

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4563  
OFFERED BY MR. STEIL OF WISCONSIN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Confidence  
3 in Elections Act” or the “ACE Act”.

**4 SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. General findings.

TITLE I—ELECTION ADMINISTRATION INTEGRITY

Subtitle A—Findings Relating to State Administration of Federal Elections

Sec. 101. Findings Relating to State Administration of Federal Elections.

Subtitle B—Voluntary Considerations for State Administration of Federal  
Elections

- Sec. 111. Short title.
- Sec. 112. Findings.
- Sec. 113. Election integrity voluntary considerations and Federal forum for  
State information sharing.

Subtitle C—Requirements to Promote Integrity in Election Administration

- Sec. 121. Ensuring only eligible American citizens may participate in Federal  
elections.
- Sec. 122. State reporting requirements with respect to voter list maintenance.
- Sec. 123. Contents of State mail voter registration form.
- Sec. 124. Provision of photographic citizen voter identification tools for State  
use.
- Sec. 125. Mandatory provision of identification for certain voters not voting in  
person.
- Sec. 126. Confirming access for congressional election observers.

- Sec. 127. Use of requirements payments for post-election audits.
- Sec. 128. Increase in threshold for requiring information reporting with respect to certain payees.
- Sec. 129. Voluntary guidelines with respect to nonvoting election technology.
- Sec. 130. Status reports by National Institute of Standards and Technology.
- Sec. 131. 501(c)(3) organizations prohibited from providing direct or indirect funding for election administration.
- Sec. 132. Federal agency involvement in voter registration activities.
- Sec. 133. Prohibition on use of Federal funds for election administration in States that permit ballot harvesting.
- Sec. 134. Clarification with respect to Federal election record-keeping requirement.
- Sec. 135. Clarification of rules with respect to hiring of election workers.
- Sec. 136. State assistance in assigning mailing addresses with respect to Tribal Governments.
- Sec. 137. State defined.
- Sec. 138. Voter registration for applicants without driver's license or social security number.
- Sec. 139. GAO study on domestic manufacturing and assembly of voting equipment.

#### Subtitle D—District of Columbia Election Integrity and Voter Confidence

- Sec. 141. Short title.
- Sec. 142. Statement of congressional authority; findings.
- Sec. 143. Requirements for elections in District of Columbia.
- Sec. 144. Repeal of Local Resident Voting Rights Amendment Act of 2022.
- Sec. 145. Effective date.

#### Subtitle E—Administration of the Election Assistance Commission

- Sec. 151. Short title.
- Sec. 152. Findings relating to the administration of the Election Assistance Commission.
- Sec. 153. Requirements with respect to staff and funding of the Election Assistance Commission.
- Sec. 154. General requirements for payments made by Election Assistance Commission.
- Sec. 155. Executive Board of the Standards Board authority to enter into contracts.
- Sec. 156. Election Assistance Commission primary role in election administration assistance.
- Sec. 157. Clarification of the duties of the Election Assistance Commission.
- Sec. 158. Election Assistance Commission powers.
- Sec. 159. Membership of the Local Leadership Council.
- Sec. 160. Rule of construction.

#### Subtitle F—Prohibition on Involvement in Elections by Foreign Nationals

- Sec. 161. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
- Sec. 162. Prohibiting providing assistance to foreign nationals in making contributions or donations in connection with elections.
- Sec. 163. Prohibition on contributions by foreign nationals to certain tax-exempt entities.

Subtitle G—Constitutional Experts Panel With Respect to Presidential Elections

- Sec. 171. Short title.
- Sec. 172. Establishment of panel of constitutional experts.

TITLE II—MILITARY VOTING ADMINISTRATION

- Sec. 200. Short title.

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Subtitle B—GAO Analysis on Military Voting Access

- Sec. 211. Government Accountability Office report on implementation of Uniformed and Overseas Citizens Absentee Voting Act and improving access to voter registration information and assistance for absent uniformed services voters.

TITLE III—FIRST AMENDMENT PROTECTION ACT

- Sec. 300. Short title.

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Sec. 701. Severability.

1 **SEC. 3. GENERAL FINDINGS.**

2 Congress finds the following:

3 (1) According to Article 1, Section 4 of the  
4 Constitution of the United States, the States have  
5 the primary role in establishing “(t)he Times, Places  
6 and Manner of holding Elections for Senators and  
7 Representatives”, while Congress has a purely sec-  
8 ondary role in this space and must restrain itself  
9 from acting improperly and unconstitutionally.

10 (2) Federal election legislation should never be  
11 the first step and must never impose burdensome,  
12 unfunded Federal mandates on State and local elec-  
13 tions officials. When Congress does speak, it must  
14 devote its efforts only to resolving highly significant  
15 and substantial deficiencies to ensure the integrity of  
16 our elections. State legislatures are the primary  
17 venues to establish rules for governing elections and  
18 correct most issues.

1           (3) All eligible American voters who wish to  
2 participate must have the opportunity to vote, and  
3 all lawful votes must be counted.

4           (4) States must balance appropriate election  
5 administration structures and systems with acces-  
6 sible access to the ballot box.

7           (5) Political speech is protected speech.

8           (6) The First Amendment protects the right of  
9 all Americans to state their political views and do-  
10 nate money to the candidates, causes, and organiza-  
11 tions of their choice without fear of retribution.

12           (7) Redistricting decisions are best made at the  
13 State level.

14           (8) States must maintain the flexibility to de-  
15 termine the best redistricting processes for the par-  
16 ticular needs of their citizens.

17           (9) Congress has independent authority under  
18 the Fourteenth, Fifteenth, Nineteenth, Twenty-  
19 Fourth, and Twenty-Sixth Amendments to ensure  
20 elections are conducted without unlawful discrimina-  
21 tion.

22           (10) The Civil Rights Act and the Voting  
23 Rights Act, which are not anchored in Article 1,  
24 Section 4 of the Constitution, have seen much suc-  
25 cess since their passage in 1964 and 1965, and Con-

1       gress should continue to exercise its constitutional  
2       authority in this space as appropriate.

3                   **TITLE I—ELECTION**  
4       **ADMINISTRATION INTEGRITY**  
5       **Subtitle A—Findings Relating to**  
6       **State Administration of Federal**  
7       **Elections**

8       **SEC. 101. FINDINGS RELATING TO STATE ADMINISTRATION**  
9                   **OF FEDERAL ELECTIONS.**

10       (a) SENSE OF CONGRESS.—It is the sense of Con-  
11       gress that constitutional scholar Robert Natelson has done  
12       invaluable work with respect to the history and under-  
13       standing of the Elections Clause.

14       (b) FINDINGS.—Congress finds the following:

15               (1) The Constitution reserves to the States the  
16       primary authority and the duty to set election legis-  
17       lation and administer elections—the “times, places  
18       and manner of holding of elections”—and Congress’  
19       power in this space is purely secondary to the  
20       States’ power and is to be employed only in the  
21       direst of circumstances. History, precedent, the  
22       Framers’ words, debates concerning ratification, the  
23       Supreme Court, and the Constitution itself make it  
24       exceedingly clear that Congress’ power over elections  
25       is not unfettered.

1           (2) The Framing Generation grappled with the  
2 failure of the Articles of Confederation, which pro-  
3 vided for only a weak national government incapable  
4 of preserving the Union. Under the Articles, the  
5 States had exclusive authority over Federal elections  
6 held within their territory; but, given the difficulties  
7 the national government had experienced with State  
8 cooperation (e.g., the failure of Rhode Island to send  
9 delegates to the Confederation Congress), the Fed-  
10 eralists, including Alexander Hamilton, were con-  
11 cerned with the possibility that the States, in an ef-  
12 fort to destroy the Federal Government, simply  
13 might not hold elections or that an emergency, such  
14 as an invasion or insurrection, might prevent the op-  
15 eration of a State’s government, leaving the Con-  
16 gress without Members and the Federal Government  
17 unable to respond.

18           (3) Quite plainly, Alexander Hamilton, a lead-  
19 ing Federalist and proponent of our Constitution,  
20 understood the Elections Clause as serving only as  
21 a sort of emergency fail-safe, not as a cudgel used  
22 to nationalize our elections process. Writing as  
23 Publius to the people of New York, Hamilton fur-  
24 ther expounds on the correct understanding of the  
25 Elections Clause: “T[he] natural order of the subject



1 leads us to consider, in this place, that provision of  
2 the Constitution which authorizes the national legis-  
3 lature to regulate, in the last resort, the election of  
4 its own members.”. Alexander Hamilton (writing as  
5 Publius), *Federalist* no. 59, *Concerning the Power of*  
6 *Congress to Regulate the Election of Members*, N.Y.  
7 PACKET (Fri., Feb. 22, 1788).

8 (4) When questioned at the States’ constitu-  
9 tional ratifying conventions with respect to this pro-  
10 vision, the Federalists confirmed this understanding  
11 of a constitutionally limited, secondary congressional  
12 power under Article 1, Section 4. (“[C]onvention  
13 delegate James McHenry added that the risk to the  
14 federal government [without a fail-safe provision]  
15 might not arise from state malice: An insurrection  
16 or rebellion might prevent a state legislature from  
17 administering an election.”); (“An occasion may  
18 arise when the exercise of this ultimate power of  
19 Congress may be necessary . . . if a state should be  
20 involved in war, and its legislature could not assem-  
21 ble, (as was the case of South Carolina and occa-  
22 sionally of some other states, during the [Revolu-  
23 tionary] war).”); (“Sir, let it be remembered that  
24 this power can only operate in a case of necessity,  
25 after the factious or listless disposition of a par-

1 ticular state has rendered an interference essential  
2 to the salvation of the general government.”). See  
3 Robert G. Natelson, *The Original Scope of the Con-*  
4 *gressional Power to Regulate Elections*, 13 U. PA. J.  
5 CONST. L. 1, 12–13 (Nov. 2010).

6 (5) John Jay made similar claims in New York.  
7 And, as constitutional scholar Robert Natelson notes  
8 in his invaluable article, *The Original Scope of the*  
9 *Congressional Power to Regulate Elections*, “Alex-  
10 ander Contee Hanson, a member of Congress whose  
11 pamphlet supporting the Constitution proved pop-  
12 ular, stated flatly that Congress would exercise its  
13 times, places, and manner authority only in cases of  
14 invasion, legislative neglect or obstinate refusal to  
15 pass election laws [providing for the election of  
16 Members of Congress], or if a state crafted its elec-  
17 tion laws with a ‘sinister purpose’ or to injure the  
18 general government.” Cementing his point, Hanson  
19 goes further to decree, “The exercise of this power  
20 must at all times be so very invidious, that congress  
21 will not venture upon it without some very cogent  
22 and substantial reason.”. Alexander Contee Hanson  
23 (writing as Astrides), *Remarks on the Proposed Plan:*  
24 *31 January*, reprinted in John P. Kaminski,  
25 Gaspare J. Saladino, and Richard Leffler (eds.), 3

1       *Commentaries on the Constitution, public and private*  
2       *18 December 1787 to 31 January 1788* 522–26  
3       (1984).

4           (6) In fact, had the alternate view of the Elec-  
5       tions Clause been accepted at the time of the Con-  
6       stitution’s drafting—that is, that it offers Congress  
7       unfettered power over Federal elections— it is likely  
8       that the Constitution would not have been ratified or  
9       that an amendment to this language would have  
10      been required.

11          (7) Indeed, at least seven of the original 13  
12      States—over half and enough to prevent the Con-  
13      stitution from being ratified—expressed specific con-  
14      cerns with the language of the Elections Clause. *See*  
15      1 *Annals of Cong.* 799 (1789), Joseph Gales (ed.)  
16      (1834). However, “[l]eading Federalists...” assured  
17      them “...that, even without amendment, the [Elec-  
18      tions] Clause should be construed as limited to  
19      emergencies”. Three States, New York, North Caro-  
20      lina, and Rhode Island, specifically made their ratifi-  
21      cation contingent on this understanding being made  
22      express. *Ratification of the Constitution by the State*  
23      *of New York* (July 26, 1788) (“Under these impres-  
24      sions and declaring that the rights aforesaid cannot  
25      be abridged or violated, and the Explanations afore-

1 said are consistent with the said Constitution, And  
2 in confidence that the Amendments which have been  
3 proposed to the said Constitution will receive early  
4 and mature Consideration: We the said Delegates, in  
5 the Name and in [sic] the behalf of the People of  
6 the State of New York Do by these presents Assent  
7 to and Ratify the said Constitution. In full Con-  
8 fidence . . . that the Congress will not make or alter  
9 any Regulation in this State respecting the times  
10 places and manner of holding Elections for Senators  
11 or Representatives unless the Legislature of this  
12 State shall neglect or refuse to make laws or regula-  
13 tions for the purpose, or from any circumstance be  
14 incapable of making the same, and that in those  
15 cases such power will only be exercised until the  
16 Legislature of this State shall make provision in the  
17 Premises”); *Ratification of the Constitution by the*  
18 *State of North Carolina* (Nov. 21, 1789) (“That  
19 Congress shall not alter, modify, or interfere in the  
20 times, places, or manner of holding elections for sen-  
21 ators and representatives, or either of them, except  
22 when the legislature of any state shall neglect, refuse  
23 or be disabled by invasion or rebellion, to prescribe  
24 the same.”); *Ratification of the Constitution by the*  
25 *State of Rhode Island* (May 29, 1790) (“Under these

1 impressions, and declaring, that the rights aforesaid  
2 cannot be abridged or violated, and that the expla-  
3 nations aforesaid, are consistent with the said con-  
4 stitution, and in confidence that the amendments  
5 hereafter mentioned, will receive an early and ma-  
6 ture consideration, and conformably to the fifth arti-  
7 cle of said constitution, speedily become a part  
8 thereof; We the said delegates, in the name, and in  
9 [sic] the behalf of the People, of the State of Rhode-  
10 Island and Providence-Plantations, do by these Pre-  
11 sents, assent to, and ratify the said Constitution. In  
12 full confidence . . . That the Congress will not make  
13 or alter any regulation in this State, respecting the  
14 times, places and manner of holding elections for  
15 senators and representatives, unless the legislature  
16 of this state shall neglect, or refuse to make laws or  
17 regulations for the purpose, or from any cir-  
18 cumstance be incapable of making the same; and  
19 that [i]n those cases, such power will only be exer-  
20 cised, until the legislature of this State shall make  
21 provision in the Premises[.]”).

22 (8) Congress finds that the Framers designed  
23 and the ratifying States understood the Elections  
24 Clause to serve solely as a protective backstop to en-  
25 sure the preservation of the Federal Government,

1 not as a font of limitless power for Congress to  
2 wrest control of Federal elections from the States.

3 (9) This understanding was also reinforced by  
4 debate during the first Congress that convened  
5 under the Constitution where Representative  
6 Aedanus Burke proposed a constitutional amend-  
7 ment to limit the Times, Places and Manner Clause  
8 to emergencies. Although the amendment failed,  
9 those on both sides of the Burke amendment debate  
10 already understood the Elections Clause to limit  
11 Federal elections power to emergencies.

12 (10) History clearly shows that even in the first  
13 Congress that convened under the Constitution, it  
14 was acknowledged and understood through the de-  
15 bates that ensued over the Elections Clause provi-  
16 sion that Congress' control over elections is limited.

17 (11) Similarly, proponent Representative Smith  
18 of South Carolina also believed the original text of  
19 the Elections Clause already limited the Federal  
20 Government's power over Federal elections to emer-  
21 gencies and so thought there would be no harm in  
22 supporting an amendment to make that language ex-  
23 press. Annals of Congress 801 (1789) Joseph Gales  
24 Edition. *A Century of Lawmaking for a New Nation:*  
25 *U.S. Congressional Documents and Debates, 1774 -*

1       1875 (*loc.gov*). So, even the records of the First Con-  
2       gress reflect a recognition of the emergency nature  
3       of congressional power over Federal elections.

4               (12) Similarly, the Supreme Court has sup-  
5       ported this understanding. In *Smiley v. Holm*, the  
6       Court held that Article 1, Section 4 of the Constitu-  
7       tion reserved to the States the primary “...authority  
8       to provide a complete code for congressional elec-  
9       tions, not only as to times and places, but in relation  
10      to notices, registration, supervision of voting, protec-  
11      tion of voters, prevention of fraud and corrupt prac-  
12      tices, counting of votes, duties of inspectors and can-  
13      vassers, and making and publication of election re-  
14      turns; in short, to enact the numerous requirements  
15      as to procedure and safeguards which experience  
16      shows are necessary in order to enforce the funda-  
17      mental right involved. And these requirements would  
18      be nugatory if they did not have appropriate sanc-  
19      tions in the definition of offenses and punishments.  
20      All this is comprised in the subject of ‘times, places  
21      and manner of holding elections’, and involves law-  
22      making in its essential features and most important  
23      aspect.”. *Smiley v. Holm*, 285 U.S. 355, 366  
24      (1932).

1           (13) This holding is consistent with the under-  
2           standing of the Elections Clause since the framing  
3           of the Constitution. The *Smiley* Court also held that  
4           while Congress maintains the authority to  
5           “...supplement these state regulations or [to] sub-  
6           stitute its own[]”, such authority remains merely “a  
7           general supervisory power over the whole subject.”.  
8           *Id.*

9           (14) More recently, the Court noted in *Arizona*  
10          *v. Inter-Tribal Council of Ariz., Inc.* that “[t]his  
11          grant of congressional power [that is, the fail-safe  
12          provision in the Elections Clause] was the Framers’  
13          insurance against the possibility that a State would  
14          refuse to provide for the election of representatives  
15          to the Federal Congress.”. *Arizona v. Inter-Tribal*  
16          *Council of Arizona, Inc.*, 570 U.S. 1, 7–9 (2013).  
17          The Court explained that the Elections Clause  
18          “...imposes [upon the States] the duty...to prescribe  
19          the time, place, and manner of electing Representa-  
20          tives and Senators[.]”. *Id.* at 8. And, while, as the  
21          Court noted, “[t]he power of Congress over the  
22          ‘Times, Places, and Manner’ of congressional elec-  
23          tions is paramount, and may be exercised at any  
24          time, and to any extent which it deems expedient;  
25          and so far as it is exercised, and no farther, the reg-



1       ulations effected supersede those of the State which  
2       are inconsistent therewith[]”, *id.* at 9, the *Inter-*  
3       *Tribal* Court explained, quoting extensively from the  
4       *Federalist* no. 59, that it was clear that the congress-  
5       sional fail-safe included in the Elections Clause was  
6       intended for the sorts of governmental self-preserva-  
7       tion discussed here: “[E]very government ought to  
8       contain in itself the means of its own  
9       preservation[.]”; “[A]n exclusive power of regulating  
10      elections for the national government, in the hands  
11      of the State legislatures, would leave the existence of  
12      the Union entirely at their mercy. They could at any  
13      moment annihilate it by neglecting to provide for the  
14      choice of persons to administer its affairs.”. *Id.* at  
15      8.

16           (15) It is clear in every respect that the con-  
17      gressional fail-safe described in the Elections Clause  
18      vests purely secondary authority over Federal elec-  
19      tions in the Federal legislative branch and that the  
20      primary authority rests with the States. Congres-  
21      sional authority is intended to be, and as a matter  
22      of constitutional fact is, limited to addressing the  
23      worst imaginable issues, such as invasion or other  
24      matters that might lead to a State not electing rep-  
25      resentatives to constitute the two Houses of Con-

1 gress. Congress’ authority has never extended to the  
2 day-to-day authority over the “Times, Places and  
3 Manner of Holding Elections” that the Constitution  
4 clearly reserves to the States.

5 (16) Congress must act within the bounds of its  
6 constitutional authority when enacting legislation  
7 concerning the administration of our nation’s elec-  
8 tions.

9 **Subtitle B—Voluntary Consider-**  
10 **ations for State Administration**  
11 **of Federal Elections**

12 **SEC. 111. SHORT TITLE.**

13 This subtitle may be cited as the “Voluntarily Offered  
14 Tools for Election Reforms by States Act” or the “VOT-  
15 ERS Act”.

16 **SEC. 112. FINDINGS.**

17 Congress finds the following:

18 (1) The United States Constitution reserves to  
19 the States the primary duty and authority to estab-  
20 lish election law and to administer Federal elections.  
21 *See* article I, section 4, clause 1 of the Constitution  
22 of the United States.

23 (2) Under America’s decentralized election sys-  
24 tem, there is not a one-size-fits-all approach to how  
25 elections are administered.

1           (3) Each State should be afforded the flexibility  
2           to implement election administration processes and  
3           procedures that are most beneficial in meeting the  
4           needs of its voters and ensuring that its elections are  
5           free, fair, and secure.

6           (4) The Federal Government is in a position to  
7           provide States with voluntary tools to improve elec-  
8           tion integrity and voter confidence, as well to remove  
9           Federal impediments that hinder State efforts.

10          (5) The Election Assistance Commission (EAC)  
11          was established to assist States in the administra-  
12          tion of Federal elections. One of its core missions is  
13          to serve as a clearinghouse for election administra-  
14          tion information and to provide a forum for States  
15          to discuss and exchange ideas on issues related to  
16          the administration of Federal elections, including  
17          practices, processes, and procedures.

18          (6) The EAC's Standards Board and Local  
19          Leadership Council are advisory boards with State  
20          and local election official membership from all fifty  
21          States and territories and are best suited to develop  
22          voluntary considerations for various election admin-  
23          istration practices, processes, and procedures.

1 **SEC. 113. ELECTION INTEGRITY VOLUNTARY CONSIDER-**  
2 **ATIONS AND FEDERAL FORUM FOR STATE IN-**  
3 **FORMATION SHARING.**

4 (a) IN GENERAL.—Subtitle C of title II of the Help  
5 America Vote Act of 2002 (52 U.S.C. 20981 et seq.) is  
6 amended—

7 (1) by redesignating section 247 as section 248;

8 and

9 (2) by inserting after section 246 the following  
10 new section:

11 **“SEC. 247. RELEASE OF VOLUNTARY CONSIDERATIONS BY**  
12 **STANDARDS BOARD AND LOCAL LEADERSHIP**  
13 **COUNCIL WITH RESPECT TO ELECTION AD-**  
14 **MINISTRATION.**

15 “(a) IN GENERAL.—The Standards Board and the  
16 Local Leadership Council of the Commission shall draw  
17 from experiences in their home jurisdictions and informa-  
18 tion voluntarily provided by and between States and their  
19 political subdivisions on the effectiveness or ineffectiveness  
20 of election administration policies and release voluntary  
21 considerations with respect to the administration of an  
22 election for Federal office.

23 “(b) MATTERS TO CONSIDER.—In releasing the vol-  
24 untary considerations under subsection (a), the Standards  
25 Board and the Local Leadership Council shall examine  
26 and consolidate information provided by States and re-

1 lease considerations with respect to each of the following  
2 categories:

3           “(1) The process for the administration of bal-  
4 lots delivered by mail, including—

5                   “(A) deadlines for the return and receipt  
6 of such ballots to the appropriate election offi-  
7 cial;

8                   “(B) the design of such ballots, including  
9 the envelopes used to deliver the ballots;

10                   “(C) the process for requesting and track-  
11 ing the return of such ballots;

12                   “(D) the processing of such ballots upon  
13 receipt by the appropriate election official, in-  
14 cluding the schedule for counting the ballots  
15 and the reporting of the unofficial results of  
16 such counting; and

17                   “(E) voter identity verification procedures,  
18 including signature matching or verification.

19           “(2) The signature verification procedures used  
20 to verify the identity of voters in an election, which  
21 shall include an evaluation of human and machine  
22 methods of signature verification, an assessment of  
23 the training provided to individuals tasked to carry  
24 out such verification procedures, and the proposal of  
25 other less subjective methods of confirming the iden-

1       tity of a voter such as requiring the identification  
2       number of a valid government-issued photo identi-  
3       fication or the last four digits of the voter’s social  
4       security number to be provided along with the vot-  
5       er’s signature.

6               “(3) The processes used to carry out mainte-  
7       nance of the official list of persons registered to vote  
8       in each State.

9               “(4) Rules and requirements with respect to the  
10       access provided to election observers.

11              “(5) The processes used to ensure the timely  
12       and accurate reporting of the unofficial results of  
13       ballot counting in each polling place in a State and  
14       the reporting of the unofficial results of such count-  
15       ing.

16              “(6) The methods used to recruit poll workers  
17       and designate the location of polling places during a  
18       pandemic, natural disaster, or other emergency.

19              “(7) The education of the public with respect to  
20       the certification and testing of voting machines and  
21       related nonvoting election technology (as defined in  
22       section 298C of the Help America Vote Act of 2002)  
23       prior to the use of such machines and technology in  
24       an election for Federal office, including education  
25       with respect to—

1           “(A) how such machines and technology  
2           are tested for accuracy, logic, and security; and

3           “(B) the connectivity to the public internet  
4           of such machines and technology.

5           “(8) The processes and procedures used to  
6           carry out a post-election audit.

7           “(9) The processes and procedures used to en-  
8           sure a secure chain of custody with respect to ballots  
9           and election equipment.

10          “(10) Public education, access, and citizen over-  
11          sight and input with respect to the certification and  
12          testing of voter machines prior to Federal elections.

13          “(11) The conduct of independent post-election  
14          audits.

15          “(12) Transparency in the election and voting  
16          process.

17          “(13) Accountability measures to ensure com-  
18          pliance by election administrators with applicable  
19          law.

20          “(c) RELEASE OF VOLUNTARY CONSIDERATIONS.—

21           “(1) DEADLINE FOR RELEASE.—Not later than  
22           12 months after the date of the enactment of the  
23           American Confidence in Elections Act, the Stand-  
24           ards Board shall release voluntary considerations

1 with respect to each of the categories described in  
2 subsection (b).

3 “(2) TRANSMISSION AND NOTIFICATION RE-  
4 QUIREMENTS.—Not later than 15 days after the  
5 date the Standards Board releases voluntary consid-  
6 erations with respect to a category described in sub-  
7 section (b), the Commission shall—

8 “(A) transmit the considerations to the  
9 chief State election official of each State and  
10 the elected leadership of the legislature of each  
11 State, including the elected leadership of any  
12 committee of the legislature of a State with ju-  
13 risdiction with respect to elections;

14 “(B) make the considerations available on  
15 a publicly accessible Government website; and

16 “(C) notify and transmit the consider-  
17 ations to the chair and ranking minority mem-  
18 ber of the Committee on House Administration  
19 of the House of Representatives, the chair and  
20 ranking minority member of the Committee on  
21 Rules and Administration of the Senate or their  
22 successor committees, and the chairs and rank-  
23 ing minority members of other relevant commit-  
24 tees of Congress.



1           “(d) USE OF REQUIREMENTS PAYMENTS FOR IMPL-  
2   MENTATION OF VOLUNTARY CONSIDERATIONS.—A State  
3   may use a requirements payment provided under this Act  
4   or any other Federal funds made available to the State  
5   by the Commission for the purposes of election adminis-  
6   tration to implement any of the voluntary considerations  
7   released under subsection (a).

8           “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
9   tion may be construed—

10           “(1) to require compliance with the voluntary  
11   considerations released under subsection (a), includ-  
12   ing as a condition of the receipt of Federal funds;  
13   or

14           “(2) to treat the lack of compliance with such  
15   considerations as a violation of the Voting Rights  
16   Act of 1965 or the Civil Rights Act of 1964 or to  
17   treat compliance with such considerations as a de-  
18   fense against an alleged violation of either such  
19   Act.”.

20           (b) CLERICAL AMENDMENT.—The table of contents  
21   of such Act is amended—

22           (1) by redesignating the item relating to section  
23   247 as relating to section 248; and

24           (2) by inserting after the item relating to sec-  
25   tion 246 the following new item:

“Sec. 247. Release of voluntary considerations by Standards Board with respect to election administration.”.

1 **Subtitle C—Requirements to Pro-**  
2 **mote Integrity in Election Ad-**  
3 **ministration**

4 **SEC. 121. ENSURING ONLY ELIGIBLE AMERICAN CITIZENS**  
5 **MAY PARTICIPATE IN FEDERAL ELECTIONS.**

6 (a) SHORT TITLE.—This section may be cited as the  
7 “Non-Citizens: Outlawed from Voting in Our Trusted  
8 Elections Act of 2023” or the “NO VOTE for Non-Citi-  
9 zens Act of 2023”.

10 (b) FINDINGS; SENSE OF CONGRESS.—

11 (1) FINDINGS.—Congress finds the following:

12 (A) Every eligible American citizen who  
13 wishes to cast a ballot in a Federal election  
14 must be permitted to do so according to law,  
15 and their ballot must be examined according to  
16 law, and, if it meets all lawful requirements,  
17 counted.

18 (B) Congress has long required States to  
19 lists of eligible voters in Federal elections in a  
20 manner that promotes voter confidence.

21 (C) The changes included herein are not  
22 intended to be an expansion of Federal power  
23 but rather a clarification of State authority.

1           (D) The Fifteenth Amendment, the Nine-  
2           teenth Amendment, the Twenty-Fourth Amend-  
3           ment, and the Twenty-Sixth Amendment,  
4           among other references, make clear that the  
5           Constitution prohibits voting by non-citizens in  
6           Federal elections.

7           (E) Congress has the constitutional au-  
8           thority, including under the aforementioned  
9           amendments, to pass statutes preventing non-  
10          citizens from voting in Federal elections, and  
11          did so with the Illegal Immigration Reform and  
12          Immigrant Responsibility Act of 1996.

13          (F) Congress may further exercise its con-  
14          stitutional authority to ensure the Constitu-  
15          tion's prohibition on non-citizen voting in Fed-  
16          eral elections is upheld.

17          (G) Since the Constitution prohibits non-  
18          citizens from voting in Federal elections, such  
19          ineligible persons must not be permitted to be  
20          placed on lists of eligible voters in Federal elec-  
21          tions.

22          (H) Improper placement of an ineligible  
23          non-citizen on a list of eligible voters in Federal  
24          elections leads to—

1 (i) confusion on the part of the ineli-  
2 gible person with respect to their ineligi-  
3 bility to cast a ballot; and

4 (ii) an increased likelihood that  
5 human error will permit ineligible persons  
6 to cast ballots in Federal elections.

7 (I) State officials have confirmed that  
8 poorly maintained voter registration lists lead to  
9 ineligible persons casting ballots in Federal  
10 elections.

11 (J) A former Broward County, Florida,  
12 elections supervisor has confirmed that ineli-  
13 gible non-voters were able to cast ballots in pre-  
14 vious elections and that she was not able to lo-  
15 cate as many as 2,040 ballots during the 2018  
16 midterm recount.

17 (K) This clarification of State authority to  
18 maintain lists of eligible voters in Federal elec-  
19 tions to ensure non-citizens are not included on  
20 such lists will promote voter confidence in elec-  
21 tion processes and outcomes.

22 (L) Congress has the authority to ensure  
23 that no Federal elections funding is used to  
24 support States that permit non-citizens to cast  
25 ballots in any election.

1 (M) Federal courts and executive agencies  
2 have much of the information States may need  
3 to maintain their lists of eligible voters in Fed-  
4 eral elections, and those entities should make  
5 that information accessible to State election au-  
6 thorities.

7 (N) It is important to clarify the penalty  
8 for any violation of law that allows a non-citizen  
9 to cast a ballot in a Federal election.

10 (O) To protect the confidence of voters in  
11 Federal elections, it is important to implement  
12 the policy described herein.

