

116TH CONGRESS
1ST SESSION

H. R. 1

[Report No. 116-]

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. SARBANES (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.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “For the People Act of*
 5 *2019”.*

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 7 **CONTENTS.**

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

10 *(1) Division A—Voting.*

11 *(2) Division B—Campaign Finance.*

12 *(3) Division C—Ethics.*

13 *(b) TABLE OF CONTENTS.—The table of contents of this*
 14 *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.

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

PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.*

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

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

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

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

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

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

Subtitle B—Access to Voting for Individuals With Disabilities

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

Subtitle C—Prohibiting Voter Caging

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

*Subtitle D—[Reserved]**Subtitle E—[Reserved]**Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot*

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

Subtitle G—Provisional Ballots

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

Subtitle H—Early Voting

Sec. 1611. Early voting.

Subtitle I—Voting by Mail

Sec. 1621. Voting by Mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.

Sec. 1702. Enforcement.

Sec. 1703. Revisions to 45-day absentee ballot transmission rule.

Sec. 1704. Use of single absentee ballot application for subsequent elections.

Sec. 1705. Effective date.

Subtitle K—Poll Worker Recruitment and Training

Sec. 1801. [Reserved].

Sec. 1802. Grants to States for poll worker recruitment and training.

Sec. 1803. State defined.

Subtitle L—Enhancement of Enforcement

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

Subtitle M—Federal Election Integrity

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

*Subtitle N—Promoting Voter Access Through Election Administration Improvements**PART 1—PROMOTING VOTER ACCESS*

Sec. 1901. Treatment of institutions of higher education.

Sec. 1902. Minimum notification requirements for voters affected by polling place changes.

Sec. 1903. [Reserved].

Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.

Sec. 1905. [Reserved].

Sec. 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.

Sec. 1907. Voter information response systems and hotline.

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.

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- Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.*
- Sec. 1915. Recommendations to improve operations of Election Assistance Commission.*
- 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.*
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- Sec. 1931. Severability.*

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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. 4102. Clarification of application of foreign money ban to certain disbursements and activities.*

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- Sec. 4202. Purpose.*
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- Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.*

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“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.”

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Sec. 5215. Establishment of uniform date for release of payments.

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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.

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Sec. 5401. Severability.

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Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
Sec. 6004. Revision to enforcement process.
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Subtitle B—Conflicts of Interests

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Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.
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Subtitle D—Access to Congressionally Mandated Reports

- Sec. 9301. Short title.*
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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.

Sec. 9306. Relationship to the Freedom of Information Act.
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Subtitle E—Severability

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TITLE X—[RESERVED]

1 ***DIVISION A—VOTING***
 2 ***TITLE I—ELECTION ACCESS***

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

Sec. 1001. Requiring availability of Internet for voter registration.
Sec. 1002. Use of Internet to update registration information.
Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.
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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.

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Sec. 1705. Effective date.

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Subtitle K—Poll Worker Recruitment and Training

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

Subtitle L—Enhancement of Enforcement

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

Subtitle M—Federal Election Integrity

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

*Subtitle N—Promoting Voter Access Through Election Administration Improvements**PART 1—PROMOTING VOTER ACCESS*

- Sec. 1901. Treatment of institutions of higher education.*
Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
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Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.
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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”.

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

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

6 (2) *the integrity, security, and accountability of*
7 *the voting process must be vigilantly protected, main-*
8 *tained, and enhanced in order to protect and preserve*
9 *electoral and participatory democracy in the United*
10 *States.*

11 ***Subtitle A—Voter Registration***
12 ***Modernization***

13 ***SEC. 1000A. SHORT TITLE.***

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

16 ***PART 1—PROMOTING INTERNET REGISTRATION***

17 ***SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR***
18 ***VOTER REGISTRATION.***

19 (a) *REQUIRING AVAILABILITY OF INTERNET FOR REG-*
20 *ISTRATION.—The National Voter Registration Act of 1993*
21 *(52 U.S.C. 20501 et seq.) is amended by inserting after sec-*
22 *tion 6 the following new section:*

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

24 ***“(a) REQUIRING AVAILABILITY OF INTERNET FOR ON-***
25 ***LINE REGISTRATION.—***

1 “(1) *AVAILABILITY OF ONLINE REGISTRATION*
2 *AND CORRECTION OF EXISTING REGISTRATION INFOR-*
3 *MATION.—Each State, acting through the chief State*
4 *election official, shall ensure that the following serv-*
5 *ices are available to the public at any time on the of-*
6 *ficial public websites of the appropriate State and*
7 *local election officials in the State, in the same man-*
8 *ner and subject to the same terms and conditions as*
9 *the services provided by voter registration agencies*
10 *under section 7(a):*

11 “(A) *Online application for voter registra-*
12 *tion.*

13 “(B) *Online assistance to applicants in ap-*
14 *plying to register to vote.*

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

21 “(D) *Online receipt of completed voter reg-*
22 *istration applications.*

23 “(b) *ACCEPTANCE OF COMPLETED APPLICATIONS.—A*
24 *State shall accept an online voter registration application*

1 *provided by an individual under this section, and ensure*
2 *that the individual is registered to vote in the State, if—*

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

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

14 “(c) *SIGNATURE REQUIREMENTS.—*

15 “(1) *IN GENERAL.—For purposes of this section,*
16 *an individual meets the requirements of this sub-*
17 *section as follows:*

18 “(A) *In the case of an individual who has*
19 *a signature on file with a State agency, includ-*
20 *ing the State motor vehicle authority, that is re-*
21 *quired to provide voter registration services*
22 *under this Act or any other law, the individual*
23 *consents to the transfer of that electronic signa-*
24 *ture.*

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

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

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

16 “(A) permit the individual to complete all
17 other elements of the online voter registration ap-
18 plication;

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

24 “(C) if the individual carries out the steps
25 described in subparagraph (A) and subpara-

1 *graph (B), ensure that the individual is reg-*
2 *istered to vote in the State.*

3 “(3) NOTICE.—*The State shall ensure that indi-*
4 *viduals applying to register to vote online are notified*
5 *of the requirements of paragraph (1) and of the treat-*
6 *ment of individuals unable to meet such requirements,*
7 *as described in paragraph (2).*

8 “(d) CONFIRMATION AND DISPOSITION.—

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

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

23 “(3) METHOD OF NOTIFICATION.—*The appro-*
24 *priate State or local election official shall send the no-*
25 *tices required under this subsection by regular mail,*

1 *and, in the case of an individual who has provided*
2 *the official with an electronic mail address, by both*
3 *electronic mail and regular mail.*

4 “(e) *PROVISION OF SERVICES IN NONPARTISAN MAN-*
5 *NER.*—*The services made available under subsection (a)*
6 *shall be provided in a manner that ensures that, consistent*
7 *with section 7(a)(5)—*

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

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

16 “(f) *PROTECTION OF SECURITY OF INFORMATION.*—*In*
17 *meeting the requirements of this section, the State shall es-*
18 *tablish appropriate technological security measures to pre-*
19 *vent to the greatest extent practicable any unauthorized ac-*
20 *cess to information provided by individuals using the serv-*
21 *ices made available under subsection (a).*

22 “(g) *ACCESSIBILITY OF SERVICES.*—*A state shall en-*
23 *sure that the services made available under this section are*
24 *made available to individuals with disabilities to the same*

1 *extent as services are made available to all other individ-*
2 *uals.*

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

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

20 “(b) *SPECIAL REQUIREMENTS FOR INDIVIDUALS USING*
21 *ONLINE REGISTRATION.—*

22 “(1) *TREATMENT AS INDIVIDUALS REGISTERING*
23 *TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME*
24 *VOTER IDENTIFICATION REQUIREMENTS.—Section*
25 *303(b)(1)(A) of the Help America Vote Act of 2002*

1 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
2 “by mail” and inserting “by mail or online under
3 section 6A of the National Voter Registration Act of
4 1993”.

5 (2) *REQUIRING SIGNATURE FOR FIRST-TIME VOT-*
6 *ERS IN JURISDICTION.*—Section 303(b) of such Act
7 (52 U.S.C. 21083(b)) is amended—

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

10 (B) by inserting after paragraph (4) the fol-
11 lowing new paragraph:

12 “(5) *SIGNATURE REQUIREMENTS FOR FIRST-*
13 *TIME VOTERS USING ONLINE REGISTRATION.*—

14 “(A) *IN GENERAL.*—A State shall, in a uni-
15 form and nondiscriminatory manner, require an
16 individual to meet the requirements of subpara-
17 graph (B) if—

18 “(i) the individual registered to vote in
19 the State online under section 6A of the Na-
20 tional Voter Registration Act of 1993; and

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

24 “(B) *REQUIREMENTS.*—An individual
25 meets the requirements of this subparagraph if—

1 “(i) in the case of an individual who
2 votes in person, the individual provides the
3 appropriate State or local election official
4 with a handwritten signature; or

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

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

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

15 “(ii) provided the right to vote other-
16 wise than in person under section
17 3(b)(2)(B)(ii) of the Voting Accessibility for
18 the Elderly and Handicapped Act (52
19 U.S.C. 20102(b)(2)(B)(ii)); or

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

22 (3) *CONFORMING AMENDMENT RELATING TO EF-*
23 *FFECTIVE DATE.*—Section 303(d)(2)(A) of such Act (52
24 U.S.C. 21083(d)(2)(A)) is amended by striking “Each

1 *State” and inserting “Except as provided in sub-*
2 *section (b)(5), each State”.*

3 *(c) CONFORMING AMENDMENTS.—*

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

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

9 *(B) by redesignating subparagraph (D) as*
10 *subparagraph (E); and*

11 *(C) by inserting after subparagraph (C) the*
12 *following new subparagraph:*

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

22 *(2) INFORMING APPLICANTS OF ELIGIBILITY RE-*
23 *QUIREMENTS AND PENALTIES.—Section 8(a)(5) of*
24 *such Act (52 U.S.C. 20507(a)(5)) is amended by*
25 *striking “and 7” and inserting “6A, and 7”.*

1 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**
2 **INFORMATION.**

3 (a) *IN GENERAL.*—

4 (1) *UPDATES TO INFORMATION CONTAINED ON*
5 *COMPUTERIZED STATEWIDE VOTER REGISTRATION*
6 *LIST.*—*Section 303(a) of the Help America Vote Act*
7 *of 2002 (52 U.S.C. 21083(a)) is amended by adding*
8 *at the end the following new paragraph:*

9 “(6) *USE OF INTERNET BY REGISTERED VOTERS*
10 *TO UPDATE INFORMATION.*—

11 “(A) *IN GENERAL.*—*The appropriate State*
12 *or local election official shall ensure that any*
13 *registered voter on the computerized list may at*
14 *any time update the voter’s registration informa-*
15 *tion, including the voter’s address and electronic*
16 *mail address, online through the official public*
17 *website of the election official responsible for the*
18 *maintenance of the list, so long as the voter at-*
19 *tests to the contents of the update by providing*
20 *a signature in electronic form in the same man-*
21 *ner required under section 6A(c) of the National*
22 *Voter Registration Act of 1993.*

23 “(B) *PROCESSING OF UPDATED INFORMA-*
24 *TION BY ELECTION OFFICIALS.*—*If a registered*
25 *voter updates registration information under*

1 *subparagraph (A), the appropriate State or local*
2 *election official shall—*

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

6 “(ii) *if the updated registration infor-*
7 *mation affects the voter’s eligibility to vote*
8 *in an election for Federal office, ensure that*
9 *the information is processed with respect to*
10 *the election if the voter updates the informa-*
11 *tion not later than the lesser of 7 days, or*
12 *the period provided by State law, before the*
13 *date of the election.*

14 “(C) *CONFIRMATION AND DISPOSITION.—*

15 “(i) *CONFIRMATION OF RECEIPT.—*
16 *Upon the online submission of updated reg-*
17 *istration information by an individual*
18 *under this paragraph, the appropriate State*
19 *or local election official shall send the indi-*
20 *vidual a notice confirming the State’s re-*
21 *ceipt of the updated information and pro-*
22 *viding instructions on how the individual*
23 *may check the status of the update.*

24 “(ii) *NOTICE OF DISPOSITION.—Not*
25 *later than 7 days after the appropriate*

1 *State or local election official has accepted*
2 *or rejected updated information submitted*
3 *by an individual under this paragraph, the*
4 *official shall send the individual a notice of*
5 *the disposition of the update.*

6 “(iii) *METHOD OF NOTIFICATION.—*
7 *The appropriate State or local election offi-*
8 *cial shall send the notices required under*
9 *this subparagraph by regular mail, and, in*
10 *the case of an individual who has requested*
11 *that the State provide voter registration and*
12 *voting information through electronic mail,*
13 *by both electronic mail and regular mail.”.*

14 (2) *CONFORMING AMENDMENT RELATING TO EF-*
15 *FECTIVE DATE.—Section 303(d)(1)(A) of such Act (52*
16 *U.S.C. 21083(d)(1)(A)) is amended by striking “sub-*
17 *paragraph (B)” and inserting “subparagraph (B)*
18 *and subsection (a)(6)”.*

19 (b) *ABILITY OF REGISTRANT TO USE ONLINE UPDATE*
20 *TO PROVIDE INFORMATION ON RESIDENCE.—Section*
21 *8(d)(2)(A) of the National Voter Registration Act of 1993*
22 *(52 U.S.C. 20507(d)(2)(A)) is amended—*

23 (1) *in the first sentence, by inserting after “re-*
24 *turn the card” the following: “or update the reg-*
25 *istrant’s information on the computerized Statewide*

1 *voter registration list using the online method pro-*
2 *vided under section 303(a)(6) of the Help America*
3 *Vote Act of 2002”; and*

4 *(2) in the second sentence, by striking “re-*
5 *turned,” and inserting the following: “returned or if*
6 *the registrant does not update the registrant’s infor-*
7 *mation on the computerized Statewide voter registra-*
8 *tion list using such online method.”.*

9 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**
10 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
11 **ISTERED TO VOTE.**

12 *(a) INCLUDING OPTION ON VOTER REGISTRATION AP-*
13 *PLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE*
14 *INFORMATION.—*

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

18 *(A) by striking “and” at the end of para-*
19 *graph (3);*

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

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

24 *“(5) shall include a space for the applicant to*
25 *provide (at the applicant’s option) an electronic mail*

1 *address, together with a statement that, if the appli-*
2 *cant so requests, instead of using regular mail the ap-*
3 *propriate State and local election officials shall pro-*
4 *vide to the applicant, through electronic mail sent to*
5 *that address, the same voting information (as defined*
6 *in section 302(b)(2) of the Help America Vote Act of*
7 *2002) which the officials would provide to the appli-*
8 *cant through regular mail.”.*

9 *(2) PROHIBITING USE FOR PURPOSES UNRE-*
10 *LATED TO OFFICIAL DUTIES OF ELECTION OFFI-*
11 *CIALS.—Section 9 of such Act (52 U.S.C. 20508) is*
12 *amended by adding at the end the following new sub-*
13 *section:*

14 *“(c) PROHIBITING USE OF ELECTRONIC MAIL AD-*
15 *DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The*
16 *chief State election official shall ensure that any electronic*
17 *mail address provided by an applicant under subsection*
18 *(b)(5) is used only for purposes of carrying out official du-*
19 *ties of election officials and is not transmitted by any State*
20 *or local election official (or any agent of such an official,*
21 *including a contractor) to any person who does not require*
22 *the address to carry out such official duties and who is not*
23 *under the direct supervision and control of a State or local*
24 *election official.”.*

1 **(b) REQUIRING PROVISION OF INFORMATION BY ELEC-**
2 **TION OFFICIALS.**—*Section 302(b) of the Help America Vote*
3 *Act of 2002 (52 U.S.C. 21082(b)) is amended by adding*
4 *at the end the following new paragraph:*

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

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

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

22 **“(C) A description of any identification or**
23 **other information the individual may be re-**
24 **quired to present at the polling place.”.**

1 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**
2 **NECESSARY INFORMATION TO SHOW ELIGI-**
3 **BILITY TO VOTE.**

4 *Section 8 of the National Voter Registration Act of*
5 *1993 (52 U.S.C. 20507) is amended—*

6 *(1) by redesignating subsection (j) as subsection*
7 *(k); and*

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

10 *“(j) REQUIREMENT FOR STATE TO REGISTER APPLI-*
11 *CANTS PROVIDING NECESSARY INFORMATION TO SHOW*
12 *ELIGIBILITY TO VOTE.—For purposes meeting the require-*
13 *ment of subsection (a)(1) that an eligible applicant is reg-*
14 *istered to vote in an election for Federal office within the*
15 *deadlines required under such subsection, the State shall*
16 *consider an applicant to have provided a ‘valid voter reg-*
17 *istration form’ if—*

18 *“(1) the applicant has substantially completed*
19 *the application form and attested to the statement re-*
20 *quired by section 9(b)(2); and*

21 *“(2) in the case of an applicant who registers to*
22 *vote online in accordance with section 6A, the appli-*
23 *cant provides a signature in accordance with sub-*
24 *section (c) of such section.”.*

1 **SEC. 1005. EFFECTIVE DATE.**

2 (a) *IN GENERAL.*—*Except as provided in subsection*
3 *(b), the amendments made by this part (other than the*
4 *amendments made by section 1004) shall take effect Janu-*
5 *ary 1, 2020.*

6 (b) *WAIVER.*—*Subject to the approval of the Election*
7 *Assistance Commission, if a State certifies to the Election*
8 *Assistance Commission that the State will not meet the*
9 *deadline referred to in subsection (a) because of extraor-*
10 *dinary circumstances and includes in the certification the*
11 *reasons for the failure to meet the deadline, subsection (a)*
12 *shall apply to the State as if the reference in such subsection*
13 *to “January 1, 2020” were a reference to “January 1,*
14 *2022”.*

15 **PART 2—AUTOMATIC VOTER REGISTRATION**

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

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

19 (b) *FINDINGS AND PURPOSE.*—

20 (1) *FINDINGS.*—*Congress finds that—*

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

23 (B) *it is the responsibility of the State and*
24 *Federal Governments to ensure that every eligible*
25 *citizen is registered to vote;*

1 (C) existing voter registration systems can
2 be inaccurate, costly, inaccessible and confusing,
3 with damaging effects on voter participation in
4 elections and disproportionate impacts on young
5 people, persons with disabilities, and racial and
6 ethnic minorities; and

7 (D) voter registration systems must be up-
8 dated with 21st Century technologies and proce-
9 dures to maintain their security.

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

11 (A) to establish that it is the responsibility
12 of government at every level to ensure that all el-
13 igible citizens are registered to vote;

14 (B) to enable the State and Federal Govern-
15 ments to register all eligible citizens to vote with
16 accurate, cost-efficient, and up-to-date proce-
17 dures;

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

21 (D) to protect and enhance the integrity,
22 accuracy, efficiency, and accessibility of the elec-
23 toral process for all eligible citizens.

1 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**
2 **VIDUALS.**

3 (a) *REQUIRING STATES TO ESTABLISH AND OPERATE*
4 *AUTOMATIC REGISTRATION SYSTEM.—*

5 (1) *IN GENERAL.—The chief State election offi-*
6 *cial of each State shall establish and operate a system*
7 *of automatic registration for the registration of eligi-*
8 *ble individuals to vote for elections for Federal office*
9 *in the State, in accordance with the provisions of this*
10 *part.*

11 (2) *DEFINITION.—The term “automatic registra-*
12 *tion” means a system that registers an individual to*
13 *vote in elections for Federal office in a State, if eligi-*
14 *ble, by electronically transferring the information nec-*
15 *essary for registration from government agencies to*
16 *election officials of the State so that, unless the indi-*
17 *vidual affirmatively declines to be registered, the indi-*
18 *vidual will be registered to vote in such elections.*

19 (b) *REGISTRATION OF VOTERS BASED ON NEW AGEN-*
20 *CY RECORDS.—The chief State election official shall—*

21 (1) *not later than 15 days after a contributing*
22 *agency has transmitted information with respect to*
23 *an individual pursuant to section 1013, ensure that*
24 *the individual is registered to vote in elections for*
25 *Federal office in the State if the individual is eligible*
26 *to be registered to vote in such elections; and*

1 (2) *not later than 120 days after a contributing*
2 *agency has transmitted such information with respect*
3 *to the individual, send written notice to the indi-*
4 *vidual, in addition to other means of notice estab-*
5 *lished by this part, of the individual's voter registra-*
6 *tion status.*

7 (c) *ONE-TIME REGISTRATION OF VOTERS BASED ON*
8 *EXISTING CONTRIBUTING AGENCY RECORDS.—The chief*
9 *State election official shall—*

10 (1) *identify all individuals whose information is*
11 *transmitted by a contributing agency pursuant to sec-*
12 *tion 1014 and who are eligible to be, but are not cur-*
13 *rently, registered to vote in that State;*

14 (2) *promptly send each such individual written*
15 *notice, in addition to other means of notice estab-*
16 *lished by this part, which shall not identify the con-*
17 *tributing agency that transmitted the information but*
18 *shall include—*

19 (A) *an explanation that voter registration*
20 *is voluntary, but if the individual does not de-*
21 *cline registration, the individual will be reg-*
22 *istered to vote;*

23 (B) *a statement offering the opportunity to*
24 *decline voter registration through means con-*
25 *sistent with the requirements of this part;*

1 (C) in the case of a State in which affili-
2 ation or enrollment with a political party is re-
3 quired in order to participate in an election to
4 select the party's candidate in an election for
5 Federal office, a statement offering the indi-
6 vidual the opportunity to affiliate or enroll with
7 a political party or to decline to affiliate or en-
8 roll with a political party, through means con-
9 sistent with the requirements of this part;

10 (D) the substantive qualifications of an elec-
11 tor in the State as listed in the mail voter reg-
12 istration application form for elections for Fed-
13 eral office prescribed pursuant to section 9 of the
14 National Voter Registration Act of 1993, the con-
15 sequences of false registration, and a statement
16 that the individual should decline to register if
17 the individual does not meet all those qualifica-
18 tions;

19 (E) instructions for correcting any erro-
20 neous information; and

21 (F) instructions for providing any addi-
22 tional information which is listed in the mail
23 voter registration application form for elections
24 for Federal office prescribed pursuant to section
25 9 of the National Voter Registration Act of 1993;

1 (3) *ensure that each such individual who is eligi-*
2 *ble to register to vote in elections for Federal office in*
3 *the State is promptly registered to vote not later than*
4 *45 days after the official sends the individual the*
5 *written notice under paragraph (2), unless, during*
6 *the 30-day period which begins on the date the elec-*
7 *tion official sends the individual such written notice,*
8 *the individual declines registration in writing,*
9 *through a communication made over the Internet, or*
10 *by an officially-logged telephone communication; and*

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

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

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

1 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
2 **ISTRATION.**

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

7 (b) *REQUIREMENTS FOR CONTRIBUTING AGENCIES.*—

8 (1) *INSTRUCTIONS ON AUTOMATIC REGISTRA-*
9 *TION.*—*With each application for service or assist-*
10 *ance, and with each related recertification, renewal,*
11 *or change of address, or, in the case of an institution*
12 *of higher education, with each registration of a stu-*
13 *dent for enrollment in a course of study, each contrib-*
14 *uting agency that (in the normal course of its oper-*
15 *ations) requests individuals to affirm United States*
16 *citizenship (either directly or as part of the overall*
17 *application for service or assistance) shall inform*
18 *each such individual who is a citizen of the United*
19 *States of the following:*

20 (A) *Unless that individual declines to reg-*
21 *ister to vote, or is found ineligible to vote, the in-*
22 *dividual will be registered to vote or, if applica-*
23 *ble, the individual’s registration will be updated.*

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

1 *Federal office prescribed pursuant to section 9 of*
2 *the National Voter Registration Act of 1993, the*
3 *consequences of false registration, and the indi-*
4 *vidual should decline to register if the individual*
5 *does not meet all those qualifications.*

6 *(C) In the case of a State in which affili-*
7 *ation or enrollment with a political party is re-*
8 *quired in order to participate in an election to*
9 *select the party's candidate in an election for*
10 *Federal office, the requirement that the indi-*
11 *vidual must affiliate or enroll with a political*
12 *party in order to participate in such an election.*

13 *(D) Voter registration is voluntary, and*
14 *neither registering nor declining to register to*
15 *vote will in any way affect the availability of*
16 *services or benefits, nor be used for other pur-*
17 *poses.*

18 (2) *OPPORTUNITY TO DECLINE REGISTRATION*
19 *REQUIRED.—Each contributing agency shall ensure*
20 *that each application for service or assistance, and*
21 *each related recertification, renewal, or change of ad-*
22 *dress, or, in the case of an institution of higher edu-*
23 *cation, each registration of a student for enrollment*
24 *in a course of study, cannot be completed until the in-*

1 *dividual is given the opportunity to decline to be reg-*
2 *istered to vote.*

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

14 (A) *The individual's given name(s) and*
15 *surname(s).*

16 (B) *The individual's date of birth.*

17 (C) *The individual's residential address.*

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

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

23 (F) *If available, the individual's signature*
24 *in electronic form.*

1 (G) *Information regarding the individual's*
2 *affiliation or enrollment with a political party,*
3 *if the individual provides such information.*

4 (H) *Any additional information listed in*
5 *the mail voter registration application form for*
6 *elections for Federal office prescribed pursuant to*
7 *section 9 of the National Voter Registration Act*
8 *of 1993, including any valid driver's license*
9 *number or the last 4 digits of the individual's so-*
10 *cial security number, if the individual provided*
11 *such information.*

12 (c) *ALTERNATE PROCEDURE FOR CERTAIN CONTRIB-*
13 *UTING AGENCIES.—With each application for service or as-*
14 *sistance, and with each related recertification, renewal, or*
15 *change of address, any contributing agency that in the nor-*
16 *mal course of its operations does not request individuals*
17 *applying for service or assistance to affirm United States*
18 *citizenship (either directly or as part of the overall applica-*
19 *tion for service or assistance) shall—*

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

23 (2) *ensure that each applicant's transaction with*
24 *the agency cannot be completed until the applicant*
25 *has indicated whether the applicant wishes to register*

1 *to vote or declines to register to vote in elections for*
2 *Federal office held in the State; and*

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

6 *(d) REQUIRED AVAILABILITY OF AUTOMATIC REG-*
7 *ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR*
8 *SERVICE OR ASSISTANCE.—Each contributing agency shall*
9 *offer each individual, with each application for service or*
10 *assistance, and with each related recertification, renewal,*
11 *or change of address, or in the case of an institution of*
12 *higher education, with each registration of a student for en-*
13 *rollment in a course of study, the opportunity to register*
14 *to vote as prescribed by this section without regard to*
15 *whether the individual previously declined a registration*
16 *opportunity.*

17 *(e) CONTRIBUTING AGENCIES.—*

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

21 *(A) Each agency in a State that is required*
22 *by Federal law to provide voter registration serv-*
23 *ices, including the State motor vehicle authority*
24 *and other voter registration agencies under the*
25 *National Voter Registration Act of 1993.*

1 (B) *Each agency in a State that admin-*
2 *isters a program pursuant to title III of the So-*
3 *cial Security Act (42 U.S.C. 501 et seq.), title*
4 *XIX of the Social Security Act (42 U.S.C. 1396*
5 *et seq.), or the Patient Protection and Affordable*
6 *Care Act (Public Law 111–148).*

7 (C) *Each State agency primarily respon-*
8 *sible for regulating the private possession of fire-*
9 *arms.*

10 (D) *Each State agency primarily respon-*
11 *sible for maintaining identifying information for*
12 *students enrolled at public secondary schools, in-*
13 *cluding, where applicable, the State agency re-*
14 *sponsible for maintaining the education data*
15 *system described in section 6201(e)(2) of the*
16 *America COMPETES Act (20 U.S.C.*
17 *9871(e)(2)).*

18 (E) *In the case of a State in which an indi-*
19 *vidual disenfranchised by a criminal conviction*
20 *may become eligible to vote upon completion of*
21 *a criminal sentence or any part thereof, or upon*
22 *formal restoration of rights, the State agency re-*
23 *sponsible for administering that sentence, or part*
24 *thereof, or that restoration of rights.*

1 (F) Any other agency of the State which is
2 designated by the State as a contributing agency.

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

8 (A) The Social Security Administration, the
9 Department of Veterans Affairs, the Defense
10 Manpower Data Center of the Department of De-
11 fense, the Employee and Training Administra-
12 tion of the Department of Labor, and the Center
13 for Medicare & Medicaid Services of the Depart-
14 ment of Health and Human Services.

15 (B) The Bureau of Citizenship and Immig-
16 ration Services, but only with respect to indi-
17 viduals who have completed the naturalization
18 process.

19 (C) In the case of an individual who is a
20 resident of a State in which an individual
21 disenfranchised by a criminal conviction under
22 Federal law may become eligible to vote upon
23 completion of a criminal sentence or any part
24 thereof, or upon formal restoration of rights, the
25 Federal agency responsible for administering

1 *that sentence or part thereof (without regard to*
2 *whether the agency is located in the same State*
3 *in which the individual is a resident), but only*
4 *with respect to individuals who have completed*
5 *the criminal sentence or any part thereof.*

6 *(D) Any other agency of the Federal govern-*
7 *ment which the State designates as a contrib-*
8 *uting agency, but only if the State and the head*
9 *of the agency determine that the agency collects*
10 *information sufficient to carry out the respon-*
11 *sibilities of a contributing agency under this sec-*
12 *tion.*

13 (3) *SPECIAL RULE FOR INSTITUTIONS OF HIGH-*
14 *ER EDUCATION.—*

15 (A) *SPECIAL RULE.—For purposes of this*
16 *part, each institution of higher education de-*
17 *scribed in subparagraph (B) shall be treated as*
18 *a contributing agency in the State in which it*
19 *is located, except that—*

20 (i) *the institution shall be treated as a*
21 *contributing agency only if, in its normal*
22 *course of operations, the institution requests*
23 *each student registering for enrollment in a*
24 *course of study, including enrollment in a*
25 *program of distance education, as defined*

1 *in section 103(7) of the Higher Education*
2 *Act of 1965 (20 U.S.C. 1003(7)), to affirm*
3 *whether or not the student is a United*
4 *States citizen; and*

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

14 *(B) INSTITUTIONS DESCRIBED.—An institu-*
15 *tion described in this subparagraph is an insti-*
16 *tution of higher education which has a program*
17 *participation agreement in effect with the Sec-*
18 *retary of Education under section 487 of the*
19 *Higher Education Act of 1965 (20 U.S.C. 1094)*
20 *and which is located in a State to which section*
21 *4(b) of the National Voter Registration Act of*
22 *1993 (52 U.S.C. 20503(b)) does not apply.*

23 *(4) PUBLICATION.—Not later than 180 days*
24 *prior to the date of each election for Federal office*
25 *held in the State, the chief State election official shall*

1 *publish on the public website of the official an up-*
2 *dated list of all contributing agencies in that State.*

3 (5) *PUBLIC EDUCATION.*—*The chief State elec-*
4 *tion official of each State, in collaboration with each*
5 *contributing agency, shall take appropriate measures*
6 *to educate the public about voter registration under*
7 *this section.*

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

11 (a) *INITIAL TRANSMITTAL OF INFORMATION.*—*For*
12 *each individual already listed in a contributing agency's*
13 *records as of the date of enactment of this Act, and for whom*
14 *the agency has the information listed in section 1013(b)(3),*
15 *the agency shall promptly transmit that information to the*
16 *appropriate State election official in accordance with sec-*
17 *tion 1013(b)(3) not later than the effective date described*
18 *in section 1011(a).*

19 (b) *TRANSITION.*—*For each individual listed in a con-*
20 *tributing agency's records as of the effective date described*
21 *in section 1011(a) (but who was not listed in a contributing*
22 *agency's records as of the date of enactment of this Act),*
23 *and for whom the agency has the information listed in sec-*
24 *tion 1013(b)(3), the Agency shall promptly transmit that*
25 *information to the appropriate State election official in ac-*

1 *cordance with section 1013(b)(3) not later than 6 months*
2 *after the effective date described in section 1011(a).*

3 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**
4 **MATIC REGISTRATION.**

5 (a) *PROTECTIONS FOR ERRORS IN REGISTRATION.—*
6 *An individual shall not be prosecuted under any Federal*
7 *or State law, adversely affected in any civil adjudication*
8 *concerning immigration status or naturalization, or subject*
9 *to an allegation in any legal proceeding that the individual*
10 *is not a citizen of the United States on any of the following*
11 *grounds:*

12 (1) *The individual notified an election office of*
13 *the individual's automatic registration to vote under*
14 *this part.*

15 (2) *The individual is not eligible to vote in elec-*
16 *tions for Federal office but was automatically reg-*
17 *istered to vote under this part.*

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

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

24 (b) *LIMITS ON USE OF AUTOMATIC REGISTRATION.—*
25 *The automatic registration of any individual or the fact*

1 *that an individual declined the opportunity to register to*
2 *vote or did not make an affirmation of citizenship (includ-*
3 *ing through automatic registration) under this part may*
4 *not be used as evidence against that individual in any State*
5 *or Federal law enforcement proceeding, and an individual's*
6 *lack of knowledge or willfulness of such registration may*
7 *be demonstrated by the individual's testimony alone.*

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

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

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

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

21 *(1) An individual's decision to decline to register*
22 *to vote or not to register to vote.*

23 *(2) An individual's decision not to affirm his or*
24 *her citizenship.*

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

4 (e) *ELECTION OFFICIALS' PROTECTION OF INFORMA-*
5 *TION.—*

6 (1) *PUBLIC DISCLOSURE PROHIBITED.—*

7 (A) *IN GENERAL.—Subject to subparagraph*
8 *(B), with respect to any individual for whom*
9 *any State election official receives information*
10 *from a contributing agency, the State election of-*
11 *ficials shall not publicly disclose any of the fol-*
12 *lowing:*

13 (i) *The identity of the contributing*
14 *agency.*

15 (ii) *Any information not necessary to*
16 *voter registration.*

17 (iii) *Any voter information otherwise*
18 *shielded from disclosure under State law or*
19 *section 8(a) of the National Voter Registra-*
20 *tion Act of 1993 (52 U.S.C. 20507(a)).*

21 (iv) *Any portion of the individual's so-*
22 *cial security number.*

23 (v) *Any portion of the individual's*
24 *motor vehicle driver's license number.*

25 (vi) *The individual's signature.*

1 (vii) *The individual's telephone num-*
2 *ber.*

3 (viii) *The individual's email address.*

4 (B) *SPECIAL RULE FOR INDIVIDUALS REG-*
5 *ISTERED TO VOTE.—With respect to any indi-*
6 *vidual for whom any State election official re-*
7 *ceives information from a contributing agency*
8 *and who, on the basis of such information, is*
9 *registered to vote in the State under this part,*
10 *the State election officials shall not publicly dis-*
11 *close any of the following:*

12 (i) *The identity of the contributing*
13 *agency.*

14 (ii) *Any information not necessary to*
15 *voter registration.*

16 (iii) *Any voter information otherwise*
17 *shielded from disclosure under State law or*
18 *section 8(a) of the National Voter Registra-*
19 *tion Act of 1993 (52 U.S.C. 20507(a)).*

20 (iv) *Any portion of the individual's so-*
21 *cial security number.*

22 (v) *Any portion of the individual's*
23 *motor vehicle driver's license number.*

24 (vi) *The individual's signature.*

1 (2) *VOTER RECORD CHANGES.*—*Each State shall*
2 *maintain for at least 2 years and shall make avail-*
3 *able for public inspection (and, where available,*
4 *photocopying at a reasonable cost), including in elec-*
5 *tronic form and through electronic methods, all*
6 *records of changes to voter records, including remov-*
7 *als, the reasons for removals, and updates.*

8 (3) *DATABASE MANAGEMENT STANDARDS.*—*The*
9 *Director of the National Institute of Standards and*
10 *Technology shall, after providing the public with no-*
11 *tice and the opportunity to comment—*

12 (A) *establish standards governing the com-*
13 *parison of data for voter registration list mainte-*
14 *nance purposes, identifying as part of such*
15 *standards the specific data elements, the match-*
16 *ing rules used, and how a State may use the*
17 *data to determine and deem that an individual*
18 *is ineligible under State law to vote in an elec-*
19 *tion, or to deem a record to be a duplicate or*
20 *outdated;*

21 (B) *ensure that the standards developed*
22 *pursuant to this paragraph are uniform and*
23 *nondiscriminatory and are applied in a uniform*
24 *and nondiscriminatory manner; and*

1 (C) not later than 45 days after the dead-
2 line for public notice and comment, publish the
3 standards developed pursuant to this paragraph
4 on the Director's website and make those stand-
5 ards available in written form upon request.

6 (4) SECURITY POLICY.—The Director of the Na-
7 tional Institute of Standards and Technology shall,
8 after providing the public with notice and the oppor-
9 tunity to comment, publish privacy and security
10 standards for voter registration information not later
11 than 45 days after the deadline for public notice and
12 comment. The standards shall require the chief State
13 election official of each State to adopt a policy that
14 shall specify—

15 (A) each class of users who shall have au-
16 thorized access to the computerized statewide
17 voter registration list, specifying for each class
18 the permission and levels of access to be granted,
19 and setting forth other safeguards to protect the
20 privacy, security, and accuracy of the informa-
21 tion on the list; and

22 (B) security safeguards to protect personal
23 information transmitted through the information
24 transmittal processes of section 1013 or section
25 1014, the online system used pursuant to section

1 1017, any telephone interface, the maintenance
2 of the voter registration database, and any audit
3 procedure to track access to the system.

4 (5) *STATE COMPLIANCE WITH NATIONAL STAND-*
5 *ARDS.—*

6 (A) *CERTIFICATION.—The chief executive of-*
7 *ficer of the State shall annually file with the*
8 *Election Assistance Commission a statement cer-*
9 *tifying to the Director of the National Institute*
10 *of Standards and Technology that the State is in*
11 *compliance with the standards referred to in*
12 *paragraphs (3) and (4). A State may meet the*
13 *requirement of the previous sentence by filing*
14 *with the Commission a statement which reads as*
15 *follows: “_____ hereby certifies that it is*
16 *in compliance with the standards referred to in*
17 *paragraphs (3) and (4) of section 1015(e) of the*
18 *Automatic Voter Registration Act of 2019.”*
19 *(with the blank to be filled in with the name of*
20 *the State involved).*

21 (B) *PUBLICATION OF POLICIES AND PROCE-*
22 *DURES.—The chief State election official of a*
23 *State shall publish on the official’s website the*
24 *policies and procedures established under this*
25 *section, and shall make those policies and proce-*

1 *dures available in written form upon public re-*
2 *quest.*

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

8 (D) *COMPLIANCE OF STATES THAT REQUIRE*
9 *CHANGES TO STATE LAW.—In the case of a State*
10 *that requires State legislation to carry out an*
11 *activity covered by any certification submitted*
12 *under this paragraph, for a period of not more*
13 *than 2 years the State shall be permitted to*
14 *make the certification notwithstanding that the*
15 *legislation has not been enacted at the time the*
16 *certification is submitted, and such State shall*
17 *submit an additional certification once such leg-*
18 *islation is enacted.*

19 (f) *RESTRICTIONS ON USE OF INFORMATION.—No per-*
20 *son acting under color of law may discriminate against any*
21 *individual based on, or use for any purpose other than voter*
22 *registration, election administration, or enforcement relat-*
23 *ing to election crimes, any of the following:*

24 (1) *Voter registration records.*

1 (2) *An individual's declination to register to vote*
2 *or complete an affirmation of citizenship under sec-*
3 *tion 1013(b).*

4 (3) *An individual's voter registration status.*

5 (g) *PROHIBITION ON THE USE OF VOTER REGISTRA-*
6 *TION INFORMATION FOR COMMERCIAL PURPOSES.—Infor-*
7 *mation collected under this part shall not be used for com-*
8 *mercial purposes. Nothing in this subsection may be con-*
9 *strued to prohibit the transmission, exchange, or dissemina-*
10 *tion of information for political purposes, including the*
11 *support of campaigns for election for Federal, State, or local*
12 *public office or the activities of political committees (includ-*
13 *ing committees of political parties) under the Federal Elec-*
14 *tion Campaign Act of 1971.*

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

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

24 (1) *update the individual's address for purposes*
25 *of the records of the election official;*

1 (2) *correct any incorrect information relating to*
2 *the individual, including the individual's name and*
3 *political party affiliation, in the records of the elec-*
4 *tion official; and*

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

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

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

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

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

1 *the Commission, at such time and in such form as the Com-*
2 *mission may require, an application containing—*

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

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

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

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

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

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

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

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

10 (d) *AUTHORIZATION OF APPROPRIATIONS.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (c) *NONPARTISAN, NONDISCRIMINATORY PROVISION OF*
23 *SERVICES.—The services made available by contributing*
24 *agencies under this part and by the State under sections*
25 *1006 and 1007 shall be made in a manner consistent with*

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

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

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

15 (f) *RELATION TO OTHER LAWS.*—Except as provided,
16 nothing in this part may be construed to authorize or re-
17 quire conduct prohibited under, or to supersede, restrict, or
18 limit the application of any of the following:

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

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

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

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

3 **SEC. 1020. DEFINITIONS.**

4 *In this part, the following definitions apply:*

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

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

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

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

3 **SEC. 1021. EFFECTIVE DATE.**

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

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

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

16 **SEC. 1031. SAME DAY REGISTRATION.**

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

19 (1) *by redesignating sections 304 and 305 as sec-*
20 *tions 305 and 306; and*

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

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

24 **“(a) IN GENERAL.—**

1 “(1) *REGISTRATION.*—*Notwithstanding section*
2 *8(a)(1)(D) of the National Voter Registration Act of*
3 *1993 (52 U.S.C. 20507(a)(1)(D)), each State shall*
4 *permit any eligible individual on the day of a Fed-*
5 *eral election and on any day when voting, including*
6 *early voting, is permitted for a Federal election—*

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

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

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

21 “(b) *ELIGIBLE INDIVIDUAL.*—*For purposes of this sec-*
22 *tion, the term ‘eligible individual’ means, with respect to*
23 *any election for Federal office, an individual who is other-*
24 *wise qualified to vote in that election.*

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

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

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

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

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

“Sec. 304. Same day registration.”.

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

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

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

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

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

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

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

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

20 “(C) *In this paragraph—*

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

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

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

13 (c) *CONFORMING AMENDMENT.*—Subparagraph (D) of
14 section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)), as reded-
15 ignated by subsection (a)(1), is amended by striking “Sub-
16 paragraph (A)” and inserting “This paragraph”.

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

1 **PART 5—OTHER INITIATIVES TO PROMOTE**
2 **VOTER REGISTRATION**

3 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**
4 **STATISTICS.**

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

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

11 (2) *The number of voter registration application*
12 *forms completed by individuals that were transmitted*
13 *by motor vehicle authorities in the State (pursuant to*
14 *section 5(d) of the National Voter Registration Act of*
15 *1993) and voter registration agencies in the State (as*
16 *designated under section 7 of such Act) to the chief*
17 *State election official of the State, broken down by*
18 *each such authority and agency.*

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

25 (4) *The number of change of address forms and*
26 *other forms of information indicating that an indi-*

1 *vidual's identifying information has been changed*
2 *that were transmitted by such motor vehicle authori-*
3 *ties and voter registration agencies to the chief State*
4 *election official of the State, broken down by each*
5 *such authority and agency and the type of form*
6 *transmitted.*

7 *(5) The number of individuals on the Statewide*
8 *computerized voter registration list (as established*
9 *and maintained under section 303 of the Help Amer-*
10 *ica Vote Act of 2002) whose voter registration infor-*
11 *mation was revised by the chief State election official*
12 *as a result of the forms transmitted to the official by*
13 *such motor vehicle authorities and voter registration*
14 *agencies (as described in paragraph (3)), broken down*
15 *by each such authority and agency and the type of*
16 *form transmitted.*

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

22 *(b) BREAKDOWN OF INFORMATION BY RACE AND ETH-*
23 *NICITY OF INDIVIDUALS.—In preparing the report under*
24 *this section, the State shall, for each category of information*
25 *described in subsection (a), include a breakdown by race*

1 *and ethnicity of the individuals whose information is in-*
2 *cluded in the category, to the extent that information on*
3 *the race and ethnicity of such individuals is available to*
4 *the State.*

5 (c) *CONFIDENTIALITY OF INFORMATION.—In pre-*
6 *paring and submitting a report under this section, the chief*
7 *State election official shall ensure that no information re-*
8 *garding the identification of any individual is revealed.*

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

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

19 **PAYMENTS**

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

21 **UNDER HAVA TO COVER COSTS OF COMPLI-**
22 **ANCE WITH NEW REQUIREMENTS.**

23 (a) *IN GENERAL.—Section 251(b) of the Help America*
24 *Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—*

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

3 (2) *by adding at the end the following new para-*
4 *graph:*

5 “(4) *CERTAIN VOTER REGISTRATION ACTIV-*
6 *TIES.—A State may use a requirements payment to*
7 *carry out any of the requirements of the Voter Reg-*
8 *istration Modernization Act of 2019, including the re-*
9 *quirements of the National Voter Registration Act of*
10 *1993 which are imposed pursuant to the amendments*
11 *made to such Act by the Voter Registration Mod-*
12 *ernization Act of 2019.”.*

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

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

19 **PART 7—PROHIBITING INTERFERENCE WITH**
20 **VOTER REGISTRATION**

21 **SEC. 1071. [RESERVED].**

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

23 (a) *BEST PRACTICES.—Not later than 180 days after*
24 *the date of the enactment of this Act, the Election Assistance*
25 *Commission shall develop and publish recommendations for*

1 *best practices for States to use to deter and prevent viola-*
2 *tions of section 612 of title 18, United States Code (as added*
3 *by section 1071), and section 12 of the National Voter Reg-*
4 *istration Act of 1993 (52 U.S.C. 20511) (relating to the un-*
5 *lawful interference with registering to vote, or voting, or*
6 *attempting to register to vote or vote), including practices*
7 *to provide for the posting of relevant information at polling*
8 *places and voter registration agencies under such Act, the*
9 *training of poll workers and election officials, and relevant*
10 *educational materials. For purposes of this subsection, the*
11 *term “State” includes the District of Columbia, the Com-*
12 *monwealth of Puerto Rico, Guam, American Samoa, the*
13 *United States Virgin Islands, and the Commonwealth of the*
14 *Northern Mariana Islands.*

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

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

20 (2) *by striking the period at the end of subpara-*
21 *graph (F) and inserting “; and”; and*

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

24 “(G) *information relating to the prohibi-*
25 *tions of section 612 of title 18, United States*

1 Code, and section 12 of the National Voter Reg-
2 istration Act of 1993 (52 U.S.C. 20511) (relating
3 to the unlawful interference with registering to
4 vote, or voting, or attempting to register to vote
5 or vote), including information on how individ-
6 uals may report allegations of violations of such
7 prohibitions.”.

8 ***Subtitle B—Access to Voting for***
9 ***Individuals With Disabilities***

10 ***SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-***
11 ***CESS TO VOTER REGISTRATION AND VOTING***
12 ***FOR INDIVIDUALS WITH DISABILITIES.***

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

16 *(1) by redesignating sections 305 and 306 as sec-*
17 *tions 306 and 307; and*

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

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

22 ***“(a) TREATMENT OF APPLICATIONS AND BALLOTS.—***
23 ***Each State shall—***

1 “(1) permit individuals with disabilities to use
2 absentee registration procedures and to vote by absen-
3 tee ballot in elections for Federal office;

4 “(2) accept and process, with respect to any elec-
5 tion for Federal office, any otherwise valid voter reg-
6 istration application and absentee ballot application
7 from an individual with a disability if the applica-
8 tion is received by the appropriate State election offi-
9 cial within the deadline for the election which is ap-
10 plicable under Federal law;

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

14 “(A) for individuals with disabilities to re-
15 quest by mail and electronically voter registra-
16 tion applications and absentee ballot applica-
17 tions with respect to elections for Federal office
18 in accordance with subsection (c);

19 “(B) for States to send by mail and elec-
20 tronically (in accordance with the preferred
21 method of transmission designated by the indi-
22 vidual under subparagraph (C)) voter registra-
23 tion applications and absentee ballot applica-
24 tions requested under subparagraph (A) in ac-
25 cordance with subsection (c); and

1 “(C) by which such an individual can des-
2 ignate whether the individual prefers that such
3 voter registration application or absentee ballot
4 application be transmitted by mail or electroni-
5 cally;

6 “(4) in addition to any other method of trans-
7 mitting blank absentee ballots in the State, establish
8 procedures for transmitting by mail and electroni-
9 cally blank absentee ballots to individuals with dis-
10 abilities with respect to elections for Federal office in
11 accordance with subsection (d);

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

14 “(A) except as provided in subsection (e), in
15 the case in which the request is received at least
16 45 days before an election for Federal office, not
17 later than 45 days before the election; and

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

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

22 “(ii) if practicable and as determined
23 appropriate by the State, in a manner that
24 expedites the transmission of such absentee
25 ballot; and

1 “(6) if the State declares or otherwise holds a
2 runoff election for Federal office, establish a written
3 plan that provides absentee ballots are made available
4 to individuals with disabilities in a manner that
5 gives them sufficient time to vote in the runoff elec-
6 tion.

