

AMENDMENT TO H.R. _____

OFFERED BY M. _____

Insert at the appropriate place the following:

1 **SEC. _____ ENSURING EQUITABLE AND EFFICIENT OPER-**
2 **ATION OF POLLING PLACES.**

3 (a) IN GENERAL.—

4 (1) REQUIREMENT.—Subtitle A of title III of
5 the Help America Vote Act of 2002 (52 U.S.C.
6 21081 et seq.) is amended—

7 (A) by redesignating sections 304 and 305
8 as sections 305 and 306, respectively; and

9 (B) by inserting after section 303 the fol-
10 lowing new section:

11 **“SEC. 304. ENSURING EQUITABLE AND EFFICIENT OPER-**
12 **ATION OF POLLING PLACES.**

13 **“(a) PREVENTING UNREASONABLE WAITING TIMES**
14 **FOR VOTERS.—**

15 **“(1) IN GENERAL.—**Each State or jurisdiction
16 shall take reasonable efforts to provide a sufficient
17 number of voting systems, poll workers, and other
18 election resources (including physical resources) at a
19 polling place used in any election for Federal office,
20 including a polling place at which individuals may

1 cast ballots prior to the date of the election, to en-
2 sure—

3 “(A) a fair and equitable waiting time for
4 all voters in the State or jurisdiction; and

5 “(B) that no individual will be required to
6 wait longer than 30 minutes to cast a ballot at
7 the polling place.

8 “(2) CRITERIA.—In determining the number of
9 voting systems, poll workers, and other election re-
10 sources provided at a polling place for purposes of
11 paragraph (1), the State or jurisdiction shall take
12 into account the following factors:

13 “(A) The voting age population.

14 “(B) Voter turnout in past elections.

15 “(C) The number of voters registered.

16 “(D) The number of voters who have reg-
17 istered since the most recent Federal election.

18 “(E) Census data for the population served
19 by the polling place, such as the proportion of
20 the voting-age population who are under 25
21 years of age or who are naturalized citizens.

22 “(F) The needs and numbers of voters
23 with disabilities and voters with limited English
24 proficiency.

25 “(G) The type of voting systems used.

1 “(H) The length and complexity of initia-
2 tives, referenda, and other questions on the bal-
3 lot.

4 “(I) Such other factors, including relevant
5 demographic factors relating to the population
6 served by the polling place, as the State con-
7 siders appropriate.

8 “(3) RULE OF CONSTRUCTION.—Nothing in
9 this subsection may be construed—

10 “(A) to authorize a State or jurisdiction to
11 meet the requirements of this subsection by
12 closing any polling place, prohibiting an indi-
13 vidual from entering a line at a polling place,
14 or refusing to permit an individual who has ar-
15 rived at a polling place prior to closing time
16 from voting at the polling place; or

17 “(B) to limit the use of mobile voting cen-
18 ters.

19 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS
20 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

21 “(1) LIMITATION.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B) and paragraph (2), each
24 State shall establish hours of operation for all
25 polling places in the State on the date of any

1 election for Federal office held in the State
2 such that the polling place with the greatest
3 number of hours of operation on such date is
4 not in operation for more than 2 hours longer
5 than the polling place with the fewest number
6 of hours of operation on such date.

7 “(B) PERMITTING VARIANCE ON BASIS OF
8 POPULATION.—Subparagraph (A) does not
9 apply to the extent that the State establishes
10 variations in the hours of operation of polling
11 places on the basis of the overall population or
12 the voting age population (as the State may se-
13 lect) of the unit of local government in which
14 such polling places are located.

15 “(2) EXCEPTIONS FOR POLLING PLACES WITH
16 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
17 MENT.—Paragraph (1) does not apply in the case of
18 a polling place—

19 “(A) whose hours of operation are estab-
20 lished, in accordance with State law, by the unit
21 of local government in which the polling place
22 is located; or

23 “(B) which is required pursuant to an
24 order by a court to extend its hours of oper-
25 ation beyond the hours otherwise established.