13 (2) SENSE OF CONGRESS.—It is the sense of  
14 Congress that—

15 (A) many States have not adequately met  
16 the requirements concerning the removal of in-  
17 eligible persons from State voter registration  
18 rolls pursuant to section 8 of the National  
19 Voter Registration Act of 1993 (52 U.S.C.  
20 20507) and should strive to audit and update  
21 their voter registration rolls on a routine basis;

22 (B) allowing non-citizens to cast ballots in  
23 American elections weakens our electoral sys-  
24 tem, directly and indirectly impacts Federal  
25 policy and funding decisions and candidate

1 choice through the election of State and local  
2 officials, dilutes the value of citizenship, and  
3 sows distrust in our elections system;

4 (C) even if a State has the sovereign au-  
5 thority, no State should permit non-citizens to  
6 cast ballots in State or local elections;

7 (D) States should use all information  
8 available to them to maintain Federal voter reg-  
9 istration lists and should inform Congress if  
10 such data is insufficient; and

11 (E) Congress may take further action in  
12 the future to address this problem.

13 (c) CLARIFYING AUTHORITY OF STATES TO REMOVE  
14 NONCITIZENS FROM VOTING ROLLS.—

15 (1) AUTHORITY UNDER REGULAR REMOVAL  
16 PROGRAMS.—Section 8(a)(4) of the National Voter  
17 Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is  
18 amended—

19 (A) by striking “or” at the end of subpara-  
20 graph (A);

21 (B) by redesignating subparagraph (B) as  
22 subparagraph (C); and

23 (C) by inserting after subparagraph (A)  
24 the following new subparagraph:

1           “(B) the registrant’s status as a noncitizen  
2           of the United States; or”.

3           (2) CONFORMING AMENDMENT RELATING TO  
4           ONGOING REMOVAL.—Section 8(c)(2)(B)(i) of such  
5           Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by  
6           striking “(4)(A)” and inserting “(4)(A) or (B)”.

7           (d) REQUIREMENT TO MAINTAIN SEPARATE STATE  
8           VOTER REGISTRATION LIST FOR NONCITIZENS.—Section  
9           8(a) of the National Voter Registration Act of 1993 (52  
10          U.S.C. 20507(a)) is amended—

11          (1) in paragraph (5)(B), by striking “and” at  
12          the end;

13          (2) in paragraph (6), by striking the period at  
14          the end and inserting “; and”; and

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

17          “(7) in the case of a State that allows individ-  
18          uals who are not citizens of the United States to  
19          vote in elections for public office in the State or any  
20          local jurisdiction of the State, ensure that the name  
21          of any registrant who is not a citizen of the United  
22          States is maintained on a voter registration list that  
23          is separate from the official list of eligible voters  
24          with respect to registrants who are citizens of the  
25          United States.”.

1           (e) REQUIREMENTS FOR BALLOTS FOR STATE OR  
2 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-  
3 ING.—Section 301(a)(1) of the Help America Vote Act of  
4 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at  
5 the end the following new subparagraph:

6                   “(D) In the case of a State or local jurisdic-  
7                   tion that allows individuals who are not citi-  
8                   zens of the United States to vote in elections  
9                   for public office in the State or local jurisdic-  
10                  tion, the ballot used for the casting of votes by  
11                  a noncitizen in such State or local jurisdiction  
12                  may only include the candidates for the elec-  
13                  tions for public office in the State or local jurisdic-  
14                  tion for which the noncitizen is permitted to  
15                  vote.”.

16           (f) REDUCTION IN PAYMENTS FOR ELECTION AD-  
17 MINISTRATION TO STATES OR LOCAL JURISDICTIONS  
18 THAT ALLOW NONCITIZEN VOTING.—

19                   (1) IN GENERAL.—Title IX of the Help Amer-  
20                   ica Vote Act of 2002 (52 U.S.C. 21141 et seq.) is  
21                   amended by adding at the end the following new sec-  
22                   tion:



1 **“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL**  
2 **JURISDICTIONS THAT ALLOW NONCITIZEN**  
3 **VOTING.**

4 “(a) IN GENERAL.—Notwithstanding any other pro-  
5 vision of this Act, the amount of a payment under this  
6 Act to any State or local jurisdiction that allows individ-  
7 uals who are not citizens of the United States to vote in  
8 elections for public office in the State or local jurisdiction  
9 shall be reduced by 30 percent.

10 “(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN  
11 ELECTION ADMINISTRATION ACTIVITIES.—Notwith-  
12 standing any other provision of law, no Federal funds may  
13 be used to implement the requirements of section 8(a)(7)  
14 of the National Voter Registration Act of 1993 (52 U.S.C.  
15 20507(a)(7)) (as added by section 121(d) of the American  
16 Confidence in Elections Act) or section 301(a)(1)(D) of  
17 the Help America Vote Act of 2002 (52 U.S.C.  
18 21081(a)(1)(D)) (as added by section 121(e) of the Amer-  
19 ican Confidence in Elections Act) in a State or local juris-  
20 diction that allows individuals who are not citizens of the  
21 United States to vote in elections for public office in the  
22 State or local jurisdiction.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents of such Act is amended by adding at the end  
25 the following new item:

“Sec. 907. Reduction in payments to States or local jurisdictions that allow noncitizen voting.”.

1 (g) PROMOTING PROVISION OF INFORMATION BY  
2 FEDERAL ENTITIES.—

3 (1) IN GENERAL.—

4 (A) REQUIREMENT.—Each entity of the  
5 Federal Government which maintains informa-  
6 tion which is relevant to the status of an indi-  
7 vidual as a registered voter in elections for Fed-  
8 eral office in a State shall, upon the request of  
9 an election official of the State, provide that in-  
10 formation to the election official.

11 (B) PROHIBITING FEES.—The head of an  
12 entity described in subparagraph (A) may not  
13 charge a fee for responding to an election offi-  
14 cial’s request under such subparagraph.

15 (2) POLICIES AND PROCEDURES.—Consistent  
16 with section 3506(g) of title 44, United States Code,  
17 an entity of the Federal Government shall carry out  
18 this subsection in accordance with policies and pro-  
19 cedures which will ensure that the information is  
20 provided securely, accurately, and in a timely basis.

21 (3) CONFORMING AMENDMENT RELATING TO  
22 COVERAGE UNDER PRIVACY ACT.—Section 552a(b)  
23 of title 5, United States Code, is amended—

1 (A) by striking “or” at the end of para-  
2 graph (11);

3 (B) by striking the period at the end of  
4 paragraph (12) and inserting “; or”; and

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

7 “(13) to an election official of a State in ac-  
8 cordance with section 121(h) of the American Con-  
9 fidence in Elections Act.”.

10 (h) ENSURING PROVISION OF INFORMATION TO  
11 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED  
12 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-  
13 SHIP.—

14 (1) REQUIREMENT DESCRIBED.—If a United  
15 States district court recuses an individual from serv-  
16 ing on a jury on the grounds that the individual is  
17 not a citizen of the United States, the court shall  
18 transmit a notice of the individual’s recusal—

19 (A) to the chief State election official of  
20 the State in which the individual resides; and

21 (B) to the Attorney General of the United  
22 States.

23 (2) DEFINITIONS.—For purposes of this sub-  
24 section—

1 (A) the “chief State election official” of a  
2 State is the individual designated by the State  
3 under section 10 of the National Voter Reg-  
4 istration Act of 1993 (52 U.S.C. 20509) to be  
5 responsible for coordination of the State’s re-  
6 sponsibilities under such Act; and

7 (B) the term “State” has the meaning  
8 given such term in section 901 of the Help  
9 America Vote Act of 2002 (52 U.S.C. 21141),  
10 as amended by section 138.

11 (i) PROHIBITION ON VOTING BY NONCITIZENS IN  
12 FEDERAL ELECTIONS.—

13 (1) IN GENERAL.—Section 12 of the National  
14 Voter Registration Act of 1993 (52 U.S.C. 20511)  
15 is amended—

16 (A) by striking “A person” and inserting  
17 “(a) IN GENERAL.—A person”; and

18 (B) by adding at the end the following new  
19 subsection:

20 “(b) PROHIBITION ON VOTING BY ALIENS.—

21 “(1) IN GENERAL.—It shall be unlawful for any  
22 alien to vote in any election in violation of section  
23 611 of title 18, United States Code.

24 “(2) PENALTIES.—Any person who violates this  
25 subsection shall be fined under title 18, United

1 States Code, imprisoned not more than 1 year, or  
2 both.”.

3 (2) **EFFECTIVE DATE.**—This subsection and the  
4 amendments made by this subsection shall apply  
5 with respect to elections held after the date of the  
6 enactment of this Act.

7 **SEC. 122. STATE REPORTING REQUIREMENTS WITH RE-**  
8 **SPECT TO VOTER LIST MAINTENANCE.**

9 Section 8 of the National Voter Registration Act of  
10 1993 (52 U.S.C. 20507) is amended—

11 (1) in subsection (i), by adding at the end the  
12 following:

13 “(3) The records maintained pursuant to paragraph  
14 (1) shall include lists of the names and addresses of all  
15 registrants in a State who were inactive according to the  
16 criteria described in subsection (d)(1)(B) and the length  
17 of time each such registrant has been inactive according  
18 to such criteria.

19 “(4) Nothing in this subsection may be construed to  
20 waive the requirement that a State make the records  
21 maintained pursuant to paragraph (1) publically available,  
22 without regard to whether or not the records are main-  
23 tained in whole or in part, or were provided to the State  
24 or a political subdivision of the State, by a nongovern-  
25 mental organization or other private entity.”;

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

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

5           “(j) REPORTING REQUIREMENTS.—Not later than  
6           June 30 of each odd-numbered year, each State shall sub-  
7           mit to the Election Assistance Commission a report that  
8           includes, with respect to such State during the preceding  
9           2-year period, the total number of—

10           “(1) registrants who were inactive according to  
11           the criteria described in subsection (d)(1)(B) and  
12           the length of time each such registrant has been in-  
13           active according to such criteria;

14           “(2) registrants who voted in at least one of the  
15           prior 2 consecutive general elections for Federal of-  
16           fice;

17           “(3) registrants removed from the list of official  
18           voters in the State pursuant to subsection (d)(1)(B);

19           “(4) notices sent to registrants pursuant to  
20           subsection (d)(2); and

21           “(5) registrants who received a notice described  
22           in paragraph (4) who responded to such notice.”.

1 **SEC. 123. CONTENTS OF STATE MAIL VOTER REGISTRATION**  
2 **FORM.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “State Instruction Inclusion Act”.

5 (b) **IN GENERAL.**—Section 6(a) of the National Voter  
6 Registration Act of 1993 (52 U.S.C. 20505(a)) is amend-  
7 ed—

8 (1) in paragraph (1), by inserting “, except that  
9 a State may, in addition to the criteria stated in sec-  
10 tion 9(b), require that an applicant provide proof  
11 that the applicant is a citizen of the United States”  
12 after “elections for Federal office”; and

13 (2) in paragraph (2), by inserting “and such  
14 form may include a requirement that the applicant  
15 provide proof that the applicant is a citizen of the  
16 United States” after “elections for Federal office”.

17 **SEC. 124. PROVISION OF PHOTOGRAPHIC CITIZEN VOTER**  
18 **IDENTIFICATION TOOLS FOR STATE USE.**

19 (a) **SHORT TITLE.**—This section may be cited as the  
20 “Citizen Vote Protection Act”.

21 (b) **FINDINGS; SENSE OF CONGRESS.**—

22 (1) **FINDINGS.**—Congress finds the following:

23 (A) Photo voter identification programs es-  
24 tablished by the States should be administered  
25 without unlawful discrimination and with an  
26 eye toward balancing appropriate access to the

1 ballot box with election integrity and voter con-  
2 fidence goals.

3 (B) As confirmed by the bipartisan Com-  
4 mission on Federal Election Reform (commonly  
5 known as the Carter-Baker Commission),  
6 “[v]oters in nearly 100 democracies use a photo  
7 identification card without fear of infringement  
8 of their rights”.

9 (C) As confirmed by the Carter-Baker  
10 Commission, “[t]he right to vote is a vital com-  
11 ponent of U.S. citizenship and all States should  
12 use their best efforts to obtain proof of citizen-  
13 ship before registering voters.”.

14 (D) The Carter-Baker Commission was  
15 correct in its 2005 report when it recommended  
16 that the REAL ID Act be “modestly adapted  
17 for voting purposes to indicate on the front or  
18 back whether the individual is a U.S. citizen.”.

19 (E) Congress acknowledges the important  
20 work completed by the Carter-Baker Commis-  
21 sion and, by amending the REAL ID Act, re-  
22 solves the concerns in the Commission’s report  
23 that “[t]he REAL ID Act does not require that  
24 the card indicates citizenship, but that would



1           need to be done if the card is to be used for  
2           voting purposes”.

3           (F) Photographic voter identification is im-  
4           portant for ensuring voter confidence in election  
5           processes and outcomes.

6           (G) Requiring photographic voter identi-  
7           fication is well within States’ constitutional  
8           competence, including pursuant to the Quali-  
9           fications Clause of the Constitution of the  
10          United States (article I, section 2, clause 2),  
11          the Presidential Electors Clause of the Con-  
12          stitution (article II, section 1, clause 2), and  
13          the Seventeenth Amendment.

14          (H) The Fifteenth Amendment, the Nine-  
15          teenth Amendment, the Twenty-Fourth Amend-  
16          ment, and the Twenty-Sixth Amendment,  
17          among other references, make clear that the  
18          Constitution prohibits voting by non-citizens in  
19          Federal elections.

20          (I) Congress has the constitutional author-  
21          ity, including under the aforementioned amend-  
22          ments, to pass statutes preventing non-citizens  
23          from voting in Federal elections, and did so  
24          with the Illegal Immigration Reform and Immig-  
25          grant Responsibility Act of 1996.

1           (J) Congress may further exercise its con-  
2           stitutional authority to ensure the Constitu-  
3           tion’s prohibition on non-citizen voting in Fed-  
4           eral elections is upheld.

5           (2) SENSE OF CONGRESS.—It is the sense of  
6           Congress that—

7           (A) the States should implement the sub-  
8           stance of the recommendation of the Carter-  
9           Baker Commission that, “[t]o ensure that per-  
10          sons presenting themselves at the polling place  
11          are the ones on the registration list, the Com-  
12          mission recommends that States [encourage]  
13          voters to use the REAL ID card, which was  
14          mandated in a law signed by the President in  
15          May 2005”; and

16          (B) a standard State photo identification  
17          document, when required for voting purposes,  
18          should be available at no cost to individuals who  
19          cannot afford the cost of obtaining such docu-  
20          ment.

21          (c) REAL ID ACT AMENDMENT.—

22          (1) AMENDMENT.—Section 202(b) of the Real  
23          ID Act of 2005 (49 U.S.C. 30301 note) is amended  
24          by adding at the end the following new paragraph:

1           “(10) If the person is a citizen of the United  
2 States, an indication of that citizenship, except that  
3 no other information may be included with respect  
4 to the immigration status of the person.”.

5           (2) APPLICABILITY.—The amendment made by  
6 this subsection shall be effective January 1, 2026,  
7 and shall apply with respect to any driver’s license  
8 or identification card issued by a State on and after  
9 such date.

10          (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
11 tion or in any amendment made by this section may be  
12 construed to establish or mandate the use of a national  
13 identification card or to authorize any office of the execu-  
14 tive branch to establish or mandate the use of a national  
15 identification card.

16 **SEC. 125. MANDATORY PROVISION OF IDENTIFICATION FOR**  
17 **CERTAIN VOTERS NOT VOTING IN PERSON.**

18          (a) REQUIRING VOTERS TO PROVIDE IDENTIFICA-  
19 TION.—Title III of the Help America Vote Act of 2002  
20 (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. MANDATORY PROVISION OF IDENTIFICATION**  
2 **FOR CERTAIN VOTERS WHO VOTE BY MAIL.**

3 “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—  
4 Congress finds that it has the authority to establish the  
5 terms and conditions that States must follow with respect  
6 to the administration of voting by mail because article I,  
7 section 8, clause 7 of the Constitution of the United States  
8 and other enumerated powers grant Congress the power  
9 to regulate the operations of the United States Postal  
10 Service.

11 “(b) REQUIRING PROVISION OF IDENTIFICATION TO  
12 RECEIVE A BALLOT OR VOTE IN CERTAIN CASES.—

13 “(1) INDIVIDUALS REQUESTING A BALLOT TO  
14 VOTE BY MAIL.—Notwithstanding any other provi-  
15 sion of law, the appropriate State or local election  
16 official may not provide an individual a ballot to vote  
17 by mail for an election for Federal office in a case  
18 in which the individual requested such ballot other  
19 than in person from the appropriate State or local  
20 election official of the State at a State-designated  
21 elections office unless the individual submits with  
22 the application for the ballot a copy of an identifica-  
23 tion described in paragraph (3).

24 “(2) INDIVIDUALS VOTING BY MAIL IN CERTAIN  
25 CASES.—

1           “(A) IN GENERAL.—Notwithstanding any  
2           other provision of law, in a case in which the  
3           appropriate State or local election official pro-  
4           vides an individual a ballot to vote by mail for  
5           an election for Federal office without requiring  
6           such individual to submit a separate application  
7           or request to receive such ballot for each such  
8           election, the election official may not accept the  
9           voted ballot unless the individual submits with  
10          the voted ballot a copy of an identification de-  
11          scribed in paragraph (3).

12          “(B) FAIL-SAFE VOTING.—An individual  
13          who desires to vote other than in person but  
14          who does not meet the requirements of subpara-  
15          graph (A) may cast such a ballot other than in  
16          person and the ballot shall be counted as a pro-  
17          visional ballot in accordance with section  
18          302(a).

19          “(3) IDENTIFICATION DESCRIBED.—An identi-  
20          fication described in this paragraph is, with respect  
21          to an individual—

22                 “(A) a current and valid photo identifica-  
23                 tion of the individual;

24                 “(B) a copy of a current utility bill, bank  
25                 statement, government check, paycheck, or

1 other government document that shows the  
2 name and address of the individual;

3 “(C) a valid driver’s license or an identi-  
4 fication card issued by a State or the identifica-  
5 tion number for such driver’s license or identi-  
6 fication card issued by a State;

7 “(D) the last 4 digits of the individual’s  
8 social security number; or

9 “(E) such other documentation issued by  
10 the Federal Government or by a State, local, or  
11 Tribal government that provides the same or  
12 more identifying information as required by  
13 subparagraphs (A) through (D) such that the  
14 election official is reasonably certain as to the  
15 identity of the individual.

16 “(c) EXCEPTIONS.—This section does not apply with  
17 respect to any individual who is—

18 “(1) entitled to vote by absentee ballot under  
19 the Uniformed and Overseas Citizens Absentee Vot-  
20 ing Act (52 U.S.C. 20301 et seq.);

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

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

3           “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
4           tion may be construed—

5           “(1) as prohibiting a State from imposing iden-  
6           tification requirements to request a ballot to vote by  
7           mail or cast a vote by mail that are more stringent  
8           than the requirements under this section; or

9           “(2) as affecting the authority of a State to re-  
10          quire notarization or witness signature or other for-  
11          mal authentication as a condition of obtaining or  
12          casting an absentee ballot.

13          “(e) EFFECTIVE DATE.—This section shall take ef-  
14          fect on January 1, 2025.”.

15          (b) CONFORMING AMENDMENTS RELATING TO EX-  
16          ISTING IDENTIFICATION REQUIREMENTS.—

17                 (1) TREATMENT AS INDIVIDUALS REGISTERING  
18                 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME  
19                 VOTER IDENTIFICATION REQUIREMENTS.—Section  
20                 303(b)(1)(A) of the Help America Vote Act of 2002  
21                 (52 U.S.C. 21083(b)(1)(A)) is amended by striking  
22                 “by mail” and inserting “by mail or otherwise not  
23                 in person at an elections office or voter registration  
24                 agency of the State”.

1           (2) EXCEPTIONS.—Section 303(b)(3) of the  
2           Help America Vote Act of 2002 (52 U.S.C.  
3           21083(b)(3)) is amended—

4                   (A) in subparagraph (A), by striking “by  
5                   mail under section 6 of the National Voter Reg-  
6                   istration Act of 1993 (42 U.S.C. 1973gg-4)”  
7                   and inserting “by mail under section 6 of the  
8                   National Voter Registration Act of 1993 (52  
9                   U.S.C. 20505) or otherwise not in person at a  
10                  voter registration agency of the State”; and

11                   (B) in subparagraph (B)(i), by striking  
12                   “by mail under section 6 of the National Voter  
13                   Registration Act of 1993 (42 U.S.C. 1973gg-  
14                   4)” and inserting “by mail under section 6 of  
15                   the National Voter Registration Act of 1993  
16                   (52 U.S.C. 20505) or otherwise not in person  
17                   at a voter registration agency of the State”.

18           (3) EXPANSION OF TYPES OF IDENTIFICATION  
19           PERMITTED.—Section 303(b)(2)(A) of the Help  
20           America Vote Act of 2002 (52 U.S.C.  
21           21083(b)(2)(A)) is amended—

22                   (A) in clause (i)—

23                           (i) in subclause (I), by striking “or”  
24                           at the end; and



1 (ii) by adding at the end the following  
2 new subclause:

3 “(III) such other documentation  
4 issued by a Federal, State, or local  
5 government that provides the same or  
6 more identifying information as re-  
7 quired by subclauses (I) and (II) such  
8 that the election official is reasonably  
9 certain as to the identity of the indi-  
10 vidual; or”; and

11 (B) in clause (ii)—

12 (i) in subclause (I), by striking “or”  
13 at the end;

14 (ii) in subclause (II), by striking the  
15 period at the end and inserting “; or”; and

16 (iii) by adding at the end the fol-  
17 lowing new subclause:

18 “(III) such other documentation  
19 issued by a Federal, State, or local  
20 government that provides the same or  
21 more identifying information as re-  
22 quired by subclauses (I) and (II) such  
23 that the election official is reasonably  
24 certain as to the identity of the indi-  
25 vidual.”.

1 (c) CONFORMING AMENDMENT RELATING TO EN-  
2 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
3 is amended by striking “and 303” and inserting “303, and  
4 304”.

5 (d) CLERICAL AMENDMENT.—The table of contents  
6 of such Act is amended—

7 (1) by redesignating the items relating to sec-  
8 tions 304 and 305 as relating to sections 305 and  
9 306; and

10 (2) by inserting after the item relating to sec-  
11 tion 303 the following:

“Sec. 304. Mandatory provision of identification for certain voters who vote by  
mail.”.

12 **SEC. 126. CONFIRMING ACCESS FOR CONGRESSIONAL**  
13 **ELECTION OBSERVERS.**

14 (a) SHORT TITLE.—This section may be cited as the  
15 “Confirmation of Congressional Observer Access Act of  
16 2023” or the “COCOA Act of 2023”.

17 (b) FINDINGS RELATING TO CONGRESSIONAL ELEC-  
18 TION OBSERVERS.—Congress finds the following:

19 (1) The Constitution delegates to each House of  
20 the Congress the authority to “be the Judge of the  
21 Elections, Returns and Qualifications of its own  
22 Members”.

23 (2) While, in general, Congress shall respect the  
24 determination of State authorities with respect to

1 the election of members to each House, each House  
2 of Congress serves as the final arbiter over any con-  
3 test to the seating of any putative Member-elect or  
4 Senator-elect.

5 (3) These election contest procedures are con-  
6 tained in the precedents of each House of Congress.  
7 Further, for the House of Representatives the proce-  
8 dures exist under the Federal Contested Elections  
9 Act.

10 (4) In the post-Civil War modern era, more  
11 than 100 election contests have been filed with the  
12 House of Representatives.

13 (5) For decades, Congress has appointed and  
14 sent out official congressional observers to watch the  
15 administration of congressional elections in the  
16 States and territories.

17 (6) These observers serve to permit Congress to  
18 develop its own factual record in preparation for  
19 eventual contests and for other reasons.

20 (7) This section and the amendments made by  
21 this section do not establish any new authorities or  
22 procedures but are provided simply to permit a con-  
23 venient statutory reference for existing congressional  
24 authority and activity.

1 (c) CONFIRMING REQUIREMENT THAT STATES PRO-  
2 VIDE ACCESS.—Title III of the Help America Vote Act  
3 of 2002 (52 U.S.C. 21081 et seq.), as amended by section  
4 125(a), is amended—

5 (1) by redesignating sections 305 and 306 as  
6 sections 306 and 307; and

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

9 **“SEC. 305. CONFIRMING ACCESS FOR CONGRESSIONAL**  
10 **ELECTION OBSERVERS.**

11 “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—  
12 Congress finds that it has the authority to require that  
13 States allow access to designated congressional election  
14 observers to observe the election administration proce-  
15 dures in an election for Federal office because the author-  
16 ity granted to Congress under article I, section 5 of the  
17 Constitution of the United States gives each House of  
18 Congress the power to be the judge of the elections, re-  
19 turns and qualifications of its own Members.

20 “(b) REQUIRING STATES TO PROVIDE ACCESS.—A  
21 State shall provide each individual who is a designated  
22 congressional election observer for an election with full ac-  
23 cess to clearly observe all of the elements of the adminis-  
24 tration procedures with respect to such election, including  
25 but not limited to in all areas of polling places and other

1 facilities where ballots in the election are processed, tab-  
2 ulated, cast, canvassed, and certified, in all areas where  
3 voter registration activities occur before such election, and  
4 in any other such place where election administration pro-  
5 cedures to prepare for the election or carry out any post-  
6 election recounts take place. No designated Congressional  
7 election observer may handle ballots, elections equipment  
8 (voting or non voting), advocate for a position or can-  
9 didate, take any action to reduce ballot secrecy or other-  
10 wise violate the privacy of a voter, or otherwise interfere  
11 with the elections administration process.

12       “(c) DESIGNATED CONGRESSIONAL ELECTION OB-  
13 SERVER DESCRIBED.—In this section, a ‘designated con-  
14 gressional election observer’ is an individual who is des-  
15 igned in writing by the chair or ranking minority mem-  
16 ber of the Committee on House Administration of the  
17 House of Representatives or the Committee on Rules and  
18 Administration of the Senate, or the successor committee  
19 in either House of Congress to gather information with  
20 respect to an election, including in the event that the elec-  
21 tion is contested in the House of Representatives or the  
22 Senate and for other purposes permitted by article 1, sec-  
23 tion 5 of the Constitution of the United States.”.

24       (d) CONFORMING AMENDMENT RELATING TO EN-  
25 FORCEMENT.—Section 401 of such Act (52 U.S.C.

1 21111), as amended by section 125(c), is amended by  
2 striking “and 304” and inserting “304, and 305”.

3 (e) CLERICAL AMENDMENT.—The table of contents  
4 of such Act, as amended by section 125(d), is amended—

5 (1) by redesignating the items relating to sec-  
6 tions 305 and 306 as relating to sections 306 and  
7 307; and

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

“Sec. 305. Confirming access for congressional election observers.”.

10 **SEC. 127. USE OF REQUIREMENTS PAYMENTS FOR POST-**  
11 **ELECTION AUDITS.**

12 (a) PERMITTING USE OF PAYMENTS FOR AUDITS.—  
13 Section 251(b)(1) of the Help America Vote Act of 2002  
14 (52 U.S.C. 21001(b)(1)) is amended by inserting “, in-  
15 cluding to conduct and publish an audit of the effective-  
16 ness and accuracy of the voting systems, nonvoting elec-  
17 tion technology (as defined in section 298C), election pro-  
18 cedures, and outcomes used to carry out an election for  
19 Federal office in the State and the performance of the  
20 State and local election officials who carried out the elec-  
21 tion, but only if the audit meets the requirements of para-  
22 graph (4)” after “requirements of title III”.

23 (b) REQUIREMENTS FOR AUDITS.—Section 251(b) of  
24 such Act (52 U.S.C. 21001(b)) is amended by adding at  
25 the end the following new paragraph:

1           “(4) REQUIREMENTS FOR AUDITS CONDUCTED  
2           WITH REQUIREMENTS PAYMENTS.—An audit de-  
3           scribed in paragraph (1) meets the requirements of  
4           this paragraph if—

5                   “(A) no individual who participates in con-  
6                   ducting the audit is an employee or contractor  
7                   of an office of the State or local government  
8                   which is responsible for the administration of  
9                   elections for Federal office or of a subsidiary or  
10                  affiliate of such an office;

11                   “(B) the audit includes an examination of  
12                   compliance with established processes for voter  
13                   registration, voter check-in, voting, tabulation,  
14                   canvassing, post-election proceedings (such as  
15                   recounts and recanvasses), and reporting of re-  
16                   sults.”.

17           (c) SENSE OF CONGRESS REGARDING TIMING OF AU-  
18           DITS.—It is the sense of Congress that post-election audits  
19           of the effectiveness and accuracy of the voting systems,  
20           election procedures, and outcomes used to carry out an  
21           election for Federal office in a State and the performance  
22           of the State and local election officials who carried out  
23           the election are most effective when the audits are com-  
24           pleted before the expiration of the period during which

1 persons are authorized under State law to challenge the  
2 results of the election.

3 **SEC. 128. INCREASE IN THRESHOLD FOR REQUIRING IN-**  
4 **FORMATION REPORTING WITH RESPECT TO**  
5 **CERTAIN PAYEES.**

6 (a) IN GENERAL.—Sections 6041(a) of the Internal  
7 Revenue Code of 1986 is amended by striking “\$600” and  
8 inserting “\$5,000”.

9 (b) INFLATION ADJUSTMENT.—Section 6041 of such  
10 Code is amended by adding at the end the following new  
11 subsection:

12 “(h) INFLATION ADJUSTMENT.—In the case of any  
13 calendar year after 2024, the dollar amount in subsection  
14 (a) shall be increased by an amount equal to—

15 “(1) such dollar amount, multiplied by

16 “(2) the cost-of-living adjustment determined  
17 under section 1(f)(3) for such calendar year, deter-  
18 mined by substituting ‘calendar year 2023’ for ‘cal-  
19 endar year 2016’ in subparagraph (A)(ii) thereof.

20 If any increase under the preceding sentence is not a mul-  
21 tiple of \$100, such increase shall be rounded to the nearest  
22 multiple of \$100.”.

23 (c) APPLICATION TO REPORTING ON REMUNERATION  
24 FOR SERVICES AND DIRECT SALES.—Section 6041A of  
25 such Code is amended—



1           (1) in subsection (a)(2), by striking “is \$600 or  
2           more” and inserting “equals or exceeds the dollar  
3           amount in effect for such calendar year under sec-  
4           tion 6041(a)”, and

5           (2) in subsection (b)(1)(B), by striking “is  
6           \$5,000 or more” and inserting “equals or exceeds  
7           the dollar amount in effect for such calendar year  
8           under section 6041(a)”.

9           (d) APPLICATION TO BACKUP WITHHOLDING.—Sec-  
10          tion 3406(b)(6) of such Code is amended—

11           (1) by striking “\$600” in subparagraph (A)  
12           and inserting “the dollar amount in effect for such  
13           calendar year under section 6041(a)”, and

14           (2) by striking “ONLY WHERE AGGREGATE FOR  
15           CALENDAR YEAR IS \$600 OR MORE” in the heading  
16           and inserting “ONLY IF IN EXCESS OF THRESHOLD”.

17          (e) CONFORMING AMENDMENTS.—

18           (1) The heading of section 6041(a) of such  
19           Code is amended by striking “OF \$600 OR MORE”  
20           and inserting “EXCEEDING THRESHOLD”.

21           (2) Section 6041(a) of such Code is amended  
22           by striking “taxable year” and inserting “calendar  
23           year”.

1 (f) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to payments made  
3 after December 31, 2023.

4 **SEC. 129. VOLUNTARY GUIDELINES WITH RESPECT TO NON-**  
5 **VOTING ELECTION TECHNOLOGY.**

6 (a) SHORT TITLE.—This section may be cited as the  
7 “Protect American Voters Act”.

