To expand Americans’ access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. SARBAINES (for himself and Ms. PELOSI) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Intelligence (Permanent Select), the Judiciary, Oversight and Reform, Science, Space, and Technology, Education and Labor, Ways and Means, Financial Services, Ethics, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH --, 2019

Reported from the Committee on House Administration with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 3, 2019]
A BILL

To expand Americans’ access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF
CONTENTS.

(a) DIVISIONS.—This Act is organized into 3 divisions
as follows:

(1) Division A—Voting.

(2) Division B—Campaign Finance.

(3) Division C—Ethics.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—VOTING
TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.
Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

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

PART 2—AUTOMATIC VOTER REGISTRATION

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

PART 3—SAME DAY VOTER REGISTRATION

Sec. 1031. Same day registration.

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

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

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

Sec. 1051. Annual reports on voter registration statistics.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

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

Subtitle B—Access to Voting for Individuals With Disabilities

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

Subtitle C—Prohibiting Voter Caging

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

Subtitle D—[Reserved]

Subtitle E—[Reserved]

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

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

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

Subtitle H—Early Voting

Sec. 1611. Early voting.

Subtitle I—Voting by Mail

Sec. 1621. Voting by Mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

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

Subtitle K—Poll Worker Recruitment and Training

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

Subtitle L—Enhancement of Enforcement


Subtitle M—Federal Election Integrity

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

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

Sec. 1901. Treatment of institutions of higher education.
Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
Sec. 1903. [Reserved].
Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.
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Sec. 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.
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Sec. 1911. Reauthorization of Election Assistance Commission.
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Subtitle F—Saving Eligible Voters From Voter Purging
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Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

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Sec. 2701. Severability.

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Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
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Sec. 3102. Timely threat information.
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Sec. 3105. Annual reports.

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Sec. 4001. Findings relating to illicit money undermining our democracy.

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Sec. 4205. Expansion of definition of public communication.
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Sec. 4302. Stand By Every Ad.
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Sec. 5102. Voucher program described.
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"TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

"Subtitle A—Benefits

"Sec. 501. Benefits for participating candidates.
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Sec. 9303. Establishment of online portal for congressionally mandated reports.
Sec. 9304. Federal agency responsibilities.
Sec. 9305. Removing and altering reports.
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DIVISION A—VOTING

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization
Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION
Sec. 1001. Requiring availability of Internet for voter registration.
Sec. 1002. Use of Internet to update registration information.
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PART 2—Improvements in Operation of Election Assistance Commission

Sec. 1911. Reauthorization of Election Assistance Commission.
Sec. 1913. Requiring states to participate in post-general election surveys.
Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
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Sec. 1916. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—Miscellaneous Provisions

Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.
Sec. 1922. No effect on other laws.

Subtitle O—Severability

Sec. 1931. Severability.

1 SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.

2 (a) Short Title.—This title may be cited as the

3 “Voter Empowerment Act of 2019”.

February 28, 2019 (10:17 a.m.)
(b) **Statement of Policy.**—It is the policy of the United States that—

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

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

**Subtitle A—Voter Registration Modernization**

**SEC. 1000A. Short Title.**

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

**PART 1—PROMOTING INTERNET REGISTRATION**

**SEC. 1001. Requiring Availability of Internet for Voter Registration.**

(a) **Requiring Availability of Internet for Registration.**—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 6 the following new section:

“**SEC. 6A. Internet Registration.**

“(a) Requiring Availability of Internet for Online Registration.—”
“(1) Availability of online registration and correction of existing registration information.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):

“(A) Online application for voter registration.

“(B) Online assistance to applicants in applying to register to vote.

“(C) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature as required under subsection (c).

“(D) Online receipt of completed voter registration applications.

“(b) Acceptance of completed applications.—A State shall accept an online voter registration application
provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

“(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and

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

“(c) SIGNATURE REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of this section, an individual meets the requirements of this subsection as follows:

“(A) In the case of an individual who has a signature on file with a State agency, including the State motor vehicle authority, that is required to provide voter registration services under this Act or any other law, the individual consents to the transfer of that electronic signature.
“(B) If subparagraph (A) does not apply, the individual submits with the application an electronic copy of the individual’s handwritten signature through electronic means.

“(C) If subparagraph (A) and subparagraph (B) do not apply, the individual executes a computerized mark in the signature field on an online voter registration application, in accordance with reasonable security measures established by the State, but only if the State accepts such mark from the individual.

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

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

“(B) permit the individual to provide a signature at the time the individual requests a ballot in an election (whether the individual requests the ballot at a polling place or requests the ballot by mail); and

“(C) if the individual carries out the steps described in subparagraph (A) and subpara-
graph (B), ensure that the individual is registered to vote in the State.

“(3) NOTICE.—The State shall ensure that individuals applying to register to vote online are notified of the requirements of paragraph (1) and of the treatment of individuals unable to meet such requirements, as described in paragraph (2).

“(d) CONFIRMATION AND DISPOSITION.—

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

“(2) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.

“(3) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subsection by regular mail,
and, in the case of an individual who has provided
the official with an electronic mail address, by both
electronic mail and regular mail.

“(e) Provision of Services in Nonpartisan Man-
ner.—The services made available under subsection (a)
shall be provided in a manner that ensures that, consistent
with section 7(a)(5)—

“(1) the online application does not seek to influ-
ence an applicant’s political preference or party reg-
istration; and

“(2) there is no display on the website promoting
any political preference or party allegiance, except
that nothing in this paragraph may be construed to
prohibit an applicant from registering to vote as a
member of a political party.

“(f) Protection of Security of Information.—In
meeting the requirements of this section, the State shall es-
establish appropriate technological security measures to pre-
vent to the greatest extent practicable any unauthorized ac-
cess to information provided by individuals using the serv-
ices made available under subsection (a).

“(g) Accessibility of Services.—A state shall en-
sure that the services made available under this section are
made available to individuals with disabilities to the same
extent as services are made available to all other individuals.

“(h) Use of Additional Telephone-Based System.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

“(i) Nondiscrimination Among Registered Voters Using Mail and Online Registration.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.”.

(b) Special Requirements for Individuals Using Online Registration.—

(1) Treatment as Individuals Registering to Vote by Mail for Purposes of First-Time Voter Identification Requirements.—Section 303(b)(1)(A) of the Help America Vote Act of 2002
(52 U.S.C. 21083(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or online under section 6A of the National Voter Registration Act of 1993”.

(2) Requiring signature for first-time voters in jurisdiction.—Section 303(b) of such Act (52 U.S.C. 21083(b)) is amended—

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

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

“(5) Signature requirements for first-time voters using online registration.—

“(A) In general.—A State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of subparagraph (B) if—

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

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

“(B) Requirements.—An individual meets the requirements of this subparagraph if—
“(i) in the case of an individual who votes in person, the individual provides the appropriate State or local election official with a handwritten signature; or

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

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

“(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302 et seq.);

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

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

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

(c) CONFORMING AMENDMENTS.—

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

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

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

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

“(D) in the case of online registration 
through the official public website of an election 
official under section 6A, if the valid voter reg-
istration application is submitted online not 
later than the lesser of 30 days, or the period 
provided by State law, before the date of the elec-
tion (as determined by treating the date on 
which the application is sent electronically as the 
date on which it is submitted); and”.

(2) INFORMING APPLICANTS OF ELIGIBILITY RE-
QUIREMENTS AND PENALTIES.—Section 8(a)(5) of 
such Act (52 U.S.C. 20507(a)(5)) is amended by 
striking “and 7” and inserting “6A, and 7”.
SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

(a) IN GENERAL.—

(1) Updates to information contained on computerized statewide voter registration list.—Section 303(a) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)) is amended by adding at the end the following new paragraph:

“(6) Use of internet by registered voters to update information.—

“(A) In general.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter’s registration information, including the voter’s address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

“(B) Processing of updated information by election officials.—If a registered voter updates registration information under
subparagraph (A), the appropriate State or local election official shall—

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

“(ii) if the updated registration information affects the voter’s eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

“(C) CONFIRMATION AND DISPOSITION.—

“(i) CONFIRMATION OF RECEIPT.— Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the State’s receipt of the updated information and providing instructions on how the individual may check the status of the update.

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

“(iii) Method of Notification.—

The appropriate State or local election official shall send the notices required under this subparagraph by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.”.

(2) Conforming Amendment Relating to Effective Date.—Section 303(d)(1)(A) of such Act (52 U.S.C. 21083(d)(1)(A)) is amended by striking “subparagraph (B)” and inserting “subparagraph (B) and subsection (a)(6)”.

(b) Ability of Registrant To Use Online Update To Provide Information on Residence.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

(1) in the first sentence, by inserting after “return the card” the following: “or update the registrant’s information on the computerized Statewide
voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002”; and

(2) in the second sentence, by striking “returned,” and inserting the following: “returned or if the registrant does not update the registrant’s information on the computerized Statewide voter registration list using such online method,”.

SEC. 1003. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.

(a) INCLUDING OPTION ON VOTER REGISTRATION APPLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE INFORMATION.—

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

(A) by striking “and” at the end of paragraph (3);

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

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

“(5) shall include a space for the applicant to provide (at the applicant’s option) an electronic mail
address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.”.

(2) Prohibiting use for purposes unrelated to official duties of election officials.—Section 9 of such Act (52 U.S.C. 20508) is amended by adding at the end the following new subsection:

“(c) Prohibiting Use of Electronic Mail Addresses for Other Than Official Purposes.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.”.
(b) Requiring Provision of Information by Election Officials.—Section 302(b) of the Help America Vote Act of 2002 (52 U.S.C. 21082(b)) is amended by adding at the end the following new paragraph:

“(3) Provision of Other Information by Electronic Mail.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 7 days before the date of the election for Federal office involved, shall provide the individual with information on how to obtain the following information by electronic means:

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

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

“(C) A description of any identification or other information the individual may be required to present at the polling place.”.
SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.

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

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

“(j) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a ‘valid voter registration form’ if—

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

“(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.”.

SEC. 1005. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this part (other than the amendments made by section 1004) shall take effect January 1, 2020.

(b) Waiver.—Subject to the approval of the Election Assistance Commission, if a State certifies to the Election Assistance Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2020” were a reference to “January 1, 2022”.

PART 2—AUTOMATIC VOTER REGISTRATION

SEC. 1011. SHORT TITLE; FINDINGS AND PURPOSE.

(a) Short Title.—This part may be cited as the “Automatic Voter Registration Act of 2019”.

(b) Findings and Purpose.—

(1) Findings.—Congress finds that—

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

(B) it is the responsibility of the State and Federal Governments to ensure that every eligible citizen is registered to vote;
(C) existing voter registration systems can be inaccurate, costly, inaccessible and confusing, with damaging effects on voter participation in elections and disproportionate impacts on young people, persons with disabilities, and racial and ethnic minorities; and

(D) voter registration systems must be updated with 21st Century technologies and procedures to maintain their security.

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

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

(B) to enable the State and Federal Governments to register all eligible citizens to vote with accurate, cost-efficient, and up-to-date procedures;

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

(D) to protect and enhance the integrity, accuracy, efficiency, and accessibility of the electoral process for all eligible citizens.
(a) Requiring States to Establish and Operate Automatic Registration System.—

(1) In General.—The chief State election official of each State shall establish and operate a system of automatic registration for the registration of eligible individuals to vote for elections for Federal office in the State, in accordance with the provisions of this part.

(2) Definition.—The term “automatic registration” means a system that registers an individual to vote in elections for Federal office in a State, if eligible, by electronically transferring the information necessary for registration from government agencies to election officials of the State so that, unless the individual affirmatively declines to be registered, the individual will be registered to vote in such elections.

(b) Registration of Voters Based on New Agency Records.—The chief State election official shall—

(1) not later than 15 days after a contributing agency has transmitted information with respect to an individual pursuant to section 1013, ensure that the individual is registered to vote in elections for Federal office in the State if the individual is eligible to be registered to vote in such elections; and
(2) not later than 120 days after a contributing agency has transmitted such information with respect to the individual, send written notice to the individual, in addition to other means of notice established by this part, of the individual’s voter registration status.

(c) One-time Registration of Voters Based on Existing Contributing Agency Records.—The chief State election official shall—

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

(2) promptly send each such individual written notice, in addition to other means of notice established by this part, which shall not identify the contributing agency that transmitted the information but shall include—

(A) an explanation that voter registration is voluntary, but if the individual does not decline registration, the individual will be registered to vote;

(B) a statement offering the opportunity to decline voter registration through means consistent with the requirements of this part;
(C) in the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party’s candidate in an election for Federal office, a statement offering the individual the opportunity to affiliate or enroll with a political party or to decline to affiliate or enroll with a political party, through means consistent with the requirements of this part;

(D) the substantive qualifications of an elector in the State as listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, the consequences of false registration, and a statement that the individual should decline to register if the individual does not meet all those qualifications;

(E) instructions for correcting any erroneous information; and

(F) instructions for providing any additional information which is listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993;
(3) ensure that each such individual who is eligible to register to vote in elections for Federal office in the State is promptly registered to vote not later than 45 days after the official sends the individual the written notice under paragraph (2), unless, during the 30-day period which begins on the date the election official sends the individual such written notice, the individual declines registration in writing, through a communication made over the Internet, or by an officially-logged telephone communication; and

(4) send written notice to each such individual, in addition to other means of notice established by this part, of the individual’s voter registration status.

(d) Treatment of Individuals Under 18 Years of Age.—A State may not refuse to treat an individual as an eligible individual for purposes of this part on the grounds that the individual is less than 18 years of age at the time a contributing agency receives information with respect to the individual, so long as the individual is at least 16 years of age at such time.

(e) Contributing Agency Defined.—In this part, the term “contributing agency” means, with respect to a State, an agency listed in section 1013(e).
SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REGISTRATION.

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

(b) Requirements for Contributing Agencies.—

(1) Instructions on Automatic Registration.—With each application for service or assistance, and with each related recertification, renewal, or change of address, or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study, each contributing agency that (in the normal course of its operations) requests individuals to affirm United States citizenship (either directly or as part of the overall application for service or assistance) shall inform each such individual who is a citizen of the United States of the following:

(A) Unless that individual declines to register to vote, or is found ineligible to vote, the individual will be registered to vote or, if applicable, the individual’s registration will be updated.

(B) The substantive qualifications of an elector in the State as listed in the mail voter registration application form for elections for

...
Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, the consequences of false registration, and the individual should decline to register if the individual does not meet all those qualifications.

(C) In the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party’s candidate in an election for Federal office, the requirement that the individual must affiliate or enroll with a political party in order to participate in such an election.

(D) Voter registration is voluntary, and neither registering nor declining to register to vote will in any way affect the availability of services or benefits, nor be used for other purposes.

(2) OPPORTUNITY TO DECLINE REGISTRATION REQUIRED.—Each contributing agency shall ensure that each application for service or assistance, and each related recertification, renewal, or change of address, or, in the case of an institution of higher education, each registration of a student for enrollment in a course of study, cannot be completed until the in-
dividual is given the opportunity to decline to be reg-
istered to vote.

(3) INFORMATION TRANSMITTAL.—Upon the ex-
piration of the 30-day period which begins on the
date the contributing agency informs the individual
of the information described in paragraph (1), each
ccontributing agency shall electronically transmit to
the appropriate State election official, in a format
compatible with the statewide voter database main-
tained under section 303 of the Help America Vote
Act of 2002 (52 U.S.C. 21083), the following informa-
tion, unless during such 30-day period the individual
declined to be registered to vote:

(A) The individual’s given name(s) and
surname(s).

(B) The individual’s date of birth.

(C) The individual’s residential address.

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

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

(F) If available, the individual’s signature
in electronic form.
(G) Information regarding the individual’s affiliation or enrollment with a political party, if the individual provides such information.

(H) Any additional information listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, including any valid driver’s license number or the last 4 digits of the individual’s social security number, if the individual provided such information.

(c) Alternate Procedure for Certain Contributing Agencies.—With each application for service or assistance, and with each related recertification, renewal, or change of address, any contributing agency that in the normal course of its operations does not request individuals applying for service or assistance to affirm United States citizenship (either directly or as part of the overall application for service or assistance) shall—

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

2. ensure that each applicant’s transaction with the agency cannot be completed until the applicant has indicated whether the applicant wishes to register
to vote or declines to register to vote in elections for Federal office held in the State; and

(3) for each individual who wishes to register to vote, transmit that individual's information in accordance with subsection (b)(3).

(d) REQUIRED AVAILABILITY OF AUTOMATIC REGISTRATION OPPORTUNITY WITH EACH APPLICATION FOR SERVICE OR ASSISTANCE.—Each contributing agency shall offer each individual, with each application for service or assistance, and with each related recertification, renewal, or change of address, or in the case of an institution of higher education, with each registration of a student for enrollment in a course of study, the opportunity to register to vote as prescribed by this section without regard to whether the individual previously declined a registration opportunity.

(e) CONTRIBUTING AGENCIES.—

(1) STATE AGENCIES.—In each State, each of the following agencies shall be treated as a contributing agency:

(A) Each agency in a State that is required by Federal law to provide voter registration services, including the State motor vehicle authority and other voter registration agencies under the National Voter Registration Act of 1993.
(B) Each agency in a State that administers a program pursuant to title III of the Social Security Act (42 U.S.C. 501 et seq.), title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the Patient Protection and Affordable Care Act (Public Law 111–148).

(C) Each State agency primarily responsible for regulating the private possession of firearms.

(D) Each State agency primarily responsible for maintaining identifying information for students enrolled at public secondary schools, including, where applicable, the State agency responsible for maintaining the education data system described in section 6201(e)(2) of the America COMPETES Act (20 U.S.C. 9871(e)(2)).

(E) In the case of a State in which an individual disenfranchised by a criminal conviction may become eligible to vote upon completion of a criminal sentence or any part thereof, or upon formal restoration of rights, the State agency responsible for administering that sentence, or part thereof, or that restoration of rights.
(F) Any other agency of the State which is designated by the State as a contributing agency.

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

(A) The Social Security Administration, the Department of Veterans Affairs, the Defense Manpower Data Center of the Department of Defense, the Employee and Training Administration of the Department of Labor, and the Center for Medicare & Medicaid Services of the Department of Health and Human Services.

(B) The Bureau of Citizenship and Immigration Services, but only with respect to individuals who have completed the naturalization process.

(C) In the case of an individual who is a resident of a State in which an individual disenfranchised by a criminal conviction under Federal law may become eligible to vote upon completion of a criminal sentence or any part thereof, or upon formal restoration of rights, the Federal agency responsible for administering
that sentence or part thereof (without regard to whether the agency is located in the same State in which the individual is a resident), but only with respect to individuals who have completed the criminal sentence or any part thereof.

(D) Any other agency of the Federal government which the State designates as a contributing agency, but only if the State and the head of the agency determine that the agency collects information sufficient to carry out the responsibilities of a contributing agency under this section.

(3) Special rule for institutions of higher education.—

(A) Special rule.—For purposes of this part, each institution of higher education described in subparagraph (B) shall be treated as a contributing agency in the State in which it is located, except that—

(i) the institution shall be treated as a contributing agency only if, in its normal course of operations, the institution requests each student registering for enrollment in a course of study, including enrollment in a program of distance education, as defined
in section 103(7) of the Higher Education Act of 1965 (20 U.S.C. 1003(7)), to affirm whether or not the student is a United States citizen; and

(ii) if the institution is treated as a contributing agency in a State pursuant to clause (i), the institution shall serve as a contributing agency only with respect to students, including students enrolled in a program of distance education, as defined in section 103(7) of the Higher Education Act of 1965 (20 U.S.C. 1003(7)), who reside in the State.

(B) INSTITUTIONS DESCRIBED.—An institution described in this subparagraph is an institution of higher education which has a program participation agreement in effect with the Secretary of Education under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) and which is located in a State to which section 4(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(b)) does not apply.

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

(5) **Public Education.**—The chief State election official of each State, in collaboration with each contributing agency, shall take appropriate measures to educate the public about voter registration under this section.

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

(a) **Initial Transmittal of Information.**—For each individual already listed in a contributing agency’s records as of the date of enactment of this Act, and for whom the agency has the information listed in section 1013(b)(3), the agency shall promptly transmit that information to the appropriate State election official in accordance with section 1013(b)(3) not later than the effective date described in section 1011(a).

(b) **Transition.**—For each individual listed in a contributing agency’s records as of the effective date described in section 1011(a) (but who was not listed in a contributing agency’s records as of the date of enactment of this Act), and for whom the agency has the information listed in section 1013(b)(3), the Agency shall promptly transmit that information to the appropriate State election official in ac-
cordance with section 1013(b)(3) not later than 6 months after the effective date described in section 1011(a).

SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTOMATIC REGISTRATION.

(a) Protections for Errors in Registration.—An individual shall not be prosecuted under any Federal or State law, adversely affected in any civil adjudication concerning immigration status or naturalization, or subject to an allegation in any legal proceeding that the individual is not a citizen of the United States on any of the following grounds:

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

(2) The individual is not eligible to vote in elections for Federal office but was automatically registered to vote under this part.

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

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

(b) Limits on Use of Automatic Registration.—The automatic registration of any individual or the fact
that an individual declined the opportunity to register to
vote or did not make an affirmation of citizenship (including through automatic registration) under this part may
not be used as evidence against that individual in any State
or Federal law enforcement proceeding, and an individual’s
lack of knowledge or willfulness of such registration may
be demonstrated by the individual’s testimony alone.

(c) PROTECTION OF ELECTION INTEGRITY.—Nothing
in subsections (a) or (b) may be construed to prohibit or
restrict any action under color of law against an individual
who—

(1) knowingly and willfully makes a false state-
ment to effectuate or perpetuate automatic voter reg-
istration by any individual; or

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

(d) CONTRIBUTING AGENCIES’ PROTECTION OF INFOR-
MATION.—Nothing in this part authorizes a contributing
agency to collect, retain, transmit, or publicly disclose any
of the following:

(1) An individual’s decision to decline to register
to vote or not to register to vote.

(2) An individual’s decision not to affirm his or
her citizenship.
(3) Any information that a contributing agency transmits pursuant to section 1013(b)(3), except in pursuing the agency’s ordinary course of business.

(e) Election Officials’ Protection of Information.—

(1) Public disclosure prohibited.—

(A) In general.—Subject to subparagraph (B), with respect to any individual for whom any State election official receives information from a contributing agency, the State election officials shall not publicly disclose any of the following:

(i) The identity of the contributing agency.

(ii) Any information not necessary to voter registration.

(iii) Any voter information otherwise shielded from disclosure under State law or section 8(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)).

(iv) Any portion of the individual’s social security number.

(v) Any portion of the individual’s motor vehicle driver’s license number.

(vi) The individual’s signature.
(vii) The individual's telephone number.

(viii) The individual’s email address.

(B) SPECIAL RULE FOR INDIVIDUALS REGISTERED TO VOTE.—With respect to any individual for whom any State election official receives information from a contributing agency and who, on the basis of such information, is registered to vote in the State under this part, the State election officials shall not publicly disclose any of the following:

(i) The identity of the contributing agency.

(ii) Any information not necessary to voter registration.

(iii) Any voter information otherwise shielded from disclosure under State law or section 8(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)).

(iv) Any portion of the individual’s social security number.

(v) Any portion of the individual’s motor vehicle driver’s license number.

(vi) The individual’s signature.
(2) VOTER RECORD CHANGES.—Each State shall maintain for at least 2 years and shall make available for public inspection (and, where available, photocopying at a reasonable cost), including in electronic form and through electronic methods, all records of changes to voter records, including removals, the reasons for removals, and updates.

(3) DATABASE MANAGEMENT STANDARDS.—The Director of the National Institute of Standards and Technology shall, after providing the public with notice and the opportunity to comment—

(A) establish standards governing the comparison of data for voter registration list maintenance purposes, identifying as part of such standards the specific data elements, the matching rules used, and how a State may use the data to determine and deem that an individual is ineligible under State law to vote in an election, or to deem a record to be a duplicate or outdated;

(B) ensure that the standards developed pursuant to this paragraph are uniform and nondiscriminatory and are applied in a uniform and nondiscriminatory manner; and
(C) not later than 45 days after the deadline for public notice and comment, publish the standards developed pursuant to this paragraph on the Director’s website and make those standards available in written form upon request.

(4) **Security Policy.**—The Director of the National Institute of Standards and Technology shall, after providing the public with notice and the opportunity to comment, publish privacy and security standards for voter registration information not later than 45 days after the deadline for public notice and comment. The standards shall require the chief State election official of each State to adopt a policy that shall specify—

(A) each class of users who shall have authorized access to the computerized statewide voter registration list, specifying for each class the permission and levels of access to be granted, and setting forth other safeguards to protect the privacy, security, and accuracy of the information on the list; and

(B) security safeguards to protect personal information transmitted through the information transmittal processes of section 1013 or section 1014, the online system used pursuant to section
1017, any telephone interface, the maintenance of the voter registration database, and any audit procedure to track access to the system.

(5) **STATE COMPLIANCE WITH NATIONAL STANDARDS.**—

(A) **CERTIFICATION.**—The chief executive officer of the State shall annually file with the Election Assistance Commission a statement certifying to the Director of the National Institute of Standards and Technology that the State is in compliance with the standards referred to in paragraphs (3) and (4). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: “_________ hereby certifies that it is in compliance with the standards referred to in paragraphs (3) and (4) of section 1015(e) of the Automatic Voter Registration Act of 2019.” (with the blank to be filled in with the name of the State involved).

(B) **PUBLICATION OF POLICIES AND PROCEDURES.**—The chief State election official of a State shall publish on the official’s website the policies and procedures established under this section, and shall make those policies and proce-
dures available in written form upon public re-
quest.

(C) Funding dependent on certification.—If a State does not timely file the cer-
tification required under this paragraph, it shall
not receive any payment under this part for the
upcoming fiscal year.

(D) Compliance of states that require changes to State law.—In the case of a State
that requires State legislation to carry out an
activity covered by any certification submitted
under this paragraph, for a period of not more
than 2 years the State shall be permitted to
make the certification notwithstanding that the
legislation has not been enacted at the time the
certification is submitted, and such State shall
submit an additional certification once such leg-
islation is enacted.

(f) Restrictions on use of information.—No per-
son acting under color of law may discriminate against any
individual based on, or use for any purpose other than voter
registration, election administration, or enforcement relat-
ing to election crimes, any of the following:

(1) Voter registration records.
(2) An individual’s declination to register to vote or complete an affirmation of citizenship under section 1013(b).

(3) An individual’s voter registration status.

(g) Prohibition on the Use of Voter Registration Information for Commercial Purposes.—Information collected under this part shall not be used for commercial purposes. Nothing in this subsection may be construed to prohibit the transmission, exchange, or dissemination of information for political purposes, including the support of campaigns for election for Federal, State, or local public office or the activities of political committees (including committees of political parties) under the Federal Election Campaign Act of 1971.

SEC. 1016. REGISTRATION PORTABILITY AND CORRECTION.

(a) Correcting Registration Information at Polling Place.—Notwithstanding section 302(a) of the Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if an individual is registered to vote in elections for Federal office held in a State, the appropriate election official at the polling place for any such election (including a location used as a polling place on a date other than the date of the election) shall permit the individual to—

(1) update the individual’s address for purposes of the records of the election official;
(2) correct any incorrect information relating to the individual, including the individual’s name and political party affiliation, in the records of the election official; and

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

(b) Updates to Computerized Statewide Voter Registration Lists.—If an election official at the polling place receives an updated address or corrected information from an individual under subsection (a), the official shall ensure that the address or information is promptly entered into the computerized Statewide voter registration list in accordance with section 303(a)(1)(A)(vi) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)(1)(A)(vi)).

SEC. 1017. PAYMENTS AND GRANTS.

(a) In General.—The Election Assistance Commission shall make grants to each eligible State to assist the State in implementing the requirements of this part (or, in the case of an exempt State, in implementing its existing automatic voter registration program).

(b) Eligibility; Application.—A State is eligible to receive a grant under this section if the State submits to
the Commission, at such time and in such form as the Commission may require, an application containing—

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

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

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

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

(1) investments supporting electronic information transfer, including electronic collection and transfer of signatures, between contributing agencies and the appropriate State election officials;
(2) updates to online or electronic voter registration systems already operating as of the date of the enactment of this Act;

(3) introduction of online voter registration systems in jurisdictions in which those systems did not previously exist; and

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

(d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

(2) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authority of this subsection shall remain available without fiscal year limitation until expended.

SEC. 1018. TREATMENT OF EXEMPT STATES.

(a) WAIVER OF REQUIREMENTS.—Except as provided in subsection (b), this part does not apply with respect to an exempt State.

(b) EXCEPTIONS.—The following provisions of this part apply with respect to an exempt State:
(1) section 1016 (relating to registration port-
ability and correction).

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

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

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

SEC. 1019. MISCELLANEOUS PROVISIONS.

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

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

(c) NONPARTISAN, NONDISCRIMINATORY PROVISION OF
SERVICES.—The services made available by contributing
agencies under this part and by the State under sections
1006 and 1007 shall be made in a manner consistent with
paragraphs (4), (5), and (6)(C) of section 7(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)).

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

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

(f) RELATION TO OTHER LAWS.—Except as provided, nothing in this part may be construed to authorize or require conduct prohibited under, or to supersede, restrict, or limit the application of any of the following:

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

   (2) The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

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

SEC. 1020. DEFINITIONS.

In this part, the following definitions apply:

(1) The term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act.

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

(3) The term “exempt State” means a State which, under law which is in effect continuously on and after the date of the enactment of this Act, operates an automatic voter registration program under which an individual is automatically registered to vote in elections for Federal office in the State if the individual provides the motor vehicle authority of the State (or, in the case of a State in which an individual is automatically registered to vote at the time the individual applies for benefits or services with a Permanent Dividend Fund of the State, provides the appropriate official of such Fund) with such identifying information as the State may require.
(4) The term “State” means each of the several States and the District of Columbia.

SEC. 1021. EFFECTIVE DATE.

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

(b) Waiver.—Subject to the approval of the Commission, if a State certifies to the Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2021” were a reference to “January 1, 2023”.

PART 3—SAME DAY VOTER REGISTRATION

SEC. 1031. SAME DAY REGISTRATION.

(a) In general.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

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

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

“SEC. 304. SAME DAY REGISTRATION.

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

“(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993 (or, if the individual is already registered to vote, to revise any of the individual’s voter registration information); and

“(B) to cast a vote in such election.

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

“(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.
“(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2020 and for any subsequent election for Federal office.”.

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

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

(1) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306; and

(2) by inserting after the item relating to section 303 the following new item:

“Sec. 304. Same day registration.”.

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

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

(a) MINIMUM INFORMATION REQUIRED FOR REMOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(c)(2)) is amended—
(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

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

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

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

“(C) In this paragraph—

“(i) the term ‘interstate cross-check’ means the transmission of information from an election official in one State to an election official of another State; and
“(ii) the term ‘ERIC system’ means the system operated by the Electronic Registration Information Center to share voter registration information and voter identification information among participating States.”.

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

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)), as redesignated by subsection (a)(1), is amended by striking “Subparagraph (A)” and inserting “This paragraph”.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to elections held on or after the expiration of the 6-month period which begins on the date of the enactment of this Act.
PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION STATISTICS.

(a) ANNUAL REPORT.—Not later than 90 days after the end of each year, each State shall submit to the Election Assistance Commission and Congress a report containing the following categories of information for the year:

(1) The number of individuals who were registered under part 2.

(2) The number of voter registration application forms completed by individuals that were transmitted by motor vehicle authorities in the State (pursuant to section 5(d) of the National Voter Registration Act of 1993) and voter registration agencies in the State (as designated under section 7 of such Act) to the chief State election official of the State, broken down by each such authority and agency.

(3) The number of such individuals whose voter registration application forms were accepted and who were registered to vote in the State and the number of such individuals whose forms were rejected and who were not registered to vote in the State, broken down by each such authority and agency.

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

(5) The number of individuals on the Statewide
computerized voter registration list (as established
and maintained under section 303 of the Help Amer-
ica Vote Act of 2002) whose voter registration inform-
ation was revised by the chief State election official
as a result of the forms transmitted to the official by
such motor vehicle authorities and voter registration
agencies (as described in paragraph (3)), broken down
by each such authority and agency and the type of
form transmitted.

(6) The number of individuals who requested the
chief State election official to revise voter registration
information on such list, and the number of individ-
uals whose information was revised as a result of such
a request.

(b) BREAKDOWN OF INFORMATION BY RACE AND ETH-
NICITY OF INDIVIDUALS.—In preparing the report under
this section, the State shall, for each category of information
described in subsection (a), include a breakdown by race
and ethnicity of the individuals whose information is included in the category, to the extent that information on the race and ethnicity of such individuals is available to the State.

(c) CONFIDENTIALITY OF INFORMATION.—In preparing and submitting a report under this section, the chief State election official shall ensure that no information regarding the identification of any individual is revealed.

(d) STATE DEFINED.—In this section, a “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, but does not include any State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS UNDER HAVA TO COVER COSTS OF COMPLIANCE WITH NEW REQUIREMENTS.

