability re-
25 quests the State to transmit a blank absentee ballot

1 to the individual in accordance with this subsection,
2 the voted absentee ballot which is returned by the
3 individual is the same blank absentee ballot which
4 the State transmitted to the individual.

5 “(e) HARDSHIP EXEMPTION.—

6 “(1) IN GENERAL.—If the chief State election
7 official determines that the State is unable to meet
8 the requirement under subsection (a)(5)(A) with re-
9 spect to an election for Federal office due to an
10 undue hardship described in paragraph (2)(B), the
11 chief State election official shall request that the At-
12 torney General grant a waiver to the State of the
13 application of such subsection. Such request shall in-
14 clude—

15 “(A) a recognition that the purpose of
16 such subsection is to individuals with disabili-
17 ties enough time to vote in an election for Fed-
18 eral office;

19 “(B) an explanation of the hardship that
20 indicates why the State is unable to transmit
21 such individuals an absentee ballot in accord-
22 ance with such subsection;

23 “(C) the number of days prior to the elec-
24 tion for Federal office that the State requires

1 absentee ballots be transmitted to such individ-
2 uals; and

3 “(D) a comprehensive plan to ensure that
4 such individuals are able to receive absentee
5 ballots which they have requested and submit
6 marked absentee ballots to the appropriate
7 State election official in time to have that ballot
8 counted in the election for Federal office, which
9 includes—

10 “(i) the steps the State will undertake
11 to ensure that such individuals have time
12 to receive, mark, and submit their ballots
13 in time to have those ballots counted in the
14 election;

15 “(ii) why the plan provides such indi-
16 viduals sufficient time to vote as a sub-
17 stitute for the requirements under such
18 subsection; and

19 “(iii) the underlying factual informa-
20 tion which explains how the plan provides
21 such sufficient time to vote as a substitute
22 for such requirements.

23 “(2) APPROVAL OF WAIVER REQUEST.—The
24 Attorney General shall approve a waiver request

1 under paragraph (1) if the Attorney General deter-
2 mines each of the following requirements are met:

3 “(A) The comprehensive plan under sub-
4 paragraph (D) of such paragraph provides indi-
5 viduals with disabilities sufficient time to re-
6 ceive absentee ballots they have requested and
7 submit marked absentee ballots to the appro-
8 priate State election official in time to have that
9 ballot counted in the election for Federal office.

10 “(B) One or more of the following issues
11 creates an undue hardship for the State:

12 “(i) The State’s primary election date
13 prohibits the State from complying with
14 subsection (a)(5)(A).

15 “(ii) The State has suffered a delay in
16 generating ballots due to a legal contest.

17 “(iii) The State Constitution prohibits
18 the State from complying with such sub-
19 section.

20 “(3) TIMING OF WAIVER.—

21 “(A) IN GENERAL.—Except as provided
22 under subparagraph (B), a State that requests
23 a waiver under paragraph (1) shall submit to
24 the Attorney General the written waiver request
25 not later than 90 days before the election for

1 Federal office with respect to which the request
2 is submitted. The Attorney General shall ap-
3 prove or deny the waiver request not later than
4 65 days before such election.

5 “(B) EXCEPTION.—If a State requests a
6 waiver under paragraph (1) as the result of an
7 undue hardship described in paragraph
8 (2)(B)(ii), the State shall submit to the Attor-
9 ney General the written waiver request as soon
10 as practicable. The Attorney General shall ap-
11 prove or deny the waiver request not later than
12 5 business days after the date on which the re-
13 quest is received.

14 “(4) APPLICATION OF WAIVER.—A waiver ap-
15 proved under paragraph (2) shall only apply with re-
16 spect to the election for Federal office for which the
17 request was submitted. For each subsequent election
18 for Federal office, the Attorney General shall only
19 approve a waiver if the State has submitted a re-
20 quest under paragraph (1) with respect to such elec-
21 tion.

22 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to allow the marking or casting of
24 ballots over the internet.

1 “(g) INDIVIDUAL WITH A DISABILITY DEFINED.—
2 In this section, an ‘individual with a disability’ means an
3 individual with an impairment that substantially limits
4 any major life activities and who is otherwise qualified to
5 vote in elections for Federal office.

6 “(h) EFFECTIVE DATE.—This section shall apply
7 with respect to elections for Federal office held on or after
8 January 1, 2020.”.

9 (b) CONFORMING AMENDMENT RELATING TO
10 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
11 SISTANCE COMMISSION.—Section 311(b) of such Act (52
12 U.S.C. 21101(b)) is amended—

13 (1) by striking “and” at the end of paragraph

14 (2);

15 (2) by striking the period at the end of para-
16 graph (3) and inserting “; and”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(4) in the case of the recommendations with
20 respect to section 305, January 1, 2020.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 of such Act, as amended by section 1031(c), is amended—

23 (1) by redesignating the items relating to sec-
24 tions 305 and 306 as relating to sections 306 and
25 307; and

1 (2) by inserting after the item relating to sec-
2 tion 304 the following new item:

 “Sec. 305. Access to voter registration and voting for individuals with disabili-
 ties.”.

3 **SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT**
4 **PROGRAM TO ASSURE VOTING ACCESS FOR**
5 **INDIVIDUALS WITH DISABILITIES.**

6 (a) **PURPOSES OF PAYMENTS.**—Section 261(b) of the
7 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
8 amended by striking paragraphs (1) and (2) and inserting
9 the following:

10 “(1) making absentee voting and voting at
11 home accessible to individuals with the full range of
12 disabilities (including impairments involving vision,
13 hearing, mobility, or dexterity) through the imple-
14 mentation of accessible absentee voting systems that
15 work in conjunction with assistive technologies for
16 which individuals have access at their homes, inde-
17 pendent living centers, or other facilities;

18 “(2) making polling places, including the path
19 of travel, entrances, exits, and voting areas of each
20 polling facility, accessible to individuals with disabili-
21 ties, including the blind and visually impaired, in a
22 manner that provides the same opportunity for ac-
23 cess and participation (including privacy and inde-
24 pendence) as for other voters; and

1 “(3) providing solutions to problems of access
2 to voting and elections for individuals with disabili-
3 ties that are universally designed and provide the
4 same opportunities for individuals with and without
5 disabilities.”.

6 (b) REAUTHORIZATION.—Section 264(a) of such Act
7 (52 U.S.C. 21024(a)) is amended by adding at the end
8 the following new paragraph:

9 “(4) For fiscal year 2020 and each succeeding
10 fiscal year, such sums as may be necessary to carry
11 out this part.”.

12 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
13 264 of such Act (52 U.S.C. 21024) is amended—

14 (1) in subsection (b), by striking “Any
15 amounts” and inserting “Except as provided in sub-
16 section (b), any amounts”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

20 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
21 ITURE.—In the case of any amounts appropriated
22 pursuant to the authority of subsection (a) for a
23 payment to a State or unit of local government for
24 fiscal year 2020 or any succeeding fiscal year, any
25 portion of such amounts which have not been obli-

1 gated or expended by the State or unit of local gov-
2 ernment prior to the expiration of the 4-year period
3 which begins on the date the State or unit of local
4 government first received the amounts shall be
5 transferred to the Commission.

6 “(2) REALLOCATION OF TRANSFERRED
7 AMOUNTS.—

8 “(A) IN GENERAL.—The Commission shall
9 use the amounts transferred under paragraph
10 (1) to make payments on a pro rata basis to
11 each covered payment recipient described in
12 subparagraph (B), which may obligate and ex-
13 pend such payment for the purposes described
14 in section 261(b) during the 1-year period
15 which begins on the date of receipt.

16 “(B) COVERED PAYMENT RECIPIENTS DE-
17 SCRIBED.—In subparagraph (A), a ‘covered
18 payment recipient’ is a State or unit of local
19 government with respect to which—

20 “(i) amounts were appropriated pur-
21 suant to the authority of subsection (a);
22 and

23 “(ii) no amounts were transferred to
24 the Commission under paragraph (1).”.

1 **Subtitle C—Prohibiting Voter**
2 **Caging**

3 **SEC. 1201. [RESERVED].**

4 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**

6 (a) **BEST PRACTICES.**—Not later than 180 days after
7 the date of the enactment of this Act, the Election Assist-
8 ance Commission shall develop and publish for the use of
9 States recommendations for best practices to deter and
10 prevent violations of section 613 of title 18, United States
11 Code, as added by section 1201(a), including practices to
12 provide for the posting of relevant information at polling
13 places and voter registration agencies, the training of poll
14 workers and election officials, and relevant educational
15 measures. For purposes of this subsection, the term
16 “State” includes the District of Columbia, the Common-
17 wealth of Puerto Rico, Guam, American Samoa, the
18 United States Virgin Islands, and the Commonwealth of
19 the Northern Mariana Islands.

20 (b) **INCLUSION IN VOTING INFORMATION REQUIRE-**
21 **MENTS.**—Section 302(b)(2) of the Help America Vote Act
22 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
23 1072(b), is amended—

24 (1) by striking “and” at the end of subpara-
25 graph (F);

1 (2) by striking the period at the end of sub-
2 paragraph (G) and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(H) information relating to the prohibi-
6 tion against voter caging and other questionable
7 challenges (as set forth in section 613 of title
8 18, United States Code), including information
9 on how individuals may report allegations of
10 violations of such prohibition.”.

11 **Subtitle D—[Reserved]**

12 **Subtitle E—[Reserved]**

13 **Subtitle F—Promoting Accuracy,**
14 **Integrity, and Security Through**
15 **Voter-Verified Permanent Paper**
16 **Ballot**

17 **SEC. 1501. SHORT TITLE.**

18 This subtitle may be cited as the “Voter Confidence
19 and Increased Accessibility Act of 2019”.

20 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**
21 **QUIREMENTS.**

22 (a) **IN GENERAL.**—Section 301(a)(2) of the Help
23 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
24 amended to read as follows:

25 “(2) **PAPER BALLOT REQUIREMENT.**—

1 “(A) VOTER-VERIFIED PAPER BALLOTS.—

2 “(i) PAPER BALLOT REQUIREMENT.—

3 (I) The voting system shall require the use
4 of an individual, durable, voter-verified
5 paper ballot of the voter’s vote that shall
6 be marked and made available for inspec-
7 tion and verification by the voter before
8 the voter’s vote is cast and counted, and
9 which shall be counted by hand or read by
10 an optical character recognition device or
11 other counting device. For purposes of this
12 subclause, the term ‘individual, durable,
13 voter-verified paper ballot’ means a paper
14 ballot marked by the voter by hand or a
15 paper ballot marked through the use of a
16 nontabulating ballot marking device or sys-
17 tem, so long as the voter shall have the op-
18 tion to mark his or her ballot by hand.

19 “(II) The voting system shall provide
20 the voter with an opportunity to correct
21 any error on the paper ballot before the
22 permanent voter-verified paper ballot is
23 preserved in accordance with clause (ii).

24 “(III) The voting system shall not
25 preserve the voter-verified paper ballots in

1 any manner that makes it possible, at any
2 time after the ballot has been cast, to asso-
3 ciate a voter with the record of the voter's
4 vote without the voter's consent.

5 “(ii) PRESERVATION AS OFFICIAL
6 RECORD.—The individual, durable, voter-
7 verified paper ballot used in accordance
8 with clause (i) shall constitute the official
9 ballot and shall be preserved and used as
10 the official ballot for purposes of any re-
11 count or audit conducted with respect to
12 any election for Federal office in which the
13 voting system is used.

14 “(iii) MANUAL COUNTING REQUIRE-
15 MENTS FOR RECOUNTS AND AUDITS.—(I)
16 Each paper ballot used pursuant to clause
17 (i) shall be suitable for a manual audit,
18 and shall be counted by hand in any re-
19 count or audit conducted with respect to
20 any election for Federal office.

21 “(II) In the event of any inconsist-
22 encies or irregularities between any elec-
23 tronic vote tallies and the vote tallies de-
24 termined by counting by hand the indi-
25 vidual, durable, voter-verified paper ballots

1 used pursuant to clause (i), and subject to
2 subparagraph (B), the individual, durable,
3 voter-verified paper ballots shall be the
4 true and correct record of the votes cast.

5 “(iv) APPLICATION TO ALL BAL-
6 LOTS.—The requirements of this subpara-
7 graph shall apply to all ballots cast in elec-
8 tions for Federal office, including ballots
9 cast by absent uniformed services voters
10 and overseas voters under the Uniformed
11 and Overseas Citizens Absentee Voting Act
12 and other absentee voters.

13 “(B) SPECIAL RULE FOR TREATMENT OF
14 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
15 SHOWN TO BE COMPROMISED.—

16 “(i) IN GENERAL.—In the event
17 that—

18 “(I) there is any inconsistency
19 between any electronic vote tallies and
20 the vote tallies determined by count-
21 ing by hand the individual, durable,
22 voter-verified paper ballots used pur-
23 suant to subparagraph (A)(i) with re-
24 spect to any election for Federal of-
25 fice; and

1 “(II) it is demonstrated by clear
2 and convincing evidence (as deter-
3 mined in accordance with the applica-
4 ble standards in the jurisdiction in-
5 volved) in any recount, audit, or con-
6 test of the result of the election that
7 the paper ballots have been com-
8 promised (by damage or mischief or
9 otherwise) and that a sufficient num-
10 ber of the ballots have been so com-
11 promised that the result of the elec-
12 tion could be changed,

13 the determination of the appropriate rem-
14 edy with respect to the election shall be
15 made in accordance with applicable State
16 law, except that the electronic tally shall
17 not be used as the exclusive basis for de-
18 termining the official certified result.

19 “(ii) RULE FOR CONSIDERATION OF
20 BALLOTS ASSOCIATED WITH EACH VOTING
21 MACHINE.—For purposes of clause (i),
22 only the paper ballots deemed com-
23 promised, if any, shall be considered in the
24 calculation of whether or not the result of

1 the election could be changed due to the
2 compromised paper ballots.”.

3 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
4 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
5 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
6 is amended by inserting “(including the paper ballots re-
7 quired to be used under paragraph (2))” after “voting sys-
8 tem”.

9 (c) OTHER CONFORMING AMENDMENTS.—Section
10 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
11 ed—

12 (1) in subparagraph (A)(i), by striking “count-
13 ed” and inserting “counted, in accordance with
14 paragraphs (2) and (3)”;

15 (2) in subparagraph (A)(ii), by striking “count-
16 ed” and inserting “counted, in accordance with
17 paragraphs (2) and (3)”;

18 (3) in subparagraph (A)(iii), by striking “count-
19 ed” each place it appears and inserting “counted, in
20 accordance with paragraphs (2) and (3)”;

21 (4) in subparagraph (B)(ii), by striking “count-
22 ed” and inserting “counted, in accordance with
23 paragraphs (2) and (3)”.

1 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
2 **INDIVIDUALS WITH DISABILITIES.**

3 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
5 amended to read as follows:

6 “(B)(i) ensure that individuals with dis-
7 abilities and others are given an equivalent op-
8 portunity to vote, including with privacy and
9 independence, in a manner that produces a
10 voter-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-
12 graph (A) through the use of at least one voting
13 system equipped for individuals with disabili-
14 ties, including nonvisual and enhanced visual
15 accessibility for the blind and visually impaired,
16 and nonmanual and enhanced manual accessi-
17 bility for the mobility and dexterity impaired, at
18 each polling place; and

19 “(iii) meet the requirements of subpara-
20 graph (A) and paragraph (2)(A) by using a sys-
21 tem that—

22 “(I) allows the voter to privately and
23 independently verify the permanent paper
24 ballot through the presentation, in acces-
25 sible form, of the printed or marked vote
26 selections from the same printed or

1 marked information that would be used for
2 any vote counting or auditing; and

3 “(II) allows the voter to privately and
4 independently verify and cast the perma-
5 nent paper ballot without requiring the
6 voter to manually handle the paper bal-
7 lot.”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
9 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
10 VERIFICATION MECHANISMS.—

11 (1) STUDY AND REPORTING.—Subtitle C of
12 title II of such Act (52 U.S.C. 21081 et seq.) is
13 amended—

14 (A) by redesignating section 247 as section
15 248; and

16 (B) by inserting after section 246 the fol-
17 lowing new section:

18 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
19 **BALLOT VERIFICATION MECHANISMS.**

20 “(a) STUDY AND REPORT.—The Director of the Na-
21 tional Science Foundation shall make grants to not fewer
22 than 3 eligible entities to study, test, and develop acces-
23 sible paper ballot voting, verification, and casting mecha-
24 nisms and devices and best practices to enhance the acces-
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary
2 language is not English, and for voters with difficulties
3 in literacy, including best practices for the mechanisms
4 themselves and the processes through which the mecha-
5 nisms are used.

6 “(b) ELIGIBILITY.—An entity is eligible to receive a
7 grant under this part if it submits to the Director (at such
8 time and in such form as the Director may require) an
9 application containing—

10 “(1) certifications that the entity shall specifi-
11 cally investigate enhanced methods or devices, in-
12 cluding non-electronic devices, that will assist such
13 individuals and voters in marking voter-verified
14 paper ballots and presenting or transmitting the in-
15 formation printed or marked on such ballots back to
16 such individuals and voters, and casting such ballots;

17 “(2) a certification that the entity shall com-
18 plete the activities carried out with the grant not
19 later than December 31, 2020; and

20 “(3) such other information and certifications
21 as the Director may require.

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
23 nology developed with the grants made under this section
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-
2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-
4 NOLOGY IMPROVEMENTS.—The Director shall carry out
5 this section so that the activities carried out with the
6 grants made under subsection (a) are coordinated with the
7 research conducted under the grant program carried out
8 by the Commission under section 271, to the extent that
9 the Director and Commission determine necessary to pro-
10 vide for the advancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out subsection
13 (a) \$5,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents of such Act is amended—

16 (A) by redesignating the item relating to
17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to
19 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-
nisms.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
22 adopting any voluntary guidance under subtitle B of title
23 III of the Help America Vote Act with respect to the ac-
24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-
2 mission shall include and apply the same accessibility
3 standards applicable under the voluntary guidance adopt-
4 ed for accessible voting systems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION
6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
8 tion 292(a) of the Help America Vote Act of 2002 (52
9 U.S.C. 21062(a)) is amended by striking “; except that”
10 and all that follows and inserting a period.

11 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002
14 (52 U.S.C. 21081(a)) is amended by adding at the end
15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-
17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR
19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified
21 paper ballots required to be used under
22 this Act shall be marked or printed on du-
23 rable paper.

24 “(ii) DEFINITION.—For purposes of
25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-
2 counts by hand without compromising the
3 fundamental integrity of the ballots, and
4 capable of retaining the information
5 marked or printed on them for the full du-
6 ration of a retention and preservation pe-
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR
9 PAPER BALLOTS MARKED BY BALLOT MARKING
10 DEVICE.—All voter-verified paper ballots com-
11 pleted by the voter through the use of a ballot
12 marking device shall be clearly readable by the
13 voter without assistance (other than eyeglasses
14 or other personal vision enhancing devices) and
15 by an optical character recognition device or
16 other device equipped for individuals with dis-
17 abilities.”.

18 **SEC. 1505. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

19 Section 301(d) of the Help America Vote Act of 2002
20 (52 U.S.C. 21081(d)) is amended to read as follows:

21 “(d) EFFECTIVE DATE.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), each State and jurisdiction shall be re-
24 quired to comply with the requirements of this sec-
25 tion on and after January 1, 2006.

1 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
2 MENTS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraphs (B) and (C), the requirements of
5 this section which are first imposed on a State
6 and jurisdiction pursuant to the amendments
7 made by the Voter Confidence and Increased
8 Accessibility Act of 2019 shall apply with re-
9 spect to voting systems used for any election for
10 Federal office held in 2020 or any succeeding
11 year.

12 “(B) DELAY FOR JURISDICTIONS USING
13 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
14 SYSTEMS USING OR PRODUCING VOTER-
15 VERIFIABLE PAPER RECORDS IN 2018.—

16 “(i) DELAY.—In the case of a juris-
17 diction described in clause (ii), subpara-
18 graph (A) shall apply to a voting system in
19 the jurisdiction as if the reference in such
20 subparagraph to ‘2020’ were a reference to
21 ‘2022’, but only with respect to the fol-
22 lowing requirements of this section:

23 “(I) Paragraph (2)(A)(i)(I) of
24 subsection (a) (relating to the use of
25 voter-verified paper ballots).

1 “(II) Paragraph (3)(B)(ii)(I) and
2 (II) of subsection (a) (relating to ac-
3 cess to verification from and casting
4 of the durable paper ballot).

5 “(III) Paragraph (7) of sub-
6 section (a) (relating to durability and
7 readability requirements for ballots).

8 “(ii) JURISDICTIONS DESCRIBED.—A
9 jurisdiction described in this clause is a ju-
10 risdiction—

11 “(I) which used voter verifiable
12 paper record printers attached to di-
13 rect recording electronic voting ma-
14 chines, or which used other voting
15 systems that used or produced paper
16 records of the vote verifiable by voters
17 but that are not in compliance with
18 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)
19 and (II), and (7) of subsection (a) (as
20 amended or added by the Voter Con-
21 fidence and Increased Accessibility
22 Act of 2019), for the administration
23 of the regularly scheduled general
24 election for Federal office held in No-
25 vember 2018; and

1 “(II) which will continue to use
2 such printers or systems for the ad-
3 ministration of elections for Federal
4 office held in years before 2022.

5 “(iii) MANDATORY AVAILABILITY OF
6 PAPER BALLOTS AT POLLING PLACES
7 USING GRANDFATHERED PRINTERS AND
8 SYSTEMS.—

9 “(I) REQUIRING BALLOTS TO BE
10 OFFERED AND PROVIDED.—The ap-
11 propriate election official at each poll-
12 ing place that uses a printer or sys-
13 tem described in clause (ii)(I) for the
14 administration of elections for Federal
15 office shall offer each individual who
16 is eligible to cast a vote in the election
17 at the polling place the opportunity to
18 cast the vote using a blank pre-print-
19 ed paper ballot which the individual
20 may mark by hand and which is not
21 produced by the direct recording elec-
22 tronic voting machine or other such
23 system. The official shall provide the
24 individual with the ballot and the sup-
25 plies necessary to mark the ballot, and

1 shall ensure (to the greatest extent
2 practicable) that the waiting period
3 for the individual to cast a vote is the
4 lesser of 30 minutes or the average
5 waiting period for an individual who
6 does not agree to cast the vote using
7 such a paper ballot under this clause.

8 “(II) TREATMENT OF BALLOT.—
9 Any paper ballot which is cast by an
10 individual under this clause shall be
11 counted and otherwise treated as a
12 regular ballot for all purposes (includ-
13 ing by incorporating it into the final
14 unofficial vote count (as defined by
15 the State) for the precinct) and not as
16 a provisional ballot, unless the indi-
17 vidual casting the ballot would have
18 otherwise been required to cast a pro-
19 visional ballot.

20 “(III) POSTING OF NOTICE.—
21 The appropriate election official shall
22 ensure there is prominently displayed
23 at each polling place a notice that de-
24 scribes the obligation of the official to
25 offer individuals the opportunity to

1 cast votes using a pre-printed blank
2 paper ballot.

3 “(IV) TRAINING OF ELECTION
4 OFFICIALS.—The chief State election
5 official shall ensure that election offi-
6 cials at polling places in the State are
7 aware of the requirements of this
8 clause, including the requirement to
9 display a notice under subclause (III),
10 and are aware that it is a violation of
11 the requirements of this title for an
12 election official to fail to offer an indi-
13 vidual the opportunity to cast a vote
14 using a blank pre-printed paper ballot.

15 “(V) PERIOD OF APPLICA-
16 BILITY.—The requirements of this
17 clause apply only during the period in
18 which the delay is in effect under
19 clause (i).

20 “(C) SPECIAL RULE FOR JURISDICTIONS
21 USING CERTAIN NONTABULATING BALLOT
22 MARKING DEVICES.—In the case of a jurisdic-
23 tion which uses a nontabulating ballot marking
24 device which automatically deposits the ballot
25 into a privacy sleeve, subparagraph (A) shall

1 apply to a voting system in the jurisdiction as
2 if the reference in such subparagraph to ‘any
3 election for Federal office held in 2020 or any
4 succeeding year’ were a reference to ‘elections
5 for Federal office occurring held in 2022 or
6 each succeeding year’, but only with respect to
7 paragraph (3)(B)(iii)(II) of subsection (a) (re-
8 lating to nonmanual casting of the durable
9 paper ballot).”.

10 **Subtitle G—Provisional Ballots**

11 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 12 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 13 **NONDISCRIMINATORY STANDARDS.**

14 (a) IN GENERAL.—Section 302 of the Help America
15 Vote Act of 2002 (52 U.S.C. 21082) is amended—

16 (1) by redesignating subsection (d) as sub-
17 section (f); and

18 (2) by inserting after subsection (c) the fol-
19 lowing new subsections:

20 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
21 LOTS.—

22 “(1) IN GENERAL.—For purposes of subsection
23 (a)(4), notwithstanding the precinct or polling place
24 at which a provisional ballot is cast within the State,
25 the appropriate election official shall count each vote

1 on such ballot for each election in which the indi-
2 vidual who cast such ballot is eligible to vote.

3 “(2) EFFECTIVE DATE.—This subsection shall
4 apply with respect to elections held on or after Janu-
5 ary 1, 2020.

6 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
7 ARDS.—

8 “(1) IN GENERAL.—Consistent with the re-
9 quirements of this section, each State shall establish
10 uniform and nondiscriminatory standards for the
11 issuance, handling, and counting of provisional bal-
12 lots.

13 “(2) EFFECTIVE DATE.—This subsection shall
14 apply with respect to elections held on or after Janu-
15 ary 1, 2020.”.

16 (b) CONFORMING AMENDMENT.—Section 302(f) of
17 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
18 section (a), is amended by striking “Each State” and in-
19 serting “Except as provided in subsections (d)(2) and
20 (e)(2), each State”.

21 **Subtitle H—Early Voting**

22 **SEC. 1611. EARLY VOTING.**

23 (a) REQUIREMENTS.—Subtitle A of title III of the
24 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),

1 as amended by section 1031(a) and section 1101(a), is
2 amended—

3 (1) by redesignating sections 306 and 307 as
4 sections 307 and 308; and

5 (2) by inserting after section 305 the following
6 new section:

7 **“SEC. 306. EARLY VOTING.**

8 “(a) **REQUIRING VOTING PRIOR TO DATE OF ELEC-**
9 **TION.—**

10 “(1) **IN GENERAL.—**Each State shall allow indi-
11 viduals to vote in an election for Federal office dur-
12 ing an early voting period which occurs prior to the
13 date of the election, in the same manner as voting
14 is allowed on such date.

15 “(2) **LENGTH OF PERIOD.—**The early voting
16 period required under this subsection with respect to
17 an election shall consist of a period of consecutive
18 days (including weekends) which begins on the 15th
19 day before the date of the election (or, at the option
20 of the State, on a day prior to the 15th day before
21 the date of the election) and ends on the date of the
22 election.

23 “(b) **MINIMUM EARLY VOTING REQUIREMENTS.—**
24 Each polling place which allows voting during an early vot-
25 ing period under subsection (a) shall—

1 “(1) allow such voting for no less than 4 hours
2 on each day, except that the polling place may allow
3 such voting for fewer than 4 hours on Sundays; and

4 “(2) have uniform hours each day for which
5 such voting occurs.

6 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC
7 TRANSPORTATION.—To the greatest extent practicable, a
8 State shall ensure that each polling place which allows vot-
9 ing during an early voting period under subsection (a) is
10 located within walking distance of a stop on a public trans-
11 portation route.

12 “(d) STANDARDS.—

13 “(1) IN GENERAL.—The Commission shall issue
14 standards for the administration of voting prior to
15 the day scheduled for a Federal election. Such
16 standards shall include the nondiscriminatory geo-
17 graphic placement of polling places at which such
18 voting occurs.

19 “(2) DEVIATION.—The standards described in
20 paragraph (1) shall permit States, upon providing
21 adequate public notice, to deviate from any require-
22 ment in the case of unforeseen circumstances such
23 as a natural disaster, terrorist attack, or a change
24 in voter turnout.

1 “(e) EFFECTIVE DATE.—This section shall apply
2 with respect to elections held on or after January 1,
3 2020.”.

4 (b) CONFORMING AMENDMENT RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
6 SISTANCE COMMISSION.—Section 311(b) of such Act (52
7 U.S.C. 21101(b)), as amended by section 1101(b), is
8 amended—

9 (1) by striking “and” at the end of paragraph
10 (3);

11 (2) by striking the period at the end of para-
12 graph (4) and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(5) in the case of the recommendations with
16 respect to section 306, June 30, 2020.”.

17 (c) CLERICAL AMENDMENT.—The table of contents
18 of such Act, as amended by section 1031(c) and section
19 1101(d), is amended—

20 (1) by redesignating the items relating to sec-
21 tions 306 and 307 as relating to sections 307 and
22 308; and

23 (2) by inserting after the item relating to sec-
24 tion 305 the following new item:

“Sec. 306. Early voting.”.

1 **Subtitle I—Voting by Mail**

2 **SEC. 1621. VOTING BY MAIL.**

3 (a) **REQUIREMENTS.**—Subtitle A of title III of the
4 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
5 as amended by section 1031(a), section 1101(a), and sec-
6 tion 1611(a), is amended—

7 (1) by redesignating sections 307 and 308 as
8 sections 308 and 309; and

9 (2) by inserting after section 306 the following
10 new section:

11 **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**
12 **MAIL.**

13 “(a) **IN GENERAL.**—If an individual in a State is eli-
14 gible to cast a vote in an election for Federal office, the
15 State may not impose any additional conditions or require-
16 ments on the eligibility of the individual to cast the vote
17 in such election by absentee ballot by mail, except as re-
18 quired under subsection (b) and except to the extent that
19 the State imposes a deadline for requesting the ballot and
20 related voting materials from the appropriate State or
21 local election official and for returning the ballot to the
22 appropriate State or local election official.

23 “(b) **REQUIRING SIGNATURE VERIFICATION.**—

24 “(1) **REQUIREMENT.**—A State may not accept
25 and process an absentee ballot submitted by any in-

1 dividual with respect to an election for Federal office
2 unless the State verifies the identification of the in-
3 dividual by comparing the individual’s signature on
4 the absentee ballot with the individual’s signature on
5 the official list of registered voters in the State, in
6 accordance with such procedures as the State may
7 adopt (subject to the requirements of paragraph
8 (2)).

9 “(2) DUE PROCESS REQUIREMENTS.—

10 “(A) NOTICE AND OPPORTUNITY TO CURE
11 DISCREPANCY.—If an individual submits an ab-
12 sentee ballot and the appropriate State or local
13 election official determines that a discrepancy
14 exists between the signature on such ballot and
15 the signature of such individual on the official
16 list of registered voters in the State, such elec-
17 tion official, prior to making a final determina-
18 tion as to the validity of such ballot, shall make
19 a good faith effort to immediately notify such
20 individual by mail, telephone, and (if available)
21 electronic mail that—

22 “(i) a discrepancy exists between the
23 signature on such ballot and the signature
24 of such individual on the official list of reg-
25 istered voters in the State;

1 “(ii) such individual may provide the
2 official with information to cure such dis-
3 crepancy, either in person, by telephone, or
4 by electronic methods; and

5 “(iii) if such discrepancy is not cured
6 prior to the expiration of the 7-day period
7 which begins on the date of the election,
8 such ballot will not be counted.

9 “(B) OTHER REQUIREMENTS.—An election
10 official may not make a determination that a
11 discrepancy exists between the signature on an
12 absentee ballot and the signature of the indi-
13 vidual who submits the ballot on the official list
14 of registered voters in the State unless—

15 “(i) at least 2 election officials make
16 the determination; and

17 “(ii) each official who makes the de-
18 termination has received training in proce-
19 dures used to verify signatures.

20 “(c) DEADLINE FOR PROVIDING BALLOTING MATE-
21 RIALS.—If an individual requests to vote by absentee bal-
22 lot in an election for Federal office, the appropriate State
23 or local election official shall ensure that the ballot and
24 relating voting materials are received by the individual—

1 “(1) not later than 2 weeks before the date of
2 the election; or

3 “(2) in the case of a State which imposes a
4 deadline for requesting an absentee ballot and re-
5 lated voting materials which is less than 2 weeks be-
6 fore the date of the election, as expeditiously as pos-
7 sible.

8 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
9 ABILITIES.—Consistent with section 305, the State shall
10 ensure that all absentee ballots and related voting mate-
11 rials in elections for Federal office are accessible to indi-
12 viduals with disabilities in a manner that provides the
13 same opportunity for access and participation (including
14 with privacy and independence) as for other voters.

15 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
16 MAILED BALLOTS.—If a ballot submitted by an individual
17 by mail with respect to an election for Federal office in
18 a State is postmarked on or before the date of the election,
19 the State may not refuse to accept or process the ballot
20 on the grounds that the individual did not meet a deadline
21 for returning the ballot to the appropriate State or local
22 election official.

23 “(f) NO EFFECT ON BALLOTS SUBMITTED BY AB-
24 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
25 this section may be construed to affect the treatment of

1 any ballot submitted by an individual who is entitled to
2 vote by absentee ballot under the Uniformed and Overseas
3 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

4 “(g) EFFECTIVE DATE.—This section shall apply
5 with respect to elections held on or after January 1,
6 2020.”.

7 (b) CONFORMING AMENDMENT RELATING TO
8 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
9 SISTANCE COMMISSION.—Section 311(b) of such Act (52
10 U.S.C. 21101(b)), as amended by section 1101(b) and sec-
11 tion 1611(b), is amended—

12 (1) by striking “and” at the end of paragraph
13 (4);

14 (2) by striking the period at the end of para-
15 graph (5) and inserting “; and”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(6) in the case of the recommendations with
19 respect to section 307, June 30, 2020.”.

20 (c) CLERICAL AMENDMENT.—The table of contents
21 of such Act, as amended by section 1031(c), section
22 1101(d), and section 1611(c), is amended—

23 (1) by redesignating the items relating to sec-
24 tions 307 and 308 as relating to sections 308 and
25 309; and

1 (2) by inserting after the item relating to sec-
2 tion 306 the following new item:

“Sec. 307. Promoting ability of voters to vote by mail.”.

3 (d) DEVELOPMENT OF BIOMETRIC VERIFICATION.—

4 (1) DEVELOPMENT OF STANDARDS.—The Na-
5 tional Institute of Standards, in consultation with
6 the Election Assistance Commission, shall develop
7 standards for the use of biometric methods which
8 could be used voluntarily in place of the signature
9 verification requirements of section 307(b) of the
10 Help America Vote Act of 2002 (as added by sub-
11 section (a)) for purposes of verifying the identifica-
12 tion of an individual voting by absentee ballot in
13 elections for Federal office.

14 (2) PUBLIC NOTICE AND COMMENT.—The Na-
15 tional Institute of Standards shall solicit comments
16 from the public in the development of standards
17 under paragraph (1).

18 (3) DEADLINE.—Not later than one year after
19 the date of the enactment of this Act, the National
20 Institute of Standards shall publish the standards
21 developed under paragraph (1).

1 **Subtitle J—Absent Uniformed**
2 **Services Voters and Overseas**
3 **Voters**

4 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**
5 **TRANSMISSION OF ABSENTEE BALLOTS.**

6 Section 102(c) of the Uniformed and Overseas Citi-
7 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
8 ed to read as follows:

9 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
10 AND RECEIPT OF ABSENTEE BALLOTS.—

11 “(1) PRE-ELECTION REPORT ON ABSENTEE
12 BALLOT AVAILABILITY.—Not later than 55 days be-
13 fore any regularly scheduled general election for
14 Federal office, each State shall submit a report to
15 the Attorney General, the Election Assistance Com-
16 mission (hereafter in this subsection referred to as
17 the ‘Commission’), and the Presidential Designee,
18 and make that report publicly available that same
19 day, certifying that absentee ballots for the election
20 are or will be available for transmission to absent
21 uniformed services voters and overseas voters by not
22 later than 45 days before the election. The report
23 shall be in a form prescribed jointly by the Attorney
24 General and the Commission and shall require the
25 State to certify specific information about ballot

1 availability from each unit of local government which
2 will administer the election.

3 “(2) PRE-ELECTION REPORT ON ABSENTEE
4 BALLOT TRANSMISSION.—Not later than 43 days be-
5 fore any regularly scheduled general election for
6 Federal office, each State shall submit a report to
7 the Attorney General, the Commission, and the
8 Presidential Designee, and make that report publicly
9 available that same day, certifying whether all ab-
10 sentee ballots have been transmitted by not later
11 than 45 days before the election to all qualified ab-
12 sent uniformed services and overseas voters whose
13 requests were received at least 45 days before the
14 election. The report shall be in a form prescribed
15 jointly by the Attorney General and the Commission,
16 and shall require the State to certify specific infor-
17 mation about ballot transmission, including the total
18 numbers of ballot requests received and ballots
19 transmitted, from each unit of local government
20 which will administer the election.

21 “(3) POST-ELECTION REPORT ON NUMBER OF
22 ABSENTEE BALLOTS TRANSMITTED AND RE-
23 CEIVED.—Not later than 90 days after the date of
24 each regularly scheduled general election for Federal
25 office, each State and unit of local government

1 which administered the election shall (through the
2 State, in the case of a unit of local government) sub-
3 mit a report to the Attorney General, the Commis-
4 sion, and the Presidential Designee on the combined
5 number of absentee ballots transmitted to absent
6 uniformed services voters and overseas voters for the
7 election and the combined number of such ballots
8 which were returned by such voters and cast in the
9 election, and shall make such report available to the
10 general public that same day.”.

11 **SEC. 1702. ENFORCEMENT.**

12 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
13 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
14 and Overseas Citizens Absentee Voting Act (52 U.S.C.
15 20307) is amended to read as follows:

16 **“SEC. 105. ENFORCEMENT.**

17 “(a) ACTION BY ATTORNEY GENERAL.—

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

22 “(2) PENALTY.—In a civil action brought under
23 paragraph (1), if the court finds that the State vio-
24 lated any provision of this title, it may, to vindicate

1 the public interest, assess a civil penalty against the
2 State—

3 “(A) in an amount not to exceed \$110,000
4 for each such violation, in the case of a first
5 violation; or

6 “(B) in an amount not to exceed \$220,000
7 for each such violation, for any subsequent vio-
8 lation.

9 “(3) REPORT TO CONGRESS.—Not later than
10 December 31 of each year, the Attorney General
11 shall submit to Congress an annual report on any
12 civil action brought under paragraph (1) during the
13 preceding year.

14 “(b) PRIVATE RIGHT OF ACTION.—A person who is
15 aggrieved by a State’s violation of this title may bring a
16 civil action in an appropriate district court for such declar-
17 atory or injunctive relief as may be necessary to carry out
18 this title.

19 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
20 any action brought under this section, the only necessary
21 party defendant is the State, and it shall not be a defense
22 to any such action that a local election official or a unit
23 of local government is not named as a defendant, notwith-
24 standing that a State has exercised the authority described
25 in section 576 of the Military and Overseas Voter Em-

1 powerment Act to delegate to another jurisdiction in the
2 State any duty or responsibility which is the subject of
3 an action brought under this section.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to violations alleged
6 to have occurred on or after the date of the enactment
7 of this Act.

8 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**
9 **TRANSMISSION RULE.**

10 (a) REPEAL OF WAIVER AUTHORITY.—

11 (1) IN GENERAL.—Section 102 of the Uni-
12 formed and Overseas Citizens Absentee Voting Act
13 (52 U.S.C. 20302) is amended by striking sub-
14 section (g).

15 (2) CONFORMING AMENDMENT.—Section
16 102(a)(8)(A) of such Act (52 U.S.C.
17 20302(a)(8)(A)) is amended by striking “except as
18 provided in subsection (g),”.

19 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
20 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
21 such Act (52 U.S.C. 20302), as amended by subsection
22 (a), is amended by inserting after subsection (f) the fol-
23 lowing new subsection:

1 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
2 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
3 DEADLINES.—

4 “(1) TRANSMISSION OF BALLOT BY EXPRESS
5 DELIVERY.—If a State fails to meet the requirement
6 of subsection (a)(8)(A) to transmit a validly re-
7 quired absentee ballot to an absent uniformed serv-
8 ices voter or overseas voter not later than 45 days
9 before the election (in the case in which the request
10 is received at least 45 days before the election)—

11 “(A) the State shall transmit the ballot to
12 the voter by express delivery; or

13 “(B) in the case of a voter who has des-
14 igned that absentee ballots be transmitted
15 electronically in accordance with subsection
16 (f)(1), the State shall transmit the ballot to the
17 voter electronically.

18 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
19 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
20 rying out paragraph (1), a State transmits an ab-
21 sentee ballot to an absent uniformed services voter
22 or overseas voter fewer than 40 days before the elec-
23 tion, the State shall enable the ballot to be returned
24 by the voter by express delivery, except that in the
25 case of an absentee ballot of an absent uniformed

1 services voter for a regularly scheduled general elec-
2 tion for Federal office, the State may satisfy the re-
3 quirement of this paragraph by notifying the voter
4 of the procedures for the collection and delivery of
5 such ballots under section 103A.”.

6 (c) CLARIFICATION OF TREATMENT OF WEEK-
7 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
8 20302(a)(8)(A)) is amended by striking “the election;”
9 and inserting the following: “the election (or, if the 45th
10 day preceding the election is a weekend or legal public hol-
11 iday, not later than the most recent weekday which pre-
12 cedes such 45th day and which is not a legal public holi-
13 day, but only if the request is received by at least such
14 most recent weekday);”.

15 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
16 **TION FOR SUBSEQUENT ELECTIONS.**

17 (a) IN GENERAL.—Section 104 of the Uniformed and
18 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
19 is amended to read as follows:

20 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
21 **ELECTIONS.**

22 “(a) IN GENERAL.—If a State accepts and processes
23 an official post card form (prescribed under section 101)
24 submitted by an absent uniformed services voter or over-
25 seas voter for simultaneous voter registration and absen-

1 tee ballot application (in accordance with section
2 102(a)(4)) and the voter requests that the application be
3 considered an application for an absentee ballot for each
4 subsequent election for Federal office held in the State
5 through the next regularly scheduled general election for
6 Federal office (including any runoff elections which may
7 occur as a result of the outcome of such general election),
8 the State shall provide an absentee ballot to the voter for
9 each such subsequent election.

10 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
11 TION.—Subsection (a) shall not apply with respect to a
12 voter registered to vote in a State for any election held
13 after the voter notifies the State that the voter no longer
14 wishes to be registered to vote in the State or after the
15 State determines that the voter has registered to vote in
16 another State or is otherwise no longer eligible to vote in
17 the State.

18 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
19 GROUNDS OF EARLY SUBMISSION.—A State may not
20 refuse to accept or to process, with respect to any election
21 for Federal office, any otherwise valid voter registration
22 application or absentee ballot application (including the
23 postcard form prescribed under section 101) submitted by
24 an absent uniformed services voter or overseas voter on
25 the grounds that the voter submitted the application be-

1 fore the first date on which the State otherwise accepts
2 or processes such applications for that election which are
3 submitted by absentee voters who are not members of the
4 uniformed services or overseas citizens.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to voter registration
7 and absentee ballot applications which are submitted to
8 a State or local election official on or after the date of
9 the enactment of this Act.

10 **SEC. 1705. EFFECTIVE DATE.**

11 The amendments made by this subtitle shall apply
12 with respect to elections occurring on or after January 1,
13 2020.

14 **Subtitle K—Poll Worker**
15 **Recruitment and Training**

16 **SEC. 1801. [RESERVED].**

17 **SEC. 1802. GRANTS TO STATES FOR POLL WORKER RE-**
18 **CRUITMENT AND TRAINING.**

19 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
20 SION.—

21 (1) IN GENERAL.—The Election Assistance
22 Commission (hereafter referred to as the “Commis-
23 sion”) shall make a grant to each eligible State for
24 recruiting and training individuals to serve as poll
25 workers on dates of elections for public office.

1 (2) USE OF COMMISSION MATERIALS.—In car-
2 rying out activities with a grant provided under this
3 section, the recipient of the grant shall use the man-
4 ual prepared by the Commission on successful prac-
5 tices for poll worker recruiting, training and reten-
6 tion as an interactive training tool, and shall develop
7 training programs with the participation and input
8 of experts in adult learning.

9 (b) REQUIREMENTS FOR ELIGIBILITY.—

10 (1) APPLICATION.—Each State that desires to
11 receive a payment under this section shall submit an
12 application for the payment to the Commission at
13 such time and in such manner and containing such
14 information as the Commission shall require.

15 (2) CONTENTS OF APPLICATION.—Each appli-
16 cation submitted under paragraph (1) shall—

17 (A) describe the activities for which assist-
18 ance under this section is sought;

19 (B) provide assurances that the funds pro-
20 vided under this section will be used to supple-
21 ment and not supplant other funds used to
22 carry out the activities;

23 (C) provide assurances that the State will
24 furnish the Commission with information on the
25 number of individuals who served as poll work-

1 ers after recruitment and training with the
2 funds provided under this section; and

3 (D) provide such additional information
4 and certifications as the Commission deter-
5 mines to be essential to ensure compliance with
6 the requirements of this section.

