

107TH CONGRESS
1ST SESSION

H. R. 1170

To protect voting rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2001

Mr. CONYERS (for himself, Mr. BONIOR, Mr. FROST, Mr. DOOLEY of California, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. SCOTT, Mr. WATT of North Carolina, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Ms. BALDWIN, Mr. RANGEL, Mr. OWENS, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Ms. NORTON, Mr. JEFFERSON, Mrs. CLAYTON, Mr. BISHOP, Ms. BROWN of Florida, Mr. CLYBURN, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. HILLIARD, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. RUSH, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Ms. MILLENDER-McDONALD, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FORD, Ms. KILPATRICK, Ms. LEE, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. CLAY, Mr. STARK, Mr. LaFALCE, Mr. KLECZKA, Ms. SLAUGHTER, Ms. PELOSI, Mr. ANDREWS, Ms. DeLAURO, Mr. OLVER, Mr. DEUTSCH, Mr. FILNER, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. BLAGOJEVICH, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Ms. SANCHEZ, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. CAPUANO, Mr. CROWLEY, Mr. GONZALEZ, Mr. HOEFFEL, Mr. HOLT, Mr. UDALL of Colorado, Mr. BACA, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, 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

A BILL

To protect voting rights, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Equal Protection of Voting Rights Act of 2001”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—REQUIREMENTS FOR EQUAL PROTECTION OF VOTING
 RIGHTS

Sec. 101. Requirements for equal protection of voting rights.

“SUBPART 4—REQUIREMENTS FOR EQUAL PROTECTION OF VOTING RIGHTS

“CHAPTER A—VOTING RIGHTS IN FEDERAL ELECTIONS

“Sec. 531. Requirements for protection of voting rights.

“Sec. 532. Requiring States to meet requirements.

“Sec. 533. Reimbursement for costs of meeting requirements.

“Sec. 534. Responsibilities of Attorney General.

“Sec. 535. Technical specifications and guidelines.

“CHAPTER B—VOTING RIGHTS IN STATE AND LOCAL ELECTIONS

“Sec. 541. Equal protection of voting rights for State and local elections.

“Sec. 542. Reimbursement for costs of carrying out activities.

“Sec. 543. Responsibilities of Attorney General.

“Sec. 544. Technical specifications and guidelines.

“CHAPTER C—DEFINITIONS

“Sec. 551. Definitions.

TITLE II—EARLY BIRD AND GOOD CITIZEN GRANT PROGRAM

Sec. 201. Early bird and good citizen grant program.

“SUBPART 5—EARLY BIRD AND GOOD CITIZEN GRANT PROGRAM

“Sec. 571. Establishment of Early Bird and Good Citizen grant program.

“Sec. 572. Authorized activities.

“Sec. 573. General policies and criteria for the approval of applications of
 States and localities; requirements of State plans.

“Sec. 574. Submission of applications of States and localities.

“Sec. 575. Approval of applications of States and localities.

“Sec. 576. Federal matching funds.

“Sec. 577. Audits and examinations of States and localities.

“Sec. 578. Reports to Congress and the Attorney General.

“Sec. 579. Nondiscrimination.

“Sec. 580. Definitions of State and locality.

“Sec. 581. Authorization of appropriations.

TITLE III—COMMISSION ON VOTING RIGHTS AND PROCEDURES

Sec. 301. Establishment.

Sec. 302. Membership of the Commission.

Sec. 303. Duties of the Commission.

Sec. 304. Powers of the Commission.

Sec. 305. Commission personnel matters.

Sec. 306. Termination of the Commission.

Sec. 307. Authorization of appropriations for the Commission.

TITLE IV—ANTITRUST EXEMPTION

Sec. 401. Antitrust exemption for cooperative activities relating to compliance of voting systems with requirements.

Sec. 402. Antitrust laws defined.

TITLE V—MISCELLANEOUS

Sec. 501. Relationship to other laws.

Sec. 502. Severability.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The right to vote is a fundamental and in-
4 controvertible right under the Constitution.

5 (2) The United States Supreme Court held in
6 *Bush v. Gore* that a lack of uniform and nondiscrim-
7 inatory standards with respect to Presidential elec-
8 tions violates the Equal Protection Clause of the
9 14th amendment to the Constitution of the United
10 States.

11 (3) There is overwhelming evidence that dis-
12 parate procedures and antiquated machinery are po-
13 tentially resulting in the disenfranchisement of mil-
14 lions of voters.

1 (4) There is overwhelming evidence that dis-
2 parate procedures and antiquated machinery have a
3 disproportionate racial impact.

4 (5) Congress has authority under section 4 of
5 article I of the Constitution of the United States,
6 section 5 of the 14th amendment to the Constitution
7 of the United States, and section 2 of the 15th
8 amendment to the Constitution of the United States
9 to enact legislation to address the equal protection
10 and other constitutional violations that may be
11 caused by outdated voting systems.

12 (6) Congress should encourage and enable every
13 eligible American to vote by reaffirming that the
14 right to vote is a fundamental right under the Con-
15 stitution.

16 (7) Congress should encourage and enable every
17 eligible American to vote by reaffirming that the
18 United States is a democratic Government “of the
19 people, by the people, and for the people” where
20 every vote counts.

21 (8) Congress should encourage and enable every
22 eligible American to vote by eliminating procedural,
23 physical, and technological obstacles to voting.

1 (9) Congress should counter discrimination in
2 voting by removing barriers to the exercise of the
3 constitutionally protected right to vote.

4 (10) There is a concern that persons with dis-
5 abilities and impairments face difficulties in voting.

6 (11) There are practices designed to purge ille-
7 gal voters from voter rolls which result in the elimi-
8 nation of legal voters as well.

9 (12) State governments have already begun to
10 examine ways to improve the administration of elec-
11 tions and to modernize mechanisms and machinery
12 for voting.

13 (13) Congress has an obligation to ensure that
14 the necessary resources are available to States and
15 localities to ensure the equal protection of voting
16 rights and to ensure the integrity of and full partici-
17 pation of all Americans in the democratic elections
18 process.

1 **TITLE I—REQUIREMENTS FOR**
2 **EQUAL PROTECTION OF VOT-**
3 **ING RIGHTS**

4 **SEC. 101. REQUIREMENTS FOR EQUAL PROTECTION OF**
5 **VOTING RIGHTS.**

6 Part E of title I of Public Law 90–351 (42 U.S.C.
7 3750 et seq.) is amended by adding at the end the fol-
8 lowing new subpart:

9 **“Subpart 4—Requirements For Equal Protection of**
10 **Voting Rights**

11 **“CHAPTER A—VOTING RIGHTS IN FEDERAL**
12 **ELECTIONS**

13 **“SEC. 531. REQUIREMENTS FOR PROTECTION OF VOTING**
14 **RIGHTS.**

15 “(a) VOTING SYSTEMS.—To carry out section 5 of
16 the fourteenth amendment to the Constitution of the
17 United States, each voting system used in an election for
18 Federal office shall meet the following requirements:

19 “(1) The system shall permit the voter to verify
20 the votes selected by the voter on a ballot before the
21 ballot is cast and tabulated, and shall provide the
22 voter with the opportunity to correct any error be-
23 fore the ballot is cast and tabulated.