(a) IN GENERAL.—Section 251(b) of the Help America Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—
(1) in paragraph (1), by striking “(2) and (3)” and inserting “(2), (3), and (4)” and (2) by adding at the end the following new paragraph:

“(4) CERTAIN VOTER REGISTRATION ACTIVITIES.—A State may use a requirements payment to carry out any of the requirements of the Voter Registration Modernization Act of 2019, including the requirements of the National Voter Registration Act of 1993 which are imposed pursuant to the amendments made to such Act by the Voter Registration Modernization Act of 2019.”.

(b) CONFORMING AMENDMENT.—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking “section 251(a)(2)” and inserting “section 251(b)(2)”.

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

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

SEC. 1071. [RESERVED].

SEC. 1072. ESTABLISHMENT OF BEST PRACTICES.

(a) BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall develop and publish recommendations for
best practices for States to use to deter and prevent violations of section 612 of title 18, United States Code (as added by section 1071), and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including practices to provide for the posting of relevant information at polling places and voter registration agencies under such Act, the training of poll workers and election officials, and relevant educational materials. For purposes of this subsection, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(b) Inclusion in Voter Information Requirements.—Section 302(b)(2) of the Help America Vote Act of 2002 (52 U.S.C. 21082(b)(2)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”;

(3) by adding at the end the following new subparagraph:

“(G) information relating to the prohibitions of section 612 of title 18, United States
Code, and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including information on how individuals may report allegations of violations of such prohibitions.”

Subtitle B—Access to Voting for Individuals With Disabilities

SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

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

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

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

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

“(a) TREATMENT OF APPLICATIONS AND BALLOTS.—Each State shall—
“(1) permit individuals with disabilities to use absentee registration procedures and to vote by absentee ballot in elections for Federal office;

“(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an individual with a disability if the application is received by the appropriate State election official within the deadline for the election which is applicable under Federal law;

“(3) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for individuals with disabilities to request by mail and electronically voter registration applications and absentee ballot applications with respect to elections for Federal office in accordance with subsection (c);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the individual under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (c); and
“(C) by which such an individual can designate whether the individual prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

“(4) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to individuals with disabilities with respect to elections for Federal office in accordance with subsection (d);

“(5) transmit a validly requested absentee ballot to an individual with a disability—

“(A) except as provided in subsection (e), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case in which the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot; and
“(6) if the State declares or otherwise holds a
runoff election for Federal office, establish a written
plan that provides absentee ballots are made available
to individuals with disabilities in a manner that
gives them sufficient time to vote in the runoff elec-
tion.

“(b) Designation of Single State Office To Pro-
vide Information on Registration and Absentee Bal-
lot Procedures for All Disabled Voters in
State.—Each State shall designate a single office which
shall be responsible for providing information regarding
voter registration procedures and absentee ballot procedures
to be used by individuals with disabilities with respect to
elections for Federal office to all individuals with disabil-
ities who wish to register to vote or vote in any jurisdiction
in the State.

“(c) Designation of Means of Electronic Com-
munication for Individuals With Disabilities To Re-
quest and for States To Send Voter Registration
Applications and Absentee Ballot Applications, and
for Other Purposes Related to Voting Informa-
tion.—

“(1) In general.—Each State shall, in addi-
tion to the designation of a single State office under
subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(3);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to individuals with disabilities.

“(2) Clarification regarding provision of multiple means of electronic communication.—

A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to individuals with disabilities, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) Inclusion of designated means of electronic communication with informational and instructional materials that accompany balloting materials.—Each State shall include a means of electronic communication so designated with
all informational and instructional materials that accompany balloting materials sent by the State to individuals with disabilities.

“(4) Transmission if no preference indicated.—In the case where an individual with a disability does not designate a preference under subsection (a)(3)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(d) Transmission of blank absentee ballots by mail and electronically.—

“(1) In general.—Each State shall establish procedures—

“(A) to securely transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the individual with a disability under subparagraph (B)) to individuals with disabilities for an election for Federal office; and

“(B) by which the individual with a disability can designate whether the individual prefers that such blank absentee ballot be transmitted by mail or electronically.
“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) APPLICATION OF METHODS TO TRACK DELIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL REQUESTING BALLOT.—Under the procedures established under paragraph (1), the State shall apply such methods as the State considers appropriate, such as assigning a unique identifier to the ballot, to ensure that if an individual with a disability requests the State to transmit a blank absentee ballot to the individual in accordance with this subsection, the voted absentee ballot which is returned by the individual is the same blank absentee ballot which the State transmitted to the individual.

“(e) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(5)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief
State election official shall request that the Attorney General grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to individuals with disabilities enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit such individuals an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to such individuals; and

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

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

“(ii) why the plan provides such individuals sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—The Attorney General shall approve a waiver request under paragraph (1) if the Attorney General determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides individuals with disabilities sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:
“(i) The State’s primary election date prohibits the State from complying with subsection (a)(5)(A).

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

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Attorney General the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Attorney General shall approve or deny the waiver request not later than 65 days before such election.

“(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Attorney General the written waiver request as soon as practicable. The Attorney General shall approve or deny the waiver request not later than 5 busi-
ness days after the date on which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Attorney General shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.

“(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to allow the marking or casting of ballots over the internet.

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

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

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)) is amended—
(1) by striking “and” at the end of paragraph (2);

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

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

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

(e) Clerical Amendment.—The table of contents of such Act, as amended by section 1031(c), is amended—

(1) by redesignating the items relating to sections 305 and 306 as relating to sections 306 and 307; and

(2) by inserting after the item relating to section 304 the following new item:

“Sec. 305. Access to voter registration and voting for individuals with disabilities.”.

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

(a) Purposes of Payments.—Section 261(b) of the Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) making absentee voting and voting at home accessible to individuals with the full range of disabil-
ities (including impairments involving vision, hearing, mobility, or dexterity) through the implementation of accessible absentee voting systems that work in conjunction with assistive technologies for which individuals have access at their homes, independent living centers, or other facilities;

“(2) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

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

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

“(4) For fiscal year 2020 and each succeeding fiscal year, such sums as may be necessary to carry out this part.”.
(c) PERIOD OF AVAILABILITY OF FUNDS.—Section 264 of such Act (52 U.S.C. 21024) is amended—

(1) in subsection (b), by striking “Any amounts” and inserting “Except as provided in subsection (b), any amounts”; and

(2) by adding at the end the following new subsection:

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

“(1) DEADLINE FOR OBLIGATION AND EXPENDITURE.—In the case of any amounts appropriated pursuant to the authority of subsection (a) for a payment to a State or unit of local government for fiscal year 2020 or any succeeding fiscal year, any portion of such amounts which have not been obligated or expended by the State or unit of local government prior to the expiration of the 4-year period which begins on the date the State or unit of local government first received the amounts shall be transferred to the Commission.

“(2) REALLOCATION OF TRANSFERRED AMOUNTS.—

“(A) IN GENERAL.—The Commission shall use the amounts transferred under paragraph (1) to make payments on a pro rata basis to each covered payment recipient described in subpara-
graph (B), which may obligate and expend such payment for the purposes described in section 261(b) during the 1-year period which begins on the date of receipt.

“(B) COVERED PAYMENT RECIPIENTS DESCRIBED.—In subparagraph (A), a ‘covered payment recipient’ is a State or unit of local government with respect to which—

“(i) amounts were appropriated pursuant to the authority of subsection (a); and

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

Subtitle C—Prohibiting Voter Caging

SEC. 1201. [RESERVED].

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

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

(b) Inclusion in Voting Information Requirements.—Section 302(b)(2) of the Help America Vote Act 
of 2002 (52 U.S.C. 21082(b)(2)), as amended by section 
1072(b), is amended—

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

(2) by striking the period at the end of subpara-
graph (G) and inserting “; and”; and

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

“(H) information relating to the prohibi-
tion against voter caging and other questionable 
challenges (as set forth in section 613 of title 18, 
United States Code), including information on 
how individuals may report allegations of viola-
tions of such prohibition.”.
Subtitle D—[Reserved]

Subtitle E—[Reserved]

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

SEC. 1501. SHORT TITLE.

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

SEC. 1502. PAPER BALLOT AND MANUAL COUNTING REQUIREMENTS.

(a) In General.—Section 301(a)(2) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is amended to read as follows:

“(2) Paper ballot requirement.—

“(A) Voter-verified paper ballots.—

“(i) Paper ballot requirement.—

(I) The voting system shall require the use of an individual, durable, voter-verified paper ballot of the voter’s vote that shall be marked and made available for inspection and verification by the voter before the voter’s vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other
counting device. For purposes of this sub-
clause, the term ‘individual, durable, voter-
verified paper ballot’ means a paper ballot
marked by the voter by hand or a paper
ballot marked through the use of a nontab-
ulating ballot marking device or system, so
long as the voter shall have the option to
mark his or her ballot by hand.

“(II) The voting system shall provide
the voter with an opportunity to correct
any error on the paper ballot before the per-
manent voter-verified paper ballot is pre-
served in accordance with clause (ii).

“(III) The voting system shall not pre-
serve the voter-verified paper ballots in any
manner that makes it possible, at any time
after the ballot has been cast, to associate a
voter with the record of the voter’s vote
without the voter’s consent.

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

“(iii) MANUAL COUNTING REQUIREMENTS FOR RECOUNTS AND AUDITS.—(I) Each paper ballot used pursuant to clause (i) shall be suitable for a manual audit, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.

“(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to clause (i), and subject to subparagraph (B), the individual, durable, voter-verified paper ballots shall be the true and correct record of the votes cast.

“(iv) APPLICATION TO ALL BALLOTS.—The requirements of this subparagraph shall apply to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Cit-
zens Absentee Voting Act and other absentee voters.

“(B) Special rule for treatment of disputes when paper ballots have been shown to be compromised.—

“(i) In general.—In the event that—

“(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

“(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,
the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally shall not be used as the exclusive basis for determining the official certified result.

“(ii) Rule for Consideration of Ballots Associated with Each Voting Machine.—For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of the election could be changed due to the compromised paper ballots.”.

(b) Conforming Amendment Clarifying Applicability of Alternative Language Accessibility.—Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is amended by inserting “(including the paper ballots required to be used under paragraph (2))” after “voting system”.

(c) Other Conforming Amendments.—Section 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amended—
(1) in subparagraph (A)(i), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”;

(2) in subparagraph (A)(ii), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”;

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

(4) in subparagraph (B)(ii), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”.

SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.

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

“(B)(i) ensure that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot as for other voters;

“(ii) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities,
including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired, at each polling place; and

“(iii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

“(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing; and

“(II) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot.”.

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

(1) STUDY AND REPORTING.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended—
(A) by redesignating section 247 as section 248; and

(B) by inserting after section 246 the following new section:

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

“(a) STUDY AND REPORT.—The Director of the National Science Foundation shall make grants to not fewer than 3 eligible entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting and verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used.

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

“(1) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verified paper ballots and presenting or transmitting the informa-
tion printed or marked on such ballots back to such individuals and voters, and casting such ballots;

“(2) a certification that the entity shall complete the activities carried out with the grant not later than December 31, 2020; and

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

“(c) AVAILABILITY OF TECHNOLOGY.—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made available to the public, including to manufacturers of voting systems.

“(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

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

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—
(A) by redesignating the item relating to section 247 as relating to section 248; and

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

“Sec. 247. Study and report on accessible paper ballot verification mechanisms.”.

(c) Clarification of Accessibility Standards Under Voluntary Voting System Guidance.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(d) Permitting Use of Funds for Protection and Advocacy Systems to Support Actions to Enforce Election-Related Disability Access.—Section 292(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking “; except that” and all that follows and inserting a period.

SEC. 1504. Durability and Readability Requirements For Ballots.

Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)) is amended by adding at the end the following new paragraph:
“(7) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

“(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

“(i) IN GENERAL.—All voter-verified paper ballots required to be used under this Act shall be marked or printed on durable paper.

“(ii) DEFINITION.—For purposes of this Act, paper is ‘durable’ if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked or printed on them for the full duration of a retention and preservation period of 22 months.

“(B) READABILITY REQUIREMENTS FOR PAPER BALLOTS MARKED BY BALLOT MARKING DEVICE.—All voter-verified paper ballots completed by the voter through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by an optical character recognition device or other
device equipped for individuals with disabilities.”.

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

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

“(d) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

“(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

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

“(B) DELAY FOR JURISDICTIONS USING CERTAIN PAPER RECORD PRINTERS OR CERTAIN SYSTEMS USING OR PRODUCING VOTER-VERIFIABLE PAPER RECORDS IN 2018.—
“(i) **DELAY.**—In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to ‘2020’ were a reference to ‘2022’, but only with respect to the following requirements of this section:

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

“(II) Paragraph (3)(B)(ii)(I) and (II) of subsection (a) (relating to access to verification from and casting of the durable paper ballot).

“(III) Paragraph (7) of subsection (a) (relating to durability and readability requirements for ballots).

“(ii) **JURISDICTIONS DESCRIBED.**—A jurisdiction described in this clause is a jurisdiction—

“(I) which used voter verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper
records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i)(I), (3)(B)(iii)(I) and (II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration of the regularly scheduled general election for Federal office held in November 2018; and

“(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before 2022.

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

“(I) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—The appropriate election official at each polling place that uses a printer or system described in clause (ii)(I) for the administration of elections for Federal office shall offer each individual who is eligi-
ble to cast a vote in the election at the polling place the opportunity to cast the vote using a blank pre-printed paper ballot which the individual may mark by hand and which is not produced by the direct recording electronic voting machine or other such system.

The official shall provide the individual with the ballot and the supplies necessary to mark the ballot, and shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is the lesser of 30 minutes or the average waiting period for an individual who does not agree to cast the vote using such a paper ballot under this clause.

“(II) TREATMENT OF BALLOT.—

Any paper ballot which is cast by an individual under this clause shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a
provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.

“(III) POSTING OF NOTICE.—The appropriate election official shall ensure there is prominently displayed at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.

“(IV) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under subclause (III), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.
“(V) Period of applicability.—The requirements of this clause apply only during the period in which the delay is in effect under clause (i).

“(C) Special rule for jurisdictions using certain nontabulating ballot marking devices.—In the case of a jurisdiction which uses a nontabulating ballot marking device which automatically deposits the ballot into a privacy sleeve, subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to ‘any election for Federal office held in 2020 or any succeeding year’ were a reference to ‘elections for Federal office occurring held in 2022 or each succeeding year’, but only with respect to paragraph (3)(B)(iii)(II) of subsection (a) (relating to non-manual casting of the durable paper ballot).”.

Subtitle G—Provisional Ballots

SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS; ESTABLISHMENT OF UNIFORM AND NONDISCRIMINATORY STANDARDS.

(a) In general.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082) is amended—
(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(4), notwithstanding the precinct or polling place at which a provisional ballot is cast within the State, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

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

“(e) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

“(1) IN GENERAL.—Consistent with the requirements of this section, each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.”.
(b) CONFORMING AMENDMENT.—Section 302(f) of such Act (52 U.S.C. 21082(f)), as redesignated by subsection (a), is amended by striking “Each State” and inserting “Except as provided in subsections (d)(2) and (e)(2), each State”.

Subtitle H—Early Voting

SEC. 1611. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a) and section 1101(a), is amended—

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

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

“SEC. 306. EARLY VOTING.

“(a) REQUIRING VOTING PRIOR TO DATE OF ELECTION.—

“(1) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, in the same manner as voting is allowed on such date.

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

“(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting during an early voting period under subsection (a) shall—

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

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

“(c) LOCATION OF POLLING PLACES NEAR PUBLIC TRANSPORTATION.—To the greatest extent practicable, a State shall ensure that each polling place which allows voting during an early voting period under subsection (a) is located within walking distance of a stop on a public transportation route.

“(d) STANDARDS.—

“(1) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.
“(2) DEVIATION.—The standards described in paragraph (1) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.

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

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)), as amended by section 1101(b), is amended—

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

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

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

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

(c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1031(c) and section 1101(d), is amended—
(1) by redesignating the items relating to sections 306 and 307 as relating to sections 307 and 308; and

(2) by inserting after the item relating to section 305 the following new item:

“Sec. 306. Early voting.”

Subtitle I—Voting by Mail

SEC. 1621. VOTING BY MAIL.

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

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

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

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

“(a) IN GENERAL.—If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote in such election by absentee ballot by mail, except as required under subsection (b) and except to the extent that the State imposes a deadline for requesting the ballot and related voting materials from the appropriate State or local
election official and for returning the ballot to the appropriate State or local election official.

“(b) Requiring Signature Verification.—

“(1) Requirement.—A State may not accept and process an absentee ballot submitted by any individual with respect to an election for Federal office unless the State verifies the identification of the individual by comparing the individual’s signature on the absentee ballot with the individual’s signature on the official list of registered voters in the State, in accordance with such procedures as the State may adopt (subject to the requirements of paragraph (2)).

“(2) Due Process Requirements.—

“(A) Notice and Opportunity to Cure Discrepancy.—If an individual submits an absentee ballot and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State, such election official, prior to making a final determination as to the validity of such ballot, shall make a good faith effort to immediately notify such individual by mail, telephone, and (if available) electronic mail that—
“(i) a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State;

“(ii) such individual may provide the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods; and

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

“(B) OTHER REQUIREMENTS.—An election official may not make a determination that a discrepancy exists between the signature on an absentee ballot and the signature of the individual who submits the ballot on the official list of registered voters in the State unless—

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

“(ii) each official who makes the determination has received training in procedures used to verify signatures.

“(c) DEADLINE FOR PROVIDING BALLOTING MATERIALS.—If an individual requests to vote by absentee ballot
in an election for Federal office, the appropriate State or local election official shall ensure that the ballot and related voting materials are received by the individual—

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

“(2) in the case of a State which imposes a deadline for requesting an absentee ballot and related voting materials which is less than 2 weeks before the date of the election, as expeditiously as possible.

“(d) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—Consistent with section 305, the State shall ensure that all absentee ballots and related voting materials in elections for Federal office are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.

“(e) UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED BALLOTS.—If a ballot submitted by an individual by mail with respect to an election for Federal office in a State is postmarked on or before the date of the election, the State may not refuse to accept or process the ballot on the grounds that the individual did not meet a deadline for returning the ballot to the appropriate State or local election official.
“(f) No Effect on Ballots Submitted by Absent Military and Overseas Voters.—Nothing in this section may be construed to affect the treatment of any ballot submitted by an individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

“(g) Effective Date.—This section shall apply with respect to elections held on or after January 1, 2020.”.

(b) Conform ing Amendment Relating to Issuance of Voluntary Guidance by Election Assistance Commission.—Section 311(b) of such Act (52 U.S.C. 21101(b)), as amended by section 1101(b) and section 1611(b), is amended—

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

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

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

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

(c) Clerical Amendment.—The table of contents of such Act, as amended by section 1031(c), section 1101(d), and section 1611(c), is amended—
(1) by redesignating the items relating to sections 307 and 308 as relating to sections 308 and 309; and

(2) by inserting after the item relating to section 306 the following new item:

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

(d) DEVELOPMENT OF BIOMETRIC VERIFICATION.—

(1) DEVELOPMENT OF STANDARDS.—The National Institute of Standards, in consultation with the Election Assistance Commission, shall develop standards for the use of biometric methods which could be used voluntarily in place of the signature verification requirements of section 307(b) of the Help America Vote Act of 2002 (as added by subsection (a)) for purposes of verifying the identification of an individual voting by absentee ballot in elections for Federal office.

(2) PUBLIC NOTICE AND COMMENT.—The National Institute of Standards shall solicit comments from the public in the development of standards under paragraph (1).

(3) DEADLINE.—Not later than one year after the date of the enactment of this Act, the National Institute of Standards shall publish the standards developed under paragraph (1).
Subtitle J—Absent Uniformed Services Voters and Overseas Voters

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

Section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(c)) is amended to read as follows:

“(c) Reports on Availability, Transmission, and Receipt of Absentee Ballots.—

“(1) Pre-election report on absentee ballot availability.—Not later than 55 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Election Assistance Commission (hereafter in this subsection referred to as the ‘Commission’), and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 45 days before the election. The report shall be in a form prescribed jointly by the Attorney General and the Commission and shall require the State to certify specific information about ballot availability from each
unit of local government which will administer the election.

“(2) Pre-election report on absentee ballot transmission.—Not later than 43 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Commission, and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots have been transmitted by not later than 45 days before the election to all qualified absent uniformed services and overseas voters whose requests were received at least 45 days before the election. The report shall be in a form prescribed jointly by the Attorney General and the Commission, and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots transmitted, from each unit of local government which will administer the election.

“(3) Post-election report on number of absentee ballots transmitted and received.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case
of a unit of local government) submit a report to the
Attorney General, the Commission, and the Presidential Designee on the combined number of absentee
ballots transmitted to absent uniformed services voters
and overseas voters for the election and the combined
number of such ballots which were returned by such
voters and cast in the election, and shall make such
report available to the general public that same day.”.

SEC. 1702. ENFORCEMENT.
(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE
RIGHTS OF ACTION.—Section 105 of the Uniformed and
Overseas Citizens Absentee Voting Act (52 U.S.C. 20307)
is amended to read as follows:

“SEC. 105. ENFORCEMENT.
“(a) ACTION BY ATTORNEY GENERAL.—
“(1) IN GENERAL.—The Attorney General may
bring civil action in an appropriate district court for
such declaratory or injunctive relief as may be nec-
essary to carry out this title.
“(2) PENALTY.—In a civil action brought under
paragraph (1), if the court finds that the State vio-
lated any provision of this title, it may, to vindicate
the public interest, assess a civil penalty against the
State—
“(A) in an amount not to exceed $110,000 for each such violation, in the case of a first violation; or

“(B) in an amount not to exceed $220,000 for each such violation, for any subsequent violation.

“(3) Report to Congress.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

“(b) Private Right of Action.—A person who is aggrieved by a State’s violation of this title may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

“(c) State as Only Necessary Defendant.—In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State
any duty or responsibility which is the subject of an action brought under this section.”.

(b) **Effective Date.**—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

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

(a) **Repeal of Waiver Authority.**—

(1) **In General.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302) is amended by striking subsection (g).

(2) **Conforming Amendment.**—Section 102(a)(8)(A) of such Act (52 U.S.C. 20302(a)(8)(A)) is amended by striking “except as provided in subsection (g),”.

(b) **Requiring Use of Express Delivery in Case of Failure to Meet Requirement.**—Section 102 of such Act (52 U.S.C. 20302), as amended by subsection (a), is amended by inserting after subsection (f) the following new subsection:

“(g) **Requiring Use of Express Delivery in Case of Failure To Transmit Ballots Within Deadlines.**—

“(1) **Transmission of Ballot by Express Delivery.**—If a State fails to meet the requirement of
subsection (a)(8)(A) to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 45 days before the election (in the case in which the request is received at least 45 days before the election)—

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

“(B) in the case of a voter who has designated that absentee ballots be transmitted electronically in accordance with subsection (f)(1), the State shall transmit the ballot to the voter electronically.

“(2) SPECIAL RULE FOR TRANSMISSION FEWER THAN 40 DAYS BEFORE THE ELECTION.—If, in carrying out paragraph (1), a State transmits an absentee ballot to an absent uniformed services voter or overseas voter fewer than 40 days before the election, the State shall enable the ballot to be returned by the voter by express delivery, except that in the case of an absentee ballot of an absent uniformed services voter for a regularly scheduled general election for Federal office, the State may satisfy the requirement of this paragraph by notifying the voter of the procedures for the collection and delivery of such ballots under section 103A.”.
(c) Clarification of Treatment of Weekends.—

Section 102(a)(8)(A) of such Act (52 U.S.C. 20302(a)(8)(A)) is amended by striking “the election;” and inserting the following: “the election (or, if the 45th day preceding the election is a weekend or legal public holiday, not later than the most recent weekday which precedes such 45th day and which is not a legal public holiday, but only if the request is received by at least such most recent weekday);”.

SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.

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

“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.

“(a) In General.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any
runoff elections which may occur as a result of the outcome
of such general election), the State shall provide an absentee
ballot to the voter for each such subsequent election.

“(b) Exception for Voters Changing Registration.—Subsection (a) shall not apply with respect to a
voter registered to vote in a State for any election held after
the voter notifies the State that the voter no longer wishes
to be registered to vote in the State or after the State deter-
mines that the voter has registered to vote in another State
or is otherwise no longer eligible to vote in the State.

“(c) Prohibition of Refusal of Application on
Grounds of Early Submission.—A State may not refuse
to accept or to process, with respect to any election for Fed-
eral office, any otherwise valid voter registration applica-
tion or absentee ballot application (including the postcard
form prescribed under section 101) submitted by an absent
uniformed services voter or overseas voter on the grounds
that the voter submitted the application before the first date
on which the State otherwise accepts or processes such ap-
lications for that election which are submitted by absentee
voters who are not members of the uniformed services or
overseas citizens.”.

(b) Effective Date.—The amendment made by sub-
section (a) shall apply with respect to voter registration and
absentee ballot applications which are submitted to a State
or local election official on or after the date of the enactment of this Act.

SEC. 1705. EFFECTIVE DATE.  

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

Subtitle K—Poll Worker Recruitment and Training

SEC. 1801. [RESERVED].

SEC. 1802. GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING.

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—

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

(2) USE OF COMMISSION MATERIALS.—In carrying out activities with a grant provided under this section, the recipient of the grant shall use the manual prepared by the Commission on successful practices for poll worker recruiting, training and retention as an interactive training tool, and shall develop
training programs with the participation and input of experts in adult learning.

(b) REQUIREMENTS FOR ELIGIBILITY.—

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

(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) provide assurances that the funds provided under this section will be used to supplement and not supplant other funds used to carry out the activities;

(C) provide assurances that the State will furnish the Commission with information on the number of individuals who served as poll workers after recruitment and training with the funds provided under this section; and

(D) provide such additional information and certifications as the Commission determines to be essential to ensure compliance with the requirements of this section.
(c) AMOUNT OF GRANT.—

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

(A) the aggregate amount made available for grants to States under this section; and
(B) the voting age population percentage for the State.

(2) VOTING AGE POPULATION PERCENTAGE DEFINED.—In paragraph (1), the “voting age population percentage” for a State is the quotient of—

(A) the voting age population of the State (as determined on the basis of the most recent information available from the Bureau of the Census); and
(B) the total voting age population of all States (as determined on the basis of the most recent information available from the Bureau of the Census).

(d) REPORTS TO CONGRESS.—

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

(2) REPORTS BY COMMISSION.—Not later than 1 year after the date on which the final grant is made under this section, the Commission shall submit a report to Congress on the grants made under this section and the activities carried out by recipients with the grants, and shall include in the report such recommendations as the Commission considers appropriate.

(e) FUNDING.—

(1) CONTINUING AVAILABILITY OF AMOUNT APPROPRIATED.—Any amount appropriated to carry out this section shall remain available without fiscal year limitation until expended.

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

SEC. 1803. STATE DEFINED.

In this subtitle, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.
Subtitle L—Enhancement of Enforcement

SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002.

(a) Complaints; Availability of Private Right of Action.—Section 401 of the Help America Vote Act of 2002 (52 U.S.C. 21111) is amended—

(1) by striking “The Attorney General” and inserting “(a) IN GENERAL.—The Attorney General”; and

(2) by adding at the end the following new subsections:

“(b) Filing of Complaints by Aggrieved Persons.—

“(1) IN GENERAL.—A person who is aggrieved by a violation of title III which has occurred, is occurring, or is about to occur may file a written, signed, notarized complaint with the Attorney General describing the violation and requesting the Attorney General to take appropriate action under this section. The Attorney General shall immediately provide a copy of a complaint filed under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.
“(2) Response by Attorney General.—The Attorney General shall respond to each complaint filed under paragraph (1), in accordance with procedures established by the Attorney General that require responses and determinations to be made within the same (or shorter) deadlines which apply to a State under the State-based administrative complaint procedures described in section 402(a)(2). The Attorney General shall immediately provide a copy of the response made under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

“(c) Availability of Private Right of Action.—Any person who is authorized to file a complaint under subsection (b)(1) (including any individual who seeks to enforce the individual’s right to a voter-verified paper ballot, the right to have the voter-verified paper ballot counted in accordance with this Act, or any other right under title III) may file an action under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to enforce the uniform and nondiscriminatory election technology and administration requirements under subtitle A of title III.

“(d) No Effect on State Procedures.—Nothing in this section may be construed to affect the availability
of the State-based administrative complaint procedures re-
quired under section 402 to any person filing a complaint
under this subsection.”.

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

Subtitle M—Federal Election
Integrity

SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY
CHIEF STATE ELECTION ADMINISTRATION
OFFICIALS.

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

“CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
ADMINISTRATION OFFICIALS

“Sec. 319A. (a) PROHIBITION.—It shall be unlawful
for a chief State election administration official to take an
active part in political management or in a political cam-
paign with respect to any election for Federal office over
which such official has supervisory authority.

“(b) CHIEF STATE ELECTION ADMINISTRATION OFFI-
cial.—The term ‘chief State election administration official’ means the highest State official with responsibility for
the administration of Federal elections under State law.
“(c) Active Part in Political Management or in a Political Campaign.—The term ‘active part in political management or in a political campaign’ means—

“(1) serving as a member of an authorized committee of a candidate for Federal office;

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

“(3) the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for Federal office; and

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

“(d) Exception in Case of Recusal From Administration of Elections Involving Official or Immediate Family Member.—

“(1) In General.—This section does not apply to a chief State election administration official with respect to an election for Federal office in which the official or an immediate family member of the official is a candidate, but only if—
“(A) such official recuses himself or herself from all of the official’s responsibilities for the administration of such election; and

“(B) the official who assumes responsibility for supervising the administration of the election does not report directly to such official.

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

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

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDUCATION.

(a) TREATMENT OF CERTAIN INSTITUTIONS AS VOTER REGISTRATION AGENCIES UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)) is amended—
(1) in paragraph (2)—

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

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

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

“(C) each institution of higher education
which has a program participation agreement in
effect with the Secretary of Education under sec-
tion 487 of the Higher Education Act of 1965
(20 U.S.C. 1094), other than an institution
which is treated as a contributing agency under
the Automatic Voter Registration Act of 2019.”;

and

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

(b) Responsibilities of Institutions Under
Higher Education Act of 1965.—
(1) In general.—Section 487(a)(23) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)) is amended to read as follows:

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

“(ii) Not fewer than twice during each calendar year (beginning with 2020), the Campus Vote Coordinator shall transmit electronically to each student enrolled in the institution (including students enrolled in distance education programs) a message containing the following information:

“(I) Information on the location of polling places in the jurisdiction in which the institution is located, together with information on available methods of transportation to and from such polling places.

“(II) A referral to a government-affiliated website or online platform which provides centralized voter registration information for all States, including access to applicable voter registration forms and information to assist indi-
individuals who are not registered to vote in registering to vote.

“(III) Any additional voter registration and voting information the Coordinator considers appropriate, in consultation with the appropriate State election official.

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

“(B) If the institution in its normal course of operations requests each student registering for enrollment in a course of study, including students registering for enrollment in a program of distance education, to affirm whether or not the student is a United States citizen, the institution will comply with the applicable requirements for a contributing agency under the Automatic Voter Registration Act of 2019.

“(C) If the institution is not described in subparagraph (B), the institution will comply with the requirements for a voter registration agency in the
State in which it is located in accordance with section 7 of the National Voter Registration Act of 1993 (52 U.S.C. 20506).

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

(2) Effective date.—The amendments made by this subsection shall apply with respect to elections held on or after January 1, 2020.

(c) Grants to Institutions Demonstrating Excellence in Student Voter Registration.—

(1) Grants authorized.—The Secretary of Education may award competitive grants to public and private nonprofit institutions of higher education that are subject to the requirements of section 487(a)(23) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)), as amended by subsection (a) and that the Secretary determines have demonstrated excellence in registering students to vote in elections for public office beyond meeting the minimum requirements of such section.

(2) Eligibility.—An institution of higher education is eligible to receive a grant under this subsection if the institution submits to the Secretary of
Education, at such time and in such form as the Secretary may require, an application containing such information and assurances as the Secretary may require to make the determination described in paragraph (1), including information and assurances that the institution carried out activities to promote voter registration by students, such as the following:

(A) Sponsoring large on-campus voter mobilization efforts.

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

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

(D) Inviting candidates to speak on campus.

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

(3) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated for fiscal year 2020 and each succeeding fiscal year such sums as may be necessary to award grants under this subsection.
(d) Sense of Congress Relating to Option of Students to Register in Jurisdiction of Institution of Higher Education or Jurisdiction of Domicile.—

It is the sense of Congress that, as provided under existing law, students who attend an institution of higher education and reside in the jurisdiction of the institution while attending the institution should have the option of registering to vote in elections for Federal office in that jurisdiction or in the jurisdiction of their own domicile.

SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.

(a) Requirements.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082), as amended by section 1601(a), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) Minimum Notification Requirements for Voters Affected by Polling Place Changes.—

“(1) In general.—If a State assigns an individual who is a registered voter in a State to a polling place with respect to an election for Federal office which is not the same polling place to which the indi-
vidual was previously assigned with respect to the most recent election for Federal office in the State in which the individual was eligible to vote—

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

“(B) if the State makes such an assignment fewer than 7 days before the date of the election and the individual appears on the date of the election at the polling place to which the individual was previously assigned, the State shall make every reasonable effort to enable the individual to vote on the date of the election.

