

**[DISCUSSION DRAFT]**

NOVEMBER 4, 2009

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R.** \_\_\_\_\_

To direct the Election Assistance Commission to make payments to reimburse States for costs incurred in establishing online voter registration programs, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To direct the Election Assistance Commission to make payments to reimburse States for costs incurred in establishing online voter registration programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “\_\_\_\_\_ Act of 2009” **[to be provided]**.

6 (b) **FINDINGS.**—Congress finds as follows:

1           (1) Most States continue to rely upon paper  
2 forms for voter registration.

3           (2) Paper voter registration forms are subject  
4 to delays in postal delivery or in submission to elec-  
5 tion officials for processing, and may be subject to  
6 errors when data is entered into registration sys-  
7 tems.

8           (3) Online voter registration systems can solve  
9 the problems identified with paper forms, and with  
10 proper security measures can do so without increas-  
11 ing fraud.

12           (4) Online voter registration can increase the  
13 accuracy of registration records and reduce costs by  
14 eliminating the need for data entry of paper forms.

15           (5) States that offer online voter registration  
16 have experienced rapid and widespread adoption by  
17 individuals registering to vote.

18           (6) To ensure that online voter registrations are  
19 secure it is vital to validate them against an existing  
20 database with suitable information for voter reg-  
21 istration.

22           (7) Voter registration records must include the  
23 voter's signature in order to validate absentee ballots  
24 and signatures on petitions, initiatives, and  
25 referenda.

1 **SEC. 2. PAYMENTS TO REIMBURSE STATES FOR COSTS IN-**  
2 **CURRED IN ESTABLISHING ONLINE VOTER**  
3 **REGISTRATION PROGRAMS.**

4 (a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-  
5 GRAM.—

6 (1) IN GENERAL.—The Election Assistance  
7 Commission shall make a payment to each eligible  
8 State to reimburse the State for the costs incurred  
9 in establishing, if the State so chooses to establish,  
10 an online voter registration program which meets  
11 the requirements of subsection (b) (including costs  
12 incurred prior to the date of the enactment of this  
13 Act).

14 (2) LIMIT ON NUMBER OF PAYMENTS RE-  
15 CEIVED.—A State may not receive more than one  
16 payment under this Act.

17 (b) REQUIREMENTS FOR ONLINE VOTER REGISTRA-  
18 TION PROGRAM.—

19 (1) REQUIREMENTS.—An online voter registra-  
20 tion program established by a State meets the re-  
21 quirements of this subsection if each of the following  
22 are met:

23 (A) The program is operated through the  
24 official public website of the chief State election  
25 official.

1 (B) If an applicant for voter registration  
2 uses the program, the entire process by which  
3 the applicant obtains, completes, and submits  
4 the voter registration application form for elec-  
5 tions for Federal office in the State shall be  
6 carried out online.

7 (C) An applicant for voter registration may  
8 use the program only if the applicant—

9 (i) has a current and valid motor vehi-  
10 cle operator's license issued by the State,  
11 or another current and valid identification  
12 issued by the State, which includes the ap-  
13 plicant's signature;

14 (ii) agrees that such license or identi-  
15 fication, and the signature contained on  
16 the license or identification, may be used  
17 by the appropriate election officials in the  
18 State for voter registration purposes; and

19 (iii) includes in the information sub-  
20 mitted in the application the number of the  
21 license or identification which will be used  
22 as described in subparagraph (B).

23 (D) In processing an application submitted  
24 under the program, the chief State election offi-  
25 cial obtains a digital copy of the signature

1           which is contained on the license or identifica-  
2           tion for which the applicant provided the num-  
3           ber pursuant to subparagraph (C) from the  
4           State office which issued the license or identi-  
5           fication to the applicant.

6           (E) An applicant for voter registration who  
7           uses the program is subject to the same re-  
8           quirements regarding eligibility and attestations  
9           (including attestations of age and citizenship),  
10          and subject to the same penalties for providing  
11          false information, as an applicant for voter reg-  
12          istration in the State who does not use the pro-  
13          gram.