24 “(2) If the voter selects votes for more than one
25 candidate for a single office, the system shall notify

1 the voter before the ballot is cast and tabulated of
2 the effect of casting multiple votes for the office, and
3 shall provide the voter with the opportunity to cor-
4 rect the ballot before the ballot is cast and tab-
5 ulated.

6 “(3) If the voter selects votes for fewer than the
7 number of candidates for which votes may be cast,
8 the system shall notify the voter before the ballot is
9 cast and tabulated of the effect of undervoting, and
10 shall provide the voter with the opportunity to cor-
11 rect the ballot before the ballot is cast and tab-
12 ulated.

13 “(4) The system shall produce an auditable
14 record for each ballot cast.

15 “(5) The system shall be accessible for individ-
16 uals with disabilities and other individuals with spe-
17 cial needs, including providing nonvisual accessibility
18 for the blind and visually impaired which provides
19 the same opportunity for access and participation
20 (including privacy and independence) as for other
21 voters, and shall provide alternative language acces-
22 sibility for individuals with limited proficiency in the
23 English language.

1 “(6) The voting system’s error rate shall be as
2 close to zero as practicable when the system is prop-
3 erly used.

4 “(b) PROVISIONAL VOTING.—To carry out section 5
5 of the fourteenth amendment to the Constitution of the
6 United States, if the name of an individual who claims
7 to be a registrant eligible to vote at a polling place in an
8 election for Federal office does not appear on the official
9 list of registrants eligible to vote at the polling place, or
10 it is otherwise asserted by an election official that the indi-
11 vidual is not eligible to vote at the polling place—

12 “(1) an election official at the polling place
13 shall notify the individual that the individual may
14 cast a provisional ballot in the election;

15 “(2) the individual shall be permitted to cast a
16 vote at that polling place upon written affirmation
17 by the individual before an election official at that
18 polling place that the individual is so eligible;

19 “(3) an election official at the polling place
20 shall transfer the ballot cast by the individual to an
21 appropriate State or local election official for prompt
22 verification of the claim made by the individual in
23 the affirmation required under paragraph (2);

24 “(4) if the appropriate State or local election
25 official verifies the claim made by the individual in

1 the affirmation, the individual's vote shall be tab-
2 ulated; and

3 “(5) the appropriate State or local election offi-
4 cial shall notify the individual in writing of the dis-
5 position of the individual's claim and the treatment
6 of the individual's vote.

7 “(c) SAMPLE BALLOT.—

8 “(1) MAILINGS TO VOTERS.—To carry out sec-
9 tion 5 of the fourteenth amendment to the Constitu-
10 tion of the United States, not later than 10 days
11 prior to the date of an election for Federal office,
12 each individual who is registered to vote in such
13 election shall be mailed a sample version of the bal-
14 lot which will be used for the election by the appro-
15 priate election official, together with—

16 “(A) information regarding the date of the
17 election and the hours during which polling
18 places will be open;

19 “(B) instructions on how to cast a vote on
20 the ballot; and

21 “(C) general information on voting rights
22 under Federal and applicable State laws and in-
23 structions on how to contact the appropriate of-
24 ficials if these rights are alleged to be violated.

1 “(2) PUBLICATION AND POSTING.—The sample
2 version of the ballot which will be used for an elec-
3 tion for Federal office and which is mailed under
4 paragraph (1) shall be published in a newspaper of
5 general circulation in the applicable geographic area
6 not later than 10 days prior to the date of the elec-
7 tion, and shall be posted publicly at each polling
8 place on the date of the election.

9 **“SEC. 532. REQUIRING STATES TO MEET REQUIREMENTS.**

10 “To carry out section 5 of the fourteenth amendment
11 to the Constitution of the United States, each State shall
12 meet the requirements of section 531 with respect to elec-
13 tions for Federal office held in the State beginning not
14 later than the regularly scheduled general election for Fed-
15 eral office held in the State in 2004.

16 **“SEC. 533. REIMBURSEMENT FOR COSTS OF MEETING RE-**
17 **QUIREMENTS.**

18 “(a) IN GENERAL.—The Attorney General shall
19 make payments to each State to reimburse the State for
20 the costs incurred by the State in meeting the require-
21 ments of section 531.

22 “(b) REGULATIONS.—The Attorney General shall
23 make the payments required under this section in accord-
24 ance with such requirements as the Attorney General may
25 by regulation establish, including requirements relating to

1 the timing of payments, the submission of claims by
2 States, and the review of such claims by the Attorney Gen-
3 eral.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Attorney General
6 such sums as may be necessary for making payments
7 under this section.

8 **“SEC. 534. RESPONSIBILITIES OF ATTORNEY GENERAL.**

9 “(a) IN GENERAL.—The Attorney General shall be
10 responsible for carrying out this chapter, in accordance
11 with such regulations as the Attorney General may issue.

12 “(b) ENFORCEMENT.—

13 “(1) IN GENERAL.—The Attorney General may
14 bring a civil action in an appropriate district court
15 for such relief (including declaratory or injunctive
16 relief) as may be necessary to carry out this chapter.

17 “(2) RELATION TO OTHER LAWS.—The rem-
18 edies established by this subsection are in addition
19 to all other rights and remedies provided by law.

20 “(c) ACTION THROUGH ASSISTANT ATTORNEY GEN-
21 ERAL FOR CIVIL RIGHTS.—The Attorney General shall
22 issue regulations pursuant to this section, and shall other-
23 wise carry out this chapter, through the Assistant Attor-
24 ney General for the Civil Rights Division.

1 **“SEC. 535. TECHNICAL SPECIFICATIONS AND GUIDELINES.**

2 “(a) IN GENERAL.—To carry out section 5 of the
3 fourteenth amendment to the Constitution of the United
4 States, in accordance with the requirements of this chap-
5 ter, and in consultation with the Office of Election Admin-
6 istration of the Federal Election Commission, the Office
7 of Civil Rights of the Department of Justice shall
8 develop—

9 “(1) technical specifications with respect to the
10 voting system requirements provided under section
11 531(a);

12 “(2) guidelines with respect to the provisional
13 voting requirements provided under section 531(b);
14 and

15 “(3) guidelines with respect to the sample ballot
16 requirements provided under section 531(c).

17 “(b) DEADLINE FOR INITIAL SPECIFICATIONS AND
18 GUIDELINES.—The Office of Civil Rights shall develop the
19 initial set of technical specifications and guidelines under
20 subsection (a) not later than 1 year after the date of the
21 enactment of this Act.

22 “(c) PROVISION OF CONTINUING INFORMATION.—
23 After preparing the initial set of technical specifications
24 and guidelines under subsection (a), the Office of Civil
25 Rights shall continue to provide information to assist the
26 Attorney General in carrying out this chapter, including

1 preparing revised technical specifications and guidelines at
2 such times as the Attorney General considers appropriate.