7 (c) AMOUNT OF GRANT.—

8 (1) IN GENERAL.—The amount of a grant
9 made to a State under this section shall be equal to
10 the product of—

11 (A) the aggregate amount made available
12 for grants to States under this section; and

13 (B) the voting age population percentage
14 for the State.

15 (2) VOTING AGE POPULATION PERCENTAGE DE-
16 FINED.—In paragraph (1), the “voting age popu-
17 lation percentage” for a State is the quotient of—

18 (A) the voting age population of the State
19 (as determined on the basis of the most recent
20 information available from the Bureau of the
21 Census); and

22 (B) the total voting age population of all
23 States (as determined on the basis of the most
24 recent information available from the Bureau of
25 the Census).

1 (d) REPORTS TO CONGRESS.—

2 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
3 later than 6 months after the date on which the
4 final grant is made under this section, each recipient
5 of a grant shall submit a report to the Commission
6 on the activities conducted with the funds provided
7 by the grant.

8 (2) REPORTS BY COMMISSION.—Not later than
9 1 year after the date on which the final grant is
10 made under this section, the Commission shall sub-
11 mit a report to Congress on the grants made under
12 this section and the activities carried out by recipi-
13 ents with the grants, and shall include in the report
14 such recommendations as the Commission considers
15 appropriate.

16 (e) FUNDING.—

17 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
18 PROPRIATED.—Any amount appropriated to carry
19 out this section shall remain available without fiscal
20 year limitation until expended.

21 (2) ADMINISTRATIVE EXPENSES.—Of the
22 amount appropriated for any fiscal year to carry out
23 this section, not more than 3 percent shall be avail-
24 able for administrative expenses of the Commission.

1 **SEC. 1803. STATE DEFINED.**

2 In this subtitle, the term “State” includes the Dis-
3 trict of Columbia, the Commonwealth of Puerto Rico,
4 Guam, American Samoa, the United States Virgin Is-
5 lands, and the Commonwealth of the Northern Mariana
6 Islands.

7 **Subtitle L—Enhancement of**
8 **Enforcement**

9 **SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP**
10 **AMERICA VOTE ACT OF 2002.**

11 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
12 OF ACTION.—Section 401 of the Help America Vote Act
13 of 2002 (52 U.S.C. 21111) is amended—

14 (1) by striking “The Attorney General” and in-
15 serting “(a) IN GENERAL.—The Attorney General”;
16 and

17 (2) by adding at the end the following new sub-
18 sections:

19 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
20 SONS.—

21 “(1) IN GENERAL.—A person who is aggrieved
22 by a violation of title III which has occurred, is oc-
23 ccurring, or is about to occur may file a written,
24 signed, notarized complaint with the Attorney Gen-
25 eral describing the violation and requesting the At-
26 torney General to take appropriate action under this

1 section. The Attorney General shall immediately pro-
2 vide a copy of a complaint filed under the previous
3 sentence to the entity responsible for administering
4 the State-based administrative complaint procedures
5 described in section 402(a) for the State involved.

6 “(2) RESPONSE BY ATTORNEY GENERAL.—The
7 Attorney General shall respond to each complaint
8 filed under paragraph (1), in accordance with proce-
9 dures established by the Attorney General that re-
10 quire responses and determinations to be made with-
11 in the same (or shorter) deadlines which apply to a
12 State under the State-based administrative com-
13 plaint procedures described in section 402(a)(2).
14 The Attorney General shall immediately provide a
15 copy of the response made under the previous sen-
16 tence to the entity responsible for administering the
17 State-based administrative complaint procedures de-
18 scribed in section 402(a) for the State involved.

19 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
20 TION.—Any person who is authorized to file a complaint
21 under subsection (b)(1) (including any individual who
22 seeks to enforce the individual’s right to a voter-verified
23 paper ballot, the right to have the voter-verified paper bal-
24 lot counted in accordance with this Act, or any other right
25 under title III) may file an action under section 1979 of

1 the Revised Statutes of the United States (42 U.S.C.
2 1983) to enforce the uniform and nondiscriminatory elec-
3 tion technology and administration requirements under
4 subtitle A of title III.

5 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
6 in this section may be construed to affect the availability
7 of the State-based administrative complaint procedures re-
8 quired under section 402 to any person filing a complaint
9 under this subsection.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to violations occurring
12 with respect to elections for Federal office held in 2020
13 or any succeeding year.

14 **Subtitle M—Federal Election**
15 **Integrity**

16 **SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
17 **CHIEF STATE ELECTION ADMINISTRATION**
18 **OFFICIALS.**

19 (a) IN GENERAL.—Title III of the Federal Election
20 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
21 amended by inserting after section 319 the following new
22 section:

23 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
24 ADMINISTRATION OFFICIALS

25 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
26 for a chief State election administration official to take

1 an active part in political management or in a political
2 campaign with respect to any election for Federal office
3 over which such official has supervisory authority.

4 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
5 FICIAL.—The term ‘chief State election administration of-
6 ficial’ means the highest State official with responsibility
7 for the administration of Federal elections under State
8 law.

9 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
10 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
11 litical management or in a political campaign’ means—

12 “(1) serving as a member of an authorized com-
13 mittee of a candidate for Federal office;

14 “(2) the use of official authority or influence
15 for the purpose of interfering with or affecting the
16 result of an election for Federal office;

17 “(3) the solicitation, acceptance, or receipt of a
18 contribution from any person on behalf of a can-
19 didate for Federal office; and

20 “(4) any other act which would be prohibited
21 under paragraph (2) or (3) of section 7323(b) of
22 title 5, United States Code, if taken by an individual
23 to whom such paragraph applies (other than any
24 prohibition on running for public office).

1 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
2 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
3 IMMEDIATE FAMILY MEMBER.—

4 “(1) IN GENERAL.—This section does not apply
5 to a chief State election administration official with
6 respect to an election for Federal office in which the
7 official or an immediate family member of the offi-
8 cial is a candidate, but only if—

9 “(A) such official recuses himself or herself
10 from all of the official’s responsibilities for the
11 administration of such election; and

12 “(B) the official who assumes responsi-
13 bility for supervising the administration of the
14 election does not report directly to such official.

15 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
16 In paragraph (1), the term ‘immediate family mem-
17 ber’ means, with respect to a candidate, a father,
18 mother, son, daughter, brother, sister, husband,
19 wife, father-in-law, or mother-in-law.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall apply with respect to elections for
22 Federal office held after December 2019.

1 **Subtitle N—Promoting Voter Ac-**
2 **cess Through Election Adminis-**
3 **tration Improvements**

4 **PART 1—PROMOTING VOTER ACCESS**

5 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**
6 **CATION.**

7 (a) TREATMENT OF CERTAIN INSTITUTIONS AS
8 VOTER REGISTRATION AGENCIES UNDER NATIONAL
9 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the
10 National Voter Registration Act of 1993 (52 U.S.C.
11 20506(a)) is amended—

12 (1) in paragraph (2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (A);

15 (B) by striking the period at the end of
16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(C) each institution of higher education
20 which has a program participation agreement in
21 effect with the Secretary of Education under
22 section 487 of the Higher Education Act of
23 1965 (20 U.S.C. 1094), other than an institu-
24 tion which is treated as a contributing agency

1 under the Automatic Voter Registration Act of
2 2019.”; and

3 (2) in paragraph (6)(A), by inserting “or, in
4 the case of an institution of higher education, with
5 each registration of a student for enrollment in a
6 course of study, including enrollment in a program
7 of distance education, as defined in section 103(7)
8 of the Higher Education Act of 1965 (20 U.S.C.
9 1003(7)),” after “assistance,”.

10 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER
11 HIGHER EDUCATION ACT OF 1965.—

12 (1) IN GENERAL.—Section 487(a)(23) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) is amended to read as follows:

15 “(23)(A)(i) The institution will ensure that an
16 appropriate staff person or office is designated pub-
17 licly as a ‘Campus Vote Coordinator’ and will ensure
18 that such person’s or office’s contact information is
19 included on the institution’s website.

20 “(ii) Not fewer than twice during each calendar
21 year (beginning with 2020), the Campus Vote Coor-
22 dinator shall transmit electronically to each student
23 enrolled in the institution (including students en-
24 rolled in distance education programs) a message
25 containing the following information:

1 “(I) Information on the location of polling
2 places in the jurisdiction in which the institu-
3 tion is located, together with information on
4 available methods of transportation to and from
5 such polling places.

6 “(II) A referral to a government-affiliated
7 website or online platform which provides cen-
8 tralized voter registration information for all
9 States, including access to applicable voter reg-
10 istration forms and information to assist indi-
11 viduals who are not registered to vote in reg-
12 istering to vote.

13 “(III) Any additional voter registration
14 and voting information the Coordinator con-
15 siders appropriate, in consultation with the ap-
16 propriate State election official.

17 “(iii) In addition to transmitting the message
18 described in clause (ii) not fewer than twice during
19 each calendar year, the Campus Vote Coordinator
20 shall transmit the message under such clause not
21 fewer than 30 days prior to the deadline for reg-
22 istering to vote for any election for Federal, State,
23 or local office in the State.

24 “(B) If the institution in its normal course of
25 operations requests each student registering for en-

1 rollment in a course of study, including students
2 registering for enrollment in a program of distance
3 education, to affirm whether or not the student is a
4 United States citizen, the institution will comply
5 with the applicable requirements for a contributing
6 agency under the Automatic Voter Registration Act
7 of 2019.

8 “(C) If the institution is not described in sub-
9 paragraph (B), the institution will comply with the
10 requirements for a voter registration agency in the
11 State in which it is located in accordance with sec-
12 tion 7 of the National Voter Registration Act of
13 1993 (52 U.S.C. 20506).

14 “(D) This paragraph applies only with respect
15 to an institution which is located in a State to which
16 section 4(b) of the National Voter Registration Act
17 of 1993 (52 U.S.C. 20503(b)) does not apply.”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply with respect to elec-
20 tions held on or after January 1, 2020.

21 (c) GRANTS TO INSTITUTIONS DEMONSTRATING EX-
22 CELLENCE IN STUDENT VOTER REGISTRATION.—

23 (1) GRANTS AUTHORIZED.—The Secretary of
24 Education may award competitive grants to public
25 and private nonprofit institutions of higher edu-

1 cation that are subject to the requirements of sec-
2 tion 487(a)(23) of the Higher Education Act of
3 1965 (20 U.S.C. 1094(a)(23)), as amended by sub-
4 section (a) and that the Secretary determines have
5 demonstrated excellence in registering students to
6 vote in elections for public office beyond meeting the
7 minimum requirements of such section.

8 (2) ELIGIBILITY.—An institution of higher edu-
9 cation is eligible to receive a grant under this sub-
10 section if the institution submits to the Secretary of
11 Education, at such time and in such form as the
12 Secretary may require, an application containing
13 such information and assurances as the Secretary
14 may require to make the determination described in
15 paragraph (1), including information and assurances
16 that the institution carried out activities to promote
17 voter registration by students, such as the following:

18 (A) Sponsoring large on-campus voter mo-
19 bilization efforts.

20 (B) Engaging the surrounding community
21 in nonpartisan voter registration and get out
22 the vote efforts.

23 (C) Creating a website for students with
24 centralized information about voter registration
25 and election dates.

1 (D) Inviting candidates to speak on cam-
2 pus.

3 (E) Offering rides to students to the polls
4 to increase voter education, registration, and
5 mobilization.

6 (3) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated for fiscal
8 year 2020 and each succeeding fiscal year such sums
9 as may be necessary to award grants under this sub-
10 section.

11 (d) SENSE OF CONGRESS RELATING TO OPTION OF
12 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-
13 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-
14 CILE.—It is the sense of Congress that, as provided under
15 existing law, students who attend an institution of higher
16 education and reside in the jurisdiction of the institution
17 while attending the institution should have the option of
18 registering to vote in elections for Federal office in that
19 jurisdiction or in the jurisdiction of their own domicile.

20 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**
21 **VOTERS AFFECTED BY POLLING PLACE**
22 **CHANGES.**

23 (a) REQUIREMENTS.—Section 302 of the Help Amer-
24 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
25 section 1601(a), is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the fol-
4 lowing new subsection:

5 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
6 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

7 “(1) IN GENERAL.—If a State assigns an indi-
8 vidual who is a registered voter in a State to a poll-
9 ing place with respect to an election for Federal of-
10 fice which is not the same polling place to which the
11 individual was previously assigned with respect to
12 the most recent election for Federal office in the
13 State in which the individual was eligible to vote—

14 “(A) the State shall notify the individual of
15 the location of the polling place not later than
16 7 days before the date of the election; or

17 “(B) if the State makes such an assign-
18 ment fewer than 7 days before the date of the
19 election and the individual appears on the date
20 of the election at the polling place to which the
21 individual was previously assigned, the State
22 shall make every reasonable effort to enable the
23 individual to vote on the date of the election.

1 “(2) EFFECTIVE DATE.—This subsection shall
2 apply with respect to elections held on or after Janu-
3 ary 1, 2020.”.

4 (b) CONFORMING AMENDMENT.—Section 302(g) of
5 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
6 section (a) and as amended by section 1601(b), is amend-
7 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
8 (e)(2), and (f)(2)”.

9 **SEC. 1903. [RESERVED].**

10 **SEC. 1904. PERMITTING USE OF SWORN WRITTEN STATE-**
11 **MENT TO MEET IDENTIFICATION REQUIRE-**
12 **MENTS FOR VOTING.**

13 (a) PERMITTING USE OF STATEMENT.—Title III of
14 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
15 seq.) is amended by inserting after section 303 the fol-
16 lowing new section:

17 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
18 **MENT TO MEET IDENTIFICATION REQUIRE-**
19 **MENTS.**

20 “(a) USE OF STATEMENT.—

21 “(1) IN GENERAL.—Except as provided in sub-
22 section (c), if a State has in effect a requirement
23 that an individual present identification as a condi-
24 tion of receiving and casting a ballot in an election

1 for Federal office, the State shall permit the indi-
2 vidual to meet the requirement—

3 “(A) in the case of an individual who de-
4 sires to vote in person, by presenting the appro-
5 priate State or local election official with a
6 sworn written statement, signed by the indi-
7 vidual under penalty of perjury, attesting to the
8 individual’s identity and attesting that the indi-
9 vidual is eligible to vote in the election; or

10 “(B) in the case of an individual who de-
11 sires to vote by mail, by submitting with the
12 ballot the statement described in subparagraph
13 (A).

14 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
15 OF STATEMENT BY COMMISSION.—The Commission
16 shall develop a pre-printed version of the statement
17 described in paragraph (1)(A) which includes a
18 blank space for an individual to provide a name and
19 signature for use by election officials in States which
20 are subject to paragraph (1).

21 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
22 MENT.—A State which is subject to paragraph (1)
23 shall—

24 “(A) make copies of the pre-printed
25 version of the statement described in paragraph

1 (1)(A) which is prepared by the Commission
2 available at polling places for election officials
3 to distribute to individuals who desire to vote in
4 person; and

5 “(B) include a copy of such pre-printed
6 version of the statement with each blank absen-
7 tee or other ballot transmitted to an individual
8 who desires to vote by mail.

9 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
10 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
11 dividual who presents or submits a sworn written state-
12 ment in accordance with subsection (a)(1) shall be per-
13 mitted to cast a ballot in the election in the same manner
14 as an individual who presents identification.

15 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
16 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
17 with respect to any individual described in paragraph (1)
18 of section 303(b) who is required to meet the requirements
19 of paragraph (2) of such section.”.

20 (b) REQUIRING STATES TO INCLUDE INFORMATION
21 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
22 FORMATION MATERIAL POSTED AT POLLING PLACES.—
23 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),
24 as amended by section 1072(b) and section 1202(b), is
25 amended—

1 **SEC. 1905. [RESERVED].**

2 **SEC. 1906. REIMBURSEMENT FOR COSTS INCURRED BY**
3 **STATES IN ESTABLISHING PROGRAM TO**
4 **TRACK AND CONFIRM RECEIPT OF ABSENTEE**
5 **BALLOTS.**

6 (a) REIMBURSEMENT.—Subtitle D of title II of the
7 Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.)
8 is amended by adding at the end the following new part:

9 **“PART 7—PAYMENTS TO REIMBURSE STATES**
10 **FOR COSTS INCURRED IN ESTABLISHING**
11 **PROGRAM TO TRACK AND CONFIRM RE-**
12 **CEIPT OF ABSENTEE BALLOTS**

13 **“SEC. 297. PAYMENTS TO STATES.**

14 “(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-
15 GRAM.—In accordance with this section, the Commission
16 shall make a payment to a State to reimburse the State
17 for the costs incurred in establishing, if the State so choos-
18 es to establish, an absentee ballot tracking program with
19 respect to elections for Federal office held in the State
20 (including costs incurred prior to the date of the enact-
21 ment of this part).

22 “(b) ABSENTEE BALLOT TRACKING PROGRAM DE-
23 SCRIBED.—

24 “(1) PROGRAM DESCRIBED.—

25 “(A) IN GENERAL.—In this part, an ‘ab-
26 sentee ballot tracking program’ is a program to

1 track and confirm the receipt of absentee bal-
2 lots in an election for Federal office under
3 which the State or local election official respon-
4 sible for the receipt of voted absentee ballots in
5 the election carries out procedures to track and
6 confirm the receipt of such ballots, and makes
7 information on the receipt of such ballots avail-
8 able to the individual who cast the ballot, by
9 means of online access using the Internet site
10 of the official's office.

11 “(B) INFORMATION ON WHETHER VOTE
12 WAS COUNTED.—The information referred to
13 under subparagraph (A) with respect to the re-
14 ceipt of an absentee ballot shall include infor-
15 mation regarding whether the vote cast on the
16 ballot was counted, and, in the case of a vote
17 which was not counted, the reasons therefor.

18 “(2) USE OF TOLL-FREE TELEPHONE NUMBER
19 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-
20 gram established by a State or local election official
21 whose office does not have an Internet site may
22 meet the description of a program under paragraph
23 (1) if the official has established a toll-free telephone
24 number that may be used by an individual who cast
25 an absentee ballot to obtain the information on the

1 receipt of the voted absentee ballot as provided
2 under such paragraph.

3 “(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

4 “(1) CERTIFICATION REQUIRED.—In order to
5 receive a payment under this section, a State shall
6 submit to the Commission a statement containing—

7 “(A) a certification that the State has es-
8 tablished an absentee ballot tracking program
9 with respect to elections for Federal office held
10 in the State; and

11 “(B) a statement of the costs incurred by
12 the State in establishing the program.

13 “(2) AMOUNT OF PAYMENT.—The amount of a
14 payment made to a State under this section shall be
15 equal to the costs incurred by the State in estab-
16 lishing the absentee ballot tracking program, as set
17 forth in the statement submitted under paragraph
18 (1), except that such amount may not exceed the
19 product of—

20 “(A) the number of jurisdictions in the
21 State which are responsible for operating the
22 program; and

23 “(B) \$3,000.

1 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
2 CEIVED.—A State may not receive more than one
3 payment under this part.

4 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) AUTHORIZATION.—There are authorized to be
6 appropriated to the Commission for fiscal year 2020 and
7 each succeeding fiscal year such sums as may be necessary
8 for payments under this part.

9 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
10 amounts appropriated pursuant to the authorization under
11 this section shall remain available until expended.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 of such Act is amended by adding at the end of the items
14 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-
ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE
BALLOTS

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”.

15 **SEC. 1907. VOTER INFORMATION RESPONSE SYSTEMS AND**

16 **HOTLINE.**

17 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS
18 AND SERVICES.—

19 (1) STATE-BASED RESPONSE SYSTEMS.—The
20 Attorney General shall coordinate the establishment
21 of a State-based response system for responding to
22 questions and complaints from individuals voting or

1 seeking to vote, or registering to vote or seeking to
2 register to vote, in elections for Federal office. Such
3 system shall provide—

4 (A) State-specific, same-day, and imme-
5 diate assistance to such individuals, including
6 information on how to register to vote, the loca-
7 tion and hours of operation of polling places,
8 and how to obtain absentee ballots; and

9 (B) State-specific, same-day, and imme-
10 diate assistance to individuals encountering
11 problems with registering to vote or voting, in-
12 cluding individuals encountering intimidation or
13 deceptive practices.

14 (2) HOTLINE.—The Attorney General, in con-
15 sultation with State election officials, shall establish
16 and operate a toll-free telephone service, using a
17 telephone number that is accessible throughout the
18 United States and that uses easily identifiable nu-
19 merals, through which individuals throughout the
20 United States—

21 (A) may connect directly to the State-
22 based response system described in paragraph
23 (1) with respect to the State involved;

24 (B) may obtain information on voting in
25 elections for Federal office, including informa-

1 tion on how to register to vote in such elections,
2 the locations and hours of operation of polling
3 places, and how to obtain absentee ballots; and

4 (C) may report information to the Attor-
5 ney General on problems encountered in reg-
6 istering to vote or voting, including incidences
7 of voter intimidation or suppression.

8 (3) COLLABORATION WITH STATE AND LOCAL
9 ELECTION OFFICIALS.—

10 (A) COLLECTION OF INFORMATION FROM
11 STATES.—The Attorney General shall coordi-
12 nate the collection of information on State and
13 local election laws and policies, including infor-
14 mation on the Statewide computerized voter
15 registration lists maintained under title III of
16 the Help America Vote Act of 2002, so that in-
17 dividuals who contact the free telephone service
18 established under paragraph (2) on the date of
19 an election for Federal office may receive an
20 immediate response on that day.

21 (B) FORWARDING QUESTIONS AND COM-
22 PLAINTS TO STATES.—If an individual contacts
23 the free telephone service established under
24 paragraph (2) on the date of an election for
25 Federal office with a question or complaint with

1 respect to a particular State or jurisdiction
2 within a State, the Attorney General shall for-
3 ward the question or complaint immediately to
4 the appropriate election official of the State or
5 jurisdiction so that the official may answer the
6 question or remedy the complaint on that date.

7 (4) CONSULTATION REQUIREMENTS FOR DE-
8 VELOPMENT OF SYSTEMS AND SERVICES.—The At-
9 torney General shall ensure that the State-based re-
10 sponse system under paragraph (1) and the free
11 telephone service under paragraph (2) are each de-
12 veloped in consultation with civil rights organiza-
13 tions, voting rights groups, State and local election
14 officials, voter protection groups, and other inter-
15 ested community organizations, especially those that
16 have experience in the operation of similar systems
17 and services.

18 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
19 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
20 LANGUAGE PROFICIENCY.—The Attorney General shall
21 design and operate the telephone service established under
22 this section in a manner that ensures that individuals with
23 disabilities are fully able to use the service, and that as-
24 sistance is provided in any language in which the State
25 (or any jurisdiction in the State) is required to provide

1 election materials under section 203 of the Voting Rights
2 Act of 1965..

3 (c) VOTER HOTLINE TASK FORCE.—

4 (1) APPOINTMENT BY ATTORNEY GENERAL.—

5 The Attorney General shall appoint individuals (in
6 such number as the Attorney General considers ap-
7 propriate but in no event fewer than 3) to serve on
8 a Voter Hotline Task Force to provide ongoing anal-
9 ysis and assessment of the operation of the tele-
10 phone service established under this section, and
11 shall give special consideration in making appoint-
12 ments to the Task Force to individuals who rep-
13 resent civil rights organizations. At least one mem-
14 ber of the Task Force shall be a representative of
15 an organization promoting voting rights or civil
16 rights which has experience in the operation of simi-
17 lar telephone services or in protecting the rights of
18 individuals to vote, especially individuals who are
19 members of racial, ethnic, or linguistic minorities or
20 of communities who have been adversely affected by
21 efforts to suppress voting rights.

22 (2) ELIGIBILITY.—An individual shall be eligi-
23 ble to serve on the Task Force under this subsection
24 if the individual meets such criteria as the Attorney
25 General may establish, except that an individual may

1 not serve on the task force if the individual has been
2 convicted of any criminal offense relating to voter in-
3 timidation or voter suppression.

4 (3) TERM OF SERVICE.—An individual ap-
5 pointed to the Task Force shall serve a single term
6 of 2 years, except that the initial terms of the mem-
7 bers first appointed to the Task Force shall be stag-
8 gered so that there are at least 3 individuals serving
9 on the Task Force during each year. A vacancy in
10 the membership of the Task Force shall be filled in
11 the same manner as the original appointment.

12 (4) NO COMPENSATION FOR SERVICE.—Mem-
13 bers of the Task Force shall serve without pay, but
14 shall receive travel expenses, including per diem in
15 lieu of subsistence, in accordance with applicable
16 provisions under subchapter I of chapter 57 of title
17 5, United States Code.

18 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
19 than March 1 of each odd-numbered year, the Attorney
20 General shall submit a report to Congress on the operation
21 of the telephone service established under this section dur-
22 ing the previous 2 years, and shall include in the report—

23 (1) an enumeration of the number and type of
24 calls that were received by the service;

1 (2) a compilation and description of the reports
2 made to the service by individuals citing instances of
3 voter intimidation or suppression;

4 (3) an assessment of the effectiveness of the
5 service in making information available to all house-
6 holds in the United States with telephone service;

7 (4) any recommendations developed by the
8 Task Force established under subsection (c) with re-
9 spect to how voting systems may be maintained or
10 upgraded to better accommodate voters and better
11 ensure the integrity of elections, including but not
12 limited to identifying how to eliminate coordinated
13 voter suppression efforts and how to establish effec-
14 tive mechanisms for distributing updates on changes
15 to voting requirements; and

16 (5) any recommendations on best practices for
17 the State-based response systems established under
18 subsection (a)(1).

19 (e) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) AUTHORIZATION.—There are authorized to
21 be appropriated to the Attorney General for fiscal
22 year 2019 and each succeeding fiscal year such sums
23 as may be necessary to carry out this section.

24 (2) SET-ASIDE FOR OUTREACH.—Of the
25 amounts appropriated to carry out this section for a

1 fiscal year pursuant to the authorization under para-
2 graph (1), not less than 15 percent shall be used for
3 outreach activities to make the public aware of the
4 availability of the telephone service established under
5 this section, with an emphasis on outreach to indi-
6 viduals with disabilities and individuals with limited
7 proficiency in the English language.

8 **PART 2—IMPROVEMENTS IN OPERATION OF**
9 **ELECTION ASSISTANCE COMMISSION**

10 **SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE**
11 **COMMISSION.**

12 Section 210 of the Help America Vote Act of 2002
13 (52 U.S.C. 20930) is amended—

14 (1) by striking “for each of the fiscal years
15 2003 through 2005” and inserting “for fiscal year
16 2019 and each succeeding fiscal year”; and

17 (2) by striking “(but not to exceed \$10,000,000
18 for each such year)”.

19 **SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-**
20 **GENERAL ELECTION SURVEYS.**

21 (a) REQUIREMENT.—Title III of the Help America
22 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
23 by section 1904(a), is further amended by inserting after
24 section 303A the following new section:

1 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
2 **ELECTION SURVEYS.**

3 “(a) REQUIREMENT.—Each State shall furnish to the
4 Commission such information as the Commission may re-
5 quest for purposes of conducting any post-election survey
6 of the States with respect to the administration of a regu-
7 larly scheduled general election for Federal office.

8 “(b) EFFECTIVE DATE.—This section shall apply
9 with respect to the regularly scheduled general election for
10 Federal office held in November 2020 and any succeeding
11 election.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 of such Act, as amended by section 1904(c), is further
14 amended by inserting after the item relating to section
15 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

16 **SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STAND-**
17 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
18 **TRANSFERRED FROM ELECTION ASSISTANCE**
19 **COMMISSION.**

20 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-
21 TION OF RECEIPT.—Section 231 of the Help America
22 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding
23 at the end the following new subsection:

24 “(e) REPORT ON USE OF FUNDS TRANSFERRED
25 FROM COMMISSION.—To the extent that funds are trans-

1 ferred from the Commission to the Director of the Na-
2 tional Institute of Standards and Technology for purposes
3 of carrying out this section during any fiscal year, the Di-
4 rector may not use such funds unless the Director certifies
5 at the time of transfer that the Director will submit a re-
6 port to the Commission not later than 90 days after the
7 end of the fiscal year detailing how the Director used such
8 funds during the year.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to fiscal year 2020
11 and each succeeding fiscal year.

12 **SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS**
13 **OF ELECTION ASSISTANCE COMMISSION.**

14 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
15 AND CYBERSECURITY.—Not later than December 31,
16 2019, the Election Assistance Commission shall carry out
17 an assessment of the security and effectiveness of the
18 Commission’s information technology systems, including
19 the cybersecurity of such systems.

20 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
21 PROCEDURES.—

22 (1) REVIEW OF PROCEDURES.—The Election
23 Assistance Commission shall carry out a review of
24 the effectiveness and efficiency of the State-based
25 administrative complaint procedures established and

1 maintained under section 402 of the Help America
2 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
3 tigation and resolution of allegations of violations of
4 title III of such Act.

5 (2) RECOMMENDATIONS TO STREAMLINE PRO-
6 CEDURES.—Not later than December 31, 2019, the
7 Commission shall submit to Congress a report on
8 the review carried out under paragraph (1), and
9 shall include in the report such recommendations as
10 the Commission considers appropriate to streamline
11 and improve the procedures which are the subject of
12 the review.

13 **SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
14 **ANCE COMMISSION FROM CERTAIN GOVERN-**
15 **MENT CONTRACTING REQUIREMENTS.**

16 (a) IN GENERAL.—Section 205 of the Help America
17 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
18 ing subsection (e).

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply with respect to contracts entered
21 into by the Election Assistance Commission on or after
22 the date of the enactment of this Act.

1 **PART 3—MISCELLANEOUS PROVISIONS**

2 **SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF**
3 **NORTHERN MARIANA ISLANDS.**

4 (a) NATIONAL VOTER REGISTRATION ACT OF
5 1993.—Section 3(4) of the National Voter Registration
6 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
7 “States and the District of Columbia” and inserting
8 “States, the District of Columbia, and the Commonwealth
9 of the Northern Mariana Islands”.

10 (b) HELP AMERICA VOTE ACT OF 2002.—

11 (1) COVERAGE OF COMMONWEALTH OF THE
12 NORTHERN MARIANA ISLANDS.—Section 901 of the
13 Help America Vote Act of 2002 (52 U.S.C. 21141)
14 is amended by striking “and the United States Vir-
15 gin Islands” and inserting “the United States Virgin
16 Islands, and the Commonwealth of the Northern
17 Mariana Islands”.

18 (2) CONFORMING AMENDMENTS TO HELP
19 AMERICA VOTE ACT OF 2002.—Such Act is further
20 amended as follows:

21 (A) The second sentence of section
22 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
23 by striking “and American Samoa” and insert-
24 ing “American Samoa, and the Commonwealth
25 of the Northern Mariana Islands”.

1 (B) Section 252(c)(2) (52 U.S.C.
2 21002(c)(2)) is amended by striking “or the
3 United States Virgin Islands” and inserting
4 “the United States Virgin Islands, or the Com-
5 monwealth of the Northern Mariana Islands”.

6 (3) CONFORMING AMENDMENT RELATING TO
7 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
8 TION WITH LOCAL ELECTION OFFICIALS.—Section
9 90102(c) of title 36, United States Code, is amend-
10 ed by striking “and the United States Virgin Is-
11 lands” and inserting “the United States Virgin Is-
12 lands, and the Commonwealth of the Northern Mar-
13 iana Islands”.

14 (4) EFFECTIVE DATE.—The amendments made
15 by this subsection shall apply with respect to fiscal
16 years beginning with the first fiscal year which be-
17 gins after funds are appropriated to the Common-
18 wealth of the Northern Mariana Islands pursuant to
19 the payment under section 2.

20 **SEC. 1922. NO EFFECT ON OTHER LAWS.**

21 (a) IN GENERAL.—Except as specifically provided,
22 nothing in this title may be construed to authorize or re-
23 quire conduct prohibited under any of the following laws,
24 or to supersede, restrict, or limit the application of such
25 laws:

1 (1) The Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).

3 (2) The Voting Accessibility for the Elderly and
4 Handicapped Act (52 U.S.C. 20101 et seq.).

5 (3) The Uniformed and Overseas Citizens Ab-
6 sentee Voting Act (52 U.S.C. 20301 et seq.).

7 (4) The National Voter Registration Act of
8 1993 (52 U.S.C. 20501 et seq.).

9 (5) The Americans with Disabilities Act of
10 1990 (42 U.S.C. 12101 et seq.).

11 (6) The Rehabilitation Act of 1973 (29 U.S.C.
12 701 et seq.).

13 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
14 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
15 proval by any person of a payment or grant application
16 under this title, or any other action taken by any person
17 under this title, shall not be considered to have any effect
18 on requirements for preclearance under section 5 of the
19 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
20 requirements of such Act.

21 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
22 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
23 in this title or the amendments made by this title may
24 be construed to prohibit any State from enacting any law
25 which provides greater opportunities for individuals to reg-

1 ister to vote and to vote in elections for Federal office than
2 are provided by this title and the amendments made by
3 this title.

4 **Subtitle O—Severability**

5 **SEC. 1931. SEVERABILITY.**

6 If any provision of this title or amendment made by
7 this title, or the application of a provision or amendment
8 to any person or circumstance, is held to be unconstitu-
9 tional, the remainder of this title and amendments made
10 by this title, and the application of the provisions and
11 amendment to any person or circumstance, shall not be
12 affected by the holding.

13 **TITLE II—ELECTION INTEGRITY**

Subtitle A—[Reserved]

Subtitle B—[Reserved]

Subtitle C—[Reserved]

Subtitle D—[Reserved]

Subtitle E—[Reserved]

Subtitle F—Saving Eligible Voters From Voter Purging

Sec. 2501. Short title.

Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater
Opportunities for Voting

Sec. 2601. No effect on authority of States to provide greater opportunities for
voting.

Subtitle H—Severability

Sec. 2701. Severability.

1 **Subtitle A—[Reserved]**
2 **Subtitle B—[Reserved]**
3 **Subtitle C—[Reserved]**
4 **Subtitle D—[Reserved]**
5 **Subtitle E—[Reserved]**
6 **Subtitle F—Saving Eligible Voters**
7 **From Voter Purging**

8 **SEC. 2501. SHORT TITLE.**

9 This subtitle may be cited as the “Stop Automatically
10 Voiding Eligible Voters Off Their Enlisted Rolls in States
11 Act” or the “Save Voters Act”.

12 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**
13 **LIST OF REGISTERED VOTERS.**

14 (a) **CONDITIONS DESCRIBED.**—The National Voter
15 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
16 amended by inserting after section 8 the following new
17 section:

18 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
19 **OFFICIAL LIST OF REGISTERED VOTERS.**

20 “(a) **VERIFICATION ON BASIS OF OBJECTIVE AND**
21 **RELIABLE EVIDENCE OF INELIGIBILITY.**—

22 “(1) **REQUIRING VERIFICATION.**—Notwith-
23 standing any other provision of this Act, a State
24 may not remove the name of any registrant from the
25 official list of voters eligible to vote in elections for

1 Federal office in the State unless the State verifies,
2 on the basis of objective and reliable evidence, that
3 the registrant is ineligible to vote in such elections.

4 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
5 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
6 purposes of paragraph (2), the following factors, or
7 any combination thereof, shall not be treated as ob-
8 jective and reliable evidence of a registrant’s ineligi-
9 bility to vote:

10 “(A) The failure of the registrant to vote
11 in any election.

12 “(B) The failure of the registrant to re-
13 spond to any notice sent under section 8(d), un-
14 less the notice has been returned as undeliver-
15 able.

16 “(C) The failure of the registrant to take
17 any other action with respect to voting in any
18 election or with respect to the registrant’s sta-
19 tus as a registrant.

20 “(b) NOTICE AFTER REMOVAL.—

21 “(1) NOTICE TO INDIVIDUAL REMOVED.—

22 “(A) IN GENERAL.—Not later than 48
23 hours after a State removes the name of a reg-
24 istrant from the official list of eligible voters for
25 any reason (other than the death of the reg-

1 istrant), the State shall send notice of the re-
2 moval to the former registrant, and shall in-
3 clude in the notice the grounds for the removal
4 and information how the former registrant may
5 contest the removal, including a telephone num-
6 ber for the appropriate election official., and
7 how to contest the removal or be reinstated, in-
8 cluding a contact phone number.

9 “(B) EXCEPTIONS.—Subparagraph (A)
10 does not apply in the case of a registrant—

11 “(i) who sends written confirmation to
12 the State that the registrant is no longer
13 eligible to vote in the registrar’s jurisdic-
14 tion in which the registrant was registered;
15 or

16 “(ii) who is removed from the official
17 list of eligible voters by reason of the death
18 of the registrant.

19 “(2) PUBLIC NOTICE.—Not later than 48 hours
20 after conducting any general program to remove the
21 names of ineligible voters from the official list of eli-
22 gible voters (as described in section 8(a)(4)), the
23 State shall disseminate a public notice through such
24 methods as may be reasonable to reach the general
25 public (including by publishing the notice in a news-

1 paper of wide circulation or posting the notice on the
2 websites of the appropriate election officials) that
3 list maintenance is taking place and that registrants
4 should check their registration status to ensure no
5 errors or mistakes have been made. The State shall
6 ensure that the public notice disseminated under this
7 paragraph is in a format that is reasonably conven-
8 ient and accessible to voters with disabilities, includ-
9 ing voters who have low vision or are blind.”.

10 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
11 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
12 20507(d)) is amended by adding at the end the following
13 new paragraph:

14 “(4) A State may not transmit a notice to a
15 registrant under this subsection unless the State ob-
16 tains objective and reliable evidence (in accordance
17 with the standards for such evidence which are de-
18 scribed in section 8A(a)(2)) that the registrant has
19 changed residence to a place outside the registrar’s
20 jurisdiction in which the registrant is registered.”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) NATIONAL VOTER REGISTRATION ACT OF
23 1993.—Section 8(a) of such Act (52 U.S.C.
24 20507(a)) is amended—

1 (A) in paragraph (3), by striking “pro-
2 vide” and inserting “subject to section 8A, pro-
3 vide”; and

4 (B) in paragraph (4), by striking “con-
5 duct” and inserting “subject to section 8A, con-
6 duct”.

7 (2) **HELP AMERICA VOTE ACT OF 2002.**—Section
8 303(a)(4)(A) of the Help America Vote Act of 2002
9 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
10 “, registrants” and inserting “, and subject to sec-
11 tion 8A of such Act, registrants”.

12 (d) **EFFECTIVE DATE.**—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act.

15 **Subtitle G—No Effect on Authority**
16 **of States to Provide Greater Op-**
17 **portunities for Voting**

18 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
19 **VIDE GREATER OPPORTUNITIES FOR VOT-**
20 **ING.**

21 Nothing in this title or the amendments made by this
22 title may be construed to prohibit any State from enacting
23 any law which provides greater opportunities for individ-
24 uals to register to vote and to vote in elections for Federal

1 office than are provided by this title and the amendments
 2 made by this title.

3 **Subtitle H—Severability**

4 **SEC. 2701. SEVERABILITY.**

5 If any provision of this title or amendment made by
 6 this title, or the application of a provision or amendment
 7 to any person or circumstance, is held to be unconstitu-
 8 tional, the remainder of this title and amendments made
 9 by this title, and the application of the provisions and
 10 amendment to any person or circumstance, shall not be
 11 affected by the holding.

12 **TITLE III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definitions.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3012. GAO analysis of effects of audits.

PART 3—[RESERVED]

Subtitle B—Security Measures

Sec. 3101. Election infrastructure designation.

Sec. 3102. Timely threat information.

Sec. 3103. Security clearance assistance for election officials.

Sec. 3104. Security risk and vulnerability assessments.

Sec. 3105. Annual reports.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.
- Sec. 3403. Definitions.

Subtitle F—Miscellaneous Provisions

- Sec. 3501. Definitions.
- Sec. 3502. Initial report on adequacy of resources available for implementation.

Subtitle G—Severability

- Sec. 3601. Severability.

1 SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.

2 (a) **SHORT TITLE.**—This title may be cited as the
3 “Election Security Act”.

4 (b) **SENSE OF CONGRESS ON NEED TO IMPROVE**
5 **ELECTION INFRASTRUCTURE SECURITY.**—It is the sense
6 of Congress that, in light of the lessons learned from Rus-
7 sian interference in the 2016 Presidential election, the
8 Federal Government should intensify its efforts to improve
9 the security of election infrastructure in the United States,
10 including through the use of individual, durable, paper
11 ballots marked by the voter by hand.

1 **Subtitle A—Financial Support for**
2 **Election Infrastructure**

3 **PART 1—VOTING SYSTEM SECURITY**

4 **IMPROVEMENT GRANTS**

5 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
6 **BALLOT VOTING SYSTEMS AND CARRYING**
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
8 **MENTS.**

9 (a) **AVAILABILITY OF GRANTS.**—Subtitle D of title
10 II of the Help America Vote Act of 2002 (52 U.S.C.
11 21001 et seq.), as amended by section 1906(a), is amend-
12 ed by adding at the end the following new part:

13 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
14 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
15 **RYING OUT VOTING SYSTEM SECURITY IM-**
16 **PROVEMENTS**

17 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
18 **BALLOT VOTING SYSTEMS AND CARRYING**
19 **OUT VOTING SYSTEM SECURITY IMPROVE-**
20 **MENTS.**

21 “(a) **AVAILABILITY AND USE OF GRANT.**—The Com-
22 mission shall make a grant to each eligible State—

23 “(1) to replace a voting system—

24 “(A) which does not meet the requirements
25 which are first imposed on the State pursuant

1 to the amendments made by the Voter Con-
2 fidence and Increased Accessibility Act of 2019
3 with a voting system which does meet such re-
4 quirements, for use in the regularly scheduled
5 general elections for Federal office held in No-
6 vember 2020, or

7 “(B) which does meet such requirements
8 but which is not in compliance with the most
9 recent voluntary voting system guidelines issued
10 by the Commission prior to the regularly sched-
11 uled general election for Federal office held in
12 November 2020 with another system which does
13 meet such requirements and is in compliance
14 with such guidelines; and

15 “(2) to carry out voting system security im-
16 provements described in section 298A with respect
17 to the regularly scheduled general elections for Fed-
18 eral office held in November 2020 and each suc-
19 ceeding election for Federal office.

20 “(b) AMOUNT OF GRANT.—The amount of a grant
21 made to a State under this section shall be such amount
22 as the Commission determines to be appropriate, except
23 that such amount may not be less than the product of
24 \$1 and the average of the number of individuals who cast

1 votes in any of the two most recent regularly scheduled
2 general elections for Federal office held in the State.

3 “(c) PRO RATA REDUCTIONS.—If the amount of
4 funds appropriated for grants under this part is insuffi-
5 cient to ensure that each State receives the amount of the
6 grant calculated under subsection (b), the Commission
7 shall make such pro rata reductions in such amounts as
8 may be necessary to ensure that the entire amount appro-
9 priated under this part is distributed to the States.

10 “(d) ABILITY OF REPLACEMENT SYSTEMS TO AD-
11 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
12 extent practicable, an eligible State which receives a grant
13 to replace a voting system under this section shall ensure
14 that the replacement system is capable of administering
15 a system of ranked choice voting under which each voter
16 shall rank the candidates for the office in the order of
17 the voter’s preference.

18 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
19 **DESCRIBED.**

20 “(a) PERMITTED USES.—A voting system security
21 improvement described in this section is any of the fol-
22 lowing:

23 “(1) The acquisition of goods and services from
24 qualified election infrastructure vendors by purchase,

1 lease, or such other arrangements as may be appro-
2 priate.

3 “(2) Cyber and risk mitigation training.

4 “(3) A security risk and vulnerability assess-
5 ment of the State’s election infrastructure which is
6 carried out by a provider of cybersecurity services
7 under a contract entered into between the chief
8 State election official and the provider.

9 “(4) The maintenance of election infrastruc-
10 ture, including addressing risks and vulnerabilities
11 which are identified under either of the security risk
12 and vulnerability assessments described in para-
13 graph (3), except that none of the funds provided
14 under this part may be used to renovate or replace
15 a building or facility which is used primarily for pur-
16 poses other than the administration of elections for
17 public office.

18 “(5) Providing increased technical support for
19 any information technology infrastructure that the
20 chief State election official deems to be part of the
21 State’s election infrastructure or designates as crit-
22 ical to the operation of the State’s election infra-
23 structure.

1 “(6) Enhancing the cybersecurity and oper-
2 ations of the information technology infrastructure
3 described in paragraph (4).

4 “(7) Enhancing the cybersecurity of voter reg-
5 istration systems.

6 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
7 DORS DESCRIBED.—

8 “(1) IN GENERAL.—For purposes of this part,
9 a ‘qualified election infrastructure vendor’ is any
10 person who provides, supports, or maintains, or who
11 seeks to provide, support, or maintain, election in-
12 frastructure on behalf of a State, unit of local gov-
13 ernment, or election agency (as defined in section
14 3501 of the Election Security Act) who meets the
15 criteria described in paragraph (2).

16 “(2) CRITERIA.—The criteria described in this
17 paragraph are such criteria as the Chairman, in co-
18 ordination with the Secretary of Homeland Security,
19 shall establish and publish, and shall include each of
20 the following requirements:

21 “(A) The vendor must be owned and con-
22 trolled by a citizen or permanent resident of the
23 United States.