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

(b) CONFORMING AMENDMENT.—Section 302(g) of such Act (52 U.S.C. 21082(g)), as redesignated by subsection (a) and as amended by section 1601(b), is amended by striking “(d)(2) and (e)(2)” and inserting “(d)(2), (e)(2), and (f)(2)”.
SEC. 1903. [RESERVED].

SEC. 1904. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS FOR VOTING.

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

“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS.

“(a) USE OF STATEMENT.—

“(1) In general.—Except as provided in subsection (c), if a State has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, the State shall permit the individual to meet the requirement—

“(A) in the case of an individual who desires to vote in person, by presenting the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual’s identity and attesting that the individual is eligible to vote in the election; or
“(B) in the case of an individual who desires to vote by mail, by submitting with the ballot the statement described in subparagraph (A).

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

“(3) PROVIDING PRE-PRINTED COPY OF STATEMENT.—A State which is subject to paragraph (1) shall—

“(A) make copies of the pre-printed version of the statement described in paragraph (1)(A) which is prepared by the Commission available at polling places for election officials to distribute to individuals who desire to vote in person; and

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

“(b) REQUIRING USE OF BALLOT IN SAME MANNER AS INDIVIDUALS PRESENTING IDENTIFICATION.—An indi-
individual who presents or submits a sworn written statement in accordance with subsection (a)(1) shall be permitted to cast a ballot in the election in the same manner as an individual who presents identification.

“(c) Exception for First-time Voters Registering by Mail.—Subsections (a) and (b) do not apply with respect to any individual described in paragraph (1) of section 303(b) who is required to meet the requirements of paragraph (2) of such section.”.

(b) Requiring States to Include Information on Use of Sworn Written Statement in Voting Information Material Posted at Polling Places.—Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)), as amended by section 1072(b) and section 1202(b), is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”;

(3) by adding at the end the following new subparagraph:

“(I) in the case of a State that has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, information on how an individual may meet such re-
quirement by presenting a sworn written statement in accordance with section 303A.”.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification requirements.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 1905. [RESERVED].

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

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

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

“SEC. 297. PAYMENTS TO STATES.

“(a) Payments For Costs of Establishing Program.—In accordance with this section, the Commission shall make a payment to a State to reimburse the State
for the costs incurred in establishing, if the State so chooses
to establish, an absentee ballot tracking program with re-
spect to elections for Federal office held in the State (includ-
ing costs incurred prior to the date of the enactment of this
part).

“(b) Absentee Ballot Tracking Program De-
scribed.—

“(1) Program described.—

“(A) In general.—In this part, an ‘absen-
tee ballot tracking program’ is a program to
track and confirm the receipt of absentee ballots
in an election for Federal office under which the
State or local election official responsible for the
receipt of voted absentee ballots in the election
carries out procedures to track and confirm the
receipt of such ballots, and makes information on
the receipt of such ballots available to the indi-
vidual who cast the ballot, by means of online
access using the Internet site of the official’s of-

“(B) Information on whether vote was
counted.—The information referred to under
subparagraph (A) with respect to the receipt of
an absentee ballot shall include information re-
garding whether the vote cast on the ballot was
counted, and, in the case of a vote which was not
counted, the reasons therefor.

“(2) **Use of toll-free telephone number**
by officials without Internet site.—A program
established by a State or local election official whose
office does not have an Internet site may meet the de-
scription of a program under paragraph (1) if the of-
ficial has established a toll-free telephone number that
may be used by an individual who cast an absentee
ballot to obtain the information on the receipt of the
voted absentee ballot as provided under such para-
graph.

“(c) **Certification of Compliance and Costs.**—

“(1) Certification required.—In order to re-
ceive a payment under this section, a State shall sub-
mit to the Commission a statement containing—

“(A) a certification that the State has estab-
lished an absentee ballot tracking program with
respect to elections for Federal office held in the
State; and

“(B) a statement of the costs incurred by
the State in establishing the program.

“(2) **Amount of payment.**—The amount of a
payment made to a State under this section shall be
equal to the costs incurred by the State in establishing
the absentee ballot tracking program, as set forth in
the statement submitted under paragraph (1), except
that such amount may not exceed the product of—

“(A) the number of jurisdictions in the
State which are responsible for operating the
program; and

“(B) $3,000.

“(3) LIMIT ON NUMBER OF PAYMENTS RECEIVED.—A State may not receive more than one
payment under this part.

“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—There are authorized to be ap-
propriated to the Commission for fiscal year 2020 and each
succeeding fiscal year such sums as may be necessary for
payments under this part.

“(b) CONTINUING AVAILABILITY OF FUNDS.—Any
amounts appropriated pursuant to the authorization under
this section shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The table of contents of
such Act is amended by adding at the end of the items relat-
ing to subtitle D of title II the following:

“PART 7—Payments to Reimburse States for Costs Incurred in Establishing Program to Track and Confirm Receipt of Absentee Ballots

“Sec. 297. Payments to States.
“Sec. 297A. Authorization of appropriations.”.
SEC. 1907. VOTER INFORMATION RESPONSE SYSTEMS AND HOTLINE.

(a) Establishment and Operation of Systems and Services.—

(1) State-based response systems.—The Attorney General shall coordinate the establishment of a State-based response system for responding to questions and complaints from individuals voting or seeking to vote, or registering to vote or seeking to register to vote, in elections for Federal office. Such system shall provide—

(A) State-specific, same-day, and immediate assistance to such individuals, including information on how to register to vote, the location and hours of operation of polling places, and how to obtain absentee ballots; and

(B) State-specific, same-day, and immediate assistance to individuals encountering problems with registering to vote or voting, including individuals encountering intimidation or deceptive practices.

(2) Hotline.—The Attorney General, in consultation with State election officials, shall establish and operate a toll-free telephone service, using a telephone number that is accessible throughout the United States and that uses easily identifiable numerals,
through which individuals throughout the United States—

(A) may connect directly to the State-based response system described in paragraph (1) with respect to the State involved;

(B) may obtain information on voting in elections for Federal office, including information on how to register to vote in such elections, the locations and hours of operation of polling places, and how to obtain absentee ballots; and

(C) may report information to the Attorney General on problems encountered in registering to vote or voting, including incidences of voter intimidation or suppression.

(3) COLLABORATION WITH STATE AND LOCAL ELECTION OFFICIALS.—

(A) COLLECTION OF INFORMATION FROM STATES.—The Attorney General shall coordinate the collection of information on State and local election laws and policies, including information on the Statewide computerized voter registration lists maintained under title III of the Help America Vote Act of 2002, so that individuals who contact the free telephone service established under paragraph (2) on the date of an election
for Federal office may receive an immediate response on that day.

(B) Forwarding Questions and Complaints to States.—If an individual contacts the free telephone service established under paragraph (2) on the date of an election for Federal office with a question or complaint with respect to a particular State or jurisdiction within a State, the Attorney General shall forward the question or complaint immediately to the appropriate election official of the State or jurisdiction so that the official may answer the question or remedy the complaint on that date.

(4) Consultation Requirements for Development of Systems and Services.—The Attorney General shall ensure that the State-based response system under paragraph (1) and the free telephone service under paragraph (2) are each developed in consultation with civil rights organizations, voting rights groups, State and local election officials, voter protection groups, and other interested community organizations, especially those that have experience in the operation of similar systems and services.

(b) Use of Service by Individuals With Disabilities and Individuals With Limited English Lan-
GUAGE PROFICIENCY.—The Attorney General shall design and operate the telephone service established under this section in a manner that ensures that individuals with disabilities are fully able to use the service, and that assistance is provided in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965.

(c) VOTER HOTLINE TASK FORCE.—

(1) APPOINTMENT BY ATTORNEY GENERAL.—The Attorney General shall appoint individuals (in such number as the Attorney General considers appropriate but in no event fewer than 3) to serve on a Voter Hotline Task Force to provide ongoing analysis and assessment of the operation of the telephone service established under this section, and shall give special consideration in making appointments to the Task Force to individuals who represent civil rights organizations. At least one member of the Task Force shall be a representative of an organization promoting voting rights or civil rights which has experience in the operation of similar telephone services or in protecting the rights of individuals to vote, especially individuals who are members of racial, ethnic, or linguistic minorities or of communities who have
been adversely affected by efforts to suppress voting rights.

(2) **ELIGIBILITY.**—An individual shall be eligible to serve on the Task Force under this subsection if the individual meets such criteria as the Attorney General may establish, except that an individual may not serve on the task force if the individual has been convicted of any criminal offense relating to voter intimidation or voter suppression.

(3) **TERM OF SERVICE.**—An individual appointed to the Task Force shall serve a single term of 2 years, except that the initial terms of the members first appointed to the Task Force shall be staggered so that there are at least 3 individuals serving on the Task Force during each year. A vacancy in the membership of the Task Force shall be filled in the same manner as the original appointment.

(4) **NO COMPENSATION FOR SERVICE.**—Members of the Task Force shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) **BI-ANNUAL REPORT TO CONGRESS.**—Not later than March 1 of each odd-numbered year, the Attorney Gen-
eral shall submit a report to Congress on the operation of
the telephone service established under this section during
the previous 2 years, and shall include in the report—

(1) an enumeration of the number and type of
calls that were received by the service;

(2) a compilation and description of the reports
made to the service by individuals citing instances of
voter intimidation or suppression;

(3) an assessment of the effectiveness of the serv-
ice in making information available to all households
in the United States with telephone service;

(4) any recommendations developed by the Task
Force established under subsection (c) with respect to
how voting systems may be maintained or upgraded
to better accommodate voters and better ensure the in-
tegrity of elections, including but not limited to iden-
tifying how to eliminate coordinated voter suppres-
sion efforts and how to establish effective mechanisms
for distributing updates on changes to voting require-
ments; and

(5) any recommendations on best practices for
the State-based response systems established under
subsection (a)(1).

(e) AUTHORIZATION OF APPROPRIATIONS.—
(1) Authorization.—There are authorized to be appropriated to the Attorney General for fiscal year 2019 and each succeeding fiscal year such sums as may be necessary to carry out this section.

(2) Set-Aside for Outreach.—Of the amounts appropriated to carry out this section for a fiscal year pursuant to the authorization under paragraph (1), not less than 15 percent shall be used for outreach activities to make the public aware of the availability of the telephone service established under this section, with an emphasis on outreach to individuals with disabilities and individuals with limited proficiency in the English language.

PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE COMMISSION.

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

(1) by striking “for each of the fiscal years 2003 through 2005” and inserting “for fiscal year 2019 and each succeeding fiscal year”; and

(2) by striking “(but not to exceed $10,000,000 for each such year)”.
SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-
GENERAL ELECTION SURVEYS.

(a) REQUIREMENT.—Title III of the Help America
Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by
section 1904(a), is further amended by inserting after sec-
tion 303A the following new section:

“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL
ELECTION SURVEYS.

“(a) REQUIREMENT.—Each State shall furnish to the
Commission such information as the Commission may re-
quest for purposes of conducting any post-election survey
of the States with respect to the administration of a regu-
larly scheduled general election for Federal office.

“(b) EFFECTIVE DATE.—This section shall apply with
respect to the regularly scheduled general election for Fed-
eral office held in November 2020 and any succeeding elec-
tion.”.

(b) CLERICAL AMENDMENT.—The table of contents of
such Act, as amended by section 1904(c), is further amended
by inserting after the item relating to section 303A the fol-
lowing new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.
SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ON USE OF FUNDS TRANSFERRED FROM ELECTION ASSISTANCE COMMISSION.

(a) Requiring Reports on Use Funds as Condition of Receipt.—Section 231 of the Help America Vote Act of 2002 (52 U.S.C. 20971) is amended by adding at the end the following new subsection:

“(e) Report on Use of Funds Transferred From Commission.—To the extent that funds are transferred from the Commission to the Director of the National Institute of Standards and Technology for purposes of carrying out this section during any fiscal year, the Director may not use such funds unless the Director certifies at the time of transfer that the Director will submit a report to the Commission not later than 90 days after the end of the fiscal year detailing how the Director used such funds during the year.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS OF ELECTION ASSISTANCE COMMISSION.

(a) Assessment of Information Technology and Cybersecurity.—Not later than December 31, 2019, the Election Assistance Commission shall carry out an assess-
ment of the security and effectiveness of the Commission’s
information technology systems, including the cybersecurity
of such systems.

(b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
PROCEDURES.—

(1) REVIEW OF PROCEDURES.—The Election As-
sistance Commission shall carry out a review of the
effectiveness and efficiency of the State-based adminis-
trative complaint procedures established and main-
tained under section 402 of the Help America Vote
Act of 2002 (52 U.S.C. 21112) for the investigation
and resolution of allegations of violations of title III
of such Act.

(2) RECOMMENDATIONS TO STREAMLINE PROCED-
URES.—Not later than December 31, 2019, the Com-
mission shall submit to Congress a report on the re-
view carried out under paragraph (1), and shall in-
clude in the report such recommendations as the Com-
mission considers appropriate to streamline and im-
prove the procedures which are the subject of the re-
view.
SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) In General.—Section 205 of the Help America Vote Act of 2002 (52 U.S.C. 20925) is amended by striking subsection (e).

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

PART 3—MISCELLANEOUS PROVISIONS

SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

(a) National Voter Registration Act of 1993.—Section 3(4) of the National Voter Registration Act of 1993 (52 U.S.C. 20502(4)) is amended by striking “States and the District of Columbia” and inserting “States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands”.

(b) Help America Vote Act of 2002.—

(1) Coverage of Commonwealth of the Northern Mariana Islands.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking “and the United States Virgin Islands” and inserting “the United States Virgin Is-
lands, and the Commonwealth of the Northern Mari-iana Islands”.

(2) CONFORMING AMENDMENTS TO HELP AMER-
ICA VOTE ACT OF 2002.—Such Act is further amended
as follows:

(A) The second sentence of section 213(a)(2)
(52 U.S.C. 20943(a)(2)) is amended by striking
“and American Samoa” and inserting “American
Samoa, and the Commonwealth of the
Northern Mariana Islands”.

(B) Section 252(c)(2) (52 U.S.C.
21002(c)(2)) is amended by striking “or the
United States Virgin Islands” and inserting “the
United States Virgin Islands, or the Common-
wealth of the Northern Mariana Islands”.

(3) CONFORMING AMENDMENT RELATING TO CON-
SULTATION OF HELP AMERICA VOTE FOUNDATION
WITH LOCAL ELECTION OFFICIALS.—Section 90102(c)
of title 36, United States Code, is amended by strik-
ing “and the United States Virgin Islands” and in-
serting “the United States Virgin Islands, and the
Commonwealth of the Northern Mariana Islands”.

(4) EFFECTIVE DATE.—The amendments made
by this subsection shall apply with respect to fiscal
years beginning with the first fiscal year which begins
after funds are appropriated to the Commonwealth of
the Northern Mariana Islands pursuant to the pay-
ment under section 2.

SEC. 1922. NO EFFECT ON OTHER LAWS.

(a) In General.—Except as specifically provided,
nothing in this title may be construed to authorize or re-
quire conduct prohibited under any of the following laws,
or to supersede, restrict, or limit the application of such
laws:

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

(2) The Voting Accessibility for the Elderly and
Handicapped Act (52 U.S.C. 20101 et seq.).

(3) The Uniformed and Overseas Citizens Absen-
tee Voting Act (52 U.S.C. 20301 et seq.).

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

(5) The Americans with Disabilities Act of 1990
(42 U.S.C. 12101 et seq.).

701 et seq.).

(b) No Effect on Preclearance or Other Re-
quirements Under Voting Rights Act.—The approval
by any person of a payment or grant application under
this title, or any other action taken by any person under
this title, shall not be considered to have any effect on re-
quirements for preclearance under section 5 of the Voting
Rights Act of 1965 (52 U.S.C. 10304) or any other require-
ments of such Act.

(c) No Effect on Authority of States to Pro-
vide Greater Opportunities for Voting.—Nothing in
this title or the amendments made by this title may be con-
strued to prohibit any State from enacting any law which
provides greater opportunities for individuals to register to
vote and to vote in elections for Federal office than are pro-
vided by this title and the amendments made by this title.

Subtitle O—Severability

SEC. 1931. SEVERABILITY.

If any provision of this title or amendment made by
this title, or the application of a provision or amendment
to any person or circumstance, is held to be unconstitu-
tional, the remainder of this title and amendments made
by this title, and the application of the provisions and
amendment to any person or circumstance, shall not be af-
fected by the holding.
TITLE II—ELECTION INTEGRITY

Subtitle A—[Reserved]
Subtitle B—[Reserved]
Subtitle C—[Reserved]
Subtitle D—[Reserved]
Subtitle E—[Reserved]
Subtitle F—Saving Eligible Voters From Voter Purging

Sec. 2501. Short title.
Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Severability

Sec. 2701. Severability.

Subtitle A—[Reserved]
Subtitle B—[Reserved]
Subtitle C—[Reserved]
Subtitle D—[Reserved]
Subtitle E—[Reserved]
Subtitle F—Saving Eligible Voters From Voter Purging

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the “Stop Automatically Voiding Eligible Voters Off Their Enlisted Rolls in States Act” or the “Save Voters Act”.

SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM LIST OF REGISTERED VOTERS.

(a) Conditions Described.—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 8 the following new section:

“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM OFFICIAL LIST OF REGISTERED VOTERS.

“(a) Verification on Basis of Objective and Reliable Evidence of Ineligibility.—

“(1) Requiring verification.—Notwithstanding any other provision of this Act, a State may not remove the name of any registrant from the official list of voters eligible to vote in elections for Federal office in the State unless the State verifies, on the basis of objective and reliable evidence, that the registrant is ineligible to vote in such elections.

“(2) Factors not considered as objective and reliable evidence of ineligibility.—For purposes of paragraph (2), the following factors, or any combination thereof, shall not be treated as objective and reliable evidence of a registrant’s ineligibility to vote:

“(A) The failure of the registrant to vote in any election.
“(B) The failure of the registrant to respond to any notice sent under section 8(d), unless the notice has been returned as undeliverable.

“(C) The failure of the registrant to take any other action with respect to voting in any election or with respect to the registrant’s status as a registrant.

“(b) NOTICE AFTER REMOVAL.—

“(1) NOTICE TO INDIVIDUAL REMOVED.—

“(A) IN GENERAL.—Not later than 48 hours after a State removes the name of a registrant from the official list of eligible voters for any reason (other than the death of the registrant), the State shall send notice of the removal to the former registrant, and shall include in the notice the grounds for the removal and information how the former registrant may contest the removal, including a telephone number for the appropriate election official., and how to contest the removal or be reinstated, including a contact phone number.

“(B) EXCEPTIONS.—Subparagraph (A) does not apply in the case of a registrant—

“(i) who sends written confirmation to the State that the registrant is no longer eli-
gible to vote in the registrar’s jurisdiction
in which the registrant was registered; or

“(ii) who is removed from the official
list of eligible voters by reason of the death
of the registrant.

“(2) **Public Notice.**—Not later than 48 hours
after conducting any general program to remove the
names of ineligible voters from the official list of eligi-
ble voters (as described in section 8(a)(4)), the State
shall disseminate a public notice through such meth-
ods as may be reasonable to reach the general public
(including by publishing the notice in a newspaper of
wide circulation or posting the notice on the websites
of the appropriate election officials) that list main-
tenance is taking place and that registrants should
check their registration status to ensure no errors or
mistakes have been made. The State shall ensure that
the public notice disseminated under this paragraph
is in a format that is reasonably convenient and ac-
cessible to voters with disabilities, including voters
who have low vision or are blind.”.

(b) **Conditions for Transmission of Notices of
Removal.**—Section 8(d) of such Act (52 U.S.C. 20507(d))
is amended by adding at the end the following new para-
graph:
“(4) A State may not transmit a notice to a registrant under this subsection unless the State obtains objective and reliable evidence (in accordance with the standards for such evidence which are described in section 8A(a)(2)) that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered.”.

(c) CONFORMING AMENDMENTS.—

(1) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 8(a) of such Act (52 U.S.C. 20507(a)) is amended—

(A) in paragraph (3), by striking “provide” and inserting “subject to section 8A, provide”; and

(B) in paragraph (4), by striking “conduct” and inserting “subject to section 8A, conduct”.

(2) HELP AMERICA VOTE ACT OF 2002.—Section 303(a)(4)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)(4)(A)) is amended by striking “, registrants” and inserting “, and subject to section 8A of such Act, registrants”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PROVIDE GREATER OPPORTUNITIES FOR VOTING.

Nothing in this title or the amendments made by this title may be construed to prohibit any State from enacting any law which provides greater opportunities for individuals to register to vote and to vote in elections for Federal office than are provided by this title and the amendments made by this title.

Subtitle H—Severability

SEC. 2701. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Title III—Election Security

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

Part 1—Voting System Security Improvement Grants

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.  
Sec. 3003. Incorporation of definitions.  

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS  
Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.  
Sec. 3012. GAO analysis of effects of audits.  

PART 3—[RESERVED]  

Subtitle B—Security Measures  
Sec. 3101. Election infrastructure designation.  
Sec. 3102. Timely threat information.  
Sec. 3103. Security clearance assistance for election officials.  
Sec. 3104. Security risk and vulnerability assessments.  
Sec. 3105. Annual reports.  

Subtitle C—Enhancing Protections for United States Democratic Institutions  
Sec. 3201. National strategy to protect United States democratic institutions.  
Sec. 3202. National Commission to Protect United States Democratic Institutions.  

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration  
Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.  
Sec. 3302. Treatment of electronic poll books as part of voting systems.  
Sec. 3303. Pre-election reports on voting system usage.  
Sec. 3304. Streamlining collection of election information.  

Subtitle E—Preventing Election Hacking  
Sec. 3401. Short title.  
Sec. 3402. Election Security Bug Bounty Program.  
Sec. 3403. Definitions.  

Subtitle F—Miscellaneous Provisions  
Sec. 3501. Definitions.  
Sec. 3502. Initial report on adequacy of resources available for implementation.  

Subtitle G—Severability  
Sec. 3601. Severability.  

1 SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.  

2 (a) SHORT TITLE.—This title may be cited as the  

3 “Election Security Act”.
(b) Sense of Congress on Need to Improve Election Infrastructure Security.—It is the sense of Congress that, in light of the lessons learned from Russian interference in the 2016 Presidential election, the Federal Government should intensify its efforts to improve the security of election infrastructure in the United States, including through the use of individual, durable, paper ballots marked by the voter by hand.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY

IMPROVEMENT GRANTS

SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

(a) Availability of Grants.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by section 1906(a), is amended by adding at the end the following new part:
“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

“(a) AVAILABILITY AND USE OF GRANT.—The Commission shall make a grant to each eligible State—

“(1) to replace a voting system—

“(A) which does not meet the requirements which are first imposed on the State pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 with a voting system which does meet such requirements, for use in the regularly scheduled general elections for Federal office held in November 2020, or

“(B) which does meet such requirements but which is not in compliance with the most recent voluntary voting system guidelines issued by the Commission prior to the regularly scheduled general election for Federal office held in November 2020 with another system which does meet such
requirements and is in compliance with such
guidelines; and

“(2) to carry out voting system security im-
provements described in section 298A with respect to
the regularly scheduled general elections for Federal
office held in November 2020 and each succeeding
election for Federal office.

“(b) Amount of Grant.—The amount of a grant
made to a State under this section shall be such amount
as the Commission determines to be appropriate, except that
such amount may not be less than the product of $1 and
the average of the number of individuals who cast votes in
any of the two most recent regularly scheduled general elec-
tions for Federal office held in the State.

“(c) Pro Rata Reductions.—If the amount of funds
appropriated for grants under this part is insufficient to
ensure that each State receives the amount of the grant cal-
culated under subsection (b), the Commission shall make
such pro rata reductions in such amounts as may be nec-
essary to ensure that the entire amount appropriated under
this part is distributed to the States.

“(d) Ability of Replacement Systems to Admin-
ister Ranked Choice Elections.—To the greatest extent
practicable, an eligible State which receives a grant to re-
place a voting system under this section shall ensure that
the replacement system is capable of administering a system of ranked choice voting under which each voter shall rank the candidates for the office in the order of the voter’s preference.

“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.

“(a) PERMITTED USES.—A voting system security improvement described in this section is any of the following:

“(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.

“(2) Cyber and risk mitigation training.

“(3) A security risk and vulnerability assessment of the State’s election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.

“(4) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to renovate or replace a building or fa-
ility which is used primarily for purposes other than the administration of elections for public office.

“(5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or designates as critical to the operation of the State’s election infrastructure.

“(6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).

“(7) Enhancing the cybersecurity of voter registration systems.

“(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS DESCRIBED.—

“(1) IN GENERAL.—For purposes of this part, a ‘qualified election infrastructure vendor’ is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency (as defined in section 3501 of the Election Security Act) who meets the criteria described in paragraph (2).

“(2) CRITERIA.—The criteria described in this paragraph are such criteria as the Chairman, in coordination with the Secretary of Homeland Security,
shall establish and publish, and shall include each of the following requirements:

“(A) The vendor must be owned and controlled by a citizen or permanent resident of the United States.

“(B) The vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure.

“(C) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

“(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

“(E) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents in-
volving any of the goods and services provided by the vendor pursuant to a grant under this part.

“(F) The vendor agrees to permit independent security testing by the Commission (in accordance with section 231(a)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

“(3) CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—A vendor meets the requirements of this paragraph if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under this part—

“(i) the vendor promptly assesses whether or not such an incident occurred, and submits a notification meeting the requirements of subparagraph (B) to the Secretary and the Chairman of the assessment as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred);
“(ii) if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the requirements of subparagraph (B) to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

“(iii) the vendor provides all necessary updates to any notification submitted under clause (i) or clause (ii).

“(B) CONTENTS OF NOTIFICATIONS.—Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

“(i) The date, time, and time zone when the election cybersecurity incident began, if known.

“(ii) The date, time, and time zone when the election cybersecurity incident was detected.
“(iii) The date, time, and duration of the election cybersecurity incident.

“(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

“(v) Any planned and implemented technical measures to respond to and recover from the incident.

“(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

“SEC. 298B. ELIGIBILITY OF STATES.

“A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

“(1) a description of how the State will use the grant to carry out the activities authorized under this part;

“(2) a certification and assurance that, not later than 5 years after receiving the grant, the State will
carry out risk-limiting audits and will carry out voting system security improvements, as described in section 298A; and

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

“SEC. 298C. REPORTS TO CONGRESS.

“Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—There are authorized to be appropriated for grants under this part—

“(1) $1,000,000,000 for fiscal year 2019; and

“(2) $175,000,000 for each of the fiscal years 2020, 2022, 2024, and 2026.

“(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any amounts appropriated pursuant to the authorization of this section shall remain available until expended.”.
(b) Clerical Amendment.—The table of contents of such Act, as amended by section 1906(b), is amended by adding at the end of the items relating to subtitle D of title II the following:

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“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
“Sec. 298A. Voting system security improvements described.
“Sec. 298B. Eligibility of States.
“Sec. 298C. Reports to Congress.
“Sec. 298D. Authorization of appropriations.
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SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY ACTIVITIES WITH USE OF REQUIREMENTS PAYMENTS AND ELECTION ADMINISTRATION REQUIREMENTS UNDER HELP AMERICA VOTE ACT OF 2002.

(a) Duties of Election Assistance Commission.—Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended in the matter preceding paragraph (1) by striking “by” and inserting “and the security of election infrastructure by”.

(b) Membership of Secretary of Homeland Security on Board of Advisors of Election Assistance Commission.—Section 214(a) of such Act (52 U.S.C. 20944(a)) is amended—

(1) by striking “37 members” and inserting “38 members”; and
(2) by adding at the end the following new paragraph:

“(17) The Secretary of Homeland Security or the Secretary’s designee.”.

(c) REPRESENTATIVE OF DEPARTMENT OF HOMELAND SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (52 U.S.C. 20961(c)(1)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) A representative of the Department of Homeland Security.”.

(d) GOALS OF PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES; CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—Section 241(a) of such Act (52 U.S.C. 20981(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “the Commission shall” and inserting “the Commission, in consultation with the Secretary of Homeland Security (as appropriate), shall”;

(2) by striking “and” at the end of paragraph (3);
(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

“(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and”.

(e) REQUIREMENTS PAYMENTS.—

(1) USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—Section 251(b) of such Act (52 U.S.C. 21001(b)), as amended by section 1061(a)(2), is further amended by adding at the end the following new paragraph:

“(5) PERMITTING USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—A State may use a requirements payment to carry out any of the following activities:

“(A) Cyber and risk mitigation training.

“(B) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or designates as critical to the operation of the State’s election infrastructure.
“(C) Enhancing the cybersecurity and operations of the information technology infrastructure described in subparagraph (B).

“(D) Enhancing the security of voter registration databases.”.

(2) Incorporation of election infrastructure protection in state plans for use of payments.—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking the period at the end and inserting “, including the protection of election infrastructure.”.

(3) Composition of committee responsible for developing state plan for use of payments.—Section 255 of such Act (52 U.S.C. 21005) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

“(b) Geographic Representation.—The members of the committee shall be a representative group of individuals from the State’s counties, cities, towns, and Indian tribes, and shall represent the needs of rural as well as urban areas of the State, as the case may be.”.
(f) Ensuring Protection of Computerized Statewide Voter Registration List.—Section 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amended by striking the period at the end and inserting “, as well as other measures to prevent and deter cybersecurity incidents, as identified by the Commission, the Secretary of Homeland Security, and the Technical Guidelines Development Committee.”.

SEC. 3003. INCORPORATION OF DEFINITIONS.

(a) In General.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended to read as follows:

“SEC. 901. DEFINITIONS.

“In this Act, the following definitions apply:


“(2) The term ‘election infrastructure’ has the meaning given such term in section 3501 of the Election Security Act.

“(3) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.”.
(b) Clerical Amendment.—The table of contents of such Act is amended by amending the item relating to section 901 to read as follows:

“Sec. 901. Definitions.”.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.

(a) Availability of Grants.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by sections 1906(a) and 3001(a), is amended by adding at the end the following new part:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.

“(a) Availability of Grants.—The Commission shall make a grant to each eligible State to conduct risk-limiting audits as described in subsection (b) with respect to the regularly scheduled general elections for Federal office held in November 2020 and each succeeding election for Federal office.

“(b) Risk-limiting Audits Described.—In this part, a ‘risk-limiting audit’ is a post-election process—

“(1) which is conducted in accordance with rules and procedures established by the chief State election...
official of the State which meet the requirements of subsection (c); and

“(2) under which, if the reported outcome of the election is incorrect, there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct outcome as determined by a full, hand-to-eye tabulation of all votes validly cast in that election that ascertains voter intent manually and directly from voter-verifiable paper records.

“(c) REQUIREMENTS FOR RULES AND PROCEDURES.— The rules and procedures established for conducting a risk-limiting audit shall include the following elements:

“(1) Rules for ensuring the security of ballots and documenting that prescribed procedures were followed.

“(2) Rules and procedures for ensuring the accuracy of ballot manifests produced by election agencies.

“(3) Rules and procedures for governing the format of ballot manifests, cast vote records, and other data involved in the audit.

“(4) Methods to ensure that any cast vote records used in the audit are those used by the voting system to tally the election results sent to the chief State election official and made public.
“(5) Procedures for the random selection of ballots to be inspected manually during each audit.

“(6) Rules for the calculations and other methods to be used in the audit and to determine whether and when the audit of an election is complete.

“(7) Procedures and requirements for testing any software used to conduct risk-limiting audits.

“(d) DEFINITIONS.—In this part, the following definitions apply:

“(1) The term ‘ballot manifest’ means a record maintained by each election agency that meets each of the following requirements:

“(A) The record is created without reliance on any part of the voting system used to tabulate votes.

“(B) The record functions as a sampling frame for conducting a risk-limiting audit.

“(C) The record contains the following information with respect to the ballots cast and counted in the election:

“(i) The total number of ballots cast and counted by the agency (including undervotes, overvotes, and other invalid votes).
“(ii) The total number of ballots cast in each election administered by the agency (including undervotes, overvotes, and other invalid votes).

“(iii) A precise description of the manner in which the ballots are physically stored, including the total number of physical groups of ballots, the numbering system for each group, a unique label for each group, and the number of ballots in each such group.

“(2) The term ‘incorrect outcome’ means an outcome that differs from the outcome that would be determined by a full tabulation of all votes validly cast in the election, determining voter intent manually, directly from voter-verifiable paper records.

“(3) The term ‘outcome’ means the winner of an election, whether a candidate or a position.

“(4) The term ‘reported outcome’ means the outcome of an election which is determined according to the canvass and which will become the official, certified outcome unless it is revised by an audit, recount, or other legal process.
“SEC. 299A. ELIGIBILITY OF STATES.