3 **“CHAPTER B—VOTING RIGHTS IN STATE AND**
4 **LOCAL ELECTIONS**

5 **“SEC. 541. EQUAL PROTECTION OF VOTING RIGHTS FOR**
6 **STATE AND LOCAL ELECTIONS.**

7 “(a) VOTING SYSTEMS.—To carry out section 5 of
8 the fourteenth amendment to the Constitution of the
9 United States, the Attorney General shall provide reim-
10 bursement to each State (in accordance with section 542)
11 which protects voting rights by ensuring that each voting
12 system used for elections for State and local office meets
13 the following requirements:

14 “(1) The system shall permit the voter to verify
15 the votes selected by the voter on a ballot before the
16 ballot is cast and tabulated, and shall provide the
17 voter with the opportunity to correct any error be-
18 fore the ballot is cast and tabulated.

19 “(2) If the voter selects votes for more than one
20 candidate for a single office, the system shall notify
21 the voter before the ballot is cast and tabulated of
22 the effect of casting multiple votes for the office, and
23 shall provide the voter with the opportunity to cor-
24 rect the ballot before the ballot is cast and tab-
25 ulated.

1 “(3) If the voter selects votes for fewer than the
2 number of candidates for which votes may be cast,
3 the system shall notify the voter before the ballot is
4 cast and tabulated of the effect of undervoting, and
5 shall provide the voter with the opportunity to cor-
6 rect the ballot before the ballot is cast and tab-
7 ulated.

8 “(4) The system shall produce an auditable
9 record for each ballot cast.

10 “(5) The system shall be accessible for individ-
11 uals with disabilities and other individuals with spe-
12 cial needs, including providing nonvisual accessibility
13 for the blind and visually impaired which provides
14 the same opportunity for access and participation
15 (including privacy and independence) as for other
16 voters, and shall provide alternative language acces-
17 sibility for individuals with limited proficiency in the
18 English language.

19 “(6) The voting system’s error rate shall be as
20 close to zero as practicable when the system is prop-
21 erly used.

22 “(b) PROVISIONAL VOTING.—To carry out section 5
23 of the fourteenth amendment to the Constitution of the
24 United States, the Attorney General shall provide reim-
25 bursement to each State (in accordance with section 542)

1 which protects voting rights by ensuring that if the name
2 of an individual who claims to be a registrant eligible to
3 vote at a polling place in an election for State or local
4 office does not appear on the official list of registrants
5 eligible to vote at the polling place, or it is otherwise as-
6 serted by an election official that the individual is not eligi-
7 ble to vote at the polling place—

8 “(1) an election official at the polling place
9 shall notify the individual that the individual may
10 cast a provisional ballot in the election;

11 “(2) the individual shall be permitted to cast a
12 vote at that polling place upon written affirmation
13 by the individual before an election official at that
14 polling place that the individual is so eligible;

15 “(3) an election official at the polling place
16 shall transfer the ballot cast by the individual to an
17 appropriate State or local election official for prompt
18 verification of the claim made by the individual in
19 the affirmation required under paragraph (2);

20 “(4) if the appropriate State or local election
21 official verifies the claim made by the individual in
22 the affirmation, the individual’s vote shall be tab-
23 ulated; and

24 “(5) the appropriate State or local election offi-
25 cial shall notify the individual in writing of the dis-

1 position of the individual's claim and the treatment
2 of the individual's vote.

3 “(c) SAMPLE BALLOT.—

4 “(1) MAILINGS TO VOTERS.—To carry out sec-
5 tion 5 of the fourteenth amendment to the Constitu-
6 tion of the United States, the Attorney General shall
7 provide reimbursement to each State (in accordance
8 with section 542) which protects voting rights by en-
9 suring that each individual who is registered to vote
10 in an election for State or local office is mailed a
11 sample version of the ballot which will be used for
12 the election by the appropriate election official (not
13 later than 10 days prior to the date of the election),
14 together with—

15 “(A) information regarding the date of the
16 election and the hours during which polling
17 places will be open;

18 “(B) instructions on how to cast a vote on
19 the ballot; and

20 “(C) general information on voting rights
21 under Federal and applicable State laws and in-
22 structions on how to contact the appropriate of-
23 ficials if these rights are alleged to be violated.

24 “(2) PUBLICATION AND POSTING.—To carry
25 out section 5 of the fourteenth amendment to the

1 Constitution of the United States, the Attorney Gen-
2 eral shall provide reimbursement to each State (in
3 accordance with section 542) which protects voting
4 rights by ensuring that the sample version of the
5 ballot which will be used for an election for State or
6 local office and which is mailed under paragraph (1)
7 is published in a newspaper of general circulation in
8 the applicable geographic area not later than 10
9 days prior to the date of the election, and is posted
10 publicly at each polling place on the date of the elec-
11 tion.

12 **“SEC. 542. REIMBURSEMENT FOR COSTS OF CARRYING OUT**
13 **ACTIVITIES.**

14 “(a) IN GENERAL.—The Attorney General shall
15 make payments to each State to reimburse the State for
16 the costs incurred by the State in carrying out the activi-
17 ties described in section 541.

18 “(b) REGULATIONS.—The Attorney General shall
19 make the payments required under this section in accord-
20 ance with such requirements as the Attorney General may
21 by regulation establish, including requirements relating to
22 the timing of payments, the submission of claims by
23 States, and the review of such claims by the Attorney Gen-
24 eral.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Attorney General
3 such sums as may be necessary for making payments
4 under this section.

5 **“SEC. 543. RESPONSIBILITIES OF ATTORNEY GENERAL.**

6 “(a) IN GENERAL.—The Attorney General shall be
7 responsible for carrying out this chapter, in accordance
8 with such regulations as the Attorney General may issue.

9 “(b) ENFORCEMENT.—

10 “(1) IN GENERAL.—The Attorney General may
11 bring a civil action in an appropriate district court
12 for such relief (including declaratory or injunctive
13 relief) as may be necessary to carry out this chapter.

14 “(2) RELATION TO OTHER LAWS.—The rem-
15 edies established by this subsection are in addition
16 to all other rights and remedies provided by law.

17 “(c) ACTION THROUGH ASSISTANT ATTORNEY GEN-
18 ERAL FOR CIVIL RIGHTS.—The Attorney General shall
19 issue regulations pursuant to this section, and shall other-
20 wise carry out this chapter, through the Assistant Attor-
21 ney General for the Civil Rights Division.

22 **“SEC. 544. TECHNICAL SPECIFICATIONS AND GUIDELINES.**

23 “(a) IN GENERAL.—To carry out section 5 of the
24 fourteenth amendment to the Constitution of the United
25 States, in accordance with the requirements of this chap-

1 ter, and in consultation with the Office of Election Admin-
2 istration of the Federal Election Commission, the Office
3 of Civil Rights of the Department of Justice shall
4 develop—

5 “(1) technical specifications with respect to the
6 voting system activities described in section 541(a);

7 “(2) guidelines with respect to the provisional
8 voting activities described in section 541(b); and

9 “(3) guidelines with respect to the sample ballot
10 activities described in section 541(c).

