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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R. 1

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.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SARBANES (for himself and Ms. PELOSI) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## 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  
5 of 2019".

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

3 (a) DIVISIONS.—This Act is organized into 3 divi-  
4 sions as follows:

5 (1) Division A—Voting.

6 (2) Division B—Campaign Finance.

7 (3) Division C—Ethics.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents

DIVISION A—VOTING

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

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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.

Sec. 1004. Clarification of requirement regarding necessary information to  
show eligibility to vote.

Sec. 1005. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

Sec. 1011. Short title; findings and purpose.

Sec. 1012. Automatic registration of eligible individuals.

Sec. 1013. Contributing agency assistance in registration.

Sec. 1014. One-time contributing agency assistance in registration of eligible  
voters in existing records.

Sec. 1015. Voter protection and security in automatic registration.

Sec. 1016. Registration portability and correction.

Sec. 1017. Payments and grants.

Sec. 1018. Treatment of exempt States.

Sec. 1019. Miscellaneous provisions.

Sec. 1020. Definitions.

Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

Sec. 1031. Same day registration.

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

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

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

Sec. 1051. Annual reports on voter registration statistics.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

Sec. 1071. Prohibiting hindering, interfering with, or preventing voter registration.

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. Pilot programs for enabling individuals with disabilities to register to vote and vote privately and independently at residences.

Sec. 1103. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

Sec. 1201. Voter caging and other questionable challenges prohibited.

Sec. 1202. Development and adoption of best practices for preventing voter caging.

Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

Sec. 1301. Short title.

Sec. 1302. Prohibition on deceptive practices in Federal elections.

Sec. 1303. Corrective action.

Sec. 1304. Reports to Congress.

Subtitle E—Democracy Restoration

Sec. 1401. Short title.

Sec. 1402. Rights of citizens.

Sec. 1403. Enforcement.

Sec. 1404. Notification of restoration of voting rights.

Sec. 1405. Definitions.

Sec. 1406. Relation to other laws.

Sec. 1407. Federal prison funds.

Sec. 1408. Effective date.

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.
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Subtitle K—Poll Worker Recruitment and Training

- Sec. 1801. Leave to serve as a poll worker for Federal employees.
- 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

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- Sec. 1901. Treatment of universities as voter registration agencies.
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- Sec. 1911. Reauthorization of Election Assistance Commission.
- Sec. 1913. Requiring states to participate in post-general election surveys.
- Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
- 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

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- Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting Rights Act.

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- Sec. 2201. Findings relating to District of Columbia statehood.

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- Sec. 3105. Annual reports.

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- Sec. 4203. Findings.
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1                   **DIVISION A—VOTING**  
 2                   **TITLE I—ELECTION ACCESS**

- Sec. 1000. Short title; statement of policy.

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- Sec. 1000A. Short title.

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- Sec. 1001. Requiring availability of Internet for voter registration.
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- Sec. 1011. Short title; findings and purpose.
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Subtitle O—Severability

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**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”.

4 (b) STATEMENT OF POLICY.—It is the policy of the  
5 United States that—

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

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



1           **Subtitle A—Voter Registration**  
2                           **Modernization**

3   **SEC. 1000A. SHORT TITLE.**

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

6   **PART 1—PROMOTING INTERNET REGISTRATION**

7   **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**  
8                           **VOTER REGISTRATION.**

9           (a) REQUIRING AVAILABILITY OF INTERNET FOR  
10 REGISTRATION.—The National Voter Registration Act of  
11 1993 (52 U.S.C. 20501 et seq.) is amended by inserting  
12 after section 6 the following new section:

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

14           “(a) REQUIRING AVAILABILITY OF INTERNET FOR  
15 ONLINE REGISTRATION.—

16                   “(1) AVAILABILITY OF ONLINE REGISTRA-  
17 TION.—Each State, acting through the chief State  
18 election official, shall ensure that the following serv-  
19 ices are available to the public at any time on the  
20 official public websites of the appropriate State and  
21 local election officials in the State, in the same man-  
22 ner and subject to the same terms and conditions as  
23 the services provided by voter registration agencies  
24 under section 7(a):

1           “(A) Online application for voter registra-  
2           tion.

3           “(B) Online assistance to applicants in ap-  
4           plying to register to vote.

5           “(C) Online completion and submission by  
6           applicants of the mail voter registration applica-  
7           tion form prescribed by the Election Assistance  
8           Commission pursuant to section 9(a)(2), includ-  
9           ing assistance with providing a signature as re-  
10          quired under subsection (c).

11          “(D) Online receipt of completed voter reg-  
12          istration applications.

13          “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—  
14          A State shall accept an online voter registration applica-  
15          tion provided by an individual under this section, and en-  
16          sure that the individual is registered to vote in the State,  
17          if—

18                 “(1) the individual meets the same voter reg-  
19                 istration requirements applicable to individuals who  
20                 register to vote by mail in accordance with section  
21                 6(a)(1) using the mail voter registration application  
22                 form prescribed by the Election Assistance Commis-  
23                 sion pursuant to section 9(a)(2); and

24                 “(2) the individual meets the requirements of  
25                 subsection (c) to provide a signature in electronic

1 form (but only in the case of applications submitted  
2 during or after the second year in which this section  
3 is in effect in the State).

4 “(c) SIGNATURE REQUIREMENTS.—

5 “(1) IN GENERAL.—For purposes of this sec-  
6 tion, an individual meets the requirements of this  
7 subsection as follows:

8 “(A) In the case of an individual who has  
9 a signature on file with a State agency, includ-  
10 ing the State motor vehicle authority, that is  
11 required to provide voter registration services  
12 under this Act or any other law, the individual  
13 consents to the transfer of that electronic signa-  
14 ture.

15 “(B) If subparagraph (A) does not apply,  
16 the individual submits with the application an  
17 electronic copy of the individual’s handwritten  
18 signature through electronic means.

19 “(C) If subparagraph (A) and subpara-  
20 graph (B) do not apply, the individual executes  
21 a computerized mark in the signature field on  
22 an online voter registration application, in ac-  
23 cordance with reasonable security measures es-  
24 tablished by the State, but only if the State ac-  
25 cepts such mark from the individual.

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

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

8           “(B) permit the individual to provide a sig-  
9 nature at the time the individual requests a bal-  
10 lot in an election (whether the individual re-  
11 quests the ballot at a polling place or requests  
12 the ballot by mail); and

13           “(C) if the individual carries out the steps  
14 described in subparagraph (A) and subpara-  
15 graph (B), ensure that the individual is reg-  
16 istered to vote in the State.

17           “(3) NOTICE.—The State shall ensure that in-  
18 dividuals applying to register to vote online are noti-  
19 fied of the requirements of paragraph (1) and of the  
20 treatment of individuals unable to meet such re-  
21 quirements, as described in paragraph (2).

22           “(d) CONFIRMATION AND DISPOSITION.—

23           “(1) CONFIRMATION OF RECEIPT.—Upon the  
24 online submission of a completed voter registration  
25 application by an individual under this section, the

1 appropriate State or local election official shall send  
2 the individual a notice confirming the State’s receipt  
3 of the application and providing instructions on how  
4 the individual may check the status of the applica-  
5 tion.

6 “(2) NOTICE OF DISPOSITION.—As soon as the  
7 appropriate State or local election official has ap-  
8 proved or rejected an application submitted by an in-  
9 dividual under this section, the official shall send the  
10 individual a notice of the disposition of the applica-  
11 tion.

12 “(3) METHOD OF NOTIFICATION.—The appro-  
13 priate State or local election official shall send the  
14 notices required under this subsection by regular  
15 mail, and, in the case of an individual who has re-  
16 quested that the State provide voter registration and  
17 voting information through electronic mail, by both  
18 electronic mail and regular mail.

19 “(e) PROVISION OF SERVICES IN NONPARTISAN  
20 MANNER.—The services made available under subsection  
21 (a) shall be provided in a manner that ensures that, con-  
22 sistent with section 7(a)(5)—

23 “(1) the online application does not seek to in-  
24 fluence an applicant’s political preference or party  
25 registration; and

1           “(2) there is no display on the website pro-  
2           moting any political preference or party allegiance,  
3           except that nothing in this paragraph may be con-  
4           strued to prohibit an applicant from registering to  
5           vote as a member of a political party.

6           “(f) PROTECTION OF SECURITY OF INFORMATION.—  
7           In meeting the requirements of this section, the State shall  
8           establish appropriate technological security measures to  
9           prevent to the greatest extent practicable any unauthor-  
10          ized access to information provided by individuals using  
11          the services made available under subsection (a).

12          “(g) USE OF ADDITIONAL TELEPHONE-BASED SYS-  
13          TEM.—A State shall make the services made available on-  
14          line under subsection (a) available through the use of an  
15          automated telephone-based system, subject to the same  
16          terms and conditions applicable under this section to the  
17          services made available online, in addition to making the  
18          services available online in accordance with the require-  
19          ments of this section.

20          “(h) NONDISCRIMINATION AMONG REGISTERED  
21          VOTERS USING MAIL AND ONLINE REGISTRATION.—In  
22          carrying out this Act, the Help America Vote Act of 2002,  
23          or any other Federal, State, or local law governing the  
24          treatment of registered voters in the State or the adminis-  
25          tration of elections for public office in the State, a State

1 shall treat a registered voter who registered to vote online  
2 in accordance with this section in the same manner as the  
3 State treats a registered voter who registered to vote by  
4 mail.”.

5 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS  
6 USING ONLINE REGISTRATION.—

7 (1) TREATMENT AS INDIVIDUALS REGISTERING  
8 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME  
9 VOTER IDENTIFICATION REQUIREMENTS.—Section  
10 303(b)(1)(A) of the Help America Vote Act of 2002  
11 (52 U.S.C. 21083(b)(1)(A)) is amended by striking  
12 “by mail” and inserting “by mail or online under  
13 section 6A of the National Voter Registration Act of  
14 1993”.

15 (2) REQUIRING SIGNATURE FOR FIRST-TIME  
16 VOTERS IN JURISDICTION.—Section 303(b) of such  
17 Act (52 U.S.C. 21083(b)) is amended—

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

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

22 “(5) SIGNATURE REQUIREMENTS FOR FIRST-  
23 TIME VOTERS USING ONLINE REGISTRATION.—

24 “(A) IN GENERAL.—A State shall, in a  
25 uniform and nondiscriminatory manner, require

1 an individual to meet the requirements of sub-  
2 paragraph (B) if—

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

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

10 “(B) REQUIREMENTS.—An individual  
11 meets the requirements of this subparagraph  
12 if—

13 “(i) in the case of an individual who  
14 votes in person, the individual provides the  
15 appropriate State or local election official  
16 with a handwritten signature; or

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

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

23 “(i) entitled to vote by absentee ballot  
24 under the Uniformed and Overseas Citi-



1           zens Absentee Voting Act (52 U.S.C.  
2           20302 et seq.);

3           “(ii) provided the right to vote other-  
4           wise than in person under section  
5           3(b)(2)(B)(ii) of the Voting Accessibility  
6           for the Elderly and Handicapped Act (52  
7           U.S.C. 20102(b)(2)(B)(ii)); or

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

10           (3) CONFORMING AMENDMENT RELATING TO  
11           EFFECTIVE DATE.—Section 303(d)(2)(A) of such  
12           Act (52 U.S.C. 21083(d)(2)(A)) is amended by  
13           striking “Each State” and inserting “Except as pro-  
14           vided in subsection (b)(5), each State”.

15           (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

10           (2) INFORMING APPLICANTS OF ELIGIBILITY  
11           REQUIREMENTS AND PENALTIES.—Section 8(a)(5)  
12           of such Act (52 U.S.C. 20507(a)(5)) is amended by  
13           striking “and 7” and inserting “6A, and 7”.

14   **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**  
15                           **INFORMATION.**

16           (a) IN GENERAL.—

17           (1) UPDATES TO INFORMATION CONTAINED ON  
18           COMPUTERIZED STATEWIDE VOTER REGISTRATION  
19           LIST.—Section 303(a) of the Help America Vote Act  
20           of 2002 (52 U.S.C. 21083(a)) is amended by adding  
21           at the end the following new paragraph:

22           “(6) USE OF INTERNET BY REGISTERED VOT-  
23           ERS TO UPDATE INFORMATION.—

24           “(A) IN GENERAL.—The appropriate State  
25           or local election official shall ensure that any

1 registered voter on the computerized list may at  
2 any time update the voter's registration infor-  
3 mation, including the voter's address and elec-  
4 tronic mail address, online through the official  
5 public website of the election official responsible  
6 for the maintenance of the list, so long as the  
7 voter attests to the contents of the update by  
8 providing a signature in electronic form in the  
9 same manner required under section 6A(c) of  
10 the National Voter Registration Act of 1993.

11 “(B) PROCESSING OF UPDATED INFORMA-  
12 TION BY ELECTION OFFICIALS.—If a registered  
13 voter updates registration information under  
14 subparagraph (A), the appropriate State or  
15 local election official shall—

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

19 “(ii) if the updated registration infor-  
20 mation affects the voter's eligibility to vote  
21 in an election for Federal office, ensure  
22 that the information is processed with re-  
23 spect to the election if the voter updates  
24 the information not later than the lesser of

1                   7 days, or the period provided by State  
2 law, before the date of the election.

3                   “(C) CONFIRMATION AND DISPOSITION.—

4                   “ (i) CONFIRMATION OF RECEIPT.—

5                   Upon the online submission of updated  
6 registration information by an individual  
7 under this paragraph, the appropriate  
8 State or local election official shall send  
9 the individual a notice confirming the  
10 State’s receipt of the updated information  
11 and providing instructions on how the indi-  
12 vidual may check the status of the update.

13                   “(ii) NOTICE OF DISPOSITION.—As  
14 soon as the appropriate State or local elec-  
15 tion official has accepted or rejected up-  
16 dated information submitted by an indi-  
17 vidual under this paragraph, the official  
18 shall send the individual a notice of the  
19 disposition of the update.

20                   “(iii) METHOD OF NOTIFICATION.—

21                   The appropriate State or local election offi-  
22 cial shall send the notices required under  
23 this subparagraph by regular mail, and, in  
24 the case of an individual who has re-  
25 quested that the State provide voter reg-

1                   istration and voting information through  
2                   electronic mail, by both electronic mail and  
3                   regular mail.”.

4                   (2) CONFORMING AMENDMENT RELATING TO  
5                   EFFECTIVE DATE.—Section 303(d)(1)(A) of such  
6                   Act (52 U.S.C. 21083(d)(1)(A)) is amended by  
7                   striking “subparagraph (B)” and inserting “sub-  
8                   paragraph (B) and subsection (a)(6)”.

9                   (b) ABILITY OF REGISTRANT TO USE ONLINE UP-  
10                  DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-  
11                  tion 8(d)(2)(A) of the National Voter Registration Act of  
12                  1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

13                  (1) in the first sentence, by inserting after “re-  
14                  turn the card” the following: “or update the reg-  
15                  istrant’s information on the computerized Statewide  
16                  voter registration list using the online method pro-  
17                  vided under section 303(a)(6) of the Help America  
18                  Vote Act of 2002”; and

19                  (2) in the second sentence, by striking “re-  
20                  turned,” and inserting the following: “returned or if  
21                  the registrant does not update the registrant’s infor-  
22                  mation on the computerized Statewide voter reg-  
23                  istration list using such online method,”.

1 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**  
2 **ELECTRONIC MAIL TO INDIVIDUALS REG-**  
3 **ISTERED TO VOTE.**

4 (a) INCLUDING OPTION ON VOTER REGISTRATION  
5 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-  
6 CEIVE INFORMATION.—

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

10 (A) by striking “and” at the end of para-  
11 graph (3);

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

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

16 “(5) shall include a space for the applicant to  
17 provide (at the applicant’s option) an electronic mail  
18 address, together with a statement that, if the appli-  
19 cant so requests, instead of using regular mail the  
20 appropriate State and local election officials shall  
21 provide to the applicant, through electronic mail sent  
22 to that address, the same voting information (as de-  
23 fined in section 302(b)(2) of the Help America Vote  
24 Act of 2002) which the officials would provide to the  
25 applicant through regular mail.”.

1           (2) PROHIBITING USE FOR PURPOSES UNRE-  
2           LATED TO OFFICIAL DUTIES OF ELECTION OFFI-  
3           CIALS.—Section 9 of such Act (52 U.S.C. 20508) is  
4           amended by adding at the end the following new  
5           subsection:

6           “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-  
7           DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The  
8           chief State election official shall ensure that any electronic  
9           mail address provided by an applicant under subsection  
10          (b)(5) is used only for purposes of carrying out official  
11          duties of election officials and is not transmitted by any  
12          State or local election official (or any agent of such an  
13          official, including a contractor) to any person who does  
14          not require the address to carry out such official duties  
15          and who is not under the direct supervision and control  
16          of a State or local election official.”.

17          (b) REQUIRING PROVISION OF INFORMATION BY  
18          ELECTION OFFICIALS.—Section 302(b) of the Help Amer-  
19          ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended  
20          by adding at the end the following new paragraph:

21                 “(3) PROVISION OF OTHER INFORMATION BY  
22                 ELECTRONIC MAIL.—If an individual who is a reg-  
23                 istered voter has provided the State or local election  
24                 official with an electronic mail address for the pur-  
25                 pose of receiving voting information (as described in

1 section 9(b)(5) of the National Voter Registration  
2 Act of 1993), the appropriate State or local election  
3 official, through electronic mail transmitted not later  
4 than 7 days before the date of the election involved,  
5 shall provide the individual with information on how  
6 to obtain the following information by electronic  
7 means:

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

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

13 “(C) A description of any identification or  
14 other information the individual may be re-  
15 quired to present at the polling place.”.

16 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**  
17 **NECESSARY INFORMATION TO SHOW ELIGI-**  
18 **BILITY TO VOTE.**

19 Section 8 of the National Voter Registration Act of  
20 1993 (52 U.S.C. 20507) is amended—

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

23 (2) by inserting after subsection (i) the fol-  
24 lowing new subsection:



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

9           “(1) the applicant has accurately completed the  
10 application form and attested to the statement re-  
11 quired by section 9(b)(2); and

12           “(2) in the case of an applicant who registers  
13 to vote online in accordance with section 6A, the ap-  
14 plicant provides a signature in accordance with sub-  
15 section (c) of such section.”.

16 **SEC. 1005. EFFECTIVE DATE.**

17           (a) IN GENERAL.—Except as provided in subsection  
18 (b), the amendments made by this part (other than the  
19 amendments made by section 1004) shall take effect Jan-  
20 uary 1, 2020.

21           (b) WAIVER.—Subject to the approval of the Election  
22 Assistance Commission, if a State certifies to the Election  
23 Assistance Commission that the State will not meet the  
24 deadline referred to in subsection (a) because of extraor-  
25 dinary circumstances and includes in the certification the

1 reasons for the failure to meet the deadline, subsection  
2 (a) shall apply to the State as if the reference in such  
3 subsection to “January 1, 2020” were a reference to  
4 “January 1, 2022”.

5 **PART 2—AUTOMATIC VOTER REGISTRATION**

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

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

9 (b) **FINDINGS AND PURPOSE.**—

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

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

13 (B) it is the responsibility of the State and  
14 Federal Governments to ensure that every eligi-  
15 ble citizen is registered to vote;

16 (C) existing voter registration systems can  
17 be inaccurate, costly, inaccessible and con-  
18 fusing, with damaging effects on voter partici-  
19 pation in elections and disproportionate impacts  
20 on young people, persons with disabilities, and  
21 racial and ethnic minorities; and

22 (D) voter registration systems must be up-  
23 dated with 21st Century technologies and pro-  
24 cedures to maintain their security.

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

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

4 (B) to enable the State and Federal Gov-  
5 ernments to register all eligible citizens to vote  
6 with accurate, cost-efficient, and up-to-date pro-  
7 cedures;

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

11 (D) to protect and enhance the integrity,  
12 accuracy, efficiency, and accessibility of the  
13 electoral process for all eligible citizens.

14 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**  
15 **VIDUALS.**

16 (a) **REQUIRING STATES TO ESTABLISH AND OPER-**  
17 **ATE AUTOMATIC REGISTRATION SYSTEM.—**

18 (1) **IN GENERAL.—**The chief State election offi-  
19 cial of each State shall establish and operate a sys-  
20 tem of automatic registration for the registration of  
21 eligible individuals to vote for elections for Federal  
22 office in the State, in accordance with the provisions  
23 of this part.

24 (2) **DEFINITION.—**The term “automatic reg-  
25 istration” means a system that registers an indi-

1       vidual to vote in elections for Federal office in a  
2       State, if eligible, by electronically transferring the  
3       information necessary for registration from govern-  
4       ment agencies to election officials of the State so  
5       that, unless the individual affirmatively declines to  
6       be registered, the individual will be registered to vote  
7       in such elections.

8       (b) REGISTRATION OF VOTERS BASED ON NEW  
9       AGENCY RECORDS.—The chief State election official  
10      shall—

11           (1) not later than 15 days after a contributing  
12      agency has transmitted information with respect to  
13      an individual pursuant to section 1013, ensure that  
14      the individual is registered to vote in elections for  
15      Federal office in the State if the individual is eligible  
16      to be registered to vote in such elections; and

17           (2) send written notice to the individual, in ad-  
18      dition to other means of notice established by this  
19      part, of the individual's voter registration status.

20      (c) ONE-TIME REGISTRATION OF VOTERS BASED ON  
21      EXISTING CONTRIBUTING AGENCY RECORDS.—The chief  
22      State election official shall—

23           (1) identify all individuals whose information is  
24      transmitted by a contributing agency pursuant to

1 section 1014 and who are eligible to be, but are not  
2 currently, registered to vote in that State;

3 (2) promptly send each such individual written  
4 notice, in addition to other means of notice estab-  
5 lished by this part, which shall not identify the con-  
6 tributing agency that transmitted the information  
7 but shall include—

8 (A) an explanation that voter registration  
9 is voluntary, but if the individual does not de-  
10 cline registration, the individual will be reg-  
11 istered to vote;

12 (B) a statement offering the opportunity to  
13 decline voter registration through means con-  
14 sistent with the requirements of this part;

15 (C) in the case of a State in which affili-  
16 ation or enrollment with a political party is re-  
17 quired in order to participate in an election to  
18 select the party's candidate in an election for  
19 Federal office, a statement offering the indi-  
20 vidual the opportunity to affiliate or enroll with  
21 a political party or to decline to affiliate or en-  
22 roll with a political party, through means con-  
23 sistent with the requirements of this part;

24 (D) the substantive qualifications of an  
25 elector in the State as listed in the mail voter

1 registration application form for elections for  
2 Federal office prescribed pursuant to section 9  
3 of the National Voter Registration Act of 1993,  
4 the consequences of false registration, and a  
5 statement that the individual should decline to  
6 register if the individual does not meet all those  
7 qualifications;

8 (E) instructions for correcting any erro-  
9 neous information; and

10 (F) instructions for providing any addi-  
11 tional information which is listed in the mail  
12 voter registration application form for elections  
13 for Federal office prescribed pursuant to section  
14 9 of the National Voter Registration Act of  
15 1993;

16 (3) ensure that each such individual who is eli-  
17 gible to register to vote in elections for Federal of-  
18 fice in the State is promptly registered to vote not  
19 later than 45 days after the official sends the indi-  
20 vidual the written notice under paragraph (2), un-  
21 less, during the 30-day period which begins on the  
22 date the election official sends the individual such  
23 written notice, the individual declines registration in  
24 writing, through a communication made over the

1 Internet, or by an officially-logged telephone commu-  
2 nication; and

3 (4) send written notice to each such individual,  
4 in addition to other means of notice established by  
5 this part, of the individual's voter registration sta-  
6 tus.

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

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

17 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**  
18 **ISTRATION.**

19 (a) IN GENERAL.—In accordance with this part, each  
20 contributing agency in a State shall assist the State's chief  
21 election official in registering to vote all eligible individuals  
22 served by that agency.

23 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-  
24 CIES.—

1           (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-  
2           TION.—With each application for service or assist-  
3           ance, and with each related recertification, renewal,  
4           or change of address, or, in the case of an institu-  
5           tion of higher education, with each registration of a  
6           student for enrollment in a course of study, each  
7           contributing agency that (in the normal course of its  
8           operations) requests individuals to affirm United  
9           States citizenship (either directly or as part of the  
10          overall application for service or assistance) shall in-  
11          form each such individual who is a citizen of the  
12          United States of the following:

13                 (A) Unless that individual declines to reg-  
14                 ister to vote, or is found ineligible to vote, the  
15                 individual will be registered to vote or, if appli-  
16                 cable, the individual's registration will be up-  
17                 dated.

18                 (B) The substantive qualifications of an  
19                 elector in the State as listed in the mail voter  
20                 registration application form for elections for  
21                 Federal office prescribed pursuant to section 9  
22                 of the National Voter Registration Act of 1993,  
23                 the consequences of false registration, and the  
24                 individual should decline to register if the indi-  
25                 vidual does not meet all those qualifications.