7 “(b) *DESIGNATION OF SINGLE STATE OFFICE TO PRO-*
8 *VIDE INFORMATION ON REGISTRATION AND ABSENTEE BAL-*
9 *LOT PROCEDURES FOR ALL DISABLED VOTERS IN*
10 *STATE.—Each State shall designate a single office which*
11 *shall be responsible for providing information regarding*
12 *voter registration procedures and absentee ballot procedures*
13 *to be used by individuals with disabilities with respect to*
14 *elections for Federal office to all individuals with disabil-*
15 *ities who wish to register to vote or vote in any jurisdiction*
16 *in the State.*

17 “(c) *DESIGNATION OF MEANS OF ELECTRONIC COM-*
18 *MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO RE-*
19 *QUEST AND FOR STATES TO SEND VOTER REGISTRATION*
20 *APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND*
21 *FOR OTHER PURPOSES RELATED TO VOTING INFORMA-*
22 *TION.—*

23 “(1) *IN GENERAL.—Each State shall, in addi-*
24 *tion to the designation of a single State office under*

1 *subsection (b), designate not less than 1 means of elec-*
2 *tronic communication—*

3 *“(A) for use by individuals with disabilities*
4 *who wish to register to vote or vote in any juris-*
5 *isdiction in the State to request voter registration*
6 *applications and absentee ballot applications*
7 *under subsection (a)(3);*

8 *“(B) for use by States to send voter reg-*
9 *istration applications and absentee ballot appli-*
10 *cations requested under such subsection; and*

11 *“(C) for the purpose of providing related*
12 *voting, balloting, and election information to in-*
13 *dividuals with disabilities.*

14 *“(2) CLARIFICATION REGARDING PROVISION OF*
15 *MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—*
16 *A State may, in addition to the means of electronic*
17 *communication so designated, provide multiple means*
18 *of electronic communication to individuals with dis-*
19 *abilities, including a means of electronic communica-*
20 *tion for the appropriate jurisdiction of the State.*

21 *“(3) INCLUSION OF DESIGNATED MEANS OF*
22 *ELECTRONIC COMMUNICATION WITH INFORMATIONAL*
23 *AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY*
24 *BALLOTING MATERIALS.—Each State shall include a*
25 *means of electronic communication so designated with*

1 *all informational and instructional materials that ac-*
2 *company balloting materials sent by the State to in-*
3 *dividuals with disabilities.*

4 *“(4) TRANSMISSION IF NO PREFERENCE INDI-*
5 *CATED.—In the case where an individual with a dis-*
6 *ability does not designate a preference under sub-*
7 *section (a)(3)(C), the State shall transmit the voter*
8 *registration application or absentee ballot application*
9 *by any delivery method allowable in accordance with*
10 *applicable State law, or if there is no applicable State*
11 *law, by mail.*

12 *“(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS*
13 *BY MAIL AND ELECTRONICALLY.—*

14 *“(1) IN GENERAL.—Each State shall establish*
15 *procedures—*

16 *“(A) to securely transmit blank absentee*
17 *ballots by mail and electronically (in accordance*
18 *with the preferred method of transmission des-*
19 *ignated by the individual with a disability*
20 *under subparagraph (B)) to individuals with*
21 *disabilities for an election for Federal office; and*

22 *“(B) by which the individual with a dis-*
23 *ability can designate whether the individual pre-*
24 *fers that such blank absentee ballot be trans-*
25 *mitted by mail or electronically.*

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

8 “(3) *APPLICATION OF METHODS TO TRACK DE-*
9 *LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL*
10 *REQUESTING BALLOT.—Under the procedures estab-*
11 *lished under paragraph (1), the State shall apply*
12 *such methods as the State considers appropriate, such*
13 *as assigning a unique identifier to the ballot, to en-*
14 *sure that if an individual with a disability requests*
15 *the State to transmit a blank absentee ballot to the*
16 *individual in accordance with this subsection, the*
17 *voted absentee ballot which is returned by the indi-*
18 *vidual is the same blank absentee ballot which the*
19 *State transmitted to the individual.*

20 “(e) *HARDSHIP EXEMPTION.—*

21 “(1) *IN GENERAL.—If the chief State election of-*
22 *ficial determines that the State is unable to meet the*
23 *requirement under subsection (a)(5)(A) with respect*
24 *to an election for Federal office due to an undue*
25 *hardship described in paragraph (2)(B), the chief*

1 *State election official shall request that the Attorney*
2 *General grant a waiver to the State of the application*
3 *of such subsection. Such request shall include—*

4 “(A) *a recognition that the purpose of such*
5 *subsection is to individuals with disabilities*
6 *enough time to vote in an election for Federal of-*
7 *fice;*

8 “(B) *an explanation of the hardship that*
9 *indicates why the State is unable to transmit*
10 *such individuals an absentee ballot in accord-*
11 *ance with such subsection;*

12 “(C) *the number of days prior to the elec-*
13 *tion for Federal office that the State requires ab-*
14 *sentee ballots be transmitted to such individuals;*
15 *and*

16 “(D) *a comprehensive plan to ensure that*
17 *such individuals are able to receive absentee bal-*
18 *lots which they have requested and submit*
19 *marked absentee ballots to the appropriate State*
20 *election official in time to have that ballot count-*
21 *ed in the election for Federal office, which in-*
22 *cludes—*

23 “(i) *the steps the State will undertake*
24 *to ensure that such individuals have time to*
25 *receive, mark, and submit their ballots in*

1 *time to have those ballots counted in the*
2 *election;*

3 “(ii) *why the plan provides such indi-*
4 *viduals sufficient time to vote as a sub-*
5 *stitute for the requirements under such sub-*
6 *section; and*

7 “(iii) *the underlying factual informa-*
8 *tion which explains how the plan provides*
9 *such sufficient time to vote as a substitute*
10 *for such requirements.*

11 “(2) *APPROVAL OF WAIVER REQUEST.—The At-*
12 *torney General shall approve a waiver request under*
13 *paragraph (1) if the Attorney General determines*
14 *each of the following requirements are met:*

15 “(A) *The comprehensive plan under sub-*
16 *paragraph (D) of such paragraph provides indi-*
17 *viduals with disabilities sufficient time to receive*
18 *absentee ballots they have requested and submit*
19 *marked absentee ballots to the appropriate State*
20 *election official in time to have that ballot count-*
21 *ed in the election for Federal office.*

22 “(B) *One or more of the following issues*
23 *creates an undue hardship for the State:*

1 “(i) *The State’s primary election date*
2 *prohibits the State from complying with*
3 *subsection (a)(5)(A).*

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

6 “(iii) *The State Constitution prohibits*
7 *the State from complying with such sub-*
8 *section.*

9 “(3) *TIMING OF WAIVER.—*

10 “(A) *IN GENERAL.—Except as provided*
11 *under subparagraph (B), a State that requests a*
12 *waiver under paragraph (1) shall submit to the*
13 *Attorney General the written waiver request not*
14 *later than 90 days before the election for Federal*
15 *office with respect to which the request is sub-*
16 *mitted. The Attorney General shall approve or*
17 *deny the waiver request not later than 65 days*
18 *before such election.*

19 “(B) *EXCEPTION.—If a State requests a*
20 *waiver under paragraph (1) as the result of an*
21 *undue hardship described in paragraph*
22 *(2)(B)(ii), the State shall submit to the Attorney*
23 *General the written waiver request as soon as*
24 *practicable. The Attorney General shall approve*
25 *or deny the waiver request not later than 5 busi-*

1 *ness days after the date on which the request is*
2 *received.*

3 “(4) *APPLICATION OF WAIVER.*—*A waiver ap-*
4 *proved under paragraph (2) shall only apply with re-*
5 *spect to the election for Federal office for which the*
6 *request was submitted. For each subsequent election*
7 *for Federal office, the Attorney General shall only ap-*
8 *prove a waiver if the State has submitted a request*
9 *under paragraph (1) with respect to such election.*

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

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

18 “(h) *EFFECTIVE DATE.*—*This section shall apply with*
19 *respect to elections for Federal office held on or after Janu-*
20 *ary 1, 2020.”.*

21 (b) *CONFORMING AMENDMENT RELATING TO*
22 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-*
23 *ANCE COMMISSION.*—*Section 311(b) of such Act (52 U.S.C.*
24 *21101(b)) is amended—*

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

2 (2);

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

5 (3) *by adding at the end the following new para-*
6 *graph:*

7 “(4) *in the case of the recommendations with re-*
8 *spect to section 305, January 1, 2020.”.*

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

11 (1) *by redesignating the items relating to sec-*
12 *tions 305 and 306 as relating to sections 306 and*
13 *307; and*

14 (2) *by inserting after the item relating to section*
15 *304 the following new item:*

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

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

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

23 “(1) *making absentee voting and voting at home*
24 *accessible to individuals with the full range of disabil-*

1 *ities (including impairments involving vision, hear-*
2 *ing, mobility, or dexterity) through the implementa-*
3 *tion of accessible absentee voting systems that work in*
4 *conjunction with assistive technologies for which indi-*
5 *viduals have access at their homes, independent living*
6 *centers, or other facilities;*

7 *“(2) making polling places, including the path of*
8 *travel, entrances, exits, and voting areas of each poll-*
9 *ing facility, accessible to individuals with disabilities,*
10 *including the blind and visually impaired, in a man-*
11 *ner that provides the same opportunity for access and*
12 *participation (including privacy and independence)*
13 *as for other voters; and*

14 *“(3) providing solutions to problems of access to*
15 *voting and elections for individuals with disabilities*
16 *that are universally designed and provide the same*
17 *opportunities for individuals with and without dis-*
18 *abilities.”.*

19 *(b) REAUTHORIZATION.—Section 264(a) of such Act*
20 *(52 U.S.C. 21024(a)) is amended by adding at the end the*
21 *following new paragraph:*

22 *“(4) For fiscal year 2020 and each succeeding*
23 *fiscal year, such sums as may be necessary to carry*
24 *out this part.”.*

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

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

6 (2) *by adding at the end the following new sub-*
7 *section:*

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

9 “(1) *DEADLINE FOR OBLIGATION AND EXPENDI-*
10 *TURE.—In the case of any amounts appropriated*
11 *pursuant to the authority of subsection (a) for a pay-*
12 *ment to a State or unit of local government for fiscal*
13 *year 2020 or any succeeding fiscal year, any portion*
14 *of such amounts which have not been obligated or ex-*
15 *pended by the State or unit of local government prior*
16 *to the expiration of the 4-year period which begins on*
17 *the date the State or unit of local government first re-*
18 *ceived the amounts shall be transferred to the Com-*
19 *mission.*

20 “(2) *REALLOCATION OF TRANSFERRED*
21 *AMOUNTS.—*

22 “(A) *IN GENERAL.—The Commission shall*
23 *use the amounts transferred under paragraph (1)*
24 *to make payments on a pro rata basis to each*
25 *covered payment recipient described in subpara-*

1 *graph (B), which may obligate and expend such*
2 *payment for the purposes described in section*
3 *261(b) during the 1-year period which begins on*
4 *the date of receipt.*

5 “(B) COVERED PAYMENT RECIPIENTS DE-
6 SCRIBED.—In subparagraph (A), a ‘covered pay-
7 ment recipient’ is a State or unit of local govern-
8 ment with respect to which—

9 “(i) amounts were appropriated pursu-
10 ant to the authority of subsection (a); and

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

13 ***Subtitle C—Prohibiting Voter***
14 ***Caging***

15 ***SEC. 1201. [RESERVED].***

16 ***SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRAC-***
17 ***TICES FOR PREVENTING VOTER CAGING.***

18 *(a) BEST PRACTICES.—Not later than 180 days after*
19 *the date of the enactment of this Act, the Election Assistance*
20 *Commission shall develop and publish for the use of States*
21 *recommendations for best practices to deter and prevent vio-*
22 *lations of section 613 of title 18, United States Code, as*
23 *added by section 1201(a), including practices to provide for*
24 *the posting of relevant information at polling places and*
25 *voter registration agencies, the training of poll workers and*

1 *election officials, and relevant educational measures. For*
2 *purposes of this subsection, the term “State” includes the*
3 *District of Columbia, the Commonwealth of Puerto Rico,*
4 *Guam, American Samoa, the United States Virgin Islands,*
5 *and the Commonwealth of the Northern Mariana Islands.*

6 (b) *INCLUSION IN VOTING INFORMATION REQUIRE-*
7 *MENTS.—Section 302(b)(2) of the Help America Vote Act*
8 *of 2002 (52 U.S.C. 21082(b)(2)), as amended by section*
9 *1072(b), is amended—*

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

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

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

16 “(H) *information relating to the prohibi-*
17 *tion against voter caging and other questionable*
18 *challenges (as set forth in section 613 of title 18,*
19 *United States Code), including information on*
20 *how individuals may report allegations of viola-*
21 *tions of such prohibition.”.*

1 ***Subtitle D—[Reserved]***
2 ***Subtitle E—[Reserved]***
3 ***Subtitle F—Promoting Accuracy,***
4 ***Integrity, and Security Through***
5 ***Voter-Verified Permanent Paper***
6 ***Ballot***

7 ***SEC. 1501. SHORT TITLE.***

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

10 ***SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-***
11 ***QUIREMENTS.***

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

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

16 ***“(A) VOTER-VERIFIED PAPER BALLOTS.—***

17 ***“(i) PAPER BALLOT REQUIREMENT.—***

18 *(I) The voting system shall require the use*
19 *of an individual, durable, voter-verified*
20 *paper ballot of the voter’s vote that shall be*
21 *marked and made available for inspection*
22 *and verification by the voter before the vot-*
23 *er’s vote is cast and counted, and which*
24 *shall be counted by hand or read by an op-*
25 *tical character recognition device or other*

1 *counting device. For purposes of this sub-*
2 *clause, the term ‘individual, durable, voter-*
3 *verified paper ballot’ means a paper ballot*
4 *marked by the voter by hand or a paper*
5 *ballot marked through the use of a nontab-*
6 *ulating ballot marking device or system, so*
7 *long as the voter shall have the option to*
8 *mark his or her ballot by hand.*

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

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

20 *“(i) PRESERVATION AS OFFICIAL*
21 *RECORD.—The individual, durable, voter-*
22 *verified paper ballot used in accordance*
23 *with clause (i) shall constitute the official*
24 *ballot and shall be preserved and used as*
25 *the official ballot for purposes of any re-*

1 *count or audit conducted with respect to*
2 *any election for Federal office in which the*
3 *voting system is used.*

4 “(iii) *MANUAL COUNTING REQUIRE-*
5 *MENTS FOR RECOUNTS AND AUDITS.—(I)*
6 *Each paper ballot used pursuant to clause*
7 *(i) shall be suitable for a manual audit,*
8 *and shall be counted by hand in any re-*
9 *count or audit conducted with respect to*
10 *any election for Federal office.*

11 “(II) *In the event of any inconsis-*
12 *encies or irregularities between any elec-*
13 *tronic vote tallies and the vote tallies deter-*
14 *mined by counting by hand the individual,*
15 *durable, voter-verified paper ballots used*
16 *pursuant to clause (i), and subject to sub-*
17 *paragraph (B), the individual, durable,*
18 *voter-verified paper ballots shall be the true*
19 *and correct record of the votes cast.*

20 “(iv) *APPLICATION TO ALL BALLOTS.—*
21 *The requirements of this subparagraph shall*
22 *apply to all ballots cast in elections for Fed-*
23 *eral office, including ballots cast by absent*
24 *uniformed services voters and overseas vot-*
25 *ers under the Uniformed and Overseas Citi-*

1 *zens Absentee Voting Act and other absentee*
2 *voters.*

3 “(B) *SPECIAL RULE FOR TREATMENT OF*
4 *DISPUTES WHEN PAPER BALLOTS HAVE BEEN*
5 *SHOWN TO BE COMPROMISED.—*

6 “(i) *IN GENERAL.—In the event that—*

7 “(I) *there is any inconsistency be-*
8 *tween any electronic vote tallies and*
9 *the vote tallies determined by counting*
10 *by hand the individual, durable, voter-*
11 *verified paper ballots used pursuant to*
12 *subparagraph (A)(i) with respect to*
13 *any election for Federal office; and*

14 “(II) *it is demonstrated by clear*
15 *and convincing evidence (as deter-*
16 *mined in accordance with the applica-*
17 *ble standards in the jurisdiction in-*
18 *volved) in any recount, audit, or con-*
19 *test of the result of the election that the*
20 *paper ballots have been compromised*
21 *(by damage or mischief or otherwise)*
22 *and that a sufficient number of the*
23 *ballots have been so compromised that*
24 *the result of the election could be*
25 *changed,*

1 *the determination of the appropriate rem-*
2 *edy with respect to the election shall be*
3 *made in accordance with applicable State*
4 *law, except that the electronic tally shall not*
5 *be used as the exclusive basis for deter-*
6 *mining the official certified result.*

7 “(i) *RULE FOR CONSIDERATION OF*
8 *BALLOTS ASSOCIATED WITH EACH VOTING*
9 *MACHINE.—For purposes of clause (i), only*
10 *the paper ballots deemed compromised, if*
11 *any, shall be considered in the calculation*
12 *of whether or not the result of the election*
13 *could be changed due to the compromised*
14 *paper ballots.”.*

15 (b) *CONFORMING AMENDMENT CLARIFYING APPLICA-*
16 *BILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Sec-*
17 *tion 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is*
18 *amended by inserting “(including the paper ballots re-*
19 *quired to be used under paragraph (2))” after “voting sys-*
20 *tem”.*

21 (c) *OTHER CONFORMING AMENDMENTS.—Section*
22 *301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-*
23 *ed—*

1 (1) in subparagraph (A)(i), by striking “count-
2 ed” and inserting “counted, in accordance with para-
3 graphs (2) and (3)”;

4 (2) in subparagraph (A)(ii), by striking “count-
5 ed” and inserting “counted, in accordance with para-
6 graphs (2) and (3)”;

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

10 (4) in subparagraph (B)(ii), by striking “count-
11 ed” and inserting “counted, in accordance with para-
12 graphs (2) and (3)”.

13 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
14 **INDIVIDUALS WITH DISABILITIES.**

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

18 “(B)(i) ensure that individuals with dis-
19 abilities and others are given an equivalent op-
20 portunity to vote, including with privacy and
21 independence, in a manner that produces a
22 voter-verified paper ballot as for other voters;

23 “(i) satisfy the requirement of subpara-
24 graph (A) through the use of at least one voting
25 system equipped for individuals with disabilities,

1 *including nonvisual and enhanced visual accessi-*
2 *bility for the blind and visually impaired, and*
3 *nonmanual and enhanced manual accessibility*
4 *for the mobility and dexterity impaired, at each*
5 *polling place; and*

6 “*(iii) meet the requirements of subpara-*
7 *graph (A) and paragraph (2)(A) by using a sys-*
8 *tem that—*

9 “*(I) allows the voter to privately and*
10 *independently verify the permanent paper*
11 *ballot through the presentation, in accessible*
12 *form, of the printed or marked vote selec-*
13 *tions from the same printed or marked in-*
14 *formation that would be used for any vote*
15 *counting or auditing; and*

16 “*(II) allows the voter to privately and*
17 *independently verify and cast the perma-*
18 *nent paper ballot without requiring the*
19 *voter to manually handle the paper ballot.*”.

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

23 ***(1) STUDY AND REPORTING.—****Subtitle C of title*
24 ***II of such Act (52 U.S.C. 21081 et seq.) is amended—***

1 (A) by redesignating section 247 as section
2 248; and

3 (B) by inserting after section 246 the fol-
4 lowing new section:

5 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER BAL-**
6 **LOT VERIFICATION MECHANISMS.**

7 “(a) *STUDY AND REPORT.*—The Director of the Na-
8 tional Science Foundation shall make grants to not fewer
9 than 3 eligible entities to study, test, and develop accessible
10 paper ballot voting, verification, and casting mechanisms
11 and devices and best practices to enhance the accessibility
12 of paper ballot voting and verification mechanisms for indi-
13 viduals with disabilities, for voters whose primary language
14 is not English, and for voters with difficulties in literacy,
15 including best practices for the mechanisms themselves and
16 the processes through which the mechanisms are used.

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

21 “(1) certifications that the entity shall specifi-
22 cally investigate enhanced methods or devices, includ-
23 ing non-electronic devices, that will assist such indi-
24 viduals and voters in marking voter-verified paper
25 ballots and presenting or transmitting the informa-

1 *tion printed or marked on such ballots back to such*
2 *individuals and voters, and casting such ballots;*

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

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

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

12 *“(d) COORDINATION WITH GRANTS FOR TECHNOLOGY*
13 *IMPROVEMENTS.—The Director shall carry out this section*
14 *so that the activities carried out with the grants made*
15 *under subsection (a) are coordinated with the research con-*
16 *ducted under the grant program carried out by the Commis-*
17 *sion under section 271, to the extent that the Director and*
18 *Commission determine necessary to provide for the advance-*
19 *ment of accessible voting technology.*

20 *“(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated to carry out subsection (a)*
22 *\$5,000,000, to remain available until expended.”.*

23 *(2) CLERICAL AMENDMENT.—The table of con-*
24 *tents of such Act is amended—*

1 (A) by redesignating the item relating to
2 section 247 as relating to section 248; and

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

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

5 (c) *CLARIFICATION OF ACCESSIBILITY STANDARDS*
6 *UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.*—*In*
7 *adopting any voluntary guidance under subtitle B of title*
8 *III of the Help America Vote Act with respect to the accessi-*
9 *bility of the paper ballot verification requirements for indi-*
10 *viduals with disabilities, the Election Assistance Commis-*
11 *sion shall include and apply the same accessibility stand-*
12 *ards applicable under the voluntary guidance adopted for*
13 *accessible voting systems under such subtitle.*

14 (d) *PERMITTING USE OF FUNDS FOR PROTECTION AND*
15 *ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE*
16 *ELECTION-RELATED DISABILITY ACCESS.*—*Section 292(a)*
17 *of the Help America Vote Act of 2002 (52 U.S.C. 21062(a))*
18 *is amended by striking “; except that” and all that follows*
19 *and inserting a period.*

20 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
21 **FOR BALLOTS.**

22 Section 301(a) of the Help America Vote Act of 2002
23 (52 U.S.C. 21081(a)) is amended by adding at the end the
24 following new paragraph:

1 “(7) *DURABILITY AND READABILITY REQUIRE-*
2 *MENTS FOR BALLOTS.—*

3 “(A) *DURABILITY REQUIREMENTS FOR*
4 *PAPER BALLOTS.—*

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

9 “(ii) *DEFINITION.—For purposes of*
10 *this Act, paper is ‘durable’ if it is capable*
11 *of withstanding multiple counts and re-*
12 *counts by hand without compromising the*
13 *fundamental integrity of the ballots, and ca-*
14 *pable of retaining the information marked*
15 *or printed on them for the full duration of*
16 *a retention and preservation period of 22*
17 *months.*

18 “(B) *READABILITY REQUIREMENTS FOR*
19 *PAPER BALLOTS MARKED BY BALLOT MARKING*
20 *DEVICE.—All voter-verified paper ballots com-*
21 *pleted by the voter through the use of a ballot*
22 *marking device shall be clearly readable by the*
23 *voter without assistance (other than eyeglasses or*
24 *other personal vision enhancing devices) and by*
25 *an optical character recognition device or other*

1 *device equipped for individuals with disabil-*
2 *ities.”.*

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

4 *Section 301(d) of the Help America Vote Act of 2002*
5 *(52 U.S.C. 21081(d)) is amended to read as follows:*

6 “(d) *EFFECTIVE DATE.*—

7 “(1) *IN GENERAL.*—*Except as provided in para-*
8 *graph (2), each State and jurisdiction shall be re-*
9 *quired to comply with the requirements of this section*
10 *on and after January 1, 2006.*

11 “(2) *SPECIAL RULE FOR CERTAIN REQUIRE-*
12 *MENTS.*—

13 “(A) *IN GENERAL.*—*Except as provided in*
14 *subparagraphs (B) and (C), the requirements of*
15 *this section which are first imposed on a State*
16 *and jurisdiction pursuant to the amendments*
17 *made by the Voter Confidence and Increased Ac-*
18 *cessibility Act of 2019 shall apply with respect*
19 *to voting systems used for any election for Fed-*
20 *eral office held in 2020 or any succeeding year.*

21 “(B) *DELAY FOR JURISDICTIONS USING*
22 *CERTAIN PAPER RECORD PRINTERS OR CERTAIN*
23 *SYSTEMS USING OR PRODUCING VOTER-*
24 *VERIFIABLE PAPER RECORDS IN 2018.*—

1 “(i) *DELAY*.—In the case of a jurisdic-
2 tion described in clause (ii), subparagraph
3 (A) shall apply to a voting system in the ju-
4 risdiction as if the reference in such sub-
5 paragraph to ‘2020’ were a reference to
6 ‘2022’, but only with respect to the fol-
7 lowing requirements of this section:

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

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

15 “(III) Paragraph (7) of subsection
16 (a) (relating to durability and read-
17 ability requirements for ballots).

18 “(ii) *JURISDICTIONS DESCRIBED*.—A
19 jurisdiction described in this clause is a ju-
20 risdiction—

21 “(I) which used voter verifiable
22 paper record printers attached to di-
23 rect recording electronic voting ma-
24 chines, or which used other voting sys-
25 tems that used or produced paper

1 *records of the vote verifiable by voters*
2 *but that are not in compliance with*
3 *paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)*
4 *and (II), and (7) of subsection (a) (as*
5 *amended or added by the Voter Con-*
6 *fidence and Increased Accessibility Act*
7 *of 2019), for the administration of the*
8 *regularly scheduled general election for*
9 *Federal office held in November 2018;*
10 *and*

11 *“(II) which will continue to use*
12 *such printers or systems for the admin-*
13 *istration of elections for Federal office*
14 *held in years before 2022.*

15 *“(iii) MANDATORY AVAILABILITY OF*
16 *PAPER BALLOTS AT POLLING PLACES USING*
17 *GRANDFATHERED PRINTERS AND SYS-*
18 *TEMS.—*

19 *“(I) REQUIRING BALLOTS TO BE*
20 *OFFERED AND PROVIDED.—The appro-*
21 *prate election official at each polling*
22 *place that uses a printer or system de-*
23 *scribed in clause (ii)(I) for the admin-*
24 *istration of elections for Federal office*
25 *shall offer each individual who is eligi-*

1 *ble to cast a vote in the election at the*
2 *polling place the opportunity to cast*
3 *the vote using a blank pre-printed*
4 *paper ballot which the individual may*
5 *mark by hand and which is not pro-*
6 *duced by the direct recording electronic*
7 *voting machine or other such system.*
8 *The official shall provide the indi-*
9 *vidual with the ballot and the supplies*
10 *necessary to mark the ballot, and shall*
11 *ensure (to the greatest extent prac-*
12 *ticable) that the waiting period for the*
13 *individual to cast a vote is the lesser of*
14 *30 minutes or the average waiting pe-*
15 *riod for an individual who does not*
16 *agree to cast the vote using such a*
17 *paper ballot under this clause.*

18 *“(II) TREATMENT OF BALLOT.—*
19 *Any paper ballot which is cast by an*
20 *individual under this clause shall be*
21 *counted and otherwise treated as a reg-*
22 *ular ballot for all purposes (including*
23 *by incorporating it into the final unof-*
24 *ficial vote count (as defined by the*
25 *State) for the precinct) and not as a*

1 *provisional ballot, unless the indi-*
2 *vidual casting the ballot would have*
3 *otherwise been required to cast a provi-*
4 *sional ballot.*

5 “(III) *POSTING OF NOTICE.*—*The*
6 *appropriate election official shall en-*
7 *sure there is prominently displayed at*
8 *each polling place a notice that de-*
9 *scribes the obligation of the official to*
10 *offer individuals the opportunity to*
11 *cast votes using a pre-printed blank*
12 *paper ballot.*

13 “(IV) *TRAINING OF ELECTION OF-*
14 *FICIALS.*—*The chief State election offi-*
15 *cial shall ensure that election officials*
16 *at polling places in the State are*
17 *aware of the requirements of this*
18 *clause, including the requirement to*
19 *display a notice under subclause (III),*
20 *and are aware that it is a violation of*
21 *the requirements of this title for an*
22 *election official to fail to offer an indi-*
23 *vidual the opportunity to cast a vote*
24 *using a blank pre-printed paper ballot.*

1 “(V) *PERIOD OF APPLICA-*
2 *BILITY.—The requirements of this*
3 *clause apply only during the period in*
4 *which the delay is in effect under*
5 *clause (i).*

6 “(C) *SPECIAL RULE FOR JURISDICTIONS*
7 *USING CERTAIN NONTABULATING BALLOT MARK-*
8 *ING DEVICES.—In the case of a jurisdiction*
9 *which uses a nontabulating ballot marking de-*
10 *vice which automatically deposits the ballot into*
11 *a privacy sleeve, subparagraph (A) shall apply*
12 *to a voting system in the jurisdiction as if the*
13 *reference in such subparagraph to ‘any election*
14 *for Federal office held in 2020 or any succeeding*
15 *year’ were a reference to ‘elections for Federal of-*
16 *fice occurring held in 2022 or each succeeding*
17 *year’, but only with respect to paragraph*
18 *(3)(B)(iii)(II) of subsection (a) (relating to non-*
19 *manual casting of the durable paper ballot).’.*

20 ***Subtitle G—Provisional Ballots***

21 ***SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL*** 22 ***BALLOTS; ESTABLISHMENT OF UNIFORM AND*** 23 ***NONDISCRIMINATORY STANDARDS.***

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

1 (1) *by redesignating subsection (d) as subsection*
2 *(f); and*

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

5 “(d) *STATEWIDE COUNTING OF PROVISIONAL BAL-*
6 *LOTS.—*

7 “(1) *IN GENERAL.—For purposes of subsection*
8 *(a)(4), notwithstanding the precinct or polling place*
9 *at which a provisional ballot is cast within the State,*
10 *the appropriate election official shall count each vote*
11 *on such ballot for each election in which the indi-*
12 *vidual who cast such ballot is eligible to vote.*

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

16 “(e) *UNIFORM AND NONDISCRIMINATORY STAND-*
17 *ARDS.—*

18 “(1) *IN GENERAL.—Consistent with the require-*
19 *ments of this section, each State shall establish uni-*
20 *form and nondiscriminatory standards for the*
21 *issuance, handling, and counting of provisional bal-*
22 *lots.*

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

1 (b) *CONFORMING AMENDMENT.*—Section 302(f) of such
2 Act (52 U.S.C. 21082(f)), as redesignated by subsection (a),
3 is amended by striking “Each State” and inserting “Except
4 as provided in subsections (d)(2) and (e)(2), each State”.

5 ***Subtitle H—Early Voting***

6 ***SEC. 1611. EARLY VOTING.***

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

11 (1) by redesignating sections 306 and 307 as sec-
12 tions 307 and 308; and

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

15 ***“SEC. 306. EARLY VOTING.***

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

18 ***“(1) IN GENERAL.—Each State shall allow indi-***
19 ***viduals to vote in an election for Federal office during***
20 ***an early voting period which occurs prior to the date***
21 ***of the election, in the same manner as voting is al-***
22 ***lowed on such date.***

23 ***“(2) LENGTH OF PERIOD.—The early voting pe-***
24 ***riod required under this subsection with respect to an***
25 ***election shall consist of a period of consecutive days***

1 *(including weekends) which begins on the 15th day*
2 *before the date of the election (or, at the option of the*
3 *State, on a day prior to the 15th day before the date*
4 *of the election) and ends on the date of the election.*

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

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

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

13 “(c) *LOCATION OF POLLING PLACES NEAR PUBLIC*
14 *TRANSPORTATION.—To the greatest extent practicable, a*
15 *State shall ensure that each polling place which allows vot-*
16 *ing during an early voting period under subsection (a) is*
17 *located within walking distance of a stop on a public trans-*
18 *portation route.*

19 “(d) *STANDARDS.—*

20 “(1) *IN GENERAL.—The Commission shall issue*
21 *standards for the administration of voting prior to*
22 *the day scheduled for a Federal election. Such stand-*
23 *ards shall include the nondiscriminatory geographic*
24 *placement of polling places at which such voting oc-*
25 *curs.*

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

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

9 (b) *CONFORMING AMENDMENT RELATING TO*
10 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-*
11 *ANCE COMMISSION.*—*Section 311(b) of such Act (52 U.S.C.*
12 *21101(b)), as amended by section 1101(b), is amended—*

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

14 (3);

15 (2) *by striking the period at the end of para-*
16 *graph (4) and inserting “; and”; and*

17 (3) *by adding at the end the following new para-*
18 *graph:*

19 “(5) *in the case of the recommendations with re-*
20 *spect to section 306, June 30, 2020.*”.

21 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
22 *such Act, as amended by section 1031(c) and section*
23 *1101(d), is amended—*

1 (1) *by redesignating the items relating to sec-*
2 *tions 306 and 307 as relating to sections 307 and*
3 *308; and*

4 (2) *by inserting after the item relating to section*
5 *305 the following new item:*

“Sec. 306. Early voting.”.

6 ***Subtitle I—Voting by Mail***

7 ***SEC. 1621. VOTING BY MAIL.***

8 (a) *REQUIREMENTS.*—*Subtitle A of title III of the*
9 *Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),*
10 *as amended by section 1031(a), section 1101(a), and section*
11 *1611(a), is amended—*

12 (1) *by redesignating sections 307 and 308 as sec-*
13 *tions 308 and 309; and*

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

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

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

1 *election official and for returning the ballot to the appro-*
2 *priate State or local election official.*

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

4 “(1) *REQUIREMENT.*—*A State may not accept*
5 *and process an absentee ballot submitted by any indi-*
6 *vidual with respect to an election for Federal office*
7 *unless the State verifies the identification of the indi-*
8 *vidual by comparing the individual’s signature on the*
9 *absentee ballot with the individual’s signature on the*
10 *official list of registered voters in the State, in accord-*
11 *ance with such procedures as the State may adopt*
12 *(subject to the requirements of paragraph (2)).*

13 “(2) *DUE PROCESS REQUIREMENTS.*—

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

1 “(i) a discrepancy exists between the
2 signature on such ballot and the signature
3 of such individual on the official list of reg-
4 istered voters in the State;

5 “(ii) such individual may provide the
6 official with information to cure such dis-
7 crepancy, either in person, by telephone, or
8 by electronic methods; and

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

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

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

21 “(ii) each official who makes the deter-
22 mination has received training in proce-
23 dures used to verify signatures.

24 “(c) DEADLINE FOR PROVIDING BALLOTING MATE-
25 RIALS.—If an individual requests to vote by absentee ballot

1 *in an election for Federal office, the appropriate State or*
2 *local election official shall ensure that the ballot and relat-*
3 *ing voting materials are received by the individual—*

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

6 “(2) *in the case of a State which imposes a dead-*
7 *line for requesting an absentee ballot and related vot-*
8 *ing materials which is less than 2 weeks before the*
9 *date of the election, as expeditiously as possible.*

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

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

1 “(f) *NO EFFECT ON BALLOTS SUBMITTED BY ABSENT*
2 *MILITARY AND OVERSEAS VOTERS.*—*Nothing in this sec-*
3 *tion may be construed to affect the treatment of any ballot*
4 *submitted by an individual who is entitled to vote by absen-*
5 *tee ballot under the Uniformed and Overseas Citizens Ab-*
6 *sentee Voting Act (52 U.S.C. 20301 et seq.).*

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

9 (b) *CONFORMING AMENDMENT RELATING TO*
10 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-*
11 *ANCE COMMISSION.*—*Section 311(b) of such Act (52 U.S.C.*
12 *21101(b)), as amended by section 1101(b) and section*
13 *1611(b), is amended—*

14 (1) *by striking “and” at the end of paragraph*
15 *(4);*

16 (2) *by striking the period at the end of para-*
17 *graph (5) and inserting “; and”; and*

18 (3) *by adding at the end the following new para-*
19 *graph:*

20 “(6) *in the case of the recommendations with re-*
21 *spect to section 307, June 30, 2020.”.*

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

1 (1) *by redesignating the items relating to sec-*
2 *tions 307 and 308 as relating to sections 308 and*
3 *309; and*

4 (2) *by inserting after the item relating to section*
5 *306 the following new item:*

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

6 (d) *DEVELOPMENT OF BIOMETRIC VERIFICATION.—*

7 (1) *DEVELOPMENT OF STANDARDS.—The Na-*
8 *tional Institute of Standards, in consultation with the*
9 *Election Assistance Commission, shall develop stand-*
10 *ards for the use of biometric methods which could be*
11 *used voluntarily in place of the signature verification*
12 *requirements of section 307(b) of the Help America*
13 *Vote Act of 2002 (as added by subsection (a)) for pur-*
14 *poses of verifying the identification of an individual*
15 *voting by absentee ballot in elections for Federal of-*
16 *fice.*

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

21 (3) *DEADLINE.—Not later than one year after*
22 *the date of the enactment of this Act, the National In-*
23 *stitute of Standards shall publish the standards devel-*
24 *oped under paragraph (1).*

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

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

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

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

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

1 *unit of local government which will administer the*
2 *election.*

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

20 *“(3) POST-ELECTION REPORT ON NUMBER OF*
21 *ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—*
22 *Not later than 90 days after the date of each regularly*
23 *scheduled general election for Federal office, each*
24 *State and unit of local government which adminis-*
25 *tered the election shall (through the State, in the case*

1 of a unit of local government) submit a report to the
2 Attorney General, the Commission, and the Presi-
3 dential Designee on the combined number of absentee
4 ballots transmitted to absent uniformed services voters
5 and overseas voters for the election and the combined
6 number of such ballots which were returned by such
7 voters and cast in the election, and shall make such
8 report available to the general public that same day.”.

9 **SEC. 1702. ENFORCEMENT.**

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

14 **“SEC. 105. ENFORCEMENT.**

15 “(a) *ACTION BY ATTORNEY GENERAL.*—

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

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

1 “(A) in an amount not to exceed \$110,000
2 for each such violation, in the case of a first vio-
3 lation; or

4 “(B) in an amount not to exceed \$220,000
5 for each such violation, for any subsequent viola-
6 tion.

7 “(3) *REPORT TO CONGRESS.*—Not later than De-
8 cember 31 of each year, the Attorney General shall
9 submit to Congress an annual report on any civil ac-
10 tion brought under paragraph (1) during the pre-
11 ceding year.

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

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

1 *any duty or responsibility which is the subject of an action*
2 *brought under this section.”.*

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

6 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANS-**
7 **MISSION RULE.**

8 (a) *REPEAL OF WAIVER AUTHORITY.*—

9 (1) *IN GENERAL.*—*Section 102 of the Uniformed*
10 *and Overseas Citizens Absentee Voting Act (52 U.S.C.*
11 *20302) is amended by striking subsection (g).*

12 (2) *CONFORMING AMENDMENT.*—*Section*
13 *102(a)(8)(A) of such Act (52 U.S.C. 20302(a)(8)(A))*
14 *is amended by striking “except as provided in sub-*
15 *section (g),”.*

16 (b) *REQUIRING USE OF EXPRESS DELIVERY IN CASE*
17 *OF FAILURE TO MEET REQUIREMENT.*—*Section 102 of such*
18 *Act (52 U.S.C. 20302), as amended by subsection (a), is*
19 *amended by inserting after subsection (f) the following new*
20 *subsection:*

21 “(g) *REQUIRING USE OF EXPRESS DELIVERY IN CASE*
22 *OF FAILURE TO TRANSMIT BALLOTS WITHIN DEAD-*
23 *LINES.*—

24 “(1) *TRANSMISSION OF BALLOT BY EXPRESS DE-*
25 *LIVERY.*—*If a State fails to meet the requirement of*

1 *subsection (a)(8)(A) to transmit a validly requested*
2 *absentee ballot to an absent uniformed services voter*
3 *or overseas voter not later than 45 days before the*
4 *election (in the case in which the request is received*
5 *at least 45 days before the election)—*

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

8 *“(B) in the case of a voter who has des-*
9 *ignated that absentee ballots be transmitted elec-*
10 *tronically in accordance with subsection (f)(1),*
11 *the State shall transmit the ballot to the voter*
12 *electronically.*

13 *“(2) SPECIAL RULE FOR TRANSMISSION FEWER*
14 *THAN 40 DAYS BEFORE THE ELECTION.—If, in car-*
15 *rying out paragraph (1), a State transmits an absen-*
16 *tee ballot to an absent uniformed services voter or*
17 *overseas voter fewer than 40 days before the election,*
18 *the State shall enable the ballot to be returned by the*
19 *voter by express delivery, except that in the case of an*
20 *absentee ballot of an absent uniformed services voter*
21 *for a regularly scheduled general election for Federal*
22 *office, the State may satisfy the requirement of this*
23 *paragraph by notifying the voter of the procedures for*
24 *the collection and delivery of such ballots under sec-*
25 *tion 103A.”.*

1 (c) *CLARIFICATION OF TREATMENT OF WEEKENDS.*—
2 *Section 102(a)(8)(A) of such Act (52 U.S.C.*
3 *20302(a)(8)(A)) is amended by striking “the election;” and*
4 *inserting the following: “the election (or, if the 45th day*
5 *preceding the election is a weekend or legal public holiday,*
6 *not later than the most recent weekday which precedes such*
7 *45th day and which is not a legal public holiday, but only*
8 *if the request is received by at least such most recent week-*
9 *day);”.*

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

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

15 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
16 **ELECTIONS.**

17 “(a) *IN GENERAL.*—*If a State accepts and processes*
18 *an official post card form (prescribed under section 101)*
19 *submitted by an absent uniformed services voter or overseas*
20 *voter for simultaneous voter registration and absentee ballot*
21 *application (in accordance with section 102(a)(4)) and the*
22 *voter requests that the application be considered an applica-*
23 *tion for an absentee ballot for each subsequent election for*
24 *Federal office held in the State through the next regularly*
25 *scheduled general election for Federal office (including any*

1 *runoff elections which may occur as a result of the outcome*
2 *of such general election), the State shall provide an absentee*
3 *ballot to the voter for each such subsequent election.*

4 “(b) *EXCEPTION FOR VOTERS CHANGING REGISTRA-*
5 *TION.—Subsection (a) shall not apply with respect to a*
6 *voter registered to vote in a State for any election held after*
7 *the voter notifies the State that the voter no longer wishes*
8 *to be registered to vote in the State or after the State deter-*
9 *mines that the voter has registered to vote in another State*
10 *or is otherwise no longer eligible to vote in the State.*

11 “(c) *PROHIBITION OF REFUSAL OF APPLICATION ON*
12 *GROUNDS OF EARLY SUBMISSION.—A State may not refuse*
13 *to accept or to process, with respect to any election for Fed-*
14 *eral office, any otherwise valid voter registration applica-*
15 *tion or absentee ballot application (including the postcard*
16 *form prescribed under section 101) submitted by an absent*
17 *uniformed services voter or overseas voter on the grounds*
18 *that the voter submitted the application before the first date*
19 *on which the State otherwise accepts or processes such ap-*
20 *plications for that election which are submitted by absentee*
21 *voters who are not members of the uniformed services or*
22 *overseas citizens.”.*

23 “(b) *EFFECTIVE DATE.—The amendment made by sub-*
24 *section (a) shall apply with respect to voter registration and*
25 *absentee ballot applications which are submitted to a State*

1 *or local election official on or after the date of the enactment*
2 *of this Act.*

3 **SEC. 1705. EFFECTIVE DATE.**

4 *The amendments made by this subtitle shall apply*
5 *with respect to elections occurring on or after January 1,*
6 *2020.*

7 ***Subtitle K—Poll Worker***
8 ***Recruitment and Training***

9 **SEC. 1801. [RESERVED].**

10 **SEC. 1802. GRANTS TO STATES FOR POLL WORKER RE-**
11 **CRUITMENT AND TRAINING.**

12 *(a) GRANTS BY ELECTION ASSISTANCE COMMIS-*
13 *SION.—*

14 *(1) IN GENERAL.—The Election Assistance Com-*
15 *mission (hereafter referred to as the “Commission”)*
16 *shall make a grant to each eligible State for recruit-*
17 *ing and training individuals to serve as poll workers*
18 *on dates of elections for public office.*

19 *(2) USE OF COMMISSION MATERIALS.—In car-*
20 *rying out activities with a grant provided under this*
21 *section, the recipient of the grant shall use the man-*
22 *ual prepared by the Commission on successful prac-*
23 *tices for poll worker recruiting, training and reten-*
24 *tion as an interactive training tool, and shall develop*

1 *training programs with the participation and input*
2 *of experts in adult learning.*

3 *(b) REQUIREMENTS FOR ELIGIBILITY.—*

4 *(1) APPLICATION.—Each State that desires to re-*
5 *ceive a payment under this section shall submit an*
6 *application for the payment to the Commission at*
7 *such time and in such manner and containing such*
8 *information as the Commission shall require.*

9 *(2) CONTENTS OF APPLICATION.—Each applica-*
10 *tion submitted under paragraph (1) shall—*

11 *(A) describe the activities for which assist-*
12 *ance under this section is sought;*

13 *(B) provide assurances that the funds pro-*
14 *vided under this section will be used to supple-*
15 *ment and not supplant other funds used to carry*
16 *out the activities;*

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

22 *(D) provide such additional information*
23 *and certifications as the Commission determines*
24 *to be essential to ensure compliance with the re-*
25 *quirements of this section.*

1 (c) *AMOUNT OF GRANT.*—

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

5 (A) *the aggregate amount made available*
6 *for grants to States under this section; and*

7 (B) *the voting age population percentage for*
8 *the State.*

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

12 (A) *the voting age population of the State*
13 *(as determined on the basis of the most recent in-*
14 *formation available from the Bureau of the Cen-*
15 *sus); and*

16 (B) *the total voting age population of all*
17 *States (as determined on the basis of the most re-*
18 *cent information available from the Bureau of*
19 *the Census).*

20 (d) *REPORTS TO CONGRESS.*—

21 (1) *REPORTS BY RECIPIENTS OF GRANTS.*—*Not*
22 *later than 6 months after the date on which the final*
23 *grant is made under this section, each recipient of a*
24 *grant shall submit a report to the Commission on the*

1 *activities conducted with the funds provided by the*
2 *grant.*

3 (2) *REPORTS BY COMMISSION.—Not later than 1*
4 *year after the date on which the final grant is made*
5 *under this section, the Commission shall submit a re-*
6 *port to Congress on the grants made under this sec-*
7 *tion and the activities carried out by recipients with*
8 *the grants, and shall include in the report such rec-*
9 *ommendations as the Commission considers appro-*
10 *priate.*

11 (e) *FUNDING.—*

12 (1) *CONTINUING AVAILABILITY OF AMOUNT AP-*
13 *PROPRIATED.—Any amount appropriated to carry*
14 *out this section shall remain available without fiscal*
15 *year limitation until expended.*

16 (2) *ADMINISTRATIVE EXPENSES.—Of the amount*
17 *appropriated for any fiscal year to carry out this sec-*
18 *tion, not more than 3 percent shall be available for*
19 *administrative expenses of the Commission.*

20 **SEC. 1803. STATE DEFINED.**

21 *In this subtitle, the term “State” includes the District*
22 *of Columbia, the Commonwealth of Puerto Rico, Guam,*
23 *American Samoa, the United States Virgin Islands, and*
24 *the Commonwealth of the Northern Mariana Islands.*

1 ***Subtitle L—Enhancement of***
2 ***Enforcement***

3 ***SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP***
4 ***AMERICA VOTE ACT OF 2002.***

5 (a) *COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT OF*
6 *ACTION.—Section 401 of the Help America Vote Act of 2002*
7 *(52 U.S.C. 21111) is amended—*

8 (1) *by striking “The Attorney General” and in-*
9 *serting “(a) IN GENERAL.—The Attorney General”;*
10 *and*

11 (2) *by adding at the end the following new sub-*
12 *sections:*

13 “(b) *FILING OF COMPLAINTS BY AGGRIEVED PER-*
14 *SONS.—*

15 “(1) *IN GENERAL.—A person who is aggrieved*
16 *by a violation of title III which has occurred, is oc-*
17 *curring, or is about to occur may file a written,*
18 *signed, notarized complaint with the Attorney Gen-*
19 *eral describing the violation and requesting the Attor-*
20 *ney General to take appropriate action under this*
21 *section. The Attorney General shall immediately pro-*
22 *vide a copy of a complaint filed under the previous*
23 *sentence to the entity responsible for administering*
24 *the State-based administrative complaint procedures*
25 *described in section 402(a) for the State involved.*

1 “(2) *RESPONSE BY ATTORNEY GENERAL.*—*The*
2 *Attorney General shall respond to each complaint*
3 *filed under paragraph (1), in accordance with proce-*
4 *dures established by the Attorney General that require*
5 *responses and determinations to be made within the*
6 *same (or shorter) deadlines which apply to a State*
7 *under the State-based administrative complaint pro-*
8 *cedures described in section 402(a)(2). The Attorney*
9 *General shall immediately provide a copy of the re-*
10 *sponse made under the previous sentence to the entity*
11 *responsible for administering the State-based admin-*
12 *istrative complaint procedures described in section*
13 *402(a) for the State involved.*

14 “(c) *AVAILABILITY OF PRIVATE RIGHT OF ACTION.*—
15 *Any person who is authorized to file a complaint under*
16 *subsection (b)(1) (including any individual who seeks to en-*
17 *force the individual’s right to a voter-verified paper ballot,*
18 *the right to have the voter-verified paper ballot counted in*
19 *accordance with this Act, or any other right under title III)*
20 *may file an action under section 1979 of the Revised Stat-*
21 *utes of the United States (42 U.S.C. 1983) to enforce the*
22 *uniform and nondiscriminatory election technology and ad-*
23 *ministration requirements under subtitle A of title III.*

24 “(d) *NO EFFECT ON STATE PROCEDURES.*—*Nothing*
25 *in this section may be construed to affect the availability*

1 *of the State-based administrative complaint procedures re-*
2 *quired under section 402 to any person filing a complaint*
3 *under this subsection.”.*

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

8 ***Subtitle M—Federal Election***
9 ***Integrity***

10 ***SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY***
11 ***CHIEF STATE ELECTION ADMINISTRATION***
12 ***OFFICIALS.***

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

16 “*CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION*
17 *ADMINISTRATION OFFICIALS*

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

23 “(b) *CHIEF STATE ELECTION ADMINISTRATION OFFI-*
24 *CIAL.*—*The term ‘chief State election administration offi-*
25 *cial’ means the highest State official with responsibility for*
26 *the administration of Federal elections under State law.*

1 “(c) *ACTIVE PART IN POLITICAL MANAGEMENT OR IN*
2 *A POLITICAL CAMPAIGN.*—*The term ‘active part in political*
3 *management or in a political campaign’ means—*

4 “(1) *serving as a member of an authorized com-*
5 *mittee of a candidate for Federal office;*

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

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

12 “(4) *any other act which would be prohibited*
13 *under paragraph (2) or (3) of section 7323(b) of title*
14 *5, United States Code, if taken by an individual to*
15 *whom such paragraph applies (other than any prohi-*
16 *bition on running for public office).*

17 “(d) *EXCEPTION IN CASE OF RECUSAL FROM ADMIN-*
18 *ISTRATION OF ELECTIONS INVOLVING OFFICIAL OR IMME-*
19 *DIATE FAMILY MEMBER.*—

20 “(1) *IN GENERAL.*—*This section does not apply*
21 *to a chief State election administration official with*
22 *respect to an election for Federal office in which the*
23 *official or an immediate family member of the official*
24 *is a candidate, but only if—*

1 “(A) such official recuses himself or herself
2 from all of the official’s responsibilities for the
3 administration of such election; and

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

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

12 (b) EFFECTIVE DATE.—The amendments made by sub-
13 section (a) shall apply with respect to elections for Federal
14 office held after December 2019.

15 ***Subtitle N—Promoting Voter Access***
16 ***Through Election Administra-***
17 ***tion Improvements***

18 ***PART 1—PROMOTING VOTER ACCESS***

19 ***SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-***
20 ***CATION.***

21 (a) TREATMENT OF CERTAIN INSTITUTIONS AS VOTER
22 REGISTRATION AGENCIES UNDER NATIONAL VOTER REG-
23 ISTRATION ACT OF 1993.—Section 7(a) of the National
24 Voter Registration Act of 1993 (52 U.S.C. 20506(a)) is
25 amended—

1 (1) *in paragraph (2)—*

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

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

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

8 “(C) *each institution of higher education*
9 *which has a program participation agreement in*
10 *effect with the Secretary of Education under sec-*
11 *tion 487 of the Higher Education Act of 1965*
12 *(20 U.S.C. 1094), other than an institution*
13 *which is treated as a contributing agency under*
14 *the Automatic Voter Registration Act of 2019.”;*
15 *and*

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

23 (b) *RESPONSIBILITIES OF INSTITUTIONS UNDER*
24 *HIGHER EDUCATION ACT OF 1965.—*

1 (1) *IN GENERAL.*—Section 487(a)(23) of the
2 *Higher Education Act of 1965 (20 U.S.C.*
3 *1094(a)(23)) is amended to read as follows:*

4 “(23)(A)(i) *The institution will ensure that an*
5 *appropriate staff person or office is designated pub-*
6 *licly as a ‘Campus Vote Coordinator’ and will ensure*
7 *that such person’s or office’s contact information is*
8 *included on the institution’s website.*

9 “(i) *Not fewer than twice during each calendar*
10 *year (beginning with 2020), the Campus Vote Coordi-*
11 *nator shall transmit electronically to each student en-*
12 *rolled in the institution (including students enrolled*
13 *in distance education programs) a message con-*
14 *taining the following information:*

15 “(I) *Information on the location of polling*
16 *places in the jurisdiction in which the institu-*
17 *tion is located, together with information on*
18 *available methods of transportation to and from*
19 *such polling places.*

20 “(II) *A referral to a government-affiliated*
21 *website or online platform which provides cen-*
22 *tralized voter registration information for all*
23 *States, including access to applicable voter reg-*
24 *istration forms and information to assist indi-*

1 *viduals who are not registered to vote in reg-*
2 *istering to vote.*

3 *“(III) Any additional voter registration*
4 *and voting information the Coordinator con-*
5 *siders appropriate, in consultation with the ap-*
6 *propriate State election official.*

7 *“(iii) In addition to transmitting the message*
8 *described in clause (ii) not fewer than twice during*
9 *each calendar year, the Campus Vote Coordinator*
10 *shall transmit the message under such clause not*
11 *fewer than 30 days prior to the deadline for reg-*
12 *istering to vote for any election for Federal, State, or*
13 *local office in the State.*

14 *“(B) If the institution in its normal course of*
15 *operations requests each student registering for enroll-*
16 *ment in a course of study, including students reg-*
17 *istering for enrollment in a program of distance edu-*
18 *cation, to affirm whether or not the student is a*
19 *United States citizen, the institution will comply*
20 *with the applicable requirements for a contributing*
21 *agency under the Automatic Voter Registration Act of*
22 *2019.*

23 *“(C) If the institution is not described in sub-*
24 *paragraph (B), the institution will comply with the*
25 *requirements for a voter registration agency in the*

1 *State in which it is located in accordance with sec-*
2 *tion 7 of the National Voter Registration Act of 1993*
3 *(52 U.S.C. 20506).*

4 “(D) *This paragraph applies only with respect*
5 *to an institution which is located in a State to which*
6 *section 4(b) of the National Voter Registration Act of*
7 *1993 (52 U.S.C. 20503(b)) does not apply.”.*

8 (2) *EFFECTIVE DATE.—The amendments made*
9 *by this subsection shall apply with respect to elections*
10 *held on or after January 1, 2020.*

11 (c) *GRANTS TO INSTITUTIONS DEMONSTRATING EX-*
12 *CELLENCE IN STUDENT VOTER REGISTRATION.—*

13 (1) *GRANTS AUTHORIZED.—The Secretary of*
14 *Education may award competitive grants to public*
15 *and private nonprofit institutions of higher education*
16 *that are subject to the requirements of section*
17 *487(a)(23) of the Higher Education Act of 1965 (20*
18 *U.S.C. 1094(a)(23)), as amended by subsection (a)*
19 *and that the Secretary determines have demonstrated*
20 *excellence in registering students to vote in elections*
21 *for public office beyond meeting the minimum re-*
22 *quirements of such section.*

23 (2) *ELIGIBILITY.—An institution of higher edu-*
24 *cation is eligible to receive a grant under this sub-*
25 *section if the institution submits to the Secretary of*

1 *Education, at such time and in such form as the Sec-*
2 *retary may require, an application containing such*
3 *information and assurances as the Secretary may re-*
4 *quire to make the determination described in para-*
5 *graph (1), including information and assurances that*
6 *the institution carried out activities to promote voter*
7 *registration by students, such as the following:*

8 *(A) Sponsoring large on-campus voter mo-*
9 *bilization efforts.*

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

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

16 *(D) Inviting candidates to speak on cam-*
17 *pus.*

18 *(E) Offering rides to students to the polls to*
19 *increase voter education, registration, and mobi-*
20 *lization.*

21 *(3) AUTHORIZATION OF APPROPRIATIONS.—*

22 *There are authorized to be appropriated for fiscal*
23 *year 2020 and each succeeding fiscal year such sums*
24 *as may be necessary to award grants under this sub-*
25 *section.*

1 (d) *SENSE OF CONGRESS RELATING TO OPTION OF*
2 *STUDENTS TO REGISTER IN JURISDICTION OF INSTITUTION*
3 *OF HIGHER EDUCATION OR JURISDICTION OF DOMICILE.—*
4 *It is the sense of Congress that, as provided under existing*
5 *law, students who attend an institution of higher education*
6 *and reside in the jurisdiction of the institution while at-*
7 *tending the institution should have the option of registering*
8 *to vote in elections for Federal office in that jurisdiction*
9 *or in the jurisdiction of their own domicile.*

10 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**
11 **VOTERS AFFECTED BY POLLING PLACE**
12 **CHANGES.**

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

16 (1) *by redesignating subsection (f) as subsection*
17 *(g); and*

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

20 “(f) *MINIMUM NOTIFICATION REQUIREMENTS FOR*
21 *VOTERS AFFECTED BY POLLING PLACE CHANGES.—*

22 “(1) *IN GENERAL.—If a State assigns an indi-*
23 *vidual who is a registered voter in a State to a poll-*
24 *ing place with respect to an election for Federal office*
25 *which is not the same polling place to which the indi-*

1 *vidual was previously assigned with respect to the*
2 *most recent election for Federal office in the State in*
3 *which the individual was eligible to vote—*

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

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

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

17 *(b) CONFORMING AMENDMENT.—Section 302(g) of*
18 *such Act (52 U.S.C. 21082(g)), as redesignated by sub-*
19 *section (a) and as amended by section 1601(b), is amended*
20 *by striking “(d)(2) and (e)(2)” and inserting “(d)(2),*
21 *(e)(2), and (f)(2)”.*

1 **SEC. 1903. [RESERVED].**

2 **SEC. 1904. PERMITTING USE OF SWORN WRITTEN STATE-**
3 **MENT TO MEET IDENTIFICATION REQUIRE-**
4 **MENTS FOR VOTING.**

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

9 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
10 **MENT TO MEET IDENTIFICATION REQUIRE-**
11 **MENTS.**

12 *“(a) USE OF STATEMENT.—*

13 *“(1) IN GENERAL.—Except as provided in sub-*
14 *section (c), if a State has in effect a requirement that*
15 *an individual present identification as a condition of*
16 *receiving and casting a ballot in an election for Fed-*
17 *eral office, the State shall permit the individual to*
18 *meet the requirement—*

19 *“(A) in the case of an individual who de-*
20 *sires to vote in person, by presenting the appro-*
21 *priate State or local election official with a*
22 *sworn written statement, signed by the indi-*
23 *vidual under penalty of perjury, attesting to the*
24 *individual’s identity and attesting that the indi-*
25 *vidual is eligible to vote in the election; or*

1 “(B) *in the case of an individual who de-*
2 *sires to vote by mail, by submitting with the bal-*
3 *lot the statement described in subparagraph (A).*

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

11 “(3) *PROVIDING PRE-PRINTED COPY OF STATE-*
12 *MENT.—A State which is subject to paragraph (1)*
13 *shall—*

14 “(A) *make copies of the pre-printed version*
15 *of the statement described in paragraph (1)(A)*
16 *which is prepared by the Commission available*
17 *at polling places for election officials to dis-*
18 *tribute to individuals who desire to vote in per-*
19 *son; and*

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

24 “(b) *REQUIRING USE OF BALLOT IN SAME MANNER*
25 *AS INDIVIDUALS PRESENTING IDENTIFICATION.—An indi-*

1 *vidual who presents or submits a sworn written statement*
2 *in accordance with subsection (a)(1) shall be permitted to*
3 *cast a ballot in the election in the same manner as an indi-*
4 *vidual who presents identification.*

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

10 (b) *REQUIRING STATES TO INCLUDE INFORMATION ON*
11 *USE OF SWORN WRITTEN STATEMENT IN VOTING INFORMA-*
12 *TION MATERIAL POSTED AT POLLING PLACES.—Section*
13 *302(b)(2) of such Act (52 U.S.C. 21082(b)(2)), as amended*
14 *by section 1072(b) and section 1202(b), is amended—*

15 (1) *by striking “and” at the end of subpara-*
16 *graph (G);*

17 (2) *by striking the period at the end of subpara-*
18 *graph (H) and inserting “; and”; and*

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

21 “(I) *in the case of a State that has in effect*
22 *a requirement that an individual present identi-*
23 *fication as a condition of receiving and casting*
24 *a ballot in an election for Federal office, infor-*
25 *mation on how an individual may meet such re-*

1 *quirement by presenting a sworn written state-*
2 *ment in accordance with section 303A.”.*

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

“Sec. 303A. Permitting use of sworn written statement to meet identification re-
 quirements.”.