8 (b) ADOPTION OF VOLUNTARY GUIDELINES BY  
9 ELECTION ASSISTANCE COMMISSION.—

10 (1) ADOPTION OF GUIDELINES.—Title II of the  
11 Help America Vote Act of 2002 (52 U.S.C. 20921  
12 et seq.) is amended by adding at the end the fol-  
13 lowing new subtitle:

14 **“Subtitle E—Voluntary Guidelines**  
15 **for Use of Nonvoting Election**  
16 **Technology**

17 **“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**  
18 **MISSION.**

19 “(a) ADOPTION.—The Commission shall adopt vol-  
20 untary guidelines for election officials on the use of non-  
21 voting election technology, taking into account the rec-  
22 ommendations of the Standards Board and the Local  
23 Leadership Council of the Commission under section  
24 298A.

1           “(b) REVIEW.—The Commission shall review the  
2 guidelines adopted under this subtitle not less frequently  
3 than once every 4 years, and may adopt revisions to the  
4 guidelines as it considers appropriate.

5           “(c) PROCESS FOR ADOPTION.—The adoption of the  
6 voluntary guidelines under this subtitle shall be carried  
7 out by the Commission in a manner that provides for each  
8 of the following:

9                   “(1) Publication of notice of the proposed  
10 guidelines in the Federal Register.

11                   “(2) An opportunity for public comment on the  
12 proposed guidelines.

13                   “(3) An opportunity for a public hearing on the  
14 record.

15                   “(4) Publication of the final recommendations  
16 in the Federal Register.

17           “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—  
18 The Commission shall adopt the initial set of voluntary  
19 guidelines under this section not later than December 31,  
20 2025.

21 **“SEC. 298A. ROLE OF STANDARDS BOARD AND LOCAL LEAD-**  
22 **ERSHIP COUNCIL.**

23           “(a) DUTIES.—The Standards Board and the Local  
24 Leadership Council of the Commission shall assist the  
25 Commission in the adoption of voluntary guidelines under

1 section 298, including by providing the Commission with  
2 recommendations on appropriate standards for the use of  
3 nonvoting election technology, including standards to en-  
4 sure the security and accuracy, and promote the usability,  
5 of such technology, and by conducting a review of existing  
6 State programs with respect to the testing of nonvoting  
7 election technology.

8 “(b) SOURCES OF ASSISTANCE.—

9 “(1) CERTAIN MEMBERS OF TECHNICAL GUIDE-  
10 LINES DEVELOPMENT COMMITTEE.—The following  
11 members of the Technical Guidelines Development  
12 Committee under section 221 shall assist the Stand-  
13 ards Board and the Local Leadership Council in car-  
14 rying out their duties under this section:

15 “(A) The Director of the National Insti-  
16 tute of Standards and Technology.

17 “(B) The representative of the American  
18 National Standards Institute.

19 “(C) The representative of the Institute of  
20 Electrical and Electronics Engineers.

21 “(D) The 4 members of the Technical  
22 Guidelines Development Committee appointed  
23 under subsection (c)(1)(E) of such section as  
24 the other individuals with technical and sci-

1           entific expertise relating to voting systems and  
2           voting equipment.

3           “(2) DETAILEE FROM CISA.—The Executive  
4           Board of the Standards Board may request the Di-  
5           rector of the Cybersecurity and Infrastructure Secu-  
6           rity Agency of the Department of Homeland Secu-  
7           rity to provide a detailee to assist the Standards  
8           Board in carrying out its duties under this section,  
9           so long as such detailee has no involvement in the  
10          drafting of any of the voluntary guidelines.

11   **“SEC. 298B. USE OF PAYMENTS TO OBTAIN OR UPGRADE**  
12                           **TECHNOLOGY.**

13          “A State may use funds provided under any law for  
14          activities to improve the administration of elections for  
15          Federal office, including to enhance election technology  
16          and make election security improvements, to obtain non-  
17          voting election technology which is in compliance with the  
18          voluntary guidelines adopted under section 298 or to up-  
19          grade nonvoting election technology so that the technology  
20          is in compliance with such guidelines, and may, notwith-  
21          standing any other provision of law, use any unobligated  
22          grant funding provided to the State by the Election Assist-  
23          ance Commission from amounts appropriated under the  
24          heading ‘Independent Agencies—Election Assistance  
25          Commission—Election Security Grants’ in title V of divi-

1 sion C of the Consolidated Appropriations Act, 2020 (Pub-  
2 lic Law 116–93) for the purposes of enhancing election  
3 technology and making election security improvements  
4 until December 31, 2024.

5 **“SEC. 298C. NONVOTING ELECTION TECHNOLOGY DEFINED.**

6 “In this subtitle, the term ‘nonvoting election tech-  
7 nology’ means technology used in the administration of  
8 elections for Federal office which is not used directly in  
9 the casting, counting, tabulating, or collecting of ballots  
10 or votes, including each of the following:

11 “(1) Electronic pollbooks or other systems used  
12 to check in voters at a polling place or verify a vot-  
13 er’s identification.

14 “(2) Election result reporting systems.

15 “(3) Electronic ballot delivery systems.

16 “(4) Online voter registration systems.

17 “(5) Polling place location search systems.

18 “(6) Sample ballot portals.

19 “(7) Signature systems.

20 “(8) Such other technology as may be rec-  
21 ommended for treatment as nonvoting election tech-  
22 nology as the Standards Board may recommend.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents of such Act is amended by adding at the end  
25 of the items relating to title II the following:

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Role of Standards Board and Local Leadership Council.

“Sec. 298B. Use of payments to obtain or upgrade technology.

“Sec. 298C. Nonvoting election technology defined.”.

1           (c) TREATMENT OF TECHNOLOGY USED IN MOST  
2 RECENT ELECTION.—Any nonvoting election technology,  
3 as defined in section 298C of the Help America Vote Act  
4 of 2002 (as added by subsection (a)(1)), which a State  
5 used in the most recent election for Federal office held  
6 in the State prior to the date of the enactment of this  
7 Act shall be deemed to be in compliance with the voluntary  
8 guidelines on the use of such technology which are adopted  
9 by the Election Assistance Commission under section 298  
10 of such Act (as added by subsection (a)(1)).

11 **SEC. 130. STATUS REPORTS BY NATIONAL INSTITUTE OF**  
12 **STANDARDS AND TECHNOLOGY.**

13           Section 231 of the Help America Vote Act of 2002  
14 (52 U.S.C. 20971) is amended by adding at the end the  
15 following new subsection:

16           “(e) STATUS REPORTS BY NATIONAL INSTITUTE OF  
17 STANDARDS AND TECHNOLOGY.—Not later than 60 days  
18 after the end of each fiscal year (beginning with 2025),  
19 the Director of the National Institute of Standards and  
20 Technology shall submit to Congress a status report de-  
21 scribing—

22                   “(1) the extent to which the Director carried  
23           out the Director’s responsibilities under this Act

1 during the fiscal year, including the responsibilities  
2 imposed under this section and the responsibilities  
3 imposed with respect to the Technical Guidelines  
4 Development Committee under section 222, together  
5 with the Director’s best estimate of when the Direc-  
6 tor will completely carry out any responsibility which  
7 was not carried out completely during the fiscal  
8 year; and

9 “(2) the extent to which the Director carried  
10 out any projects requested by the Commission dur-  
11 ing the fiscal year, together with the Director’s best  
12 estimate of when the Director will complete any such  
13 project which the Director did not complete during  
14 the fiscal year.”.

15 **SEC. 131. 501(c)(3) ORGANIZATIONS PROHIBITED FROM**  
16 **PROVIDING DIRECT OR INDIRECT FUNDING**  
17 **FOR ELECTION ADMINISTRATION.**

18 (a) **SHORT TITLE.**—This section may be cited as the  
19 “End Zuckerbucks Act of 2023”.

20 (b) **IN GENERAL.**—Section 501(c)(3) of the Internal  
21 Revenue Code of 1986 is amended—

22 (1) by striking “and which does not partici-  
23 pate” and inserting “which does not participate”,  
24 and



1           (2) by striking the period at the end and insert-  
2           ing “and which does not provide direct funding to  
3           any State or unit of local government for the pur-  
4           pose of the administration of elections for public of-  
5           fice or any funding to any State or unit of local gov-  
6           ernment in a case in which it is reasonable to expect  
7           such funding will be used for the purpose of the ad-  
8           ministration of elections for public office (except  
9           with respect to the donation of space to a State or  
10          unit of local government to be used as a polling  
11          place in an election for public office).”.

12          (c) **RULE OF CONSTRUCTION.**—Nothing in the  
13          amendments made by subsection (b) shall be construed to  
14          prevent a house of worship, community center, or similar  
15          facility from serving as a polling place in an election for  
16          public office.

17          (d) **EFFECTIVE DATE.**—The amendments made by  
18          this section shall apply to funding provided in taxable  
19          years beginning after December 31, 2025.

20          **SEC. 132. FEDERAL AGENCY INVOLVEMENT IN VOTER REG-**  
21                                   **ISTRATION ACTIVITIES.**

22          (a) **SHORT TITLE.**—This section may be cited as the  
23          “Promoting Free and Fair Elections Act of 2023”.

24          (b) **CLARIFICATION OF FEDERAL AGENCY INVOLVE-**  
25          **MENT IN VOTER REGISTRATION ACTIVITIES.**—Executive

1 Order 14019 (86 Fed. Reg. 13623; relating to promoting  
2 access to voting) shall have no force or effect, and any  
3 contract or arrangement entered into by an agency to  
4 carry out activities pursuant to sections 3 and 4 of such  
5 Executive Order shall be abrogated.

6 (c) AGREEMENTS WITH NONGOVERNMENTAL ORGA-  
7 NIZATIONS.—None of the funds made available for the sal-  
8 aries and expenses of an agency may be used to solicit  
9 or enter into an agreement with a nongovernmental orga-  
10 nization to conduct voter registration or voter mobilization  
11 activities, including registering voters or providing any  
12 person with voter registration materials, absentee or vote-  
13 by-mail ballot applications, voting instructions, or can-  
14 didate-related information, on the property or website of  
15 the agency.

16 (d) REPORT ON PRIOR VOTER REGISTRATION AND  
17 MOBILIZATION ACTIVITIES.—Not later than 30 days after  
18 the date of enactment of this Act, the head of each agency  
19 shall submit to the appropriate congressional committees  
20 a report describing the activities carried out by the agency  
21 pursuant to sections 3 and 4 of Executive Order 14019  
22 (86 Fed. Reg. 13623).

23 (e) PROHIBITING VOTER REGISTRATION AND MOBI-  
24 LIZATION IN FEDERAL WORK-STUDY PROGRAMS.—Sec-

1 tion 443(b)(1) of the Higher Education Act of 1965 (20  
2 U.S.C. 1087–53(b)(1)) is amended—

3 (1) in subparagraph (C), by striking “and”;

4 (2) by redesignating subparagraph (D) as sub-  
5 paragraph (E); and

6 (3) by inserting after subparagraph (C) the fol-  
7 lowing:

8 “(D) does not involve registering or mobi-  
9 lizing voters on or off the campus of the institu-  
10 tion; and”.

11 (f) DEFINITIONS.—In this section:

12 (1) AGENCY.—The term “agency” has the  
13 meaning given the term in section 3502(1) of title  
14 44, United States Code.

15 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES.—The term “appropriate congressional com-  
17 mittees” means—

18 (A) the Committee on Rules and Adminis-  
19 tration of the Senate;

20 (B) the Committee on the Judiciary of the  
21 Senate;

22 (C) the Committee on House Administra-  
23 tion of the House of Representatives; and

24 (D) the Committee on the Judiciary of the  
25 House of Representatives.

1 **SEC. 133. PROHIBITION ON USE OF FEDERAL FUNDS FOR**  
2 **ELECTION ADMINISTRATION IN STATES THAT**  
3 **PERMIT BALLOT HARVESTING.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “No Federal Funds for Ballot Harvesting Act”.

6 (b) **FINDINGS.**—Congress finds that—

7 (1) the right to vote is a fundamental right of  
8 citizens of the United States, as described by the  
9 Constitution of the United States;

10 (2) the Committee on House Administration of  
11 the House of Representatives, which is charged with  
12 investigating election irregularities, received reports  
13 through its official Election Observer Program for  
14 the 2018 general election and the 2020 general elec-  
15 tion, as well as from other stakeholders, that individ-  
16 uals other than voters themselves were depositing  
17 large amounts of absentee ballots at polling places  
18 throughout California and other States, a practice  
19 colloquially known as “ballot harvesting”;

20 (3) the practice of ballot harvesting creates sig-  
21 nificant vulnerabilities in the chain-of-custody of bal-  
22 lots because individuals collecting ballots are not re-  
23 quired to be registered voters and are not required  
24 to identify themselves at a voter’s home, and the  
25 State does not track how many ballots are harvested  
26 in an election;

1           (4) in North Carolina, a congressional election  
2           was invalidated due to fraud associated with ballot  
3           harvesting committed by a political operative, and it  
4           is unlikely such activity would have been detected  
5           were it not for the prohibition against ballot har-  
6           vesting in the State;

7           (5) ballot harvesting invites electioneering activ-  
8           ity at home and weakens States' long-standing voter  
9           protection procedures, which remain in place at poll-  
10          ing locations, creating the possibility of undue influ-  
11          ence over voters by political operatives and other bad  
12          actors; and

13          (6) the Supreme Court of the United States has  
14          affirmed State authority to restrict ballot harvesting  
15          (*Brnovich v. Democratic National Committee*, 141 S.  
16          Ct. 2321 (2021)).

17          (c) PROHIBITION ON FEDERAL FUNDS FOR ELEC-  
18          TION ADMINISTRATION FOR STATES ALLOWING COLLEC-  
19          TION AND TRANSMISSION OF BALLOTS BY CERTAIN  
20          THIRD PARTIES.—

21          (1) IN GENERAL.—The Help America Vote Act  
22          of 2002 (52 U.S.C. 20901 et seq.) is amended by  
23          adding at the end the following new section:

1 **“SEC. 908. PROHIBITION ON FEDERAL FUNDS FOR ELEC-**  
2 **TION ADMINISTRATION FOR STATES ALLOW-**  
3 **ING COLLECTION AND TRANSMISSION OF**  
4 **BALLOTS BY CERTAIN THIRD PARTIES.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-  
6 vision of law, no Federal funds may be used to administer  
7 any election for Federal office in a State unless the State  
8 has in effect a law that prohibits an individual from the  
9 knowing collection and transmission of a ballot in an elec-  
10 tion for Federal office that was mailed to another person,  
11 other than an individual described as follows:

12 “(1) An election official while engaged in offi-  
13 cial duties as authorized by law.

14 “(2) An employee of the United States Postal  
15 Service or other commercial common carrier engaged  
16 in similar activities while engaged in duties author-  
17 ized by law.

18 “(3) Any other individual who is allowed by law  
19 to collect and transmit United States mail, while en-  
20 gaged in official duties as authorized by law.

21 “(4) A family member, household member, or  
22 caregiver of the person to whom the ballot was  
23 mailed.

24 “(b) DEFINITIONS.—For purposes of this section,  
25 with respect to a person to whom the ballot was mailed:

1           “(1) The term ‘caregiver’ means an individual  
2           who provides medical or health care assistance to  
3           such person in a residence, nursing care institution,  
4           hospice facility, assisted living center, assisted living  
5           facility, assisted living home, residential care institu-  
6           tion, adult day health care facility, or adult foster  
7           care home, except that such term does not include  
8           an individual who is an employee of the residence,  
9           nursing care institution, hospice facility, assisted liv-  
10          ing center, assisted living facility, assisted living  
11          home, residential care institution, adult day health  
12          care facility, or adult foster care home in which the  
13          individual provides such assistance to such person.

14           “(2) The term ‘family member’ means an indi-  
15          vidual who is related to such person by blood, mar-  
16          riage, adoption or legal guardianship.

17           “(3) The term ‘household member’ means an  
18          individual who resides at the same residence as such  
19          person.”.

20           (2) CLERICAL AMENDMENT.—The table of con-  
21          tents of such Act is amended by adding at the end  
22          the following new item:

“Sec. 908. Prohibition on Federal funds for election administration for States  
allowing collection and transmission of ballots by certain third  
parties.”.

1 **SEC. 134. CLARIFICATION WITH RESPECT TO FEDERAL**  
2 **ELECTION RECORD-KEEPING REQUIREMENT.**

3 Section 301 of the Civil Rights Act of 1960 (52  
4 U.S.C. 20701) is amended—

5 (1) by inserting “including records and papers  
6 of envelopes used to deliver voted ballots by mail and  
7 scanned, electronically preserved records of envelopes  
8 used to deliver blank ballots or absentee ballot re-  
9 quests or used for any purpose other than delivering  
10 voted ballots, ballots, ballot images, chain of custody  
11 records, cast vote records, logic and accuracy test re-  
12 sults and equipment certification, and other mate-  
13 rials related to the Federal election that would be es-  
14 sential for conducting a post-election audit” after  
15 “requisite to voting in such election,”; and

16 (2) by inserting after “shall devolve upon such  
17 custodian.” the following: “Such records and papers  
18 shall be considered public records available for rea-  
19 sonable public inspection, including at a minimum,  
20 as defined the law of the State in which the election  
21 is held, the candidates appearing on the ballot in the  
22 election, political parties whose candidates appeared  
23 on the ballot in the election, and any individuals au-  
24 thorized to observe the election.”



1 **SEC. 135. CLARIFICATION OF RULES WITH RESPECT TO**  
2 **HIRING OF ELECTION WORKERS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Election Worker Hiring Preference for Veterans and  
5 Americans With Disabilities Act”.

6 (b) **PREFERENCES FOR VETERANS AND INDIVIDUALS**  
7 **WITH DISABILITIES.**—

8 (1) **PREFERENCES.**—In hiring election workers  
9 to administer an election in a State or local jurisdic-  
10 tion, the State or local jurisdiction may give pref-  
11 erence to individuals who are veterans or individuals  
12 with a disability.

13 (2) **INCLUSION OF INFORMATION IN ELECTION**  
14 **ASSISTANCE COMMISSION CLEARINGHOUSE.**—The  
15 Federal Election Commission shall include in any  
16 clearinghouse it maintains of procedures adopted by  
17 States with respect to the administration of Federal  
18 elections information on the procedures under which  
19 States hire individuals who are veterans or individ-  
20 uals with a disability as election workers, as de-  
21 scribed in paragraph (1).

22 (2) **INDIVIDUAL WITH A DISABILITY DE-**  
23 **FINED.**—In this subsection, the term “individual  
24 with a disability” has the meaning given such term  
25 in the Americans with Disabilities Act of 1990 (42  
26 U.S.C. 12101).

1           (c) PREFERENCE AND WAIVER OF RESIDENCY RE-  
2     QUIREMENT FOR SPOUSES AND DEPENDENTS OF ABSENT  
3     MILITARY VOTERS.—

4           (1) SENSE OF CONGRESS.—It is the sense of  
5     Congress that, in hiring election workers to admin-  
6     ister an election in a State or local jurisdiction, the  
7     State or local jurisdiction—

8           (A) should give preference to an individual  
9     who is a nonresident military spouse or depend-  
10    ent; and

11          (B) should not refuse to hire such an indi-  
12    vidual as an election worker solely on the  
13    grounds that the individual does not maintain a  
14    place of residence in the State or local jurisdic-  
15    tion.

16          (2) INCLUSION OF INFORMATION IN ELECTION  
17    ASSISTANCE COMMISSION CLEARINGHOUSE.—The  
18    Federal Election Commission shall include in any  
19    clearinghouse it maintains of procedures adopted by  
20    States with respect to the administration of Federal  
21    elections information on the procedures under which  
22    States hire nonresident military spouses or depend-  
23    ents as election workers, as described in paragraph  
24    (1).

1           (3) NONRESIDENT MILITARY SPOUSE OR DE-  
2           PENDENT DEFINED.—In this subsection, a “non-  
3           resident military spouse or dependent” means an in-  
4           dividual who is an absent uniformed services voter  
5           under section 107(1)(C) of the Uniformed and Over-  
6           seas Citizen Absentee Voting Act (52 U.S.C.  
7           20310(1)(C)).

8   **SEC. 136. STATE ASSISTANCE IN ASSIGNING MAILING AD-**  
9                           **DRESSES WITH RESPECT TO TRIBAL GOV-**  
10                           **ERNMENTS.**

11          (a) SHORT TITLE.—This section may be cited as the  
12          “Mailing Addresses on Indian Lands Act” or the “MAIL  
13          Act”.

14          (b) IN GENERAL.—Upon request from a Tribal Gov-  
15          ernment, the appropriate State executives of the State  
16          concerned shall assist the Tribal Government to assign a  
17          mailing address to each home and residence of the Tribal  
18          Government in the State that does not have a mailing ad-  
19          dress assigned to such home or residence and shall ensure  
20          that the State records include any such mailing address  
21          assigned and any mailing address previously assigned by  
22          such Tribal Government.

23          (c) DEFINITIONS.—In this section:

24                  (1) INDIAN.—The term “Indian” has the mean-  
25                  ing given the term in section 4 of the Indian Self-

1 Determination and Education Assistance Act (25  
2 U.S.C. 5304).

3 (2) INDIAN TRIBE.—The term “Indian Tribe”  
4 has the meaning given the term “Indian tribe” in  
5 section 4 of the Indian Self-Determination and Edu-  
6 cation Assistance Act (25 U.S.C. 5304).

7 (3) STATE.—The term “State” has the mean-  
8 ing given such term in section 901 of the Help  
9 America Vote Act of 2002 (52 U.S.C. 21141).

10 (4) TRIBAL GOVERNMENT.—The term “Tribal  
11 Government” means the recognized governing body  
12 of an Indian Tribe.

13 **SEC. 137. STATE DEFINED.**

14 (a) SHORT TITLE.—This section may be cited as the  
15 “Northern Mariana Islands Inclusion Act”.

16 (b) APPLICATION TO COMMONWEALTH OF NORTH-  
17 ERN MARIANA ISLANDS.—Section 901 of the Help Amer-  
18 ica Vote Act of 2002 (52 U.S.C. 21141) is amended by  
19 striking “and the United States Virgin Islands” and in-  
20 serting “the United States Virgin Islands, and the Com-  
21 monwealth of the Northern Mariana Islands”.

22 (c) CONFORMING AMENDMENTS.—Such Act is fur-  
23 ther amended as follows:

24 (1) The second sentence of section 213(a)(2)  
25 (52 U.S.C. 20943(a)(2)) is amended by striking

1 “and American Samoa” and inserting “American  
2 Samoa, and the Commonwealth of the Northern  
3 Mariana Islands”.

4 (2) Section 252(c)(2) (52 U.S.C. 21002(c)(2))  
5 is amended by striking “or the United States Virgin  
6 Islands” and inserting “the United States Virgin Is-  
7 lands, or the Commonwealth of the Northern Mar-  
8 iana Islands”.

9 **SEC. 138. VOTER REGISTRATION FOR APPLICANTS WITH-**  
10 **OUT DRIVER’S LICENSE OR SOCIAL SECURITY**  
11 **NUMBER.**

12 (a) IN GENERAL.—Section 303(a)(5)(A) of the Help  
13 America Vote Act of 2002 (52 U.S.C. 21083(a)(5)(A)) is  
14 amended—

15 (1) in clause (i), by striking “Except as pro-  
16 vided in clause (ii), notwithstanding any other provi-  
17 sion of law, an application” and inserting “An appli-  
18 cation”;

19 (2) in clause (i)(II), by striking “ (other than  
20 an applicant to whom clause (ii) applies)”;

21 (3) by amending clause (ii) to read as follows:

22 “(ii) SPECIAL RULE FOR APPLICANTS  
23 WITHOUT DRIVER’S LICENSE OR SOCIAL  
24 SECURITY NUMBER.—If an applicant for  
25 voter registration for an election for Fed-

1 eral office has not been issued a current  
2 and valid driver’s license or a social secu-  
3 rity number, the State shall assign the ap-  
4 plicant a temporary number which shall be  
5 valid to identify the applicant for the pur-  
6 poses of voter registration only during the  
7 period that begins on the date the tem-  
8 porary number is assigned and ends 30  
9 days after the date that the applicant re-  
10 ceives a current and valid driver’s license  
11 or a social security number. If the appli-  
12 cant fails to provide a driver’s license num-  
13 ber or the last 4 digits of the social secu-  
14 rity number (as the case may be) to the  
15 State during the 30-day period that begins  
16 on the date the applicant receives such  
17 driver’s license or social security number,  
18 the applicant’s application for voter reg-  
19 istration with respect to which the tem-  
20 porary number was assigned may not be  
21 accepted or processed by the State.”.

22 **SEC. 139. GAO STUDY ON DOMESTIC MANUFACTURING AND**  
23 **ASSEMBLY OF VOTING EQUIPMENT.**

24 (a) **STUDY REQUIRED.**—The Comptroller General of  
25 the United States shall carry out a study on the feasibility

1 and requirements for all voting equipment used in elec-  
2 tions for Federal office to be manufactured and assembled  
3 in the United States, which shall include an assessment  
4 of the importance of maintaining a secure supply chain  
5 for such voting equipment.

6 (b) SUBMITTAL.—Not later than 2 years after the  
7 date of the enactment of this Act, the Comptroller General  
8 shall submit a report containing the results of the study  
9 carried out under subsection (a) to—

- 10 (1) the appropriate congressional committees;
- 11 (2) the chief State election official of each  
12 State;
- 13 (3) the Election Assistance Commission; and
- 14 (4) the National Institute of Standards and  
15 Technology.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that it is in the national interest of the United States  
18 that equipment used for voting in American elections be  
19 developed, programmed, manufactured, and assembled  
20 within the United States under the authority of United  
21 States persons.

1 **Subtitle D—District of Columbia**  
2 **Election Integrity and Voter**  
3 **Confidence**

4 **SEC. 141. SHORT TITLE.**

5 This subtitle may be cited as the “American Con-  
6 fidence in Elections: District of Columbia Election Integ-  
7 rity and Voter Confidence Act”.

8 **SEC. 142. STATEMENT OF CONGRESSIONAL AUTHORITY;**  
9 **FINDINGS.**

10 (a) STATEMENT OF CONGRESSIONAL AUTHORITY.—  
11 Congress finds that it has the authority to establish the  
12 terms and conditions for the administration of elections  
13 for public office in the District of Columbia—

14 (1) pursuant to article I, section 8, clause 17  
15 of the Constitution of the United States, which  
16 grants Congress the exclusive power to enact legisla-  
17 tion with respect to the seat of the government of  
18 the United States;

19 (2) with recognition of the Residence Act of  
20 1790, which Congress passed pursuant to the above  
21 authority and which established the City of Wash-  
22 ington in the District of Columbia as the seat of the  
23 government of the United States;

24 (3) pursuant to article I, section 8, clause 18  
25 of the Constitution of the United States, which



1 grants Congress the authority to “make all Laws  
2 which shall be necessary and proper for carrying  
3 into Execution” its enumerated powers; and

4 (4) under other enumerated powers granted to  
5 Congress.

6 (b) FINDINGS.—Congress finds the following:

7 (1) Voter identification requirements in the  
8 District of Columbia are some of the weakest in the  
9 country. Currently, voters in the District of Colum-  
10 bia are required only to provide proof of residence  
11 the first time they vote and are never asked to pro-  
12 vide anything again.

13 (2) In the 2012 general election, the District of  
14 Columbia was wholly unprepared for early voters.  
15 Several polling locations featured only one or two  
16 voting machines. As a result, some voters waited in  
17 line for hours while others waited for hours only to  
18 be turned away as the polls closed.

19 (3) Following the 2012 general election, the ex-  
20 ecutive director of the D.C. Board of Elections testi-  
21 fied that missteps had taken place during the elec-  
22 tion. Voters complained that some precincts were not  
23 accessible for the disabled, while poorly trained em-  
24 ployees ran sites elsewhere in the District. In other  
25 cases, voters were provided with ballots that were

1 not correct for their addresses, allowing them to vote  
2 in races in other wards.

3 (4) In the District of Columbia's 2014 April  
4 Democratic primary, voters had to wait several  
5 hours after polls closed before receiving meaningful  
6 election returns because of problems with voting ma-  
7 chines that led to an unusually lengthy and chaotic  
8 tabulation process.

9 (5) In the aftermath of that primary, while the  
10 District of Columbia originally blamed a handful of  
11 voting machines for late election results, the execu-  
12 tive director later clarified that the issue came from  
13 a broad computer network failure. As a result, on  
14 election night, ballots did not begin to be counted  
15 until 10:00 p.m. The executive director said "on  
16 election night, polling officials never really did deter-  
17 mine the problem..."All this occurred despite record  
18 low turnout for the primary.

19 (6) Before the 2014 midterm election, the execu-  
20 tive director stated that he hoped that ballot count-  
21 ing would be done before midnight but could not  
22 offer any promises based on the District of Colum-  
23 bia's previous history.

1           (7) Following the 2014 midterm election, the  
2 Office of the District of Columbia Auditor performed  
3 an audit of the election and found the following:

4           (A) 23 of 89 precincts visited did not have  
5 the minimum number of poll workers des-  
6 ignated in city election procedures. In total, 168  
7 workers did not come to work as scheduled, and  
8 others that were not trained to perform certain  
9 functions had to take on new jobs.

10           (B) 37 of the 89 precincts inspected fea-  
11 tured polling places not fully accessible to dis-  
12 abled voters. Some issues included missing or  
13 inoperable doorbells to alert poll workers that a  
14 wheelchair-bound voter needed assistance, as  
15 well as a lack of accessible parking spaces and  
16 entrances.

17           (C) 57 of the 89 precincts featured election  
18 and non-election equipment issues affecting a  
19 wide range of the Election Day technology —  
20 including paper ballot readers, electronic poll  
21 books and touch-screen voting machines.

22           (8) In 2016, the Office of the District of Co-  
23 lumbia Auditor released a report titled “The District  
24 of Columbia Voter File: Compliance with Law and  
25 Best Practices”, which included the following:

1 (A) In 2015, the Board of Elections, as re-  
2 quired under District law, sent out written no-  
3 tices to 260,000 inactive voters through the  
4 U.S. Postal Service in an attempt to maintain  
5 accurate voter registration rolls. 38,179, or al-  
6 most 15 percent of those postcards, were re-  
7 turned as undeliverable.

8 (B) The Office of the Auditor took a sam-  
9 ple of thirty-three decedents who had died be-  
10 tween January of 2011 and December of 2014.  
11 The audit found that all of the thirty-three de-  
12 cedents were still on the District's voter reg-  
13 istration rolls.

14 (C) The District of Columbia is a member  
15 of the Electronic Registration Information Cen-  
16 ter (ERIC). According to ERIC, 13,651 voters  
17 were registered in the District of Columbia and  
18 another jurisdiction. The D.C. Board of Elec-  
19 tions contacted every voter with a duplicate reg-  
20 istration. 6,000 voters confirmed they now re-  
21 sided outside the District of Columbia and the  
22 other 7,651 or 56 percent of voters with a du-  
23 plicate registration did not respond.

24 (9) The District of Columbia allows for same-  
25 day registration and automatic voter registration. In

1       2018, the District of Columbia implemented an  
2       Automatic Voter Registration program through the  
3       Department of Motor Vehicles (DMV). Now, any  
4       DMV application automatically serves as an applica-  
5       tion to register to vote or update registration  
6       records, unless the applicant affirmatively opts out  
7       of this registration option.