11 “(b) DEADLINE FOR INITIAL SPECIFICATIONS AND
12 GUIDELINES.—The Office of Civil Rights shall develop the
13 initial set of technical specifications and guidelines under
14 subsection (a) not later than 1 year after the date of the
15 enactment of this Act.

16 “(c) PROVISION OF CONTINUING INFORMATION.—
17 After preparing the initial set of technical specifications
18 and guidelines under subsection (a), the Office of Civil
19 Rights shall continue to provide information to assist the
20 Attorney General in carrying out this chapter, including
21 preparing revised technical specifications and guidelines at
22 such times as the Attorney General considers appropriate.

23 “CHAPTER C—DEFINITIONS

24 “SEC. 551. DEFINITIONS.

25 “In this subpart, the following definitions shall apply:

1 “(1) The term ‘election’ means a general, spe-
 2 cial, primary, or runoff election, or a convention or
 3 caucus of a political party which has authority to
 4 nominate a candidate for elected office.

5 “(2) The term ‘State’ means each of the several
 6 States, the District of Columbia, the Commonwealth
 7 of Puerto Rico, American Samoa, Guam, and the
 8 United States Virgin Islands.”.

9 **TITLE II—EARLY BIRD AND**
 10 **GOOD CITIZEN GRANT PRO-**
 11 **GRAM**

12 **SEC. 201. EARLY BIRD AND GOOD CITIZEN GRANT PRO-**
 13 **GRAM.**

14 Part E of title I of Public Law 90–351 (42 U.S.C.
 15 3750 et seq.), as amended by section 101, is amended by
 16 adding at the end the following new subpart:

17 **“Subpart 5—Early Bird and Good Citizen Grant**
 18 **Program**

19 **“SEC. 571. ESTABLISHMENT OF EARLY BIRD AND GOOD CIT-**
 20 **IZEN GRANT PROGRAM.**

21 “(a) IN GENERAL.—Pursuant to section 5 of the
 22 fourteenth amendment to the Constitution of the United
 23 States, there is established a grant program to provide
 24 equal protection of voting rights, under which the Attor-
 25 ney General, subject to the general policies and criteria

1 for the approval of applications established under section
2 573 and in consultation with the Assistant Attorney Gen-
3 eral for the Civil Rights Division, is authorized to make
4 grants to States and localities to pay the Federal share
5 of the costs of the activities described in section 572.

6 “(b) ACTION THROUGH OFFICE OF JUSTICE PRO-
7 GRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL
8 RIGHTS.—In carrying out this subpart, the Attorney Gen-
9 eral shall act through the Assistant Attorney General for
10 the Office of Justice Programs and the Assistant Attorney
11 General for the Civil Rights Division.

12 **“SEC. 572. AUTHORIZED ACTIVITIES.**

13 “A State or locality may use grant payments received
14 under this subpart—

15 “(1) to improve, acquire, or replace voting
16 equipment or technology and improve the accessi-
17 bility of polling places, including providing physical
18 access for persons with disabilities and to other indi-
19 viduals with special needs and nonvisual access for
20 voters with visual impairments, and assistance to
21 voters with limited proficiency in the English lan-
22 guage;

23 “(2) to implement new election administration
24 procedures to increase voter participation and reduce

1 disenfranchisement, such as ‘same-day’ voter reg-
2 istration procedures;

3 “(3) to educate voters concerning voting proce-
4 dures, voting rights or voting technology, and to
5 train election personnel; or

6 “(4) upon completion of the final report under
7 section 303(c)(2) of the Equal Protection of Voting
8 Rights Act of 2001, to implement recommendations
9 contained in such report under section
10 303(c)(2)(B)(ii) of such Act.

11 **“SEC. 573. GENERAL POLICIES AND CRITERIA FOR THE AP-
12 PROVAL OF APPLICATIONS OF STATES AND
13 LOCALITIES; REQUIREMENTS OF STATE
14 PLANS.**

15 “(a) GENERAL POLICIES.—The Attorney General
16 shall establish general policies with respect to the approval
17 of applications of States and localities, the awarding of
18 grants, and the use of assistance made available under this
19 subpart.

20 “(b) CRITERIA.—

21 “(1) IN GENERAL.—The Attorney General shall
22 establish criteria with respect to the approval of ap-
23 plications of States and localities submitted under
24 section 574, including the requirements for State
25 plans under paragraph (2).

1 “(2) REQUIREMENTS OF STATE PLANS.—Attor-
2 ney General shall not approve an application of a
3 State unless the State plan of that State provides
4 for each of the following:

5 “(A) Uniform and nondiscriminatory
6 standards within the State for the equal protec-
7 tion of voting rights which meet the require-
8 ments for voting systems, provisional voting,
9 and sample ballots described in section 531.

10 “(B) Accuracy of the records of eligible
11 voters in the State to ensure that legally reg-
12 istered voters appear in such records and pre-
13 vent any purging of such records to remove ille-
14 gal voters that results in the elimination of
15 legal voters as well.

16 “(C) Uniform and nondiscriminatory vot-
17 ing standards that ensure—

18 “(i) ease and convenience of voting for
19 all voters, including accuracy, non-intimi-
20 dation, and nondiscrimination;

21 “(ii) conditions for nonvisual access
22 and other access for voters with special
23 needs that provide the same opportunity
24 for access and participation, including pri-
25 vacy and independence;

1 “(iii) compliance with the Voting Ac-
2 cessibility for the Elderly and Handicapped
3 Act (42 U.S.C. 1973ee et seq.);

4 “(iv) compliance with the Voting
5 Rights Act of 1965 (42 U.S.C. 1973aa et
6 seq.), including sections 203 and 4(f)(4);

7 “(v) compliance with the National
8 Voter Registration Act of 1993 (42 U.S.C.
9 1973gg et seq.); and

10 “(vi) overseas voters and absent uni-
11 formed service voters (as such terms are
12 defined in section 107 of the Uniformed
13 and Overseas Citizens Absentee Voting Act
14 (42 U.S.C. 1973ff-6)) have a meaningful
15 opportunity to exercise their voting rights
16 as citizens of the United States.

17 “(D) Voter education programs regarding
18 the right to vote and methodology and proce-
19 dures for participating in elections and training
20 programs for election personnel and volunteers,
21 including procedures to carry out subparagraph
22 (E).

23 “(E) An effective method of notifying vot-
24 ers at polling places on the day of election of

1 basic voting procedures to effectuate their vote
2 as provided for in State and Federal law.

3 “(F) A timetable for meeting the elements
4 of the plan.

5 “(3) CONSISTENCY WITH REQUIREMENTS FOR
6 EQUAL PROTECTION OF VOTING RIGHTS.—The cri-
7 teria established by the Attorney General under this
8 subsection and the State plans required under this
9 subsection shall be consistent with the requirements
10 for the equal protection of voting rights under sec-
11 tion 531.

12 “(c) CONSULTATION.—In establishing the general
13 policies and criteria under this section, the Attorney Gen-
14 eral shall consult with the Assistant Attorney General for
15 the Civil Rights Division.