24 “(B) The vendor must disclose to the
25 Chairman and the Secretary, and to the chief

1 State election official of any State to which the
2 vendor provides any goods and services with
3 funds provided under this part, of any sourcing
4 outside the United States for parts of the elec-
5 tion infrastructure.

6 “(C) The vendor agrees to ensure that the
7 election infrastructure will be developed and
8 maintained in a manner that is consistent with
9 the cybersecurity best practices issued by the
10 Technical Guidelines Development Committee.

11 “(D) The vendor agrees to maintain its in-
12 formation technology infrastructure in a man-
13 ner that is consistent with the cybersecurity
14 best practices issued by the Technical Guide-
15 lines Development Committee.

16 “(E) The vendor agrees to meet the re-
17 quirements of paragraph (3) with respect to
18 any known or suspected cybersecurity incidents
19 involving any of the goods and services provided
20 by the vendor pursuant to a grant under this
21 part.

22 “(F) The vendor agrees to permit inde-
23 pendent security testing by the Commission (in
24 accordance with section 231(a)) and by the Sec-

1 retary of the goods and services provided by the
2 vendor pursuant to a grant under this part.

3 “(3) CYBERSECURITY INCIDENT REPORTING
4 REQUIREMENTS.—

5 “(A) IN GENERAL.—A vendor meets the
6 requirements of this paragraph if, upon becom-
7 ing aware of the possibility that an election cy-
8 bersecurity incident has occurred involving any
9 of the goods and services provided by the ven-
10 dor pursuant to a grant under this part—

11 “(i) the vendor promptly assesses
12 whether or not such an incident occurred,
13 and submits a notification meeting the re-
14 quirements of subparagraph (B) to the
15 Secretary and the Chairman of the assess-
16 ment as soon as practicable (but in no case
17 later than 3 days after the vendor first be-
18 comes aware of the possibility that the in-
19 cident occurred);

20 “(ii) if the incident involves goods or
21 services provided to an election agency, the
22 vendor submits a notification meeting the
23 requirements of subparagraph (B) to the
24 agency as soon as practicable (but in no
25 case later than 3 days after the vendor

1 first becomes aware of the possibility that
2 the incident occurred), and cooperates with
3 the agency in providing any other nec-
4 essary notifications relating to the inci-
5 dent; and

6 “(iii) the vendor provides all necessary
7 updates to any notification submitted
8 under clause (i) or clause (ii).

9 “(B) CONTENTS OF NOTIFICATIONS.—
10 Each notification submitted under clause (i) or
11 clause (ii) of subparagraph (A) shall contain
12 the following information with respect to any
13 election cybersecurity incident covered by the
14 notification:

15 “(i) The date, time, and time zone
16 when the election cybersecurity incident
17 began, if known.

18 “(ii) The date, time, and time zone
19 when the election cybersecurity incident
20 was detected.

21 “(iii) The date, time, and duration of
22 the election cybersecurity incident.

23 “(iv) The circumstances of the elec-
24 tion cybersecurity incident, including the
25 specific election infrastructure systems be-

1 lied to have been accessed and informa-
2 tion acquired, if any.

3 “(v) Any planned and implemented
4 technical measures to respond to and re-
5 cover from the incident.

6 “(vi) In the case of any notification
7 which is an update to a prior notification,
8 any additional material information relat-
9 ing to the incident, including technical
10 data, as it becomes available.

11 **“SEC. 298B. ELIGIBILITY OF STATES.**

12 “A State is eligible to receive a grant under this part
13 if the State submits to the Commission, at such time and
14 in such form as the Commission may require, an applica-
15 tion containing—

16 “(1) a description of how the State will use the
17 grant to carry out the activities authorized under
18 this part;

19 “(2) a certification and assurance that, not
20 later than 5 years after receiving the grant, the
21 State will carry out risk-limiting audits and will
22 carry out voting system security improvements, as
23 described in section 298A; and

24 “(3) such other information and assurances as
25 the Commission may require.

1 **“SEC. 298C. REPORTS TO CONGRESS.**

2 “Not later than 90 days after the end of each fiscal
3 year, the Commission shall submit a report to the appro-
4 priate congressional committees, including the Committees
5 on Homeland Security, House Administration, and the Ju-
6 diciary of the House of Representatives and the Commit-
7 tees on Homeland Security and Governmental Affairs, the
8 Judiciary, and Rules and Administration of the Senate,
9 on the activities carried out with the funds provided under
10 this part.

11 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) AUTHORIZATION.—There are authorized to be
13 appropriated for grants under this part—

14 “(1) \$1,000,000,000 for fiscal year 2019; and

15 “(2) \$175,000,000 for each of the fiscal years
16 2020, 2022, 2024, and 2026.

17 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
18 amounts appropriated pursuant to the authorization of
19 this section shall remain available until expended.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 of such Act, as amended by section 1906(b), is amended
22 by adding at the end of the items relating to subtitle D
23 of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

1 **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**
2 **ACTIVITIES WITH USE OF REQUIREMENTS**
3 **PAYMENTS AND ELECTION ADMINISTRATION**
4 **REQUIREMENTS UNDER HELP AMERICA**
5 **VOTE ACT OF 2002.**

6 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
7 SION.—Section 202 of the Help America Vote Act of 2002
8 (52 U.S.C. 20922) is amended in the matter preceding
9 paragraph (1) by striking “by” and inserting “and the se-
10 curity of election infrastructure by”.

11 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
12 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
13 ANCE COMMISSION.—Section 214(a) of such Act (52
14 U.S.C. 20944(a)) is amended—

15 (1) by striking “37 members” and inserting
16 “38 members”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(17) The Secretary of Homeland Security or
20 the Secretary’s designee.”.

21 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
22 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-

1 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
2 U.S.C. 20961(c)(1)) is amended—

3 (1) by redesignating subparagraph (E) as sub-
4 paragraph (F); and

5 (2) by inserting after subparagraph (D) the fol-
6 lowing new subparagraph:

7 “(E) A representative of the Department
8 of Homeland Security.”.

9 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
10 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
11 OF HOMELAND SECURITY.—Section 241(a) of such Act
12 (52 U.S.C. 20981(a)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “the Commission shall” and inserting “the
15 Commission, in consultation with the Secretary of
16 Homeland Security (as appropriate), shall”;

17 (2) by striking “and” at the end of paragraph
18 (3);

19 (3) by redesignating paragraph (4) as para-
20 graph (5); and

21 (4) by inserting after paragraph (3) the fol-
22 lowing new paragraph:

23 “(4) will be secure against attempts to under-
24 mine the integrity of election systems by cyber or
25 other means; and”.

1 (e) REQUIREMENTS PAYMENTS.—

2 (1) USE OF PAYMENTS FOR VOTING SYSTEM
3 SECURITY IMPROVEMENTS.—Section 251(b) of such
4 Act (52 U.S.C. 21001(b)), as amended by section
5 1905(b)(1), is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(5) PERMITTING USE OF PAYMENTS FOR VOT-
8 ING SYSTEM SECURITY IMPROVEMENTS.—A State
9 may use a requirements payment to carry out any
10 of the following activities:

11 “(A) Cyber and risk mitigation training.

12 “(B) Providing increased technical support
13 for any information technology infrastructure
14 that the chief State election official deems to be
15 part of the State’s election infrastructure or
16 designates as critical to the operation of the
17 State’s election infrastructure.

18 “(C) Enhancing the cybersecurity and op-
19 erations of the information technology infra-
20 structure described in subparagraph (B).

21 “(D) Enhancing the security of voter reg-
22 istration databases.”.

23 (2) INCORPORATION OF ELECTION INFRA-
24 STRUCTURE PROTECTION IN STATE PLANS FOR USE
25 OF PAYMENTS.—Section 254(a)(1) of such Act (52

1 U.S.C. 21004(a)(1)) is amended by striking the pe-
2 riod at the end and inserting “, including the protec-
3 tion of election infrastructure.”.

4 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
5 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
6 MENTS.—Section 255 of such Act (52 U.S.C.
7 21005) is amended—

8 (A) by redesignating subsection (b) as sub-
9 section (c); and

10 (B) by inserting after subsection (a) the
11 following new subsection:

12 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
13 bers of the committee shall be a representative group of
14 individuals from the State’s counties, cities, towns, and
15 Indian tribes, and shall represent the needs of rural as
16 well as urban areas of the State, as the case may be.”.

17 (f) ENSURING PROTECTION OF COMPUTERIZED
18 STATEWIDE VOTER REGISTRATION LIST.—Section
19 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
20 ed by striking the period at the end and inserting “, as
21 well as other measures to prevent and deter cybersecurity
22 incidents, as identified by the Commission, the Secretary
23 of Homeland Security, and the Technical Guidelines De-
24 velopment Committee.”.

1 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

2 (a) IN GENERAL.—Section 901 of the Help America
3 Vote Act of 2001 (52 U.S.C. 21141) is amended to read
4 as follows:

5 **“SEC. 901. DEFINITIONS.**

6 “In this Act, the following definitions apply:

7 “(1) The term ‘cybersecurity incident’ has the
8 meaning given the term ‘incident’ in section 227 of
9 the Homeland Security Act of 2002 (6 U.S.C. 148).

10 “(2) The term ‘election infrastructure’ has the
11 meaning given such term in section 3501 of the
12 Election Security Act.

13 “(3) The term ‘State’ means each of the several
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, Guam, American Samoa, the United
16 States Virgin Islands, and the Commonwealth of the
17 Northern Mariana Islands.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of such Act is amended by amending the item relating to
20 section 901 to read as follows:

“Sec. 901. Definitions.”.

1 **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**
2 **RESULTS OF ELECTIONS**

3 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
4 **ITING AUDITS OF RESULTS OF ELECTIONS.**

5 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
6 II of the Help America Vote Act of 2002 (52 U.S.C.
7 21001 et seq.), as amended by sections 1906(a) and
8 3001(a), is amended by adding at the end the following
9 new part:

10 **“PART 9—GRANTS FOR CONDUCTING RISK-**
11 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
12 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
13 **DITS OF RESULTS OF ELECTIONS.**

14 “(a) AVAILABILITY OF GRANTS.—The Commission
15 shall make a grant to each eligible State to conduct risk-
16 limiting audits as described in subsection (b) with respect
17 to the regularly scheduled general elections for Federal of-
18 fice held in November 2020 and each succeeding election
19 for Federal office.

20 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
21 part, a ‘risk-limiting audit’ is a post-election process—

22 “(1) which is conducted in accordance with
23 rules and procedures established by the chief State
24 election official of the State which meet the require-
25 ments of subsection (c); and

1 “(2) under which, if the reported outcome of
2 the election is incorrect, there is at least a predeter-
3 mined percentage chance that the audit will replace
4 the incorrect outcome with the correct outcome as
5 determined by a full, hand-to-eye tabulation of all
6 votes validly cast in that election that ascertains
7 voter intent manually and directly from voter-
8 verifiable paper records.

9 “(c) REQUIREMENTS FOR RULES AND PROCE-
10 DURES.—The rules and procedures established for con-
11 ducting a risk-limiting audit shall include the following
12 elements:

13 “(1) Rules for ensuring the security of ballots
14 and documenting that prescribed procedures were
15 followed.

16 “(2) Rules and procedures for ensuring the ac-
17 curacy of ballot manifests produced by election agen-
18 cies.

19 “(3) Rules and procedures for governing the
20 format of ballot manifests, cast vote records, and
21 other data involved in the audit.

22 “(4) Methods to ensure that any cast vote
23 records used in the audit are those used by the vot-
24 ing system to tally the election results sent to the
25 chief State election official and made public.

1 “(5) Procedures for the random selection of
2 ballots to be inspected manually during each audit.

3 “(6) Rules for the calculations and other meth-
4 ods to be used in the audit and to determine wheth-
5 er and when the audit of an election is complete.

6 “(7) Procedures and requirements for testing
7 any software used to conduct risk-limiting audits.

8 “(d) DEFINITIONS.—In this part, the following defi-
9 nitions apply:

10 “(1) The term ‘ballot manifest’ means a record
11 maintained by each election agency that meets each
12 of the following requirements:

13 “(A) The record is created without reliance
14 on any part of the voting system used to tab-
15 ulate votes.

16 “(B) The record functions as a sampling
17 frame for conducting a risk-limiting audit.

18 “(C) The record contains the following in-
19 formation with respect to the ballots cast and
20 counted in the election:

21 “(i) The total number of ballots cast
22 and counted by the agency (including
23 undervotes, overvotes, and other invalid
24 votes).

1 “(ii) The total number of ballots cast
2 in each election administered by the agency
3 (including undervotes, overvotes, and other
4 invalid votes).

5 “(iii) A precise description of the
6 manner in which the ballots are physically
7 stored, including the total number of phys-
8 ical groups of ballots, the numbering sys-
9 tem for each group, a unique label for each
10 group, and the number of ballots in each
11 such group.

12 “(2) The term ‘incorrect outcome’ means an
13 outcome that differs from the outcome that would be
14 determined by a full tabulation of all votes validly
15 cast in the election, determining voter intent manu-
16 ally, directly from voter-verifiable paper records.

17 “(3) The term ‘outcome’ means the winner of
18 an election, whether a candidate or a position.

19 “(4) The term ‘reported outcome’ means the
20 outcome of an election which is determined accord-
21 ing to the canvass and which will become the official,
22 certified outcome unless it is revised by an audit, re-
23 count, or other legal process.

1 **“SEC. 299A. ELIGIBILITY OF STATES.**

2 “A State is eligible to receive a grant under this part
3 if the State submits to the Commission, at such time and
4 in such form as the Commission may require, an applica-
5 tion containing—

6 “(1) a certification that, not later than 5 years
7 after receiving the grant, the State will conduct risk-
8 limiting audits of the results of elections for Federal
9 office held in the State as described in section 299;

10 “(2) a certification that, not later than one year
11 after the date of the enactment of this section, the
12 chief State election official of the State has estab-
13 lished or will establish the rules and procedures for
14 conducting the audits which meet the requirements
15 of section 299(c);

16 “(3) a certification that the audit shall be com-
17 pleted not later than the date on which the State
18 certifies the results of the election;

19 “(4) a certification that, after completing the
20 audit, the State shall publish a report on the results
21 of the audit, together with such information as nec-
22 essary to confirm that the audit was conducted prop-
23 erly;

24 “(5) a certification that, if a risk-limiting audit
25 conducted under this part leads to a full manual
26 tally of an election, State law requires that the State

1 or election agency shall use the results of the full
2 manual tally as the official results of the election;
3 and

4 “(6) such other information and assurances as
5 the Commission may require.

6 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants
8 under this part \$20,000,000 for fiscal year 2019, to re-
9 main available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 of such Act, as amended by sections 1906(b) and 3001(b),
12 is further amended by adding at the end of the items relat-
13 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

14 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 6 months after the
16 first election for Federal office is held after grants are
17 first awarded to States for conducting risk-limiting under
18 part 9 of subtitle D of title II of the Help America Vote
19 Act of 2002 (as added by section 3011) for conducting
20 risk-limiting audits of elections for Federal office, the
21 Comptroller General of the United States shall conduct
22 an analysis of the extent to which such audits have im-

1 proved the administration of such elections and the secu-
2 rity of election infrastructure in the States receiving such
3 grants.

4 (b) REPORT.—The Comptroller General of the
5 United States shall submit a report on the analysis con-
6 ducted under subsection (a) to the appropriate congres-
7 sional committees.

8 **PART 3—[RESERVED]**

9 **Subtitle B—Security Measures**

10 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

11 Subparagraph (J) of section 2001(3) of the Home-
12 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
13 by inserting “, including election infrastructure” before
14 the period at the end.

15 **SEC. 3102. TIMELY THREAT INFORMATION.**

16 Subsection (d) of section 201 of the Homeland Secu-
17 rity Act of 2002 (6 U.S.C. 121) is amended by adding
18 at the end the following new paragraph:

19 “(27) To provide timely threat information re-
20 garding election infrastructure to the chief State
21 election official of the State with respect to which
22 such information pertains.”.

1 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**
2 **TION OFFICIALS.**

3 In order to promote the timely sharing of information
4 on threats to election infrastructure, the Secretary may—

5 (1) help expedite a security clearance for the
6 chief State election official and other appropriate
7 State personnel involved in the administration of
8 elections, as designated by the chief State election
9 official;

10 (2) sponsor a security clearance for the chief
11 State election official and other appropriate State
12 personnel involved in the administration of elections,
13 as designated by the chief State election official; and

14 (3) facilitate the issuance of a temporary clear-
15 ance to the chief State election official and other ap-
16 propriate State personnel involved in the administra-
17 tion of elections, as designated by the chief State
18 election official, if the Secretary determines classi-
19 fied information to be timely and relevant to the
20 election infrastructure of the State at issue.

21 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
22 **MENTS.**

23 (a) **IN GENERAL.**—Paragraph (6) of section 227(c)
24 of the Homeland Security Act of 2002 (6 U.S.C. 148(c))
25 is amended by inserting “(including by carrying out a se-

1 curity risk and vulnerability assessment)” after “risk
2 management support”.

3 (b) PRIORITIZATION TO ENHANCE ELECTION SECUR-
4 RITY.—

5 (1) IN GENERAL.—Not later than 90 days after
6 receiving a written request from a chief State elec-
7 tion official, the Secretary shall, to the extent prac-
8 ticable, commence a security risk and vulnerability
9 assessment (pursuant to paragraph (6) of section
10 227(c) of the Homeland Security Act of 2002, as
11 amended by subsection (a)) on election infrastruc-
12 ture in the State at issue.

13 (2) NOTIFICATION.—If the Secretary, upon re-
14 ceipt of a request described in paragraph (1), deter-
15 mines that a security risk and vulnerability assess-
16 ment cannot be commenced within 90 days, the Sec-
17 retary shall expeditiously notify the chief State elec-
18 tion official who submitted such request.

19 **SEC. 3105. ANNUAL REPORTS.**

20 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—
21 Not later than one year after the date of the enactment
22 of this Act and annually thereafter through 2026, the Sec-
23 retary shall submit to the appropriate congressional com-
24 mittees—

1 (1) efforts to carry out section 203 during the
2 prior year, including specific information on which
3 States were helped, how many officials have been
4 helped in each State, how many security clearances
5 have been sponsored in each State, and how many
6 temporary clearances have been issued in each State;
7 and

8 (2) efforts to carry out section 205 during the
9 prior year, including specific information on which
10 States were helped, the dates on which the Secretary
11 received a request for a security risk and vulner-
12 ability assessment pursuant to such section, the
13 dates on which the Secretary commenced each such
14 request, and the dates on which the Secretary trans-
15 mitted a notification in accordance with subsection
16 (b)(2) of such section.

17 (b) **REPORTS ON FOREIGN THREATS.**—Not later
18 than 90 days after the end of each fiscal year (beginning
19 with fiscal year 2019), the Secretary and the Director of
20 National Intelligence, in coordination with the heads of
21 appropriate offices of the Federal government, shall sub-
22 mit a joint report to the appropriate congressional com-
23 mittees on foreign threats to elections in the United
24 States, including physical and cybersecurity threats.

1 (c) INFORMATION FROM STATES.—For purposes of
2 preparing the reports required under this section, the Sec-
3 retary shall solicit and consider information and comments
4 from States and election agencies, except that the provi-
5 sion of such information and comments by a State or elec-
6 tion agency shall be voluntary and at the discretion of the
7 State or agency.

8 **Subtitle C—Enhancing Protections**
9 **for United States Democratic In-**
10 **stitutions**

11 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**
12 **STATES DEMOCRATIC INSTITUTIONS.**

13 (a) IN GENERAL.—Not later than one year after the
14 date of the enactment of this Act, the President, acting
15 through the Secretary, in consultation with the Chairman,
16 the Secretary of Defense, the Secretary of State, the At-
17 torney General, the Secretary of Education, the Director
18 of National Intelligence, the Chairman of the Federal
19 Election Commission, and the heads of any other appro-
20 priate Federal agencies, shall issue a national strategy to
21 protect against cyber attacks, influence operations,
22 disinformation campaigns, and other activities that could
23 undermine the security and integrity of United States
24 democratic institutions.

1 (b) CONSIDERATIONS.—The national strategy re-
2 quired under subsection (a) shall include consideration of
3 the following:

4 (1) The threat of a foreign state actor, foreign
5 terrorist organization (as designated pursuant to
6 section 219 of the Immigration and Nationality Act
7 (8 U.S.C. 1189)), or a domestic actor carrying out
8 a cyber attack, influence operation, disinformation
9 campaign, or other activity aimed at undermining
10 the security and integrity of United States demo-
11 cratic institutions.

12 (2) The extent to which United States demo-
13 cratic institutions are vulnerable to a cyber attack,
14 influence operation, disinformation campaign, or
15 other activity aimed at undermining the security and
16 integrity of such democratic institutions.

17 (3) Potential consequences, such as an erosion
18 of public trust or an undermining of the rule of law,
19 that could result from a successful cyber attack, in-
20 fluence operation, disinformation campaign, or other
21 activity aimed at undermining the security and in-
22 tegrity of United States democratic institutions.

23 (4) Lessons learned from other Western govern-
24 ments the institutions of which were subject to a
25 cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining
2 the security and integrity of such institutions, as
3 well as actions that could be taken by the United
4 States Government to bolster collaboration with for-
5 eign partners to detect, deter, prevent, and counter
6 such activities.

7 (5) Potential impacts such as an erosion of
8 public trust in democratic institutions as could be
9 associated with a successful cyber breach or other
10 activity negatively-affecting election infrastructure.

11 (6) Roles and responsibilities of the Secretary,
12 the Chairman, and the heads of other Federal enti-
13 ties and non-Federal entities, including chief State
14 election officials and representatives of multi-state
15 information sharing and analysis center.

16 (7) Any findings, conclusions, and recommenda-
17 tions to strengthen protections for United States
18 democratic institutions that have been agreed to by
19 a majority of Commission members on the National
20 Commission to Protect United States Democratic
21 Institutions, authorized pursuant to section 32002.

22 (c) IMPLEMENTATION PLAN.—Not later than 90
23 days after the issuance of the national strategy required
24 under subsection (a), the President, acting through the
25 Secretary, in coordination with the Chairman, shall issue

1 an implementation plan for Federal efforts to implement
2 such strategy that includes the following:

3 (1) Strategic objectives and corresponding
4 tasks.

5 (2) Projected timelines and costs for the tasks
6 referred to in paragraph (1).

7 (3) Metrics to evaluate performance of such
8 tasks.

9 (d) CLASSIFICATION.—The national strategy re-
10 quired under subsection (a) shall be in unclassified form
11 but may contain a classified annex.

12 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
13 **STATES DEMOCRATIC INSTITUTIONS.**

14 (a) ESTABLISHMENT.—There is established within
15 the legislative branch the National Commission to Protect
16 United States Democratic Institutions (hereafter in this
17 section referred to as the “Commission”).

18 (b) PURPOSE.—The purpose of the Commission is to
19 counter efforts to undermine democratic institutions with-
20 in the United States.

21 (c) COMPOSITION.—

22 (1) MEMBERSHIP.—The Commission shall be
23 composed of 10 members appointed for the life of
24 the Commission as follows:

1 (A) One member shall be appointed by the
2 Secretary.

3 (B) One member shall be appointed by the
4 Chairman.

5 (C) 2 members shall be appointed by the
6 majority leader of the Senate, in consultation
7 with the Chairman of the Committee on Home-
8 land Security and Governmental Affairs, the
9 Chairman of the Committee on the Judiciary,
10 and the Chairman of the Committee on Rules
11 and Administration.

12 (D) 2 members shall be appointed by the
13 minority leader of the Senate, in consultation
14 with the ranking minority member of the Com-
15 mittee on Homeland Security and Govern-
16 mental Affairs, the ranking minority member of
17 the Committee on the Judiciary, and the rank-
18 ing minority member of the Committee on
19 Rules and Administration.

20 (E) 2 members shall be appointed by the
21 Speaker of the House of Representatives, in
22 consultation with the Chairman of the Com-
23 mittee on Homeland Security, the Chairman of
24 the Committee on House Administration, and

1 the Chairman of the Committee on the Judici-
2 ary.

3 (F) 2 members shall be appointed by the
4 minority leader of the House of Representa-
5 tives, in consultation with the ranking minority
6 member of the Committee on Homeland Secu-
7 rity, the ranking minority member of the Com-
8 mittee on the Judiciary, and the ranking minor-
9 ity member of the Committee on House Admin-
10 istration.

11 (2) QUALIFICATIONS.—Individuals shall be se-
12 lected for appointment to the Commission solely on
13 the basis of their professional qualifications, achieve-
14 ments, public stature, experience, and expertise in
15 relevant fields, including, but not limited to cyberse-
16 curity, national security, and the Constitution of the
17 United States.

18 (3) NO COMPENSATION FOR SERVICE.—Mem-
19 bers shall not receive compensation for service on
20 the Commission, but shall receive travel expenses,
21 including per diem in lieu of subsistence, in accord-
22 ance with chapter 57 of title 5, United States Code.

23 (4) DEADLINE FOR APPOINTMENT.—All mem-
24 bers of the Commission shall be appointed no later

1 than 60 days after the date of the enactment of this
2 Act.

3 (5) VACANCIES.—A vacancy on the Commission
4 shall not affect its powers and shall be filled in the
5 manner in which the original appointment was
6 made. The appointment of the replacement member
7 shall be made not later than 60 days after the date
8 on which the vacancy occurs.

9 (d) CHAIR AND VICE CHAIR.—The Commission shall
10 elect a Chair and Vice Chair from among its members.

11 (e) QUORUM AND MEETINGS.—

12 (1) QUORUM.—The Commission shall meet and
13 begin the operations of the Commission not later
14 than 30 days after the date on which all members
15 have been appointed or, if such meeting cannot be
16 mutually agreed upon, on a date designated by the
17 Speaker of the House of Representatives and the
18 President pro Tempore of the Senate. Each subse-
19 quent meeting shall occur upon the call of the Chair
20 or a majority of its members. A majority of the
21 members of the Commission shall constitute a
22 quorum, but a lesser number may hold meetings.

23 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
24 COMMISSION.—Any member of the Commission may,
25 if authorized by the Commission, take any action

1 that the Commission is authorized to take under this
2 section.

3 (f) POWERS.—

4 (1) HEARINGS AND EVIDENCE.—The Commis-
5 sion (or, on the authority of the Commission, any
6 subcommittee or member thereof) may, for the pur-
7 pose of carrying out this section, hold hearings and
8 sit and act at such times and places, take such testi-
9 mony, receive such evidence, and administer such
10 oaths as the Commission considers advisable to
11 carry out its duties.

12 (2) CONTRACTING.—The Commission may, to
13 such extent and in such amounts as are provided in
14 appropriation Acts, enter into contracts to enable
15 the Commission to discharge its duties under this
16 section.

17 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

18 (1) GENERAL SERVICES ADMINISTRATION.—
19 The Administrator of General Services shall provide
20 to the Commission on a reimbursable basis adminis-
21 trative support and other services for the perform-
22 ance of the Commission's functions.

23 (2) OTHER DEPARTMENTS AND AGENCIES.—In
24 addition to the assistance provided under paragraph
25 (1), the Department of Homeland Security, the

1 Election Assistance Commission, and other appro-
2 priate departments and agencies of the United
3 States shall provide to the Commission such serv-
4 ices, funds, facilities, and staff as they may deter-
5 mine advisable and as may be authorized by law.

6 (h) PUBLIC MEETINGS.—Any public meetings of the
7 Commission shall be conducted in a manner consistent
8 with the protection of information provided to or developed
9 for or by the Commission as required by any applicable
10 statute, regulation, or Executive order.

11 (i) SECURITY CLEARANCES.—

12 (1) IN GENERAL.—The heads of appropriate
13 departments and agencies of the executive branch
14 shall cooperate with the Commission to expeditiously
15 provide Commission members and staff with appro-
16 priate security clearances to the extent possible
17 under applicable procedures and requirements.

18 (2) PREFERENCES.—In appointing staff, ob-
19 taining detailees, and entering into contracts for the
20 provision of services for the Commission, the Com-
21 mission shall give preference to individuals otherwise
22 who have active security clearances.

23 (j) REPORTS.—

24 (1) INTERIM REPORTS.—At any time prior to
25 the submission of the final report under paragraph

1 (2), the Commission may submit interim reports to
2 the President and Congress such findings, conclu-
3 sions, and recommendations to strengthen protec-
4 tions for democratic institutions in the United
5 States as have been agreed to by a majority of the
6 members of the Commission.

7 (2) FINAL REPORT.—Not later than 18 months
8 after the date of the first meeting of the Commis-
9 sion, the Commission shall submit to the President
10 and Congress a final report containing such find-
11 ings, conclusions, and recommendations to strength-
12 en protections for democratic institutions in the
13 United States as have been agreed to by a majority
14 of the members of the Commission.

15 (k) TERMINATION.—

16 (1) IN GENERAL.—The Commission shall termi-
17 nate upon the expiration of the 60-day period which
18 begins on the date on which the Commission submits
19 the final report required under subsection (j)(2).

20 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
21 TERMINATION.—During the 60-day period described
22 in paragraph (2), the Commission may carry out
23 such administrative activities as may be required to
24 conclude its work, including providing testimony to

1 committees of Congress concerning the final report
2 and disseminating the final report.

3 **Subtitle D—Promoting Cybersecu-**
4 **rity Through Improvements in**
5 **Election Administration**

6 **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-**
7 **SURE COMPLIANCE WITH ELECTION CYBER-**
8 **SECURITY GUIDELINES AND OTHER GUIDE-**
9 **LINES.**

10 (a) REQUIRING TESTING OF EXISTING VOTING SYS-
11 TEMS.—

12 (1) IN GENERAL.—Section 231(a) of the Help
13 America Vote Act of 2002 (52 U.S.C. 20971(a)) is
14 amended by adding at the end the following new
15 paragraph:

16 “(3) TESTING TO ENSURE COMPLIANCE WITH
17 GUIDELINES.—

18 “(A) TESTING.—Not later than 9 months
19 before the date of each regularly scheduled gen-
20 eral election for Federal office, the Commission
21 shall provide for the testing by accredited lab-
22 oratories under this section of the voting system
23 hardware and software which was certified for
24 use in the most recent such election, on the
25 basis of the most recent voting system guide-

1 lines applicable to such hardware or software
2 (including election cybersecurity guidelines)
3 issued under this Act.

4 “(B) DECERTIFICATION OF HARDWARE OR
5 SOFTWARE FAILING TO MEET GUIDELINES.—If,
6 on the basis of the testing described in subpara-
7 graph (A), the Commission determines that any
8 voting system hardware or software does not
9 meet the most recent guidelines applicable to
10 such hardware or software issued under this
11 Act, the Commission shall decertify such hard-
12 ware or software.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) shall apply with respect to the reg-
15 ularly scheduled general election for Federal office
16 held in November 2020 and each succeeding regu-
17 larly scheduled general election for Federal office.

18 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
19 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—
20 Section 221(b) of the Help America Vote Act of 2002 (52
21 U.S.C. 20961(b)) is amended by adding at the end the
22 following new paragraph:

23 “(3) ELECTION CYBERSECURITY GUIDE-
24 LINES.—Not later than 6 months after the date of
25 the enactment of this paragraph, the Development

1 Committee shall issue election cybersecurity guide-
2 lines, including standards and best practices for pro-
3 curing, maintaining, testing, operating, and updat-
4 ing election systems to prevent and deter cybersecu-
5 rity incidents.”.

6 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**
7 **PART OF VOTING SYSTEMS.**

8 (a) INCLUSION IN DEFINITION OF VOTING SYS-
9 TEM.—Section 301(b) of the Help America Vote Act of
10 2002 (52 U.S.C. 21081(b)) is amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “this section” and inserting “this Act”;

13 (2) by striking “and” at the end of paragraph
14 (1);

15 (3) by redesignating paragraph (2) as para-
16 graph (3); and

17 (4) by inserting after paragraph (1) the fol-
18 lowing new paragraph:

19 “(2) any electronic poll book used with respect
20 to the election; and”.

21 (b) DEFINITION.—Section 301 of such Act (52
22 U.S.C. 21081) is amended—

23 (1) by redesignating subsections (c) and (d) as
24 subsections (d) and (e); and

1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) **ELECTRONIC POLL BOOK DEFINED.**—In this
4 Act, the term ‘electronic poll book’ means the total com-
5 bination of mechanical, electromechanical, or electronic
6 equipment (including the software, firmware, and docu-
7 mentation required to program, control, and support the
8 equipment) that is used—

9 “(1) to retain the list of registered voters at a
10 polling location, or vote center, or other location at
11 which voters cast votes in an election for Federal of-
12 fice; and

13 “(2) to identify registered voters who are eligi-
14 ble to vote in an election.”.

15 (c) **EFFECTIVE DATE.**—Section 301(e) of such Act
16 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
17 is amended by striking the period at the end and inserting
18 the following: “, or, with respect to any requirements re-
19 lating to electronic poll books, on and after January 1,
20 2020”.

21 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**
22 **USAGE.**

23 (a) **REQUIRING STATES TO SUBMIT REPORTS.**—Title
24 III of the Help America Vote Act of 2002 (52 U.S.C.

1 21081 et seq.) is amended by inserting after section 301
2 the following new section:

3 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
4 **USAGE.**

5 “(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Not
6 later than 120 days before the date of each regularly
7 scheduled general election for Federal office, the chief
8 State election official of a State shall submit a report to
9 the Commission containing a detailed voting system usage
10 plan for each jurisdiction in the State which will admin-
11 ister the election, including a detailed plan for the usage
12 of electronic poll books and other equipment and compo-
13 nents of such system.

14 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply
15 with respect to the regularly scheduled general election for
16 Federal office held in November 2020 and each succeeding
17 regularly scheduled general election for Federal office.”.

18 (b) **CLERICAL AMENDMENT.**—The table of contents
19 of such Act is amended by inserting after the item relating
20 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

21 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**
22 **FORMATION.**

23 Section 202 of the Help America Vote Act of 2002
24 (52 U.S.C. 20922) is amended—

1 (1) by striking “The Commission” and insert-
2 ing “(a) IN GENERAL.—The Commission”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-
6 chapter I of chapter 35 of title 44, United States Code,
7 shall not apply to the collection of information for pur-
8 poses of maintaining the clearinghouse described in para-
9 graph (1) of subsection (a).”.

10 **Subtitle E—Preventing Election** 11 **Hacking**

12 **SEC. 3401. SHORT TITLE.**

13 This subtitle may be cited as the “Prevent Election
14 Hacking Act of 2019”.

15 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

16 (a) ESTABLISHMENT.—Not later than 1 year after
17 the date of the enactment of this Act, the Secretary shall
18 establish a program to be known as the “Election Security
19 Bug Bounty Program” (hereafter in this subtitle referred
20 to as the “Program”) to improve the cybersecurity of the
21 systems used to administer elections for Federal office by
22 facilitating and encouraging assessments by independent
23 technical experts, in cooperation with State and local elec-
24 tion officials and election service providers, to identify and
25 report election cybersecurity vulnerabilities.

1 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-
2 CIALS AND ELECTION SERVICE PROVIDERS.—

3 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-
4 GRAM.—Participation in the Program shall be en-
5 tirely voluntary for State and local election officials
6 and election service providers.

7 (2) ENCOURAGING PARTICIPATION AND INPUT
8 FROM ELECTION OFFICIALS.—In developing the Pro-
9 gram, the Secretary shall solicit input from, and en-
10 courage participation by, State and local election of-
11 ficials.

12 (c) ACTIVITIES FUNDED.—In establishing and car-
13 rying out the Program, the Secretary shall—

14 (1) establish a process for State and local elec-
15 tion officials and election service providers to volun-
16 tarily participate in the Program;

17 (2) designate appropriate information systems
18 to be included in the Program;

19 (3) provide compensation to eligible individuals,
20 organizations, and companies for reports of pre-
21 viously unidentified security vulnerabilities within
22 the information systems designated under subpara-
23 graph (A) and establish criteria for individuals, or-
24 ganizations, and companies to be considered eligible

1 for such compensation in compliance with Federal
2 laws;

3 (4) consult with the Attorney General on how
4 to ensure that approved individuals, organizations,
5 or companies that comply with the requirements of
6 the Program are protected from prosecution under
7 section 1030 of title 18, United States Code, and
8 similar provisions of law, and from liability under
9 civil actions for specific activities authorized under
10 the Program;

11 (5) consult with the Secretary of Defense and
12 the heads of other departments and agencies that
13 have implemented programs to provide compensation
14 for reports of previously undisclosed vulnerabilities
15 in information systems, regarding lessons that may
16 be applied from such programs;

17 (6) develop an expeditious process by which an
18 individual, organization, or company can register
19 with the Department, submit to a background check
20 as determined by the Department, and receive a de-
21 termination as to eligibility for participation in the
22 Program; and

23 (7) engage qualified interested persons, includ-
24 ing representatives of private entities, about the
25 structure of the Program and, to the extent prac-

1 ticable, establish a recurring competition for inde-
2 pendent technical experts to assess election systems
3 for the purpose of identifying and reporting election
4 cybersecurity vulnerabilities;

5 (d) USE OF SERVICE PROVIDERS.—The Secretary
6 may award competitive contracts as necessary to manage
7 the Program.

8 **SEC. 3403. DEFINITIONS.**

9 In this subtitle, the following definitions apply:

10 (1) The terms “election” and “Federal office”
11 have the meanings given such terms in section 301
12 of the Federal Election Campaign Act of 1971 (52
13 U.S.C. 30101).

14 (2) The term “election cybersecurity vulner-
15 ability” means any security vulnerability (as defined
16 in section 102 of the Cybersecurity Information
17 Sharing Act of 2015 (6 U.S.C. 1501)) that affects
18 an election system.

19 (3) The term “election service provider” means
20 any person providing, supporting, or maintaining an
21 election system on behalf of a State or local election
22 official, such as a contractor or vendor.

23 (4) The term “election system” means any in-
24 formation system (as defined in section 3502 of title

1 44, United States Code) which is part of an election
2 infrastructure.

3 (5) The term “Secretary” means the Secretary
4 of Homeland Security, or, upon designation by the
5 Secretary of Homeland Security, the Deputy Sec-
6 retary of Homeland Security, the Director of Cyber-
7 security and Infrastructure Security of the Depart-
8 ment of Homeland Security, or a Senate-confirmed
9 official that reports to the Director.

10 (6) The term “State” means each of the several
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, Guam, American Samoa, the Com-
13 monwealth of Northern Mariana Islands, and the
14 United States Virgin Islands.

15 (7) The term “voting system” has the meaning
16 given such term in section 301(b) of the Help Amer-
17 ica Vote Act of 2002 (52 U.S.C. 21081(b)).

18 **Subtitle F—Miscellaneous**

19 **Provisions**

20 **SEC. 3501. DEFINITIONS.**

21 Except as provided in section 3404, in this title, the
22 following definitions apply:

23 (1) The term “Chairman” means the chair of
24 the Election Assistance Commission.

1 (2) The term “appropriate congressional com-
2 mittees” means the Committees on Homeland Secu-
3 rity and House Administration of the House of Rep-
4 resentatives and the Committees on Homeland Secu-
5 rity and Governmental Affairs and Rules and Ad-
6 ministration of the Senate.

7 (3) The term “chief State election official”
8 means, with respect to a State, the individual des-
9 ignated by the State under section 10 of the Na-
10 tional Voter Registration Act of 1993 (52 U.S.C.
11 20509) to be responsible for coordination of the
12 State’s responsibilities under such Act.

13 (4) The term “Commission” means the Election
14 Assistance Commission.

15 (5) The term “democratic institutions” means
16 the diverse range of institutions that are essential to
17 ensuring an independent judiciary, free and fair elec-
18 tions, and rule of law.

19 (6) The term “election agency” means any com-
20 ponent of a State, or any component of a unit of
21 local government in a State, which is responsible for
22 the administration of elections for Federal office in
23 the State.

24 (7) The term “election infrastructure” means
25 storage facilities, polling places, and centralized vote

1 tabulation locations used to support the administra-
2 tion of elections for public office, as well as related
3 information and communications technology, includ-
4 ing voter registration databases, voting machines,
5 electronic mail and other communications systems
6 (including electronic mail and other systems of ven-
7 dors who have entered into contracts with election
8 agencies to support the administration of elections,
9 manage the election process, and report and display
10 election results), and other systems used to manage
11 the election process and to report and display elec-
12 tion results on behalf of an election agency.

13 (8) The term “Secretary” means the Secretary
14 of Homeland Security.

15 (9) The term “State” has the meaning given
16 such term in section 901 of the Help America Vote
17 Act of 2002 (52 U.S.C. 21141).

18 **SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES**

19 **AVAILABLE FOR IMPLEMENTATION.**

20 Not later than 120 days after enactment of this Act,
21 the Chairman and the Secretary shall submit a report to
22 the appropriate committees of Congress, including the
23 Committees on Homeland Security and House Adminis-
24 tration of the House of Representatives and the Com-
25 mittee on Homeland Security and Governmental Affairs

1 of the Senate, analyzing the adequacy of the funding, re-
 2 sources, and personnel available to carry out this title and
 3 the amendments made by this title.

4 **Subtitle G—Severability**

5 **SEC. 3601. SEVERABILITY.**

6 If any provision of this title or amendment made by
 7 this title, or the application of a provision or amendment
 8 to any person or circumstance, is held to be unconstitu-
 9 tional, the remainder of this title and amendments made
 10 by this title, and the application of the provisions and
 11 amendment to any person or circumstance, shall not be
 12 affected by the holding.

13 **DIVISION B—CAMPAIGN**

14 **FINANCE**

15 **TITLE IV—CAMPAIGN FINANCE**

16 **TRANSPARENCY**

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Application of ban on contributions and expenditures by foreign na-
 tionals to domestic corporations, limited liability corporations,
 and partnerships that are foreign-controlled, foreign-influenced,
 and foreign-owned.

Sec. 4102. Clarification of application of foreign money ban to certain disburse-
 ments and activities.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 4111. Reporting of campaign-related disbursements.

Sec. 4112. Application of foreign money ban to disbursements for campaign-re-
 lated disbursements consisting of covered transfers.

Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

Sec. 4121. Petition for certiorari.

Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. Findings.

Sec. 4204. Sense of Congress.

Sec. 4205. Expansion of definition of public communication.

Sec. 4206. Expansion of definition of electioneering communication.

Sec. 4207. Application of disclaimer statements to online communications.

Sec. 4208. Political record requirements for online platforms.

Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Subtitle D—Stand By Every Ad

Sec. 4301. Short title.

Sec. 4302. Stand By Every Ad.

Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.

Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.

Sec. 4305. Effective date.

Subtitle E—[Reserved]

Subtitle F—[Reserved]

Subtitle G—[Reserved]

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4701. Short title.

Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

Sec. 4801. Severability.

1 **Subtitle A—Findings Relating to Il-**
2 **licit Money Undermining Our**
3 **Democracy**

4 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-**
5 **MINING OUR DEMOCRACY.**

6 Congress finds the following:

7 (1) Criminals, terrorists, and corrupt govern-
8 ment officials frequently abuse anonymously held
9 Limited Liability Companies (LLCs), also known as
10 “shell companies,” to hide, move, and launder the
11 dirty money derived from illicit activities such as
12 trafficking, bribery, exploitation, and embezzlement.
13 Ownership and control of the finances that run
14 through shell companies are obscured to regulators
15 and law enforcement because little information is re-
16 quired and collected when establishing these entities.

17 (2) The public release of the “Panama Papers”
18 in 2016 and the “Paradise Papers” in 2017 revealed
19 that these shell companies often purchase and sell
20 United States real estate. United States anti-money
21 laundering laws do not apply to cash transactions in-
22 volving real estate effectively concealing the bene-
23 ficiaries and transactions from regulators and law
24 enforcement.

1 (3) Congress should curb the use of anonymous
2 shell companies for illicit purposes by requiring
3 United States companies to disclose their beneficial
4 owners, strengthening anti-money laundering and
5 counter-terrorism finance laws.

6 (4) Congress should examine the money laun-
7 dering and terrorist financing risks in the real estate
8 market, including the role of anonymous parties, and
9 review legislation to address any vulnerabilities iden-
10 tified in this sector.

11 (5) Congress should examine the methods by
12 which corruption flourishes and the means to detect
13 and deter the financial misconduct that fuels this
14 driver of global instability. Congress should monitor
15 government efforts to enforce United States anti-
16 corruption laws and regulations.

17 **Subtitle B—DISCLOSE Act**

18 **SEC. 4100. SHORT TITLE.**

19 This subtitle may be cited as the “Democracy Is
20 Strengthened by Casting Light On Spending in Elections
21 Act of 2019” or the “DISCLOSE Act of 2019”.