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, the requirement that the indi-  
6           vidual must affiliate or enroll with a political  
7           party in order to participate in such an election.

8           (D) Voter registration is voluntary, and  
9           neither registering nor declining to register to  
10          vote will in any way affect the availability of  
11          services or benefits, nor be used for other pur-  
12          poses.

13          (2) OPPORTUNITY TO DECLINE REGISTRATION  
14          REQUIRED.—Each contributing agency shall ensure  
15          that each application for service or assistance, and  
16          each related recertification, renewal, or change of  
17          address, or, in the case of an institution of higher  
18          education, each registration of a student for enroll-  
19          ment in a course of study, cannot be completed until  
20          the individual is given the opportunity to decline to  
21          be registered to vote.

22          (3) INFORMATION TRANSMITTAL.—Upon the  
23          expiration of the 30-day period which begins on the  
24          date the contributing agency informs the individual  
25          of the information described in paragraph (1), each

1 contributing agency shall electronically transmit to  
2 the appropriate State election official, in a format  
3 compatible with the statewide voter database main-  
4 tained under section 303 of the Help America Vote  
5 Act of 2002 (52 U.S.C. 21083), the following infor-  
6 mation, unless during such 30-day period the indi-  
7 vidual declined to be registered to vote:

8 (A) The individual's given name(s) and  
9 surname(s).

10 (B) The individual's date of birth.

11 (C) The individual's residential address.

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

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

17 (F) If available, the individual's signature  
18 in electronic form.

19 (G) Information regarding the individual's  
20 affiliation or enrollment with a political party,  
21 if the individual provides such information.

22 (H) Any additional information listed in  
23 the mail voter registration application form for  
24 elections for Federal office prescribed pursuant  
25 to section 9 of the National Voter Registration

1 Act of 1993, including any valid driver's license  
2 number or the last 4 digits of the individual's  
3 social security number, if the individual pro-  
4 vided such information.

5 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-  
6 TRIBUTING AGENCIES.—With each application for service  
7 or assistance, and with each related recertification, re-  
8 newal, or change of address, or in the case of an institu-  
9 tion of higher education, with each registration of a stu-  
10 dent for enrollment in a course of study, any contributing  
11 agency that in the normal course of its operations does  
12 not request individuals applying for service or assistance  
13 to affirm United States citizenship (either directly or as  
14 part of the overall application for service or assistance)  
15 shall—

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

19 (2) ensure that each applicant's transaction  
20 with the agency cannot be completed until the appli-  
21 cant has indicated whether the applicant wishes to  
22 register to vote or declines to register to vote in elec-  
23 tions for Federal office held in the State; and

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

4           (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-  
5           ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR  
6           SERVICE OR ASSISTANCE.—Each contributing agency  
7           shall offer each individual, with each application for serv-  
8           ice or assistance, and with each related recertification, re-  
9           newal, or change of address, or in the case of an institu-  
10          tion of higher education, with each registration of a stu-  
11          dent for enrollment in a course of study, the opportunity  
12          to register to vote as prescribed by this section without  
13          regard to whether the individual previously declined a reg-  
14          istration opportunity.

15          (e) CONTRIBUTING AGENCIES.—

16               (1) STATE AGENCIES.—In each State, each of  
17               the following agencies shall be treated as a contrib-  
18               uting agency:

19                       (A) Each agency in a State that is re-  
20                       quired by Federal law to provide voter registra-  
21                       tion services, including the State motor vehicle  
22                       authority and other voter registration agencies  
23                       under the National Voter Registration Act of  
24                       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 Afford-  
6           able Care Act (Public Law 111–148).

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

10          (D) Each State agency primarily respon-  
11          sible for maintaining identifying information for  
12          students enrolled at public secondary schools,  
13          including, where applicable, the State agency  
14          responsible 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 in-  
19          dividual disenfranchised by a criminal convic-  
20          tion may become eligible to vote upon comple-  
21          tion of a criminal sentence or any part thereof,  
22          or upon formal restoration of rights, the State  
23          agency responsible for administering that sen-  
24          tence, or part thereof, or that restoration of  
25          rights.

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

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

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

17          (B) The Bureau of Citizenship and Immi-  
18          gration Services, but only with respect to indi-  
19          viduals who have completed the naturalization  
20          process.

21          (C) In the case of an individual who is a  
22          resident of a State in which an individual  
23          disenfranchised by a criminal conviction under  
24          Federal law may become eligible to vote upon  
25          completion of a criminal sentence or any part

1           thereof, or upon formal restoration of rights,  
2           the Federal agency responsible for admin-  
3           istering that sentence or part thereof (without  
4           regard to whether the agency is located in the  
5           same State in which the individual is a resi-  
6           dent), but only with respect to individuals who  
7           have completed the criminal sentence or any  
8           part thereof.

9                   (D) Any other agency of the Federal gov-  
10                  ernment which the State designates as a con-  
11                  tributing agency, but only if the State and the  
12                  head of the agency determine that the agency  
13                  collects information sufficient to carry out the  
14                  responsibilities of a contributing agency under  
15                  this section.

16                  (3) INSTITUTIONS OF HIGHER EDUCATION.—  
17                  Each institution of higher education that receives  
18                  Federal funds shall be treated as a contributing  
19                  agency in the State in which it is located, but only  
20                  with respect to students of the institution (including  
21                  students who attend classes online) who reside in the  
22                  State. An institution of higher education described  
23                  in the previous sentence shall be exempt from the  
24                  voter registration requirements of section 487(a)(23)  
25                  of the Higher Education Act of 1965 (20 U.S.C.

1 1094(a)(23)) if the institution is in compliance with  
2 the applicable requirements of this part.

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

9 (5) PUBLIC EDUCATION.—The chief State elec-  
10 tion official of each State, in collaboration with each  
11 contributing agency, shall take appropriate measures  
12 to educate the public about voter registration under  
13 this section.

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

17 (a) INITIAL TRANSMITTAL OF INFORMATION.—For  
18 each individual already listed in a contributing agency's  
19 records as of the date of enactment of this Act, and for  
20 whom the agency has the information listed in section  
21 1013(b)(3), the agency shall promptly transmit that infor-  
22 mation to the appropriate State election official in accord-  
23 ance with section 1013(b)(3) not later than the effective  
24 date described in section 1011(a).



1 (b) TRANSITION.—For each individual listed in a con-  
2 tributing agency’s records as of the effective date de-  
3 scribed in section 1011(a) (but who was not listed in a  
4 contributing agency’s records as of the date of enactment  
5 of this Act), and for whom the agency has the information  
6 listed in section 1013(b)(3), the Agency shall promptly  
7 transmit that information to the appropriate State election  
8 official in accordance with section 1013(b)(3) not later  
9 than 6 months after the effective date described in section  
10 1011(a).

11 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**  
12 **MATIC REGISTRATION.**

13 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—  
14 An individual shall not be prosecuted under any Federal  
15 law, adversely affected in any civil adjudication concerning  
16 immigration status or naturalization, or subject to an alle-  
17 gation in any legal proceeding that the individual is not  
18 a citizen of the United States on any of the following  
19 grounds:

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

23 (2) The individual is not eligible to vote in elec-  
24 tions for Federal office but was automatically reg-  
25 istered to vote under this part.

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

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

7           (b) LIMITS ON USE OF AUTOMATIC REGISTRA-  
8           TION.—The automatic registration of any individual or the  
9           fact that an individual declined the opportunity to register  
10          to vote or did not make an affirmation of citizenship (in-  
11          cluding through automatic registration) under this part  
12          may not be used as evidence against that individual in any  
13          State or Federal law enforcement proceeding, and an indi-  
14          vidual’s lack of knowledge or willfulness of such registra-  
15          tion may be demonstrated by the individual’s testimony  
16          alone.

17          (c) PROTECTION OF ELECTION INTEGRITY.—Noth-  
18          ing in subsections (a) or (b) may be construed to prohibit  
19          or restrict any action under color of law against an indi-  
20          vidual who—

21                 (1) knowingly and willfully makes a false state-  
22                 ment to effectuate or perpetuate automatic voter  
23                 registration by any individual; or

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

1 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-  
2 FORMATION.—Nothing in this part authorizes a contrib-  
3 uting agency to collect, retain, transmit, or publicly dis-  
4 close any of the following:

5 (1) An individual's decision to decline to reg-  
6 ister to vote or not to register to vote.

7 (2) An individual's decision not to affirm his or  
8 her citizenship.

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

12 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-  
13 MATION.—

14 (1) PUBLIC DISCLOSURE PROHIBITED.—

15 (A) IN GENERAL.—Subject to subpara-  
16 graph (B), with respect to any individual for  
17 whom any State election official receives infor-  
18 mation from a contributing agency, the State  
19 election officials shall not publicly disclose any  
20 of the following:

21 (i) The identity of the contributing  
22 agency.

23 (ii) Any information not necessary to  
24 voter registration.

1 (iii) Any voter information otherwise  
2 shielded from disclosure under State law or  
3 section 8(a) of the National Voter Reg-  
4 istration Act of 1993 (52 U.S.C.  
5 20507(a)).

6 (iv) Any portion of the individual's so-  
7 cial security number.

8 (v) Any portion of the individual's  
9 motor vehicle driver's license number.

10 (vi) The individual's signature.

11 (vii) The individual's telephone num-  
12 ber.

13 (viii) The individual's email address.

14 (B) SPECIAL RULE FOR INDIVIDUALS REG-  
15 ISTERED TO VOTE.—With respect to any indi-  
16 vidual for whom any State election official re-  
17 ceives information from a contributing agency  
18 and who, on the basis of such information, is  
19 registered to vote in the State under this part,  
20 the State election officials shall not publicly dis-  
21 close any of the following:

22 (i) The identity of the contributing  
23 agency.

24 (ii) Any information not necessary to  
25 voter registration.

1 (iii) Any voter information otherwise  
2 shielded from disclosure under State law or  
3 section 8(a) of the National Voter Reg-  
4 istration Act of 1993 (52 U.S.C.  
5 20507(a)).

6 (iv) Any portion of the individual's so-  
7 cial security number.

8 (v) Any portion of the individual's  
9 motor vehicle driver's license number.

10 (vi) The individual's signature.

11 (2) VOTER RECORD CHANGES.—Each State  
12 shall maintain for at least 2 years and shall make  
13 available for public inspection and, where available,  
14 photocopying at a reasonable cost, all records of  
15 changes to voter records, including removals and up-  
16 dates.

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

21 (A) establish standards governing the com-  
22 parison of data for voter registration list main-  
23 tenance purposes, identifying as part of such  
24 standards the specific data elements, the  
25 matching rules used, and how a State may use

1 the data to determine and deem that an indi-  
2 vidual is ineligible under State law to vote in an  
3 election, or to deem a record to be a duplicate  
4 or outdated;

5 (B) ensure that the standards developed  
6 pursuant to this paragraph are uniform and  
7 nondiscriminatory and are applied in a uniform  
8 and nondiscriminatory manner; and

9 (C) publish the standards developed pursu-  
10 ant to this paragraph on the Director's website  
11 and make those standards available in written  
12 form upon request.

13 (4) SECURITY POLICY.—The Director of the  
14 National Institute of Standards and Technology  
15 shall, after providing the public with notice and the  
16 opportunity to comment, publish privacy and secu-  
17 rity standards for voter registration information.  
18 The standards shall require the chief State election  
19 official of each State to adopt a policy that shall  
20 specify—

21 (A) each class of users who shall have au-  
22 thorized access to the computerized statewide  
23 voter registration list, specifying for each class  
24 the permission and levels of access to be grant-  
25 ed, and setting forth other safeguards to pro-

1           tect the privacy, security, and accuracy of the  
2           information on the list; and

3                   (B) security safeguards to protect personal  
4           information transmitted through the informa-  
5           tion transmittal processes of section 1013 or  
6           section 1014, the online system used pursuant  
7           to section 1017, any telephone interface, the  
8           maintenance of the voter registration database,  
9           and any audit procedure to track access to the  
10          system.

11           (5) STATE COMPLIANCE WITH NATIONAL  
12          STANDARDS.—

13                   (A) CERTIFICATION.—The chief executive  
14           officer of the State shall annually file with the  
15           Election Assistance Commission a statement  
16           certifying to the Director of the National Insti-  
17           tute of Standards and Technology that the  
18           State is in compliance with the standards re-  
19           ferred to in paragraphs (4) and (5). A State  
20           may meet the requirement of the previous sen-  
21           tence by filing with the Commission a statement  
22           which reads as follows: “\_\_\_\_\_ hereby  
23           certifies that it is in compliance with the stand-  
24           ards referred to in paragraphs (4) and (5) of  
25           section 1015(e) of the Automatic Voter Reg-

1           istration Act of 2019.” (with the blank to be  
2           filled in with the name of the State involved).

3           (B) PUBLICATION OF POLICIES AND PRO-  
4           CEDURES.—The chief State election official of a  
5           State shall publish on the official’s website the  
6           policies and procedures established under this  
7           section, and shall make those policies and pro-  
8           cedures available in written form upon public  
9           request.

10          (C) FUNDING DEPENDENT ON CERTIFI-  
11          CATION.—If a State does not timely file the cer-  
12          tification required under this paragraph, it shall  
13          not receive any payment under this part for the  
14          upcoming fiscal year.

15          (D) COMPLIANCE OF STATES THAT RE-  
16          QUIRE CHANGES TO STATE LAW.—In the case  
17          of a State that requires State legislation to  
18          carry out an activity covered by any certifi-  
19          cation submitted under this paragraph, for a  
20          period of not more than 2 years the State shall  
21          be permitted to make the certification notwith-  
22          standing that the legislation has not been en-  
23          acted at the time the certification is submitted,  
24          and such State shall submit an additional cer-  
25          tification once such legislation is enacted.



1 (f) RESTRICTIONS ON USE OF INFORMATION.—No  
2 person acting under color of law may discriminate against  
3 any individual based on, or use for any purpose other than  
4 voter registration, election administration, or enforcement  
5 relating to election crimes, any of the following:

6 (1) Voter registration records.

7 (2) An individual's declination to register to  
8 vote or complete an affirmation of citizenship under  
9 section 1013(b).

10 (3) An individual's voter registration status.

11 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-  
12 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-  
13 formation collected under this part shall not be used for  
14 commercial purposes. Nothing in this subsection may be  
15 construed to prohibit the transmission, exchange, or dis-  
16 semination of information for political purposes, including  
17 the support of campaigns for election for Federal, State,  
18 or local public office or the activities of political commit-  
19 tees (including committees of political parties) under the  
20 Federal Election Campaign Act of 1971.

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

22 (a) CORRECTING REGISTRATION INFORMATION AT  
23 POLLING PLACE.—Notwithstanding section 302(a) of the  
24 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if  
25 an individual is registered to vote in elections for Federal

1 office held in a State, the appropriate election official at  
2 the polling place for any such election (including a location  
3 used as a polling place on a date other than the date of  
4 the election) shall permit the individual to—

5 (1) update the individual's address for purposes  
6 of the records of the election official;

7 (2) correct any incorrect information relating to  
8 the individual, including the individual's name and  
9 political party affiliation, in the records of the elec-  
10 tion official; and

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

16 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER  
17 REGISTRATION LISTS.—If an election official at the poll-  
18 ing place receives an updated address or corrected infor-  
19 mation from an individual under subsection (a), the offi-  
20 cial shall ensure that the address or information is  
21 promptly entered into the computerized Statewide voter  
22 registration list in accordance with section  
23 303(a)(1)(A)(vi) of the Help America Vote Act of 2002  
24 (52 U.S.C. 21083(a)(1)(A)(vi)).

1 **SEC. 1017. PAYMENTS AND GRANTS.**

2 (a) IN GENERAL.—The Election Assistance Commis-  
3 sion shall make grants to each eligible State to assist the  
4 State in implementing the requirements of this part (or,  
5 in the case of an exempt State, in implementing its exist-  
6 ing automatic voter registration program).

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

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

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

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

19 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-  
20 sion shall determine the amount of a grant made to an  
21 eligible State under this section. In determining the  
22 amounts of the grants, the Commission shall give priority  
23 to providing funds for those activities which are most like-  
24 ly to accelerate compliance with the requirements of this  
25 part (or, in the case of an exempt State, which are most  
26 likely to enhance the ability of the State to automatically

1 register individuals to vote through its existing automatic  
2 voter registration program), including—

3 (1) investments supporting electronic informa-  
4 tion transfer, including electronic collection and  
5 transfer of signatures, between contributing agencies  
6 and the appropriate State election officials;

7 (2) updates to online or electronic voter reg-  
8 istration systems already operating as of the date of  
9 the enactment of this Act;

10 (3) introduction of online voter registration sys-  
11 tems in jurisdictions in which those systems did not  
12 previously exist; and

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

16 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

22 (2) CONTINUING AVAILABILITY OF FUNDS.—

23 Any amounts appropriated pursuant to the authority  
24 of this subsection shall remain available without fis-  
25 cal year limitation until expended.

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

2 (a) WAIVER OF REQUIREMENTS.—Except as pro-  
3 vided in subsection (b), this part does not apply with re-  
4 spect to an exempt State.

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

7 (1) section 1016 (relating to registration port-  
8 ability and correction).

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

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

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

14 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

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

20 (b) TRANSMISSION THROUGH SECURE THIRD PARTY  
21 PERMITTED.—Nothing in this part shall be construed to  
22 prevent a contributing agency from contracting with a  
23 third party to assist the agency in meeting the information  
24 transmittal requirements of this part, so long as the data  
25 transmittal complies with the applicable requirements of

1 this part, including the privacy and security provisions of  
2 section 1015.

3 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION  
4 OF SERVICES.—The services made available by contrib-  
5 uting agencies under this part and by the State under sec-  
6 tions 1006 and 1007 shall be made in a manner consistent  
7 with paragraphs (4), (5), and (6)(C) of section 7(a) of  
8 the National Voter Registration Act of 1993 (52 U.S.C.  
9 20506(a)).

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

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

22 (f) RELATION TO OTHER LAWS.—Except as pro-  
23 vided, nothing in this part may be construed to authorize  
24 or require conduct prohibited under, or to supersede, re-  
25 strict, or limit the application of any of the following:

1           (1) The Voting Rights Act of 1965 (52 U.S.C.  
2           10301 et seq.).

3           (2) The Uniformed and Overseas Citizens Ab-  
4           sentee Voting Act (52 U.S.C. 20301 et seq.).

5           (3) The National Voter Registration Act of  
6           1993 (52 U.S.C. 20501 et seq.).

7           (4) The Help America Vote Act of 2002 (52  
8           U.S.C. 20901 et seq.).

9   **SEC. 1020. DEFINITIONS.**

10          In this part, the following definitions apply:

11           (1) The term “chief State election official”  
12           means, with respect to a State, the individual des-  
13           ignated by the State under section 10 of the Na-  
14           tional Voter Registration Act of 1993 (52 U.S.C.  
15           20509) to be responsible for coordination of the  
16           State’s responsibilities under such Act.

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

19           (3) The term “exempt State” means a State  
20           which, under law which is in effect continuously on  
21           and after the date of the enactment of this Act, op-  
22           erates an automatic voter registration program  
23           under which an individual is automatically registered  
24           to vote in elections for Federal office in the State if  
25           the individual provides the motor vehicle authority of

1 the State with such identifying information as the  
2 State may require.

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

5 **SEC. 1021. EFFECTIVE DATE.**

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

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

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

18 **SEC. 1031. SAME DAY REGISTRATION.**

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

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

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



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

2 “(a) IN GENERAL.—

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

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

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

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

23 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this  
24 section, the term ‘eligible individual’ means, with respect  
25 to any election for Federal office, an individual who is oth-  
26 erwise qualified to vote in that election.

1           “(c) EFFECTIVE DATE.—Each State shall be re-  
2           quired to comply with the requirements of subsection (a)  
3           for the regularly scheduled general election for Federal of-  
4           fice occurring in November 2020 and for any subsequent  
5           election for 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  
11          of 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 sec-  
16                 tion 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 RE-  
23           MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the  
24           National Voter Registration Act of 1993 (52 U.S.C.  
25           20507(c)(2)) is 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, the State may not remove the name of the voter  
10          from such a list unless—

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

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

18          “(C) In this paragraph—

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

23           “(ii) the term ‘ERIC system’ means the system  
24           operated by the Electronic Registration Information  
25           Center to share voter registration information and

1 voter identification information among participating  
2 States.”.

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

10 (c) **CONFORMING AMENDMENT.**—Subparagraph (F)  
11 of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)) is  
12 amended by striking “Subparagraph (A)” and inserting  
13 “This paragraph”.

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

18 **PART 5—OTHER INITIATIVES TO PROMOTE**

19 **VOTER REGISTRATION**

20 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**

21 **STATISTICS.**

22 (a) **ANNUAL REPORT.**—Not later than 90 days after  
23 the end of each year, each State shall submit to the Elec-  
24 tion Assistance Commission and Congress a report con-

1 taining the following categories of information for the  
2 year:

3 (1) The number of individuals who were reg-  
4 istered under part 2.

5 (2) The number of voter registration applica-  
6 tion forms completed by individuals that were trans-  
7 mitted by motor vehicle authorities in the State  
8 (pursuant to section 5(d) of the National Voter Reg-  
9 istration Act of 1993) and voter registration agen-  
10 cies in the State (as designated under section 7 of  
11 such Act) to the chief State election official of the  
12 State, broken down by each such authority and  
13 agency.

14 (3) The number of such individuals whose voter  
15 registration application forms were accepted and  
16 who were registered to vote in the State and the  
17 number of such individuals whose forms were re-  
18 jected and who were not registered to vote in the  
19 State, broken down by each such authority and  
20 agency.

21 (4) The number of change of address forms and  
22 other forms of information indicating that an indi-  
23 vidual's identifying information has been changed  
24 that were transmitted by such motor vehicle authori-  
25 ties and voter registration agencies to the chief State

1 election official of the State, broken down by each  
2 such authority and agency and the type of form  
3 transmitted.

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

14 (6) The number of individuals who requested  
15 the chief State election official to revise voter reg-  
16 istration information on such list, and the number of  
17 individuals whose information was revised as a result  
18 of such a request.

19 (b) BREAKDOWN OF INFORMATION BY RACE AND  
20 ETHNICITY OF INDIVIDUALS.—In preparing the report  
21 under this section, the State shall, for each category of  
22 information described in subsection (a), include a break-  
23 down by race and ethnicity of the individuals whose infor-  
24 mation is included in the category, to the extent that infor-

1 mation on the race and ethnicity of such individuals is  
2 available to the State.

3 (c) CONFIDENTIALITY OF INFORMATION.—In pre-  
4 paring and submitting a report under this section, the  
5 chief State election official shall ensure that no informa-  
6 tion regarding the identification of any individual is re-  
7 vealed.

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

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

19 **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS**  
20 **UNDER HAVA TO COVER COSTS OF COMPLI-**  
21 **ANCE WITH NEW REQUIREMENTS.**

22 (a) IN GENERAL.—Section 251(b) of the Help Amer-  
23 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

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

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

3           “(4) CERTAIN VOTER REGISTRATION ACTIVITIES.—A State may use a requirements payment to  
4 carry out any of the requirements of the Voter Reg-  
5 istration Modernization Act of 2019, including the  
6 requirements of the National Voter Registration Act  
7 of 1993 which are imposed pursuant to the amend-  
8 ments made to such Act by the Voter Registration  
9 Modernization Act of 2019.”.

11          (b) CONFORMING AMENDMENT.—Section 254(a)(1)  
12 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-  
13 ing “section 251(a)(2)” and inserting “section  
14 251(b)(2)”.

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

18           **PART 7—PROHIBITING INTERFERENCE WITH**

19                                   **VOTER REGISTRATION**

20           **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**

21                                   **OR PREVENTING VOTER REGISTRATION.**

22          (a) IN GENERAL.—Chapter 29 of title 18, United  
23 States Code is amended by adding at the end the following  
24 new section:



1 **“§ 612. Hindering, interfering with, or preventing**  
2 **registering to vote**

3 “(a) PROHIBITION.—It shall be unlawful for any per-  
4 son, whether acting under color of law or otherwise, to  
5 corruptly hinder, interfere with, or prevent another person  
6 from registering to vote or to corruptly hinder, interfere  
7 with, or prevent another person from aiding another per-  
8 son in registering to vote.

9 “(b) ATTEMPT.—Any person who attempts to commit  
10 any offense described in subsection (a) shall be subject to  
11 the same penalties as those prescribed for the offense that  
12 the person attempted to commit.

13 “(c) PENALTY.—Any person who violates subsection  
14 (a) shall be fined under this title, imprisoned not more  
15 than 5 years, or both.”.

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

“612. Hindering, interfering with, or preventing registering to vote.”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply with respect to elections held on  
21 or after the date of the enactment of this Act, except that  
22 no person may be found to have violated section 612 of  
23 title 18, United States Code (as added by subsection (a)),  
24 on the basis of any act occurring prior to the date of the  
25 enactment of this Act.