16 **“SEC. 574. SUBMISSION OF APPLICATIONS OF STATES AND**
17 **LOCALITIES.**

18 “(a) SUBMISSION OF APPLICATIONS BY STATES.—

19 “(1) IN GENERAL.—Subject to paragraph (3),
20 the chief executive officer of each State desiring to
21 receive a grant under this subpart shall submit an
22 application to the Attorney General at such time, in
23 such manner, and accompanied by such additional
24 information as the Attorney General, in consultation

1 with the Assistant Attorney General for the Civil
2 Rights Division, may reasonably require.

3 “(2) CONTENTS OF APPLICATIONS.—Each ap-
4 plication submitted under paragraph (1) shall in-
5 clude the following:

6 “(A) STATE PLAN.—A State plan that—

7 “(i) is developed in consultation with
8 State and local election officials;

9 “(ii) describes the activities authorized
10 under section 572 for which assistance
11 under this subpart is sought; and

12 “(iii) contains a detailed explanation
13 of how the State will comply with the re-
14 quirements described in section 573(b).

15 “(B) COMPLIANCE WITH FEDERAL MATCH-
16 ING REQUIREMENTS.—An assurance that the
17 State will pay the non-Federal share of the
18 costs of the activities for which assistance is
19 sought from non-Federal sources that may be
20 accompanied by a request for a waiver of the
21 matching requirements under section 576(b)(2).

22 “(C) ADDITIONAL ASSURANCES.—Such ad-
23 ditional assurances as the Attorney General, in
24 consultation with the Assistant Attorney Gen-
25 eral for the Civil Rights Division, determines to

1 be essential to ensure compliance with the re-
2 quirements of this subpart.

3 “(3) AVAILABILITY OF STATE PLANS FOR RE-
4 VIEW AND COMMENT.—A State submitting an appli-
5 cation under this section shall make the State plan
6 proposed to be included in that application available
7 to the public for review and comment prior to the
8 submission of the application.

9 “(b) SUBMISSION OF APPLICATIONS BY LOCAL-
10 ITIES.—

11 “(1) IN GENERAL.—If a State has submitted an
12 application under subsection (a), a locality of that
13 State may submit an application for assistance to
14 the Attorney General at such time, in such manner,
15 and accompanied by such additional information as
16 the Attorney General, in consultation with the As-
17 sistant Attorney General for the Civil Rights Divi-
18 sion, may reasonably require.

19 “(2) CONTENTS OF APPLICATIONS.—Each ap-
20 plication submitted by a locality under paragraph
21 (1) shall include the following:

22 “(A) CONSISTENCY WITH STATE PLAN.—
23 Information similar to the information required
24 to be submitted under the State plan under

1 subsection (a)(2)(A) that is not inconsistent
2 with that plan.

3 “(B) NONDUPLICATION OF EFFORT.—As-
4 surances that any assistance directly provided
5 to the locality under this subpart is not avail-
6 able to that locality through the State.

7 “(C) COMPLIANCE WITH FEDERAL MATCH-
8 ING REQUIREMENTS.—A description of how the
9 locality will pay the non-Federal share from
10 non-Federal sources that may be accompanied
11 by a request for a waiver of the matching re-
12 quirements under section 576(b)(2).

13 “(D) ADDITIONAL ASSURANCES.—Such
14 additional assurances as the Attorney General,
15 in consultation with the Assistant Attorney
16 General for the Civil Rights Division, deter-
17 mines to be essential to ensure compliance with
18 the requirements of this subpart.

19 **“SEC. 575. APPROVAL OF APPLICATIONS OF STATES AND**
20 **LOCALITIES.**

21 “(a) APPROVAL OF STATE APPLICATIONS.—

22 “(1) IN GENERAL.—The Attorney General, in
23 consultation with the Assistant Attorney General for
24 the Civil Rights Division, shall approve applications
25 in accordance with the general policies and criteria

1 for the approval of applications established under
2 section 573.

3 “(2) PUBLICATION OF STATE PLANS AND SO-
4 LICITATION OF COMMENTS.—After receiving an ap-
5 plication of a State submitted under section
6 574(a)(1), the Attorney General shall publish the
7 State plan contained in that application in the Fed-
8 eral Register and solicit comments on the plan from
9 the public. The publication of and the solicitation of
10 comments on such a plan pursuant to this sub-
11 section shall not be treated as an exercise of rule-
12 making authority by the Attorney General for pur-
13 poses of subchapter II of chapter 5 of title 5, United
14 States Code.

15 “(3) APPROVAL.—At any time after the expira-
16 tion of the 30-day period which begins on the date
17 the State plan is published in the Federal Register
18 under subsection (a), and taking into consideration
19 any comments received under such subsection, the
20 Attorney General, in consultation with the Assistant
21 Attorney General for the Civil Rights Division, shall
22 approve or disapprove the application that contains
23 the State plan published under paragraph (2) in ac-
24 cordance with the general policies and criteria estab-
25 lished under section 573.

1 “(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—
2 If the Attorney General has approved the application of
3 a State under subsection (a), the Attorney General, in con-
4 sultation with the Assistant Attorney General for the Civil
5 Rights Division, may approve an application submitted by
6 a locality of that State under section 574(b) in accordance
7 with the general policies and criteria established under
8 section 573.

9 **“SEC. 576. FEDERAL MATCHING FUNDS.**

10 “(a) PAYMENTS.—Subject to subsection (d), the At-
11 torney General shall pay to each State or locality having
12 an application approved under section 575 the Federal
13 share of the cost of the activities described in that applica-
14 tion.

15 “(b) FEDERAL SHARE.—

16 “(1) IN GENERAL.—Subject to paragraphs (2)
17 and (3), for purposes of subsection (a), the Federal
18 share shall be 80 percent.

19 “(2) WAIVER.—The Attorney General may
20 specify a Federal share greater than 80 percent
21 under terms and conditions consistent with this sub-
22 part.

23 “(3) INCENTIVE FOR EARLY ACTION.—For any
24 recipient of a grant whose application was received

1 prior to March 1, 2002, the Federal share shall be
2 90 percent.

3 “(c) NON-FEDERAL SHARE.—The non-Federal share
4 of payments under this subpart may be in cash or in kind
5 fairly evaluated, including planned equipment or services.

6 “(d) COORDINATION WITH EQUAL PROTECTION OF
7 VOTING RIGHTS REQUIREMENTS.—

8 “(1) PROHIBITING PAYMENTS UNDER GRANT
9 PROGRAM FOR ACTIVITIES SUBJECT TO REIMBURSE-
10 MENT UNDER SUBPART 4.—Notwithstanding any
11 other provision of this subpart, the Attorney General
12 may not make any payment under this subpart for
13 any portion of the cost of any activity which is sub-
14 ject to reimbursement under subpart 4.

15 “(2) PROHIBITING PAYMENTS FOR RELATED
16 ACTIVITIES INCONSISTENT WITH REQUIREMENTS.—
17 In addition to the restriction described in paragraph
18 (1), the Attorney General may not make any pay-
19 ment under this subpart for the cost of any other
20 activity relating to voting systems, provisional vot-
21 ing, or sample ballots which is not consistent with
22 the requirements for the equal protection of voting
23 rights under section 531.