1 “(e) ENSURING ACCESS TO POLLING PLACES FOR
2 VOTERS.—

3 “(1) PROXIMITY TO PUBLIC TRANSPOR-
4 TATION.—To the greatest extent practicable, each
5 State and jurisdiction shall ensure that each polling
6 place used on the date of the election is located with-
7 in walking distance of a stop on a public transpor-
8 tation route.

9 “(2) AVAILABILITY IN RURAL AREAS.—In the
10 case of a jurisdiction that includes a rural area, the
11 State or jurisdiction shall—

12 “(A) ensure that an appropriate number of
13 polling places (not less than one) used on the
14 date of the election will be located in such rural
15 areas; and

16 “(B) ensure that such polling places are lo-
17 cated in communities which will provide the
18 greatest opportunity for residents of rural areas
19 to vote on Election Day.

20 ~~“(3) CAMPUSES OF INSTITUTIONS OF HIGHER~~
21 ~~EDUCATION.—~~In the case of a jurisdiction that is
22 ~~not considered a vote by mail jurisdiction described~~
23 ~~in section 310(b)(2) or a small jurisdiction described~~
24 ~~in section 310(b)(3) and that includes an institution~~
25 of higher education (as defined under section 102 of

1 the Higher Education Act of 1965 (20 U.S.C.
 2 1002)), including a branch campus of such an insti-
 3 tution, the State or jurisdiction shall—

4 ~~“(A) ensure that an appropriate number of~~
 5 ~~polling places (not less than one) used on the~~
 6 ~~date of the election will be located on the pri-~~
 7 ~~ncipal campus of each such institution, including~~
 8 ~~each such branch campus; and~~

9 ~~“(B) ensure that such polling places pro-~~
 10 ~~vide the greatest opportunity for residents of~~
 11 ~~the jurisdiction to vote.~~

12 “(d) EFFECTIVE DATE.—This section shall take ef-
 13 fect upon the expiration of the 180-day period which be-
 14 gins on the date of the enactment of this subsection.”.

15 (2) CONFORMING AMENDMENTS RELATING TO
 16 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION
 17 ASSISTANCE COMMISSION.—Section 321(b) of such
 18 Act (52 U.S.C. 21101(b)) is amended—

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

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

23 (C) by adding at the end the following new
 24 paragraph:

1 “(4) in the case of the recommendations with
2 respect to section 304, 180 days after the date of
3 the enactment of such section; and”.

4 (3) CONFORMING AMENDMENT RELATING TO
5 ENFORCEMENT.—Section 401 of such Act (52
6 U.S.C. 21111) is amended by striking “and 303”
7 and inserting “303, and 304”.

8 (4) CLERICAL AMENDMENTS.—The table of
9 contents of such Act is amended—

10 (A) by redesignating the items relating to
11 sections 304 and 305 as relating to sections
12 305 and 306, respectively; and

13 (B) by inserting after the item relating to
14 section 303 the following new item:

 “Sec. 304. Ensuring equitable and efficient operation of polling places.”.

15 (b) STUDY OF METHODS TO ENFORCE FAIR AND EQ-
16 UITABLE WAITING TIMES.—

17 (1) STUDY.—The Election Assistance Commis-
18 sion and the Comptroller General of the United
19 States shall conduct a joint study of the effective-
20 ness of various methods of enforcing the require-
21 ments of section 304(a) of the Help America Vote
22 Act of 2002, as added by subsection (a), including
23 methods of best allocating resources to jurisdictions
24 which have had the most difficulty in providing a

1 fair and equitable waiting time at polling places to
2 all voters, and to communities of color in particular.

3 (2) REPORT.—Not later than 18 months after
4 the date of the enactment of this Act, the Election
5 Assistance Commission and the Comptroller General
6 of the United States shall publish and submit to
7 Congress a report on the study conducted under
8 paragraph (1).