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

2 (a) BEST PRACTICES.—Not later than 180 days after  
3 the date of the enactment of this Act, the Election Assist-  
4 ance Commission shall develop and publish recommenda-  
5 tions for best practices for States to use to deter and pre-  
6 vent violations of section 612 of title 18, United States  
7 Code (as added by section 1071), and section 12 of the  
8 National Voter Registration Act of 1993 (52 U.S.C.  
9 20511) (relating to the unlawful interference with reg-  
10 istering to vote, or voting, or attempting to register to vote  
11 or vote), including practices to provide for the posting of  
12 relevant information at polling places and voter registra-  
13 tion agencies under such Act, the training of poll workers  
14 and election officials, and relevant educational materials.  
15 For purposes of this subsection, the term “State” includes  
16 the District of Columbia, the Commonwealth of Puerto  
17 Rico, Guam, American Samoa, the United States Virgin  
18 Islands, and the Commonwealth of the Northern Mariana  
19 Islands.

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

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

25 (2) by striking the period at the end of sub-  
26 paragraph (F) and inserting “; and”; and

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

3           “(G) information relating to the prohibi-  
4 tions of section 612 of title 18, United States  
5 Code, and section 12 of the National Voter  
6 Registration Act of 1993 (52 U.S.C. 20511)  
7 (relating to the unlawful interference with reg-  
8 istering to vote, or voting, or attempting to reg-  
9 ister to vote or vote), including information on  
10 how individuals may report allegations of viola-  
11 tions of such prohibitions.”.

12           **Subtitle B—Access to Voting for**  
13           **Individuals With Disabilities**

14           **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-**  
15           **CESS TO VOTER REGISTRATION AND VOTING**  
16           **FOR INDIVIDUALS WITH DISABILITIES.**

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

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

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

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

3 “(a) TREATMENT OF APPLICATIONS AND BAL-  
4 LOTS.—Each State shall—

5 “(1) permit individuals with disabilities to use  
6 absentee registration procedures and to vote by ab-  
7 sentee ballot in elections for Federal office;

8 “(2) accept and process, with respect to any  
9 election for Federal office, any otherwise valid voter  
10 registration application and absentee ballot applica-  
11 tion from an individual with a disability if the appli-  
12 cation is received by the appropriate State election  
13 official not less than 30 days before the election;

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

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

22 “(B) for States to send by mail and elec-  
23 tronically (in accordance with the preferred  
24 method of transmission designated by the indi-  
25 vidual under subparagraph (C)) voter registra-  
26 tion applications and absentee ballot applica-

1           tions requested under subparagraph (A) in ac-  
2           cordance with subsection (c); and

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

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

14                   “(5) transmit a validly requested absentee bal-  
15          lot to an individual with a disability—

16                           “(A) except as provided in subsection (e),  
17          in the case in which the request is received at  
18          least 45 days before an election for Federal of-  
19          fice, not later than 45 days before the election;  
20          and

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

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

1                   “(ii) if practicable and as determined  
2                   appropriate by the State, in a manner that  
3                   expedites the transmission of such absen-  
4                   tee ballot; and

5                   “(6) if the State declares or otherwise holds a  
6                   runoff election for Federal office, establish a written  
7                   plan that provides absentee ballots are made avail-  
8                   able to individuals with disabilities in a manner that  
9                   gives them sufficient time to vote in the runoff elec-  
10                  tion.

11                  “(b) DESIGNATION OF SINGLE STATE OFFICE TO  
12                  PROVIDE INFORMATION ON REGISTRATION AND ABSEN-  
13                  TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS  
14                  IN STATE.—Each State shall designate a single office  
15                  which shall be responsible for providing information re-  
16                  garding voter registration procedures and absentee ballot  
17                  procedures to be used by individuals with disabilities with  
18                  respect to elections for Federal office to all individuals  
19                  with disabilities who wish to register to vote or vote in  
20                  any jurisdiction in the State.

21                  “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-  
22                  MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO  
23                  REQUEST AND FOR STATES TO SEND VOTER REGISTRA-  
24                  TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-

1 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING  
2 INFORMATION.—

3 “(1) IN GENERAL.—Each State shall, in addi-  
4 tion to the designation of a single State office under  
5 subsection (b), designate not less than 1 means of  
6 electronic communication—

7 “(A) for use by individuals with disabilities  
8 who wish to register to vote or vote in any ju-  
9 risdiction in the State to request voter registra-  
10 tion applications and absentee ballot applica-  
11 tions under subsection (a)(3);

12 “(B) for use by States to send voter reg-  
13 istration applications and absentee ballot appli-  
14 cations requested under such subsection; and

15 “(C) for the purpose of providing related  
16 voting, balloting, and election information to in-  
17 dividuals with disabilities.

18 “(2) CLARIFICATION REGARDING PROVISION OF  
19 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-  
20 TION.—A State may, in addition to the means of  
21 electronic communication so designated, provide  
22 multiple means of electronic communication to indi-  
23 viduals with disabilities, including a means of elec-  
24 tronic communication for the appropriate jurisdic-  
25 tion of the State.

1           “(3) INCLUSION OF DESIGNATED MEANS OF  
2 ELECTRONIC COMMUNICATION WITH INFORMA-  
3 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-  
4 COMPANY BALLOTING MATERIALS.—Each State shall  
5 include a means of electronic communication so des-  
6 igned with all informational and instructional ma-  
7 terials that accompany balloting materials sent by  
8 the State to individuals with disabilities.

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

17           “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS  
18 BY MAIL AND ELECTRONICALLY.—

19           “(1) IN GENERAL.—Each State shall establish  
20 procedures—

21           “(A) to securely transmit blank absentee  
22 ballots by mail and electronically (in accordance  
23 with the preferred method of transmission des-  
24 igned by the individual with a disability under



1           subparagraph (B)) to individuals with disabil-  
2           ities for an election for Federal office; and

3                   “(B) by which the individual with a dis-  
4           ability can designate whether the individual pre-  
5           fers that such blank absentee ballot be trans-  
6           mitted by mail or electronically.

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

14                   “(3) APPLICATION OF METHODS TO TRACK DE-  
15          LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL  
16          REQUESTING BALLOT.—Under the procedures estab-  
17          lished under paragraph (1), the State shall apply  
18          such methods as the State considers appropriate,  
19          such as assigning a unique identifier to the ballot,  
20          to ensure that if an individual with a disability re-  
21          quests the State to transmit a blank absentee ballot  
22          to the individual in accordance with this subsection,  
23          the voted absentee ballot which is returned by the  
24          individual is the same blank absentee ballot which  
25          the State transmitted to the individual.

1 “(e) HARDSHIP EXEMPTION.—

2 “(1) IN GENERAL.—If the chief State election  
3 official determines that the State is unable to meet  
4 the requirement under subsection (a)(5)(A) with re-  
5 spect to an election for Federal office due to an  
6 undue hardship described in paragraph (2)(B), the  
7 chief State election official shall request that the At-  
8 torney General grant a waiver to the State of the  
9 application of such subsection. Such request shall in-  
10 clude—

11 “(A) a recognition that the purpose of  
12 such subsection is to individuals with disabil-  
13 ities enough time to vote in an election for Fed-  
14 eral office;

15 “(B) an explanation of the hardship that  
16 indicates why the State is unable to transmit  
17 such individuals an absentee ballot in accord-  
18 ance with such subsection;

19 “(C) the number of days prior to the elec-  
20 tion for Federal office that the State requires  
21 absentee ballots be transmitted to such individ-  
22 uals; and

23 “(D) a comprehensive plan to ensure that  
24 such individuals are able to receive absentee  
25 ballots which they have requested and submit

1 marked absentee ballots to the appropriate  
2 State election official in time to have that ballot  
3 counted in the election for Federal office, which  
4 includes—

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

10 “(ii) why the plan provides such indi-  
11 viduals sufficient time to vote as a sub-  
12 stitute for the requirements under such  
13 subsection; and

14 “(iii) the underlying factual informa-  
15 tion which explains how the plan provides  
16 such sufficient time to vote as a substitute  
17 for such requirements.

18 “(2) APPROVAL OF WAIVER REQUEST.—The  
19 Attorney General shall approve a waiver request  
20 under paragraph (1) if the Attorney General deter-  
21 mines each of the following requirements are met:

22 “(A) The comprehensive plan under sub-  
23 paragraph (D) of such paragraph provides indi-  
24 viduals with disabilities sufficient time to re-  
25 ceive absentee ballots they have requested and

1 submit marked absentee ballots to the appro-  
2 priate State election official in time to have that  
3 ballot counted in the election for Federal office.

4 “(B) One or more of the following issues  
5 creates an undue hardship for the State:

6 “(i) The State’s primary election date  
7 prohibits the State from complying with  
8 subsection (a)(5)(A).

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

11 “(iii) The State Constitution prohibits  
12 the State from complying with such sub-  
13 section.

14 “(3) TIMING OF WAIVER.—

15 “(A) IN GENERAL.—Except as provided  
16 under subparagraph (B), a State that requests  
17 a waiver under paragraph (1) shall submit to  
18 the Attorney General the written waiver request  
19 not later than 90 days before the election for  
20 Federal office with respect to which the request  
21 is submitted. The Attorney General shall ap-  
22 prove or deny the waiver request not later than  
23 65 days before such election.

24 “(B) EXCEPTION.—If a State requests a  
25 waiver under paragraph (1) as the result of an

1           undue hardship described in paragraph  
2           (2)(B)(ii), the State shall submit to the Attor-  
3           ney General the written waiver request as soon  
4           as practicable. The Attorney General shall ap-  
5           prove or deny the waiver request not later than  
6           5 business days after the date on which the re-  
7           quest is received.

8           “(4) APPLICATION OF WAIVER.—A waiver ap-  
9           proved under paragraph (2) shall only apply with re-  
10          spect to the election for Federal office for which the  
11          request was submitted. For each subsequent election  
12          for Federal office, the Attorney General shall only  
13          approve a waiver if the State has submitted a re-  
14          quest under paragraph (1) with respect to such elec-  
15          tion.

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

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

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

4       (b) CONFORMING AMENDMENT RELATING TO  
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
6 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
7 U.S.C. 21101(b)) is amended—

8               (1) by striking “and” at the end of paragraph  
9       (2);

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

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

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

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

18              (1) by redesignating the items relating to sec-  
19       tions 305 and 306 as relating to sections 306 and  
20       307; and

21              (2) by inserting after the item relating to sec-  
22       tion 304 the following new item:

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

1 **SEC. 1102. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**  
2 **WITH DISABILITIES TO REGISTER TO VOTE**  
3 **AND VOTE PRIVATELY AND INDEPENDENTLY**  
4 **AT RESIDENCES.**

5 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The  
6 Election Assistance Commission (hereafter referred to as  
7 the “Commission”) shall make grants to eligible States to  
8 conduct pilot programs under which—

9 (1) individuals with disabilities may use elec-  
10 tronic means (including the Internet and telephones  
11 utilizing assistive devices) to register to vote and to  
12 request and receive absentee ballots, in a manner  
13 which permits such individuals to do so privately  
14 and independently at their own residences; and

15 (2) individuals with disabilities may use the  
16 telephone to cast ballots electronically from their  
17 own residences, but only if the telephone used is not  
18 connected to the Internet.

19 (b) REPORTS.—

20 (1) IN GENERAL.—A State receiving a grant for  
21 a year under this section shall submit a report to the  
22 Commission on the pilot programs the State carried  
23 out with the grant with respect to elections for pub-  
24 lic office held in the State during the year.

25 (2) DEADLINE.—A State shall submit a report  
26 under paragraph (1) not later than 90 days after

1 the last election for public office held in the State  
2 during the year.

3 (c) ELIGIBILITY.—A State is eligible to receive a  
4 grant under this section if the State submits to the Com-  
5 mission, at such time and in such form as the Commission  
6 may require, an application containing such information  
7 and assurances as the Commission may require.

8 (d) TIMING.—The Commission shall make the first  
9 grants under this section for pilot programs which will be  
10 in effect with respect to elections for Federal office held  
11 in 2020, or, at the option of a State, with respect to other  
12 elections for public office held in the State in 2020.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated for grants for pilot pro-  
15 grams under this section \$30,000,000 for fiscal year 2020  
16 and each succeeding fiscal year.

17 (f) STATE DEFINED.—In this section, the term  
18 “State” includes the District of Columbia, the Common-  
19 wealth of Puerto Rico, Guam, American Samoa, the  
20 United States Virgin Islands, and the Commonwealth of  
21 the Northern Mariana Islands.



1 **SEC. 1103. EXPANSION AND REAUTHORIZATION OF GRANT**  
2 **PROGRAM TO ASSURE VOTING ACCESS FOR**  
3 **INDIVIDUALS WITH DISABILITIES.**

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

8 “(1) making absentee voting and voting at  
9 home accessible to individuals with the full range of  
10 disabilities (including impairments involving vision,  
11 hearing, mobility, or dexterity) through the imple-  
12 mentation of accessible absentee voting systems that  
13 work in conjunction with assistive technologies for  
14 which individuals have access at their homes, inde-  
15 pendent living centers, or other facilities;

16 “(2) making polling places, including the path  
17 of travel, entrances, exits, and voting areas of each  
18 polling facility, accessible to individuals with disabili-  
19 ties, including the blind and visually impaired, in a  
20 manner that provides the same opportunity for ac-  
21 cess and participation (including privacy and inde-  
22 pendence) as for other voters; and

23 “(3) providing solutions to problems of access  
24 to voting and elections for individuals with disabili-  
25 ties that are universally designed and provide the

1 same opportunities for individuals with and without  
2 disabilities.”.

3 (b) REAUTHORIZATION.—Section 264(a) of such Act  
4 (52 U.S.C. 21024(a)) is amended by adding at the end  
5 the following new paragraph:

6 “(4) For fiscal year 2020 and each succeeding  
7 fiscal year, such sums as may be necessary to carry  
8 out this part.”.

9 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section  
10 264 of such Act (52 U.S.C. 21024) is amended—

11 (1) in subsection (b), by striking “Any  
12 amounts” and inserting “Except as provided in sub-  
13 section (b), any amounts”; and

14 (2) by adding at the end the following new sub-  
15 section:

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

17 “(1) DEADLINE FOR OBLIGATION AND EXPEND-  
18 ITURE.—In the case of any amounts appropriated  
19 pursuant to the authority of subsection (a) for a  
20 payment to a State or unit of local government for  
21 fiscal year 2020 or any succeeding fiscal year, any  
22 portion of such amounts which have not been obli-  
23 gated or expended by the State or unit of local gov-  
24 ernment prior to the expiration of the 4-year period  
25 which begins on the date the State or unit of local

1 government first received the amounts shall be  
2 transferred to the Commission.

3 “(2) REALLOCATION OF TRANSFERRED  
4 AMOUNTS.—

5 “(A) IN GENERAL.—The Commission shall  
6 use the amounts transferred under paragraph  
7 (1) to make payments on a pro rata basis to  
8 each covered payment recipient described in  
9 subparagraph (B), which may obligate and ex-  
10 pend such payment for the purposes described  
11 in section 261(b) during the 1-year period  
12 which begins on the date of receipt.

13 “(B) COVERED PAYMENT RECIPIENTS DE-  
14 SCRIBED.—In subparagraph (A), a ‘covered  
15 payment recipient’ is a State or unit of local  
16 government with respect to which—

17 “(i) amounts were appropriated pur-  
18 suant to the authority of subsection (a);  
19 and

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

1           **Subtitle C—Prohibiting Voter**  
2                           **Caging**

3   **SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE**  
4                           **CHALLENGES PROHIBITED.**

5           (a) IN GENERAL.—Chapter 29 of title 18, United  
6 States Code, as amended by section 1071(a), is amended  
7 by adding at the end the following:

8   **“§ 613. Voter caging and other questionable chal-**  
9                           **lenges**

10           “(a) DEFINITIONS.—In this section—

11                   “(1) the term ‘voter caging document’ means—

12                           “(A) a nonforwardable document that is  
13 returned to the sender or a third party as unde-  
14 livered or undeliverable despite an attempt to  
15 deliver such document to the address of a reg-  
16 istered voter or applicant; or

17                           “(B) any document with instructions to an  
18 addressee that the document be returned to the  
19 sender or a third party but is not so returned,  
20 despite an attempt to deliver such document to  
21 the address of a registered voter or applicant,  
22 unless at least two Federal election cycles have  
23 passed since the date of the attempted delivery;

1           “(2) the term ‘voter caging list’ means a list of  
2 individuals compiled from voter caging documents;  
3 and

4           “(3) the term ‘unverified match list’ means a  
5 list produced by matching the information of reg-  
6 istered voters or applicants for voter registration to  
7 a list of individuals who are ineligible to vote in the  
8 registrar’s jurisdiction, by virtue of death, convic-  
9 tion, change of address, or otherwise; unless one of  
10 the pieces of information matched includes a signa-  
11 ture, photograph, or unique identifying number en-  
12 suring that the information from each source refers  
13 to the same individual.

14       “(b) PROHIBITION AGAINST VOTER CAGING.—No  
15 State or local election official shall prevent an individual  
16 from registering or voting in any election for Federal of-  
17 fice, or permit in connection with any election for Federal  
18 office a formal challenge under State law to an individual’s  
19 registration status or eligibility to vote, if the basis for  
20 such decision is evidence consisting of—

21           “(1) a voter caging document or voter caging  
22 list;

23           “(2) an unverified match list;

24           “(3) an error or omission on any record or  
25 paper relating to any application, registration, or

1 other act requisite to voting, if such error or omis-  
2 sion is not material to an individual's eligibility to  
3 vote under section 2004 of the Revised Statutes, as  
4 amended (52 U.S.C. 10101(a)(2)(B)); or

5 “(4) any other evidence so designated for pur-  
6 poses of this section by the Election Assistance Com-  
7 mission,

8 except that the election official may use such evidence if  
9 it is corroborated by independent evidence of the individ-  
10 ual's ineligibility to register or vote.

11 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
12 OTHER THAN ELECTION OFFICIALS.—No person, other  
13 than a State or local election official, shall submit a formal  
14 challenge to an individual's eligibility to register to vote  
15 in an election for Federal office or to vote in an election  
16 for Federal office unless that challenge is supported by  
17 personal knowledge regarding the grounds for ineligibility  
18 which is—

19 “(1) documented in writing; and

20 “(2) subject to an oath or attestation under  
21 penalty of perjury that the challenger has a good  
22 faith factual basis to believe that the individual who  
23 is the subject of the challenge is ineligible to register  
24 to vote or vote in that election, except a challenge  
25 which is based on the race, ethnicity, or national ori-

1       gin of the individual who is the subject of the chal-  
2       lenge may not be considered to have a good faith  
3       factual basis for purposes of this paragraph.

4       “(d) PENALTIES FOR KNOWING MISCONDUCT.—  
5       Whoever knowingly challenges the eligibility of one or  
6       more individuals to register or vote or knowingly causes  
7       the eligibility of such individuals to be challenged in viola-  
8       tion of this section with the intent that one or more eligi-  
9       ble voters be disqualified, shall be fined under this title  
10      or imprisoned not more than 1 year, or both, for each such  
11      violation. Each violation shall be a separate offense.

12      “(e) NO EFFECT ON RELATED LAWS.—Nothing in  
13      this section is intended to override the protections of the  
14      National Voter Registration Act of 1993 (52 U.S.C.  
15      20501 et seq.) or to affect the Voting Rights Act of 1965  
16      (52 U.S.C. 10301 et seq.).”.

17      (b) CLERICAL AMENDMENT.—The table of sections  
18      for chapter 29 of title 18, United States Code, as amended  
19      by section 1071(b), is amended by adding at the end the  
20      following:

“613. Voter caging and other questionable challenges.”.

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

22  
23      (a) BEST PRACTICES.—Not later than 180 days after  
24      the date of the enactment of this Act, the Election Assist-  
25      ance Commission shall develop and publish for the use of

1 States recommendations for best practices to deter and  
2 prevent violations of section 613 of title 18, United States  
3 Code, as added by section 1201(a), including practices to  
4 provide for the posting of relevant information at polling  
5 places and voter registration agencies, the training of poll  
6 workers and election officials, and relevant educational  
7 measures. For purposes of this subsection, the term  
8 “State” includes the District of Columbia, the Common-  
9 wealth of Puerto Rico, Guam, American Samoa, the  
10 United States Virgin Islands, and the Commonwealth of  
11 the Northern Mariana Islands.

12 (b) INCLUSION IN VOTING INFORMATION REQUIRE-  
13 MENTS.—Section 302(b)(2) of the Help America Vote Act  
14 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section  
15 1072(b), is amended—

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

18 (2) by striking the period at the end of sub-  
19 paragraph (G) and inserting “; and”; and

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

22 “(H) information relating to the prohibi-  
23 tion against voter caging and other questionable  
24 challenges (as set forth in section 613 of title  
25 18, United States Code), including information



1 on how individuals may report allegations of  
2 violations of such prohibition.”.

3 **Subtitle D—Prohibiting Deceptive**  
4 **Practices and Preventing Voter**  
5 **Intimidation**

6 **SEC. 1301. SHORT TITLE.**

7 This subtitle may be cited as the “Deceptive Prac-  
8 tices and Voter Intimidation Prevention Act of 2019”.

9 **SEC. 1302. PROHIBITION ON DECEPTIVE PRACTICES IN**  
10 **FEDERAL ELECTIONS.**

11 (a) PROHIBITION.—Subsection (b) of section 2004 of  
12 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

13 (1) by striking “No person” and inserting the  
14 following:

15 “(1) IN GENERAL.—No person”; and

16 (2) by inserting at the end the following new  
17 paragraphs:

18 “(2) FALSE STATEMENTS REGARDING FEDERAL  
19 ELECTIONS.—

20 “(A) PROHIBITION.—No person, whether  
21 acting under color of law or otherwise, shall,  
22 within 60 days before an election described in  
23 paragraph (5), by any means, including by  
24 means of written, electronic, or telephonic com-  
25 munications, communicate or cause to be com-

1           municated information described in subpara-  
2           graph (B), or produce information described in  
3           subparagraph (B) with the intent that such in-  
4           formation be communicated, if such person—

5                   “(i) knows such information to be ma-  
6                   terially false; and

7                   “(ii) has the intent to impede or pre-  
8                   vent another person from exercising the  
9                   right to vote in an election described in  
10                  paragraph (5).

11                 “(B) INFORMATION DESCRIBED.—Infor-  
12                 mation is described in this subparagraph if such  
13                 information is regarding—

14                   “(i) the time, place, or manner of  
15                   holding any election described in para-  
16                   graph (5); or

17                   “(ii) the qualifications for or restric-  
18                   tions on voter eligibility for any such elec-  
19                   tion, including—

20                           “(I) any criminal penalties asso-  
21                           ciated with voting in any such elec-  
22                           tion; or

23                           “(II) information regarding a  
24                           voter’s registration status or eligi-  
25                           bility.

1           “(3) FALSE STATEMENTS REGARDING PUBLIC  
2           ENDORSEMENTS.—

3           “(A) PROHIBITION.—No person, whether  
4           acting under color of law or otherwise, shall,  
5           within 60 days before an election described in  
6           paragraph (5), by any means, including by  
7           means of written, electronic, or telephonic com-  
8           munications, communicate, or cause to be com-  
9           municated, a materially false statement about  
10          an endorsement, if such person—

11                   “(i) knows such statement to be false;

12                   and

13                   “(ii) has the intent to impede or pre-  
14                   vent another person from exercising the  
15                   right to vote in an election described in  
16                   paragraph (5).

17          “(B) DEFINITION OF ‘MATERIALLY  
18          FALSE’.—For purposes of subparagraph (A), a  
19          statement about an endorsement is ‘materially  
20          false’ if, with respect to an upcoming election  
21          described in paragraph (5)—

22                   “(i) the statement states that a spe-  
23                   cifically named person, political party, or  
24                   organization has endorsed the election of a

1 specific candidate for a Federal office de-  
2 scribed in such paragraph; and

3 “(ii) such person, political party, or  
4 organization has not endorsed the election  
5 of such candidate.

6 “(4) HINDERING, INTERFERING WITH, OR PRE-  
7 VENTING VOTING OR REGISTERING TO VOTE.—No  
8 person, whether acting under color of law or other-  
9 wise, shall intentionally hinder, interfere with, or  
10 prevent another person from voting, registering to  
11 vote, or aiding another person to vote or register to  
12 vote in an election described in paragraph (5).

13 “(5) ELECTION DESCRIBED.—An election de-  
14 scribed in this paragraph is any general, primary,  
15 run-off, or special election held solely or in part for  
16 the purpose of nominating or electing a candidate  
17 for the office of President, Vice President, presi-  
18 dential elector, Member of the Senate, Member of  
19 the House of Representatives, or Delegate or Com-  
20 missioner from a Territory or possession.”