8               (10) In 2020, voting in the District of Colum-  
9       bia for the June primary election was fraught with  
10       problems. Some voters waited in line for hours, and  
11       thousands of voters who requested absentee mail-in  
12       ballots never received them. As a result, the District  
13       of Columbia allowed voters that never received their  
14       absentee ballot to cast their ballots via unsecured  
15       email. During the Committee on House Administra-  
16       tion and Committee on Oversight and Accountability  
17       joint hearing titled “American Confidence in Elec-  
18       tions: The Path to Election Integrity in the District  
19       of Columbia”, witnesses called by Republicans and  
20       Democrats both agreed that casting a ballot via un-  
21       secured email raised serious security and voter iden-  
22       tification concerns.

23               (11) In 2020, the District of Columbia Board  
24       of Elections mailed every registered voter a ballot  
25       for the general election. Voters were still permitted

1 to vote in-person. The Board mailed 421,791 ballots,  
2 and 48,018 of them were undeliverable, more than  
3 eleven percent. This is a rate more than eight times  
4 higher than the national average.

5 (12) Even after mailing every registered voter  
6 a ballot in the 2020 general election, the District of  
7 Columbia had lower voter turnout rates than States  
8 like Florida, Ohio, and Georgia. In 2020, the Dis-  
9 trict of Columbia reported a roughly 64 percent  
10 turnout while Florida reported 77 percent, Ohio re-  
11 ported roughly 74 percent, and Georgia reported 66  
12 percent.

13 (13) In 2022, the District of Columbia Board  
14 of Elections mailed every registered voter a ballot  
15 for the midterm primary election. Voters were still  
16 allowed to vote in person. The Board mailed  
17 402,323 ballots, and 65,398 ballots, or about 16  
18 percent, were undeliverable. This is an increase of  
19 17,380 in undeliverable ballots between the 2020  
20 general election and the 2022 primary election.

21 (14) In 2022, the District of Columbia Board  
22 of Elections mailed every registered voter a ballot  
23 for the November general election. Voters were still  
24 allowed to vote in person. The Board mailed  
25 508,543 ballots, and 87,921 were undeliverable. The

1 rate of undeliverable ballots mailed out for the gen-  
2 eral election in 2022 was 17 percent, an increase of  
3 about six basis points from the 2020 election. In ad-  
4 dition, the District of Columbia mailed over 500 vot-  
5 ers an incorrect ballot. At the time of the 2022 elec-  
6 tion, the COVID–19 pandemic was largely over, al-  
7 lowing voters to vote in person without issue, unlike  
8 during the 2020 election.

9 (15) Despite mailing every registered voter a  
10 ballot in the 2022 midterm election, the District of  
11 Columbia had far lower voter turnout rates than  
12 States like Florida, Georgia, and Ohio. In 2022, the  
13 District of Columbia reported roughly 40 percent  
14 turnout while Florida reported 54 percent, Ohio re-  
15 ported 52 percent, and Georgia reported roughly 57  
16 percent.

17 (16) The Local Resident Voting Rights Amend-  
18 ment Act of 2022 allows noncitizen green-card hold-  
19 ers and illegal aliens to cast a ballot in local races,  
20 as long as the non-citizen voter is at least eighteen  
21 years of age and has resided in the District of Co-  
22 lumbia for thirty days. The law will take effect in  
23 2024. Estimates as to the number of non-citizens of  
24 voting age living in the District of Columbia range  
25 from 21,000 to 42,000, potentially half of whom are

1 illegal aliens. Even according to the low estimates,  
2 there are more than enough non-citizens of voting  
3 age living in the District of Columbia to impact elec-  
4 tion outcomes in some wards.

5 (17) On February 9, 2023, the U.S. House of  
6 Representatives, by a vote of 260 to 162, passed  
7 H.J. Res. 24, disapproving the Local Resident Vot-  
8 ing Rights Amendment Act of 2022 under the Dis-  
9 trict of Columbia Home Rule Act.

10 **SEC. 143. REQUIREMENTS FOR ELECTIONS IN DISTRICT OF**  
11 **COLUMBIA.**

12 (a) REQUIREMENTS DESCRIBED.—Title III of the  
13 Help America Vote Act of 2002 (52 U.S.C. 21801 et seq.)  
14 is amended by adding at the end the following new sub-  
15 title:

16 **“Subtitle C—Requirements for**  
17 **Elections in District of Columbia**

18 **“SEC. 321. STATEMENT OF CONGRESSIONAL AUTHORITY;**  
19 **FINDINGS.**

20 “Congress finds that it has the authority to establish  
21 the terms and conditions for the administration of elec-  
22 tions for public office in the District of Columbia—

23 “(1) pursuant to article I, section 8, clause 17  
24 of the Constitution of the United States, which  
25 grants Congress the exclusive power to enact legisla-



1 tion with respect to the seat of the government of  
2 the United States;

3 “(2) with recognition of the Residence Act of  
4 1790, which Congress passed pursuant to the above  
5 authority and which established the City of Wash-  
6 ington in the District of Columbia as the seat of the  
7 government of the United States;

8 “(3) pursuant to article I, section 8, clause 18  
9 of the Constitution of the United States, which  
10 grants Congress the authority to ‘make all Laws  
11 which shall be necessary and proper for carrying  
12 into Execution’ its enumerated powers; and

13 “(4) under other enumerated powers granted to  
14 Congress.

15 **“SEC. 322. REQUIREMENTS FOR PHOTO IDENTIFICATION.**

16 “(a) **SHORT TITLE.**—This section may be cited as the  
17 ‘American Confidence in Elections: District of Columbia  
18 Voter Identification Act’.

19 “(b) **REQUIRING PROVISION OF IDENTIFICATION TO**  
20 **RECEIVE A BALLOT OR VOTE.**—

21 “(1) **INDIVIDUALS VOTING IN PERSON.**—A Dis-  
22 trict of Columbia election official may not provide a  
23 ballot for a District of Columbia election to an indi-  
24 vidual who desires to vote in person unless the indi-

1       vidual presents to the official an identification de-  
2       scribed in paragraph (3).

3           “(2) INDIVIDUALS VOTING OTHER THAN IN  
4       PERSON.—A District of Columbia election official  
5       may not provide a ballot for a District of Columbia  
6       election to an individual who desires to vote other  
7       than in person unless the individual submits with  
8       the application for the ballot a copy of an identifica-  
9       tion described in paragraph (3).

10           “(3) IDENTIFICATION DESCRIBED.—An identi-  
11       fication described in this paragraph is, with respect  
12       to an individual, any of the following:

13           “(A) A current and valid motor vehicle li-  
14       cense issued by the District of Columbia or any  
15       other current and valid photo identification of  
16       the individual which is issued by the District of  
17       Columbia or the identification number for such  
18       motor vehicle license or photo identification.

19           “(B) A current and valid United States  
20       passport, a current and valid military photo  
21       identification, or any other current and valid  
22       photo identification of the individual which is  
23       issued by the Federal Government.

1           “(C) Any current and valid photo identi-  
2           fication of the individual which is issued by a  
3           Tribal Government.

4           “(D) A student photo identification issued  
5           by a secondary school (as such term is defined  
6           in section 8101 of the Elementary and Sec-  
7           ondary Education Act of 1965 (20 U.S.C.  
8           7801)) or an institution of higher education (as  
9           such term is defined in section 101 of the High-  
10          er Education Act of 1965 (20 U.S.C. 1001)).

11          “(E) The last 4 digits of the individual’s  
12          social security number.

13          “(4) ENSURING PROOF OF RESIDENCE.—If an  
14          individual presents or submits an identification de-  
15          scribed in paragraph (3) which does not include the  
16          address of the individual’s residence, the District of  
17          Columbia election official may not provide a ballot to  
18          the individual unless the individual presents or sub-  
19          mits a document or other written information from  
20          a third party which—

21                 “(A) provides the address of the individ-  
22                 ual’s residence; and

23                 “(B) such document or other written infor-  
24                 mation is of sufficient validity such that the

1 election official is reasonably certain as to the  
2 identity of the individual.

3 “(c) PROVISION OF IDENTIFICATION WITHOUT COST  
4 TO INDIGENT INDIVIDUALS.—If the District of Columbia  
5 charges an individual a fee for an identification described  
6 in subsection (b)(3) and the individual provides an attesta-  
7 tion that the individual is unable to afford the fee, the  
8 District of Columbia shall provide the identification to the  
9 individual at no cost.

10 “(d) SPECIAL RULE WITH RESPECT TO SINCERELY  
11 HELD RELIGIOUS BELIEFS.—In the case of an individual  
12 who is unable to comply with the requirements of sub-  
13 section (b) due to sincerely held religious beliefs, the Dis-  
14 trict of Columbia shall provide such individual with an al-  
15 ternative identification that shall be deemed to meet the  
16 requirements of an identification described in subsection  
17 (b)(3).

18 “(e) DESIGNATION OF DISTRICT OF COLUMBIA  
19 AGENCY TO PROVIDE COPIES OF IDENTIFICATION.—The  
20 Mayor of the District of Columbia shall designate an agen-  
21 cy of the District of Columbia government to provide an  
22 individual with a copy of an identification described in  
23 subsection (b)(3) at no cost to the individual for the pur-  
24 poses of meeting the requirement under subsection (b)(2).

25 “(f) INCLUSION OF PHOTOS IN POLL BOOKS.—

1           “(1) SHORT TITLE.—This subsection may be  
2           cited as the ‘American Confidence in Elections: Dis-  
3           trict of Columbia Photographic Poll Books Act’.

4           “(2) METHODS FOR OBTAINING PHOTOS.—

5           “(A) PROVISION OF PHOTOS BY OFFICES  
6           OF DISTRICT OF COLUMBIA GOVERNMENT.—If  
7           any office of the District of Columbia govern-  
8           ment has a photograph or digital image of the  
9           likeness of an individual who is eligible to vote  
10          in a District of Columbia election, the office, in  
11          consultation with the chief election official of  
12          the District of Columbia, shall provide access to  
13          the photograph or digital image to the chief  
14          election official of the District of Columbia.

15          “(B) TAKING OF PHOTOS AT POLLING  
16          PLACE.—If a photograph or digital image of an  
17          individual who votes in person at a polling place  
18          is not included in the poll book which contains  
19          the names of the individuals who are eligible to  
20          vote in the District of Columbia election and  
21          which is used by election officials to provide  
22          ballots to such eligible individuals, the appro-  
23          priate election official shall take a photograph  
24          of the individual and provide access to the pho-

1           tograph to the chief election official of the Dis-  
2           trict of Columbia.

3           “(C) COPIES OF PHOTOS PROVIDED BY IN-  
4           DIVIDUALS NOT VOTING IN PERSON.—The elec-  
5           tion official who receives a copy of an identifica-  
6           tion described in subsection (b)(3) which is sub-  
7           mitted by an individual who desires to vote  
8           other than in person at a polling place shall  
9           provide access to the copy of the identification  
10          to the chief election official of the District of  
11          Columbia.

12          “(3) INCLUSION IN POLL BOOKS.—The chief  
13          election official of the District of Columbia shall en-  
14          sure that the most recently available photograph,  
15          digital image, or copy of an identification for which  
16          access is provided under paragraph (2) is included  
17          in the poll book which contains the name of the indi-  
18          viduals who are eligible to vote in the District of Co-  
19          lumbia election and which is used by election offi-  
20          cials to provide ballots to such eligible individuals.

21          “(4) PROTECTION OF PRIVACY OF VOTERS.—  
22          The appropriate election officials of the District of  
23          Columbia shall ensure that any photograph, digital  
24          image, or copy of an identification which is included  
25          in a poll book under this subsection is not used for

1 any purpose other than the administration of Dis-  
2 trict of Columbia elections and is not provided or  
3 otherwise made available to any other person except  
4 as may be necessary to carry out that purpose.

5 “(g) EXCEPTIONS.—This section does not apply with  
6 respect to any individual who is—

7 “(1) entitled to vote by absentee ballot under  
8 the Uniformed and Overseas Citizens Absentee Vot-  
9 ing Act (52 U.S.C. 20301 et seq.);

10 “(2) provided the right to vote otherwise than  
11 in person under section 3(b)(2)(B)(ii) of the Voting  
12 Accessibility for the Elderly and Handicapped Act  
13 (52 U.S.C. 20102(b)(2)(B)(ii)); or

14 “(3) entitled to vote otherwise than in person  
15 under any other Federal law.

16 “(h) DEFINITIONS.—For the purposes of this section,  
17 the following definitions apply:

18 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’  
19 has the meaning given the term ‘Indian tribe’ in sec-  
20 tion 4 of the Indian Self-Determination and Edu-  
21 cation Assistance Act (25 U.S.C. 5304).

22 “(2) TRIBAL GOVERNMENT.—The term ‘Tribal  
23 Government’ means the recognized governing body  
24 of an Indian Tribe.

1 **“SEC. 323. REQUIREMENTS FOR VOTER REGISTRATION.**

2 “(a) SHORT TITLE.—This section may be cited as the  
3 ‘American Confidence in Elections: District of Columbia  
4 Voter List Maintenance Act’.

5 “(b) ANNUAL LIST MAINTENANCE.—

6 “(1) REQUIREMENTS.—

7 “(A) IN GENERAL.—The District of Co-  
8 lumbia shall carry out annually a program to  
9 remove ineligible persons from the official list of  
10 persons registered to vote in the District of Co-  
11 lumbia, as required by section 8 of the National  
12 Voter Registration Act of 1993 (52 U.S.C.  
13 20507) and pursuant to the procedures de-  
14 scribed in subparagraph (B).

15 “(B) REMOVAL FROM VOTER ROLLS.—In  
16 the case of a registrant from the official list of  
17 eligible voters in District of Columbia elections  
18 who has failed to vote in a District of Columbia  
19 election during a period of two consecutive  
20 years, the District of Columbia shall send to  
21 such registrant a notice described in section  
22 8(d)(2) of the National Voter Registration Act  
23 of 1993 (52 U.S.C. 20507(d)(2)) and shall re-  
24 move the registrant from the official list of eli-  
25 gible voters in District of Columbia elections  
26 if—



1 “(i) the registrant fails to respond to  
2 such notice; and

3 “(ii) the registrant has not voted or  
4 appeared to vote in a District of Columbia  
5 election during the period beginning the  
6 date such notice is sent and ending the  
7 later of 4 years after the date such notice  
8 is sent or after two consecutive District of  
9 Columbia general elections have been held.

10 “(2) TIMING.—In the case of a year during  
11 which a regularly scheduled District of Columbia  
12 election is held, the District of Columbia shall carry  
13 out the program described in paragraph (1) not  
14 later than 90 days prior to the date of the election.

15 “(c) PROHIBITING SAME-DAY REGISTRATION.—The  
16 District of Columbia may not permit an individual to vote  
17 in a District of Columbia election unless, not later than  
18 30 days prior to the date of the election, the individual  
19 is duly registered to vote in the election.

20 **“SEC. 324. BAN ON COLLECTION AND TRANSMISSION OF**  
21 **BALLOTS BY CERTAIN THIRD PARTIES.**

22 “(a) SHORT TITLE.—This section may be cited as the  
23 ‘American Confidence in Elections: District of Columbia  
24 Election Fraud Prevention Act’.

1       “(b) IN GENERAL.—The District of Columbia may  
2 not permit an individual to knowingly collect and transmit  
3 a ballot in a District of Columbia election that was mailed  
4 to another person, other than an individual described as  
5 follows:

6           “(1) An election official while engaged in offi-  
7 cial duties as authorized by law.

8           “(2) An employee of the United States Postal  
9 Service or other commercial common carrier engaged  
10 in similar activities while engaged in duties author-  
11 ized by law.

12           “(3) Any other individual who is allowed by law  
13 to collect and transmit United States mail, while en-  
14 gaged in official duties as authorized by law.

15           “(4) A family member, household member, or  
16 caregiver of the person to whom the ballot was  
17 mailed.

18       “(c) DEFINITIONS.—For purposes of this section,  
19 with respect to a person to whom the ballot was mailed:

20           “(1) The term ‘caregiver’ means an individual  
21 who provides medical or health care assistance to  
22 such person in a residence, nursing care institution,  
23 hospice facility, assisted living center, assisted living  
24 facility, assisted living home, residential care institu-  
25 tion, adult day health care facility, or adult foster

1 care home, except that such term does not include  
2 an individual who is an employee of the residence,  
3 nursing care institution, hospice facility, assisted liv-  
4 ing center, assisted living facility, assisted living  
5 home, residential care institution, adult day health  
6 care facility, or adult foster care home in which the  
7 individual provides such assistance to such person..

8 “(2) The term ‘family member’ means an indi-  
9 vidual who is related to such person by blood, mar-  
10 riage, adoption or legal guardianship.

11 “(3) The term ‘household member’ means an  
12 individual who resides at the same residence as such  
13 person.

14 **“SEC. 325. TIMELY PROCESSING AND REPORTING OF RE-**  
15 **SULTS.**

16 “(a) **SHORT TITLE.**—This section may be cited as the  
17 ‘American Confidence in Elections: District of Columbia  
18 Timely Reporting of Election Results Act’.

19 “(b) **TIME FOR PROCESSING BALLOTS AND REPORT-**  
20 **ING RESULTS.**— The District of Columbia shall begin  
21 processing ballots received by mail in a District of Colum-  
22 bia election as soon as such ballots are received and shall  
23 ensure that the results of such District of Columbia elec-  
24 tion are reported to the public not later than 12 hours  
25 after the closing of polls on the date of the election, but

1 in no case shall such ballots be tabulated or such results  
2 be reported earlier than the closing of polls on the date  
3 of the election.

4 “(c) REQUIREMENT TO PUBLISH NUMBER OF VOTED  
5 BALLOTS ON ELECTION DAY.—The District of Columbia  
6 shall, as soon as practicable after the closing of polls on  
7 the date of a District of Columbia election, make available  
8 on a publicly accessible website the total number of voted  
9 ballots in the possession of election officials in the District  
10 of Columbia as of the time of the closing of polls on the  
11 date of such election, which shall include, as of such  
12 time—

13 “(1) the number of voted ballots delivered by  
14 mail;

15 “(2) the number of ballots requested for such  
16 election by individuals who are entitled to vote by  
17 absentee ballot under the Uniformed and Overseas  
18 Citizens Absentee Voting Act (52 U.S.C. 20301 et  
19 seq.); and

20 “(3) the number of voted ballots for such elec-  
21 tion received from individuals who are entitled to  
22 vote by absentee ballot under the Uniformed and  
23 Overseas Citizens Absentee Voting Act (52 U.S.C.  
24 20301 et seq.), including from individuals who,

1 under such Act, voted by absentee ballot without re-  
2 questing such a ballot.

3 “(d) **REQUIREMENTS TO ENSURE BIPARTISAN ELEC-**  
4 **TION ADMINISTRATION ACTIVITY.**—With respect to a Dis-  
5 trict of Columbia election, District of Columbia election  
6 officials shall ensure that all activities are carried out in  
7 a bipartisan manner, which shall include a requirement  
8 that, in the case of an election worker who enters a room  
9 which contains ballots, voting equipment, or non voting  
10 equipment as any part of the election worker’s duties to  
11 carry out such election, the election worker is accompanied  
12 by an individual registered to vote with respect to a dif-  
13 ferent political party than such election worker, as deter-  
14 mined pursuant to the voting registration records of the  
15 District of Columbia.

16 **“SEC. 326. BAN ON NONCITIZEN VOTING.**

17 “(a) **SHORT TITLE.**—This section may be cited as the  
18 ‘American Confidence in Elections: District of Columbia  
19 Citizen Voter Act’.

20 “(b) **BAN ON NONCITIZEN VOTING.**—No individual  
21 may vote in a District of Columbia election unless the indi-  
22 vidual is a citizen of the United States.

1 **“SEC. 327. REQUIREMENTS WITH RESPECT TO PROVI-**  
2 **SIONAL BALLOTS.**

3 “(a) **SHORT TITLE.**—This section may be cited as the  
4 ‘American Confidence in Elections: District of Columbia  
5 Provisional Ballot Reform Act’.

6 “(b) **IN GENERAL.**—Except as provided in subsection  
7 (c), the District of Columbia shall permit an individual  
8 to cast a provisional ballot pursuant to section 302 if—

9 “(1) the individual declares that such individual  
10 is a registered voter in the District of Columbia and  
11 is eligible to vote in a District of Columbia election  
12 but the name of the individual does not appear on  
13 the official list of eligible voters for the polling place  
14 or an election official asserts that the individual is  
15 not eligible to vote; or

16 “(2) the individual declares that such individual  
17 is a registered voter in the District of Columbia and  
18 is eligible to vote in a District of Columbia election  
19 but does not provide an identification required under  
20 section 322, except that the individual’s provisional  
21 ballot shall not be counted in the election unless the  
22 individual provides such identification to the chief  
23 State election official of the District of Columbia not  
24 later than 5:00 pm on the second day which begins  
25 after the date of the election.

1           “(c) REQUIREMENTS WITH RESPECT TO COUNTING  
2 PROVISIONAL BALLOTS IN CERTAIN CASES.—If the name  
3 of an individual who is a registered voter in the District  
4 of Columbia and eligible to vote in a District of Columbia  
5 election appears on the official list of eligible voters for  
6 a polling place in the District of Columbia, such individual  
7 may cast a provisional ballot pursuant to section 302 for  
8 such election at a polling place other than the polling place  
9 with respect to which the name of the individual appears  
10 on the official list of eligible voters, except that the individ-  
11 ual’s provisional ballot shall not be counted in the election  
12 unless the individual demonstrates pursuant to the re-  
13 quirements under section 302 that the individual is a reg-  
14 istered voter in the jurisdiction of the polling place at  
15 which the individual cast such ballot.

16 **“SEC. 328. MANDATORY POST-ELECTION AUDITS.**

17           “(a) SHORT TITLE.—This section may be cited as the  
18 ‘American Confidence in Elections: District of Columbia  
19 Mandatory Post-Election Audits Act’.

20           “(b) REQUIREMENT FOR POST-ELECTION AUDITS.—

21                   “(1) REQUIREMENT.—Not later than 30 days  
22 after each District of Columbia election, the District  
23 of Columbia shall conduct and publish an audit of  
24 the effectiveness and accuracy of the voting systems,  
25 nonvoting election technology (as defined in section

1 298C), election procedures, and outcomes used to  
2 carry out the election and the performance of the  
3 election officials who carried out the election, but in  
4 no case shall such audit be completed later than 2  
5 business days before the deadline to file an election  
6 contest under the laws of the District of Columbia.

7 “(2) INDEPENDENCE OF AUDITOR.—No indi-  
8 vidual who participates in conducting the audit re-  
9 quired under this section may be an employee or  
10 contractor of an office of the District of Columbia  
11 which is responsible for the administration of Dis-  
12 trict of Columbia elections or of a subsidiary or affil-  
13 iate of such an office.

14 **“SEC. 329. PUBLIC OBSERVATION OF ELECTION PROCE-  
15 DURES.**

16 “(a) SHORT TITLE.—This section may be cited as the  
17 ‘American Confidence in Elections: District of Columbia  
18 Public Observation of Election Procedures Act’.

19 “(b) DESIGNATED REPRESENTATIVES OF CAN-  
20 DIDATES, POLITICAL PARTIES, AND COMMITTEES AFFILI-  
21 ATED WITH BALLOT INITIATIVES.—

22 “(1) AUTHORITY TO OBSERVE PROCEDURES.—  
23 An individual who is not a District of Columbia elec-  
24 tion official may observe election procedures carried  
25 out in a District of Columbia election, as described



1 in paragraph (2), if the individual is designated to  
2 observe such procedures by a candidate in the elec-  
3 tion, a political party, or a committee affiliated with  
4 a ballot initiative or referendum in the election.

5 “(2) AUTHORITY AND PROCEDURES DE-  
6 SCRIBED.—The authority of an individual to observe  
7 election procedures pursuant to this subsection is as  
8 follows:

9 “(A) The individual may serve as a poll  
10 watcher to observe the casting and tabulation of  
11 ballots at a polling place on the date of the elec-  
12 tion or on any day prior to the date of the elec-  
13 tion on which ballots are cast at early voting  
14 sites, and may challenge the casting or tabula-  
15 tion of any such ballot.

16 “(B) The individual may serve as a poll  
17 watcher to observe the canvassing and proc-  
18 essing of absentee or other mail-in ballots, in-  
19 cluding the procedures for verification of signed  
20 certificates of transmission under section  
21 330(c)(2).

22 “(C) The individual may observe the re-  
23 count of the results of the election at any loca-  
24 tion at which the recount is held, and may chal-

1           lenge the tabulation of any ballot tabulated pur-  
2           suant to the recount.

3           “(3) PROVISION OF CREDENTIALS.—The chief  
4           State election official of the District of Columbia  
5           shall provide each individual who is authorized to ob-  
6           serve election procedures under paragraph (1) with  
7           appropriate credentials to enable the individual to  
8           observe such procedures.

9           “(4) EXCEPTION FOR CANDIDATES AND LAW  
10          ENFORCEMENT OFFICERS.—An individual may not  
11          serve as a poll watcher under subparagraph (A) or  
12          (B) of paragraph (2), and the chief State election of-  
13          ficial of the District of Columbia may not provide  
14          the individual with credentials to enable the indi-  
15          vidual to serve as a poll watcher under such sub-  
16          paragraph, if the individual is a candidate in the  
17          election or a law enforcement officer.

18          “(c) OTHER INDIVIDUALS.—

19                 “(1) PETITION FOR OBSERVER CREDEN-  
20                 TIALS.—In addition to the individuals described in  
21                 subsection (b), any individual, including an indi-  
22                 vidual representing or affiliated with a domestic or  
23                 international organization, may petition the chief  
24                 State election official of the District of Columbia to  
25                 provide the individual with credentials to observe

1 election procedures carried out in a District of Co-  
2 lumbia election, as described in subsection (b).

3 “(2) AUTHORITY DESCRIBED.—If the chief  
4 State election official provides an individual with  
5 credentials under paragraph (1), the individual shall  
6 have the same authority to observe election proce-  
7 dures carried out in the election as an individual de-  
8 scribed in subsection (b), except that the individual  
9 may not challenge the casting, tabulation, can-  
10 vassing, or processing of any ballot in the election.

11 “(3) EXCEPTION FOR CANDIDATES AND LAW  
12 ENFORCEMENT OFFICERS.—The chief State election  
13 official of the District of Columbia may not provide  
14 an individual who is a candidate in the election or  
15 a law enforcement officer with credentials to serve as  
16 a poll watcher, as described in subparagraph (A) or  
17 (B) of subsection (b)(2).

18 “(d) AUTHORITY OF MEMBERS OF PUBLIC TO OB-  
19 SERVE TESTING OF EQUIPMENT.—In addition to the au-  
20 thority of individuals to observe procedures under sub-  
21 sections (b) and (c), any member of the public may ob-  
22 serve the testing of election equipment by election officials  
23 prior to the date of the election.

24 “(e) PROHIBITING LIMITS ON ABILITY TO VIEW PRO-  
25 CEDURES.—An election official may not obstruct the abil-

1 ity of an individual who is authorized to observe an elec-  
2 tion procedure under this section to view the procedure  
3 as it is being carried out.

4 “(f) PROHIBITION AGAINST CERTAIN RESTRIC-  
5 TIONS.—An election official may not require that an indi-  
6 vidual who observes election procedures under this section  
7 stays more than 3 feet away from the procedure as it is  
8 being carried out.

9 **“SEC. 330. REQUIREMENTS FOR VOTING BY MAIL-IN BAL-**  
10 **LOT.**

11 “(a) SHORT TITLE.—This section may be cited as the  
12 ‘American Confidence in Elections: District of Columbia  
13 Mail Balloting Reform Act’.

14 “(b) PROHIBITING TRANSMISSION OF UNSOLICITED  
15 BALLOTS.—The District of Columbia may not transmit  
16 an absentee or other mail-in ballot for a District of Colum-  
17 bia election to any individual who does not request the  
18 District of Columbia to transmit the ballot.

19 “(c) SIGNATURE VERIFICATION.—

20 “(1) INCLUSION OF CERTIFICATE WITH BAL-  
21 LOT.—The District of Columbia shall include with  
22 each absentee or other mail-in ballot transmitted for  
23 a District of Columbia election a certificate of trans-  
24 mission which may be signed by the individual for  
25 whom the ballot is transmitted.

1           “(2) REQUIRING VERIFICATION FOR BALLOT TO  
2 BE COUNTED.—Except as provided in subsection (d),  
3 the District of Columbia shall not accept an absen-  
4 tee or other mail-in ballot for a District of Columbia  
5 election unless—

6           “(A) the individual for whom the ballot  
7 was transmitted—

8           “(i) signs and dates the certificate of  
9 transmission included with the ballot under  
10 paragraph (1); and

11           “(ii) includes the signed certification  
12 with the ballot and the date on such cer-  
13 tification is accurate and in no case later  
14 than the date of the election; and

15           “(B) the individual’s signature on the bal-  
16 lot matches the signature of the individual on  
17 the official list of registered voters in the Dis-  
18 trict of Columbia or other official record or doc-  
19 ument used by the District of Columbia to  
20 verify the signatures of voters.

21           “(d) NOTICE AND OPPORTUNITY TO CURE.—

22           “(1) NOTICE AND OPPORTUNITY TO CURE DIS-  
23 CREPANCY IN SIGNATURES.—If an individual sub-  
24 mits an absentee or other mail-in ballot for a Dis-  
25 trict of Columbia election and the appropriate Dis-

1        trict of Columbia election official determines that a  
2        discrepancy exists between the signature on such  
3        ballot and the signature of such individual on the of-  
4        ficial list of registered voters in the District of Co-  
5        lumbia or other official record or document used by  
6        the District of Columbia to verify the signatures of  
7        voters, such election official, prior to making a final  
8        determination as to the validity of such ballot,  
9        shall—

10                “(A) make a good faith effort to imme-  
11                diately notify the individual by mail, telephone,  
12                or (if available) text message or electronic mail  
13                that—

14                        “(i) a discrepancy exists between the  
15                        signature on such ballot and the signature  
16                        of the individual on the official list of reg-  
17                        istered voters in the District of Columbia  
18                        or other official record or document used  
19                        by the District of Columbia to verify the  
20                        signatures of voters; and

21                        “(ii) if such discrepancy is not cured  
22                        prior to the expiration of the 48-hour pe-  
23                        riod which begins on the date the official  
24                        notifies the individual of the discrepancy,  
25                        such ballot will not be counted; and

1           “(B) cure such discrepancy and count the  
2           ballot if, prior to the expiration of the 48-hour  
3           period described in subparagraph (A)(ii), the  
4           individual provides the official with information  
5           to cure such discrepancy, either in person, by  
6           telephone, or by electronic methods.

7           “(2) NOTICE AND OPPORTUNITY TO CURE MISS-  
8           ING SIGNATURE OR OTHER DEFECT.—If an indi-  
9           vidual submits an absentee or other mail-in ballot  
10          for a District of Columbia election without a signa-  
11          ture on the ballot or the certificate of transmission  
12          included with the ballot under subsection (c)(1) or  
13          submits an absentee ballot with another defect  
14          which, if left uncured, would cause the ballot to not  
15          be counted, the appropriate District of Columbia  
16          election official, prior to making a final determina-  
17          tion as to the validity of the ballot, shall—

18                 “(A) make a good faith effort to imme-  
19                 diately notify the individual either by mail, tele-  
20                 phone, or (if available) text message or elec-  
21                 tronic mail that—

22                         “(i) the ballot or certificate of trans-  
23                         mission did not include a signature or has  
24                         some other defect; and

1           “(ii) if the individual does not provide  
2           the missing signature or cure the other de-  
3           fect prior to the expiration of the 48-hour  
4           period which begins on the date the official  
5           notifies the individual that the ballot or  
6           certificate of transmission did not include  
7           a signature or has some other defect, such  
8           ballot will not be counted; and

9           “(B) count the ballot if, prior to the expi-  
10          ration of the 48-hour period described in sub-  
11          paragraph (A)(ii), the individual provides the  
12          official with the missing signature on a form  
13          proscribed by the District of Columbia or cures  
14          the other defect.