14          (F) The chief State election official estab-  
15          lishes measures sufficient to ensure the accu-  
16          racy, integrity, and security of the information  
17          provided by an applicant using the program, in-  
18          cluding security measures to prevent registra-  
19          tion attempts when such attempts can be iden-  
20          tified as originating with an automated source  
21          or being multiple or repeated attempts from the  
22          same individual.

23          (2) TREATMENT AS REGISTRATION BY MAIL  
24          FOR PURPOSES OF MEETING CERTAIN IDENTIFICA-  
25          TION REQUIREMENTS.—For purposes of section

1 303(b) of the Help America Vote Act of 2002 (42  
2 U.S.C. 15483(b)), an individual who registers to  
3 vote using an online voter registration program  
4 which meets the requirements of this subsection  
5 shall be considered to have registered to vote by  
6 mail.

7 **SEC. 3. CERTIFICATION OF COMPLIANCE AND COSTS.**

8 (a) CERTIFICATION REQUIRED.—

9 (1) IN GENERAL.—In order to receive a pay-  
10 ment under this Act, the State shall submit to the  
11 Commission, at such time and in such form as the  
12 Commission may require, a statement containing the  
13 following information and assurances:

14 (A) A certification that the State has es-  
15 tablished an online voter registration program  
16 which meets the requirements of section 2(b).

17 (B) A statement of the reasonable costs in-  
18 curred by the State in establishing the program,  
19 together with documentation of such costs.

20 (2) DEADLINE.—A State may not receive a  
21 payment under this Act if the State does not submit  
22 the statement required under paragraph (1) prior to  
23 December 31, 2012.

24 (b) AMOUNT OF PAYMENT.—

1           (1) IN GENERAL.—The amount of the payment  
2           made to an eligible State under this section shall be  
3           equal to the reasonable costs incurred by the State  
4           in establishing the online voter registration program,  
5           as set forth in the statement submitted by the State  
6           under subsection (a)(1)(B), except that the amount  
7           of the payment may not exceed \$1,000,000.

8           (2) EXCLUSION OF AMOUNTS ALREADY REIM-  
9           BURSED.—The amount determined with respect to a  
10          State under paragraph (1) shall be reduced to the  
11          extent that the State has already been reimbursed  
12          by a requirements payment under part 1 of subtitle  
13          D of title II of the Help America Vote Act of 2002  
14          (42 U.S.C. 15401 et seq.) for the costs incurred in  
15          establishing the online voter registration program.

16 **SEC. 4. DEFINITIONS.**

17          In this Act—

18               (1) the term “chief State election official”  
19               means, with respect to a State, the individual des-  
20               ignated by the State under section 10 of the Na-  
21               tional Voter Registration Act of 1993 (42 U.S.C.  
22               1973gg—8) to be responsible for coordination fo the  
23               State’s responsibilities under such Act;

24               (2) the term “Commission” means the Election  
25               Assistance Commission; and

1           (3) the term “State” means each of the several  
2           States, the District of Columbia, the Commonwealth  
3           of Puerto Rico, Guam, American Samoa, and the  
4           United States Virgin Islands.

5 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) **AUTHORIZATION.**—There are authorized to be ap-  
7           propriated to the Commission such sums as may be nec-  
8           essary to carry out this Act.

9           (b) **CORRESPONDING REDUCTION IN UNOBLIGATED**  
10 **REQUIREMENTS PAYMENTS.**—The aggregate amount of  
11 the requirements payments under part 1 of subtitle D of  
12 title II of the Help America Vote Act of 2002 (42 U.S.C.  
13 15401 et seq.) which were appropriated prior to a fiscal  
14 year which remain unobligated as of the beginning of that  
15 fiscal year shall be reduced by the amount appropriated  
16 pursuant to the authorization under this section for that  
17 fiscal year.

18           (c) **CONTINUING AVAILABILITY OF FUNDS.**—Any  
19 amounts appropriated pursuant to the authorization under  
20 this section shall remain available until expended.