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

9 **SEC. 1905. [RESERVED].**

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

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

17 **“PART 7—PAYMENTS TO REIMBURSE STATES FOR**
18 **COSTS INCURRED IN ESTABLISHING PRO-**
19 **GRAM TO TRACK AND CONFIRM RECEIPT OF**
20 **ABSENTEE BALLOTS**

21 **“SEC. 297. PAYMENTS TO STATES.**

22 *“(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-*
23 *GRAM.—In accordance with this section, the Commission*
24 *shall make a payment to a State to reimburse the State*

1 *for the costs incurred in establishing, if the State so chooses*
2 *to establish, an absentee ballot tracking program with re-*
3 *spect to elections for Federal office held in the State (includ-*
4 *ing costs incurred prior to the date of the enactment of this*
5 *part).*

6 “(b) *ABSENTEE BALLOT TRACKING PROGRAM DE-*
7 *SCRIBED.—*

8 “(1) *PROGRAM DESCRIBED.—*

9 “(A) *IN GENERAL.—In this part, an ‘absen-*
10 *tee ballot tracking program’ is a program to*
11 *track and confirm the receipt of absentee ballots*
12 *in an election for Federal office under which the*
13 *State or local election official responsible for the*
14 *receipt of voted absentee ballots in the election*
15 *carries out procedures to track and confirm the*
16 *receipt of such ballots, and makes information on*
17 *the receipt of such ballots available to the indi-*
18 *vidual who cast the ballot, by means of online*
19 *access using the Internet site of the official’s of-*
20 *fice.*

21 “(B) *INFORMATION ON WHETHER VOTE WAS*
22 *COUNTED.—The information referred to under*
23 *subparagraph (A) with respect to the receipt of*
24 *an absentee ballot shall include information re-*
25 *garding whether the vote cast on the ballot was*

1 *counted, and, in the case of a vote which was not*
2 *counted, the reasons therefor.*

3 “(2) *USE OF TOLL-FREE TELEPHONE NUMBER*
4 *BY OFFICIALS WITHOUT INTERNET SITE.—A program*
5 *established by a State or local election official whose*
6 *office does not have an Internet site may meet the de-*
7 *scription of a program under paragraph (1) if the of-*
8 *ficial has established a toll-free telephone number that*
9 *may be used by an individual who cast an absentee*
10 *ballot to obtain the information on the receipt of the*
11 *voted absentee ballot as provided under such para-*
12 *graph.*

13 “(c) *CERTIFICATION OF COMPLIANCE AND COSTS.—*

14 “(1) *CERTIFICATION REQUIRED.—In order to re-*
15 *ceive a payment under this section, a State shall sub-*
16 *mit to the Commission a statement containing—*

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

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

23 “(2) *AMOUNT OF PAYMENT.—The amount of a*
24 *payment made to a State under this section shall be*
25 *equal to the costs incurred by the State in establishing*

1 *the absentee ballot tracking program, as set forth in*
2 *the statement submitted under paragraph (1), except*
3 *that such amount may not exceed the product of—*

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

7 “(B) *\$3,000.*

8 “(3) *LIMIT ON NUMBER OF PAYMENTS RE-*
9 *CEIVED.—A State may not receive more than one*
10 *payment under this part.*

11 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

 “PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTAB-
 LISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BAL-
 LOTS

 “Sec. 297. *Payments to States.*

 “Sec. 297A. *Authorization of appropriations.”.*

1 **SEC. 1907. VOTER INFORMATION RESPONSE SYSTEMS AND**
2 **HOTLINE.**

3 (a) *ESTABLISHMENT AND OPERATION OF SYSTEMS*
4 *AND SERVICES.—*

5 (1) *STATE-BASED RESPONSE SYSTEMS.—The At-*
6 *torney General shall coordinate the establishment of a*
7 *State-based response system for responding to ques-*
8 *tions and complaints from individuals voting or seek-*
9 *ing to vote, or registering to vote or seeking to register*
10 *to vote, in elections for Federal office. Such system*
11 *shall provide—*

12 (A) *State-specific, same-day, and immediate*
13 *assistance to such individuals, including infor-*
14 *mation on how to register to vote, the location*
15 *and hours of operation of polling places, and*
16 *how to obtain absentee ballots; and*

17 (B) *State-specific, same-day, and imme-*
18 *diante assistance to individuals encountering*
19 *problems with registering to vote or voting, in-*
20 *cluding individuals encountering intimidation*
21 *or deceptive practices.*

22 (2) *HOTLINE.—The Attorney General, in con-*
23 *sultation with State election officials, shall establish*
24 *and operate a toll-free telephone service, using a tele-*
25 *phone number that is accessible throughout the United*
26 *States and that uses easily identifiable numerals,*

1 *through which individuals throughout the United*
2 *States—*

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

6 *(B) may obtain information on voting in*
7 *elections for Federal office, including informa-*
8 *tion on how to register to vote in such elections,*
9 *the locations and hours of operation of polling*
10 *places, and how to obtain absentee ballots; and*

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

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

17 (A) *COLLECTION OF INFORMATION FROM*
18 *STATES.—The Attorney General shall coordinate*
19 *the collection of information on State and local*
20 *election laws and policies, including information*
21 *on the Statewide computerized voter registration*
22 *lists maintained under title III of the Help*
23 *America Vote Act of 2002, so that individuals*
24 *who contact the free telephone service established*
25 *under paragraph (2) on the date of an election*

1 *for Federal office may receive an immediate re-*
2 *ponse on that day.*

3 (B) *FORWARDING QUESTIONS AND COM-*
4 *PLAINTS TO STATES.—If an individual contacts*
5 *the free telephone service established under para-*
6 *graph (2) on the date of an election for Federal*
7 *office with a question or complaint with respect*
8 *to a particular State or jurisdiction within a*
9 *State, the Attorney General shall forward the*
10 *question or complaint immediately to the appro-*
11 *priate election official of the State or jurisdiction*
12 *so that the official may answer the question or*
13 *remedy the complaint on that date.*

14 (4) *CONSULTATION REQUIREMENTS FOR DEVEL-*
15 *OPMENT OF SYSTEMS AND SERVICES.—The Attorney*
16 *General shall ensure that the State-based response sys-*
17 *tem under paragraph (1) and the free telephone serv-*
18 *ice under paragraph (2) are each developed in con-*
19 *sultation with civil rights organizations, voting rights*
20 *groups, State and local election officials, voter protec-*
21 *tion groups, and other interested community organi-*
22 *zations, especially those that have experience in the*
23 *operation of similar systems and services.*

24 (b) *USE OF SERVICE BY INDIVIDUALS WITH DISABIL-*
25 *ITIES AND INDIVIDUALS WITH LIMITED ENGLISH LAN-*

1 *GUAGE PROFICIENCY.*—*The Attorney General shall design*
2 *and operate the telephone service established under this sec-*
3 *tion in a manner that ensures that individuals with dis-*
4 *abilities are fully able to use the service, and that assistance*
5 *is provided in any language in which the State (or any*
6 *jurisdiction in the State) is required to provide election ma-*
7 *terials under section 203 of the Voting Rights Act of 1965..*

8 *(c) VOTER HOTLINE TASK FORCE.*—

9 *(1) APPOINTMENT BY ATTORNEY GENERAL.*—*The*
10 *Attorney General shall appoint individuals (in such*
11 *number as the Attorney General considers appro-*
12 *priate but in no event fewer than 3) to serve on a*
13 *Voter Hotline Task Force to provide ongoing analysis*
14 *and assessment of the operation of the telephone serv-*
15 *ice established under this section, and shall give spe-*
16 *cial consideration in making appointments to the*
17 *Task Force to individuals who represent civil rights*
18 *organizations. At least one member of the Task Force*
19 *shall be a representative of an organization pro-*
20 *moting voting rights or civil rights which has experi-*
21 *ence in the operation of similar telephone services or*
22 *in protecting the rights of individuals to vote, espe-*
23 *cially individuals who are members of racial, ethnic,*
24 *or linguistic minorities or of communities who have*

1 *been adversely affected by efforts to suppress voting*
2 *rights.*

3 (2) *ELIGIBILITY.—An individual shall be eligible*
4 *to serve on the Task Force under this subsection if the*
5 *individual meets such criteria as the Attorney Gen-*
6 *eral may establish, except that an individual may not*
7 *serve on the task force if the individual has been con-*
8 *victed of any criminal offense relating to voter in-*
9 *timidation or voter suppression.*

10 (3) *TERM OF SERVICE.—An individual ap-*
11 *pointed to the Task Force shall serve a single term of*
12 *2 years, except that the initial terms of the members*
13 *first appointed to the Task Force shall be staggered so*
14 *that there are at least 3 individuals serving on the*
15 *Task Force during each year. A vacancy in the mem-*
16 *bership of the Task Force shall be filled in the same*
17 *manner as the original appointment.*

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

24 (d) *BI-ANNUAL REPORT TO CONGRESS.—Not later*
25 *than March 1 of each odd-numbered year, the Attorney Gen-*

1 *eral shall submit a report to Congress on the operation of*
2 *the telephone service established under this section during*
3 *the previous 2 years, and shall include in the report—*

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

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

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

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

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

24 *(e) AUTHORIZATION OF APPROPRIATIONS.—*

1 (1) *AUTHORIZATION.*—*There are authorized to be*
2 *appropriated to the Attorney General for fiscal year*
3 *2019 and each succeeding fiscal year such sums as*
4 *may be necessary to carry out this section.*

5 (2) *SET-ASIDE FOR OUTREACH.*—*Of the amounts*
6 *appropriated to carry out this section for a fiscal*
7 *year pursuant to the authorization under paragraph*
8 *(1), not less than 15 percent shall be used for outreach*
9 *activities to make the public aware of the availability*
10 *of the telephone service established under this section,*
11 *with an emphasis on outreach to individuals with*
12 *disabilities and individuals with limited proficiency*
13 *in the English language.*

14 ***PART 2—IMPROVEMENTS IN OPERATION OF***
15 ***ELECTION ASSISTANCE COMMISSION***

16 ***SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE***
17 ***COMMISSION.***

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

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

23 (2) *by striking “(but not to exceed \$10,000,000*
24 *for each such year)”.*

1 **SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-**
2 **GENERAL ELECTION SURVEYS.**

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

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

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

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

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

“*Sec. 303B. Requiring participation in post-general election surveys.*”.

1 **SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STAND-**
2 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
3 **TRANSFERRED FROM ELECTION ASSISTANCE**
4 **COMMISSION.**

5 (a) *REQUIRING REPORTS ON USE FUNDS AS CONDI-*
6 *TION OF RECEIPT.*—Section 231 of the Help America Vote
7 Act of 2002 (52 U.S.C. 20971) is amended by adding at
8 the end the following new subsection:

9 “(e) *REPORT ON USE OF FUNDS TRANSFERRED FROM*
10 *COMMISSION.*—To the extent that funds are transferred
11 from the Commission to the Director of the National Insti-
12 tute of Standards and Technology for purposes of carrying
13 out this section during any fiscal year, the Director may
14 not use such funds unless the Director certifies at the time
15 of transfer that the Director will submit a report to the
16 Commission not later than 90 days after the end of the fis-
17 cal year detailing how the Director used such funds during
18 the year.”.

19 (b) *EFFECTIVE DATE.*—The amendment made by sub-
20 section (a) shall apply with respect to fiscal year 2020 and
21 each succeeding fiscal year.

22 **SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS**
23 **OF ELECTION ASSISTANCE COMMISSION.**

24 (a) *ASSESSMENT OF INFORMATION TECHNOLOGY AND*
25 *CYBERSECURITY.*—Not later than December 31, 2019, the
26 Election Assistance Commission shall carry out an assess-

1 *ment of the security and effectiveness of the Commission's*
2 *information technology systems, including the cybersecurity*
3 *of such systems.*

4 (b) *IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT*
5 *PROCEDURES.—*

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

14 (2) *RECOMMENDATIONS TO STREAMLINE PROCE-*
15 *DURES.—Not later than December 31, 2019, the Com-*
16 *mission shall submit to Congress a report on the re-*
17 *view carried out under paragraph (1), and shall in-*
18 *clude in the report such recommendations as the Com-*
19 *mission considers appropriate to streamline and im-*
20 *prove the procedures which are the subject of the re-*
21 *view.*

1 **SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
2 **ANCE COMMISSION FROM CERTAIN GOVERN-**
3 **MENT CONTRACTING REQUIREMENTS.**

4 (a) *IN GENERAL.*—Section 205 of the Help America
5 Vote Act of 2002 (52 U.S.C. 20925) is amended by striking
6 subsection (e).

7 (b) *EFFECTIVE DATE.*—The amendment made by sub-
8 section (a) shall apply with respect to contracts entered into
9 by the Election Assistance Commission on or after the date
10 of the enactment of this Act.

11 **PART 3—MISCELLANEOUS PROVISIONS**

12 **SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF**
13 **NORTHERN MARIANA ISLANDS.**

14 (a) *NATIONAL VOTER REGISTRATION ACT OF 1993.*—
15 Section 3(4) of the National Voter Registration Act of 1993
16 (52 U.S.C. 20502(4)) is amended by striking “States and
17 the District of Columbia” and inserting “States, the Dis-
18 trict of Columbia, and the Commonwealth of the Northern
19 Mariana Islands”.

20 (b) *HELP AMERICA VOTE ACT OF 2002.*—

21 (1) *COVERAGE OF COMMONWEALTH OF THE*
22 *NORTHERN MARIANA ISLANDS.*—Section 901 of the
23 *Help America Vote Act of 2002 (52 U.S.C. 21141)* is
24 *amended by striking “and the United States Virgin*
25 *Islands” and inserting “the United States Virgin Is-*

1 *lands, and the Commonwealth of the Northern Mariana Islands*”.

2
3 (2) *CONFORMING AMENDMENTS TO HELP AMERICA VOTE ACT OF 2002.*—*Such Act is further amended as follows:*

4
5
6 (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”.*

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11 (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 Commonwealth of the Northern Mariana Islands”.*

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16 (3) *CONFORMING AMENDMENT RELATING TO CONSULTATION OF HELP AMERICA VOTE FOUNDATION WITH LOCAL ELECTION OFFICIALS.*—*Section 90102(c) of title 36, United States Code, is amended by striking “and the United States Virgin Islands” and inserting “the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands”.*

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23 (4) *EFFECTIVE DATE.*—*The amendments made by this subsection shall apply with respect to fiscal years beginning with the first fiscal year which begins*

1 *after funds are appropriated to the Commonwealth of*
2 *the Northern Mariana Islands pursuant to the pay-*
3 *ment under section 2.*

4 **SEC. 1922. NO EFFECT ON OTHER LAWS.**

5 (a) *IN GENERAL.—Except as specifically provided,*
6 *nothing in this title may be construed to authorize or re-*
7 *quire conduct prohibited under any of the following laws,*
8 *or to supersede, restrict, or limit the application of such*
9 *laws:*

10 (1) *The Voting Rights Act of 1965 (52 U.S.C.*
11 *10301 et seq.).*

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

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

16 (4) *The National Voter Registration Act of 1993*
17 *(52 U.S.C. 20501 et seq.).*

18 (5) *The Americans with Disabilities Act of 1990*
19 *(42 U.S.C. 12101 et seq.).*

20 (6) *The Rehabilitation Act of 1973 (29 U.S.C.*
21 *701 et seq.).*

22 (b) *NO EFFECT ON PRECLEARANCE OR OTHER RE-*
23 *QUIREMENTS UNDER VOTING RIGHTS ACT.—The approval*
24 *by any person of a payment or grant application under*
25 *this title, or any other action taken by any person under*

1 *this title, shall not be considered to have any effect on re-*
2 *quirements for preclearance under section 5 of the Voting*
3 *Rights Act of 1965 (52 U.S.C. 10304) or any other require-*
4 *ments of such Act.*

5 *(c) NO EFFECT ON AUTHORITY OF STATES TO PRO-*
6 *VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing in*
7 *this title or the amendments made by this title may be con-*
8 *strued to prohibit any State from enacting any law which*
9 *provides greater opportunities for individuals to register to*
10 *vote and to vote in elections for Federal office than are pro-*
11 *vided by this title and the amendments made by this title.*

12 ***Subtitle O—Severability***

13 ***SEC. 1931. SEVERABILITY.***

14 *If any provision of this title or amendment made by*
15 *this title, or the application of a provision or amendment*
16 *to any person or circumstance, is held to be unconstitu-*
17 *tional, the remainder of this title and amendments made*
18 *by this title, and the application of the provisions and*
19 *amendment to any person or circumstance, shall not be af-*
20 *ected by the holding.*

1 **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.

2 ***Subtitle A—[Reserved]***

3 ***Subtitle B—[Reserved]***

4 ***Subtitle C—[Reserved]***

5 ***Subtitle D—[Reserved]***

6 ***Subtitle E—[Reserved]***

7 ***Subtitle F—Saving Eligible Voters***

8 ***From Voter Purging***

9 **SEC. 2501. SHORT TITLE.**

10 *This subtitle may be cited as the “Stop Automatically*

11 *Voiding Eligible Voters Off Their Enlisted Rolls in States*

12 *Act” or the “Save Voters Act”.*

1 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**
2 **LIST OF REGISTERED VOTERS.**

3 (a) *CONDITIONS DESCRIBED.—The National Voter*
4 *Registration Act of 1993 (52 U.S.C. 20501 et seq.) is*
5 *amended by inserting after section 8 the following new sec-*
6 *tion:*

7 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM OF-**
8 **FICIAL LIST OF REGISTERED VOTERS.**

9 *“(a) VERIFICATION ON BASIS OF OBJECTIVE AND RE-*
10 *LIABLE EVIDENCE OF INELIGIBILITY.—*

11 *“(1) REQUIRING VERIFICATION.—Notwith-*
12 *standing any other provision of this Act, a State may*
13 *not remove the name of any registrant from the offi-*
14 *cial list of voters eligible to vote in elections for Fed-*
15 *eral office in the State unless the State verifies, on the*
16 *basis of objective and reliable evidence, that the reg-*
17 *istrant is ineligible to vote in such elections.*

18 *“(2) FACTORS NOT CONSIDERED AS OBJECTIVE*
19 *AND RELIABLE EVIDENCE OF INELIGIBILITY.—For*
20 *purposes of paragraph (2), the following factors, or*
21 *any combination thereof, shall not be treated as objec-*
22 *tive and reliable evidence of a registrant’s ineligi-*
23 *bility to vote:*

24 *“(A) The failure of the registrant to vote in*
25 *any election.*

1 “(B) *The failure of the registrant to respond*
2 *to any notice sent under section 8(d), unless the*
3 *notice has been returned as undeliverable.*

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

8 “(b) *NOTICE AFTER REMOVAL.—*

9 “(1) *NOTICE TO INDIVIDUAL REMOVED.—*

10 “(A) *IN GENERAL.—Not later than 48 hours*
11 *after a State removes the name of a registrant*
12 *from the official list of eligible voters for any*
13 *reason (other than the death of the registrant),*
14 *the State shall send notice of the removal to the*
15 *former registrant, and shall include in the notice*
16 *the grounds for the removal and information how*
17 *the former registrant may contest the removal,*
18 *including a telephone number for the appro-*
19 *priate election official., and how to contest the*
20 *removal or be reinstated, including a contact*
21 *phone number.*

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

24 “(i) *who sends written confirmation to*
25 *the State that the registrant is no longer eli-*

1 *gible to vote in the registrar's jurisdiction*
2 *in which the registrant was registered; or*
3 *“(ii) who is removed from the official*
4 *list of eligible voters by reason of the death*
5 *of the registrant.*

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

22 *(b) CONDITIONS FOR TRANSMISSION OF NOTICES OF*
23 *REMOVAL.—Section 8(d) of such Act (52 U.S.C. 20507(d))*
24 *is amended by adding at the end the following new para-*
25 *graph:*

1 “(4) A State may not transmit a notice to a reg-
2 istrant under this subsection unless the State obtains
3 objective and reliable evidence (in accordance with the
4 standards for such evidence which are described in
5 section 8A(a)(2)) that the registrant has changed resi-
6 dence to a place outside the registrar’s jurisdiction in
7 which the registrant is registered.”.

8 (c) *CONFORMING AMENDMENTS.*—

9 (1) *NATIONAL VOTER REGISTRATION ACT OF*
10 *1993.*—Section 8(a) of such Act (52 U.S.C. 20507(a))
11 is amended—

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

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

17 (2) *HELP AMERICA VOTE ACT OF 2002.*—Section
18 303(a)(4)(A) of the *Help America Vote Act of 2002*
19 (52 U.S.C. 21083(a)(4)(A)) is amended by striking “,
20 registrants” and inserting “, and subject to section 8A
21 of such Act, registrants”.

22 (d) *EFFECTIVE DATE.*—The amendments made by this
23 section shall take effect on the date of the enactment of this
24 Act.

1 ***Subtitle G—No Effect on Authority***
2 ***of States to Provide Greater Op-***
3 ***portunities for Voting***

4 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
5 **VIDE GREATER OPPORTUNITIES FOR VOTING.**

6 *Nothing in this title or the amendments made by this*
7 *title may be construed to prohibit any State from enacting*
8 *any law which provides greater opportunities for individ-*
9 *uals to register to vote and to vote in elections for Federal*
10 *office than are provided by this title and the amendments*
11 *made by this title.*

12 ***Subtitle H—Severability***

13 **SEC. 2701. SEVERABILITY.**

14 *If any provision of this title or amendment made by*
15 *this title, or the application of a provision or amendment*
16 *to any person or circumstance, is held to be unconstitu-*
17 *tional, the remainder of this title and amendments made*
18 *by this title, and the application of the provisions and*
19 *amendment to any person or circumstance, shall not be af-*
20 *ected by the holding.*

21 ***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.

167

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”.

1 **(b) SENSE OF CONGRESS ON NEED TO IMPROVE ELEC-**
2 **TION INFRASTRUCTURE SECURITY.**—*It is the sense of Con-*
3 *gress that, in light of the lessons learned from Russian in-*
4 *terference in the 2016 Presidential election, the Federal*
5 *Government should intensify its efforts to improve the secu-*
6 *rity of election infrastructure in the United States, includ-*
7 *ing through the use of individual, durable, paper ballots*
8 *marked by the voter by hand.*

9 **Subtitle A—Financial Support for**
10 **Election Infrastructure**

11 **PART 1—VOTING SYSTEM SECURITY**

12 **IMPROVEMENT GRANTS**

13 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
14 **BALLOT VOTING SYSTEMS AND CARRYING**
15 **OUT VOTING SYSTEM SECURITY IMPROVE-**
16 **MENTS.**

17 **(a) AVAILABILITY OF GRANTS.**—*Subtitle D of title II*
18 *of the Help America Vote Act of 2002 (52 U.S.C. 21001*
19 *et seq.), as amended by section 1906(a), is amended by add-*
20 *ing at the end the following new part:*

1 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
3 **RYING OUT VOTING SYSTEM SECURITY IM-**
4 **PROVEMENTS**

5 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
6 **BALLOT VOTING SYSTEMS AND CARRYING**
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
8 **MENTS.**

9 *“(a) AVAILABILITY AND USE OF GRANT.—The Com-*
10 *mission shall make a grant to each eligible State—*

11 *“(1) to replace a voting system—*

12 *“(A) which does not meet the requirements*
13 *which are first imposed on the State pursuant to*
14 *the amendments made by the Voter Confidence*
15 *and Increased Accessibility Act of 2019 with a*
16 *voting system which does meet such require-*
17 *ments, for use in the regularly scheduled general*
18 *elections for Federal office held in November*
19 *2020, or*

20 *“(B) which does meet such requirements but*
21 *which is not in compliance with the most recent*
22 *voluntary voting system guidelines issued by the*
23 *Commission prior to the regularly scheduled gen-*
24 *eral election for Federal office held in November*
25 *2020 with another system which does meet such*

1 *requirements and is in compliance with such*
2 *guidelines; and*

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

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

15 “(c) *PRO RATA REDUCTIONS.—If the amount of funds*
16 *appropriated for grants under this part is insufficient to*
17 *ensure that each State receives the amount of the grant cal-*
18 *culated under subsection (b), the Commission shall make*
19 *such pro rata reductions in such amounts as may be nec-*
20 *essary to ensure that the entire amount appropriated under*
21 *this part is distributed to the States.*

22 “(d) *ABILITY OF REPLACEMENT SYSTEMS TO ADMIN-*
23 *ISTER RANKED CHOICE ELECTIONS.—To the greatest extent*
24 *practicable, an eligible State which receives a grant to re-*
25 *place a voting system under this section shall ensure that*

1 *the replacement system is capable of administering a system*
2 *of ranked choice voting under which each voter shall rank*
3 *the candidates for the office in the order of the voter's pref-*
4 *erence.*

5 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DE-**
6 **SCRIBED.**

7 *“(a) PERMITTED USES.—A voting system security im-*
8 *provement described in this section is any of the following:*

9 *“(1) The acquisition of goods and services from*
10 *qualified election infrastructure vendors by purchase,*
11 *lease, or such other arrangements as may be appro-*
12 *priate.*

13 *“(2) Cyber and risk mitigation training.*

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

19 *“(4) The maintenance of election infrastructure,*
20 *including addressing risks and vulnerabilities which*
21 *are identified under either of the security risk and*
22 *vulnerability assessments described in paragraph (3),*
23 *except that none of the funds provided under this part*
24 *may be used to renovate or replace a building or fa-*

1 *cility which is used primarily for purposes other than*
2 *the administration of elections for public office.*

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

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

11 *“(7) Enhancing the cybersecurity of voter reg-*
12 *istration systems.*

13 *“(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-*
14 *DORS DESCRIBED.—*

15 *“(1) IN GENERAL.—For purposes of this part, a*
16 *‘qualified election infrastructure vendor’ is any per-*
17 *son who provides, supports, or maintains, or who*
18 *seeks to provide, support, or maintain, election infra-*
19 *structure on behalf of a State, unit of local govern-*
20 *ment, or election agency (as defined in section 3501*
21 *of the Election Security Act) who meets the criteria*
22 *described in paragraph (2).*

23 *“(2) CRITERIA.—The criteria described in this*
24 *paragraph are such criteria as the Chairman, in co-*
25 *ordination with the Secretary of Homeland Security,*

1 *shall establish and publish, and shall include each of*
2 *the following requirements:*

3 “(A) *The vendor must be owned and con-*
4 *trolled by a citizen or permanent resident of the*
5 *United States.*

6 “(B) *The vendor must disclose to the Chair-*
7 *man and the Secretary, and to the chief State*
8 *election official of any State to which the vendor*
9 *provides any goods and services with funds pro-*
10 *vided under this part, of any sourcing outside*
11 *the United States for parts of the election infra-*
12 *structure.*

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

18 “(D) *The vendor agrees to maintain its in-*
19 *formation technology infrastructure in a manner*
20 *that is consistent with the cybersecurity best*
21 *practices issued by the Technical Guidelines De-*
22 *velopment Committee.*

23 “(E) *The vendor agrees to meet the require-*
24 *ments of paragraph (3) with respect to any*
25 *known or suspected cybersecurity incidents in-*

1 *volving any of the goods and services provided by*
2 *the vendor pursuant to a grant under this part.*

3 “(F) *The vendor agrees to permit inde-*
4 *pendent security testing by the Commission (in*
5 *accordance with section 231(a)) and by the Sec-*
6 *retary of the goods and services provided by the*
7 *vendor pursuant to a grant under this part.*

8 “(3) *CYBERSECURITY INCIDENT REPORTING RE-*
9 *QUIREMENTS.—*

10 “(A) *IN GENERAL.—A vendor meets the re-*
11 *quirements of this paragraph if, upon becoming*
12 *aware of the possibility that an election cyberse-*
13 *curity incident has occurred involving any of the*
14 *goods and services provided by the vendor pursu-*
15 *ant to a grant under this part—*

16 “(i) *the vendor promptly assesses*
17 *whether or not such an incident occurred,*
18 *and submits a notification meeting the re-*
19 *quirements of subparagraph (B) to the Sec-*
20 *retary and the Chairman of the assessment*
21 *as soon as practicable (but in no case later*
22 *than 3 days after the vendor first becomes*
23 *aware of the possibility that the incident oc-*
24 *curred);*

1 “(ii) if the incident involves goods or
2 services provided to an election agency, the
3 vendor submits a notification meeting the
4 requirements of subparagraph (B) to the
5 agency as soon as practicable (but in no
6 case later than 3 days after the vendor first
7 becomes aware of the possibility that the in-
8 cident occurred), and cooperates with the
9 agency in providing any other necessary
10 notifications relating to the incident; and

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

14 “(B) CONTENTS OF NOTIFICATIONS.—Each
15 notification submitted under clause (i) or clause
16 (ii) of subparagraph (A) shall contain the fol-
17 lowing information with respect to any election
18 cybersecurity incident covered by the notifica-
19 tion:

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

23 “(ii) The date, time, and time zone
24 when the election cybersecurity incident was
25 detected.

1 “(iii) *The date, time, and duration of*
2 *the election cybersecurity incident.*

3 “(iv) *The circumstances of the election*
4 *cybersecurity incident, including the spe-*
5 *cific election infrastructure systems believed*
6 *to have been accessed and information ac-*
7 *quired, if any.*

8 “(v) *Any planned and implemented*
9 *technical measures to respond to and re-*
10 *cover from the incident.*

11 “(vi) *In the case of any notification*
12 *which is an update to a prior notification,*
13 *any additional material information relat-*
14 *ing to the incident, including technical*
15 *data, as it becomes available.*

16 **“SEC. 298B. ELIGIBILITY OF STATES.**

17 *“A State is eligible to receive a grant under this part*
18 *if the State submits to the Commission, at such time and*
19 *in such form as the Commission may require, an applica-*
20 *tion containing—*

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

24 “(2) *a certification and assurance that, not later*
25 *than 5 years after receiving the grant, the State will*

1 *carry out risk-limiting audits and will carry out vot-*
2 *ing system security improvements, as described in sec-*
3 *tion 298A; and*

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

6 **“SEC. 298C. REPORTS TO CONGRESS.**

7 *“Not later than 90 days after the end of each fiscal*
8 *year, the Commission shall submit a report to the appro-*
9 *priate congressional committees, including the Committees*
10 *on Homeland Security, House Administration, and the Ju-*
11 *diciary of the House of Representatives and the Committees*
12 *on Homeland Security and Governmental Affairs, the Judi-*
13 *ciary, and Rules and Administration of the Senate, on the*
14 *activities carried out with the funds provided under this*
15 *part.*

16 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

17 *“(a) AUTHORIZATION.—There are authorized to be ap-*
18 *propriated for grants under this part—*

19 *“(1) \$1,000,000,000 for fiscal year 2019; and*

20 *“(2) \$175,000,000 for each of the fiscal years*
21 *2020, 2022, 2024, and 2026.*

22 *“(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any*
23 *amounts appropriated pursuant to the authorization of this*
24 *section shall remain available until expended.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents of*
2 *such Act, as amended by section 1906(b), is amended by*
3 *adding at the end of the items relating to subtitle D of title*
4 *II the following:*

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

*“Sec. 298. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.*

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

5 ***SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY***
6 ***ACTIVITIES WITH USE OF REQUIREMENTS***
7 ***PAYMENTS AND ELECTION ADMINISTRATION***
8 ***REQUIREMENTS UNDER HELP AMERICA VOTE***
9 ***ACT OF 2002.***

10 (a) *DUTIES OF ELECTION ASSISTANCE COMMIS-*
11 *SION.*—*Section 202 of the Help America Vote Act of 2002*
12 *(52 U.S.C. 20922) is amended in the matter preceding*
13 *paragraph (1) by striking “by” and inserting “and the se-*
14 *curity of election infrastructure by”.*

15 (b) *MEMBERSHIP OF SECRETARY OF HOMELAND SE-*
16 *curity ON BOARD OF ADVISORS OF ELECTION ASSISTANCE*
17 *COMMISSION.*—*Section 214(a) of such Act (52 U.S.C.*
18 *20944(a)) is amended—*

19 (1) *by striking “37 members” and inserting “38*
20 *members”;* and

1 (2) *by adding at the end the following new para-*
2 *graph:*

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

5 (c) *REPRESENTATIVE OF DEPARTMENT OF HOMELAND*
6 *SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT*
7 *COMMITTEE.—Section 221(c)(1) of such Act (52 U.S.C.*
8 *20961(c)(1)) is amended—*

9 (1) *by redesignating subparagraph (E) as sub-*
10 *paragraph (F); and*

11 (2) *by inserting after subparagraph (D) the fol-*
12 *lowing new subparagraph:*

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

15 (d) *GOALS OF PERIODIC STUDIES OF ELECTION AD-*
16 *MINISTRATION ISSUES; CONSULTATION WITH SECRETARY*
17 *OF HOMELAND SECURITY.—Section 241(a) of such Act (52*
18 *U.S.C. 20981(a)) is amended—*

19 (1) *in the matter preceding paragraph (1), by*
20 *striking “the Commission shall” and inserting “the*
21 *Commission, in consultation with the Secretary of*
22 *Homeland Security (as appropriate), shall”;*

23 (2) *by striking “and” at the end of paragraph*
24 (3);

1 (3) *by redesignating paragraph (4) as para-*
2 *graph (5); and*

3 (4) *by inserting after paragraph (3) the fol-*
4 *lowing new paragraph:*

5 “(4) *will be secure against attempts to under-*
6 *mine the integrity of election systems by cyber or*
7 *other means; and”.*

8 (e) *REQUIREMENTS PAYMENTS.—*

9 (1) *USE OF PAYMENTS FOR VOTING SYSTEM SE-*
10 *curity IMPROVEMENTS.—Section 251(b) of such Act*
11 *(52 U.S.C. 21001(b)), as amended by section*
12 *1061(a)(2), is further amended by adding at the end*
13 *the following new paragraph:*

14 “(5) *PERMITTING USE OF PAYMENTS FOR VOTING*
15 *SYSTEM SECURITY IMPROVEMENTS.—A State may use*
16 *a requirements payment to carry out any of the fol-*
17 *lowing activities:*

18 “(A) *Cyber and risk mitigation training.*

19 “(B) *Providing increased technical support*
20 *for any information technology infrastructure*
21 *that the chief State election official deems to be*
22 *part of the State’s election infrastructure or des-*
23 *ignates as critical to the operation of the State’s*
24 *election infrastructure.*

1 “(C) *Enhancing the cybersecurity and oper-*
2 *ations of the information technology infrastruc-*
3 *ture described in subparagraph (B).*”

4 “(D) *Enhancing the security of voter reg-*
5 *istration databases.*”.

6 (2) *INCORPORATION OF ELECTION INFRASTRUC-*
7 *TURE PROTECTION IN STATE PLANS FOR USE OF PAY-*
8 *MENTS.—Section 254(a)(1) of such Act (52 U.S.C.*
9 *21004(a)(1)) is amended by striking the period at the*
10 *end and inserting “, including the protection of elec-*
11 *tion infrastructure.*”.

12 (3) *COMPOSITION OF COMMITTEE RESPONSIBLE*
13 *FOR DEVELOPING STATE PLAN FOR USE OF PAY-*
14 *MENTS.—Section 255 of such Act (52 U.S.C. 21005)*
15 *is amended—*

16 (A) *by redesignating subsection (b) as sub-*
17 *section (c); and*

18 (B) *by inserting after subsection (a) the fol-*
19 *lowing new subsection:*

20 “(b) *GEOGRAPHIC REPRESENTATION.—The members*
21 *of the committee shall be a representative group of individ-*
22 *uals from the State’s counties, cities, towns, and Indian*
23 *tribes, and shall represent the needs of rural as well as*
24 *urban areas of the State, as the case may be.*”.

1 (f) *ENSURING PROTECTION OF COMPUTERIZED*
2 *STATEWIDE VOTER REGISTRATION LIST.*—Section
3 *303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amended*
4 *by striking the period at the end and inserting “, as well*
5 *as other measures to prevent and deter cybersecurity inci-*
6 *dents, as identified by the Commission, the Secretary of*
7 *Homeland Security, and the Technical Guidelines Develop-*
8 *ment Committee.”.*

9 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

10 (a) *IN GENERAL.*—Section 901 of the *Help America*
11 *Vote Act of 2002 (52 U.S.C. 21141) is amended to read as*
12 *follows:*

13 **“SEC. 901. DEFINITIONS.**

14 *“In this Act, the following definitions apply:*

15 *“(1) The term ‘cybersecurity incident’ has the*
16 *meaning given the term ‘incident’ in section 227 of*
17 *the Homeland Security Act of 2002 (6 U.S.C. 148).*

18 *“(2) The term ‘election infrastructure’ has the*
19 *meaning given such term in section 3501 of the Elec-*
20 *tion Security Act.*

21 *“(3) The term ‘State’ means each of the several*
22 *States, the District of Columbia, the Commonwealth*
23 *of Puerto Rico, Guam, American Samoa, the United*
24 *States Virgin Islands, and the Commonwealth of the*
25 *Northern Mariana Islands.”.*

1 *official of the State which meet the requirements of*
2 *subsection (c); and*

3 “(2) *under which, if the reported outcome of the*
4 *election is incorrect, there is at least a predetermined*
5 *percentage chance that the audit will replace the in-*
6 *correct outcome with the correct outcome as deter-*
7 *mined by a full, hand-to-eye tabulation of all votes*
8 *validly cast in that election that ascertains voter in-*
9 *tent manually and directly from voter-verifiable*
10 *paper records.*

11 “(c) *REQUIREMENTS FOR RULES AND PROCEDURES.—*
12 *The rules and procedures established for conducting a risk-*
13 *limiting audit shall include the following elements:*

14 “(1) *Rules for ensuring the security of ballots*
15 *and documenting that prescribed procedures were fol-*
16 *lowed.*

17 “(2) *Rules and procedures for ensuring the accu-*
18 *racy of ballot manifests produced by election agencies.*

19 “(3) *Rules and procedures for governing the for-*
20 *mat of ballot manifests, cast vote records, and other*
21 *data involved in the audit.*

22 “(4) *Methods to ensure that any cast vote records*
23 *used in the audit are those used by the voting system*
24 *to tally the election results sent to the chief State elec-*
25 *tion official and made public.*

1 “(5) *Procedures for the random selection of bal-*
2 *lots to be inspected manually during each audit.*

3 “(6) *Rules for the calculations and other methods*
4 *to be used in the audit and to determine whether and*
5 *when the audit of an election is complete.*

6 “(7) *Procedures and requirements for testing any*
7 *software used to conduct risk-limiting audits.*

8 “(d) *DEFINITIONS.—In this part, the following defini-*
9 *tions apply:*

10 “(1) *The term ‘ballot manifest’ means a record*
11 *maintained by each election agency that meets each*
12 *of the following requirements:*

13 “(A) *The record is created without reliance*
14 *on any part of the voting system used to tabulate*
15 *votes.*

16 “(B) *The record functions as a sampling*
17 *frame for conducting a risk-limiting audit.*

18 “(C) *The record contains the following in-*
19 *formation with respect to the ballots cast and*
20 *counted in the election:*

21 “(i) *The total number of ballots cast*
22 *and counted by the agency (including*
23 *undervotes, overvotes, and other invalid*
24 *votes).*

1 “(ii) *The total number of ballots cast*
2 *in each election administered by the agency*
3 *(including undervotes, overvotes, and other*
4 *invalid votes).*

5 “(iii) *A precise description of the man-*
6 *ner in which the ballots are physically*
7 *stored, including the total number of phys-*
8 *ical groups of ballots, the numbering system*
9 *for each group, a unique label for each*
10 *group, and the number of ballots in each*
11 *such group.*

12 “(2) *The term ‘incorrect outcome’ means an out-*
13 *come that differs from the outcome that would be de-*
14 *termined by a full tabulation of all votes validly cast*
15 *in the election, determining voter intent manually,*
16 *directly from voter-verifiable paper records.*

17 “(3) *The term ‘outcome’ means the winner of an*
18 *election, whether a candidate or a position.*

19 “(4) *The term ‘reported outcome’ means the out-*
20 *come of an election which is determined according to*
21 *the canvass and which will become the official, cer-*
22 *tified outcome unless it is revised by an audit, re-*
23 *count, or other legal process.*

1 **“SEC. 299A. ELIGIBILITY OF STATES.**

2 *“A State is eligible to receive a grant under this part*
3 *if the State submits to the Commission, at such time and*
4 *in such form as the Commission may require, an applica-*
5 *tion containing—*

6 *“(1) a certification that, not later than 5 years*
7 *after receiving the grant, the State will conduct risk-*
8 *limiting audits of the results of elections for Federal*
9 *office held in the State as described in section 299;*

10 *“(2) a certification that, not later than one year*
11 *after the date of the enactment of this section, the*
12 *chief State election official of the State has established*
13 *or will establish the rules and procedures for con-*
14 *ducting the audits which meet the requirements of sec-*
15 *tion 299(c);*

16 *“(3) a certification that the audit shall be com-*
17 *pleted not later than the date on which the State cer-*
18 *tifies the results of the election;*

19 *“(4) a certification that, after completing the*
20 *audit, the State shall publish a report on the results*
21 *of the audit, together with such information as nec-*
22 *essary to confirm that the audit was conducted prop-*
23 *erly;*

24 *“(5) a certification that, if a risk-limiting audit*
25 *conducted under this part leads to a full manual tally*
26 *of an election, State law requires that the State or*

1 *election agency shall use the results of the full manual*
2 *tally as the official results of the election; and*

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

5 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated for grants*
7 *under this part \$20,000,000 for fiscal year 2019, to remain*
8 *available until expended.”.*

9 *(b) CLERICAL AMENDMENT.—The table of contents of*
10 *such Act, as amended by sections 1906(b) and 3001(b), is*
11 *further amended by adding at the end of the items relating*
12 *to subtitle D of title II the following:*

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF
ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elections.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

13 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

14 *(a) ANALYSIS.—Not later than 6 months after the first*
15 *election for Federal office is held after grants are first*
16 *awarded to States for conducting risk-limiting under part*
17 *9 of subtitle D of title II of the Help America Vote Act*
18 *of 2002 (as added by section 3011) for conducting risk-lim-*
19 *iting audits of elections for Federal office, the Comptroller*
20 *General of the United States shall conduct an analysis of*
21 *the extent to which such audits have improved the adminis-*

1 *tration of such elections and the security of election infra-*
2 *structure in the States receiving such grants.*

3 (b) *REPORT.*—*The Comptroller General of the United*
4 *States shall submit a report on the analysis conducted*
5 *under subsection (a) to the appropriate congressional com-*
6 *mittees.*

7 **PART 3—[RESERVED]**

8 ***Subtitle B—Security Measures***

9 ***SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.***

10 *Subparagraph (J) of section 2001(3) of the Homeland*
11 *Security Act of 2002 (6 U.S.C. 601(3)) is amended by in-*
12 *serting “, including election infrastructure” before the pe-*
13 *riod at the end.*

14 ***SEC. 3102. TIMELY THREAT INFORMATION.***

15 *Subsection (d) of section 201 of the Homeland Security*
16 *Act of 2002 (6 U.S.C. 121) is amended by adding at the*
17 *end the following new paragraph:*

18 “(24) *To provide timely threat information re-*
19 *garding election infrastructure to the chief State elec-*
20 *tion official of the State with respect to which such*
21 *information pertains.”.*

22 ***SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-***
23 ***TION OFFICIALS.***

24 *In order to promote the timely sharing of information*
25 *on threats to election infrastructure, the Secretary may—*

1 (1) *help expedite a security clearance for the*
2 *chief State election official and other appropriate*
3 *State personnel involved in the administration of*
4 *elections, as designated by the chief State election offi-*
5 *cial;*

6 (2) *sponsor a security clearance for the chief*
7 *State election official and other appropriate State*
8 *personnel involved in the administration of elections,*
9 *as designated by the chief State election official; and*

10 (3) *facilitate the issuance of a temporary clear-*
11 *ance to the chief State election official and other ap-*
12 *propriate State personnel involved in the administra-*
13 *tion of elections, as designated by the chief State elec-*
14 *tion official, if the Secretary determines classified in-*
15 *formation to be timely and relevant to the election in-*
16 *frastructure of the State at issue.*

17 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
18 **MENTS.**

19 (a) *IN GENERAL.*—*Paragraph (6) of section 2209(c)*
20 *of the Homeland Security Act of 2002 (6 U.S.C. 659(c))*
21 *is amended by inserting “(including by carrying out a secu-*
22 *rity risk and vulnerability assessment)” after “risk man-*
23 *agement support”.*

24 (b) *PRIORITIZATION TO ENHANCE ELECTION SECU-*
25 *RITY.*—

1 (1) *IN GENERAL.*—Not later than 90 days after
2 receiving a written request from a chief State election
3 official, the Secretary shall, to the extent practicable,
4 commence a security risk and vulnerability assess-
5 ment (pursuant to paragraph (6) of section 227(c) of
6 the Homeland Security Act of 2002, as amended by
7 subsection (a)) on election infrastructure in the State
8 at issue.

9 (2) *NOTIFICATION.*—If the Secretary, upon re-
10 ceipt of a request described in paragraph (1), deter-
11 mines that a security risk and vulnerability assess-
12 ment cannot be commenced within 90 days, the Sec-
13 retary shall expeditiously notify the chief State elec-
14 tion official who submitted such request.