“A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

“(1) a certification that, not later than 5 years after receiving the grant, the State will conduct risk-limiting audits of the results of elections for Federal office held in the State as described in section 299;

“(2) a certification that, not later than one year after the date of the enactment of this section, the chief State election official of the State has established or will establish the rules and procedures for conducting the audits which meet the requirements of section 299(c);

“(3) a certification that the audit shall be completed not later than the date on which the State certifies the results of the election;

“(4) a certification that, after completing the audit, the State shall publish a report on the results of the audit, together with such information as necessary to confirm that the audit was conducted properly;

“(5) a certification that, if a risk-limiting audit conducted under this part leads to a full manual tally of an election, State law requires that the State or
election agency shall use the results of the full manual
tally as the official results of the election; and
“(6) such other information and assurances as
the Commission may require.

“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.
“There are authorized to be appropriated for grants
under this part $20,000,000 for fiscal year 2019, to remain
available until expended.”.

(b) CLERICAL AMENDMENT.—The table of contents of
such Act, as amended by sections 1906(b) and 3001(b), is
further amended by adding at the end of the items relating
to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF
ELECTIONS

“Sec. 299A. Eligibility of States.
“Sec. 299B. Authorization of appropriations.

SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.

(a) ANALYSIS.—Not later than 6 months after the first
election for Federal office is held after grants are first
awarded to States for conducting risk-limiting under part
9 of subtitle D of title II of the Help America Vote Act
of 2002 (as added by section 3011) for conducting risk-lim-
itig audits of elections for Federal office, the Comptroller
General of the United States shall conduct an analysis of
the extent to which such audits have improved the adminis-
tration of such elections and the security of election infra-
structure in the States receiving such grants.

(b) REPORT.—The Comptroller General of the United
States shall submit a report on the analysis conducted
under subsection (a) to the appropriate congressional com-
mittees.

PART 3—[RESERVED]

Subtitle B—Security Measures

SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.

Subparagraph (J) of section 2001(3) of the Homeland
Security Act of 2002 (6 U.S.C. 601(3)) is amended by in-
serting “, including election infrastructure” before the pe-
riod at the end.

SEC. 3102. TIMELY THREAT INFORMATION.

Subsection (d) of section 201 of the Homeland Security
Act of 2002 (6 U.S.C. 121) is amended by adding at the
end the following new paragraph:

“(24) To provide timely threat information re-
garding election infrastructure to the chief State elec-
tion official of the State with respect to which such
information pertains.”.

SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-
TION OFFICIALS.

In order to promote the timely sharing of information
on threats to election infrastructure, the Secretary may—
(1) help expedite a security clearance for the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official;

(2) sponsor a security clearance for the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official; and

(3) facilitate the issuance of a temporary clearance to the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official, if the Secretary determines classified information to be timely and relevant to the election infrastructure of the State at issue.

SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESSMENTS.

(a) In General.—Paragraph (6) of section 2209(c) of the Homeland Security Act of 2002 (6 U.S.C. 659(c)) is amended by inserting “(including by carrying out a security risk and vulnerability assessment)” after “risk management support”.

(b) Prioritization to Enhance Election Security.—
(1) IN GENERAL.—Not later than 90 days after receiving a written request from a chief State election official, the Secretary shall, to the extent practicable, commence a security risk and vulnerability assessment (pursuant to paragraph (6) of section 227(c) of the Homeland Security Act of 2002, as amended by subsection (a)) on election infrastructure in the State at issue.

(2) NOTIFICATION.—If the Secretary, upon receipt of a request described in paragraph (1), determines that a security risk and vulnerability assessment cannot be commenced within 90 days, the Secretary shall expeditiously notify the chief State election official who submitted such request.

SEC. 3105. ANNUAL REPORTS.

(a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—Not later than one year after the date of the enactment of this Act and annually thereafter through 2026, the Secretary shall submit to the appropriate congressional committees—

(1) efforts to carry out section 203 during the prior year, including specific information on which States were helped, how many officials have been helped in each State, how many security clearances have been sponsored in each State, and how many
temporary clearances have been issued in each State;

and

(2) efforts to carry out section 205 during the prior year, including specific information on which States were helped, the dates on which the Secretary received a request for a security risk and vulnerability assessment pursuant to such section, the dates on which the Secretary commenced each such request, and the dates on which the Secretary transmitted a notification in accordance with subsection (b)(2) of such section.

(b) Reports on Foreign Threats.—Not later than 90 days after the end of each fiscal year (beginning with fiscal year 2019), the Secretary and the Director of National Intelligence, in coordination with the heads of appropriate offices of the Federal government, shall submit a joint report to the appropriate congressional committees on foreign threats to elections in the United States, including physical and cybersecurity threats.

(c) Information From States.—For purposes of preparing the reports required under this section, the Secretary shall solicit and consider information and comments from States and election agencies, except that the provision of such information and comments by a State or election
agency shall be voluntary and at the discretion of the State or agency.

Subtitle C—Enhancing Protections for United States Democratic Institutions

SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED STATES DEMOCRATIC INSTITUTIONS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary, in consultation with the Chairman, the Secretary of Defense, the Secretary of State, the Attorney General, the Secretary of Education, the Director of National Intelligence, the Chairman of the Federal Election Commission, and the heads of any other appropriate Federal agencies, shall issue a national strategy to protect against cyber attacks, influence operations, disinformation campaigns, and other activities that could undermine the security and integrity of United States democratic institutions.

(b) Considerations.—The national strategy required under subsection (a) shall include consideration of the following:

(1) The threat of a foreign state actor, foreign terrorist organization (as designated pursuant to section 219 of the Immigration and Nationality Act (8
U.S.C. 1189)), or a domestic actor carrying out a cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions.

(2) The extent to which United States democratic institutions are vulnerable to a cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such democratic institutions.

(3) Potential consequences, such as an erosion of public trust or an undermining of the rule of law, that could result from a successful cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions.

(4) Lessons learned from other Western governments the institutions of which were subject to a cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such institutions, as well as actions that could be taken by the United States Government to bolster collaboration with foreign partners to detect, deter, prevent, and counter such activities.
(5) Potential impacts such as an erosion of public trust in democratic institutions as could be associated with a successful cyber breach or other activity negatively-affecting election infrastructure.

(6) Roles and responsibilities of the Secretary, the Chairman, and the heads of other Federal entities and non-Federal entities, including chief State election officials and representatives of multi-state information sharing and analysis center.

(7) Any findings, conclusions, and recommendations to strengthen protections for United States democratic institutions that have been agreed to by a majority of Commission members on the National Commission to Protect United States Democratic Institutions, authorized pursuant to section 32002.

(c) IMPLEMENTATION PLAN.—Not later than 90 days after the issuance of the national strategy required under subsection (a), the President, acting through the Secretary, in coordination with the Chairman, shall issue an implementation plan for Federal efforts to implement such strategy that includes the following:

(1) Strategic objectives and corresponding tasks.

(2) Projected timelines and costs for the tasks referred to in paragraph (1).
(3) Metrics to evaluate performance of such tasks.

(d) CLASSIFICATION.—The national strategy required under subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED STATES DEMOCRATIC INSTITUTIONS.

(a) ESTABLISHMENT.—There is established within the legislative branch the National Commission to Protect United States Democratic Institutions (hereafter in this section referred to as the “Commission”).

(b) PURPOSE.—The purpose of the Commission is to counter efforts to undermine democratic institutions within the United States.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 10 members appointed for the life of the Commission as follows:

(A) One member shall be appointed by the Secretary.

(B) One member shall be appointed by the Chairman.

(C) 2 members shall be appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Home-
land Security and Governmental Affairs, the Chairman of the Committee on the Judiciary, and the Chairman of the Committee on Rules and Administration.

(D) 2 members shall be appointed by the minority leader of the Senate, in consultation with the ranking minority member of the Committee on Homeland Security and Governmental Affairs, the ranking minority member of the Committee on the Judiciary, and the ranking minority member of the Committee on Rules and Administration.

(E) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Homeland Security, the Chairman of the Committee on House Administration, and the Chairman of the Committee on the Judiciary.

(F) 2 members shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking minority member of the Committee on Homeland Security, the ranking minority member of the Committee on the Judiciary, and the ranking minority member of the Committee on House Administration.
(2) QUALIFICATIONS.—Individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to cybersecurity, national security, and the Constitution of the United States.

(3) NO COMPENSATION FOR SERVICE.—Members shall not receive compensation for service on the Commission, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with chapter 57 of title 5, United States Code.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed no later than 60 days after the date of the enactment of this Act.

(5) VACANCIES.—A vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs.

(d) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(e) QUORUM AND MEETINGS.—
(1) QUORUM.—The Commission shall meet and begin the operations of the Commission not later than 30 days after the date on which all members have been appointed or, if such meeting cannot be mutually agreed upon, on a date designated by the Speaker of the House of Representatives and the President pro Tempore of the Senate. Each subsequent meeting shall occur upon the call of the Chair or a majority of its members. A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(f) POWERS.—

(1) HEARINGS AND EVIDENCE.—The Commission (or, on the authority of the Commission, any subcommittee or member thereof) may, for the purpose of carrying out this section, hold hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out its duties.
(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(g) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided under paragraph (1), the Department of Homeland Security, the Election Assistance Commission, and other appropriate departments and agencies of the United States shall provide to the Commission such services, funds, facilities, and staff as they may determine advisable and as may be authorized by law.

(h) PUBLIC MEETINGS.—Any public meetings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(i) SECURITY CLEARANCES.—
(1) IN GENERAL.—The heads of appropriate departments and agencies of the executive branch shall cooperate with the Commission to expeditiously provide Commission members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

(2) PREFERENCES.—In appointing staff, obtaining detailees, and entering into contracts for the provision of services for the Commission, the Commission shall give preference to individuals otherwise who have active security clearances.

(j) REPORTS.—

(1) INTERIM REPORTS.—At any time prior to the submission of the final report under paragraph (2), the Commission may submit interim reports to the President and Congress such findings, conclusions, and recommendations to strengthen protections for democratic institutions in the United States as have been agreed to by a majority of the members of the Commission.

(2) FINAL REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations to strengthen protec-
tions for democratic institutions in the United States
as have been agreed to by a majority of the members
of the Commission.

(k) Termination.—

(1) In general.—The Commission shall termi-
nate upon the expiration of the 60-day period which
begins on the date on which the Commission submits
the final report required under subsection (j)(2).

(2) Administrative activities prior to ter-
mination.—During the 60-day period described in
paragraph (2), the Commission may carry out such
administrative activities as may be required to con-
clude its work, including providing testimony to com-
mittees of Congress concerning the final report and
disseminating the final report.

Subtitle D—Promoting Cybersecu-
rity Through Improvements in

Election Administration

SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-
SURE COMPLIANCE WITH ELECTION CYBER-
SECURITY GUIDELINES AND OTHER GUIDE-
LINES.

(a) Requiring Testing of Existing Voting Sys-

tems.—
(1) IN GENERAL.—Section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971(a)) is amended by adding at the end the following new paragraph:

“(3) TESTING TO ENSURE COMPLIANCE WITH GUIDELINES.—

“(A) TESTING.—Not later than 9 months before the date of each regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.

“(B) DECERTIFICATION OF HARDWARE OR SOFTWARE FAILING TO MEET GUIDELINES.—If, on the basis of the testing described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act,
the Commission shall decertify such hardware or
software.”.

(2) EFFECTIVE DATE.—The amendment made by
paragraph (1) shall apply with respect to the regu-
larly scheduled general election for Federal office held
in November 2020 and each succeeding regularly
scheduled general election for Federal office.

(b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—
Section 221(b) of the Help America Vote Act of 2002 (52
U.S.C. 20961(b)) is amended by adding at the end the fol-
lowing new paragraph:

“(3) ELECTION CYBERSECURITY GUIDELINES.—
Not later than 6 months after the date of the enact-
ment of this paragraph, the Development Committee
shall issue election cybersecurity guidelines, including
standards and best practices for procuring, maintain-
ing, testing, operating, and updating election systems
to prevent and deter cybersecurity incidents.”.

SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS
PART OF VOTING SYSTEMS.

(a) INCLUSION IN DEFINITION OF VOTING SYSTEM.—
Section 301(b) of the Help America Vote Act of 2002 (52
U.S.C. 21081(b)) is amended—
(1) in the matter preceding paragraph (1), by striking “this section” and inserting “this Act”;

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

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph:

“(2) any electronic poll book used with respect to the election; and”.

(b) Definition.—Section 301 of such Act (52 U.S.C. 21081) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by inserting after subsection (b) the following new subsection:

“(c) Electronic Poll Book Defined.—In this Act, the term ‘electronic poll book’ means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

“(1) to retain the list of registered voters at a polling location, or vote center, or other location at
which voters cast votes in an election for Federal office; and

“(2) to identify registered voters who are eligible to vote in an election.”.

(c) EFFECTIVE DATE.—Section 301(e) of such Act (52 U.S.C. 21081(e)), as redesignated by subsection (b), is amended by striking the period at the end and inserting the following: “, or, with respect to any requirements relating to electronic poll books, on and after January 1, 2020.”.

SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

(a) Requiring States to Submit Reports.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 301 the following new section:

“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

“(a) Requiring States to Submit Reports.—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic
poll books and other equipment and components of such system.

“(b) **Effective Date.**—Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.”.

(b) **Clerical Amendment.**—The table of contents of such Act is amended by inserting after the item relating to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

**SEC. 3304. STREAMLINING COLLECTION OF ELECTION INFORMATION.**

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

(1) by striking “The Commission” and inserting “(a) **In General.**—The Commission”; and

(2) by adding at the end the following new subsection:

“(b) **Waiver of Certain Requirements.**—Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of subsection (a).”.
Subtitle E—Preventing Election Hacking

SEC. 3401. SHORT TITLE.
This subtitle may be cited as the “Prevent Election Hacking Act of 2019”.

SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.
(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a program to be known as the “Election Security Bug Bounty Program” (hereafter in this subtitle referred to as the “Program”) to improve the cybersecurity of the systems used to administer elections for Federal office by facilitating and encouraging assessments by independent technical experts, in cooperation with State and local election officials and election service providers, to identify and report election cybersecurity vulnerabilities.

(b) VOLUNTARY PARTICIPATION BY ELECTION OFFICIALS AND ELECTION SERVICE PROVIDERS.—

(1) NO REQUIREMENT TO PARTICIPATE IN PROGRAM.—Participation in the Program shall be entirely voluntary for State and local election officials and election service providers.

(2) ENCOURAGING PARTICIPATION AND INPUT FROM ELECTION OFFICIALS.—In developing the Program, the Secretary shall solicit input from, and en-
courage participation by, State and local election officials.

(c) ACTIVITIES FUNDED.—In establishing and carrying out the Program, the Secretary shall—

(1) establish a process for State and local election officials and election service providers to voluntarily participate in the Program;

(2) designate appropriate information systems to be included in the Program;

(3) provide compensation to eligible individuals, organizations, and companies for reports of previously unidentified security vulnerabilities within the information systems designated under subparagraph (A) and establish criteria for individuals, organizations, and companies to be considered eligible for such compensation in compliance with Federal laws;

(4) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the Program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law, and from liability under civil actions for specific activities authorized under the Program;

(5) consult with the Secretary of Defense and the heads of other departments and agencies that have
implemented programs to provide compensation for reports of previously undisclosed vulnerabilities in information systems, regarding lessons that may be applied from such programs;

(6) develop an expeditious process by which an individual, organization, or company can register with the Department, submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in the Program; and

(7) engage qualified interested persons, including representatives of private entities, about the structure of the Program and, to the extent practicable, establish a recurring competition for independent technical experts to assess election systems for the purpose of identifying and reporting election cybersecurity vulnerabilities;

(d) Use of Service Providers.—The Secretary may award competitive contracts as necessary to manage the Program.

SEC. 3403. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) The terms “election” and “Federal office” have the meanings given such terms in section 301 of

(2) The term “election cybersecurity vulnerability” means any security vulnerability (as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501)) that affects an election system.

(3) The term “election service provider” means any person providing, supporting, or maintaining an election system on behalf of a State or local election official, such as a contractor or vendor.

(4) The term “election system” means any information system (as defined in section 3502 of title 44, United States Code) which is part of an election infrastructure.

(5) The term “Secretary” means the Secretary of Homeland Security, or, upon designation by the Secretary of Homeland Security, the Deputy Secretary of Homeland Security, the Director of Cybersecurity and Infrastructure Security of the Department of Homeland Security, or a Senate-confirmed official that reports to the Director.

(6) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Com-
monwealth of Northern Mariana Islands, and the
United States Virgin Islands.

(7) The term “voting system” has the meaning given such term in section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)).

Subtitle F—Miscellaneous Provisions

SEC. 3501. DEFINITIONS.

Except as provided in section 3404, in this title, the following definitions apply:

(1) The term “Chairman” means the chair of the Election Assistance Commission.

(2) The term “appropriate congressional committees” means the Committees on Homeland Security and House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate.

(3) The term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act.
(4) The term “Commission” means the Election Assistance Commission.

(5) The term “democratic institutions” means the diverse range of institutions that are essential to ensuring an independent judiciary, free and fair elections, and rule of law.

(6) The term “election agency” means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in the State.

(7) The term “election infrastructure” means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.
(8) The term “Secretary” means the Secretary of Homeland Security.

(9) The term “State” has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES AVAILABLE FOR IMPLEMENTATION.

Not later than 120 days after enactment of this Act, the Chairman and the Secretary shall submit a report to the appropriate committees of Congress, including the Committees on Homeland Security and House Administration of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, analyzing the adequacy of the funding, resources, and personnel available to carry out this title and the amendments made by this title.

Subtitle G—Severability

SEC. 3601. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.
DIVISION B—CAMPAIGN FINANCE

TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy
Sec. 4001. Findings relating to illicit money undermining our democracy.

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PART 1—REGULATION OF CERTAIN POLITICAL SPENDING
Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.
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Sec. 4205. Expansion of definition of public communication.
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Subtitle D—Stand By Every Ad
Sec. 4301. Short title.
Sec. 4302. Stand By Every Ad.
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Subtitle E—[Reserved]

Subtitle F—[Reserved]

Subtitle G—[Reserved]

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4701. Short title.
Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

Sec. 4801. Severability.

**Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy**

**SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDERMINING OUR DEMOCRACY.**

Congress finds the following:

(1) Criminals, terrorists, and corrupt government officials frequently abuse anonymously held Limited Liability Companies (LLCs), also known as “shell companies,” to hide, move, and launder the dirty money derived from illicit activities such as trafficking, bribery, exploitation, and embezzlement. Ownership and control of the finances that run through shell companies are obscured to regulators and law enforcement because little information is required and collected when establishing these entities.
(2) The public release of the “Panama Papers” in 2016 and the “Paradise Papers” in 2017 revealed that these shell companies often purchase and sell United States real estate. United States anti-money laundering laws do not apply to cash transactions involving real estate effectively concealing the beneficiaries and transactions from regulators and law enforcement.

(3) Congress should curb the use of anonymous shell companies for illicit purposes by requiring United States companies to disclose their beneficial owners, strengthening anti-money laundering and counter-terrorism finance laws.

(4) Congress should examine the money laundering and terrorist financing risks in the real estate market, including the role of anonymous parties, and review legislation to address any vulnerabilities identified in this sector.

(5) Congress should examine the methods by which corruption flourishes and the means to detect and deter the financial misconduct that fuels this driver of global instability. Congress should monitor government efforts to enforce United States anti-corruption laws and regulations.
Subtitle B—DISCLOSE Act

SEC. 4100. SHORT TITLE.

This subtitle may be cited as the “Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2019” or the “DISCLOSE Act of 2019”.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

SEC. 4101. APPLICATION OF BAN ON CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS TO DOMESTIC CORPORATIONS, LIMITED LIABILITY CORPORATIONS, AND PARTNERSHIPS THAT ARE FOREIGN-CONTROLLED, FOREIGN-INFLUENCED, AND FOREIGN-OWNED.

(a) APPLICATION OF BAN.—

(1) In general.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

(A) by striking “or” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; or”; and

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

“(3) except as provided under subsection (c), any corporation, limited liability corporation, or partner-
ship which is not a foreign national described in paragraph (1) and—

“(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—

“(i) 5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or

“(ii) 20 percent or more of the voting shares, if the foreign national is not described in clause (i);

“(B) in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;

“(C) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation, limited liability corporation, or partnership with respect to its interests in the United States; or
“(D) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation, limited liability corporation, or partnership with respect to activities in connection with a Federal, State, or local election, including—

“(i) the making of a contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

“(ii) the administration of a political committee established or maintained by the corporation.”.

(2) ACTIVITIES OF CORPORATE PACS OF DOMESTIC SUBSIDIARIES.—Section 319 of such Act (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

“(c) ACTIVITIES OF CORPORATE PACS OF DOMESTIC SUBSIDIARIES.—Notwithstanding subsection (a), a foreign national described in subparagraph (A), (B), or (C) of subsection (b)(3) which is a domestic corporation whose principal place of business is within the United States may establish, administer and solicit contributions to a separate
segregated fund pursuant to section 316(b)(2)(C) so long as—

“(1) the foreign national parent corporation of such domestic corporation does not directly or indirectly finance the establishment, administration, or solicitation activities of the fund; and

“(2) the fund is in compliance with complies with the requirements of section 316(b)(8).”.

(b) CERTIFICATION OF COMPLIANCE.—Section 319 of such Act (52 U.S.C. 30121), as amended by subsection (a)(2), is further amended by adding at the end the following new subsection:

“(d) CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, limited liability corporation, or partnership during a year, the chief executive officer of the corporation, limited liability corporation, or partnership (or, if the corporation, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that the corporation, limited liability
corporation, or partnership is not prohibited from carrying 
out such activity under subsection (b)(3), unless the chief 
executive officer has previously filed such a certification 
during that calendar year.”.

(c) **Effective Date.**—The amendments made by this 
section shall take effect upon the expiration of the 180-day 
period which begins on the date of the enactment of this 
Act, and shall take effect without regard to whether or not 
the Federal Election Commission has promulgated regula-
tions to carry out such amendments.

**SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN 
MONEY BAN TO CERTAIN DISBURSEMENTS 
AND ACTIVITIES.**

(a) **Application to Disbursements to Super 
PACs.**—Section 319(a)(1)(A) of the Federal Election Cam-
paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended 
by striking the semicolon and inserting the following: “, in-
cluding any disbursement to a political committee which 
accepts donations or contributions that do not comply with 
the limitations, prohibitions, and reporting requirements of 
this Act (or any disbursement to or on behalf of any account 
of a political committee which is established for the purpose 
of accepting such donations or contributions);”.

(b) **Conditions Under Which Corporate PACs 
May Make Contributions and Expenditures.**—Section
316(b) of such Act (52 U.S.C. 30118(b)) is amended by adding at the end the following new paragraph:

“(8) A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the year:

“(A) Each individual who manages the fund, and who is responsible for exercising decisionmaking authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States.

“(B) No foreign national under section 319 participates in any way in the decisionmaking processes of the fund with regard to contributions or expenditures under this Act.

“(C) The fund does not solicit or accept recommendations from any foreign national under section 319 with respect to the contributions or expenditures made by the fund.

“(D) Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.”.
PART 2—REPORTING OF CAMPAIGN-RELATED
DISBURSEMENTS

SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.

(a) Disclosure Requirements for Corporations, Labor Organizations, and Certain Other Entities.—

(1) In general.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.

“(a) Disclosure Statement.—

“(1) In general.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

“(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the first such disclosure date) and ending on the first such disclosure date; and
“(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

“(A) The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d))) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—

“(i) identifies each beneficial owner by name and current residential or business street address; and

“(ii) if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, identi-
fies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

“(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than $1,000, and the name and address of the person to whom the disbursement was made.

“(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and whether such communication is in support of or in opposition to a candidate.

“(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.
“(E)(i) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

“(I) the name and address of each person who made such payment during the period covered by the statement;

“(II) the date and amount of such payment; and

“(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date, but only if such payment was made by a person who made payments to the account in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning
one year before the disclosure date) and ending on the disclosure date.

“(ii) In any calendar year after 2020, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the ‘base period’ shall be 2020.

“(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—

“(I) the name and address of each person who made such payment during the period covered by the statement;

“(II) the date and amount of such payment; and

“(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle
(or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date, but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

“(ii) In any calendar year after 2020, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the ‘base period’ shall be 2020.

“(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

“(3) EXCEPTIONS.—

“(A) AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.—The requirement to in-
clude in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee’s collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

“(B) Donor restriction on use of funds.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

“(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and
“(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

“(C) THREAT OF HARASSMENT OR REPRISAL.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

“(4) OTHER DEFINITIONS.—For purposes of this section:

“(A) BENEFICIAL OWNER DEFINED.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘beneficial owner’ means, with respect to any entity, a natural person who, directly or indirectly—

“(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or
“(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

“(ii) EXCEPTIONS.—The term ‘beneficial owner’ shall not include—

“(I) a minor child;

“(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

“(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

“(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

“(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

“(iii) ANTI-ABUSE RULE.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circum-
venting, or abusing the provisions of clause (i) or paragraph (2)(A).

“(B) DISCLOSURE DATE.—The term ‘disclosure date’ means—

“(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

“(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

“(C) ELECTION REPORTING CYCLE.—The term ‘election reporting cycle’ means the 2-year period beginning on the date of the most recent general election for Federal office.

“(D) PAYMENT.—The term ‘payment’ includes any contribution, donation, transfer, payment of dues, or other payment.

“(b) COORDINATION WITH OTHER PROVISIONS.—

“(1) OTHER REPORTS FILED WITH THE COMMISSION.—Information included in a statement filed
under this section may be excluded from statements
and reports filed under section 304.

“(2) TREATMENT AS SEPARATE SEGREGATED
FUND.—A segregated bank account referred to in sub-
section (a)(2)(E) may be treated as a separate seg-
regated fund for purposes of section 527(f)(3) of the

“(c) FILING.—Statements required to be filed under
subsection (a) shall be subject to the requirements of section
304(d) to the same extent and in the same manner as if
such reports had been required under subsection (c) or (g)
of section 304.

“(d) CAMPAIGN-RELATED DISBURSEMENT DE-
FINED.—

“(1) IN GENERAL.—In this section, the term
‘campaign-related disbursement’ means a disburse-
ment by a covered organization for any of the fol-
lowing:

“(A) An independent expenditure which ex-
pressly advocates the election or defeat of a cleared
ly identified candidate for election for Federal
office, or is the functional equivalent of express
advocacy because, when taken as a whole, it can
be interpreted by a reasonable person only as ad-
vocating the election or defeat of a candidate for
election for Federal office.

“(B) Any public communication which re-
fers to a clearly identified candidate for election
for Federal office and which promotes or sup-
ports the election of a candidate for that office,
or attacks or opposes the election of a candidate
for that office, without regard to whether the
communication expressly advocates a vote for or
against a candidate for that office.

“(C) An electioneering communication, as
defined in section 304(f)(3).

“(D) A covered transfer.

“(2) INTENT NOT REQUIRED.—A disbursement
for an item described in subparagraph (A), (B), (C),
or (D) of paragraph (1) shall be treated as a cam-
paign-related disbursement regardless of the intent of
the person making the disbursement.

“(e) COVERED ORGANIZATION DEFINED.—In this sec-
tion, the term ‘covered organization’ means any of the fol-
lowing:

“(1) A corporation (other than an organization
described in section 501(c)(3) of the Internal Revenue
“(2) A limited liability corporation that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

“(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

“(4) A labor organization (as defined in section 316(b)).

“(5) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act (except as provided in paragraph (6)).

“(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

“(f) COVERED TRANSFER DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘covered transfer’ means any transfer or payment of funds by a covered organization to another person if the covered organization—

“(A) designates, requests, or suggests that the amounts be used for—
“(i) campaign-related disbursements (other than covered transfers); or

“(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

“(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

“(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

“(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

“(C) engaged in discussions with the recipient of the transfer or payment regarding—

“(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

“(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements;
“(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of $50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

“(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of $50,000 or more during the 2-year period beginning on the date of the transfer or payment.

“(2) Exclusions.—The term ‘covered transfer’ does not include any of the following:

“(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

“(B) A disbursement made by a covered organization if—
“(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

“(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

“(3) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

“(A) SPECIAL RULE.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

“(B) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the ex-
tent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

“(C) Description of Transfers Between Affiliates.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

“(i) one of the organizations is an affiliate of the other organization; or

“(ii) each of the organizations is an affiliate of the same organization, except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

“(D) Determination of Affiliate Status.—For purposes of subparagraph (C), a covered organization is an affiliate of another covered organization if—
“(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

“(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

“(iii) the organization is chartered by the other organization.

“(E) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.
“(g) No Effect on Other Reporting Requirements.—Nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.”.

(2) Conforming Amendment.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking “Any requirement” and inserting “Except as provided in section 324(b), any requirement”.

(b) Coordination with FinCEN.—

(1) In General.—The Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall provide the Federal Election Commission with such information as necessary to assist in administering and enforcing section 324 of the Federal Election Campaign Act of 1971, as added by this section.

(2) Report.—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Federal Election Commission, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall submit to Congress a report with recommendations for providing further legislative authority to assist in the administration and enforcement of such section 324.
SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DISBURSEMENTS FOR CAMPAIGN-RELATED DISBURSEMENTS CONSISTING OF COVERED TRANSFERS.

Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30124(a)(1)(A)), as amended by section 4102, is amended by striking the semicolon and inserting the following: “, and any disbursement, other than an disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year period ending on the date of the disbursement;”.

SEC. 4113. EFFECTIVE DATE.

The amendments made by this part shall apply with respect to disbursements made on or after January 1, 2020, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

PART 3—OTHER ADMINISTRATIVE REFORMS

SEC. 4121. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by inserting “(including a proceeding before the Supreme Court on certiorari)” after “appeal”.
SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO CAMPAIGN FINANCE LAWS.

(a) In General.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended by inserting after section 406 the following new section:

“SEC. 407. JUDICIAL REVIEW.

“(a) In General.—Notwithstanding section 373(f), if any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

“(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

“(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision—

“(A) a copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate; and

“(B) it shall be the duty of the United States District Court for the District of Columbia
bio, the Court of Appeals for the District of Columbia, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

“(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 is raised, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

“(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.”
(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 9011. JUDICIAL REVIEW.

“For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.”.

(B) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 9041. JUDICIAL REVIEW.

“For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.”.

(C) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions brought on or after January 1, 2019.

Subtitle C—Honest Ads

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the “Honest Ads Act”.
SEC. 4202. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to uphold the Supreme Court’s well-established standard that the electorate bears the right to be fully informed.

SEC. 4203. FINDINGS.

Congress makes the following findings:

(1) On January 6, 2017, the Office of the Director of National Intelligence published a report titled “Assessing Russian Activities and Intentions in Recent U.S. Elections”, noting that “Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election . . .”. Moscow’s influence campaign followed a Russian messaging strategy that blends covert intelligence operation—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or “trolls”.

(2) On November 24, 2016, The Washington Post reported findings from 2 teams of independent researchers that concluded Russians “exploited American-made technology platforms to attack U.S. democracy at a particularly vulnerable moment . . . as part
of a broadly effective strategy of sowing distrust in
U.S. democracy and its leaders.”

(3) Findings from a 2017 study on the manipu-
lation of public opinion through social media con-
ducted by the Computational Propaganda Research
Project at the Oxford Internet Institute found that the
Kremlin is using pro-Russian bots to manipulate
public discourse to a highly targeted audience. With
a sample of nearly 1,300,000 tweets, researchers found
that in the 2016 election’s 3 decisive States, propa-
ganda constituted 40 percent of the sampled election-
related tweets that went to Pennsylvanians, 34 per-
cent to Michigan voters, and 30 percent to those in
Wisconsin. In other swing States, the figure reached
42 percent in Missouri, 41 percent in Florida, 40 per-
cent in North Carolina, 38 percent in Colorado, and
35 percent in Ohio.

(4) On September 6, 2017, the nation’s largest
social media platform disclosed that between June
2015 and May 2017, Russian entities purchased
$100,000 in political advertisements, publishing
roughly 3,000 ads linked to fake accounts associated
with the Internet Research Agency, a pro-Kremlin or-
ganization. According to the company, the ads pur-
chased focused \textquotedblleft on amplifying divisive social and political messages . . . \	extquotedblright.

(5) In 2002, the Bipartisan Campaign Reform Act became law, establishing disclosure requirements for political advertisements distributed from a television or radio broadcast station or provider of cable or satellite television. In 2003, the Supreme Court upheld regulations on electioneering communications established under the Act, noting that such requirements \textquotedblleft provide the electorate with information and insure that the voters are fully informed about the person or group who is speaking.\textquotedblright.

(6) According to a study from Borrell Associates, in 2016, $1,415,000,000 was spent on online advertising, more than quadruple the amount in 2012.

(7) The reach of a few large internet platforms—larger than any broadcast, satellite, or cable provider—has greatly facilitated the scope and effectiveness of disinformation campaigns. For instance, the largest platform has over 210,000,000 Americans users—over 160,000,000 of them on a daily basis. By contrast, the largest cable television provider has 22,430,000 subscribers, while the largest satellite television provider has 21,000,000 subscribers. And the
most-watched television broadcast in United States
history had 118,000,000 viewers.