21 (b) PRIVATE RIGHT OF ACTION.—

22 (1) IN GENERAL.—Subsection (c) of section  
23 2004 of the Revised Statutes (52 U.S.C. 10101(e))  
24 is amended—

1 (A) by striking “Whenever any person”  
2 and inserting the following:

3 “(1) Whenever any person”; and

4 (B) by adding at the end the following new  
5 paragraph:

6 “(2) Any person aggrieved by a violation of  
7 subsection (b)(2), (b)(3), or (b)(4) may institute a  
8 civil action for preventive relief, including an appli-  
9 cation in a United States district court for a perma-  
10 nent or temporary injunction, restraining order, or  
11 other order. In any such action, the court, in its dis-  
12 cretion, may allow the prevailing party a reasonable  
13 attorney’s fee as part of the costs.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Subsection (e) of section 2004 of the  
16 Revised Statutes (52 U.S.C. 10101(e)) is  
17 amended by striking “subsection (e)” and in-  
18 serting “subsection (e)(1)”.

19 (B) Subsection (g) of section 2004 of the  
20 Revised Statutes (52 U.S.C. 10101(g)) is  
21 amended by striking “subsection (e)” and in-  
22 serting “subsection (e)(1)”.

23 (c) CRIMINAL PENALTIES.—

24 (1) DECEPTIVE ACTS.—Section 594 of title 18,  
25 United States Code, is amended—

1 (A) by striking “Whoever” and inserting  
2 the following:

3 “(a) INTIMIDATION.—Whoever”;

4 (B) in subsection (a), as inserted by sub-  
5 paragraph (A), by striking “at any election”  
6 and inserting “at any general, primary, run-off,  
7 or special election”; and

8 (C) by adding at the end the following new  
9 subsections:

10 “(b) DECEPTIVE ACTS.—

11 “(1) FALSE STATEMENTS REGARDING FEDERAL  
12 ELECTIONS.—

13 “(A) PROHIBITION.—It shall be unlawful  
14 for any person, whether acting under color of  
15 law or otherwise, within 60 days before an elec-  
16 tion described in subsection (e), by any means,  
17 including by means of written, electronic, or tel-  
18 ephonic communications, to communicate or  
19 cause to be communicated information de-  
20 scribed in subparagraph (B), or produce infor-  
21 mation described in subparagraph (B) with the  
22 intent that such information be communicated,  
23 if such person—

24 “(i) knows such information to be ma-  
25 terially false; and

1           “(ii) has the intent to mislead voters,  
2           or the intent to impede or prevent another  
3           person from exercising the right to vote in  
4           an election described in subsection (e).

5           “(B) INFORMATION DESCRIBED.—Infor-  
6           mation is described in this subparagraph if such  
7           information is regarding—

8                   “(i) the time or place of holding any  
9                   election described in subsection (e); or

10                   “(ii) the qualifications for or restric-  
11                   tions on voter eligibility for any such elec-  
12                   tion, including—

13                           “(I) any criminal penalties asso-  
14                           ciated with voting in any such elec-  
15                           tion; or

16                           “(II) information regarding a  
17                           voter’s registration status or eligi-  
18                           bility.

19           “(2) PENALTY.—Any person who violates para-  
20           graph (1) shall be fined not more than \$100,000,  
21           imprisoned for not more than 5 years, or both.

22           “(c) HINDERING, INTERFERING WITH, OR PRE-  
23           VENTING VOTING OR REGISTERING TO VOTE.—

24                   “(1) PROHIBITION.—It shall be unlawful for  
25                   any person, whether acting under color of law or

1 otherwise, to corruptly hinder, interfere with, or pre-  
2 vent another person from voting, registering to vote,  
3 or aiding another person to vote or register to vote  
4 in an election described in subsection (e).

5 “(2) PENALTY.—Any person who violates para-  
6 graph (1) shall be fined not more than \$100,000,  
7 imprisoned for not more than 5 years, or both.

8 “(d) ATTEMPT.—Any person who attempts to commit  
9 any offense described in subsection (a), (b)(1), or (c)(1)  
10 shall be subject to the same penalties as those prescribed  
11 for the offense that the person attempted to commit.

12 “(e) ELECTION DESCRIBED.—An election described  
13 in this subsection is any general, primary, run-off, or spe-  
14 cial election held solely or in part for the purpose of nomi-  
15 nating or electing a candidate for the office of President,  
16 Vice President, presidential elector, Member of the Senate,  
17 Member of the House of Representatives, or Delegate or  
18 Commissioner from a Territory or possession.”.

19 (2) MODIFICATION OF PENALTY FOR VOTER IN-  
20 TIMIDATION.—Section 594(a) of title 18, United  
21 States Code, as amended by paragraph (1), is  
22 amended by striking “fined under this title or im-  
23 prisoned not more than one year” and inserting  
24 “fined not more than \$100,000, imprisoned for not  
25 more than 5 years”.



1 (3) SENTENCING GUIDELINES.—

2 (A) REVIEW AND AMENDMENT.—Not later  
3 than 180 days after the date of enactment of  
4 this Act, the United States Sentencing Commis-  
5 sion, pursuant to its authority under section  
6 994 of title 28, United States Code, and in ac-  
7 cordance with this section, shall review and, if  
8 appropriate, amend the Federal sentencing  
9 guidelines and policy statements applicable to  
10 persons convicted of any offense under section  
11 594 of title 18, United States Code, as amend-  
12 ed by this section.

13 (B) AUTHORIZATION.—The United States  
14 Sentencing Commission may amend the Federal  
15 Sentencing Guidelines in accordance with the  
16 procedures set forth in section 21(a) of the Sen-  
17 tencing Act of 1987 (28 U.S.C. 994 note) as  
18 though the authority under that section had not  
19 expired.

20 (4) PAYMENTS FOR REFRAINING FROM VOT-  
21 ING.—Subsection (c) of section 11 of the Voting  
22 Rights Act of 1965 (52 U.S.C. 10307) is amended  
23 by striking “either for registration to vote or for vot-  
24 ing” and inserting “for registration to vote, for vot-  
25 ing, or for not voting”.

1 **SEC. 1303. CORRECTIVE ACTION.**

2 (a) CORRECTIVE ACTION.—

3 (1) IN GENERAL.—If the Attorney General re-  
4 ceives a credible report that materially false informa-  
5 tion has been or is being communicated in violation  
6 of paragraphs (2) and (3) of section 2004(b) of the  
7 Revised Statutes (52 U.S.C. 10101(b)), as added by  
8 section 1302(a), and if the Attorney General deter-  
9 mines that State and local election officials have not  
10 taken adequate steps to promptly communicate accu-  
11 rate information to correct the materially false infor-  
12 mation, the Attorney General shall, pursuant to the  
13 written procedures and standards under subsection  
14 (b), communicate to the public, by any means, in-  
15 cluding by means of written, electronic, or telephonic  
16 communications, accurate information designed to  
17 correct the materially false information.

18 (2) COMMUNICATION OF CORRECTIVE INFORMA-  
19 TION.—Any information communicated by the Attor-  
20 ney General under paragraph (1)—

21 (A) shall—

22 (i) be accurate and objective;

23 (ii) consist of only the information  
24 necessary to correct the materially false in-  
25 formation that has been or is being com-  
26 municated; and

1 (iii) to the extent practicable, be by a  
2 means that the Attorney General deter-  
3 mines will reach the persons to whom the  
4 materially false information has been or is  
5 being communicated; and

6 (B) shall not be designed to favor or dis-  
7 favor any particular candidate, organization, or  
8 political party.

9 (b) WRITTEN PROCEDURES AND STANDARDS FOR  
10 TAKING CORRECTIVE ACTION.—

11 (1) IN GENERAL.—Not later than 180 days  
12 after the date of enactment of this Act, the Attorney  
13 General shall publish written procedures and stand-  
14 ards for determining when and how corrective action  
15 will be taken under this section.

16 (2) INCLUSION OF APPROPRIATE DEADLINES.—  
17 The procedures and standards under paragraph (1)  
18 shall include appropriate deadlines, based in part on  
19 the number of days remaining before the upcoming  
20 election.

21 (3) CONSULTATION.—In developing the proce-  
22 dures and standards under paragraph (1), the Attor-  
23 ney General shall consult with the Election Assist-  
24 ance Commission, State and local election officials,  
25 civil rights organizations, voting rights groups, voter

1 protection groups, and other interested community  
2 organizations.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Attorney General  
5 such sums as may be necessary to carry out this subtitle.

6 **SEC. 1304. REPORTS TO CONGRESS.**

7 (a) IN GENERAL.—Not later than 180 days after  
8 each general election for Federal office, the Attorney Gen-  
9 eral shall submit to Congress a report compiling all allega-  
10 tions received by the Attorney General of deceptive prac-  
11 tices described in paragraphs (2), (3), and (4) of section  
12 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as  
13 added by section 1302(a), relating to the general election  
14 for Federal office and any primary, run-off, or a special  
15 election for Federal office held in the 2 years preceding  
16 the general election.

17 (b) CONTENTS.—

18 (1) IN GENERAL.—Each report submitted  
19 under subsection (a) shall include—

20 (A) a description of each allegation of a  
21 deceptive practice described in subsection (a),  
22 including the geographic location, racial and  
23 ethnic composition, and language minority-  
24 group membership of the persons toward whom  
25 the alleged deceptive practice was directed;

1 (B) the status of the investigation of each  
2 allegation described in subparagraph (A);

3 (C) a description of each corrective action  
4 taken by the Attorney General under section  
5 4(a) in response to an allegation described in  
6 subparagraph (A);

7 (D) a description of each referral of an al-  
8 legation described in subparagraph (A) to other  
9 Federal, State, or local agencies;

10 (E) to the extent information is available,  
11 a description of any civil action instituted under  
12 section 2004(c)(2) of the Revised Statutes (52  
13 U.S.C. 10101(c)(2)), as added by section  
14 1302(b), in connection with an allegation de-  
15 scribed in subparagraph (A); and

16 (F) a description of any criminal prosecu-  
17 tion instituted under section 594 of title 18,  
18 United States Code, as amended by section  
19 3(e), in connection with the receipt of an allega-  
20 tion described in subparagraph (A) by the At-  
21 torney General.

22 (2) EXCLUSION OF CERTAIN INFORMATION.—

23 (A) IN GENERAL.—The Attorney General  
24 shall not include in a report submitted under  
25 subsection (a) any information protected from

1 disclosure by rule 6(e) of the Federal Rules of  
2 Criminal Procedure or any Federal criminal  
3 statute.

4 (B) EXCLUSION OF CERTAIN OTHER IN-  
5 FORMATION.—The Attorney General may deter-  
6 mine that the following information shall not be  
7 included in a report submitted under subsection  
8 (a):

9 (i) Any information that is privileged.

10 (ii) Any information concerning an  
11 ongoing investigation.

12 (iii) Any information concerning a  
13 criminal or civil proceeding conducted  
14 under seal.

15 (iv) Any other nonpublic information  
16 that the Attorney General determines the  
17 disclosure of which could reasonably be ex-  
18 pected to infringe on the rights of any in-  
19 dividual or adversely affect the integrity of  
20 a pending or future criminal investigation.

21 (c) REPORT MADE PUBLIC.—On the date that the  
22 Attorney General submits the report under subsection (a),  
23 the Attorney General shall also make the report publicly  
24 available through the Internet and other appropriate  
25 means.

## 1 **Subtitle E—Democracy Restoration**

### 2 **SEC. 1401. SHORT TITLE.**

3 This subtitle may be cited as the “Democracy Res-  
4 toration Act of 2019”.

### 5 **SEC. 1402. RIGHTS OF CITIZENS.**

6 The right of an individual who is a citizen of the  
7 United States to vote in any election for Federal office  
8 shall not be denied or abridged because that individual has  
9 been convicted of a criminal offense unless such individual  
10 is serving a felony sentence in a correctional institution  
11 or facility at the time of the election.

### 12 **SEC. 1403. ENFORCEMENT.**

13 (a) **ATTORNEY GENERAL.**—The Attorney General  
14 may, in a civil action, obtain such declaratory or injunctive  
15 relief as is necessary to remedy a violation of this subtitle.

16 (b) **PRIVATE RIGHT OF ACTION.**—

17 (1) **IN GENERAL.**—A person who is aggrieved  
18 by a violation of this subtitle may provide written  
19 notice of the violation to the chief election official of  
20 the State involved.

21 (2) **RELIEF.**—Except as provided in paragraph  
22 (3), if the violation is not corrected within 90 days  
23 after receipt of a notice under paragraph (1), or  
24 within 20 days after receipt of the notice if the viola-  
25 tion occurred within 120 days before the date of an

1 election for Federal office, the aggrieved person  
2 may, in a civil action, obtain declaratory or injunc-  
3 tive relief with respect to the violation.

4 (3) EXCEPTION.—If the violation occurred  
5 within 30 days before the date of an election for  
6 Federal office, the aggrieved person need not provide  
7 notice to the chief election official of the State under  
8 paragraph (1) before bringing a civil action to obtain  
9 declaratory or injunctive relief with respect to the  
10 violation.

11 **SEC. 1404. NOTIFICATION OF RESTORATION OF VOTING**  
12 **RIGHTS.**

13 (a) STATE NOTIFICATION.—

14 (1) NOTIFICATION.—On the date determined  
15 under paragraph (2), each State shall notify in writ-  
16 ing any individual who has been convicted of a  
17 criminal offense under the law of that State that  
18 such individual has the right to vote in an election  
19 for Federal office pursuant to the Democracy Res-  
20 toration Act of 2019 and may register to vote in any  
21 such election.

22 (2) DATE OF NOTIFICATION.—

23 (A) FELONY CONVICTION.—In the case of  
24 such an individual who has been convicted of a  
25 felony, the notification required under para-



1 graph (1) shall be given on the date on which  
2 the individual—

3 (i) is sentenced to serve only a term  
4 of probation; or

5 (ii) is released from the custody of  
6 that State (other than to the custody of  
7 another State or the Federal Government  
8 to serve a term of imprisonment for a fel-  
9 ony conviction).

10 (B) MISDEMEANOR CONVICTION.—In the  
11 case of such an individual who has been con-  
12 victed of a misdemeanor, the notification re-  
13 quired under paragraph (1) shall be given on  
14 the date on which such individual is sentenced  
15 by a State court.

16 (b) FEDERAL NOTIFICATION.—

17 (1) NOTIFICATION.—Any individual who has  
18 been convicted of a criminal offense under Federal  
19 law shall be notified in accordance with paragraph  
20 (2) that such individual has the right to vote in an  
21 election for Federal office pursuant to the Democ-  
22 racy Restoration Act of 2019 and may register to  
23 vote in any such election.

24 (2) DATE OF NOTIFICATION.—

1 (A) FELONY CONVICTION.—In the case of  
2 such an individual who has been convicted of a  
3 felony, the notification required under para-  
4 graph (1) shall be given—

5 (i) in the case of an individual who is  
6 sentenced to serve only a term of proba-  
7 tion, by the Assistant Director for the Of-  
8 fice of Probation and Pretrial Services of  
9 the Administrative Office of the United  
10 States Courts on the date on which the in-  
11 dividual is sentenced; or

12 (ii) in the case of any individual com-  
13 mitted to the custody of the Bureau of  
14 Prisons, by the Director of the Bureau of  
15 Prisons, during the period beginning on  
16 the date that is 6 months before such indi-  
17 vidual is released and ending on the date  
18 such individual is released from the cus-  
19 tody of the Bureau of Prisons.

20 (B) MISDEMEANOR CONVICTION.—In the  
21 case of such an individual who has been con-  
22 victed of a misdemeanor, the notification re-  
23 quired under paragraph (1) shall be given on  
24 the date on which such individual is sentenced  
25 by a court established by an Act of Congress.

1 **SEC. 1405. DEFINITIONS.**

2 For purposes of this subtitle:

3 (1) **CORRECTIONAL INSTITUTION OR FACIL-**  
4 **ITY.**—The term “correctional institution or facility”  
5 means any prison, penitentiary, jail, or other institu-  
6 tion or facility for the confinement of individuals  
7 convicted of criminal offenses, whether publicly or  
8 privately operated, except that such term does not  
9 include any residential community treatment center  
10 (or similar public or private facility).

11 (2) **ELECTION.**—The term “election” means—

12 (A) a general, special, primary, or runoff  
13 election;

14 (B) a convention or caucus of a political  
15 party held to nominate a candidate;

16 (C) a primary election held for the selec-  
17 tion of delegates to a national nominating con-  
18 vention of a political party; or

19 (D) a primary election held for the expres-  
20 sion of a preference for the nomination of per-  
21 sons for election to the office of President.

22 (3) **FEDERAL OFFICE.**—The term “Federal of-  
23 fice” means the office of President or Vice President  
24 of the United States, or of Senator or Representa-  
25 tive in, or Delegate or Resident Commissioner to,  
26 the Congress of the United States.

1           (4) PROBATION.—The term “probation” means  
2           probation, imposed by a Federal, State, or local  
3           court, with or without a condition on the individual  
4           involved concerning—

5                   (A) the individual’s freedom of movement;

6                   (B) the payment of damages by the indi-  
7           vidual;

8                   (C) periodic reporting by the individual to  
9           an officer of the court; or

10                  (D) supervision of the individual by an of-  
11           ficer of the court.

12 **SEC. 1406. RELATION TO OTHER LAWS.**

13           (a) STATE LAWS RELATING TO VOTING RIGHTS.—  
14           Nothing in this subtitle be construed to prohibit the States  
15           from enacting any State law which affords the right to  
16           vote in any election for Federal office on terms less restric-  
17           tive than those established by this subtitle.

18           (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
19           edies established by this subtitle are in addition to all  
20           other rights and remedies provided by law, and neither  
21           rights and remedies established by this Act shall super-  
22           sede, restrict, or limit the application of the Voting Rights  
23           Act of 1965 (52 U.S.C. 10301 et seq.) or the National  
24           Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

1 **SEC. 1407. FEDERAL PRISON FUNDS.**

2 No State, unit of local government, or other person  
3 may receive or use, to construct or otherwise improve a  
4 prison, jail, or other place of incarceration, any Federal  
5 funds unless that person has in effect a program under  
6 which each individual incarcerated in that person's juris-  
7 diction who is a citizen of the United States is notified,  
8 upon release from such incarceration, of that individual's  
9 rights under section 1402.

10 **SEC. 1408. EFFECTIVE DATE.**

11 This subtitle shall apply to citizens of the United  
12 States voting in any election for Federal office held after  
13 the date of the enactment of this Act.

14 **Subtitle F—Promoting Accuracy,**  
15 **Integrity, and Security Through**  
16 **Voter-Verified Permanent Paper**  
17 **Ballot**

18 **SEC. 1501. SHORT TITLE.**

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

21 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**  
22 **QUIREMENTS.**

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

26 “(2) PAPER BALLOT REQUIREMENT.—

1 “(A) VOTER-VERIFIED PAPER BALLOTS.—

2 “(i) PAPER BALLOT REQUIREMENT.—

3 (I) The voting system shall require the use  
4 of an individual, durable, voter-verified,  
5 paper ballot of the voter’s vote that shall  
6 be marked and made available for inspec-  
7 tion and verification by the voter before  
8 the voter’s vote is cast and counted, and  
9 which shall be counted by hand or read by  
10 an optical character recognition device or  
11 other counting device. For purposes of this  
12 subclause, the term ‘individual, durable,  
13 voter-verified, paper ballot’ means a paper  
14 ballot marked by the voter by hand or a  
15 paper ballot marked through the use of a  
16 nontabulating ballot marking device or sys-  
17 tem, so long as the voter shall have the op-  
18 tion to mark his or her ballot by hand.

19 “(II) The voting system shall provide  
20 the voter with an opportunity to correct  
21 any error on the paper ballot before the  
22 permanent voter-verified paper ballot is  
23 preserved in accordance with clause (ii).

24 “(III) The voting system shall not  
25 preserve the voter-verified paper ballots in

1 any manner that makes it possible, at any  
2 time after the ballot has been cast, to asso-  
3 ciate a voter with the record of the voter's  
4 vote without the voter's consent.

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

14 “(iii) MANUAL COUNTING REQUIRE-  
15 MENTS FOR RECOUNTS AND AUDITS.—(I)  
16 Each paper ballot used pursuant to clause  
17 (i) shall be suitable for a manual audit,  
18 and shall be counted by hand in any re-  
19 count or audit conducted with respect to  
20 any election for Federal office.

21 “(II) In the event of any inconsist-  
22 encies or irregularities between any elec-  
23 tronic vote tallies and the vote tallies de-  
24 termined by counting by hand the indi-  
25 vidual, durable, voter-verified, paper ballots

1 used pursuant to clause (i), and subject to  
2 subparagraph (B), the individual, durable,  
3 voter-verified, paper ballots shall be the  
4 true and correct record of the votes cast.

5 “(iv) APPLICATION TO ALL BAL-  
6 LOTS.—The requirements of this subpara-  
7 graph shall apply to all ballots cast in elec-  
8 tions for Federal office, including ballots  
9 cast by absent uniformed services voters  
10 and overseas voters under the Uniformed  
11 and Overseas Citizens Absentee Voting Act  
12 and other absentee voters.

13 “(B) SPECIAL RULE FOR TREATMENT OF  
14 DISPUTES WHEN PAPER BALLOTS HAVE BEEN  
15 SHOWN TO BE COMPROMISED.—

16 “(i) IN GENERAL.—In the event  
17 that—

18 “(I) there is any inconsistency  
19 between any electronic vote tallies and  
20 the vote tallies determined by count-  
21 ing by hand the individual, durable,  
22 voter-verified, paper ballots used pur-  
23 suant to subparagraph (A)(i) with re-  
24 spect to any election for Federal of-  
25 fice; and



1                   “(II) it is demonstrated by clear  
2                   and convincing evidence (as deter-  
3                   mined in accordance with the applica-  
4                   ble standards in the jurisdiction in-  
5                   volved) in any recount, audit, or con-  
6                   test of the result of the election that  
7                   the paper ballots have been com-  
8                   promised (by damage or mischief or  
9                   otherwise) and that a sufficient num-  
10                  ber of the ballots have been so com-  
11                  promised that the result of the elec-  
12                  tion could be changed,

13                  the determination of the appropriate rem-  
14                  edy with respect to the election shall be  
15                  made in accordance with applicable State  
16                  law, except that the electronic tally shall  
17                  not be used as the exclusive basis for de-  
18                  termining the official certified result.

19                  “(ii) RULE FOR CONSIDERATION OF  
20                  BALLOTS ASSOCIATED WITH EACH VOTING  
21                  MACHINE.—For purposes of clause (i),  
22                  only the paper ballots deemed com-  
23                  promised, if any, shall be considered in the  
24                  calculation of whether or not the result of

1                   the election could be changed due to the  
2                   compromised paper ballots.”.

3           (b) CONFORMING AMENDMENT CLARIFYING APPLI-  
4   CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—  
5   Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))  
6   is amended by inserting “(including the paper ballots re-  
7   quired to be used under paragraph (2))” after “voting sys-  
8   tem”.

9           (c) OTHER CONFORMING AMENDMENTS.—Section  
10   301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
11   ed—

12           (1) in subparagraph (A)(i), by striking “count-  
13   ed” and inserting “counted, in accordance with  
14   paragraphs (2) and (3)”;

15           (2) in subparagraph (A)(ii), by striking “count-  
16   ed” and inserting “counted, in accordance with  
17   paragraphs (2) and (3)”;

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

21           (4) in subparagraph (B)(ii), by striking “count-  
22   ed” and inserting “counted, in accordance with  
23   paragraphs (2) and (3)”.

1 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
2 **INDIVIDUALS WITH DISABILITIES.**

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

6 “(B)(i) ensure that individuals with dis-  
7 abilities and others are given an equivalent op-  
8 portunity to vote, including with privacy and  
9 independence, in a manner that produces a  
10 voter-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-  
12 graph (A) through the use of at least one voting  
13 system equipped for individuals with disabil-  
14 ities, including nonvisual and enhanced visual  
15 accessibility for the blind and visually impaired,  
16 and nonmanual and enhanced manual accessi-  
17 bility for the mobility and dexterity impaired, at  
18 each polling place; and

19 “(iii) meet the requirements of subpara-  
20 graph (A) and paragraph (2)(A) by using a sys-  
21 tem that—

22 “(I) allows the voter to privately and  
23 independently verify the permanent paper  
24 ballot through the presentation, in acces-  
25 sible form, of the printed or marked vote  
26 selections from the same printed or

1 marked information that would be used for  
2 any vote counting or auditing; and

3 “(II) allows the voter to privately and  
4 independently verify and cast the perma-  
5 nent paper ballot without requiring the  
6 voter to manually handle the paper bal-  
7 lot.”.