15 **SEC. 3105. ANNUAL REPORTS.**

16 (a) *REPORTS ON ASSISTANCE AND ASSESSMENTS.*—
17 Not later than one year after the date of the enactment of
18 this Act and annually thereafter through 2026, the Sec-
19 retary shall submit to the appropriate congressional com-
20 mittees—

21 (1) *efforts to carry out section 203 during the*
22 *prior year, including specific information on which*
23 *States were helped, how many officials have been*
24 *helped in each State, how many security clearances*
25 *have been sponsored in each State, and how many*

1 *temporary clearances have been issued in each State;*
2 *and*

3 *(2) efforts to carry out section 205 during the*
4 *prior year, including specific information on which*
5 *States were helped, the dates on which the Secretary*
6 *received a request for a security risk and vulner-*
7 *ability assessment pursuant to such section, the dates*
8 *on which the Secretary commenced each such request,*
9 *and the dates on which the Secretary transmitted a*
10 *notification in accordance with subsection (b)(2) of*
11 *such section.*

12 *(b) REPORTS ON FOREIGN THREATS.—Not later than*
13 *90 days after the end of each fiscal year (beginning with*
14 *fiscal year 2019), the Secretary and the Director of Na-*
15 *tional Intelligence, in coordination with the heads of appro-*
16 *priate offices of the Federal government, shall submit a joint*
17 *report to the appropriate congressional committees on for-*
18 *eign threats to elections in the United States, including*
19 *physical and cybersecurity threats.*

20 *(c) INFORMATION FROM STATES.—For purposes of*
21 *preparing the reports required under this section, the Sec-*
22 *retary shall solicit and consider information and comments*
23 *from States and election agencies, except that the provision*
24 *of such information and comments by a State or election*

1 *agency shall be voluntary and at the discretion of the State*
2 *or agency.*

3 ***Subtitle C—Enhancing Protections***
4 ***for United States Democratic In-***
5 ***stitutions***

6 ***SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED***
7 ***STATES DEMOCRATIC INSTITUTIONS.***

8 *(a) IN GENERAL.—Not later than one year after the*
9 *date of the enactment of this Act, the President, acting*
10 *through the Secretary, in consultation with the Chairman,*
11 *the Secretary of Defense, the Secretary of State, the Attor-*
12 *ney General, the Secretary of Education, the Director of Na-*
13 *tional Intelligence, the Chairman of the Federal Election*
14 *Commission, and the heads of any other appropriate Fed-*
15 *eral agencies, shall issue a national strategy to protect*
16 *against cyber attacks, influence operations, disinformation*
17 *campaigns, and other activities that could undermine the*
18 *security and integrity of United States democratic institu-*
19 *tions.*

20 *(b) CONSIDERATIONS.—The national strategy required*
21 *under subsection (a) shall include consideration of the fol-*
22 *lowing:*

23 *(1) The threat of a foreign state actor, foreign*
24 *terrorist organization (as designated pursuant to sec-*
25 *tion 219 of the Immigration and Nationality Act (8*

1 *U.S.C. 1189)), or a domestic actor carrying out a*
2 *cyber attack, influence operation, disinformation*
3 *campaign, or other activity aimed at undermining*
4 *the security and integrity of United States democratic*
5 *institutions.*

6 *(2) The extent to which United States democratic*
7 *institutions are vulnerable to a cyber attack, influence*
8 *operation, disinformation campaign, or other activity*
9 *aimed at undermining the security and integrity of*
10 *such democratic institutions.*

11 *(3) Potential consequences, such as an erosion of*
12 *public trust or an undermining of the rule of law,*
13 *that could result from a successful cyber attack, influ-*
14 *ence operation, disinformation campaign, or other ac-*
15 *tivity aimed at undermining the security and integ-*
16 *riety of United States democratic institutions.*

17 *(4) Lessons learned from other Western govern-*
18 *ments the institutions of which were subject to a cyber*
19 *attack, influence operation, disinformation campaign,*
20 *or other activity aimed at undermining the security*
21 *and integrity of such institutions, as well as actions*
22 *that could be taken by the United States Government*
23 *to bolster collaboration with foreign partners to detect,*
24 *deter, prevent, and counter such activities.*

1 (5) *Potential impacts such as an erosion of pub-*
2 *lic trust in democratic institutions as could be associ-*
3 *ated with a successful cyber breach or other activity*
4 *negatively-affecting election infrastructure.*

5 (6) *Roles and responsibilities of the Secretary,*
6 *the Chairman, and the heads of other Federal entities*
7 *and non-Federal entities, including chief State elec-*
8 *tion officials and representatives of multi-state infor-*
9 *mation sharing and analysis center.*

10 (7) *Any findings, conclusions, and recommenda-*
11 *tions to strengthen protections for United States*
12 *democratic institutions that have been agreed to by a*
13 *majority of Commission members on the National*
14 *Commission to Protect United States Democratic In-*
15 *stitutions, authorized pursuant to section 32002.*

16 (c) *IMPLEMENTATION PLAN.—Not later than 90 days*
17 *after the issuance of the national strategy required under*
18 *subsection (a), the President, acting through the Secretary,*
19 *in coordination with the Chairman, shall issue an imple-*
20 *mentation plan for Federal efforts to implement such strat-*
21 *egy that includes the following:*

22 (1) *Strategic objectives and corresponding tasks.*

23 (2) *Projected timelines and costs for the tasks re-*
24 *ferred to in paragraph (1).*

1 (3) *Metrics to evaluate performance of such*
2 *tasks.*

3 (d) *CLASSIFICATION.—The national strategy required*
4 *under subsection (a) shall be in unclassified form but may*
5 *contain a classified annex.*

6 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
7 **STATES DEMOCRATIC INSTITUTIONS.**

8 (a) *ESTABLISHMENT.—There is established within the*
9 *legislative branch the National Commission to Protect*
10 *United States Democratic Institutions (hereafter in this sec-*
11 *tion referred to as the “Commission”).*

12 (b) *PURPOSE.—The purpose of the Commission is to*
13 *counter efforts to undermine democratic institutions within*
14 *the United States.*

15 (c) *COMPOSITION.—*

16 (1) *MEMBERSHIP.—The Commission shall be*
17 *composed of 10 members appointed for the life of the*
18 *Commission as follows:*

19 (A) *One member shall be appointed by the*
20 *Secretary.*

21 (B) *One member shall be appointed by the*
22 *Chairman.*

23 (C) *2 members shall be appointed by the*
24 *majority leader of the Senate, in consultation*
25 *with the Chairman of the Committee on Home-*

1 *land Security and Governmental Affairs, the*
2 *Chairman of the Committee on the Judiciary,*
3 *and the Chairman of the Committee on Rules*
4 *and Administration.*

5 *(D) 2 members shall be appointed by the*
6 *minority leader of the Senate, in consultation*
7 *with the ranking minority member of the Com-*
8 *mittee on Homeland Security and Governmental*
9 *Affairs, the ranking minority member of the*
10 *Committee on the Judiciary, and the ranking*
11 *minority member of the Committee on Rules and*
12 *Administration.*

13 *(E) 2 members shall be appointed by the*
14 *Speaker of the House of Representatives, in con-*
15 *sultation with the Chairman of the Committee*
16 *on Homeland Security, the Chairman of the*
17 *Committee on House Administration, and the*
18 *Chairman of the Committee on the Judiciary.*

19 *(F) 2 members shall be appointed by the*
20 *minority leader of the House of Representatives,*
21 *in consultation with the ranking minority mem-*
22 *ber of the Committee on Homeland Security, the*
23 *ranking minority member of the Committee on*
24 *the Judiciary, and the ranking minority member*
25 *of the Committee on House Administration.*

1 (2) *QUALIFICATIONS.*—*Individuals shall be se-*
2 *lected for appointment to the Commission solely on*
3 *the basis of their professional qualifications, achieve-*
4 *ments, public stature, experience, and expertise in rel-*
5 *evant fields, including, but not limited to cybersecu-*
6 *rity, national security, and the Constitution of the*
7 *United States.*

8 (3) *NO COMPENSATION FOR SERVICE.*—*Members*
9 *shall not receive compensation for service on the Com-*
10 *mission, but shall receive travel expenses, including*
11 *per diem in lieu of subsistence, in accordance with*
12 *chapter 57 of title 5, United States Code.*

13 (4) *DEADLINE FOR APPOINTMENT.*—*All members*
14 *of the Commission shall be appointed no later than*
15 *60 days after the date of the enactment of this Act.*

16 (5) *VACANCIES.*—*A vacancy on the Commission*
17 *shall not affect its powers and shall be filled in the*
18 *manner in which the original appointment was*
19 *made. The appointment of the replacement member*
20 *shall be made not later than 60 days after the date*
21 *on which the vacancy occurs.*

22 (d) *CHAIR AND VICE CHAIR.*—*The Commission shall*
23 *elect a Chair and Vice Chair from among its members.*

24 (e) *QUORUM AND MEETINGS.*—

1 (1) *QUORUM.*—*The Commission shall meet and*
2 *begin the operations of the Commission not later than*
3 *30 days after the date on which all members have*
4 *been appointed or, if such meeting cannot be mutu-*
5 *ally agreed upon, on a date designated by the Speaker*
6 *of the House of Representatives and the President pro*
7 *Tempore of the Senate. Each subsequent meeting shall*
8 *occur upon the call of the Chair or a majority of its*
9 *members. A majority of the members of the Commis-*
10 *sion shall constitute a quorum, but a lesser number*
11 *may hold meetings.*

12 (2) *AUTHORITY OF INDIVIDUALS TO ACT FOR*
13 *COMMISSION.*—*Any member of the Commission may,*
14 *if authorized by the Commission, take any action that*
15 *the Commission is authorized to take under this sec-*
16 *tion.*

17 (f) *POWERS.*—

18 (1) *HEARINGS AND EVIDENCE.*—*The Commission*
19 *(or, on the authority of the Commission, any sub-*
20 *committee or member thereof) may, for the purpose of*
21 *carrying out this section, hold hearings and sit and*
22 *act at such times and places, take such testimony, re-*
23 *ceive such evidence, and administer such oaths as the*
24 *Commission considers advisable to carry out its du-*
25 *ties.*

1 (2) *CONTRACTING.*—*The Commission may, to*
2 *such extent and in such amounts as are provided in*
3 *appropriation Acts, enter into contracts to enable the*
4 *Commission to discharge its duties under this section.*

5 *(g) ASSISTANCE FROM FEDERAL AGENCIES.*—

6 (1) *GENERAL SERVICES ADMINISTRATION.*—*The*
7 *Administrator of General Services shall provide to the*
8 *Commission on a reimbursable basis administrative*
9 *support and other services for the performance of the*
10 *Commission's functions.*

11 (2) *OTHER DEPARTMENTS AND AGENCIES.*—*In*
12 *addition to the assistance provided under paragraph*
13 *(1), the Department of Homeland Security, the Elec-*
14 *tion Assistance Commission, and other appropriate*
15 *departments and agencies of the United States shall*
16 *provide to the Commission such services, funds, facili-*
17 *ties, and staff as they may determine advisable and*
18 *as may be authorized by law.*

19 *(h) PUBLIC MEETINGS.*—*Any public meetings of the*
20 *Commission shall be conducted in a manner consistent with*
21 *the protection of information provided to or developed for*
22 *or by the Commission as required by any applicable statute,*
23 *regulation, or Executive order.*

24 *(i) SECURITY CLEARANCES.*—

1 (1) *IN GENERAL.*—*The heads of appropriate de-*
2 *partments and agencies of the executive branch shall*
3 *cooperate with the Commission to expeditiously pro-*
4 *vide Commission members and staff with appropriate*
5 *security clearances to the extent possible under appli-*
6 *cable procedures and requirements.*

7 (2) *PREFERENCES.*—*In appointing staff, obtain-*
8 *ing detailees, and entering into contracts for the pro-*
9 *vision of services for the Commission, the Commission*
10 *shall give preference to individuals otherwise who*
11 *have active security clearances.*

12 (j) *REPORTS.*—

13 (1) *INTERIM REPORTS.*—*At any time prior to*
14 *the submission of the final report under paragraph*
15 *(2), the Commission may submit interim reports to*
16 *the President and Congress such findings, conclusions,*
17 *and recommendations to strengthen protections for*
18 *democratic institutions in the United States as have*
19 *been agreed to by a majority of the members of the*
20 *Commission.*

21 (2) *FINAL REPORT.*—*Not later than 18 months*
22 *after the date of the first meeting of the Commission,*
23 *the Commission shall submit to the President and*
24 *Congress a final report containing such findings, con-*
25 *clusions, and recommendations to strengthen protec-*

1 *tions for democratic institutions in the United States*
2 *as have been agreed to by a majority of the members*
3 *of the Commission.*

4 *(k) TERMINATION.—*

5 *(1) IN GENERAL.—The Commission shall termi-*
6 *nate upon the expiration of the 60-day period which*
7 *begins on the date on which the Commission submits*
8 *the final report required under subsection (j)(2).*

9 *(2) ADMINISTRATIVE ACTIVITIES PRIOR TO TER-*
10 *MINATION.—During the 60-day period described in*
11 *paragraph (2), the Commission may carry out such*
12 *administrative activities as may be required to con-*
13 *clude its work, including providing testimony to com-*
14 *mittees of Congress concerning the final report and*
15 *disseminating the final report.*

16 ***Subtitle D—Promoting Cybersecu-***
17 ***urity Through Improvements in***
18 ***Election Administration***

19 ***SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-***
20 ***SURE COMPLIANCE WITH ELECTION CYBER-***
21 ***SECURITY GUIDELINES AND OTHER GUIDE-***
22 ***LINES.***

23 *(a) REQUIRING TESTING OF EXISTING VOTING SYS-*
24 *TEMS.—*

1 (1) *IN GENERAL.*—Section 231(a) of the Help
2 *America Vote Act of 2002 (52 U.S.C. 20971(a)) is*
3 *amended by adding at the end the following new*
4 *paragraph:*

5 “(3) *TESTING TO ENSURE COMPLIANCE WITH*
6 *GUIDELINES.*—

7 “(A) *TESTING.*—Not later than 9 months
8 *before the date of each regularly scheduled gen-*
9 *eral election for Federal office, the Commission*
10 *shall provide for the testing by accredited labora-*
11 *tories under this section of the voting system*
12 *hardware and software which was certified for*
13 *use in the most recent such election, on the basis*
14 *of the most recent voting system guidelines ap-*
15 *licable to such hardware or software (including*
16 *election cybersecurity guidelines) issued under*
17 *this Act.*

18 “(B) *DECERTIFICATION OF HARDWARE OR*
19 *SOFTWARE FAILING TO MEET GUIDELINES.*—If,
20 *on the basis of the testing described in subpara-*
21 *graph (A), the Commission determines that any*
22 *voting system hardware or software does not*
23 *meet the most recent guidelines applicable to*
24 *such hardware or software issued under this Act,*

1 *the Commission shall decertify such hardware or*
2 *software.”.*

3 (2) *EFFECTIVE DATE.*—*The amendment made by*
4 *paragraph (1) shall apply with respect to the regu-*
5 *larly scheduled general election for Federal office held*
6 *in November 2020 and each succeeding regularly*
7 *scheduled general election for Federal office.*

8 (b) *ISSUANCE OF CYBERSECURITY GUIDELINES BY*
9 *TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.*—
10 *Section 221(b) of the Help America Vote Act of 2002 (52*
11 *U.S.C. 20961(b)) is amended by adding at the end the fol-*
12 *lowing new paragraph:*

13 “(3) *ELECTION CYBERSECURITY GUIDELINES.*—
14 *Not later than 6 months after the date of the enact-*
15 *ment of this paragraph, the Development Committee*
16 *shall issue election cybersecurity guidelines, including*
17 *standards and best practices for procuring, maintain-*
18 *ing, testing, operating, and updating election systems*
19 *to prevent and deter cybersecurity incidents.”.*

20 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**
21 **PART OF VOTING SYSTEMS.**

22 (a) *INCLUSION IN DEFINITION OF VOTING SYSTEM.*—
23 *Section 301(b) of the Help America Vote Act of 2002 (52*
24 *U.S.C. 21081(b)) is amended—*

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “this section” and inserting “this Act”;*

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

5 (3) *by redesignating paragraph (2) as para-*
6 *graph (3); and*

7 (4) *by inserting after paragraph (1) the fol-*
8 *lowing new paragraph:*

9 “*(2) any electronic poll book used with respect to*
10 *the election; and”.*

11 (b) *DEFINITION.—Section 301 of such Act (52 U.S.C.*
12 *21081) is amended—*

13 (1) *by redesignating subsections (c) and (d) as*
14 *subsections (d) and (e); and*

15 (2) *by inserting after subsection (b) the following*
16 *new subsection:*

17 “*(c) ELECTRONIC POLL BOOK DEFINED.—In this Act,*
18 *the term ‘electronic poll book’ means the total combination*
19 *of mechanical, electromechanical, or electronic equipment*
20 *(including the software, firmware, and documentation re-*
21 *quired to program, control, and support the equipment)*
22 *that is used—*

23 “*(1) to retain the list of registered voters at a*
24 *polling location, or vote center, or other location at*

1 *which voters cast votes in an election for Federal of-*
2 *fice; and*

3 “(2) to identify registered voters who are eligible
4 to vote in an election.”.

5 (c) *EFFECTIVE DATE.*—Section 301(e) of such Act (52
6 U.S.C. 21081(e)), as redesignated by subsection (b), is
7 amended by striking the period at the end and inserting
8 the following: “, or, with respect to any requirements relat-
9 ing to electronic poll books, on and after January 1, 2020.”.

10 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**

11 **USAGE.**

12 (a) *REQUIRING STATES TO SUBMIT REPORTS.*—Title
13 *III of the Help America Vote Act of 2002 (52 U.S.C. 21081*
14 *et seq.) is amended by inserting after section 301 the fol-*
15 *lowing new section:*

16 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**

17 **USAGE.**

18 “(a) *REQUIRING STATES TO SUBMIT REPORTS.*—Not
19 *later than 120 days before the date of each regularly sched-*
20 *uled general election for Federal office, the chief State elec-*
21 *tion official of a State shall submit a report to the Commis-*
22 *sion containing a detailed voting system usage plan for*
23 *each jurisdiction in the State which will administer the*
24 *election, including a detailed plan for the usage of electronic*

1 *poll books and other equipment and components of such sys-*
2 *tem.*

3 “(b) *EFFECTIVE DATE.*—*Subsection (a) shall apply*
4 *with respect to the regularly scheduled general election for*
5 *Federal office held in November 2020 and each succeeding*
6 *regularly scheduled general election for Federal office.*”.

7 (b) *CLERICAL AMENDMENT.*—*The table of contents of*
8 *such Act is amended by inserting after the item relating*
9 *to section 301 the following new item:*

“*Sec. 301A. Pre-election reports on voting system usage.*”.

10 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**
11 **FORMATION.**

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

14 (1) *by striking “The Commission” and inserting*
15 *“(a) IN GENERAL.—The Commission”; and*

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

18 “(b) *WAIVER OF CERTAIN REQUIREMENTS.*—*Sub-*
19 *chapter I of chapter 35 of title 44, United States Code, shall*
20 *not apply to the collection of information for purposes of*
21 *maintaining the clearinghouse described in paragraph (1)*
22 *of subsection (a).*”.

1 ***Subtitle E—Preventing Election***
2 ***Hacking***

3 **SEC. 3401. SHORT TITLE.**

4 *This subtitle may be cited as the “Prevent Election*
5 *Hacking Act of 2019”.*

6 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

7 *(a) ESTABLISHMENT.—Not later than 1 year after the*
8 *date of the enactment of this Act, the Secretary shall estab-*
9 *lish a program to be known as the “Election Security Bug*
10 *Bounty Program” (hereafter in this subtitle referred to as*
11 *the “Program”) to improve the cybersecurity of the systems*
12 *used to administer elections for Federal office by facilitating*
13 *and encouraging assessments by independent technical ex-*
14 *perts, in cooperation with State and local election officials*
15 *and election service providers, to identify and report elec-*
16 *tion cybersecurity vulnerabilities.*

17 *(b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-*
18 *CIALS AND ELECTION SERVICE PROVIDERS.—*

19 *(1) NO REQUIREMENT TO PARTICIPATE IN PRO-*
20 *GRAM.—Participation in the Program shall be en-*
21 *tirely voluntary for State and local election officials*
22 *and election service providers.*

23 *(2) ENCOURAGING PARTICIPATION AND INPUT*
24 *FROM ELECTION OFFICIALS.—In developing the Pro-*
25 *gram, the Secretary shall solicit input from, and en-*

1 *courage participation by, State and local election offi-*
2 *cials.*

3 (c) *ACTIVITIES FUNDED.*—*In establishing and car-*
4 *rying out the Program, the Secretary shall—*

5 (1) *establish a process for State and local elec-*
6 *tion officials and election service providers to volun-*
7 *tarily participate in the Program;*

8 (2) *designate appropriate information systems to*
9 *be included in the Program;*

10 (3) *provide compensation to eligible individuals,*
11 *organizations, and companies for reports of pre-*
12 *viously unidentified security vulnerabilities within*
13 *the information systems designated under subpara-*
14 *graph (A) and establish criteria for individuals, orga-*
15 *nizations, and companies to be considered eligible for*
16 *such compensation in compliance with Federal laws;*

17 (4) *consult with the Attorney General on how to*
18 *ensure that approved individuals, organizations, or*
19 *companies that comply with the requirements of the*
20 *Program are protected from prosecution under section*
21 *1030 of title 18, United States Code, and similar pro-*
22 *visions of law, and from liability under civil actions*
23 *for specific activities authorized under the Program;*

24 (5) *consult with the Secretary of Defense and the*
25 *heads of other departments and agencies that have*

1 *implemented programs to provide compensation for*
2 *reports of previously undisclosed vulnerabilities in in-*
3 *formation systems, regarding lessons that may be ap-*
4 *plied from such programs;*

5 *(6) develop an expeditious process by which an*
6 *individual, organization, or company can register*
7 *with the Department, submit to a background check*
8 *as determined by the Department, and receive a de-*
9 *termination as to eligibility for participation in the*
10 *Program; and*

11 *(7) engage qualified interested persons, including*
12 *representatives of private entities, about the structure*
13 *of the Program and, to the extent practicable, estab-*
14 *lish a recurring competition for independent technical*
15 *experts to assess election systems for the purpose of*
16 *identifying and reporting election cybersecurity*
17 *vulnerabilities;*

18 *(d) USE OF SERVICE PROVIDERS.—The Secretary may*
19 *award competitive contracts as necessary to manage the*
20 *Program.*

21 **SEC. 3403. DEFINITIONS.**

22 *In this subtitle, the following definitions apply:*

23 *(1) The terms “election” and “Federal office”*
24 *have the meanings given such terms in section 301 of*

1 *the Federal Election Campaign Act of 1971 (52*
2 *U.S.C. 30101).*

3 (2) *The term “election cybersecurity vulner-*
4 *ability” means any security vulnerability (as defined*
5 *in section 102 of the Cybersecurity Information Shar-*
6 *ing Act of 2015 (6 U.S.C. 1501)) that affects an elec-*
7 *tion system.*

8 (3) *The term “election service provider” means*
9 *any person providing, supporting, or maintaining an*
10 *election system on behalf of a State or local election*
11 *official, such as a contractor or vendor.*

12 (4) *The term “election system” means any infor-*
13 *mation system (as defined in section 3502 of title 44,*
14 *United States Code) which is part of an election in-*
15 *frastructure.*

16 (5) *The term “Secretary” means the Secretary of*
17 *Homeland Security, or, upon designation by the Sec-*
18 *retary of Homeland Security, the Deputy Secretary of*
19 *Homeland Security, the Director of Cybersecurity and*
20 *Infrastructure Security of the Department of Home-*
21 *land Security, or a Senate-confirmed official that re-*
22 *ports to the Director.*

23 (6) *The term “State” means each of the several*
24 *States, the District of Columbia, the Commonwealth*
25 *of Puerto Rico, Guam, American Samoa, the Com-*

1 *monwealth of Northern Mariana Islands, and the*
2 *United States Virgin Islands.*

3 (7) *The term “voting system” has the meaning*
4 *given such term in section 301(b) of the Help Amer-*
5 *ica Vote Act of 2002 (52 U.S.C. 21081(b)).*

6 ***Subtitle F—Miscellaneous***
7 ***Provisions***

8 ***SEC. 3501. DEFINITIONS.***

9 *Except as provided in section 3404, in this title, the*
10 *following definitions apply:*

11 (1) *The term “Chairman” means the chair of the*
12 *Election Assistance Commission.*

13 (2) *The term “appropriate congressional com-*
14 *mittees” means the Committees on Homeland Secu-*
15 *rity and House Administration of the House of Rep-*
16 *resentatives and the Committees on Homeland Secu-*
17 *rity and Governmental Affairs and Rules and Ad-*
18 *ministration of the Senate.*

19 (3) *The term “chief State election official”*
20 *means, with respect to a State, the individual des-*
21 *ignated by the State under section 10 of the National*
22 *Voter Registration Act of 1993 (52 U.S.C. 20509) to*
23 *be responsible for coordination of the State’s respon-*
24 *sibilities under such Act.*

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

3 (5) *The term “democratic institutions” means*
4 *the diverse range of institutions that are essential to*
5 *ensuring an independent judiciary, free and fair elec-*
6 *tions, and rule of law.*

7 (6) *The term “election agency” means any com-*
8 *ponent of a State, or any component of a unit of local*
9 *government in a State, which is responsible for the*
10 *administration of elections for Federal office in the*
11 *State.*

12 (7) *The term “election infrastructure” means*
13 *storage facilities, polling places, and centralized vote*
14 *tabulation locations used to support the administra-*
15 *tion of elections for public office, as well as related in-*
16 *formation and communications technology, including*
17 *voter registration databases, voting machines, elec-*
18 *tronic mail and other communications systems (in-*
19 *cluding electronic mail and other systems of vendors*
20 *who have entered into contracts with election agencies*
21 *to support the administration of elections, manage the*
22 *election process, and report and display election re-*
23 *sults), and other systems used to manage the election*
24 *process and to report and display election results on*
25 *behalf of an election agency.*

1 (8) *The term “Secretary” means the Secretary of*
2 *Homeland Security.*

3 (9) *The term “State” has the meaning given such*
4 *term in section 901 of the Help America Vote Act of*
5 *2002 (52 U.S.C. 21141).*

6 **SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES**

7 **AVAILABLE FOR IMPLEMENTATION.**

8 *Not later than 120 days after enactment of this Act,*
9 *the Chairman and the Secretary shall submit a report to*
10 *the appropriate committees of Congress, including the Com-*
11 *mittees on Homeland Security and House Administration*
12 *of the House of Representatives and the Committee on*
13 *Homeland Security and Governmental Affairs of the Sen-*
14 *ate, analyzing the adequacy of the funding, resources, and*
15 *personnel available to carry out this title and the amend-*
16 *ments made by this title.*

17 **Subtitle G—Severability**

18 **SEC. 3601. SEVERABILITY.**

19 *If any provision of this title or amendment made by*
20 *this title, or the application of a provision or amendment*
21 *to any person or circumstance, is held to be unconstitu-*
22 *tional, the remainder of this title and amendments made*
23 *by this title, and the application of the provisions and*
24 *amendment to any person or circumstance, shall not be af-*
25 *ected by the holding.*

1 ***DIVISION B—CAMPAIGN***
 2 ***FINANCE***
 3 ***TITLE IV—CAMPAIGN FINANCE***
 4 ***TRANSPARENCY***

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

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

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.

Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 4111. Reporting of campaign-related disbursements.

Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

Sec. 4121. Petition for certiorari.

Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. Findings.

Sec. 4204. Sense of Congress.

Sec. 4205. Expansion of definition of public communication.

Sec. 4206. Expansion of definition of electioneering communication.

Sec. 4207. Application of disclaimer statements to online communications.

Sec. 4208. Political record requirements for online platforms.

Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Subtitle D—Stand By Every Ad

Sec. 4301. Short title.

Sec. 4302. Stand By Every Ad.

Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.

Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.

Sec. 4305. Effective date.

Subtitle E—[Reserved]

Subtitle F—[Reserved]

Subtitle G—[Reserved]

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4701. Short title.

Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

Sec. 4801. Severability.

1 ***Subtitle A—Findings Relating to***
2 ***Illicit Money Undermining Our***
3 ***Democracy***

4 ***SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-***
5 ***MINING OUR DEMOCRACY.***

6 *Congress finds the following:*

7 *(1) Criminals, terrorists, and corrupt govern-*
8 *ment officials frequently abuse anonymously held*
9 *Limited Liability Companies (LLCs), also known as*
10 *“shell companies,” to hide, move, and launder the*
11 *dirty money derived from illicit activities such as*
12 *trafficking, bribery, exploitation, and embezzlement.*
13 *Ownership and control of the finances that run*
14 *through shell companies are obscured to regulators*
15 *and law enforcement because little information is re-*
16 *quired and collected when establishing these entities.*

1 (2) *The public release of the “Panama Papers”*
2 *in 2016 and the “Paradise Papers” in 2017 revealed*
3 *that these shell companies often purchase and sell*
4 *United States real estate. United States anti-money*
5 *laundering laws do not apply to cash transactions in-*
6 *volving real estate effectively concealing the bene-*
7 *ficiaries and transactions from regulators and law*
8 *enforcement.*

9 (3) *Congress should curb the use of anonymous*
10 *shell companies for illicit purposes by requiring*
11 *United States companies to disclose their beneficial*
12 *owners, strengthening anti-money laundering and*
13 *counter-terrorism finance laws.*

14 (4) *Congress should examine the money laun-*
15 *dering and terrorist financing risks in the real estate*
16 *market, including the role of anonymous parties, and*
17 *review legislation to address any vulnerabilities iden-*
18 *tified in this sector.*

19 (5) *Congress should examine the methods by*
20 *which corruption flourishes and the means to detect*
21 *and deter the financial misconduct that fuels this*
22 *driver of global instability. Congress should monitor*
23 *government efforts to enforce United States anti-cor-*
24 *ruption laws and regulations.*

1 *ship which is not a foreign national described in*
2 *paragraph (1) and—*

3 “(A) *in which a foreign national described*
4 *in paragraph (1) or (2) directly or indirectly*
5 *owns or controls—*

6 “(i) *5 percent or more of the voting*
7 *shares, if the foreign national is a foreign*
8 *country, a foreign government official, or a*
9 *corporation principally owned or controlled*
10 *by a foreign country or foreign government*
11 *official; or*

12 “(ii) *20 percent or more of the voting*
13 *shares, if the foreign national is not de-*
14 *scribed in clause (i);*

15 “(B) *in which two or more foreign nation-*
16 *als described in paragraph (1) or (2), each of*
17 *whom owns or controls at least 5 percent of the*
18 *voting shares, directly or indirectly own or con-*
19 *trol 50 percent or more of the voting shares;*

20 “(C) *over which one or more foreign nation-*
21 *als described in paragraph (1) or (2) has the*
22 *power to direct, dictate, or control the decision-*
23 *making process of the corporation, limited liabil-*
24 *ity corporation, or partnership with respect to*
25 *its interests in the United States; or*

1 “(D) over which one or more foreign nation-
2 als described in paragraph (1) or (2) has the
3 power to direct, dictate, or control the decision-
4 making process of the corporation, limited liabil-
5 ity corporation, or partnership with respect to
6 activities in connection with a Federal, State, or
7 local election, including—

8 “(i) the making of a contribution, do-
9 nation, expenditure, independent expendi-
10 ture, or disbursement for an electioneering
11 communication (within the meaning of sec-
12 tion 304(f)(3)); or

13 “(ii) the administration of a political
14 committee established or maintained by the
15 corporation.”.

16 (2) *ACTIVITIES OF CORPORATE PACS OF DOMES-*
17 *TIC SUBSIDIARIES.*—Section 319 of such Act (52
18 U.S.C. 30121) is amended by adding at the end the
19 following new subsection:

20 “(c) *ACTIVITIES OF CORPORATE PACS OF DOMESTIC*
21 *SUBSIDIARIES.*—Notwithstanding subsection (a), a foreign
22 national described in subparagraph (A), (B), or (C) of sub-
23 section (b)(3) which is a domestic corporation whose prin-
24 cipal place of business is within the United States may es-
25 tablish, administer and solicit contributions to a separate

1 *segregated fund pursuant to section 316(b)(2)(C) so long*
2 *as—*

3 “(1) *the foreign national parent corporation of*
4 *such domestic corporation does not directly or indi-*
5 *rectly finance the establishment, administration, or*
6 *solicitation activities of the fund; and*

7 “(2) *the fund is in compliance with complies*
8 *with the requirements of section 316(b)(8).”.*

9 **(b) CERTIFICATION OF COMPLIANCE.**—*Section 319 of*
10 *such Act (52 U.S.C. 30121), as amended by subsection*
11 *(a)(2), is further amended by adding at the end the fol-*
12 *lowing new subsection:*

13 **“(d) CERTIFICATION OF COMPLIANCE REQUIRED**
14 **PRIOR TO CARRYING OUT ACTIVITY.**—*Prior to the making*
15 *in connection with an election for Federal office of any con-*
16 *tribution, donation, expenditure, independent expenditure,*
17 *or disbursement for an electioneering communication by a*
18 *corporation, limited liability corporation, or partnership*
19 *during a year, the chief executive officer of the corporation,*
20 *limited liability corporation, or partnership (or, if the cor-*
21 *poration, limited liability corporation, or partnership does*
22 *not have a chief executive officer, the highest ranking official*
23 *of the corporation, limited liability corporation, or partner-*
24 *ship), shall file a certification with the Commission, under*
25 *penalty of perjury, that the corporation, limited liability*

1 *corporation, or partnership is not prohibited from carrying*
2 *out such activity under subsection (b)(3), unless the chief*
3 *executive officer has previously filed such a certification*
4 *during that calendar year.”.*

5 *(c) EFFECTIVE DATE.—The amendments made by this*
6 *section shall take effect upon the expiration of the 180-day*
7 *period which begins on the date of the enactment of this*
8 *Act, and shall take effect without regard to whether or not*
9 *the Federal Election Commission has promulgated regula-*
10 *tions to carry out such amendments.*

11 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
12 **MONEY BAN TO CERTAIN DISBURSEMENTS**
13 **AND ACTIVITIES.**

14 *(a) APPLICATION TO DISBURSEMENTS TO SUPER*
15 *PACs.—Section 319(a)(1)(A) of the Federal Election Cam-*
16 *paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended*
17 *by striking the semicolon and inserting the following: “, in-*
18 *cluding any disbursement to a political committee which*
19 *accepts donations or contributions that do not comply with*
20 *the limitations, prohibitions, and reporting requirements of*
21 *this Act (or any disbursement to or on behalf of any account*
22 *of a political committee which is established for the purpose*
23 *of accepting such donations or contributions);”.*

24 *(b) CONDITIONS UNDER WHICH CORPORATE PACS*
25 *MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Section*

1 *316(b) of such Act (52 U.S.C. 30118(b)) is amended by add-*
2 *ing at the end the following new paragraph:*

3 *“(8) A separate segregated fund established by a cor-*
4 *poration may not make a contribution or expenditure dur-*
5 *ing a year unless the fund has certified to the Commission*
6 *the following during the year:*

7 *“(A) Each individual who manages the fund,*
8 *and who is responsible for exercising decisionmaking*
9 *authority for the fund, is a citizen of the United*
10 *States or is lawfully admitted for permanent resi-*
11 *dence in the United States.*

12 *“(B) No foreign national under section 319 par-*
13 *ticipates in any way in the decisionmaking processes*
14 *of the fund with regard to contributions or expendi-*
15 *tures under this Act.*

16 *“(C) The fund does not solicit or accept rec-*
17 *ommendations from any foreign national under sec-*
18 *tion 319 with respect to the contributions or expendi-*
19 *tures made by the fund.*

20 *“(D) Any member of the board of directors of the*
21 *corporation who is a foreign national under section*
22 *319 abstains from voting on matters concerning the*
23 *fund or its activities.”.*

1 **PART 2—REPORTING OF CAMPAIGN-RELATED**
2 **DISBURSEMENTS**

3 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
4 **MENTS.**

5 *(a) DISCLOSURE REQUIREMENTS FOR CORPORATIONS,*
6 *LABOR ORGANIZATIONS, AND CERTAIN OTHER ENTITIES.—*

7 *(1) IN GENERAL.—Section 324 of the Federal*
8 *Election Campaign Act of 1971 (52 U.S.C. 30126) is*
9 *amended to read as follows:*

10 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
11 **MENTS BY COVERED ORGANIZATIONS.**

12 **“(a) DISCLOSURE STATEMENT.—**

13 **“(1) IN GENERAL.—***Any covered organization*
14 *that makes campaign-related disbursements aggreg-*
15 *ating more than \$10,000 in an election reporting*
16 *cycle shall, not later than 24 hours after each disclo-*
17 *sure date, file a statement with the Commission made*
18 *under penalty of perjury that contains the informa-*
19 *tion described in paragraph (2)—*

20 **“(A) in the case of the first statement filed**
21 *under this subsection, for the period beginning*
22 *on the first day of the election reporting cycle*
23 *(or, if earlier, the period beginning one year be-*
24 *fore the first such disclosure date) and ending on*
25 *the first such disclosure date; and*

1 “(B) in the case of any subsequent state-
2 ment filed under this subsection, for the period
3 beginning on the previous disclosure date and
4 ending on such disclosure date.

5 “(2) *INFORMATION DESCRIBED.*—The informa-
6 tion described in this paragraph is as follows:

7 “(A) The name of the covered organization
8 and the principal place of business of such orga-
9 nization and, in the case of a covered organiza-
10 tion that is a corporation (other than a business
11 concern that is an issuer of a class of securities
12 registered under section 12 of the Securities Ex-
13 change Act of 1934 (15 U.S.C. 78l) or that is re-
14 quired to file reports under section 15(d) of that
15 Act (15 U.S.C. 78o(d))) or an entity described in
16 subsection (e)(2), a list of the beneficial owners
17 (as defined in paragraph (4)(A)) of the entity
18 that—

19 “(i) identifies each beneficial owner by
20 name and current residential or business
21 street address; and

22 “(ii) if any beneficial owner exercises
23 control over the entity through another legal
24 entity, such as a corporation, partnership,
25 limited liability company, or trust, identi-

1 *fies each such other legal entity and each*
2 *such beneficial owner who will use that*
3 *other entity to exercise control over the enti-*
4 *ty.*

5 *“(B) The amount of each campaign-related*
6 *disbursement made by such organization during*
7 *the period covered by the statement of more than*
8 *\$1,000, and the name and address of the person*
9 *to whom the disbursement was made.*

10 *“(C) In the case of a campaign-related dis-*
11 *bursement that is not a covered transfer, the elec-*
12 *tion to which the campaign-related disbursement*
13 *pertains and if the disbursement is made for a*
14 *public communication, the name of any can-*
15 *didate identified in such communication and*
16 *whether such communication is in support of or*
17 *in opposition to a candidate.*

18 *“(D) A certification by the chief executive*
19 *officer or person who is the head of the covered*
20 *organization that the campaign-related disburse-*
21 *ment is not made in cooperation, consultation,*
22 *or concert with or at the request or suggestion of*
23 *a candidate, authorized committee, or agent of a*
24 *candidate, political party, or agent of a political*
25 *party.*

1 “(E)(i) If the covered organization makes
2 campaign-related disbursements using exclu-
3 sively funds in a segregated bank account con-
4 sisting of funds that were paid directly to such
5 account by persons other than the covered orga-
6 nization that controls the account, for each such
7 payment to the account—

8 “(I) the name and address of each
9 person who made such payment during
10 the period covered by the statement;

11 “(II) the date and amount of such
12 payment; and

13 “(III) the aggregate amount of all
14 such payments made by the person
15 during the period beginning on the
16 first day of the election reporting cycle
17 (or, if earlier, the period beginning one
18 year before the disclosure date) and
19 ending on the disclosure date,

20 but only if such payment was made by a person
21 who made payments to the account in an aggre-
22 gate amount of \$10,000 or more during the pe-
23 riod beginning on the first day of the election re-
24 porting cycle (or, if earlier, the period beginning

1 *one year before the disclosure date) and ending*
2 *on the disclosure date.*

3 “(i) *In any calendar year after 2020, sec-*
4 *tion 315(c)(1)(B) shall apply to the amount de-*
5 *scribed in clause (i) in the same manner as such*
6 *section applies to the limitations established*
7 *under subsections (a)(1)(A), (a)(1)(B), (a)(3),*
8 *and (h) of such section, except that for purposes*
9 *of applying such section to the amounts de-*
10 *scribed in subsection (b), the ‘base period’ shall*
11 *be 2020.*

12 “(F)(i) *If the covered organization makes*
13 *campaign-related disbursements using funds*
14 *other than funds in a segregated bank account*
15 *described in subparagraph (E), for each payment*
16 *to the covered organization—*

17 “(I) *the name and address of each*
18 *person who made such payment during*
19 *the period covered by the statement;*

20 “(II) *the date and amount of such*
21 *payment; and*

22 “(III) *the aggregate amount of all*
23 *such payments made by the person*
24 *during the period beginning on the*
25 *first day of the election reporting cycle*

1 *(or, if earlier, the period beginning one*
2 *year before the disclosure date) and*
3 *ending on the disclosure date,*
4 *but only if such payment was made by a person*
5 *who made payments to the covered organization*
6 *in an aggregate amount of \$10,000 or more dur-*
7 *ing the period beginning on the first day of the*
8 *election reporting cycle (or, if earlier, the period*
9 *beginning one year before the disclosure date)*
10 *and ending on the disclosure date.*

11 *“(i) In any calendar year after 2020, sec-*
12 *tion 315(c)(1)(B) shall apply to the amount de-*
13 *scribed in clause (i) in the same manner as such*
14 *section applies to the limitations established*
15 *under subsections (a)(1)(A), (a)(1)(B), (a)(3),*
16 *and (h) of such section, except that for purposes*
17 *of applying such section to the amounts de-*
18 *scribed in subsection (b), the ‘base period’ shall*
19 *be 2020.*

20 *“(G) Such other information as required in*
21 *rules established by the Commission to promote*
22 *the purposes of this section.*

23 *“(3) EXCEPTIONS.—*

24 *“(A) AMOUNTS RECEIVED IN ORDINARY*
25 *COURSE OF BUSINESS.—The requirement to in-*

1 *clude in a statement filed under paragraph (1)*
2 *the information described in paragraph (2) shall*
3 *not apply to amounts received by the covered or-*
4 *ganization in commercial transactions in the or-*
5 *inary course of any trade or business conducted*
6 *by the covered organization or in the form of in-*
7 *vestments (other than investments by the prin-*
8 *cipal shareholder in a limited liability corpora-*
9 *tion) in the covered organization. For purposes*
10 *of this subparagraph, amounts received by a cov-*
11 *ered organization as remittances from an em-*
12 *ployee to the employee's collective bargaining*
13 *representative shall be treated as amounts re-*
14 *ceived in commercial transactions in the ordi-*
15 *nary course of the business conducted by the cov-*
16 *ered organization.*

17 “(B) *DONOR RESTRICTION ON USE OF*
18 *FUNDS.—The requirement to include in a state-*
19 *ment submitted under paragraph (1) the infor-*
20 *mation described in subparagraph (F) of para-*
21 *graph (2) shall not apply if—*

22 “(i) *the person described in such sub-*
23 *paragraph prohibited, in writing, the use of*
24 *the payment made by such person for cam-*
25 *paign-related disbursements; and*

1 “(ii) the covered organization agreed to
2 follow the prohibition and deposited the
3 payment in an account which is segregated
4 from any account used to make campaign-
5 related disbursements.

6 “(C) *THREAT OF HARASSMENT OR RE-*
7 *PRISAL.*—The requirement to include any infor-
8 mation relating to the name or address of any
9 person (other than a candidate) in a statement
10 submitted under paragraph (1) shall not apply
11 if the inclusion of the information would subject
12 the person to serious threats, harassment, or re-
13 prisals.

14 “(4) *OTHER DEFINITIONS.*—For purposes of this
15 section:

16 “(A) *BENEFICIAL OWNER DEFINED.*—

17 “(i) *IN GENERAL.*—Except as provided
18 in clause (ii), the term ‘beneficial owner’
19 means, with respect to any entity, a natural
20 person who, directly or indirectly—

21 “(I) exercises substantial control
22 over an entity through ownership, vot-
23 ing rights, agreement, or otherwise; or

1 “(II) *has a substantial interest in*
2 *or receives substantial economic bene-*
3 *fits from the assets of an entity.*

4 “(ii) *EXCEPTIONS.—The term ‘bene-*
5 *ficial owner’ shall not include—*

6 “(I) *a minor child;*

7 “(II) *a person acting as a nomi-*
8 *nee, intermediary, custodian, or agent*
9 *on behalf of another person;*

10 “(III) *a person acting solely as an*
11 *employee of an entity and whose con-*
12 *trol over or economic benefits from the*
13 *entity derives solely from the employ-*
14 *ment status of the person;*

15 “(IV) *a person whose only interest*
16 *in an entity is through a right of in-*
17 *heritance, unless the person also meets*
18 *the requirements of clause (i); or*

19 “(V) *a creditor of an entity, un-*
20 *less the creditor also meets the require-*
21 *ments of clause (i).*

22 “(iii) *ANTI-ABUSE RULE.—The excep-*
23 *tions under clause (ii) shall not apply if*
24 *used for the purpose of evading, circum-*

1 *venting, or abusing the provisions of clause*
2 *(i) or paragraph (2)(A).*

3 “(B) *DISCLOSURE DATE.*—*The term ‘disclo-*
4 *sure date’ means—*

5 “(i) *the first date during any election*
6 *reporting cycle by which a person has made*
7 *campaign-related disbursements aggregating*
8 *more than \$10,000; and*

9 “(ii) *any other date during such elec-*
10 *tion reporting cycle by which a person has*
11 *made campaign-related disbursements ag-*
12 *gregating more than \$10,000 since the most*
13 *recent disclosure date for such election re-*
14 *porting cycle.*

15 “(C) *ELECTION REPORTING CYCLE.*—*The*
16 *term ‘election reporting cycle’ means the 2-year*
17 *period beginning on the date of the most recent*
18 *general election for Federal office.*

19 “(D) *PAYMENT.*—*The term ‘payment’ in-*
20 *cludes any contribution, donation, transfer, pay-*
21 *ment of dues, or other payment.*

22 “(b) *COORDINATION WITH OTHER PROVISIONS.*—

23 “(1) *OTHER REPORTS FILED WITH THE COMMIS-*
24 *SION.*—*Information included in a statement filed*

1 *under this section may be excluded from statements*
2 *and reports filed under section 304.*

3 “(2) *TREATMENT AS SEPARATE SEGREGATED*
4 *FUND.—A segregated bank account referred to in sub-*
5 *section (a)(2)(E) may be treated as a separate seg-*
6 *regated fund for purposes of section 527(f)(3) of the*
7 *Internal Revenue Code of 1986.*

8 “(c) *FILING.—Statements required to be filed under*
9 *subsection (a) shall be subject to the requirements of section*
10 *304(d) to the same extent and in the same manner as if*
11 *such reports had been required under subsection (c) or (g)*
12 *of section 304.*

13 “(d) *CAMPAIGN-RELATED DISBURSEMENT DE-*
14 *FINED.—*

15 “(1) *IN GENERAL.—In this section, the term*
16 *‘campaign-related disbursement’ means a disburse-*
17 *ment by a covered organization for any of the fol-*
18 *lowing:*

19 “(A) *An independent expenditure which ex-*
20 *pressly advocates the election or defeat of a clear-*
21 *ly identified candidate for election for Federal*
22 *office, or is the functional equivalent of express*
23 *advocacy because, when taken as a whole, it can*
24 *be interpreted by a reasonable person only as ad-*

1 *vocating the election or defeat of a candidate for*
2 *election for Federal office.*

3 “(B) *Any public communication which re-*
4 *fers to a clearly identified candidate for election*
5 *for Federal office and which promotes or sup-*
6 *ports the election of a candidate for that office,*
7 *or attacks or opposes the election of a candidate*
8 *for that office, without regard to whether the*
9 *communication expressly advocates a vote for or*
10 *against a candidate for that office.*

11 “(C) *An electioneering communication, as*
12 *defined in section 304(f)(3).*

13 “(D) *A covered transfer.*

14 “(2) *INTENT NOT REQUIRED.—A disbursement*
15 *for an item described in subparagraph (A), (B), (C),*
16 *or (D) of paragraph (1) shall be treated as a cam-*
17 *paign-related disbursement regardless of the intent of*
18 *the person making the disbursement.*

19 “(e) *COVERED ORGANIZATION DEFINED.—In this sec-*
20 *tion, the term ‘covered organization’ means any of the fol-*
21 *lowing:*

22 “(1) *A corporation (other than an organization*
23 *described in section 501(c)(3) of the Internal Revenue*
24 *Code of 1986).*

1 “(2) *A limited liability corporation that is not*
2 *otherwise treated as a corporation for purposes of this*
3 *Act (other than an organization described in section*
4 *501(c)(3) of the Internal Revenue Code of 1986).*

5 “(3) *An organization described in section 501(c)*
6 *of such Code and exempt from taxation under section*
7 *501(a) of such Code (other than an organization de-*
8 *scribed in section 501(c)(3) of such Code).*

9 “(4) *A labor organization (as defined in section*
10 *316(b)).*

11 “(5) *Any political organization under section*
12 *527 of the Internal Revenue Code of 1986, other than*
13 *a political committee under this Act (except as pro-*
14 *vided in paragraph (6)).*

15 “(6) *A political committee with an account that*
16 *accepts donations or contributions that do not comply*
17 *with the contribution limits or source prohibitions*
18 *under this Act, but only with respect to such accounts.*

19 “(f) *COVERED TRANSFER DEFINED.—*

20 “(1) *IN GENERAL.—In this section, the term*
21 *‘covered transfer’ means any transfer or payment of*
22 *funds by a covered organization to another person if*
23 *the covered organization—*

24 “(A) *designates, requests, or suggests that*
25 *the amounts be used for—*

1 “(i) campaign-related disbursements
2 (other than covered transfers); or

3 “(ii) making a transfer to another per-
4 son for the purpose of making or paying for
5 such campaign-related disbursements;

6 “(B) made such transfer or payment in re-
7 sponse to a solicitation or other request for a do-
8 nation or payment for—

9 “(i) the making of or paying for cam-
10 paign-related disbursements (other than cov-
11 ered transfers); or

12 “(ii) making a transfer to another per-
13 son for the purpose of making or paying for
14 such campaign-related disbursements;

15 “(C) engaged in discussions with the recipi-
16 ent of the transfer or payment regarding—

17 “(i) the making of or paying for cam-
18 paign-related disbursements (other than cov-
19 ered transfers); or

20 “(ii) donating or transferring any
21 amount of such transfer or payment to an-
22 other person for the purpose of making or
23 paying for such campaign-related disburse-
24 ments;

1 “(D) made campaign-related disbursements
2 (other than a covered transfer) in an aggregate
3 amount of \$50,000 or more during the 2-year pe-
4 riod ending on the date of the transfer or pay-
5 ment, or knew or had reason to know that the
6 person receiving the transfer or payment made
7 such disbursements in such an aggregate amount
8 during that 2-year period; or

9 “(E) knew or had reason to know that the
10 person receiving the transfer or payment would
11 make campaign-related disbursements in an ag-
12 gregate amount of \$50,000 or more during the 2-
13 year period beginning on the date of the transfer
14 or payment.

15 “(2) *EXCLUSIONS.*—The term ‘covered transfer’
16 does not include any of the following:

17 “(A) A disbursement made by a covered or-
18 ganization in a commercial transaction in the
19 ordinary course of any trade or business con-
20 ducted by the covered organization or in the
21 form of investments made by the covered organi-
22 zation.

23 “(B) A disbursement made by a covered or-
24 ganization if—

1 “(i) the covered organization prohib-
2 ited, in writing, the use of such disburse-
3 ment for campaign-related disbursements;
4 and

5 “(ii) the recipient of the disbursement
6 agreed to follow the prohibition and depos-
7 ited the disbursement in an account which
8 is segregated from any account used to
9 make campaign-related disbursements.

10 “(3) *SPECIAL RULE REGARDING TRANSFERS*
11 *AMONG AFFILIATES.—*

12 “(A) *SPECIAL RULE.—A transfer of an*
13 *amount by one covered organization to another*
14 *covered organization which is treated as a trans-*
15 *fer between affiliates under subparagraph (C)*
16 *shall be considered a covered transfer by the cov-*
17 *ered organization which transfers the amount*
18 *only if the aggregate amount transferred during*
19 *the year by such covered organization to that*
20 *same covered organization is equal to or greater*
21 *than \$50,000.*

22 “(B) *DETERMINATION OF AMOUNT OF CER-*
23 *TAIN PAYMENTS AMONG AFFILIATES.—In deter-*
24 *mining the amount of a transfer between affili-*
25 *ates for purposes of subparagraph (A), to the ex-*

1 *tent that the transfer consists of funds attrib-*
2 *utable to dues, fees, or assessments which are*
3 *paid by individuals on a regular, periodic basis*
4 *in accordance with a per-individual calculation*
5 *which is made on a regular basis, the transfer*
6 *shall be attributed to the individuals paying the*
7 *dues, fees, or assessments and shall not be attrib-*
8 *uted to the covered organization.*

9 “(C) *DESCRIPTION OF TRANSFERS BE-*
10 *TWEEN AFFILIATES.*—*A transfer of amounts*
11 *from one covered organization to another covered*
12 *organization shall be treated as a transfer be-*
13 *tween affiliates if—*

14 “(i) *one of the organizations is an af-*
15 *filiate of the other organization; or*

16 “(ii) *each of the organizations is an af-*
17 *filiate of the same organization,*

18 *except that the transfer shall not be treated as a*
19 *transfer between affiliates if one of the organiza-*
20 *tions is established for the purpose of making*
21 *campaign-related disbursements.*

22 “(D) *DETERMINATION OF AFFILIATE STA-*
23 *TUS.*—*For purposes of subparagraph (C), a cov-*
24 *ered organization is an affiliate of another cov-*
25 *ered organization if—*

1 “(i) the governing instrument of the or-
2 ganization requires it to be bound by deci-
3 sions of the other organization;

4 “(ii) the governing board of the organi-
5 zation includes persons who are specifically
6 designated representatives of the other orga-
7 nization or are members of the governing
8 board, officers, or paid executive staff mem-
9 bers of the other organization, or whose
10 service on the governing board is contingent
11 upon the approval of the other organization;
12 or

13 “(iii) the organization is chartered by
14 the other organization.

15 “(E) COVERAGE OF TRANSFERS TO AFFILI-
16 ATED SECTION 501(c)(3) ORGANIZATIONS.—This
17 paragraph shall apply with respect to an
18 amount transferred by a covered organization to
19 an organization described in paragraph (3) of
20 section 501(c) of the Internal Revenue Code of
21 1986 and exempt from tax under section 501(a)
22 of such Code in the same manner as this para-
23 graph applies to an amount transferred by a
24 covered organization to another covered organi-
25 zation.