15          This paragraph does not apply with respect to a de-  
16          fect consisting of the failure of a ballot to meet the  
17          applicable deadline for the acceptance of the ballot,  
18          as described in subsection (e).

19          “(e) DEADLINE FOR ACCEPTANCE.—

20                 “(1) DEADLINE.—Except as provided in para-  
21                 graph (2), the District of Columbia may not accept  
22                 an absentee or other mail-in ballot for a District of  
23                 Columbia election which is received by the appro-  
24                 priate election official following the close of polls on  
25                 Election Day.



1           “(2) EXCEPTION FOR ABSENT MILITARY AND  
2 OVERSEAS VOTERS.—Paragraph (1) does not apply  
3 to a ballot cast by an individual who is entitled to  
4 vote by absentee ballot under the Uniformed and  
5 Overseas Citizens Absentee Voting Act (52 U.S.C.  
6 20301 et seq.).

7           “(3) RULE OF CONSTRUCTION.—Nothing in  
8 this subsection may be construed as prohibiting the  
9 District of Columbia from accepting an absentee or  
10 other mail-in ballot for a District of Columbia elec-  
11 tion that is delivered in person by the voter to an  
12 election official at an appropriate polling place or  
13 the District of Columbia Board of Elections if such  
14 ballot is received by the election official by the dead-  
15 line described in paragraph (1).

16 **“SEC. 331. REQUIREMENTS WITH RESPECT TO USE OF**  
17 **DROP BOXES.**

18           “(a) SHORT TITLE.—This section may be cited as the  
19 ‘American Confidence in Elections: District of Columbia  
20 Ballot Security Act’.

21           “(b) REQUIREMENTS.—With respect to a District of  
22 Columbia election, the District of Columbia may not use  
23 a drop box to accept a voted absentee or other mail-in  
24 ballot for any such election unless—

1           “(1) any such drop box is located inside a Dis-  
2           trict of Columbia government building or facility;

3           “(2) the District of Columbia provides for the  
4           security of any such drop box through 24-hour re-  
5           mote or electronic surveillance; and

6           “(3) the District of Columbia Board of Elec-  
7           tions collects any ballot deposited in any such drop  
8           box each day after 5:00 p.m. (local time) during the  
9           period of the election.

10 **“SEC. 332. SPECIAL RULE WITH RESPECT TO APPLICATION**  
11 **OF REQUIREMENTS TO FEDERAL ELECTIONS.**

12           “With respect to an election for Federal office in the  
13           District of Columbia, to the extent that there is any incon-  
14           sistency with the requirements of this subtitle and the re-  
15           quirements of subtitle A, the requirements of this subtitle  
16           shall apply.

17 **“SEC. 333. PROHIBITING THE USE OF RANKED CHOICE VOT-**  
18 **ING.**

19           “(a) **SHORT TITLE.**—This section may be cited as the  
20           ‘American Confidence in Elections: District of Columbia  
21           One Vote One Choice Act’.

22           “(b) **PROHIBITION.**—The District of Columbia may  
23           not carry out a District of Columbia election using a sys-  
24           tem of ranked choice voting under which each voter shall

1 rank the candidates for the office in the order of the vot-  
2 er's preference.

3 **“SEC. 334. EARLY VOTING.**

4 “(a) **REQUIRING EARLY VOTING.**—

5 “(1) **IN GENERAL.**—The District of Columbia  
6 shall allow individuals to vote in person in a District  
7 of Columbia election during an early voting period  
8 which occurs prior to the date of the election, in the  
9 same manner as in person voting is allowed on such  
10 date.

11 “(2) **LENGTH OF PERIOD.**—The early voting  
12 period required under this subsection with respect to  
13 a District of Columbia election shall consist of not  
14 more than 10 days during the period of consecutive  
15 days (including weekends) which begins on the 14th  
16 day before the date of the election and ends on the  
17 date of the election.

18 “(b) **POLLING PLACE REQUIREMENTS.**—Each poll-  
19 ing place which allows voting during an early voting period  
20 under subsection (a) shall have the same hours for each  
21 day on which such voting occurs as the polling place has  
22 on the date of the election.

23 **“SEC. 335. DISTRICT OF COLUMBIA ELECTION DEFINED.**

24 “In this subtitle, the term ‘District of Columbia elec-  
25 tion’ means any election for public office in the District

1 of Columbia, including an election for Federal office, and  
2 any ballot initiative or referendum.”.

3 (b) CONFORMING AMENDMENT RELATING TO EN-  
4 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
5 is amended by striking the period at the end and inserting  
6 the following: “, and the requirements of subtitle C with  
7 respect to the District of Columbia.”.

8 (c) CLERICAL AMENDMENT.—The table of contents  
9 of such Act is amended by adding at the end of the items  
10 relating to title III the following:

“Subtitle C—Requirements for Elections in District of Columbia

“Sec. 321. Statement of congressional authority; findings.

“Sec. 322. Requirements for photo identification.

“Sec. 323. Requirements for voter registration.

“Sec. 324. Ban on collection and transmission of ballots by certain third  
parties.

“Sec. 325. Timely processing and reporting of results.

“Sec. 326. Ban on noncitizen voting.

“Sec. 327. Requirements with respect to provisional ballots.

“Sec. 328. Mandatory post-election audits.

“Sec. 329. Public observation of election procedures.

“Sec. 330. Requirements for voting by mail-in ballot.

“Sec. 331. Requirements with respect to use of drop boxes.

“Sec. 332. Special rule with respect to application of requirements to Fed-  
eral elections.

“Sec. 333. Prohibiting the use of ranked choice voting.

“Sec. 334. Early voting.

“Sec. 335. District of Columbia election defined.

11 **SEC. 144. REPEAL OF LOCAL RESIDENT VOTING RIGHTS**  
12 **AMENDMENT ACT OF 2022.**

13 The Local Resident Voting Rights Amendment Act  
14 of 2022 (D.C. Law 24–242) is repealed, and any provision  
15 of law amended or repealed by such Act shall be restored  
16 or revived as if such Act had not been enacted into law.

1 **SEC. 145. EFFECTIVE DATE.**

2 The amendments made by this subtitle shall apply  
3 with respect to District of Columbia elections held on or  
4 after January 1, 2024. For purposes of this section, the  
5 term “District of Columbia election” has the meaning  
6 given such term in section 333 of the Help America Vote  
7 Act of 2002, as added by section 143(a).

8 **Subtitle E—Administration of the**  
9 **Election Assistance Commission**

10 **SEC. 151. SHORT TITLE.**

11 This subtitle may be cited as the “Positioning the  
12 Election Assistance Commission for the Future Act of  
13 2023”.

14 **SEC. 152. FINDINGS RELATING TO THE ADMINISTRATION**  
15 **OF THE ELECTION ASSISTANCE COMMISSION.**

16 Congress finds the following:

17 (1) The Election Assistance Commission best  
18 serves the American people when operating within  
19 its core statutory functions, including serving as a  
20 clearinghouse for information on election administra-  
21 tion, providing grants, and testing and certifying  
22 election equipment.

23 (2) The American people are best served when  
24 Federal agency election assistance is offered by a  
25 single agency with expertise in this space. The Elec-  
26 tion Assistance Commission, composed of four elec-

1 tion experts from different political parties, is best  
2 situated among the Federal Government agencies to  
3 offer assistance services to citizens and to guide  
4 other Federal agencies that have responsibilities in  
5 the elections space. The Commission is also best  
6 suited to determine the timing of the issuance of any  
7 advisories and to disburse all appropriated election  
8 grant funding.

9 (3) To this end, Congress finds that the Elec-  
10 tion Assistance Commission should be viewed as the  
11 lead Federal Government agency on all election ad-  
12 ministration matters, and other Federal agencies op-  
13 erating in this space should look to the Commission  
14 for guidance, direction, and support on election ad-  
15 ministration-related issues.

16 **SEC. 153. REQUIREMENTS WITH RESPECT TO STAFF AND**  
17 **FUNDING OF THE ELECTION ASSISTANCE**  
18 **COMMISSION.**

19 (a) STAFF.—Section 204(a)(5) of the Help America  
20 Vote Act of 2002 (52 U.S.C. 20924(a)(5)) is amended by  
21 striking “of such additional personnel” and inserting “of  
22 not more than 55 full-time equivalent employees to carry  
23 out the duties and responsibilities under this Act and the  
24 additional duties and responsibilities required under the  
25 American Confidence in Elections Act”.

1 (b) FUNDING.—Section 210 of the Help America  
2 Vote Act of 2002 (52 U.S.C. 20930) is amended—

3 (1) by striking “for each of the fiscal years  
4 2003 through 2005” and inserting “for each of the  
5 fiscal years 2024 through 2026”; and

6 (2) by striking “(but not to exceed \$10,000,000  
7 for each such year)” and inserting “(but not to ex-  
8 ceed \$25,000,000 for each such year)”.

9 (c) PROHIBITION ON CERTAIN USE OF FUNDS.—

10 (1) PROHIBITION.—None of the funds author-  
11 ized to be appropriated or otherwise made available  
12 under subsection (b) may be obligated or expended  
13 for the operation of an advisory committee estab-  
14 lished by the Election Assistance Commission pursu-  
15 ant to and in accordance with the provisions of the  
16 Federal Advisory Committee Act (5 U.S.C. App. 2),  
17 except with respect to the operation of the Local  
18 Leadership Council.

19 (2) NO EFFECT ON ENTITIES ESTABLISHED BY  
20 HELP AMERICA VOTE ACT OF 2002.—Paragraph (1)  
21 does not apply with respect to the operation of any  
22 entity established by the Help America Vote Act of  
23 2002, including the Election Assistance Commission  
24 Standards Board, the Election Assistance Commis-

1           sion Board of Advisors, and the Technical Guide-  
2           lines Development Committee.

3           (d) REQUIREMENTS WITH RESPECT TO COMPENSA-  
4           TION OF MEMBERS OF THE COMMISSION.—Section  
5           203(d) of the Help America Vote Act of 2002 (52 U.S.C.  
6           20923(d)) is amended—

7                   (1) in paragraph (1), by striking “at the annual  
8                   rate of basic pay prescribed for level IV of the Exec-  
9                   utive Schedule under section 5315 of title 5, United  
10                  States Code” and inserting “at an annual rate of  
11                  basic pay equal to the lesser of the amount of  
12                  \$176,300, as adjusted under section 5318 of title 5,  
13                  United States Code, in the same manner as the an-  
14                  nual rate of pay for positions at each level of the  
15                  Executive Schedule, or 90 percent of the annual rate  
16                  of pay for a member of the Federal Election Com-  
17                  mission (but in no case lower than the rate applica-  
18                  ble for the pay period occurring on the date of the  
19                  enactment of the American Confidence in Elections  
20                  Act)”;

21                   (2) in paragraph (2), by striking “No member  
22                   appointed” and inserting “Except as provided in  
23                   paragraph (3), no member appointed”; and

24                   (3) by adding at the end the following new  
25                  paragraph:



1           “(3) SUPPLEMENTAL EMPLOYMENT AND COM-  
2           PENSATION.—An individual serving a term of service  
3           on the Commission shall be permitted to hold a posi-  
4           tion at an institution of higher education (as such  
5           term is defined in section 101 of the Higher Edu-  
6           cation Act of 1965 (20 U.S.C. 1001) if—

7                   “(A) the General Counsel of the Election  
8                   Assistance Commission determines that such  
9                   position does not create a conflict of interest  
10                  with the individual’s position as a sitting mem-  
11                  ber of the Commission and grants the indi-  
12                  vidual approval to hold the position; and

13                   “(B) the annual rate of compensation re-  
14                   ceived by the individual from such institution is  
15                   not greater than the amount equal to 49.9% of  
16                   the annual rate of basic pay paid to the indi-  
17                   vidual under paragraph (1).”.

18           (e) OFFICE OF INSPECTOR GENERAL.—Section 204  
19           of the Help America Vote Act of 2002 (52 U.S.C. 20924)  
20           is amended by adding at the end the following new sub-  
21           section:

22                   “(f) OFFICE OF INSPECTOR GENERAL.—In consulta-  
23                   tion with the Office of the Inspector General of the Com-  
24                   mission, the Commission shall establish annually a budget  
25                   and a number of full-time equivalent employees for the

1 Office of the Inspector General which will ensure that the  
2 Office has sufficient funding and personnel to carry out  
3 the duties and responsibilities under section 404 of title  
4 5, United States Code.”.

5 (f) EFFECTIVE DATE.—This section and the amend-  
6 ments made by this section shall take effect on October  
7 1, 2025.

8 **SEC. 154. GENERAL REQUIREMENTS FOR PAYMENTS MADE**  
9 **BY ELECTION ASSISTANCE COMMISSION.**

10 (a) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-  
11 ANCE COMMISSION TO MAKE ELECTION ADMINISTRATION  
12 PAYMENTS TO STATES.—No entity of the Federal Govern-  
13 ment other than the Election Assistance Commission may  
14 make any payment to a State for purposes of admin-  
15 istering elections for Federal office, including obtaining  
16 election and voting equipment and infrastructure (includ-  
17 ing software), enhancing election and voting technology,  
18 and making election and voting security improvements, in-  
19 cluding with respect to cybersecurity and infrastructure  
20 (including software).

21 (b) PROHIBITING USE OF PAYMENTS FOR GET-OUT-  
22 THE-VOTE-ACTIVITY; OTHER REQUIREMENTS FOR PAY-  
23 MENTS MADE BY COMMISSION.—Subtitle D of title II of  
24 the Help America Vote Act of 2002 (52 U.S.C. 21001 et

1 seq.) is amended by adding at the end the following new  
2 part:

3           **“PART 7—GENERAL REQUIREMENTS FOR**  
4   **PAYMENTS**

5           **“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-**  
6   **THE-VOTE-ACTIVITY.**

7           “(a) PROHIBITION.—No payment made to a State or  
8 unit of local government by the Commission under this  
9 Act or any other Act or any other Federal funds made  
10 available to a State or unit of local government may be  
11 used for get-out-the-vote activity.

12          “(b) DEFINITION.—In this section, the term ‘get-out-  
13 the-vote activity’ means, with respect to a payment made  
14 to a State or unit of local government, any activity which,  
15 at the time the payment is made, is treated as get-out-  
16 the-vote-activity under the Federal Election Campaign Act  
17 of 1971 and the regulations promulgated by the Federal  
18 Election Commission to carry out such Act, or similar ac-  
19 tivity which is targeted, or may be reasonably assumed  
20 to be targeted, at particular voters and groups of voters  
21 on the basis of political affiliation, their expected votes,  
22 their place of residence, or some other demographic fac-  
23 tor.”.

24          (c) REQUIRING DISCLAIMER IN COMMUNICATIONS.—  
25 Part 7 of subtitle D of title II of such Act, as added by

1 subsection (b), is amended by adding at the end the fol-  
2 lowing new section:

3 **“SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY**  
4 **PAYMENTS TO INCLUDE DISCLAIMER.**

5 “(a) REQUIREMENT.—If a State or unit of local gov-  
6 ernment disseminates a public communication which was  
7 developed or disseminated in whole or in part with a pay-  
8 ment made to the State or a unit of local government by  
9 the Commission under this Act or any other Act, the State  
10 or unit of local government shall ensure that the commu-  
11 nication includes, in a clear and conspicuous manner, the  
12 following statement: ‘Paid for using Federal taxpayer  
13 funds pursuant to the Help America Vote Act’.

14 “(b) CLEAR AND CONSPICUOUS MANNER DE-  
15 SCRIBED.—A statement required under subsection (a)  
16 shall be considered to be in a clear and conspicuous man-  
17 ner if the statement meets the following requirements:

18 “(1) TEXT OR GRAPHIC COMMUNICATIONS.—In  
19 the case of a text or graphic communication, the  
20 statement—

21 “(A) appears in letters at least as legible  
22 as the majority of the text in the communica-  
23 tion;

1           “(B) is contained in a printed box set  
2           apart from the other contents of the commu-  
3           nication; and

4           “(C) is printed with a reasonable degree of  
5           color contrast between the background and the  
6           printed statement.

7           “(2) AUDIO COMMUNICATIONS.—In the case of  
8           an audio communication, the statement is spoken in  
9           a clearly audible and intelligible manner at the be-  
10          ginning or end of the communication and lasts at  
11          least 3 seconds.

12          “(3) VIDEO COMMUNICATIONS.—In the case of  
13          a video communication, the statement—

14               “(A) is included at either the beginning or  
15               the end of the communication; and

16               “(B) is made in a written format that  
17               meets the requirements of subparagraphs (A)  
18               and (C) of paragraph (1) and appears for at  
19               least 4 seconds.

20          “(4) OTHER COMMUNICATIONS.—In the case of  
21          any other type of communication, the statement is  
22          at least as clear and conspicuous as the statement  
23          specified in paragraph (1), (2), or (3).

24          “(e) PUBLIC COMMUNICATION.—In this section, the  
25          term ‘public communication’ means a communication re-

1 lating to the administration of an election for Federal of-  
2 fice by means of any broadcast, cable, or satellite commu-  
3 nication, Internet communication, newspaper, magazine,  
4 outdoor advertising facility, mass mailing, or telephone  
5 bank to the general public, or any other form of general  
6 public advertising.

7 **“SEC. 297B. GUIDANCE ON USE OF PAYMENTS.**

8       “(a) **REQUIRING ESTABLISHMENT AND PUBLICATION**  
9 **ON GUIDANCE.**—The Commission shall establish and pub-  
10 lish clear guidance on the permissible use of any payments  
11 made by the Commission to States and units of local gov-  
12 ernment under this Act or any other Act.

13       “(b) **REQUIREMENTS FOR GUIDANCE.**—The guidance  
14 established under this section shall meet the following re-  
15 quirements:

16           “(1) The guidance shall be consistent for all  
17 States and units of local government.

18           “(2) The guidance shall be available to the pub-  
19 lic.

20           “(3) If the Commission revises any previously  
21 established and published guidance under this sec-  
22 tion, the revision may not take effect until after the  
23 next regularly scheduled general election for Federal  
24 office, and the Commission shall provide and publish  
25 its reasons for the revision.

1           “(c) APPLICATION OF GUIDANCE TO AUDITS.—If the  
2 Commission conducts any audit of the use of a payment  
3 to a State or unit of local government, it shall base the  
4 audit on the compliance of the State or unit of local gov-  
5 ernment with the applicable guidance under this section  
6 and the applicable requirements of this Act.

7           “(d) UNIFORM TERMS FOR REPORTS.—In coopera-  
8 tion and consultation with States, the Commission shall  
9 establish a set of uniform terms for States and units of  
10 local government to use for any reports submitted to the  
11 Commission on the use of payments made by the Commis-  
12 sion under this Act or any other Act.”.

13           (d) CLERICAL AMENDMENT.—The table of contents  
14 of such Act is amended by inserting at the end of the items  
15 relating to subtitle D of title II the following:

“PART 7—GENERAL REQUIREMENTS FOR PAYMENTS

“Sec. 297. Prohibiting use of payments for get-out-the-vote-activity.

“Sec. 297A. Requiring communications funded by payments to include dis-  
claimer.

“Sec. 297B. Guidance on use of payments.”.

16           (e) EFFECTIVE DATE.—This section and the amend-  
17 ments made by this section shall apply with respect to pay-  
18 ments made on or after the date that is 30 days after  
19 the date of the enactment of this Act.

1 **SEC. 155. EXECUTIVE BOARD OF THE STANDARDS BOARD**  
2 **AUTHORITY TO ENTER INTO CONTRACTS.**

3 Section 213(c) of the Help America Vote Act of 2002  
4 (52 U.S.C. 20943(c)) is amended by adding at the end  
5 the following new paragraph:

6 “(5) **AUTHORITY TO ENTER INTO CON-**  
7 **TRACTS.**—The Executive Board of the Standards  
8 Board may, using amounts already made available  
9 to the Commission, enter into contracts to employ  
10 and retain no more than 2 individuals to enable the  
11 Standards Board to discharge its duties with respect  
12 to the examination and release of voluntary consider-  
13 ations with respect to the administration of elections  
14 for Federal offices by the States under section 247,  
15 except that—

16 “(A) no more than 1 individual from the  
17 same political party may be employed under  
18 such contracts at the same time;

19 “(B) the authority to enter into such con-  
20 tracts shall end on the earlier of the date of the  
21 release of the considerations or December 31,  
22 2025; and

23 “(C) no additional funds may be appro-  
24 priated to the Commission for the purposes of  
25 carrying out this paragraph.”.



1 **SEC. 156. ELECTION ASSISTANCE COMMISSION PRIMARY**  
2 **ROLE IN ELECTION ADMINISTRATION ASSIST-**  
3 **ANCE.**

4 (a) IN GENERAL.—Except as provided in any other  
5 provision of law, the Election Assistance Commission  
6 shall, with respect to any other entity of the Federal Gov-  
7 ernment, have primary jurisdiction to address issues with  
8 respect to the administration of elections for Federal of-  
9 fice.

10 (b) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-  
11 ANCE COMMISSION TO DEVELOP VOLUNTARY GUIDE-  
12 LINES WITH RESPECT TO VOTING SYSTEMS AND NON-  
13 VOTING TECHNOLOGY.—No entity of the Federal Govern-  
14 ment other than the Election Assistance Commission may  
15 develop, adopt, issue, or oversee voluntary guidelines with  
16 respect to voting systems and any related nonvoting elec-  
17 tion technology, as defined in section 298C of the Help  
18 America Vote Act of 2002 (as added by section 129(b))  
19 that are used in elections for Federal office.

20 **SEC. 157. CLARIFICATION OF THE DUTIES OF THE ELEC-**  
21 **TION ASSISTANCE COMMISSION.**

22 Section 202 of the Help America Vote Act of 2002  
23 (52 U.S.C. 20922) is amended—

24 (1) by striking “The Commission shall serve”  
25 and inserting the following:

26 “(a) IN GENERAL.—The Commission shall serve”;

1           (2) in paragraph (1), by striking “including the  
2 maintenance of a clearinghouse of information on  
3 the experiences of State and local governments in  
4 implementing the guidelines and in operating voting  
5 systems in general” and inserting “including, in co-  
6 operation with and for the benefit of the States and  
7 their political subdivisions, the maintenance and op-  
8 eration of a Federal forum for the States and their  
9 political subdivisions to discuss with other States  
10 and their political subdivisions their experiences with  
11 election administration processes, equipment, oper-  
12 ations, training, and scheduling, as well as any other  
13 useful information relating to State administration  
14 of elections for Federal office (as described in sub-  
15 section (b))”;

16           (3) in paragraph (2), by inserting “, including  
17 any related nonvoting election technology, as defined  
18 in section 298C of the Help America Vote Act of  
19 2002” after “hardware and software”; and

20           (4) by adding at the end the following new sub-  
21 sections:

22           “(b) FEDERAL FORUM FOR DISCUSSION OF ELEC-  
23 TION ADMINISTRATION EXPERIENCES.—

24           “(1) MEMBERSHIP.—The membership of the  
25 Federal forum described in paragraph (1) of sub-

1 section (a) shall be comprised of the membership of  
2 the Standards Board and of the Local Leadership  
3 Council.

4 “(2) MAINTENANCE OF CLEARINGHOUSE.—As  
5 part of such Federal forum, the Commission shall,  
6 on behalf of and for the benefit of the States and  
7 their political subdivisions, maintain and operation a  
8 national clearinghouse of relevant information devel-  
9 oped by or provided to the Federal forum with re-  
10 spect to State administration of elections for Federal  
11 office. The Commission may also include other infor-  
12 mation related to election administration that it con-  
13 siders useful to State and local election administra-  
14 tors who administer elections for Federal office, ex-  
15 cept that the Commission may not endorse a private  
16 third party, the information provided or published by  
17 a private third party, or use such information in a  
18 way that suggests that the information was created  
19 or endorsed by the Commission.

20 “(c) SPECIAL RULE WITH RESPECT TO  
21 PRIORITIZATION OF DUTIES.—The Commission shall—

22 “(1) prioritize carrying out the duties described  
23 in paragraphs (1), (2), and (4) of subsection (a);

24 “(2) retain personnel qualified to assist the  
25 Commission in carrying out such duties; and

1           “(3) prioritize such duties in all budget re-  
2           quests.”.

3 **SEC. 158. ELECTION ASSISTANCE COMMISSION POWERS.**

4           Section 205 of the Help America Vote Act of 2002  
5 (52 U.S.C. 20925) is amended by adding at the end the  
6 following new subsection:

7           “(f) CONCURRENT TRANSMISSIONS TO CONGRESS.—

8           “(1) BUDGET ESTIMATE OR REQUEST.—When-  
9           ever the Commission submits any budget estimate or  
10           request to the President or the Director of the Of-  
11           fice of Management and Budget, the Commission  
12           shall concurrently transmit a copy of such estimate  
13           or request to the Committee on House Administra-  
14           tion of the House of Representatives and the Com-  
15           mittee on Rules and Administration of the Senate.

16           “(2) LEGISLATIVE RECOMMENDATION, TESTI-  
17           MONY, OR COMMENTS.—Whenever the Commission  
18           submits any legislative recommendation, testimony,  
19           or comments on legislation requested by Congress or  
20           by any Member of Congress to the President or the  
21           Office of Management and Budget, it shall concu-  
22           rently transmit a copy thereof to Congress or to the  
23           Member of Congress involved (as the case may be).  
24           No officer or agency of the United States shall have  
25           any authority to require the Commission to submit

1 its legislative recommendations, testimony, or com-  
2 ments on legislation to any office or agency of the  
3 United States for approval, comments, or review  
4 prior to the submission of such recommendations,  
5 testimony, or comments to the Congress or Member  
6 of Congress under the previous sentence.”.

7 **SEC. 159. MEMBERSHIP OF THE LOCAL LEADERSHIP COUN-**  
8 **CIL.**

9 Subtitle C of title II of the Help America Vote Act  
10 of 2002 (52 U.S.C. 20981 et seq.) is amended by adding  
11 at the end the following new section:

12 **“SEC. 248. MEMBERSHIP OF THE LOCAL LEADERSHIP**  
13 **COUNCIL.**

14 “In appointing members of the Local Leadership  
15 Council, the Commission shall ensure that members who  
16 represent the same State are not of the same political af-  
17 filiation in their professional capacities and should reflect  
18 the goal of soliciting diverse opinions and ideas.”.

19 **SEC. 160. RULE OF CONSTRUCTION.**

20 Nothing in this subtitle or the amendments made by  
21 this subtitle shall be construed as providing the Election  
22 Assistance Commission with additional regulatory author-  
23 ity, other than the regulatory authority required to carry  
24 out the requirements and duties under this subtitle and  
25 the amendments made by this subtitle.

1 **Subtitle F—Prohibition on Involvement in Elections by Foreign**  
2 **Nationals**

4 **SEC. 161. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTION WITH BALLOT INITIATIVES AND REFERENDA.**

8 (a) **SHORT TITLE.**—This section may be cited as the  
9 “American Confidence in Elections: Keeping Foreign  
10 Money out of Ballot Measures Act”.

11 (b) **IN GENERAL.**—Chapter 29 of title 18, United  
12 States Code, is amended by adding at the end the following new section:

14 **“§ 612. Foreign nationals making certain political contributions**

16 “(a) **PROHIBITION.**—It shall be unlawful for a foreign national, directly or indirectly, to make a contribution  
17 as such term is defined in section 301(8)(A) of the Federal  
18 Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A))  
19 or donation of money or other thing of value, or to make  
20 an express or implied promise to make a contribution or  
21 donation, in connection with a State or local ballot initiative or referendum.  
23

1           “(b) PENALTY.—Any person who violates subsection  
2 (a) shall be fined not more than \$250,000, imprisoned for  
3 not more than 5 years, or both.

4           “(c) FOREIGN NATIONAL DEFINED.—In this section,  
5 the term ‘foreign national’ has the meaning given such  
6 term in section 319(b) of the Federal Election Campaign  
7 Act of 1971 (52 U.S.C. 30121(b)).”.

8           (c) CLERICAL AMENDMENT.—The table of sections  
9 for chapter 29 of title 18, United States Code, is amended  
10 by adding at the end the following new item:

“612. Foreign nationals making certain political contributions.”.

11           (d) EFFECTIVE DATE.—The amendment made by  
12 this section shall apply with respect to contributions and  
13 donations made on or after the date of the enactment of  
14 this Act.

15 **SEC. 162. PROHIBITING PROVIDING ASSISTANCE TO FOR-**  
16 **EIGN NATIONALS IN MAKING CONTRIBU-**  
17 **TIONS OR DONATIONS IN CONNECTION WITH**  
18 **ELECTIONS.**

19           (a) PROHIBITION.—Section 319(a) of the Federal  
20 Election Campaign Act of 1971 (52 U.S.C. 30121(a)) is  
21 amended—

22                   (1) in paragraph (1)(C), by striking “or” at the  
23 end;

24                   (2) in paragraph (2), by striking the period at  
25 the end and inserting “; or”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(3) a person to knowingly help or assist a for-  
4 eign national in violating this subsection.”.

5           (b) EFFECTIVE DATE.—The amendment made by  
6 this section shall apply with respect to contributions and  
7 donations made on or after the date of the enactment of  
8 this Act.

9 **SEC. 163. PROHIBITION ON CONTRIBUTIONS BY FOREIGN**  
10 **NATIONALS TO CERTAIN TAX-EXEMPT ENTI-**  
11 **TIES.**

12           (a) IN GENERAL.—Section 319(a)(1) of the Federal  
13 Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)),  
14 as amended by section 162(a), is amended—

15           (1) in subparagraph (C), by adding “or” at the  
16 end;

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

19           “(D) a contribution or donation of money  
20 or other thing of value to an organization that  
21 is described in section 501(c) of the Internal  
22 Revenue Code of 1986 and exempt from tax  
23 under section 501(a) of such Code if the orga-  
24 nization makes or expects to make a contribu-  
25 tion to a political committee during the 4-year



1 period which begins on the date that the foreign  
2 national made such contribution or donation to  
3 the organization; or”.

4 (b) RULE OF CONSTRUCTION REGARDING PRIVACY  
5 OF DONOR INFORMATION.—Section 319 of such Act (52  
6 U.S.C. 30121) is amended by adding at the end the fol-  
7 lowing new subsection:

8 “(c) RULE OF CONSTRUCTION.—Nothing in para-  
9 graph (1)(D) of subsection (a) may be construed to permit  
10 the collection, submission, or disclosure of any information  
11 in violation of the Speech Privacy Act of 2023.”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply with respect to contributions made  
14 on or after the date of the enactment of this Act.

15 **Subtitle G—Constitutional Experts**  
16 **Panel With Respect to Presi-**  
17 **dential Elections**

18 **SEC. 171. SHORT TITLE.**

19 This subtitle may be cited as the “Solving an Over-  
20 looked Loophole in Votes for Executives (SOLVE) Act”.

21 **SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL**  
22 **EXPERTS.**

23 (a) ESTABLISHMENT.—There is established the  
24 “Twentieth Amendment Section Four Panel” (in this sec-  
25 tion referred to as the “Panel”).