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

11 (1) STUDY AND REPORTING.—Subtitle C of  
12 title II of such Act (52 U.S.C. 21081 et seq.) is  
13 amended—

14 (A) by redesignating section 247 as section  
15 248; and

16 (B) by inserting after section 246 the fol-  
17 lowing new section:

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

20 “(a) STUDY AND REPORT.—The Director of the Na-  
21 tional Science Foundation shall make grants to not fewer  
22 than 3 eligible entities to study, test, and develop acces-  
23 sible paper ballot voting, verification, and casting mecha-  
24 nisms and devices and best practices to enhance the acces-  
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary  
2 language is not English, and for voters with difficulties  
3 in literacy, including best practices for the mechanisms  
4 themselves and the processes through which the mecha-  
5 nisms are used.

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

10 “(1) certifications that the entity shall specifi-  
11 cally investigate enhanced methods or devices, in-  
12 cluding non-electronic devices, that will assist such  
13 individuals and voters in marking voter-verified  
14 paper ballots and presenting or transmitting the in-  
15 formation printed or marked on such ballots back to  
16 such individuals and voters, and casting such ballots;

17 “(2) a certification that the entity shall com-  
18 plete the activities carried out with the grant not  
19 later than December 31, 2020; and

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

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
23 nology developed with the grants made under this section  
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-  
2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-  
4 NOLOGY IMPROVEMENTS.—The Director shall carry out  
5 this section so that the activities carried out with the  
6 grants made under subsection (a) are coordinated with the  
7 research conducted under the grant program carried out  
8 by the Commission under section 271, to the extent that  
9 the Director and Commission determine necessary to pro-  
10 vide for the advancement of accessible voting technology.

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

14 (2) CLERICAL AMENDMENT.—The table of con-  
15 tents of such Act is amended—

16 (A) by redesignating the item relating to  
17 section 247 as relating to section 248; and

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

“Sec. 247. Study and report on accessible paper ballot verification mecha-  
nisms.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
22 adopting any voluntary guidance under subtitle B of title  
23 III of the Help America Vote Act with respect to the ac-  
24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-  
2 mission shall include and apply the same accessibility  
3 standards applicable under the voluntary guidance adopt-  
4 ed for accessible voting systems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION  
6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
8 tion 292(a) of the Help America Vote Act of 2002 (52  
9 U.S.C. 21062(a)) is amended by striking “; except that”  
10 and all that follows and inserting a period.

11 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**  
12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002  
14 (52 U.S.C. 21081(a)) is amended by adding at the end  
15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-  
17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR  
19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified  
21 paper ballots required to be used under  
22 this Act shall be marked or printed on du-  
23 rable paper.

24 “(ii) DEFINITION.—For purposes of  
25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-  
2 counts by hand without compromising the  
3 fundamental integrity of the ballots, and  
4 capable of retaining the information  
5 marked or printed on them for the full du-  
6 ration of a retention and preservation pe-  
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR  
9 PAPER BALLOTS MARKED BY BALLOT MARKING  
10 DEVICE.—All voter-verified paper ballots com-  
11 pleted by the voter through the use of a ballot  
12 marking device shall be clearly readable by the  
13 voter without assistance (other than eyeglasses  
14 or other personal vision enhancing devices) and  
15 by an optical character recognition device or  
16 other device equipped for individuals with dis-  
17 abilities.”.

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

19 Section 301(d) of the Help America Vote Act of 2002  
20 (52 U.S.C. 21081(d)) is amended to read as follows:

21 “(d) EFFECTIVE DATE.—

22 “(1) IN GENERAL.—Except as provided in para-  
23 graph (2), each State and jurisdiction shall be re-  
24 quired to comply with the requirements of this sec-  
25 tion on and after January 1, 2006.



1           “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
2           MENTS.—

3           “(A) IN GENERAL.—Except as provided in  
4           subparagraphs (B) and (C), the requirements of  
5           this section which are first imposed on a State  
6           and jurisdiction pursuant to the amendments  
7           made by the Voter Confidence and Increased  
8           Accessibility Act of 2019 shall apply with re-  
9           spect to voting systems used for any election for  
10          Federal office held in 2022 or any succeeding  
11          year.

12          “(B) DELAY FOR JURISDICTIONS USING  
13          CERTAIN PAPER RECORD PRINTERS OR CERTAIN  
14          SYSTEMS USING OR PRODUCING VOTER-  
15          VERIFIABLE PAPER RECORDS IN 2020.—

16          “(i) DELAY.—In the case of a juris-  
17          diction described in clause (ii), subpara-  
18          graph (A) shall apply to a voting system in  
19          the jurisdiction as if the reference in such  
20          subparagraph to ‘2022’ were a reference to  
21          ‘2024’, but only with respect to the fol-  
22          lowing requirements of this section:

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

1 “(II) Paragraph (3)(B)(ii)(I) and  
2 (II) of subsection (a) (relating to ac-  
3 cess to verification from and casting  
4 of the durable paper ballot).

5 “(III) Paragraph (7) of sub-  
6 section (a) (relating to durability and  
7 readability requirements for ballots).

8 “(ii) JURISDICTIONS DESCRIBED.—A  
9 jurisdiction described in this clause is a ju-  
10 risdiction—

11 “(I) which used voter verifiable  
12 paper record printers attached to di-  
13 rect recording electronic voting ma-  
14 chines, or which used other voting  
15 systems that used or produced paper  
16 records of the vote verifiable by voters  
17 but that are not in compliance with  
18 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)  
19 and (II), and (7) of subsection (a) (as  
20 amended or added by the Voter Con-  
21 fidence and Increased Accessibility  
22 Act of 2019), for the administration  
23 of the regularly scheduled general  
24 election for Federal office held in No-  
25 vember 2020; and

1                   “(II) which will continue to use  
2                   such printers or systems for the ad-  
3                   ministration of elections for Federal  
4                   office held in years before 2022.

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

9                   “(I) REQUIRING BALLOTS TO BE  
10                  OFFERED AND PROVIDED.—The ap-  
11                  propriate election official at each poll-  
12                  ing place that uses a printer or sys-  
13                  tem described in clause (ii)(I) for the  
14                  administration of elections for Federal  
15                  office shall offer each individual who  
16                  is eligible to cast a vote in the election  
17                  at the polling place the opportunity to  
18                  cast the vote using a blank pre-print-  
19                  ed paper ballot which the individual  
20                  may mark by hand and which is not  
21                  produced by the direct recording elec-  
22                  tronic voting machine or other such  
23                  system. The official shall provide the  
24                  individual with the ballot and the sup-  
25                  plies necessary to mark the ballot, and

1 shall ensure (to the greatest extent  
2 practicable) that the waiting period  
3 for the individual to cast a vote is the  
4 lesser of 30 minutes or the average  
5 waiting period for an individual who  
6 does not agree to cast the vote using  
7 such a paper ballot under this clause.

8 “(II) TREATMENT OF BALLOT.—  
9 Any paper ballot which is cast by an  
10 individual under this clause shall be  
11 counted and otherwise treated as a  
12 regular ballot for all purposes (includ-  
13 ing by incorporating it into the final  
14 unofficial vote count (as defined by  
15 the State) for the precinct) and not as  
16 a provisional ballot, unless the indi-  
17 vidual casting the ballot would have  
18 otherwise been required to cast a pro-  
19 visional ballot.

20 “(III) POSTING OF NOTICE.—  
21 The appropriate election official shall  
22 ensure there is prominently displayed  
23 at each polling place a notice that de-  
24 scribes the obligation of the official to  
25 offer individuals the opportunity to

1 cast votes using a pre-printed blank  
2 paper ballot.

3 “(IV) TRAINING OF ELECTION  
4 OFFICIALS.—The chief State election  
5 official shall ensure that election offi-  
6 cials at polling places in the State are  
7 aware of the requirements of this  
8 clause, including the requirement to  
9 display a notice under subclause (III),  
10 and are aware that it is a violation of  
11 the requirements of this title for an  
12 election official to fail to offer an indi-  
13 vidual the opportunity to cast a vote  
14 using a blank pre-printed paper ballot.

15 “(V) PERIOD OF APPLICA-  
16 BILITY.—The requirements of this  
17 clause apply only during the period in  
18 which the delay is in effect under  
19 clause (i).

20 “(C) SPECIAL RULE FOR JURISDICTIONS  
21 USING CERTAIN NONTABULATING BALLOT  
22 MARKING DEVICES.—In the case of a jurisdic-  
23 tion which uses a nontabulating ballot marking  
24 device which automatically deposits the ballot  
25 into a privacy sleeve, subparagraph (A) shall

1 apply to a voting system in the jurisdiction as  
2 if the reference in such subparagraph to ‘any  
3 election for Federal office held in 2022 or any  
4 succeeding year’ were a reference to ‘elections  
5 for Federal office occurring held in 2024 or  
6 each succeeding year’, but only with respect to  
7 paragraph (3)(B)(iii)(II) of subsection (a) (re-  
8 lating to nonmanual casting of the durable  
9 paper ballot).”.

## 10 **Subtitle G—Provisional Ballots**

### 11 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 12 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 13 **NONDISCRIMINATORY STANDARDS.**

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

16 (1) by redesignating subsection (d) as sub-  
17 section (f); and

18 (2) by inserting after subsection (c) the fol-  
19 lowing new subsections:

20 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-  
21 LOTS.—

22 “(1) IN GENERAL.—For purposes of subsection  
23 (a)(4), notwithstanding the precinct or polling place  
24 at which a provisional ballot is cast within the State,  
25 the appropriate election official shall count each vote

1 on such ballot for each election in which the indi-  
2 vidual who cast such ballot is eligible to vote.

3 “(2) EFFECTIVE DATE.—This subsection shall  
4 apply with respect to elections held on or after Janu-  
5 ary 1, 2020.

6 “(e) UNIFORM AND NONDISCRIMINATORY STAND-  
7 ARDS.—

8 “(1) IN GENERAL.—Consistent with the re-  
9 quirements of this section, each State shall establish  
10 uniform and nondiscriminatory standards for the  
11 issuance, handling, and counting of provisional bal-  
12 lots.

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

16 (b) CONFORMING AMENDMENT.—Section 302(f) of  
17 such Act (52 U.S.C. 21082(f)), as redesignated by sub-  
18 section (a), is amended by striking “Each State” and in-  
19 serting “Except as provided in subsections (d)(2) and  
20 (e)(2), each State”.

## 21 **Subtitle H—Early Voting**

### 22 **SEC. 1611. EARLY VOTING.**

23 (a) REQUIREMENTS.—Subtitle A of title III of the  
24 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),

1 as amended by section 1031(a) and section 1101(a), is  
2 amended—

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

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

7 **“SEC. 306. EARLY VOTING.**

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

10 “(1) **IN GENERAL.—**Each State shall allow indi-  
11 viduals to vote in an election for Federal office dur-  
12 ing an early voting period which occurs prior to the  
13 date of the election, in the same manner as voting  
14 is allowed on such date.

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

23 “(b) **MINIMUM EARLY VOTING REQUIREMENTS.—**  
24 Each polling place which allows voting during an early vot-  
25 ing period under subsection (a) shall—



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

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

6           “(c) LOCATION OF POLLING PLACES NEAR PUBLIC  
7           TRANSPORTATION.—To the greatest extent practicable, a  
8           State shall ensure that each polling place which allows vot-  
9           ing during an early voting period under subsection (a) is  
10          located within walking distance of a stop on a public trans-  
11          portation route.

12          “(d) STANDARDS.—

13                 “(1) IN GENERAL.—The Commission shall issue  
14                 standards for the administration of voting prior to  
15                 the day scheduled for a Federal election. Such  
16                 standards shall include the nondiscriminatory geo-  
17                 graphic placement of polling places at which such  
18                 voting occurs.

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

1       “(e) EFFECTIVE DATE.—This section shall apply  
2 with respect to elections held on or after January 1,  
3 2020.”.

4       (b) CONFORMING AMENDMENT RELATING TO  
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
6 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
7 U.S.C. 21101(b)), as amended by section 1101(b), is  
8 amended—

9           (1) by striking “and” at the end of paragraph  
10       (3);

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

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

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

17       (c) CLERICAL AMENDMENT.—The table of contents  
18 of such Act, as amended by section 1031(c) and section  
19 1101(d), is amended—

20           (1) by redesignating the items relating to sec-  
21       tions 306 and 307 as relating to sections 307 and  
22       308; and

23           (2) by inserting after the item relating to sec-  
24       tion 305 the following new item:

“Sec. 306. Early voting.”.

1                   **Subtitle I—Voting by Mail**

2   **SEC. 1621. VOTING BY MAIL.**

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

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

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

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

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

23           “(b) **REQUIRING SIGNATURE VERIFICATION.**—A  
24 State may not accept and process an absentee ballot sub-  
25 mitted by any individual with respect to an election for

1 Federal office unless the State verifies the identification  
2 of the individual by comparing the individual's signature  
3 on the absentee ballot with the individual's signature on  
4 the official list of registered voters in the State, in accord-  
5 ance with such procedures as the State may adopt.

6       “(c) DEADLINE FOR PROVIDING BALLOTING MATE-  
7 RIALS.—If an individual requests to vote by absentee bal-  
8 lot in an election for Federal office, the appropriate State  
9 or local election official shall ensure that the ballot and  
10 relating voting materials are transmitted to the indi-  
11 vidual—

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

14               “(2) in the case of a State which imposes a  
15 deadline for requesting an absentee ballot and re-  
16 lated voting materials which is less than 2 weeks be-  
17 fore the date of the election, as expeditiously as pos-  
18 sible.

19       “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-  
20 ABILITIES.—Consistent with section 305, the State shall  
21 ensure that all absentee ballots and related voting mate-  
22 rials in elections for Federal office are accessible to indi-  
23 viduals with disabilities in a manner that provides the  
24 same opportunity for access and participation (including  
25 with privacy and independence) as for other voters.

1           “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF  
2 MAILED BALLOTS.—If a ballot submitted by an individual  
3 by mail with respect to an election for Federal office in  
4 a State is postmarked on or before the date of the election,  
5 the State may not refuse to accept or process the ballot  
6 on the grounds that the individual did not meet a deadline  
7 for returning the ballot to the appropriate State or local  
8 election official.

9           “(f) NO EFFECT ON BALLOTS SUBMITTED BY AB-  
10 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in  
11 this section may be construed to affect the treatment of  
12 any ballot submitted by an individual who is entitled to  
13 vote by absentee ballot under the Uniformed and Overseas  
14 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

15           “(g) EFFECTIVE DATE.—This section shall apply  
16 with respect to elections held on or after January 1,  
17 2020.”

18           (b) CONFORMING AMENDMENT RELATING TO  
19 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
20 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
21 U.S.C. 21101(b)), as amended by section 1101(b) and sec-  
22 tion 1611(b), is amended—

23                   (1) by striking “and” at the end of paragraph  
24                   (4);

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

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

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

7 (c) CLERICAL AMENDMENT.—The table of contents  
8 of such Act, as amended by section 1031(c), section  
9 1101(d), and section 1611(c), is amended—

10 (1) by redesignating the items relating to sec-  
11 tions 307 and 308 as relating to sections 308 and  
12 309; and

13 (2) by inserting after the item relating to sec-  
14 tion 306 the following new item:

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

15 **Subtitle J—Absent Uniformed**  
16 **Services Voters and Overseas**  
17 **Voters**

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

20 Section 102(c) of the Uniformed and Overseas Citi-  
21 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-  
22 ed to read as follows:

23 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,  
24 AND RECEIPT OF ABSENTEE BALLOTS.—

1           “(1) PRE-ELECTION REPORT ON ABSENTEE  
2 BALLOT AVAILABILITY.—Not later than 55 days be-  
3 fore any regularly scheduled general election for  
4 Federal office, each State shall submit a report to  
5 the Attorney General, the Election Assistance Com-  
6 mission (hereafter in this subsection referred to as  
7 the ‘Commission’), and the Presidential Designee,  
8 and make that report publicly available that same  
9 day, certifying that absentee ballots for the election  
10 are or will be available for transmission to absent  
11 uniformed services voters and overseas voters by not  
12 later than 45 days before the election. The report  
13 shall be in a form prescribed jointly by the Attorney  
14 General and the Commission and shall require the  
15 State to certify specific information about ballot  
16 availability from each unit of local government which  
17 will administer the election.

18           “(2) PRE-ELECTION REPORT ON ABSENTEE  
19 BALLOT TRANSMISSION.—Not later than 43 days be-  
20 fore any regularly scheduled general election for  
21 Federal office, each State shall submit a report to  
22 the Attorney General, the Commission, and the  
23 Presidential Designee, and make that report publicly  
24 available that same day, certifying whether all ab-  
25 sentee ballots have been transmitted by not later

1 than 45 days before the election to all qualified ab-  
2 sent uniformed services and overseas voters whose  
3 requests were received at least 45 days before the  
4 election. The report shall be in a form prescribed  
5 jointly by the Attorney General and the Commission,  
6 and shall require the State to certify specific infor-  
7 mation about ballot transmission, including the total  
8 numbers of ballot requests received and ballots  
9 transmitted, from each unit of local government  
10 which will administer the election.

11 “(3) POST-ELECTION REPORT ON NUMBER OF  
12 ABSENTEE BALLOTS TRANSMITTED AND RE-  
13 CEIVED.—Not later than 90 days after the date of  
14 each regularly scheduled general election for Federal  
15 office, each State and unit of local government  
16 which administered the election shall (through the  
17 State, in the case of a unit of local government) sub-  
18 mit a report to the Attorney General, the Commis-  
19 sion, and the Presidential Designee on the combined  
20 number of absentee ballots transmitted to absent  
21 uniformed services voters and overseas voters for the  
22 election and the combined number of such ballots  
23 which were returned by such voters and cast in the  
24 election, and shall make such report available to the  
25 general public that same day.”.



1 **SEC. 1702. ENFORCEMENT.**

2 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-  
3 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed  
4 and Overseas Citizens Absentee Voting Act (52 U.S.C.  
5 20307) is amended to read as follows:

6 **“SEC. 105. ENFORCEMENT.**

7 “(a) ACTION BY ATTORNEY GENERAL.—

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

12 “(2) PENALTY.—In a civil action brought under  
13 paragraph (1), if the court finds that the State vio-  
14 lated any provision of this title, it may, to vindicate  
15 the public interest, assess a civil penalty against the  
16 State—

17 “(A) in an amount not to exceed \$110,000  
18 for each such violation, in the case of a first  
19 violation; or

20 “(B) in an amount not to exceed \$220,000  
21 for each such violation, for any subsequent vio-  
22 lation.

23 “(3) REPORT TO CONGRESS.—Not later than  
24 December 31 of each year, the Attorney General  
25 shall submit to Congress an annual report on any

1 civil action brought under paragraph (1) during the  
2 preceding year.

3 “(b) PRIVATE RIGHT OF ACTION.—A person who is  
4 aggrieved by a State’s violation of this title may bring a  
5 civil action in an appropriate district court for such declar-  
6 atory or injunctive relief as may be necessary to carry out  
7 this title.

8 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In  
9 any action brought under this section, the only necessary  
10 party defendant is the State, and it shall not be a defense  
11 to any such action that a local election official or a unit  
12 of local government is not named as a defendant, notwith-  
13 standing that a State has exercised the authority described  
14 in section 576 of the Military and Overseas Voter Em-  
15 powerment Act to delegate to another jurisdiction in the  
16 State any duty or responsibility which is the subject of  
17 an action brought under this section.”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply with respect to violations alleged  
20 to have occurred on or after the date of the enactment  
21 of this Act.

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

24 (a) REPEAL OF WAIVER AUTHORITY.—

1           (1) IN GENERAL.—Section 102 of the Uni-  
2           formed and Overseas Citizens Absentee Voting Act  
3           (52 U.S.C. 20302) is amended by striking sub-  
4           section (g).

5           (2) CONFORMING AMENDMENT.—Section  
6           102(a)(8)(A) of such Act (52 U.S.C.  
7           20302(a)(8)(A)) is amended by striking “except as  
8           provided in subsection (g),”.

9           (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE  
10          OF FAILURE TO MEET REQUIREMENT.—Section 102 of  
11          such Act (52 U.S.C. 20302), as amended by subsection  
12          (a), is amended by inserting after subsection (f) the fol-  
13          lowing new subsection:

14          “(g) REQUIRING USE OF EXPRESS DELIVERY IN  
15          CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN  
16          DEADLINES.—

17                 “(1) TRANSMISSION OF BALLOT BY EXPRESS  
18                 DELIVERY.—If a State fails to meet the requirement  
19                 of subsection (a)(8)(A) to transmit a validly re-  
20                 quested absentee ballot to an absent uniformed serv-  
21                 ices voter or overseas voter not later than 45 days  
22                 before the election (in the case in which the request  
23                 is received at least 45 days before the election)—

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

1           “(B) in the case of a voter who has des-  
2           gnated that absentee ballots be transmitted  
3           electronically in accordance with subsection  
4           (f)(1), the State shall transmit the ballot to the  
5           voter electronically.

6           “(2) SPECIAL RULE FOR TRANSMISSION FEWER  
7           THAN 40 DAYS BEFORE THE ELECTION.—If, in car-  
8           rying out paragraph (1), a State transmits an ab-  
9           sentee ballot to an absent uniformed services voter  
10          or overseas voter fewer than 40 days before the elec-  
11          tion, the State shall enable the ballot to be returned  
12          by the voter by express delivery, except that in the  
13          case of an absentee ballot of an absent uniformed  
14          services voter for a regularly scheduled general elec-  
15          tion for Federal office, the State may satisfy the re-  
16          quirement of this paragraph by notifying the voter  
17          of the procedures for the collection and delivery of  
18          such ballots under section 103A.”.

19          (c) CLARIFICATION OF TREATMENT OF WEEK-  
20          ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.  
21          20302(a)(8)(A)) is amended by striking “the election;”  
22          and inserting the following: “the election (or, if the 45th  
23          day preceding the election is a weekend or legal public hol-  
24          iday, not later than the most recent weekday which pre-  
25          cedes such 45th day and which is not a legal public holi-

1 day, but only if the request is received by at least such  
2 most recent weekday);”.

3 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**  
4 **TION FOR SUBSEQUENT ELECTIONS.**

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

8 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**  
9 **ELECTIONS.**

10 “(a) IN GENERAL.—If a State accepts and processes  
11 an official post card form (prescribed under section 101)  
12 submitted by an absent uniformed services voter or over-  
13 seas voter for simultaneous voter registration and absen-  
14 tee ballot application (in accordance with section  
15 102(a)(4)) and the voter requests that the application be  
16 considered an application for an absentee ballot for each  
17 subsequent election for Federal office held in the State  
18 through the next regularly scheduled general election for  
19 Federal office (including any runoff elections which may  
20 occur as a result of the outcome of such general election),  
21 the State shall provide an absentee ballot to the voter for  
22 each such subsequent election.

23 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-  
24 TION.—Subsection (a) shall not apply with respect to a  
25 voter registered to vote in a State for any election held

1 after the voter notifies the State that the voter no longer  
2 wishes to be registered to vote in the State or after the  
3 State determines that the voter has registered to vote in  
4 another State or is otherwise no longer eligible to vote in  
5 the State.

6 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON  
7 GROUNDS OF EARLY SUBMISSION.—A State may not  
8 refuse to accept or to process, with respect to any election  
9 for Federal office, any otherwise valid voter registration  
10 application or absentee ballot application (including the  
11 postcard form prescribed under section 101) submitted by  
12 an absent uniformed services voter or overseas voter on  
13 the grounds that the voter submitted the application be-  
14 fore the first date on which the State otherwise accepts  
15 or processes such applications for that election which are  
16 submitted by absentee voters who are not members of the  
17 uniformed services or overseas citizens.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to voter registration  
20 and absentee ballot applications which are submitted to  
21 a State or local election official on or after the date of  
22 the enactment of this Act.

1 **SEC. 1705. EFFECTIVE DATE.**

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

5 **Subtitle K—Poll Worker**  
6 **Recruitment and Training**

7 **SEC. 1801. LEAVE TO SERVE AS A POLL WORKER FOR FED-**  
8 **ERAL EMPLOYEES.**

9 (a) IN GENERAL.—Subchapter II of chapter 63 of  
10 title 5, United States Code, is amended by inserting after  
11 section 6329c the following:

12 **“§ 6329d. Absence in connection with serving as a**  
13 **poll worker**

14 “(a) IN GENERAL.—An employee in or under an Ex-  
15 ecutive agency is entitled to leave, without loss of or reduc-  
16 tion in pay, leave to which otherwise entitled, credit for  
17 time or service, or performance or efficiency rating, not  
18 to exceed 6 days in a leave year, in order—

19 “(1) to provide election administration assist-  
20 ance to a State or unit of local government at a poll-  
21 ing place on the date of any election for public of-  
22 fice; or

23 “(2) to receive any training without which such  
24 employee would be ineligible to provide such assist-  
25 ance.

1       “(b) REGULATIONS.—The Director of the Office of  
2 Personnel Management may prescribe regulations for the  
3 administration of this section, including regulations set-  
4 ting forth the terms and conditions of the election admin-  
5 istration assistance an employee may provide for purposes  
6 of subsection (a).”.