1 “(g) *NO EFFECT ON OTHER REPORTING REQUIRE-*
2 *MENTS.—Nothing in this section shall be construed to waive*
3 *or otherwise affect any other requirement of this Act which*
4 *relates to the reporting of campaign-related disburse-*
5 *ments.”.*

6 (2) *CONFORMING AMENDMENT.—Section*
7 *304(f)(6) of such Act (52 U.S.C. 30104) is amended*
8 *by striking “Any requirement” and inserting “Except*
9 *as provided in section 324(b), any requirement”.*

10 (i) *COORDINATION WITH FINCEN.—*

11 (1) *IN GENERAL.—The Director of the Financial*
12 *Crimes Enforcement Network of the Department of*
13 *the Treasury shall provide the Federal Election Com-*
14 *mission with such information as necessary to assist*
15 *in administering and enforcing section 324 of the*
16 *Federal Election Campaign Act of 1971, as added by*
17 *this section.*

18 (2) *REPORT.—Not later than 6 months after the*
19 *date of the enactment of this Act, the Chairman of the*
20 *Federal Election Commission, in consultation with*
21 *the Director of the Financial Crimes Enforcement*
22 *Network of the Department of the Treasury, shall sub-*
23 *mit to Congress a report with recommendations for*
24 *providing further legislative authority to assist in the*
25 *administration and enforcement of such section 324.*

1 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
2 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
3 **BURSEMENTS CONSISTING OF COVERED**
4 **TRANSFERS.**

5 *Section 319(a)(1)(A) of the Federal Election Cam-*
6 *paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended*
7 *by section 4102, is amended by striking the semicolon and*
8 *inserting the following: “, and any disbursement, other than*
9 *an disbursement described in section 324(a)(3)(A), to an-*
10 *other person who made a campaign-related disbursement*
11 *consisting of a covered transfer (as described in section 324)*
12 *during the 2-year period ending on the date of the disburse-*
13 *ment;”.*

14 **SEC. 4113. EFFECTIVE DATE.**

15 *The amendments made by this part shall apply with*
16 *respect to disbursements made on or after January 1, 2020,*
17 *and shall take effect without regard to whether or not the*
18 *Federal Election Commission has promulgated regulations*
19 *to carry out such amendments.*

20 **PART 3—OTHER ADMINISTRATIVE REFORMS**

21 **SEC. 4121. PETITION FOR CERTIORARI.**

22 *Section 307(a)(6) of the Federal Election Campaign*
23 *Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by insert-*
24 *ing “(including a proceeding before the Supreme Court on*
25 *certiorari)” after “appeal”.*

1 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**
2 **CAMPAIGN FINANCE LAWS.**

3 *(a) IN GENERAL.—Title IV of the Federal Election*
4 *Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended*
5 *by inserting after section 406 the following new section:*

6 **“SEC. 407. JUDICIAL REVIEW.**

7 *“(a) IN GENERAL.—Notwithstanding section 373(f), if*
8 *any action is brought for declaratory or injunctive relief*
9 *to challenge the constitutionality of any provision of this*
10 *Act or of chapter 95 or 96 of the Internal Revenue Code*
11 *of 1986, or is brought to with respect to any action of the*
12 *Commission under chapter 95 or 96 of the Internal Revenue*
13 *Code of 1986, the following rules shall apply:*

14 *“(1) The action shall be filed in the United*
15 *States District Court for the District of Columbia and*
16 *an appeal from the decision of the district court may*
17 *be taken to the Court of Appeals for the District of*
18 *Columbia Circuit.*

19 *“(2) In the case of an action relating to declara-*
20 *tory or injunctive relief to challenge the constitu-*
21 *tionality of a provision—*

22 *“(A) a copy of the complaint shall be deliv-*
23 *ered promptly to the Clerk of the House of Rep-*
24 *resentatives and the Secretary of the Senate; and*

25 *“(B) it shall be the duty of the United*
26 *States District Court for the District of Colum-*

1 *bia, the Court of Appeals for the District of Co-*
2 *lumbia, and the Supreme Court of the United*
3 *States to advance on the docket and to expedite*
4 *to the greatest possible extent the disposition of*
5 *the action and appeal.*

6 “(b) *INTERVENTION BY MEMBERS OF CONGRESS.—In*
7 *any action in which the constitutionality of any provision*
8 *of this Act or chapter 95 or 96 of the Internal Revenue Code*
9 *of 1986 is raised, any Member of the House of Representa-*
10 *tives (including a Delegate or Resident Commissioner to the*
11 *Congress) or Senate shall have the right to intervene either*
12 *in support of or opposition to the position of a party to*
13 *the case regarding the constitutionality of the provision. To*
14 *avoid duplication of efforts and reduce the burdens placed*
15 *on the parties to the action, the court in any such action*
16 *may make such orders as it considers necessary, including*
17 *orders to require interveners taking similar positions to file*
18 *joint papers or to be represented by a single attorney at*
19 *oral argument.*

20 “(c) *CHALLENGE BY MEMBERS OF CONGRESS.—Any*
21 *Member of Congress may bring an action, subject to the spe-*
22 *cial rules described in subsection (a), for declaratory or in-*
23 *junctionive relief to challenge the constitutionality of any pro-*
24 *vision of this Act or chapter 95 or 96 of the Internal Rev-*
25 *enue Code of 1986.”.*

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *IN GENERAL.*—

3 (A) *Section 9011 of the Internal Revenue*
4 *Code of 1986 is amended to read as follows:*

5 **“SEC. 9011. JUDICIAL REVIEW.**

6 *“For provisions relating to judicial review of certifi-*
7 *cations, determinations, and actions by the Commission*
8 *under this chapter, see section 407 of the Federal Election*
9 *Campaign Act of 1971.”.*

10 (B) *Section 9041 of the Internal Revenue*
11 *Code of 1986 is amended to read as follows:*

12 **“SEC. 9041. JUDICIAL REVIEW.**

13 *“For provisions relating to judicial review of actions*
14 *by the Commission under this chapter, see section 407 of*
15 *the Federal Election Campaign Act of 1971.”.*

16 (C) *Section 403 of the Bipartisan Cam-*
17 *paign Reform Act of 2002 (52 U.S.C. 30110*
18 *note) is repealed.*

19 (c) *EFFECTIVE DATE.*—*The amendments made by this*
20 *section shall apply to actions brought on or after January*
21 *1, 2019.*

22 ***Subtitle C—Honest Ads***

23 **SEC. 4201. SHORT TITLE.**

24 *This subtitle may be cited as the “Honest Ads Act”.*

1 **SEC. 4202. PURPOSE.**

2 *The purpose of this subtitle is to enhance the integrity*
3 *of American democracy and national security by improving*
4 *disclosure requirements for online political advertisements*
5 *in order to uphold the Supreme Court’s well-established*
6 *standard that the electorate bears the right to be fully in-*
7 *formed.*

8 **SEC. 4203. FINDINGS.**

9 *Congress makes the following findings:*

10 *(1) On January 6, 2017, the Office of the Direc-*
11 *tor of National Intelligence published a report titled*
12 *“Assessing Russian Activities and Intentions in Re-*
13 *cent U.S. Elections”, noting that “Russian President*
14 *Vladimir Putin ordered an influence campaign in*
15 *2016 aimed at the US presidential election . . .”.*
16 *Moscow’s influence campaign followed a Russian mes-*
17 *saging strategy that blends covert intelligence oper-*
18 *ation—such as cyber activity—with overt efforts by*
19 *Russian Government agencies, state-funded media,*
20 *third-party intermediaries, and paid social media*
21 *users or “trolls”.*

22 *(2) On November 24, 2016, The Washington Post*
23 *reported findings from 2 teams of independent re-*
24 *searchers that concluded Russians “exploited Amer-*
25 *ican-made technology platforms to attack U.S. democ-*
26 *racy at a particularly vulnerable moment . . . as part*

1 *of a broadly effective strategy of sowing distrust in*
2 *U.S. democracy and its leaders.”.*

3 *(3) Findings from a 2017 study on the manipu-*
4 *lation of public opinion through social media con-*
5 *ducted by the Computational Propaganda Research*
6 *Project at the Oxford Internet Institute found that the*
7 *Kremlin is using pro-Russian bots to manipulate*
8 *public discourse to a highly targeted audience. With*
9 *a sample of nearly 1,300,000 tweets, researchers found*
10 *that in the 2016 election’s 3 decisive States, propa-*
11 *ganda constituted 40 percent of the sampled election-*
12 *related tweets that went to Pennsylvanians, 34 per-*
13 *cent to Michigan voters, and 30 percent to those in*
14 *Wisconsin. In other swing States, the figure reached*
15 *42 percent in Missouri, 41 percent in Florida, 40 per-*
16 *cent in North Carolina, 38 percent in Colorado, and*
17 *35 percent in Ohio.*

18 *(4) On September 6, 2017, the nation’s largest*
19 *social media platform disclosed that between June*
20 *2015 and May 2017, Russian entities purchased*
21 *\$100,000 in political advertisements, publishing*
22 *roughly 3,000 ads linked to fake accounts associated*
23 *with the Internet Research Agency, a pro-Kremlin or-*
24 *ganization. According to the company, the ads pur-*

1 *chased focused “on amplifying divisive social and po-*
2 *litical messages . . .”.*

3 (5) *In 2002, the Bipartisan Campaign Reform*
4 *Act became law, establishing disclosure requirements*
5 *for political advertisements distributed from a tele-*
6 *vision or radio broadcast station or provider of cable*
7 *or satellite television. In 2003, the Supreme Court*
8 *upheld regulations on electioneering communications*
9 *established under the Act, noting that such require-*
10 *ments “provide the electorate with information and*
11 *insure that the voters are fully informed about the*
12 *person or group who is speaking.”.*

13 (6) *According to a study from Borrell Associates,*
14 *in 2016, \$1,415,000,000 was spent on online adver-*
15 *tising, more than quadruple the amount in 2012.*

16 (7) *The reach of a few large internet platforms—*
17 *larger than any broadcast, satellite, or cable pro-*
18 *vider—has greatly facilitated the scope and effective-*
19 *ness of disinformation campaigns. For instance, the*
20 *largest platform has over 210,000,000 Americans*
21 *users—over 160,000,000 of them on a daily basis. By*
22 *contrast, the largest cable television provider has*
23 *22,430,000 subscribers, while the largest satellite tele-*
24 *vision provider has 21,000,000 subscribers. And the*

1 *most-watched television broadcast in United States*
2 *history had 118,000,000 viewers.*

3 (8) *The public nature of broadcast television,*
4 *radio, and satellite ensures a level of publicity for any*
5 *political advertisement. These communications are ac-*
6 *cessible to the press, fact-checkers, and political oppo-*
7 *nents; this creates strong disincentives for a candidate*
8 *to disseminate materially false, inflammatory, or con-*
9 *tradictory messages to the public. Social media plat-*
10 *forms, in contrast, can target portions of the elec-*
11 *torate with direct, ephemeral advertisements often on*
12 *the basis of private information the platform has on*
13 *individuals, enabling political advertisements that are*
14 *contradictory, racially or socially inflammatory, or*
15 *materially false.*

16 (9) *According to comScore, 2 companies own 8*
17 *of the 10 most popular smartphone applications as of*
18 *June 2017, including the most popular social media*
19 *and email services—which deliver information and*
20 *news to users without requiring proactivity by the*
21 *user. Those same 2 companies accounted for 99 per-*
22 *cent of revenue growth from digital advertising in*
23 *2016, including 77 percent of gross spending. 79 per-*
24 *cent of online Americans—representing 68 percent of*
25 *all Americans—use the single largest social network,*

1 *while 66 percent of these users are most likely to get*
2 *their news from that site.*

3 (10) *In its 2006 rulemaking, the Federal Elec-*
4 *tion Commission noted that only 18 percent of all*
5 *Americans cited the internet as their leading source*
6 *of news about the 2004 Presidential election; by con-*
7 *trast, the Pew Research Center found that 65 percent*
8 *of Americans identified an internet-based source as*
9 *their leading source of information for the 2016 elec-*
10 *tion.*

11 (11) *The Federal Election Commission, the inde-*
12 *pendent Federal agency charged with protecting the*
13 *integrity of the Federal campaign finance process by*
14 *providing transparency and administering campaign*
15 *finance laws, has failed to take action to address on-*
16 *line political advertisements.*

17 (12) *In testimony before the Senate Select Com-*
18 *mittee on Intelligence titled, “Disinformation: A*
19 *Primer in Russian Active Measures and Influence*
20 *Campaigns”, multiple expert witnesses testified that*
21 *while the disinformation tactics of foreign adversaries*
22 *have not necessarily changed, social media services*
23 *now provide “platform[s] practically purpose-built*
24 *for active measures[.]” Similarly, as Gen. Keith B.*
25 *Alexander (RET.), the former Director of the National*

1 *Security Agency, testified, during the Cold War “if*
2 *the Soviet Union sought to manipulate information*
3 *flow, it would have to do so principally through its*
4 *own propaganda outlets or through active measures*
5 *that would generate specific news: planting of leaflets,*
6 *inciting of violence, creation of other false materials*
7 *and narratives. But the news itself was hard to ma-*
8 *nipulate because it would have required actual control*
9 *of the organs of media, which took long-term efforts*
10 *to penetrate. Today, however, because the clear major-*
11 *ity of the information on social media sites is*
12 *uncurated and there is a rapid proliferation of infor-*
13 *mation sources and other sites that can reinforce in-*
14 *formation, there is an increasing likelihood that the*
15 *information available to average consumers may be*
16 *inaccurate (whether intentionally or otherwise) and*
17 *may be more easily manipulable than in prior eras.”.*

18 *(13) Current regulations on political advertise-*
19 *ments do not provide sufficient transparency to up-*
20 *hold the public’s right to be fully informed about po-*
21 *litical advertisements made online.*

22 **SEC. 4204. SENSE OF CONGRESS.**

23 *It is the sense of Congress that—*

24 *(1) the dramatic increase in digital political ad-*
25 *vertisements, and the growing centrality of online*

1 (A) in clause (v), by striking “on broad-
2 casting stations, or in newspapers, magazines, or
3 similar types of general public political adver-
4 tising” and inserting “in any public commu-
5 nication”;

6 (B) in clause (ix), by striking “broad-
7 casting, newspaper, magazine, billboard, direct
8 mail, or similar type of general public commu-
9 nication or political advertising” and inserting
10 “public communication”; and

11 (C) in clause (x), by striking “but not in-
12 cluding the use of broadcasting, newspapers,
13 magazines, billboards, direct mail, or similar
14 types of general public communication or polit-
15 ical advertising” and inserting “but not includ-
16 ing use in any public communication”; and

17 (2) in paragraph (9)(B)—

18 (A) by amending clause (i) to read as fol-
19 lows:

20 “(i) any news story, commentary, or
21 editorial distributed through the facilities of
22 any broadcasting station or any print, on-
23 line, or digital newspaper, magazine, blog,
24 publication, or periodical, unless such
25 broadcasting, print, online, or digital facili-

1 *ties are owned or controlled by any political*
2 *party, political committee, or candidate;”;*
3 *and*

4 *(B) in clause (iv), by striking “on broad-*
5 *casting stations, or in newspapers, magazines, or*
6 *similar types of general public political adver-*
7 *tising” and inserting “in any public commu-*
8 *nication”.*

9 *(c) DISCLOSURE AND DISCLAIMER STATEMENTS.—*
10 *Subsection (a) of section 318 of such Act (52 U.S.C. 30120)*
11 *is amended—*

12 *(1) by striking “financing any communication*
13 *through any broadcasting station, newspaper, maga-*
14 *zine, outdoor advertising facility, mailing, or any*
15 *other type of general public political advertising” and*
16 *inserting “financing any public communication”;*
17 *and*

18 *(2) by striking “solicits any contribution through*
19 *any broadcasting station, newspaper, magazine, out-*
20 *door advertising facility, mailing, or any other type*
21 *of general public political advertising” and inserting*
22 *“solicits any contribution through any public commu-*
23 *nication”.*

1 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
2 **EEING COMMUNICATION.**

3 (a) *EXPANSION TO ONLINE COMMUNICATIONS.—*

4 (1) *APPLICATION TO QUALIFIED INTERNET AND*
5 *DIGITAL COMMUNICATIONS.—*

6 (A) *IN GENERAL.—*Subparagraph (A) of
7 section 304(f)(3) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is
9 amended by striking “or satellite communica-
10 tion” each place it appears in clauses (i) and
11 (ii) and inserting “satellite, or qualified internet
12 or digital communication”.

13 (B) *QUALIFIED INTERNET OR DIGITAL COM-*
14 *MUNICATION.—*Paragraph (3) of section 304(f) of
15 such Act (52 U.S.C. 30104(f)) is amended by
16 adding at the end the following new subpara-
17 graph:

18 “(D) *QUALIFIED INTERNET OR DIGITAL*
19 *COMMUNICATION.—*The term ‘qualified internet
20 or digital communication’ means any commu-
21 nication which is placed or promoted for a fee on
22 an online platform (as defined in subsection
23 (j)(3)).”.

24 (2) *NONAPPLICATION OF RELEVANT ELECTORATE*
25 *TO ONLINE COMMUNICATIONS.—*Section
26 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.

1 30104(f)(3)(A)(i)(III)) is amended by inserting “any
2 broadcast, cable, or satellite” before “communication”.

3 (3) *NEWS EXEMPTION.*—Section 304(f)(3)(B)(i)
4 of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended
5 to read as follows:

6 “(i) a communication appearing in a
7 news story, commentary, or editorial dis-
8 tributed through the facilities of any broad-
9 casting station or any online or digital
10 newspaper, magazine, blog, publication, or
11 periodical, unless such broadcasting, online,
12 or digital facilities are owned or controlled
13 by any political party, political committee,
14 or candidate;”.

15 (b) *EFFECTIVE DATE.*—The amendments made by this
16 section shall apply with respect to communications made
17 on or after January 1, 2020.

18 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
19 **ONLINE COMMUNICATIONS.**

20 (a) *CLEAR AND CONSPICUOUS MANNER REQUIRE-*
21 *MENT.*—Subsection (a) of section 318 of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is amend-
23 ed—

1 (1) *by striking “shall clearly state” each place it*
2 *appears in paragraphs (1), (2), and (3) and inserting*
3 *“shall state in a clear and conspicuous manner”;* and

4 (2) *by adding at the end the following flush sen-*
5 *tence: “For purposes of this section, a communication*
6 *does not make a statement in a clear and conspicuous*
7 *manner if it is difficult to read or hear or if the*
8 *placement is easily overlooked.”.*

9 (b) *SPECIAL RULES FOR QUALIFIED INTERNET OR*
10 *DIGITAL COMMUNICATIONS.—*

11 (1) *IN GENERAL.—Section 318 of such Act (52*
12 *U.S.C. 30120) is amended by adding at the end the*
13 *following new subsection:*

14 “(e) *SPECIAL RULES FOR QUALIFIED INTERNET OR*
15 *DIGITAL COMMUNICATIONS.—*

16 “(1) *SPECIAL RULES WITH RESPECT TO STATE-*
17 *MENTS.—In the case of any qualified internet or dig-*
18 *ital communication (as defined in section*
19 *304(f)(3)(D)) which is disseminated through a me-*
20 *dium in which the provision of all of the information*
21 *specified in this section is not possible, the commu-*
22 *nication shall, in a clear and conspicuous manner—*

23 “(A) *state the name of the person who paid*
24 *for the communication; and*

1 “(B) provide a means for the recipient of
2 the communication to obtain the remainder of
3 the information required under this section with
4 minimal effort and without receiving or viewing
5 any additional material other than such re-
6 quired information.

7 “(2) *SAFE HARBOR FOR DETERMINING CLEAR*
8 *AND CONSPICUOUS MANNER.*—A statement in quali-
9 fied internet or digital communication (as defined in
10 section 304(f)(3)(D)) shall be considered to be made
11 in a clear and conspicuous manner as provided in
12 subsection (a) if the communication meets the fol-
13 lowing requirements:

14 “(A) *TEXT OR GRAPHIC COMMUNICA-*
15 *TIONS.*—In the case of a text or graphic commu-
16 nication, the statement—

17 “(i) appears in letters at least as large
18 as the majority of the text in the commu-
19 nication; and

20 “(ii) meets the requirements of para-
21 graphs (2) and (3) of subsection (c).

22 “(B) *AUDIO COMMUNICATIONS.*—In the case
23 of an audio communication, the statement is
24 spoken in a clearly audible and intelligible man-

1 *ner at the beginning or end of the communica-*
2 *tion and lasts at least 3 seconds.*

3 “(C) *VIDEO COMMUNICATIONS.*—*In the case*
4 *of a video communication which also includes*
5 *audio, the statement—*

6 “(i) *is included at either the beginning*
7 *or the end of the communication; and*

8 “(ii) *is made both in—*

9 “(I) *a written format that meets*
10 *the requirements of subparagraph (A)*
11 *and appears for at least 4 seconds; and*

12 “(II) *an audible format that*
13 *meets the requirements of subpara-*
14 *graph (B).*

15 “(D) *OTHER COMMUNICATIONS.*—*In the*
16 *case of any other type of communication, the*
17 *statement is at least as clear and conspicuous as*
18 *the statement specified in subparagraph (A), (B),*
19 *or (C).”.*

20 (2) *NONAPPLICATION OF CERTAIN EXCEP-*
21 *TIONS.*—*The exceptions provided in section*
22 *110.11(f)(1)(i) and (ii) of title 11, Code of Federal*
23 *Regulations, or any successor to such rules, shall have*
24 *no application to qualified internet or digital commu-*

1 *nications (as defined in section 304(f)(3)(D) of the*
2 *Federal Election Campaign Act of 1971).*

3 *(c) MODIFICATION OF ADDITIONAL REQUIREMENTS*
4 *FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such*
5 *Act (52 U.S.C. 30120(d)) is amended—*

6 *(1) in paragraph (1)(A)—*

7 *(A) by striking “which is transmitted*
8 *through radio” and inserting “which is in an*
9 *audio format”; and*

10 *(B) by striking “BY RADIO” in the heading*
11 *and inserting “AUDIO FORMAT”;*

12 *(2) in paragraph (1)(B)—*

13 *(A) by striking “which is transmitted*
14 *through television” and inserting “which is in*
15 *video format”; and*

16 *(B) by striking “BY TELEVISION” in the*
17 *heading and inserting “VIDEO FORMAT”; and*

18 *(3) in paragraph (2)—*

19 *(A) by striking “transmitted through radio*
20 *or television” and inserting “made in audio or*
21 *video format”; and*

22 *(B) by striking “through television” in the*
23 *second sentence and inserting “in video format”.*

1 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
2 **LINE PLATFORMS.**

3 (a) *IN GENERAL.*—Section 304 of the Federal Election
4 Campaign Act of 1971 (52 U.S.C. 30104) is amended by
5 adding at the end the following new subsection:

6 “(j) *DISCLOSURE OF CERTAIN ONLINE ADVERTISE-*
7 *MENTS.*—

8 “(1) *IN GENERAL.*—

9 “(A) *REQUIREMENTS FOR ONLINE PLAT-*
10 *FORMS.*—An online platform shall maintain,
11 and make available for online public inspection
12 in machine readable format, a complete record of
13 any request to purchase on such online platform
14 a qualified political advertisement which is
15 made by a person whose aggregate requests to
16 purchase qualified political advertisements on
17 such online platform during the calendar year
18 exceeds \$500.

19 “(B) *REQUIREMENTS FOR ADVERTISERS.*—
20 Any person who requests to purchase a qualified
21 political advertisement on an online platform
22 shall provide the online platform with such in-
23 formation as is necessary for the online platform
24 to comply with the requirements of subparagraph
25 (A).

1 “(2) *CONTENTS OF RECORD.*—A record main-
2 *tained under paragraph (1)(A) shall contain—*

3 “(A) *a digital copy of the qualified political*
4 *advertisement;*

5 “(B) *a description of the audience targeted*
6 *by the advertisement, the number of views gen-*
7 *erated from the advertisement, and the date and*
8 *time that the advertisement is first displayed*
9 *and last displayed; and*

10 “(C) *information regarding—*

11 “(i) *the average rate charged for the*
12 *advertisement;*

13 “(ii) *the name of the candidate to*
14 *which the advertisement refers and the office*
15 *to which the candidate is seeking election,*
16 *the election to which the advertisement re-*
17 *fers, or the national legislative issue to*
18 *which the advertisement refers (as applica-*
19 *ble);*

20 “(iii) *in the case of a request made by,*
21 *or on behalf of, a candidate, the name of the*
22 *candidate, the authorized committee of the*
23 *candidate, and the treasurer of such com-*
24 *mittee; and*

1 “(iv) in the case of any request not de-
2 scribed in clause (iii), the name of the per-
3 son purchasing the advertisement, the name
4 and address of a contact person for such
5 person, and a list of the chief executive offi-
6 cers or members of the executive committee
7 or of the board of directors of such person.

8 “(3) *ONLINE PLATFORM.*—For purposes of this
9 subsection, the term ‘online platform’ means any pub-
10 lic-facing website, web application, or digital applica-
11 tion (including a social network, ad network, or
12 search engine) which—

13 “(A) sells qualified political advertisements;
14 and

15 “(B) has 50,000,000 or more unique month-
16 ly United States visitors or users for a majority
17 of months during the preceding 12 months.

18 “(4) *QUALIFIED POLITICAL ADVERTISEMENT.*—
19 For purposes of this subsection, the term ‘qualified
20 political advertisement’ means any advertisement (in-
21 cluding search engine marketing, display advertise-
22 ments, video advertisements, native advertisements,
23 and sponsorships) that—

24 “(A) is made by or on behalf of a candidate;
25 or

1 “(B) communicates a message relating to
2 any political matter of national importance, in-
3 cluding—

4 “(i) a candidate;

5 “(ii) any election to Federal office; or

6 “(iii) a national legislative issue of
7 public importance.

8 “(5) *TIME TO MAINTAIN FILE.*—The information
9 required under this subsection shall be made available
10 as soon as possible and shall be retained by the online
11 platform for a period of not less than 4 years.

12 “(6) *SAFE HARBOR FOR PLATFORMS MAKING*
13 *BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE*
14 *SUBJECT TO RECORD MAINTENANCE REQUIRE-*
15 *MENTS.*—In accordance with rules established by the
16 Commission, if an online platform shows that the
17 platform used best efforts to determine whether or not
18 a request to purchase a qualified political advertise-
19 ment was subject to the requirements of this sub-
20 section, the online platform shall not be considered to
21 be in violation of such requirements.

22 “(7) *PENALTIES.*—For penalties for failure by
23 online platforms, and persons requesting to purchase
24 a qualified political advertisement on online plat-

1 *forms, to comply with the requirements of this sub-*
2 *section, see section 309.”.*

3 *(b) RULEMAKING.—Not later than 120 days after the*
4 *date of the enactment of this Act, the Federal Election Com-*
5 *mission shall establish rules—*

6 *(1) requiring common data formats for the*
7 *record required to be maintained under section 304(j)*
8 *of the Federal Election Campaign Act of 1971 (as*
9 *added by subsection (a)) so that all online platforms*
10 *submit and maintain data online in a common, ma-*
11 *chine-readable and publicly accessible format; and*

12 *(2) establishing search interface requirements re-*
13 *lating to such record, including searches by candidate*
14 *name, issue, purchaser, and date; and*

15 *(3) establishing the criteria for the safe harbor*
16 *exception provided under paragraph (6) of section*
17 *304(j) of such Act (as added by subsection (a)).*

18 *(c) REPORTING.—Not later than 2 years after the date*
19 *of the enactment of this Act, and biannually thereafter, the*
20 *Chairman of the Federal Election Commission shall submit*
21 *a report to Congress on—*

22 *(1) matters relating to compliance with and the*
23 *enforcement of the requirements of section 304(j) of*
24 *the Federal Election Campaign Act of 1971, as added*
25 *by subsection (a);*

1 (2) *recommendations for any modifications to*
2 *such section to assist in carrying out its purposes;*
3 *and*

4 (3) *identifying ways to bring transparency and*
5 *accountability to political advertisements distributed*
6 *online for free.*

7 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
8 **INDEPENDENT EXPENDITURES, AND DIS-**
9 **BURSEMENTS FOR ELECTIONEERING COMMU-**
10 **NICATIONS BY FOREIGN NATIONALS IN THE**
11 **FORM OF ONLINE ADVERTISING.**

12 *Section 319 of the Federal Election Campaign Act of*
13 *1971 (52 U.S.C. 30121), as amended by section 4101(a)(2)*
14 *and section 4101(b), is further amended by adding at the*
15 *end the following new subsection:*

16 “(e) *RESPONSIBILITIES OF BROADCAST STATIONS,*
17 *PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND*
18 *ONLINE PLATFORMS.—Each television or radio broadcast*
19 *station, provider of cable or satellite television, or online*
20 *platform (as defined in section 304(j)(3)) shall make rea-*
21 *sonable efforts to ensure that communications described in*
22 *section 318(a) and made available by such station, pro-*
23 *vider, or platform are not purchased by a foreign national,*
24 *directly or indirectly.”.*

1 ***Subtitle D—Stand By Every Ad***

2 ***SEC. 4301. SHORT TITLE.***

3 *This Act may be cited as the “Stand By Every Ad*
4 *Act”.*

5 ***SEC. 4302. STAND BY EVERY AD.***

6 *(a) EXPANDED DISCLAIMER REQUIREMENTS FOR*
7 *CERTAIN COMMUNICATIONS.—Section 318 of the Federal*
8 *Election Campaign Act of 1971 (52 U.S.C. 30120), as*
9 *amended by section 4207(b)(1), is further amended—*

10 *(1) by redesignating subsection (e) as subsection*
11 *(f); and*

12 *(2) by inserting after subsection (d) the following*
13 *new subsection:*

14 ***“(e) EXPANDED DISCLAIMER REQUIREMENTS FOR***
15 ***COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR***
16 ***COMMITTEES.—***

17 ***“(1) IN GENERAL.—Except as provided in para-***
18 ***graph (6), any communication described in para-***
19 ***graph (3) of subsection (a) which is transmitted in an***
20 ***audio or video format (including an Internet or dig-***
21 ***ital communication), or which is an Internet or dig-***
22 ***ital communication transmitted in a text or graphic***
23 ***format, shall include, in addition to the requirements***
24 ***of paragraph (3) of subsection (a), the following:***

1 “(A) *The individual disclosure statement*
2 *described in paragraph (2)(A) (if the person*
3 *paying for the communication is an individual)*
4 *or the organizational disclosure statement de-*
5 *scribed in paragraph (2)(B) (if the person pay-*
6 *ing for the communication is not an individual).*

7 “(B) *If the communication is transmitted*
8 *in a video format, or is an Internet or digital*
9 *communication which is transmitted in a text or*
10 *graphic format, and is paid for in whole or in*
11 *part with a payment which is treated as a cam-*
12 *paign-related disbursement under section 324—*

13 *“(i) the Top Five Funders list (if ap-*
14 *plicable); or*

15 *“(ii) in the case of a communication*
16 *which, as determined on the basis of criteria*
17 *established in regulations issued by the*
18 *Commission, is of such short duration that*
19 *including the Top Five Funders list in the*
20 *communication would constitute a hardship*
21 *to the person paying for the communication*
22 *by requiring a disproportionate amount of*
23 *the content of the communication to consist*
24 *of the Top Five Funders list, the name of a*
25 *website which contains the Top Five*

1 *Funders list (if applicable) or, in the case*
2 *of an Internet or digital communication, a*
3 *hyperlink to such website.*

4 “(C) *If the communication is transmitted*
5 *in an audio format and is paid for in whole or*
6 *in part with a payment which is treated as a*
7 *campaign-related disbursement under section*
8 *324—*

9 “(i) *the Top Two Funders list (if ap-*
10 *plicable); or*

11 “(ii) *in the case of a communication*
12 *which, as determined on the basis of criteria*
13 *established in regulations issued by the*
14 *Commission, is of such short duration that*
15 *including the Top Two Funders list in the*
16 *communication would constitute a hardship*
17 *to the person paying for the communication*
18 *by requiring a disproportionate amount of*
19 *the content of the communication to consist*
20 *of the Top Two Funders list, the name of a*
21 *website which contains the Top Two*
22 *Funders list (if applicable).*

23 “(2) *DISCLOSURE STATEMENTS DESCRIBED.—*

24 “(A) *INDIVIDUAL DISCLOSURE STATE-*
25 *MENTS.—The individual disclosure statement de-*

1 *scribed in this subparagraph is the following: ‘I*
2 *am _____, and I approve this mes-*
3 *sage.’, with the blank filled in with the name of*
4 *the applicable individual.*

5 “(B) *ORGANIZATIONAL DISCLOSURE STATE-*
6 *MENTS.—The organizational disclosure statement*
7 *described in this subparagraph is the following:*
8 *‘I am _____, the*
9 *_____ of _____, and*
10 *_____ approves this message.’,*
11 *with—*

12 “(i) *the first blank to be filled in with*
13 *the name of the applicable individual;*

14 “(ii) *the second blank to be filled in*
15 *with the title of the applicable individual;*
16 *and*

17 “(iii) *the third and fourth blank each*
18 *to be filled in with the name of the organi-*
19 *zation or other person paying for the com-*
20 *munication.*

21 “(3) *METHOD OF CONVEYANCE OF STATE-*
22 *MENT.—*

23 “(A) *COMMUNICATIONS IN TEXT OR GRAPH-*
24 *IC FORMAT.—In the case of a communication to*
25 *which this subsection applies which is trans-*

1 *mitted in a text or graphic format, the disclosure*
2 *statements required under paragraph (1) shall*
3 *appear in letters at least as large as the majority*
4 *of the text in the communication.*

5 *“(B) COMMUNICATIONS TRANSMITTED IN*
6 *AUDIO FORMAT.—In the case of a communica-*
7 *tion to which this subsection applies which is*
8 *transmitted in an audio format, the disclosure*
9 *statements required under paragraph (1) shall be*
10 *made by audio by the applicable individual in*
11 *a clear and conspicuous manner.*

12 *“(C) COMMUNICATIONS TRANSMITTED IN*
13 *VIDEO FORMAT.—In the case of a communication*
14 *to which this subsection applies which is trans-*
15 *mitted in a video format, the information re-*
16 *quired under paragraph (1)—*

17 *“(i) shall appear in writing at the end*
18 *of the communication or in a crawl along*
19 *the bottom of the communication in a clear*
20 *and conspicuous manner, with a reasonable*
21 *degree of color contrast between the back-*
22 *ground and the printed statement, for a pe-*
23 *riod of at least 6 seconds; and*

24 *“(ii) shall also be conveyed by an*
25 *unobscured, full-screen view of the applica-*

1 *ble individual or by the applicable indi-*
2 *vidual making the statement in voice-over*
3 *accompanied by a clearly identifiable photo-*
4 *graph or similar image of the individual,*
5 *except in the case of a Top Five Funders*
6 *list.*

7 “(4) *APPLICABLE INDIVIDUAL DEFINED.—The*
8 *term ‘applicable individual’ means, with respect to a*
9 *communication to which this subsection applies—*

10 *“(A) if the communication is paid for by an*
11 *individual, the individual involved;*

12 *“(B) if the communication is paid for by a*
13 *corporation, the chief executive officer of the cor-*
14 *poration (or, if the corporation does not have a*
15 *chief executive officer, the highest ranking official*
16 *of the corporation);*

17 *“(C) if the communication is paid for by a*
18 *labor organization, the highest ranking officer of*
19 *the labor organization; and*

20 *“(D) if the communication is paid for by*
21 *any other person, the highest ranking official of*
22 *such person.*

23 “(5) *TOP FIVE FUNDERS LIST AND TOP TWO*
24 *FUNDERS LIST DEFINED.—*

1 “(A) *TOP FIVE FUNDERS LIST.*—*The term*
2 *‘Top Five Funders list’ means, with respect to a*
3 *communication which is paid for in whole or in*
4 *part with a campaign-related disbursement (as*
5 *defined in section 324), a list of the five persons*
6 *who, during the 12-month period ending on the*
7 *date of the disbursement, provided the largest*
8 *payments of any type in an aggregate amount*
9 *equal to or exceeding \$10,000 to the person who*
10 *is paying for the communication and the*
11 *amount of the payments each such person pro-*
12 *vided. If two or more people provided the fifth*
13 *largest of such payments, the person paying for*
14 *the communication shall select one of those per-*
15 *sons to be included on the Top Five Funders list.*

16 “(B) *TOP TWO FUNDERS LIST.*—*The term*
17 *‘Top Two Funders list’ means, with respect to a*
18 *communication which is paid for in whole or in*
19 *part with a campaign-related disbursement (as*
20 *defined in section 324), a list of the persons who,*
21 *during the 12-month period ending on the date*
22 *of the disbursement, provided the largest and the*
23 *second largest payments of any type in an aggre-*
24 *gate amount equal to or exceeding \$10,000 to the*
25 *person who is paying for the communication and*

1 *the amount of the payments each such person*
2 *provided. If two or more persons provided the*
3 *second largest of such payments, the person pay-*
4 *ing for the communication shall select one of*
5 *those persons to be included on the Top Two*
6 *Funders list.*

7 “(C) *EXCLUSION OF CERTAIN PAYMENTS.—*
8 *For purposes of subparagraphs (A) and (B), in*
9 *determining the amount of payments made by a*
10 *person to a person paying for a communication,*
11 *there shall be excluded the following:*

12 “(i) *Any amounts provided in the or-*
13 *inary course of any trade or business con-*
14 *ducted by the person paying for the commu-*
15 *nication or in the form of investments in*
16 *the person paying for the communication.*

17 “(ii) *Any payment which the person*
18 *prohibited, in writing, from being used for*
19 *campaign-related disbursements, but only if*
20 *the person paying for the communication*
21 *agreed to follow the prohibition and depos-*
22 *ited the payment in an account which is*
23 *segregated from any account used to make*
24 *campaign-related disbursements.*

1 “(6) *SPECIAL RULES FOR CERTAIN COMMUNICA-*
2 *TIONS.—*

3 “(A) *EXCEPTION FOR COMMUNICATIONS*
4 *PAID FOR BY POLITICAL PARTIES AND CERTAIN*
5 *POLITICAL COMMITTEES.—This subsection does*
6 *not apply to any communication to which sub-*
7 *section (d)(2) applies.*

8 “(B) *TREATMENT OF VIDEO COMMUNICA-*
9 *TIONS LASTING 10 SECONDS OR LESS.—In the*
10 *case of a communication to which this subsection*
11 *applies which is transmitted in a video format,*
12 *or is an Internet or digital communication*
13 *which is transmitted in a text or graphic format,*
14 *the communication shall meet the following re-*
15 *quirements:*

16 “(i) *The communication shall include*
17 *the individual disclosure statement de-*
18 *scribed in paragraph (2)(A) (if the person*
19 *paying for the communication is an indi-*
20 *vidual) or the organizational disclosure*
21 *statement described in paragraph (2)(B) (if*
22 *the person paying for the communication is*
23 *not an individual).*

24 “(ii) *The statement described in clause*
25 *(i) shall appear in writing at the end of the*

1 *communication, or in a crawl along the bot-*
2 *tom of the communication, in a clear and*
3 *conspicuous manner, with a reasonable de-*
4 *gree of color contrast between the back-*
5 *ground and the printed statement, for a pe-*
6 *riod of at least 4 seconds.*

7 *“(iii) The communication shall in-*
8 *clude, in a clear and conspicuous manner,*
9 *a website address with a landing page*
10 *which will provide all of the information*
11 *described in paragraph (1) with respect to*
12 *the communication. Such address shall ap-*
13 *pear for the full duration of the communica-*
14 *tion.*

15 *“(iv) To the extent that the format in*
16 *which the communication is made permits*
17 *the use of a hyperlink, the communication*
18 *shall include a hyperlink to the website ad-*
19 *dress described in clause (iii).”.*

20 ***(b) APPLICATION OF EXPANDED REQUIREMENTS TO***
21 ***PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-RE-***
22 ***LATED DISBURSEMENTS.—Section 318(a) of such Act (52***
23 ***U.S.C. 30120(a)) is amended by striking “for the purpose***
24 ***of financing communications expressly advocating the elec-***
25 ***tion or defeat of a clearly identified candidate” and insert-***

1 *ing “for a campaign-related disbursement, as defined in*
2 *section 324, consisting of a public communication”.*

3 *(c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY*
4 *POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-*
5 *TEES.—Section 318(d)(2) of such Act (52 U.S.C.*
6 *30120(d)(2)) is amended—*

7 *(1) in the heading, by striking “OTHERS” and*
8 *inserting “CERTAIN POLITICAL COMMITTEES”;*

9 *(2) by striking “Any communication” and in-*
10 *serting “(A) Any communication”;*

11 *(3) by inserting “which (except to the extent pro-*
12 *vided in subparagraph (B)) is paid for by a political*
13 *committee (including a political committee of a polit-*
14 *ical party) and” after “subsection (a)”;*

15 *(4) by striking “or other person” each place it*
16 *appears; and*

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

19 *“(B)(i) This paragraph does not apply to a com-*
20 *munication paid for in whole or in part during a*
21 *calendar year with a campaign-related disbursement,*
22 *but only if the covered organization making the cam-*
23 *paign-related disbursement made campaign-related*
24 *disbursements (as defined in section 324) aggregating*
25 *more than \$10,000 during such calendar year.*

1 “(ii) For purposes of clause (i), in determining
2 the amount of campaign-related disbursements made
3 by a covered organization during a year, there shall
4 be excluded the following:

5 “(I) Any amounts received by the covered
6 organization in the ordinary course of any trade
7 or business conducted by the covered organiza-
8 tion or in the form of investments in the covered
9 organization.

10 “(II) Any amounts received by the covered
11 organization from a person who prohibited, in
12 writing, the organization from using such
13 amounts for campaign-related disbursements, but
14 only if the covered organization agreed to follow
15 the prohibition and deposited the amounts in an
16 account which is segregated from any account
17 used to make campaign-related disbursements.”.

18 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
19 **TIONS MADE THROUGH PRERECORDED TELE-**
20 **PHONE CALLS.**

21 (a) *APPLICATION OF REQUIREMENTS.*—

22 (1) *IN GENERAL.*—Section 318(a) of the Federal
23 Election Campaign Act of 1971 (52 U.S.C. 30120(a)),
24 as amended by section 4205(c), is amended by insert-
25 ing after “public communication” each place it ap-

1 *pears the following: “(including a telephone call con-*
2 *sisting in substantial part of a prerecorded audio*
3 *message)”.*

4 (2) *APPLICATION TO COMMUNICATIONS SUBJECT*
5 *TO EXPANDED DISCLAIMER REQUIREMENTS.—Section*
6 *318(e)(1) of such Act (52 U.S.C. 30120(e)(1)), as*
7 *added by section 4302(a), is amended in the matter*
8 *preceding subparagraph (A) by striking “which is*
9 *transmitted in an audio or video format” and insert-*
10 *ing “which is transmitted in an audio or video for-*
11 *mat or which consists of a telephone call consisting in*
12 *substantial part of a prerecorded audio message”.*

13 (b) *TREATMENT AS COMMUNICATION TRANSMITTED IN*
14 *AUDIO FORMAT.—*

15 (1) *COMMUNICATIONS BY CANDIDATES OR AU-*
16 *THORIZED PERSONS.—Section 318(d) of such Act (52*
17 *U.S.C. 30120(d)) is amended by adding at the end*
18 *the following new paragraph:*

19 “(3) *PRERECORDED TELEPHONE CALLS.—Any*
20 *communication described in paragraph (1), (2), or*
21 *(3) of subsection (a) (other than a communication*
22 *which is subject to subsection (e)) which is a telephone*
23 *call consisting in substantial part of a prerecorded*
24 *audio message shall include, in addition to the re-*
25 *quirements of such paragraph, the audio statement re-*

1 *quired under subparagraph (A) of paragraph (1) or*
2 *the audio statement required under paragraph (2)*
3 *(whichever is applicable), except that the statement*
4 *shall be made at the beginning of the telephone call.”.*

5 (2) *COMMUNICATIONS SUBJECT TO EXPANDED*
6 *DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of*
7 *such Act (52 U.S.C. 30120(e)(3)), as added by section*
8 *4302(a), is amended by adding at the end the fol-*
9 *lowing new subparagraph:*

10 “(D) *PRERECORDED TELEPHONE CALLS.—*
11 *In the case of a communication to which this*
12 *subsection applies which is a telephone call con-*
13 *sisting in substantial part of a prerecorded*
14 *audio message, the communication shall be con-*
15 *sidered to be transmitted in an audio format.”.*

16 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
17 **CLAIMER REQUIREMENTS ON INTERNET COM-**
18 **MUNICATIONS.**

19 *Nothing in this subtitle or the amendments made by*
20 *this subtitle may be construed to require any person who*
21 *is not required under section 318 of the Federal Election*
22 *Campaign Act of 1971 (as provided under section 110.11*
23 *of title 11 of the Code of Federal Regulations) to include*
24 *a disclaimer on communications made by the person*

1 *through the internet to include any disclaimer on any such*
2 *communications.*

3 **SEC. 4305. EFFECTIVE DATE.**

4 *The amendments made by this subtitle shall apply*
5 *with respect to communications made on or after January*
6 *1, 2020, and shall take effect without regard to whether or*
7 *not the Federal Election Commission has promulgated regu-*
8 *lations to carry out such amendments.*

9 ***Subtitle E—[Reserved]***

10 ***Subtitle F—[Reserved]***

11 ***Subtitle G—[Reserved]***

12 ***Subtitle H—Limitation and Disclo-***
13 ***sure Requirements for Presi-***
14 ***dential Inaugural Committees***

15 **SEC. 4701. SHORT TITLE.**

16 *This subtitle may be cited as the “Presidential Inau-*
17 *gural Committee Oversight Act”.*

18 **SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
19 ***NATIONS TO, AND DISBURSEMENTS BY, INAU-***
20 ***GURAL COMMITTEES.***

21 *(a) REQUIREMENTS FOR INAUGURAL COMMITTEES.—*
22 *Title III of the Federal Election Campaign Act of 1971 (52*
23 *U.S.C. 30101 et seq.) is amended by adding at the end the*
24 *following new section:*

1 **“SEC. 325. INAUGURAL COMMITTEES.**

2 “(a) *PROHIBITED DONATIONS.*—

3 “(1) *IN GENERAL.*—*It shall be unlawful—*

4 “(A) *for an Inaugural Committee—*

5 “(i) *to solicit, accept, or receive a do-*
6 *nation from a person that is not an indi-*
7 *vidual; or*

8 “(ii) *to solicit, accept, or receive a do-*
9 *nation from a foreign national;*

10 “(B) *for a person—*

11 “(i) *to make a donation to an Inau-*
12 *gural Committee in the name of another*
13 *person, or to knowingly authorize his or her*
14 *name to be used to effect such a donation;*

15 “(ii) *to knowingly accept a donation to*
16 *an Inaugural Committee made by a person*
17 *in the name of another person; or*

18 “(iii) *to convert a donation to an In-*
19 *augural Committee to personal use as de-*
20 *scribed in paragraph (2); and*

21 “(C) *for a foreign national to, directly or*
22 *indirectly, make a donation, or make an express*
23 *or implied promise to make a donation, to an*
24 *Inaugural Committee.*

25 “(2) *CONVERSION OF DONATION TO PERSONAL*
26 *USE.*—*For purposes of paragraph (1)(B)(iii), a dona-*

1 *tion shall be considered to be converted to personal*
2 *use if any part of the donated amount is used to ful-*
3 *fill a commitment, obligation, or expense of a person*
4 *that would exist irrespective of the responsibilities of*
5 *the Inaugural Committee under chapter 5 of title 36,*
6 *United States Code.*

7 *“(3) NO EFFECT ON DISBURSEMENT OF UNUSED*
8 *FUNDS TO NONPROFIT ORGANIZATIONS.—Nothing in*
9 *this subsection may be construed to prohibit an Inau-*
10 *gural Committee from disbursing unused funds to an*
11 *organization which is described in section 501(c)(3) of*
12 *the Internal Revenue Code of 1986 and is exempt*
13 *from taxation under section 501(a) of such Code.*

14 *“(b) LIMITATION ON DONATIONS.—*

15 *“(1) IN GENERAL.—It shall be unlawful for an*
16 *individual to make donations to an Inaugural Com-*
17 *mittee which, in the aggregate, exceed \$50,000.*

18 *“(2) INDEXING.—At the beginning of each Presi-*
19 *dential election year (beginning with 2024), the*
20 *amount described in paragraph (1) shall be increased*
21 *by the cumulative percent difference determined in*
22 *section 315(c)(1)(A) since the previous Presidential*
23 *election year. If any amount after such increase is not*
24 *a multiple of \$1,000, such amount shall be rounded*
25 *to the nearest multiple of \$1,000.*

1 “(c) *DISCLOSURE OF CERTAIN DONATIONS AND DIS-*
2 *BURSEMENTS.—*

3 “(1) *DONATIONS OVER \$1,000.—*

4 “(A) *IN GENERAL.—An Inaugural Com-*
5 *mittee shall file with the Commission a report*
6 *disclosing any donation by an individual to the*
7 *committee in an amount of \$1,000 or more not*
8 *later than 24 hours after the receipt of such do-*
9 *nation.*

10 “(B) *CONTENTS OF REPORT.—A report filed*
11 *under subparagraph (A) shall contain—*

12 “(i) *the amount of the donation;*

13 “(ii) *the date the donation is received;*

14 *and*

15 “(iii) *the name and address of the in-*
16 *dividual making the donation.*

17 “(2) *FINAL REPORT.—Not later than the date*
18 *that is 90 days after the date of the Presidential in-*
19 *augural ceremony, the Inaugural Committee shall file*
20 *with the Commission a report containing the fol-*
21 *lowing information:*

22 “(A) *For each donation of money or any-*
23 *thing of value made to the committee in an ag-*
24 *gregate amount equal to or greater than \$200—*

25 “(i) *the amount of the donation;*

1 “(ii) the date the donation is received;

2 and

3 “(iii) the name and address of the in-
4 dividual making the donation.

5 “(B) The total amount of all disbursements,
6 and all disbursements in the following categories:

7 “(i) Disbursements made to meet com-
8 mittee operating expenses.

9 “(ii) Repayment of all loans.

10 “(iii) Donation refunds and other off-
11 sets to donations.

12 “(iv) Any other disbursements.

13 “(C) The name and address of each per-
14 son—

15 “(i) to whom a disbursement in an ag-
16 gregate amount or value in excess of \$200
17 is made by the committee to meet a com-
18 mittee operating expense, together with date,
19 amount, and purpose of such operating ex-
20 pense;

21 “(ii) who receives a loan repayment
22 from the committee, together with the date
23 and amount of such loan repayment;

24 “(iii) who receives a donation refund
25 or other offset to donations from the com-

1 *mittee, together with the date and amount*
2 *of such disbursement; and*

3 “*(iv) to whom any other disbursement*
4 *in an aggregate amount or value in excess*
5 *of \$200 is made by the committee, together*
6 *with the date and amount of such disburse-*
7 *ment.*

8 “(d) *DEFINITIONS.—For purposes of this section:*

9 “*(1)(A) The term ‘donation’ includes—*

10 “*(i) any gift, subscription, loan, ad-*
11 *vance, or deposit of money or anything of*
12 *value made by any person to the committee;*
13 *or*

14 “*(ii) the payment by any person of*
15 *compensation for the personal services of*
16 *another person which are rendered to the*
17 *committee without charge for any purpose.*

18 “*(B) The term ‘donation’ does not include*
19 *the value of services provided without compensa-*
20 *tion by any individual who volunteers on behalf*
21 *of the committee.*

22 “*(2) The term ‘foreign national’ has the meaning*
23 *given that term by section 319(b).*

1 “(3) *The term ‘Inaugural Committee’ has the*
2 *meaning given that term by section 501 of title 36,*
3 *United States Code.”.*

4 ***(b) CONFIRMING AMENDMENT RELATED TO REPORT-***
5 ***ING REQUIREMENTS.—Section 304 of the Federal Election***
6 ***Campaign Act of 1971 (52 U.S.C. 30104) is amended—***

7 ***(1) by striking subsection (h); and***

8 ***(2) by redesignating subsection (i) as subsection***
9 ***(h).***

10 ***(c) CONFORMING AMENDMENT RELATED TO STATUS***
11 ***OF COMMITTEE.—Section 510 of title 36, United States***
12 ***Code, is amended to read as follows:***

13 **“§510. Disclosure of and prohibition on certain dona-**
14 ***tions***

15 ***“A committee shall not be considered to be the Inau-***
16 ***gural Committee for purposes of this chapter unless the***
17 ***committee agrees to, and meets, the requirements of section***
18 ***325 of the Federal Election Campaign Act of 1971.”.***

19 ***(d) EFFECTIVE DATE.—The amendments made by this***
20 ***Act shall apply with respect to Inaugural Committees estab-***
21 ***lished under chapter 5 of title 36, United States Code, for***
22 ***inaugurations held in 2021 and any succeeding year.***

1 ***Subtitle I—Severability***

2 ***SEC. 4801. SEVERABILITY.***

3 *If any provision of this title or amendment made by*
 4 *this title, or the application of a provision or amendment*
 5 *to any person or circumstance, is held to be unconstitu-*
 6 *tional, the remainder of this title and amendments made*
 7 *by this title, and the application of the provisions and*
 8 *amendment to any person or circumstance, shall not be af-*
 9 *ected by the holding.*

10 ***TITLE V—CAMPAIGN FINANCE***
 11 ***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.

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“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.

1 ***Subtitle A—Findings Relating to***
2 ***Citizens United Decision***

3 ***SEC. 5001. FINDINGS RELATING TO CITIZENS UNITED DECI-***
4 ***SION.***

5 *Congress finds the following:*

6 (1) *The American Republic was founded on the*
7 *principle that all people are created equal, with rights*
8 *and responsibilities as citizens to vote, be represented,*
9 *speak, debate, and participate in self-government on*
10 *equal terms regardless of wealth. To secure these*
11 *rights and responsibilities, our Constitution not only*
12 *protects the equal rights of all Americans but also*
13 *provides checks and balances to prevent corruption*
14 *and prevent concentrated power and wealth from un-*
15 *dermining effective self-government.*

16 (2) *The Supreme Court’s decisions in Citizens*
17 *United v. Federal Election Commission, 558 U.S. 310*
18 *(2010) and McCutcheon v. FEC, 572 U.S. 185 (2014),*

1 *as well as other court decisions, erroneously invali-*
2 *dated even-handed rules about the spending of money*
3 *in local, State, and Federal elections. These flawed de-*
4 *isions have empowered large corporations, extremely*
5 *wealthy individuals, and special interests to dominate*
6 *election spending, corrupt our politics, and degrade*
7 *our democracy through tidal waves of unlimited and*
8 *anonymous spending. These decisions also stand in*
9 *contrast to a long history of efforts by Congress and*
10 *the States to regulate money in politics to protect de-*
11 *mocracy, and they illustrate a troubling deregulatory*
12 *trend in campaign finance-related court decisions.*
13 *Additionally, an unknown amount of foreign money*
14 *continues to be spent in our political system as sub-*
15 *sidaries of foreign-based corporations and hostile for-*
16 *ign actors sometimes connected to nation-States work*
17 *to influence our elections.*

18 *(3) The Supreme Court's misinterpretation of the*
19 *Constitution to empower monied interests at the ex-*
20 *penditure of the American people in elections has seri-*
21 *ously eroded over 100 years of congressional action to*
22 *promote fairness and protect elections from the toxic*
23 *influence of money.*

24 *(4) In 1907, Congress passed the Tillman Act in*
25 *response to the concentration of corporate power in*

1 *the post-Civil War Gilded Age. The Act prohibited*
2 *corporations from making contributions in connection*
3 *with Federal elections, aiming “not merely to prevent*
4 *the subversion of the integrity of the electoral process*
5 *[but] . . . to sustain the active, alert responsibility of*
6 *the individual citizen in a democracy for the wise*
7 *conduct of government”.*

8 (5) *By 1910, Congress began passing disclosure*
9 *requirements and campaign expenditure limits, and*
10 *dozens of States passed corrupt practices Acts to pro-*
11 *hibit corporate spending in elections. States also en-*
12 *acted campaign spending limits, and some States*
13 *limited the amount that people could contribute to*
14 *campaigns.*

15 (6) *In 1947, the Taft-Hartley Act prohibited cor-*
16 *porations and unions from making campaign con-*
17 *tributions or other expenditures to influence elections.*
18 *In 1962, a Presidential commission on election spend-*
19 *ing recommended spending limits and incentives to*
20 *increase small contributions from more people.*

21 (7) *The Federal Election Campaign Act of 1971*
22 *(FECA), as amended in 1974, required disclosure of*
23 *contributions and expenditures, imposed contribution*
24 *and expenditure limits for individuals and groups,*
25 *set spending limits for campaigns, candidates, and*

1 *groups, implemented a public funding system for*
2 *Presidential campaigns, and created the Federal Elec-*
3 *tion Commission to oversee and enforce the new rules.*

4 *(8) In the wake of Citizens United and other*
5 *damaging Federal court decisions, Americans have*
6 *witnessed an explosion of outside spending in elec-*
7 *tions. Outside spending increased nearly 900 percent*
8 *between the 2008 and 2016 Presidential election*
9 *years. Indeed, the 2018 elections once again made*
10 *clear the overwhelming political power of wealthy spe-*
11 *cial interests, to the tune of over \$5,000,000,000. And*
12 *as political entities adapt to a post- Citizens United,*
13 *post-McCutcheon landscape, these trends are getting*
14 *worse, as evidenced by the experience in the 2018*
15 *midterm congressional elections, where outside spend-*
16 *ing more than doubled from the previous midterm*
17 *cycle.*

18 *(9) The torrent of money flowing into our polit-*
19 *ical system has a profound effect on the democratic*
20 *process for everyday Americans, whose voices and pol-*
21 *icy preferences are increasingly being drowned out by*
22 *those of wealthy special interests. The more campaign*
23 *cash from wealthy special interests can flood our elec-*
24 *tions, the more policies that favor those interests are*
25 *reflected in the national political agenda. When it*

1 *comes to policy preferences, our Nation's wealthiest*
2 *tend to have fundamentally different views than do*
3 *average Americans when it comes to issues ranging*
4 *from unemployment benefits to the minimum wage to*
5 *health care coverage.*

6 *(10) The Court has tied the hands of Congress*
7 *and the States, severely restricting them from setting*
8 *reasonable limits on campaign spending. For exam-*
9 *ple, the Court has held that only the Government's in-*
10 *terest in preventing quid pro quo corruption, like*
11 *bribery, or the appearance of such corruption, can*
12 *justify limits on campaign contributions. More broad-*
13 *ly, the Court has severely curtailed attempts to reduce*
14 *the ability of the Nation's wealthiest and most power-*
15 *ful to skew our democracy in their favor by buying*
16 *outsized influence in our elections. Because this dis-*
17 *tortion of the Constitution has prevented truly mean-*
18 *ingful regulation or reform of the way we finance*
19 *elections in America, a constitutional amendment is*
20 *needed to achieve a democracy for all the people.*

21 *(11) Since the landmark Citizens United deci-*
22 *sion, 19 States and nearly 800 municipalities, in-*
23 *cluding large cities like New York, Los Angeles, Chi-*
24 *cago, and Philadelphia, have gone on record sup-*
25 *porting a constitutional amendment. Transcending*

1 *political leanings and geographic location, voters in*
2 *States and municipalities across the country that*
3 *have placed amendment questions on the ballot have*
4 *routinely supported these initiatives by considerably*
5 *large margins.*

6 *(12) At the same time millions of Americans*
7 *have signed petitions, marched, called their Members*
8 *of Congress, written letters to the editor, and other-*
9 *wise demonstrated their public support for a constitu-*
10 *tional amendment to overturn Citizens United that*
11 *will allow Congress to reign in the outsized influence*
12 *of unchecked money in politics. Dozens of organiza-*
13 *tions, representing tens of millions of individuals,*
14 *have come together in a shared strategy of supporting*
15 *such an amendment.*

16 *(13) In order to protect the integrity of democ-*
17 *racy and the electoral process and to ensure political*
18 *equality for all, the Constitution should be amended*
19 *so that Congress and the States may regulate and set*
20 *limits on the raising and spending of money to influ-*
21 *ence elections and may distinguish between natural*
22 *persons and artificial entities, like corporations, that*
23 *are created by law, including by prohibiting such ar-*
24 *tificial entities from spending money to influence elec-*
25 *tions.*

1 ***Subtitle B—Congressional Elections***

2 ***SEC. 5100. SHORT TITLE.***

3 *This subtitle may be cited as the “Government By the*
4 *People Act of 2019”.*

5 ***PART 1—MY VOICE VOUCHER PILOT PROGRAM***

6 ***SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.***

7 *(a) ESTABLISHMENT.—The Federal Election Commis-*
8 *sion (hereafter in this part referred to as the “Commission”)*
9 *shall establish a pilot program under which the Commission*
10 *shall select 3 eligible States to operate a voucher pilot pro-*
11 *gram which is described in section 5102 during the pro-*
12 *gram operation period.*

13 *(b) ELIGIBILITY OF STATES.—A State is eligible to be*
14 *selected to operate a voucher pilot program under this part*
15 *if, not later than 180 days after the beginning of the pro-*
16 *gram application period, the State submits to the Commis-*
17 *sion an application containing—*

18 *(1) information and assurances that the State*
19 *will operate a voucher program which contains the*
20 *elements described in section 5102(a);*

21 *(2) information and assurances that the State*
22 *will establish fraud prevention mechanisms described*
23 *in section 5102(b);*

1 (3) *information and assurances that the State*
2 *will establish a commission to oversee and implement*
3 *the program as described in section 5102(c);*

4 (4) *information and assurances that the State*
5 *will carry out a public information campaign as de-*
6 *scribed in section 5102(d);*

7 (5) *information and assurances that the State*
8 *will submit reports as required under section 5103;*
9 *and*

10 (6) *such other information and assurances as the*
11 *Commission may require.*

12 (c) *SELECTION OF PARTICIPATING STATES.—*

13 (1) *IN GENERAL.—Not later than 1 year after*
14 *the beginning of the program application period, the*
15 *Commission shall select the 3 States which will oper-*
16 *ate voucher pilot programs under this part.*

17 (2) *CRITERIA.—In selecting States for the oper-*
18 *ation of the voucher pilot programs under this part,*
19 *the Commission shall apply such criteria and metrics*
20 *as the Commission considers appropriate to determine*
21 *the ability of a State to operate the program success-*
22 *fully, and shall attempt to select States in a variety*
23 *of geographic regions and with a variety of political*
24 *party preferences.*