1 **“SEC. 577. AUDITS AND EXAMINATIONS OF STATES AND LO-**
2 **CALITIES.**

3 “(a) RECORDKEEPING REQUIREMENT.—Each recipi-
4 ent of a grant under this subpart shall keep such records
5 as the Attorney General, in consultation with the Assistant
6 Attorney General for the Civil Rights Division, shall pre-
7 scribe.

8 “(b) AUDIT AND EXAMINATION.—The Attorney Gen-
9 eral and the Comptroller General, or any authorized rep-
10 resentative of the Attorney General or the Comptroller
11 General, shall audit any recipient of a grant under this
12 subpart and shall have access to any record of a recipient
13 of a grant under this subpart that the Attorney General
14 or the Comptroller General determines may be related to
15 a grant received under this subpart for the purpose of con-
16 ducting an audit or examination.

17 **“SEC. 578. REPORTS TO CONGRESS AND THE ATTORNEY**
18 **GENERAL.**

19 “(a) REPORTS TO CONGRESS.—Not later than Janu-
20 ary 31, 2003, and each year thereafter, the Attorney Gen-
21 eral shall submit to the President and Congress a report
22 on the program under this subpart for the preceding year.
23 Each report shall contain the following:

24 “(1) A description and analysis of any activities
25 funded by a grant awarded under this subpart.

1 “(2) Any recommendation for legislative or ad-
2 ministrative action that the Attorney General con-
3 siders appropriate.

4 “(b) REPORTS TO THE ATTORNEY GENERAL.—The
5 Attorney General shall require each recipient of a grant
6 under this subpart to submit reports to the Attorney Gen-
7 eral, at such time, in such manner, and containing such
8 information as the Attorney General considers appro-
9 priate.

10 **“SEC. 579. NONDISCRIMINATION.**

11 “For the purpose of applying the prohibitions against
12 discrimination on the basis of age under the Age Discrimi-
13 nation Act of 1975 (42 U.S.C. 6101 et seq.), on the basis
14 of handicap under section 504 of the Rehabilitation Act
15 of 1973, on the basis of sex under title IX of the Edu-
16 cation Amendments of 1972 (20 U.S.C. 1681 et seq.), or
17 on the basis of race, color, or national origin under title
18 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et
19 seq.), programs and activities funded or otherwise finan-
20 cially assisted in whole or in part under this subpart are
21 considered to be programs and activities receiving Federal
22 financial assistance.

23 **“SEC. 580. DEFINITIONS OF STATE AND LOCALITY.**

24 “In this subpart:

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

5 “(2) LOCALITY.—The term ‘locality’ means a
6 political subdivision of a State.

7 **“SEC. 581. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) AUTHORIZATION.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated to the Department of Justice—

11 “(A) \$700,000,000 for fiscal year 2002;
12 and

13 “(B) such amounts as necessary for each
14 of fiscal years 2003, 2004, 2005, and 2006.

15 “(2) USE OF AMOUNTS.—Amounts appro-
16 priated under paragraph (1) shall be for the purpose
17 of—

18 “(A) awarding grants under this subpart;
19 and

20 “(B) paying for the costs of administering
21 the program to award such grants.

22 “(b) LIMITATION.—Not more than 1 percent of any
23 sums appropriated under paragraph (1) of subsection (a)
24 may be used to pay for the administrative costs described
25 in paragraph (2)(B) of such subsection.

1 “(c) SUPPLEMENTAL APPROPRIATIONS.—There are
2 authorized to be appropriated as supplemental appropria-
3 tions for fiscal year 2001 such sums as the Department
4 of Justice considers necessary to carry out the provisions
5 of this subpart.”.

6 **TITLE III—COMMISSION ON VOT-**
7 **ING RIGHTS AND PROCE-**
8 **DURES**

9 **SEC. 301. ESTABLISHMENT.**

10 Pursuant to section 5 of the fourteenth amendment
11 to the Constitution of the United States, there is estab-
12 lished the Commission on Voting Rights and Procedures
13 (in this title referred to as the “Commission”).

14 **SEC. 302. MEMBERSHIP OF THE COMMISSION.**

15 (a) NUMBER AND APPOINTMENT.—The Commission
16 shall be composed of 12 members of whom—

17 (1) 6 members shall be appointed by the Presi-
18 dent;

19 (2) 3 members shall be appointed by the Minor-
20 ity Leader of the Senate (or, if the Minority Leader
21 is a member of the same political party as the Presi-
22 dent, by the Majority Leader of the Senate); and

23 (3) 3 members shall be appointed by the Minor-
24 ity Leader of the House of Representatives (or, if
25 the Minority Leader is a member of the same polit-

1 ical party as the President, by the Majority Leader
2 of the House of Representatives).

3 (b) QUALIFICATIONS.—Each member appointed
4 under subsection (a) shall be chosen on the basis of—

5 (1) experience with, and knowledge of—

6 (A) election law;

7 (B) election technology;

8 (C) Federal, State, or local election admin-
9 istration;

10 (D) the Constitution; or

11 (E) the history of the United States; and

12 (2) integrity, impartiality, and good judgment.

13 (c) PERIOD OF APPOINTMENT; VACANCIES.—

14 (1) PERIOD OF APPOINTMENT.—Each member
15 shall be appointed for the life of the Commission.

16 (2) LOCALITIES.—

17 (A) IN GENERAL.—A vacancy in the Com-
18 mission shall not affect its powers.

19 (B) MANNER OF REPLACEMENT.—Not
20 later than 60 days after the date of the va-
21 cancy, a vacancy on the Commission shall be
22 filled in the same manner as the original ap-
23 pointment was made and shall be subject to any
24 conditions which applied with respect to the
25 original appointment.

1 (d) CHAIRPERSON; VICE CHAIRPERSON.—

2 (1) IN GENERAL.—The Commission shall elect
3 a chairperson and vice chairperson from among its
4 members.

5 (2) POLITICAL AFFILIATION.—The chairperson
6 and vice chairperson may not be affiliated with the
7 same political party.

8 (e) DATE OF APPOINTMENT.—The appointments of
9 the members of the Commission shall be made not later
10 than 45 days after the date of enactment of this Act.

11 (f) MEETINGS.—

12 (1) IN GENERAL.—The Commission shall meet
13 at the call of the chairperson.

14 (2) INITIAL MEETING.—Not later than 20 days
15 after the date on which all members of the Commis-
16 sion have been appointed, the Commission shall hold
17 its first meeting.

18 (3) QUORUM.—A majority of the members of
19 the Commission shall constitute a quorum, but a
20 lesser number of members may hold hearings.

21 (g) VOTING.—Each action of the Commission shall
22 be approved by a majority vote of the entire Commission.
23 Each member shall have 1 vote.

24 **SEC. 303. DUTIES OF THE COMMISSION.**

25 (a) STUDY.—

1 (1) IN GENERAL.—The Commission shall con-
2 duct a thorough study of the following issues with
3 respect to elections for Federal, State, and local of-
4 fice:

5 (A) Access to ballots and polling places, in-
6 cluding timely notice of voting locations and
7 matters relating to access for—

8 (i) voters with disabilities;

9 (ii) voters with visual impairments;

10 (iii) voters with limited English lan-
11 guage proficiency;

12 (iv) voters who need assistance in
13 order to understand the voting process or
14 how to cast a ballot; and

15 (v) other voters with special needs.