7       (b) CLERICAL AMENDMENT.—The table of sections  
8 for chapter 63 of title 5, United States Code, is amended  
9 by inserting after the item relating to section 6329c the  
10 following:

“6329d. Absence in connection with serving as a poll worker.”.

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

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

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

20           (2) USE OF COMMISSION MATERIALS.—In car-  
21 rying out activities with a grant provided under this  
22 section, the recipient of the grant shall use the man-  
23 ual prepared by the Commission on successful prac-  
24 tices for poll worker recruiting, training and reten-  
25 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  
5 receive 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 appli-  
10 cation 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  
16 carry 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 work-  
20 ers after recruitment and training with the  
21 funds provided under this section; and

22 (D) provide such additional information  
23 and certifications as the Commission deter-  
24 mines to be essential to ensure compliance with  
25 the requirements of this section.

1 (c) AMOUNT OF GRANT.—

2 (1) IN GENERAL.—The amount of a grant  
3 made to a State under this section shall be equal to  
4 the 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  
8 for 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  
14 information available from the Bureau of the  
15 Census); and

16 (B) the total voting age population of all  
17 States (as determined on the basis of the most  
18 recent 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  
23 final grant is made under this section, each recipient  
24 of a grant shall submit a report to the Commission

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

3 (2) REPORTS BY COMMISSION.—Not later than  
4 1 year after the date on which the final grant is  
5 made under this section, the Commission shall sub-  
6 mit a report to Congress on the grants made under  
7 this section and the activities carried out by recipi-  
8 ents with the grants, and shall include in the report  
9 such recommendations as the Commission considers  
10 appropriate.

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  
17 amount appropriated for any fiscal year to carry out  
18 this section, not more than 3 percent shall be avail-  
19 able for administrative expenses of the Commission.

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

21 In this subtitle, the term “State” includes the Dis-  
22 trict of Columbia, the Commonwealth of Puerto Rico,  
23 Guam, American Samoa, the United States Virgin Is-  
24 lands, and the Commonwealth of the Northern Mariana  
25 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  
6 OF ACTION.—Section 401 of the Help America Vote Act  
7 of 2002 (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 At-  
20                   torney 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 re-  
5     quire responses and determinations to be made with-  
6     in the same (or shorter) deadlines which apply to a  
7     State under the State-based administrative com-  
8     plaint procedures described in section 402(a)(2).  
9     The Attorney General shall immediately provide a  
10    copy of the response made under the previous sen-  
11    tence to the entity responsible for administering the  
12    State-based administrative complaint procedures de-  
13    scribed in section 402(a) for the State involved.

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



1           “(b) CHIEF STATE ELECTION ADMINISTRATION OF-  
2 FICIAL.—The term ‘chief State election administration of-  
3 ficial’ means the highest State official with responsibility  
4 for the administration of Federal elections under State  
5 law.

6           “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR  
7 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-  
8 litical management or in a political campaign’ means—

9                   “(1) serving as a member of an authorized com-  
10 mittee of a candidate for Federal office;

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

14                   “(3) the solicitation, acceptance, or receipt of a  
15 contribution from any person on behalf of a can-  
16 didate for Federal office; and

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

22           “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-  
23 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR  
24 IMMEDIATE FAMILY MEMBER.—

1           “(1) IN GENERAL.—This section does not apply  
2           to a chief State election administration official with  
3           respect to an election for Federal office in which the  
4           official or an immediate family member of the offi-  
5           cial is a candidate, but only if such official recuses  
6           himself or herself from all of the official’s respon-  
7           sibilities for the administration of such election.

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

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

16          **Subtitle N—Promoting Voter Ac-**  
17          **cess Through Election Adminis-**  
18          **tration Improvements**

19                  **PART 1—PROMOTING VOTER ACCESS**

20          **SEC. 1901. TREATMENT OF UNIVERSITIES AS VOTER REG-**  
21                  **ISTRATION AGENCIES.**

22          (a) IN GENERAL.—Section 7(a) of the National Voter  
23          Registration Act of 1993 (52 U.S.C. 20506(a)) is amend-  
24          ed—

25                  (1) in paragraph (2)—



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

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

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

7 “(C) each institution of higher education  
8 (as defined in section 101 of the Higher Edu-  
9 cation Act of 1965 (20 U.S.C. 1001)) in the  
10 State that receives Federal funds.”; and

11 (2) in paragraph (6)(A), by inserting “or, in  
12 the case of an institution of higher education, with  
13 each registration of a student for enrollment in a  
14 course of study” after “assistance,”.

15 (b) AMENDMENT TO HIGHER EDUCATION ACT OF  
16 1965.—Section 487(a) of the Higher Education Act of  
17 1965 (20 U.S.C. 1094(a)) is amended by striking para-  
18 graph (23).

19 (c) SENSE OF CONGRESS RELATING TO OPTION OF  
20 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-  
21 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-  
22 CILE.—It is the sense of Congress that, as provided under  
23 existing law, students who attend an institution of higher  
24 education and reside in the jurisdiction of the institution  
25 while attending the institution should have the option of

1 registering to vote in elections for Federal office in that  
2 jurisdiction or in the jurisdiction of their own domicile.

3 (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to elections held on  
5 or after January 1, 2020.

6 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**  
7 **VOTERS AFFECTED BY POLLING PLACE**  
8 **CHANGES.**

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

12 (1) by redesignating subsection (f) as sub-  
13 section (g); and

14 (2) by inserting after subsection (e) the fol-  
15 lowing new subsection:

16 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR  
17 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

18 “(1) IN GENERAL.—If a State assigns an indi-  
19 vidual who is a registered voter in a State to a poll-  
20 ing place with respect to an election for Federal of-  
21 fice which is not the same polling place to which the  
22 individual was previously assigned with respect to  
23 the most recent election for Federal office in the  
24 State in which the individual was eligible to vote—

1           “(A) the State shall notify the individual of  
2           the location of the polling place not later than  
3           7 days before the date of the election; or

4           “(B) if the State makes such an assign-  
5           ment fewer than 7 days before the date of the  
6           election and the individual appears on the date  
7           of the election at the polling place to which the  
8           individual was previously assigned, the State  
9           shall make every reasonable effort to enable the  
10          individual to vote on the date of the election.

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

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

19          **SEC. 1903. ELECTION DAY HOLIDAY.**

20          (a) **TREATMENT OF ELECTION DAY IN SAME MAN-**  
21          **NER AS LEGAL PUBLIC HOLIDAY FOR PURPOSES OF FED-**  
22          **ERAL EMPLOYMENT.**—For purposes of any law relating  
23          to Federal employment, the Tuesday next after the first  
24          Monday in November in 2020 and each even-numbered  
25          year thereafter shall be treated in the same manner as

1 a legal public holiday described in section 6103 of title  
2 5, United States Code.

3 (b) SENSE OF CONGRESS RELATING TO TREATMENT  
4 OF DAY BY PRIVATE EMPLOYERS.—It is the sense of Con-  
5 gress that private employers in the United States should  
6 give their employees a day off on the Tuesday next after  
7 the first Monday in November in 2020 and each even-  
8 numbered year thereafter to enable the employees to cast  
9 votes in the elections held on that day.

10 **SEC. 1904. PERMITTING USE OF SWORN WRITTEN STATE-**  
11 **MENT TO MEET IDENTIFICATION REQUIRE-**  
12 **MENTS FOR VOTING.**

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

17 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**  
18 **MENT TO MEET IDENTIFICATION REQUIRE-**  
19 **MENTS.**

20 “(a) USE OF STATEMENT.—

21 “(1) IN GENERAL.—Except as provided in sub-  
22 section (c), if a State has in effect a requirement  
23 that an individual present identification as a condi-  
24 tion of receiving and casting a ballot in an election

1 for Federal office, the State shall permit the indi-  
2 vidual to meet the requirement—

3 “(A) in the case of an individual who de-  
4 sires to vote in person, by presenting the appro-  
5 priate State or local election official with a  
6 sworn written statement, signed by the indi-  
7 vidual under penalty of perjury, attesting to the  
8 individual’s identification and attesting that the  
9 individual is eligible to vote in the election; or

10 “(B) in the case of an individual who de-  
11 sires to vote by mail, by submitting with the  
12 ballot the statement described in subparagraph  
13 (A).

14 “(2) PROVIDING PRE-PRINTED COPY OF STATE-  
15 MENT.—A State which is subject to paragraph (1)  
16 shall—

17 “(A) prepare a pre-printed version of the  
18 statement described in paragraph (1)(A) which  
19 includes a blank space for an individual to pro-  
20 vide a name and signature;

21 “(B) make copies of the pre-printed  
22 version available at polling places for election  
23 officials to distribute to individuals who desire  
24 to vote in person; and

1           “(C) include a copy of the pre-printed  
2           version with each blank absentee or other ballot  
3           transmitted to an individual who desires to vote  
4           by mail.

5           “(b) REQUIRING USE OF REGULAR BALLOT.—An in-  
6           dividual who presents or submits a sworn written state-  
7           ment in accordance with subsection (a)(1) shall be per-  
8           mitted to cast a regular ballot in the election in the same  
9           manner as an individual who presents identification.

10          “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-  
11          ISTERING BY MAIL.—Subsections (a) and (b) do not apply  
12          with respect to any individual described in paragraph (1)  
13          of section 303(b) who is required to meet the requirements  
14          of paragraph (2) of such section.”.

15          (b) REQUIRING STATES TO INCLUDE INFORMATION  
16          ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-  
17          FORMATION MATERIAL POSTED AT POLLING PLACES.—  
18          Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),  
19          as amended by section 1072(b) and section 1202(b), is  
20          amended—

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

23                 (2) by striking the period at the end of sub-  
24                 paragraph (H) and inserting “; and”; and

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

3           “(I) in the case of a State that has in ef-  
4 fect a requirement that an individual present  
5 identification as a condition of receiving and  
6 casting a ballot in an election for Federal office,  
7 information on how an individual may meet  
8 such requirement by presenting a sworn written  
9 statement in accordance with section 303A.”.

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

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

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

16 **SEC. 1905. POSTAGE-FREE BALLOTS.**

17       (a) ABSENTEE BALLOTS CARRIED FREE OF POST-  
18 AGE.—

19           (1) IN GENERAL.—Chapter 34 of title 39,  
20 United States Code, is amended by adding after sec-  
21 tion 3406 the following:

22 **“§ 3407. Absentee ballots carried free of postage**

23           “(a) Any absentee ballot for any election shall be car-  
24 ried expeditiously and free of postage.

1 “(b) As used in this section, the term ‘absentee ballot’  
2 does not include any ballot covered by section 3406.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions for chapter 34 of such title is amended by in-  
5 serting after the item relating to section 3406 the  
6 following:

“3407. Absentee ballots carried free of postage.”.

7 (3) REIMBURSEMENT.—Section 2401(c) of title  
8 39, United States Code, is amended by striking  
9 “3406” and inserting “3407”.

10 (b) USE BY STATES OF REQUIREMENTS PAYMENTS  
11 UNDER HELP AMERICA VOTE ACT OF 2002 TO REIM-  
12 BURSE POSTAL SERVICE.—

13 (1) AUTHORIZING USE OF PAYMENTS.—Section  
14 251(b) of the Help America Vote Act of 2002 (52  
15 U.S.C. 21001(b)) is amended—

16 (A) in paragraph (1), by striking “as pro-  
17 vided in paragraphs (2) and (3)” and inserting  
18 “as otherwise provided in this subsection”; and

19 (B) by adding at the end the following new  
20 paragraph:

21 “(4) REIMBURSEMENT OF POSTAL SERVICE  
22 FOR COSTS ASSOCIATED WITH ABSENTEE BAL-  
23 LOTS.—A State shall use a requirements payment to  
24 reimburse the United States Postal Service for the  
25 revenue which the Postal Service would have ob-



1       tained as the result of the mailing of absentee bal-  
2       lots in the State but for section 3407 of title 39,  
3       United States Code.”.

4               (2) EFFECTIVE DATE.—The amendment made  
5       by paragraph (1) shall apply with respect to the re-  
6       quirements payments made to a State under part 1  
7       of subtitle D of title II of the Help America Vote  
8       Act of 2002 (52 U.S.C. 21001 et seq.)—

9               (A) for fiscal year 2019 or any previous  
10       fiscal year, but only to the extent that any such  
11       payment remains unobligated or unexpended by  
12       the State as of the date of the enactment of  
13       this Act; and

14              (B) for fiscal year 2020 and each suc-  
15       ceeding fiscal year.

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

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

1 **“PART 7—PAYMENTS TO REIMBURSE STATES**  
2 **FOR COSTS INCURRED IN ESTABLISHING**  
3 **PROGRAM TO TRACK AND CONFIRM RE-**  
4 **CEIPT OF ABSENTEE BALLOTS**

5 **“SEC. 297. PAYMENTS TO STATES.**

6 “(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-  
7 GRAM.—In accordance with this section, the Commission  
8 shall make a payment to a State to reimburse the State  
9 for the costs incurred in establishing, if the State so choos-  
10 es to establish, an absentee ballot tracking program with  
11 respect to elections for Federal office held in the State  
12 (including costs incurred prior to the date of the enact-  
13 ment of this part).

14 “(b) ABSENTEE BALLOT TRACKING PROGRAM DE-  
15 SCRIBED.—

16 “(1) PROGRAM DESCRIBED.—

17 “(A) IN GENERAL.—In this part, an ‘ab-  
18 sentee ballot tracking program’ is a program to  
19 track and confirm the receipt of absentee bal-  
20 lots in an election for Federal office under  
21 which the State or local election official respon-  
22 sible for the receipt of voted absentee ballots in  
23 the election carries out procedures to track and  
24 confirm the receipt of such ballots, and makes  
25 information on the receipt of such ballots avail-  
26 able to the individual who cast the ballot, by

1 means of online access using the Internet site  
2 of the official's office.

3 “(B) INFORMATION ON WHETHER VOTE  
4 WAS COUNTED.—The information referred to  
5 under subparagraph (A) with respect to the re-  
6 ceipt of an absentee ballot shall include infor-  
7 mation regarding whether the vote cast on the  
8 ballot was counted, and, in the case of a vote  
9 which was not counted, the reasons therefor.

10 “(2) USE OF TOLL-FREE TELEPHONE NUMBER  
11 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-  
12 gram established by a State or local election official  
13 whose office does not have an Internet site may  
14 meet the description of a program under paragraph  
15 (1) if the official has established a toll-free telephone  
16 number that may be used by an individual who cast  
17 an absentee ballot to obtain the information on the  
18 receipt of the voted absentee ballot as provided  
19 under such paragraph.

20 “(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

21 “(1) CERTIFICATION REQUIRED.—In order to  
22 receive a payment under this section, a State shall  
23 submit to the Commission a statement containing—

24 “(A) a certification that the State has es-  
25 tablished an absentee ballot tracking program

1 with respect to elections for Federal office held  
2 in the State; and

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

5 “(2) AMOUNT OF PAYMENT.—The amount of a  
6 payment made to a State under this section shall be  
7 equal to the costs incurred by the State in estab-  
8 lishing the absentee ballot tracking program, as set  
9 forth in the statement submitted under paragraph  
10 (1), except that such amount may not exceed the  
11 product of—

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

15 “(B) \$3,000.

16 “(3) LIMIT ON NUMBER OF PAYMENTS RE-  
17 CEIVED.—A State may not receive more than one  
18 payment under this part.

19 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) AUTHORIZATION.—There are authorized to be  
21 appropriated to the Commission for fiscal year 2020 and  
22 each succeeding fiscal year such sums as may be necessary  
23 for payments under this part.

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

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

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

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”.

7 **SEC. 1907. VOTER INFORMATION RESPONSE SYSTEMS AND**  
8 **HOTLINE.**

9 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS  
10 AND SERVICES.—

11 (1) STATE-BASED RESPONSE SYSTEMS.—The  
12 Attorney General shall coordinate the establishment  
13 of a State-based response system for responding to  
14 questions and complaints from individuals voting or  
15 seeking to vote, or registering to vote or seeking to  
16 register to vote, in elections for Federal office. Such  
17 system shall provide—

18 (A) State-specific, same-day, and imme-  
19 diate assistance to such individuals, including  
20 information on how to register to vote, the loca-  
21 tion and hours of operation of polling places,  
22 and how to obtain absentee ballots; and

1           (B) State-specific, same-day, and imme-  
2           diate assistance to individuals encountering  
3           problems with registering to vote or voting, in-  
4           cluding individuals encountering intimidation or  
5           deceptive practices.

6           (2) HOTLINE.—The Attorney General, in con-  
7           sultation with State election officials, shall establish  
8           and operate a toll-free telephone service, using a  
9           telephone number that is accessible throughout the  
10          United States and that uses easily identifiable nu-  
11          merals, through which individuals throughout the  
12          United States—

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

16                 (B) may obtain information on voting in  
17                 elections for Federal office, including informa-  
18                 tion on how to register to vote in such elections,  
19                 the locations and hours of operation of polling  
20                 places, and how to obtain absentee ballots; and

21                 (C) may report information to the Attor-  
22                 ney General on problems encountered in reg-  
23                 istering to vote or voting, including incidences  
24                 of voter intimidation or suppression.

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

3           (A) COLLECTION OF INFORMATION FROM  
4 STATES.—The Attorney General shall coordi-  
5 nate the collection of information on State and  
6 local election laws and policies, including infor-  
7 mation on the Statewide computerized voter  
8 registration lists maintained under title III of  
9 the Help America Vote Act of 2002, so that in-  
10 dividuals who contact the free telephone service  
11 established under paragraph (2) on the date of  
12 an election for Federal office may receive an  
13 immediate response on that day.

14           (B) FORWARDING QUESTIONS AND COM-  
15 PLAINTS TO STATES.—If an individual contacts  
16 the free telephone service established under  
17 paragraph (2) on the date of an election for  
18 Federal office with a question or complaint with  
19 respect to a particular State or jurisdiction  
20 within a State, the Attorney General shall for-  
21 ward the question or complaint immediately to  
22 the appropriate election official of the State or  
23 jurisdiction so that the official may answer the  
24 question or remedy the complaint on that date.

1           (4) CONSULTATION REQUIREMENTS FOR DE-  
2           VELOPMENT OF SYSTEMS AND SERVICES.—The At-  
3           torney General shall ensure that the State-based re-  
4           sponse system under paragraph (1) and the free  
5           telephone service under paragraph (2) are each de-  
6           veloped in consultation with civil rights organiza-  
7           tions, voting rights groups, State and local election  
8           officials, voter protection groups, and other inter-  
9           ested community organizations, especially those that  
10          have experience in the operation of similar systems  
11          and services.

12          (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-  
13          ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH  
14          LANGUAGE PROFICIENCY.—The Attorney General shall  
15          design and operate the telephone service established under  
16          this section in a manner that ensures that individuals with  
17          disabilities are fully able to use the service, and that as-  
18          sistance is provided in any language in which the State  
19          (or any jurisdiction in the State) is required to provide  
20          election materials under section 203 of the Voting Rights  
21          Act of 1965..

22          (c) VOTER HOTLINE TASK FORCE.—

23                 (1) APPOINTMENT BY ATTORNEY GENERAL.—  
24                 The Attorney General shall appoint individuals (in  
25                 such number as the Attorney General considers ap-



1       appropriate but in no event fewer than 3) to serve on  
2       a Voter Hotline Task Force to provide ongoing anal-  
3       ysis and assessment of the operation of the tele-  
4       phone service established under this section, and  
5       shall give special consideration in making appoint-  
6       ments to the Task Force to individuals who rep-  
7       resent civil rights organizations. At least one mem-  
8       ber of the Task Force shall be a representative of  
9       an organization promoting voting rights or civil  
10      rights which has experience in the operation of simi-  
11      lar telephone services or in protecting the rights of  
12      individuals to vote, especially individuals who are  
13      members of racial, ethnic, or linguistic minorities or  
14      of communities who have been adversely affected by  
15      efforts to suppress voting rights.

16           (2) ELIGIBILITY.—An individual shall be eligi-  
17      ble to serve on the Task Force under this subsection  
18      if the individual meets such criteria as the Attorney  
19      General may establish, except that an individual may  
20      not serve on the task force if the individual has been  
21      convicted of any criminal offense relating to voter in-  
22      timidation or voter suppression.

23           (3) TERM OF SERVICE.—An individual ap-  
24      pointed to the Task Force shall serve a single term  
25      of 2 years, except that the initial terms of the mem-

1       bers first appointed to the Task Force shall be stag-  
2       gered so that there are at least 3 individuals serving  
3       on the Task Force during each year. A vacancy in  
4       the membership of the Task Force shall be filled in  
5       the same manner as the original appointment.

6           (4) NO COMPENSATION FOR SERVICE.—Mem-  
7       bers of the Task Force shall serve without pay, but  
8       shall receive travel expenses, including per diem in  
9       lieu of subsistence, in accordance with applicable  
10      provisions under subchapter I of chapter 57 of title  
11      5, United States Code.

12      (d) BI-ANNUAL REPORT TO CONGRESS.—Not later  
13      than March 1 of each odd-numbered year, the Attorney  
14      General shall submit a report to Congress on the operation  
15      of the telephone service established under this section dur-  
16      ing the previous 2 years, and shall include in the report—

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

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

22           (3) an assessment of the effectiveness of the  
23      service in making information available to all house-  
24      holds in the United States with telephone service;

1           (4) any recommendations developed by the  
2           Task Force established under subsection (c) with re-  
3           spect to how voting systems may be maintained or  
4           upgraded to better accommodate voters and better  
5           ensure the integrity of elections, including but not  
6           limited to identifying how to eliminate coordinated  
7           voter suppression efforts and how to establish effec-  
8           tive mechanisms for distributing updates on changes  
9           to voting requirements; and

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

13           (e) AUTHORIZATION OF APPROPRIATIONS.—

14           (1) AUTHORIZATION.—There are authorized to  
15           be appropriated to the Attorney General for fiscal  
16           year 2019 and each succeeding fiscal year such sums  
17           as may be necessary to carry out this section.

18           (2) SET-ASIDE FOR OUTREACH.—Of the  
19           amounts appropriated to carry out this section for a  
20           fiscal year pursuant to the authorization under para-  
21           graph (1), not less than 15 percent shall be used for  
22           outreach activities to make the public aware of the  
23           availability of the telephone service established under  
24           this section, with an emphasis on outreach to indi-

1 individuals with disabilities and individuals with limited  
2 proficiency in the English language.

3 **PART 2—IMPROVEMENTS IN OPERATION OF**  
4 **ELECTION ASSISTANCE COMMISSION**

5 **SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE**  
6 **COMMISSION.**

7 Section 210 of the Help America Vote Act of 2002  
8 (52 U.S.C. 20930) is amended—

9 (1) by striking “for each of the fiscal years  
10 2003 through 2005” and inserting “for fiscal year  
11 2019 and each succeeding fiscal year”; and

12 (2) by striking “(but not to exceed \$10,000,000  
13 for each such year)”.

14 **SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-**  
15 **GENERAL ELECTION SURVEYS.**

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

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

22 “(a) REQUIREMENT.—Each State shall furnish to the  
23 Commission such information as the Commission may re-  
24 quest for purposes of conducting any post-election survey

1 of the States with respect to the administration of a regu-  
2 larly scheduled general election for Federal office.

3 “(b) EFFECTIVE DATE.—This section shall apply  
4 with respect to the regularly scheduled general election for  
5 Federal office held in November 2020 and any succeeding  
6 election.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 of such Act, as amended by section 1904(c), is further  
9 amended by inserting after the item relating to section  
10 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

11 **SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STAND-**  
12 **ARDS AND TECHNOLOGY ON USE OF FUNDS**  
13 **TRANSFERRED FROM ELECTION ASSISTANCE**  
14 **COMMISSION.**

15 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-  
16 TION OF RECEIPT.—Section 231 of the Help America  
17 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding  
18 at the end the following new subsection:

19 “(e) REPORT ON USE OF FUNDS TRANSFERRED  
20 FROM COMMISSION.—To the extent that funds are trans-  
21 ferred from the Commission to the Director of the Na-  
22 tional Institute of Standards and Technology for purposes  
23 of carrying out this section during any fiscal year, the Di-  
24 rector may not use such funds unless the Director certifies  
25 at the time of transfer that the Director will submit a re-

1 port to the Commission not later than 90 days after the  
2 end of the fiscal year detailing how the Director used such  
3 funds during the year.”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 subsection (a) shall apply with respect to fiscal year 2020  
6 and each succeeding fiscal year.

7 **SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS**  
8 **OF ELECTION ASSISTANCE COMMISSION.**

9 (a) ASSESSMENT OF INFORMATION TECHNOLOGY  
10 AND CYBERSECURITY.—Not later than December 31,  
11 2019, the Election Assistance Commission shall carry out  
12 an assessment of the security and effectiveness of the  
13 Commission’s information technology systems, including  
14 the cybersecurity of such systems.