1 (3) *NO SUPERMAJORITY REQUIRED FOR SELEC-*
2 *TION.—The selection of States by the Commission*
3 *under this subsection shall require the approval of*
4 *only half of the Members of the Commission.*

5 (d) *DUTIES OF STATES DURING PROGRAM PREPARA-*
6 *TION PERIOD.—During the program preparation period,*
7 *each State selected to operate a voucher pilot program under*
8 *this part shall take such actions as may be necessary to*
9 *ensure that the State will be ready to operate the program*
10 *during the program operation period, and shall complete*
11 *such actions not later than 90 days before the beginning*
12 *of the program operation period.*

13 (e) *TERMINATION.—Each voucher pilot program under*
14 *this part shall terminate as of the first day after the pro-*
15 *gram operation period.*

16 (f) *REIMBURSEMENT OF COSTS.—*

17 (1) *REIMBURSEMENT.—Upon receiving the re-*
18 *port submitted by a State under section 5103(a) with*
19 *respect to an election cycle, the Commission shall*
20 *transmit a payment to the State in an amount equal*
21 *to the reasonable costs incurred by the State in oper-*
22 *ating the voucher pilot program under this part dur-*
23 *ing the cycle.*

24 (2) *SOURCE OF FUNDS.—Payments to States*
25 *under the program shall be made using amounts in*

1 *the Freedom From Influence Fund under section 541*
2 *of the Federal Election Campaign Act of 1971 (as*
3 *added by section 5111), hereafter referred to as the*
4 *“Fund”.*

5 (3) *MANDATORY REDUCTION OF PAYMENTS IN*
6 *CASE OF INSUFFICIENT AMOUNTS IN FREEDOM FROM*
7 *INFLUENCE FUND.—*

8 (A) *ADVANCE AUDITS BY COMMISSION.—Not*
9 *later than 90 days before the first day of each*
10 *program operation period, the Commission*
11 *shall—*

12 (i) *audit the Fund to determine wheth-*
13 *er, after first making payments to partici-*
14 *pating candidates under title V of the Fed-*
15 *eral Election Campaign Act of 1971 (as*
16 *added by section 5111), the amounts re-*
17 *maining in the Fund will be sufficient to*
18 *make payments to States under this part in*
19 *the amounts provided under this subsection;*
20 *and*

21 (ii) *submit a report to Congress de-*
22 *scribing the results of the audit.*

23 (B) *REDUCTIONS IN AMOUNT OF PAY-*
24 *MENTS.—*

1 (i) *AUTOMATIC REDUCTION ON PRO*
2 *RATA BASIS.—If, on the basis of the audit*
3 *described in subparagraph (A), the Commis-*
4 *sion determines that the amount antici-*
5 *ipated to be available in the Fund with re-*
6 *spect to an election cycle involved is not, or*
7 *may not be, sufficient to make payments to*
8 *States under this part in the full amount*
9 *provided under this subsection, the Commis-*
10 *sion shall reduce each amount which would*
11 *otherwise be paid to a State under this sub-*
12 *section by such pro rata amount as may be*
13 *necessary to ensure that the aggregate*
14 *amount of payments anticipated to be made*
15 *with respect to the cycle will not exceed the*
16 *amount anticipated to be available for such*
17 *payments in the Fund with respect to such*
18 *cycle.*

19 (ii) *RESTORATION OF REDUCTIONS IN*
20 *CASE OF AVAILABILITY OF SUFFICIENT*
21 *FUNDS DURING ELECTION CYCLE.—If, after*
22 *reducing the amounts paid to States with*
23 *respect to an election cycle under clause (i),*
24 *the Commission determines that there are*
25 *sufficient amounts in the Fund to restore*

1 *the amount by which such payments were*
2 *reduced (or any portion thereof), to the ex-*
3 *tent that such amounts are available, the*
4 *Commission may make a payment on a pro*
5 *rata basis to each such State with respect to*
6 *the cycle in the amount by which such*
7 *State's payments were reduced under clause*
8 *(i) (or any portion thereof, as the case may*
9 *be).*

10 *(iii) NO USE OF AMOUNTS FROM*
11 *OTHER SOURCES.—In any case in which*
12 *the Commission determines that there are*
13 *insufficient moneys in the Fund to make*
14 *payments to States under this part, moneys*
15 *shall not be made available from any other*
16 *source for the purpose of making such pay-*
17 *ments.*

18 *(3) CAP ON AMOUNT OF PAYMENT.—The aggre-*
19 *gate amount of payments made to any State with re-*
20 *spect to any program operation period may not ex-*
21 *ceed \$10,000,000. If the State determines that the*
22 *maximum payment amount under this paragraph*
23 *with respect to the program operation period involved*
24 *is not, or may not be, sufficient to cover the reason-*
25 *able costs incurred by the State in operating the pro-*

1 *gram under this part for such period, the State shall*
2 *reduce the amount of the voucher provided to each*
3 *qualified individual by such pro rata amount as may*
4 *be necessary to ensure that the reasonable costs in-*
5 *curring by the State in operating the program will not*
6 *exceed the amount paid to the State with respect to*
7 *such period.*

8 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

9 *(a) GENERAL ELEMENTS OF PROGRAM.—*

10 *(1) ELEMENTS DESCRIBED.—The elements of a*
11 *voucher pilot program operated by a State under this*
12 *part are as follows:*

13 *(A) The State shall provide each qualified*
14 *individual upon the individual's request with a*
15 *voucher worth \$25 to be known as a "My Voice*
16 *Voucher" during the election cycle which will be*
17 *assigned a routing number and which at the op-*
18 *tion of the individual will be provided in either*
19 *paper or electronic form.*

20 *(B) Using the routing number assigned to*
21 *the My Voice Voucher, the individual may sub-*
22 *mit the My Voice Voucher in either electronic or*
23 *paper form to qualified candidates for election*
24 *for the office of Representative in, or Delegate or*
25 *Resident Commissioner to, the Congress and allo-*

1 *cate such portion of the value of the My Voice*
2 *Voucher in increments of \$5 as the individual*
3 *may select to any such candidate.*

4 *(C) If the candidate transmits the My Voice*
5 *Voucher to the Commission, the Commission*
6 *shall pay the candidate the portion of the value*
7 *of the My Voice Voucher that the individual allo-*
8 *cated to the candidate, which shall be considered*
9 *a contribution by the individual to the candidate*
10 *for purposes of the Federal Election Campaign*
11 *Act of 1971.*

12 (2) *DESIGNATION OF QUALIFIED INDIVIDUALS.—*
13 *For purposes of paragraph (1)(A), a “qualified indi-*
14 *vidual” with respect to a State means an indi-*
15 *vidual—*

16 *(A) who is a resident of the State;*

17 *(B) who will be of voting age as of the date*
18 *of the election for the candidate to whom the in-*
19 *dividual submits a My Voice Voucher; and*

20 *(C) who is not prohibited under Federal*
21 *law from making contributions to candidates for*
22 *election for Federal office.*

23 (3) *TREATMENT AS CONTRIBUTION TO CAN-*
24 *DIDATE.—For purposes of the Federal Election Cam-*
25 *paign Act of 1971, the submission of a My Voice*

1 *Voucher to a candidate by an individual shall be*
2 *treated as a contribution to the candidate by the indi-*
3 *vidual in the amount of the portion of the value of*
4 *the Voucher that the individual allocated to the can-*
5 *didate.*

6 *(b) FRAUD PREVENTION MECHANISM.—In addition to*
7 *the elements described in subsection (a), a State operating*
8 *a voucher pilot program under this part shall permit an*
9 *individual to revoke a My Voice Voucher not later than 2*
10 *days after submitting the My Voice Voucher to a candidate.*

11 *(c) OVERSIGHT COMMISSION.—In addition to the ele-*
12 *ments described in subsection (a), a State operating a*
13 *voucher pilot program under this part shall establish a com-*
14 *mission or designate an existing entity to oversee and im-*
15 *plement the program in the State, except that no such com-*
16 *mission or entity may be comprised of elected officials.*

17 *(d) PUBLIC INFORMATION CAMPAIGN.—In addition to*
18 *the elements described in subsection (a), a State operating*
19 *a voucher pilot program under this part shall carry out*
20 *a public information campaign to disseminate awareness*
21 *of the program among qualified individuals.*

22 **SEC. 5103. REPORTS.**

23 *(a) PRELIMINARY REPORT.—Not later than 6 months*
24 *after the first election cycle of the program operation period,*
25 *a State which operates a voucher pilot program under this*

1 *part shall submit a report to the Commission analyzing the*
2 *operation and effectiveness of the program during the cycle*
3 *and including such other information as the Commission*
4 *may require.*

5 *(b) FINAL REPORT.—Not later than 6 months after the*
6 *end of the program operation period, the State shall submit*
7 *a final report to the Commission analyzing the operation*
8 *and effectiveness of the program and including such other*
9 *information as the Commission may require.*

10 *(c) REPORT BY COMMISSION.—Not later than the end*
11 *of the first election cycle which begins after the program*
12 *operation period, the Commission shall submit a report to*
13 *Congress which summarizes and analyzes the results of the*
14 *voucher pilot program, and shall include in the report such*
15 *recommendations as the Commission considers appropriate*
16 *regarding the expansion of the pilot program to all States*
17 *and territories, along with such other recommendations and*
18 *other information as the Commission considers appro-*
19 *priate.*

20 **SEC. 5104. DEFINITIONS.**

21 *(a) ELECTION CYCLE.—In this part, the term “election*
22 *cycle” means the period beginning on the day after the date*
23 *of the most recent regularly scheduled general election for*
24 *Federal office and ending on the date of the next regularly*
25 *scheduled general election for Federal office.*

1 (b) *DEFINITIONS RELATING TO PERIODS.*—*In this*
2 *part, the following definitions apply:*

3 (1) *PROGRAM APPLICATION PERIOD.*—*The term*
4 *“program application period” means the first election*
5 *cycle which begins after the date of the enactment of*
6 *this Act.*

7 (2) *PROGRAM PREPARATION PERIOD.*—*The term*
8 *“program preparation period” means the first elec-*
9 *tion cycle which begins after the program application*
10 *period.*

11 (3) *PROGRAM OPERATION PERIOD.*—*The term*
12 *“program operation period” means the first 2 election*
13 *cycles which begin after the program preparation pe-*
14 *riod.*

15 **PART 2—SMALL DOLLAR FINANCING OF**
16 **CONGRESSIONAL ELECTION CAMPAIGNS**
17 **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS FOR**
18 **CANDIDATES.**

19 *The Federal Election Campaign Act of 1971 (52*
20 *U.S.C. 30101 et seq.) is amended by adding at the end the*
21 *following:*

1 **“TITLE V—SMALL DOLLAR FI-**
2 **NANCING OF CONGRES-**
3 **SIONAL ELECTION CAM-**
4 **PAIGNS**

5 **“Subtitle A—Benefits**

6 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

7 *“(a) IN GENERAL.—If a candidate for election to the*
8 *office of Representative in, or Delegate or Resident Commis-*
9 *sioner to, the Congress is certified as a participating can-*
10 *didate under this title with respect to an election for such*
11 *office, the candidate shall be entitled to payments as pro-*
12 *vided under this title.*

13 *“(b) AMOUNT OF PAYMENT.—The amount of a pay-*
14 *ment made under this title shall be equal to 600 percent*
15 *of the amount of qualified small dollar contributions re-*
16 *ceived by the candidate since the most recent payment made*
17 *to the candidate under this title during the election cycle,*
18 *without regard to whether or not the candidate received any*
19 *of the contributions before, during, or after the Small Dollar*
20 *Democracy qualifying period applicable to the candidate*
21 *under section 511(c).*

22 *“(c) LIMIT ON AGGREGATE AMOUNT OF PAYMENTS.—*
23 *The aggregate amount of payments made to a participating*
24 *candidate with respect to an election cycle under this title*
25 *may not exceed 50 percent of the average of the 20 greatest*

1 *amounts of disbursements made by the authorized commit-*
2 *tees of any winning candidate for the office of Representa-*
3 *tive in, or Delegate or Resident Commissioner to, the Con-*
4 *gress during the most recent election cycle, rounded to the*
5 *nearest \$100,000.*

6 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

7 “(a) *IN GENERAL.—The Commission shall make a*
8 *payment under section 501 to a candidate who is certified*
9 *as a participating candidate upon receipt from the can-*
10 *didate of a request for a payment which includes—*

11 “(1) *a statement of the number and amount of*
12 *qualified small dollar contributions received by the*
13 *candidate since the most recent payment made to the*
14 *candidate under this title during the election cycle;*

15 “(2) *a statement of the amount of the payment*
16 *the candidate anticipates receiving with respect to the*
17 *request;*

18 “(3) *a statement of the total amount of payments*
19 *the candidate has received under this title as of the*
20 *date of the statement; and*

21 “(4) *such other information and assurances as*
22 *the Commission may require.*

23 “(b) *RESTRICTIONS ON SUBMISSION OF REQUESTS.—*
24 *A candidate may not submit a request under subsection (a)*
25 *unless each of the following applies:*

1 “(1) *The amount of the qualified small dollar*
2 *contributions in the statement referred to in sub-*
3 *section (a)(1) is equal to or greater than \$5,000, un-*
4 *less the request is submitted during the 30-day period*
5 *which ends on the date of a general election.*

6 “(2) *The candidate did not receive a payment*
7 *under this title during the 7-day period which ends*
8 *on the date the candidate submits the request.*

9 “(c) *TIME OF PAYMENT.—The Commission shall, in*
10 *coordination with the Secretary of the Treasury, take such*
11 *steps as may be necessary to ensure that the Secretary is*
12 *able to make payments under this section from the Treasury*
13 *not later than 2 business days after the receipt of a request*
14 *submitted under subsection (a).*

15 **“SEC. 503. USE OF FUNDS.**

16 “(a) *USE OF FUNDS FOR AUTHORIZED CAMPAIGN EX-*
17 *PENDITURES.—A candidate shall use payments made under*
18 *this title, including payments provided with respect to a*
19 *previous election cycle which are withheld from remittance*
20 *to the Commission in accordance with section 524(a)(2),*
21 *only for making direct payments for the receipt of goods*
22 *and services which constitute authorized expenditures (as*
23 *determined in accordance with title III) in connection with*
24 *the election cycle involved.*

1 *made at the request, suggestion, or recommenda-*
2 *tion of another person.*

3 “(B) *In this paragraph—*

4 “(i) *the term ‘person’ does not include an*
5 *individual (other than an individual described*
6 *in section 304(i)(7) of the Federal Election Cam-*
7 *paign Act of 1971), a political committee of a*
8 *political party, or any political committee which*
9 *is not a separate segregated fund described in*
10 *section 316(b) of the Federal Election Campaign*
11 *Act of 1971 and which does not make contribu-*
12 *tions or independent expenditures, does not en-*
13 *gage in lobbying activity under the Lobbying*
14 *Disclosure Act of 1995 (2 U.S.C. 1601 et seq.),*
15 *and is not established by, controlled by, or affili-*
16 *ated with a registered lobbyist under such Act,*
17 *an agent of a registered lobbyist under such Act,*
18 *or an organization which retains or employs a*
19 *registered lobbyist under such Act; and*

20 “(ii) *a contribution is not ‘made at the re-*
21 *quest, suggestion, or recommendation of another*
22 *person’ solely on the grounds that the contribu-*
23 *tion is made in response to information provided*
24 *to the individual making the contribution by*
25 *any person, so long as the candidate or author-*

1 *ized committee does not know the identity of the*
2 *person who provided the information to such in-*
3 *dividual.*

4 “(3) *The individual who makes the contribution*
5 *does not make contributions to the candidate or the*
6 *authorized committees of the candidate with respect to*
7 *the election involved in an aggregate amount that ex-*
8 *ceeds the amount described in paragraph (1)(B), or*
9 *any contribution to the candidate or the authorized*
10 *committees of the candidate with respect to the elec-*
11 *tion involved that otherwise is not a qualified small*
12 *dollar contribution.*

13 “(b) *TREATMENT OF MY VOICE VOUCHERS.—Any*
14 *payment received by a candidate and the authorized com-*
15 *mittees of a candidate which consists of a My Voice Voucher*
16 *under the Government By the People Act of 2019 shall be*
17 *considered a qualified small dollar contribution for pur-*
18 *poses of this title, so long as the individual making the pay-*
19 *ment meets the requirements of paragraphs (2) and (3) of*
20 *subsection (a).*

21 “(c) *RESTRICTION ON SUBSEQUENT CONTRIBU-*
22 *TIONS.—*

23 “(1) *PROHIBITING DONOR FROM MAKING SUBSE-*
24 *QUENT NONQUALIFIED CONTRIBUTIONS DURING ELEC-*
25 *TION CYCLE.—*

1 “(A) *IN GENERAL.*—*An individual who*
2 *makes a qualified small dollar contribution to a*
3 *candidate or the authorized committees of a can-*
4 *didate with respect to an election may not make*
5 *any subsequent contribution to such candidate or*
6 *the authorized committees of such candidate with*
7 *respect to the election cycle which is not a quali-*
8 *fied small dollar contribution.*

9 “(B) *EXCEPTION FOR CONTRIBUTIONS TO*
10 *CANDIDATES WHO VOLUNTARILY WITHDRAW*
11 *FROM PARTICIPATION DURING QUALIFYING PE-*
12 *RIOD.*—*Subparagraph (A) does not apply with*
13 *respect to a contribution made to a candidate*
14 *who, during the Small Dollar Democracy quali-*
15 *fying period described in section 511(c), submits*
16 *a statement to the Commission under section*
17 *513(c) to voluntarily withdraw from partici-*
18 *parting in the program under this title.*

19 “(2) *TREATMENT OF SUBSEQUENT NON-*
20 *QUALIFIED CONTRIBUTIONS.*—*If, notwithstanding the*
21 *prohibition described in paragraph (1), an individual*
22 *who makes a qualified small dollar contribution to a*
23 *candidate or the authorized committees of a candidate*
24 *with respect to an election makes a subsequent con-*
25 *tribution to such candidate or the authorized commit-*

1 *tees of such candidate with respect to the election*
2 *which is prohibited under paragraph (1) because it is*
3 *not a qualified small dollar contribution, the can-*
4 *didate may take one of the following actions:*

5 *“(A) Not later than 2 weeks after receiving*
6 *the contribution, the candidate may return the*
7 *subsequent contribution to the individual. In the*
8 *case of a subsequent contribution which is not a*
9 *qualified small dollar contribution because the*
10 *contribution fails to meet the requirements of*
11 *paragraph (3) of subsection (a) (relating to the*
12 *aggregate amount of contributions made to the*
13 *candidate or the authorized committees of the*
14 *candidate by the individual making the con-*
15 *tribution), the candidate may return an amount*
16 *equal to the difference between the amount of the*
17 *subsequent contribution and the amount de-*
18 *scribed in paragraph (1)(B) of subsection (a).*

19 *“(B) The candidate may retain the subse-*
20 *quent contribution, so long as not later than 2*
21 *weeks after receiving the subsequent contribution,*
22 *the candidate remits to the Commission for de-*
23 *posit in the Freedom From Influence Fund*
24 *under section 541 an amount equal to any pay-*
25 *ments received by the candidate under this title*

1 *which are attributable to the qualified small dol-*
2 *lar contribution made by the individual in-*
3 *volved.*

4 “(3) *NO EFFECT ON ABILITY TO MAKE MULTIPLE*
5 *CONTRIBUTIONS.—Nothing in this section may be*
6 *construed to prohibit an individual from making*
7 *multiple qualified small dollar contributions to any*
8 *candidate or any number of candidates, so long as*
9 *each contribution meets each of the requirements of*
10 *paragraphs (1), (2), and (3) of subsection (a).*

11 “(d) *NOTIFICATION REQUIREMENTS FOR CAN-*
12 *DIDATES.—*

13 “(1) *NOTIFICATION.—Each authorized committee*
14 *of a candidate who seeks to be a participating can-*
15 *didate under this title shall provide the following in-*
16 *formation in any materials for the solicitation of con-*
17 *tributions, including any internet site through which*
18 *individuals may make contributions to the committee:*

19 “(A) *A statement that if the candidate is*
20 *certified as a participating candidate under this*
21 *title, the candidate will receive matching pay-*
22 *ments in an amount which is based on the total*
23 *amount of qualified small dollar contributions*
24 *received.*

1 “(B) A statement that a contribution which
2 meets the requirements set forth in subsection (a)
3 shall be treated as a qualified small dollar con-
4 tribution under this title.

5 “(C) A statement that if a contribution is
6 treated as qualified small dollar contribution
7 under this title, the individual who makes the
8 contribution may not make any contribution to
9 the candidate or the authorized committees of the
10 candidate during the election cycle which is not
11 a qualified small dollar contribution.

12 “(2) *ALTERNATIVE METHODS OF MEETING RE-*
13 *QUIREMENTS.—An authorized committee may meet*
14 *the requirements of paragraph (1)—*

15 “(A) by including the information described
16 in paragraph (1) in the receipt provided under
17 section 512(b)(3) to a person making a qualified
18 small dollar contribution; or

19 “(B) by modifying the information it pro-
20 vides to persons making contributions which is
21 otherwise required under title III (including in-
22 formation it provides through the internet).

1 **“Subtitle B—Eligibility and**
2 **Certification**

3 **“SEC. 511. ELIGIBILITY.**

4 “(a) *IN GENERAL.*—A candidate for the office of Rep-
5 resentative in, or Delegate or Resident Commissioner to, the
6 Congress is eligible to be certified as a participating can-
7 didate under this title with respect to an election if the can-
8 didate meets the following requirements:

9 “(1) *The candidate files with the Commission a*
10 *statement of intent to seek certification as a partici-*
11 *pating candidate.*

12 “(2) *The candidate meets the qualifying require-*
13 *ments of section 512.*

14 “(3) *The candidate files with the Commission a*
15 *statement certifying that the authorized committees of*
16 *the candidate meet the requirements of section 504(d).*

17 “(4) *Not later than the last day of the Small*
18 *Dollar Democracy qualifying period, the candidate*
19 *files with the Commission an affidavit signed by the*
20 *candidate and the treasurer of the candidate’s prin-*
21 *cipal campaign committee declaring that the can-*
22 *didate—*

23 “(A) *has complied and, if certified, will*
24 *comply with the contribution and expenditure*
25 *requirements of section 521;*

1 “(B) if certified, will run only as a partici-
2 pating candidate for all elections for the office
3 that such candidate is seeking during that elec-
4 tion cycle; and

5 “(C) has either qualified or will take steps
6 to qualify under State law to be on the ballot.

7 “(b) *GENERAL ELECTION.*—Notwithstanding sub-
8 section (a), a candidate shall not be eligible to be certified
9 as a participating candidate under this title for a general
10 election or a general runoff election unless the candidate’s
11 party nominated the candidate to be placed on the ballot
12 for the general election or the candidate is otherwise quali-
13 fied to be on the ballot under State law.

14 “(c) *SMALL DOLLAR DEMOCRACY QUALIFYING PERIOD*
15 *DEFINED.*—The term ‘Small Dollar Democracy qualifying
16 period’ means, with respect to any candidate for an office,
17 the 180-day period (during the election cycle for such office)
18 which begins on the date on which the candidate files a
19 statement of intent under section 511(a)(1), except that such
20 period may not continue after the date that is 30 days be-
21 fore the date of the general election for the office.

22 “**SEC. 512. QUALIFYING REQUIREMENTS.**

23 “(a) *RECEIPT OF QUALIFIED SMALL DOLLAR CON-*
24 *TRIBUTIONS.*—A candidate for the office of Representative
25 in, or Delegate or Resident Commissioner to, the Congress

1 *meets the requirement of this section if, during the Small*
2 *Dollar Democracy qualifying period described in section*
3 *511(c), each of the following occurs:*

4 “(1) *Not fewer than 1,000 individuals make a*
5 *qualified small dollar contribution to the candidate.*

6 “(2) *The candidate obtains a total dollar amount*
7 *of qualified small dollar contributions which is equal*
8 *to or greater than \$50,000.*

9 “(b) *REQUIREMENTS RELATING TO RECEIPT OF*
10 *QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each quali-*
11 *fied small dollar contribution—*

12 “(1) *may be made by means of a personal check,*
13 *money order, debit card, credit card, electronic pay-*
14 *ment account, or any other method deemed appro-*
15 *priate by the Commission;*

16 “(2) *shall be accompanied by a signed statement*
17 *(or, in the case of a contribution made online or*
18 *through other electronic means, an electronic equiva-*
19 *lent) containing the contributor’s name and address;*
20 *and*

21 “(3) *shall be acknowledged by a receipt that is*
22 *sent to the contributor with a copy (in paper or elec-*
23 *tronic form) kept by the candidate for the Commis-*
24 *sion.*

1 “(c) *VERIFICATION OF CONTRIBUTIONS.*—*The Com-*
2 *mission shall establish procedures for the auditing and*
3 *verification of the contributions received and expenditures*
4 *made by participating candidates under this title, includ-*
5 *ing procedures for random audits, to ensure that such con-*
6 *tributions and expenditures meet the requirements of this*
7 *title.*

8 **“SEC. 513. CERTIFICATION.**

9 “(a) *DEADLINE AND NOTIFICATION.*—

10 “(1) *IN GENERAL.*—*Not later than 5 business*
11 *days after a candidate files an affidavit under section*
12 *511(a)(4), the Commission shall—*

13 “(A) *determine whether or not the candidate*
14 *meets the requirements for certification as a par-*
15 *ticipating candidate;*

16 “(B) *if the Commission determines that the*
17 *candidate meets such requirements, certify the*
18 *candidate as a participating candidate; and*

19 “(C) *notify the candidate of the Commis-*
20 *sion’s determination.*

21 “(2) *DEEMED CERTIFICATION FOR ALL ELEC-*
22 *TIONS IN ELECTION CYCLE.*—*If the Commission cer-*
23 *tifies a candidate as a participating candidate with*
24 *respect to the first election of the election cycle in-*
25 *volved, the Commission shall be deemed to have cer-*

1 *tified the candidate as a participating candidate with*
2 *respect to all subsequent elections of the election cycle.*

3 “(b) *REVOCATION OF CERTIFICATION.*—

4 “(1) *IN GENERAL.*—*The Commission shall revoke*
5 *a certification under subsection (a) if—*

6 “(A) *a candidate fails to qualify to appear*
7 *on the ballot at any time after the date of certifi-*
8 *cation (other than a candidate certified as a*
9 *participating candidate with respect to a pri-*
10 *mary election who fails to qualify to appear on*
11 *the ballot for a subsequent election in that elec-*
12 *tion cycle);*

13 “(B) *a candidate ceases to be a candidate*
14 *for the office involved, as determined on the basis*
15 *of an official announcement by an authorized*
16 *committee of the candidate or on the basis of a*
17 *reasonable determination by the Commission; or*

18 “(C) *a candidate otherwise fails to comply*
19 *with the requirements of this title, including any*
20 *regulatory requirements prescribed by the Com-*
21 *mission.*

22 “(2) *EXISTENCE OF CRIMINAL SANCTION.*—*The*
23 *Commission shall revoke a certification under sub-*
24 *section (a) if a penalty is assessed against the can-*

1 *didate under section 309(d) with respect to the elec-*
2 *tion.*

3 *“(3) EFFECT OF REVOCATION.—If a candidate’s*
4 *certification is revoked under this subsection—*

5 *“(A) the candidate may not receive pay-*
6 *ments under this title during the remainder of*
7 *the election cycle involved; and*

8 *“(B) in the case of a candidate whose cer-*
9 *tification is revoked pursuant to subparagraph*
10 *(A) or subparagraph (C) of paragraph (1)—*

11 *“(i) the candidate shall repay to the*
12 *Freedom From Influence Fund established*
13 *under section 541 an amount equal to the*
14 *payments received under this title with re-*
15 *spect to the election cycle involved plus in-*
16 *terest (at a rate determined by the Commis-*
17 *sion on the basis of an appropriate annual*
18 *percentage rate for the month involved) on*
19 *any such amount received; and*

20 *“(ii) the candidate may not be certified*
21 *as a participating candidate under this*
22 *title with respect to the next election cycle.*

23 *“(4) PROHIBITING PARTICIPATION IN FUTURE*
24 *ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-*
25 *OCATIONS.—If the Commission revokes the certifi-*

1 *cation of an individual as a participating candidate*
2 *under this title pursuant to subparagraph (A) or sub-*
3 *paragraph (C) of paragraph (1) a total of 3 times,*
4 *the individual may not be certified as a participating*
5 *candidate under this title with respect to any subse-*
6 *quent election.*

7 *“(c) VOLUNTARY WITHDRAWAL FROM PARTICIPATING*
8 *DURING QUALIFYING PERIOD.—At any time during the*
9 *Small Dollar Democracy qualifying period described in sec-*
10 *tion 511(c), a candidate may withdraw from participation*
11 *in the program under this title by submitting to the Com-*
12 *mission a statement of withdrawal (without regard to*
13 *whether or not the Commission has certified the candidate*
14 *as a participating candidate under this title as of the time*
15 *the candidate submits such statement), so long as the can-*
16 *didate has not submitted a request for payment under sec-*
17 *tion 502.*

18 *“(d) PARTICIPATING CANDIDATE DEFINED.—In this*
19 *title, a ‘participating candidate’ means a candidate for the*
20 *office of Representative in, or Delegate or Resident Commis-*
21 *sioner to, the Congress who is certified under this section*
22 *as eligible to receive benefits under this title.*

1 **“Subtitle C—Requirements for Can-**
2 **didates Certified as Partici-**
3 **pating Candidates**

4 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
5 **MENTS.**

6 *“(a) PERMITTED SOURCES OF CONTRIBUTIONS AND*
7 *EXPENDITURES.—Except as provided in subsection (c), a*
8 *participating candidate with respect to an election shall,*
9 *with respect to all elections occurring during the election*
10 *cycle for the office involved, accept no contributions from*
11 *any source and make no expenditures from any amounts,*
12 *other than the following:*

13 *“(1) Qualified small dollar contributions.*

14 *“(2) Payments under this title.*

15 *“(3) Contributions from political committees es-*
16 *tablished and maintained by a national or State po-*
17 *litical party, subject to the applicable limitations of*
18 *section 315.*

19 *“(4) Subject to subsection (b), personal funds of*
20 *the candidate or of any immediate family member of*
21 *the candidate (other than funds received through*
22 *qualified small dollar contributions).*

23 *“(5) Contributions from individuals who are oth-*
24 *erwise permitted to make contributions under this*
25 *Act, subject to the applicable limitations of section*

1 315, except that the aggregate amount of contribu-
2 tions a participating candidate may accept from any
3 individual with respect to any election during the
4 election cycle may not exceed \$1,000.

5 “(6) Contributions from multicandidate political
6 committees, subject to the applicable limitations of
7 section 315.

8 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

9 “(1) LIMIT ON AMOUNT.—A candidate who is
10 certified as a participating candidate may use per-
11 sonal funds (including personal funds of any imme-
12 diate family member of the candidate) so long as—

13 “(A) the aggregate amount used with re-
14 spect to the election cycle (including any period
15 of the cycle occurring prior to the candidate’s
16 certification as a participating candidate) does
17 not exceed \$50,000; and

18 “(B) the funds are used only for making di-
19 rect payments for the receipt of goods and serv-
20 ices which constitute authorized expenditures in
21 connection with the election cycle involved.

22 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—In
23 this subsection, the term ‘immediate family member’
24 means, with respect to a candidate—

25 “(A) the candidate’s spouse;

1 “(B) a child, stepchild, parent, grand-
2 parent, brother, half-brother, sister, or half-sister
3 of the candidate or the candidate’s spouse; and

4 “(C) the spouse of any person described in
5 subparagraph (B).

6 “(c) *EXCEPTIONS.*—

7 “(1) *EXCEPTION FOR CONTRIBUTIONS RECEIVED*
8 *PRIOR TO FILING OF STATEMENT OF INTENT.*—A can-
9 didate who has accepted contributions that are not de-
10 scribed in subsection (a) is not in violation of sub-
11 section (a), but only if all such contributions are—

12 “(A) returned to the contributor;

13 “(B) submitted to the Commission for de-
14 posit in the Freedom From Influence Fund es-
15 tablished under section 541; or

16 “(C) spent in accordance with paragraph
17 (2).

18 “(2) *EXCEPTION FOR EXPENDITURES MADE*
19 *PRIOR TO FILING OF STATEMENT OF INTENT.*—If a
20 candidate has made expenditures prior to the date the
21 candidate files a statement of intent under section
22 511(a)(1) that the candidate is prohibited from mak-
23 ing under subsection (a) or subsection (b), the can-
24 didate is not in violation of such subsection if the ag-
25 gregate amount of the prohibited expenditures is less

1 *than the amount referred to in section 512(a)(2) (re-*
2 *lating to the total dollar amount of qualified small*
3 *dollar contributions which the candidate is required*
4 *to obtain) which is applicable to the candidate.*

5 *“(3) EXCEPTION FOR CAMPAIGN SURPLUSES*
6 *FROM A PREVIOUS ELECTION.—Notwithstanding*
7 *paragraph (1), unexpended contributions received by*
8 *the candidate or an authorized committee of the can-*
9 *didate with respect to a previous election may be re-*
10 *tained, but only if the candidate places the funds in*
11 *escrow and refrains from raising additional funds for*
12 *or spending funds from that account during the elec-*
13 *tion cycle in which a candidate is a participating*
14 *candidate.*

15 *“(4) EXCEPTION FOR CONTRIBUTIONS RECEIVED*
16 *BEFORE THE EFFECTIVE DATE OF THIS TITLE.—Con-*
17 *tributions received and expenditures made by the can-*
18 *didate or an authorized committee of the candidate*
19 *prior to the effective date of this title shall not con-*
20 *stitute a violation of subsection (a) or (b). Unex-*
21 *pendent contributions shall be treated the same as*
22 *campaign surpluses under paragraph (3), and ex-*
23 *penditures made shall count against the limit in*
24 *paragraph (2).*

1 “(d) *SPECIAL RULE FOR COORDINATED PARTY EX-*
2 *PENDITURES.*—For purposes of this section, a payment
3 made by a political party in coordination with a partici-
4 pating candidate shall not be treated as a contribution to
5 or as an expenditure made by the participating candidate.

6 “(e) *PROHIBITION ON JOINT FUNDRAISING COMMIT-*
7 *TEES.*—

8 “(1) *PROHIBITION.*—An authorized committee of
9 a candidate who is certified as a participating can-
10 didate under this title with respect to an election may
11 not establish a joint fundraising committee with a po-
12 litical committee other than another authorized com-
13 mittee of the candidate.

14 “(2) *STATUS OF EXISTING COMMITTEES FOR*
15 *PRIOR ELECTIONS.*—If a candidate established a joint
16 fundraising committee described in paragraph (1)
17 with respect to a prior election for which the can-
18 didate was not certified as a participating candidate
19 under this title and the candidate does not terminate
20 the committee, the candidate shall not be considered
21 to be in violation of paragraph (1) so long as that
22 joint fundraising committee does not receive any con-
23 tributions or make any disbursements during the elec-
24 tion cycle for which the candidate is certified as a
25 participating candidate under this title.

1 “(f) *PROHIBITION ON LEADERSHIP PACS.*—

2 “(1) *PROHIBITION.*—*A candidate who is certified*
3 *as a participating candidate under this title with re-*
4 *spect to an election may not associate with, establish,*
5 *finance, maintain, or control a leadership PAC.*

6 “(2) *STATUS OF EXISTING LEADERSHIP PACS.*—
7 *If a candidate established, financed, maintained, or*
8 *controlled a leadership PAC prior to being certified as*
9 *a participating candidate under this title and the*
10 *candidate does not terminate the leadership PAC, the*
11 *candidate shall not be considered to be in violation of*
12 *paragraph (1) so long as the leadership PAC does not*
13 *receive any contributions or make any disbursements*
14 *during the election cycle for which the candidate is*
15 *certified as a participating candidate under this title.*

16 “(3) *LEADERSHIP PAC DEFINED.*—*In this sub-*
17 *section, the term ‘leadership PAC’ has the meaning*
18 *given such term in section 304(i)(8)(B).*

19 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

20 “(a) *SEPARATE ACCOUNTING FOR VARIOUS PER-*
21 *MITTED CONTRIBUTIONS.*—*Each authorized committee of a*
22 *candidate certified as a participating candidate under this*
23 *title—*

1 “(1) shall provide for separate accounting of
2 each type of contribution described in section 521(a)
3 which is received by the committee; and

4 “(2) shall provide for separate accounting for the
5 payments received under this title.

6 “(b) *ENHANCED DISCLOSURE OF INFORMATION ON*
7 *DONORS.*—

8 “(1) *MANDATORY IDENTIFICATION OF INDIVID-*
9 *UALS MAKING QUALIFIED SMALL DOLLAR CONTRIBU-*
10 *TIONS.*—*Each authorized committee of a partici-*
11 *parting candidate under this title shall elect, in ac-*
12 *cordance with section 304(b)(3)(A), to include in the*
13 *reports the committee submits under section 304 the*
14 *identification of each person who makes a qualified*
15 *small dollar contribution to the committee.*

16 “(2) *MANDATORY DISCLOSURE THROUGH INTER-*
17 *NET.*—*Each authorized committee of a participating*
18 *candidate under this title shall ensure that all infor-*
19 *mation reported to the Commission under this Act*
20 *with respect to contributions and expenditures of the*
21 *committee is available to the public on the internet*
22 *(whether through a site established for purposes of this*
23 *subsection, a hyperlink on another public site of the*
24 *committee, or a hyperlink on a report filed electroni-*

1 cally with the Commission) in a searchable, sortable,
2 and downloadable manner.

3 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-**
4 **LIC FUNDS.**

5 “(a) *MANDATORY SPENDING OF AVAILABLE PRIVATE*
6 *FUNDS.*—An authorized committee of a candidate certified
7 as a participating candidate under this title may not make
8 any expenditure of any payments received under this title
9 in any amount unless the committee has made an expendi-
10 ture in an equivalent amount of funds received by the com-
11 mittee which are described in paragraphs (1), (3), (4), (5),
12 and (6) of section 521(a).

13 “(b) *LIMITATION.*—Subsection (a) applies to an au-
14 thorized committee only to the extent that the funds referred
15 to in such subsection are available to the committee at the
16 time the committee makes an expenditure of a payment re-
17 ceived under this title.

18 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

19 “(a) *REMITTANCE REQUIRED.*—Not later than the
20 date that is 180 days after the last election for which a
21 candidate certified as a participating candidate qualifies
22 to be on the ballot during the election cycle involved, such
23 participating candidate shall remit to the Commission for
24 deposit in the Freedom From Influence Fund established
25 under section 541 an amount equal to the balance of the

1 *payments received under this title by the authorized com-*
2 *mittees of the candidate which remain unexpended as of*
3 *such date.*

4 “(b) *PERMITTING CANDIDATES PARTICIPATING IN*
5 *NEXT ELECTION CYCLE TO RETAIN PORTION OF UNSPENT*
6 *FUNDS.*—*Notwithstanding subsection (a), a participating*
7 *candidate may withhold not more than \$100,000 from the*
8 *amount required to be remitted under subsection (a) if the*
9 *candidate files a signed affidavit with the Commission that*
10 *the candidate will seek certification as a participating can-*
11 *didate with respect to the next election cycle, except that*
12 *the candidate may not use any portion of the amount with-*
13 *held until the candidate is certified as a participating can-*
14 *didate with respect to that next election cycle. If the can-*
15 *didate fails to seek certification as a participating can-*
16 *didate prior to the last day of the Small Dollar Democracy*
17 *qualifying period for the next election cycle (as described*
18 *in section 511), or if the Commission notifies the candidate*
19 *of the Commission’s determination does not meet the re-*
20 *quirements for certification as a participating candidate*
21 *with respect to such cycle, the candidate shall immediately*
22 *remit to the Commission the amount withheld.*

1 **“Subtitle D—Enhanced Match**
2 **Support**

3 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

4 “(a) *AVAILABILITY OF ENHANCED SUPPORT.—In ad-*
5 *dition to the payments made under subtitle A, the Commis-*
6 *sion shall make an additional payment to an eligible can-*
7 *didate under this subtitle.*

8 “(b) *USE OF FUNDS.—A candidate shall use the addi-*
9 *tional payment under this subtitle only for authorized ex-*
10 *penditures in connection with the election involved.*

11 **“SEC. 532. ELIGIBILITY.**

12 “(a) *IN GENERAL.—A candidate is eligible to receive*
13 *an additional payment under this subtitle if the candidate*
14 *meets each of the following requirements:*

15 “(1) *The candidate is on the ballot for the gen-*
16 *eral election for the office the candidate seeks.*

17 “(2) *The candidate is certified as a partici-*
18 *pating candidate under this title with respect to the*
19 *election.*

20 “(3) *During the enhanced support qualifying pe-*
21 *riod, the candidate receives qualified small dollar con-*
22 *tributions in a total amount of not less than \$50,000.*

23 “(4) *During the enhanced support qualifying pe-*
24 *riod, the candidate submits to the Commission a re-*
25 *quest for the payment which includes—*

1 “(A) a statement of the number and amount
2 of qualified small dollar contributions received
3 by the candidate during the enhanced support
4 qualifying period;

5 “(B) a statement of the amount of the pay-
6 ment the candidate anticipates receiving with re-
7 spect to the request; and

8 “(C) such other information and assurances
9 as the Commission may require.

10 “(5) After submitting a request for the addi-
11 tional payment under paragraph (4), the candidate
12 does not submit any other application for an addi-
13 tional payment under this subtitle.

14 “(b) *ENHANCED SUPPORT QUALIFYING PERIOD DE-*
15 *SCRIBED.*—In this subtitle, the term ‘enhanced support
16 qualifying period’ means, with respect to a general election,
17 the period which begins 60 days before the date of the elec-
18 tion and ends 14 days before the date of the election.

19 “**SEC. 533. AMOUNT.**

20 “(a) *IN GENERAL.*—Subject to subsection (b), the
21 amount of the additional payment made to an eligible can-
22 didate under this subtitle shall be an amount equal to 50
23 percent of—

24 “(1) the amount of the payment made to the
25 candidate under section 501(b) with respect to the

1 *qualified small dollar contributions which are re-*
2 *ceived by the candidate during the enhanced support*
3 *qualifying period (as included in the request sub-*
4 *mitted by the candidate under section 532(a)(4)); or*

5 *“(2) in the case of a candidate who is not eligi-*
6 *ble to receive a payment under section 501(b) with re-*
7 *spect to such qualified small dollar contributions be-*
8 *cause the candidate has reached the limit on the ag-*
9 *gregate amount of payments under subtitle A for the*
10 *election cycle under section 501(c), the amount of the*
11 *payment which would have been made to the can-*
12 *didate under section 501(b) with respect to such*
13 *qualified small dollar contributions if the candidate*
14 *had not reached such limit.*

15 *“(b) LIMIT.—The amount of the additional payment*
16 *determined under subsection (a) with respect to a candidate*
17 *may not exceed \$500,000.*

18 *“(c) NO EFFECT ON AGGREGATE LIMIT.—The amount*
19 *of the additional payment made to a candidate under this*
20 *subtitle shall not be included in determining the aggregate*
21 *amount of payments made to a participating candidate*
22 *with respect to an election cycle under section 501(c).*

1 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**
2 **UNSPENT FUNDS AFTER ELECTION.**

3 *“Notwithstanding section 524(a)(2), a candidate who*
4 *receives an additional payment under this subtitle with re-*
5 *spect to an election is not permitted to withhold any portion*
6 *from the amount of unspent funds the candidate is required*
7 *to remit to the Commission under section 524(a)(1).*

8 **“Subtitle E—Administrative**
9 **Provisions**

10 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

11 *“(a) ESTABLISHMENT.—There is established in the*
12 *Treasury a fund to be known as the ‘Freedom From Infl-*
13 *ence Fund’.*

14 *“(b) AMOUNTS HELD BY FUND.—The Fund shall con-*
15 *sist of the following amounts:*

16 *“(1) DEPOSITS.—Amounts deposited into the*
17 *Fund under—*

18 *“(A) section 521(c)(1)(B) (relating to excep-*
19 *tions to contribution requirements);*

20 *“(B) section 523 (relating to remittance of*
21 *unused payments from the Fund); and*

22 *“(C) section 544 (relating to violations).*

23 *“(2) INVESTMENT RETURNS.—Interest on, and*
24 *the proceeds from, the sale or redemption of any obli-*
25 *gations held by the Fund under subsection (c).*

1 “(c) *INVESTMENT.*—*The Commission shall invest por-*
2 *tions of the Fund in obligations of the United States in*
3 *the same manner as provided under section 9602(b) of the*
4 *Internal Revenue Code of 1986.*

5 “(d) *USE OF FUND TO MAKE PAYMENTS TO PARTICI-*
6 *PATING CANDIDATES.*—

7 “(1) *PAYMENTS TO PARTICIPATING CAN-*
8 *DIDATES.*—*Amounts in the Fund shall be available*
9 *without further appropriation or fiscal year limita-*
10 *tion to make payments to participating candidates as*
11 *provided in this title.*

12 “(2) *MANDATORY REDUCTION OF PAYMENTS IN*
13 *CASE OF INSUFFICIENT AMOUNTS IN FUND.*—

14 “(A) *ADVANCE AUDITS BY COMMISSION.*—
15 *Not later than 90 days before the first day of*
16 *each election cycle (beginning with the first elec-*
17 *tion cycle that begins after the date of the enact-*
18 *ment of this title), the Commission shall—*

19 “(i) *audit the Fund to determine*
20 *whether the amounts in the Fund will be*
21 *sufficient to make payments to partici-*
22 *pating candidates in the amounts provided*
23 *in this title during such election cycle; and*

24 “(ii) *submit a report to Congress de-*
25 *scribing the results of the audit.*

1 “(B) *REDUCTIONS IN AMOUNT OF PAY-*
2 *MENTS.—*

3 “(i) *AUTOMATIC REDUCTION ON PRO*
4 *RATA BASIS.—If, on the basis of the audit*
5 *described in subparagraph (A), the Commis-*
6 *sion determines that the amount antici-*
7 *pated to be available in the Fund with re-*
8 *spect to the election cycle involved is not, or*
9 *may not be, sufficient to satisfy the full en-*
10 *titlements of participating candidates to*
11 *payments under this title for such election*
12 *cycle, the Commission shall reduce each*
13 *amount which would otherwise be paid to a*
14 *participating candidate under this title by*
15 *such pro rata amount as may be necessary*
16 *to ensure that the aggregate amount of pay-*
17 *ments anticipated to be made with respect*
18 *to the election cycle will not exceed the*
19 *amount anticipated to be available for such*
20 *payments in the Fund with respect to such*
21 *election cycle.*

22 “(ii) *RESTORATION OF REDUCTIONS IN*
23 *CASE OF AVAILABILITY OF SUFFICIENT*
24 *FUNDS DURING ELECTION CYCLE.—If, after*
25 *reducing the amounts paid to participating*

1 *candidates with respect to an election cycle*
2 *under clause (i), the Commission determines*
3 *that there are sufficient amounts in the*
4 *Fund to restore the amount by which such*
5 *payments were reduced (or any portion*
6 *thereof), to the extent that such amounts are*
7 *available, the Commission may make a*
8 *payment on a pro rata basis to each such*
9 *participating candidate with respect to the*
10 *election cycle in the amount by which such*
11 *candidate's payments were reduced under*
12 *clause (i) (or any portion thereof, as the*
13 *case may be).*

14 “(iii) *NO USE OF AMOUNTS FROM*
15 *OTHER SOURCES.—In any case in which*
16 *the Commission determines that there are*
17 *insufficient moneys in the Fund to make*
18 *payments to participating candidates under*
19 *this title, moneys shall not be made avail-*
20 *able from any other source for the purpose*
21 *of making such payments.*

22 “(e) *USE OF FUND TO MAKE OTHER PAYMENTS.—In*
23 *addition to the use described in subsection (d), amounts in*
24 *the Fund shall be available without further appropriation*
25 *or fiscal year limitation—*

1 “(1) to make payments to States under the My
2 *Voice Voucher Program under the Government By the*
3 *People Act of 2019, subject to reductions under section*
4 *5101(f)(3) of such Act;*

5 “(2) to make payments to candidates under
6 *chapter 95 of subtitle H of the Internal Revenue Code*
7 *of 1986, subject to reductions under section 9013(b) of*
8 *such Code; and*

9 “(3) to make payments to candidates under
10 *chapter 96 of subtitle H of the Internal Revenue Code*
11 *of 1986, subject to reductions under section 9043(b) of*
12 *such Code.*

13 “(f) *EFFECTIVE DATE.*—*This section shall take effect*
14 *on the date of the enactment of this title.*

15 **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-**
16 **COUNTABILITY OFFICE.**

17 “(a) *REVIEW OF SMALL DOLLAR FINANCING.*—

18 “(1) *IN GENERAL.*—*After each regularly sched-*
19 *uled general election for Federal office, the Comp-*
20 *troller General of the United States shall conduct a*
21 *comprehensive review of the Small Dollar financing*
22 *program under this title, including—*

23 “(A) *the maximum and minimum dollar*
24 *amounts of qualified small dollar contributions*
25 *under section 504;*

1 “(B) the number and value of qualified
2 small dollar contributions a candidate is re-
3 quired to obtain under section 512(a) to be eligi-
4 ble for certification as a participating candidate;

5 “(C) the maximum amount of payments a
6 candidate may receive under this title;

7 “(D) the overall satisfaction of partici-
8 pating candidates and the American public with
9 the program; and

10 “(E) such other matters relating to financ-
11 ing of campaigns as the Comptroller General de-
12 termines are appropriate.