(8) The public nature of broadcast television, 
radio, and satellite ensures a level of publicity for any 
political advertisement. These communications are ac-
cessible to the press, fact-checkers, and political oppo-
nents; this creates strong disincentives for a candidate 
to disseminate materially false, inflammatory, or con-
tradictory messages to the public. Social media plat-
forms, in contrast, can target portions of the elec-
torate with direct, ephemeral advertisements often on 
the basis of private information the platform has on 
individuals, enabling political advertisements that are 
 contradictory, racially or socially inflammatory, or 
materially false.

(9) According to comScore, 2 companies own 8 
of the 10 most popular smartphone applications as of 
June 2017, including the most popular social media 
and email services—which deliver information and 
news to users without requiring proactivity by the 
user. Those same 2 companies accounted for 99 per-
cent of revenue growth from digital advertising in 
2016, including 77 percent of gross spending. 79 per-
cent of online Americans—representing 68 percent of 
all Americans—use the single largest social network,
while 66 percent of these users are most likely to get
their news from that site.

(10) In its 2006 rulemaking, the Federal Election
Commission noted that only 18 percent of all
Americans cited the internet as their leading source
of news about the 2004 Presidential election; by con-
trast, the Pew Research Center found that 65 percent
of Americans identified an internet-based source as
their leading source of information for the 2016 elec-
tion.

(11) The Federal Election Commission, the inde-
pendent Federal agency charged with protecting the
integrity of the Federal campaign finance process by
providing transparency and administering campaign
finance laws, has failed to take action to address on-
line political advertisements.

(12) In testimony before the Senate Select Com-
mittee on Intelligence titled, “Disinformation: A
Primer in Russian Active Measures and Influence
Campaigns”, multiple expert witnesses testified that
while the disinformation tactics of foreign adversaries
have not necessarily changed, social media services
now provide “platform[s] practically purpose-built
for active measures[.]” Similarly, as Gen. Keith B.
Alexander (RET.), the former Director of the National
Security Agency, testified, during the Cold War “if
the Soviet Union sought to manipulate information
flow, it would have to do so principally through its
own propaganda outlets or through active measures
that would generate specific news: planting of leaflets,
inciting of violence, creation of other false materials
and narratives. But the news itself was hard to ma-
nipulate because it would have required actual control
of the organs of media, which took long-term efforts
to penetrate. Today, however, because the clear major-
ity of the information on social media sites is
uncurated and there is a rapid proliferation of inform-
ation sources and other sites that can reinforce in-
formation, there is an increasing likelihood that the
information available to average consumers may be
inaccurate (whether intentionally or otherwise) and
may be more easily manipulable than in prior eras.”.

(13) Current regulations on political advertise-
ments do not provide sufficient transparency to up-
hold the public’s right to be fully informed about po-
itical advertisements made online.

SEC. 4204. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the dramatic increase in digital political ad-
vertisements, and the growing centrality of online
platforms in the lives of Americans, requires the Congress and the Federal Election Commission to take meaningful action to ensure that laws and regulations provide the accountability and transparency that is fundamental to our democracy;

(2) free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements in order to make informed political choices and hold elected officials accountable; and

(3) transparency of funding for political advertisements is essential to enforce other campaign finance laws, including the prohibition on campaign spending by foreign nationals.

SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) In General.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking “or satellite communication” and inserting “satellite, paid internet, or paid digital communication”.

(b) Treatment of Contributions and Expenditures.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)—
(A) in clause (v), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”; 

(B) in clause (ix), by striking “broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising” and inserting “public communication”; and

(C) in clause (x), by striking “but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising” and inserting “but not including use in any public communication”; and

(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as follows:

“(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facili-
ties are owned or controlled by any political party, political committee, or candidate;’’;
and
(B) in clause (iv), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”.

(c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
Subsection (a) of section 318 of such Act (52 U.S.C. 30120) is amended—

(1) by striking “financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “financing any public communication”; and

(2) by striking “solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “solicits any contribution through any public communication”.

February 28, 2019 (10:17 a.m.)
SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-EERING COMMUNICATION.

(a) EXPANSION TO ONLINE COMMUNICATIONS.—

(1) APPLICATION TO QUALIFIED INTERNET AND DIGITAL COMMUNICATIONS.—

(A) IN GENERAL.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking “or satellite communication” each place it appears in clauses (i) and (ii) and inserting “satellite, or qualified internet or digital communication”.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

“(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term ‘qualified internet or digital communication’ means any communication which is placed or promoted for a fee on an online platform (as defined in subsection (j)(3)).”.

30104(f)(3)(A)(i)(III)) is amended by inserting “any broadcast, cable, or satellite” before “communication”.

(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to read as follows:

“(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2020.

SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) CLEAR AND CONSPICUOUS MANNER REQUIREMENT.—Subsection (a) of section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—
(1) by striking “shall clearly state” each place it appears in paragraphs (1), (2), and (3) and inserting “shall state in a clear and conspicuous manner”; and

(2) by adding at the end the following flush sentence: “For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.”.

(b) Special Rules for Qualified Internet or Digital Communications.—

(1) In general.—Section 318 of such Act (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

“(e) Special Rules for Qualified Internet or Digital Communications.—

“(1) Special rules with respect to statements.—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

“(A) state the name of the person who paid for the communication; and
“(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.

“(2) SAFE HARBOR FOR DETERMINING CLEAR AND CONSPICUOUS MANNER.—A statement in qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

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

“(i) appears in letters at least as large as the majority of the text in the communication; and

“(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

“(B) AUDIO COMMUNICATIONS.—In the case of an audio communication, the statement is spoken in a clearly audible and intelligible man-
ner at the beginning or end of the communication and lasts at least 3 seconds.

“(C) VIDEO COMMUNICATIONS.—In the case of a video communication which also includes audio, the statement—

“(i) is included at either the beginning or the end of the communication; and

“(ii) is made both in—

“(I) a written format that meets the requirements of subparagraph (A) and appears for at least 4 seconds; and

“(II) an audible format that meets the requirements of subparagraph (B).

“(D) OTHER COMMUNICATIONS.—In the case of any other type of communication, the statement is at least as clear and conspicuous as the statement specified in subparagraph (A), (B), or (C).”.

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall have no application to qualified internet or digital commu-
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communications (as defined in section 304(f)(3)(D) of the


(c) Modification of Additional Requirements

for Certain Communications.—Section 318(d) of such

Act (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “which is transmitted

through radio” and inserting “which is in an

audio format”; and

(B) by striking “BY RADIO” in the heading

and inserting “AUDIO FORMAT”; and

(2) in paragraph (1)(B)—

(A) by striking “which is transmitted

through television” and inserting “which is in

video format”; and

(B) by striking “BY TELEVISION” in the

heading and inserting “VIDEO FORMAT”; and

(3) in paragraph (2)—

(A) by striking “transmitted through radio

or television” and inserting “made in audio or

video format”; and

(B) by striking “through television” in the

second sentence and inserting “in video format”.


SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

“(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENTS FOR ONLINE PLATFORMS.—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political advertisements on such online platform during the calendar year exceeds $500.

“(B) REQUIREMENTS FOR ADVERTISERS.—

Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).
“(2) CONTENTS OF RECORD.—A record maintained under paragraph (1)(A) shall contain—

“(A) a digital copy of the qualified political advertisement;

“(B) a description of the audience targeted by the advertisement, the number of views generated from the advertisement, and the date and time that the advertisement is first displayed and last displayed; and

“(C) information regarding—

“(i) the average rate charged for the advertisement;

“(ii) the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, the election to which the advertisement refers, or the national legislative issue to which the advertisement refers (as applicable);

“(iii) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and
“(iv) in the case of any request not described in clause (iii), the name of the person purchasing the advertisement, the name and address of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

“(3) ONLINE PLATFORM.—For purposes of this subsection, the term ‘online platform’ means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

“(A) sells qualified political advertisements; and

“(B) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months.

“(4) QUALIFIED POLITICAL ADVERTISEMENT.—For purposes of this subsection, the term ‘qualified political advertisement’ means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

“(A) is made by or on behalf of a candidate; or
“(B) communicates a message relating to any political matter of national importance, including—

“(i) a candidate;
“(ii) any election to Federal office; or
“(iii) a national legislative issue of public importance.

“(5) TIME TO MAINTAIN FILE.—The information required under this subsection shall be made available as soon as possible and shall be retained by the online platform for a period of not less than 4 years.

“(6) SAFE HARBOR FOR PLATFORMS MAKING BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE SUBJECT TO RECORD MAINTENANCE REQUIREMENTS.—In accordance with rules established by the Commission, if an online platform shows that the platform used best efforts to determine whether or not a request to purchase a qualified political advertisement was subject to the requirements of this subsection, the online platform shall not be considered to be in violation of such requirements.

“(7) PENALTIES.—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online plat-
forms, to comply with the requirements of this sub-
section, see section 309.”.

(b) RULEMAKING.—Not later than 120 days after the
date of the enactment of this Act, the Federal Election Com-
mission shall establish rules—

(1) requiring common data formats for the
record required to be maintained under section 304(j)
of the Federal Election Campaign Act of 1971 (as
added by subsection (a)) so that all online platforms
submit and maintain data online in a common, ma-
chine-readable and publicly accessible format; and

(2) establishing search interface requirements re-
lating to such record, including searches by candidate
name, issue, purchaser, and date; and

(3) establishing the criteria for the safe harbor
exception provided under paragraph (6) of section
304(j) of such Act (as added by subsection (a)).

(c) REPORTING.—Not later than 2 years after the date
of the enactment of this Act, and biannually thereafter, the
Chairman of the Federal Election Commission shall submit
a report to Congress on—

(1) matters relating to compliance with and the
enforcement of the requirements of section 304(j) of
the Federal Election Campaign Act of 1971, as added
by subsection (a);
(2) recommendations for any modifications to such section to assist in carrying out its purposes; and

(3) identifying ways to bring transparency and accountability to political advertisements distributed online for free.

SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 4101(a)(2) and section 4101(b), is further amended by adding at the end the following new subsection:

“(e) **Responsibilities of Broadcast Stations, Providers of Cable and Satellite Television, and Online Platforms.**—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(j)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly.”.
Subtitle D—Stand By Every Ad

SEC. 4301. SHORT TITLE.
This Act may be cited as the “Stand By Every Ad Act”.

SEC. 4302. STAND BY EVERY AD.
(a) EXPANDED DISCLAIMER REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120), as amended by section 4207(b)(1), is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) EXPANDED DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR COMMITTEES.—

“(1) IN GENERAL.—Except as provided in paragraph (6), any communication described in paragraph (3) of subsection (a) which is transmitted in an audio or video format (including an Internet or digital communication), or which is an Internet or digital communication transmitted in a text or graphic format, shall include, in addition to the requirements of paragraph (3) of subsection (a), the following:
“(A) The individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

“(B) If the communication is transmitted in a video format, or is an Internet or digital communication which is transmitted in a text or graphic format, and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—

“(i) the Top Five Funders list (if applicable); or

“(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Five Funders list, the name of a website which contains the Top Five
Funders list (if applicable) or, in the case of an Internet or digital communication, a hyperlink to such website.

“(C) If the communication is transmitted in an audio format and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—

“(i) the Top Two Funders list (if applicable); or

“(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Two Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Two Funders list, the name of a website which contains the Top Two Funders list (if applicable).

“(2) DISCLOSURE STATEMENTS DESCRIBED.—

“(A) INDIVIDUAL DISCLOSURE STATEMENTS.—The individual disclosure statement de-
scribed in this subparagraph is the following: ‘I am ____________, and I approve this message.’, with the blank filled in with the name of the applicable individual.

“(B) ORGANIZATIONAL DISCLOSURE STATEMENTS.—The organizational disclosure statement described in this subparagraph is the following: ‘I am ____________, the ____________ of ____________, and ____________ approves this message.’,

with—

“(i) the first blank to be filled in with the name of the applicable individual;

“(ii) the second blank to be filled in with the title of the applicable individual;

and

“(iii) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

“(3) METHOD OF CONVEYANCE OF STATEMENT.—

“(A) COMMUNICATIONS IN TEXT OR GRAPHIC FORMAT.—In the case of a communication to which this subsection applies which is trans-
mitted in a text or graphic format, the disclosure statements required under paragraph (1) shall appear in letters at least as large as the majority of the text in the communication.

“(B) COMMUNICATIONS TRANSMITTED IN AUDIO FORMAT.—In the case of a communication to which this subsection applies which is transmitted in an audio format, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clear and conspicuous manner.

“(C) COMMUNICATIONS TRANSMITTED IN VIDEO FORMAT.—In the case of a communication to which this subsection applies which is transmitted in a video format, the information required under paragraph (1)—

“(i) shall appear in writing at the end of the communication or in a crawl along the bottom of the communication in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and

“(ii) shall also be conveyed by an unobscured, full-screen view of the applica-
ble individual or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual, except in the case of a Top Five Funders list.

“(4) APPLICABLE INDIVIDUAL DEFINED.—The term ‘applicable individual’ means, with respect to a communication to which this subsection applies—

“(A) if the communication is paid for by an individual, the individual involved;

“(B) if the communication is paid for by a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);

“(C) if the communication is paid for by a labor organization, the highest ranking officer of the labor organization; and

“(D) if the communication is paid for by any other person, the highest ranking official of such person.

“(5) TOP FIVE FUNdERS LIST AND TOP TWO FUNdERS LIST DEFINED.—
“(A) Top Five Funders List.—The term ‘Top Five Funders list’ means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the five persons who, during the 12-month period ending on the date of the disbursement, provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more people provided the fifth largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Five Funders list.

“(B) Top Two Funders List.—The term ‘Top Two Funders list’ means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the persons who, during the 12-month period ending on the date of the disbursement, provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding $10,000 to the person who is paying for the communication and
the amount of the payments each such person provided. If two or more persons provided the second largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Two Funders list.

“(C) EXCLUSION OF CERTAIN PAYMENTS.—For purposes of subparagraphs (A) and (B), in determining the amount of payments made by a person to a person paying for a communication, there shall be excluded the following:

“(i) Any amounts provided in the ordinary course of any trade or business conducted by the person paying for the communication or in the form of investments in the person paying for the communication.

“(ii) Any payment which the person prohibited, in writing, from being used for campaign-related disbursements, but only if the person paying for the communication agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.
“(6) SPECIAL RULES FOR CERTAIN COMMUNICATIONS.—

“(A) EXCEPTION FOR COMMUNICATIONS PAID FOR BY POLITICAL PARTIES AND CERTAIN POLITICAL COMMITTEES.—This subsection does not apply to any communication to which subsection (d)(2) applies.

“(B) TREATMENT OF VIDEO COMMUNICATIONS LASTING 10 SECONDS OR LESS.—In the case of a communication to which this subsection applies which is transmitted in a video format, or is an Internet or digital communication which is transmitted in a text or graphic format, the communication shall meet the following requirements:

“(i) The communication shall include the individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

“(ii) The statement described in clause (i) shall appear in writing at the end of the
communication, or in a crawl along the bottom of the communication, in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

“(iii) The communication shall include, in a clear and conspicuous manner, a website address with a landing page which will provide all of the information described in paragraph (1) with respect to the communication. Such address shall appear for the full duration of the communication.

“(iv) To the extent that the format in which the communication is made permits the use of a hyperlink, the communication shall include a hyperlink to the website address described in clause (iii).”.

(b) APPLICATION OF EXPANDED REQUIREMENTS TO PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-RELATED DISBURSEMENTS. —Section 318(a) of such Act (52 U.S.C. 30120(a)) is amended by striking “for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate” and inserting——
ing “for a campaign-related disbursement, as defined in section 324, consisting of a public communication”.

(c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY POLITICAL PARTIES AND CERTAIN POLITICAL COMMITTEES.—Section 318(d)(2) of such Act (52 U.S.C. 30120(d)(2)) is amended—

(1) in the heading, by striking “OTHERS” and inserting “CERTAIN POLITICAL COMMITTEES”;

(2) by striking “Any communication” and inserting “(A) Any communication”;

(3) by inserting “which (except to the extent provided in subparagraph (B)) is paid for by a political committee (including a political committee of a political party) and” after “subsection (a)”;

(4) by striking “or other person” each place it appears; and

(5) by adding at the end the following new subparagraph:

“(B)(i) This paragraph does not apply to a communication paid for in whole or in part during a calendar year with a campaign-related disbursement, but only if the covered organization making the campaign-related disbursement made campaign-related disbursements (as defined in section 324) aggregating more than $10,000 during such calendar year.
“(ii) For purposes of clause (i), in determining the amount of campaign-related disbursements made by a covered organization during a year, there shall be excluded the following:

“(I) Any amounts received by the covered organization in the ordinary course of any trade or business conducted by the covered organization or in the form of investments in the covered organization.

“(II) Any amounts received by the covered organization from a person who prohibited, in writing, the organization from using such amounts for campaign-related disbursements, but only if the covered organization agreed to follow the prohibition and deposited the amounts in an account which is segregated from any account used to make campaign-related disbursements.”.

SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS MADE THROUGH PRERECORDED TELEPHONE CALLS.

(a) APPLICATION OF REQUIREMENTS.—

(1) IN GENERAL.—Section 318(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)), as amended by section 4205(c), is amended by inserting after “public communication” each place it ap-
pears the following: “(including a telephone call consisting in substantial part of a prerecorded audio message)”.

(2) APPLICATION TO COMMUNICATIONS SUBJECT TO EXPANDED DISCLAIMER REQUIREMENTS.—Section 318(e)(1) of such Act (52 U.S.C. 30120(e)(1)), as added by section 4302(a), is amended in the matter preceding subparagraph (A) by striking “which is transmitted in an audio or video format” and inserting “which is transmitted in an audio or video format or which consists of a telephone call consisting in substantial part of a prerecorded audio message”.

(b) TREATMENT AS COMMUNICATION TRANSMITTED IN AUDIO FORMAT.—

(1) COMMUNICATIONS BY CANDIDATES OR AUTHORIZED PERSONS.—Section 318(d) of such Act (52 U.S.C. 30120(d)) is amended by adding at the end the following new paragraph:

“(3) PRERECORDED TELEPHONE CALLS.—Any communication described in paragraph (1), (2), or (3) of subsection (a) (other than a communication which is subject to subsection (e)) which is a telephone call consisting in substantial part of a prerecorded audio message shall include, in addition to the requirements of such paragraph, the audio statement re-
quired under subparagraph (A) of paragraph (1) or
the audio statement required under paragraph (2)
(whichever is applicable), except that the statement
shall be made at the beginning of the telephone call.”.

(2) COMMUNICATIONS SUBJECT TO EXPANDED
DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
such Act (52 U.S.C. 30120(e)(3)), as added by section
4302(a), is amended by adding at the end the fol-
lowing new subparagraph:

“(D) PRERECORDED TELEPHONE CALLS.—

In the case of a communication to which this
subsection applies which is a telephone call con-
sisting in substantial part of a prerecorded
audio message, the communication shall be con-
sidered to be transmitted in an audio format.”.

SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-
CLAIMER REQUIREMENTS ON INTERNET COM-
MUNICATIONS.

Nothing in this subtitle or the amendments made by
this subtitle may be construed to require any person who
is not required under section 318 of the Federal Election
Campaign Act of 1971 (as provided under section 110.11
of title 11 of the Code of Federal Regulations) to include
a disclaimer on communications made by the person
through the internet to include any disclaimer on any such communications.

SEC. 4305. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to communications made on or after January 1, 2020, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

Subtitle E—[Reserved]
Subtitle F—[Reserved]
Subtitle G—[Reserved]

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

SEC. 4701. SHORT TITLE.

This subtitle may be cited as the “Presidential Inaugural Committee Oversight Act”.

SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DONATIONS TO, AND DISBURSEMENTS BY, INAUGURAL COMMITTEES.

(a) REQUIREMENTS FOR INAUGURAL COMMITTEES.—

Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by adding at the end the following new section:
“SEC. 325. INAUGURAL COMMITTEES.

“(a) Prohibited Donations.—

“(1) In General.—It shall be unlawful—

“(A) for an Inaugural Committee—

“(i) to solicit, accept, or receive a donation from a person that is not an individual; or

“(ii) to solicit, accept, or receive a donation from a foreign national;

“(B) for a person—

“(i) to make a donation to an Inaugural Committee in the name of another person, or to knowingly authorize his or her name to be used to effect such a donation;

“(ii) to knowingly accept a donation to an Inaugural Committee made by a person in the name of another person; or

“(iii) to convert a donation to an Inaugural Committee to personal use as described in paragraph (2); and

“(C) for a foreign national to, directly or indirectly, make a donation, or make an express or implied promise to make a donation, to an Inaugural Committee.

“(2) Conversion of Donation to Personal Use.—For purposes of paragraph (1)(B)(iii), a dona-
tion shall be considered to be converted to personal use if any part of the donated amount is used to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the responsibilities of the Inaugural Committee under chapter 5 of title 36, United States Code.

“(3) No effect on disbursement of unused funds to nonprofit organizations.—Nothing in this subsection may be construed to prohibit an Inaugural Committee from disbursing unused funds to an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(b) Limitation on donations.—

“(1) In general.—It shall be unlawful for an individual to make donations to an Inaugural Committee which, in the aggregate, exceed $50,000.

“(2) Indexing.—At the beginning of each Presidential election year (beginning with 2024), the amount described in paragraph (1) shall be increased by the cumulative percent difference determined in section 315(c)(1)(A) since the previous Presidential election year. If any amount after such increase is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.
“(c) Disclosure of Certain Donations and Disbursements.—

“(1) Donations over $1,000.—

“(A) In general.—An Inaugural Committee shall file with the Commission a report disclosing any donation by an individual to the committee in an amount of $1,000 or more not later than 24 hours after the receipt of such donation.

“(B) Contents of report.—A report filed under subparagraph (A) shall contain—

“(i) the amount of the donation;

“(ii) the date the donation is received;

and

“(iii) the name and address of the individual making the donation.

“(2) Final report.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the Inaugural Committee shall file with the Commission a report containing the following information:

“(A) For each donation of money or anything of value made to the committee in an aggregate amount equal to or greater than $200—

“(i) the amount of the donation;
“(ii) the date the donation is received;

and

“(iii) the name and address of the individual making the donation.

“(B) The total amount of all disbursements, and all disbursements in the following categories:

“(i) Disbursements made to meet committee operating expenses.

“(ii) Repayment of all loans.

“(iii) Donation refunds and other offsets to donations.

“(iv) Any other disbursements.

“(C) The name and address of each person—

“(i) to whom a disbursement in an aggregate amount or value in excess of $200 is made by the committee to meet a committee operating expense, together with date, amount, and purpose of such operating expense;

“(ii) who receives a loan repayment from the committee, together with the date and amount of such loan repayment;

“(iii) who receives a donation refund or other offset to donations from the com-
mittee, together with the date and amount
of such disbursement; and

“(iv) to whom any other disbursement
in an aggregate amount or value in excess
of $200 is made by the committee, together
with the date and amount of such disburse-
ment.

“(d) DEFINITIONS.—For purposes of this section:

“(1)(A) The term ‘donation’ includes—

“(i) any gift, subscription, loan, ad-
advance, or deposit of money or anything of
value made by any person to the committee;
or

“(ii) the payment by any person of
compensation for the personal services of
another person which are rendered to the
committee without charge for any purpose.

“(B) The term ‘donation’ does not include
the value of services provided without compensa-
tion by any individual who volunteers on behalf
of the committee.

“(2) The term ‘foreign national’ has the meaning
given that term by section 319(b).
“(3) The term ‘Inaugural Committee’ has the meaning given that term by section 501 of title 36, United States Code.”.

(b) Confirming Amendment Related to Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(c) Confirming Amendment Related to Status of Committee.—Section 510 of title 36, United States Code, is amended to read as follows:

“§ 510. Disclosure of and prohibition on certain donations

“A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of section 325 of the Federal Election Campaign Act of 1971.”.

(d) Effective Date.—The amendments made by this Act shall apply with respect to Inaugural Committees established under chapter 5 of title 36, United States Code, for inaugurations held in 2021 and any succeeding year.
Subtitle I—Severability

SEC. 4801. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

TITLE V—CAMPAIGN FINANCE EMPOWERMENT

Subtitle A—Findings Relating to Citizens United Decision

Sec. 5001. Findings relating to Citizens United decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.
Sec. 5102. Voucher program described.
Sec. 5103. Reports.
Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

"TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS"

"Subtitle A—Benefits"

"Sec. 501. Benefits for participating candidates."
"Sec. 502. Procedures for making payments."
"Sec. 503. Use of funds."
"Sec. 504. Qualified small dollar contributions described."

"Subtitle B—Eligibility and Certification"

"Sec. 511. Eligibility."
"Sec. 512. Qualifying requirements."
Sec. 513. Certification.

Subtitle C—Requirements for Candidates Certified as Participating Candidates
Sec. 521. Contribution and expenditure requirements.
Sec. 522. Administration of campaign.
Sec. 523. Preventing unnecessary spending of public funds.
Sec. 524. Remitting unspent funds after election.

Subtitle D—Enhanced Match Support
Sec. 531. Enhanced support for general election.
Sec. 532. Eligibility.
Sec. 533. Amount.
Sec. 534. Waiver of authority to retain portion of unspent funds after election.

Subtitle E—Administrative Provisions
Sec. 541. Freedom From Influence Fund.
Sec. 542. Reviews and reports by Government Accountability Office.
Sec. 543. Administration by Commission.
Sec. 544. Violations and penalties.
Sec. 545. Appeals process.
Sec. 546. Indexing of amounts.
Sec. 547. Election cycle defined.
Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.
Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.
Sec. 5114. Effective date.

Subtitle C—Presidential Elections
Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS
Sec. 5201. Increase in and modifications to matching payments.
Sec. 5202. Eligibility requirements for matching payments.
Sec. 5203. Repeal of expenditure limitations.
Sec. 5204. Period of availability of matching payments.
Sec. 5205. Examination and audits of matchable contributions.
Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.
Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS
Sec. 5211. Modification of eligibility requirements for public financing.
Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.
Sec. 5213. Matching payments and other modifications to payment amounts.
Sec. 5214. Increase in limit on coordinated party expenditures.
Sec. 5215. Establishment of uniform date for release of payments.
Sec. 5216. Amounts in Presidential Election Campaign Fund.
Sec. 5217. Use of general election payments for general election legal and accounting compliance.
Sec. 5218. Use of Freedom From Influence Fund as source of payments.

PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures
Sec. 5301. Short title; findings; purpose.
Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Severability

Sec. 5401. Severability.

Subtitle A—Findings Relating to Citizens United Decision

SEC. 5001. FINDINGS RELATING TO CITIZENS UNITED DECISION.

Congress finds the following:

(1) The American Republic was founded on the principle that all people are created equal, with rights and responsibilities as citizens to vote, be represented, speak, debate, and participate in self-government on equal terms regardless of wealth. To secure these rights and responsibilities, our Constitution not only protects the equal rights of all Americans but also provides checks and balances to prevent corruption and prevent concentrated power and wealth from undermining effective self-government.

as well as other court decisions, erroneously invalidated even-handed rules about the spending of money in local, State, and Federal elections. These flawed decisions have empowered large corporations, extremely wealthy individuals, and special interests to dominate election spending, corrupt our politics, and degrade our democracy through tidal waves of unlimited and anonymous spending. These decisions also stand in contrast to a long history of efforts by Congress and the States to regulate money in politics to protect democracy, and they illustrate a troubling deregulatory trend in campaign finance-related court decisions.

Additionally, an unknown amount of foreign money continues to be spent in our political system as subsidiaries of foreign-based corporations and hostile foreign actors sometimes connected to nation-States work to influence our elections.

(3) The Supreme Court’s misinterpretation of the Constitution to empower monied interests at the expense of the American people in elections has seriously eroded over 100 years of congressional action to promote fairness and protect elections from the toxic influence of money.

(4) In 1907, Congress passed the Tillman Act in response to the concentration of corporate power in
the post-Civil War Gilded Age. The Act prohibited
corporations from making contributions in connection
with Federal elections, aiming “not merely to prevent
the subversion of the integrity of the electoral process
[but] . . . to sustain the active, alert responsibility of
the individual citizen in a democracy for the wise
conduct of government”.

(5) By 1910, Congress began passing disclosure
requirements and campaign expenditure limits, and
dozens of States passed corrupt practices Acts to pro-
hibit corporate spending in elections. States also en-
acted campaign spending limits, and some States
limited the amount that people could contribute to
campaigns.

(6) In 1947, the Taft-Hartley Act prohibited cor-
porations and unions from making campaign con-
tributions or other expenditures to influence elections.

In 1962, a Presidential commission on election spend-
ing recommended spending limits and incentives to
increase small contributions from more people.

(7) The Federal Election Campaign Act of 1971
(FECA), as amended in 1974, required disclosure of
contributions and expenditures, imposed contribution
and expenditure limits for individuals and groups,
set spending limits for campaigns, candidates, and
groups, implemented a public funding system for Presidential campaigns, and created the Federal Election Commission to oversee and enforce the new rules.

(8) In the wake of Citizens United and other damaging Federal court decisions, Americans have witnessed an explosion of outside spending in elections. Outside spending increased nearly 900 percent between the 2008 and 2016 Presidential election years. Indeed, the 2018 elections once again made clear the overwhelming political power of wealthy special interests, to the tune of over $5,000,000,000. And as political entities adapt to a post-Citizens United, post-McCutcheon landscape, these trends are getting worse, as evidenced by the experience in the 2018 midterm congressional elections, where outside spending more than doubled from the previous midterm cycle.

(9) The torrent of money flowing into our political system has a profound effect on the democratic process for everyday Americans, whose voices and policy preferences are increasingly being drowned out by those of wealthy special interests. The more campaign cash from wealthy special interests can flood our elections, the more policies that favor those interests are reflected in the national political agenda. When it
comes to policy preferences, our Nation’s wealthiest
tend to have fundamentally different views than do
average Americans when it comes to issues ranging
from unemployment benefits to the minimum wage to
health care coverage.

(10) The Court has tied the hands of Congress
and the States, severely restricting them from setting
reasonable limits on campaign spending. For exam-
ple, the Court has held that only the Government’s in-
terest in preventing quid pro quo corruption, like
bribery, or the appearance of such corruption, can
justify limits on campaign contributions. More broad-
ly, the Court has severely curtailed attempts to reduce
the ability of the Nation’s wealthiest and most power-
ful to skew our democracy in their favor by buying
outsized influence in our elections. Because this dis-
tortion of the Constitution has prevented truly mean-
ingful regulation or reform of the way we finance
elections in America, a constitutional amendment is
needed to achieve a democracy for all the people.

(11) Since the landmark Citizens United deci-
ション, 19 States and nearly 800 municipalities, in-
cluding large cities like New York, Los Angeles, Chi-
cago, and Philadelphia, have gone on record sup-
porting a constitutional amendment. Transcending
political leanings and geographic location, voters in States and municipalities across the country that have placed amendment questions on the ballot have routinely supported these initiatives by considerably large margins.

(12) At the same time millions of Americans have signed petitions, marched, called their Members of Congress, written letters to the editor, and otherwise demonstrated their public support for a constitutional amendment to overturn Citizens United that will allow Congress to reign in the outsized influence of unchecked money in politics. Dozens of organizations, representing tens of millions of individuals, have come together in a shared strategy of supporting such an amendment.

(13) In order to protect the integrity of democracy and the electoral process and to ensure political equality for all, the Constitution should be amended so that Congress and the States may regulate and set limits on the raising and spending of money to influence elections and may distinguish between natural persons and artificial entities, like corporations, that are created by law, including by prohibiting such artificial entities from spending money to influence elections.
Subtitle B—Congressional Elections

SEC. 5100. SHORT TITLE.

This subtitle may be cited as the “Government By the People Act of 2019”.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.

(a) ESTABLISHMENT.—The Federal Election Commission (hereafter in this part referred to as the “Commission”) shall establish a pilot program under which the Commission shall select 3 eligible States to operate a voucher pilot program which is described in section 5102 during the program operation period.

(b) ELIGIBILITY OF STATES.—A State is eligible to be selected to operate a voucher pilot program under this part if, not later than 180 days after the beginning of the program application period, the State submits to the Commission an application containing—

(1) information and assurances that the State will operate a voucher program which contains the elements described in section 5102(a);

(2) information and assurances that the State will establish fraud prevention mechanisms described in section 5102(b);
(3) information and assurances that the State
will establish a commission to oversee and implement
the program as described in section 5102(c);

(4) information and assurances that the State
will carry out a public information campaign as de-
scribed in section 5102(d);

(5) information and assurances that the State
will submit reports as required under section 5103;
and

(6) such other information and assurances as the
Commission may require.

(c) SELECTION OF PARTICIPATING STATES.—

(1) IN GENERAL.—Not later than 1 year after
the beginning of the program application period, the
Commission shall select the 3 States which will oper-
ate voucher pilot programs under this part.

(2) CRITERIA.—In selecting States for the oper-
ation of the voucher pilot programs under this part,
the Commission shall apply such criteria and metrics
as the Commission considers appropriate to determine
the ability of a State to operate the program success-
fully, and shall attempt to select States in a variety
of geographic regions and with a variety of political
party preferences.
(3) No supermajority required for selection.—The selection of States by the Commission under this subsection shall require the approval of only half of the Members of the Commission.