16 (B) Voter registration and maintenance of
17 voter rolls, including the use of provisional vot-
18 ing and standards for reenfranchisement of vot-
19 ers.

20 (C) Alternative voting methods.

21 (D) Voter intimidation, both real and per-
22 ceived.

23 (E) Accuracy of voting, election proce-
24 dures, and election technology.

25 (F) Voter education.

1 (G) Election personnel and volunteer train-
2 ing.

3 (H) Election technology and systems.

4 (I) Designs of ballots and the uniformity of
5 ballots.

6 (J) The effect of the capacity of voting
7 machines on the efficiency of election adminis-
8 tration, including how the number of ballots
9 which may be processed by a single machine
10 over a period of time affects the number of ma-
11 chines needed to carry out an election at a par-
12 ticular polling place and the number of polling
13 places and other facilities necessary to serve the
14 voters.

15 (K)(i) The implementation of title I of the
16 Uniformed and Overseas Citizens Absentee Vot-
17 ing Act (42 U.S.C. 1973ff et seq.) and the
18 amendments made by title II of that Act by—

19 (I) the Secretary of Defense, acting as
20 the Presidential designee under section
21 101 of that Act (42 U.S.C. 1973ff);

22 (II) each other Federal Government
23 official having responsibilities under that
24 Act; and

25 (III) each State; and

1 (ii) whether any legislative or administra-
2 tive action is necessary to provide a meaningful
3 opportunity for each absent uniformed services
4 voter (as defined in section 107(1) of that Act
5 (42 U.S.C. 1973ff-6(1))) and each overseas
6 voter (as defined in section 107(5) of that Act
7 (42 U.S.C. 1973ff-6(5))) to register to vote
8 and vote in elections for Federal office.

9 (L) The feasibility and advisability of es-
10 tablishing the date on which elections are held
11 as a Federal or State holiday.

12 (M) The feasibility and advisability of es-
13 tablishing modified polling place hours, and the
14 effects thereof.

15 (N) How the Federal Government can, on
16 a permanent basis, best provide ongoing assist-
17 ance to State and local authorities to improve
18 the administration of elections, and whether an
19 existing or a new Federal agency should provide
20 such assistance.

21 (2) WEBSITE.—In addition to any other publi-
22 cation activities the Commission may be required to
23 carry out, for purposes of conducting the study
24 under this subsection the Commission shall establish

1 an Internet website to facilitate public comment and
2 participation.

3 (b) RECOMMENDATIONS.—

4 (1) RECOMMENDATIONS OF BEST PRACTICES IN
5 VOTING AND ELECTION ADMINISTRATION.—The
6 Commission shall develop specific recommendations
7 with respect to the matters studied under subsection
8 (a) that identify those methods of voting and admin-
9 istering elections studied by the Commission that
10 would—

11 (A) be convenient, accessible, nondiscrim-
12 inatory, and easy to use for all voters, including
13 voters with disabilities, absent uniformed serv-
14 ices voters, overseas voters, and other voters
15 with special needs, including voters with limited
16 English language proficiency or who otherwise
17 need assistance in order to understand the vot-
18 ing process or to cast a ballot;

19 (B) yield the broadest participation; and

20 (C) produce accurate results.

21 (2) RECOMMENDATIONS FOR PROVIDING FED-
22 ERAL ASSISTANCE.—The Commission shall develop
23 specific recommendations with respect to the matters
24 studied under subsection (a)(1)(N) on how the Fed-
25 eral Government can, on a permanent basis, best

1 provide ongoing assistance to State and local au-
2 thorities to improve the administration of elections,
3 and identify whether an existing or a new Federal
4 agency should provide such assistance.

5 (3) RECOMMENDATIONS FOR VOTER PARTICIPA-
6 TION IN ELECTIONS.—The Commission shall develop
7 specific recommendations with respect to the matters
8 studied under subsection (a) on methods—

9 (A) to increase voter registration;

10 (B) to increase the accuracy of voter rolls
11 and participation and inclusion of legal voters;

12 (C) to improve voter education; and

13 (D) to improve the training of election per-
14 sonnel and volunteers.

15 (4) CONSISTENCY WITH REQUIREMENTS FOR
16 EQUAL PROTECTION OF VOTING RIGHTS.—The Com-
17 mission shall ensure that the specific recommenda-
18 tions developed under this subsection are consistent
19 with the equal protection of voting rights require-
20 ments under section 531 of Public Law 90–351 (as
21 added by section 101).

22 (c) REPORTS.—

23 (1) INTERIM REPORTS.—Not later than the
24 date on which the Commission submits the final re-
25 port under paragraph (2), the Commission may sub-

1 mit to the President and Congress such interim re-
2 ports as a majority of the members of the Commis-
3 sion determine appropriate.

4 (2) FINAL REPORT.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act, the
7 Commission shall submit to the President and
8 Congress a final report that has received the
9 approval of a majority of the members of the
10 Commission.

11 (B) CONTENT.—The final report shall
12 contain—

13 (i) a detailed statement of the find-
14 ings and conclusions of the Commission on
15 the matters studied under subsection (a);

16 (ii) a detailed statement of the rec-
17 ommendations developed under subsection
18 (b) which received a majority vote of the
19 members of the Commission; and

20 (iii) any dissenting or minority opin-
21 ions of the members of the Commission.

22 **SEC. 304. POWERS OF THE COMMISSION.**

23 (a) HEARINGS.—The Commission or, at its direction,
24 any subcommittee or member of the Commission, may, for
25 the purpose of carrying out this title—

1 (1) hold such hearings, sit and act at such
2 times and places, take such testimony, receive such
3 evidence, and administer such oaths; and

4 (2) require, by subpoena or otherwise, the at-
5 tendance and testimony of such witnesses and the
6 production of such books, records, correspondence,
7 memoranda, papers, documents, tapes, and materials
8 as the Commission or such subcommittee or member
9 considers advisable.

10 (b) ISSUANCE AND ENFORCEMENT OF SUB-
11 POENAS.—

12 (1) ISSUANCE.—Any subpoena issued under
13 subsection (a) shall be issued by the chairperson and
14 vice chairperson of the Commission acting jointly.
15 Each subpoena shall bear the signature of the chair-
16 person of the Commission and shall be served by any
17 person or class of persons designated by the chair-
18 person for that purpose.

19 (2) ENFORCEMENT.—In the case of contumacy
20 or failure to obey a subpoena issued under sub-
21 section (a), the United States district court for the
22 judicial district in which the subpoenaed person re-
23 sides, is served, or may be found may issue an order
24 requiring such person to appear at any designated
25 place to testify or to produce documentary or other

1 evidence. Any failure to obey the order of the court
2 may be punished by the court as a contempt of that
3 court.