13 “(2) CRITERIA FOR REVIEW.—In conducting the
14 review under subparagraph (A), the Comptroller Gen-
15 eral shall consider the following:

16 “(A) QUALIFIED SMALL DOLLAR CONTRIBU-
17 TIONS.—Whether the number and dollar amounts
18 of qualified small dollar contributions required
19 strikes an appropriate balance regarding the im-
20 portance of voter involvement, the need to assure
21 adequate incentives for participating, and fiscal
22 responsibility, taking into consideration the
23 number of primary and general election partici-
24 pating candidates, the electoral performance of
25 those candidates, program cost, and any other

1 *information the Comptroller General determines*
2 *is appropriate.*

3 “(B) *REVIEW OF PAYMENT LEVELS.—*
4 *Whether the totality of the amount of funds al-*
5 *lowed to be raised by participating candidates*
6 *(including through qualified small dollar con-*
7 *tributions) and payments under this title are*
8 *sufficient for voters in each State to learn about*
9 *the candidates to cast an informed vote, taking*
10 *into account the historic amount of spending by*
11 *winning candidates, media costs, primary elec-*
12 *tion dates, and any other information the Comp-*
13 *troller General determines is appropriate.*

14 “(3) *RECOMMENDATIONS FOR ADJUSTMENT OF*
15 *AMOUNTS.—Based on the review conducted under sub-*
16 *paragraph (A), the Comptroller General may rec-*
17 *ommend to Congress adjustments of the following*
18 *amounts:*

19 “(A) *The number and value of qualified*
20 *small dollar contributions a candidate is re-*
21 *quired to obtain under section 512(a) to be eligi-*
22 *ble for certification as a participating candidate.*

23 “(B) *The maximum amount of payments a*
24 *candidate may receive under this title.*

1 “(b) *REPORTS.*—Not later than each June 1 which fol-
2 *lows a regularly scheduled general election for Federal office*
3 *for which payments were made under this title, the Comp-*
4 *troller General shall submit to the Committee on House Ad-*
5 *ministration of the House of Representatives a report—*

6 “(1) *containing an analysis of the review con-*
7 *ducted under subsection (a), including a detailed*
8 *statement of Comptroller General’s findings, conclu-*
9 *sions, and recommendations based on such review, in-*
10 *cluding any recommendations for adjustments of*
11 *amounts described in subsection (a)(3); and*

12 “(2) *documenting, evaluating, and making rec-*
13 *ommendations relating to the administrative imple-*
14 *mentation and enforcement of the provisions of this*
15 *title.*

16 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
17 *authorized to be appropriated such sums as are necessary*
18 *to carry out the purposes of this section.*

19 **“SEC. 543. ADMINISTRATION BY COMMISSION.**

20 *“The Commission shall prescribe regulations to carry*
21 *out the purposes of this title, including regulations to estab-*
22 *lish procedures for—*

23 “(1) *verifying the amount of qualified small dol-*
24 *lar contributions with respect to a candidate;*

1 “(2) *effectively and efficiently monitoring and*
2 *enforcing the limits on the raising of qualified small*
3 *dollar contributions;*

4 “(3) *effectively and efficiently monitoring and*
5 *enforcing the limits on the use of personal funds by*
6 *participating candidates; and*

7 “(4) *monitoring the use of allocations from the*
8 *Freedom From Influence Fund established under sec-*
9 *tion 541 and matching contributions under this title*
10 *through audits of not fewer than $\frac{1}{10}$ (or, in the case*
11 *of the first 3 election cycles during which the program*
12 *under this title is in effect, not fewer than $\frac{1}{3}$) of all*
13 *participating candidates or other mechanisms.*

14 **“SEC. 544. VIOLATIONS AND PENALTIES.**

15 “(a) *CIVIL PENALTY FOR VIOLATION OF CONTRIBU-*
16 *TION AND EXPENDITURE REQUIREMENTS.—If a candidate*
17 *who has been certified as a participating candidate accepts*
18 *a contribution or makes an expenditure that is prohibited*
19 *under section 521, the Commission may assess a civil pen-*
20 *alty against the candidate in an amount that is not more*
21 *than 3 times the amount of the contribution or expenditure.*
22 *Any amounts collected under this subsection shall be depos-*
23 *ited into the Freedom From Influence Fund established*
24 *under section 541.*

1 “(b) *REPAYMENT FOR IMPROPER USE OF FREEDOM*
2 *FROM INFLUENCE FUND.*—

3 “(1) *IN GENERAL.*—*If the Commission deter-*
4 *mines that any payment made to a participating*
5 *candidate was not used as provided for in this title*
6 *or that a participating candidate has violated any of*
7 *the dates for remission of funds contained in this*
8 *title, the Commission shall so notify the candidate*
9 *and the candidate shall pay to the Fund an amount*
10 *equal to—*

11 “(A) *the amount of payments so used or not*
12 *remitted, as appropriate; and*

13 “(B) *interest on any such amounts (at a*
14 *rate determined by the Commission).*

15 “(2) *OTHER ACTION NOT PRECLUDED.*—*Any ac-*
16 *tion by the Commission in accordance with this sub-*
17 *section shall not preclude enforcement proceedings by*
18 *the Commission in accordance with section 309(a),*
19 *including a referral by the Commission to the Attor-*
20 *ney General in the case of an apparent knowing and*
21 *willful violation of this title.*

22 “(c) *PROHIBITING CANDIDATES SUBJECT TO CRIMI-*
23 *NAL PENALTY FROM QUALIFYING AS PARTICIPATING CAN-*
24 *DIDATES.*—*A candidate is not eligible to be certified as a*
25 *participating candidate under this title with respect to an*

1 *election if a penalty has been assessed against the candidate*
2 *under section 309(d) with respect to any previous election.*

3 **“SEC. 545. APPEALS PROCESS.**

4 “(a) *REVIEW OF ACTIONS.*—*Any action by the Com-*
5 *mission in carrying out this title shall be subject to review*
6 *by the United States Court of Appeals for the District of*
7 *Columbia upon petition filed in the Court not later than*
8 *30 days after the Commission takes the action for which*
9 *the review is sought.*

10 “(b) *PROCEDURES.*—*The provisions of chapter 7 of*
11 *title 5, United States Code, apply to judicial review under*
12 *this section.*

13 **“SEC. 546. INDEXING OF AMOUNTS.**

14 “(a) *INDEXING.*—*In any calendar year after 2024, sec-*
15 *tion 315(c)(1)(B) shall apply to each amount described in*
16 *subsection (b) in the same manner as such section applies*
17 *to the limitations established under subsections (a)(1)(A),*
18 *(a)(1)(B), (a)(3), and (h) of such section, except that for*
19 *purposes of applying such section to the amounts described*
20 *in subsection (b), the ‘base period’ shall be 2024.*

21 “(b) *AMOUNTS DESCRIBED.*—*The amounts described*
22 *in this subsection are as follows:*

23 “(1) *The amount referred to in section 502(b)(1)*
24 *(relating to the minimum amount of qualified small*

1 *dollar contributions included in a request for pay-*
2 *ment).*

3 “(2) *The amounts referred to in section*
4 *504(a)(1) (relating to the amount of a qualified small*
5 *dollar contribution).*

6 “(3) *The amount referred to in section 512(a)(2)*
7 *(relating to the total dollar amount of qualified small*
8 *dollar contributions).*

9 “(4) *The amount referred to in section 521(a)(5)*
10 *(relating to the aggregate amount of contributions a*
11 *participating candidate may accept from any indi-*
12 *vidual with respect to an election).*

13 “(5) *The amount referred to in section*
14 *521(b)(1)(A) (relating to the amount of personal*
15 *funds that may be used by a candidate who is cer-*
16 *tified as a participating candidate).*

17 “(6) *The amounts referred to in section*
18 *524(a)(2) (relating to the amount of unspent funds a*
19 *candidate may retain for use in the next election*
20 *cycle).*

21 “(7) *The amount referred to in section 532(a)(3)*
22 *(relating to the total dollar amount of qualified small*
23 *dollar contributions for a candidate seeking an addi-*
24 *tional payment under subtitle D).*

1 “(8) *The amount referred to in section 533(b)*
2 *(relating to the limit on the amount of an additional*
3 *payment made to a candidate under subtitle D).*

4 **“SEC. 547. ELECTION CYCLE DEFINED.**

5 *“In this title, the term ‘election cycle’ means, with re-*
6 *spect to an election for an office, the period beginning on*
7 *the day after the date of the most recent general election*
8 *for that office (or, if the general election resulted in a runoff*
9 *election, the date of the runoff election) and ending on the*
10 *date of the next general election for that office (or, if the*
11 *general election resulted in a runoff election, the date of the*
12 *runoff election).”.*

13 **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
14 **CANDIDATE AND POLITICAL PARTY COMMIT-**
15 **TEES ON BEHALF OF PARTICIPATING CAN-**
16 **DIDATES.**

17 *(a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEPA-*
18 *RATE ACCOUNTS CONSISTING OF QUALIFIED SMALL DOL-*
19 *LAR CONTRIBUTIONS.—Section 315(a) of the Federal Elec-*
20 *tion Campaign Act of 1971 (52 U.S.C. 30116(a)) is amend-*
21 *ed by adding at the end the following new paragraph:*

22 *“(10) In the case of a multicandidate political com-*
23 *mittee or any political committee of a political party, the*
24 *committee may make a contribution to a candidate who is*
25 *a participating candidate under title V with respect to an*

1 *election only if the contribution is paid from a separate,*
2 *segregated account of the committee which consists solely*
3 *of contributions which meet the following requirements:*

4 “(A) *Each such contribution is in an amount*
5 *which meets the requirements for the amount of a*
6 *qualified small dollar contribution under section*
7 *504(a)(1) with respect to the election involved.*

8 “(B) *Each such contribution is made by an indi-*
9 *vidual who is not otherwise prohibited from making*
10 *a contribution under this Act.*

11 “(C) *The individual who makes the contribution*
12 *does not make contributions to the committee during*
13 *the year in an aggregate amount that exceeds the*
14 *limit described in section 504(a)(1).”.*

15 ***(b) PERMITTING UNLIMITED COORDINATED EXPENDI-***
16 ***TURES FROM SMALL DOLLAR SOURCES BY POLITICAL PAR-***
17 ***TIES.—Section 315(d) of such Act (52 U.S.C. 30116(d)) is***
18 ***amended—***

19 ***(1) in paragraph (3), by striking “The national***
20 ***committee” and inserting “Except as provided in***
21 ***paragraph (5), the national committee”;*** and

22 ***(2) by adding at the end the following new para-***
23 ***graph:***

24 ***“(5) The limits described in paragraph (3) do not***
25 ***apply in the case of expenditures in connection with the***

1 *general election campaign of a candidate for the office of*
2 *Representative in, or Delegate or Resident Commissioner*
3 *to, the Congress who is a participating candidate under*
4 *title V with respect to the election, but only if—*

5 “(A) *the expenditures are paid from a separate,*
6 *segregated account of the committee which is described*
7 *in subsection (a)(9); and*

8 “(B) *the expenditures are the sole source of fund-*
9 *ing provided by the committee to the candidate.”.*

10 **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
11 **TICIPATING CANDIDATES FOR PURPOSES**
12 **OTHER THAN CAMPAIGN FOR ELECTION.**

13 *Section 313 of the Federal Election Campaign Act of*
14 *1971 (52 U.S.C. 30114) is amended by adding at the end*
15 *the following new subsection:*

16 “(d) **RESTRICTIONS ON PERMITTED USES OF FUNDS**
17 **BY CANDIDATES RECEIVING SMALL DOLLAR FINANCING.—**
18 *Notwithstanding paragraph (2), (3), or (4) of subsection*
19 *(a), if a candidate for election for the office of Representa-*
20 *tive in, or Delegate or Resident Commissioner to, the Con-*
21 *gress is certified as a participating candidate under title*
22 *V with respect to the election, any contribution which the*
23 *candidate is permitted to accept under such title may be*
24 *used only for authorized expenditures in connection with*

1 *the candidate’s campaign for such office, subject to section*
2 *503(b).”.*

3 **SEC. 5114. EFFECTIVE DATE.**

4 *(a) IN GENERAL.—Except as may otherwise be pro-*
5 *vided in this part and in the amendments made by this*
6 *part, this part and the amendments made by this part shall*
7 *apply with respect to elections occurring during 2026 or*
8 *any succeeding year, without regard to whether or not the*
9 *Federal Election Commission has promulgated the final*
10 *regulations necessary to carry out this part and the amend-*
11 *ments made by this part by the deadline set forth in sub-*
12 *section (b).*

13 *(b) DEADLINE FOR REGULATIONS.—Not later than*
14 *June 30, 2024, the Federal Election Commission shall pro-*
15 *mulgate such regulations as may be necessary to carry out*
16 *this part and the amendments made by this part.*

17 ***Subtitle C—Presidential Elections***

18 **SEC. 5200. SHORT TITLE.**

19 *This subtitle may be cited as the “Empower Act of*
20 *2019”.*

21 ***PART 1—PRIMARY ELECTIONS***

22 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-**
23 ***ING PAYMENTS.***

24 *(a) INCREASE AND MODIFICATION.—*

1 (1) *IN GENERAL.*—*The first sentence of section*
2 *9034(a) of the Internal Revenue Code of 1986 is*
3 *amended—*

4 (A) *by striking “an amount equal to the*
5 *amount of each contribution” and inserting “an*
6 *amount equal to 600 percent of the amount of*
7 *each matchable contribution (disregarding any*
8 *amount of contributions from any person to the*
9 *extent that the total of the amounts contributed*
10 *by such person for the election exceeds \$200)”;*
11 *and*

12 (B) *by striking “authorized committees”*
13 *and all that follows through “\$250” and insert-*
14 *ing “authorized committees”.*

15 (2) *MATCHABLE CONTRIBUTIONS.*—*Section 9034*
16 *of such Code is amended—*

17 (A) *by striking the last sentence of sub-*
18 *section (a); and*

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

21 “(c) *MATCHABLE CONTRIBUTION DEFINED.*—*For pur-*
22 *poses of this section and section 9033(b)—*

23 “(1) *MATCHABLE CONTRIBUTION.*—*The term*
24 *‘matchable contribution’ means, with respect to the*
25 *nomination for election to the office of President of*

1 *the United States, a contribution by an individual to*
2 *a candidate or an authorized committee of a can-*
3 *didate with respect to which the candidate has cer-*
4 *tified in writing that—*

5 *“(A) the individual making such contribu-*
6 *tion has not made aggregate contributions (in-*
7 *cluding such matchable contribution) to such*
8 *candidate and the authorized committees of such*
9 *candidate in excess of \$1,000 for the election;*

10 *“(B) such candidate and the authorized*
11 *committees of such candidate will not accept con-*
12 *tributions from such individual (including such*
13 *matchable contribution) aggregating more than*
14 *the amount described in subparagraph (A); and*

15 *“(C) such contribution was a direct con-*
16 *tribution.*

17 *“(2) CONTRIBUTION.—For purposes of this sub-*
18 *section, the term ‘contribution’ means a gift of money*
19 *made by a written instrument which identifies the in-*
20 *dividual making the contribution by full name and*
21 *mailing address, but does not include a subscription,*
22 *loan, advance, or deposit of money, or anything of*
23 *value or anything described in subparagraph (B),*
24 *(C), or (D) of section 9032(4).*

25 *“(3) DIRECT CONTRIBUTION.—*

1 “(A) *IN GENERAL.*—*For purposes of this*
2 *subsection, the term ‘direct contribution’ means,*
3 *with respect to a candidate, a contribution which*
4 *is made directly by an individual to the can-*
5 *didate or an authorized committee of the can-*
6 *didate and is not—*

7 “(i) *forwarded from the individual*
8 *making the contribution to the candidate or*
9 *committee by another person; or*

10 “(ii) *received by the candidate or com-*
11 *mittee with the knowledge that the contribu-*
12 *tion was made at the request, suggestion, or*
13 *recommendation of another person.*

14 “(B) *OTHER DEFINITIONS.*—*In subpara-*
15 *graph (A)—*

16 “(i) *the term ‘person’ does not include*
17 *an individual (other than an individual de-*
18 *scribed in section 304(i)(7) of the Federal*
19 *Election Campaign Act of 1971), a political*
20 *committee of a political party, or any polit-*
21 *ical committee which is not a separate seg-*
22 *regated fund described in section 316(b) of*
23 *the Federal Election Campaign Act of 1971*
24 *and which does not make contributions or*
25 *independent expenditures, does not engage*

1 *in lobbying activity under the Lobbying*
2 *Disclosure Act of 1995 (2 U.S.C. 1601 et*
3 *seq.), and is not established by, controlled*
4 *by, or affiliated with a registered lobbyist*
5 *under such Act, an agent of a registered lob-*
6 *byist under such Act, or an organization*
7 *which retains or employs a registered lob-*
8 *byist under such Act; and*

9 “(ii) a contribution is not ‘made at the
10 request, suggestion, or recommendation of
11 another person’ solely on the grounds that
12 the contribution is made in response to in-
13 formation provided to the individual mak-
14 ing the contribution by any person, so long
15 as the candidate or authorized committee
16 does not know the identity of the person
17 who provided the information to such indi-
18 vidual.”.

19 (3) *CONFORMING AMENDMENTS.—*

20 (A) *Section 9032(4) of such Code is amend-*
21 *ed by striking “section 9034(a)” and inserting*
22 *“section 9034”.*

23 (B) *Section 9033(b)(3) of such Code is*
24 *amended by striking “matching contributions”*
25 *and inserting “matchable contributions”.*

1 (b) *MODIFICATION OF PAYMENT LIMITATION.*—Section
2 9034(a) of such Code is amended—

3 (1) by striking “Every” and inserting the fol-
4 lowing:

5 “(1) *IN GENERAL.*—Every”;

6 (2) by striking “shall not exceed” and all that
7 follows and inserting “shall not exceed
8 \$250,000,000.”, and

9 (3) by adding at the end the following new para-
10 graph:

11 “(2) *INFLATION ADJUSTMENT.*—

12 “(A) *IN GENERAL.*—In the case of any ap-
13 plicable period beginning after 2029, the dollar
14 amount in paragraph (1) shall be increased by
15 an amount equal to—

16 “(i) such dollar amount, multiplied by

17 “(ii) the cost-of-living adjustment de-
18 termined under section 1(f)(3) for the cal-
19 endar year following the year which such
20 applicable period begins, determined by sub-
21 stituting ‘calendar year 2028’ for ‘calendar
22 year 1992’ in subparagraph (B) thereof.

23 “(B) *APPLICABLE PERIOD.*—For purposes
24 of this paragraph, the term ‘applicable period’
25 means the 4-year period beginning with the first

1 *day following the date of the general election for*
2 *the office of President and ending on the date of*
3 *the next such general election.*

4 “(C) *ROUNDING.*—*If any amount as ad-*
5 *justed under subparagraph (1) is not a multiple*
6 *of \$10,000, such amount shall be rounded to the*
7 *nearest multiple of \$10,000.”.*

8 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**
9 **PAYMENTS.**

10 (a) *AMOUNT OF AGGREGATE CONTRIBUTIONS PER*
11 *STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN EX-*
12 *CESS OF \$200.*—*Section 9033(b)(3) of the Internal Revenue*
13 *Code of 1986 is amended—*

14 (1) *by striking “\$5,000” and inserting*
15 *“\$25,000”; and*

16 (2) *by striking “20 States” and inserting the fol-*
17 *lowing: “20 States (disregarding any amount of con-*
18 *tributions from any such resident to the extent that*
19 *the total of the amounts contributed by such resident*
20 *for the election exceeds \$200)”.*

21 (b) *CONTRIBUTION LIMIT.*—

22 (1) *IN GENERAL.*—*Paragraph (4) of section*
23 *9033(b) of such Code is amended to read as follows:*

24 “(4) *the candidate and the authorized commit-*
25 *tees of the candidate will not accept aggregate con-*

1 *tributions from any person with respect to the nomi-*
2 *nation for election to the office of President of the*
3 *United States in excess of \$1,000 for the election.”.*

4 (2) *CONFORMING AMENDMENTS.—*

5 (A) *Section 9033(b) of such Code is amend-*
6 *ed by adding at the end the following new flush*
7 *sentence:*

8 *“For purposes of paragraph (4), the term ‘contribution’ has*
9 *the meaning given such term in section 301(8) of the Fed-*
10 *eral Election Campaign Act of 1971.”.*

11 (B) *Section 9032(4) of such Code, as*
12 *amended by section 5201(a)(3)(A), is amended*
13 *by inserting “or 9033(b)” after “9034”.*

14 (c) *PARTICIPATION IN SYSTEM FOR PAYMENTS FOR*
15 *GENERAL ELECTION.—Section 9033(b) of such Code is*
16 *amended—*

17 (1) *by striking “and” at the end of paragraph*
18 (3);

19 (2) *by striking the period at the end of para-*
20 *graph (4) and inserting “, and”; and*

21 (3) *by inserting after paragraph (4) the fol-*
22 *lowing new paragraph:*

23 *“(5) if the candidate is nominated by a political*
24 *party for election to the office of President, the can-*
25 *didate will apply for and accept payments with re-*

1 *spect to the general election for such office in accord-*
2 *ance with chapter 95.”.*

3 *(d) PROHIBITION ON JOINT FUNDRAISING COMMIT-*
4 *TEES.—Section 9033(b) of such Code, as amended by sub-*
5 *section (c), is amended—*

6 *(1) by striking “and” at the end of paragraph*
7 *(4);*

8 *(2) by striking the period at the end of para-*
9 *graph (5) and inserting “; and”; and*

10 *(3) by inserting after paragraph (5) the fol-*
11 *lowing new paragraph:*

12 *“(6) the candidate will not establish a joint*
13 *fundraising committee with a political committee*
14 *other than another authorized committee of the can-*
15 *didate, except that candidate established a joint fund-*
16 *raising committee with respect to a prior election for*
17 *which the candidate was not eligible to receive pay-*
18 *ments under section 9037 and the candidate does not*
19 *terminate the committee, the candidate shall not be*
20 *considered to be in violation of this paragraph so long*
21 *as that joint fundraising committee does not receive*
22 *any contributions or make any disbursements during*
23 *the election cycle for which the candidate is eligible*
24 *to receive payments under such section.”.*

1 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

2 (a) *IN GENERAL.*—Subsection (a) of section 9035 of
3 the Internal Revenue Code of 1986 is amended to read as
4 follows:

5 “(a) *PERSONAL EXPENDITURE LIMITATION.*—No can-
6 didate shall knowingly make expenditures from his personal
7 funds, or the personal funds of his immediate family, in
8 connection with his campaign for nomination for election
9 to the office of President in excess of, in the aggregate,
10 \$50,000.”.

11 (b) *CONFORMING AMENDMENT.*—Paragraph (1) of sec-
12 tion 9033(b) of the Internal Revenue Code of 1986 is
13 amended to read as follows:

14 “(1) the candidate will comply with the personal
15 expenditure limitation under section 9035,”.

16 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**
17 **MENTS.**

18 Section 9032(6) of the Internal Revenue Code of 1986
19 is amended by striking “the beginning of the calendar year
20 in which a general election for the office of President of the
21 United States will be held” and inserting “the date that
22 is 6 months prior to the date of the earliest State primary
23 election”.

1 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**
2 **TRIBUTIONS.**

3 *Section 9038(a) of the Internal Revenue Code of 1986*
4 *is amended by inserting “and matchable contributions ac-*
5 *cepted by” after “qualified campaign expenses of”.*

6 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**
7 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
8 **DIDATES.**

9 *Section 315(a)(6) of the Federal Election Campaign*
10 *Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by striking*
11 *“calendar year” and inserting “four-year election cycle”.*

12 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**
13 **SOURCE OF PAYMENTS.**

14 *(a) IN GENERAL.—Chapter 96 of subtitle H of the In-*
15 *ternal Revenue Code of 1986 is amended by adding at the*
16 *end the following new section:*

17 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**
18 **SOURCE OF PAYMENTS.**

19 *“(a) IN GENERAL.—Notwithstanding any other provi-*
20 *sion of this chapter, effective with respect to the Presidential*
21 *election held in 2028 and each succeeding Presidential elec-*
22 *tion, all payments made to candidates under this chapter*
23 *shall be made from the Freedom From Influence Fund es-*
24 *tablished under section 541 of the Federal Election Cam-*
25 *paign Act of 1971 (hereafter in this section referred to as*
26 *the ‘Fund’).*

1 “(b) *MANDATORY REDUCTION OF PAYMENTS IN CASE*
2 *OF INSUFFICIENT AMOUNTS IN FUND.*—

3 “(1) *ADVANCE AUDITS BY COMMISSION.*—*Not*
4 *later than 90 days before the first day of each Presi-*
5 *dential election cycle (beginning with the cycle for the*
6 *election held in 2028), the Commission shall—*

7 “(A) *audit the Fund to determine whether,*
8 *after first making payments to participating*
9 *candidates under title V of the Federal Election*
10 *Campaign Act of 1971 and then making pay-*
11 *ments to States under the My Voice Voucher Pro-*
12 *gram under the Government By the People Act*
13 *of 2019, the amounts remaining in the Fund*
14 *will be sufficient to make payments to can-*
15 *didates under this chapter in the amounts pro-*
16 *vided under this chapter during such election*
17 *cycle; and*

18 “(B) *submit a report to Congress describing*
19 *the results of the audit.*

20 “(2) *REDUCTIONS IN AMOUNT OF PAYMENTS.*—

21 “(A) *AUTOMATIC REDUCTION ON PRO RATA*
22 *BASIS.*—*If, on the basis of the audit described in*
23 *paragraph (1), the Commission determines that*
24 *the amount anticipated to be available in the*
25 *Fund with respect to the Presidential election*

1 *cycle involved is not, or may not be, sufficient to*
2 *satisfy the full entitlements of candidates to pay-*
3 *ments under this chapter for such cycle, the*
4 *Commission shall reduce each amount which*
5 *would otherwise be paid to a candidate under*
6 *this chapter by such pro rata amount as may be*
7 *necessary to ensure that the aggregate amount of*
8 *payments anticipated to be made with respect to*
9 *the cycle will not exceed the amount anticipated*
10 *to be available for such payments in the Fund*
11 *with respect to such cycle.*

12 “(B) *RESTORATION OF REDUCTIONS IN*
13 *CASE OF AVAILABILITY OF SUFFICIENT FUNDS*
14 *DURING ELECTION CYCLE.—If, after reducing the*
15 *amounts paid to candidates with respect to an*
16 *election cycle under subparagraph (A), the Com-*
17 *mission determines that there are sufficient*
18 *amounts in the Fund to restore the amount by*
19 *which such payments were reduced (or any por-*
20 *tion thereof), to the extent that such amounts are*
21 *available, the Commission may make a payment*
22 *on a pro rata basis to each such candidate with*
23 *respect to the election cycle in the amount by*
24 *which such candidate’s payments were reduced*

1 *under subparagraph (A) (or any portion thereof,*
2 *as the case may be).*

3 “(C) *NO USE OF AMOUNTS FROM OTHER*
4 *SOURCES.—In any case in which the Commis-*
5 *sion determines that there are insufficient mon-*
6 *eys in the Fund to make payments to candidates*
7 *under this chapter, moneys shall not be made*
8 *available from any other source for the purpose*
9 *of making such payments.*

10 “(3) *NO EFFECT ON AMOUNTS TRANSFERRED*
11 *FOR PEDIATRIC RESEARCH INITIATIVE.—This section*
12 *does not apply to the transfer of funds under section*
13 *9008(i).*

14 “(4) *PRESIDENTIAL ELECTION CYCLE DE-*
15 *FINED.—In this section, the term ‘Presidential elec-*
16 *tion cycle’ means, with respect to a Presidential elec-*
17 *tion, the period beginning on the day after the date*
18 *of the previous Presidential general election and end-*
19 *ing on the date of the Presidential election.’.*

20 “(b) *CLERICAL AMENDMENT.—The table of sections for*
21 *chapter 96 of subtitle H of such Code is amended by adding*
22 *at the end the following new item:*

 “*Sec. 9043. Use of Freedom From Influence Fund as source of payments.*”.

1 **PART 2—GENERAL ELECTIONS**
2 **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
3 **FOR PUBLIC FINANCING.**

4 *Subsection (a) of section 9003 of the Internal Revenue*
5 *Code of 1986 is amended to read as follows:*

6 “(a) *IN GENERAL.—In order to be eligible to receive*
7 *any payments under section 9006, the candidates of a polit-*
8 *ical party in a Presidential election shall meet the following*
9 *requirements:*

10 “(1) *PARTICIPATION IN PRIMARY PAYMENT SYS-*
11 *TEM.—The candidate for President received payments*
12 *under chapter 96 for the campaign for nomination for*
13 *election to be President.*

14 “(2) *AGREEMENTS WITH COMMISSION.—The can-*
15 *didates, in writing—*

16 “(A) *agree to obtain and furnish to the*
17 *Commission such evidence as it may request of*
18 *the qualified campaign expenses of such can-*
19 *didates,*

20 “(B) *agree to keep and furnish to the Com-*
21 *mission such records, books, and other informa-*
22 *tion as it may request, and*

23 “(C) *agree to an audit and examination by*
24 *the Commission under section 9007 and to pay*
25 *any amounts required to be paid under such sec-*
26 *tion.*

1 “(3) *PROHIBITION ON JOINT FUNDRAISING COM-*
2 *MITTEES.*—

3 “(A) *PROHIBITION.*—*The candidates cer-*
4 *tifies in writing that the candidates will not es-*
5 *tablish a joint fundraising committee with a po-*
6 *litical committee other than another authorized*
7 *committee of the candidate.*

8 “(B) *STATUS OF EXISTING COMMITTEES*
9 *FOR PRIOR ELECTIONS.*—*If a candidate estab-*
10 *lished a joint fundraising committee described in*
11 *subparagraph (A) with respect to a prior election*
12 *for which the candidate was not eligible to re-*
13 *ceive payments under section 9006 and the can-*
14 *didate does not terminate the committee, the can-*
15 *didate shall not be considered to be in violation*
16 *of subparagraph (A) so long as that joint fund-*
17 *raising committee does not receive any contribu-*
18 *tions or make any disbursements with respect to*
19 *the election for which the candidate is eligible to*
20 *receive payments under section 9006.”.*

21 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**
22 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
23 **TIONS.**

24 (a) *USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS*
25 *WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME*

1 *REQUIREMENTS FOR MAJOR, MINOR, AND NEW PARTIES.—*
2 *Section 9003 of the Internal Revenue Code of 1986 is*
3 *amended by striking subsections (b) and (c) and inserting*
4 *the following:*

5 “(b) *USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS*
6 *TO DEFRAY EXPENSES.—*

7 “(1) *IN GENERAL.—In order to be eligible to re-*
8 *ceive any payments under section 9006, the can-*
9 *didates of a party in a Presidential election shall cer-*
10 *tify to the Commission, under penalty of perjury,*
11 *that—*

12 “(A) *such candidates and their authorized*
13 *committees have not and will not accept any*
14 *contributions to defray qualified campaign ex-*
15 *penses other than—*

16 “(i) *qualified campaign contributions,*
17 *and*

18 “(ii) *contributions to the extent nec-*
19 *essary to make up any deficiency payments*
20 *received out of the fund on account of the*
21 *application of section 9006(c), and*

22 “(B) *such candidates and their authorized*
23 *committees have not and will not accept any*
24 *contribution to defray expenses which would be*

1 *qualified campaign expenses but for subpara-*
2 *graph (C) of section 9002(11).*

3 “(2) *TIMING OF CERTIFICATION.*—*The candidate*
4 *shall make the certification required under this sub-*
5 *section at the same time the candidate makes the cer-*
6 *tification required under subsection (a)(3).”.*

7 “(b) *DEFINITION OF QUALIFIED CAMPAIGN CONTRIBU-*
8 *TION.*—*Section 9002 of such Code is amended by adding*
9 *at the end the following new paragraph:*

10 “(13) *QUALIFIED CAMPAIGN CONTRIBUTION.*—
11 *The term ‘qualified campaign contribution’ means,*
12 *with respect to any election for the office of President*
13 *of the United States, a contribution from an indi-*
14 *vidual to a candidate or an authorized committee of*
15 *a candidate which—*

16 “(A) *does not exceed \$1,000 for the election;*
17 *and*

18 “(B) *with respect to which the candidate*
19 *has certified in writing that—*

20 “(i) *the individual making such con-*
21 *tribution has not made aggregate contribu-*
22 *tions (including such qualified contribu-*
23 *tion) to such candidate and the authorized*
24 *committees of such candidate in excess of*

1 *the amount described in subparagraph (A),*
2 *and*
3 *“(ii) such candidate and the author-*
4 *ized committees of such candidate will not*
5 *accept contributions from such individual*
6 *(including such qualified contribution) ag-*
7 *gregating more than the amount described*
8 *in subparagraph (A) with respect to such*
9 *election.”.*

10 *(c) CONFORMING AMENDMENTS.—*

11 *(1) REPEAL OF EXPENDITURE LIMITS.—*

12 *(A) IN GENERAL.—Section 315 of the Fed-*
13 *eral Election Campaign Act of 1971 (52 U.S.C.*
14 *30116) is amended by striking subsection (b).*

15 *(B) CONFORMING AMENDMENTS.—Section*
16 *315(c) of such Act (52 U.S.C. 30116(c)) is*
17 *amended—*

18 *(i) in paragraph (1)(B)(i), by striking*
19 *“, (b)”;* *and*

20 *(ii) in paragraph (2)(B)(i), by striking*
21 *“subsections (b) and (d)” and inserting*
22 *“subsection (d)”.*

23 *(2) REPEAL OF REPAYMENT REQUIREMENT.—*

24 *(A) IN GENERAL.—Section 9007(b) of the*
25 *Internal Revenue Code of 1986 is amended by*

1 *striking paragraph (2) and redesignating para-*
2 *graphs (3), (4), and (5) as paragraphs (2), (3),*
3 *and (4), respectively.*

4 *(B) CONFORMING AMENDMENT.—Paragraph*
5 *(2) of section 9007(b) of such Code, as redesign-*
6 *ated by subparagraph (A), is amended—*

7 *(i) by striking “a major party” and*
8 *inserting “a party”;*

9 *(ii) by inserting “qualified contribu-*
10 *tions and” after “contributions (other*
11 *than”;* and

12 *(iii) by striking “(other than qualified*
13 *campaign expenses with respect to which*
14 *payment is required under paragraph (2))”.*

15 *(3) CRIMINAL PENALTIES.—*

16 *(A) REPEAL OF PENALTY FOR EXCESS EX-*
17 *PENSES.—Section 9012 of the Internal Revenue*
18 *Code of 1986 is amended by striking subsection*
19 *(a).*

20 *(B) PENALTY FOR ACCEPTANCE OF DIS-*
21 *ALLOWED CONTRIBUTIONS; APPLICATION OF*
22 *SAME PENALTY FOR CANDIDATES OF MAJOR,*
23 *MINOR, AND NEW PARTIES.—Subsection (b) of*
24 *section 9012 of such Code is amended to read as*
25 *follows:*

1 “(b) CONTRIBUTIONS.—

2 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
3 TIONS.—It shall be unlawful for an eligible candidate
4 of a party in a Presidential election or any of his au-
5 thorized committees knowingly and willfully to ac-
6 cept—

7 “(A) any contribution other than a quali-
8 fied campaign contribution to defray qualified
9 campaign expenses, except to the extent necessary
10 to make up any deficiency in payments received
11 out of the fund on account of the application of
12 section 9006(c); or

13 “(B) any contribution to defray expenses
14 which would be qualified campaign expenses but
15 for subparagraph (C) of section 9002(11).

16 “(2) PENALTY.—Any person who violates para-
17 graph (1) shall be fined not more than \$5,000, or im-
18 prisoned not more than one year, or both. In the case
19 of a violation by an authorized committee, any officer
20 or member of such committee who knowingly and
21 willfully consents to such violation shall be fined not
22 more than \$5,000, or imprisoned not more than one
23 year, or both.”

1 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**
2 **TIONS TO PAYMENT AMOUNTS.**

3 (a) *IN GENERAL.*—

4 (1) *AMOUNT OF PAYMENTS; APPLICATION OF*
5 *SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,*
6 *AND NEW PARTIES.*—*Subsection (a) of section 9004 of*
7 *the Internal Revenue Code of 1986 is amended to read*
8 *as follows:*

9 “(a) *IN GENERAL.*—*Subject to the provisions of this*
10 *chapter, the eligible candidates of a party in a Presidential*
11 *election shall be entitled to equal payment under section*
12 *9006 in an amount equal to 600 percent of the amount of*
13 *each matchable contribution received by such candidate or*
14 *by the candidate’s authorized committees (disregarding any*
15 *amount of contributions from any person to the extent that*
16 *the total of the amounts contributed by such person for the*
17 *election exceeds \$200), except that total amount to which*
18 *a candidate is entitled under this paragraph shall not ex-*
19 *ceed \$250,000,000.”*

20 (2) *REPEAL OF SEPARATE LIMITATIONS FOR*
21 *CANDIDATES OF MINOR AND NEW PARTIES; INFLATION*
22 *ADJUSTMENT.*—*Subsection (b) of section 9004 of such*
23 *Code is amended to read as follows:*

24 “(b) *INFLATION ADJUSTMENT.*—

25 “(1) *IN GENERAL.*—*In the case of any applicable*
26 *period beginning after 2029, the \$250,000,000 dollar*

1 *amount in subsection (a) shall be increased by an*
2 *amount equal to—*

3 *“(A) such dollar amount; multiplied by*
4 *“(B) the cost-of-living adjustment deter-*
5 *mined under section 1(f)(3) for the calendar year*
6 *following the year which such applicable period*
7 *begins, determined by substituting ‘calendar year*
8 *2028’ for ‘calendar year 1992’ in subparagraph*
9 *(B) thereof.*

10 *“(2) APPLICABLE PERIOD.—For purposes of this*
11 *subsection, the term ‘applicable period’ means the 4-*
12 *year period beginning with the first day following the*
13 *date of the general election for the office of President*
14 *and ending on the date of the next such general elec-*
15 *tion.*

16 *“(3) ROUNDING.—If any amount as adjusted*
17 *under paragraph (1) is not a multiple of \$10,000,*
18 *such amount shall be rounded to the nearest multiple*
19 *of \$10,000.”.*

20 *(3) CONFORMING AMENDMENT.—Section 9005(a)*
21 *of such Code is amended by adding at the end the fol-*
22 *lowing new sentence: “The Commission shall make*
23 *such additional certifications as may be necessary to*
24 *receive payments under section 9004.”.*

1 (b) *MATCHABLE CONTRIBUTION.*—Section 9002 of
2 such Code, as amended by section 5212(b), is amended by
3 adding at the end the following new paragraph:

4 “(14) *MATCHABLE CONTRIBUTION.*—The term
5 ‘matchable contribution’ means, with respect to the
6 election to the office of President of the United States,
7 a contribution by an individual to a candidate or an
8 authorized committee of a candidate with respect to
9 which the candidate has certified in writing that—

10 “(A) the individual making such contribu-
11 tion has not made aggregate contributions (in-
12 cluding such matchable contribution) to such
13 candidate and the authorized committees of such
14 candidate in excess of \$1,000 for the election;

15 “(B) such candidate and the authorized
16 committees of such candidate will not accept con-
17 tributions from such individual (including such
18 matchable contribution) aggregating more than
19 the amount described in subparagraph (A) with
20 respect to such election; and

21 “(C) such contribution was a direct con-
22 tribution (as defined in section 9034(c)(3)).”.

1 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY EX-**
2 **PENDITURES.**

3 (a) *IN GENERAL.*—Section 315(d)(2) of the Federal
4 *Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))* is
5 *amended to read as follows:*

6 “(2)(A) *The national committee of a political party*
7 *may not make any expenditure in connection with the gen-*
8 *eral election campaign of any candidate for President of*
9 *the United States who is affiliated with such party which*
10 *exceeds \$100,000,000.*

11 “(B) *For purposes of this paragraph—*

12 “(i) *any expenditure made by or on behalf of a*
13 *national committee of a political party and in con-*
14 *nection with a Presidential election shall be consid-*
15 *ered to be made in connection with the general elec-*
16 *tion campaign of a candidate for President of the*
17 *United States who is affiliated with such party; and*

18 “(ii) *any communication made by or on behalf*
19 *of such party shall be considered to be made in con-*
20 *nection with the general election campaign of a can-*
21 *didate for President of the United States who is affili-*
22 *ated with such party if any portion of the commu-*
23 *nication is in connection with such election.*

24 “(C) *Any expenditure under this paragraph shall be*
25 *in addition to any expenditure by a national committee*
26 *of a political party serving as the principal campaign com-*

1 *mittee of a candidate for the office of President of the*
2 *United States.”.*

3 (b) *CONFORMING AMENDMENTS RELATING TO TIMING*
4 *OF COST-OF-LIVING ADJUSTMENT.—*

5 (1) *IN GENERAL.—Section 315(c)(1) of such Act*
6 *(52 U.S.C. 30116(c)(1)) is amended—*

7 (A) *in subparagraph (B), by striking “(d)”*
8 *and inserting “(d)(2)”;* and

9 (B) *by adding at the end the following new*
10 *subparagraph:*

11 *“(D) In any calendar year after 2028—*

12 *“(i) the dollar amount in subsection (d)(2) shall*
13 *be increased by the percent difference determined*
14 *under subparagraph (A);*

15 *“(ii) the amount so increased shall remain in ef-*
16 *fect for the calendar year; and*

17 *“(iii) if the amount after adjustment under*
18 *clause (i) is not a multiple of \$100, such amount*
19 *shall be rounded to the nearest multiple of \$100.”.*

20 (2) *BASE YEAR.—Section 315(c)(2)(B) of such*
21 *Act (52 U.S.C. 30116(c)(2)(B)) is amended—*

22 (A) *in clause (i)—*

23 (i) *by striking “(d)” and inserting*
24 *“(d)(3)”;* and

25 (ii) *by striking “and” at the end;*

1 (B) in clause (ii), by striking the period at
2 the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 clause:

5 “(iii) for purposes of subsection (d)(2), cal-
6 endar year 2027.”.

7 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
8 **LEASE OF PAYMENTS.**

9 (a) *DATE FOR PAYMENTS.*—

10 (1) *IN GENERAL.*—Section 9006(b) of the Inter-
11 nal Revenue Code of 1986 is amended to read as fol-
12 lows:

13 “(b) *PAYMENTS FROM THE FUND.*—If the Secretary
14 of the Treasury receives a certification from the Commission
15 under section 9005 for payment to the eligible candidates
16 of a political party, the Secretary shall pay to such can-
17 didates out of the fund the amount certified by the Commis-
18 sion on the later of—

19 “(1) the last Friday occurring before the first
20 Monday in September; or

21 “(2) 24 hours after receiving the certifications
22 for the eligible candidates of all major political par-
23 ties.

24 Amounts paid to any such candidates shall be under the
25 control of such candidates.”.

1 (2) *CONFORMING AMENDMENT.*—*The first sen-*
2 *tence of section 9006(c) of such Code is amended by*
3 *striking “the time of a certification by the Commis-*
4 *sion under section 9005 for payment” and inserting*
5 *“the time of making a payment under subsection (b)”.*

6 (b) *TIME FOR CERTIFICATION.*—*Section 9005(a) of the*
7 *Internal Revenue Code of 1986 is amended by striking “10*
8 *days” and inserting “24 hours”.*

9 **SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
10 **PAIGN FUND.**

11 *Section 9006(c) of the Internal Revenue Code of 1986*
12 *is amended by adding at the end the following new sentence:*
13 *“In making a determination of whether there are insuffi-*
14 *cient moneys in the fund for purposes of the previous sen-*
15 *tence, the Secretary shall take into account in determining*
16 *the balance of the fund for a Presidential election year the*
17 *Secretary’s best estimate of the amount of moneys which*
18 *will be deposited into the fund during the year, except that*
19 *the amount of the estimate may not exceed the average of*
20 *the annual amounts deposited in the fund during the pre-*
21 *vious 3 years.”.*

1 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**
2 **GENERAL ELECTION LEGAL AND ACCOUNT-**
3 **ING COMPLIANCE.**

4 *Section 9002(11) of the Internal Revenue Code of 1986*
5 *is amended by adding at the end the following new sentence:*
6 *“For purposes of subparagraph (A), an expense incurred*
7 *by a candidate or authorized committee for general election*
8 *legal and accounting compliance purposes shall be consid-*
9 *ered to be an expense to further the election of such can-*
10 *didate.”.*

11 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**
12 **SOURCE OF PAYMENTS.**

13 *(a) IN GENERAL.—Chapter 95 of subtitle H of the In-*
14 *ternal Revenue Code of 1986 is amended by adding at the*
15 *end the following new section:*

16 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**
17 **SOURCE OF PAYMENTS.**

18 *“(a) IN GENERAL.—Notwithstanding any other provi-*
19 *sion of this chapter, effective with respect to the Presidential*
20 *election held in 2028 and each succeeding Presidential elec-*
21 *tion, all payments made under this chapter shall be made*
22 *from the Freedom From Influence Fund established under*
23 *section 541 of the Federal Election Campaign Act of 1971.*

24 *“(b) MANDATORY REDUCTION OF PAYMENTS IN CASE*
25 *OF INSUFFICIENT AMOUNTS IN FUND.—*

1 “(1) *ADVANCE AUDITS BY COMMISSION.*—Not
2 *later than 90 days before the first day of each Presi-*
3 *dential election cycle (beginning with the cycle for the*
4 *election held in 2028), the Commission shall—*

5 “(A) *audit the Fund to determine whether,*
6 *after first making payments to participating*
7 *candidates under title V of the Federal Election*
8 *Campaign Act of 1971 and then making pay-*
9 *ments to States under the My Voice Voucher Pro-*
10 *gram under the Government By the People Act*
11 *of 2019 and then making payments to can-*
12 *didates under chapter 96, the amounts remain-*
13 *ing in the Fund will be sufficient to make pay-*
14 *ments to candidates under this chapter in the*
15 *amounts provided under this chapter during*
16 *such election cycle; and*

17 “(B) *submit a report to Congress describing*
18 *the results of the audit.*

19 “(2) *REDUCTIONS IN AMOUNT OF PAYMENTS.*—

20 “(A) *AUTOMATIC REDUCTION ON PRO RATA*
21 *BASIS.*—*If, on the basis of the audit described in*
22 *paragraph (1), the Commission determines that*
23 *the amount anticipated to be available in the*
24 *Fund with respect to the Presidential election*
25 *cycle involved is not, or may not be, sufficient to*

1 *satisfy the full entitlements of candidates to pay-*
2 *ments under this chapter for such cycle, the*
3 *Commission shall reduce each amount which*
4 *would otherwise be paid to a candidate under*
5 *this chapter by such pro rata amount as may be*
6 *necessary to ensure that the aggregate amount of*
7 *payments anticipated to be made with respect to*
8 *the cycle will not exceed the amount anticipated*
9 *to be available for such payments in the Fund*
10 *with respect to such cycle.*

11 “(B) *RESTORATION OF REDUCTIONS IN*
12 *CASE OF AVAILABILITY OF SUFFICIENT FUNDS*
13 *DURING ELECTION CYCLE.—If, after reducing the*
14 *amounts paid to candidates with respect to an*
15 *election cycle under subparagraph (A), the Com-*
16 *mission determines that there are sufficient*
17 *amounts in the Fund to restore the amount by*
18 *which such payments were reduced (or any por-*
19 *tion thereof), to the extent that such amounts are*
20 *available, the Commission may make a payment*
21 *on a pro rata basis to each such candidate with*
22 *respect to the election cycle in the amount by*
23 *which such candidate’s payments were reduced*
24 *under subparagraph (A) (or any portion thereof,*
25 *as the case may be).*

1 “(C) *NO USE OF AMOUNTS FROM OTHER*
2 *SOURCES.—In any case in which the Commis-*
3 *sion determines that there are insufficient mon-*
4 *eys in the Fund to make payments to candidates*
5 *under this chapter, moneys shall not be made*
6 *available from any other source for the purpose*
7 *of making such payments.*

8 “(3) *NO EFFECT ON AMOUNTS TRANSFERRED*
9 *FOR PEDIATRIC RESEARCH INITIATIVE.—This section*
10 *does not apply to the transfer of funds under section*
11 *9008(i).*

12 “(4) *PRESIDENTIAL ELECTION CYCLE DE-*
13 *FINED.—In this section, the term ‘Presidential elec-*
14 *tion cycle’ means, with respect to a Presidential elec-*
15 *tion, the period beginning on the day after the date*
16 *of the previous Presidential general election and end-*
17 *ing on the date of the Presidential election.”.*

18 “(b) *CLERICAL AMENDMENT.—The table of sections for*
19 *chapter 95 of subtitle H of such Code is amended by adding*
20 *at the end the following new item:*

 “Sec. 9013. *Use of Freedom From Influence Fund as source of payments.”.*

21 **PART 3—EFFECTIVE DATE**

22 **SEC. 5221. EFFECTIVE DATE.**

23 “(a) *IN GENERAL.—Except as otherwise provided, this*
24 *subtitle and the amendments made by this subtitle shall*
25 *apply with respect to the Presidential election held in 2028*

1 *and each succeeding Presidential election, without regard*
2 *to whether or not the Federal Election Commission has pro-*
3 *mulgated the final regulations necessary to carry out this*
4 *part and the amendments made by this part by the deadline*
5 *set forth in subsection (b).*

6 (b) *DEADLINE FOR REGULATIONS.—Not later than*
7 *June 30, 2026, the Federal Election Commission shall pro-*
8 *mulgate such regulations as may be necessary to carry out*
9 *this part and the amendments made by this part.*

10 ***Subtitle D—Personal Use Services***
11 ***as Authorized Campaign Ex-***
12 ***penditures***

13 ***SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.***

14 (a) *SHORT TITLE.—This subtitle may be cited as the*
15 *“Help America Run Act”.*

16 (b) *FINDINGS.—Congress finds the following:*

17 (1) *Everyday Americans experience barriers to*
18 *entry before they can consider running for office to*
19 *serve their communities.*

20 (2) *Current law states that campaign funds can-*
21 *not be spent on everyday expenses that would exist*
22 *whether or not a candidate were running for office,*
23 *like childcare and food. While the law seems neutral,*
24 *its actual effect is to privilege the independently*
25 *wealthy who want to run, because given the demands*

1 *of running for office, candidates who must work to*
2 *pay for childcare or to afford health insurance are ef-*
3 *fectively being left out of the process, even if they have*
4 *sufficient support to mount a viable campaign.*

5 *(3) Thus current practice favors those prospective*
6 *candidates who do not need to rely on a regular pay-*
7 *check to make ends meet. The consequence is that ev-*
8 *eryday Americans who have firsthand knowledge of*
9 *the importance of stable childcare, a safety net, or*
10 *great public schools are less likely to get a seat at the*
11 *table. This governance by the few is antithetical to the*
12 *democratic experiment, but most importantly, when*
13 *lawmakers do not share the concerns of everyday*
14 *Americans, their policies reflect that.*

15 *(4) These circumstances have contributed to a*
16 *Congress that does not always reflect everyday Ameri-*
17 *cans. The New York Times reported in 2019 that*
18 *fewer than 5 percent of representatives cite blue-collar*
19 *or service jobs in their biographies. A 2015 survey by*
20 *the Center for Responsive Politics showed that the me-*
21 *dian net worth of lawmakers was just over \$1 million*
22 *in 2013, or 18 times the wealth of the typical Amer-*
23 *ican household.*

24 *(5) These circumstances have also contributed to*
25 *a governing body that does not reflect the nation it*

1 *serves. For instance, women are 51% of the American*
2 *population. Yet even with a record number of women*
3 *serving in the One Hundred Sixteenth Congress, the*
4 *Pew Research Center notes that more than three out*
5 *of four Members of this Congress are male. The Center*
6 *for American Women And Politics found that one*
7 *third of women legislators surveyed had been actively*
8 *discouraged from running for office, often by political*
9 *professionals. This type of discouragement, combined*
10 *with the prohibitions on using campaign funds for*
11 *domestic needs like childcare, burdens that still fall*
12 *disproportionately on American women, particularly*
13 *disadvantages working mothers. These barriers may*
14 *explain why only 10 women in history have given*
15 *birth while serving in Congress, in spite of the preva-*
16 *lence of working parents in other professions. Yet*
17 *working mothers and fathers are best positioned to*
18 *create policy that reflects the lived experience of most*
19 *Americans.*

20 *(c) PURPOSE.—It is the purpose of this subtitle to en-*
21 *sure that all Americans who are otherwise qualified to serve*
22 *this Nation are able to run for office, regardless of their*
23 *economic status. By expanding permissible uses of cam-*
24 *paign funds and providing modest assurance that testing*
25 *a run for office will not cost one's livelihood, the Help Amer-*

1 *ica Run Act will facilitate the candidacy of representatives*
2 *who more accurately reflect the experiences, challenges, and*
3 *ideals of everyday Americans.*

4 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**
5 **AND OTHER PERSONAL USE SERVICES AS AU-**
6 **THORIZED CAMPAIGN EXPENDITURE.**

7 *(a) PERSONAL USE SERVICES AS AUTHORIZED CAM-*
8 *PAIGN EXPENDITURES.—Section 313 of the Federal Elec-*
9 *tion Campaign Act of 1971 (52 U.S.C. 30114), as amended*
10 *by section 5113, is amended by adding at the end the fol-*
11 *lowing new subsection:*

12 *“(e) TREATMENT OF PAYMENTS FOR CHILD CARE AND*
13 *OTHER PERSONAL USE SERVICES AS AUTHORIZED CAM-*
14 *PAIGN EXPENDITURE.—*

15 *“(1) AUTHORIZED EXPENDITURES.—For pur-*
16 *poses of subsection (a), the payment by an authorized*
17 *committee of a candidate for any of the personal use*
18 *services described in paragraph (3) shall be treated as*
19 *an authorized expenditure if the services are necessary*
20 *to enable the participation of the candidate in cam-*
21 *paign-connected activities.*

22 *“(2) LIMITATIONS.—*

23 *“(A) LIMIT ON TOTAL AMOUNT OF PAY-*
24 *MENTS.—The total amount of payments made by*
25 *an authorized committee of a candidate for per-*

1 *sonal use services described in paragraph (3)*
2 *may not exceed the limit which is applicable*
3 *under any law, rule, or regulation on the*
4 *amount of payments which may be made by the*
5 *committee for the salary of the candidate (with-*
6 *out regard to whether or not the committee*
7 *makes payments to the candidate for that pur-*
8 *pose).*

9 “(B) *CORRESPONDING REDUCTION IN*
10 *AMOUNT OF SALARY PAID TO CANDIDATE.—To*
11 *the extent that an authorized committee of a can-*
12 *didate makes payments for the salary of the can-*
13 *didate, any limit on the amount of such pay-*
14 *ments which is applicable under any law, rule,*
15 *or regulation shall be reduced by the amount of*
16 *any payments made to or on behalf of the can-*
17 *didate for personal use services described in*
18 *paragraph (3), other than personal use services*
19 *described in subparagraph (E) of such para-*
20 *graph.*

21 “(C) *EXCLUSION OF CANDIDATES WHO ARE*
22 *OFFICEHOLDERS.—Paragraph (1) does not apply*
23 *with respect to an authorized committee of a*
24 *candidate who is a holder of Federal office.*

1 “(3) *PERSONAL USE SERVICES DESCRIBED.*—*The*
2 *personal use services described in this paragraph are*
3 *as follows:*

4 “(A) *Child care services.*

5 “(B) *Elder care services.*

6 “(C) *Services similar to the services de-*
7 *scribed in subparagraph (A) or subparagraph*
8 *(B) which are provided on behalf of any depend-*
9 *ent who is a qualifying relative under section*
10 *152 of the Internal Revenue Code of 1986.*

11 “(D) *Dues, fees, and other expenses required*
12 *to maintain an license or similar requirement*
13 *related to an individual’s profession.*

14 “(E) *Costs associated with health insurance*
15 *coverage.”.*

16 “(b) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall take effect on the date of the enactment of this*
18 *Act.*

19 ***Subtitle E—Severability***

20 ***SEC. 5401. SEVERABILITY.***

21 *If any provision of this title or amendment made by*
22 *this title, or the application of a provision or amendment*
23 *to any person or circumstance, is held to be unconstitu-*
24 *tional, the remainder of this title and amendments made*
25 *by this title, and the application of the provisions and*

1 *amendment to any person or circumstance, shall not be af-*
 2 *ected by the holding.*

3 **TITLE VI—CAMPAIGN FINANCE**
 4 **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.*

5 ***Subtitle A—Restoring Integrity to***
 6 ***America’s Elections***

7 **SEC. 6001. SHORT TITLE.**

8 *This subtitle may be cited as the “Restoring Integrity*
 9 *to America’s Elections Act”.*

10 **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
 11 **SION.**

12 *(a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL*
 13 *OF SECRETARY OF SENATE AND CLERK OF HOUSE AS EX*
 14 *OFFICIO MEMBERS.—*

1 (1) *IN GENERAL; QUORUM.*—Section 306(a)(1) of
2 *the Federal Election Campaign Act of 1971 (52*
3 *U.S.C. 30106(a)(1)) is amended by striking the sec-*
4 *ond and third sentences and inserting the following:*
5 *“The Commission is composed of 5 members ap-*
6 *pointed by the President by and with the advice and*
7 *consent of the Senate, of whom no more than 2 may*
8 *be affiliated with the same political party. A member*
9 *shall be treated as affiliated with a political party if*
10 *the member was affiliated, including as a registered*
11 *voter, employee, consultant, donor, officer, or attor-*
12 *ney, with such political party or any of its candi-*
13 *dates or elected public officials at any time during*
14 *the 5-year period ending on the date on which such*
15 *individual is nominated to be a member of the Com-*
16 *mission. A majority of the number of members of the*
17 *Commission who are serving at the time shall con-*
18 *stitute a quorum, except that 3 members shall con-*
19 *stitute a quorum if there are 4 members serving at the*
20 *time.”.*

21 (2) *CONFORMING AMENDMENTS RELATING TO RE-*
22 *DUCTION IN NUMBER OF MEMBERS.*—(A) *The second*
23 *sentence of section 306(c) of such Act (52 U.S.C.*
24 *30106(c)) is amended by striking “affirmative vote of*
25 *4 members of the Commission” and inserting “affirm-*

1 *ative vote of a majority of the members of the Com-*
2 *mission who are serving at the time”.*

3 *(B) Such Act is further amended by striking “af-*
4 *firmative vote of 4 of its members” and inserting “af-*
5 *firmative vote of a majority of the members of the*
6 *Commission who are serving at the time” each place*
7 *it appears in the following sections:*

8 *(i) Section 309(a)(2) (52 U.S.C.*
9 *30109(a)(2)).*

10 *(ii) Section 309(a)(4)(A)(i) (52 U.S.C.*
11 *30109(a)(4)(A)(i)).*

12 *(iii) Section 309(a)(5)(C) (52 U.S.C.*
13 *30109(a)(5)(C)).*

14 *(iv) Section 309(a)(6)(A) (52 U.S.C.*
15 *30109(a)(6)(A)).*

16 *(v) Section 311(b) (52 U.S.C. 30111(b)).*

17 *(3) CONFORMING AMENDMENT RELATING TO RE-*
18 *MOVAL OF EX OFFICIO MEMBERS.—Section 306(a) of*
19 *such Act (52 U.S.C. 30106(a)) is amended by striking*
20 *“(other than the Secretary of the Senate and the Clerk*
21 *of the House of Representatives)” each place it ap-*
22 *pears in paragraphs (4) and (5).*

23 *(b) TERMS OF SERVICE.—Section 306(a)(2) of such*
24 *Act (52 U.S.C. 30106(a)(2)) is amended to read as follows:*

25 *“(2) TERMS OF SERVICE.—*

1 “(A) *IN GENERAL.*—*Each member of the*
2 *Commission shall serve for a single term of 6*
3 *years.*

4 “(B) *SPECIAL RULE FOR INITIAL APPOINT-*
5 *MENTS.*—*Of the members first appointed to serve*
6 *terms that begin in January 2022, the President*
7 *shall designate 2 to serve for a 3-year term.*

8 “(C) *NO REAPPOINTMENT PERMITTED.*—*An*
9 *individual who served a term as a member of the*
10 *Commission may not serve for an additional*
11 *term, except that—*

12 “(i) *an individual who served a 3-year*
13 *term under subparagraph (B) may also be*
14 *appointed to serve a 6-year term under sub-*
15 *paragraph (A); and*

16 “(ii) *for purposes of this subpara-*
17 *graph, an individual who is appointed to*
18 *fill a vacancy under subparagraph (D)*
19 *shall not be considered to have served a*
20 *term if the portion of the unexpired term*
21 *the individual fills is less than 50 percent*
22 *of the period of the term.*

23 “(D) *VACANCIES.*—*Any vacancy occurring*
24 *in the membership of the Commission shall be*
25 *filled in the same manner as in the case of the*

1 *original appointment. Except as provided in*
2 *subparagraph (C), an individual appointed to*
3 *fill a vacancy occurring other than by the expi-*
4 *ration of a term of office shall be appointed only*
5 *for the unexpired term of the member he or she*
6 *succeeds.*

7 “(E) *LIMITATION ON SERVICE AFTER EXPI-*
8 *RATION OF TERM.—A member of the Commission*
9 *may continue to serve on the Commission after*
10 *the expiration of the member’s term for an addi-*
11 *tional period, but only until the earlier of—*

12 “(i) *the date on which the member’s*
13 *successor has taken office as a member of*
14 *the Commission; or*

15 “(ii) *the expiration of the 1-year pe-*
16 *riod that begins on the last day of the mem-*
17 *ber’s term.”.*

18 (c) *QUALIFICATIONS.—Section 306(a)(3) of such Act*
19 *(52 U.S.C. 30106(a)(3)) is amended to read as follows:*

20 “(3) *QUALIFICATIONS.—*

21 “(A) *IN GENERAL.—The President may se-*
22 *lect an individual for service as a member of the*
23 *Commission if the individual has experience in*
24 *election law and has a demonstrated record of*
25 *integrity, impartiality, and good judgment.*

1 “(B) *ASSISTANCE OF BLUE RIBBON ADVI-*
2 *SORY PANEL.*—

3 “(i) *IN GENERAL.*—Prior to the regu-
4 larly scheduled expiration of the term of a
5 member of the Commission and upon the oc-
6 currence of a vacancy in the membership of
7 the Commission prior to the expiration of a
8 term, the President shall convene a Blue
9 Ribbon Advisory Panel, consisting of an
10 odd number of individuals selected by the
11 President from retired Federal judges,
12 former law enforcement officials, or individ-
13 uals with experience in election law, except
14 that the President may not select any indi-
15 vidual to serve on the panel who holds any
16 public office at the time of selection.