(d) Duties of States during program preparation period.—During the program preparation period, each State selected to operate a voucher pilot program under this part shall take such actions as may be necessary to ensure that the State will be ready to operate the program during the program operation period, and shall complete such actions not later than 90 days before the beginning of the program operation period.

(e) Termination.—Each voucher pilot program under this part shall terminate as of the first day after the program operation period.

(f) Reimbursement of costs.—

(1) Reimbursement.—Upon receiving the report submitted by a State under section 5103(a) with respect to an election cycle, the Commission shall transmit a payment to the State in an amount equal to the reasonable costs incurred by the State in operating the voucher pilot program under this part during the cycle.

(2) Source of funds.—Payments to States under the program shall be made using amounts in
the Freedom From Influence Fund under section 541
of the Federal Election Campaign Act of 1971 (as
added by section 5111), hereafter referred to as the
“Fund”.

(3) MANDATORY REDUCTION OF PAYMENTS IN
CASE OF INSUFFICIENT AMOUNTS IN FREEDOM FROM
INFLUENCE FUND.—

(A) ADVANCE AUDITS BY COMMISSION.—Not
later than 90 days before the first day of each
program operation period, the Commission
shall—

(i) audit the Fund to determine wheth-
er, after first making payments to partici-
pating candidates under title V of the Fed-
eral Election Campaign Act of 1971 (as
added by section 5111), the amounts re-
maining in the Fund will be sufficient to
make payments to States under this part in
the amounts provided under this subsection;
and

(ii) submit a report to Congress de-
scribing the results of the audit.

(B) REDUCTIONS IN AMOUNT OF PAY-
MENTS.—
(i) **Automatic reduction on pro rata basis.**—If, on the basis of the audit described in subparagraph (A), the Commission determines that the amount anticipated to be available in the Fund with respect to an election cycle involved is not, or may not be, sufficient to make payments to States under this part in the full amount provided under this subsection, the Commission shall reduce each amount which would otherwise be paid to a State under this subsection by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.

(ii) **Restoration of reductions in case of availability of sufficient funds during election cycle.**—If, after reducing the amounts paid to States with respect to an election cycle under clause (i), the Commission determines that there are sufficient amounts in the Fund to restore
the amount by which such payments were reduced (or any portion thereof), to the ex-
tent that such amounts are available, the Commission may make a payment on a pro-
rata basis to each such State with respect to the cycle in the amount by which such State’s payments were reduced under clause (i) (or any portion thereof, as the case may be).

(iii) No use of amounts from other sources.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to States under this part, moneys shall not be made available from any other source for the purpose of making such payments.

(3) Cap on amount of payment.—The aggregate amount of payments made to any State with respect to any program operation period may not exceed $10,000,000. If the State determines that the maximum payment amount under this paragraph with respect to the program operation period involved is not, or may not be, sufficient to cover the reasonable costs incurred by the State in operating the pro-
gram under this part for such period, the State shall reduce the amount of the voucher provided to each qualified individual by such pro rata amount as may be necessary to ensure that the reasonable costs incurred by the State in operating the program will not exceed the amount paid to the State with respect to such period.

SEC. 5102. VOUCHER PROGRAM DESCRIBED.

(a) General Elements of Program.—

(1) Elements described.—The elements of a voucher pilot program operated by a State under this part are as follows:

(A) The State shall provide each qualified individual upon the individual’s request with a voucher worth $25 to be known as a “My Voice Voucher” during the election cycle which will be assigned a routing number and which at the option of the individual will be provided in either paper or electronic form.

(B) Using the routing number assigned to the My Voice Voucher, the individual may submit the My Voice Voucher in either electronic or paper form to qualified candidates for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress and allo-
cate such portion of the value of the My Voice Voucher in increments of $5 as the individual may select to any such candidate.

(C) If the candidate transmits the My Voice Voucher to the Commission, the Commission shall pay the candidate the portion of the value of the My Voice Voucher that the individual allocated to the candidate, which shall be considered a contribution by the individual to the candidate for purposes of the Federal Election Campaign Act of 1971.

(2) DESIGNATION OF QUALIFIED INDIVIDUALS.—For purposes of paragraph (1)(A), a “qualified individual” with respect to a State means an individual—

(A) who is a resident of the State;

(B) who will be of voting age as of the date of the election for the candidate to whom the individual submits a My Voice Voucher; and

(C) who is not prohibited under Federal law from making contributions to candidates for election for Federal office.

(3) TREATMENT AS CONTRIBUTION TO CANDIDATE.—For purposes of the Federal Election Campaign Act of 1971, the submission of a My Voice
Voucher to a candidate by an individual shall be treated as a contribution to the candidate by the individual in the amount of the portion of the value of the Voucher that the individual allocated to the candidate.

(b) **Fraud Prevention Mechanism.**—In addition to the elements described in subsection (a), a State operating a voucher pilot program under this part shall permit an individual to revoke a My Voice Voucher not later than 2 days after submitting the My Voice Voucher to a candidate.

(c) **Oversight Commission.**—In addition to the elements described in subsection (a), a State operating a voucher pilot program under this part shall establish a commission or designate an existing entity to oversee and implement the program in the State, except that no such commission or entity may be comprised of elected officials.

(d) **Public Information Campaign.**—In addition to the elements described in subsection (a), a State operating a voucher pilot program under this part shall carry out a public information campaign to disseminate awareness of the program among qualified individuals.

**Sec. 5103. Reports.**

(a) **Preliminary Report.**—Not later than 6 months after the first election cycle of the program operation period, a State which operates a voucher pilot program under this
part shall submit a report to the Commission analyzing the
operation and effectiveness of the program during the cycle
and including such other information as the Commission
may require.

(b) **FINAL REPORT.**—Not later than 6 months after the
end of the program operation period, the State shall submit
a final report to the Commission analyzing the operation
and effectiveness of the program and including such other
information as the Commission may require.

(c) **REPORT BY COMMISSION.**—Not later than the end
of the first election cycle which begins after the program
operation period, the Commission shall submit a report to
Congress which summarizes and analyzes the results of the
voucher pilot program, and shall include in the report such
recommendations as the Commission considers appropriate
regarding the expansion of the pilot program to all States
and territories, along with such other recommendations and
other information as the Commission considers appro-
riate.

**SEC. 5104. DEFINITIONS.**

(a) **ELECTION CYCLE.**—In this part, the term “election
cycle” means the period beginning on the day after the date
of the most recent regularly scheduled general election for
Federal office and ending on the date of the next regularly
scheduled general election for Federal office.
(b) Definitions Relating to Periods.—In this part, the following definitions apply:

(1) Program Application Period.—The term “program application period” means the first election cycle which begins after the date of the enactment of this Act.

(2) Program Preparation Period.—The term “program preparation period” means the first election cycle which begins after the program application period.

(3) Program Operation Period.—The term “program operation period” means the first 2 election cycles which begin after the program preparation period.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS FOR CANDIDATES.

The Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by adding at the end the following:
“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.

“(a) IN GENERAL.—If a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under this title with respect to an election for such office, the candidate shall be entitled to payments as provided under this title.

“(b) AMOUNT OF PAYMENT.—The amount of a payment made under this title shall be equal to 600 percent of the amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle, without regard to whether or not the candidate received any of the contributions before, during, or after the Small Dollar Democracy qualifying period applicable to the candidate under section 511(c).

“(c) LIMIT ON AGGREGATE AMOUNT OF PAYMENTS.—The aggregate amount of payments made to a participating candidate with respect to an election cycle under this title may not exceed 50 percent of the average of the 20 greatest
amounts of disbursements made by the authorized committees of any winning candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress during the most recent election cycle, rounded to the nearest $100,000.

“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.

“(a) IN GENERAL.—The Commission shall make a payment under section 501 to a candidate who is certified as a participating candidate upon receipt from the candidate of a request for a payment which includes—

“(1) a statement of the number and amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle;

“(2) a statement of the amount of the payment the candidate anticipates receiving with respect to the request;

“(3) a statement of the total amount of payments the candidate has received under this title as of the date of the statement; and

“(4) such other information and assurances as the Commission may require.

“(b) RESTRICTIONS ON SUBMISSION OF REQUESTS.—A candidate may not submit a request under subsection (a) unless each of the following applies:
“(1) The amount of the qualified small dollar contributions in the statement referred to in subsection (a)(1) is equal to or greater than $5,000, unless the request is submitted during the 30-day period which ends on the date of a general election.

“(2) The candidate did not receive a payment under this title during the 7-day period which ends on the date the candidate submits the request.

“(c) Time of Payment.—The Commission shall, in coordination with the Secretary of the Treasury, take such steps as may be necessary to ensure that the Secretary is able to make payments under this section from the Treasury not later than 2 business days after the receipt of a request submitted under subsection (a).

“Sec. 503. Use of Funds.

“(a) Use of Funds for Authorized Campaign Expenditures.—A candidate shall use payments made under this title, including payments provided with respect to a previous election cycle which are withheld from remittance to the Commission in accordance with section 524(a)(2), only for making direct payments for the receipt of goods and services which constitute authorized expenditures (as determined in accordance with title III) in connection with the election cycle involved.
“(b) Prohibiting Use of Funds for Legal Expenses, Fines, or Penalties.—Notwithstanding title III, a candidate may not use payments made under this title for the payment of expenses incurred in connection with any action, claim, or other matter before the Commission or before any court, hearing officer, arbitrator, or other dispute resolution entity, or for the payment of any fine or civil monetary penalty.

“SEC. 504. Qualified Small Dollar Contributions Described.

“(a) In General.—In this title, the term ‘qualified small dollar contribution’ means, with respect to a candidate and the authorized committees of a candidate, a contribution that meets the following requirements:

“(1) The contribution is in an amount that is—

“(A) not less than $1; and

“(B) not more than $200.

“(2)(A) The contribution is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

“(i) forwarded from the individual making the contribution to the candidate or committee by another person; or

“(ii) received by the candidate or committee with the knowledge that the contribution was
made at the request, suggestion, or recommendation of another person.

“(B) In this paragraph—

“(i) the term ‘person’ does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Campaign Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures, does not engage in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and

“(ii) a contribution is not ‘made at the request, suggestion, or recommendation of another person’ solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or author-
ized committee does not know the identity of the 
person who provided the information to such in-
dividual.

“(3) The individual who makes the contribution 
does not make contributions to the candidate or the 
authorized committees of the candidate with respect to 
the election involved in an aggregate amount that ex-
ceeds the amount described in paragraph (1)(B), or 
any contribution to the candidate or the authorized 
committees of the candidate with respect to the elec-
tion involved that otherwise is not a qualified small 
dollar contribution.

“(b) TREATMENT OF MY VOICE VOUCHERS.—Any 
payment received by a candidate and the authorized com-
mittees of a candidate which consists of a My Voice Voucher 
under the Government By the People Act of 2019 shall be 
considered a qualified small dollar contribution for pur-
poses of this title, so long as the individual making the pay-
ment meets the requirements of paragraphs (2) and (3) of 
subsection (a).

“(c) RESTRICTION ON SUBSEQUENT CONTRIBUTIONS.—

“(1) PROHIBITING DONOR FROM MAKING SUBSE-
QUENT NONQUALIFIED CONTRIBUTIONS DURING ELEC-
TION CYCLE.—
“(A) In general.—An individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election may not make any subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election cycle which is not a qualified small dollar contribution.

“(B) Exception for contributions to candidates who voluntarily withdraw from participation during qualifying period.—Subparagraph (A) does not apply with respect to a contribution made to a candidate who, during the Small Dollar Democracy qualifying period described in section 511(c), submits a statement to the Commission under section 513(c) to voluntarily withdraw from participating in the program under this title.

“(2) Treatment of subsequent non-qualified contributions.—If, notwithstanding the prohibition described in paragraph (1), an individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election makes a subsequent contribution to such candidate or the authorized commit-

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tees of such candidate with respect to the election
which is prohibited under paragraph (1) because it is
not a qualified small dollar contribution, the can-
didate may take one of the following actions:

“(A) Not later than 2 weeks after receiving
the contribution, the candidate may return the
subsequent contribution to the individual. In the
case of a subsequent contribution which is not a
qualified small dollar contribution because the
contribution fails to meet the requirements of
paragraph (3) of subsection (a) (relating to the
aggregate amount of contributions made to the
candidate or the authorized committees of the
candidate by the individual making the con-
tribution), the candidate may return an amount
equal to the difference between the amount of the
subsequent contribution and the amount de-
scribed in paragraph (1)(B) of subsection (a).

“(B) The candidate may retain the subse-
quent contribution, so long as not later than 2
weeks after receiving the subsequent contribution,
the candidate remits to the Commission for de-
posit in the Freedom From Influence Fund
under section 541 an amount equal to any pay-
ments received by the candidate under this title
which are attributable to the qualified small dollar contribution made by the individual involved.

“(3) No effect on ability to make multiple contributions.—Nothing in this section may be construed to prohibit an individual from making multiple qualified small dollar contributions to any candidate or any number of candidates, so long as each contribution meets each of the requirements of paragraphs (1), (2), and (3) of subsection (a).

“(d) Notification Requirements for Candidates.—

“(1) Notification.—Each authorized committee of a candidate who seeks to be a participating candidate under this title shall provide the following information in any materials for the solicitation of contributions, including any internet site through which individuals may make contributions to the committee:

“(A) A statement that if the candidate is certified as a participating candidate under this title, the candidate will receive matching payments in an amount which is based on the total amount of qualified small dollar contributions received.
“(B) A statement that a contribution which meets the requirements set forth in subsection (a) shall be treated as a qualified small dollar contribution under this title.

“(C) A statement that if a contribution is treated as qualified small dollar contribution under this title, the individual who makes the contribution may not make any contribution to the candidate or the authorized committees of the candidate during the election cycle which is not a qualified small dollar contribution.

“(2) ALTERNATIVE METHODS OF MEETING REQUIREMENTS.—An authorized committee may meet the requirements of paragraph (1)—

“(A) by including the information described in paragraph (1) in the receipt provided under section 512(b)(3) to a person making a qualified small dollar contribution; or

“(B) by modifying the information it provides to persons making contributions which is otherwise required under title III (including information it provides through the internet).
Subtitle B—Eligibility and Certification

SEC. 511. ELIGIBILITY.

(a) In General.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is eligible to be certified as a participating candidate under this title with respect to an election if the candidate meets the following requirements:

(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate.

(2) The candidate meets the qualifying requirements of section 512.

(3) The candidate files with the Commission a statement certifying that the authorized committees of the candidate meet the requirements of section 504(d).

(4) Not later than the last day of the Small Dollar Democracy qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate’s principal campaign committee declaring that the candidate—

(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 521;
“(B) if certified, will run only as a participating candidate for all elections for the office that such candidate is seeking during that election cycle; and

“(C) has either qualified or will take steps to qualify under State law to be on the ballot.

“(b) General Election.—Notwithstanding subsection (a), a candidate shall not be eligible to be certified as a participating candidate under this title for a general election or a general runoff election unless the candidate’s party nominated the candidate to be placed on the ballot for the general election or the candidate is otherwise qualified to be on the ballot under State law.

“(c) Small Dollar Democracy Qualifying Period Defined.—The term ‘Small Dollar Democracy qualifying period’ means, with respect to any candidate for an office, the 180-day period (during the election cycle for such office) which begins on the date on which the candidate files a statement of intent under section 511(a)(1), except that such period may not continue after the date that is 30 days before the date of the general election for the office.

“Sec. 512. Qualifying Requirements.

“(a) Receipt of Qualified Small Dollar Contributions.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress
meets the requirement of this section if, during the Small Dollar Democracy qualifying period described in section 511(c), each of the following occurs:

“(1) Not fewer than 1,000 individuals make a qualified small dollar contribution to the candidate.

“(2) The candidate obtains a total dollar amount of qualified small dollar contributions which is equal to or greater than $50,000.

“(b) Requirements Relating to Receipt of Qualified Small Dollar Contribution.—Each qualified small dollar contribution—

“(1) may be made by means of a personal check, money order, debit card, credit card, electronic payment account, or any other method deemed appropriate by the Commission;

“(2) shall be accompanied by a signed statement (or, in the case of a contribution made online or through other electronic means, an electronic equivalent) containing the contributor’s name and address; and

“(3) shall be acknowledged by a receipt that is sent to the contributor with a copy (in paper or electronic form) kept by the candidate for the Commission.
“(c) Verification of Contributions.—The Commission shall establish procedures for the auditing and verification of the contributions received and expenditures made by participating candidates under this title, including procedures for random audits, to ensure that such contributions and expenditures meet the requirements of this title.

“Sec. 513. Certification.

“(a) Deadline and Notification.—

“(1) In general.—Not later than 5 business days after a candidate files an affidavit under section 511(a)(4), the Commission shall—

“(A) determine whether or not the candidate meets the requirements for certification as a participating candidate;

“(B) if the Commission determines that the candidate meets such requirements, certify the candidate as a participating candidate; and

“(C) notify the candidate of the Commission’s determination.

“(2) Deemed certification for all elections in election cycle.—If the Commission certifies a candidate as a participating candidate with respect to the first election of the election cycle involved, the Commission shall be deemed to have cer-
ified the candidate as a participating candidate with respect to all subsequent elections of the election cycle.

“(b) Revocation of Certification.—

“(1) In general.—The Commission shall revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification (other than a candidate certified as a participating candidate with respect to a primary election who fails to qualify to appear on the ballot for a subsequent election in that election cycle);

“(B) a candidate ceases to be a candidate for the office involved, as determined on the basis of an official announcement by an authorized committee of the candidate or on the basis of a reasonable determination by the Commission; or

“(C) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

“(2) Existence of Criminal Sanction.—The Commission shall revoke a certification under subsection (a) if a penalty is assessed against the can-
didate under section 309(d) with respect to the election.

“(3) Effect of Revocation.—If a candidate’s certification is revoked under this subsection—

“(A) the candidate may not receive payments under this title during the remainder of the election cycle involved; and

“(B) in the case of a candidate whose certification is revoked pursuant to subparagraph (A) or subparagraph (C) of paragraph (1)—

“(i) the candidate shall repay to the Freedom From Influence Fund established under section 541 an amount equal to the payments received under this title with respect to the election cycle involved plus interest (at a rate determined by the Commission on the basis of an appropriate annual percentage rate for the month involved) on any such amount received; and

“(ii) the candidate may not be certified as a participating candidate under this title with respect to the next election cycle.

“(4) Prohibiting Participation in Future Elections for Candidates with Multiple Revocations.—If the Commission revokes the certifi-
cation of an individual as a participating candidate under this title pursuant to subparagraph (A) or subparagraph (C) of paragraph (1) a total of 3 times, the individual may not be certified as a participating candidate under this title with respect to any subsequent election.

“(c) VOLUNTARY WITHDRAWAL FROM PARTICIPATING DURING QUALIFYING PERIOD.—At any time during the Small Dollar Democracy qualifying period described in section 511(c), a candidate may withdraw from participation in the program under this title by submitting to the Commission a statement of withdrawal (without regard to whether or not the Commission has certified the candidate as a participating candidate under this title as of the time the candidate submits such statement), so long as the candidate has not submitted a request for payment under section 502.

“(d) PARTICIPATING CANDIDATE DEFINED.—In this title, a ‘participating candidate’ means a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is certified under this section as eligible to receive benefits under this title.
Subtitle C—Requirements for Candidates Certified as Participating Candidates

SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

(a) Permitted Sources of Contributions and Expenditures.—Except as provided in subsection (c), a participating candidate with respect to an election shall, with respect to all elections occurring during the election cycle for the office involved, accept no contributions from any source and make no expenditures from any amounts, other than the following:

(1) Qualified small dollar contributions.

(2) Payments under this title.

(3) Contributions from political committees established and maintained by a national or State political party, subject to the applicable limitations of section 315.

(4) Subject to subsection (b), personal funds of the candidate or of any immediate family member of the candidate (other than funds received through qualified small dollar contributions).

(5) Contributions from individuals who are otherwise permitted to make contributions under this Act, subject to the applicable limitations of section
315, except that the aggregate amount of contributions a participating candidate may accept from any individual with respect to any election during the election cycle may not exceed $1,000.

“(6) Contributions from multicandidate political committees, subject to the applicable limitations of section 315.

“(b) SPECIAL RULES FOR PERSONAL FUNDS.—

“(1) LIMIT ON AMOUNT.—A candidate who is certified as a participating candidate may use personal funds (including personal funds of any immediate family member of the candidate) so long as—

“(A) the aggregate amount used with respect to the election cycle (including any period of the cycle occurring prior to the candidate’s certification as a participating candidate) does not exceed $50,000; and

“(B) the funds are used only for making direct payments for the receipt of goods and services which constitute authorized expenditures in connection with the election cycle involved.

“(2) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term ‘immediate family member’ means, with respect to a candidate—

“(A) the candidate’s spouse;
“(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate’s spouse; and
“(C) the spouse of any person described in subparagraph (B).
“(c) EXCEPTIONS.—
“(1) EXCEPTION FOR CONTRIBUTIONS RECEIVED PRIOR TO FILING OF STATEMENT OF INTENT.—A candidate who has accepted contributions that are not described in subsection (a) is not in violation of subsection (a), but only if all such contributions are—
“(A) returned to the contributor;
“(B) submitted to the Commission for deposit in the Freedom From Influence Fund established under section 541; or
“(C) spent in accordance with paragraph (2).
“(2) EXCEPTION FOR EXPENDITURES MADE PRIOR TO FILING OF STATEMENT OF INTENT.—If a candidate has made expenditures prior to the date the candidate files a statement of intent under section 511(a)(1) that the candidate is prohibited from making under subsection (a) or subsection (b), the candidate is not in violation of such subsection if the aggregate amount of the prohibited expenditures is less
than the amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions which the candidate is required to obtain) which is applicable to the candidate.

“(3) Exception for campaign surpluses from a previous election.—Notwithstanding paragraph (1), unexpended contributions received by the candidate or an authorized committee of the candidate with respect to a previous election may be retained, but only if the candidate places the funds in escrow and refrains from raising additional funds for or spending funds from that account during the election cycle in which a candidate is a participating candidate.

“(4) Exception for contributions received before the effective date of this title.—Contributions received and expenditures made by the candidate or an authorized committee of the candidate prior to the effective date of this title shall not constitute a violation of subsection (a) or (b). Unexpended contributions shall be treated the same as campaign surpluses under paragraph (3), and expenditures made shall count against the limit in paragraph (2).
“(d) Special Rule for Coordinated Party Expenditures.—For purposes of this section, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(e) Prohibition on Joint Fundraising Committees.—

“(1) Prohibition.—An authorized committee of a candidate who is certified as a participating candidate under this title with respect to an election may not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.

“(2) Status of Existing Committees for Prior Elections.—If a candidate established a joint fundraising committee described in paragraph (1) with respect to a prior election for which the candidate was not certified as a participating candidate under this title and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of paragraph (1) so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.
“(f) **Prohibition on Leadership PACs.**—

“(1) **Prohibition.**—A candidate who is certified as a participating candidate under this title with respect to an election may not associate with, establish, finance, maintain, or control a leadership PAC.

“(2) **Status of Existing Leadership PACs.**—If a candidate established, financed, maintained, or controlled a leadership PAC prior to being certified as a participating candidate under this title and the candidate does not terminate the leadership PAC, the candidate shall not be considered to be in violation of paragraph (1) so long as the leadership PAC does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

“(3) **Leadership PAC Defined.**—In this subsection, the term ‘leadership PAC’ has the meaning given such term in section 304(i)(8)(B).

**Sec. 522. Administration of Campaign.**

“(a) **Separate Accounting for Various Permitted Contributions.**—Each authorized committee of a candidate certified as a participating candidate under this title—
“(1) shall provide for separate accounting of
each type of contribution described in section 521(a)
which is received by the committee; and
“(2) shall provide for separate accounting for the
payments received under this title.
“(b) Enhanced Disclosure of Information on
Donors.—

“(1) Mandatory Identification of Individuals Making Qualified Small Dollar Contributions.—Each authorized committee of a participating candidate under this title shall elect, in accordance with section 304(b)(3)(A), to include in the reports the committee submits under section 304 the identification of each person who makes a qualified small dollar contribution to the committee.

“(2) Mandatory Disclosure Through Internet.—Each authorized committee of a participating candidate under this title shall ensure that all information reported to the Commission under this Act with respect to contributions and expenditures of the committee is available to the public on the internet (whether through a site established for purposes of this subsection, a hyperlink on another public site of the committee, or a hyperlink on a report filed electroni-
cally with the Commission) in a searchable, sortable, and downloadable manner.

“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUBLIC FUNDS.

“(a) MANDATORY SPENDING OF AVAILABLE PRIVATE FUNDS.—An authorized committee of a candidate certified as a participating candidate under this title may not make any expenditure of any payments received under this title in any amount unless the committee has made an expenditure in an equivalent amount of funds received by the committee which are described in paragraphs (1), (3), (4), (5), and (6) of section 521(a).

“(b) LIMITATION.—Subsection (a) applies to an authorized committee only to the extent that the funds referred to in such subsection are available to the committee at the time the committee makes an expenditure of a payment received under this title.

“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.

“(a) REMITTANCE REQUIRED.—Not later than the date that is 180 days after the last election for which a candidate certified as a participating candidate qualifies to be on the ballot during the election cycle involved, such participating candidate shall remit to the Commission for deposit in the Freedom From Influence Fund established under section 541 an amount equal to the balance of the
payments received under this title by the authorized committees of the candidate which remain unexpended as of such date.

“(b) PERMITTING CANDIDATES PARTICIPATING IN NEXT ELECTION CYCLE TO RETAIN PORTION OF UNSPENT FUNDS.—Notwithstanding subsection (a), a participating candidate may withhold not more than $100,000 from the amount required to be remitted under subsection (a) if the candidate files a signed affidavit with the Commission that the candidate will seek certification as a participating candidate with respect to the next election cycle, except that the candidate may not use any portion of the amount withheld until the candidate is certified as a participating candidate with respect to that next election cycle. If the candidate fails to seek certification as a participating candidate prior to the last day of the Small Dollar Democracy qualifying period for the next election cycle (as described in section 511), or if the Commission notifies the candidate of the Commission’s determination does not meet the requirements for certification as a participating candidate with respect to such cycle, the candidate shall immediately remit to the Commission the amount withheld.
“Subtitle D—Enhanced Match Support

“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.

“(a) Availability of Enhanced Support.—In addition to the payments made under subtitle A, the Commission shall make an additional payment to an eligible candidate under this subtitle.

“(b) Use of Funds.—A candidate shall use the additional payment under this subtitle only for authorized expenditures in connection with the election involved.

“SEC. 532. ELIGIBILITY.

“(a) In General.—A candidate is eligible to receive an additional payment under this subtitle if the candidate meets each of the following requirements:

“(1) The candidate is on the ballot for the general election for the office the candidate seeks.

“(2) The candidate is certified as a participating candidate under this title with respect to the election.

“(3) During the enhanced support qualifying period, the candidate receives qualified small dollar contributions in a total amount of not less than $50,000.

“(4) During the enhanced support qualifying period, the candidate submits to the Commission a request for the payment which includes—
“(A) a statement of the number and amount of qualified small dollar contributions received by the candidate during the enhanced support qualifying period;

“(B) a statement of the amount of the payment the candidate anticipates receiving with respect to the request; and

“(C) such other information and assurances as the Commission may require.

“(5) After submitting a request for the additional payment under paragraph (4), the candidate does not submit any other application for an additional payment under this subtitle.

“(b) ENHANCED SUPPORT QUALIFYING PERIOD DESCRIBED.—In this subtitle, the term ‘enhanced support qualifying period’ means, with respect to a general election, the period which begins 60 days before the date of the election and ends 14 days before the date of the election.

“SEC. 533. AMOUNT.

“(a) IN GENERAL.—Subject to subsection (b), the amount of the additional payment made to an eligible candidate under this subtitle shall be an amount equal to 50 percent of—

“(1) the amount of the payment made to the candidate under section 501(b) with respect to the
qualified small dollar contributions which are received by the candidate during the enhanced support qualifying period (as included in the request submitted by the candidate under section 532(a)(4)); or

“(2) in the case of a candidate who is not eligible to receive a payment under section 501(b) with respect to such qualified small dollar contributions because the candidate has reached the limit on the aggregate amount of payments under subtitle A for the election cycle under section 501(c), the amount of the payment which would have been made to the candidate under section 501(b) with respect to such qualified small dollar contributions if the candidate had not reached such limit.

“(b) LIMIT.—The amount of the additional payment determined under subsection (a) with respect to a candidate may not exceed $500,000.

“(c) NO EFFECT ON AGGREGATE LIMIT.—The amount of the additional payment made to a candidate under this subtitle shall not be included in determining the aggregate amount of payments made to a participating candidate with respect to an election cycle under section 501(c).
“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF UNSPENT FUNDS AFTER ELECTION.

“Notwithstanding section 524(a)(2), a candidate who receives an additional payment under this subtitle with respect to an election is not permitted to withhold any portion from the amount of unspent funds the candidate is required to remit to the Commission under section 524(a)(1).

“Subtitle E—Administrative Provisions

“SEC. 541. FREEDOM FROM INFLUENCE FUND.

“(a) Establishment.—There is established in the Treasury a fund to be known as the ‘Freedom From Influence Fund’.

“(b) Amounts Held by Fund.—The Fund shall consist of the following amounts:

“(1) Deposits.—Amounts deposited into the Fund under—

“(A) section 521(c)(1)(B) (relating to exceptions to contribution requirements);

“(B) section 523 (relating to remittance of unused payments from the Fund); and

“(C) section 544 (relating to violations).

“(2) Investment Returns.—Interest on, and the proceeds from, the sale or redemption of any obligations held by the Fund under subsection (c).
“(c) **Investment.**—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

“(d) **Use of Fund to Make Payments to Participating Candidates.**—

“(1) **Payments to Participating Candidates.**—Amounts in the Fund shall be available without further appropriation or fiscal year limitation to make payments to participating candidates as provided in this title.

“(2) **Mandatory Reduction of Payments in Case of Insufficient Amounts in Fund.**—

“(A) **Advance Audits by Commission.**—Not later than 90 days before the first day of each election cycle (beginning with the first election cycle that begins after the date of the enactment of this title), the Commission shall—

“(i) audit the Fund to determine whether the amounts in the Fund will be sufficient to make payments to participating candidates in the amounts provided in this title during such election cycle; and

“(ii) submit a report to Congress describing the results of the audit.
“(B) Reductions in amount of payments.—

“(i) Automatic reduction on pro rata basis.—If, on the basis of the audit described in subparagraph (A), the Commission determines that the amount anticipated to be available in the Fund with respect to the election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of participating candidates to payments under this title for such election cycle, the Commission shall reduce each amount which would otherwise be paid to a participating candidate under this title by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the election cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such election cycle.

“(ii) Restoration of reductions in case of availability of sufficient funds during election cycle.—If, after reducing the amounts paid to participating
candidates with respect to an election cycle
under clause (i), the Commission determines
that there are sufficient amounts in the
Fund to restore the amount by which such
payments were reduced (or any portion thereof), to the extent that such amounts are
available, the Commission may make a
payment on a pro rata basis to each such
participating candidate with respect to the
election cycle in the amount by which such
candidate’s payments were reduced under
clause (i) (or any portion thereof, as the
case may be).

“(iii) No use of amounts from
other sources.—In any case in which
the Commission determines that there are
insufficient moneys in the Fund to make
payments to participating candidates under
this title, moneys shall not be made avail-
able from any other source for the purpose
of making such payments.

“(e) Use of fund to make other payments.—In
addition to the use described in subsection (d), amounts in
the Fund shall be available without further appropriation
or fiscal year limitation—
“(1) to make payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, subject to reductions under section 5101(f)(3) of such Act;

“(2) to make payments to candidates under chapter 95 of subtitle H of the Internal Revenue Code of 1986, subject to reductions under section 9013(b) of such Code; and

“(3) to make payments to candidates under chapter 96 of subtitle H of the Internal Revenue Code of 1986, subject to reductions under section 9043(b) of such Code.

“(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this title.

“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

“(a) REVIEW OF SMALL DOLLAR FINANCING.—

“(1) IN GENERAL.—After each regularly scheduled general election for Federal office, the Comptroller General of the United States shall conduct a comprehensive review of the Small Dollar financing program under this title, including—

“(A) the maximum and minimum dollar amounts of qualified small dollar contributions under section 504;
“(B) the number and value of qualified small dollar contributions a candidate is required to obtain under section 512(a) to be eligible for certification as a participating candidate;

“(C) the maximum amount of payments a candidate may receive under this title;

“(D) the overall satisfaction of participating candidates and the American public with the program; and

“(E) such other matters relating to financing of campaigns as the Comptroller General determines are appropriate.

“(2) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Comptroller General shall consider the following:

“(A) QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—Whether the number and dollar amounts of qualified small dollar contributions required strikes an appropriate balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other
information the Comptroller General determines is appropriate.

“(B) **Review of Payment Levels.**— Whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualified small dollar contributions) and payments under this title are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Comptroller General determines is appropriate.