1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—The Panel shall be composed  
3 of 6 constitutional experts, of whom—

4 (A) 1 shall be appointed by the majority  
5 leader of the Senate;

6 (B) 1 shall be appointed by the minority  
7 leader of the Senate;

8 (C) 1 shall be appointed jointly by the ma-  
9 jority and minority leader of the Senate;

10 (D) 1 shall be appointed by the Speaker of  
11 the House of Representatives;

12 (E) 1 shall be appointed by minority leader  
13 of the House of Representatives; and

14 (F) 1 shall be appointed jointly by the  
15 Speaker of the House of Representatives and  
16 the minority leader of the House of Representa-  
17 tives.

18 (2) DATE.—The appointments of the members  
19 of the Panel shall be made not later than 180 days  
20 after the date of enactment of this Act.

21 (3) VACANCY.—Any vacancy occurring in the  
22 membership of the Panel shall be filled in the same  
23 manner in which the original appointment was  
24 made.

1           (4) CHAIRPERSON AND VICE CHAIRPERSON.—

2           The Panel shall select a Chairperson and Vice  
3           Chairperson from among the members of the Panel.

4           (c) PURPOSE.—The purpose of the Panel shall be to  
5           recommend to Congress model legislation, which shall pro-  
6           vide for an appropriate process, pursuant to section 4 of  
7           the Twentieth Amendment to the United States Constitu-  
8           tion, to resolve any vacancy created by the death of a can-  
9           didate in a contingent presidential or vice-presidential  
10          election.

11          (d) REPORTS.—

12           (1) INITIAL REPORT.—Not later than 1 year  
13           after the date on which all of the appointments have  
14           been made under subsection (b)(2), the Panel shall  
15           submit to Congress an interim report containing the  
16           Panel's findings, conclusions, and recommendations.

17           (2) FINAL REPORT.—Not later than 6 months  
18           after the submission of the interim report under  
19           paragraph (1), the Panel shall submit to Congress a  
20           final report containing the Panel's findings, conclu-  
21           sions, and recommendations.

22          (e) MEETINGS; INFORMATION.—

23           (1) IN GENERAL.—Meetings of the Panel shall  
24           be held at the Law Library of Congress.

1           (2) INFORMATION.—The Panel may secure  
2           from the Law Library of Congress such information  
3           as the Panel considers necessary to carry out the  
4           provisions of this section.

5           (f) FUNDS.—

6           (1) COMPENSATION OF MEMBERS.—Members of  
7           the Panel shall receive no compensation.

8           (2) OTHER FUNDING.—No amounts shall be  
9           appropriated for the purposes of this section, except  
10          for any amounts strictly necessary for the Law Li-  
11          brary of Congress to execute its responsibilities  
12          under subsection (e).

13          (g) TERMINATION.—

14          (1) IN GENERAL.—The panel established under  
15          subsection (a) shall terminate 90 days after the date  
16          on which the panel submits the final report required  
17          under subsection (d)(2).

18          (2) RECORDS.—Upon termination of the panel,  
19          all of its records shall become the records of the Sec-  
20          retary of the Senate and the Clerk of the House of  
21          Representatives.

1           **TITLE II—MILITARY VOTING**  
2                           **ADMINISTRATION**

3   **SEC. 200. SHORT TITLE.**

4           This title may be cited as the “American Confidence  
5 in Elections: Military Voting Rights Study Act”.

6           **Subtitle A—Findings Relating to**  
7                           **Military Voting**

8   **SEC. 201. FINDINGS RELATING TO MILITARY VOTING.**

9           Congress finds the following:

10                   (1) Participation in the voting process by Amer-  
11           icans who serve in the Armed Forces is vital to the  
12           future of the Republic; however, due to the realities  
13           of service around the globe and despite many best  
14           efforts, the nation has not always lived up to its  
15           commitment to servicemembers that their vote be  
16           counted.

17                   (2) The Military and Overseas Empowerment  
18           (MOVE) Act made great progress in solving prob-  
19           lems with voting that many servicemembers faced.  
20           Yet, for many, it is still difficult to exercise the fran-  
21           chise, with many ballots not reaching State elections  
22           officials until after the deadline, negating their voice.  
23           After 14 years, Congress must address the remain-  
24           ing issues.

1           (3) Congress finds that it is a moral imperative  
2 of national importance that every eligible American  
3 servicemember has the opportunity to cast a ballot  
4 in each election and, not only that such ballot be re-  
5 ceived in time to be counted, but that it actually be  
6 counted according to law.

7           **Subtitle B—GAO Analysis on**  
8           **Military Voting Access**

9   **SEC. 211. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
10           **ON IMPLEMENTATION OF UNIFORMED AND**  
11           **OVERSEAS CITIZENS ABSENTEE VOTING ACT**  
12           **AND IMPROVING ACCESS TO VOTER REG-**  
13           **ISTRATION INFORMATION AND ASSISTANCE**  
14           **FOR ABSENT UNIFORMED SERVICES VOTERS.**

15           (a) IN GENERAL.—The Comptroller General of the  
16 United States shall conduct—

17           (1) an analysis of the effectiveness of the Fed-  
18 eral Government in carrying out its responsibilities  
19 under the Uniformed and Overseas Citizens Absen-  
20 tee Voting Act (52 U.S.C. 20301 et seq.) to promote  
21 access to voting for absent uniformed services voters;  
22 and

23           (2) a study on means for improving access to  
24 voter registration information and assistance for

1 members of the Armed Forces and their family  
2 members.

3 (b) ELEMENTS.—

4 (1) ANALYSIS.—The analysis required by sub-  
5 section (a)(1) shall include analysis of the following:

6 (A) Data and information pertaining to the  
7 transmission of ballots to absent uniformed serv-  
8 ices voters.

9 (B) Data and information pertaining to  
10 the methods of transmission of voted ballots  
11 from absent uniformed services voters, includ-  
12 ing the efficacy and security of such methods.

13 (C) Data and information pertaining to the  
14 treatment by election officials of voted ballots  
15 transmitted by absent uniformed services vot-  
16 ers, including—

17 (i) the rate at which such ballots are  
18 counted in elections;

19 (ii) the rate at which such ballots are  
20 rejected in elections; and

21 (iii) the reasons for such rejections.

22 (D) An analysis of the effectiveness of the  
23 assistance provided to absent uniformed serv-  
24 ices voters by Voting Assistance Officers of the

1 Federal Voting Assistance Program of the De-  
2 partment of Defense.

3 (E) A review of the extent of coordination  
4 between Voting Assistance Officers and State  
5 and local election officials.

6 (F) Information regarding such other  
7 issues relating to the ability of absent uni-  
8 formed services voters to register to vote, vote,  
9 and have their ballots counted in elections for  
10 Federal office.

11 (G) Data and information pertaining to—

12 (i) the awareness of members of the  
13 Armed Forces and their family members of  
14 the requirement under section 1566a of  
15 title 10, United States Code, that the Sec-  
16 retaries of the military departments pro-  
17 vide voter registration information and as-  
18 sistance; and

19 (ii) whether members of the Armed  
20 Forces and their family members received  
21 such information and assistance at the  
22 times required by subsection (c) of that  
23 section.

24 (2) STUDY.—The study required by subsection  
25 (a)(2) shall include the following:



1           (A) An assessment of potential actions to  
2           be undertaken by the Secretary of each military  
3           department to increase access to voter registra-  
4           tion information and assistance for members of  
5           the Armed Forces and their family members.

6           (B) An estimate of the costs and require-  
7           ments to fully meet the needs of members of  
8           the Armed Forces for access to voter registra-  
9           tion information and assistance.

10       (c) METHODS.—In conducting the analysis and study  
11       required by subsection (a), the Comptroller General shall,  
12       in cooperation and consultation with the Secretaries of the  
13       military departments—

14           (1) use existing information from available gov-  
15           ernment and other public sources; and

16           (2) acquire, through the Comptroller General's  
17           own investigations, interviews, and analysis, such  
18           other information as the Comptroller General re-  
19           quires to conduct the analysis and study.

20       (d) REPORT REQUIRED.—Not later than September  
21       30, 2025, the Comptroller General shall submit to the  
22       Committee on Rules and Administration of the Senate and  
23       the Committee on House Administration of the House of  
24       Representatives a report on the analysis and study re-  
25       quired by subsection (a).

1 (e) DEFINITIONS.—In this section:

2 (1) ABSENT UNIFORMED SERVICES VOTER.—

3 The term “absent uniformed services voter” has the  
4 meaning given that term in section 107 of the Uni-  
5 formed and Overseas Citizens Absentee Voting Act  
6 (52 U.S.C. 20310).

7 (2) FAMILY MEMBER.—The term “family mem-  
8 ber”, with respect to a member of the Armed  
9 Forces, means a spouse and other dependent (as de-  
10 fined in section 1072 of title 10, United States  
11 Code) of the member.

12 **TITLE III—FIRST AMENDMENT**  
13 **PROTECTION ACT**

14 **SEC. 300. SHORT TITLE.**

15 This title may be cited as the “First Amendment Pro-  
16 tection Act”.

17 **Subtitle A—Protecting Political**  
18 **Speech and Freedom of Association**

19 **PART 1—PROTECTING POLITICAL SPEECH**

20 **SEC. 301. FINDINGS.**

21 Congress finds the following:

22 (1) The structure of the Constitution and its  
23 amendments represents the radical idea that any  
24 sovereign power exercised by the Federal Govern-  
25 ment flows either directly from the people or

1 through the States they established to govern them-  
2 selves. In the words of the Ninth and Tenth Amend-  
3 ments, “[t]he enumeration in the Constitution, of  
4 certain rights, shall not be construed to deny or dis-  
5 parage others retained by the people.” “The powers  
6 not delegated to the United States by the Constitu-  
7 tion, nor prohibited by it to the States, are reserved  
8 to the States respectively, or to the people.”

9 (2) Among the many freedoms it protects, the  
10 First Amendment prevents Congress from making  
11 any law abridging the freedom of speech, the right  
12 of the people peaceably to assemble, or the right of  
13 the people to petition the Government for the re-  
14 dress of grievances.

15 (3) Any proposed Federal action concerning  
16 freedom of speech, protest, or petition must start  
17 with an analysis of the First Amendment. Congress  
18 must ask whether the proposed action would abridge  
19 these freedoms, and any uncertainty must be deter-  
20 mined in favor of fewer restrictions on speech.

21 (4) In particular, political speech, uttered in the  
22 furtherance of self-government, must raise an even  
23 higher bar to congressional abridgement. The mech-  
24 anisms and media used to offer political speech must  
25 realize the same protections.

1           (5) As the Supreme Court has recognized, the  
2           Constitution grants Congress only a very narrow in-  
3           terest in the regulation of political speech, the pre-  
4           vention of corruption or the appearance of corrup-  
5           tion. *Buckley v. Valeo*, 424 U.S. 1, 25–26 (1976);  
6           *Federal Election Commission v. National Conserv-*  
7           *ative Political Action Commission*, 470 U.S. 480,  
8           497 (1985); *Citizens United v. Federal Election*  
9           *Commission* 558 U. S. 310, 359 (2010); *McCutcheon*  
10          *v. Federal Election Commission*, 572 U. S. 185, 207  
11          (2014); *Cruz v. Federal Election Commission* 142  
12          S.Ct. 1638, 1652 (2022).

13          (6) In order to uphold and effectuate the Con-  
14          stitution, any Federal statute that goes beyond this  
15          interest must be repealed, and Congress must exer-  
16          cise its Article 1 authorities to do so.

17       **SEC. 302. REPEAL OF LIMITS ON COORDINATED POLITICAL**  
18                               **PARTY EXPENDITURES.**

19          (a) REPEAL OF LIMITS.—Section 315(d) of the Fed-  
20          eral Election Campaign Act of 1971 (52 U.S.C. 30116(d))  
21          is amended—

22               (1) in paragraph (1)—

23                       (A) by striking “may make expenditures”  
24                       and inserting “may make expenditures, includ-  
25                       ing coordinated expenditures,” and

1 (B) by striking “Federal office, subject to  
2 the limitations contained in paragraphs (2), (3),  
3 and (4) of this subsection” and inserting “Fed-  
4 eral office in any amount”; and  
5 (2) by striking paragraphs (2), (3), (4), and  
6 (5).

7 (b) CLARIFYING TREATMENT OF CERTAIN PARTY  
8 COMMUNICATIONS AS COORDINATED EXPENDITURES.—  
9 Section 315(d) of such Act (52 U.S.C. 30116(d)), as  
10 amended by subsection (a), is amended by adding at the  
11 end the following new paragraph:

12 “(2) For purposes of this subsection, a communica-  
13 tion shall be treated as a coordinated expenditure in con-  
14 nection with the campaign of a candidate only if the public  
15 communication is paid for by a committee of a political  
16 party or its agent, refers to a clearly identified House or  
17 Senate candidate, and is publicly distributed or otherwise  
18 publicly disseminated in the clearly identified candidate’s  
19 jurisdiction.”.

20 (c) CONFORMING AMENDMENT RELATING TO INDEX-  
21 ING.—Section 315(c) of such Act (52 U.S.C. 30116(c))  
22 is amended—

23 (1) in paragraph (1)(B)(i), by striking “(d),”;  
24 and

1           (2) in paragraph (2)(B)(i), by striking “sub-  
2           sections (b) and (d)” and inserting “subsection (b)”.

3           (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to elections held dur-  
5 ing 2024 or any succeeding year.

6 **SEC. 303. REPEAL OF LIMIT ON AGGREGATE CONTRIBU-**  
7 **TIONS BY INDIVIDUALS.**

8           (a) FINDINGS.—Congress finds that the Supreme  
9 Court of the United States in *McCutcheon v. FEC*, 572  
10 U.S. 185 (2014) determined the biennial aggregate limits  
11 under section 315(a)(3) of the Federal Election Campaign  
12 Act of 1971 (52 U.S.C. 30116(a)(3)) to be unconstitu-  
13 tional.

14           (b) REPEAL.—Section 315(a) of the Federal Election  
15 Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended  
16 by striking paragraph (3).

17           (c) CONFORMING AMENDMENTS.—Section 315(c) of  
18 such Act (52 U.S.C. 30116(c)) is amended by striking  
19 “(a)(3),” each place it appears in paragraph (1)(B)(i),  
20 (1)(C), and (2)(B)(ii).

1 **SEC. 304. EQUALIZATION OF CONTRIBUTION LIMITS TO**  
2 **STATE AND NATIONAL POLITICAL PARTY**  
3 **COMMITTEES.**

4 (a) IN GENERAL.—Section 315(a)(1) of the Federal  
5 Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1))  
6 is amended—

7 (1) in subparagraph (B), by striking “a na-  
8 tional political party” and inserting “a national or  
9 State political party”;

10 (2) by adding “or” at the end of subparagraph  
11 (B);

12 (3) in subparagraph (C), by striking “; or” and  
13 inserting a period; and

14 (4) by striking subparagraph (D).

15 (b) CONTRIBUTIONS BY MULTICANDIDATE POLIT-  
16 ICAL COMMITTEES.—

17 (1) IN GENERAL.—Section 315(a)(2)(B) of  
18 such Act (52 U.S.C. 30116(a)(2)(B)) is amended by  
19 striking “a national political party” and inserting “a  
20 national or State political party”.

21 (2) PRICE INDEX ADJUSTMENT.—Section  
22 315(c) of such Act (52 U.S.C. 30116(c)) is amend-  
23 ed—

24 (A) in paragraph (1), by adding at the end  
25 the following new subparagraph:

26 “(D) In any calendar year after 2024—

1           “(i) a limitation established by subsection  
2           (a)(2) shall be increased by the percent difference  
3           determined under subparagraph (A);

4           “(ii) each amount so increased shall remain in  
5           effect for the calendar year; and

6           “(iii) if any amount after adjustment under  
7           clause (i) is not a multiple of \$100, such amount  
8           shall be rounded to the nearest multiple of \$100.”;  
9           and

10                   (B) in paragraph (2)(B)—

11                         (i) in clause (i), by striking “and” at  
12                         the end;

13                         (ii) in clause (ii), by striking the pe-  
14                         riod at the end and inserting “; and”; and

15                         (iii) by adding at the end the fol-  
16                         lowing new clause:

17                                 “(iii) for purposes of subsection (a)(2), cal-  
18                                 endar year 2024.”.

19           (c) ACCEPTANCE OF ADDITIONAL AMOUNTS FOR  
20           CERTAIN ACCOUNTS.—

21                   (1) PERMITTING ACCEPTANCE OF ADDITIONAL  
22                   AMOUNTS IN SAME MANNER AS NATIONAL PAR-  
23                   TIES.—Section 315(a) of such Act (52 U.S.C.  
24                   30116(a)) is amended—



1 (A) in paragraph (1)(B), by striking  
2 “paragraph (9)” and inserting “paragraph (9)  
3 or paragraph (10)”; and

4 (B) in paragraph (2)(B), by striking  
5 “paragraph (9)” and inserting “paragraph (9)  
6 or paragraph (10)”.

7 (2) ACCOUNTS.—Section 315(a)(9) of such Act  
8 (52 U.S.C. 30116(a)(9)) is amended by striking  
9 “national committee of a political party” each place  
10 it appears in subparagraphs (A), (B), and (C) and  
11 inserting “committee of a national or State political  
12 party”.

13 (3) STATE PARTY CONVENTION ACCOUNTS DE-  
14 SCRIBED.—Section 315(a) of such Act (52 U.S.C.  
15 30116(a)) is amended by adding at the end the fol-  
16 lowing new paragraph:

17 “(10) An account described in this paragraph is a  
18 separate, segregated account of a political committee es-  
19 tablished and maintained by a State committee of a polit-  
20 ical party which is used solely to defray—

21 “(A) expenses incurred with respect to carrying  
22 out State party nominating activities or other party-  
23 building conventions;

24 “(B) expenses incurred with respect to pro-  
25 viding for the attendance of delegates at a presi-

1       dential nominating convention, but only to the extent  
2       that such expenses are not paid for from the account  
3       described in paragraph (9)(A); or

4               “(C) expenses incurred with respect to carrying  
5       out local, county, or district conventions or pro-  
6       ceedings to elect delegates to a State party conven-  
7       tion.”.

8       (d) CLARIFICATION OF INDEXING OF AMOUNTS TO  
9 ENSURE EQUALIZATION OF PARTY CONTRIBUTION LIM-  
10 ITS.—For purposes of applying section 315(c) of such Act  
11 (52 U.S.C. 30116(c)) to limits on the amount of contribu-  
12 tions to political committees established and maintained  
13 by a State political party, the amendments made by this  
14 section shall be considered to have been included in section  
15 307 of the Bipartisan Campaign Reform Act of 2002  
16 (Public Law 107–55; 116 Stat. 102).

17       (e) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to elections held dur-  
19 ing 2024 or any succeeding year.

20 **SEC. 305. EXPANSION OF PERMISSIBLE FEDERAL ELEC-**  
21 **TION ACTIVITY BY STATE AND LOCAL POLIT-**  
22 **ICAL PARTIES.**

23       (a) EXPANSION OF PERMISSIBLE USE OF FUNDS  
24 NOT SUBJECT TO CONTRIBUTION LIMITS OR SOURCE  
25 PROHIBITIONS BY STATE AND LOCAL POLITICAL PARTIES

1 FOR FEDERAL ELECTION ACTIVITY.—Section 323(b)(2)  
2 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
3 30125(b)(2)) is amended to read as follows:

4           “(2) APPLICABILITY.—Notwithstanding section  
5 301(20), for purposes of paragraph (1), an amount  
6 that is expended or disbursed by a State, district, or  
7 local committee of a political party shall be consid-  
8 ered to be expended or disbursed for Federal elec-  
9 tion activity only if the committee coordinated the  
10 expenditure or disbursement of the amount with a  
11 candidate for election for Federal office or an au-  
12 thorized committee of a candidate for election for  
13 Federal office.”.

14 (b) CONFORMING AMENDMENTS.—

15           (1) FUNDRAISING COSTS.—Section 323(c) of  
16 such Act (52 U.S.C. 30125(c)) is amended by add-  
17 ing at the end the following new sentence: “In the  
18 case of a person described in subsection (b), the pre-  
19 vious sentence applies only if the amount was spent  
20 by such person in coordination with a candidate for  
21 election for Federal office or an authorized com-  
22 mittee of a candidate for election for Federal office,  
23 as determined pursuant to regulations promulgated  
24 by the Commission for the purpose of determining  
25 whether a political party communication is coordi-

1 nated with a candidate, a candidate’s authorized  
2 committee, or an agent thereof.”.

3 (2) APPEARANCE OF FEDERAL CANDIDATES OR  
4 OFFICEHOLDERS AT FUNDRAISING EVENTS.—Sec-  
5 tion 323(e)(3) of such Act (52 U.S.C. 30125(e)(3))  
6 is amended by striking “subsection (b)(2)(C)” and  
7 inserting “subsection (b)”.

8 **SEC. 306. PARTICIPATION IN JOINT FUNDRAISING ACTIVI-**  
9 **TIES BY MULTIPLE POLITICAL COMMITTEES.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) While Federal law permits the Federal  
12 Election Commission to engage in certain “gap-fill-  
13 ing” activities as it administers the Federal Election  
14 Campaign Act of 1971, the regulations promulgated  
15 by the Federal Election Commission to govern joint  
16 fundraising activities of multiple political committees  
17 are not tied specifically to any particular provision  
18 of the Act, and while these regulations generally du-  
19 plicate the provisions of the Act, they also impose  
20 additional and unnecessary burdens on political com-  
21 mittees which seek to engage in joint fundraising ac-  
22 tivities, such as a requirement for written agree-  
23 ments between the participating committees.

24 (2) It is therefore not necessary at this time to  
25 direct the Federal Election Commission to repeal the

1 existing regulations which govern joint fundraising  
2 activities of multiple political committees, as some  
3 political committees may have reasons for following  
4 the provisions of such regulations which impose ad-  
5 ditional and unnecessary burdens on these activities.

6 (b) CRITERIA FOR PARTICIPATION IN JOINT FUND-  
7 RAISING ACTIVITIES.—Section 302 of the Federal Elec-  
8 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
9 by adding at the end the following new subsection:

10 “(j) CRITERIA FOR PARTICIPATION IN JOINT FUND-  
11 RAISING ACTIVITIES BY MULTIPLE POLITICAL COMMIT-  
12 TEES.—

13 “(1) CRITERIA DESCRIBED.—Two or more po-  
14 litical committees as defined in this Act may partici-  
15 pate in joint fundraising activities in accordance  
16 with the following criteria:

17 “(A) The costs of the activities shall be al-  
18 located among and paid for by the participating  
19 committees on the basis of the allocation among  
20 the participating committees of the contribu-  
21 tions received as a result of the activities.

22 “(B) Notwithstanding subparagraph (A), a  
23 participating committee may make a payment  
24 (in whole or in part) for the portion of the costs  
25 of the activities which is allocated to another

1 participating committee, and the amount of any  
2 such payment shall be treated as a contribution  
3 made by the committee to the other partici-  
4 pating committee.

5 “(C) The provisions of section 315(a)(8)  
6 regarding the treatment of contributions to a  
7 candidate which are earmarked or otherwise di-  
8 rected through an intermediary or conduit shall  
9 apply to contributions made by a person to a  
10 participating committee which are allocated by  
11 the committee to another participating com-  
12 mittee.

13 “(2) RULE OF CONSTRUCTION.—Nothing in  
14 this subsection may be construed to prohibit two or  
15 more political committees from participating in joint  
16 fundraising activities by designating or establishing  
17 a separate, joint committee subject to the registra-  
18 tion and reporting requirements of this Act or by  
19 publishing a joint fundraising notice.”

20 **PART 2—PROTECTING FREEDOM OF**  
21 **ASSOCIATION**

22 **SEC. 307. FINDINGS.**

23 Congress finds the following:

24 (1) The First Amendment of the United States  
25 Constitution provides that “[C]ongress shall make

1 no law respecting an establishment of religion, or  
2 prohibiting the free exercise thereof; or abridging the  
3 freedom of speech, or of the press; or the right of  
4 the people peaceably to assemble, and to petition the  
5 Government for a redress of grievances.” See U.S.  
6 Const. Amend. I.

7 (2) The Supreme Court has held that the First  
8 Amendment’s protections apply with equal force to  
9 States and localities as it does to the Federal Gov-  
10 ernment. See *Gitlow v. New York*, 268 U.S. 652  
11 (1925).

12 (3) The Supreme Court has held that “implicit  
13 in the right to engage in activities protected by the  
14 First Amendment [lies] a corresponding right to as-  
15 sociate with others.” *Roberts v. United States Jay-  
16 cees*, 468 U. S. 609, 622 (1984). This is commonly  
17 understood as the right of association. It furthers “a  
18 wide variety of political, social, economic, edu-  
19 cational, religious, and cultural ends,” and “is espe-  
20 cially important in preserving political and cultural  
21 diversity and in shielding dissident expression from  
22 suppression by the majority.” *Id.*

23 (4) In *NAACP v. Alabama ex rel. Patterson*, 357  
24 U.S. 449 (1958), the Supreme Court held the First  
25 Amendment’s freedom of association protected the

1 National Association for the Advancement of Col-  
2 ored People from compelled disclosure of its mem-  
3 bers. This was because “on past occasions revelation  
4 of the identity of its rank-and-file members has ex-  
5 posed these members to economic reprisal, loss of  
6 employment, threat of physical coercion, and other  
7 manifestations of public hostility. Under these cir-  
8 cumstances...it [is] apparent that compelled disclo-  
9 sure of petitioner’s Alabama membership is likely to  
10 affect adversely the ability of petitioner and its  
11 members to pursue their collective effort to foster  
12 beliefs which they admittedly have the right to advo-  
13 cate, in that it may induce members to withdraw  
14 from the Association and dissuade others from join-  
15 ing it because of fear of exposure of their beliefs  
16 shown through their associations and of the con-  
17 sequences of this exposure.” *Id.* at 462–463.

18 (5) The First Amendment’s freedom of associa-  
19 tion has been protected and strengthened by the Su-  
20 preme Court for over sixty years. See *NAACP v.*  
21 *Alabama ex rel. Patterson*, 357 U.S. 449 (1958);  
22 *Shelton v. Tucker*, 364 U. S. 479 (1960); *Bates v.*  
23 *Little Rock*, 361 U. S. 516 (1960); *Healy v. James*,  
24 408 U. S. 169 (1972); *Elrod v. Burns*, 427 U. S.  
25 347 (1976); *Roberts v. United States Jaycees*, 468



1 U.S. 609, 622 (1984); *Boy Scouts of America v.*  
2 *Dale*, 530 U.S. 640 (2000); *Americans for Prosperity*  
3 *Foundation v. Bonta*, 141 S. Ct. 2373 (2021).

4 (6) Most recently, in *Americans for Prosperity*  
5 *Foundation v. Bonta*, 141 S. Ct. 2373 (2021), a  
6 California law required Americans for Prosperity  
7 Foundation and the Thomas Moore Law Center to  
8 disclose the names, contribution amounts, and ad-  
9 dresses of their major donors. *Id.* at 2380. The Su-  
10 preme Court held this substantial intrusion into the  
11 group’s donors was unconstitutional. *Id.* at 2389.  
12 While California Attorney General Bonta argued  
13 these disclosures were needed so California could  
14 prevent wrongdoing by charitable organizations,  
15 there was “not a single, concrete instance in which  
16 pre-investigation collection of [this information] did  
17 anything to advance the Attorney General’s inves-  
18 tigative, regulatory or enforcement efforts.” *Id.* at  
19 2386. Similarly, California’s need for this informa-  
20 tion before initiating an investigation was highly  
21 questionable as it was only one of three states to im-  
22 pose this requirement and did not seriously enforce  
23 it until 2010. *Id.* at 2387.

24 (7) In short, *Americans for Prosperity Founda-*  
25 *tion* and *NAACP* both stand for the proposition that

1 compelled disclosure of an organization’s members  
2 can violate an organization’s freedom of association.  
3 This is because “effective advocacy of both public  
4 and private points of view, particularly controversial  
5 ones, is undeniably enhanced by group association”  
6 and there is a “vital relationship between freedom to  
7 associate and privacy in one’s associations...” See *Id.*  
8 at 2382 citing *NAACP v. Alabama ex rel. Patterson*,  
9 357 U.S. 449, 460–462.

10 (8) Unfortunately, the First Amendment’s free-  
11 dom of association protections are under constant  
12 attack. Recently, there have been efforts to enlarge  
13 the size of the Supreme Court because of disagree-  
14 ment with some of its rulings and personal disagree-  
15 ment with some of the justices.

16 (9) On April 9, 2021, the President issued Ex-  
17 ecutive Order 14023 that created the Presidential  
18 Commission on the Supreme Court (the Commis-  
19 sion). Under Section 3(iii) of that Executive Order,  
20 the Commission was tasked with providing “[a]n  
21 analysis of the principal arguments in the contem-  
22 porary public debate for and against Supreme Court  
23 reform, including an appraisal of the merits and le-  
24 gality of particular reform proposals.”

1           (10) In December 2021, the Commission re-  
2           leased its final report. On the issue of adding jus-  
3           tices to the Supreme Court, the Commission con-  
4           cluded “[m]irroring the broader public debate, there  
5           is profound disagreement among Commissioners on  
6           this issue.”.

7           (11) Unfortunately, even though the President’s  
8           Commission would not endorse adding the number  
9           of justices on the Supreme Court, some in Congress  
10          still believe it is necessary. *See, for example*, H.R.  
11          3422, the Judiciary Act of 2023 that would add four  
12          associate justices to the Supreme Court.

13          (12) Because of this political uncertainty and  
14          the importance that donors in all organizations, no  
15          matter their party affiliation, are protected from  
16          having their membership disclosed and threats of re-  
17          prisal that would follow, it is important that Con-  
18          gress statutorily codifies the Supreme Court’s hold-  
19          ings in *NAACP v. Alabama ex rel. Patterson* and  
20          *Americans for Prosperity Foundation v. Bonta*.

21          (13) Government targeting of tax-exempt orga-  
22          nizations because of disagreement with their political  
23          views is sadly not a hypothetical problem. From  
24          2010 through 2013, the Internal Revenue Service  
25          (IRS) intentionally discriminated against conserv-

1       ative organizations seeking tax-exempt status with  
2       words like “patriot” or “Tea Party” in their names.

3           (14) After years of litigation, in October 2017,  
4       the IRS signed a consent decree in Federal court  
5       and admitted to targeting conservative organizations  
6       from 2010 through 2013. The IRS confessed that  
7       “its treatment of [conservative organizations] during  
8       the tax-exempt determinations process, including  
9       screening their applications based on their names or  
10      policy positions, subjecting those applications to  
11      heightened scrutiny and inordinate delays, and de-  
12      manding of some Plaintiffs’ information that TIGTA  
13      [U.S. Treasury Inspector General, Tax Administra-  
14      tion] determined was unnecessary to the agency’s  
15      determination of their tax-exempt status, was  
16      wrong.”.

17           (15) It is antithetical to the First Amendment  
18      that the IRS or any Federal Government agency  
19      would ever be used to target an organization because  
20      of its political beliefs, or who its donors might be.  
21      As such, these organizations need to be protected to  
22      prevent events like what transpired at the IRS be-  
23      tween 2010 and 2013.

1 **SEC. 308. PROTECTING PRIVACY OF DONORS TO TAX-EX-**  
2 **EMPT ORGANIZATIONS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Speech Privacy Act of 2023”.

5 (b) **RESTRICTIONS ON COLLECTION OF DONOR IN-**  
6 **FORMATION.**—

7 (1) **RESTRICTIONS.**—An entity of the Federal  
8 Government may not collect or require the submis-  
9 sion of information on the identification of any  
10 donor to a tax-exempt organization.