17 “(ii) *RECOMMENDATIONS.*—With re-
18 spect to each member of the Commission
19 whose term is expiring or each vacancy in
20 the membership of the Commission (as the
21 case may be), the Blue Ribbon Advisory
22 Panel shall recommend to the President at
23 least one but not more than 3 individuals
24 for nomination for appointment as a mem-
25 ber of the Commission.

1 “(iii) *PUBLICATION.*—*At the time the*
2 *President submits to the Senate the nomina-*
3 *tions for individuals to be appointed as*
4 *members of the Commission, the President*
5 *shall publish the Blue Ribbon Advisory*
6 *Panel’s recommendations for such nomina-*
7 *tions.*

8 “(iv) *EXEMPTION FROM FEDERAL AD-*
9 *VISORY COMMITTEE ACT.*—*The Federal Ad-*
10 *visory Committee Act (5 U.S.C. App.) does*
11 *not apply to a Blue Ribbon Advisory Panel*
12 *convened under this subparagraph.*

13 “(C) *PROHIBITING ENGAGEMENT WITH*
14 *OTHER BUSINESS OR EMPLOYMENT DURING*
15 *SERVICE.*—*A member of the Commission shall*
16 *not engage in any other business, vocation, or*
17 *employment. Any individual who is engaging in*
18 *any other business, vocation, or employment at*
19 *the time of his or her appointment to the Com-*
20 *mission shall terminate or liquidate such activ-*
21 *ity no later than 90 days after such appoint-*
22 *ment.”.*

23 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL**
24 **ELECTION COMMISSION.**

25 **(a) APPOINTMENT OF CHAIR BY PRESIDENT.—**

1 (1) *IN GENERAL.*—Section 306(a)(5) of the Fed-
2 *eral Election Campaign Act of 1971 (52 U.S.C.*
3 *30106(a)(5)) is amended to read as follows:*

4 “(5) *CHAIR.*—

5 “(A) *INITIAL APPOINTMENT.*—Of the mem-
6 *bers first appointed to serve terms that begin in*
7 *January 2022, one such member (as designated*
8 *by the President at the time the President sub-*
9 *mits nominations to the Senate) shall serve as*
10 *Chair of the Commission.*

11 “(B) *SUBSEQUENT APPOINTMENTS.*—Any
12 *individual who is appointed to succeed the mem-*
13 *ber who serves as Chair of the Commission for*
14 *the term beginning in January 2022 (as well as*
15 *any individual who is appointed to fill a va-*
16 *cancy if such member does not serve a full term*
17 *as Chair) shall serve as Chair of the Commis-*
18 *sion.*

19 “(C) *VICE CHAIR.*—The Commission shall
20 *select, by majority vote of its members, one of its*
21 *members to serve as Vice Chair, who shall act as*
22 *Chair in the absence or disability of the Chair*
23 *or in the event of a vacancy in the position of*
24 *Chair.”.*

1 (2) *CONFORMING AMENDMENT.—Section*
2 *309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is*
3 *amended by striking “through its chairman or vice*
4 *chairman” and inserting “through the Chair”.*

5 *(b) POWERS.—*

6 (1) *ASSIGNMENT OF CERTAIN POWERS TO*
7 *CHAIR.—Section 307(a) of such Act (52 U.S.C.*
8 *30107(a)) is amended to read as follows:*

9 *“(a) DISTRIBUTION OF POWERS BETWEEN CHAIR AND*
10 *COMMISSION.—*

11 *“(1) POWERS ASSIGNED TO CHAIR.—*

12 *“(A) ADMINISTRATIVE POWERS.—The Chair*
13 *of the Commission shall be the chief administra-*
14 *tive officer of the Commission and shall have the*
15 *authority to administer the Commission and its*
16 *staff, and (in consultation with the other mem-*
17 *bers of the Commission) shall have the power—*

18 *“(i) to appoint and remove the staff*
19 *director of the Commission;*

20 *“(ii) to request the assistance (includ-*
21 *ing personnel and facilities) of other agen-*
22 *cies and departments of the United States,*
23 *whose heads may make such assistance*
24 *available to the Commission with or with-*
25 *out reimbursement; and*

1 “(iii) to prepare and establish the
2 budget of the Commission and to make
3 budget requests to the President, the Direc-
4 tor of the Office of Management and Budg-
5 et, and Congress.

6 “(B) OTHER POWERS.—The Chair of the
7 Commission shall have the power—

8 “(i) to appoint and remove the general
9 counsel of the Commission with the concur-
10 rence of at least 2 other members of the
11 Commission;

12 “(ii) to require by special or general
13 orders, any person to submit, under oath,
14 such written reports and answers to ques-
15 tions as the Chair may prescribe;

16 “(iii) to administer oaths or affirma-
17 tions;

18 “(iv) to require by subpoena, signed by
19 the Chair, the attendance and testimony of
20 witnesses and the production of all docu-
21 mentary evidence relating to the execution
22 of its duties;

23 “(v) in any proceeding or investiga-
24 tion, to order testimony to be taken by depo-
25 sition before any person who is designated

1 *by the Chair, and shall have the power to*
2 *administer oaths and, in such instances, to*
3 *compel testimony and the production of evi-*
4 *dence in the same manner as authorized*
5 *under clause (iv); and*

6 *“(vi) to pay witnesses the same fees*
7 *and mileage as are paid in like cir-*
8 *cumstances in the courts of the United*
9 *States.*

10 *“(2) POWERS ASSIGNED TO COMMISSION.—The*
11 *Commission shall have the power—*

12 *“(A) to initiate (through civil actions for*
13 *injunctive, declaratory, or other appropriate re-*
14 *lief), defend (in the case of any civil action*
15 *brought under section 309(a)(8) of this Act) or*
16 *appeal (including a proceeding before the Su-*
17 *preme Court on certiorari) any civil action in*
18 *the name of the Commission to enforce the provi-*
19 *sions of this Act and chapter 95 and chapter 96*
20 *of the Internal Revenue Code of 1986, through its*
21 *general counsel;*

22 *“(B) to render advisory opinions under sec-*
23 *tion 308 of this Act;*

24 *“(C) to develop such prescribed forms and to*
25 *make, amend, and repeal such rules, pursuant to*

1 *the provisions of chapter 5 of title 5, United*
2 *States Code, as are necessary to carry out the*
3 *provisions of this Act and chapter 95 and chap-*
4 *ter 96 of the Internal Revenue Code of 1986;*

5 *“(D) to conduct investigations and hearings*
6 *expeditiously, to encourage voluntary compli-*
7 *ance, and to report apparent violations to the*
8 *appropriate law enforcement authorities; and*

9 *“(E) to transmit to the President and Con-*
10 *gress not later than June 1 of each year a report*
11 *which states in detail the activities of the Com-*
12 *mission in carrying out its duties under this*
13 *Act, and which includes any recommendations*
14 *for any legislative or other action the Commis-*
15 *sion considers appropriate.*

16 *“(3) PERMITTING COMMISSION TO EXERCISE*
17 *OTHER POWERS OF CHAIR.—With respect to any in-*
18 *vestigation, action, or proceeding, the Commission, by*
19 *an affirmative vote of a majority of the members who*
20 *are serving at the time, may exercise any of the pow-*
21 *ers of the Chair described in paragraph (1)(B).”.*

22 *(2) CONFORMING AMENDMENTS RELATING TO*
23 *PERSONNEL AUTHORITY.—Section 306(f) of such Act*
24 *(52 U.S.C. 30106(f)) is amended—*

1 (A) by amending the first sentence of para-
2 graph (1) to read as follows: “The Commission
3 shall have a staff director who shall be appointed
4 by the Chair of the Commission in consultation
5 with the other members and a general counsel
6 who shall be appointed by the Chair with the
7 concurrence of at least two other members.”;

8 (B) in paragraph (2), by striking “With the
9 approval of the Commission” and inserting
10 “With the approval of the Chair of the Commis-
11 sion”; and

12 (C) by striking paragraph (3).

13 (3) *CONFORMING AMENDMENT RELATING TO*
14 *BUDGET SUBMISSION.*—Section 307(d)(1) of such Act
15 (52 U.S.C. 30107(d)(1)) is amended by striking “the
16 Commission submits any budget” and inserting “the
17 Chair (or, pursuant to subsection (a)(3), the Commis-
18 sion) submits any budget”.

19 (4) *OTHER CONFORMING AMENDMENTS.*—Section
20 306(c) of such Act (52 U.S.C. 30106(c)) is amended
21 by striking “All decisions” and inserting “Subject to
22 section 307(a), all decisions”.

23 (5) *TECHNICAL AMENDMENT.*—The heading of
24 section 307 of such Act (52 U.S.C. 30107) is amended

1 *by striking “THE COMMISSION” and inserting “THE*
2 *CHAIR AND THE COMMISSION”.*

3 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

4 *(a) STANDARD FOR INITIATING INVESTIGATIONS AND*
5 *DETERMINING WHETHER VIOLATIONS HAVE OCCURRED.—*

6 *(1) REVISION OF STANDARDS.—Section 309(a) of*
7 *the Federal Election Campaign Act of 1971 (52*
8 *U.S.C. 30109(a)) is amended by striking paragraphs*
9 *(2) and (3) and inserting the following:*

10 *“(2)(A) The general counsel, upon receiving a com-*
11 *plaint filed with the Commission under paragraph (1) or*
12 *upon the basis of information ascertained by the Commis-*
13 *sion in the normal course of carrying out its supervisory*
14 *responsibilities, shall make a determination as to whether*
15 *or not there is reason to believe that a person has com-*
16 *mitted, or is about to commit, a violation of this Act or*
17 *chapter 95 or chapter 96 of the Internal Revenue Code of*
18 *1986, and as to whether or not the Commission should ei-*
19 *ther initiate an investigation of the matter or that the com-*
20 *plaint should be dismissed. The general counsel shall*
21 *promptly provide notification to the Commission of such*
22 *determination and the reasons therefore, together with any*
23 *written response submitted under paragraph (1) by the per-*
24 *son alleged to have committed the violation. Upon the expi-*
25 *ration of the 30-day period which begins on the date the*

1 *general counsel provides such notification, the general coun-*
2 *sel's determination shall take effect, unless during such 30-*
3 *day period the Commission, by vote of a majority of the*
4 *members of the Commission who are serving at the time,*
5 *overrules the general counsel's determination. If the deter-*
6 *mination by the general counsel that the Commission should*
7 *investigate the matter takes effect, or if the determination*
8 *by the general counsel that the complaint should be dis-*
9 *missed is overruled as provided under the previous sentence,*
10 *the general counsel shall initiate an investigation of the*
11 *matter on behalf of the Commission.*

12 *“(B) If the Commission initiates an investigation pur-*
13 *suant to subparagraph (A), the Commission, through the*
14 *Chair, shall notify the subject of the investigation of the al-*
15 *leged violation. Such notification shall set forth the factual*
16 *basis for such alleged violation. The Commission shall make*
17 *an investigation of such alleged violation, which may in-*
18 *clude a field investigation or audit, in accordance with the*
19 *provisions of this section. The general counsel shall provide*
20 *notification to the Commission of any intent to issue a sub-*
21 *poena or conduct any other form of discovery pursuant to*
22 *the investigation. Upon the expiration of the 15-day period*
23 *which begins on the date the general counsel provides such*
24 *notification, the general counsel may issue the subpoena or*
25 *conduct the discovery, unless during such 15-day period the*

1 *Commission, by vote of a majority of the members of the*
2 *Commission who are serving at the time, prohibits the gen-*
3 *eral counsel from issuing the subpoena or conducting the*
4 *discovery.*

5 “(3)(A) *Upon completion of an investigation under*
6 *paragraph (2), the general counsel shall promptly submit*
7 *to the Commission the general counsel’s recommendation*
8 *that the Commission find either that there is probable cause*
9 *or that there is not probable cause to believe that a person*
10 *has committed, or is about to commit, a violation of this*
11 *Act or chapter 95 or chapter 96 of the Internal Revenue*
12 *Code of 1986, and shall include with the recommendation*
13 *a brief stating the position of the general counsel on the*
14 *legal and factual issues of the case.*

15 “(B) *At the time the general counsel submits to the*
16 *Commission the recommendation under subparagraph (A),*
17 *the general counsel shall simultaneously notify the respond-*
18 *ent of such recommendation and the reasons therefore, shall*
19 *provide the respondent with an opportunity to submit a*
20 *brief within 30 days stating the position of the respondent*
21 *on the legal and factual issues of the case and replying to*
22 *the brief of the general counsel. The general counsel and*
23 *shall promptly submit such brief to the Commission upon*
24 *receipt.*

1 “(C) Not later than 30 days after the general counsel
2 submits the recommendation to the Commission under sub-
3 paragraph (A) (or, if the respondent submits a brief under
4 subparagraph (B), not later than 30 days after the general
5 counsel submits the respondent’s brief to the Commission
6 under such subparagraph), the Commission shall approve
7 or disapprove the recommendation by vote of a majority
8 of the members of the Commission who are serving at the
9 time.”.

10 (2) CONFORMING AMENDMENT RELATING TO INI-
11 TIAL RESPONSE TO FILING OF COMPLAINT.—Section
12 309(a)(1) of such Act (52 U.S.C. 30109(a)(1)) is
13 amended—

14 (A) in the third sentence, by striking “the
15 Commission” and inserting “the general coun-
16 sel”; and

17 (B) by amending the fourth sentence to read
18 as follows: “Not later than 15 days after receiv-
19 ing notice from the general counsel under the
20 previous sentence, the person may provide the
21 general counsel with a written response that no
22 action should be taken against such person on
23 the basis of the complaint.”.

24 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
25 MISSAL OF COMPLAINTS.—

1 (1) *IN GENERAL.*—Section 309(a)(8) of such Act
2 (52 U.S.C. 30109(a)(8)) is amended to read as fol-
3 lows:

4 “(8)(A)(i) Any party aggrieved by an order of the
5 Commission dismissing a complaint filed by such party
6 after finding either no reason to believe a violation has oc-
7 curred or no probable cause a violation has occurred may
8 file a petition with the United States District Court for the
9 District of Columbia. Any petition under this subpara-
10 graph shall be filed within 60 days after the date on which
11 the party received notice of the dismissal of the complaint.

12 “(ii) In any proceeding under this subparagraph, the
13 court shall determine by *de novo* review whether the agen-
14 cy’s dismissal of the complaint is contrary to law. In any
15 matter in which the penalty for the alleged violation is
16 greater than \$50,000, the court should disregard any claim
17 or defense by the Commission of prosecutorial discretion as
18 a basis for dismissing the complaint.

19 “(B)(i) Any party who has filed a complaint with the
20 Commission and who is aggrieved by a failure of the Com-
21 mission, within one year after the filing of the complaint,
22 to either dismiss the complaint or to find reason to believe
23 a violation has occurred or is about to occur, may file a
24 petition with the United States District Court for the Dis-
25 trict of Columbia.

1 “(ii) *In any proceeding under this subparagraph, the*
2 *court shall treat the failure to act on the complaint as a*
3 *dismissal of the complaint, and shall determine by de novo*
4 *review whether the agency’s failure to act on the complaint*
5 *is contrary to law.*

6 “(C) *In any proceeding under this paragraph the court*
7 *may declare that the dismissal of the complaint or the fail-*
8 *ure to act is contrary to law, and may direct the Commis-*
9 *sion to conform with such declaration within 30 days, fail-*
10 *ing which the complainant may bring, in the name of such*
11 *complainant, a civil action to remedy the violation involved*
12 *in the original complaint.”.*

13 (2) *EFFECTIVE DATE.—The amendments made*
14 *by paragraph (1) shall apply—*

15 (A) *in the case of complaints which are dis-*
16 *missed by the Federal Election Commission, with*
17 *respect to complaints which are dismissed on or*
18 *after the date of the enactment of this Act; and*

19 (B) *in the case of complaints upon which*
20 *the Federal Election Commission failed to act,*
21 *with respect to complaints which were filed on or*
22 *after the date of the enactment of this Act.*

1 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**
3 **SONS OPPOSING THE REQUESTS.**

4 (a) *IN GENERAL.*—Section 308 of such Act (52 U.S.C.
5 30108) is amended by adding at the end the following new
6 subsection:

7 “(e) *To the extent that the Commission provides an*
8 *opportunity for a person requesting an advisory opinion*
9 *under this section (or counsel for such person) to appear*
10 *before the Commission to present testimony in support of*
11 *the request, and the person (or counsel) accepts such oppor-*
12 *tunity, the Commission shall provide a reasonable oppor-*
13 *tunity for an interested party who submitted written com-*
14 *ments under subsection (d) in response to the request (or*
15 *counsel for such interested party) to appear before the Com-*
16 *mission to present testimony in response to the request.”.*

17 (b) *EFFECTIVE DATE.*—The amendment made by sub-
18 section (a) shall apply with respect to requests for advisory
19 opinions under section 308 of the Federal Election Cam-
20 paign Act of 1971 which are made on or after the date of
21 the enactment of this Act.

22 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
23 **PENALTY AUTHORITY.**

24 (a) *EXTENSION OF AUTHORITY.*—Section
25 309(a)(4)(C)(v) of the Federal Election Campaign Act of

1 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking
2 “, and that end on or before December 31, 2023”.

3 (b) *EFFECTIVE DATE.*—The amendment made by sub-
4 section (a) shall take effect on December 31, 2018.

5 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

6 Section 306(e) of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30106(e)) is amended—

8 (1) by striking “(e) The Commission” and in-
9 serting “(e)(1) The Commission”; and

10 (2) by adding at the end the following new para-
11 graph:

12 “(2) Members and employees of the Commission shall
13 be subject to limitations on ex parte communications, as
14 provided in the regulations promulgated by the Commission
15 regarding such communications which are in effect on the
16 date of the enactment of this paragraph.”.

17 **SEC. 6008. EFFECTIVE DATE; TRANSITION.**

18 (a) *IN GENERAL.*—Except as otherwise provided, the
19 amendments made by this subtitle shall apply beginning
20 January 1, 2022.

21 (b) *TRANSITION.*—

22 (1) *TERMINATION OF SERVICE OF CURRENT*
23 *MEMBERS.*—Notwithstanding any provision of the
24 *Federal Election Campaign Act of 1971*, the term of
25 *any individual serving as a member of the Federal*

1 *Election Commission as of December 31, 2021, shall*
2 *expire on that date.*

3 (2) *NO EFFECT ON EXISTING CASES OR PRO-*
4 *CEEDINGS.—Nothing in this subtitle or in any*
5 *amendment made by this subtitle shall affect any of*
6 *the powers exercised by the Federal Election Commis-*
7 *sion prior to December 31, 2021, including any inves-*
8 *tigation initiated by the Commission prior to such*
9 *date or any proceeding (including any enforcement*
10 *action) pending as of such date.*

11 ***Subtitle B—Stopping Super PAC-***
12 ***Candidate Coordination***

13 ***SEC. 6101. SHORT TITLE.***

14 *This subtitle may be cited as the “Stop Super PAC–*
15 *Candidate Coordination Act”.*

16 ***SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-***
17 ***NATED EXPENDITURES AS CONTRIBUTIONS***
18 ***TO CANDIDATES.***

19 (a) *TREATMENT AS CONTRIBUTION TO CANDIDATE.—*
20 *Section 301(8)(A) of the Federal Election Campaign Act*
21 *of 1971 (52 U.S.C. 30101(8)(A)) is amended—*

22 (1) *by striking “or” at the end of clause (i);*

23 (2) *by striking the period at the end of clause*
24 *(ii) and inserting “; or”; and*

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

3 “(iii) *any payment made by any person*
4 *(other than a candidate, an authorized com-*
5 *mittee of a candidate, or a political committee of*
6 *a political party) for a coordinated expenditure*
7 *(as such term is defined in section 326) which is*
8 *not otherwise treated as a contribution under*
9 *clause (i) or clause (ii).”.*

10 (b) *DEFINITIONS.—Title III of such Act (52 U.S.C.*
11 *30101 et seq.), as amended by section 4702(a), is amended*
12 *by adding at the end the following new section:*

13 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

14 “(a) *COORDINATED EXPENDITURES.—*

15 “(1) *IN GENERAL.—For purposes of section*
16 *301(8)(A)(iii), the term ‘coordinated expenditure’*
17 *means—*

18 “(A) *any expenditure, or any payment for*
19 *a covered communication described in subsection*
20 *(d), which is made in cooperation, consultation,*
21 *or concert with, or at the request or suggestion*
22 *of, a candidate, an authorized committee of a*
23 *candidate, a political committee of a political*
24 *party, or agents of the candidate or committee,*
25 *as defined in subsection (b); or*

1 “(B) any payment for any communication
2 which republishes, disseminates, or distributes,
3 in whole or in part, any video or broadcast or
4 any written, graphic, or other form of campaign
5 material prepared by the candidate or committee
6 or by agents of the candidate or committee (in-
7 cluding any excerpt or use of any video from
8 any such broadcast or written, graphic, or other
9 form of campaign material).

10 “(2) *EXCEPTION FOR PAYMENTS FOR CERTAIN*
11 *COMMUNICATIONS.—A payment for a communication*
12 *(including a covered communication described in sub-*
13 *section (d)) shall not be treated as a coordinated ex-*
14 *penditure under this subsection if—*

15 “(A) the communication appears in a news
16 story, commentary, or editorial distributed
17 through the facilities of any broadcasting station,
18 newspaper, magazine, or other periodical publi-
19 cation, unless such facilities are owned or con-
20 trolled by any political party, political com-
21 mittee, or candidate; or

22 “(B) the communication constitutes a can-
23 didate debate or forum conducted pursuant to
24 regulations adopted by the Commission pursuant
25 to section 304(f)(3)(B)(iii), or which solely pro-

1 *notes such a debate or forum and is made by or*
2 *on behalf of the person sponsoring the debate or*
3 *forum.*

4 “(b) *COORDINATION DESCRIBED.*—

5 “(1) *IN GENERAL.*—*For purposes of this section,*
6 *a payment is made ‘in cooperation, consultation, or*
7 *concert with, or at the request or suggestion of,’ a*
8 *candidate, an authorized committee of a candidate, a*
9 *political committee of a political party, or agents of*
10 *the candidate or committee, if the payment, or any*
11 *communication for which the payment is made, is not*
12 *made entirely independently of the candidate, com-*
13 *mittee, or agents. For purposes of the previous sen-*
14 *tence, a payment or communication not made en-*
15 *tirely independently of the candidate or committee in-*
16 *cludes any payment or communication made pursu-*
17 *ant to any general or particular understanding with,*
18 *or pursuant to any communication with, the can-*
19 *didate, committee, or agents about the payment or*
20 *communication.*

21 “(2) *NO FINDING OF COORDINATION BASED*
22 *SOLELY ON SHARING OF INFORMATION REGARDING*
23 *LEGISLATIVE OR POLICY POSITION.*—*For purposes of*
24 *this section, a payment shall not be considered to be*
25 *made by a person in cooperation, consultation, or*

1 *concert with, or at the request or suggestion of, a can-*
2 *didate or committee, solely on the grounds that the*
3 *person or the person’s agent engaged in discussions*
4 *with the candidate or committee, or with any agent*
5 *of the candidate or committee, regarding that person’s*
6 *position on a legislative or policy matter (including*
7 *urging the candidate or committee to adopt that per-*
8 *son’s position), so long as there is no communication*
9 *between the person and the candidate or committee, or*
10 *any agent of the candidate or committee, regarding*
11 *the candidate’s or committee’s campaign advertising,*
12 *message, strategy, policy, polling, allocation of re-*
13 *sources, fundraising, or other campaign activities.*

14 “(3) *NO EFFECT ON PARTY COORDINATION*
15 *STANDARD.—Nothing in this section shall be con-*
16 *strued to affect the determination of coordination be-*
17 *tween a candidate and a political committee of a po-*
18 *litical party for purposes of section 315(d).*

19 “(4) *NO SAFE HARBOR FOR USE OF FIREWALL.—*
20 *A person shall be determined to have made a payment*
21 *in cooperation, consultation, or concert with, or at the*
22 *request or suggestion of, a candidate or committee, in*
23 *accordance with this section without regard to wheth-*
24 *er or not the person established and used a firewall*
25 *or similar procedures to restrict the sharing of infor-*

1 *mation between individuals who are employed by or*
2 *who are serving as agents for the person making the*
3 *payment.*

4 *“(c) PAYMENTS BY COORDINATED SPENDERS FOR*
5 *COVERED COMMUNICATIONS.—*

6 *“(1) PAYMENTS MADE IN COOPERATION, CON-*
7 *SULTATION, OR CONCERT WITH CANDIDATES.—For*
8 *purposes of subsection (a)(1)(A), if the person who*
9 *makes a payment for a covered communication, as*
10 *defined in subsection (d), is a coordinated spender*
11 *under paragraph (2) with respect to the candidate as*
12 *described in subsection (d)(1), the payment for the*
13 *covered communication is made in cooperation, con-*
14 *sultation, or concert with the candidate.*

15 *“(2) COORDINATED SPENDER DEFINED.—For*
16 *purposes of this subsection, the term ‘coordinated*
17 *spender’ means, with respect to a candidate or an au-*
18 *thorized committee of a candidate, a person (other*
19 *than a political committee of a political party) for*
20 *which any of the following applies:*

21 *“(A) During the 4-year period ending on*
22 *the date on which the person makes the payment,*
23 *the person was directly or indirectly formed or*
24 *established by or at the request or suggestion of,*
25 *or with the encouragement of, the candidate (in-*

1 *cluding an individual who later becomes a can-*
2 *didate) or committee or agents of the candidate*
3 *or committee, including with the approval of the*
4 *candidate or committee or agents of the can-*
5 *didate or committee.*

6 “(B) *The candidate or committee or any*
7 *agent of the candidate or committee solicits*
8 *funds, appears at a fundraising event, or engages*
9 *in other fundraising activity on the person’s be-*
10 *half during the election cycle involved, including*
11 *by providing the person with names of potential*
12 *donors or other lists to be used by the person in*
13 *engaging in fundraising activity, regardless of*
14 *whether the person pays fair market value for*
15 *the names or lists provided. For purposes of this*
16 *subparagraph, the term ‘election cycle’ means,*
17 *with respect to an election for Federal office, the*
18 *period beginning on the day after the date of the*
19 *most recent general election for that office (or, if*
20 *the general election resulted in a runoff election,*
21 *the date of the runoff election) and ending on the*
22 *date of the next general election for that office*
23 *(or, if the general election resulted in a runoff*
24 *election, the date of the runoff election).*

1 “(C) *The person is established, directed, or*
2 *managed by the candidate or committee or by*
3 *any person who, during the 4-year period ending*
4 *on the date on which the person makes the pay-*
5 *ment, has been employed or retained as a polit-*
6 *ical, campaign media, or fundraising adviser or*
7 *consultant for the candidate or committee or for*
8 *any other entity directly or indirectly controlled*
9 *by the candidate or committee, or has held a for-*
10 *mal position with the candidate or committee*
11 *(including a position as an employee of the office*
12 *of the candidate at any time the candidate held*
13 *any Federal, State, or local public office during*
14 *the 4-year period).*

15 “(D) *The person has retained the profes-*
16 *sional services of any person who, during the 2-*
17 *year period ending on the date on which the per-*
18 *son makes the payment, has provided or is pro-*
19 *viding professional services relating to the cam-*
20 *pany to the candidate or committee, without re-*
21 *gard to whether the person providing the profes-*
22 *sional services used a firewall. For purposes of*
23 *this subparagraph, the term ‘professional serv-*
24 *ices’ includes any services in support of the can-*
25 *didate’s or committee’s campaign activities, in-*

1 *cluding advertising, message, strategy, policy,*
2 *polling, allocation of resources, fundraising, and*
3 *campaign operations, but does not include ac-*
4 *counting or legal services.*

5 “(E) *The person is established, directed, or*
6 *managed by a member of the immediate family*
7 *of the candidate, or the person or any officer or*
8 *agent of the person has had more than incidental*
9 *discussions about the candidate’s campaign with*
10 *a member of the immediate family of the can-*
11 *didate. For purposes of this subparagraph, the*
12 *term ‘immediate family’ has the meaning given*
13 *such term in section 9004(e) of the Internal Rev-*
14 *enue Code of 1986.*

15 “(d) *COVERED COMMUNICATION DEFINED.—*

16 “(1) *IN GENERAL.—For purposes of this section,*
17 *the term ‘covered communication’ means, with respect*
18 *to a candidate or an authorized committee of a can-*
19 *didate, a public communication (as defined in section*
20 *301(22)) which—*

21 “(A) *expressly advocates the election of the*
22 *candidate or the defeat of an opponent of the*
23 *candidate (or contains the functional equivalent*
24 *of express advocacy);*

1 “(B) promotes or supports the election of the
2 candidate, or attacks or opposes the election of
3 an opponent of the candidate (regardless of
4 whether the communication expressly advocates
5 the election or defeat of a candidate or contains
6 the functional equivalent of express advocacy); or

7 “(C) refers to the candidate or an opponent
8 of the candidate but is not described in subpara-
9 graph (A) or subparagraph (B), but only if the
10 communication is disseminated during the ap-
11 plicable election period.

12 “(2) *APPLICABLE ELECTION PERIOD.*—In para-
13 graph (1)(C), the ‘applicable election period’ with re-
14 spect to a communication means—

15 “(A) in the case of a communication which
16 refers to a candidate in a general, special, or
17 runoff election, the 120-day period which ends on
18 the date of the election; or

19 “(B) in the case of a communication which
20 refers to a candidate in a primary or preference
21 election, or convention or caucus of a political
22 party that has authority to nominate a can-
23 didate, the 60-day period which ends on the date
24 of the election or convention or caucus.

1 “(3) *SPECIAL RULES FOR COMMUNICATIONS IN-*
2 *VOLVING CONGRESSIONAL CANDIDATES.*—*For purposes*
3 *of this subsection, a public communication shall not*
4 *be considered to be a covered communication with re-*
5 *spect to a candidate for election for an office other*
6 *than the office of President or Vice President unless*
7 *it is publicly disseminated or distributed in the juris-*
8 *isdiction of the office the candidate is seeking.*

9 “(e) *PENALTY.*—

10 “(1) *DETERMINATION OF AMOUNT.*—*Any person*
11 *who knowingly and willfully commits a violation of*
12 *this Act by making a contribution which consists of*
13 *a payment for a coordinated expenditure shall be*
14 *fined an amount equal to the greater of—*

15 “(A) *in the case of a person who makes a*
16 *contribution which consists of a payment for a*
17 *coordinated expenditure in an amount exceeding*
18 *the applicable contribution limit under this Act,*
19 *300 percent of the amount by which the amount*
20 *of the payment made by the person exceeds such*
21 *applicable contribution limit; or*

22 “(B) *in the case of a person who is prohib-*
23 *ited under this Act from making a contribution*
24 *in any amount, 300 percent of the amount of the*

1 *payment made by the person for the coordinated*
2 *expenditure.*

3 “(2) *JOINT AND SEVERAL LIABILITY.*—*Any di-*
4 *rector, manager, or officer of a person who is subject*
5 *to a penalty under paragraph (1) shall be jointly and*
6 *severally liable for any amount of such penalty that*
7 *is not paid by the person prior to the expiration of*
8 *the 1-year period which begins on the date the Com-*
9 *mission imposes the penalty or the 1-year period*
10 *which begins on the date of the final judgment fol-*
11 *lowing any judicial review of the Commission’s ac-*
12 *tion, whichever is later.”.*

13 *(c) EFFECTIVE DATE.*—

14 (1) *REPEAL OF EXISTING REGULATIONS ON CO-*
15 *ORDINATION.*—*Effective upon the expiration of the*
16 *90-day period which begins on the date of the enact-*
17 *ment of this Act—*

18 (A) *the regulations on coordinated commu-*
19 *nications adopted by the Federal Election Com-*
20 *mission which are in effect on the date of the en-*
21 *actment of this Act (as set forth in 11 CFR Part*
22 *109, Subpart C, under the heading “Coordina-*
23 *tion”) are repealed; and*

24 (B) *the Federal Election Commission shall*
25 *promulgate new regulations on coordinated com-*

1 *munications which reflect the amendments made*
2 *by this Act.*

3 (2) *EFFECTIVE DATE.*—*The amendments made*
4 *by this section shall apply with respect to payments*
5 *made on or after the expiration of the 120-day period*
6 *which begins on the date of the enactment of this Act,*
7 *without regard to whether or not the Federal Election*
8 *Commission has promulgated regulations in accord-*
9 *ance with paragraph (1)(B) as of the expiration of*
10 *such period.*

11 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
12 **SUPER PACS BY FEDERAL CANDIDATES AND**
13 **OFFICEHOLDERS.**

14 (a) *IN GENERAL.*—*Section 323(e)(1) of the Federal*
15 *Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1)) is*
16 *amended—*

17 (1) *by striking “or” at the end of subparagraph*
18 (A);

19 (2) *by striking the period at the end of subpara-*
20 *graph (B) and inserting “; or”; and*

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

23 “(C) *solicit, receive, direct, or transfer funds*
24 *to or on behalf of any political committee which*
25 *accepts donations or contributions that do not*

1 *comply with the limitations, prohibitions, and*
2 *reporting requirements of this Act (or to or on*
3 *behalf of any account of a political committee*
4 *which is established for the purpose of accepting*
5 *such donations or contributions), or to or on be-*
6 *half of any political organization under section*
7 *527 of the Internal Revenue Code of 1986 which*
8 *accepts such donations or contributions (other*
9 *than a committee of a State or local political*
10 *party or a candidate for election for State or*
11 *local office).”.*

12 ***(b) EFFECTIVE DATE.***—*The amendment made by sub-*
13 *section (a) shall apply with respect to elections occurring*
14 *after January 1, 2020.*

15 ***Subtitle C—Severability***

16 ***SEC. 6201. SEVERABILITY.***

17 *If any provision of this title or amendment made by*
18 *this title, or the application of a provision or amendment*
19 *to any person or circumstance, is held to be unconstitu-*
20 *tional, the remainder of this title and amendments made*
21 *by this title, and the application of the provisions and*
22 *amendment to any person or circumstance, shall not be af-*
23 *ected by the holding.*

1 ***DIVISION C—ETHICS***
2 ***TITLE VII—[RESERVED]***
3 ***TITLE VIII—[RESERVED]***
4 ***TITLE IX—CONGRESSIONAL***
5 ***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.

1 ***Subtitle A—Requiring Members of***
2 ***Congress to Reimburse Treasury***
3 ***for Amounts Paid as Settlements***
4 ***and Awards Under Congres-***
5 ***sional Accountability Act of 1995***

6 ***SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-***
7 ***BURSE TREASURY FOR AMOUNTS PAID AS***
8 ***SETTLEMENTS AND AWARDS UNDER CON-***
9 ***GRESSIONAL ACCOUNTABILITY ACT OF 1995***
10 ***IN ALL CASES OF EMPLOYMENT DISCRIMINA-***
11 ***TION ACTS BY MEMBERS.***

12 *(a) REQUIRING REIMBURSEMENT.—Clause (i) of sec-*
13 *tion 415(d)(1)(C) of the Congressional Accountability Act*
14 *of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section*
15 *111(a) of the Congressional Accountability Act of 1995 Re-*
16 *form Act, is amended to read as follows:*

17 *“(i) a violation of section 201(a) or*
18 *section 206(a); or”.*

19 *(b) CONFORMING AMENDMENT RELATING TO NOTIFI-*
20 *CATION OF POSSIBILITY OF REIMBURSEMENT.—Clause (i)*
21 *of section 402(b)(2)(B) of the Congressional Accountability*
22 *Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended by sec-*
23 *tion 102(a) of the Congressional Accountability Act of 1995*
24 *Reform Act, is amended to read as follows:*

1 “(i) a violation of section 201(a) or
2 section 206(a); or”.

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall take effect as if included in the enactment of*
5 *the Congressional Accountability Act of 1995 Reform Act.*

6 ***Subtitle B—Conflicts of Interests***

7 ***SEC. 9101. [RESERVED].***

8 ***SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS***
9 ***OF CONGRESS AND CONGRESSIONAL STAFF.***

10 *No Member, officer, or employee of a committee or*
11 *Member of either House of Congress may knowingly use his*
12 *or her official position to introduce or aid the progress or*
13 *passage of legislation, a principal purpose of which is to*
14 *further only his or her pecuniary interest, only the pecu-*
15 *niary interest of his or her immediate family, or only the*
16 *pecuniary interest of a limited class of persons or enter-*
17 *prises, when he or she, or his or her immediate family, or*
18 *enterprises controlled by them, are members of the affected*
19 *class.*

20 ***SEC. 9103. EXERCISE OF RULEMAKING POWERS.***

21 *The provisions of this subtitle are enacted by the Con-*
22 *gress—*

23 (1) *as an exercise of the rulemaking power of the*
24 *House of Representatives and the Senate, respectively,*
25 *and as such they shall be considered as part of the*

1 *rules of each House, respectively, or of that House to*
2 *which they specifically apply, and such rules shall su-*
3 *persede other rules only to the extent that they are in-*
4 *consistent therewith; and*

5 *(2) with full recognition of the constitutional*
6 *right of either House to change such rules (so far as*
7 *relating to such House) at any time, in the same*
8 *manner, and to the same extent as in the case of any*
9 *other rule of such House.*

10 ***Subtitle C—Campaign Finance and***
11 ***Lobbying Disclosure***

12 ***SEC. 9201. SHORT TITLE.***

13 *This subtitle may be cited as the “Connecting Lobby-*
14 *ists and Electeds for Accountability and Reform Act” or*
15 *the “CLEAR Act”.*

16 ***SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS***

17 ***FILED WITH FEDERAL ELECTION COMMIS-***

18 ***SION OF PERSONS WHO ARE REGISTERED***

19 ***LOBBYISTS.***

20 *(a) REPORTS FILED BY POLITICAL COMMITTEES.—*

21 *Section 304(b) of the Federal Election Campaign Act of*
22 *1971 (52 U.S.C. 30104(b)) is amended—*

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

24 *(7);*

1 (2) *by striking the period at the end of para-*
2 *graph (8) and inserting “; and”; and*

3 (3) *by adding at the end the following new para-*
4 *graph:*

5 “(9) *if any person identified in subparagraph*
6 *(A), (E), (F), or (G) of paragraph (3) is a registered*
7 *lobbyist under the Lobbying Disclosure Act of 1995,*
8 *a separate statement that such person is a registered*
9 *lobbyist under such Act.”.*

10 (b) *REPORTS FILED BY PERSONS MAKING INDE-*
11 *PENDENT EXPENDITURES.—Section 304(c)(2) of such Act*
12 *(52 U.S.C. 30104(c)(2)) is amended—*

13 (1) *by striking “and” at the end of subpara-*
14 *graph (B);*

15 (2) *by striking the period at the end of subpara-*
16 *graph (C) and inserting “; and”; and*

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

19 “(D) *if the person filing the statement, or a per-*
20 *son whose identification is required to be disclosed*
21 *under subparagraph (C), is a registered lobbyist*
22 *under the Lobbying Disclosure Act of 1995, a separate*
23 *statement that such person is a registered lobbyist*
24 *under such Act.”.*

1 (c) *REPORTS FILED BY PERSONS MAKING DISBURSE-*
2 *MENTS FOR ELECTIONEERING COMMUNICATIONS.*—Section
3 *304(f)(2) of such Act (52 U.S.C. 30104(f)(2)) is amended*
4 *by adding at the end the following new subparagraph:*

5 “(G) *If the person making the disbursement,*
6 *or a contributor described in subparagraph (E)*
7 *or (F), is a registered lobbyist under the Lob-*
8 *bying Disclosure Act of 1995, a separate state-*
9 *ment that such person or contributor is a reg-*
10 *istered lobbyist under such Act.”.*

11 (d) *REQUIRING COMMISSION TO ESTABLISH LINK TO*
12 *WEBSITES OF CLERK OF HOUSE AND SECRETARY OF SEN-*
13 *ATE.*—Section *304 of such Act (52 U.S.C. 30104), as*
14 *amended by section 4308(a), is amended by adding at the*
15 *end the following new subsection:*

16 “(k) *REQUIRING INFORMATION ON REGISTERED LOB-*
17 *BYISTS TO BE LINKED TO WEBSITES OF CLERK OF HOUSE*
18 *AND SECRETARY OF SENATE.*—

19 “(1) *LINKS TO WEBSITES.*—*The Commission*
20 *shall ensure that the Commission’s public database*
21 *containing information described in paragraph (2) is*
22 *linked electronically to the websites maintained by the*
23 *Secretary of the Senate and the Clerk of the House of*
24 *Representatives containing information filed pursu-*
25 *ant to the Lobbying Disclosure Act of 1995.*

1 “(2) *INFORMATION DESCRIBED.*—*The informa-*
2 *tion described in this paragraph is each of the fol-*
3 *lowing:*

4 “(A) *Information disclosed under para-*
5 *graph (9) of subsection (b).*

6 “(B) *Information disclosed under subpara-*
7 *graph (D) of subsection (c)(2).*

8 “(C) *Information disclosed under subpara-*
9 *graph (G) of subsection (f)(2).*”.

10 **SEC. 9203. EFFECTIVE DATE.**

11 *The amendments made by this subtitle shall apply*
12 *with respect to reports required to be filed under the Federal*
13 *Election Campaign Act of 1971 on or after the expiration*
14 *of the 90-day period which begins on the date of the enact-*
15 *ment of this Act.*

16 ***Subtitle D—Access to***
17 ***Congressionally Mandated Reports***

18 **SEC. 9301. SHORT TITLE.**

19 *This subtitle may be cited as the “Access to Congres-*
20 *sionally Mandated Reports Act”.*

21 **SEC. 9302. DEFINITIONS.**

22 *In this subtitle:*

23 “(1) *CONGRESSIONALLY MANDATED REPORT.*—*The*
24 *term “congressionally mandated report”—*

1 (A) means a report that is required to be
2 submitted to either House of Congress or any
3 committee of Congress, or subcommittee thereof,
4 by a statute, resolution, or conference report that
5 accompanies legislation enacted into law; and

6 (B) does not include a report required
7 under part B of subtitle II of title 36, United
8 States Code.

9 (2) *DIRECTOR*.—The term “Director” means the
10 Director of the Government Publishing Office.

11 (3) *FEDERAL AGENCY*.—The term “Federal agen-
12 cy” has the meaning given that term under section
13 102 of title 40, United States Code, but does not in-
14 clude the Government Accountability Office.

15 (4) *OPEN FORMAT*.—The term “open format”
16 means a file format for storing digital data based on
17 an underlying open standard that—

18 (A) is not encumbered by any restrictions
19 that would impede reuse; and

20 (B) is based on an underlying open data
21 standard that is maintained by a standards or-
22 ganization.

23 (5) *REPORTS ONLINE PORTAL*.—The term “re-
24 ports online portal” means the online portal estab-
25 lished under section (3)(a).

1 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
2 **GRESSIONALLY MANDATED REPORTS.**

3 *(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—*

4 *(1) IN GENERAL.—Not later than 1 year after*
5 *the date of enactment of this Act, the Director shall*
6 *establish and maintain an online portal accessible by*
7 *the public that allows the public to obtain electronic*
8 *copies of all congressionally mandated reports in one*
9 *place. The Director may publish other reports on the*
10 *online portal.*

11 *(2) EXISTING FUNCTIONALITY.—To the extent*
12 *possible, the Director shall meet the requirements*
13 *under paragraph (1) by using existing online portals*
14 *and functionality under the authority of the Director.*

15 *(3) CONSULTATION.—In carrying out this sub-*
16 *title, the Director shall consult with the Clerk of the*
17 *House of Representatives, the Secretary of the Senate,*
18 *and the Librarian of Congress regarding the require-*
19 *ments for and maintenance of congressionally man-*
20 *dated reports on the reports online portal.*

21 *(b) CONTENT AND FUNCTION.—The Director shall en-*
22 *sure that the reports online portal includes the following:*

23 *(1) Subject to subsection (c), with respect to each*
24 *congressionally mandated report, each of the fol-*
25 *lowing:*

1 (A) *A citation to the statute, conference re-*
2 *port, or resolution requiring the report.*

3 (B) *An electronic copy of the report, includ-*
4 *ing any transmittal letter associated with the re-*
5 *port, in an open format that is platform inde-*
6 *pendent and that is available to the public with-*
7 *out restrictions, including restrictions that would*
8 *impede the re-use of the information in the re-*
9 *port.*

10 (C) *The ability to retrieve a report, to the*
11 *extent practicable, through searches based on*
12 *each, and any combination, of the following:*

13 (i) *The title of the report.*

14 (ii) *The reporting Federal agency.*

15 (iii) *The date of publication.*

16 (iv) *Each congressional committee re-*
17 *ceiving the report, if applicable.*

18 (v) *The statute, resolution, or con-*
19 *ference report requiring the report.*

20 (vi) *Subject tags.*

21 (vii) *A unique alphanumeric identifier*
22 *for the report that is consistent across re-*
23 *port editions.*

24 (viii) *The serial number, Super-*
25 *intendent of Documents number, or other*

1 *identification number for the report, if ap-*
2 *plicable.*

3 *(ix) Key words.*

4 *(x) Full text search.*

5 *(xi) Any other relevant information*
6 *specified by the Director.*

7 *(D) The date on which the report was re-*
8 *quired to be submitted, and on which the report*
9 *was submitted, to the reports online portal.*

10 *(E) Access to the report not later than 30*
11 *calendar days after its submission to Congress.*

12 *(F) To the extent practicable, a permanent*
13 *means of accessing the report electronically.*

14 *(2) A means for bulk download of all congres-*
15 *sionally mandated reports.*

16 *(3) A means for downloading individual reports*
17 *as the result of a search.*

18 *(4) An electronic means for the head of each Fed-*
19 *eral agency to submit to the reports online portal each*
20 *congressionally mandated report of the agency, as re-*
21 *quired by section 4.*

22 *(5) In tabular form, a list of all congressionally*
23 *mandated reports that can be searched, sorted, and*
24 *downloaded by—*

1 (A) reports submitted within the required
2 time;

3 (B) reports submitted after the date on
4 which such reports were required to be submitted;
5 and

6 (C) reports not submitted.

7 (c) *NONCOMPLIANCE BY FEDERAL AGENCIES.*—

8 (1) *REPORTS NOT SUBMITTED.*—If a Federal
9 agency does not submit a congressionally mandated
10 report to the Director, the Director shall to the extent
11 practicable—

12 (A) include on the reports online portal—

13 (i) the information required under
14 clauses (i), (ii), (iv), and (v) of subsection
15 (b)(1)(C); and

16 (ii) the date on which the report was
17 required to be submitted; and

18 (B) include the congressionally mandated
19 report on the list described in subsection
20 (b)(5)(C).

21 (2) *REPORTS NOT IN OPEN FORMAT.*—If a Fed-
22 eral agency submits a congressionally mandated re-
23 port that is not in an open format, the Director shall
24 include the congressionally mandated report in an-
25 other format on the reports online portal.

1 (d) *FREE ACCESS.*—*The Director may not charge a*
2 *fee, require registration, or impose any other limitation in*
3 *exchange for access to the reports online portal.*

4 (e) *UPGRADE CAPABILITY.*—*The reports online portal*
5 *shall be enhanced and updated as necessary to carry out*
6 *the purposes of this subtitle.*

7 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

8 (a) *SUBMISSION OF ELECTRONIC COPIES OF RE-*
9 *PORTS.*—*Concurrently with the submission to Congress of*
10 *each congressionally mandated report, the head of the Fed-*
11 *eral agency submitting the congressionally mandated report*
12 *shall submit to the Director the information required under*
13 *subparagraphs (A) through (D) of section 3(b)(1) with re-*
14 *spect to the congressionally mandated report. Nothing in*
15 *this subtitle shall relieve a Federal agency of any other re-*
16 *quirement to publish the congressionally mandated report*
17 *on the online portal of the Federal agency or otherwise sub-*
18 *mit the congressionally mandated report to Congress or spe-*
19 *cific committees of Congress, or subcommittees thereof.*

20 (b) *GUIDANCE.*—*Not later than 240 days after the date*
21 *of enactment of this Act, the Director of the Office of Man-*
22 *agement and Budget, in consultation with the Director,*
23 *shall issue guidance to agencies on the implementation of*
24 *this Act.*

1 (c) *STRUCTURE OF SUBMITTED REPORT DATA.*—The
2 head of each Federal agency shall ensure that each congres-
3 sionally mandated report submitted to the Director com-
4 plies with the open format criteria established by the Direc-
5 tor in the guidance issued under subsection (b).

6 (d) *POINT OF CONTACT.*—The head of each Federal
7 agency shall designate a point of contact for congressionally
8 mandated report.

9 (e) *LIST OF REPORTS.*—As soon as practicable each
10 calendar year (but not later than April 1), and on a rolling
11 basis during the year if feasible, the Librarian of Congress
12 shall submit to the Director a list of congressionally man-
13 dated reports from the previous calendar year, in consulta-
14 tion with the Clerk of the House of Representatives, which
15 shall—

16 (1) be provided in an open format;

17 (2) include the information required under
18 clauses (i), (ii), (iv), (v) of section 3(b)(1)(C) for each
19 report;

20 (3) include the frequency of the report;

21 (4) include a unique alphanumeric identifier for
22 the report that is consistent across report editions;

23 (5) include the date on which each report is re-
24 quired to be submitted; and

1 (6) be updated and provided to the Director, as
2 *necessary.*

3 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

4 *A report submitted to be published to the reports online*
5 *portal may only be changed or removed, with the exception*
6 *of technical changes, by the head of the Federal agency con-*
7 *cerned if—*

8 (1) *the head of the Federal agency consults with*
9 *each congressional committee to which the report is*
10 *submitted; and*

11 (2) *Congress enacts a joint resolution author-*
12 *izing the changing or removal of the report.*

13 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
14 **TION ACT.**

15 (a) *IN GENERAL.*—*Nothing in this subtitle shall be*
16 *construed to—*

17 (1) *require the disclosure of information or*
18 *records that are exempt from public disclosure under*
19 *section 552 of title 5, United States Code; or*

20 (2) *to impose any affirmative duty on the Direc-*
21 *tor to review congressionally mandated reports sub-*
22 *mitted for publication to the reports online portal for*
23 *the purpose of identifying and redacting such infor-*
24 *mation or records.*

1 **(b) REDACTION OF INFORMATION.**—*The head of a Fed-*
2 *eral agency may redact information required to be disclosed*
3 *under this Act if the information would be properly with-*
4 *held from disclosure under section 552 of title 5, United*
5 *States Code, and shall—*

6 (1) *redact information required to be disclosed*
7 *under this subtitle if disclosure of such information is*
8 *prohibited by law;*

9 (2) *redact information being withheld under this*
10 *subsection prior to submitting the information to the*
11 *Director;*

12 (3) *redact only such information properly with-*
13 *held under this subsection from the submission of in-*
14 *formation or from any congressionally mandated re-*
15 *port submitted under this subtitle;*

16 (4) *identify where any such redaction is made in*
17 *the submission or report; and*

18 (5) *identify the exemption under which each such*
19 *redaction is made.*

20 **SEC. 9307. IMPLEMENTATION.**

21 *Except as provided in section 9304(b), this subtitle*
22 *shall be implemented not later than 1 year after the date*
23 *of enactment of this Act and shall apply with respect to*
24 *congressionally mandated reports submitted to Congress on*
25 *or after the date that is 1 year after such date of enactment.*

1 ***Subtitle E—Severability***

2 ***SEC. 9401. SEVERABILITY.***

3 *If any provision of this title or amendment made by*
4 *this title, or the application of a provision or amendment*
5 *to any person or circumstance, is held to be unconstitu-*
6 *tional, the remainder of this title and amendments made*
7 *by this title, and the application of the provisions and*
8 *amendment to any person or circumstance, shall not be af-*
9 *ected by the holding.*

10 ***TITLE X—[RESERVED]***