“(3) **Recommendations for Adjustment of Amounts.**—Based on the review conducted under subparagraph (A), the Comptroller General may recommend to Congress adjustments of the following amounts:

“(A) The number and value of qualified small dollar contributions a candidate is required to obtain under section 512(a) to be eligible for certification as a participating candidate.

“(B) The maximum amount of payments a candidate may receive under this title.
“(b) REPORTS.—Not later than each June 1 which follows a regularly scheduled general election for Federal office for which payments were made under this title, the Comptroller General shall submit to the Committee on House Administration of the House of Representatives a report—

“(1) containing an analysis of the review conducted under subsection (a), including a detailed statement of Comptroller General’s findings, conclusions, and recommendations based on such review, including any recommendations for adjustments of amounts described in subsection (a)(3); and

“(2) documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

“SEC. 543. ADMINISTRATION BY COMMISSION.

“The Commission shall prescribe regulations to carry out the purposes of this title, including regulations to establish procedures for—

“(1) verifying the amount of qualified small dollar contributions with respect to a candidate;
“(2) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

“(3) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates; and

“(4) monitoring the use of allocations from the Freedom From Influence Fund established under section 541 and matching contributions under this title through audits of not fewer than \(\frac{1}{10}\) (or, in the case of the first 3 election cycles during which the program under this title is in effect, not fewer than \(\frac{1}{3}\)) of all participating candidates or other mechanisms.

“SEC. 544. VIOLATIONS AND PENALTIES.

“(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate accepts a contribution or makes an expenditure that is prohibited under section 521, the Commission may assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Freedom From Influence Fund established under section 541.
“(b) Repayment for Improper Use of Freedom From Influence Fund.—

“(1) In general.—If the Commission determines that any payment made to a participating candidate was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

“(A) the amount of payments so used or not remitted, as appropriate; and

“(B) interest on any such amounts (at a rate determined by the Commission).

“(2) Other action not precluded.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.

“(c) Prohibiting Candidates Subject to Criminal Penalty From Qualifying as Participating Candidates.—A candidate is not eligible to be certified as a participating candidate under this title with respect to an
election if a penalty has been assessed against the candidate under section 309(d) with respect to any previous election.

“SEC. 545. APPEALS PROCESS.

“(a) REVIEW OF ACTIONS.—Any action by the Commission in carrying out this title shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in the Court not later than 30 days after the Commission takes the action for which the review is sought.

“(b) PROCEDURES.—The provisions of chapter 7 of title 5, United States Code, apply to judicial review under this section.

“SEC. 546. INDEXING OF AMOUNTS.

“(a) INDEXING.—In any calendar year after 2024, section 315(c)(1)(B) shall apply to each amount described in subsection (b) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the ‘base period’ shall be 2024.

“(b) AMOUNTS DESCRIBED.—The amounts described in this subsection are as follows:

“(1) The amount referred to in section 502(b)(1) (relating to the minimum amount of qualified small
dollar contributions included in a request for payment).

“(2) The amounts referred to in section 504(a)(1) (relating to the amount of a qualified small dollar contribution).

“(3) The amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions).

“(4) The amount referred to in section 521(a)(5) (relating to the aggregate amount of contributions a participating candidate may accept from any individual with respect to an election).

“(5) The amount referred to in section 521(b)(1)(A) (relating to the amount of personal funds that may be used by a candidate who is certified as a participating candidate).

“(6) The amounts referred to in section 524(a)(2) (relating to the amount of unspent funds a candidate may retain for use in the next election cycle).

“(7) The amount referred to in section 532(a)(3) (relating to the total dollar amount of qualified small dollar contributions for a candidate seeking an additional payment under subtitle D).
“(8) The amount referred to in section 533(b) (relating to the limit on the amount of an additional payment made to a candidate under subtitle D).

“SEC. 547. ELECTION CYCLE DEFINED.

“In this title, the term ‘election cycle’ means, with respect to an election for an office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).”.

SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTICANDIDATE AND POLITICAL PARTY COMMITTEES ON BEHALF OF PARTICIPATING CANDIDATES.

(a) Authorizing Contributions Only From Separate Accounts Consisting of Qualified Small Dollar Contributions.—Section 315(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended by adding at the end the following new paragraph:

“(10) In the case of a multicandidate political committee or any political committee of a political party, the committee may make a contribution to a candidate who is a participating candidate under title V with respect to an
election only if the contribution is paid from a separate, segregated account of the committee which consists solely of contributions which meet the following requirements:

“(A) Each such contribution is in an amount which meets the requirements for the amount of a qualified small dollar contribution under section 504(a)(1) with respect to the election involved.

“(B) Each such contribution is made by an individual who is not otherwise prohibited from making a contribution under this Act.

“(C) The individual who makes the contribution does not make contributions to the committee during the year in an aggregate amount that exceeds the limit described in section 504(a)(1).”.

(b) PERMITTING UNLIMITED COORDINATED EXPENDITURES FROM SMALL DOLLAR SOURCES BY POLITICAL PARTIES.—Section 315(d) of such Act (52 U.S.C. 30116(d)) is amended—

(1) in paragraph (3), by striking “The national committee” and inserting “Except as provided in paragraph (5), the national committee”; and

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

“(5) The limits described in paragraph (3) do not apply in the case of expenditures in connection with the
general election campaign of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is a participating candidate under title V with respect to the election, but only if—

“(A) the expenditures are paid from a separate, segregated account of the committee which is described in subsection (a)(9); and

“(B) the expenditures are the sole source of funding provided by the committee to the candidate.”.

SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PARTICIPATING CANDIDATES FOR PURPOSES OTHER THAN CAMPAIGN FOR ELECTION.

Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended by adding at the end the following new subsection:

“(d) Restrictions on Permitted Uses of Funds by Candidates Receiving Small Dollar Financing.—Notwithstanding paragraph (2), (3), or (4) of subsection (a), if a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under title V with respect to the election, any contribution which the candidate is permitted to accept under such title may be used only for authorized expenditures in connection with
the candidate’s campaign for such office, subject to section 503(b).”.

SEC. 5114. EFFECTIVE DATE.

(a) In General.—Except as may otherwise be provided in this part and in the amendments made by this part, this part and the amendments made by this part shall apply with respect to elections occurring during 2026 or any succeeding year, without regard to whether or not the Federal Election Commission has promulgated the final regulations necessary to carry out this part and the amendments made by this part by the deadline set forth in subsection (b).

(b) Deadline for Regulations.—Not later than June 30, 2024, the Federal Election Commission shall promulgate such regulations as may be necessary to carry out this part and the amendments made by this part.

Subtitle C—Presidential Elections

SEC. 5200. SHORT TITLE.

This subtitle may be cited as the “Empower Act of 2019”.

PART 1—PRIMARY ELECTIONS

SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCHING PAYMENTS.

(a) Increase and Modification.—
(1) In general.—The first sentence of section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “an amount equal to the amount of each contribution” and inserting “an amount equal to 600 percent of the amount of each matchable contribution (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds $200)”;

and

(B) by striking “authorized committees” and all that follows through “$250” and inserting “authorized committees”.

(2) Matchable contributions.—Section 9034 of such Code is amended—

(A) by striking the last sentence of subsection (a); and

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

“(c) Matchable contribution defined.—For purposes of this section and section 9033(b)—

“(1) Matchable contribution.—The term ‘matchable contribution’ means, with respect to the nomination for election to the office of President of
the United States, a contribution by an individual to
a candidate or an authorized committee of a can-
didate with respect to which the candidate has cer-
tified in writing that—

“(A) the individual making such contribu-
tion has not made aggregate contributions (in-
cluding such matchable contribution) to such
candidate and the authorized committees of such
candidate in excess of $1,000 for the election;

“(B) such candidate and the authorized
committees of such candidate will not accept con-
tributions from such individual (including such
matchable contribution) aggregating more than
the amount described in subparagraph (A); and

“(C) such contribution was a direct con-
tribution.

“(2) CONTRIBUTION.—For purposes of this sub-
section, the term ‘contribution’ means a gift of money
made by a written instrument which identifies the in-
dividual making the contribution by full name and
mailing address, but does not include a subscription,
loan, advance, or deposit of money, or anything of
value or anything described in subparagraph (B),
(C), or (D) of section 9032(4).

“(3) DIRECT CONTRIBUTION.—
“(A) IN GENERAL.—For purposes of this subsection, the term ‘direct contribution’ means, with respect to a candidate, a contribution which is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

“(i) forwarded from the individual making the contribution to the candidate or committee by another person; or

“(ii) received by the candidate or committee with the knowledge that the contribution was made at the request, suggestion, or recommendation of another person.

“(B) OTHER DEFINITIONS.—In subparagraph (A)—

“(i) the term ‘person’ does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Campaign Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures, does not engage
in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and

“(ii) a contribution is not ‘made at the request, suggestion, or recommendation of another person’ solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or authorized committee does not know the identity of the person who provided the information to such individual.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 9032(4) of such Code is amended by striking “section 9034(a)” and inserting “section 9034”.

(B) Section 9033(b)(3) of such Code is amended by striking “matching contributions” and inserting “matchable contributions”.
(b) Modification of Payment Limitation.—Section 19034(a) of such Code is amended—

(1) by striking “Every” and inserting the following:

“(1) In general.—Every”;

(2) by striking “shall not exceed” and all that follows and inserting “shall not exceed $250,000,000.”, and

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

“(2) Inflation Adjustment.—

“(A) In general.—In the case of any applicable period beginning after 2029, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year following the year which such applicable period begins, determined by substituting ‘calendar year 2028’ for ‘calendar year 1992’ in subparagraph (B) thereof;

“(B) Applicable Period.—For purposes of this paragraph, the term ‘applicable period’ means the 4-year period beginning with the first
day following the date of the general election for
the office of President and ending on the date of
the next such general election.

(C) Rounding.—If any amount as adjusted under subparagraph (1) is not a multiple
of $10,000, such amount shall be rounded to the
nearest multiple of $10,000.”.

SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING
PAYMENTS.

(a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN EXCESS OF $200.—Section 9033(b)(3) of the Internal Revenue
Code of 1986 is amended—

(1) by striking “$5,000” and inserting
“$25,000”; and

(2) by striking “20 States” and inserting the fol-
lowing: “20 States (disregarding any amount of con-
tributions from any such resident to the extent that
the total of the amounts contributed by such resident
for the election exceeds $200)”.

(b) CONTRIBUTION LIMIT.—

(1) In general.—Paragraph (4) of section
9033(b) of such Code is amended to read as follows:
“(4) the candidate and the authorized commit-
tees of the candidate will not accept aggregate con-
tributions from any person with respect to the nomination for election to the office of President of the United States in excess of $1,000 for the election.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 9033(b) of such Code is amended by adding at the end the following new flush sentence:

“For purposes of paragraph (4), the term ‘contribution’ has the meaning given such term in section 301(8) of the Federal Election Campaign Act of 1971.”.

(B) Section 9032(4) of such Code, as amended by section 5201(a)(3)(A), is amended by inserting “or 9033(b)” after “9034”.

(c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

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

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

(3) by inserting after paragraph (4) the following new paragraph:

“(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with re-
spect to the general election for such office in accordance with chapter 95.”.

(d) **Prohibition on Joint Fundraising Committees.**—Section 9033(b) of such Code, as amended by subsection (c), is amended—

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

(2) by striking the period at the end of paragraph (5) and inserting “; and”;

(3) by inserting after paragraph (5) the following new paragraph:

“(6) the candidate will not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate, except that candidate established a joint fundraising committee with respect to a prior election for which the candidate was not eligible to receive payments under section 9037 and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of this paragraph so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is eligible to receive payments under such section.”.
SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.

(a) IN GENERAL.—Subsection (a) of section 9035 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) PERSONAL EXPENDITURE LIMITATION.—No candidate shall knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, $50,000.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9033(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) the candidate will comply with the personal expenditure limitation under section 9035,”.

SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAYMENTS.

Section 9032(6) of the Internal Revenue Code of 1986 is amended by striking “the beginning of the calendar year in which a general election for the office of President of the United States will be held” and inserting “the date that is 6 months prior to the date of the earliest State primary election”.

SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CONTRIBUTIONS.

Section 9038(a) of the Internal Revenue Code of 1986 is amended by inserting “and matchable contributions accepted by” after “qualified campaign expenses of”.

SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBUTIONS FOR PRESIDENTIAL PRIMARY CANDIDATES.

Section 315(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by striking “calendar year” and inserting “four-year election cycle”.

SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.

(a) In General.—Chapter 96 of subtitle H of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.

“(a) In General.—Notwithstanding any other provision of this chapter, effective with respect to the Presidential election held in 2028 and each succeeding Presidential election, all payments made to candidates under this chapter shall be made from the Freedom From Influence Fund established under section 541 of the Federal Election Campaign Act of 1971 (hereafter in this section referred to as the ‘Fund’).
“(b) Mandatory Reduction of Payments in Case of Insufficient Amounts in Fund.—

“(1) Advance Audits by Commission.—Not later than 90 days before the first day of each Presidential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

“(A) audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and

“(B) submit a report to Congress describing the results of the audit.

“(2) Reductions in Amount of Payments.—

“(A) Automatic Reduction on Pro Rata Basis.—If, on the basis of the audit described in paragraph (1), the Commission determines that the amount anticipated to be available in the Fund with respect to the Presidential election
cycle involved is not, or may not be, sufficient to satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each amount which would otherwise be paid to a candidate under this chapter by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.

“(B) Restoration of reductions in case of availability of sufficient funds during election cycle.—If, after reducing the amounts paid to candidates with respect to an election cycle under subparagraph (A), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such candidate with respect to the election cycle in the amount by which such candidate’s payments were reduced.
under subparagraph (A) (or any portion thereof, as the case may be).

“(C) No use of amounts from other sources.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to candidates under this chapter, moneys shall not be made available from any other source for the purpose of making such payments.

“(3) No effect on amounts transferred for pediatric research initiative.—This section does not apply to the transfer of funds under section 9008(i).

“(4) Presidential election cycle defined.—In this section, the term ‘Presidential election cycle’ means, with respect to a Presidential election, the period beginning on the day after the date of the previous Presidential general election and ending on the date of the Presidential election.”.

(b) Clerical Amendment.—The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.
PART 2—GENERAL ELECTIONS

SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR PUBLIC FINANCING.

Subsection (a) of section 9003 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) In General.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a Presidential election shall meet the following requirements:

“(1) Participation in Primary Payment System.—The candidate for President received payments under chapter 96 for the campaign for nomination for election to be President.

“(2) Agreements with Commission.—The candidates, in writing—

“(A) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,

“(B) agree to keep and furnish to the Commission such records, books, and other information as it may request, and

“(C) agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.
“(3) Prohibition on Joint Fundraising Committees.—

“(A) Prohibition.—The candidates certifies in writing that the candidates will not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.

“(B) Status of Existing Committees for Prior Elections.—If a candidate established a joint fundraising committee described in subparagraph (A) with respect to a prior election for which the candidate was not eligible to receive payments under section 9006 and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of subparagraph (A) so long as that joint fundraising committee does not receive any contributions or make any disbursements with respect to the election for which the candidate is eligible to receive payments under section 9006.”.

SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS.

(a) Use of Qualified Campaign Contributions Without Expenditure Limits; Application of Same
REQUIREMENTS FOR MAJOR, MINOR, AND NEW PARTIES.—

Section 9003 of the Internal Revenue Code of 1986 is amended by striking subsections (b) and (c) and inserting the following:

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(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS TO DEFRAY EXPENSES.—

(1) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a party in a Presidential election shall certify to the Commission, under penalty of perjury, that—

(A) such candidates and their authorized committees have not and will not accept any contributions to defray qualified campaign expenses other than—

(i) qualified campaign contributions, and

(ii) contributions to the extent necessary to make up any deficiency payments received out of the fund on account of the application of section 9006(c), and

(B) such candidates and their authorized committees have not and will not accept any contribution to defray expenses which would be
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qualified campaign expenses but for subparagraph (C) of section 9002(11).

“(2) TIMING OF CERTIFICATION.—The candidate shall make the certification required under this subsection at the same time the candidate makes the certification required under subsection (a)(3).”.

(b) DEFINITION OF QUALIFIED CAMPAIGN CONTRIBUTION.—Section 9002 of such Code is amended by adding at the end the following new paragraph:

“(13) QUALIFIED CAMPAIGN CONTRIBUTION.—

The term ‘qualified campaign contribution’ means, with respect to any election for the office of President of the United States, a contribution from an individual to a candidate or an authorized committee of a candidate which—

“(A) does not exceed $1,000 for the election;

and

“(B) with respect to which the candidate has certified in writing that—

“(i) the individual making such contribution has not made aggregate contributions (including such qualified contribution) to such candidate and the authorized committees of such candidate in excess of
the amount described in subparagraph (A),
and
“(ii) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such qualified contribution) aggregating more than the amount described in subparagraph (A) with respect to such election.”.

(c) Conforming Amendments.—

(1) Repeal of expenditure limits.—

(A) In general.—Section 315 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116) is amended by striking subsection (b).

(B) Conforming amendments.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(i) in paragraph (1)(B)(i), by striking “, (b)”;

(ii) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (d)’’.

(2) Repeal of repayment requirement.—

(A) In general.—Section 9007(b) of the Internal Revenue Code of 1986 is amended by
striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 9007(b) of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking “a major party” and inserting “a party”;

(ii) by inserting “qualified contributions and” after “contributions (other than”;

(iii) by striking “(other than qualified campaign expenses with respect to which payment is required under paragraph (2))”.

(3) CRIMINAL PENALTIES.—

(A) REPEAL OF PENALTY FOR EXCESS EXPENSES.—Section 9012 of the Internal Revenue Code of 1986 is amended by striking subsection (a).

(B) PENALTY FOR ACCEPTANCE OF DISALLOWED CONTRIBUTIONS; APPLICATION OF SAME PENALTY FOR CANDIDATES OF MAJOR, MINOR, AND NEW PARTIES.—Subsection (b) of section 9012 of such Code is amended to read as follows:
“(b) CONTRIBUTIONS.—

“(1) ACCEPTANCE OF DISALLOWED CONTRIBUTIONS.—It shall be unlawful for an eligible candidate of a party in a Presidential election or any of his authorized committees knowingly and willfully to accept—

“(A) any contribution other than a qualified campaign contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c); or

“(B) any contribution to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.”.
SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICATIONS TO PAYMENT AMOUNTS.

(a) IN GENERAL.—

(1) AMOUNT OF PAYMENTS; APPLICATION OF SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR, AND NEW PARTIES.—Subsection (a) of section 9004 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) IN GENERAL.—Subject to the provisions of this chapter, the eligible candidates of a party in a Presidential election shall be entitled to equal payment under section 9006 in an amount equal to 600 percent of the amount of each matchable contribution received by such candidate or by the candidate’s authorized committees (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds $200), except that total amount to which a candidate is entitled under this paragraph shall not exceed $250,000,000.”.

(2) REPEAL OF SEPARATE LIMITATIONS FOR CANDIDATES OF MINOR AND NEW PARTIES; INFLATION ADJUSTMENT.—Subsection (b) of section 9004 of such Code is amended to read as follows:

“(b) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any applicable period beginning after 2029, the $250,000,000 dollar
amount in subsection (a) shall be increased by an amount equal to—

“(A) such dollar amount; multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year following the year which such applicable period begins, determined by substituting ‘calendar year 2028’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means the 4-year period beginning with the first day following the date of the general election for the office of President and ending on the date of the next such general election.

“(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.”.

(3) CONFORMING AMENDMENT.—Section 9005(a) of such Code is amended by adding at the end the following new sentence: “The Commission shall make such additional certifications as may be necessary to receive payments under section 9004.”.
(b) **Matchable Contribution.**—Section 9002 of such Code, as amended by section 5212(b), is amended by adding at the end the following new paragraph:

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“(14) **Matchable Contribution.**—The term ‘matchable contribution’ means, with respect to the election to the office of President of the United States, a contribution by an individual to a candidate or an authorized committee of a candidate with respect to which the candidate has certified in writing that—

“(A) the individual making such contribution has not made aggregate contributions (including such matchable contribution) to such candidate and the authorized committees of such candidate in excess of $1,000 for the election;

“(B) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such matchable contribution) aggregating more than the amount described in subparagraph (A) with respect to such election; and

“(C) such contribution was a direct contribution (as defined in section 9034(c)(3)).”.
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SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.

(a) In General.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2)) is amended to read as follows:

“(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $100,000,000.

“(B) For purposes of this paragraph—

“(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a Presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

“(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

“(C) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign com-
mittee of a candidate for the office of President of the United States.”.

(b) **Conforming Amendments Relating to Timing of Cost-of-Living Adjustment.**—

(1) **In General.**—Section 315(c)(1) of such Act (52 U.S.C. 30116(c)(1)) is amended—

(A) in subparagraph (B), by striking “(d)” and inserting “(d)(2)”;

and inserting “(d)(2)”;

(B) by adding at the end the following new subparagraph:

“(D) In any calendar year after 2028—

“(i) the dollar amount in subsection (d)(2) shall be increased by the percent difference determined under subparagraph (A);

“(ii) the amount so increased shall remain in effect for the calendar year; and

“(iii) if the amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.”.

(2) **Base Year.**—Section 315(c)(2)(B) of such Act (52 U.S.C. 30116(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking “(d)” and inserting “(d)(3)”;

(ii) by striking “and” at the end;
(B) in clause (ii), by striking the period at the end and inserting “; and”;
and
(C) by adding at the end the following new clause:
“(iii) for purposes of subsection (d)(2), calendar year 2027.”.

SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-
LEASE OF PAYMENTS.

(a) DATE FOR PAYMENTS.—

(1) IN GENERAL.—Section 9006(b) of the Inter-
nal Revenue Code of 1986 is amended to read as fol-
lows:
“(b) PAYMENTS FROM THE FUND.—If the Secretary
of the Treasury receives a certification from the Commission
under section 9005 for payment to the eligible candidates
of a political party, the Secretary shall pay to such can-
didates out of the fund the amount certified by the Commis-
sion on the later of—
“(1) the last Friday occurring before the first
Monday in September; or
“(2) 24 hours after receiving the certifications
for the eligible candidates of all major political par-
ties.
Amounts paid to any such candidates shall be under the
control of such candidates.”.
(2) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking “the time of a certification by the Commission under section 9005 for payment” and inserting “the time of making a payment under subsection (b)”.

(b) TIME FOR CERTIFICATION.—Section 9005(a) of the Internal Revenue Code of 1986 is amended by striking “10 days” and inserting “24 hours”.

SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary’s best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.”.
SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR
GENERAL ELECTION LEGAL AND ACCOUNTING COMPLIANCE.

Section 9002(11) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:

“For purposes of subparagraph (A), an expense incurred by a candidate or authorized committee for general election legal and accounting compliance purposes shall be considered to be an expense to further the election of such candidate.”.

SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.

(a) In General.—Chapter 95 of subtitle H of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.

“(a) In General.—Notwithstanding any other provision of this chapter, effective with respect to the Presidential election held in 2028 and each succeeding Presidential election, all payments made under this chapter shall be made from the Freedom From Influence Fund established under section 541 of the Federal Election Campaign Act of 1971.

“(b) Mandatory Reduction of Payments in Case of Insufficient Amounts in Fund.—
“(1) ADVANCE AUDITS BY COMMISSION.—Not later than 90 days before the first day of each Presidential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

“(A) audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019 and then making payments to candidates under chapter 96, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and

“(B) submit a report to Congress describing the results of the audit.

“(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

“(A) AUTOMATIC REDUCTION ON PRO RATA BASIS.—If, on the basis of the audit described in paragraph (1), the Commission determines that the amount anticipated to be available in the Fund with respect to the Presidential election cycle involved is not, or may not be, sufficient to
satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each amount which would otherwise be paid to a candidate under this chapter by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.

“(B) Restoration of reductions in case of availability of sufficient funds during election cycle.—If, after reducing the amounts paid to candidates with respect to an election cycle under subparagraph (A), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such candidate with respect to the election cycle in the amount by which such candidate’s payments were reduced under subparagraph (A) (or any portion thereof, as the case may be).
“(C) No use of amounts from other sources.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to candidates under this chapter, moneys shall not be made available from any other source for the purpose of making such payments.

“(3) No effect on amounts transferred for pediatric research initiative.—This section does not apply to the transfer of funds under section 9008(i).

“(4) Presidential election cycle defined.—In this section, the term ‘Presidential election cycle’ means, with respect to a Presidential election, the period beginning on the day after the date of the previous Presidential general election and ending on the date of the Presidential election.”.

(b) Clerical amendment.—The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

PART 3—EFFECTIVE DATE

SEC. 5221. EFFECTIVE DATE.

(a) In general.—Except as otherwise provided, this subtitle and the amendments made by this subtitle shall apply with respect to the Presidential election held in 2028
and each succeeding Presidential election, without regard
to whether or not the Federal Election Commission has pro-
mulgated the final regulations necessary to carry out this
part and the amendments made by this part by the deadline
set forth in subsection (b).

(b) **DEADLINE FOR REGULATIONS.**—Not later than
June 30, 2026, the Federal Election Commission shall pro-
mulgate such regulations as may be necessary to carry out
this part and the amendments made by this part.

**Subtitle D—Personal Use Services as Authorized Campaign Ex-
penditures**

**SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

(a) **SHORT TITLE.**—This subtitle may be cited as the
“Help America Run Act”.

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

(1) Everyday Americans experience barriers to
entry before they can consider running for office to
serve their communities.

(2) Current law states that campaign funds can-
not be spent on everyday expenses that would exist
whether or not a candidate were running for office,
like childcare and food. While the law seems neutral,
its actual effect is to privilege the independently
wealthy who want to run, because given the demands
of running for office, candidates who must work to pay for childcare or to afford health insurance are effectively being left out of the process, even if they have sufficient support to mount a viable campaign.

(3) Thus current practice favors those prospective candidates who do not need to rely on a regular paycheck to make ends meet. The consequence is that everyday Americans who have firsthand knowledge of the importance of stable childcare, a safety net, or great public schools are less likely to get a seat at the table. This governance by the few is antithetical to the democratic experiment, but most importantly, when lawmakers do not share the concerns of everyday Americans, their policies reflect that.

(4) These circumstances have contributed to a Congress that does not always reflect everyday Americans. The New York Times reported in 2019 that fewer than 5 percent of representatives cite blue-collar or service jobs in their biographies. A 2015 survey by the Center for Responsive Politics showed that the median net worth of lawmakers was just over $1 million in 2013, or 18 times the wealth of the typical American household.

(5) These circumstances have also contributed to a governing body that does not reflect the nation it
serves. For instance, women are 51% of the American population. Yet even with a record number of women serving in the One Hundred Sixteenth Congress, the Pew Research Center notes that more than three out of four Members of this Congress are male. The Center for American Women And Politics found that one third of women legislators surveyed had been actively discouraged from running for office, often by political professionals. This type of discouragement, combined with the prohibitions on using campaign funds for domestic needs like childcare, burdens that still fall disproportionately on American women, particularly disadvantages working mothers. These barriers may explain why only 10 women in history have given birth while serving in Congress, in spite of the prevalence of working parents in other professions. Yet working mothers and fathers are best positioned to create policy that reflects the lived experience of most Americans.

(c) PURPOSE.—It is the purpose of this subtitle to ensure that all Americans who are otherwise qualified to serve this Nation are able to run for office, regardless of their economic status. By expanding permissible uses of campaign funds and providing modest assurance that testing a run for office will not cost one’s livelihood, the Help Amer-
ica Run Act will facilitate the candidacy of representatives who more accurately reflect the experiences, challenges, and ideals of everyday Americans.

SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE AND OTHER PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.

(a) Personal Use Services as Authorized Campaign Expenditures.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 5113, is amended by adding at the end the following new subsection:

“(e) Treatment of Payments for Child Care and Other Personal Use Services as Authorized Campaign Expenditure.—

“(1) Authorized expenditures.—For purposes of subsection (a), the payment by an authorized committee of a candidate for any of the personal use services described in paragraph (3) shall be treated as an authorized expenditure if the services are necessary to enable the participation of the candidate in campaign-connected activities.

“(2) Limitations.—

“(A) Limit on Total Amount of Payments.—The total amount of payments made by an authorized committee of a candidate for per-
sonal use services described in paragraph (3) may not exceed the limit which is applicable under any law, rule, or regulation on the amount of payments which may be made by the committee for the salary of the candidate (without regard to whether or not the committee makes payments to the candidate for that purpose).

“(B) CORRESPONDING REDUCTION IN AMOUNT OF SALARY PAID TO CANDIDATE.—To the extent that an authorized committee of a candidate makes payments for the salary of the candidate, any limit on the amount of such payments which is applicable under any law, rule, or regulation shall be reduced by the amount of any payments made to or on behalf of the candidate for personal use services described in paragraph (3), other than personal use services described in subparagraph (E) of such paragraph.

“(C) EXCLUSION OF CANDIDATES WHO ARE OFFICEHOLDERS.—Paragraph (1) does not apply with respect to an authorized committee of a candidate who is a holder of Federal office.
“(3) PERSONAL USE SERVICES DESCRIBED.—The personal use services described in this paragraph are as follows:

“(A) Child care services.

“(B) Elder care services.

“(C) Services similar to the services described in subparagraph (A) or subparagraph (B) which are provided on behalf of any dependent who is a qualifying relative under section 152 of the Internal Revenue Code of 1986.

“(D) Dues, fees, and other expenses required to maintain an license or similar requirement related to an individual’s profession.

“(E) Costs associated with health insurance coverage.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle E—Severability

SEC. 5401. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and
amendment to any person or circumstance, shall not be af-
tected by the holding.

TITLE VI—CAMPAIGN FINANCE
OVERSIGHT

Subtitle A—Restoring Integrity to America’s Elections

Sec. 6001. Short title.
Sec. 6002. Membership of Federal Election Commission.
Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
Sec. 6004. Revision to enforcement process.
Sec. 6005. Permitting appearance at hearings on requests for advisory opinions
by persons opposing the requests.
Sec. 6006. Permanent extension of administrative penalty authority.
Sec. 6007. Restrictions on ex parte communications.
Sec. 6008. Effective date; transition.

Subtitle B—Stopping Super PAC-Candidate Coordination

Sec. 6101. Short title.
Sec. 6102. Clarification of treatment of coordinated expenditures as contributions
to candidates.
Sec. 6103. Clarification of ban on fundraising for super PACs by Federal can-
didates and officeholders.

Subtitle C—Severability

Sec. 6201. Severability.

Subtitle A—Restoring Integrity to
America’s Elections

SEC. 6001. SHORT TITLE.

This subtitle may be cited as the “Restoring Integrity
to America’s Elections Act”.

SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMI-
sION.

(a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
OF SECRETARY OF SENATE AND CLERK OF HOUSE AS EX
OFFICIO MEMBERS.—
(1) IN GENERAL; QUORUM.—Section 306(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is amended by striking the second and third sentences and inserting the following:

“The Commission is composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom no more than 2 may be affiliated with the same political party. A member shall by treated as affiliated with a political party if the member was affiliated, including as a registered voter, employee, consultant, donor, officer, or attorney, with such political party or any of its candidates or elected public officials at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Commission. A majority of the number of members of the Commission who are serving at the time shall constitute a quorum, except that 3 members shall constitute a quorum if there are 4 members serving at the time.”.

(2) CONFORMING AMENDMENTS RELATING TO REDUCTION IN NUMBER OF MEMBERS.—(A) The second sentence of section 306(c) of such Act (52 U.S.C. 30106(c)) is amended by striking “affirmative vote of 4 members of the Commission” and inserting “affirm-
ative vote of a majority of the members of the Commission who are serving at the time”.

(B) Such Act is further amended by striking “affirmative vote of 4 of its members” and inserting “affirmative vote of a majority of the members of the Commission who are serving at the time” each place it appears in the following sections:

(i) Section 309(a)(2) (52 U.S.C. 30109(a)(2)).


(iii) Section 309(a)(5)(C) (52 U.S.C. 30109(a)(5)(C)).

(iv) Section 309(a)(6)(A) (52 U.S.C. 30109(a)(6)(A)).

(v) Section 311(b) (52 U.S.C. 30111(b)).

(3) CONFORMING AMENDMENT RELATING TO REMOVAL OF EX OFFICIO MEMBERS.—Section 306(a) of such Act (52 U.S.C. 30106(a)) is amended by striking “(other than the Secretary of the Senate and the Clerk of the House of Representatives)” each place it appears in paragraphs (4) and (5).

(b) TERMS OF SERVICE.—Section 306(a)(2) of such Act (52 U.S.C. 30106(a)(2)) is amended to read as follows:

“(2) TERMS OF SERVICE.—
“(A) IN GENERAL.—Each member of the Commission shall serve for a single term of 6 years.

“(B) SPECIAL RULE FOR INITIAL APPOINTMENTS.—Of the members first appointed to serve terms that begin in January 2022, the President shall designate 2 to serve for a 3-year term.

“(C) NO REAPPOINTMENT PERMITTED.—An individual who served a term as a member of the Commission may not serve for an additional term, except that—

“(i) an individual who served a 3-year term under subparagraph (B) may also be appointed to serve a 6-year term under subparagraph (A); and

“(ii) for purposes of this subparagraph, an individual who is appointed to fill a vacancy under subparagraph (D) shall not be considered to have served a term if the portion of the unexpired term the individual fills is less than 50 percent of the period of the term.