15 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT  
16 PROCEDURES.—

17 (1) REVIEW OF PROCEDURES.—The Election  
18 Assistance Commission shall carry out a review of  
19 the effectiveness and efficiency of the State-based  
20 administrative complaint procedures established and  
21 maintained under section 402 of the Help America  
22 Vote Act of 2002 (52 U.S.C. 21112) for the inves-  
23 tigation and resolution of allegations of violations of  
24 title III of such Act.

1           (2) RECOMMENDATIONS TO STREAMLINE PRO-  
2           CEDURES.—Not later than December 31, 2019, the  
3           Commission shall submit to Congress a report on  
4           the review carried out under paragraph (1), and  
5           shall include in the report such recommendations as  
6           the Commission considers appropriate to streamline  
7           and improve the procedures which are the subject of  
8           the review.

9   **SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSIST-**  
10                           **ANCE COMMISSION FROM CERTAIN GOVERN-**  
11                           **MENT CONTRACTING REQUIREMENTS.**

12           (a) IN GENERAL.—Section 205 of the Help America  
13           Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-  
14           ing subsection (e).

15           (b) EFFECTIVE DATE.—The amendment made by  
16           subsection (a) shall apply with respect to contracts entered  
17           into by the Election Assistance Commission on or after  
18           the date of the enactment of this Act.

19           **PART 3—MISCELLANEOUS PROVISIONS**

20   **SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF**  
21                           **NORTHERN MARIANA ISLANDS.**

22           (a) NATIONAL VOTER REGISTRATION ACT OF  
23           1993.—Section 3(4) of the National Voter Registration  
24           Act of 1993 (52 U.S.C. 20502(4)) is amended by striking  
25           “States and the District of Columbia” and inserting

1 “States, the District of Columbia, and the Commonwealth  
2 of the Northern Mariana Islands”.

3 (b) HELP AMERICA VOTE ACT OF 2002.—

4 (1) COVERAGE OF COMMONWEALTH OF THE  
5 NORTHERN MARIANA ISLANDS.—Section 901 of the  
6 Help America Vote Act of 2002 (52 U.S.C. 21141)  
7 is amended by striking “and the United States Vir-  
8 gin Islands” and inserting “the United States Virgin  
9 Islands, and the Commonwealth of the Northern  
10 Mariana Islands”.

11 (2) CONFORMING AMENDMENTS TO HELP  
12 AMERICA VOTE ACT OF 2002.—Such Act is further  
13 amended as follows:

14 (A) The second sentence of section  
15 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended  
16 by striking “and American Samoa” and insert-  
17 ing “American Samoa, and the Commonwealth  
18 of the Northern Mariana Islands”.

19 (B) Section 252(c)(2) (52 U.S.C.  
20 21002(c)(2)) is amended by striking “or the  
21 United States Virgin Islands” and inserting  
22 “the United States Virgin Islands, or the Com-  
23 monwealth of the Northern Mariana Islands”.

24 (3) CONFORMING AMENDMENT RELATING TO  
25 CONSULTATION OF HELP AMERICA VOTE FOUNDA-



1 TION WITH LOCAL ELECTION OFFICIALS.—Section  
2 90102(c) of title 36, United States Code, is amend-  
3 ed by striking “and the United States Virgin Is-  
4 lands” and inserting “the United States Virgin Is-  
5 lands, and the Commonwealth of the Northern Mar-  
6 iana Islands”.

7 (4) EFFECTIVE DATE.—The amendments made  
8 by this subsection shall apply with respect to fiscal  
9 years beginning with the first fiscal year which be-  
10 gins after funds are appropriated to the Common-  
11 wealth of the Northern Mariana Islands pursuant to  
12 the payment under section 2.

13 **SEC. 1922. NO EFFECT ON OTHER LAWS.**

14 (a) IN GENERAL.—Except as specifically provided,  
15 nothing in this subtitle may be construed to authorize or  
16 require conduct prohibited under any of the following laws,  
17 or to supersede, restrict, or limit the application of such  
18 laws:

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

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

23 (3) The Uniformed and Overseas Citizens Ab-  
24 sentee Voting Act (52 U.S.C. 20301 et seq.).

1           (4) The National Voter Registration Act of  
2           1993 (52 U.S.C. 20501 et seq.).

3           (5) The Americans with Disabilities Act of  
4           1990 (42 U.S.C. 12101 et seq.).

5           (6) The Rehabilitation Act of 1973 (29 U.S.C.  
6           701 et seq.).

7           (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
8           QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
9           proval by any person of a payment or grant application  
10          under this title, or any other action taken by any person  
11          under this title, shall not be considered to have any effect  
12          on requirements for preclearance under section 5 of the  
13          Voting Rights Act of 1965 (52 U.S.C. 10304) or any other  
14          requirements of such Act.

## 15                           **Subtitle O—Severability**

### 16           **SEC. 1931. 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  
23          affected by the holding.

## 24           **TITLE II—ELECTION INTEGRITY**

          Subtitle A—Findings Reaffirming Commitment of Congress to Restore the  
  Voting Rights Act

Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting Rights Act.

Subtitle B—Findings Relating to Native American Voting Rights

Sec. 2101. Findings relating to Native American voting rights.

Subtitle C—Findings Relating to District of Columbia Statehood

Sec. 2201. Findings relating to District of Columbia statehood.

Subtitle D—Findings Relating to Territorial Voting Rights

Sec. 2301. Findings relating to territorial voting rights.

Subtitle E—Redistricting Reform

Sec. 2400. Short title; finding of constitutional authority.

PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 2401. Limit on congressional redistricting after an apportionment.

Sec. 2402. Requiring congressional redistricting to be conducted through plan of independent State commission.

PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 2411. Independent redistricting commission.

Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 2413. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 2414. Establishment of related entities.

PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 2421. Enactment of plan developed by 3-judge court.

Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 2431. Payments to States for carrying out redistricting.

Sec. 2432. Civil enforcement.

Sec. 2433. State apportionment notice defined.

Sec. 2434. No effect on elections for State and local office.

Sec. 2435. Effective date.

Subtitle F—Saving Voters From Voter Purging

Sec. 2501. Short title.

Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—Severability

Sec. 2601. Severability.

1 **Subtitle A—Findings Reaffirming**  
2 **Commitment of Congress to Re-**  
3 **store the Voting Rights Act**

4 **SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-**  
5 **GRESS TO RESTORE THE VOTING RIGHTS**  
6 **ACT.**

7 Congress finds the following:

8 (1) The right to vote for all Americans is sac-  
9 rosanct and rules for voting and election administra-  
10 tion should protect the right to vote and promote  
11 voter participation.

12 (2) The Voting Rights Act has empowered the  
13 Department of Justice and Federal courts for nearly  
14 a half a century to block discriminatory voting prac-  
15 tices before their implementation in States and local-  
16 ities with the most troubling histories and ongoing  
17 records of racial discrimination.

18 (3) There continues to be an alarming move-  
19 ment to erect barriers to make it more difficult for  
20 Americans to participate in our Nation's democratic  
21 process. The Nation has witnessed unprecedented ef-  
22 forts to turn back the clock and erect barriers to  
23 voting for communities of color which have faced  
24 historic and continuing discrimination, as well as  
25 disabled, young, elderly, and low-income Americans.

1           (4) The Supreme Court’s 2013 *Shelby County*  
2 v. *Holder* decision gutted decades-long Federal pro-  
3 tections for communities of color that face historic  
4 and continuing discrimination, emboldening States  
5 and local jurisdictions to pass voter suppression laws  
6 and implement procedures, such as those requiring  
7 photo identification, limiting early voting hours,  
8 eliminating same-day registration, purging voters  
9 from the rolls, and reducing the number of polling  
10 places. Congress is committed to reversing the dev-  
11 astating impact of this decision.

12           (5) Racial discrimination in voting is a clear  
13 and persistent problem. The actions of States and  
14 localities around the country post-*Shelby County*, in-  
15 cluding at least 10 findings by Federal courts of in-  
16 tentional discrimination, underscore the need for  
17 Congress to conduct investigatory and evidentiary  
18 hearings to determine the legislation necessary to re-  
19 store the Voting Rights Act and combat continuing  
20 efforts in America that suppress the free exercise of  
21 the franchise in communities of color.

22           (6) The 2018 midterm election provides further  
23 evidence that systemic voter discrimination and in-  
24 timidation continues to occur in communities of  
25 color across the country, making it clear that democ-

1 racy reform cannot be achieved until Congress re-  
2 stores key provisions of the Voting Rights Act.

3 (7) Congress must remain vigilant in protecting  
4 every eligible citizen's right to vote. Congress should  
5 respond by modernizing the electoral system to—

6 (A) improve access to the ballot;

7 (B) enhance the integrity and security of  
8 our voting systems;

9 (C) ensure greater accountability for the  
10 administration of elections; and

11 (D) restore protections for voters against  
12 practices in States and localities plagued by the  
13 persistence of voter disenfranchisement; and

14 (E) ensure that Federal civil rights laws  
15 protect the rights of voters against discrimina-  
16 tory and deceptive practices.

17 **Subtitle B—Findings Relating to**  
18 **Native American Voting Rights**

19 **SEC. 2101. FINDINGS RELATING TO NATIVE AMERICAN VOT-**  
20 **ING RIGHTS.**

21 Congress finds the following:

22 (1) The right to vote for all Americans is sa-  
23 cred. Congress must fulfill the Federal Government's  
24 trust responsibility to protect and promote Native  
25 Americans' exercise of their fundamental right to

1 vote, including equal access to voter registration vot-  
2 ing mechanisms and locations, and the ability to  
3 serve as election officials.

4 (2) The Native American Voting Rights Coal-  
5 tion's four-State survey of voter discrimination  
6 (2016) and nine field hearings in Indian Country  
7 (2017-2018) revealed obstacles that Native Ameri-  
8 cans must overcome, including a lack of accessible  
9 and proximate registration and polling sites, non-  
10 traditional addresses for residents on Indian reserva-  
11 tions, inadequate language assistance for Tribal  
12 members, and voter identification laws that discrimi-  
13 nate against Native Americans. The Department of  
14 Justice and courts have recognized that some juris-  
15 dictions have been unresponsive to reasonable re-  
16 quests from federally recognized Indian Tribes for  
17 more accessible and proximate voter registration  
18 sites and in-person voting locations.

19 (3) The 2018 elections provide further evidence  
20 that systemic voter discrimination and intimidation  
21 continues to occur in communities of color and Trib-  
22 al lands across the country, making it clear that de-  
23 mocracy reform cannot be achieved until Congress  
24 restores key provisions of the Voting Rights Act and  
25 passes additional protections.

1           (4) Congress has broad, plenary authority to  
2 enact legislation to safeguard the voting rights of  
3 Native American voters.

4           (5) Congress must conduct investigatory and  
5 evidentiary hearings to determine the necessary leg-  
6 islation to restore the Voting Rights Act and combat  
7 continuous efforts that suppress the voter franchise  
8 within Tribal lands, to include, but not to be limited  
9 to, the Native American Voting Rights Act  
10 (NAVRA) and the Voting Rights Advancement Act  
11 (VRAA).

12           **Subtitle C—Findings Relating to**  
13           **District of Columbia Statehood**

14           **SEC. 2201. FINDINGS RELATING TO DISTRICT OF COLUMBIA**  
15           **STATEHOOD.**

16           Congress finds the following:

17           (1) District of Columbia residents deserve full  
18 congressional voting rights and self-government,  
19 which only statehood can provide.

20           (2) The 700,000 residents of the District of Co-  
21 lumbia pay more Federal taxes per capita than resi-  
22 dents of any State in the country, yet do not have  
23 full and equal representation in Congress and self-  
24 government.



1           (3) Since the founding of the United States, the  
2 residents of the District of Columbia have always  
3 carried all the obligations of citizenship, including  
4 serving in all of the Nation's wars and paying Fed-  
5 eral taxes, all without voting representation on the  
6 floor in either Chamber of Congress or freedom from  
7 congressional interference in purely local matters.

8           (4) There are no constitutional, historical, fi-  
9 nancial, or economic reasons why the 700,000 Amer-  
10 icans who live in the District of Columbia should not  
11 be granted statehood.

12           (5) The District of Columbia has a larger popu-  
13 lation than two States, Wyoming and Vermont, and  
14 is close to the population of the seven States that  
15 have a population of under one million fully rep-  
16 resented residents.

17           (6) The District of Columbia government has  
18 one of the strongest fiscal positions of any jurisdic-  
19 tion in the United States, with a \$14,600,000,000  
20 budget and a \$2,700,000,000 general fund balance,  
21 or surplus.

22           (7) The District of Columbia's total personal  
23 income is higher than that of seven States, its per  
24 capita personal consumption expenditures is higher  
25 than those of any State, and its total personal con-

1       sumption expenditures is greater than those of seven  
2       States.

3               (8) Congress has authority under article IV,  
4       section 3, clause 1, which gives Congress power to  
5       admit new states to the Union, and Article I, Sec-  
6       tion 8, Clause 17, which grants Congress power over  
7       the seat of the Federal Government, to admit the  
8       new State carved out of the residential areas of the  
9       Federal seat of Government, while maintaining as  
10      the Federal seat of Government the United States  
11      Capitol Complex, the principal Federal monuments,  
12      Federal buildings and grounds, the National Mall,  
13      the White House and other Federal property.

14       **Subtitle D—Findings Relating to**  
15       **Territorial Voting Rights**

16      **SEC. 2301. FINDINGS RELATING TO TERRITORIAL VOTING**  
17               **RIGHTS.**

18      Congress finds the following:

19               (1) The right to vote is one of the most power-  
20      ful instruments residents of the territories of the  
21      United States have to ensure that their voices are  
22      heard.

23               (2) These Americans have played an important  
24      part in the American democracy for more than 120  
25      years.



1       erning the time, place, and manner of elections for  
2       Members of the House of Representatives; and

3               (2) the authority granted to Congress under  
4       section 5 of the fourteenth amendment to the Con-  
5       stitution gives Congress the power to enact laws to  
6       enforce section 2 of such amendment, which requires  
7       Representatives to be apportioned among the several  
8       States according to their number.

9       **PART 1—REQUIREMENTS FOR CONGRESSIONAL**  
10                                   **REDISTRICTING**

11       **SEC. 2401. LIMIT ON CONGRESSIONAL REDISTRICTING**  
12                                   **AFTER AN APPORTIONMENT.**

13       The Act entitled “An Act for the relief of Doctor Ri-  
14       cardo Vallejo Samala and to provide for congressional re-  
15       districting”, approved December 14, 1967 (2 U.S.C. 2e),  
16       is amended by adding at the end the following: “A State  
17       which has been redistricted in the manner provided by law  
18       after an apportionment under section 22(a) of the Act en-  
19       titled ‘An Act to provide for the fifteenth and subsequent  
20       decennial censuses and to provide for an apportionment  
21       of Representatives in Congress’, approved June 18, 1929  
22       (2 U.S.C. 2a), may not be redistricted again until after  
23       the next apportionment of Representatives under such sec-  
24       tion, unless a court requires the State to conduct such  
25       subsequent redistricting to comply with the Constitution

1 or to enforce the Voting Rights Act of 1965 (52 U.S.C.  
2 10301 et seq.).”.

3 **SEC. 2402. REQUIRING CONGRESSIONAL REDISTRICTING**  
4 **TO BE CONDUCTED THROUGH PLAN OF INDE-**  
5 **PENDENT STATE COMMISSION.**

6 (a) USE OF PLAN REQUIRED.—Notwithstanding any  
7 other provision of law, any Congressional redistricting  
8 conducted by a State shall be conducted in accordance  
9 with—

10 (1) the redistricting plan developed and enacted  
11 into law by the independent redistricting commission  
12 established in the State, in accordance with part 2;  
13 or

14 (2) if a plan developed by such commission is  
15 not enacted into law, the redistricting plan developed  
16 and enacted into law by a 3-judge court of the  
17 United States District Court for the District of Co-  
18 lumbia, in accordance with section 2421.

19 (b) CONFORMING AMENDMENT.—Section 22(c) of  
20 the Act entitled “An Act to provide for the fifteenth and  
21 subsequent decennial censuses and to provide for an ap-  
22 portionment of Representatives in Congress”, approved  
23 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking  
24 “in the manner provided by the law thereof” and insert-

1 ing: “in the manner provided by the Redistricting Reform  
2 Act of 2019”.

3 **PART 2—INDEPENDENT REDISTRICTING**

4 **COMMISSIONS**

5 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

6 (a) APPOINTMENT OF MEMBERS.—

7 (1) IN GENERAL.—The nonpartisan agency es-  
8 tablished or designated by a State under section  
9 2414(a) shall establish an independent redistricting  
10 commission for the State, which shall consist of 15  
11 members appointed by the agency as follows:

12 (A) The agency shall first appoint 6 mem-  
13 bers as follows:

14 (i) The agency shall appoint 2 mem-  
15 bers on a random basis from the majority  
16 category of the approved selection pool (as  
17 described in section 2412(b)(1)(A)).

18 (ii) The agency shall appoint 2 mem-  
19 bers on a random basis from the minority  
20 category of the approved selection pool (as  
21 described in section 2412(b)(1)(B)).

22 (iii) The agency shall appoint 2 mem-  
23 bers on a random basis from the inde-  
24 pendent category of the approved selection

1 pool (as described in section  
2 2412(b)(1)(C)).

3 (B) The members appointed by the agency  
4 under subparagraph (A) shall then appoint 9  
5 members as follows:

6 (i) The members shall appoint 3 mem-  
7 bers on a random basis from the majority  
8 category of the approved selection pool (as  
9 described in section 2412(b)(1)(A)).

10 (ii) The members shall appoint 3  
11 members on a random basis from the mi-  
12 nority category of the approved selection  
13 pool (as described in section  
14 2412(b)(1)(B)).

15 (iii) The members shall appoint 3  
16 members on a random basis from the inde-  
17 pendent category of the approved selection  
18 pool (as described in section  
19 2412(b)(1)(C)).

20 (2) APPOINTMENT OF ALTERNATES TO SERVE  
21 IN CASE OF VACANCIES.—

22 (A) MEMBERS APPOINTED BY AGENCY.—

23 At the time the agency appoints the members  
24 of the independent redistricting commission  
25 under subparagraph (A) of paragraph (1) from

1 each of the categories referred to in such sub-  
2 paragraph, the agency shall, on a random basis,  
3 designate 2 other individuals from such cat-  
4 egory to serve as alternate members who may  
5 be appointed to fill vacancies in the commission  
6 in accordance with paragraph (3).

7 (B) MEMBERS APPOINTED BY FIRST MEM-  
8 BERS.—At the time the members appointed by  
9 the agency appoint the other members of the  
10 independent redistricting commission under  
11 subparagraph (B) of paragraph (1) from each  
12 of the categories referred to in such subpara-  
13 graph, the members shall, on a random basis,  
14 designate 2 other individuals from such cat-  
15 egory to serve as alternate members who may  
16 be appointed to fill vacancies in the commission  
17 in accordance with paragraph (3).

18 (3) VACANCY.—

19 (A) MEMBERS APPOINTED BY AGENCY.—If  
20 a vacancy occurs in the commission with respect  
21 to a member who was appointed by the non-  
22 partisan agency under subparagraph (A) of  
23 paragraph (1) from one of the categories re-  
24 ferred to in such subparagraph, the agency  
25 shall fill the vacancy by appointing, on a ran-



1           dom basis, one of the 2 alternates from such  
2           category who was designated under subpara-  
3           graph (A) of paragraph (2). At the time the  
4           agency appoints an alternate to fill a vacancy  
5           under the previous sentence, the agency shall  
6           designate, on a random basis, another indi-  
7           vidual from the same category to serve as an al-  
8           ternate member, in accordance with subpara-  
9           graph (A) of paragraph (2).

10           (B) MEMBERS APPOINTED BY FIRST MEM-  
11           BERS.—If a vacancy occurs in the commission  
12           with respect to a member who was appointed by  
13           the first members of the commission under sub-  
14           paragraph (B) of paragraph (1) from one of the  
15           categories referred to in such subparagraph, the  
16           first members shall fill the vacancy by appoint-  
17           ing, on a random basis, one of the 2 alternates  
18           from such category who was designated under  
19           subparagraph (B) of paragraph (2). At the time  
20           the first members appoint an alternate to fill a  
21           vacancy under the previous sentence, the first  
22           members shall designate, on a random basis,  
23           another individual from the same category to  
24           serve as an alternate member, in accordance  
25           with subparagraph (B) of paragraph (2).

1           (4) SPECIAL RULES FOR APPOINTMENT OF  
2 MEMBERS APPOINTED BY FIRST MEMBERS.—The  
3 appointment of any of the 9 members of the inde-  
4 pendent redistricting commission who are appointed  
5 by the first members of the commission pursuant to  
6 subparagraph (B) of paragraph (1), as well as the  
7 appointment of alternates for such members pursu-  
8 ant to subparagraph (B) of paragraph (2) and the  
9 appointment of members to fill vacancies with re-  
10 spect to such members pursuant to subparagraph  
11 (B) of paragraph (3), shall require the affirmative  
12 vote of at least 4 of the members appointed by the  
13 nonpartisan agency under subparagraph (A) of para-  
14 graph (1), including at least one member from each  
15 of the categories referred to in such subparagraph.  
16 The 9 members appointed pursuant to subparagraph  
17 (B) of paragraph (1), as well as the alternates ap-  
18 pointed pursuant to subparagraph (B) of paragraph  
19 (2) and the members appointed to fill vacancies pur-  
20 suant to subparagraph (B) of paragraph (3), shall  
21 be selected, if necessary, to ensure that the commis-  
22 sion as a whole reflects the demographic and geo-  
23 graphic diversity of the State, including racial and  
24 language minorities protected under the Voting  
25 Rights Act, and that such minorities are provided

1 with a meaningful opportunity to participate in the  
2 development and enactment of the State's redistricting  
3 plan.

4 (b) PROCEDURES FOR CONDUCTING COMMISSION  
5 BUSINESS.—

6 (1) CHAIR.—Members of an independent redistricting  
7 commission established under this section  
8 shall select by majority vote one member who was  
9 appointed from the independent category of the approved  
10 selection pool described in section  
11 2412(b)(1)(C) to serve as chair of the commission.  
12 The commission may not take any action to develop  
13 a redistricting plan for the State under section 2413  
14 until the appointment of the commission's chair.

15 (2) REQUIRING MAJORITY APPROVAL FOR ACTIONS.—The independent redistricting commission  
16 of a State may not publish and disseminate any  
17 draft or final redistricting plan, or take any other  
18 action, without the approval of at least—

20 (A) a majority of the whole membership of  
21 the commission; and

22 (B) at least one member of the commission  
23 appointed from each of the categories of the approved  
24 selection pool described in section  
25 2412(b)(1).

1           (3) QUORUM.—A majority of the members of  
2 the commission shall constitute a quorum.

3           (c) STAFF; CONTRACTORS.—

4           (1) STAFF.—The independent redistricting  
5 commission of a State may appoint and set the pay  
6 of such staff as it considers appropriate, subject to  
7 State law.

8           (2) CONTRACTORS.—The independent redistricting  
9 commission of a State may enter into such  
10 contracts with vendors as it considers appropriate,  
11 subject to State law, except that any such contract  
12 shall be valid only if approved by the vote of a ma-  
13 jority of the members of the commission, including  
14 at least one member appointed from each of the cat-  
15 egories of the approved selection pool described in  
16 section 2412(b)(1).

17           (3) GOAL OF IMPARTIALITY.—The commission  
18 shall take such steps as it considers appropriate to  
19 ensure that any staff appointed under this sub-  
20 section, and any vendor with whom the commission  
21 enters into a contract under this subsection, will  
22 work in an impartial manner, and may require any  
23 person who applies for an appointment to a staff po-  
24 sition or for a vendor's contract with the commission  
25 to provide information on the person's history of po-

1 political activity (including donations to candidates, po-  
2 litical committees, and political parties) as a condi-  
3 tion of the appointment or the contract.

4 (d) TERMINATION.—

5 (1) IN GENERAL.—The independent redistricting  
6 commission of a State shall terminate on the  
7 earlier of—

8 (A) June 14 of the following year ending  
9 in the numeral zero; or

10 (B) the day on which the nonpartisan  
11 agency established or designated by a State  
12 under section 2414(a) has, in accordance with  
13 section 2412(b)(1), submitted a selection pool  
14 to the Select Committee on Redistricting for the  
15 State established under section 2414(b).

16 (2) PRESERVATION OF RECORDS.—The State  
17 shall ensure that the records of the independent re-  
18 districting commission are retained in the appro-  
19 priate State archive in such manner as may be nec-  
20 essary to enable the State to respond to any civil ac-  
21 tion brought with respect to Congressional redistricting  
22 in the State.

1 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
2 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
3 **OF COMMISSION.**

4 (a) CRITERIA FOR ELIGIBILITY.—

5 (1) IN GENERAL.—An individual is eligible to  
6 serve as a member of an independent redistricting  
7 commission if the individual meets each of the fol-  
8 lowing criteria:

9 (A) As of the date of appointment, the in-  
10 dividual is registered to vote in elections for  
11 Federal office held in the State.