1 **PART 1—REGULATION OF CERTAIN POLITICAL**
2 **SPENDING**
3 **SEC. 4101. APPLICATION OF BAN ON CONTRIBUTIONS AND**
4 **EXPENDITURES BY FOREIGN NATIONALS TO**
5 **DOMESTIC CORPORATIONS, LIMITED LIABIL-**
6 **ITY CORPORATIONS, AND PARTNERSHIPS**
7 **THAT ARE FOREIGN-CONTROLLED, FOREIGN-**
8 **INFLUENCED, AND FOREIGN-OWNED.**

9 (a) APPLICATION OF BAN.—

10 (1) IN GENERAL.—Section 319(b) of the Fed-
11 eral Election Campaign Act of 1971 (52 U.S.C.
12 30121(b)) is amended—

13 (A) by striking “or” at the end of para-
14 graph (1);

15 (B) by striking the period at the end of
16 paragraph (2) and inserting “; or”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(3) except as provided under subsection (c),
20 any corporation, limited liability corporation, or
21 partnership which is not a foreign national described
22 in paragraph (1) and—

23 “(A) in which a foreign national described
24 in paragraph (1) or (2) directly or indirectly
25 owns or controls—

1 “(i) 5 percent or more of the voting
2 shares, if the foreign national is a foreign
3 country, a foreign government official, or a
4 corporation principally owned or controlled
5 by a foreign country or foreign government
6 official; or

7 “(ii) 20 percent or more of the voting
8 shares, if the foreign national is not de-
9 scribed in clause (i);

10 “(B) in which two or more foreign nation-
11 als described in paragraph (1) or (2), each of
12 whom owns or controls at least 5 percent of the
13 voting shares, directly or indirectly own or con-
14 trol 50 percent or more of the voting shares;

15 “(C) over which one or more foreign na-
16 tionals described in paragraph (1) or (2) has
17 the power to direct, dictate, or control the deci-
18 sionmaking process of the corporation, limited
19 liability corporation, or partnership with respect
20 to its interests in the United States; or

21 “(D) over which one or more foreign na-
22 tionals described in paragraph (1) or (2) has
23 the power to direct, dictate, or control the deci-
24 sionmaking process of the corporation, limited
25 liability corporation, or partnership with respect

1 to activities in connection with a Federal, State,
2 or local election, including—

3 “(i) the making of a contribution, do-
4 nation, expenditure, independent expendi-
5 ture, or disbursement for an electioneering
6 communication (within the meaning of sec-
7 tion 304(f)(3)); or

8 “(ii) the administration of a political
9 committee established or maintained by the
10 corporation.”.

11 (2) ACTIVITIES OF CORPORATE PACS OF DO-
12 MESTIC SUBSIDIARIES.—Section 319 of such Act (52
13 U.S.C. 30121) is amended by adding at the end the
14 following new subsection:

15 “(c) ACTIVITIES OF CORPORATE PACS OF DOMESTIC
16 SUBSIDIARIES.—Notwithstanding subsection (a), a for-
17 eign national described in subparagraph (A), (B), or (C)
18 of subsection (b)(3) which is a domestic corporation whose
19 principal place of business is within the United States may
20 establish, administer and solicit contributions to a sepa-
21 rate segregated fund pursuant to section 316(b)(2)(C) so
22 long as—

23 “(1) the foreign national parent corporation of
24 such domestic corporation does not directly or indi-

1 rectly finance the establishment, administration, or
2 solicitation activities of the fund; and

3 “(2) the fund is in compliance with complies
4 with the requirements of section 316(b)(8).”.

5 (b) CERTIFICATION OF COMPLIANCE.—Section 319
6 of such Act (52 U.S.C. 30121), as amended by subsection
7 (a)(2), is further amended by adding at the end the fol-
8 lowing new subsection:

9 “(d) CERTIFICATION OF COMPLIANCE REQUIRED
10 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
11 ing in connection with an election for Federal office of any
12 contribution, donation, expenditure, independent expendi-
13 ture, or disbursement for an electioneering communication
14 by a corporation, limited liability corporation, or partner-
15 ship during a year, the chief executive officer of the cor-
16 poration, limited liability corporation, or partnership (or,
17 if the corporation, limited liability corporation, or partner-
18 ship does not have a chief executive officer, the highest
19 ranking official of the corporation, limited liability cor-
20 poration, or partnership), shall file a certification with the
21 Commission, under penalty of perjury, that the corpora-
22 tion, limited liability corporation, or partnership is not
23 prohibited from carrying out such activity under sub-
24 section (b)(3), unless the chief executive officer has pre-

1 viously filed such a certification during that calendar
2 year.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect upon the expiration of the
5 180-day period which begins on the date of the enactment
6 of this Act, and shall take effect without regard to whether
7 or not the Federal Election Commission has promulgated
8 regulations to carry out such amendments.

9 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
10 **MONEY BAN TO CERTAIN DISBURSEMENTS**
11 **AND ACTIVITIES.**

12 (a) APPLICATION TO DISBURSEMENTS TO SUPER
13 PACS.—Section 319(a)(1)(A) of the Federal Election
14 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
15 amended by striking the semicolon and inserting the fol-
16 lowing: “, including any disbursement to a political com-
17 mittee which accepts donations or contributions that do
18 not comply with the limitations, prohibitions, and report-
19 ing requirements of this Act (or any disbursement to or
20 on behalf of any account of a political committee which
21 is established for the purpose of accepting such donations
22 or contributions);”.

23 (b) CONDITIONS UNDER WHICH CORPORATE PACS
24 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-

1 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
2 by adding at the end the following new paragraph:

3 “(8) A separate segregated fund established by a cor-
4 poration may not make a contribution or expenditure dur-
5 ing a year unless the fund has certified to the Commission
6 the following during the year:

7 “(A) Each individual who manages the fund,
8 and who is responsible for exercising decisionmaking
9 authority for the fund, is a citizen of the United
10 States or is lawfully admitted for permanent resi-
11 dence in the United States.

12 “(B) No foreign national under section 319
13 participates in any way in the decisionmaking proc-
14 esses of the fund with regard to contributions or ex-
15 penditures under this Act.

16 “(C) The fund does not solicit or accept rec-
17 ommendations from any foreign national under sec-
18 tion 319 with respect to the contributions or expend-
19 itures made by the fund.

20 “(D) Any member of the board of directors of
21 the corporation who is a foreign national under sec-
22 tion 319 abstains from voting on matters concerning
23 the fund or its activities.”.

1 **PART 2—REPORTING OF CAMPAIGN-RELATED**
2 **DISBURSEMENTS**

3 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
4 **MENTS.**

5 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
6 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
7 ENTITIES.—

8 (1) IN GENERAL.—Section 324 of the Federal
9 Election Campaign Act of 1971 (52 U.S.C. 30126)
10 is amended to read as follows:

11 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
12 **MENTS BY COVERED ORGANIZATIONS.**

13 “(a) DISCLOSURE STATEMENT.—

14 “(1) IN GENERAL.—Any covered organization
15 that makes campaign-related disbursements aggregating
16 more than \$10,000 in an election reporting
17 cycle shall, not later than 24 hours after each disclosure
18 date, file a statement with the Commission
19 made under penalty of perjury that contains the information
20 described in paragraph (2)—

21 “(A) in the case of the first statement filed
22 under this subsection, for the period beginning
23 on the first day of the election reporting cycle
24 (or, if earlier, the period beginning one year before
25 the first such disclosure date) and ending
26 on the first such disclosure date; and

1 “(B) in the case of any subsequent state-
2 ment filed under this subsection, for the period
3 beginning on the previous disclosure date and
4 ending on such disclosure date.

5 “(2) INFORMATION DESCRIBED.—The informa-
6 tion described in this paragraph is as follows:

7 “(A) The name of the covered organization
8 and the principal place of business of such or-
9 ganization and, in the case of a covered organi-
10 zation that is a corporation (other than a busi-
11 ness concern that is an issuer of a class of secu-
12 rities registered under section 12 of the Securi-
13 ties Exchange Act of 1934 (15 U.S.C. 78l) or
14 that is required to file reports under section
15 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
16 tity described in subsection (e)(2), a list of the
17 beneficial owners (as defined in paragraph
18 (4)(A)) of the entity that—

19 “(i) identifies each beneficial owner by
20 name and current residential or business
21 street address; and

22 “(ii) if any beneficial owner exercises
23 control over the entity through another
24 legal entity, such as a corporation, partner-
25 ship, limited liability company, or trust,

1 identifies each such other legal entity and
2 each such beneficial owner who will use
3 that other entity to exercise control over
4 the entity.

5 “(B) The amount of each campaign-related
6 disbursement made by such organization during
7 the period covered by the statement of more
8 than \$1,000, and the name and address of the
9 person to whom the disbursement was made.

10 “(C) In the case of a campaign-related dis-
11 bursement that is not a covered transfer, the
12 election to which the campaign-related disburse-
13 ment pertains and if the disbursement is made
14 for a public communication, the name of any
15 candidate identified in such communication and
16 whether such communication is in support of or
17 in opposition to a candidate.

18 “(D) A certification by the chief executive
19 officer or person who is the head of the covered
20 organization that the campaign-related dis-
21 bursement is not made in cooperation, consulta-
22 tion, or concert with or at the request or sug-
23 gession of a candidate, authorized committee, or
24 agent of a candidate, political party, or agent of
25 a political party.

1 “(E)(i) If the covered organization makes
2 campaign-related disbursements using exclu-
3 sively funds in a segregated bank account con-
4 sisting of funds that were paid directly to such
5 account by persons other than the covered orga-
6 nization that controls the account, for each
7 such payment to the account—

8 “(I) the name and address of
9 each person who made such payment
10 during the period covered by the
11 statement;

12 “(II) the date and amount of
13 such payment; and

14 “(III) the aggregate amount of
15 all such payments made by the person
16 during the period beginning on the
17 first day of the election reporting
18 cycle (or, if earlier, the period begin-
19 ning one year before the disclosure
20 date) and ending on the disclosure
21 date,

22 but only if such payment was made by a person
23 who made payments to the account in an aggre-
24 gate amount of \$10,000 or more during the pe-
25 riod beginning on the first day of the election

1 reporting cycle (or, if earlier, the period begin-
2 ning one year before the disclosure date) and
3 ending on the disclosure date.

4 “(ii) In any calendar year after 2020, sec-
5 tion 315(e)(1)(B) shall apply to the amount de-
6 scribed in clause (i) in the same manner as
7 such section applies to the limitations estab-
8 lished under subsections (a)(1)(A), (a)(1)(B),
9 (a)(3), and (h) of such section, except that for
10 purposes of applying such section to the
11 amounts described in subsection (b), the ‘base
12 period’ shall be 2020.

13 “(F)(i) If the covered organization makes
14 campaign-related disbursements using funds
15 other than funds in a segregated bank account
16 described in subparagraph (E), for each pay-
17 ment to the covered organization—

18 “(I) the name and address of
19 each person who made such payment
20 during the period covered by the
21 statement;

22 “(II) the date and amount of
23 such payment; and

24 “(III) the aggregate amount of
25 all such payments made by the person

1 during the period beginning on the
2 first day of the election reporting
3 cycle (or, if earlier, the period begin-
4 ning one year before the disclosure
5 date) and ending on the disclosure
6 date,

7 but only if such payment was made by a person
8 who made payments to the covered organization
9 in an aggregate amount of \$10,000 or more
10 during the period beginning on the first day of
11 the election reporting cycle (or, if earlier, the
12 period beginning one year before the disclosure
13 date) and ending on the disclosure date.

14 “(ii) In any calendar year after 2020, sec-
15 tion 315(c)(1)(B) shall apply to the amount de-
16 scribed in clause (i) in the same manner as
17 such section applies to the limitations estab-
18 lished under subsections (a)(1)(A), (a)(1)(B),
19 (a)(3), and (h) of such section, except that for
20 purposes of applying such section to the
21 amounts described in subsection (b), the ‘base
22 period’ shall be 2020.

23 “(G) Such other information as required in
24 rules established by the Commission to promote
25 the purposes of this section.

1 “(3) EXCEPTIONS.—

2 “(A) AMOUNTS RECEIVED IN ORDINARY
3 COURSE OF BUSINESS.—The requirement to in-
4 clude in a statement filed under paragraph (1)
5 the information described in paragraph (2)
6 shall not apply to amounts received by the cov-
7 ered organization in commercial transactions in
8 the ordinary course of any trade or business
9 conducted by the covered organization or in the
10 form of investments (other than investments by
11 the principal shareholder in a limited liability
12 corporation) in the covered organization. For
13 purposes of this subparagraph, amounts re-
14 ceived by a covered organization as remittances
15 from an employee to the employee’s collective
16 bargaining representative shall be treated as
17 amounts received in commercial transactions in
18 the ordinary course of the business conducted
19 by the covered organization.

20 “(B) DONOR RESTRICTION ON USE OF
21 FUNDS.—The requirement to include in a state-
22 ment submitted under paragraph (1) the infor-
23 mation described in subparagraph (F) of para-
24 graph (2) shall not apply if—

1 “(i) the person described in such sub-
2 paragraph prohibited, in writing, the use of
3 the payment made by such person for cam-
4 paign-related disbursements; and

5 “(ii) the covered organization agreed
6 to follow the prohibition and deposited the
7 payment in an account which is segregated
8 from any account used to make campaign-
9 related disbursements.

10 “(C) THREAT OF HARASSMENT OR RE-
11 PRISAL.—The requirement to include any infor-
12 mation relating to the name or address of any
13 person (other than a candidate) in a statement
14 submitted under paragraph (1) shall not apply
15 if the inclusion of the information would subject
16 the person to serious threats, harassment, or
17 reprisals.

18 “(4) OTHER DEFINITIONS.—For purposes of
19 this section:

20 “(A) BENEFICIAL OWNER DEFINED.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii), the term ‘beneficial
23 owner’ means, with respect to any entity,
24 a natural person who, directly or indi-
25 rectly—

1 “(I) exercises substantial control
2 over an entity through ownership, vot-
3 ing rights, agreement, or otherwise; or

4 “(II) has a substantial interest in
5 or receives substantial economic bene-
6 fits from the assets of an entity.

7 “(ii) EXCEPTIONS.—The term ‘bene-
8 ficial owner’ shall not include—

9 “(I) a minor child;

10 “(II) a person acting as a nomi-
11 nee, intermediary, custodian, or agent
12 on behalf of another person;

13 “(III) a person acting solely as
14 an employee of an entity and whose
15 control over or economic benefits from
16 the entity derives solely from the em-
17 ployment status of the person;

18 “(IV) a person whose only inter-
19 est in an entity is through a right of
20 inheritance, unless the person also
21 meets the requirements of clause (i);
22 or

23 “(V) a creditor of an entity, un-
24 less the creditor also meets the re-
25 quirements of clause (i).

1 “(iii) ANTI-ABUSE RULE.—The excep-
2 tions under clause (ii) shall not apply if
3 used for the purpose of evading, circum-
4 venting, or abusing the provisions of clause
5 (i) or paragraph (2)(A).

6 “(B) DISCLOSURE DATE.—The term ‘dis-
7 closure date’ means—

8 “(i) the first date during any election
9 reporting cycle by which a person has
10 made campaign-related disbursements ag-
11 gregating more than \$10,000; and

12 “(ii) any other date during such elec-
13 tion reporting cycle by which a person has
14 made campaign-related disbursements ag-
15 gregating more than \$10,000 since the
16 most recent disclosure date for such elec-
17 tion reporting cycle.

18 “(C) ELECTION REPORTING CYCLE.—The
19 term ‘election reporting cycle’ means the 2-year
20 period beginning on the date of the most recent
21 general election for Federal office.

22 “(D) PAYMENT.—The term ‘payment’ in-
23 cludes any contribution, donation, transfer, pay-
24 ment of dues, or other payment.

25 “(b) COORDINATION WITH OTHER PROVISIONS.—

1 “(1) OTHER REPORTS FILED WITH THE COM-
2 MISSION.—Information included in a statement filed
3 under this section may be excluded from statements
4 and reports filed under section 304.

5 “(2) TREATMENT AS SEPARATE SEGREGATED
6 FUND.—A segregated bank account referred to in
7 subsection (a)(2)(E) may be treated as a separate
8 segregated fund for purposes of section 527(f)(3) of
9 the Internal Revenue Code of 1986.

10 “(c) FILING.—Statements required to be filed under
11 subsection (a) shall be subject to the requirements of sec-
12 tion 304(d) to the same extent and in the same manner
13 as if such reports had been required under subsection (c)
14 or (g) of section 304.

15 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
16 FINED.—

17 “(1) IN GENERAL.—In this section, the term
18 ‘campaign-related disbursement’ means a disburse-
19 ment by a covered organization for any of the fol-
20 lowing:

21 “(A) An independent expenditure which ex-
22 pressly advocates the election or defeat of a
23 clearly identified candidate for election for Fed-
24 eral office, or is the functional equivalent of ex-
25 press advocacy because, when taken as a whole,

1 it can be interpreted by a reasonable person
2 only as advocating the election or defeat of a
3 candidate for election for Federal office.

4 “(B) Any public communication which re-
5 fers to a clearly identified candidate for election
6 for Federal office and which promotes or sup-
7 ports the election of a candidate for that office,
8 or attacks or opposes the election of a candidate
9 for that office, without regard to whether the
10 communication expressly advocates a vote for or
11 against a candidate for that office.

12 “(C) An electioneering communication, as
13 defined in section 304(f)(3).

14 “(D) A covered transfer.

15 “(2) INTENT NOT REQUIRED.—A disbursement
16 for an item described in subparagraph (A), (B), (C),
17 or (D) of paragraph (1) shall be treated as a cam-
18 paign-related disbursement regardless of the intent
19 of the person making the disbursement.

20 “(e) COVERED ORGANIZATION DEFINED.—In this
21 section, the term ‘covered organization’ means any of the
22 following:

23 “(1) A corporation (other than an organization
24 described in section 501(c)(3) of the Internal Rev-
25 enue Code of 1986).

1 “(2) A limited liability corporation that is not
2 otherwise treated as a corporation for purposes of
3 this Act (other than an organization described in
4 section 501(c)(3) of the Internal Revenue Code of
5 1986).

6 “(3) An organization described in section
7 501(c) of such Code and exempt from taxation
8 under section 501(a) of such Code (other than an
9 organization described in section 501(c)(3) of such
10 Code).

11 “(4) A labor organization (as defined in section
12 316(b)).

13 “(5) Any political organization under section
14 527 of the Internal Revenue Code of 1986, other
15 than a political committee under this Act (except as
16 provided in paragraph (6)).

17 “(6) A political committee with an account that
18 accepts donations or contributions that do not com-
19 ply with the contribution limits or source prohibi-
20 tions under this Act, but only with respect to such
21 accounts.

22 “(f) COVERED TRANSFER DEFINED.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘covered transfer’ means any transfer or payment of

1 funds by a covered organization to another person if
2 the covered organization—

3 “(A) designates, requests, or suggests that
4 the amounts be used for—

5 “(i) campaign-related disbursements
6 (other than covered transfers); or

7 “(ii) making a transfer to another
8 person for the purpose of making or pay-
9 ing for such campaign-related disburse-
10 ments;

11 “(B) made such transfer or payment in re-
12 sponse to a solicitation or other request for a
13 donation or payment for—

14 “(i) the making of or paying for cam-
15 paign-related disbursements (other than
16 covered transfers); or

17 “(ii) making a transfer to another
18 person for the purpose of making or pay-
19 ing for such campaign-related disburse-
20 ments;

21 “(C) engaged in discussions with the re-
22 cipient of the transfer or payment regarding—

23 “(i) the making of or paying for cam-
24 paign-related disbursements (other than
25 covered transfers); or

1 “(ii) donating or transferring any
2 amount of such transfer or payment to an-
3 other person for the purpose of making or
4 paying for such campaign-related disburse-
5 ments;

6 “(D) made campaign-related disburse-
7 ments (other than a covered transfer) in an ag-
8 gregate amount of \$50,000 or more during the
9 2-year period ending on the date of the transfer
10 or payment, or knew or had reason to know
11 that the person receiving the transfer or pay-
12 ment made such disbursements in such an ag-
13 gregate amount during that 2-year period; or

14 “(E) knew or had reason to know that the
15 person receiving the transfer or payment would
16 make campaign-related disbursements in an ag-
17 gregate amount of \$50,000 or more during the
18 2-year period beginning on the date of the
19 transfer or payment.

20 “(2) EXCLUSIONS.—The term ‘covered transfer’
21 does not include any of the following:

22 “(A) A disbursement made by a covered
23 organization in a commercial transaction in the
24 ordinary course of any trade or business con-
25 ducted by the covered organization or in the

1 form of investments made by the covered orga-
2 nization.

3 “(B) A disbursement made by a covered
4 organization if—

5 “(i) the covered organization prohib-
6 ited, in writing, the use of such disburse-
7 ment for campaign-related disbursements;
8 and

9 “(ii) the recipient of the disbursement
10 agreed to follow the prohibition and depos-
11 ited the disbursement in an account which
12 is segregated from any account used to
13 make campaign-related disbursements.

14 “(3) SPECIAL RULE REGARDING TRANSFERS
15 AMONG AFFILIATES.—

16 “(A) SPECIAL RULE.—A transfer of an
17 amount by one covered organization to another
18 covered organization which is treated as a
19 transfer between affiliates under subparagraph
20 (C) shall be considered a covered transfer by
21 the covered organization which transfers the
22 amount only if the aggregate amount trans-
23 ferred during the year by such covered organi-
24 zation to that same covered organization is
25 equal to or greater than \$50,000.

1 “(B) DETERMINATION OF AMOUNT OF
2 CERTAIN PAYMENTS AMONG AFFILIATES.—In
3 determining the amount of a transfer between
4 affiliates for purposes of subparagraph (A), to
5 the extent that the transfer consists of funds
6 attributable to dues, fees, or assessments which
7 are paid by individuals on a regular, periodic
8 basis in accordance with a per-individual cal-
9 culation which is made on a regular basis, the
10 transfer shall be attributed to the individuals
11 paying the dues, fees, or assessments and shall
12 not be attributed to the covered organization.

13 “(C) DESCRIPTION OF TRANSFERS BE-
14 TWEEN AFFILIATES.—A transfer of amounts
15 from one covered organization to another cov-
16 ered organization shall be treated as a transfer
17 between affiliates if—

18 “(i) one of the organizations is an af-
19 filiate of the other organization; or

20 “(ii) each of the organizations is an
21 affiliate of the same organization,

22 except that the transfer shall not be treated as
23 a transfer between affiliates if one of the orga-
24 nizations is established for the purpose of mak-
25 ing campaign-related disbursements.

1 “(D) DETERMINATION OF AFFILIATE STA-
2 TUS.—For purposes of subparagraph (C), a
3 covered organization is an affiliate of another
4 covered organization if—

5 “(i) the governing instrument of the
6 organization requires it to be bound by de-
7 cisions of the other organization;

8 “(ii) the governing board of the orga-
9 nization includes persons who are specifi-
10 cally designated representatives of the
11 other organization or are members of the
12 governing board, officers, or paid executive
13 staff members of the other organization, or
14 whose service on the governing board is
15 contingent upon the approval of the other
16 organization; or

17 “(iii) the organization is chartered by
18 the other organization.

19 “(E) COVERAGE OF TRANSFERS TO AF-
20 FILATED SECTION 501(c)(3) ORGANIZA-
21 TIONS.—This paragraph shall apply with re-
22 spect to an amount transferred by a covered or-
23 ganization to an organization described in para-
24 graph (3) of section 501(c) of the Internal Rev-
25 enue Code of 1986 and exempt from tax under

1 section 501(a) of such Code in the same man-
2 ner as this paragraph applies to an amount
3 transferred by a covered organization to an-
4 other covered organization.

5 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
6 MENTS.—Nothing in this section shall be construed to
7 waive or otherwise affect any other requirement of this
8 Act which relates to the reporting of campaign-related dis-
9 bursements.”.

10 (2) CONFORMING AMENDMENT.—Section
11 304(f)(6) of such Act (52 U.S.C. 30104) is amended
12 by striking “Any requirement” and inserting “Ex-
13 cept as provided in section 324(b), any require-
14 ment”.

15 (b) COORDINATION WITH FINCEN.—

16 (1) IN GENERAL.—The Director of the Finan-
17 cial Crimes Enforcement Network of the Depart-
18 ment of the Treasury shall provide the Federal Elec-
19 tion Commission with such information as necessary
20 to assist in administering and enforcing section 324
21 of the Federal Election Campaign Act of 1971, as
22 added by this section.

23 (2) REPORT.—Not later than 6 months after
24 the date of the enactment of this Act, the Chairman
25 of the Federal Election Commission, in consultation

1 with the Director of the Financial Crimes Enforce-
2 ment Network of the Department of the Treasury,
3 shall submit to Congress a report with recommenda-
4 tions for providing further legislative authority to as-
5 sist in the administration and enforcement of such
6 section 324.

7 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
8 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
9 **BURSEMENTS CONSISTING OF COVERED**
10 **TRANSFERS.**

11 Section 319(a)(1)(A) of the Federal Election Cam-
12 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-
13 ed by section 4102, is amended by striking the semicolon
14 and inserting the following: “, and any disbursement,
15 other than an disbursement described in section
16 324(a)(3)(A), to another person who made a campaign-
17 related disbursement consisting of a covered transfer (as
18 described in section 324) during the 2-year period ending
19 on the date of the disbursement;”.

20 **SEC. 4113. EFFECTIVE DATE.**

21 The amendments made by this part shall apply with
22 respect to disbursements made on or after January 1,
23 2020, and shall take effect without regard to whether or
24 not the Federal Election Commission has promulgated
25 regulations to carry out such amendments.

1 **PART 3—OTHER ADMINISTRATIVE REFORMS**

2 **SEC. 4121. PETITION FOR CERTIORARI.**

3 Section 307(a)(6) of the Federal Election Campaign
4 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
5 serting “(including a proceeding before the Supreme
6 Court on certiorari)” after “appeal”.

7 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**
8 **CAMPAIGN FINANCE LAWS.**

9 (a) IN GENERAL.—Title IV of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
11 amended by inserting after section 406 the following new
12 section:

13 **“SEC. 407. JUDICIAL REVIEW.**

14 “(a) IN GENERAL.—Notwithstanding section 373(f),
15 if any action is brought for declaratory or injunctive relief
16 to challenge the constitutionality of any provision of this
17 Act or of chapter 95 or 96 of the Internal Revenue Code
18 of 1986, or is brought to with respect to any action of
19 the Commission under chapter 95 or 96 of the Internal
20 Revenue Code of 1986, the following rules shall apply:

21 “(1) The action shall be filed in the United
22 States District Court for the District of Columbia
23 and an appeal from the decision of the district court
24 may be taken to the Court of Appeals for the Dis-
25 trict of Columbia Circuit.

1 “(2) In the case of an action relating to declar-
2 atory or injunctive relief to challenge the constitu-
3 tionality of a provision—

4 “(A) a copy of the complaint shall be deliv-
5 ered promptly to the Clerk of the House of
6 Representatives and the Secretary of the Sen-
7 ate; and

8 “(B) it shall be the duty of the United
9 States District Court for the District of Colum-
10 bia, the Court of Appeals for the District of Co-
11 lumbia, and the Supreme Court of the United
12 States to advance on the docket and to expedite
13 to the greatest possible extent the disposition of
14 the action and appeal.

15 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—
16 In any action in which the constitutionality of any provi-
17 sion of this Act or chapter 95 or 96 of the Internal Rev-
18 enue Code of 1986 is raised, any Member of the House
19 of Representatives (including a Delegate or Resident Com-
20 missioner to the Congress) or Senate shall have the right
21 to intervene either in support of or opposition to the posi-
22 tion of a party to the case regarding the constitutionality
23 of the provision. To avoid duplication of efforts and reduce
24 the burdens placed on the parties to the action, the court
25 in any such action may make such orders as it considers

1 necessary, including orders to require interveners taking
2 similar positions to file joint papers or to be represented
3 by a single attorney at oral argument.

4 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
5 Member of Congress may bring an action, subject to the
6 special rules described in subsection (a), for declaratory
7 or injunctive relief to challenge the constitutionality of any
8 provision of this Act or chapter 95 or 96 of the Internal
9 Revenue Code of 1986.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

12 (A) Section 9011 of the Internal Revenue
13 Code of 1986 is amended to read as follows:

14 **“SEC. 9011. JUDICIAL REVIEW.**

15 “For provisions relating to judicial review of certifi-
16 cations, determinations, and actions by the Commission
17 under this chapter, see section 407 of the Federal Election
18 Campaign Act of 1971.”.

19 (B) Section 9041 of the Internal Revenue
20 Code of 1986 is amended to read as follows:

21 **“SEC. 9041. JUDICIAL REVIEW.**

22 “For provisions relating to judicial review of actions
23 by the Commission under this chapter, see section 407 of
24 the Federal Election Campaign Act of 1971.”.

1 (C) Section 403 of the Bipartisan Cam-
2 paign Finance Reform Act of 2002 (52 U.S.C.
3 30110 note) is repealed.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to actions brought on or after Jan-
6 uary 1, 2019.

7 **Subtitle C—Honest Ads**

8 **SEC. 4201. SHORT TITLE.**

9 This subtitle may be cited as the “Honest Ads Act”.

10 **SEC. 4202. PURPOSE.**

11 The purpose of this subtitle is to enhance the integ-
12 rity of American democracy and national security by im-
13 proving disclosure requirements for online political adver-
14 tisements in order to uphold the Supreme Court’s well-
15 established standard that the electorate bears the right to
16 be fully informed.

17 **SEC. 4203. FINDINGS.**

18 Congress makes the following findings:

19 (1) On January 6, 2017, the Office of the Di-
20 rector of National Intelligence published a report ti-
21 tled “Assessing Russian Activities and Intentions in
22 Recent U.S. Elections”, noting that “Russian Presi-
23 dent Vladimir Putin ordered an influence campaign
24 in 2016 aimed at the US presidential election . . .”.
25 Moscow’s influence campaign followed a Russian

1 messaging strategy that blends covert intelligence
2 operation—such as cyber activity—with overt efforts
3 by Russian Government agencies, state-funded
4 media, third-party intermediaries, and paid social
5 media users or “trolls”.

6 (2) On November 24, 2016, The Washington
7 Post reported findings from 2 teams of independent
8 researchers that concluded Russians “exploited
9 American-made technology platforms to attack U.S.
10 democracy at a particularly vulnerable moment . . .
11 as part of a broadly effective strategy of sowing dis-
12 trust in U.S. democracy and its leaders.”.

13 (3) Findings from a 2017 study on the manipu-
14 lation of public opinion through social media con-
15 ducted by the Computational Propaganda Research
16 Project at the Oxford Internet Institute found that
17 the Kremlin is using pro-Russian bots to manipulate
18 public discourse to a highly targeted audience. With
19 a sample of nearly 1,300,000 tweets, researchers
20 found that in the 2016 election’s 3 decisive States,
21 propaganda constituted 40 percent of the sampled
22 election-related tweets that went to Pennsylvanians,
23 34 percent to Michigan voters, and 30 percent to
24 those in Wisconsin. In other swing States, the figure
25 reached 42 percent in Missouri, 41 percent in Flor-

1 ida, 40 percent in North Carolina, 38 percent in
2 Colorado, and 35 percent in Ohio.

3 (4) On September 6, 2017, the nation’s largest
4 social media platform disclosed that between June
5 2015 and May 2017, Russian entities purchased
6 \$100,000 in political advertisements, publishing
7 roughly 3,000 ads linked to fake accounts associated
8 with the Internet Research Agency, a pro-Kremlin
9 organization. According to the company, the ads
10 purchased focused “on amplifying divisive social and
11 political messages . . .”.

12 (5) In 2002, the Bipartisan Campaign Reform
13 Act became law, establishing disclosure requirements
14 for political advertisements distributed from a tele-
15 vision or radio broadcast station or provider of cable
16 or satellite television. In 2003, the Supreme Court
17 upheld regulations on electioneering communications
18 established under the Act, noting that such require-
19 ments “provide the electorate with information and
20 insure that the voters are fully informed about the
21 person or group who is speaking.”.

22 (6) According to a study from Borrell Associ-
23 ates, in 2016, \$1,415,000,000 was spent on online
24 advertising, more than quadruple the amount in
25 2012.

1 (7) The reach of a few large internet plat-
2 forms—larger than any broadcast, satellite, or cable
3 provider—has greatly facilitated the scope and effec-
4 tiveness of disinformation campaigns. For instance,
5 the largest platform has over 210,000,000 Ameri-
6 cans users—over 160,000,000 of them on a daily
7 basis. By contrast, the largest cable television pro-
8 vider has 22,430,000 subscribers, while the largest
9 satellite television provider has 21,000,000 sub-
10 scribers. And the most-watched television broadcast
11 in United States history had 118,000,000 viewers.

12 (8) The public nature of broadcast television,
13 radio, and satellite ensures a level of publicity for
14 any political advertisement. These communications
15 are accessible to the press, fact-checkers, and polit-
16 ical opponents; this creates strong disincentives for
17 a candidate to disseminate materially false, inflam-
18 matory, or contradictory messages to the public. So-
19 cial media platforms, in contrast, can target portions
20 of the electorate with direct, ephemeral advertise-
21 ments often on the basis of private information the
22 platform has on individuals, enabling political adver-
23 tisements that are contradictory, racially or socially
24 inflammatory, or materially false.

1 (9) According to comScore, 2 companies own 8
2 of the 10 most popular smartphone applications as
3 of June 2017, including the most popular social
4 media and email services—which deliver information
5 and news to users without requiring proactivity by
6 the user. Those same 2 companies accounted for 99
7 percent of revenue growth from digital advertising in
8 2016, including 77 percent of gross spending. 79
9 percent of online Americans—representing 68 per-
10 cent of all Americans—use the single largest social
11 network, while 66 percent of these users are most
12 likely to get their news from that site.

13 (10) In its 2006 rulemaking, the Federal Elec-
14 tion Commission noted that only 18 percent of all
15 Americans cited the internet as their leading source
16 of news about the 2004 Presidential election; by con-
17 trast, the Pew Research Center found that 65 per-
18 cent of Americans identified an internet-based
19 source as their leading source of information for the
20 2016 election.

21 (11) The Federal Election Commission, the
22 independent Federal agency charged with protecting
23 the integrity of the Federal campaign finance proc-
24 ess by providing transparency and administering

1 campaign finance laws, has failed to take action to
2 address online political advertisements.

3 (12) In testimony before the Senate Select
4 Committee on Intelligence titled, “Disinformation: A
5 Primer in Russian Active Measures and Influence
6 Campaigns”, multiple expert witnesses testified that
7 while the disinformation tactics of foreign adver-
8 saries have not necessarily changed, social media
9 services now provide “platform[s] practically pur-
10 pose-built for active measures[.]” Similarly, as Gen.
11 Keith B. Alexander (RET.), the former Director of
12 the National Security Agency, testified, during the
13 Cold War “if the Soviet Union sought to manipulate
14 information flow, it would have to do so principally
15 through its own propaganda outlets or through ac-
16 tive measures that would generate specific news:
17 planting of leaflets, inciting of violence, creation of
18 other false materials and narratives. But the news
19 itself was hard to manipulate because it would have
20 required actual control of the organs of media, which
21 took long-term efforts to penetrate. Today, however,
22 because the clear majority of the information on so-
23 cial media sites is uncurated and there is a rapid
24 proliferation of information sources and other sites
25 that can reinforce information, there is an increasing

1 likelihood that the information available to average
2 consumers may be inaccurate (whether intentionally
3 or otherwise) and may be more easily manipulable
4 than in prior eras.”.

5 (13) Current regulations on political advertise-
6 ments do not provide sufficient transparency to up-
7 hold the public’s right to be fully informed about po-
8 litical advertisements made online.

9 **SEC. 4204. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the dramatic increase in digital political ad-
12 vertisements, and the growing centrality of online
13 platforms in the lives of Americans, requires the
14 Congress and the Federal Election Commission to
15 take meaningful action to ensure that laws and reg-
16 ulations provide the accountability and transparency
17 that is fundamental to our democracy;

18 (2) free and fair elections require both trans-
19 parency and accountability which give the public a
20 right to know the true sources of funding for polit-
21 ical advertisements in order to make informed polit-
22 ical choices and hold elected officials accountable;
23 and

24 (3) transparency of funding for political adver-
25 tisements is essential to enforce other campaign fi-

1 nance laws, including the prohibition on campaign
2 spending by foreign nationals.

3 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
4 **NICATION.**

5 (a) IN GENERAL.—Paragraph (22) of section 301 of
6 the Federal Election Campaign Act of 1971 (52 U.S.C.
7 30101(22)) is amended by striking “or satellite commu-
8 nication” and inserting “satellite, paid internet, or paid
9 digital communication”.

10 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
11 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
12 amended—

13 (1) in paragraph (8)(B)—

14 (A) in clause (v), by striking “on broad-
15 casting stations, or in newspapers, magazines,
16 or similar types of general public political ad-
17 vertising” and inserting “in any public commu-
18 nication”;

19 (B) in clause (ix), by striking “broad-
20 casting, newspaper, magazine, billboard, direct
21 mail, or similar type of general public commu-
22 nication or political advertising” and inserting
23 “public communication”; and

24 (C) in clause (x), by striking “but not in-
25 cluding the use of broadcasting, newspapers,

1 magazines, billboards, direct mail, or similar
2 types of general public communication or polit-
3 ical advertising” and inserting “but not includ-
4 ing use in any public communication”; and

5 (2) in paragraph (9)(B)—

6 (A) by amending clause (i) to read as fol-
7 lows:

8 “(i) any news story, commentary, or
9 editorial distributed through the facilities
10 of any broadcasting station or any print,
11 online, or digital newspaper, magazine,
12 blog, publication, or periodical, unless such
13 broadcasting, print, online, or digital facili-
14 ties are owned or controlled by any polit-
15 ical party, political committee, or can-
16 didate;”; and

17 (B) in clause (iv), by striking “on broad-
18 casting stations, or in newspapers, magazines,
19 or similar types of general public political ad-
20 vertising” and inserting “in any public commu-
21 nication”.

22 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
23 Subsection (a) of section 318 of such Act (52 U.S.C.
24 30120) is amended—

1 (1) by striking “financing any communication
2 through any broadcasting station, newspaper, maga-
3 zine, outdoor advertising facility, mailing, or any
4 other type of general public political advertising”
5 and inserting “financing any public communication”;
6 and

7 (2) by striking “solicits any contribution
8 through any broadcasting station, newspaper, maga-
9 zine, outdoor advertising facility, mailing, or any
10 other type of general public political advertising”
11 and inserting “solicits any contribution through any
12 public communication”.

13 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
14 **EERING COMMUNICATION.**

15 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

16 (1) APPLICATION TO QUALIFIED INTERNET AND
17 DIGITAL COMMUNICATIONS.—

18 (A) IN GENERAL.—Subparagraph (A) of
19 section 304(f)(3) of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
21 is amended by striking “or satellite communica-
22 tion” each place it appears in clauses (i) and
23 (ii) and inserting “satellite, or qualified internet
24 or digital communication”.

1 (B) QUALIFIED INTERNET OR DIGITAL
2 COMMUNICATION.—Paragraph (3) of section
3 304(f) of such Act (52 U.S.C. 30104(f)) is
4 amended by adding at the end the following
5 new subparagraph:

6 “(D) QUALIFIED INTERNET OR DIGITAL
7 COMMUNICATION.—The term ‘qualified internet
8 or digital communication’ means any commu-
9 nication which is placed or promoted for a fee
10 on an online platform (as defined in subsection
11 (j)(3)).”.

12 (2) NONAPPLICATION OF RELEVANT ELEC-
13 TORATE TO ONLINE COMMUNICATIONS.—Section
14 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
15 30104(f)(3)(A)(i)(III)) is amended by inserting “any
16 broadcast, cable, or satellite” before “communica-
17 tion”.

18 (3) NEWS EXEMPTION.—Section
19 304(f)(3)(B)(i) of such Act (52 U.S.C.
20 30104(f)(3)(B)(i)) is amended to read as follows:

21 “(i) a communication appearing in a
22 news story, commentary, or editorial dis-
23 tributed through the facilities of any
24 broadcasting station or any online or dig-
25 ital newspaper, magazine, blog, publica-

1 tion, or periodical, unless such broad-
2 casting, online, or digital facilities are
3 owned or controlled by any political party,
4 political committee, or candidate;”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 this section shall apply with respect to communications
7 made on or after January 1, 2020.

8 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
9 **ONLINE COMMUNICATIONS.**

10 (a) **CLEAR AND CONSPICUOUS MANNER REQUIRE-**
11 **MENT.**—Subsection (a) of section 318 of the Federal Elec-
12 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
13 amended—

14 (1) by striking “shall clearly state” each place
15 it appears in paragraphs (1), (2), and (3) and in-
16 serting “shall state in a clear and conspicuous man-
17 ner”; and

18 (2) by adding at the end the following flush
19 sentence: “For purposes of this section, a commu-
20 nication does not make a statement in a clear and
21 conspicuous manner if it is difficult to read or hear
22 or if the placement is easily overlooked.”.

23 (b) **SPECIAL RULES FOR QUALIFIED INTERNET OR**
24 **DIGITAL COMMUNICATIONS.**—

1 (1) IN GENERAL.—Section 318 of such Act (52
2 U.S.C. 30120) is amended by adding at the end the
3 following new subsection:

4 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
5 DIGITAL COMMUNICATIONS.—

6 “(1) SPECIAL RULES WITH RESPECT TO STATE-
7 MENTS.—In the case of any qualified internet or
8 digital communication (as defined in section
9 304(f)(3)(D)) which is disseminated through a me-
10 dium in which the provision of all of the information
11 specified in this section is not possible, the commu-
12 nication shall, in a clear and conspicuous manner—

13 “(A) state the name of the person who
14 paid for the communication; and

15 “(B) provide a means for the recipient of
16 the communication to obtain the remainder of
17 the information required under this section with
18 minimal effort and without receiving or viewing
19 any additional material other than such re-
20 quired information.

21 “(2) SAFE HARBOR FOR DETERMINING CLEAR
22 AND CONSPICUOUS MANNER.—A statement in quali-
23 fied internet or digital communication (as defined in
24 section 304(f)(3)(D)) shall be considered to be made
25 in a clear and conspicuous manner as provided in

1 subsection (a) if the communication meets the fol-
2 lowing requirements:

3 “(A) TEXT OR GRAPHIC COMMUNICA-
4 TIONS.—In the case of a text or graphic com-
5 munication, the statement—

6 “(i) appears in letters at least as large
7 as the majority of the text in the commu-
8 nication; and

9 “(ii) meets the requirements of para-
10 graphs (2) and (3) of subsection (c).

11 “(B) AUDIO COMMUNICATIONS.—In the
12 case of an audio communication, the statement
13 is spoken in a clearly audible and intelligible
14 manner at the beginning or end of the commu-
15 nication and lasts at least 3 seconds.

16 “(C) VIDEO COMMUNICATIONS.—In the
17 case of a video communication which also in-
18 cludes audio, the statement—

19 “(i) is included at either the beginning
20 or the end of the communication; and

21 “(ii) is made both in—

22 “(I) a written format that meets
23 the requirements of subparagraph (A)
24 and appears for at least 4 seconds;
25 and

1 “(II) an audible format that
2 meets the requirements of subpara-
3 graph (B).

4 “(D) OTHER COMMUNICATIONS.—In the
5 case of any other type of communication, the
6 statement is at least as clear and conspicuous
7 as the statement specified in subparagraph (A),
8 (B), or (C).”.

9 (2) NONAPPLICATION OF CERTAIN EXCEP-
10 TIONS.—The exceptions provided in section
11 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
12 Regulations, or any successor to such rules, shall
13 have no application to qualified internet or digital
14 communications (as defined in section 304(f)(3)(D)
15 of the Federal Election Campaign Act of 1971).

16 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
17 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
18 Act (52 U.S.C. 30120(d)) is amended—

19 (1) in paragraph (1)(A)—

20 (A) by striking “which is transmitted
21 through radio” and inserting “which is in an
22 audio format”; and

23 (B) by striking “BY RADIO” in the heading
24 and inserting “AUDIO FORMAT”;

25 (2) in paragraph (1)(B)—

1 (A) by striking “which is transmitted
2 through television” and inserting “which is in
3 video format”; and

4 (B) by striking “BY TELEVISION” in the
5 heading and inserting “VIDEO FORMAT”; and

6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio
8 or television” and inserting “made in audio or
9 video format”; and

10 (B) by striking “through television” in the
11 second sentence and inserting “in video for-
12 mat”.

13 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
14 **LINE PLATFORMS.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-
16 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended
17 by adding at the end the following new subsection:

18 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
19 MENTS.—

20 “(1) IN GENERAL.—

21 “(A) REQUIREMENTS FOR ONLINE PLAT-
22 FORMS.—An online platform shall maintain,
23 and make available for online public inspection
24 in machine readable format, a complete record
25 of any request to purchase on such online plat-

1 form a qualified political advertisement which is
2 made by a person whose aggregate requests to
3 purchase qualified political advertisements on
4 such online platform during the calendar year
5 exceeds \$500.

6 “(B) REQUIREMENTS FOR ADVER-
7 TISERS.—Any person who requests to purchase
8 a qualified political advertisement on an online
9 platform shall provide the online platform with
10 such information as is necessary for the online
11 platform to comply with the requirements of
12 subparagraph (A).