11 (2) **EXCEPTIONS.**—Paragraph (1) does not  
12 apply to the following:

13 (A) The Internal Revenue Service, acting  
14 lawfully pursuant to section 6033 of the Inter-  
15 nal Revenue Code of 1986 or any successor pro-  
16 vision.

17 (B) The Secretary of the Senate and the  
18 Clerk of the House of Representatives, acting  
19 lawfully pursuant to section 3 of the Lobbying  
20 Disclosure Act of 1995 (2 U.S.C. 1604).

21 (C) The Federal Election Commission, act-  
22 ing lawfully pursuant to section 510 of title 36,  
23 United States Code.

24 (D) An entity acting pursuant to a lawful  
25 order of a court or administrative body which  
26 has the authority under law to direct the entity

1 to collect or require the submission of the infor-  
2 mation, but only to the extent permitted by the  
3 lawful order of such court or administrative  
4 body.

5 (c) RESTRICTIONS ON RELEASE OF DONOR INFOR-  
6 MATION.—

7 (1) RESTRICTIONS.—An entity of the Federal  
8 Government may not disclose to the public informa-  
9 tion revealing the identification of any donor to a  
10 tax-exempt organization.

11 (2) EXCEPTIONS.—Paragraph (1) does not  
12 apply to the following:

13 (A) The Internal Revenue Service, acting  
14 lawfully pursuant to section 6104 of the Inter-  
15 nal Revenue Code of 1986 or any successor pro-  
16 vision.

17 (B) The Secretary of the Senate and the  
18 Clerk of the House of Representatives, acting  
19 lawfully pursuant to section 3 of the Lobbying  
20 Disclosure Act of 1995 (2 U.S.C. 1604).

21 (C) The Federal Election Commission, act-  
22 ing lawfully pursuant to section 510 of title 36,  
23 United States Code.

24 (D) An entity acting pursuant to a lawful  
25 order of a court or administrative body which

1           has the authority under law to direct the entity  
2           to disclose the information, but only to the ex-  
3           tent permitted by the lawful order of such court  
4           or administrative body.

5                   (E) An entity which discloses the informa-  
6           tion as authorized by the organization.

7           (d) TAX-EXEMPT ORGANIZATION DEFINED.—In this  
8           section, a “tax-exempt organization” means an organiza-  
9           tion which is described in section 501(c) of the Internal  
10          Revenue Code of 1986 and is exempt from taxation under  
11          section 501(a) of such Code. Nothing in this subsection  
12          may be construed to treat a political organization under  
13          section 527 of such Code as a tax-exempt organization for  
14          purposes of this section.

15          (e) PENALTIES.—It shall be unlawful for any officer  
16          or employee of the United States, or any former officer  
17          or employee, willfully to disclose to any person, except as  
18          authorized in this section, any information revealing the  
19          identification of any donor to a tax-exempt organization.  
20          Any violation of this section shall be a felony punishable  
21          upon conviction by a fine in any amount not exceeding  
22          \$250,000, or imprisonment of not more than 5 years, or  
23          both, together with the costs of prosecution, and if such  
24          offense is committed by any officer or employee of the  
25          United States, he shall, in addition to any other punish-

1 ment, be dismissed from office or discharged from employ-  
2 ment upon conviction for such offense.

3 **SEC. 309. REPORTING REQUIREMENTS FOR TAX-EXEMPT**  
4 **ORGANIZATIONS.**

5 (a) **SHORT TITLE.**—This section may be cited as the  
6 “Don’t Weaponize the IRS Act”.

7 (b) **ORGANIZATIONS EXEMPT FROM REPORTING.**—

8 (1) **GROSS RECEIPTS THRESHOLD.**—Clause (ii)  
9 of section 6033(a)(3)(A) of the Internal Revenue  
10 Code of 1986 is amended by striking “\$5,000” and  
11 inserting “\$50,000”.

12 (2) **ORGANIZATIONS DESCRIBED.**—Subpara-  
13 graph (C) of section 6033(a)(3) of the Internal Rev-  
14 enue Code of 1986 is amended—

15 (A) by striking “and” at the end of clause  
16 (v),

17 (B) by striking the period at the end of  
18 clause (vi) and inserting a semicolon, and

19 (C) by adding at the end the following new  
20 clauses:

21 “(vii) any other organization described  
22 in section 501(c) (other than a private  
23 foundation or a supporting organization  
24 described in section 509(a)(3)); and



1           “(viii) any organization (other than a  
2           private foundation or a supporting organi-  
3           zation described in section 509(a)(3))  
4           which is not described in section  
5           170(e)(2)(A), or which is created or orga-  
6           nized in a possession of the United States,  
7           which has no significant activity (including  
8           lobbying and political activity and the op-  
9           eration of a trade or business) other than  
10          investment activity in the United States.”.

11           (3) EFFECTIVE DATE.—The amendments made  
12          by this subsection shall apply to taxable years end-  
13          ing after the date of the enactment of this Act.

14          (c) CLARIFICATION OF APPLICATION TO SECTION  
15          527 ORGANIZATIONS.—

16           (1) IN GENERAL.—Paragraph (1) of section  
17          6033(g) of the Internal Revenue Code of 1986 is  
18          amended—

19           (A) by striking “This section” and insert-  
20          ing “Except as otherwise provided by this sub-  
21          section, this section”, and

22           (B) by striking “for the taxable year.” and  
23          inserting “for the taxable year in the same  
24          manner as to an organization exempt from tax-  
25          ation under section 501(a).”.

1           (2) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to taxable years end-  
3           ing after the date of the enactment of this Act.

4           (d) REPORTING OF NAMES AND ADDRESSES OF CON-  
5           TRIBUTORS.—

6           (1) IN GENERAL.—Paragraph (1) of section  
7           6033(a) of the Internal Revenue Code of 1986 is  
8           amended by adding at the end the following: “Ex-  
9           cept as provided in subsections (b)(5) and (g)(2)(B),  
10           such annual return shall not be required to include  
11           the names and addresses of contributors to the orga-  
12           nization.”.

13           (2) APPLICATION TO SECTION 527 ORGANIZA-  
14           TIONS.—Paragraph (2) of section 6033(g) of the In-  
15           ternal Revenue Code of 1986 is amended—

16                   (A) by striking “and” at the end of sub-  
17                   paragraph (A),

18                   (B) by redesignating subparagraph (B) as  
19                   subparagraph (C), and

20                   (C) by inserting after subparagraph (A)  
21                   the following new subparagraph:

22                           “(B) containing the names and addresses  
23                           of all substantial contributors, and”.

1           (3) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to taxable years end-  
3           ing after the date of the enactment of this Act.

4 **SEC. 310. MAINTENANCE OF STANDARDS FOR DETER-**  
5 **MINING ELIGIBILITY OF SECTION 501(C)(4)**  
6 **ORGANIZATIONS.**

7           (a) IN GENERAL.—The Department of the Treasury,  
8           including the Internal Revenue Service, may not issue, re-  
9           vise, or finalize any regulation, revenue ruling, or other  
10          guidance not limited to a particular taxpayer relating to  
11          the standard which is used to determine whether an orga-  
12          nization is operated exclusively for the promotion of social  
13          welfare for purposes of section 501(c)(4) of the Internal  
14          Revenue Code of 1986 (including the proposed regulations  
15          published at 78 Fed. Reg. 71535 (November 29, 2013)).

16          (b) APPLICATION OF CURRENT STANDARDS AND  
17          DEFINITIONS.—The standard and definitions as in effect  
18          on January 1, 2010, which are used to make determina-  
19          tions described in subsection (b) shall apply after the date  
20          of the enactment of this Act for purposes of determining  
21          status under section 501(c)(4) of such Code of organiza-  
22          tions created on, before, or after such date.

1 **Subtitle B—Prohibition on Use of**  
2 **Federal Funds for Congres-**  
3 **sional Campaigns**

4 **SEC. 311. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-**  
5 **MENTS IN SUPPORT OF CONGRESSIONAL**  
6 **CAMPAIGNS.**

7 No Federal funds, including amounts attributable to  
8 the collection of fines and penalties, may be used to make  
9 any payment in support of a campaign for election for the  
10 office of Senator or Representative in, or Delegate or Resi-  
11 dent Commissioner to, the Congress.

12 **Subtitle C—Registration and**  
13 **Reporting Requirements**

14 **SEC. 321. ELECTRONIC FILING OF ELECTIONEERING COM-**  
15 **MUNICATION REPORTS.**

16 (a) **SHORT TITLE.**—This section may be cited as the  
17 “Modernizing Electioneering Communications Reporting  
18 Act”.

19 (b) **REQUIRING ELECTRONIC FILING.**—Section  
20 304(a)(11)(A)(i) of the Federal Election Campaign Act of  
21 1971 (52 U.S.C. 30104(a)(11)(A)(i)) is amended by in-  
22 serting “or makes electioneering communications” after  
23 “expenditures”.

1 **SEC. 322. INCREASED QUALIFYING THRESHOLD AND ES-**  
2 **TABLISHING PURPOSE FOR POLITICAL COM-**  
3 **MITTEES.**

4 (a) **IN GENERAL.**—Section 301(4) of the Federal  
5 Election Campaign Act of 1971 (52 U.S.C. 30101(4)) is  
6 amended to read as follows:

7 “(4) The term ‘political committee’ means—

8 “(A) any committee, club, association, or  
9 other group of persons, including any local com-  
10 mittee of a political party, which receives con-  
11 tributions aggregating in excess of \$25,000  
12 during a calendar year or which makes expendi-  
13 tures aggregating in excess of \$25,000 during  
14 a calendar year and which is under the control  
15 of a candidate or has the major purpose of  
16 nominating or electing a candidate; or

17 “(B) any separate segregated fund estab-  
18 lished under the provisions of section 316(b).”.

19 (b) **DEFINITION.**—Section 301 of such Act (52  
20 U.S.C. 30101) is amended by adding at the end the fol-  
21 lowing new paragraph:

22 “(27) **MAJOR PURPOSE OF NOMINATING OR**  
23 **ELECTING A CANDIDATE.**—The term ‘major purpose  
24 of nominating or electing a candidate’ means, with  
25 respect to a group of persons described in paragraph  
26 (4)(A)—

1           “(A) a group whose central organizational  
2           purpose is to expressly advocate for the nomina-  
3           tion, election, or defeat of a candidate; or

4           “(B) a group for which the majority of its  
5           spending throughout its lifetime of existence  
6           has been on contributions, expenditures, or  
7           independent expenditures.”.

8           (c) PRICE INDEX ADJUSTMENT FOR POLITICAL COM-  
9           MITTEE THRESHOLD.—Section 315(c) of such Act (52  
10          U.S.C. 30116(c)), as amended by section 304(b), is  
11          amended—

12           (1) in paragraph (1), by adding at the end the  
13          following new subparagraph:

14          “(E) In any calendar year after 2024—

15           “(i) a threshold established by sections  
16          301(4)(A) or 301(4)(C) shall be increased by the  
17          percent difference determined under subparagraph  
18          (A);

19           “(ii) each amount so increased shall remain in  
20          effect for the calendar year; and

21           “(iii) if any amount after adjustment under  
22          clause (i) is not a multiple of \$100, such amount  
23          shall be rounded to the nearest multiple of \$100.”;  
24          and

25          (2) in paragraph (2)(B)—

1 (A) in clause (ii), by striking “and” at the  
2 end;

3 (B) in clause (iii), by striking the period at  
4 the end and inserting “; and”; and

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

7 “(iv) for purposes of sections 301(4)(A)  
8 and 301(4)(C), calendar year 2024.”.

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply with respect to elections held dur-  
11 ing 2024 or any succeeding year.

12 **SEC. 323. INCREASED THRESHOLD WITH RESPECT TO INDE-**  
13 **PENDENT EXPENDITURE REPORTING RE-**  
14 **QUIREMENT.**

15 (a) IN GENERAL.—Section 304(c)(1) of the Federal  
16 Election Campaign Act of 1971 (52 U.S.C. 30104(c)(1))  
17 is amended by striking “\$250” and inserting “\$1,000”.

18 (b) PRICE INDEX ADJUSTMENT FOR INDEPENDENT  
19 EXPENDITURE REPORTING THRESHOLD.—Section 315(c)  
20 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
21 30116(c)), as amended by sections 304(b) and 322(c), is  
22 amended—

23 (1) in paragraph (1), by adding at the end the  
24 following new subparagraph:

25 “(F) In any calendar year after 2024—

1           “(i) a threshold established by section 304(e)(1)  
2 shall be increased by the percent difference deter-  
3 mined under subparagraph (A);

4           “(ii) each amount so increased shall remain in  
5 effect for the calendar year; and

6           “(iii) if any amount after adjustment under  
7 clause (i) is not a multiple of \$100, such amount  
8 shall be rounded to the nearest multiple of \$100.”;  
9 and

10           (2) in paragraph (2)(B)—

11           (A) in clause (iii), by striking “and” at the  
12 end;

13           (B) in clause (iv), by striking the period at  
14 the end and inserting “; and”; and

15           (C) by adding at the end the following new  
16 clause:

17           “(v) for purposes of section 304(e)(1), cal-  
18 endar year 2024.”.

19           (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply with respect to elections held dur-  
21 ing 2024 or any succeeding year.

22 **SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RE-**  
23 **SPECT TO CANDIDATES.**

24           (a) INCREASE IN THRESHOLD.—Section 301(2) of  
25 the Federal Election Campaign Act of 1971 (52 U.S.C.



1 30101(2)) is amended by striking “\$5,000” each place it  
2 appears and inserting “\$10,000”.

3 (b) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF  
4 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)  
5 of such Act (52 U.S.C. 30116(c)), as amended by sections  
6 304(b), 322(c), and 323(b), is amended—

7 (1) in paragraph (1), by adding at the end the  
8 following new subparagraph:

9 “(G) In any calendar year after 2024—

10 “(i) a threshold established by sections 301(2)  
11 shall be increased by the percent difference deter-  
12 mined under subparagraph (A);

13 “(ii) each amount so increased shall remain for  
14 the 2-year period that begins on the first day fol-  
15 lowing the date of the general election in the year  
16 preceding the year in which the amount is increased  
17 and ending on the date of the next general election;  
18 and

19 “(iii) if any amount after adjustment under  
20 clause (i) is not a multiple of \$100, such amount  
21 shall be rounded to the nearest multiple of \$100.”;  
22 and

23 (2) in paragraph (2)(B)—

24 (A) in clause (iv), by striking “and” at the  
25 end;

1 (B) in clause (v), by striking the period at  
2 the end and inserting “; and”; and

3 (C) by adding at the end the following new  
4 clause:

5 “(vi) for purposes of sections 301(2), cal-  
6 endar year 2024.”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply with respect to elections held dur-  
9 ing 2024 or any succeeding year.

10 **SEC. 325. REPEAL REQUIREMENT OF PERSONS MAKING**  
11 **INDEPENDENT EXPENDITURES TO REPORT**  
12 **IDENTIFICATION OF CERTAIN DONORS.**

13 (a) REPEAL.—Section 304(c)(2) of the Federal Elec-  
14 tion Campaign Act of 1971 (52 U.S.C. 30104(c)(2)) is  
15 amended—

16 (1) in subparagraph (A), by adding “and” at  
17 the end;

18 (2) in subparagraph (B), by striking “; and”  
19 and inserting a period; and

20 (3) by striking subparagraph (C).

21 (b) CONFORMING AMENDMENT.—Section 304(c)(1)  
22 of such Act (52 U.S.C. 30104(c)(1)) is amended by strik-  
23 ing “the information required under subsection (b)(3)(A)  
24 for all contributions received by such person” and insert-  
25 ing “the information required under paragraph (2)”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to independent ex-  
3 penditures made on or after the date of the enactment  
4 of this Act.

5 **Subtitle D—Exclusion of Certain**  
6 **Amounts From Treatment as**  
7 **Contributions or Expenditures**

8 **SEC. 331. INCREASED THRESHOLD FOR EXEMPTION OF**  
9 **CERTAIN AMOUNTS AS CONTRIBUTIONS.**

10 (a) REAL OR PERSONAL PROPERTY EXEMPTION.—  
11 Section 301(8)(B)(ii) of the Federal Election Campaign  
12 Act of 1971 (52 U.S.C. 30101(8)(B)(ii)) is amended—

13 (1) by striking “\$1,000” and inserting  
14 “\$2,000”; and

15 (2) by striking “\$2,000” and inserting  
16 “\$4,000”.

17 (b) TRAVEL EXPENSES EXEMPTION.—Section  
18 301(8)(B)(iv) of the Federal Election Campaign Act of  
19 1971 (52 U.S.C. 30101(8)(B)(iv)) is amended—

20 (1) by striking “\$1,000” and inserting  
21 “\$2,000”; and

22 (2) by striking “\$2,000” and inserting  
23 “\$4,000”.

24 (c) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF  
25 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)

1 of such Act (52 U.S.C. 30116(c)), as amended by sections  
2 304(b), 322(c), 323(b), and 324(b) is amended—

3 (1) in paragraph (1), by adding at the end the  
4 following new subparagraph:

5 “(H) In any calendar year after 2024—

6 “(i) the exemption amounts established by sec-  
7 tions 301(8)(B)(ii) or 301(8)(B)(iv) shall be in-  
8 creased by the percent difference determined under  
9 subparagraph (A);

10 “(ii) each amount so increased shall remain for  
11 the 2-year period that begins on the first day fol-  
12 lowing the date of the general election in the year  
13 preceding the year in which the amount is increased  
14 and ending on the date of the next general election;  
15 and

16 “(iii) if any amount after adjustment under  
17 clause (i) is not a multiple of \$100, such amount  
18 shall be rounded to the nearest multiple of \$100.”;  
19 and

20 (2) in paragraph (2)(B)—

21 (A) in clause (v), by striking “and” at the  
22 end;

23 (B) in clause (vi), by striking the period at  
24 the end and inserting “; and”; and

1 (C) by adding at the end the following new  
2 clause:

3 “(vii) for purposes of sections  
4 301(8)(B)(ii) or 301(8)(B)(iv), calendar year  
5 2024.”.

6 (d) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply with respect to elections held dur-  
8 ing 2024 or any succeeding year.

9 **SEC. 332. EXEMPTION OF UNCOMPENSATED INTERNET**  
10 **COMMUNICATIONS FROM TREATMENT AS**  
11 **CONTRIBUTION OR EXPENDITURE.**

12 (a) EXEMPTIONS.—

13 (1) EXEMPTION FROM TREATMENT AS CON-  
14 TRIBUTION.—Section 301(8)(B) of the Federal Elec-  
15 tion Campaign Act of 1971 (52 U.S.C.  
16 30101(8)(B)) is amended—

17 (A) by striking “and” at the end of clause  
18 (xiii);

19 (B) by striking the period at the end of  
20 clause (xiv) and inserting “; and”; and

21 (C) by adding at the end the following new  
22 clause:

23 “(xv) any payment by any person in producing  
24 and disseminating any information or communica-  
25 tion on the Internet, Internet platform or other

1 Internet-enabled application, unless the information  
2 or communication is disseminated for a fee on an-  
3 other person’s website, platform or other Internet-  
4 enabled application, whether coordinated or not.”.

5 (2) EXEMPTION FROM TREATMENT AS EXPEND-  
6 ITURE.—Section 301(9)(B) of such Act (52 U.S.C.  
7 30101(9)(B)) is amended—

8 (A) by striking “and” at the end of clause  
9 (ix);

10 (B) by striking the period at the end of  
11 clause (x) and inserting “; and”; and

12 (C) by adding at the end the following new  
13 clause:

14 “(xi) any cost incurred by any person in pro-  
15 ducing and disseminating any information or com-  
16 munication on the Internet, Internet platform or  
17 other Internet-enabled application, unless the infor-  
18 mation or communication is disseminated for a fee  
19 on another person’s website, platform or other Inter-  
20 net-enabled application.”.

21 (b) APPLICATION TO DEFINITION OF PUBLIC COM-  
22 MUNICATIONS.—Section 301(22) of such Act (52 U.S.C.  
23 30101(22)) is amended by adding at the end the following:  
24 “In the previous sentence, the terms ‘public communica-  
25 tion’ and ‘general public political advertising’ do not in-

1 clude communications disseminated over the Internet or  
2 via an Internet platform or other Internet-enabled applica-  
3 tion, unless the communication or advertising is dissemi-  
4 nated for a fee on another person’s website, platform or  
5 other internet-enabled application.”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply with respect to elections held dur-  
8 ing 2024 or any succeeding year.

9 **SEC. 333. MEDIA EXEMPTION.**

10 (a) EXPANSION OF EXEMPTION TO ADDITIONAL  
11 FORMS OF MEDIA.—Section 301(9)(B)(i) of the Federal  
12 Election Campaign Act of 1971 (52 U.S.C.  
13 30101(9)(B)(i)) is amended to read as follows:

14 “(i) any news story, commentary, or edi-  
15 torial distributed through the facilities of any  
16 broadcasting, cable, satellite, or internet-based  
17 station, programmer, operator or producer;  
18 newspaper, magazine, or other periodical pub-  
19 lisher; electronic publisher, platform, or applica-  
20 tion; book publisher; or filmmaker or film pro-  
21 ducer, distributor or exhibitor, unless such fa-  
22 cilities are owned or controlled by any political  
23 party, political committee, or candidate;”.

1 (b) APPLICATION TO CONTRIBUTIONS.—Section  
2 301(8)(B) of such Act (52 U.S.C. 30101(8)(B)), as  
3 amended by section 332(a)(1), is amended—

4 (1) by redesignating clauses (i) through (xv) as  
5 clauses (ii) through (xvi); and

6 (2) by inserting before clause (ii) (as so redesignig-  
7 nated) the following new clause:

8 “(i) any payment for any news story, com-  
9 mentary, or editorial distributed through the fa-  
10 cilities of any broadcasting, cable, satellite, or  
11 internet-based station, programmer, operator or  
12 producer; newspaper, magazine, or other peri-  
13 odical publisher; electronic publisher, platform,  
14 or application; book publisher; or filmmaker or  
15 film producer, distributor or exhibitor.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply with respect to elections held dur-  
18 ing 2024 or any succeeding year.

19 **Subtitle E—Prohibition on**  
20 **Issuance of Regulations on Po-**  
21 **litical Contributions**

22 **SEC. 341. PROHIBITION ON ISSUANCE OF REGULATIONS ON**  
23 **POLITICAL CONTRIBUTIONS.**

24 (a) FINDINGS.—Congress finds the following:



1           (1) From 2010 through 2013, the Internal Rev-  
2           enue Service targeted conservative organizations  
3           seeking tax-exempt status. The result of this tar-  
4           geting was obvious—to discourage conservative orga-  
5           nizations and individuals associated with them from  
6           engaging in the 2012 presidential election after an  
7           incredibly successful 2010 midterm election.

8           (2) In response to this treatment, a large num-  
9           ber of conservative organizations sued the Internal  
10          Revenue Service. In 2017, a settlement was reached  
11          and the Internal Revenue Service was required to  
12          issue an apology for its actions.

13          (3) Congress quickly recognized that the Inter-  
14          nal Revenue Service was not the only government  
15          agency that could question or threaten the tax-ex-  
16          empt status of disfavored political groups. The Secu-  
17          rities and Exchange Commission, an independent  
18          government agency, also enjoys some regulatory  
19          power in this area.

20          (4) Beginning in 2015, Congress has included  
21          in every appropriations bill that has funded the Se-  
22          curities and Exchange Commission, an appropria-  
23          tions rider prohibiting the agency from using any of  
24          the funds made available to “finalize, issue, or im-  
25          plement any rule, regulation, or order regarding the

1 disclosure of political contributions, contributions to  
2 tax exempt organizations, or dues paid to trade as-  
3 sociations.” *See* Consolidated Appropriations Act,  
4 2016, H.R. 2029, 114th Cong. § 1 (2015); Consoli-  
5 dated Appropriations Act, 2017, H.R. 244, 115th  
6 Cong. § 1 (2017); Consolidated Appropriations Act,  
7 2018, H.R. 1625, 115th Cong. § 2 (2018); Consoli-  
8 dated Appropriations Act, 2019, H.J. Res. 31,  
9 116th Cong. § 1 (2019); Consolidated Appropria-  
10 tions Act, 2020, H.R. 1158, 116th Cong. § 1  
11 (2019); Consolidated Appropriations Act, 2021,  
12 H.R. 133, 116th Cong. § 2 (2020); Consolidated  
13 Appropriations Act 2022, H.R. 2471, 117th Cong. §  
14 2 (2022); Consolidated Appropriations Act 2023,  
15 H.R. 2617, 117th Cong. § 2 (2022).

16 (5) This prohibition is too important to be sub-  
17 ject to yearly renewal. Instead, it must be enacted  
18 into permanent law so political organizations of both  
19 political parties can rest assured the Securities and  
20 Exchange Commission will not target them.

21 (b) PROHIBITION.—The Securities and Exchange  
22 Commission may not finalize, issue, or implement any  
23 rule, regulation, or order regarding the disclosure of polit-  
24 ical contributions, contributions to tax exempt organiza-  
25 tions, or dues paid to trade associations.

1                   **Subtitle F—Miscellaneous**  
2                   **Provisions**

3   **SEC. 351. PERMANENT EXTENSION OF FINES FOR QUALI-**  
4                   **FIED DISCLOSURE REQUIREMENT VIOLA-**  
5                   **TIONS.**

6           Section 309(a)(4)(C)(v) of the Federal Election Cam-  
7   paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is  
8   amended by striking “, and that end on or before Decem-  
9   ber 31, 2023”.

10   **SEC. 352. PERMITTING POLITICAL COMMITTEES TO MAKE**  
11                   **DISBURSEMENTS BY METHODS OTHER THAN**  
12                   **CHECK.**

13           Section 302(h)(1) of the Federal Election Campaign  
14   Act of 1971 (52 U.S.C. 30102(h)(1)) is amended by strik-  
15   ing “except by check drawn on such accounts in accord-  
16   ance with this section” and inserting “except from such  
17   accounts”.

18   **SEC. 353. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**  
19                   **MAKE CAMPAIGN COMMITTEE DISBURSE-**  
20                   **MENTS IN EVENT OF DEATH OR INCAPACITY**  
21                   **OF CANDIDATE.**

22           (a) IN GENERAL.—Section 302 of the Federal Elec-  
23   tion Campaign Act of 1971 (52 U.S.C. 30102), as amend-  
24   ed by section 306(b), is amended by adding at the end  
25   the following new subsection:

1           “(k)(1) Each candidate may, with respect to each au-  
2 thorized committee of the candidate, designate an indi-  
3 vidual who shall be responsible for disbursing funds in the  
4 accounts of the committee in the event of the death or  
5 incapacity of the candidate, and may also designate an-  
6 other individual to carry out the responsibilities of the des-  
7 igned individual under this subsection in the event of  
8 the death or incapacity of the designated individual or the  
9 unwillingness of the designated individual to carry out the  
10 responsibilities.

11           “(2) In order to designate an individual under this  
12 subsection, the candidate shall file with the Commission  
13 a signed written statement (in a standardized form devel-  
14 oped by the Commission, and including any applicable  
15 supporting documentation, including a will or trust docu-  
16 ment) that contains the name and address of the indi-  
17 vidual and the name of the authorized committee for  
18 which the designation shall apply, and that may contain  
19 the candidate’s instructions regarding the lawful disburse-  
20 ment of the funds involved by the individual. At any time  
21 after filing the statement, the candidate may revoke the  
22 designation of an individual by filing with the Commission  
23 a signed written statement of revocation (in a standard-  
24 ized form developed by the Commission).

1           “(3)(A) Upon the death or incapacity of a candidate  
2 who has designated an individual for purposes of para-  
3 graph (1), funds in the accounts of each authorized com-  
4 mittee of the candidate may be disbursed only under the  
5 direction and in accordance with the instructions of such  
6 individual, subject to the terms and conditions applicable  
7 to the disbursement of such funds under this Act or any  
8 other applicable Federal or State law (other than any pro-  
9 vision of State law which authorizes any person other than  
10 such individual to direct the disbursement of such funds).

11           “(B) Subparagraph (A) does not apply with respect  
12 to an authorized committee if, at the time of the can-  
13 didate’s death or incapacity, the authorized committee has  
14 a treasurer or a designated agent of the treasurer as de-  
15 scribed in section 302(a), unless the treasurer or des-  
16 igned agent is incapacitated or cannot be reached by the  
17 authorized committee.

18           “(C) Nothing in this paragraph may be construed to  
19 grant any authority to an individual who is designated  
20 pursuant to this subsection other than the authority to  
21 direct the disbursement of funds as provided in such para-  
22 graph, or may be construed to affect the responsibility of  
23 the treasurer of an authorized committee for which funds  
24 are disbursed in accordance with such paragraph to file

1 reports of the disbursements of such funds under section  
2 304(a).”.

3 (b) INCLUSION OF DESIGNATION IN STATEMENT OF  
4 ORGANIZATION OF COMMITTEE.—Section 303(b) of such  
5 Act (52 U.S.C. 30103(b)) is amended—

6 (1) in paragraph (5), by striking “and” at the  
7 end;

8 (2) in paragraph (6), by striking the period at  
9 the end and inserting “; and”; and

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

12 “(7) in the case of an authorized committee of  
13 a candidate who has designated an individual under  
14 section 302(k) (including a second individual des-  
15 ignated to carry out the responsibilities of that indi-  
16 vidual under such section in the event of that indi-  
17 vidual’s death or incapacity or unwillingness to carry  
18 out the responsibilities) to disburse funds from the  
19 accounts of the committee in the event of the death  
20 of the candidate, a copy of the statement filed by the  
21 candidate with the Commission under such section  
22 (as well as a copy of any subsequent statement of  
23 revocation filed by the candidate with the Commis-  
24 sion under such section).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to authorized cam-  
3 paign committees which are designated under section  
4 302(e)(1) of the Federal Election Campaign Act of 1971  
5 before, on, or after the date of the enactment of this Act.

6 **SEC. 354. PROHIBITING AIDING OR ABETTING MAKING OF**  
7 **CONTRIBUTIONS IN NAME OF ANOTHER.**

8 Section 320 of the Federal Election Campaign Act  
9 of 1971 (52 U.S.C. 30122) is amended by adding at the  
10 end the following new sentence: “No person shall know-  
11 ingly direct, help, or assist any person in making a con-  
12 tribution in the name of another person.”.

13 **SEC. 355. UNANIMOUS CONSENT OF COMMISSION MEM-**  
14 **BERS REQUIRED FOR COMMISSION TO**  
15 **REFUSE TO DEFEND ACTIONS BROUGHT**  
16 **AGAINST COMMISSION.**

17 (a) UNANIMOUS CONSENT.—Section 307 of the Fed-  
18 eral Election Campaign Act of 1971 (52 U.S.C. 30107)  
19 is amended by adding at the end the following new sub-  
20 section:

21 “(f)(1) Except as provided in paragraph (2), the  
22 Commission shall defend each action brought against the  
23 Commission under this Act or chapter 95 and 96 of the  
24 Internal Revenue Code of 1986—

1           “(A) through the General Counsel, as provided  
2           in subsection (a)(6);

3           “(B) by appointing counsel as provided in sec-  
4           tion 306(f)(4); or

5           “(C) by referral to the Attorney General in the  
6           case of a criminal action.

7           “(2) The Commission may refuse to defend an action  
8           brought against the Commission pursuant to the unani-  
9           mous vote of its Members.”.

10          (b) **EFFECTIVE DATE.**—The amendment made by  
11          subsection (a) shall apply with respect to actions brought  
12          on or after the date of the enactment of this Act.