4 (c) WITNESS ALLOWANCES AND FEES.—Section
5 1821 of title 28, United States Code, shall apply to wit-
6 nesses requested or subpoenaed to appear at any hearing
7 of the Commission. The per diem and mileage allowances
8 for witnesses shall be paid from funds available to pay the
9 expenses of the Commission.

10 (d) INFORMATION FROM FEDERAL AGENCIES.—The
11 Commission may secure directly from any Federal depart-
12 ment or agency such information as the Commission con-
13 sidered necessary to carry out this title. Upon request of
14 the chairperson and vice chairperson of the Commission
15 acting jointly, the head of such department or agency shall
16 furnish such information to the Commission.

17 (e) POSTAL SERVICES.—The Commission may use
18 the United States mails in the same manner and under
19 the same conditions as other departments and agencies of
20 the Federal Government.

21 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
22 request of the chairperson and vice chairperson of the
23 Commission acting jointly, the Administrator of the Gen-
24 eral Services Administration shall provide to the Commis-
25 sion, on a reimbursable basis, the administrative support

1 services that are necessary to enable the Commission to
2 carry out its duties under this title.

3 (g) GIFTS AND DONATIONS.—The Commission may
4 accept, use, and dispose of gifts or donations of services
5 or property to carry out this title.

6 (h) APPLICATION OF FEDERAL ADVISORY COM-
7 MITTEE ACT.—Except as otherwise provided in this Act,
8 the Commission shall be subject to the requirements of
9 the Federal Advisory Committee Act (5 U.S.C. App.).

10 **SEC. 305. COMMISSION PERSONNEL MATTERS.**

11 (a) COMPENSATION OF MEMBERS.—Each member of
12 the Commission who is not an officer or employee of the
13 Federal Government shall be compensated at a rate equal
14 to the daily equivalent of the annual rate of basic pay pre-
15 scribed for level IV of the Executive Schedule under sec-
16 tion 5315 of title 5, United States Code, for each day (in-
17 cluding travel time) during which such member is engaged
18 in the performance of the duties of the Commission. All
19 members of the Commission who are officers or employees
20 of the United States shall serve without compensation in
21 addition to that received for their services as officers or
22 employees of the United States.

23 (b) TRAVEL EXPENSES.—The members of the Com-
24 mission shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for employ-

1 ees of agencies under subchapter I of chapter 57 of title
2 5, United States Code, while away from their homes or
3 regular places of business in the performance of services
4 for the Commission.

5 (c) STAFF.—

6 (1) IN GENERAL.—The chairperson and vice
7 chairperson of the Commission, acting jointly, may,
8 without regard to the civil service laws and regula-
9 tions, appoint and terminate an executive director
10 and such other additional personnel as may be nec-
11 essary to enable the Commission to perform its du-
12 ties. The employment of an executive director shall
13 be subject to confirmation by the Commission.

14 (2) COMPENSATION.—The chairperson and vice
15 chairperson of the Commission, acting jointly, may
16 fix the compensation of the executive director and
17 other personnel without regard to chapter 51 and
18 subchapter III of chapter 53 of title 5, United
19 States Code, relating to classification of positions
20 and General Schedule pay rates, except that the rate
21 of pay for the executive director and other personnel
22 may not exceed the rate payable for level V of the
23 Executive Schedule under section 5316 of such title.

24 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
25 Federal Government employee may be detailed to the

1 Commission without reimbursement, and such detail shall
2 be without interruption or loss of civil service status or
3 privilege.

4 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
5 **TENT SERVICES.**—The chairperson and vice chairperson
6 of the Commission, acting jointly, may procure temporary
7 and intermittent services under section 3109(b) of title 5,
8 United States Code, at rates for individuals which do not
9 exceed the daily equivalent of the annual rate of basic pay
10 prescribed for level V of the Executive Schedule under sec-
11 tion 5316 of such title.

12 **SEC. 306. TERMINATION OF THE COMMISSION.**

13 The Commission shall terminate 45 days after the
14 date on which the Commission submits its final report and
15 recommendations under section 303(c)(2).

16 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS FOR THE**
17 **COMMISSION.**

18 (a) **IN GENERAL.**—There are authorized to be appro-
19 priated such sums as may be necessary to carry out the
20 purposes of this title.

21 (b) **AVAILABILITY.**—Any sums appropriated under
22 the authorization contained in this section shall remain
23 available, without fiscal year limitation, until expended.

1 **TITLE IV—ANTITRUST**
2 **EXEMPTION**

3 **SEC. 401. ANTITRUST EXEMPTION FOR COOPERATIVE AC-**
4 **TIVITIES RELATING TO COMPLIANCE OF VOT-**
5 **ING SYSTEMS WITH REQUIREMENTS**

6 (a) **IN GENERAL.**—Subject to subsection (b), the
7 antitrust laws shall not apply to the sharing of any infor-
8 mation, research, or data relating to the development or
9 sale of voting systems and related products which is car-
10 ried out to promote the compliance of voting systems with
11 the requirements described in chapter A of subpart 4 of
12 part E of title I of Public Law 90–351 (as added by sec-
13 tion 201).

14 (b) **LIMITATION.**—The exemption provided in sub-
15 section (a) shall not apply to any activity which results
16 in price fixing or the boycott of any person.

17 **SEC. 402. ANTITRUST LAWS DEFINED.**

18 In this title, the term “antitrust laws” has the mean-
19 ing given such term in subsection (a) of the first section
20 of the Clayton Act (15 U.S.C. 12(a)), except that such
21 term includes section 5 of the Federal Trade Commission
22 Act (15 U.S.C. 45) to the extent that such section applies
23 to unfair methods of competition.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. RELATIONSHIP TO OTHER LAWS.**

3 (a) IN GENERAL.—Nothing in this Act may be con-
4 strued to authorize or require conduct prohibited under
5 the following laws, or supersede, restrict, or limit such
6 laws:

7 (1) The National Voter Registration Act of
8 1993 (42 U.S.C. 1973gg et seq.).

9 (2) The Voting Rights Act of 1965 (42 U.S.C.
10 1973aa et seq.).

11 (3) The Voting Accessibility for the Elderly and
12 Handicapped Act (42 U.S.C. 1973ee et seq.).

13 (4) The Uniformed and Overseas Citizens Ab-
14 sentee Voting Act (42 U.S.C. 1973ff et seq.).

15 (5) The Americans with Disabilities Act of
16 1990 (42 U.S.C. 1994 et seq.).

17 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
18 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
19 proval by the Attorney General of a State’s application
20 for a grant under subpart 5 of part E of title I of Public
21 Law 90–351 (as added by section 201), or any other ac-
22 tion taken by the Attorney General or a State under such
23 subpart, shall not be considered to have any effect on re-
24 quirements for preclearance under section 5 of the Voting
25 Rights Act of 1965 or any other requirements of such Act.

1 **SEC. 502. SEVERABILITY.**

2 If any provision of this Act or any amendment made
3 by this Act, or the application of a provision or amend-
4 ment to any person or circumstance, is held to be uncon-
5 stitutional, the remainder of this Act and the amendments
6 made by this Act, and the application of the provisions
7 and amendment to any other person or circumstance, shall
8 not be affected by the holding.

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