13 “(2) CONTENTS OF RECORD.—A record main-
14 tained under paragraph (1)(A) shall contain—

15 “(A) a digital copy of the qualified political
16 advertisement;

17 “(B) a description of the audience targeted
18 by the advertisement, the number of views gen-
19 erated from the advertisement, and the date
20 and time that the advertisement is first dis-
21 played and last displayed; and

22 “(C) information regarding—

23 “(i) the average rate charged for the
24 advertisement;

1 “(ii) the name of the candidate to
2 which the advertisement refers and the of-
3 fice to which the candidate is seeking elec-
4 tion, the election to which the advertise-
5 ment refers, or the national legislative
6 issue to which the advertisement refers (as
7 applicable);

8 “(iii) in the case of a request made
9 by, or on behalf of, a candidate, the name
10 of the candidate, the authorized committee
11 of the candidate, and the treasurer of such
12 committee; and

13 “(iv) in the case of any request not
14 described in clause (iii), the name of the
15 person purchasing the advertisement, the
16 name and address of a contact person for
17 such person, and a list of the chief execu-
18 tive officers or members of the executive
19 committee or of the board of directors of
20 such person.

21 “(3) ONLINE PLATFORM.—For purposes of this
22 subsection, the term ‘online platform’ means any
23 public-facing website, web application, or digital ap-
24 plication (including a social network, ad network, or
25 search engine) which—

1 “(A) sells qualified political advertise-
2 ments; and

3 “(B) has 50,000,000 or more unique
4 monthly United States visitors or users for a
5 majority of months during the preceding 12
6 months.

7 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

8 “(A) IN GENERAL.—For purposes of this
9 subsection, the term ‘qualified political adver-
10 tisement’ means any advertisement (including
11 search engine marketing, display advertise-
12 ments, video advertisements, native advertise-
13 ments, and sponsorships) that—

14 “(i) is made by or on behalf of a can-
15 didate; or

16 “(ii) communicates a message relating
17 to any political matter of national impor-
18 tance, including—

19 “(I) a candidate;

20 “(II) any election to Federal of-
21 fice; or

22 “(III) a national legislative issue
23 of public importance.

24 “(5) TIME TO MAINTAIN FILE.—The informa-
25 tion required under this subsection shall be made

1 available as soon as possible and shall be retained by
2 the online platform for a period of not less than 4
3 years.

4 “(6) SAFE HARBOR FOR PLATFORMS MAKING
5 BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE
6 SUBJECT TO RECORD MAINTENANCE REQUIRE-
7 MENTS.—In accordance with rules established by the
8 Commission, if an online platform shows that the
9 platform used best efforts to determine whether or
10 not a request to purchase a qualified political adver-
11 tisement was subject to the requirements of this sub-
12 section, the online platform shall not be considered
13 to be in violation of such requirements.

14 “(7) PENALTIES.—For penalties for failure by
15 online platforms, and persons requesting to purchase
16 a qualified political advertisement on online plat-
17 forms, to comply with the requirements of this sub-
18 section, see section 309.”.

19 (b) RULEMAKING.—Not later than 120 days after the
20 date of the enactment of this Act, the Federal Election
21 Commission shall establish rules—

22 (1) requiring common data formats for the
23 record required to be maintained under section
24 304(j) of the Federal Election Campaign Act of
25 1971 (as added by subsection (a)) so that all online

1 platforms submit and maintain data online in a com-
2 mon, machine-readable and publicly accessible for-
3 mat; and

4 (2) establishing search interface requirements
5 relating to such record, including searches by can-
6 didate name, issue, purchaser, and date; and

7 (3) establishing the criteria for the safe harbor
8 exception provided under paragraph (6) of section
9 304(j) of such Act (as added by subsection (a)).

10 (c) REPORTING.—Not later than 2 years after the
11 date of the enactment of this Act, and biannually there-
12 after, the Chairman of the Federal Election Commission
13 shall submit a report to Congress on—

14 (1) matters relating to compliance with and the
15 enforcement of the requirements of section 304(j) of
16 the Federal Election Campaign Act of 1971, as
17 added by subsection (a);

18 (2) recommendations for any modifications to
19 such section to assist in carrying out its purposes;
20 and

21 (3) identifying ways to bring transparency and
22 accountability to political advertisements distributed
23 online for free.

1 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
2 **INDEPENDENT EXPENDITURES, AND DIS-**
3 **BURSEMENTS FOR ELECTIONEERING COM-**
4 **MUNICATIONS BY FOREIGN NATIONALS IN**
5 **THE FORM OF ONLINE ADVERTISING.**

6 Section 319 of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30121), as amended by section
8 4101(a)(2) and section 4101(b), is further amended by
9 adding at the end the following new subsection:

10 “(e) RESPONSIBILITIES OF BROADCAST STATIONS,
11 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
12 ONLINE PLATFORMS.—Each television or radio broadcast
13 station, provider of cable or satellite television, or online
14 platform (as defined in section 304(j)(3)) shall make rea-
15 sonable efforts to ensure that communications described
16 in section 318(a) and made available by such station, pro-
17 vider, or platform are not purchased by a foreign national,
18 directly or indirectly.”.

19 **Subtitle D—Stand By Every Ad**

20 **SEC. 4301. SHORT TITLE.**

21 This Act may be cited as the “Stand By Every Ad
22 Act”.

23 **SEC. 4302. STAND BY EVERY AD.**

24 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
25 CERTAIN COMMUNICATIONS.—Section 318 of the Federal

1 Election Campaign Act of 1971 (52 U.S.C. 30120), as
2 amended by section 4207(b)(1), is further amended—

3 (1) by redesignating subsection (e) as sub-
4 section (f); and

5 (2) by inserting after subsection (d) the fol-
6 lowing new subsection:

7 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
8 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
9 COMMITTEES.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (6), any communication described in para-
12 graph (3) of subsection (a) which is transmitted in
13 an audio or video format (including an Internet or
14 digital communication), or which is an Internet or
15 digital communication transmitted in a text or
16 graphic format, shall include, in addition to the re-
17 quirements of paragraph (3) of subsection (a), the
18 following:

19 “(A) The individual disclosure statement
20 described in paragraph (2)(A) (if the person
21 paying for the communication is an individual)
22 or the organizational disclosure statement de-
23 scribed in paragraph (2)(B) (if the person pay-
24 ing for the communication is not an individual).

1 “(B) If the communication is transmitted
2 in a video format, or is an Internet or digital
3 communication which is transmitted in a text or
4 graphic format, and is paid for in whole or in
5 part with a payment which is treated as a cam-
6 paign-related disbursement under section 324—

7 “(i) the Top Five Funders list (if ap-
8 plicable); or

9 “(ii) in the case of a communication
10 which, as determined on the basis of cri-
11 teria established in regulations issued by
12 the Commission, is of such short duration
13 that including the Top Five Funders list in
14 the communication would constitute a
15 hardship to the person paying for the com-
16 munication by requiring a disproportionate
17 amount of the content of the communica-
18 tion to consist of the Top Five Funders
19 list, the name of a website which contains
20 the Top Five Funders list (if applicable)
21 or, in the case of an Internet or digital
22 communication, a hyperlink to such
23 website.

24 “(C) If the communication is transmitted
25 in an audio format and is paid for in whole or

1 in part with a payment which is treated as a
2 campaign-related disbursement under section
3 324—

4 “(i) the Top Two Funders list (if ap-
5 plicable); or

6 “(ii) in the case of a communication
7 which, as determined on the basis of cri-
8 teria established in regulations issued by
9 the Commission, is of such short duration
10 that including the Top Two Funders list in
11 the communication would constitute a
12 hardship to the person paying for the com-
13 munication by requiring a disproportionate
14 amount of the content of the communica-
15 tion to consist of the Top Two Funders
16 list, the name of a website which contains
17 the Top Two Funders list (if applicable).

18 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

19 “(A) INDIVIDUAL DISCLOSURE STATE-
20 MENTS.—The individual disclosure statement
21 described in this subparagraph is the following:
22 ‘I am _____, and I approve this
23 message.’, with the blank filled in with the
24 name of the applicable individual.

1 “(B) ORGANIZATIONAL DISCLOSURE
2 STATEMENTS.—The organizational disclosure
3 statement described in this subparagraph is the
4 following: ‘I am _____, the
5 _____ of _____, and
6 _____ approves this message.’,
7 with—

8 “(i) the first blank to be filled in with
9 the name of the applicable individual;

10 “(ii) the second blank to be filled in
11 with the title of the applicable individual;
12 and

13 “(iii) the third and fourth blank each
14 to be filled in with the name of the organi-
15 zation or other person paying for the com-
16 munication.

17 “(3) METHOD OF CONVEYANCE OF STATE-
18 MENT.—

19 “(A) COMMUNICATIONS IN TEXT OR
20 GRAPHIC FORMAT.—In the case of a commu-
21 nication to which this subsection applies which
22 is transmitted in a text or graphic format, the
23 disclosure statements required under paragraph
24 (1) shall appear in letters at least as large as
25 the majority of the text in the communication.

1 “(B) COMMUNICATIONS TRANSMITTED IN
2 AUDIO FORMAT.—In the case of a communica-
3 tion to which this subsection applies which is
4 transmitted in an audio format, the disclosure
5 statements required under paragraph (1) shall
6 be made by audio by the applicable individual
7 in a clear and conspicuous manner.

8 “(C) COMMUNICATIONS TRANSMITTED IN
9 VIDEO FORMAT.—In the case of a communica-
10 tion to which this subsection applies which is
11 transmitted in a video format, the information
12 required under paragraph (1)—

13 “(i) shall appear in writing at the end
14 of the communication or in a crawl along
15 the bottom of the communication in a clear
16 and conspicuous manner, with a reasonable
17 degree of color contrast between the back-
18 ground and the printed statement, for a
19 period of at least 6 seconds; and

20 “(ii) shall also be conveyed by an
21 unobscured, full-screen view of the applica-
22 ble individual or by the applicable indi-
23 vidual making the statement in voice-over
24 accompanied by a clearly identifiable pho-
25 tograph or similar image of the individual,

1 except in the case of a Top Five Funders
2 list.

3 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
4 term ‘applicable individual’ means, with respect to a
5 communication to which this subsection applies—

6 “(A) if the communication is paid for by
7 an individual, the individual involved;

8 “(B) if the communication is paid for by a
9 corporation, the chief executive officer of the
10 corporation (or, if the corporation does not have
11 a chief executive officer, the highest ranking of-
12 ficial of the corporation);

13 “(C) if the communication is paid for by a
14 labor organization, the highest ranking officer
15 of the labor organization; and

16 “(D) if the communication is paid for by
17 any other person, the highest ranking official of
18 such person.

19 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
20 FUNDERS LIST DEFINED.—

21 “(A) TOP FIVE FUNDERS LIST.—The term
22 ‘Top Five Funders list’ means, with respect to
23 a communication which is paid for in whole or
24 in part with a campaign-related disbursement
25 (as defined in section 324), a list of the five

1 persons who, during the 12-month period end-
2 ing on the date of the disbursement, provided
3 the largest payments of any type in an aggre-
4 gate amount equal to or exceeding \$10,000 to
5 the person who is paying for the communication
6 and the amount of the payments each such per-
7 son provided. If two or more people provided
8 the fifth largest of such payments, the person
9 paying for the communication shall select one of
10 those persons to be included on the Top Five
11 Funders list.

12 “(B) TOP TWO FUNDERS LIST.—The term
13 ‘Top Two Funders list’ means, with respect to
14 a communication which is paid for in whole or
15 in part with a campaign-related disbursement
16 (as defined in section 324), a list of the persons
17 who, during the 12-month period ending on the
18 date of the disbursement, provided the largest
19 and the second largest payments of any type in
20 an aggregate amount equal to or exceeding
21 \$10,000 to the person who is paying for the
22 communication and the amount of the pay-
23 ments each such person provided. If two or
24 more persons provided the second largest of
25 such payments, the person paying for the com-

1 munication shall select one of those persons to
2 be included on the Top Two Funders list.

3 “(C) EXCLUSION OF CERTAIN PAY-
4 MENTS.—For purposes of subparagraphs (A)
5 and (B), in determining the amount of pay-
6 ments made by a person to a person paying for
7 a communication, there shall be excluded the
8 following:

9 “(i) Any amounts provided in the or-
10 dinary course of any trade or business con-
11 ducted by the person paying for the com-
12 munication or in the form of investments
13 in the person paying for the communica-
14 tion.

15 “(ii) Any payment which the person
16 prohibited, in writing, from being used for
17 campaign-related disbursements, but only
18 if the person paying for the communication
19 agreed to follow the prohibition and depos-
20 ited the payment in an account which is
21 segregated from any account used to make
22 campaign-related disbursements.

23 “(6) SPECIAL RULES FOR CERTAIN COMMU-
24 NICATIONS.—

1 “(A) EXCEPTION FOR COMMUNICATIONS
2 PAID FOR BY POLITICAL PARTIES AND CERTAIN
3 POLITICAL COMMITTEES.—This subsection does
4 not apply to any communication to which sub-
5 section (d)(2) applies.

6 “(B) TREATMENT OF VIDEO COMMUNICA-
7 TIONS LASTING 10 SECONDS OR LESS.—In the
8 case of a communication to which this sub-
9 section applies which is transmitted in a video
10 format, or is an Internet or digital communica-
11 tion which is transmitted in a text or graphic
12 format, the communication shall meet the fol-
13 lowing requirements:

14 “(i) The communication shall include
15 the individual disclosure statement de-
16 scribed in paragraph (2)(A) (if the person
17 paying for the communication is an indi-
18 vidual) or the organizational disclosure
19 statement described in paragraph (2)(B)
20 (if the person paying for the communica-
21 tion is not an individual).

22 “(ii) The statement described in
23 clause (i) shall appear in writing at the
24 end of the communication, or in a crawl
25 along the bottom of the communication, in

1 a clear and conspicuous manner, with a
2 reasonable degree of color contrast between
3 the background and the printed statement,
4 for a period of at least 4 seconds.

5 “(iii) The communication shall in-
6 clude, in a clear and conspicuous manner,
7 a website address with a landing page
8 which will provide all of the information
9 described in paragraph (1) with respect to
10 the communication. Such address shall ap-
11 pear for the full duration of the commu-
12 nication.

13 “(iv) To the extent that the format in
14 which the communication is made permits
15 the use of a hyperlink, the communication
16 shall include a hyperlink to the website ad-
17 dress described in clause (iii).”

18 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
19 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
20 RELATED DISBURSEMENTS.—Section 318(a) of such Act
21 (52 U.S.C. 30120(a)) is amended by striking “for the pur-
22 pose of financing communications expressly advocating the
23 election or defeat of a clearly identified candidate” and
24 inserting “for a campaign-related disbursement, as de-

1 fined in section 324, consisting of a public communica-
2 tion”.

3 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
4 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
5 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
6 30120(d)(2)) is amended—

7 (1) in the heading, by striking “OTHERS” and
8 inserting “CERTAIN POLITICAL COMMITTEES”;

9 (2) by striking “Any communication” and in-
10 sserting “(A) Any communication”;

11 (3) by inserting “which (except to the extent
12 provided in subparagraph (B)) is paid for by a polit-
13 ical committee (including a political committee of a
14 political party) and” after “subsection (a)”;

15 (4) by striking “or other person” each place it
16 appears; and

17 (5) by adding at the end the following new sub-
18 paragraph:

19 “(B)(i) This paragraph does not apply to a
20 communication paid for in whole or in part during
21 a calendar year with a campaign-related disburse-
22 ment, but only if the covered organization making
23 the campaign-related disbursement made campaign-
24 related disbursements (as defined in section 324) ag-

1 gregating more than \$10,000 during such calendar
2 year.

3 “(ii) For purposes of clause (i), in determining
4 the amount of campaign-related disbursements made
5 by a covered organization during a year, there shall
6 be excluded the following:

7 “(I) Any amounts received by the covered
8 organization in the ordinary course of any trade
9 or business conducted by the covered organiza-
10 tion or in the form of investments in the cov-
11 ered organization.

12 “(II) Any amounts received by the covered
13 organization from a person who prohibited, in
14 writing, the organization from using such
15 amounts for campaign-related disbursements,
16 but only if the covered organization agreed to
17 follow the prohibition and deposited the
18 amounts in an account which is segregated
19 from any account used to make campaign-re-
20 lated disbursements.”.

21 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
22 **TIONS MADE THROUGH PRERECORDED TELE-**
23 **PHONE CALLS.**

24 (a) APPLICATION OF REQUIREMENTS.—

1 (1) IN GENERAL.—Section 318(a) of the Fed-
2 eral Election Campaign Act of 1971 (52 U.S.C.
3 30120(a)), as amended by section 4205(c), is
4 amended by inserting after “public communication”
5 each place it appears the following: “(including a
6 telephone call consisting in substantial part of a
7 prerecorded audio message)”.

8 (2) APPLICATION TO COMMUNICATIONS SUB-
9 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
10 Section 318(e)(1) of such Act (52 U.S.C.
11 30120(e)(1)), as added by section 4302(a), is
12 amended in the matter preceding subparagraph (A)
13 by striking “which is transmitted in an audio or
14 video format” and inserting “which is transmitted in
15 an audio or video format or which consists of a tele-
16 phone call consisting in substantial part of a
17 prerecorded audio message”.

18 (b) TREATMENT AS COMMUNICATION TRANSMITTED
19 IN AUDIO FORMAT.—

20 (1) COMMUNICATIONS BY CANDIDATES OR AU-
21 THORIZED PERSONS.—Section 318(d) of such Act
22 (52 U.S.C. 30120(d)) is amended by adding at the
23 end the following new paragraph:

24 “(3) PRERECORDED TELEPHONE CALLS.—Any
25 communication described in paragraph (1), (2), or

1 (3) of subsection (a) (other than a communication
2 which is subject to subsection (e)) which is a tele-
3 phone call consisting in substantial part of a
4 prerecorded audio message shall include, in addition
5 to the requirements of such paragraph, the audio
6 statement required under subparagraph (A) of para-
7 graph (1) or the audio statement required under
8 paragraph (2) (whichever is applicable), except that
9 the statement shall be made at the beginning of the
10 telephone call.”.

11 (2) COMMUNICATIONS SUBJECT TO EXPANDED
12 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
13 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
14 tion 4302(a), is amended by adding at the end the
15 following new subparagraph:

16 “(C) PRERECORDED TELEPHONE CALLS.—
17 In the case of a communication to which this
18 subsection applies which is a telephone call con-
19 sisting in substantial part of a prerecorded
20 audio message, the communication shall be con-
21 sidered to be transmitted in an audio format.”.

1 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
2 **CLAIMER REQUIREMENTS ON INTERNET**
3 **COMMUNICATIONS.**

4 Nothing in this subtitle or the amendments made by
5 this subtitle may be construed to require any person who
6 is not required under section 318 of the Federal Election
7 Campaign Act of 1971 (as provided under section 110.11
8 of title 11 of the Code of Federal Regulations) to include
9 a disclaimer on communications made by the person
10 through the internet to include any disclaimer on any such
11 communications.

12 **SEC. 4305. EFFECTIVE DATE.**

13 The amendments made by this subtitle shall apply
14 with respect to communications made on or after January
15 1, 2020, and shall take effect without regard to whether
16 or not the Federal Election Commission has promulgated
17 regulations to carry out such amendments.

18 **Subtitle E—[Reserved]**

19 **Subtitle F—[Reserved]**

20 **Subtitle G—[Reserved]**

21 **Subtitle H—Limitation and Disclo-**
22 **sure Requirements for Presi-**
23 **dential Inaugural Committees**

24 **SEC. 4701. SHORT TITLE.**

25 This subtitle may be cited as the “Presidential Inau-
26 gural Committee Oversight Act”.

1 **SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
2 **NATIONS TO, AND DISBURSEMENTS BY, INAUGURAL COMMITTEES.**
3 **GURAL COMMITTEES.**

4 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
5 TEES.—Title III of the Federal Election Campaign Act
6 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
7 at the end the following new section:

8 **“SEC. 325. INAUGURAL COMMITTEES.**

9 “(a) PROHIBITED DONATIONS.—

10 “(1) IN GENERAL.—It shall be unlawful—

11 “(A) for an Inaugural Committee—

12 “(i) to solicit, accept, or receive a do-
13 nation from a person that is not an indi-
14 vidual; or

15 “(ii) to solicit, accept, or receive a do-
16 nation from a foreign national;

17 “(B) for a person—

18 “(i) to make a donation to an Inau-
19 gural Committee in the name of another
20 person, or to knowingly authorize his or
21 her name to be used to effect such a dona-
22 tion;

23 “(ii) to knowingly accept a donation
24 to an Inaugural Committee made by a per-
25 son in the name of another person; or

1 “(iii) to convert a donation to an In-
2 augural Committee to personal use as de-
3 scribed in paragraph (2); and

4 “(C) for a foreign national to, directly or
5 indirectly, make a donation, or make an express
6 or implied promise to make a donation, to an
7 Inaugural Committee.

8 “(2) CONVERSION OF DONATION TO PERSONAL
9 USE.—For purposes of paragraph (1)(B)(iii), a do-
10 nation shall be considered to be converted to per-
11 sonal use if any part of the donated amount is used
12 to fulfill a commitment, obligation, or expense of a
13 person that would exist irrespective of the respon-
14 sibilities of the Inaugural Committee under chapter
15 5 of title 36, United States Code.

16 “(3) NO EFFECT ON DISBURSEMENT OF UN-
17 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
18 Nothing in this subsection may be construed to pro-
19 hibit an Inaugural Committee from disbursing un-
20 used funds to an organization which is described in
21 section 501(c)(3) of the Internal Revenue Code of
22 1986 and is exempt from taxation under section
23 501(a) of such Code.

24 “(b) LIMITATION ON DONATIONS.—

1 “(1) IN GENERAL.—It shall be unlawful for an
2 individual to make donations to an Inaugural Com-
3 mittee which, in the aggregate, exceed \$50,000.

4 “(2) INDEXING.—At the beginning of each
5 Presidential election year (beginning with 2024), the
6 amount described in paragraph (1) shall be in-
7 creased by the cumulative percent difference deter-
8 mined in section 315(c)(1)(A) since the previous
9 Presidential election year. If any amount after such
10 increase is not a multiple of \$1,000, such amount
11 shall be rounded to the nearest multiple of \$1,000.

12 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
13 BURSEMENTS.—

14 “(1) DONATIONS OVER \$1,000.—

15 “(A) IN GENERAL.—An Inaugural Com-
16 mittee shall file with the Commission a report
17 disclosing any donation by an individual to the
18 committee in an amount of \$1,000 or more not
19 later than 24 hours after the receipt of such do-
20 nation.

21 “(B) CONTENTS OF REPORT.—A report
22 filed under subparagraph (A) shall contain—

23 “(i) the amount of the donation;

24 “(ii) the date the donation is received;

25 and

1 “(iii) the name and address of the in-
2 dividual making the donation.

3 “(2) FINAL REPORT.—Not later than the date
4 that is 90 days after the date of the Presidential in-
5 augural ceremony, the Inaugural Committee shall
6 file with the Commission a report containing the fol-
7 lowing information:

8 “(A) For each donation of money or any-
9 thing of value made to the committee in an ag-
10 gregate amount equal to or greater than
11 \$200—

12 “(i) the amount of the donation;

13 “(ii) the date the donation is received;

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(B) The total amount of all disburse-
18 ments, and all disbursements in the following
19 categories:

20 “(i) Disbursements made to meet
21 committee operating expenses.

22 “(ii) Repayment of all loans.

23 “(iii) Donation refunds and other off-
24 sets to donations.

25 “(iv) Any other disbursements.

1 “(C) The name and address of each per-
2 son—

3 “(i) to whom a disbursement in an ag-
4 gregate amount or value in excess of \$200
5 is made by the committee to meet a com-
6 mittee operating expense, together with
7 date, amount, and purpose of such oper-
8 ating expense;

9 “(ii) who receives a loan repayment
10 from the committee, together with the date
11 and amount of such loan repayment;

12 “(iii) who receives a donation refund
13 or other offset to donations from the com-
14 mittee, together with the date and amount
15 of such disbursement; and

16 “(iv) to whom any other disbursement
17 in an aggregate amount or value in excess
18 of \$200 is made by the committee, to-
19 gether with the date and amount of such
20 disbursement.

21 “(d) DEFINITIONS.—For purposes of this section:

22 “(1)(A) The term ‘donation’ includes—

23 “(i) any gift, subscription, loan, ad-
24 vance, or deposit of money or anything of

1 value made by any person to the com-
2 mittee; or

3 “(ii) the payment by any person of
4 compensation for the personal services of
5 another person which are rendered to the
6 committee without charge for any purpose.

7 “(B) The term ‘donation’ does not include
8 the value of services provided without com-
9 pensation by any individual who volunteers on
10 behalf of the committee.

11 “(2) The term ‘foreign national’ has the mean-
12 ing given that term by section 319(b).

13 “(3) The term ‘Inaugural Committee’ has the
14 meaning given that term by section 501 of title 36,
15 United States Code.”.

16 (b) CONFIRMING AMENDMENT RELATED TO RE-
17 PORTING REQUIREMENTS.—Section 304 of the Federal
18 Election Campaign Act (52 U.S.C. 30104) is amended—

19 (1) by striking subsection (h); and

20 (2) by redesignating subsection (i) as subsection
21 (h).

22 (c) CONFIRMING AMENDMENT RELATED TO STATUS
23 OF COMMITTEE.—Section 510 of title 36, United States
24 Code, is amended to read as follows:

1 **“§ 510. Disclosure of and prohibition on certain dona-**
2 **tions**

3 “A committee shall not be considered to be the Inau-
4 gural Committee for purposes of this chapter unless the
5 committee agrees to, and meets, the requirements of sec-
6 tion 325 of the Federal Election Campaign Act of 1971.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this Act shall apply with respect to Inaugural Committees
9 established under chapter 5 of title 36, United States
10 Code, for inaugurations held in 2021 and any succeeding
11 year.

12 **Subtitle I—Severability**

13 **SEC. 4801. SEVERABILITY.**

14 If any provision of this title or amendment made by
15 this title, or the application of a provision or amendment
16 to any person or circumstance, is held to be unconstitu-
17 tional, the remainder of this title and amendments made
18 by this title, and the application of the provisions and
19 amendment to any person or circumstance, shall not be
20 affected by the holding.

21 **TITLE V—CAMPAIGN FINANCE**
22 **EMPOWERMENT**

Subtitle A—Findings Relating to *Citizens United* Decision

Sec. 5001. Findings relating to *Citizens United* decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

- Sec. 5101. Establishment of pilot program.
- Sec. 5102. Voucher program described.
- Sec. 5103. Reports.
- Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION
CAMPAIGNS

- Sec. 5111. Benefits and eligibility requirements for candidates.

“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL
ELECTION CAMPAIGNS

“Subtitle A—Benefits

- “Sec. 501. Benefits for participating candidates.
- “Sec. 502. Procedures for making payments.
- “Sec. 503. Use of funds.
- “Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

- “Sec. 511. Eligibility.
- “Sec. 512. Qualifying requirements.
- “Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating
Candidates

- “Sec. 521. Contribution and expenditure requirements.
- “Sec. 522. Administration of campaign.
- “Sec. 523. Preventing unnecessary spending of public funds.
- “Sec. 524. Remitting unspent funds after election.

“Subtitle D—Enhanced Match Support

- “Sec. 531. Enhanced support for general election.
- “Sec. 532. Eligibility.
- “Sec. 533. Amount.
- “Sec. 534. Waiver of authority to retain portion of unspent funds after election.

“Subtitle E—Administrative Provisions

- “Sec. 541. Freedom From Influence Fund.
- “Sec. 542. Reviews and reports by Government Accountability Office.
- “Sec. 543. Administration by Commission.
- “Sec. 544. Violations and penalties.
- “Sec. 545. Appeals process.
- “Sec. 546. Indexing of amounts.
- “Sec. 547. Election cycle defined.
- Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.
- Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.
- Sec. 5114. Effective date.

Subtitle C—Presidential Elections

Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS

- Sec. 5201. Increase in and modifications to matching payments.
- Sec. 5202. Eligibility requirements for matching payments.
- Sec. 5203. Repeal of expenditure limitations.
- Sec. 5204. Period of availability of matching payments.
- Sec. 5205. Examination and audits of matchable contributions.
- Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.
- Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS

- Sec. 5211. Modification of eligibility requirements for public financing.
- Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.
- Sec. 5213. Matching payments and other modifications to payment amounts.
- Sec. 5214. Increase in limit on coordinated party expenditures.
- Sec. 5215. Establishment of uniform date for release of payments.
- Sec. 5216. Amounts in Presidential Election Campaign Fund.
- Sec. 5217. Use of general election payments for general election legal and accounting compliance.
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PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

- Sec. 5301. Short title; findings; purpose.
- Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Severability

Sec. 5401. Severability.

1 **Subtitle A—Findings Relating to**
2 ***Citizens United* Decision**

3 **SEC. 5001. FINDINGS RELATING TO *CITIZENS UNITED* DECISION.**
4 **SION.**

5 Congress finds the following:

- 6 (1) The American Republic was founded on the
- 7 principle that all people are created equal, with

1 rights and responsibilities as citizens to vote, be rep-
2 resented, speak, debate, and participate in self-gov-
3 ernment on equal terms regardless of wealth. To se-
4 cure these rights and responsibilities, our Constitu-
5 tion not only protects the equal rights of all Ameri-
6 cans but also provides checks and balances to pre-
7 vent corruption and prevent concentrated power and
8 wealth from undermining effective self-government.

9 (2) The Supreme Court's decisions in *Citizens*
10 *United v. Federal Election Commission*, 558 U.S.
11 310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185
12 (2014), as well as other court decisions, erroneously
13 invalidated even-handed rules about the spending of
14 money in local, State, and Federal elections. These
15 flawed decisions have empowered large corporations,
16 extremely wealthy individuals, and special interests
17 to dominate election spending, corrupt our politics,
18 and degrade our democracy through tidal waves of
19 unlimited and anonymous spending. These decisions
20 also stand in contrast to a long history of efforts by
21 Congress and the States to regulate money in poli-
22 tics to protect democracy, and they illustrate a trou-
23 bling deregulatory trend in campaign finance-related
24 court decisions. Additionally, an unknown amount of
25 foreign money continues to be spent in our political

1 system as subsidiaries of foreign-based corporations
2 and hostile foreign actors sometimes connected to
3 nation-States work to influence our elections.

4 (3) The Supreme Court's misinterpretation of
5 the Constitution to empower monied interests at the
6 expense of the American people in elections has seri-
7 ously eroded over 100 years of congressional action
8 to promote fairness and protect elections from the
9 toxic influence of money.

10 (4) In 1907, Congress passed the Tillman Act
11 in response to the concentration of corporate power
12 in the post-Civil War Gilded Age. The Act prohibited
13 corporations from making contributions in connec-
14 tion with Federal elections, aiming "not merely to
15 prevent the subversion of the integrity of the elec-
16 toral process [but] . . . to sustain the active, alert
17 responsibility of the individual citizen in a democ-
18 racy for the wise conduct of government".

19 (5) By 1910, Congress began passing disclosure
20 requirements and campaign expenditure limits, and
21 dozens of States passed corrupt practices Acts to
22 prohibit corporate spending in elections. States also
23 enacted campaign spending limits, and some States
24 limited the amount that people could contribute to
25 campaigns.

1 (6) In 1947, the Taft-Hartley Act prohibited
2 corporations and unions from making campaign con-
3 tributions or other expenditures to influence elec-
4 tions. In 1962, a Presidential commission on election
5 spending recommended spending limits and incen-
6 tives to increase small contributions from more peo-
7 ple.

8 (7) The Federal Election Campaign Act of
9 1971 (FECA), as amended in 1974, required disclo-
10 sure of contributions and expenditures, imposed con-
11 tribution and expenditure limits for individuals and
12 groups, set spending limits for campaigns, can-
13 didates, and groups, implemented a public funding
14 system for Presidential campaigns, and created the
15 Federal Election Commission to oversee and enforce
16 the new rules.

17 (8) In the wake of *Citizens United* and other
18 damaging Federal court decisions, Americans have
19 witnessed an explosion of outside spending in elec-
20 tions. Outside spending increased nearly 900 percent
21 between the 2008 and 2016 Presidential election
22 years. Indeed, the 2018 elections once again made
23 clear the overwhelming political power of wealthy
24 special interests, to the tune of over \$5,000,000,000.
25 And as political entities adapt to a post- *Citizens*

1 *United*, post-*McCutcheon* landscape, these trends are
2 getting worse, as evidenced by the experience in the
3 2018 midterm congressional elections, where outside
4 spending more than doubled from the previous mid-
5 term cycle.

6 (9) The torrent of money flowing into our polit-
7 ical system has a profound effect on the democratic
8 process for everyday Americans, whose voices and
9 policy preferences are increasingly being drowned
10 out by those of wealthy special interests. The more
11 campaign cash from wealthy special interests can
12 flood our elections, the more policies that favor those
13 interests are reflected in the national political agen-
14 da. When it comes to policy preferences, our Na-
15 tion's wealthiest tend to have fundamentally dif-
16 ferent views than do average Americans when it
17 comes to issues ranging from unemployment benefits
18 to the minimum wage to health care coverage.

19 (10) The Court has tied the hands of Congress
20 and the States, severely restricting them from set-
21 ting reasonable limits on campaign spending. For
22 example, the Court has held that only the Govern-
23 ment's interest in preventing quid pro quo corrup-
24 tion, like bribery, or the appearance of such corrup-
25 tion, can justify limits on campaign contributions.

1 More broadly, the Court has severely curtailed at-
2 tempts to reduce the ability of the Nation's wealthi-
3 est and most powerful to skew our democracy in
4 their favor by buying outsized influence in our elec-
5 tions. Because this distortion of the Constitution has
6 prevented truly meaningful regulation or reform of
7 the way we finance elections in America, a constitu-
8 tional amendment is needed to achieve a democracy
9 for all the people.

10 (11) Since the landmark *Citizens United* deci-
11 sion, 19 States and nearly 800 municipalities, in-
12 cluding large cities like New York, Los Angeles, Chi-
13 cago, and Philadelphia, have gone on record sup-
14 porting a constitutional amendment. Transcending
15 political leanings and geographic location, voters in
16 States and municipalities across the country that
17 have placed amendment questions on the ballot have
18 routinely supported these initiatives by considerably
19 large margins.

20 (12) At the same time millions of Americans
21 have signed petitions, marched, called their Members
22 of Congress, written letters to the editor, and other-
23 wise demonstrated their public support for a con-
24 stitutional amendment to overturn *Citizens United*
25 that will allow Congress to reign in the outsized in-

1 fluence of unchecked money in politics. Dozens of
2 organizations, representing tens of millions of indi-
3 viduals, have come together in a shared strategy of
4 supporting such an amendment.

5 (13) In order to protect the integrity of democ-
6 racy and the electoral process and to ensure political
7 equality for all, the Constitution should be amended
8 so that Congress and the States may regulate and
9 set limits on the raising and spending of money to
10 influence elections and may distinguish between nat-
11 ural persons and artificial entities, like corporations,
12 that are created by law, including by prohibiting
13 such artificial entities from spending money to influ-
14 ence elections.

15 **Subtitle B—Congressional** 16 **Elections**

17 **SEC. 5100. SHORT TITLE.**

18 This subtitle may be cited as the “Government By
19 the People Act of 2019”.

20 **PART 1—MY VOICE VOUCHER PILOT PROGRAM**

21 **SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.**

22 (a) ESTABLISHMENT.—The Federal Election Com-
23 mission (hereafter in this part referred to as the “Commis-
24 sion”) shall establish a pilot program under which the
25 Commission shall select 3 eligible States to operate a

1 voucher pilot program which is described in section 5102
2 during the program operation period.

3 (b) ELIGIBILITY OF STATES.—A State is eligible to
4 be selected to operate a voucher pilot program under this
5 part if, not later than 180 days after the beginning of the
6 program application period, the State submits to the Com-
7 mission an application containing—

8 (1) information and assurances that the State
9 will operate a voucher program which contains the
10 elements described in section 5102(a);

11 (2) information and assurances that the State
12 will establish fraud prevention mechanisms described
13 in section 5102(b);

14 (3) information and assurances that the State
15 will establish a commission to oversee and implement
16 the program as described in section 5102(c);

17 (4) information and assurances that the State
18 will carry out a public information campaign as de-
19 scribed in section 5102(d);

20 (5) information and assurances that the State
21 will submit reports as required under section 5103;
22 and

23 (6) such other information and assurances as
24 the Commission may require.

25 (c) SELECTION OF PARTICIPATING STATES.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the beginning of the program application period, the
3 Commission shall select the 3 States which will oper-
4 ate voucher pilot programs under this part.

5 (2) CRITERIA.—In selecting States for the oper-
6 ation of the voucher pilot programs under this part,
7 the Commission shall apply such criteria and metrics
8 as the Commission considers appropriate to deter-
9 mine the ability of a State to operate the program
10 successfully, and shall attempt to select States in a
11 variety of geographic regions and with a variety of
12 political party preferences.

13 (3) NO SUPERMAJORITY REQUIRED FOR SELEC-
14 TION.—The selection of States by the Commission
15 under this subsection shall require the approval of
16 only half of the Members of the Commission.

17 (d) DUTIES OF STATES DURING PROGRAM PREPARA-
18 TION PERIOD.—During the program preparation period,
19 each State selected to operate a voucher pilot program
20 under this part shall take such actions as may be nec-
21 essary to ensure that the State will be ready to operate
22 the program during the program operation period, and
23 shall complete such actions not later than 90 days before
24 the beginning of the program operation period.

1 (e) TERMINATION.—Each voucher pilot program
2 under this part shall terminate as of the first day after
3 the program operation period.

4 (f) REIMBURSEMENT OF COSTS.—

5 (1) REIMBURSEMENT.—Upon receiving the re-
6 port submitted by a State under section 5103(a)
7 with respect to an election cycle, the Commission
8 shall transmit a payment to the State in an amount
9 equal to the reasonable costs incurred by the State
10 in operating the voucher pilot program under this
11 part during the cycle.

12 (2) SOURCE OF FUNDS.—Payments to States
13 under the program shall be made using amounts in
14 the Freedom From Influence Fund under section
15 541 of the Federal Election Campaign Act of 1971
16 (as added by section 5111), hereafter referred to as
17 the “Fund”.

18 (3) MANDATORY REDUCTION OF PAYMENTS IN
19 CASE OF INSUFFICIENT AMOUNTS IN FREEDOM
20 FROM INFLUENCE FUND.—

21 (A) ADVANCE AUDITS BY COMMISSION.—

22 Not later than 90 days before the first day of
23 each program operation period, the Commission
24 shall—

1 (i) audit the Fund to determine
2 whether, after first making payments to
3 participating candidates under title V of
4 the Federal Election Campaign Act of
5 1971 (as added by section 5111), the
6 amounts remaining in the Fund will be
7 sufficient to make payments to States
8 under this part in the amounts provided
9 under this subsection; and

10 (ii) submit a report to Congress de-
11 scribing the results of the audit.

12 (B) REDUCTIONS IN AMOUNT OF PAY-
13 MENTS.—

14 (i) AUTOMATIC REDUCTION ON PRO
15 RATA BASIS.—If, on the basis of the audit
16 described in subparagraph (A), the Com-
17 mission determines that the amount antici-
18 pated to be available in the Fund with re-
19 spect to an election cycle involved is not, or
20 may not be, sufficient to make payments to
21 States under this part in the full amount
22 provided under this subsection, the Com-
23 mission shall reduce each amount which
24 would otherwise be paid to a State under
25 this subsection by such pro rata amount as

1 may be necessary to ensure that the aggregate amount of payments anticipated to be
2 made with respect to the cycle will not exceed the amount anticipated to be available
3 for such payments in the Fund with respect to such cycle.
4
5
6

7 (ii) RESTORATION OF REDUCTIONS IN
8 CASE OF AVAILABILITY OF SUFFICIENT
9 FUNDS DURING ELECTION CYCLE.—If,
10 after reducing the amounts paid to States
11 with respect to an election cycle under
12 clause (i), the Commission determines that
13 there are sufficient amounts in the Fund
14 to restore the amount by which such payments were reduced (or any portion thereof),
15 to the extent that such amounts are available, the Commission may make a
16 payment on a pro rata basis to each such
17 State with respect to the cycle in the amount by which such State's payments
18 were reduced under clause (i) (or any portion thereof, as the case may be).
19
20
21
22

23 (iii) NO USE OF AMOUNTS FROM
24 OTHER SOURCES.—In any case in which
25 the Commission determines that there are

1 insufficient moneys in the Fund to make
2 payments to States under this part, mon-
3 eys shall not be made available from any
4 other source for the purpose of making
5 such payments.

6 (3) CAP ON AMOUNT OF PAYMENT.—The aggre-
7 gate amount of payments made to any State with re-
8 spect to any program operation period may not ex-
9 ceed \$10,000,000. If the State determines that the
10 maximum payment amount under this paragraph
11 with respect to the program operation period in-
12 volved is not, or may not be, sufficient to cover the
13 reasonable costs incurred by the State in operating
14 the program under this part for such period, the
15 State shall reduce the amount of the voucher pro-
16 vided to each qualified individual by such pro rata
17 amount as may be necessary to ensure that the rea-
18 sonable costs incurred by the State in operating the
19 program will not exceed the amount paid to the
20 State with respect to such period.

21 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

22 (a) GENERAL ELEMENTS OF PROGRAM.—

23 (1) ELEMENTS DESCRIBED.—The elements of a
24 voucher pilot program operated by a State under
25 this part are as follows:

1 (A) The State shall provide each qualified
2 individual upon the individual's request with a
3 voucher worth \$25 to be known as a "My Voice
4 Voucher" during the election cycle which will be
5 assigned a routing number and which at the op-
6 tion of the individual will be provided in either
7 paper or electronic form.

8 (B) Using the routing number assigned to
9 the My Voice Voucher, the individual may sub-
10 mit the My Voice Voucher in either electronic
11 or paper form to qualified candidates for elec-
12 tion for the office of Representative in, or Dele-
13 gate or Resident Commissioner to, the Congress
14 and allocate such portion of the value of the My
15 Voice Voucher in increments of \$5 as the indi-
16 vidual may select to any such candidate.

17 (C) If the candidate transmits the My
18 Voice Voucher to the Commission, the Commis-
19 sion shall pay the candidate the portion of the
20 value of the My Voice Voucher that the indi-
21 vidual allocated to the candidate, which shall be
22 considered a contribution by the individual to
23 the candidate for purposes of the Federal Elec-
24 tion Campaign Act of 1971.

1 (2) DESIGNATION OF QUALIFIED INDIVID-
2 UALS.—For purposes of paragraph (1)(A), a “quali-
3 fied individual” with respect to a State means an in-
4 dividual—

5 (A) who is a resident of the State;

6 (B) who will be of voting age as of the
7 date of the election for the candidate to whom
8 the individual submits a My Voice Voucher; and

9 (C) who is not prohibited under Federal
10 law from making contributions to candidates
11 for election for Federal office.

12 (3) TREATMENT AS CONTRIBUTION TO CAN-
13 DIDATE.—For purposes of the Federal Election
14 Campaign Act of 1971, the submission of a My
15 Voice Voucher to a candidate by an individual shall
16 be treated as a contribution to the candidate by the
17 individual in the amount of the portion of the value
18 of the Voucher that the individual allocated to the
19 candidate.

20 (b) FRAUD PREVENTION MECHANISM.—In addition
21 to the elements described in subsection (a), a State oper-
22 ating a voucher pilot program under this part shall permit
23 an individual to revoke a My Voice Voucher not later than
24 2 days after submitting the My Voice Voucher to a can-
25 didate.

1 (c) OVERSIGHT COMMISSION.—In addition to the ele-
2 ments described in subsection (a), a State operating a
3 voucher pilot program under this part shall establish a
4 commission or designate an existing entity to oversee and
5 implement the program in the State, except that no such
6 commission or entity may be comprised of elected officials.

7 (d) PUBLIC INFORMATION CAMPAIGN.—In addition
8 to the elements described in subsection (a), a State oper-
9 ating a voucher pilot program under this part shall carry
10 out a public information campaign to disseminate aware-
11 ness of the program among qualified individuals.

12 **SEC. 5103. REPORTS.**

13 (a) PRELIMINARY REPORT.—Not later than 6
14 months after the first election cycle of the program oper-
15 ation period, a State which operates a voucher pilot pro-
16 gram under this part shall submit a report to the Commis-
17 sion analyzing the operation and effectiveness of the pro-
18 gram during the cycle and including such other informa-
19 tion as the Commission may require.

20 (b) FINAL REPORT.—Not later than 6 months after
21 the end of the program operation period, the State shall
22 submit a final report to the Commission analyzing the op-
23 eration and effectiveness of the program and including
24 such other information as the Commission may require.

1 (c) REPORT BY COMMISSION.—Not later than the
2 end of the first election cycle which begins after the pro-
3 gram operation period, the Commission shall submit a re-
4 port to Congress which summarizes and analyzes the re-
5 sults of the voucher pilot program, and shall include in
6 the report such recommendations as the Commission con-
7 siders appropriate regarding the expansion of the pilot
8 program to all States and territories, along with such
9 other recommendations and other information as the Com-
10 mission considers appropriate.