13          **SEC. 356. FEDERAL ELECTION COMMISSION MEMBER PAY.**

14          (a) **DETERMINATION OF RATE OF PAY.**—Section  
15          306(a)(4) of the Federal Election Campaign Act of 1971  
16          (52 U.S.C. 30106(a)(4)) is amended—

17                  (1) by striking “(4) Members” and inserting  
18                  “(4)(A) Except as provided in subparagraph (B),  
19                  members”;

20                  (2) by striking “equivalent to the compensation  
21                  paid at level IV of the Executive Schedule (5 U.S.C.  
22                  5315)” and inserting “at an annual rate of basic  
23                  pay of \$186,300, as adjusted under section 5318 of  
24                  title 5, United States Code, in the same manner as  
25                  the annual rate of pay for positions at each level of



1 the Executive Schedule, which may not be varied or  
2 suspended by executive action”; and

3 (3) by adding at the end the following:

4 “(B) A member who serves on the Commission after  
5 the expiration of the member’s term because the member’s  
6 successor has not taken office may not receive any in-  
7 crease in compensation under this subsection for any pay  
8 period occurring after the expiration of the 4-year period  
9 which begins on the date of the expiration of the member’s  
10 term. A member shall no longer be subject to the previous  
11 sentence if the member is appointed to a new term and  
12 takes office pursuant to that appointment.

13 “(C) A member shall be permitted to hold a position  
14 at an institution of higher education (as such term is de-  
15 fined in section 101 of the Higher Education Act of 1965  
16 (20 U.S.C. 1001) if—

17 “(i) the General Counsel of the Commission de-  
18 termines that such position does not create a conflict  
19 of interest with the member’s position as a sitting  
20 member of the Commission and grants the member  
21 approval to hold the position; and

22 “(ii) the annual rate of compensation received  
23 by the individual from such institution is not greater  
24 than the amount equal to 49.9% of the annual rate

1 of basic pay paid to the member under this para-  
2 graph.”.

3 (b) CLARIFICATION OF AUTHORITY TO SERVE ADDI-  
4 TIONAL TERMS.—Section 306(a)(2) of such Act (52  
5 U.S.C. 30106(a)(2)) is amended by striking “shall serve  
6 for a single term of 6 years” and inserting “shall be ap-  
7 pointed for terms of 6 years”.

8 **SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PRO-**  
9 **CEEDINGS TO ENFORCE FEDERAL ELECTION**  
10 **CAMPAIGN ACT OF 1971.**

11 (a) 5-YEAR LIMITATION.—Section 406(a) of the Fed-  
12 eral Election Campaign Act of 1971 (52 U.S.C. 30145(a))  
13 is amended—

14 (1) by striking “(a)” and inserting “(a)(1)”;  
15 and

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

18 “(2) No person shall be subject to a civil penalty for  
19 any violation of title III of this Act unless the proceeding  
20 is initiated in accordance with section 309 not later than  
21 5 years after the date on which the violation occurred.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply with respect to violations occur-  
24 ring on or after the date of the enactment of this Act.

1 **SEC. 358. THEFT FROM POLITICAL COMMITTEE AS A FED-**  
2 **ERAL CRIME.**

3 (a) FEDERAL CRIME.—Chapter 29 of title 18, United  
4 States Code, as amended by section 161(b), is amended  
5 by adding at the end the following new section:

6 **“§ 613. Theft from political committee**

7 “(a) IN GENERAL.—It shall be unlawful to remove,  
8 without appropriate authorization, any funds or any other  
9 item of value from an account maintained for the benefit  
10 of a candidate for Federal office or the candidate’s polit-  
11 ical committee (as such term is defined in section 301 of  
12 the Federal Election Campaign Act of 1971 (52 U.S.C.  
13 30101)).

14 “(b) PENALTY.—Any person who violates subsection  
15 (a) shall be fined not more than \$250,000, imprisoned for  
16 not more than 5 years, or both.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 for chapter 28 of title 18, United States Code, is amended  
19 by adding at the end the following new item:

“613. Theft from political committee.”.

20 **SEC. 359. REPEAL OF OBSOLETE PROVISIONS OF LAW.**

21 (a) PROVISIONS HELD UNCONSTITUTIONAL.—

22 (1) MEMBERSHIP OF SECRETARY OF SENATE  
23 AND CLERK OF HOUSE ON FEDERAL ELECTION COM-  
24 MISSION.—Section 306(a)(1) of the Federal Election  
25 Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is

1 amended by striking “the Secretary of the Senate  
2 and the Clerk of the House of Representatives or  
3 their designees, ex officio and without the right to  
4 vote, and”.

5 (2) CHOICE OF INDEPENDENT OR COORDI-  
6 NATED EXPENDITURES BY POLITICAL PARTIES.—  
7 Section 315(d) of such Act (52 U.S.C. 30116(d)) is  
8 amended—

9 (A) by striking paragraph (4) and redesign-  
10 ating paragraph (5) as paragraph (4);

11 (B) in paragraph (4), as so redesignated,  
12 by striking “paragraphs (2), (3), and (4)” and  
13 inserting “paragraphs (2) and (3)”; and

14 (C) in paragraph (1), by striking “para-  
15 graphs (2), (3), and (4)” and inserting “para-  
16 graphs (2) and (3)”.

17 (3) PROHIBITING CONTRIBUTIONS BY MI-  
18 NORS.—The Federal Election Campaign Act of 1971  
19 is amended by striking section 324 (52 U.S.C.  
20 30126).

21 (4) INCREASE IN CONTRIBUTION LIMITS FOR  
22 CANDIDATES IN RESPONSE TO PERSONAL FUND EX-  
23 PENDITURES BY OPPONENTS.—

1           (A) HOUSE CANDIDATES.—The Federal  
2 Election Campaign Act of 1971 is amended by  
3 striking section 315A (52 U.S.C. 30117).

4           (B) SENATE CANDIDATES.—Section 315 of  
5 such Act (52 U.S.C. 30116) is amended—

6                 (i) by striking subsection (i); and

7                 (ii) by redesignating subsection (j) as  
8 subsection (i).

9           (C) CONFORMING AMENDMENT RELATING  
10 TO NOTIFICATION.—Section 304(a)(6) of such  
11 Act (52 U.S.C. 30104(a)(6)) is amended—

12                 (i) by striking subparagraphs (B),  
13 (C), and (D); and

14                 (ii) by redesignating subparagraph  
15 (E) as subparagraph (D).

16           (D) CONFORMING AMENDMENT RELATING  
17 TO DEFINITIONS.—Section 301(25) of such Act  
18 (52 U.S.C. 30101(25)) is amended by striking  
19 “For purposes of sections 315(i) and 315A and  
20 paragraph (26), the term” and inserting “The  
21 term”.

22           (E) OTHER CONFORMING AMENDMENT.—  
23 Section 315(a)(1) of such Act (52 U.S.C.  
24 30116(a)(1)) is amended by striking “Except

1 as provided in subsection (i) and section 315A,  
2 no person” and inserting “No person”.

3 (5) ELECTIONEERING COMMUNICATIONS AND  
4 INDEPENDENT EXPENDITURES BY CORPORATIONS  
5 AND LABOR ORGANIZATIONS.—Section 316 of such  
6 Act (52 U.S.C. 30117) is amended—

7 (A) in subsection (b)(2), by striking “or  
8 for any applicable electioneering communica-  
9 tion”; and

10 (B) by striking subsection (c).

11 (6) LIMITATION ON REPAYMENT OF PERSONAL  
12 LOANS.—Section 315 of such Act (52 U.S.C. 30116)  
13 is amended by striking subsection (i), as redesign-  
14 nated by paragraph (4)(B)(ii).

15 (b) PROVISIONS RELATING TO USE OF PRESI-  
16 DENTIAL ELECTION CAMPAIGN FUND FOR PARTY NOMI-  
17 NATING CONVENTIONS.—Section 9008 of the Internal  
18 Revenue Code of 1986 is amended—

19 (1) in subsection (b), by striking paragraph (3);  
20 and

21 (2) by striking subsections (c), (d), (e), (f), (g),  
22 and (h).

23 (c) TECHNICAL CORRECTION.—Sections 307 and 309  
24 of the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30107 and 30109) are each amended by striking “sub-  
2 pena” each place it appears and inserting “subpoena”.

3 **SEC. 360. DEADLINE FOR PROMULGATION OF PROPOSED**  
4 **REGULATIONS.**

5 Not later than 120 days after the date of the enact-  
6 ment of this Act, the Federal Election Commission shall  
7 publish in the Federal Register proposed regulations to  
8 carry out this title and the amendments made by this title.

9 **TITLE IV—ELECTION SECURITY**  
10 **Subtitle A—Promoting Election**  
11 **Security**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Election Security As-  
14 sistance Act”.

15 **SEC. 402. REPORTS TO CONGRESS ON FOREIGN THREATS**  
16 **TO ELECTIONS.**

17 (a) IN GENERAL.—Not later than 30 days after the  
18 date of enactment of this Act, and 30 days after the end  
19 of each fiscal year thereafter, the Secretary of Homeland  
20 Security and the Director of National Intelligence, in co-  
21 ordination with the heads of the appropriate Federal enti-  
22 ties, shall submit a joint report to the appropriate congres-  
23 sional committees and the chief State election official of  
24 each State on foreign threats to elections in the United  
25 States, including physical and cybersecurity threats.

1 (b) VOLUNTARY PARTICIPATION BY STATES.—The  
2 Secretary shall solicit and consider voluntary comments  
3 from all State election agencies. Participation by an elec-  
4 tion agency in the report under this section shall be vol-  
5 untary and at the discretion of the State.

6 (c) APPROPRIATE FEDERAL ENTITIES.—In this sec-  
7 tion, the term “appropriate Federal entities” means—

8 (1) the Department of Commerce, including the  
9 National Institute of Standards and Technology;

10 (2) the Department of Defense;

11 (3) the Department of Homeland Security, in-  
12 cluding the component of the Department that re-  
13 ports to the Under Secretary responsible for over-  
14 seeing critical infrastructure protection, cybersecu-  
15 rity, and other related programs of the Department;

16 (4) the Department of Justice, including the  
17 Federal Bureau of Investigation;

18 (5) the Election Assistance Commission; and

19 (6) the Office of the Director of National Intel-  
20 ligence, the National Security Agency, and such  
21 other elements of the intelligence community (as de-  
22 fined in section 3 of the National Security Act of  
23 1947 (50 U.S.C. 3003)) as the Director of National  
24 Intelligence determines are appropriate.

25 (d) OTHER DEFINITIONS.—In this section—



1           (1) the term “appropriate congressional com-  
2       mittees” means—

3           (A) the Committee on Rules and Adminis-  
4       tration, the Committee on Homeland Security  
5       and Governmental Affairs, the Select Com-  
6       mittee on Intelligence, and the Committee on  
7       Foreign Relations of the Senate; and

8           (B) the Committee on House Administra-  
9       tion, the Committee on Homeland Security, the  
10      Permanent Select Committee on Intelligence,  
11      and the Committee on Foreign Affairs of the  
12      House of Representatives;

13          (2) the term “chief State election official”  
14      means, with respect to a State, the individual des-  
15      ignated by the State under section 10 of the Na-  
16      tional Voter Registration Act of 1993 (52 U.S.C.  
17      20509) to be responsible for coordination of the  
18      State’s responsibilities under such Act;

19          (3) the term “election agency” means any com-  
20      ponent of a State or any component of a unit of  
21      local government of a State that is responsible for  
22      administering Federal elections;

23          (4) the term “Secretary” means the Secretary  
24      of Homeland Security; and

1           (5) the term “State” has the meaning given  
2           such term in section 901 of the Help America Vote  
3           Act of 2002 (52 U.S.C. 21141).

4 **SEC. 403. RULE OF CONSTRUCTION.**

5           Nothing in this title may be construed as authorizing  
6           the Secretary of Homeland Security to carry out the ad-  
7           ministration of an election for Federal office.

8           **Subtitle B—Cybersecurity for**  
9           **Election Systems**

10 **SEC. 411. CYBERSECURITY ADVISORIES RELATING TO**  
11 **ELECTION SYSTEMS.**

12           (a) CYBERSECURITY ADVISORIES.—

13           (1) IN GENERAL.—The Director of the Cyberse-  
14           curity and Infrastructure Security Agency of the De-  
15           partment of Homeland Security (in this subtitle re-  
16           ferred to as the “Director”) shall provide notifica-  
17           tion to the Election Assistance Commission (in this  
18           subtitle referred to as the “Commission”) if the Di-  
19           rector is determining whether an advisory relating to  
20           the cybersecurity of election systems used in the ad-  
21           ministration of elections for Federal office or the cy-  
22           bersecurity of elections for Federal office generally is  
23           necessary. If such a determination is made in the af-  
24           firmative, the Director shall coordinate with the

1 Election Assistance Commission on the timing of the  
2 release of the advisory.

3 (2) PROHIBITION.—The Director may not issue  
4 an advisory described in paragraph (1) unless the  
5 Commission has provided input relating thereto.

6 (b) NOTIFICATION.—If the Director issues an advi-  
7 sory described in subsection (a), the Director, in collabora-  
8 tion with the Commission, shall provide to appropriate  
9 State election officials and vendors of covered voting sys-  
10 tems notification relating thereto.

11 **SEC. 412. PROCESS TO TEST FOR CYBERSECURITY**  
12 **VULNERABILITIES IN ELECTION EQUIPMENT.**

13 (a) PROCESS FOR COVERED VOTING SYSTEMS.—

14 (1) IN GENERAL.—The Director and the Com-  
15 mission (in consultation with the Technical Guide-  
16 lines Development Committee and the Standards  
17 Board of the Commission), shall jointly establish a  
18 voluntary process to test covered voting systems for  
19 cybersecurity vulnerabilities. Such process shall in-  
20 clude the following:

21 (A) Mitigation strategies and other rem-  
22 edies.

23 (B) Notice to the Commission and appro-  
24 priate entities of the results of testing con-  
25 ducted pursuant to such process.

1           (2) IMPLEMENTATION.—The Director shall im-  
2           plement the process established under paragraph (1)  
3           at the request of the Commission.

4           (b) LABELING FOR VOTING SYSTEMS.—The Commis-  
5           sion (in consultation with the Technical Guidelines Devel-  
6           opment Committee and the Standards Board of the Com-  
7           mission), shall establish a process to provide for the de-  
8           ployment of appropriate labeling available through the  
9           website of the Commission to indicate that covered voting  
10          systems passed the most recent cybersecurity testing pur-  
11          suant to the process established under subsection (a).

12          (c) RULES OF CONSTRUCTION.—The process estab-  
13          lished under subsection (a), including the results of any  
14          testing carried out pursuant to this section, shall not af-  
15          fect—

16                (1) the certification status of equipment used in  
17                the administration of an election for Federal office  
18                under the Help America Vote Act of 2002; or

19                (2) the authority of the Commission to so cer-  
20                tify such equipment under such Act.

21          (d) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-  
22          ANCE COMMISSION WITH RESPECT TO GUIDELINES AND  
23          CERTIFICATION OF COVERED VOTING SYSTEMS.—No en-  
24          tity of the Federal Government other than the Election  
25          Assistance Commission may issue guidelines with respect

1 to the minimum standards for the testing, certification,  
2 decertification, and recertification of covered voting sys-  
3 tems.

4 (e) DEFINITION.—In this section, the term “covered  
5 voting systems” means equipment used in the administra-  
6 tion of an election for Federal office that is certified in  
7 accordance with versions of Voluntary Voting System  
8 Guidelines under the Help America Vote Act of 2002, and  
9 includes any related nonvoting election technology, as de-  
10 fined in section 298C of the Help America Vote Act of  
11 2002, as added by section 129(b).

12 **SEC. 413. SENSE OF CONGRESS REGARDING NEED TO NO-**  
13 **TIFY STATE AND LOCAL OFFICIALS OF ELEC-**  
14 **TION CYBERSECURITY INCIDENTS.**

15 It is the sense of Congress that, because the Constitu-  
16 tion tasks the Federal Government with the primary re-  
17 sponsibility to protect national security and reserves to the  
18 States and tasks them with the duty to establish election  
19 law and to administer Federal elections, it is imperative  
20 that the relevant Federal officials communicate regularly  
21 and clearly with State and local officials who are admin-  
22 istering Federal elections.

1           **TITLE V—CONGRESSIONAL**  
2                           **REDISTRICTING**

3   **SEC. 501. SENSE OF CONGRESS ON AUTHORITY TO ESTAB-**  
4                           **LISH MAPS OF CONGRESSIONAL DISTRICTS.**

5           It is the sense of Congress that, while Congress is  
6 authorized under the Constitution of the United States to  
7 ensure that congressional redistricting is carried out in a  
8 manner consistent with the Constitution, only a State has  
9 the authority to establish maps of the congressional dis-  
10 tricts of the State and to determine the procedures and  
11 criteria used to establish such maps.

12   **SEC. 502. AUTHORITY FOR SPEAKER OF THE HOUSE TO**  
13                           **JOIN CERTAIN CIVIL ACTIONS RELATING TO**  
14                           **APPORTIONMENT.**

15           The Speaker of the House of Representatives or the  
16 Speaker's designee or designees may commence or join in  
17 a civil action, for and on behalf of the House of Represent-  
18 atives, under any applicable law, to prevent the use of any  
19 statistical method, in connection with the decennial cen-  
20 sus, to determine the population for purposes of the appor-  
21 tionment or redistricting of Members in Congress. It shall  
22 be the duty of the Office of the General Counsel of the  
23 House of Representatives to represent the House in such  
24 civil action, according to the directions of the Speaker.  
25 The Office of the General Counsel of the House of Rep-

1 representatives may employ the services of outside counsel  
2 and other experts for this purpose.

3 **SEC. 503. CENSUS MONITORING BOARD.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “Citizen Census Monitoring Board Permanent Authoriza-  
6 tion Act of 2023”.

7 (b) **FINDINGS.**—Congress finds the following:

8 (1) The 2020 decennial census of population  
9 was conducted amongst unique and difficult cir-  
10 cumstances which have caused many of its results to  
11 be questioned as regards their accuracy and legality.

12 (2) Privacy limitations prevent the decennial  
13 census from being a transparent process, therefore  
14 limiting the ability of the public and even Congress  
15 or the courts from effectively monitoring the entire  
16 census process.

17 (3) Only an independent bipartisan Board with  
18 the same access to data and documentation as the  
19 Bureau of the Census itself can effectively monitor  
20 the decennial census process.

21 (4) Therefore, in order to achieve these goals,  
22 the Congress finds that a bipartisan Census Moni-  
23 toring Board should be established.

1           (c) ESTABLISHMENT.—There shall be established a  
2 board to be known as the Census Monitoring Board (in  
3 this section referred to as the “Board”).

4           (d) DUTIES.—The function of the Board shall be to  
5 review all aspects of the preparation and implementation,  
6 data and results, and all post-enumeration activities and  
7 procedures, of the 2020 decennial census of population  
8 under section 141 of title 13, United States Code, (includ-  
9 ing all dress rehearsals and other simulations of a census  
10 in preparation therefor) and observe and monitor all as-  
11 pects of the preparation and implementation of the 2030  
12 decennial census and each decennial census thereafter (in-  
13 cluding all dress rehearsals and other simulations of a cen-  
14 sus in preparation therefor).

15           (e) MEMBERS.—

16               (1) IN GENERAL.—The Board shall be com-  
17 posed of 6 members, appointed as follows:

18                   (A) One individual appointed by the major-  
19 ity leader of the Senate.

20                   (B) Two individuals appointed by the  
21 Speaker of the House of Representatives.

22                   (C) One individual appointed by the minor-  
23 ity leader of the Senate.

24                   (D) Two individuals appointed by the mi-  
25 nority leader of the House of Representatives.



1           (2) APPOINTMENT.—Each member of the  
2 Board shall be appointed within 60 days after the  
3 date of the enactment of this Act. A vacancy in the  
4 Board shall be filled in the manner in which the  
5 original appointment was made. Members of the  
6 Board’s terms shall expire when the Houses of Con-  
7 gress are reorganized, except that a member shall  
8 continue to serve as a member until their replace-  
9 ment is appointed.

10           (3) COMPENSATION.—Members shall not be en-  
11 titled to any pay by reason of their service on the  
12 Board, but shall receive travel expenses, including  
13 per diem in lieu of subsistence, in accordance with  
14 sections 5702 and 5703 of title 5, United States  
15 Code.

16           (4) BIPARTISAN.—The Board shall be bipar-  
17 tisan and each party’s appointees shall caucus sepa-  
18 rately and elect a co-chair from each caucus.

19           (5) MEETINGS.—The Board shall meet at the  
20 call of either co-chair.

21           (6) QUORUM.—A quorum shall consist of four  
22 members of the Board.

23           (7) REGULATIONS.—The Board may promul-  
24 gate any regulations necessary to carry out its du-  
25 ties.

1 (f) EXECUTIVE DIRECTORS.—

2 (1) IN GENERAL.—Each caucus of the Board  
3 shall have an executive director who shall be ap-  
4 pointed by the members of the two most numerous  
5 caucuses, each of whom shall be paid at a rate not  
6 to exceed level IV of the Executive Schedule under  
7 section 5315 of title 5, United States Code.

8 (2) STAFF AND SERVICES.—

9 (A) IN GENERAL.—Subject to such rules  
10 as the Board may prescribe, each executive di-  
11 rector—

12 (i) may appoint and fix the pay of  
13 such additional personnel as that executive  
14 director considers appropriate; and

15 (ii) may procure temporary and inter-  
16 mittent services under section 3109(b) of  
17 title 5, United States Code, but at rates  
18 for individuals not to exceed the daily  
19 equivalent of the maximum annual rate of  
20 pay payable for grade GS–15 of the Gen-  
21 eral Schedule.

22 (B) BOARD RULES.—Such rules shall in-  
23 clude provisions to ensure an equitable division  
24 or sharing of resources, as appropriate, between  
25 the respective staff of the Board.

1           (3) BOARD STAFF.—The staff of the Board  
2 shall be appointed without regard to the provisions  
3 of title 5, United States Code, governing appoint-  
4 ments in the competitive service, and shall be paid  
5 without regard to the provisions of chapter 51 and  
6 subchapter III of chapter 53 of such title (relating  
7 to classification and General Schedule pay rates).

8           (4) FACILITIES.—The Administrator of the  
9 General Services Administration, in coordination  
10 with the Secretary of Commerce, shall locate suitable  
11 office space for the operation of the Board in the  
12 headquarters of the Bureau of the Census in  
13 Suitland, Maryland, or its successor location. The  
14 facilities shall serve as the headquarters of the  
15 Board and shall include all necessary equipment and  
16 incidentals required for the proper functioning of the  
17 Board.

18       (g) OTHER AUTHORITIES.—

19           (1) HEARINGS.—For the purpose of carrying  
20 out its duties, the Board may hold such hearings (at  
21 the call of either co-chair) and undertake such other  
22 activities as the Board determines to be necessary to  
23 carry out its duties.

24           (2) ACCESS TO INFORMATION.—

1           (A) IN GENERAL.—Each co-chair of the  
2           Board and any Board staff who may be des-  
3           ignated by the Board under this subparagraph  
4           shall be granted access to any data, files, infor-  
5           mation, or other matters maintained by the Bu-  
6           reau of the Census (or received by it in the  
7           course of conducting a decennial census of pop-  
8           ulation) which they may request, subject to  
9           such regulations as the Board may prescribe in  
10          consultation with the Secretary of Commerce.  
11          No information may be withheld pursuant to  
12          title 13, United States Code, and all members  
13          of the Board and Board staff shall be sworn to  
14          protect the confidentiality and privilege of all  
15          data and information protected by such title.

16          (B) AGENCY INFORMATION.—The Board  
17          or the co-chairs acting jointly may secure di-  
18          rectly from any other Federal agency, including  
19          the White House, all information that the  
20          Board considers necessary to enable the Board  
21          to carry out its duties. Upon request of the  
22          Board or both co-chairs, the head of that agen-  
23          cy (or other person duly designated for pur-  
24          poses of this paragraph) shall furnish that in-  
25          formation to the Board.

1           (3) REGULATIONS.—The Board shall prescribe  
2 regulations under which any member of the Board  
3 or of its staff, and any person whose services are  
4 procured under subsection (e)(2)(A)(ii), who gains  
5 access to any information or other matter pursuant  
6 to this subsection shall, to the extent that any provi-  
7 sions of section 9 or section 214 of title 13, United  
8 States Code, would apply with respect to such mat-  
9 ter in the case of an employee of the Department of  
10 Commerce, be subject to such provisions.

11           (4) DETAIL AUTHORITY.—Upon the request of  
12 the Board, the head of any Federal agency is au-  
13 thorized to detail, without reimbursement, any of the  
14 personnel of such agency to the Board to assist the  
15 Board in carrying out its duties. Any such detail of  
16 a Federal employee under this paragraph shall not  
17 interrupt or otherwise affect the civil service status  
18 or privileges of the employee.

19           (5) TECHNICAL ASSISTANCE.—Upon the re-  
20 quest of the Board, the head of a Federal agency  
21 shall provide such technical assistance to the Board  
22 as the Board determines to be necessary to carry out  
23 its duties.

24           (6) USE OF MAILS.—The Board may use the  
25 United States mails in the same manner and under

1 the same conditions as Federal agencies and shall,  
2 for purposes of the frank, be considered a commis-  
3 sion of Congress as described in section 3215 of title  
4 39, United States Code.

5 (7) SUPPORT SERVICES.—Upon request of the  
6 Board, the Administrator of General Services shall  
7 provide to the Board on a reimbursable basis such  
8 administrative support services as the Board may re-  
9 quest.

10 (8) PRINTING COSTS.—For purposes of costs  
11 relating to printing and binding, including the cost  
12 of personnel detailed from the Government Pub-  
13 lishing Office, the Board shall be deemed to be a  
14 committee of the Congress.

15 (h) REPORTS.—

16 (1) 2020 CENSUS.—The Board shall transmit  
17 to the Congress—

18 (A) interim reports, with the first such re-  
19 port due by April 1, 2024;

20 (B) additional reports, the first of which  
21 shall be due by February 1, 2025, the second  
22 of which shall be due by April 1, 2025, and  
23 subsequent reports at least semiannually there-  
24 after;

1 (C) a final report on the 2020 Census shall  
2 be due by September 1, 2025; and

3 (D) any other reports which the Board or  
4 either co-chair considers appropriate.

5 (2) SUBSEQUENT CENSUSES.—With respect to  
6 the 2030 decennial census of population and each  
7 decennial census thereafter, the Board shall transmit  
8 to Congress—

9 (A) an interim report due not later than  
10 September 1 of the second year following the  
11 year in which a decennial census occurs; and

12 (B) a final report not later than September  
13 1 of the third year following the year in which  
14 a decennial census occurs; and

15 (C) any other reports which the Board or  
16 either co-chair considers appropriate.

17 (3) FINAL REPORT CONTENTS.—A final report  
18 under paragraph (1)(C) or (2)(B) shall contain a de-  
19 tailed statement of the findings and conclusions of  
20 the Board with respect to the matters described in  
21 subsection (c).

22 (4) REPORT CONTENTS.—In addition to any  
23 matter otherwise required under this subsection,  
24 each such report shall address, with respect to the  
25 period covered by such report—

1 (A) the degree to which efforts of the Bu-  
2 reau of the Census to prepare to conduct the  
3 decennial census—

4 (i) shall achieve maximum possible ac-  
5 curacy at every level of geography;

6 (ii) shall be taken by means of an  
7 enumeration process designed to count  
8 every individual possible;

9 (iii) shall be free from political bias  
10 and arbitrary decisions; and

11 (iv) comply with all legal and constitu-  
12 tional requirements; and

13 (B) efforts by the Bureau of the Census  
14 intended to contribute to enumeration improve-  
15 ment, specifically in connection with—

16 (i) computer modernization and the  
17 appropriate use of automation;

18 (ii) address list development;

19 (iii) outreach and promotion efforts at  
20 all levels designed to maximize response  
21 rates, especially among groups that have  
22 historically been undercounted (including  
23 measures undertaken in conjunction with  
24 local government and community and other  
25 groups);



1 (iv) establishment and operation of  
2 field offices; and

3 (v) efforts relating to the recruitment,  
4 hiring, and training of enumerators.

5 (5) AVAILABILITY OF DATA AND INFORMA-  
6 TION.—Any data or other information obtained by  
7 the Board under this section shall be made available  
8 to any committee or subcommittee of Congress of  
9 appropriate jurisdiction upon request of the chair or  
10 ranking minority member of such committee or sub-  
11 committee. No such committee or subcommittee, or  
12 member thereof, shall disclose any information ob-  
13 tained under this paragraph which is submitted to it  
14 on a confidential basis unless the full committee de-  
15 termines that the withholding of that information is  
16 contrary to the national interest.

17 (6) USE OF CONTRACTORS.—The Board shall  
18 study and submit to Congress, as part of its first re-  
19 port under paragraph (1)(A), its findings and rec-  
20 ommendations as to the feasibility and desirability of  
21 using postal personnel or private contractors to help  
22 carry out the decennial census.

23 (i) ACCURACY OF CENSUS.—To the extent prac-  
24 ticable, members of the Board shall work to promote the  
25 most accurate and complete decennial census possible by

1 using their positions to publicize the need for full and  
2 timely responses to decennial census questionnaires.

3 (j) LIMITATION ON BOARD MEMBERS AND STAFF.—

4 (1) IN GENERAL.—No individual described in  
5 paragraph (2) may—

6 (A) be appointed or serve as a member of  
7 the Board or as a member of the staff of the  
8 Board; or

9 (B) enter into any contract with the  
10 Board.

11 (2) INDIVIDUALS COVERED.—An individual de-  
12 scribed in this paragraph is any individual who is  
13 serving or who has ever served—

14 (A) as the Director of the Census; or

15 (B) with any committee or subcommittee  
16 of either House of Congress having jurisdiction  
17 over any aspect of the decennial census as—

18 (i) a Member of Congress; or

19 (ii) a congressional employee.

20 (k) EXCEPTION FOR USE OF INFORMATION.—Sec-  
21 tion 9(a) of title 13, United States Code, is amended in  
22 the matter before paragraph (1)—

23 (1) by striking “or section 210” and inserting  
24 “, section 210”;

1 (2) by striking “1998 or” and inserting  
2 “1998,”; and

3 (3) by striking “1997” and inserting “, or sec-  
4 tion 502 of the American Confidence in Elections  
5 Act”.

6 (l) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated \$7,500,000 for fiscal year  
8 2024 and each fiscal year thereafter to carry out this sec-  
9 tion.

## 10 **TITLE VI—DISINFORMATION** 11 **GOVERNANCE BOARD**

### 12 **SEC. 601. TERMINATION OF THE DISINFORMATION GOV-** 13 **ERNANCE BOARD.**

14 The Disinformation Governance Board of the De-  
15 partment of Homeland Security is hereby terminated.

### 16 **SEC. 602. PROHIBITION ON FUNDING SIMILAR BOARD OR** 17 **SIMILAR ACTIVITIES.**

18 No Federal funds authorized to be appropriated or  
19 otherwise made available may be used to establish any  
20 other entity that is substantially similar to the  
21 Disinformation Governance Board terminated by section  
22 601 or to carry out activities that are substantially similar  
23 to the Disinformation Governance Board terminated by  
24 section 601.

1           **TITLE VII—SEVERABILITY**

2   **SEC. 701. SEVERABILITY.**

3           If any provision of this Act or any amendment made  
4 by this Act, or the application of any such provision or  
5 amendment to any person or circumstance, is held to be  
6 unconstitutional, the remainder of this Act, and the appli-  
7 cation of such provision or amendment to any other person  
8 or circumstance, shall not be affected by the holding.