“(D) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the
original appointment. Except as provided in subparagraph (C), an individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

“(E) LIMITATION ON SERVICE AFTER EXPIRATION OF TERM.—A member of the Commission may continue to serve on the Commission after the expiration of the member’s term for an additional period, but only until the earlier of—

“(i) the date on which the member’s successor has taken office as a member of the Commission; or

“(ii) the expiration of the 1-year period that begins on the last day of the member’s term.”.

(c) QUALIFICATIONS.—Section 306(a)(3) of such Act (52 U.S.C. 30106(a)(3)) is amended to read as follows:

“(3) QUALIFICATIONS.—

“(A) IN GENERAL.—The President may select an individual for service as a member of the Commission if the individual has experience in election law and has a demonstrated record of integrity, impartiality, and good judgment.
“(B) ASSISTANCE OF BLUE RIBBON ADVISORY PANEL.—

“(i) IN GENERAL.—Prior to the regularly scheduled expiration of the term of a member of the Commission and upon the occurrence of a vacancy in the membership of the Commission prior to the expiration of a term, the President shall convene a Blue Ribbon Advisory Panel, consisting of an odd number of individuals selected by the President from retired Federal judges, former law enforcement officials, or individuals with experience in election law, except that the President may not select any individual to serve on the panel who holds any public office at the time of selection.

“(ii) RECOMMENDATIONS.—With respect to each member of the Commission whose term is expiring or each vacancy in the membership of the Commission (as the case may be), the Blue Ribbon Advisory Panel shall recommend to the President at least one but not more than 3 individuals for nomination for appointment as a member of the Commission.
“(iii) Publication.—At the time the President submits to the Senate the nominations for individuals to be appointed as members of the Commission, the President shall publish the Blue Ribbon Advisory Panel’s recommendations for such nominations.

“(iv) Exemption from Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a Blue Ribbon Advisory Panel convened under this subparagraph.

“(C) Prohibiting engagement with other business or employment during service.—A member of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.”.

SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL ELECTION COMMISSION.

(a) Appointment of Chair by President.—
(1) IN GENERAL.—Section 306(a)(5) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(a)(5)) is amended to read as follows:

“(5) CHAIR.—

“(A) INITIAL APPOINTMENT.—Of the members first appointed to serve terms that begin in January 2022, one such member (as designated by the President at the time the President submits nominations to the Senate) shall serve as Chair of the Commission.

“(B) SUBSEQUENT APPOINTMENTS.—Any individual who is appointed to succeed the member who serves as Chair of the Commission for the term beginning in January 2022 (as well as any individual who is appointed to fill a vacancy if such member does not serve a full term as Chair) shall serve as Chair of the Commission.

“(C) VICE CHAIR.—The Commission shall select, by majority vote of its members, one of its members to serve as Vice Chair, who shall act as Chair in the absence or disability of the Chair or in the event of a vacancy in the position of Chair.”.
(2) **CONFORMING AMENDMENT.**—Section 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is amended by striking “through its chairman or vice chairman” and inserting “through the Chair”.

(b) **POWERS.**—

(1) **ASSIGNMENT OF CERTAIN POWERS TO CHAIR.**—Section 307(a) of such Act (52 U.S.C. 30107(a)) is amended to read as follows:

“(a) **DISTRIBUTION OF POWERS BETWEEN CHAIR AND COMMISSION.**—

“(1) **POWERS ASSIGNED TO CHAIR.**—

“(A) **ADMINISTRATIVE POWERS.**—The Chair of the Commission shall be the chief administrative officer of the Commission and shall have the authority to administer the Commission and its staff, and (in consultation with the other members of the Commission) shall have the power—

“(i) to appoint and remove the staff director of the Commission;

“(ii) to request the assistance (including personnel and facilities) of other agencies and departments of the United States, whose heads may make such assistance available to the Commission with or without reimbursement; and
“(iii) to prepare and establish the budget of the Commission and to make budget requests to the President, the Director of the Office of Management and Budget, and Congress.

“(B) OTHER POWERS.—The Chair of the Commission shall have the power—

“(i) to appoint and remove the general counsel of the Commission with the concurrence of at least 2 other members of the Commission;

“(ii) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Chair may prescribe;

“(iii) to administer oaths or affirmations;

“(iv) to require by subpoena, signed by the Chair, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

“(v) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated
by the Chair, and shall have the power to
administer oaths and, in such instances, to
compel testimony and the production of evi-
dence in the same manner as authorized
under clause (iv); and

“(vi) to pay witnesses the same fees
and mileage as are paid in like cir-
cumstances in the courts of the United
States.

“(2) POWERS ASSIGNED TO COMMISSION.—The
Commission shall have the power—

“(A) to initiate (through civil actions for
injunctive, declaratory, or other appropriate re-

lig), defend (in the case of any civil action
brought under section 309(a)(8) of this Act) or

appeal (including a proceeding before the Su-
preme Court on certiorari) any civil action in

the name of the Commission to enforce the provi-

sions of this Act and chapter 95 and chapter 96

of the Internal Revenue Code of 1986, through its
general counsel;

“(B) to render advisory opinions under sec-

tion 308 of this Act;

“(C) to develop such prescribed forms and to

make, amend, and repeal such rules, pursuant to
the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1986;

“(D) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities; and

“(E) to transmit to the President and Congress not later than June 1 of each year a report which states in detail the activities of the Commission in carrying out its duties under this Act, and which includes any recommendations for any legislative or other action the Commission considers appropriate.

“(3) PERMITTING COMMISSION TO EXERCISE OTHER POWERS OF CHAIR.—With respect to any investigation, action, or proceeding, the Commission, by an affirmative vote of a majority of the members who are serving at the time, may exercise any of the powers of the Chair described in paragraph (1)(B).”.

(2) CONFORMING AMENDMENTS RELATING TO PERSONNEL AUTHORITY.—Section 306(f) of such Act (52 U.S.C. 30106(f)) is amended—
(A) by amending the first sentence of paragraph (1) to read as follows: “The Commission shall have a staff director who shall be appointed by the Chair of the Commission in consultation with the other members and a general counsel who shall be appointed by the Chair with the concurrence of at least two other members.”;

(B) in paragraph (2), by striking “With the approval of the Commission” and inserting “With the approval of the Chair of the Commission”; and

(C) by striking paragraph (3).

(3) Conforming Amendment Relating to Budget Submission.—Section 307(d)(1) of such Act (52 U.S.C. 30107(d)(1)) is amended by striking “the Commission submits any budget” and inserting “the Chair (or, pursuant to subsection (a)(3), the Commission) submits any budget”.

(4) Other Conforming Amendments.—Section 306(c) of such Act (52 U.S.C. 30106(c)) is amended by striking “All decisions” and inserting “Subject to section 307(a), all decisions”.

(5) Technical Amendment.—The heading of section 307 of such Act (52 U.S.C. 30107) is amended
by striking “THE COMMISSION” and inserting “THE CHAIR AND THE COMMISSION”.

SEC. 6004. REVISION TO ENFORCEMENT PROCESS.

(a) STANDARD FOR INITIATING INVESTIGATIONS AND DETERMINING WHETHER VIOLATIONS HAVE OCCURRED.—

(1) Revision of standards.—Section 309(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2)(A) The general counsel, upon receiving a complaint filed with the Commission under paragraph (1) or upon the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, shall make a determination as to whether or not there is reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and as to whether or not the Commission should either initiate an investigation of the matter or that the complaint should be dismissed. The general counsel shall promptly provide notification to the Commission of such determination and the reasons therefore, together with any written response submitted under paragraph (1) by the person alleged to have committed the violation. Upon the expiration of the 30-day period which begins on the date the
general counsel provides such notification, the general counsel’s determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the general counsel’s determination. If the determination by the general counsel that the Commission should investigate the matter takes effect, or if the determination by the general counsel that the complaint should be dismissed is overruled as provided under the previous sentence, the general counsel shall initiate an investigation of the matter on behalf of the Commission.

“(B) If the Commission initiates an investigation pursuant to subparagraph (A), the Commission, through the Chair, shall notify the subject of the investigation of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section. The general counsel shall provide notification to the Commission of any intent to issue a subpoena or conduct any other form of discovery pursuant to the investigation. Upon the expiration of the 15-day period which begins on the date the general counsel provides such notification, the general counsel may issue the subpoena or conduct the discovery, unless during such 15-day period the
Commission, by vote of a majority of the members of the Commission who are serving at the time, prohibits the general counsel from issuing the subpoena or conducting the discovery.

“(3)(A) Upon completion of an investigation under paragraph (2), the general counsel shall promptly submit to the Commission the general counsel’s recommendation that the Commission find either that there is probable cause or that there is not probable cause to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and shall include with the recommendation a brief stating the position of the general counsel on the legal and factual issues of the case.

“(B) At the time the general counsel submits to the Commission the recommendation under subparagraph (A), the general counsel shall simultaneously notify the respondent of such recommendation and the reasons therefore, shall provide the respondent with an opportunity to submit a brief within 30 days stating the position of the respondent on the legal and factual issues of the case and replying to the brief of the general counsel. The general counsel and shall promptly submit such brief to the Commission upon receipt.
“(C) Not later than 30 days after the general counsel submits the recommendation to the Commission under subparagraph (A) (or, if the respondent submits a brief under subparagraph (B), not later than 30 days after the general counsel submits the respondent’s brief to the Commission under such subparagraph), the Commission shall approve or disapprove the recommendation by vote of a majority of the members of the Commission who are serving at the time.”.

(2) Conforming Amendment relating to Initial Response to Filing of Complaint.—Section 309(a)(1) of such Act (52 U.S.C. 30109(a)(1)) is amended—

(A) in the third sentence, by striking “the Commission” and inserting “the general counsel”; and

(B) by amending the fourth sentence to read as follows: “Not later than 15 days after receiving notice from the general counsel under the previous sentence, the person may provide the general counsel with a written response that no action should be taken against such person on the basis of the complaint.”.

(b) Revision of Standard for Review of Dismissal of Complaints.—
IN GENERAL.—Section 309(a)(8) of such Act (52 U.S.C. 30109(a)(8)) is amended to read as follows:

“(8)(A)(i) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party after finding either no reason to believe a violation has occurred or no probable cause a violation has occurred may file a petition with the United States District Court for the District of Columbia. Any petition under this subparagraph shall be filed within 60 days after the date on which the party received notice of the dismissal of the complaint.

“(ii) In any proceeding under this subparagraph, the court shall determine by de novo review whether the agency’s dismissal of the complaint is contrary to law. In any matter in which the penalty for the alleged violation is greater than $50,000, the court should disregard any claim or defense by the Commission of prosecutorial discretion as a basis for dismissing the complaint.

“(B)(i) Any party who has filed a complaint with the Commission and who is aggrieved by a failure of the Commission, within one year after the filing of the complaint, to either dismiss the complaint or to find reason to believe a violation has occurred or is about to occur, may file a petition with the United States District Court for the District of Columbia.
“(ii) In any proceeding under this subparagraph, the court shall treat the failure to act on the complaint as a dismissal of the complaint, and shall determine by de novo review whether the agency’s failure to act on the complaint is contrary to law.

“(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply—

(A) in the case of complaints which are dismissed by the Federal Election Commission, with respect to complaints which are dismissed on or after the date of the enactment of this Act; and

(B) in the case of complaints upon which the Federal Election Commission failed to act, with respect to complaints which were filed on or after the date of the enactment of this Act.
SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON REQUESTS FOR ADVISORY OPINIONS BY PERSONS OPPOSING THE REQUESTS.

(a) In General.—Section 308 of such Act (52 U.S.C. 30108) is amended by adding at the end the following new subsection:

“(e) To the extent that the Commission provides an opportunity for a person requesting an advisory opinion under this section (or counsel for such person) to appear before the Commission to present testimony in support of the request, and the person (or counsel) accepts such opportunity, the Commission shall provide a reasonable opportunity for an interested party who submitted written comments under subsection (d) in response to the request (or counsel for such interested party) to appear before the Commission to present testimony in response to the request.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to requests for advisory opinions under section 308 of the Federal Election Campaign Act of 1971 which are made on or after the date of the enactment of this Act.

SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY.

(a) Extension of Authority.—Section 309(a)(4)(C)(v) of the Federal Election Campaign Act of
1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking “, and that end on or before December 31, 2023”.

(b) **Effective Date.**—The amendment made by subsection (a) shall take effect on December 31, 2018.

**SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

Section 306(e) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(e)) is amended—

(1) by striking “(e) The Commission” and inserting “(e)(1) The Commission”; and

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

“(2) Members and employees of the Commission shall be subject to limitations on ex parte communications, as provided in the regulations promulgated by the Commission regarding such communications which are in effect on the date of the enactment of this paragraph.”.

**SEC. 6008. EFFECTIVE DATE; TRANSITION.**

(a) **In General.**—Except as otherwise provided, the amendments made by this subtitle shall apply beginning January 1, 2022.

(b) **Transition.**—

(1) **Termination of Service of Current Members.**—Notwithstanding any provision of the Federal Election Campaign Act of 1971, the term of any individual serving as a member of the Federal
Election Commission as of December 31, 2021, shall expire on that date.

(2) No effect on existing cases or proceedings.—Nothing in this subtitle or in any amendment made by this subtitle shall affect any of the powers exercised by the Federal Election Commission prior to December 31, 2021, including any investigation initiated by the Commission prior to such date or any proceeding (including any enforcement action) pending as of such date.

Subtitle B—Stopping Super PAC–Candidate Coordination

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the “Stop Super PAC–Candidate Coordination Act”.

SEC. 6102. CLARIFICATION OF TREATMENT OF COORDINATED EXPENDITURES AS CONTRIBUTIONS TO CANDIDATES.

(a) Treatment as contribution to candidate.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and
(3) by adding at the end the following new clause:

“(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated expenditure (as such term is defined in section 326) which is not otherwise treated as a contribution under clause (i) or clause (ii).”.

(b) DEFINITIONS.—Title III of such Act (52 U.S.C. 30101 et seq.), as amended by section 4702(a), is amended by adding at the end the following new section:

“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.

“(a) COORDINATED EXPENDITURES.—

“(1) IN GENERAL.—For purposes of section 301(8)(A)(iii), the term ‘coordinated expenditure’ means—

“(A) any expenditure, or any payment for a covered communication described in subsection (d), which is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, as defined in subsection (b); or
“(B) any payment for any communication which republishes, disseminates, or distributes, in whole or in part, any video or broadcast or any written, graphic, or other form of campaign material prepared by the candidate or committee or by agents of the candidate or committee (including any excerpt or use of any video from any such broadcast or written, graphic, or other form of campaign material).

“(2) Exception for Payments for Certain Communications.—A payment for a communication (including a covered communication described in subsection (d)) shall not be treated as a coordinated expenditure under this subsection if—

“(A) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

“(B) the communication constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission pursuant to section 304(f)(3)(B)(iii), or which solely pro-
notes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

“(b) COORDINATION DESCRIBED.—

“(1) In general.—For purposes of this section, a payment is made ‘in cooperation, consultation, or concert with, or at the request or suggestion of,’ a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, if the payment, or any communication for which the payment is made, is not made entirely independently of the candidate, committee, or agents. For purposes of the previous sentence, a payment or communication not made entirely independently of the candidate or committee includes any payment or communication made pursuant to any general or particular understanding with, or pursuant to any communication with, the candidate, committee, or agents about the payment or communication.

“(2) No finding of coordination based solely on sharing of information regarding legislative or policy position.—For purposes of this section, a payment shall not be considered to be made by a person in cooperation, consultation, or
concert with, or at the request or suggestion of, a candidate or committee, solely on the grounds that the person or the person’s agent engaged in discussions with the candidate or committee, or with any agent of the candidate or committee, regarding that person’s position on a legislative or policy matter (including urging the candidate or committee to adopt that person’s position), so long as there is no communication between the person and the candidate or committee, or any agent of the candidate or committee, regarding the candidate’s or committee’s campaign advertising, message, strategy, policy, polling, allocation of resources, fundraising, or other campaign activities.

“(3) **No Effect on Party Coordination Standard.**—Nothing in this section shall be construed to affect the determination of coordination between a candidate and a political committee of a political party for purposes of section 315(d).

“(4) **No Safe Harbor for Use of Firewall.**—A person shall be determined to have made a payment in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, in accordance with this section without regard to whether or not the person established and used a firewall or similar procedures to restrict the sharing of infor-
mation between individuals who are employed by or who are serving as agents for the person making the payment.

“(c) Payments by Coordinated Spenders for Covered Communications.—

“(1) Payments made in cooperation, consultation, or concert with candidates.—For purposes of subsection (a)(1)(A), if the person who makes a payment for a covered communication, as defined in subsection (d), is a coordinated spender under paragraph (2) with respect to the candidate as described in subsection (d)(1), the payment for the covered communication is made in cooperation, consultation, or concert with the candidate.

“(2) Coordinated Spender Defined.—For purposes of this subsection, the term ‘coordinated spender’ means, with respect to a candidate or an authorized committee of a candidate, a person (other than a political committee of a political party) for which any of the following applies:

“(A) During the 4-year period ending on the date on which the person makes the payment, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate (in-
cluding an individual who later becomes a candidate) or committee or agents of the candidate or committee, including with the approval of the candidate or committee or agents of the candidate or committee.

“(B) The candidate or committee or any agent of the candidate or committee solicits funds, appears at a fundraising event, or engages in other fundraising activity on the person’s behalf during the election cycle involved, including by providing the person with names of potential donors or other lists to be used by the person in engaging in fundraising activity, regardless of whether the person pays fair market value for the names or lists provided. For purposes of this subparagraph, the term ‘election cycle’ means, with respect to an election for Federal office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).
“(C) The person is established, directed, or managed by the candidate or committee or by any person who, during the 4-year period ending on the date on which the person makes the payment, has been employed or retained as a political, campaign media, or fundraising adviser or consultant for the candidate or committee or for any other entity directly or indirectly controlled by the candidate or committee, or has held a formal position with the candidate or committee (including a position as an employee of the office of the candidate at any time the candidate held any Federal, State, or local public office during the 4-year period).

“(D) The person has retained the professional services of any person who, during the 2-year period ending on the date on which the person makes the payment, has provided or is providing professional services relating to the campaign to the candidate or committee, without regard to whether the person providing the professional services used a firewall. For purposes of this subparagraph, the term ‘professional services’ includes any services in support of the candidate’s or committee’s campaign activities, in-
cluding advertising, message, strategy, policy, polling, allocation of resources, fundraising, and campaign operations, but does not include accounting or legal services.

“(E) The person is established, directed, or managed by a member of the immediate family of the candidate, or the person or any officer or agent of the person has had more than incidental discussions about the candidate’s campaign with a member of the immediate family of the candidate. For purposes of this subparagraph, the term ‘immediate family’ has the meaning given such term in section 9004(e) of the Internal Revenue Code of 1986.

“(d) COVERED COMMUNICATION DEFINED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘covered communication’ means, with respect to a candidate or an authorized committee of a candidate, a public communication (as defined in section 301(22)) which—

“(A) expressly advocates the election of the candidate or the defeat of an opponent of the candidate (or contains the functional equivalent of express advocacy);
“(B) promotes or supports the election of the candidate, or attacks or opposes the election of an opponent of the candidate (regardless of whether the communication expressly advocates the election or defeat of a candidate or contains the functional equivalent of express advocacy); or

“(C) refers to the candidate or an opponent of the candidate but is not described in subparagraph (A) or subparagraph (B), but only if the communication is disseminated during the applicable election period.

“(2) APPLICABLE ELECTION PERIOD.—In paragraph (1)(C), the ‘applicable election period’ with respect to a communication means—

“(A) in the case of a communication which refers to a candidate in a general, special, or runoff election, the 120-day period which ends on the date of the election; or

“(B) in the case of a communication which refers to a candidate in a primary or preference election, or convention or caucus of a political party that has authority to nominate a candidate, the 60-day period which ends on the date of the election or convention or caucus.
“(3) Special rules for communications involving congressional candidates.—For purposes of this subsection, a public communication shall not be considered to be a covered communication with respect to a candidate for election for an office other than the office of President or Vice President unless it is publicly disseminated or distributed in the jurisdiction of the office the candidate is seeking.

“(e) Penalty.—

“(1) Determination of amount.—Any person who knowingly and willfully commits a violation of this Act by making a contribution which consists of a payment for a coordinated expenditure shall be fined an amount equal to the greater of—

“(A) in the case of a person who makes a contribution which consists of a payment for a coordinated expenditure in an amount exceeding the applicable contribution limit under this Act, 300 percent of the amount by which the amount of the payment made by the person exceeds such applicable contribution limit; or

“(B) in the case of a person who is prohibited under this Act from making a contribution in any amount, 300 percent of the amount of the
payment made by the person for the coordinated expenditure.

“(2) **JOINT AND SEVERAL LIABILITY.**—Any director, manager, or officer of a person who is subject to a penalty under paragraph (1) shall be jointly and severally liable for any amount of such penalty that is not paid by the person prior to the expiration of the 1-year period which begins on the date the Commission imposes the penalty or the 1-year period which begins on the date of the final judgment following any judicial review of the Commission’s action, whichever is later.”.

(c) **EFFECTIVE DATE.**—

(1) **REPEAL OF EXISTING REGULATIONS ON COORDINATION.**—Effective upon the expiration of the 90-day period which begins on the date of the enactment of this Act—

(A) the regulations on coordinated communications adopted by the Federal Election Commission which are in effect on the date of the enactment of this Act (as set forth in 11 CFR Part 109, Subpart C, under the heading “Coordination”) are repealed; and

(B) the Federal Election Commission shall promulgate new regulations on coordinated com-
communications which reflect the amendments made
by this Act.

(2) Effective Date.—The amendments made
by this section shall apply with respect to payments
made on or after the expiration of the 120-day period
which begins on the date of the enactment of this Act,
without regard to whether or not the Federal Election
Commission has promulgated regulations in accord-
ance with paragraph (1)(B) as of the expiration of
such period.

SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR
SUPER PACS BY FEDERAL CANDIDATES AND
OFFICEHOLDERS.

(a) In General.—Section 323(e)(1) of the Federal
Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1)) is
amended—

(1) by striking “or” at the end of subparagraph
(A);

(2) by striking the period at the end of subpara-
graph (B) and inserting “; or”; and

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

“(C) solicit, receive, direct, or transfer funds
to or on behalf of any political committee which
accepts donations or contributions that do not
comply with the limitations, prohibitions, and reporting requirements of this Act (or to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to or on behalf of any political organization under section 527 of the Internal Revenue Code of 1986 which accepts such donations or contributions (other than a committee of a State or local political party or a candidate for election for State or local office).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after January 1, 2020.

Subtitle C—Severability

SEC. 6201. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.
DIVISION C—ETHICS

TITLE VII—[RESERVED]

TITLE VIII—[RESERVED]

TITLE IX—CONGRESSIONAL ETHICS REFORM

Subtitle A—Requiring Members of Congress to Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. [Reserved].

Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.

Sec. 9302. Definitions.

Sec. 9303. Establishment of online portal for congressionally mandated reports.

Sec. 9304. Federal agency responsibilities.

Sec. 9305. Removing and altering reports.

Sec. 9306. Relationship to the Freedom of Information Act.

Sec. 9307. Implementation.

Subtitle E—Severability

Sec. 9401. Severability.
Subtitle A—Requiring Members of Congress to Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIMBURSE TREASURY FOR AMOUNTS PAID AS SETTLEMENTS AND AWARDS UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 IN ALL CASES OF EMPLOYMENT DISCRIMINATION ACTS BY MEMBERS.

(a) Requiring Reimbursement.—Clause (i) of section 415(d)(1)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section 111(a) of the Congressional Accountability Act of 1995 Reform Act, is amended to read as follows:

“(i) a violation of section 201(a) or section 206(a); or”.

(b) Conforming Amendment Relating to Notification of Possibility of Reimbursement.—Clause (i) of section 402(b)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended by section 102(a) of the Congressional Accountability Act of 1995 Reform Act, is amended to read as follows:
“(i) a violation of section 201(a) or section 206(a); or”.

(c) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of the Congressional Accountability Act of 1995 Reform Act.

Subtitle B—Conflicts of Interests

SEC. 9101. [RESERVED].

SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.

No Member, officer, or employee of a committee or Member of either House of Congress may knowingly use his or her official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his or her pecuniary interest, only the pecuniary interest of his or her immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he or she, or his or her immediate family, or enterprises controlled by them, are members of the affected class.

SEC. 9103. EXERCISE OF RULEMAKING POWERS.

The provisions of this subtitle are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively,

and as such they shall be considered as part of the
rules of each House, respectively, or of that House to
which they specifically apply, and such rules shall su-
persede other rules only to the extent that they are in-
consistent therewith; and

(2) with full recognition of the constitutional
right of either House to change such rules (so far as
relating to such House) at any time, in the same
manner, and to the same extent as in the case of any
other rule of such House.

Subtitle C—Campaign Finance and
Lobbying Disclosure

SEC. 9201. SHORT TITLE.

This subtitle may be cited as the “Connecting Lobby-
ists and Electeds for Accountability and Reform Act” or
the “CLEAR Act”.

SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS
FILED WITH FEDERAL ELECTION COMMISS-
SION OF PERSONS WHO ARE REGISTERED
LOBBYISTS.

(a) Reports Filed by Political Committees.—
Section 304(b) of the Federal Election Campaign Act of
1971 (52 U.S.C. 30104(b)) is amended—

(1) by striking “and” at the end of paragraph
(7);
(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

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

“(9) if any person identified in subparagraph (A), (E), (F), or (G) of paragraph (3) is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person is a registered lobbyist under such Act.”.

(b) Reports Filed by Persons Making Independent Expenditures.—Section 304(c)(2) of such Act (52 U.S.C. 30104(c)(2)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) if the person filing the statement, or a person whose identification is required to be disclosed under subparagraph (C), is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person is a registered lobbyist under such Act.”.
(c) REPORTS FILED BY PERSONS MAKING DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.—Section 304(f)(2) of such Act (52 U.S.C. 30104(f)(2)) is amended by adding at the end the following new subparagraph:

“(G) If the person making the disbursement, or a contributor described in subparagraph (E) or (F), is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person or contributor is a registered lobbyist under such Act.”.

(d) REQUIRING COMMISSION TO ESTABLISH LINK TO WEBSITES OF CLERK OF HOUSE AND SECRETARY OF SENATE.—Section 304 of such Act (52 U.S.C. 30104), as amended by section 4308(a), is amended by adding at the end the following new subsection:

“(k) REQUIRING INFORMATION ON REGISTERED LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF HOUSE AND SECRETARY OF SENATE.—

“(1) LINKS TO WEBSITES.—The Commission shall ensure that the Commission’s public database containing information described in paragraph (2) is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.
“(2) INFORMATION DESCRIBED.—The information described in this paragraph is each of the following:

“(A) Information disclosed under paragraph (9) of subsection (b).

“(B) Information disclosed under subparagraph (D) of subsection (c)(2).

“(C) Information disclosed under subparagraph (G) of subsection (f)(2).”.

SEC. 9203. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to reports required to be filed under the Federal Election Campaign Act of 1971 on or after the expiration of the 90-day period which begins on the date of the enactment of this Act.

Subtitle D—Access to Congressionally Mandated Reports

SEC. 9301. SHORT TITLE.

This subtitle may be cited as the “Access to Congressionally Mandated Reports Act”.

SEC. 9302. DEFINITIONS.

In this subtitle:

(1) CONGRESSIONALLY MANDATED REPORT.—The term “congressionally mandated report”—
(A) means a report that is required to be submitted to either House of Congress or any committee of Congress, or subcommittee thereof, by a statute, resolution, or conference report that accompanies legislation enacted into law; and

(B) does not include a report required under part B of subtitle II of title 36, United States Code.

(2) DIRECTOR.—The term “Director” means the Director of the Government Publishing Office.

(3) FEDERAL AGENCY.—The term “Federal agency” has the meaning given that term under section 102 of title 40, United States Code, but does not include the Government Accountability Office.

(4) OPEN FORMAT.—The term “open format” means a file format for storing digital data based on an underlying open standard that—

(A) is not encumbered by any restrictions that would impede reuse; and

(B) is based on an underlying open data standard that is maintained by a standards organization.

(5) REPORTS ONLINE PORTAL.—The term “reports online portal” means the online portal established under section (3)(a).
SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.

(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain an online portal accessible by the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place. The Director may publish other reports on the online portal.

(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director.

(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with the Clerk of the House of Representatives, the Secretary of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of congressionally mandated reports on the reports online portal.

(b) CONTENT AND FUNCTION.—The Director shall ensure that the reports online portal includes the following:

(1) Subject to subsection (c), with respect to each congressionally mandated report, each of the following:
(A) A citation to the statute, conference report, or resolution requiring the report.

(B) An electronic copy of the report, including any transmittal letter associated with the report, in an open format that is platform independent and that is available to the public without restrictions, including restrictions that would impede the re-use of the information in the report.

(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

(i) The title of the report.

(ii) The reporting Federal agency.

(iii) The date of publication.

(iv) Each congressional committee receiving the report, if applicable.

(v) The statute, resolution, or conference report requiring the report.

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions.

(viii) The serial number, Superintendent of Documents number, or other
identification number for the report, if applicable.

(ix) Key words.

(x) Full text search.

(xi) Any other relevant information specified by the Director.

(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.

(E) Access to the report not later than 30 calendar days after its submission to Congress.

(F) To the extent practicable, a permanent means of accessing the report electronically.

(2) A means for bulk download of all congressionally mandated reports.

(3) A means for downloading individual reports as the result of a search.

(4) An electronic means for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by section 4.

(5) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by—
(A) reports submitted within the required time;

(B) reports submitted after the date on which such reports were required to be submitted; and

(C) reports not submitted.

(c) Noncompliance by Federal Agencies.—

(1) Reports not submitted.—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—

(A) include on the reports online portal—

(i) the information required under clauses (i), (ii), (iv), and (v) of subsection (b)(1)(C); and

(ii) the date on which the report was required to be submitted; and

(B) include the congressionally mandated report on the list described in subsection (b)(5)(C).

(2) Reports not in open format.—If a Federal agency submits a congressionally mandated report that is not in an open format, the Director shall include the congressionally mandated report in another format on the reports online portal.
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(d) Free Access.—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.

(e) Upgrade Capability.—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.

(a) Submission of Electronic Copies of Reports.—Concurrently with the submission to Congress of each congressionally mandated report, the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 3(b)(1) with respect to the congressionally mandated report. Nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the online portal of the Federal agency or otherwise submit the congressionally mandated report to Congress or specific committees of Congress, or subcommittees thereof.

(b) Guidance.—Not later than 240 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director, shall issue guidance to agencies on the implementation of this Act.
(c) **STRUCTURE OF SUBMITTED REPORT DATA.**—The head of each Federal agency shall ensure that each congressionally mandated report submitted to the Director complies with the open format criteria established by the Director in the guidance issued under subsection (b).

(d) **POINT OF CONTACT.**—The head of each Federal agency shall designate a point of contact for congressionally mandated report.

(e) **LIST OF REPORTS.**—As soon as practicable each calendar year (but not later than April 1), and on a rolling basis during the year if feasible, the Librarian of Congress shall submit to the Director a list of congressionally mandated reports from the previous calendar year, in consultation with the Clerk of the House of Representatives, which shall—

1. be provided in an open format;
2. include the information required under clauses (i), (ii), (iv), (v) of section 3(b)(1)(C) for each report;
3. include the frequency of the report;
4. include a unique alphanumeric identifier for the report that is consistent across report editions;
5. include the date on which each report is required to be submitted; and
(6) be updated and provided to the Director, as necessary.

SEC. 9305. REMOVING AND ALTERING REPORTS.

A report submitted to be published to the reports online portal may only be changed or removed, with the exception of technical changes, by the head of the Federal agency concerned if—

(1) the head of the Federal agency consults with each congressional committee to which the report is submitted; and

(2) Congress enacts a joint resolution authorizing the changing or removal of the report.

SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT.

(a) IN GENERAL.—Nothing in this subtitle shall be construed to—

(1) require the disclosure of information or records that are exempt from public disclosure under section 552 of title 5, United States Code; or

(2) to impose any affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.
(b) Redaction of Information.—The head of a Federal agency may redact information required to be disclosed under this Act if the information would be properly withheld from disclosure under section 552 of title 5, United States Code, and shall—

(1) redact information required to be disclosed under this subtitle if disclosure of such information is prohibited by law;

(2) redact information being withheld under this subsection prior to submitting the information to the Director;

(3) redact only such information properly withheld under this subsection from the submission of information or from any congressionally mandated report submitted under this subtitle;

(4) identify where any such redaction is made in the submission or report; and

(5) identify the exemption under which each such redaction is made.

SEC. 9307. IMPLEMENTATION.

Except as provided in section 9304(b), this subtitle shall be implemented not later than 1 year after the date of enactment of this Act and shall apply with respect to congressionally mandated reports submitted to Congress on or after the date that is 1 year after such date of enactment.
Subtitle E—Severability

SEC. 9401. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

TITLE X—[RESERVED]