11 **SEC. 5104. DEFINITIONS.**

12 (a) ELECTION CYCLE.—In this part, the term “elec-
13 tion cycle” means the period beginning on the day after
14 the date of the most recent regularly scheduled general
15 election for Federal office and ending on the date of the
16 next regularly scheduled general election for Federal of-
17 fice.

18 (b) DEFINITIONS RELATING TO PERIODS.—In this
19 part, the following definitions apply:

20 (1) PROGRAM APPLICATION PERIOD.—The term
21 “program application period” means the first elec-
22 tion cycle which begins after the date of the enact-
23 ment of this Act.

24 (2) PROGRAM PREPARATION PERIOD.—The
25 term “program preparation period” means the first

1 election cycle which begins after the program appli-
2 cation period.

3 (3) PROGRAM OPERATION PERIOD.—The term
4 “program operation period” means the first 2 elec-
5 tion cycles which begin after the program prepara-
6 tion period.

7 **PART 2—SMALL DOLLAR FINANCING OF**
8 **CONGRESSIONAL ELECTION CAMPAIGNS**

9 **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS**
10 **FOR CANDIDATES.**

11 The Federal Election Campaign Act of 1971 (52
12 U.S.C. 30101 et seq.) is amended by adding at the end
13 the following:

14 **“TITLE V—SMALL DOLLAR FI-**
15 **NANCING OF CONGRES-**
16 **SIONAL ELECTION CAM-**
17 **PAIGNS**

18 **“Subtitle A—Benefits**

19 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

20 “(a) IN GENERAL.—If a candidate for election to the
21 office of Representative in, or Delegate or Resident Com-
22 missioner to, the Congress is certified as a participating
23 candidate under this title with respect to an election for
24 such office, the candidate shall be entitled to payments
25 as provided under this title.

1 “(b) AMOUNT OF PAYMENT.—The amount of a pay-
2 ment made under this title shall be equal to 600 percent
3 of the amount of qualified small dollar contributions re-
4 ceived by the candidate since the most recent payment
5 made to the candidate under this title during the election
6 cycle, without regard to whether or not the candidate re-
7 ceived any of the contributions before, during, or after the
8 Small Dollar Democracy qualifying period applicable to
9 the candidate under section 511(c).

10 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-
11 MENTS.—The aggregate amount of payments made to a
12 participating candidate with respect to an election cycle
13 under this title may not exceed 50 percent of the average
14 of the 20 greatest amounts of disbursements made by the
15 authorized committees of any winning candidate for the
16 office of Representative in, or Delegate or Resident Com-
17 missioner to, the Congress during the most recent election
18 cycle, rounded to the nearest \$100,000.

19 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

20 “(a) IN GENERAL.—The Commission shall make a
21 payment under section 501 to a candidate who is certified
22 as a participating candidate upon receipt from the can-
23 didate of a request for a payment which includes—

24 “(1) a statement of the number and amount of
25 qualified small dollar contributions received by the

1 candidate since the most recent payment made to
2 the candidate under this title during the election
3 cycle;

4 “(2) a statement of the amount of the payment
5 the candidate anticipates receiving with respect to
6 the request;

7 “(3) a statement of the total amount of pay-
8 ments the candidate has received under this title as
9 of the date of the statement; and

10 “(4) such other information and assurances as
11 the Commission may require.

12 “(b) RESTRICTIONS ON SUBMISSION OF RE-
13 QUESTS.—A candidate may not submit a request under
14 subsection (a) unless each of the following applies:

15 “(1) The amount of the qualified small dollar
16 contributions in the statement referred to in sub-
17 section (a)(1) is equal to or greater than \$5,000, un-
18 less the request is submitted during the 30-day pe-
19 riod which ends on the date of a general election.

20 “(2) The candidate did not receive a payment
21 under this title during the 7-day period which ends
22 on the date the candidate submits the request.

23 “(c) TIME OF PAYMENT.—The Commission shall, in
24 coordination with the Secretary of the Treasury, take such
25 steps as may be necessary to ensure that the Secretary

1 is able to make payments under this section from the
2 Treasury not later than 2 business days after the receipt
3 of a request submitted under subsection (a).

4 **“SEC. 503. USE OF FUNDS.**

5 “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN
6 EXPENDITURES.—A candidate shall use payments made
7 under this title, including payments provided with respect
8 to a previous election cycle which are withheld from remit-
9 tance to the Commission in accordance with section
10 524(a)(2), only for making direct payments for the receipt
11 of goods and services which constitute authorized expendi-
12 tures (as determined in accordance with title III) in con-
13 nection with the election cycle involved.

14 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-
15 PENSES, FINES, OR PENALTIES.—Notwithstanding title
16 III, a candidate may not use payments made under this
17 title for the payment of expenses incurred in connection
18 with any action, claim, or other matter before the Commis-
19 sion or before any court, hearing officer, arbitrator, or
20 other dispute resolution entity, or for the payment of any
21 fine or civil monetary penalty.

22 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**
23 **SCRIBED.**

24 “(a) IN GENERAL.—In this title, the term ‘qualified
25 small dollar contribution’ means, with respect to a can-

1 didate and the authorized committees of a candidate, a
2 contribution that meets the following requirements:

3 “(1) The contribution is in an amount that is—

4 “(A) not less than \$1; and

5 “(B) not more than \$200.

6 “(2)(A) The contribution is made directly by an
7 individual to the candidate or an authorized com-
8 mittee of the candidate and is not—

9 “(i) forwarded from the individual making
10 the contribution to the candidate or committee
11 by another person; or

12 “(ii) received by the candidate or com-
13 mittee with the knowledge that the contribution
14 was made at the request, suggestion, or rec-
15 ommendation of another person.

16 “(B) In this paragraph—

17 “(i) the term ‘person’ does not include an
18 individual (other than an individual described in
19 section 304(i)(7) of the Federal Election Cam-
20 paign Act of 1971), a political committee of a
21 political party, or any political committee which
22 is not a separate segregated fund described in
23 section 316(b) of the Federal Election Cam-
24 paign Act of 1971 and which does not make
25 contributions or independent expenditures, does

1 not engage in lobbying activity under the Lob-
2 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
3 seq.), and is not established by, controlled by,
4 or affiliated with a registered lobbyist under
5 such Act, an agent of a registered lobbyist
6 under such Act, or an organization which re-
7 tains or employs a registered lobbyist under
8 such Act; and

9 “(ii) a contribution is not ‘made at the re-
10 quest, suggestion, or recommendation of an-
11 other person’ solely on the grounds that the
12 contribution is made in response to information
13 provided to the individual making the contribu-
14 tion by any person, so long as the candidate or
15 authorized committee does not know the iden-
16 tity of the person who provided the information
17 to such individual.

18 “(3) The individual who makes the contribution
19 does not make contributions to the candidate or the
20 authorized committees of the candidate with respect
21 to the election involved in an aggregate amount that
22 exceeds the amount described in paragraph (1)(B),
23 or any contribution to the candidate or the author-
24 ized committees of the candidate with respect to the

1 election involved that otherwise is not a qualified
2 small dollar contribution.

3 “(b) TREATMENT OF MY VOICE VOUCHERS.—Any
4 payment received by a candidate and the authorized com-
5 mittees of a candidate which consists of a My Voice
6 Voucher under the Government By the People Act of 2019
7 shall be considered a qualified small dollar contribution
8 for purposes of this title, so long as the individual making
9 the payment meets the requirements of paragraphs (2)
10 and (3) of subsection (a).

11 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-
12 TIONS.—

13 “(1) PROHIBITING DONOR FROM MAKING SUB-
14 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING
15 ELECTION CYCLE.—

16 “(A) IN GENERAL.—An individual who
17 makes a qualified small dollar contribution to a
18 candidate or the authorized committees of a
19 candidate with respect to an election may not
20 make any subsequent contribution to such can-
21 didate or the authorized committees of such
22 candidate with respect to the election cycle
23 which is not a qualified small dollar contribu-
24 tion.

1 “(B) EXCEPTION FOR CONTRIBUTIONS TO
2 CANDIDATES WHO VOLUNTARILY WITHDRAW
3 FROM PARTICIPATION DURING QUALIFYING PE-
4 RIOD.—Subparagraph (A) does not apply with
5 respect to a contribution made to a candidate
6 who, during the Small Dollar Democracy quali-
7 fying period described in section 511(c), sub-
8 mits a statement to the Commission under sec-
9 tion 513(c) to voluntarily withdraw from par-
10 ticipating in the program under this title.

11 “(2) TREATMENT OF SUBSEQUENT NON-
12 QUALIFIED CONTRIBUTIONS.—If, notwithstanding
13 the prohibition described in paragraph (1), an indi-
14 vidual who makes a qualified small dollar contribu-
15 tion to a candidate or the authorized committees of
16 a candidate with respect to an election makes a sub-
17 sequent contribution to such candidate or the au-
18 thorized committees of such candidate with respect
19 to the election which is prohibited under paragraph
20 (1) because it is not a qualified small dollar con-
21 tribution, the candidate may take one of the fol-
22 lowing actions:

23 “(A) Not later than 2 weeks after receiving
24 the contribution, the candidate may return the
25 subsequent contribution to the individual. In

1 the case of a subsequent contribution which is
2 not a qualified small dollar contribution because
3 the contribution fails to meet the requirements
4 of paragraph (3) of subsection (a) (relating to
5 the aggregate amount of contributions made to
6 the candidate or the authorized committees of
7 the candidate by the individual making the con-
8 tribution), the candidate may return an amount
9 equal to the difference between the amount of
10 the subsequent contribution and the amount de-
11 scribed in paragraph (1)(B) of subsection (a).

12 “(B) The candidate may retain the subse-
13 quent contribution, so long as not later than 2
14 weeks after receiving the subsequent contribu-
15 tion, the candidate remits to the Commission
16 for deposit in the Freedom From Influence
17 Fund under section 541 an amount equal to
18 any payments received by the candidate under
19 this title which are attributable to the qualified
20 small dollar contribution made by the individual
21 involved.

22 “(3) NO EFFECT ON ABILITY TO MAKE MUL-
23 TIPLE CONTRIBUTIONS.—Nothing in this section
24 may be construed to prohibit an individual from
25 making multiple qualified small dollar contributions

1 to any candidate or any number of candidates, so
2 long as each contribution meets each of the require-
3 ments of paragraphs (1), (2), and (3) of subsection
4 (a).

5 “(d) NOTIFICATION REQUIREMENTS FOR CAN-
6 DIDATES.—

7 “(1) NOTIFICATION.—Each authorized com-
8 mittee of a candidate who seeks to be a participating
9 candidate under this title shall provide the following
10 information in any materials for the solicitation of
11 contributions, including any internet site through
12 which individuals may make contributions to the
13 committee:

14 “(A) A statement that if the candidate is
15 certified as a participating candidate under this
16 title, the candidate will receive matching pay-
17 ments in an amount which is based on the total
18 amount of qualified small dollar contributions
19 received.

20 “(B) A statement that a contribution
21 which meets the requirements set forth in sub-
22 section (a) shall be treated as a qualified small
23 dollar contribution under this title.

24 “(C) A statement that if a contribution is
25 treated as qualified small dollar contribution

1 under this title, the individual who makes the
2 contribution may not make any contribution to
3 the candidate or the authorized committees of
4 the candidate during the election cycle which is
5 not a qualified small dollar contribution.

6 “(2) ALTERNATIVE METHODS OF MEETING RE-
7 QUIREMENTS.—An authorized committee may meet
8 the requirements of paragraph (1)—

9 “(A) by including the information de-
10 scribed in paragraph (1) in the receipt provided
11 under section 512(b)(3) to a person making a
12 qualified small dollar contribution; or

13 “(B) by modifying the information it pro-
14 vides to persons making contributions which is
15 otherwise required under title III (including in-
16 formation it provides through the internet).

17 **“Subtitle B—Eligibility and**
18 **Certification**

19 **“SEC. 511. ELIGIBILITY.**

20 “(a) IN GENERAL.—A candidate for the office of
21 Representative in, or Delegate or Resident Commissioner
22 to, the Congress is eligible to be certified as a participating
23 candidate under this title with respect to an election if
24 the candidate meets the following requirements:

1 “(1) The candidate files with the Commission a
2 statement of intent to seek certification as a partici-
3 pating candidate.

4 “(2) The candidate meets the qualifying re-
5 quirements of section 512.

6 “(3) The candidate files with the Commission a
7 statement certifying that the authorized committees
8 of the candidate meet the requirements of section
9 504(d).

10 “(4) Not later than the last day of the Small
11 Dollar Democracy qualifying period, the candidate
12 files with the Commission an affidavit signed by the
13 candidate and the treasurer of the candidate’s prin-
14 cipal campaign committee declaring that the can-
15 didate—

16 “(A) has complied and, if certified, will
17 comply with the contribution and expenditure
18 requirements of section 521;

19 “(B) if certified, will run only as a partici-
20 pating candidate for all elections for the office
21 that such candidate is seeking during that elec-
22 tion cycle; and

23 “(C) has either qualified or will take steps
24 to qualify under State law to be on the ballot.

1 “(b) GENERAL ELECTION.—Notwithstanding sub-
2 section (a), a candidate shall not be eligible to be certified
3 as a participating candidate under this title for a general
4 election or a general runoff election unless the candidate’s
5 party nominated the candidate to be placed on the ballot
6 for the general election or the candidate is otherwise quali-
7 fied to be on the ballot under State law.

8 “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-
9 RIOD DEFINED.—The term ‘Small Dollar Democracy
10 qualifying period’ means, with respect to any candidate
11 for an office, the 180-day period (during the election cycle
12 for such office) which begins on the date on which the
13 candidate files a statement of intent under section
14 511(a)(1), except that such period may not continue after
15 the date that is 30 days before the date of the general
16 election for the office.

17 **“SEC. 512. QUALIFYING REQUIREMENTS.**

18 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-
19 TRIBUTIONS.—A candidate for the office of Representative
20 in, or Delegate or Resident Commissioner to, the Congress
21 meets the requirement of this section if, during the Small
22 Dollar Democracy qualifying period described in section
23 511(e), each of the following occurs:

24 “(1) Not fewer than 1,000 individuals make a
25 qualified small dollar contribution to the candidate.

1 “(2) The candidate obtains a total dollar
2 amount of qualified small dollar contributions which
3 is equal to or greater than \$50,000.

4 “(b) REQUIREMENTS RELATING TO RECEIPT OF
5 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each
6 qualified small dollar contribution—

7 “(1) may be made by means of a personal
8 check, money order, debit card, credit card, elec-
9 tronic payment account, or any other method
10 deemed appropriate by the Commission;

11 “(2) shall be accompanied by a signed state-
12 ment (or, in the case of a contribution made online
13 or through other electronic means, an electronic
14 equivalent) containing the contributor’s name and
15 address; and

16 “(3) shall be acknowledged by a receipt that is
17 sent to the contributor with a copy (in paper or elec-
18 tronic form) kept by the candidate for the Commis-
19 sion.

20 “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-
21 mission shall establish procedures for the auditing and
22 verification of the contributions received and expenditures
23 made by participating candidates under this title, includ-
24 ing procedures for random audits, to ensure that such con-

1 tributions and expenditures meet the requirements of this
2 title.

3 **“SEC. 513. CERTIFICATION.**

4 “(a) DEADLINE AND NOTIFICATION.—

5 “(1) IN GENERAL.—Not later than 5 business
6 days after a candidate files an affidavit under sec-
7 tion 511(a)(4), the Commission shall—

8 “(A) determine whether or not the can-
9 didate meets the requirements for certification
10 as a participating candidate;

11 “(B) if the Commission determines that
12 the candidate meets such requirements, certify
13 the candidate as a participating candidate; and

14 “(C) notify the candidate of the Commis-
15 sion’s determination.

16 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
17 TIONS IN ELECTION CYCLE.—If the Commission cer-
18 tifies a candidate as a participating candidate with
19 respect to the first election of the election cycle in-
20 volved, the Commission shall be deemed to have cer-
21 tified the candidate as a participating candidate with
22 respect to all subsequent elections of the election
23 cycle.

24 “(b) REVOCATION OF CERTIFICATION.—

1 “(1) IN GENERAL.—The Commission shall re-
2 voke a certification under subsection (a) if—

3 “(A) a candidate fails to qualify to appear
4 on the ballot at any time after the date of cer-
5 tification (other than a candidate certified as a
6 participating candidate with respect to a pri-
7 mary election who fails to qualify to appear on
8 the ballot for a subsequent election in that elec-
9 tion cycle);

10 “(B) a candidate ceases to be a candidate
11 for the office involved, as determined on the
12 basis of an official announcement by an author-
13 ized committee of the candidate or on the basis
14 of a reasonable determination by the Commis-
15 sion; or

16 “(C) a candidate otherwise fails to comply
17 with the requirements of this title, including
18 any regulatory requirements prescribed by the
19 Commission.

20 “(2) EXISTENCE OF CRIMINAL SANCTION.—The
21 Commission shall revoke a certification under sub-
22 section (a) if a penalty is assessed against the can-
23 didate under section 309(d) with respect to the elec-
24 tion.

1 “(3) EFFECT OF REVOCATION.—If a can-
2 didate’s certification is revoked under this sub-
3 section—

4 “(A) the candidate may not receive pay-
5 ments under this title during the remainder of
6 the election cycle involved; and

7 “(B) in the case of a candidate whose cer-
8 tification is revoked pursuant to subparagraph
9 (A) or subparagraph (C) of paragraph (1)—

10 “(i) the candidate shall repay to the
11 Freedom From Influence Fund established
12 under section 541 an amount equal to the
13 payments received under this title with re-
14 spect to the election cycle involved plus in-
15 terest (at a rate determined by the Com-
16 mission on the basis of an appropriate an-
17 nual percentage rate for the month in-
18 volved) on any such amount received; and

19 “(ii) the candidate may not be cer-
20 tified as a participating candidate under
21 this title with respect to the next election
22 cycle.

23 “(4) PROHIBITING PARTICIPATION IN FUTURE
24 ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-
25 OCATIONS.—If the Commission revokes the certifi-

1 cation of an individual as a participating candidate
2 under this title pursuant to subparagraph (A) or
3 subparagraph (C) of paragraph (1) a total of 3
4 times, the individual may not be certified as a par-
5 ticipating candidate under this title with respect to
6 any subsequent election.

7 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-
8 PATING DURING QUALIFYING PERIOD.—At any time dur-
9 ing the Small Dollar Democracy qualifying period de-
10 scribed in section 511(c), a candidate may withdraw from
11 participation in the program under this title by submitting
12 to the Commission a statement of withdrawal (without re-
13 gard to whether or not the Commission has certified the
14 candidate as a participating candidate under this title as
15 of the time the candidate submits such statement), so long
16 as the candidate has not submitted a request for payment
17 under section 502.

18 “(d) PARTICIPATING CANDIDATE DEFINED.—In this
19 title, a ‘participating candidate’ means a candidate for the
20 office of Representative in, or Delegate or Resident Com-
21 missioner to, the Congress who is certified under this sec-
22 tion as eligible to receive benefits under this title.

1 **“Subtitle C—Requirements for Can-**
2 **didates Certified as Partici-**
3 **pating Candidates**

4 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
5 **MENTS.**

6 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND
7 EXPENDITURES.—Except as provided in subsection (c), a
8 participating candidate with respect to an election shall,
9 with respect to all elections occurring during the election
10 cycle for the office involved, accept no contributions from
11 any source and make no expenditures from any amounts,
12 other than the following:

13 “(1) Qualified small dollar contributions.

14 “(2) Payments under this title.

15 “(3) Contributions from political committees es-
16 tablished and maintained by a national or State po-
17 litical party, subject to the applicable limitations of
18 section 315.

19 “(4) Subject to subsection (b), personal funds
20 of the candidate or of any immediate family member
21 of the candidate (other than funds received through
22 qualified small dollar contributions).

23 “(5) Contributions from individuals who are
24 otherwise permitted to make contributions under
25 this Act, subject to the applicable limitations of sec-

1 tion 315, except that the aggregate amount of con-
2 tributions a participating candidate may accept from
3 any individual with respect to any election during
4 the election cycle may not exceed \$1,000.

5 “(6) Contributions from multicandidate political
6 committees, subject to the applicable limitations of
7 section 315.

8 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

9 “(1) LIMIT ON AMOUNT.—A candidate who is
10 certified as a participating candidate may use per-
11 sonal funds (including personal funds of any imme-
12 diate family member of the candidate) so long as—

13 “(A) the aggregate amount used with re-
14 spect to the election cycle (including any period
15 of the cycle occurring prior to the candidate’s
16 certification as a participating candidate) does
17 not exceed \$50,000; and

18 “(B) the funds are used only for making
19 direct payments for the receipt of goods and
20 services which constitute authorized expendi-
21 tures in connection with the election cycle in-
22 volved.

23 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—

24 In this subsection, the term ‘immediate family mem-
25 ber’ means, with respect to a candidate—

1 “(A) the candidate’s spouse;

2 “(B) a child, stepchild, parent, grand-
3 parent, brother, half-brother, sister, or half-sis-
4 ter of the candidate or the candidate’s spouse;
5 and

6 “(C) the spouse of any person described in
7 subparagraph (B).

8 “(c) EXCEPTIONS.—

9 “(1) EXCEPTION FOR CONTRIBUTIONS RE-
10 CEIVED PRIOR TO FILING OF STATEMENT OF IN-
11 TENT.—A candidate who has accepted contributions
12 that are not described in subsection (a) is not in vio-
13 lation of subsection (a), but only if all such contribu-
14 tions are—

15 “(A) returned to the contributor;

16 “(B) submitted to the Commission for de-
17 posit in the Freedom From Influence Fund es-
18 tablished under section 541; or

19 “(C) spent in accordance with paragraph
20 (2).

21 “(2) EXCEPTION FOR EXPENDITURES MADE
22 PRIOR TO FILING OF STATEMENT OF INTENT.—If a
23 candidate has made expenditures prior to the date
24 the candidate files a statement of intent under sec-
25 tion 511(a)(1) that the candidate is prohibited from

1 making under subsection (a) or subsection (b), the
2 candidate is not in violation of such subsection if the
3 aggregate amount of the prohibited expenditures is
4 less than the amount referred to in section
5 512(a)(2) (relating to the total dollar amount of
6 qualified small dollar contributions which the can-
7 didate is required to obtain) which is applicable to
8 the candidate.

9 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES
10 FROM A PREVIOUS ELECTION.—Notwithstanding
11 paragraph (1), unexpended contributions received by
12 the candidate or an authorized committee of the
13 candidate with respect to a previous election may be
14 retained, but only if the candidate places the funds
15 in escrow and refrains from raising additional funds
16 for or spending funds from that account during the
17 election cycle in which a candidate is a participating
18 candidate.

19 “(4) EXCEPTION FOR CONTRIBUTIONS RE-
20 CEIVED BEFORE THE EFFECTIVE DATE OF THIS
21 TITLE.—Contributions received and expenditures
22 made by the candidate or an authorized committee
23 of the candidate prior to the effective date of this
24 title shall not constitute a violation of subsection (a)
25 or (b). Unexpended contributions shall be treated

1 the same as campaign surpluses under paragraph
2 (3), and expenditures made shall count against the
3 limit in paragraph (2).

4 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-
5 PENDITURES.—For purposes of this section, a payment
6 made by a political party in coordination with a partici-
7 pating candidate shall not be treated as a contribution to
8 or as an expenditure made by the participating candidate.

9 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-
10 TEES.—

11 “(1) PROHIBITION.—An authorized committee
12 of a candidate who is certified as a participating
13 candidate under this title with respect to an election
14 may not establish a joint fundraising committee with
15 a political committee other than another authorized
16 committee of the candidate.

17 “(2) STATUS OF EXISTING COMMITTEES FOR
18 PRIOR ELECTIONS.—If a candidate established a
19 joint fundraising committee described in paragraph
20 (1) with respect to a prior election for which the
21 candidate was not certified as a participating can-
22 didate under this title and the candidate does not
23 terminate the committee, the candidate shall not be
24 considered to be in violation of paragraph (1) so
25 long as that joint fundraising committee does not re-

1 ceive any contributions or make any disbursements
2 during the election cycle for which the candidate is
3 certified as a participating candidate under this title.

4 “(f) PROHIBITION ON LEADERSHIP PACS.—

5 “(1) PROHIBITION.—A candidate who is cer-
6 tified as a participating candidate under this title
7 with respect to an election may not associate with,
8 establish, finance, maintain, or control a leadership
9 PAC.

10 “(2) STATUS OF EXISTING LEADERSHIP
11 PACS.—If a candidate established, financed, main-
12 tained, or controlled a leadership PAC prior to being
13 certified as a participating candidate under this title
14 and the candidate does not terminate the leadership
15 PAC, the candidate shall not be considered to be in
16 violation of paragraph (1) so long as the leadership
17 PAC does not receive any contributions or make any
18 disbursements during the election cycle for which the
19 candidate is certified as a participating candidate
20 under this title.

21 “(3) LEADERSHIP PAC DEFINED.—In this sub-
22 section, the term ‘leadership PAC’ has the meaning
23 given such term in section 304(i)(8)(B).

1 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

2 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-
3 MITTED CONTRIBUTIONS.—Each authorized committee of
4 a candidate certified as a participating candidate under
5 this title—

6 “(1) shall provide for separate accounting of
7 each type of contribution described in section 521(a)
8 which is received by the committee; and

9 “(2) shall provide for separate accounting for
10 the payments received under this title.

11 “(b) ENHANCED DISCLOSURE OF INFORMATION ON
12 DONORS.—

13 “(1) MANDATORY IDENTIFICATION OF INDIVID-
14 UALS MAKING QUALIFIED SMALL DOLLAR CON-
15 TRIBUTIONS.—Each authorized committee of a par-
16 ticipating candidate under this title shall elect, in ac-
17 cordance with section 304(b)(3)(A), to include in the
18 reports the committee submits under section 304 the
19 identification of each person who makes a qualified
20 small dollar contribution to the committee.

21 “(2) MANDATORY DISCLOSURE THROUGH
22 INTERNET.—Each authorized committee of a partici-
23 pating candidate under this title shall ensure that all
24 information reported to the Commission under this
25 Act with respect to contributions and expenditures
26 of the committee is available to the public on the

1 internet (whether through a site established for pur-
2 poses of this subsection, a hyperlink on another pub-
3 lic site of the committee, or a hyperlink on a report
4 filed electronically with the Commission) in a search-
5 able, sortable, and downloadable manner.

6 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-
7 LIC FUNDS.**

8 “(a) **MANDATORY SPENDING OF AVAILABLE PRI-
9 VATE FUNDS.**—An authorized committee of a candidate
10 certified as a participating candidate under this title may
11 not make any expenditure of any payments received under
12 this title in any amount unless the committee has made
13 an expenditure in an equivalent amount of funds received
14 by the committee which are described in paragraphs (1),
15 (3), (4), (5), and (6) of section 521(a).

16 “(b) **LIMITATION.**—Subsection (a) applies to an au-
17 thorized committee only to the extent that the funds re-
18 ferred to in such subsection are available to the committee
19 at the time the committee makes an expenditure of a pay-
20 ment received under this title.

21 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

22 “(a) **REMITTANCE REQUIRED.**—Not later than the
23 date that is 180 days after the last election for which a
24 candidate certified as a participating candidate qualifies
25 to be on the ballot during the election cycle involved, such

1 participating candidate shall remit to the Commission for
2 deposit in the Freedom From Influence Fund established
3 under section 541 an amount equal to the balance of the
4 payments received under this title by the authorized com-
5 mittees of the candidate which remain unexpended as of
6 such date.

7 “(b) PERMITTING CANDIDATES PARTICIPATING IN
8 NEXT ELECTION CYCLE TO RETAIN PORTION OF
9 UNSPENT FUNDS.—Notwithstanding subsection (a), a
10 participating candidate may withhold not more than
11 \$100,000 from the amount required to be remitted under
12 subsection (a) if the candidate files a signed affidavit with
13 the Commission that the candidate will seek certification
14 as a participating candidate with respect to the next elec-
15 tion cycle, except that the candidate may not use any por-
16 tion of the amount withheld until the candidate is certified
17 as a participating candidate with respect to that next elec-
18 tion cycle. If the candidate fails to seek certification as
19 a participating candidate prior to the last day of the Small
20 Dollar Democracy qualifying period for the next election
21 cycle (as described in section 511), or if the Commission
22 notifies the candidate of the Commission’s determination
23 does not meet the requirements for certification as a par-
24 ticipating candidate with respect to such cycle, the can-

1 didate shall immediately remit to the Commission the
2 amount withheld.

3 **“Subtitle D—Enhanced Match**
4 **Support**

5 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

6 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In
7 addition to the payments made under subtitle A, the Com-
8 mission shall make an additional payment to an eligible
9 candidate under this subtitle.

10 “(b) USE OF FUNDS.—A candidate shall use the ad-
11 ditional payment under this subtitle only for authorized
12 expenditures in connection with the election involved.

13 **“SEC. 532. ELIGIBILITY.**

14 “(a) IN GENERAL.—A candidate is eligible to receive
15 an additional payment under this subtitle if the candidate
16 meets each of the following requirements:

17 “(1) The candidate is on the ballot for the gen-
18 eral election for the office the candidate seeks.

19 “(2) The candidate is certified as a partici-
20 pating candidate under this title with respect to the
21 election.

22 “(3) During the enhanced support qualifying
23 period, the candidate receives qualified small dollar
24 contributions in a total amount of not less than
25 \$50,000.

1 “(4) During the enhanced support qualifying
2 period, the candidate submits to the Commission a
3 request for the payment which includes—

4 “(A) a statement of the number and
5 amount of qualified small dollar contributions
6 received by the candidate during the enhanced
7 support qualifying period;

8 “(B) a statement of the amount of the
9 payment the candidate anticipates receiving
10 with respect to the request; and

11 “(C) such other information and assur-
12 ances as the Commission may require.

13 “(5) After submitting a request for the addi-
14 tional payment under paragraph (4), the candidate
15 does not submit any other application for an addi-
16 tional payment under this subtitle.

17 “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-
18 SCRIBED.—In this subtitle, the term ‘enhanced support
19 qualifying period’ means, with respect to a general elec-
20 tion, the period which begins 60 days before the date of
21 the election and ends 14 days before the date of the elec-
22 tion.

23 **“SEC. 533. AMOUNT.**

24 “(a) IN GENERAL.—Subject to subsection (b), the
25 amount of the additional payment made to an eligible can-

1 didate under this subtitle shall be an amount equal to 50
2 percent of—

3 “(1) the amount of the payment made to the
4 candidate under section 501(b) with respect to the
5 qualified small dollar contributions which are re-
6 ceived by the candidate during the enhanced support
7 qualifying period (as included in the request sub-
8 mitted by the candidate under section 532(a)(4)); or

9 “(2) in the case of a candidate who is not eligi-
10 ble to receive a payment under section 501(b) with
11 respect to such qualified small dollar contributions
12 because the candidate has reached the limit on the
13 aggregate amount of payments under subtitle A for
14 the election cycle under section 501(c), the amount
15 of the payment which would have been made to the
16 candidate under section 501(b) with respect to such
17 qualified small dollar contributions if the candidate
18 had not reached such limit.

19 “(b) LIMIT.—The amount of the additional payment
20 determined under subsection (a) with respect to a can-
21 didate may not exceed \$500,000.

22 “(c) NO EFFECT ON AGGREGATE LIMIT.—The
23 amount of the additional payment made to a candidate
24 under this subtitle shall not be included in determining
25 the aggregate amount of payments made to a participating

1 candidate with respect to an election cycle under section
2 501(c).

3 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**
4 **UNSPENT FUNDS AFTER ELECTION.**

5 “Notwithstanding section 524(a)(2), a candidate who
6 receives an additional payment under this subtitle with re-
7 spect to an election is not permitted to withhold any por-
8 tion from the amount of unspent funds the candidate is
9 required to remit to the Commission under section
10 524(a)(1).

11 **“Subtitle E—Administrative**
12 **Provisions**

13 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

14 “(a) **ESTABLISHMENT.**—There is established in the
15 Treasury a fund to be known as the ‘Freedom From Infl-
16 uence Fund’.

17 “(b) **AMOUNTS HELD BY FUND.**—The Fund shall
18 consist of the following amounts:

19 “(1) **DEPOSITS.**—Amounts deposited into the
20 Fund under—

21 “(A) section 521(c)(1)(B) (relating to ex-
22 ceptions to contribution requirements);

23 “(B) section 523 (relating to remittance of
24 unused payments from the Fund);

1 “(C) section 544 (relating to violations);

2 and

3 “(D) any other section of this Act.

4 “(2) INVESTMENT RETURNS.—Interest on, and
5 the proceeds from, the sale or redemption of any ob-
6 ligations held by the Fund under subsection (c).

7 “(c) INVESTMENT.—The Commission shall invest
8 portions of the Fund in obligations of the United States
9 in the same manner as provided under section 9602(b)
10 of the Internal Revenue Code of 1986.

11 “(d) USE OF FUND TO MAKE PAYMENTS TO PAR-
12 TICIPATING CANDIDATES.—

13 “(1) PAYMENTS TO PARTICIPATING CAN-
14 DIDATES.—Amounts in the Fund shall be available
15 without further appropriation or fiscal year limita-
16 tion to make payments to participating candidates
17 as provided in this title.

18 “(2) MANDATORY REDUCTION OF PAYMENTS IN
19 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

20 “(A) ADVANCE AUDITS BY COMMISSION.—
21 Not later than 90 days before the first day of
22 each election cycle (beginning with the first
23 election cycle that begins after the date of the
24 enactment of this title), the Commission shall—

1 “(i) audit the Fund to determine
2 whether the amounts in the Fund will be
3 sufficient to make payments to partici-
4 pating candidates in the amounts provided
5 in this title during such election cycle; and

6 “(ii) submit a report to Congress de-
7 scribing the results of the audit.

8 “(B) REDUCTIONS IN AMOUNT OF PAY-
9 MENTS.—

10 “(i) AUTOMATIC REDUCTION ON PRO
11 RATA BASIS.—If, on the basis of the audit
12 described in subparagraph (A), the Com-
13 mission determines that the amount antici-
14 pated to be available in the Fund with re-
15 spect to the election cycle involved is not,
16 or may not be, sufficient to satisfy the full
17 entitlements of participating candidates to
18 payments under this title for such election
19 cycle, the Commission shall reduce each
20 amount which would otherwise be paid to
21 a participating candidate under this title
22 by such pro rata amount as may be nec-
23 essary to ensure that the aggregate
24 amount of payments anticipated to be
25 made with respect to the election cycle will

1 not exceed the amount anticipated to be
2 available for such payments in the Fund
3 with respect to such election cycle.

4 “(ii) RESTORATION OF REDUCTIONS
5 IN CASE OF AVAILABILITY OF SUFFICIENT
6 FUNDS DURING ELECTION CYCLE.—If,
7 after reducing the amounts paid to partici-
8 pating candidates with respect to an elec-
9 tion cycle under clause (i), the Commission
10 determines that there are sufficient
11 amounts in the Fund to restore the
12 amount by which such payments were re-
13 duced (or any portion thereof), to the ex-
14 tent that such amounts are available, the
15 Commission may make a payment on a pro
16 rata basis to each such participating can-
17 didate with respect to the election cycle in
18 the amount by which such candidate’s pay-
19 ments were reduced under clause (i) (or
20 any portion thereof, as the case may be).

21 “(iii) NO USE OF AMOUNTS FROM
22 OTHER SOURCES.—In any case in which
23 the Commission determines that there are
24 insufficient moneys in the Fund to make
25 payments to participating candidates under

1 this title, moneys shall not be made avail-
2 able from any other source for the purpose
3 of making such payments.

4 “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—

5 In addition to the use described in subsection (d), amounts
6 in the Fund shall be available without further appropria-
7 tion or fiscal year limitation—

8 “(1) to make payments to States under the My
9 Voice Voucher Program under the Government By
10 the People Act of 2019, subject to reductions under
11 section 5101(f)(3) of such Act;

12 “(2) to make payments to candidates under
13 chapter 95 of subtitle H of the Internal Revenue
14 Code of 1986, subject to reductions under section
15 9013(b) of such Code; and

16 “(3) to make payments to candidates under
17 chapter 96 of subtitle H of the Internal Revenue
18 Code of 1986, subject to reductions under section
19 9043(b) of such Code.

20 “(f) EFFECTIVE DATE.—This section shall take ef-
21 fect on the date of the enactment of this title.

22 **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-**
23 **COUNTABILITY OFFICE.**

24 “(a) REVIEW OF SMALL DOLLAR FINANCING.—

1 “(1) IN GENERAL.—After each regularly sched-
2 uled general election for Federal office, the Comp-
3 troller General of the United States shall conduct a
4 comprehensive review of the Small Dollar financing
5 program under this title, including—

6 “(A) the maximum and minimum dollar
7 amounts of qualified small dollar contributions
8 under section 504;

9 “(B) the number and value of qualified
10 small dollar contributions a candidate is re-
11 quired to obtain under section 512(a) to be eli-
12 gible for certification as a participating can-
13 didate;

14 “(C) the maximum amount of payments a
15 candidate may receive under this title;

16 “(D) the overall satisfaction of partici-
17 pating candidates and the American public with
18 the program; and

19 “(E) such other matters relating to financ-
20 ing of campaigns as the Comptroller General
21 determines are appropriate.

22 “(2) CRITERIA FOR REVIEW.—In conducting
23 the review under subparagraph (A), the Comptroller
24 General shall consider the following:

1 “(A) QUALIFIED SMALL DOLLAR CON-
2 TRIBUTIONS.—Whether the number and dollar
3 amounts of qualified small dollar contributions
4 required strikes an appropriate balance regard-
5 ing the importance of voter involvement, the
6 need to assure adequate incentives for partici-
7 pating, and fiscal responsibility, taking into
8 consideration the number of primary and gen-
9 eral election participating candidates, the elec-
10 toral performance of those candidates, program
11 cost, and any other information the Comptroller
12 General determines is appropriate.

13 “(B) REVIEW OF PAYMENT LEVELS.—
14 Whether the totality of the amount of funds al-
15 lowed to be raised by participating candidates
16 (including through qualified small dollar con-
17 tributions) and payments under this title are
18 sufficient for voters in each State to learn about
19 the candidates to cast an informed vote, taking
20 into account the historic amount of spending by
21 winning candidates, media costs, primary elec-
22 tion dates, and any other information the
23 Comptroller General determines is appropriate.

24 “(3) RECOMMENDATIONS FOR ADJUSTMENT OF
25 AMOUNTS.—Based on the review conducted under

1 subparagraph (A), the Comptroller General may rec-
2 ommend to Congress adjustments of the following
3 amounts:

4 “(A) The number and value of qualified
5 small dollar contributions a candidate is re-
6 quired to obtain under section 512(a) to be eli-
7 gible for certification as a participating can-
8 didate.

9 “(B) The maximum amount of payments a
10 candidate may receive under this title.

11 “(b) REPORTS.—Not later than each June 1 which
12 follows a regularly scheduled general election for Federal
13 office for which payments were made under this title, the
14 Comptroller General shall submit to the Committee on
15 House Administration of the House of Representatives a
16 report—

17 “(1) containing an analysis of the review con-
18 ducted under subsection (a), including a detailed
19 statement of Comptroller General’s findings, conclu-
20 sions, and recommendations based on such review,
21 including any recommendations for adjustments of
22 amounts described in subsection (a)(3); and

23 “(2) documenting, evaluating, and making rec-
24 ommendations relating to the administrative imple-

1 mentation and enforcement of the provisions of this
2 title.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out the purposes of this subtitle.

6 **“SEC. 543. ADMINISTRATION BY COMMISSION.**

7 “The Commission shall prescribe regulations to carry
8 out the purposes of this title, including regulations to es-
9 tablish procedures for—

10 “(1) verifying the amount of qualified small dol-
11 lar contributions with respect to a candidate;

12 “(2) effectively and efficiently monitoring and
13 enforcing the limits on the raising of qualified small
14 dollar contributions;

15 “(3) effectively and efficiently monitoring and
16 enforcing the limits on the use of personal funds by
17 participating candidates; and

18 “(4) monitoring the use of allocations from the
19 Freedom From Influence Fund established under
20 section 541 and matching contributions under this
21 title through audits of not fewer than $\frac{1}{10}$ (or, in the
22 case of the first 3 election cycles during which the
23 program under this title is in effect, not fewer than
24 $\frac{1}{3}$) of all participating candidates or other mecha-
25 nisms.

1 **“SEC. 544. VIOLATIONS AND PENALTIES.**

2 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
3 TION AND EXPENDITURE REQUIREMENTS.—If a can-
4 didate who has been certified as a participating candidate
5 accepts a contribution or makes an expenditure that is
6 prohibited under section 521, the Commission may assess
7 a civil penalty against the candidate in an amount that
8 is not more than 3 times the amount of the contribution
9 or expenditure. Any amounts collected under this sub-
10 section shall be deposited into the Freedom From Influ-
11 ence Fund established under section 541.

12 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
13 FROM INFLUENCE FUND.—

14 “(1) IN GENERAL.—If the Commission deter-
15 mines that any payment made to a participating
16 candidate was not used as provided for in this title
17 or that a participating candidate has violated any of
18 the dates for remission of funds contained in this
19 title, the Commission shall so notify the candidate
20 and the candidate shall pay to the Fund an amount
21 equal to—

22 “(A) the amount of payments so used or
23 not remitted, as appropriate; and

24 “(B) interest on any such amounts (at a
25 rate determined by the Commission).

1 “(2) OTHER ACTION NOT PRECLUDED.—Any
2 action by the Commission in accordance with this
3 subsection shall not preclude enforcement pro-
4 ceedings by the Commission in accordance with sec-
5 tion 309(a), including a referral by the Commission
6 to the Attorney General in the case of an apparent
7 knowing and willful violation of this title.

8 “(c) PROHIBITING CANDIDATES SUBJECT TO CRIMI-
9 NAL PENALTY FROM QUALIFYING AS PARTICIPATING
10 CANDIDATES.—A candidate is not eligible to be certified
11 as a participating candidate under this title with respect
12 to an election if a penalty has been assessed against the
13 candidate under section 309(d) with respect to any pre-
14 vious election.

15 **“SEC. 545. APPEALS PROCESS.**

16 “(a) REVIEW OF ACTIONS.—Any action by the Com-
17 mission in carrying out this title shall be subject to review
18 by the United States Court of Appeals for the District
19 of Columbia upon petition filed in the Court not later than
20 30 days after the Commission takes the action for which
21 the review is sought.

22 “(b) PROCEDURES.—The provisions of chapter 7 of
23 title 5, United States Code, apply to judicial review under
24 this section.

1 **“SEC. 546. INDEXING OF AMOUNTS.**

2 “(a) INDEXING.—In any calendar year after 2024,
3 section 315(c)(1)(B) shall apply to each amount described
4 in subsection (b) in the same manner as such section ap-
5 plies to the limitations established under subsections
6 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-
7 cept that for purposes of applying such section to the
8 amounts described in subsection (b), the ‘base period’
9 shall be 2024.

10 “(b) AMOUNTS DESCRIBED.—The amounts described
11 in this subsection are as follows:

12 “(1) The amount referred to in section
13 502(b)(1) (relating to the minimum amount of quali-
14 fied small dollar contributions included in a request
15 for payment).

16 “(2) The amounts referred to in section
17 504(a)(1) (relating to the amount of a qualified
18 small dollar contribution).

19 “(3) The amount referred to in section
20 512(a)(2) (relating to the total dollar amount of
21 qualified small dollar contributions).

22 “(4) The amount referred to in section
23 521(a)(5) (relating to the aggregate amount of con-
24 tributions a participating candidate may accept from
25 any individual with respect to an election).

1 “(5) The amount referred to in section
2 521(b)(1)(A) (relating to the amount of personal
3 funds that may be used by a candidate who is cer-
4 tified as a participating candidate).

5 “(6) The amounts referred to in section
6 524(a)(2) (relating to the amount of unspent funds
7 a candidate may retain for use in the next election
8 cycle).

9 “(7) The amount referred to in section
10 532(a)(3) (relating to the total dollar amount of
11 qualified small dollar contributions for a candidate
12 seeking an additional payment under subtitle D).

13 “(8) The amount referred to in section 533(b)
14 (relating to the limit on the amount of an additional
15 payment made to a candidate under subtitle D).

16 **“SEC. 547. ELECTION CYCLE DEFINED.**

17 “‘In this title, the term ‘election cycle’ means, with
18 respect to an election for an office, the period beginning
19 on the day after the date of the most recent general elec-
20 tion for that office (or, if the general election resulted in
21 a runoff election, the date of the runoff election) and end-
22 ing on the date of the next general election for that office
23 (or, if the general election resulted in a runoff election,
24 the date of the runoff election).’”.

1 **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
2 **CANDIDATE AND POLITICAL PARTY COMMIT-**
3 **TEES ON BEHALF OF PARTICIPATING CAN-**
4 **DIDATES.**

5 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-
6 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL
7 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal
8 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is
9 amended by adding at the end the following new para-
10 graph:

11 “(10) In the case of a multicandidate political com-
12 mittee or any political committee of a political party, the
13 committee may make a contribution to a candidate who
14 is a participating candidate under title V with respect to
15 an election only if the contribution is paid from a separate,
16 segregated account of the committee which consists solely
17 of contributions which meet the following requirements:

18 “(A) Each such contribution is in an amount
19 which meets the requirements for the amount of a
20 qualified small dollar contribution under section
21 504(a)(1) with respect to the election involved.

22 “(B) Each such contribution is made by an in-
23 dividual who is not otherwise prohibited from mak-
24 ing a contribution under this Act.

25 “(C) The individual who makes the contribution
26 does not make contributions to the committee during

1 the year in an aggregate amount that exceeds the
2 limit described in section 504(a)(1).”.

3 (b) PERMITTING UNLIMITED COORDINATED EX-
4 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-
5 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.
6 30116(d)) is amended—

7 (1) in paragraph (3), by striking “The national
8 committee” and inserting “Except as provided in
9 paragraph (5), the national committee”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(5) The limits described in paragraph (3) do not
13 apply in the case of expenditures in connection with the
14 general election campaign of a candidate for the office of
15 Representative in, or Delegate or Resident Commissioner
16 to, the Congress who is a participating candidate under
17 title V with respect to the election, but only if—

18 “(A) the expenditures are paid from a separate,
19 segregated account of the committee which is de-
20 scribed in subsection (a)(9); and

21 “(B) the expenditures are the sole source of
22 funding provided by the committee to the can-
23 didate.”.

1 **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
2 **TICIPATING CANDIDATES FOR PURPOSES**
3 **OTHER THAN CAMPAIGN FOR ELECTION.**

4 Section 313 of the Federal Election Campaign Act
5 of 1971 (52 U.S.C. 30114) is amended by adding at the
6 end the following new subsection:

7 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS
8 BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-
9 ING.—Notwithstanding paragraph (2), (3), or (4) of sub-
10 section (a), if a candidate for election for the office of Rep-
11 resentative in, or Delegate or Resident Commissioner to,
12 the Congress is certified as a participating candidate
13 under title V with respect to the election, any contribution
14 which the candidate is permitted to accept under such title
15 may be used only for authorized expenditures in connec-
16 tion with the candidate’s campaign for such office, subject
17 to section 503(b).”.

18 **SEC. 5114. EFFECTIVE DATE.**

19 (a) IN GENERAL.—Except as may otherwise be pro-
20 vided in this part and in the amendments made by this
21 part, this part and the amendments made by this part
22 shall apply with respect to elections occurring during 2026
23 or any succeeding year, without regard to whether or not
24 the Federal Election Commission has promulgated the
25 final regulations necessary to carry out this part and the

1 amendments made by this part by the deadline set forth
2 in subsection (b).

3 (b) DEADLINE FOR REGULATIONS.—Not later than
4 June 30, 2024, the Federal Election Commission shall
5 promulgate such regulations as may be necessary to carry
6 out this part and the amendments made by this part.

7 **Subtitle C—Presidential Elections**

8 **SEC. 5200. SHORT TITLE.**

9 This subtitle may be cited as the “Empower Act of
10 2019”.

11 **PART 1—PRIMARY ELECTIONS**

12 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-** 13 **ING PAYMENTS.**

14 (a) INCREASE AND MODIFICATION.—

15 (1) IN GENERAL.—The first sentence of section
16 9034(a) of the Internal Revenue Code of 1986 is
17 amended—

18 (A) by striking “an amount equal to the
19 amount of each contribution” and inserting “an
20 amount equal to 600 percent of the amount of
21 each matchable contribution (disregarding any
22 amount of contributions from any person to the
23 extent that the total of the amounts contributed
24 by such person for the election exceeds \$200)”;
25 and

1 (B) by striking “authorized committees”
2 and all that follows through “\$250” and insert-
3 ing “authorized committees”.

4 (2) MATCHABLE CONTRIBUTIONS.—Section
5 9034 of such Code is amended—

6 (A) by striking the last sentence of sub-
7 section (a); and

8 (B) by adding at the end the following new
9 subsection:

10 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
11 purposes of this section and section 9033(b)—

12 “(1) MATCHABLE CONTRIBUTION.—The term
13 ‘matchable contribution’ means, with respect to the
14 nomination for election to the office of President of
15 the United States, a contribution by an individual to
16 a candidate or an authorized committee of a can-
17 didate with respect to which the candidate has cer-
18 tified in writing that—

19 “(A) the individual making such contribu-
20 tion has not made aggregate contributions (in-
21 cluding such matchable contribution) to such
22 candidate and the authorized committees of
23 such candidate in excess of \$1,000 for the elec-
24 tion;

1 “(B) such candidate and the authorized
2 committees of such candidate will not accept
3 contributions from such individual (including
4 such matchable contribution) aggregating more
5 than the amount described in subparagraph
6 (A); and

7 “(C) such contribution was a direct con-
8 tribution.

9 “(2) CONTRIBUTION.—For purposes of this
10 subsection, the term ‘contribution’ means a gift of
11 money made by a written instrument which identi-
12 fies the individual making the contribution by full
13 name and mailing address, but does not include a
14 subscription, loan, advance, or deposit of money, or
15 anything of value or anything described in subpara-
16 graph (B), (C), or (D) of section 9032(4).

17 “(3) DIRECT CONTRIBUTION.—

18 “(A) IN GENERAL.—For purposes of this
19 subsection, the term ‘direct contribution’
20 means, with respect to a candidate, a contribu-
21 tion which is made directly by an individual to
22 the candidate or an authorized committee of the
23 candidate and is not—

1 “(i) forwarded from the individual
2 making the contribution to the candidate
3 or committee by another person; or

4 “(ii) received by the candidate or com-
5 mittee with the knowledge that the con-
6 tribution was made at the request, sugges-
7 tion, or recommendation of another person.

8 “(B) OTHER DEFINITIONS.—In subpara-
9 graph (A)—

10 “(i) the term ‘person’ does not include
11 an individual (other than an individual de-
12 scribed in section 304(i)(7) of the Federal
13 Election Campaign Act of 1971), a polit-
14 ical committee of a political party, or any
15 political committee which is not a separate
16 segregated fund described in section
17 316(b) of the Federal Election Campaign
18 Act of 1971 and which does not make con-
19 tributions or independent expenditures,
20 does not engage in lobbying activity under
21 the Lobbying Disclosure Act of 1995 (2
22 U.S.C. 1601 et seq.), and is not estab-
23 lished by, controlled by, or affiliated with
24 a registered lobbyist under such Act, an
25 agent of a registered lobbyist under such

1 Act, or an organization which retains or
2 employs a registered lobbyist under such
3 Act; and

4 “(ii) a contribution is not ‘made at
5 the request, suggestion, or recommendation
6 of another person’ solely on the grounds
7 that the contribution is made in response
8 to information provided to the individual
9 making the contribution by any person, so
10 long as the candidate or authorized com-
11 mittee does not know the identity of the
12 person who provided the information to
13 such individual.”.

14 (3) CONFORMING AMENDMENTS.—

15 (A) Section 9032(4) of such Code is
16 amended by striking “section 9034(a)” and in-
17 serting “section 9034”.

18 (B) Section 9033(b)(3) of such Code is
19 amended by striking “matching contributions”
20 and inserting “matchable contributions”.

21 (b) MODIFICATION OF PAYMENT LIMITATION.—

22 (1) IN GENERAL.—Section 9034(b) of such
23 Code is amended—

24 (A) by striking “Every” and inserting the
25 following:

1 “(1) IN GENERAL.—Every”,

2 (2) by striking “shall not exceed” and all that
3 follows and inserting “shall not exceed
4 \$250,000,000.”, and

5 (3) by adding at the end the following new
6 paragraph:

7 “(3) INFLATION ADJUSTMENT.—

8 “(A) IN GENERAL.—In the case of any ap-
9 plicable period beginning after 2029, the dollar
10 amount in paragraph (1) shall be increased by
11 an amount equal to—

12 “(i) such dollar amount, multiplied by

13 “(ii) the cost-of-living adjustment de-
14 termined under section 1(f)(3) for the cal-
15 endar year following the year which such
16 applicable period begins, determined by
17 substituting ‘calendar year 2028’ for ‘cal-
18 endar year 1992’ in subparagraph (B)
19 thereof.

20 “(B) APPLICABLE PERIOD.—For purposes
21 of this paragraph, the term ‘applicable period’
22 means the 4-year period beginning with the
23 first day following the date of the general elec-
24 tion for the office of President and ending on
25 the date of the next such general election.

1 “(C) ROUNDING.—If any amount as ad-
2 justed under subparagraph (1) is not a multiple
3 of \$10,000, such amount shall be rounded to
4 the nearest multiple of \$10,000.”.

5 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**
6 **PAYMENTS.**

7 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
8 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
9 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
10 Revenue Code of 1986 is amended—

11 (1) by striking “\$5,000” and inserting
12 “\$25,000”; and

13 (2) by striking “20 States” and inserting the
14 following: “20 States (disregarding any amount of
15 contributions from any such resident to the extent
16 that the total of the amounts contributed by such
17 resident for the election exceeds \$200)”.

18 (b) CONTRIBUTION LIMIT.—

19 (1) IN GENERAL.—Paragraph (4) of section
20 9033(b) of such Code is amended to read as follows:

21 “(4) the candidate and the authorized commit-
22 tees of the candidate will not accept aggregate con-
23 tributions from any person with respect to the nomi-
24 nation for election to the office of President of the
25 United States in excess of \$1,000 for the election.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 9033(b) of such Code is
3 amended by adding at the end the following
4 new flush sentence:

5 “For purposes of paragraph (4), the term ‘contribution’
6 has the meaning given such term in section 301(8) of the
7 Federal Election Campaign Act of 1971.”.

8 (B) Section 9032(4) of such Code, as
9 amended by section 5201(a)(3)(A), is amended
10 by inserting “or 9033(b)” after “9034”.

11 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
12 GENERAL ELECTION.—Section 9033(b) of such Code is
13 amended—

14 (1) by striking “and” at the end of paragraph
15 (3);

16 (2) by striking the period at the end of para-
17 graph (4) and inserting “, and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(5) if the candidate is nominated by a political
21 party for election to the office of President, the can-
22 didate will apply for and accept payments with re-
23 spect to the general election for such office in ac-
24 cordance with chapter 95.”.

1 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-
2 TEES.—Section 9033(b) of such Code, as amended by sub-
3 section (c), is amended—

4 (1) by striking “and” at the end of paragraph
5 (4);

6 (2) by striking the period at the end of para-
7 graph (5); and

8 (3) by adding at the end the following new
9 paragraph:

10 “(6) the candidate will not establish a joint
11 fundraising committee with a political committee
12 other than another authorized committee of the can-
13 didate, except that candidate established a joint
14 fundraising committee with respect to a prior elec-
15 tion for which the candidate was not eligible to re-
16 ceive payments under section 9037 and the can-
17 didate does not terminate the committee, the can-
18 didate shall not be considered to be in violation of
19 this paragraph so long as that joint fundraising
20 committee does not receive any contributions or
21 make any disbursements during the election cycle for
22 which the candidate is eligible to receive payments
23 under such section.”.

1 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

2 (a) IN GENERAL.—Subsection (a) of section 9035 of
3 the Internal Revenue Code of 1986 is amended to read
4 as follows:

5 “(a) PERSONAL EXPENDITURE LIMITATION.—No
6 candidate shall knowingly make expenditures from his per-
7 sonal funds, or the personal funds of his immediate family,
8 in connection with his campaign for nomination for elec-
9 tion to the office of President in excess of, in the aggre-
10 gate, \$50,000.”.

11 (b) CONFORMING AMENDMENT.—Paragraph (1) of
12 section 9033(b) of the Internal Revenue Code of 1986 is
13 amended to read as follows:

14 “(1) the candidate will comply with the per-
15 sonal expenditure limitation under section 9035,”.

16 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**
17 **MENTS.**

18 Section 9032(6) of the Internal Revenue Code of
19 1986 is amended by striking “the beginning of the cal-
20 endar year in which a general election for the office of
21 President of the United States will be held” and inserting
22 “the date that is 6 months prior to the date of the earliest
23 State primary election”.

1 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**
2 **TRIBUTIONS.**

3 Section 9038(a) of the Internal Revenue Code of
4 1986 is amended by inserting “and matchable contribu-
5 tions accepted by” after “qualified campaign expenses of”.

6 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**
7 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
8 **DIDATES.**

9 Section 315(a)(6) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
11 ing “calendar year” and inserting “four-year election
12 cycle”.

13 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**
14 **SOURCE OF PAYMENTS.**

15 (a) IN GENERAL.—Chapter 96 of subtitle H of the
16 Internal Revenue Code of 1986 is amended by adding at
17 the end the following new section:

18 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**
19 **SOURCE OF PAYMENTS.**

20 “(a) IN GENERAL.—Notwithstanding any other pro-
21 vision of this chapter, effective with respect to the Presi-
22 dential election held in 2028 and each succeeding Presi-
23 dential election, all payments made to candidates under
24 this chapter shall be made from the Freedom From Infl-
25 ence Fund established under section 541 of the Federal

1 Election Campaign Act of 1971 (hereafter in this section
2 referred to as the ‘Fund’).

3 “(b) MANDATORY REDUCTION OF PAYMENTS IN
4 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

5 “(1) ADVANCE AUDITS BY COMMISSION.—Not
6 later than 90 days before the first day of each Presi-
7 dential election cycle (beginning with the cycle for
8 the election held in 2028), the Commission shall—

9 “(A) audit the Fund to determine whether,
10 after first making payments to participating
11 candidates under title V of the Federal Election
12 Campaign Act of 1971 and then making pay-
13 ments to States under the My Voice Voucher
14 Program under the Government By the People
15 Act of 2019, the amounts remaining in the
16 Fund will be sufficient to make payments to
17 candidates under this chapter in the amounts
18 provided under this chapter during such elec-
19 tion cycle; and

20 “(B) submit a report to Congress describ-
21 ing the results of the audit.

22 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

23 “(A) AUTOMATIC REDUCTION ON PRO
24 RATA BASIS.—If, on the basis of the audit de-
25 scribed in paragraph (1), the Commission deter-

1 mines that the amount anticipated to be avail-
2 able in the Fund with respect to the Presi-
3 dential election cycle involved is not, or may not
4 be, sufficient to satisfy the full entitlements of
5 candidates to payments under this chapter for
6 such cycle, the Commission shall reduce each
7 amount which would otherwise be paid to a can-
8 didate under this chapter by such pro rata
9 amount as may be necessary to ensure that the
10 aggregate amount of payments anticipated to
11 be made with respect to the cycle will not ex-
12 ceed the amount anticipated to be available for
13 such payments in the Fund with respect to such
14 cycle.

15 “(B) RESTORATION OF REDUCTIONS IN
16 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
17 DURING ELECTION CYCLE.—If, after reducing
18 the amounts paid to candidates with respect to
19 an election cycle under subparagraph (A), the
20 Commission determines that there are sufficient
21 amounts in the Fund to restore the amount by
22 which such payments were reduced (or any por-
23 tion thereof), to the extent that such amounts
24 are available, the Commission may make a pay-
25 ment on a pro rata basis to each such candidate

1 with respect to the election cycle in the amount
2 by which such candidate's payments were re-
3 duced under subparagraph (A) (or any portion
4 thereof, as the case may be).

5 “(C) NO USE OF AMOUNTS FROM OTHER
6 SOURCES.—In any case in which the Commis-
7 sion determines that there are insufficient mon-
8 eys in the Fund to make payments to can-
9 didates under this chapter, moneys shall not be
10 made available from any other source for the
11 purpose of making such payments.

12 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
13 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
14 tion does not apply to the transfer of funds under
15 section 9008(i).

16 “(4) PRESIDENTIAL ELECTION CYCLE DE-
17 FINED.—In this section, the term ‘Presidential elec-
18 tion cycle’ means, with respect to a Presidential elec-
19 tion, the period beginning on the day after the date
20 of the previous Presidential general election and
21 ending on the date of the Presidential election.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for chapter 96 of subtitle H of such Code is amended by
24 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

1 **PART 2—GENERAL ELECTIONS**
2 **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
3 **FOR PUBLIC FINANCING.**

4 Subsection (a) of section 9003 of the Internal Rev-
5 enue Code of 1986 is amended to read as follows:

6 “(a) IN GENERAL.—In order to be eligible to receive
7 any payments under section 9006, the candidates of a po-
8 litical party in a Presidential election shall meet the fol-
9 lowing requirements:

10 “(1) PARTICIPATION IN PRIMARY PAYMENT
11 SYSTEM.—The candidate for President received pay-
12 ments under chapter 96 for the campaign for nomi-
13 nation for election to be President.

14 “(2) AGREEMENTS WITH COMMISSION.—The
15 candidates, in writing—

16 “(A) agree to obtain and furnish to the
17 Commission such evidence as it may request of
18 the qualified campaign expenses of such can-
19 didates,

20 “(B) agree to keep and furnish to the
21 Commission such records, books, and other in-
22 formation as it may request, and

23 “(C) agree to an audit and examination by
24 the Commission under section 9007 and to pay
25 any amounts required to be paid under such
26 section.

1 “(3) PROHIBITION ON JOINT FUNDRAISING
2 COMMITTEES.—

3 “(A) PROHIBITION.—The candidates cer-
4 tifys in writing that the candidates will not es-
5 tablish a joint fundraising committee with a po-
6 litical committee other than another authorized
7 committee of the candidate.

8 “(B) STATUS OF EXISTING COMMITTEES
9 FOR PRIOR ELECTIONS.—If a candidate estab-
10 lished a joint fundraising committee described
11 in subparagraph (A) with respect to a prior
12 election for which the candidate was not eligible
13 to receive payments under section 9006 and the
14 candidate does not terminate the committee,
15 the candidate shall not be considered to be in
16 violation of subparagraph (A) so long as that
17 joint fundraising committee does not receive
18 any contributions or make any disbursements
19 with respect to the election for which the can-
20 didate is eligible to receive payments under sec-
21 tion 9006.”.

1 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**
2 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
3 **TIONS.**

4 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
5 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
6 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
7 TIES.—Section 9003 of the Internal Revenue Code of
8 1986 is amended by striking subsections (b) and (c) and
9 inserting the following:

10 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
11 TO DEFRAY EXPENSES.—

12 “(1) IN GENERAL.—In order to be eligible to
13 receive any payments under section 9006, the can-
14 didates of a party in a Presidential election shall
15 certify to the Commission, under penalty of perjury,
16 that—

17 “(A) such candidates and their authorized
18 committees have not and will not accept any
19 contributions to defray qualified campaign ex-
20 penses other than—

21 “(i) qualified campaign contributions,
22 and

23 “(ii) contributions to the extent nec-
24 essary to make up any deficiency payments
25 received out of the fund on account of the
26 application of section 9006(c), and

1 “(B) such candidates and their authorized
2 committees have not and will not accept any
3 contribution to defray expenses which would be
4 qualified campaign expenses but for subpara-
5 graph (C) of section 9002(11).

6 “(2) TIMING OF CERTIFICATION.—The can-
7 didate shall make the certification required under
8 this subsection at the same time the candidate
9 makes the certification required under subsection
10 (a)(3).”.

11 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
12 TRIBUTION.—Section 9002 of such Code is amended by
13 adding at the end the following new paragraph:

14 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
15 The term ‘qualified campaign contribution’ means,
16 with respect to any election for the office of Presi-
17 dent of the United States, a contribution from an in-
18 dividual to a candidate or an authorized committee
19 of a candidate which—

20 “(A) does not exceed \$1,000 for the elec-
21 tion; and

22 “(B) with respect to which the candidate
23 has certified in writing that—

24 “(i) the individual making such con-
25 tribution has not made aggregate contribu-

1 tions (including such qualified contribu-
2 tion) to such candidate and the authorized
3 committees of such candidate in excess of
4 the amount described in subparagraph (A),
5 and

6 “(ii) such candidate and the author-
7 ized committees of such candidate will not
8 accept contributions from such individual
9 (including such qualified contribution) ag-
10 gregating more than the amount described
11 in subparagraph (A) with respect to such
12 election.”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) REPEAL OF EXPENDITURE LIMITS.—

15 (A) IN GENERAL.—Section 315 of the Fed-
16 eral Election Campaign Act of 1971 (52 U.S.C.
17 30116) is amended by striking subsection (b).

18 (B) CONFORMING AMENDMENTS.—Section
19 315(c) of such Act (52 U.S.C. 30116(c)) is
20 amended—

21 (i) in paragraph (1)(B)(i), by striking
22 “, (b)”;

23 (ii) in paragraph (2)(B)(i), by striking
24 “subsections (b) and (d)” and inserting
25 “subsection (d)”.

1 (2) REPEAL OF REPAYMENT REQUIREMENT.—

2 (A) IN GENERAL.—Section 9007(b) of the
3 Internal Revenue Code of 1986 is amended by
4 striking paragraph (2) and redesignating para-
5 graphs (3), (4), and (5) as paragraphs (2), (3),
6 and (4), respectively.

7 (B) CONFORMING AMENDMENT.—Para-
8 graph (2) of section 9007(b) of such Code, as
9 redesignated by subparagraph (A), is amend-
10 ed—

11 (i) by striking “a major party” and
12 inserting “a party”;

13 (ii) by inserting “qualified contribu-
14 tions and” after “contributions (other
15 than”; and

16 (iii) by striking “(other than qualified
17 campaign expenses with respect to which
18 payment is required under paragraph
19 (2))”.

20 (3) CRIMINAL PENALTIES.—

21 (A) REPEAL OF PENALTY FOR EXCESS EX-
22 PENSES.—Section 9012 of the Internal Revenue
23 Code of 1986 is amended by striking subsection
24 (a).

1 (B) PENALTY FOR ACCEPTANCE OF DIS-
2 ALLOWED CONTRIBUTIONS; APPLICATION OF
3 SAME PENALTY FOR CANDIDATES OF MAJOR,
4 MINOR, AND NEW PARTIES.—Subsection (b) of
5 section 9012 of such Code is amended to read
6 as follows:

7 “(b) CONTRIBUTIONS.—

8 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
9 TIONS.—It shall be unlawful for an eligible can-
10 didate of a party in a Presidential election or any of
11 his authorized committees knowingly and willfully to
12 accept—

13 “(A) any contribution other than a quali-
14 fied campaign contribution to defray qualified
15 campaign expenses, except to the extent nec-
16 essary to make up any deficiency in payments
17 received out of the fund on account of the ap-
18 plication of section 9006(c); or

19 “(B) any contribution to defray expenses
20 which would be qualified campaign expenses but
21 for subparagraph (C) of section 9002(11).

22 “(2) PENALTY.—Any person who violates para-
23 graph (1) shall be fined not more than \$5,000, or
24 imprisoned not more than one year, or both. In the
25 case of a violation by an authorized committee, any

1 officer or member of such committee who knowingly
2 and willfully consents to such violation shall be fined
3 not more than \$5,000, or imprisoned not more than
4 one year, or both.”.

5 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**
6 **TIONS TO PAYMENT AMOUNTS.**

7 (a) IN GENERAL.—

8 (1) AMOUNT OF PAYMENTS; APPLICATION OF
9 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
10 AND NEW PARTIES.—Subsection (a) of section 9004
11 of the Internal Revenue Code of 1986 is amended to
12 read as follows:

13 “(a) IN GENERAL.—Subject to the provisions of this
14 chapter, the eligible candidates of a party in a Presidential
15 election shall be entitled to equal payment under section
16 9006 in an amount equal to 600 percent of the amount
17 of each matchable contribution received by such candidate
18 or by the candidate’s authorized committees (disregarding
19 any amount of contributions from any person to the extent
20 that the total of the amounts contributed by such person
21 for the election exceeds \$200), except that total amount
22 to which a candidate is entitled under this paragraph shall
23 not exceed \$250,000,000.”.

24 (2) REPEAL OF SEPARATE LIMITATIONS FOR
25 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-

1 TION ADJUSTMENT.—Subsection (b) of section 9004
2 of such Code is amended to read as follows:

3 “(b) INFLATION ADJUSTMENT.—

4 “(1) IN GENERAL.—In the case of any applica-
5 ble period beginning after 2029, the \$250,000,000
6 dollar amount in subsection (a) shall be increased by
7 an amount equal to—

8 “(A) such dollar amount; multiplied by

9 “(B) the cost-of-living adjustment deter-
10 mined under section 1(f)(3) for the calendar
11 year following the year which such applicable
12 period begins, determined by substituting ‘cal-
13 endar year 2028’ for ‘calendar year 1992’ in
14 subparagraph (B) thereof.

15 “(2) APPLICABLE PERIOD.—For purposes of
16 this subsection, the term ‘applicable period’ means
17 the 4-year period beginning with the first day fol-
18 lowing the date of the general election for the office
19 of President and ending on the date of the next such
20 general election.

21 “(3) ROUNDING.—If any amount as adjusted
22 under paragraph (1) is not a multiple of \$10,000,
23 such amount shall be rounded to the nearest mul-
24 tiple of \$10,000.”.

1 (3) CONFORMING AMENDMENT.—Section
2 9005(a) of such Code is amended by adding at the
3 end the following new sentence: “The Commission
4 shall make such additional certifications as may be
5 necessary to receive payments under section 9004.”.

6 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
7 such Code, as amended by section 5212(b), is amended
8 by adding at the end the following new paragraph:

9 “(14) MATCHABLE CONTRIBUTION.—The term
10 ‘matchable contribution’ means, with respect to the
11 election to the office of President of the United
12 States, a contribution by an individual to a can-
13 didate or an authorized committee of a candidate
14 with respect to which the candidate has certified in
15 writing that—

16 “(A) the individual making such contribu-
17 tion has not made aggregate contributions (in-
18 cluding such matchable contribution) to such
19 candidate and the authorized committees of
20 such candidate in excess of \$1,000 for the elec-
21 tion;

22 “(B) such candidate and the authorized
23 committees of such candidate will not accept
24 contributions from such individual (including
25 such matchable contribution) aggregating more

1 than the amount described in subparagraph (A)
2 with respect to such election; and

3 “(C) such contribution was a direct con-
4 tribution (as defined in section 9034(c)(3)).”.

5 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**
6 **EXPENDITURES.**

7 (a) IN GENERAL.—Section 315(d)(2) of the Federal
8 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
9 is amended to read as follows:

10 “(2)(A) The national committee of a political party
11 may not make any expenditure in connection with the gen-
12 eral election campaign of any candidate for President of
13 the United States who is affiliated with such party which
14 exceeds \$100,000,000.

15 “(B) For purposes of this paragraph—

16 “(i) any expenditure made by or on behalf of a
17 national committee of a political party and in con-
18 nection with a Presidential election shall be consid-
19 ered to be made in connection with the general elec-
20 tion campaign of a candidate for President of the
21 United States who is affiliated with such party; and

22 “(ii) any communication made by or on behalf
23 of such party shall be considered to be made in con-
24 nection with the general election campaign of a can-
25 didate for President of the United States who is af-

1 filiated with such party if any portion of the commu-
2 nication is in connection with such election.

3 “(C) Any expenditure under this paragraph shall be
4 in addition to any expenditure by a national committee
5 of a political party serving as the principal campaign com-
6 mittee of a candidate for the office of President of the
7 United States.”.

8 (b) CONFORMING AMENDMENTS RELATING TO TIM-
9 ING OF COST-OF-LIVING ADJUSTMENT.—

10 (1) IN GENERAL.—Section 315(c)(1) of such
11 Act (52 U.S.C. 30116(c)(1)) is amended—

12 (A) in subparagraph (B), by striking “(d)”
13 and inserting “(d)(2)”; and

14 (B) by adding at the end the following new
15 subparagraph:

16 “(D) In any calendar year after 2028—

17 “(i) the dollar amount in subsection (d)(2) shall
18 be increased by the percent difference determined
19 under subparagraph (A);

20 “(ii) the amount so increased shall remain in
21 effect for the calendar year; and

22 “(iii) if the amount after adjustment under
23 clause (i) is not a multiple of \$100, such amount
24 shall be rounded to the nearest multiple of \$100.”.

1 (2) **BASE YEAR.**—Section 315(c)(2)(B) of such
2 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

3 (A) in clause (i)—

4 (i) by striking “(d)” and inserting
5 “(d)(3)”; and

6 (ii) by striking “and” at the end;

7 (B) in clause (ii), by striking the period at
8 the end and inserting “; and”; and

9 (C) by adding at the end the following new
10 clause:

11 “(iii) for purposes of subsection (d)(2), cal-
12 endar year 2027.”.

13 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
14 **LEASE OF PAYMENTS.**

15 (a) **DATE FOR PAYMENTS.**—

16 (1) **IN GENERAL.**—Section 9006(b) of the In-
17 ternal Revenue Code of 1986 is amended to read as
18 follows:

19 “(b) **PAYMENTS FROM THE FUND.**—If the Secretary
20 of the Treasury receives a certification from the Commis-
21 sion under section 9005 for payment to the eligible can-
22 didates of a political party, the Secretary shall pay to such
23 candidates out of the fund the amount certified by the
24 Commission on the later of—

1 of moneys which will be deposited into the fund during
2 the year, except that the amount of the estimate may not
3 exceed the average of the annual amounts deposited in the
4 fund during the previous 3 years.”.

5 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**
6 **GENERAL ELECTION LEGAL AND ACCOUNT-**
7 **ING COMPLIANCE.**

8 Section 9002(11) of the Internal Revenue Code of
9 1986 is amended by adding at the end the following new
10 sentence: “For purposes of subparagraph (A), an expense
11 incurred by a candidate or authorized committee for gen-
12 eral election legal and accounting compliance purposes
13 shall be considered to be an expense to further the election
14 of such candidate.”.

15 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**
16 **SOURCE OF PAYMENTS.**

17 (a) IN GENERAL.—Chapter 95 of subtitle H of the
18 Internal Revenue Code of 1986 is amended by adding at
19 the end the following new section:

20 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**
21 **SOURCE OF PAYMENTS.**

22 “(a) IN GENERAL.—Notwithstanding any other pro-
23 vision of this chapter, effective with respect to the Presi-
24 dential election held in 2028 and each succeeding Presi-
25 dential election, all payments made under this chapter

1 shall be made from the Freedom From Influence Fund
2 established under section 541 of the Federal Election
3 Campaign Act of 1971.

4 “(b) MANDATORY REDUCTION OF PAYMENTS IN
5 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

6 “(1) ADVANCE AUDITS BY COMMISSION.—Not
7 later than 90 days before the first day of each Presi-
8 dential election cycle (beginning with the cycle for
9 the election held in 2028), the Commission shall—

10 “(A) audit the Fund to determine whether,
11 after first making payments to participating
12 candidates under title V of the Federal Election
13 Campaign Act of 1971 and then making pay-
14 ments to States under the My Voice Voucher
15 Program under the Government By the People
16 Act of 2019 and then making payments to can-
17 didates under chapter 96, the amounts remain-
18 ing in the Fund will be sufficient to make pay-
19 ments to candidates under this chapter in the
20 amounts provided under this chapter during
21 such election cycle; and

22 “(B) submit a report to Congress describ-
23 ing the results of the audit.

24 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

1 “(A) AUTOMATIC REDUCTION ON PRO
2 RATA BASIS.—If, on the basis of the audit de-
3 scribed in paragraph (1), the Commission deter-
4 mines that the amount anticipated to be avail-
5 able in the Fund with respect to the Presi-
6 dential election cycle involved is not, or may not
7 be, sufficient to satisfy the full entitlements of
8 candidates to payments under this chapter for
9 such cycle, the Commission shall reduce each
10 amount which would otherwise be paid to a can-
11 didate under this chapter by such pro rata
12 amount as may be necessary to ensure that the
13 aggregate amount of payments anticipated to
14 be made with respect to the cycle will not ex-
15 ceed the amount anticipated to be available for
16 such payments in the Fund with respect to such
17 cycle.

18 “(B) RESTORATION OF REDUCTIONS IN
19 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
20 DURING ELECTION CYCLE.—If, after reducing
21 the amounts paid to candidates with respect to
22 an election cycle under subparagraph (A), the
23 Commission determines that there are sufficient
24 amounts in the Fund to restore the amount by
25 which such payments were reduced (or any por-

1 tion thereof), to the extent that such amounts
2 are available, the Commission may make a pay-
3 ment on a pro rata basis to each such candidate
4 with respect to the election cycle in the amount
5 by which such candidate's payments were re-
6 duced under subparagraph (A) (or any portion
7 thereof, as the case may be).

8 “(C) NO USE OF AMOUNTS FROM OTHER
9 SOURCES.—In any case in which the Commis-
10 sion determines that there are insufficient mon-
11 neys in the Fund to make payments to can-
12 didates under this chapter, moneys shall not be
13 made available from any other source for the
14 purpose of making such payments.

15 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
16 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
17 tion does not apply to the transfer of funds under
18 section 9008(i).

19 “(4) PRESIDENTIAL ELECTION CYCLE DE-
20 FINED.—In this section, the term ‘Presidential elec-
21 tion cycle’ means, with respect to a Presidential elec-
22 tion, the period beginning on the day after the date
23 of the previous Presidential general election and
24 ending on the date of the Presidential election.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 95 of subtitle H of such Code is amended by
3 adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

4 **PART 3—EFFECTIVE DATE**

5 **SEC. 5221. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as otherwise provided, this
7 subtitle and the amendments made by this subtitle shall
8 apply with respect to the Presidential election held in 2028
9 and each succeeding Presidential election, without regard
10 to whether or not the Federal Election Commission has
11 promulgated the final regulations necessary to carry out
12 this part and the amendments made by this part by the
13 deadline set forth in subsection (b).

14 (b) DEADLINE FOR REGULATIONS.—Not later than
15 June 30, 2026, the Federal Election Commission shall
16 promulgate such regulations as may be necessary to carry
17 out this part and the amendments made by this part.

18 **Subtitle D—Personal Use Services**
19 **as Authorized Campaign Ex-**
20 **penditures**

21 **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

22 (a) SHORT TITLE.—This subtitle may be cited as the
23 “Help America Run Act”.

24 (b) FINDINGS.—Congress finds the following:

1 (1) Everyday Americans experience barriers to
2 entry before they can consider running for office to
3 serve their communities.

4 (2) Current law states that campaign funds
5 cannot be spent on everyday expenses that would
6 exist whether or not a candidate were running for
7 office, like childcare and food. While the law seems
8 neutral, its actual effect is to privilege the independ-
9 ently wealthy who want to run, because given the de-
10 mands of running for office, candidates who must
11 work to pay for childcare or to afford health insur-
12 ance are effectively being left out of the process,
13 even if they have sufficient support to mount a via-
14 ble campaign.

15 (3) Thus current practice favors those prospec-
16 tive candidates who do not need to rely on a regular
17 paycheck to make ends meet. The consequence is
18 that everyday Americans who have firsthand knowl-
19 edge of the importance of stable childcare, a safety
20 net, or great public schools are less likely to get a
21 seat at the table. This governance by the few is anti-
22 thetical to the democratic experiment, but most im-
23 portantly, when lawmakers do not share the con-
24 cerns of everyday Americans, their policies reflect
25 that.

1 (4) These circumstances have contributed to a
2 Congress that does not always reflect everyday
3 Americans. The New York Times reported in 2019
4 that fewer than 5 percent of representatives cite
5 blue-collar or service jobs in their biographies. A
6 2015 survey by the Center for Responsive Politics
7 showed that the median net worth of lawmakers was
8 just over \$1 million in 2013, or 18 times the wealth
9 of the typical American household.

10 (5) These circumstances have also contributed
11 to a governing body that does not reflect the nation
12 it serves. For instance, women are 51% of the
13 American population. Yet even with a record number
14 of women serving in the One Hundred Sixteenth
15 Congress, the Pew Research Center notes that more
16 than three out of four Members of this Congress are
17 male. The Center for American Women And Politics
18 found that one third of women legislators surveyed
19 had been actively discouraged from running for of-
20 fice, often by political professionals. This type of dis-
21 couragement, combined with the prohibitions on
22 using campaign funds for domestic needs like
23 childcare, burdens that still fall disproportionately
24 on American women, particularly disadvantages
25 working mothers. These barriers may explain why

1 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE
2 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
3 CAMPAIGN EXPENDITURE.—

4 “(1) AUTHORIZED EXPENDITURES.—For pur-
5 poses of subsection (a), the payment by an author-
6 ized committee of a candidate for any of the per-
7 sonal use services described in paragraph (3) shall
8 be treated as an authorized expenditure if the serv-
9 ices are necessary to enable the participation of the
10 candidate in campaign-connected activities.

11 “(2) LIMITATIONS.—

12 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
13 MENTS.—The total amount of payments made
14 by an authorized committee of a candidate for
15 personal use services described in paragraph (3)
16 may not exceed the limit which is applicable
17 under any law, rule, or regulation on the
18 amount of payments which may be made by the
19 committee for the salary of the candidate (with-
20 out regard to whether or not the committee
21 makes payments to the candidate for that pur-
22 pose).

23 “(B) CORRESPONDING REDUCTION IN
24 AMOUNT OF SALARY PAID TO CANDIDATE.—To
25 the extent that an authorized committee of a

1 candidate makes payments for the salary of the
2 candidate, any limit on the amount of such pay-
3 ments which is applicable under any law, rule,
4 or regulation shall be reduced by the amount of
5 any payments made to or on behalf of the can-
6 didate for personal use services described in
7 paragraph (3), other than personal use services
8 described in subparagraph (E) of such para-
9 graph.

10 “(C) EXCLUSION OF CANDIDATES WHO
11 ARE OFFICEHOLDERS.—Paragraph (1) does not
12 apply with respect to an authorized committee
13 of a candidate who is a holder of Federal office.

14 “(3) PERSONAL USE SERVICES DESCRIBED.—
15 The personal use services described in this para-
16 graph are as follows:

17 “(A) Child care services.

18 “(B) Elder care services.

19 “(C) Services similar to the services de-
20 scribed in subparagraph (A) or subparagraph
21 (B) which are provided on behalf of any de-
22 pendent who is a qualifying relative under sec-
23 tion 152 of the Internal Revenue Code of 1986.

1 “(D) Dues, fees, and other expenses re-
2 quired to maintain an license or similar require-
3 ment related to an individual’s profession.

4 “(E) Costs associated with health insur-
5 ance coverage.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the date of the enactment
8 of this Act.

9 **Subtitle E—Severability**

10 **SEC. 5401. SEVERABILITY.**

11 If any provision of this title or amendment made by
12 this title, or the application of a provision or amendment
13 to any person or circumstance, is held to be unconstitu-
14 tional, the remainder of this title and amendments made
15 by this title, and the application of the provisions and
16 amendment to any person or circumstance, shall not be
17 affected by the holding.

18 **TITLE VI—CAMPAIGN FINANCE** 19 **OVERSIGHT**

Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions
 by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Effective date; transition.

Subtitle B—Stopping Super PAC-Candidate Coordination

Sec. 6101. Short title.

Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.

Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle C—Severability

Sec. 6201. Severability.

1 **Subtitle A—Restoring Integrity to**
2 **America’s Elections**

3 **SEC. 6001. SHORT TITLE.**

4 This subtitle may be cited as the “Restoring Integrity
5 to America’s Elections Act”.

6 **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
7 **SION.**

8 (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
9 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS
10 EX OFFICIO MEMBERS.—

11 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
12 of the Federal Election Campaign Act of 1971 (52
13 U.S.C. 30106(a)(1)) is amended by striking the sec-
14 ond and third sentences and inserting the following:
15 “The Commission is composed of 5 members ap-
16 pointed by the President by and with the advice and
17 consent of the Senate, of whom no more than 2 may
18 be affiliated with the same political party. A member
19 shall be treated as affiliated with a political party if
20 the member was affiliated, including as a registered
21 voter, employee, consultant, donor, officer, or attor-

1 ney, with such political party or any of its can-
2 didates or elected public officials at any time during
3 the 5-year period ending on the date on which such
4 individual is nominated to be a member of the Com-
5 mission. A majority of the number of members of
6 the Commission who are serving at the time shall
7 constitute a quorum, except that 3 members shall
8 constitute a quorum if there are 4 members serving
9 at the time.”.

10 (2) CONFORMING AMENDMENTS RELATING TO
11 REDUCTION IN NUMBER OF MEMBERS.—(A) The
12 second sentence of section 306(c) of such Act (52
13 U.S.C. 30106(c)) is amended by striking “affirma-
14 tive vote of 4 members of the Commission” and in-
15 serting “affirmative vote of a majority of the mem-
16 bers of the Commission who are serving at the
17 time”.

18 (B) Such Act is further amended by striking
19 “affirmative vote of 4 of its members” and inserting
20 “affirmative vote of a majority of the members of
21 the Commission who are serving at the time” each
22 place it appears in the following sections:

23 (i) Section 309(a)(2) (52 U.S.C.
24 30109(a)(2)).

1 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
2 30109(a)(4)(A)(i)).

3 (iii) Section 309(a)(5)(C) (52 U.S.C.
4 30109(a)(5)(C)).

5 (iv) Section 309(a)(6)(A) (52 U.S.C.
6 30109(a)(6)(A)).

7 (v) Section 311(b) (52 U.S.C. 30111(b)).

8 (3) CONFORMING AMENDMENT RELATING TO
9 REMOVAL OF EX OFFICIO MEMBERS.—Section
10 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
11 ed by striking “(other than the Secretary of the Sen-
12 ate and the Clerk of the House of Representatives)”
13 each place it appears in paragraphs (4) and (5).

14 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
15 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
16 lows:

17 “(2) TERMS OF SERVICE.—

18 “(A) IN GENERAL.—Each member of the
19 Commission shall serve for a single term of 6
20 years.

21 “(B) SPECIAL RULE FOR INITIAL APPOINT-
22 MENTS.—Of the members first appointed to
23 serve terms that begin in January 2022, the
24 President shall designate 2 to serve for a 3-year
25 term.

1 “(C) NO REAPPOINTMENT PERMITTED.—
2 An individual who served a term as a member
3 of the Commission may not serve for an addi-
4 tional term, except that—

5 “(i) an individual who served a 3-year
6 term under subparagraph (B) may also be
7 appointed to serve a 6-year term under
8 subparagraph (A); and

9 “(ii) for purposes of this subpara-
10 graph, an individual who is appointed to
11 fill a vacancy under subparagraph (D)
12 shall not be considered to have served a
13 term if the portion of the unexpired term
14 the individual fills is less than 50 percent
15 of the period of the term.

16 “(D) VACANCIES.—Any vacancy occurring
17 in the membership of the Commission shall be
18 filled in the same manner as in the case of the
19 original appointment. Except as provided in
20 subparagraph (C), an individual appointed to
21 fill a vacancy occurring other than by the expi-
22 ration of a term of office shall be appointed
23 only for the unexpired term of the member he
24 or she succeeds.

1 “(E) LIMITATION ON SERVICE AFTER EX-
2 PIRATION OF TERM.—A member of the Com-
3 mission may continue to serve on the Commis-
4 sion after the expiration of the member’s term
5 for an additional period, but only until the ear-
6 lier of—

7 “(i) the date on which the member’s
8 successor has taken office as a member of
9 the Commission; or

10 “(ii) the expiration of the 1-year pe-
11 riod that begins on the last day of the
12 member’s term.”.

13 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
14 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

15 “(3) QUALIFICATIONS.—

16 “(A) IN GENERAL.—The President may
17 select an individual for service as a member of
18 the Commission if the individual has experience
19 in election law and has a demonstrated record
20 of integrity, impartiality, and good judgment.

21 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
22 SORY PANEL.—

23 “(i) IN GENERAL.—Prior to the regu-
24 larly scheduled expiration of the term of a
25 member of the Commission and upon the

1 occurrence of a vacancy in the membership
2 of the Commission prior to the expiration
3 of a term, the President shall convene a
4 Blue Ribbon Advisory Panel, consisting of
5 an odd number of individuals selected by
6 the President from retired Federal judges,
7 former law enforcement officials, or indi-
8 viduals with experience in election law, ex-
9 cept that the President may not select any
10 individual to serve on the panel who holds
11 any public office at the time of selection.

12 “(ii) RECOMMENDATIONS.—With re-
13 spect to each member of the Commission
14 whose term is expiring or each vacancy in
15 the membership of the Commission (as the
16 case may be), the Blue Ribbon Advisory
17 Panel shall recommend to the President at
18 least one but not more than 3 individuals
19 for nomination for appointment as a mem-
20 ber of the Commission.

21 “(iii) PUBLICATION.—At the time the
22 President submits to the Senate the nomi-
23 nations for individuals to be appointed as
24 members of the Commission, the President
25 shall publish the Blue Ribbon Advisory

1 Panel's recommendations for such nomina-
2 tions.

3 “(iv) EXEMPTION FROM FEDERAL AD-
4 VISORY COMMITTEE ACT.—The Federal
5 Advisory Committee Act (5 U.S.C. App.)
6 does not apply to a Blue Ribbon Advisory
7 Panel convened under this subparagraph.

8 “(C) PROHIBITING ENGAGEMENT WITH
9 OTHER BUSINESS OR EMPLOYMENT DURING
10 SERVICE.—A member of the Commission shall
11 not engage in any other business, vocation, or
12 employment. Any individual who is engaging in
13 any other business, vocation, or employment at
14 the time of his or her appointment to the Com-
15 mission shall terminate or liquidate such activ-
16 ity no later than 90 days after such appoint-
17 ment.”.

18 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
19 **ERAL ELECTION COMMISSION.**

20 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

21 (1) IN GENERAL.—Section 306(a)(5) of the
22 Federal Election Campaign Act of 1971 (52 U.S.C.
23 30106(a)(5)) is amended to read as follows:

24 “(5) CHAIR.—

1 “(A) INITIAL APPOINTMENT.—Of the
2 members first appointed to serve terms that
3 begin in January 2022, one such member (as
4 designated by the President at the time the
5 President submits nominations to the Senate)
6 shall serve as Chair of the Commission.

7 “(B) SUBSEQUENT APPOINTMENTS.—Any
8 individual who is appointed to succeed the
9 member who serves as Chair of the Commission
10 for the term beginning in January 2022 (as
11 well as any individual who is appointed to fill
12 a vacancy if such member does not serve a full
13 term as Chair) shall serve as Chair of the Com-
14 mission.

15 “(C) VICE CHAIR.—The Commission shall
16 select, by majority vote of its members, one of
17 its members to serve as Vice Chair, who shall
18 act as Chair in the absence or disability of the
19 Chair or in the event of a vacancy in the posi-
20 tion of Chair.”.

21 (2) CONFORMING AMENDMENT.—Section
22 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
23 amended by striking “through its chairman or vice
24 chairman” and inserting “through the Chair”.

25 (b) POWERS.—

1 (1) ASSIGNMENT OF CERTAIN POWERS TO
2 CHAIR.—Section 307(a) of such Act (52 U.S.C.
3 30107(a)) is amended to read as follows:

4 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
5 AND COMMISSION.—

6 “(1) POWERS ASSIGNED TO CHAIR.—

7 “(A) ADMINISTRATIVE POWERS.—The
8 Chair of the Commission shall be the chief ad-
9 ministrative officer of the Commission and shall
10 have the authority to administer the Commis-
11 sion and its staff, and (in consultation with the
12 other members of the Commission) shall have
13 the power—

14 “(i) to appoint and remove the staff
15 director of the Commission;

16 “(ii) to request the assistance (includ-
17 ing personnel and facilities) of other agen-
18 cies and departments of the United States,
19 whose heads may make such assistance
20 available to the Commission with or with-
21 out reimbursement; and

22 “(iii) to prepare and establish the
23 budget of the Commission and to make
24 budget requests to the President, the Di-

1 rector of the Office of Management and
2 Budget, and Congress.

3 “(B) OTHER POWERS.—The Chair of the
4 Commission shall have the power—

5 “(i) to appoint and remove the gen-
6 eral counsel of the Commission with the
7 concurrence of at least 2 other members of
8 the Commission;

9 “(ii) to require by special or general
10 orders, any person to submit, under oath,
11 such written reports and answers to ques-
12 tions as the Chair may prescribe;

13 “(iii) to administer oaths or affirma-
14 tions;

15 “(iv) to require by subpoena, signed
16 by the Chair, the attendance and testimony
17 of witnesses and the production of all doc-
18 umentary evidence relating to the execu-
19 tion of its duties;

20 “(v) in any proceeding or investiga-
21 tion, to order testimony to be taken by
22 deposition before any person who is des-
23 ignated by the Chair, and shall have the
24 power to administer oaths and, in such in-
25 stances, to compel testimony and the pro-

1 duction of evidence in the same manner as
2 authorized under clause (iv); and

3 “(vi) to pay witnesses the same fees
4 and mileage as are paid in like cir-
5 cumstances in the courts of the United
6 States.

7 “(2) POWERS ASSIGNED TO COMMISSION.—The
8 Commission shall have the power—

9 “(A) to initiate (through civil actions for
10 injunctive, declaratory, or other appropriate re-
11 lief), defend (in the case of any civil action
12 brought under section 309(a)(8) of this Act) or
13 appeal any civil action in the name of the Com-
14 mission to enforce the provisions of this Act
15 and chapter 95 and chapter 96 of the Internal
16 Revenue Code of 1986, through its general
17 counsel;

18 “(B) to render advisory opinions under
19 section 308 of this Act;

20 “(C) to develop such prescribed forms and
21 to make, amend, and repeal such rules, pursu-
22 ant to the provisions of chapter 5 of title 5,
23 United States Code, as are necessary to carry
24 out the provisions of this Act and chapter 95

1 and chapter 96 of the Internal Revenue Code of
2 1986;

3 “(D) to conduct investigations and hear-
4 ings expeditiously, to encourage voluntary com-
5 pliance, and to report apparent violations to the
6 appropriate law enforcement authorities; and

7 “(E) to transmit to the President and Con-
8 gress not later than June 1 of each year a re-
9 port which states in detail the activities of the
10 Commission in carrying out its duties under
11 this Act, and which includes any recommenda-
12 tions for any legislative or other action the
13 Commission considers appropriate.

14 “(3) PERMITTING COMMISSION TO EXERCISE
15 OTHER POWERS OF CHAIR.—With respect to any in-
16 vestigation, action, or proceeding, the Commission,
17 by an affirmative vote of a majority of the members
18 who are serving at the time, may exercise any of the
19 powers of the Chair described in paragraph (1)(B).”.

20 (2) CONFORMING AMENDMENTS RELATING TO
21 PERSONNEL AUTHORITY.—Section 306(f) of such
22 Act (52 U.S.C. 30106(f)) is amended—

23 (A) by amending the first sentence of
24 paragraph (1) to read as follows: “The Com-
25 mission shall have a staff director who shall be

1 appointed by the Chair of the Commission in
2 consultation with the other members and a gen-
3 eral counsel who shall be appointed by the
4 Chair with the concurrence of at least two other
5 members.”;

6 (B) in paragraph (2), by striking “With
7 the approval of the Commission” and inserting
8 “With the approval of the Chair of the Commis-
9 sion”; and

10 (C) by striking paragraph (3).

11 (3) CONFORMING AMENDMENT RELATING TO
12 BUDGET SUBMISSION.—Section 307(d)(1) of such
13 Act (52 U.S.C. 30107(d)(1)) is amended by striking
14 “the Commission submits any budget” and inserting
15 “the Chair (or, pursuant to subsection (a)(3), the
16 Commission) submits any budget”.

17 (4) OTHER CONFORMING AMENDMENTS.—Sec-
18 tion 306(e) of such Act (52 U.S.C. 30106(e)) is
19 amended by striking “All decisions” and inserting
20 “Subject to section 307(a), all decisions”.

21 (5) TECHNICAL AMENDMENT.—The heading of
22 section 307 of such Act (52 U.S.C. 30107) is
23 amended by striking “THE COMMISSION” and insert-
24 ing “THE CHAIR AND THE COMMISSION”.

1 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

2 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
3 DETERMINING WHETHER VIOLATIONS HAVE OC-
4 CURRED.—

5 (1) REVISION OF STANDARDS.—Section 309(a)
6 of the Federal Election Campaign Act of 1971 (52
7 U.S.C. 30109(a)) is amended by striking paragraphs
8 (2) and (3) and inserting the following:

9 “(2)(A) The general counsel, upon receiving a com-
10 plaint filed with the Commission under paragraph (1) or
11 upon the basis of information ascertained by the Commis-
12 sion in the normal course of carrying out its supervisory
13 responsibilities, shall make a determination as to whether
14 or not there is reason to believe that a person has com-
15 mitted, or is about to commit, a violation of this Act or
16 chapter 95 or chapter 96 of the Internal Revenue Code
17 of 1986, and as to whether or not the Commission should
18 either initiate an investigation of the matter or that the
19 complaint should be dismissed. The general counsel shall
20 promptly provide notification to the Commission of such
21 determination and the reasons therefore, together with
22 any written response submitted under paragraph (1) by
23 the person alleged to have committed the violation. Upon
24 the expiration of the 30-day period which begins on the
25 date the general counsel provides such notification, the
26 general counsel’s determination shall take effect, unless

1 during such 30-day period the Commission, by vote of a
2 majority of the members of the Commission who are serv-
3 ing at the time, overrules the general counsel's determina-
4 tion. If the determination by the general counsel that the
5 Commission should investigate the matter takes effect, or
6 if the determination by the general counsel that the com-
7 plaint should be dismissed is overruled as provided under
8 the previous sentence, the general counsel shall initiate an
9 investigation of the matter on behalf of the Commission.

10 “(B) If the Commission initiates an investigation
11 pursuant to subparagraph (A), the Commission, through
12 the Chair, shall notify the subject of the investigation of
13 the alleged violation. Such notification shall set forth the
14 factual basis for such alleged violation. The Commission
15 shall make an investigation of such alleged violation, which
16 may include a field investigation or audit, in accordance
17 with the provisions of this section. The general counsel
18 shall provide notification to the Commission of any intent
19 to issue a subpoena or conduct any other form of discovery
20 pursuant to the investigation. Upon the expiration of the
21 15-day period which begins on the date the general counsel
22 provides such notification, the general counsel may issue
23 the subpoena or conduct the discovery, unless during such
24 15-day period the Commission, by vote of a majority of
25 the members of the Commission who are serving at the

1 time, prohibits the general counsel from issuing the sub-
2 poena or conducting the discovery.

3 “(3)(A) Upon completion of an investigation under
4 paragraph (2), the general counsel shall promptly submit
5 to the Commission the general counsel’s recommendation
6 that the Commission find either that there is probable
7 cause or that there is not probable cause to believe that
8 a person has committed, or is about to commit, a violation
9 of this Act or chapter 95 or chapter 96 of the Internal
10 Revenue Code of 1986, and shall include with the rec-
11 ommendation a brief stating the position of the general
12 counsel on the legal and factual issues of the case.

13 “(B) At the time the general counsel submits to the
14 Commission the recommendation under subparagraph (A),
15 the general counsel shall simultaneously notify the re-
16 spondent of such recommendation and the reasons there-
17 fore, shall provide the respondent with an opportunity to
18 submit a brief within 30 days stating the position of the
19 respondent on the legal and factual issues of the case and
20 replying to the brief of the general counsel. The general
21 counsel and shall promptly submit such brief to the Com-
22 mission upon receipt.

23 “(C) Not later than 30 days after the general counsel
24 submits the recommendation to the Commission under
25 subparagraph (A) (or, if the respondent submits a brief

1 under subparagraph (B), not later than 30 days after the
2 general counsel submits the respondent’s brief to the Com-
3 mission under such subparagraph), the Commission shall
4 approve or disapprove the recommendation by vote of a
5 majority of the members of the Commission who are serv-
6 ing at the time.”.

7 (2) CONFORMING AMENDMENT RELATING TO
8 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
9 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
10 is amended—

11 (A) in the third sentence, by striking “the
12 Commission” and inserting “the general coun-
13 sel”; and

14 (B) by amending the fourth sentence to
15 read as follows: “Not later than 15 days after
16 receiving notice from the general counsel under
17 the previous sentence, the person may provide
18 the general counsel with a written response that
19 no action should be taken against such person
20 on the basis of the complaint.”.

21 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
22 MISSAL OF COMPLAINTS.—

23 (1) IN GENERAL.—Section 309(a)(8) of such
24 Act (52 U.S.C. 30109(a)(8)) is amended to read as
25 follows:

1 “(8)(A)(i) Any party aggrieved by an order of the
2 Commission dismissing a complaint filed by such party
3 after finding either no reason to believe a violation has
4 occurred or no probable cause a violation has occurred
5 may file a petition with the United States District Court
6 for the District of Columbia. Any petition under this sub-
7 paragraph shall be filed within 60 days after the date on
8 which the party received notice of the dismissal of the
9 complaint.

10 “(ii) In any proceeding under this subparagraph, the
11 court shall determine by de novo review whether the agen-
12 cy’s dismissal of the complaint is contrary to law. In any
13 matter in which the penalty for the alleged violation is
14 greater than \$50,000, the court should disregard any
15 claim or defense by the Commission of prosecutorial dis-
16 cretion as a basis for dismissing the complaint.

17 “(B)(i) Any party who has filed a complaint with the
18 Commission and who is aggrieved by a failure of the Com-
19 mission, within one year after the filing of the complaint,
20 to either dismiss the complaint or to find reason to believe
21 a violation has occurred or is about to occur, may file a
22 petition with the United States District Court for the Dis-
23 trict of Columbia.

24 “(ii) In any proceeding under this subparagraph, the
25 court shall treat the failure to act on the complaint as

1 a dismissal of the complaint, and shall determine by de
2 novo review whether the agency's failure to act on the
3 complaint is contrary to law.

4 “(C) In any proceeding under this paragraph the
5 court may declare that the dismissal of the complaint or
6 the failure to act is contrary to law, and may direct the
7 Commission to conform with such declaration within 30
8 days, failing which the complainant may bring, in the
9 name of such complainant, a civil action to remedy the
10 violation involved in the original complaint.”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall apply—

13 (A) in the case of complaints which are
14 dismissed by the Federal Election Commission,
15 with respect to complaints which are dismissed
16 on or after the date of the enactment of this
17 Act; and

18 (B) in the case of complaints upon which
19 the Federal Election Commission failed to act,
20 with respect to complaints which were filed on
21 or after the date of the enactment of this Act.

1 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**
3 **SONS OPPOSING THE REQUESTS.**

4 (a) IN GENERAL.—Section 308 of such Act (52
5 U.S.C. 30108) is amended by adding at the end the fol-
6 lowing new subsection:

7 “(e) To the extent that the Commission provides an
8 opportunity for a person requesting an advisory opinion
9 under this section (or counsel for such person) to appear
10 before the Commission to present testimony in support of
11 the request, and the person (or counsel) accepts such op-
12 portunity, the Commission shall provide a reasonable op-
13 portunity for an interested party who submitted written
14 comments under subsection (d) in response to the request
15 (or counsel for such interested party) to appear before the
16 Commission to present testimony in response to the re-
17 quest.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to requests for advi-
20 sory opinions under section 308 of the Federal Election
21 Campaign Act of 1971 which are made on or after the
22 date of the enactment of this Act.

23 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
24 **PENALTY AUTHORITY.**

25 (a) EXTENSION OF AUTHORITY.—Section
26 309(a)(4)(C)(v) of the Federal Election Campaign Act of

1 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
2 ing “, and that end on or before December 31, 2018”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on December 31, 2018.

5 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

6 Section 306(e) of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30106(e)) is amended—

8 (1) by striking “(e) The Commission” and in-
9 serting “(e)(1) The Commission”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) Members and employees of the Commission shall
13 be subject to limitations on ex parte communications, as
14 provided in the regulations promulgated by the Commis-
15 sion regarding such communications which are in effect
16 on the date of the enactment of this paragraph.”.

17 **SEC. 6008. EFFECTIVE DATE; TRANSITION.**

18 (a) **IN GENERAL.**—Except as otherwise provided, the
19 amendments made by this subtitle shall apply beginning
20 January 1, 2022.

21 (b) **TRANSITION.**—

22 (1) **TERMINATION OF SERVICE OF CURRENT**
23 **MEMBERS.**—Notwithstanding any provision of the
24 Federal Election Campaign Act of 1971, the term of
25 any individual serving as a member of the Federal

1 Election Commission as of December 31, 2021, shall
2 expire on that date.

3 (2) NO EFFECT ON EXISTING CASES OR PRO-
4 CEEDINGS.—Nothing in this subtitle or in any
5 amendment made by this subtitle shall affect any of
6 the powers exercised by the Federal Election Com-
7 mission prior to December 31, 2021, including any
8 investigation initiated by the Commission prior to
9 such date or any proceeding (including any enforce-
10 ment action) pending as of such date.

11 **Subtitle B—Stopping Super PAC-** 12 **Candidate Coordination**

13 **SEC. 6101. SHORT TITLE.**

14 This subtitle may be cited as the “Stop Super PAC-
15 Candidate Coordination Act”.

16 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-** 17 **NATED EXPENDITURES AS CONTRIBUTIONS** 18 **TO CANDIDATES.**

19 (a) TREATMENT AS CONTRIBUTION TO CAN-
20 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
21 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

22 (1) by striking “or” at the end of clause (i);

23 (2) by striking the period at the end of clause

24 (ii) and inserting “; or”; and

1 (3) by adding at the end the following new
2 clause:

3 “(iii) any payment made by any person
4 (other than a candidate, an authorized com-
5 mittee of a candidate, or a political committee
6 of a political party) for a coordinated expendi-
7 ture (as such term is defined in section 326)
8 which is not otherwise treated as a contribution
9 under clause (i) or clause (ii).”.

10 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
11 30101 et seq.), as amended by section 4702(a), is amend-
12 ed by adding at the end the following new section:

13 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

14 “(a) COORDINATED EXPENDITURES.—

15 “(1) IN GENERAL.—For purposes of section
16 301(8)(A)(iii), the term ‘coordinated expenditure’
17 means—

18 “(A) any expenditure, or any payment for
19 a covered communication described in sub-
20 section (d), which is made in cooperation, con-
21 sultation, or concert with, or at the request or
22 suggestion of, a candidate, an authorized com-
23 mittee of a candidate, a political committee of
24 a political party, or agents of the candidate or
25 committee, as defined in subsection (b); or

1 “(B) any payment for any communication
2 which republishes, disseminates, or distributes,
3 in whole or in part, any video or broadcast or
4 any written, graphic, or other form of campaign
5 material prepared by the candidate or com-
6 mittee or by agents of the candidate or com-
7 mittee (including any excerpt or use of any
8 video from any such broadcast or written,
9 graphic, or other form of campaign material).

10 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
11 COMMUNICATIONS.—A payment for a communication
12 (including a covered communication described in
13 subsection (d)) shall not be treated as a coordinated
14 expenditure under this subsection if—

15 “(A) the communication appears in a news
16 story, commentary, or editorial distributed
17 through the facilities of any broadcasting sta-
18 tion, newspaper, magazine, or other periodical
19 publication, unless such facilities are owned or
20 controlled by any political party, political com-
21 mittee, or candidate; or

22 “(B) the communication constitutes a can-
23 didate debate or forum conducted pursuant to
24 regulations adopted by the Commission pursu-
25 ant to section 304(f)(3)(B)(iii), or which solely

1 promotes such a debate or forum and is made
2 by or on behalf of the person sponsoring the de-
3 bate or forum.

4 “(b) COORDINATION DESCRIBED.—

5 “(1) IN GENERAL.—For purposes of this sec-
6 tion, a payment is made ‘in cooperation, consulta-
7 tion, or concert with, or at the request or suggestion
8 of,’ a candidate, an authorized committee of a can-
9 didate, a political committee of a political party, or
10 agents of the candidate or committee, if the pay-
11 ment, or any communication for which the payment
12 is made, is not made entirely independently of the
13 candidate, committee, or agents. For purposes of the
14 previous sentence, a payment or communication not
15 made entirely independently of the candidate or
16 committee includes any payment or communication
17 made pursuant to any general or particular under-
18 standing with, or pursuant to any communication
19 with, the candidate, committee, or agents about the
20 payment or communication.

21 “(2) NO FINDING OF COORDINATION BASED
22 SOLELY ON SHARING OF INFORMATION REGARDING
23 LEGISLATIVE OR POLICY POSITION.—For purposes
24 of this section, a payment shall not be considered to
25 be made by a person in cooperation, consultation, or

1 concert with, or at the request or suggestion of, a
2 candidate or committee, solely on the grounds that
3 the person or the person's agent engaged in discus-
4 sions with the candidate or committee, or with any
5 agent of the candidate or committee, regarding that
6 person's position on a legislative or policy matter
7 (including urging the candidate or committee to
8 adopt that person's position), so long as there is no
9 communication between the person and the can-
10 didate or committee, or any agent of the candidate
11 or committee, regarding the candidate's or commit-
12 tee's campaign advertising, message, strategy, pol-
13 icy, polling, allocation of resources, fundraising, or
14 other campaign activities.

15 “(3) NO EFFECT ON PARTY COORDINATION
16 STANDARD.—Nothing in this section shall be con-
17 strued to affect the determination of coordination
18 between a candidate and a political committee of a
19 political party for purposes of section 315(d).

20 “(4) NO SAFE HARBOR FOR USE OF FIRE-
21 WALL.—A person shall be determined to have made
22 a payment in cooperation, consultation, or concert
23 with, or at the request or suggestion of, a candidate
24 or committee, in accordance with this section with-
25 out regard to whether or not the person established

1 and used a firewall or similar procedures to restrict
2 the sharing of information between individuals who
3 are employed by or who are serving as agents for the
4 person making the payment.

5 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
6 COVERED COMMUNICATIONS.—

7 “(1) PAYMENTS MADE IN COOPERATION, CON-
8 SULTATION, OR CONCERT WITH CANDIDATES.—For
9 purposes of subsection (a)(1)(A), if the person who
10 makes a payment for a covered communication, as
11 defined in subsection (d), is a coordinated spender
12 under paragraph (2) with respect to the candidate
13 as described in subsection (d)(1), the payment for
14 the covered communication is made in cooperation,
15 consultation, or concert with the candidate.

16 “(2) COORDINATED SPENDER DEFINED.—For
17 purposes of this subsection, the term ‘coordinated
18 spender’ means, with respect to a candidate or an
19 authorized committee of a candidate, a person (other
20 than a political committee of a political party) for
21 which any of the following applies:

22 “(A) During the 4-year period ending on
23 the date on which the person makes the pay-
24 ment, the person was directly or indirectly
25 formed or established by or at the request or

1 suggestion of, or with the encouragement of,
2 the candidate (including an individual who later
3 becomes a candidate) or committee or agents of
4 the candidate or committee, including with the
5 approval of the candidate or committee or
6 agents of the candidate or committee.

7 “(B) The candidate or committee or any
8 agent of the candidate or committee solicits
9 funds, appears at a fundraising event, or en-
10 engages in other fundraising activity on the per-
11 son’s behalf during the election cycle involved,
12 including by providing the person with names of
13 potential donors or other lists to be used by the
14 person in engaging in fundraising activity, re-
15 gardless of whether the person pays fair market
16 value for the names or lists provided. For pur-
17 poses of this subparagraph, the term ‘election
18 cycle’ means, with respect to an election for
19 Federal office, the period beginning on the day
20 after the date of the most recent general elec-
21 tion for that office (or, if the general election
22 resulted in a runoff election, the date of the
23 runoff election) and ending on the date of the
24 next general election for that office (or, if the

1 general election resulted in a runoff election,
2 the date of the runoff election).

3 “(C) The person is established, directed, or
4 managed by the candidate or committee or by
5 any person who, during the 4-year period end-
6 ing on the date on which the person makes the
7 payment, has been employed or retained as a
8 political, campaign media, or fundraising ad-
9 viser or consultant for the candidate or com-
10 mittee or for any other entity directly or indi-
11 rectly controlled by the candidate or committee,
12 or has held a formal position with the candidate
13 or committee (including a position as an em-
14 ployee of the office of the candidate at any time
15 the candidate held any Federal, State, or local
16 public office during the 4-year period).

17 “(D) The person has retained the profes-
18 sional services of any person who, during the 2-
19 year period ending on the date on which the
20 person makes the payment, has provided or is
21 providing professional services relating to the
22 campaign to the candidate or committee, with-
23 out regard to whether the person providing the
24 professional services used a firewall. For pur-
25 poses of this subparagraph, the term ‘profes-

1 sional services’ includes any services in support
2 of the candidate’s or committee’s campaign ac-
3 tivities, including advertising, message, strat-
4 egy, policy, polling, allocation of resources,
5 fundraising, and campaign operations, but does
6 not include accounting or legal services.

7 “(E) The person is established, directed, or
8 managed by a member of the immediate family
9 of the candidate, or the person or any officer or
10 agent of the person has had more than inci-
11 dental discussions about the candidate’s cam-
12 paign with a member of the immediate family
13 of the candidate. For purposes of this subpara-
14 graph, the term ‘immediate family’ has the
15 meaning given such term in section 9004(e) of
16 the Internal Revenue Code of 1986.

17 “(d) COVERED COMMUNICATION DEFINED.—

18 “(1) IN GENERAL.—For purposes of this sec-
19 tion, the term ‘covered communication’ means, with
20 respect to a candidate or an authorized committee of
21 a candidate, a public communication (as defined in
22 section 301(22)) which—

23 “(A) expressly advocates the election of the
24 candidate or the defeat of an opponent of the

1 candidate (or contains the functional equivalent
2 of express advocacy);

3 “(B) promotes or supports the election of
4 the candidate, or attacks or opposes the election
5 of an opponent of the candidate (regardless of
6 whether the communication expressly advocates
7 the election or defeat of a candidate or contains
8 the functional equivalent of express advocacy);
9 or

10 “(C) refers to the candidate or an oppo-
11 nent of the candidate but is not described in
12 subparagraph (A) or subparagraph (B), but
13 only if the communication is disseminated dur-
14 ing the applicable election period.

15 “(2) APPLICABLE ELECTION PERIOD.—In para-
16 graph (1)(C), the ‘applicable election period’ with re-
17 spect to a communication means—

18 “(A) in the case of a communication which
19 refers to a candidate in a general, special, or
20 runoff election, the 120-day period which ends
21 on the date of the election; or

22 “(B) in the case of a communication which
23 refers to a candidate in a primary or preference
24 election, or convention or caucus of a political
25 party that has authority to nominate a can-

1 didate, the 60-day period which ends on the
2 date of the election or convention or caucus.

3 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
4 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
5 poses of this subsection, a public communication
6 shall not be considered to be a covered communica-
7 tion with respect to a candidate for election for an
8 office other than the office of President or Vice
9 President unless it is publicly disseminated or dis-
10 tributed in the jurisdiction of the office the can-
11 didate is seeking.

12 “(e) PENALTY.—

13 “(1) DETERMINATION OF AMOUNT.—Any per-
14 son who knowingly and willfully commits a violation
15 of this Act by making a contribution which consists
16 of a payment for a coordinated expenditure shall be
17 fined an amount equal to the greater of—

18 “(A) in the case of a person who makes a
19 contribution which consists of a payment for a
20 coordinated expenditure in an amount exceeding
21 the applicable contribution limit under this Act,
22 300 percent of the amount by which the
23 amount of the payment made by the person ex-
24 ceeds such applicable contribution limit; or

1 “(B) in the case of a person who is prohib-
2 ited under this Act from making a contribution
3 in any amount, 300 percent of the amount of
4 the payment made by the person for the coordi-
5 nated expenditure.

6 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
7 rector, manager, or officer of a person who is subject
8 to a penalty under paragraph (1) shall be jointly and
9 severally liable for any amount of such penalty that
10 is not paid by the person prior to the expiration of
11 the 1-year period which begins on the date the Com-
12 mission imposes the penalty or the 1-year period
13 which begins on the date of the final judgment fol-
14 lowing any judicial review of the Commission’s ac-
15 tion, whichever is later.”.

16 (c) EFFECTIVE DATE.—

17 (1) REPEAL OF EXISTING REGULATIONS ON CO-
18 ORDINATION.—Effective upon the expiration of the
19 90-day period which begins on the date of the enact-
20 ment of this Act—

21 (A) the regulations on coordinated commu-
22 nications adopted by the Federal Election Com-
23 mission which are in effect on the date of the
24 enactment of this Act (as set forth in 11 CFR

1 Part 109, Subpart C, under the heading “Co-
2 ordination”) are repealed; and

3 (B) the Federal Election Commission shall
4 promulgate new regulations on coordinated
5 communications which reflect the amendments
6 made by this Act.

7 (2) EFFECTIVE DATE.—The amendments made
8 by this section shall apply with respect to payments
9 made on or after the expiration of the 120-day pe-
10 riod which begins on the date of the enactment of
11 this Act, without regard to whether or not the Fed-
12 eral Election Commission has promulgated regula-
13 tions in accordance with paragraph (1)(B) as of the
14 expiration of such period.

15 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
16 **SUPER PACS BY FEDERAL CANDIDATES AND**
17 **OFFICEHOLDERS.**

18 (a) IN GENERAL.—Section 323(e)(1) of the Federal
19 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
20 is amended—

21 (1) by striking “or” at the end of subparagraph

22 (A);

23 (2) by striking the period at the end of sub-
24 paragraph (B) and inserting “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(C) solicit, receive, direct, or transfer
4 funds to or on behalf of any political committee
5 which accepts donations or contributions that
6 do not comply with the limitations, prohibitions,
7 and reporting requirements of this Act (or to or
8 on behalf of any account of a political com-
9 mittee which is established for the purpose of
10 accepting such donations or contributions), or
11 to or on behalf of any political organization
12 under section 527 of the Internal Revenue Code
13 of 1986 which accepts such donations or con-
14 tributions (other than a committee of a State or
15 local political party or a candidate for election
16 for State or local office).”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to elections occur-
19 ring after January 1, 2020.

20 **Subtitle C—Severability**

21 **SEC. 6201. SEVERABILITY.**

22 If any provision of this title or amendment made by
23 this title, or the application of a provision or amendment
24 to any person or circumstance, is held to be unconstitu-
25 tional, the remainder of this title and amendments made

1 by this title, and the application of the provisions and
2 amendment to any person or circumstance, shall not be
3 affected by the holding.

4 **DIVISION C—ETHICS**
5 **TITLE VII—[RESERVED]**
6 **TITLE VIII—[RESERVED]**
7 **TITLE IX—CONGRESSIONAL**
8 **ETHICS REFORM**

Subtitle A—Requiring Members of Congress to Reimburse Treasury for
Amounts Paid as Settlements and Awards Under Congressional Account-
ability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts
paid as settlements and awards under Congressional Account-
ability Act of 1995 in all cases of employment discrimination
acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. [Reserved].
Sec. 9102. Conflict of interest rules for Members of Congress and congressional
staff.
Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.
Sec. 9202. Requiring disclosure in certain reports filed with Federal Election
Commission of persons who are registered lobbyists.
Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.
Sec. 9302. Definitions.
Sec. 9303. Establishment of online portal for congressionally mandated reports.
Sec. 9304. Federal agency responsibilities.
Sec. 9305. Removing and altering reports.
Sec. 9306. Relationship to the Freedom of Information Act.
Sec. 9307. Implementation.

Subtitle E—Severability

Sec. 9401. Severability.

1 **Subtitle A—Requiring Members of**
2 **Congress to Reimburse Treas-**
3 **ury for Amounts Paid as Settle-**
4 **ments and Awards Under Con-**
5 **gressional Accountability Act of**
6 **1995**

7 **SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-**
8 **BURSE TREASURY FOR AMOUNTS PAID AS**
9 **SETTLEMENTS AND AWARDS UNDER CON-**
10 **GRESSIONAL ACCOUNTABILITY ACT OF 1995**
11 **IN ALL CASES OF EMPLOYMENT DISCRIMINA-**
12 **TION ACTS BY MEMBERS.**

13 (a) **REQUIRING REIMBURSEMENT.**—Clause (i) of sec-
14 tion 415(d)(1)(C) of the Congressional Accountability Act
15 of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section
16 111(a) of the Congressional Accountability Act of 1995
17 Reform Act, is amended to read as follows:

18 “(i) a violation of section 201(a) or
19 section 206(a); or”.

20 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**
21 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause
22 (i) of section 402(b)(2)(B) of the Congressional Account-
23 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended
24 by section 102(a) of the Congressional Accountability Act
25 of 1995 Reform Act, is amended to read as follows:

1 “(i) a violation of section 201(a) or
2 section 206(a); or”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the enact-
5 ment of the Congressional Accountability Act of 1995 Re-
6 form Act.

7 **Subtitle B—Conflicts of Interests**

8 **SEC. 9101. [RESERVED].**

9 **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS**
10 **OF CONGRESS AND CONGRESSIONAL STAFF.**

11 No Member, officer, or employee of a committee or
12 Member of either House of Congress may knowingly use
13 his or her official position to introduce or aid the progress
14 or passage of legislation, a principal purpose of which is
15 to further only his or her pecuniary interest, only the pecu-
16 niary interest of his or her immediate family, or only the
17 pecuniary interest of a limited class of persons or enter-
18 prises, when he or she, or his or her immediate family,
19 or enterprises controlled by them, are members of the af-
20 fected class.

21 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

22 The provisions of this subtitle are enacted by the
23 Congress—

24 (1) as an exercise of the rulemaking power of
25 the House of Representatives and the Senate, re-

1 spectively, and as such they shall be considered as
2 part of the rules of each House, respectively, or of
3 that House to which they specifically apply, and
4 such rules shall supersede other rules only to the ex-
5 tent that they are inconsistent therewith; and

6 (2) with full recognition of the constitutional
7 right of either House to change such rules (so far
8 as relating to such House) at any time, in the same
9 manner, and to the same extent as in the case of
10 any other rule of such House.

11 **Subtitle C—Campaign Finance and** 12 **Lobbying Disclosure**

13 **SEC. 9201. SHORT TITLE.**

14 This subtitle may be cited as the “Connecting Lobby-
15 ists and Electeds for Accountability and Reform Act” or
16 the “CLEAR Act”.

17 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS** 18 **FILED WITH FEDERAL ELECTION COMMIS-** 19 **SION OF PERSONS WHO ARE REGISTERED** 20 **LOBBYISTS.**

21 (a) REPORTS FILED BY POLITICAL COMMITTEES.—
22 Section 304(b) of the Federal Election Campaign Act of
23 1971 (52 U.S.C. 30104(b)) is amended—

24 (1) by striking “and” at the end of paragraph
25 (7);

1 (2) by striking the period at the end of para-
2 graph (8) and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(9) if any person identified in subparagraph
6 (A), (E), (F), or (G) of paragraph (3) is a registered
7 lobbyist under the Lobbying Disclosure Act of 1995,
8 a separate statement that such person is a reg-
9 istered lobbyist under such Act.”.

10 (b) REPORTS FILED BY PERSONS MAKING INDE-
11 PENDENT EXPENDITURES.—Section 304(c)(2) of such
12 Act (52 U.S.C. 30104(c)(2)) is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (B);

15 (2) by striking the period at the end of sub-
16 paragraph (C) and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(D) if the person filing the statement, or a
20 person whose identification is required to be dis-
21 closed under subparagraph (C), is a registered lob-
22 byist under the Lobbying Disclosure Act of 1995, a
23 separate statement that such person is a registered
24 lobbyist under such Act.”.

1 (c) REPORTS FILED BY PERSONS MAKING DIS-
2 BURSEMENTS FOR ELECTIONEERING COMMUNICA-
3 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.
4 30104(f)(2)) is amended by adding at the end the fol-
5 lowing new subparagraph:

6 “(G) If the person making the disburse-
7 ment, or a contributor described in subpara-
8 graph (E) or (F), is a registered lobbyist under
9 the Lobbying Disclosure Act of 1995, a sepa-
10 rate statement that such person or contributor
11 is a registered lobbyist under such Act.”.

12 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO
13 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF
14 SENATE.—Section 304 of such Act (52 U.S.C. 30104),
15 as amended by section 4308(a), is amended by adding at
16 the end the following new subsection:

17 “(k) REQUIRING INFORMATION ON REGISTERED
18 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF
19 HOUSE AND SECRETARY OF SENATE.—

20 “(1) LINKS TO WEBSITES.—The Commission
21 shall ensure that the Commission’s public database
22 containing information described in paragraph (2) is
23 linked electronically to the websites maintained by
24 the Secretary of the Senate and the Clerk of the
25 House of Representatives containing information

1 filed pursuant to the Lobbying Disclosure Act of
2 1995.

3 “(2) INFORMATION DESCRIBED.—The informa-
4 tion described in this paragraph is each of the fol-
5 lowing:

6 “(A) Information disclosed under para-
7 graph (9) of subsection (b).

8 “(B) Information disclosed under subpara-
9 graph (D) of subsection (c)(2).

10 “(C) Information disclosed under subpara-
11 graph (G) of subsection (f)(2).”.

12 **SEC. 9203. EFFECTIVE DATE.**

13 The amendments made by this subtitle shall apply
14 with respect to reports required to be filed under the Fed-
15 eral Election Campaign Act of 1971 on or after the expira-
16 tion of the 90-day period which begins on the date of the
17 enactment of this Act.

18 **Subtitle D—Access to**
19 **Congressionally Mandated Reports**

20 **SEC. 9301. SHORT TITLE.**

21 This subtitle may be cited as the “Access to Congres-
22 sionally Mandated Reports Act”.

23 **SEC. 9302. DEFINITIONS.**

24 In this subtitle:

1 (1) CONGRESSIONALLY MANDATED REPORT.—

2 The term “congressionally mandated report”—

3 (A) means a report that is required to be
4 submitted to either House of Congress or any
5 committee of Congress, or subcommittee there-
6 of, by a statute, resolution, or conference report
7 that accompanies legislation enacted into law;
8 and

9 (B) does not include a report required
10 under part B of subtitle II of title 36, United
11 States Code.

12 (2) DIRECTOR.—The term “Director” means
13 the Director of the Government Publishing Office.

14 (3) FEDERAL AGENCY.—The term “Federal
15 agency” has the meaning given that term under sec-
16 tion 102 of title 40, United States Code, but does
17 not include the Government Accountability Office.

18 (4) OPEN FORMAT.—The term “open format”
19 means a file format for storing digital data based on
20 an underlying open standard that—

21 (A) is not encumbered by any restrictions
22 that would impede reuse; and

23 (B) is based on an underlying open data
24 standard that is maintained by a standards or-
25 ganization.

1 (5) REPORTS ONLINE PORTAL.—The term “re-
2 ports online portal” means the online portal estab-
3 lished under section (3)(a).

4 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
5 **GRESSIONALLY MANDATED REPORTS.**

6 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
7 TAL.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Director shall
10 establish and maintain an online portal accessible by
11 the public that allows the public to obtain electronic
12 copies of all congressionally mandated reports in one
13 place. The Director may publish other reports on the
14 online portal.

15 (2) EXISTING FUNCTIONALITY.—To the extent
16 possible, the Director shall meet the requirements
17 under paragraph (1) by using existing online portals
18 and functionality under the authority of the Direc-
19 tor.

20 (3) CONSULTATION.—In carrying out this sub-
21 title, the Director shall consult with the Clerk of the
22 House of Representatives, the Secretary of the Sen-
23 ate, and the Librarian of Congress regarding the re-
24 quirements for and maintenance of congressionally
25 mandated reports on the reports online portal.

1 (b) CONTENT AND FUNCTION.—The Director shall
2 ensure that the reports online portal includes the fol-
3 lowing:

4 (1) Subject to subsection (c), with respect to
5 each congressionally mandated report, each of the
6 following:

7 (A) A citation to the statute, conference
8 report, or resolution requiring the report.

9 (B) An electronic copy of the report, in-
10 cluding any transmittal letter associated with
11 the report, in an open format that is platform
12 independent and that is available to the public
13 without restrictions, including restrictions that
14 would impede the re-use of the information in
15 the report.

16 (C) The ability to retrieve a report, to the
17 extent practicable, through searches based on
18 each, and any combination, of the following:

19 (i) The title of the report.

20 (ii) The reporting Federal agency.

21 (iii) The date of publication.

22 (iv) Each congressional committee re-
23 ceiving the report, if applicable.

24 (v) The statute, resolution, or con-
25 ference report requiring the report.

1 (vi) Subject tags.

2 (vii) A unique alphanumeric identifier
3 for the report that is consistent across re-
4 port editions.

5 (viii) The serial number, Super-
6 intendent of Documents number, or other
7 identification number for the report, if ap-
8 plicable.

9 (ix) Key words.

10 (x) Full text search.

11 (xi) Any other relevant information
12 specified by the Director.

13 (D) The date on which the report was re-
14 quired to be submitted, and on which the report
15 was submitted, to the reports online portal.

16 (E) Access to the report not later than 30
17 calendar days after its submission to Congress.

18 (F) To the extent practicable, a permanent
19 means of accessing the report electronically.

20 (2) A means for bulk download of all congres-
21 sionally mandated reports.

22 (3) A means for downloading individual reports
23 as the result of a search.

24 (4) An electronic means for the head of each
25 Federal agency to submit to the reports online por-

1 tal each congressionally mandated report of the
2 agency, as required by section 4.

3 (5) In tabular form, a list of all congressionally
4 mandated reports that can be searched, sorted, and
5 downloaded by—

6 (A) reports submitted within the required
7 time;

8 (B) reports submitted after the date on
9 which such reports were required to be sub-
10 mitted; and

11 (C) reports not submitted.

12 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

13 (1) REPORTS NOT SUBMITTED.—If a Federal
14 agency does not submit a congressionally mandated
15 report to the Director, the Director shall to the ex-
16 tent practicable—

17 (A) include on the reports online portal—

18 (i) the information required under
19 clauses (i), (ii), (iv), and (v) of subsection
20 (b)(1)(C); and

21 (ii) the date on which the report was
22 required to be submitted; and

23 (B) include the congressionally mandated
24 report on the list described in subsection
25 (b)(5)(C).

1 (2) **REPORTS NOT IN OPEN FORMAT.**—If a Fed-
2 eral agency submits a congressionally mandated re-
3 port that is not in an open format, the Director shall
4 include the congressionally mandated report in an-
5 other format on the reports online portal.

6 (d) **FREE ACCESS.**—The Director may not charge a
7 fee, require registration, or impose any other limitation
8 in exchange for access to the reports online portal.

9 (e) **UPGRADE CAPABILITY.**—The reports online por-
10 tal shall be enhanced and updated as necessary to carry
11 out the purposes of this subtitle.

12 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

13 (a) **SUBMISSION OF ELECTRONIC COPIES OF RE-**
14 **PORTS.**—Concurrently with the submission to Congress of
15 each congressionally mandated report, the head of the
16 Federal agency submitting the congressionally mandated
17 report shall submit to the Director the information re-
18 quired under subparagraphs (A) through (D) of section
19 3(b)(1) with respect to the congressionally mandated re-
20 port. Nothing in this subtitle shall relieve a Federal agen-
21 cy of any other requirement to publish the congressionally
22 mandated report on the online portal of the Federal agen-
23 cy or otherwise submit the congressionally mandated re-
24 port to Congress or specific committees of Congress, or
25 subcommittees thereof.

1 (b) GUIDANCE.—Not later than 240 days after the
2 date of enactment of this Act, the Director of the Office
3 of Management and Budget, in consultation with the Di-
4 rector, shall issue guidance to agencies on the implementa-
5 tion of this Act.

6 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
7 The head of each Federal agency shall ensure that each
8 congressionally mandated report submitted to the Director
9 complies with the open format criteria established by the
10 Director in the guidance issued under subsection (b).

11 (d) POINT OF CONTACT.—The head of each Federal
12 agency shall designate a point of contact for congression-
13 ally mandated report.

14 (e) LIST OF REPORTS.—As soon as practicable each
15 calendar year (but not later than April 1), and on a rolling
16 basis during the year if feasible, the Librarian of Congress
17 shall submit to the Director a list of congressionally man-
18 dated reports from the previous calendar year, in consulta-
19 tion with the Clerk of the House of Representatives, which
20 shall—

21 (1) be provided in an open format;

22 (2) include the information required under
23 clauses (i), (ii), (iv), (v) of section 3(b)(1)(C) for
24 each report;

25 (3) include the frequency of the report;

- 1 (4) include a unique alphanumeric identifier for
2 the report that is consistent across report editions;
3 (5) include the date on which each report is re-
4 quired to be submitted; and
5 (6) be updated and provided to the Director, as
6 necessary.

7 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

8 A report submitted to be published to the reports on-
9 line portal may only be changed or removed, with the ex-
10 ception of technical changes, by the head of the Federal
11 agency concerned if—

12 (1) the head of the Federal agency consults
13 with each congressional committee to which the re-
14 port is submitted; and

15 (2) Congress enacts a joint resolution author-
16 izing the changing or removal of the report.

17 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
18 **TION ACT.**

19 (a) IN GENERAL.—Nothing in this subtitle shall be
20 construed to—

21 (1) require the disclosure of information or
22 records that are exempt from public disclosure under
23 section 552 of title 5, United States Code; or

24 (2) to impose any affirmative duty on the Di-
25 rector to review congressionally mandated reports

1 submitted for publication to the reports online portal
2 for the purpose of identifying and redacting such in-
3 formation or records.

4 (b) REDACTION OF INFORMATION.—The head of a
5 Federal agency may redact information required to be dis-
6 closed under this Act if the information would be properly
7 withheld from disclosure under section 552 of title 5,
8 United States Code, and shall—

9 (1) redact information required to be disclosed
10 under this subtitle if disclosure of such information
11 is prohibited by law;

12 (2) redact information being withheld under
13 this subsection prior to submitting the information
14 to the Director;

15 (3) redact only such information properly with-
16 held under this subsection from the submission of
17 information or from any congressionally mandated
18 report submitted under this subtitle;

19 (4) identify where any such redaction is made
20 in the submission or report; and

21 (5) identify the exemption under which each
22 such redaction is made.

23 **SEC. 9307. IMPLEMENTATION.**

24 Except as provided in section 9304(b), this subtitle
25 shall be implemented not later than 1 year after the date

1 of enactment of this Act and shall apply with respect to
2 congressionally mandated reports submitted to Congress
3 on or after the date that is 1 year after such date of enact-
4 ment.

5 **Subtitle E—Severability**

6 **SEC. 9401. SEVERABILITY.**

7 If any provision of this title or amendment made by
8 this title, or the application of a provision or amendment
9 to any person or circumstance, is held to be unconstitu-
10 tional, the remainder of this title and amendments made
11 by this title, and the application of the provisions and
12 amendment to any person or circumstance, shall not be
13 affected by the holding.

14 **TITLE X—[RESERVED]**