12 (B) During the 3-year period ending on  
13 the date of the individual's appointment, the in-  
14 dividual has been continuously registered to  
15 vote with the same political party, or has not  
16 been registered to vote with any political party.

17 (C) The individual submits to the non-  
18 partisan agency established or designated by a  
19 State under section 2413, at such time and in  
20 such form as the agency may require, an appli-  
21 cation for inclusion in the selection pool under  
22 this section, and includes with the application a  
23 written statement containing the following in-  
24 formation and assurances:

1 (i) A statement of the political party  
2 with which the individual is affiliated, if  
3 any.

4 (ii) An assurance that the individual  
5 shall commit to carrying out the individ-  
6 ual's duties under this subtitle in an hon-  
7 est, independent, and impartial fashion,  
8 and to upholding public confidence in the  
9 integrity of the redistricting process.

10 (iii) An assurance that, during the  
11 covered periods described in paragraph (3),  
12 the individual has not taken and will not  
13 take any action which would disqualify the  
14 individual from serving as a member of the  
15 commission under paragraph (2).

16 (2) DISQUALIFICATIONS.—An individual is not  
17 eligible to serve as a member of the commission if  
18 any of the following applies during any of the cov-  
19 ered periods described in paragraph (3):

20 (A) The individual or (in the case of the  
21 covered periods described in subparagraphs (A)  
22 and (B) of paragraph (3)) an immediate family  
23 member of the individual holds public office or  
24 is a candidate for election for public office.

1           (B) The individual or (in the case of the  
2 covered periods described in subparagraphs (A)  
3 and (B) of paragraph (3)) an immediate family  
4 member of the individual serves as an officer of  
5 a political party or as an officer, employee, or  
6 paid consultant of a campaign committee of a  
7 candidate for public office.

8           (C) The individual or (in the case of the  
9 covered periods described in subparagraphs (A)  
10 and (B) of paragraph (3)) an immediate family  
11 member of the individual holds a position as a  
12 registered lobbyist under the Lobbying Dislo-  
13 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an  
14 equivalent State or local law.

15           (D) The individual or (in the case of the  
16 covered periods described in subparagraphs (A)  
17 and (B) of paragraph (3)) an immediate family  
18 member of the individual is an employee of an  
19 elected public official, a contractor with the leg-  
20 islature of the State, or a donor to the cam-  
21 paign of any candidate for public office (other  
22 than a donor who, during any of such covered  
23 periods, gives an aggregate amount of \$20,000  
24 or less to the campaigns of all candidates for all  
25 public offices).



1           (3) COVERED PERIODS DESCRIBED.—In this  
2 subsection, the term “covered period” means, with  
3 respect to the appointment of an individual to the  
4 commission, any of the following:

5           (A) The 5-year period ending on the date  
6 of the individual’s appointment.

7           (B) The period beginning on the date of  
8 the individual’s appointment and ending on Au-  
9 gust 14 of the next year ending in the numeral  
10 one.

11           (C) The 5-year period beginning on the  
12 day after the last day of the period described in  
13 subparagraph (B).

14           (4) IMMEDIATE FAMILY MEMBER DEFINED.—In  
15 this subsection, the term “immediate family mem-  
16 ber” means, with respect to an individual, a father,  
17 stepfather, mother, stepmother, son, stepson, daugh-  
18 ter, stepdaughter, brother, stepbrother, sister, step-  
19 sister, husband, wife, father-in-law, or mother-in-  
20 law.

21           (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
22 POOL.—

23           (1) IN GENERAL.—Not later than June 15 of  
24 each year ending in the numeral zero, the non-  
25 partisan agency established or designated by a State

1 under section 2414(a) shall develop and submit to  
2 the Select Committee on Redistricting for the State  
3 established under section 2414(b) a selection pool of  
4 36 individuals who are eligible to serve as members  
5 of the independent redistricting commission of the  
6 State under this subtitle, consisting of individuals in  
7 the following categories:

8 (A) A majority category, consisting of 12  
9 individuals who are affiliated with the political  
10 party with the largest percentage of the reg-  
11 istered voters in the State who are affiliated  
12 with a political party (as determined with re-  
13 spect to the most recent Statewide election for  
14 Federal office held in the State for which such  
15 information is available).

16 (B) A minority category, consisting of 12  
17 individuals who are affiliated with the political  
18 party with the second largest percentage of the  
19 registered voters in the State who are affiliated  
20 with a political party (as so determined).

21 (C) An independent category, consisting of  
22 12 individuals who are not affiliated with either  
23 of the political parties described in subpara-  
24 graph (A) or subparagraph (B).

1           (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
2           OPING POOL.—In selecting individuals for the selec-  
3           tion pool under this subsection, the nonpartisan  
4           agency shall—

5                   (A) to the maximum extent practicable, en-  
6                   sure that the pool reflects the representative de-  
7                   mographic groups (including races, ethnicities,  
8                   and genders) and geographic regions of the  
9                   State; and

10                   (B) take into consideration the analytical  
11                   skills of the individuals selected in relevant  
12                   fields (including mapping, data management,  
13                   law, community outreach, demography, and the  
14                   geography of the State) and their ability to  
15                   work on an impartial basis.

16           (3) DETERMINATION OF POLITICAL PARTY AF-  
17           FILIATION OF INDIVIDUALS IN SELECTION POOL.—  
18           For purposes of this section, an individual shall be  
19           considered to be affiliated with a political party on  
20           the basis of the information the individual provides  
21           in the application submitted under subsection  
22           (a)(1)(D).

23           (4) ENCOURAGING RESIDENTS TO APPLY FOR  
24           INCLUSION IN POOL.—The nonpartisan agency shall  
25           take such steps as may be necessary to ensure that

1 residents of the State across various geographic re-  
2 gions and demographic groups are aware of the op-  
3 portunity to serve on the independent redistricting  
4 commission, including publicizing the role of the  
5 panel and using newspapers, broadcast media, and  
6 online sources, including ethnic media, to encourage  
7 individuals to apply for inclusion in the selection  
8 pool developed under this subsection.

9 (5) REPORT ON ESTABLISHMENT OF SELEC-  
10 TION POOL.—At the time the nonpartisan agency  
11 submits the selection pool to the Select Committee  
12 on Redistricting under paragraph (1), it shall pub-  
13 lish a report describing the process by which the  
14 pool was developed, and shall include in the report  
15 a description of how the individuals in the pool meet  
16 the eligibility criteria of subsection (a) and of how  
17 the pool reflects the factors the agency is required  
18 to take into consideration under paragraph (2).

19 (6) ACTION BY SELECT COMMITTEE.—

20 (A) IN GENERAL.—Not later than 14 days  
21 after receiving the selection pool from the non-  
22 partisan agency under paragraph (1), the Select  
23 Committee on Redistricting shall—

24 (i) approve the pool as submitted by  
25 the nonpartisan agency, in which case the

1 pool shall be considered the approved selec-  
2 tion pool for purposes of section  
3 2411(a)(1); or

4 (ii) reject the pool, in which case the  
5 nonpartisan agency shall develop and sub-  
6 mit a replacement selection pool in accord-  
7 ance with subsection (c).

8 (B) INACTION DEEMED REJECTION.—If  
9 the Select Committee on Redistricting fails to  
10 approve or reject the pool within the deadline  
11 set forth in subparagraph (A), the Select Com-  
12 mittee shall be deemed to have rejected the pool  
13 for purposes of such subparagraph.

14 (c) DEVELOPMENT OF REPLACEMENT SELECTION  
15 POOL.—

16 (1) IN GENERAL.—If the Select Committee on  
17 Redistricting rejects the selection pool submitted by  
18 the nonpartisan agency under subsection (b), not  
19 later than 14 days after the rejection, the non-  
20 partisan agency shall develop and submit to the Se-  
21 lect Committee a replacement selection pool, under  
22 the same terms and conditions that applied to the  
23 development and submission of the selection pool  
24 under paragraphs (1) through (5) of subsection (b).  
25 The replacement pool submitted under this para-

1 graph may include individuals who were included in  
2 the rejected selection pool submitted under sub-  
3 section (b), so long as at least one of the individuals  
4 in the replacement pool was not included in such re-  
5 jected pool.

6 (2) ACTION BY SELECT COMMITTEE.—

7 (A) IN GENERAL.—Not later than 14 days  
8 after receiving the replacement selection pool  
9 from the nonpartisan agency under paragraph  
10 (1), the Select Committee on Redistricting  
11 shall—

12 (i) approve the pool as submitted by  
13 the nonpartisan agency, in which case the  
14 pool shall be considered the approved selec-  
15 tion pool for purposes of section  
16 2411(a)(1); or

17 (ii) reject the pool, in which case the  
18 nonpartisan agency shall develop and sub-  
19 mit a second replacement selection pool in  
20 accordance with subsection (d).

21 (B) INACTION DEEMED REJECTION.—If  
22 the Select Committee on Redistricting fails to  
23 approve or reject the pool within the deadline  
24 set forth in subparagraph (A), the Select Com-

1           mittee shall be deemed to have rejected the pool  
2           for purposes of such subparagraph.

3           (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
4   LECTION POOL.—

5           (1) IN GENERAL.—If the Select Committee on  
6   Redistricting rejects the replacement selection pool  
7   submitted by the nonpartisan agency under sub-  
8   section (c), not later than 14 days after the rejec-  
9   tion, the nonpartisan agency shall develop and sub-  
10   mit to the Select Committee a second replacement  
11   selection pool, under the same terms and conditions  
12   that applied to the development and submission of  
13   the selection pool under paragraphs (1) through (5)  
14   of subsection (b). The second replacement selection  
15   pool submitted under this paragraph may include in-  
16   dividuals who were included in the rejected selection  
17   pool submitted under subsection (b) or the rejected  
18   replacement selection pool submitted under sub-  
19   section (c), so long as at least one of the individuals  
20   in the replacement pool was not included in either  
21   such rejected pool.

22           (2) ACTION BY SELECT COMMITTEE.—

23           (A) IN GENERAL.—Not later than 14 days  
24   after receiving the second replacement selection  
25   pool from the nonpartisan agency under para-

1 graph (1), the Select Committee on Redistricting shall—  
2

3 (i) approve the pool as submitted by  
4 the nonpartisan agency, in which case the  
5 pool shall be considered the approved selection  
6 pool for purposes of section  
7 2411(a)(1); or

8 (ii) reject the pool, in which case—

9 (I) the nonpartisan agency shall  
10 not develop or submit any other selection  
11 pool for purposes of this subtitle;  
12 and

13 (II) the United States District  
14 Court for the District of Columbia  
15 shall develop and enact the redistricting  
16 plan for the State, in accordance  
17 with section 2421.

18 (B) INACTION DEEMED REJECTION.—If  
19 the Select Committee on Redistricting fails to  
20 approve or reject the pool within the deadline  
21 set forth in subparagraph (A), the Select Committee  
22 shall be deemed to have rejected the pool  
23 for purposes of such subparagraph.



1 **SEC. 2413. CRITERIA FOR REDISTRICTING PLAN BY INDE-**  
2 **PENDENT COMMISSION; PUBLIC NOTICE AND**  
3 **INPUT.**

4 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

5 (1) CRITERIA.—In developing a redistricting  
6 plan of a State, the independent redistricting com-  
7 mission of a State shall establish single-member con-  
8 gressional districts using the following criteria as set  
9 forth in the following order of priority:

10 (A) Districts shall comply with the United  
11 States Constitution, including the requirement  
12 that they equalize total population.

13 (B) Districts shall comply with the Voting  
14 Rights Act of 1965 (52 U.S.C. 10301 et seq.)  
15 and all applicable Federal laws.

16 (C) Districts shall provide racial, ethnic,  
17 and language minorities with an equal oppor-  
18 tunity to participate in the political process and  
19 to elect candidates of choice and shall not dilute  
20 or diminish their ability to elect candidates of  
21 choice whether alone or in coalition with others.

22 (D) Districts shall minimize the division of  
23 communities of interest, neighborhoods, and po-  
24 litical subdivisions to the extent practicable. A  
25 community of interest is defined as an area  
26 with recognized similarities of interests, includ-

1           ing but not limited to ethnic, economic, social,  
2           cultural, geographic or historic identities. The  
3           term communities of interest may, in cir-  
4           cumstances, include political subdivisions such  
5           as counties, municipalities, or school districts,  
6           but shall not include common relationships with  
7           political parties, officeholders, or political can-  
8           didates.

9           (2) NO FAVORING OR DISFAVORING OF POLIT-  
10          ICAL PARTIES.—The redistricting plan developed by  
11          the independent redistricting commission shall not,  
12          when considered on a Statewide basis, unduly favor  
13          or disfavor any political party.

14          (3) FACTORS PROHIBITED FROM CONSIDER-  
15          ATION.—In developing the redistricting plan for the  
16          State, the independent redistricting commission may  
17          not take into consideration any of the following fac-  
18          tors, except to the extent necessary to comply with  
19          the Voting Rights Act of 1965:

20                 (A) The political party affiliation or voting  
21                 history of the population of a district.

22                 (B) The residence of any Member of the  
23                 House of Representatives or candidate.

24          (b) PUBLIC NOTICE AND INPUT.—

1           (1) USE OF OPEN AND TRANSPARENT PROC-  
2           ESS.—The independent redistricting commission of a  
3           State shall hold each of its meetings in public, shall  
4           solicit and take into consideration comments from  
5           the public throughout the process of developing the  
6           redistricting plan for the State, and shall carry out  
7           its duties in an open and transparent manner which  
8           provides for the widest public dissemination reason-  
9           ably possible of its proposed and final redistricting  
10          plans.

11          (2) WEBSITE.—The commission shall maintain  
12          a public Internet site which is not affiliated with or  
13          maintained by the office of any elected official and  
14          which includes the following features:

15                (A) General information on the commission  
16                and its members, including contact information.

17                (B) An updated schedule of commission  
18                hearings and activities, including deadlines for  
19                the submission of comments.

20                (C) All draft redistricting plans developed  
21                by the commission under subsection (c) and the  
22                final redistricting plan developed under sub-  
23                section (d).

1 (D) Live streaming of commission hearings  
2 and an archive of previous meetings and other  
3 commission records.

4 (E) A method by which members of the  
5 public may submit comments directly to the  
6 commission.

7 (F) Access to the demographic data used  
8 by the commission to develop the proposed re-  
9 districting plans, together with any software  
10 used to draw maps of proposed districts.

11 (3) PUBLIC COMMENT PERIOD.—The commis-  
12 sion shall solicit, accept, and consider comments  
13 from the public with respect to its duties, activities,  
14 and procedures at any time during the period—

15 (A) which begins on January 1 of the year  
16 ending in the numeral one; and

17 (B) which ends 7 days before the date of  
18 the meeting at which the commission shall vote  
19 on approving the final redistricting plan for en-  
20 actment into law under subsection (d)(2).

21 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-  
22 GRAPHIC LOCATIONS.—To the greatest extent prac-  
23 ticable, the commission shall hold its meetings and  
24 hearings in various geographic regions and locations  
25 throughout the State.

1 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
2 NARY REDISTRICTING PLAN.—

3 (1) IN GENERAL.—Prior to developing and pub-  
4 lishing a final redistricting plan under subsection  
5 (d), the independent redistricting commission of a  
6 State shall develop and publish a preliminary redis-  
7 tricting plan.

8 (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-  
9 VELOPMENT.—

10 (A) 3 HEARINGS REQUIRED.—Prior to de-  
11 veloping a preliminary redistricting plan under  
12 this subsection, the commission shall hold not  
13 fewer than 3 public hearings at which members  
14 of the public may provide input and comments  
15 regarding the potential contents of redistricting  
16 plans for the State and the process by which  
17 the commission will develop the preliminary  
18 plan under this subsection.

19 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
20 TO HEARINGS.—The commission shall notify  
21 the public through the website maintained  
22 under subsection (b)(2), as well as through pub-  
23 lication of notice in newspapers of general cir-  
24 culation throughout the State, of the date, time,  
25 and location of each of the hearings held under

1           this paragraph not fewer than 14 days prior to  
2           the date of the hearing.

3           (3) PUBLICATION OF PRELIMINARY PLAN.—

4                   (A) IN GENERAL.—The commission shall  
5           post the preliminary redistricting plan devel-  
6           oped under this subsection, together with a re-  
7           port that includes the commission’s responses  
8           to any public comments received under sub-  
9           section (b)(3), on the website maintained under  
10          subsection (b)(2), and shall provide for the pub-  
11          lication of each such plan in newspapers of gen-  
12          eral circulation throughout the State.

13                   (B) MINIMUM PERIOD FOR NOTICE PRIOR  
14          TO PUBLICATION.—Not fewer than 14 days  
15          prior to the date on which the commission posts  
16          and publishes the preliminary plan under this  
17          paragraph, the commission shall notify the pub-  
18          lic through the website maintained under sub-  
19          section (b)(2), as well as through publication of  
20          notice in newspapers of general circulation  
21          throughout the State, of the pending publica-  
22          tion of the plan.

23                   (4) MINIMUM PERIOD FOR PUBLIC COMMENT  
24          AFTER PUBLICATION OF PLAN.—The commission  
25          shall accept and consider comments from the public

1 with respect to the preliminary redistricting plan  
2 published under paragraph (3) for not fewer than 30  
3 days after the date on which the plan is published.

4 (5) POST-PUBLICATION HEARINGS.—

5 (A) 3 HEARINGS REQUIRED.—After post-  
6 ing and publishing the preliminary redistricting  
7 plan under paragraph (3), the commission shall  
8 hold not fewer than 3 public hearings at which  
9 members of the public may provide input and  
10 comments regarding the preliminary plan.

11 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
12 TO HEARINGS.—The commission shall notify  
13 the public through the website maintained  
14 under subsection (b)(2), as well as through pub-  
15 lication of notice in newspapers of general cir-  
16 culation throughout the State, of the date, time,  
17 and location of each of the hearings held under  
18 this paragraph not fewer than 14 days prior to  
19 the date of the hearing.

20 (6) PERMITTING MULTIPLE PRELIMINARY  
21 PLANS.—At the option of the commission, after de-  
22 veloping and publishing the preliminary redistricting  
23 plan under this subsection, the commission may de-  
24 velop and publish subsequent preliminary redis-  
25 tricting plans, so long as the process for the develop-

1       ment and publication of each such subsequent plan  
2       meets the requirements set forth in this subsection  
3       for the development and publication of the first pre-  
4       liminary redistricting plan.

5       (d) PROCESS FOR ENACTMENT OF FINAL REDIS-  
6 TRICTING PLAN.—

7           (1) IN GENERAL.—After taking into consider-  
8       ation comments from the public on any preliminary  
9       redistricting plan developed and published under  
10      subsection (c), the independent redistricting commis-  
11      sion of a State shall develop and publish a final re-  
12      districting plan for the State.

13          (2) MEETING; FINAL VOTE.—Not later than  
14      August 15 of each year ending in the numeral one,  
15      the commission shall hold a public hearing at which  
16      the members of the commission shall vote on approv-  
17      ing the final plan for enactment into law.

18          (3) PUBLICATION OF PLAN AND ACCOMPANYING  
19      MATERIALS.—Not fewer than 14 days before the  
20      date of the meeting under paragraph (2), the com-  
21      mission shall provide the following information to  
22      the public through the website maintained under  
23      subsection (b)(2), as well as through newspapers of  
24      general circulation throughout the State:



1 (A) The final redistricting plan, including  
2 all relevant maps.

3 (B) A report by the commission to accom-  
4 pany the plan which provides the background  
5 for the plan and the commission's reasons for  
6 selecting the plan as the final redistricting plan,  
7 including responses to the public comments re-  
8 ceived on any preliminary redistricting plan de-  
9 veloped and published under subsection (c).

10 (C) Any dissenting or additional views with  
11 respect to the plan of individual members of the  
12 commission.

13 (4) ENACTMENT.—The final redistricting plan  
14 developed and published under this subsection shall  
15 be deemed to be enacted into law if—

16 (A) the plan is approved by a majority of  
17 the whole membership of the commission; and

18 (B) at least one member of the commission  
19 appointed from each of the categories of the ap-  
20 proved selection pool described in section  
21 2412(b)(1) approves the plan.

22 (e) DEADLINE.—The independent redistricting com-  
23 mission of a State shall approve a final redistricting plan  
24 for the State not later than August 15 of each year ending  
25 in the numeral one.

1 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

2 (a) ESTABLISHMENT OR DESIGNATION OF NON-  
3 PARTISAN AGENCY OF STATE LEGISLATURE.—

4 (1) IN GENERAL.—Each State shall establish a  
5 nonpartisan agency in the legislative branch of the  
6 State government to appoint the members of the  
7 independent redistricting commission for the State  
8 in accordance with section 2411.

9 (2) NONPARTISANSHIP DESCRIBED.—For pur-  
10 poses of this subsection, an agency shall be consid-  
11 ered to be nonpartisan if under law the agency—

12 (A) is required to provide services on a  
13 nonpartisan basis;

14 (B) is required to maintain impartiality;  
15 and

16 (C) is prohibited from advocating for the  
17 adoption or rejection of any legislative proposal.

18 (3) DESIGNATION OF EXISTING AGENCY.—At  
19 its option, a State may designate an existing agency  
20 in the legislative branch of its government to appoint  
21 the members of the independent redistricting com-  
22 mission plan for the State under this subtitle, so  
23 long as the agency meets the requirements for non-  
24 partisanship under this subsection.

25 (4) TERMINATION OF AGENCY SPECIFICALLY  
26 ESTABLISHED FOR REDISTRICTING.—If a State does

1 not designate an existing agency under paragraph  
2 (3) but instead establishes a new agency to serve as  
3 the nonpartisan agency under this section, the new  
4 agency shall terminate upon the enactment into law  
5 of the redistricting plan for the State.

6 (5) DEADLINE.—The State shall meet the re-  
7 quirements of this subsection not later than each  
8 August 15 of a year ending in the numeral nine.

9 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
10 DISTRICTING.—

11 (1) IN GENERAL.—Each State shall appoint a  
12 Select Committee on Redistricting to approve or dis-  
13 approve a selection pool developed by the inde-  
14 pendent redistricting commission for the State under  
15 section 2412.

16 (2) APPOINTMENT.—The Select Committee on  
17 Redistricting for a State under this subsection shall  
18 consist of the following members:

19 (A) 1 member of the upper house of the  
20 State legislature, who shall be appointed by the  
21 leader of the party with the greatest number of  
22 seats in the upper house.

23 (B) 1 member of the upper house of the  
24 State legislature, who shall be appointed by the

1 leader of the party with the second greatest  
2 number of seats in the upper house.

3 (C) 1 member of the lower house of the  
4 State legislature, who shall be appointed by the  
5 leader of the party with the greatest number of  
6 seats in the lower house.

7 (D) 1 member of the lower house of the  
8 State legislature, who shall be appointed by the  
9 leader of the party with the second greatest  
10 number of seats in the lower house.

11 (3) SPECIAL RULE FOR STATES WITH UNICAM-  
12 ERAL LEGISLATURE.—In the case of a State with a  
13 unicameral legislature, the Select Committee on Re-  
14 districting for the State under this subsection shall  
15 consist of the following members:

16 (A) 2 members of the State legislature ap-  
17 pointed by the leader of the party with the  
18 greatest number of seats in the legislature.

19 (B) 2 members of the State legislature ap-  
20 pointed by the leader of the party with the sec-  
21 ond greatest number of seats in legislature.

22 (4) DEADLINE.—The State shall meet the re-  
23 quirements of this subsection not later than each  
24 January 15 of a year ending in the numeral zero.

1 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**  
2 **REDISTRICTING PLANS**

3 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**  
4 **COURT.**

5 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
6 gering events described in subsection (c) occur with re-  
7 spect to a State—

8 (1) not later than December 15 of the year in  
9 which the triggering event occurs, the United States  
10 District Court for the District of Columbia, acting  
11 through a 3-judge court convened pursuant to sec-  
12 tion 2284 of title 28, United States Code, shall de-  
13 velop and publish the congressional redistricting  
14 plan for the State; and

15 (2) the plan developed and published by the  
16 Court under this subsection shall be deemed to be  
17 enacted on the date on which the Court publishes  
18 the plan.

19 (b) PROCEDURES FOR DEVELOPMENT OF PLAN.—

20 (1) CRITERIA.—It is the sense of Congress  
21 that, in developing a redistricting plan for a State  
22 under this section, the Court should adhere to the  
23 same terms and conditions that applied (or that  
24 would have applied, as the case may be) to the devel-  
25 opment of a plan by the independent redistricting  
26 commission of the State under section 2413(a).

1           (2) ACCESS TO INFORMATION AND RECORDS OF  
2           COMMISSION.—The Court shall have access to any  
3           information, data, software, or other records and  
4           material that was used (or that would have been  
5           used, as the case may be) by the independent redistricting  
6           commission of the State in carrying out its  
7           duties under this subtitle.

8           (c) TRIGGERING EVENTS DESCRIBED.—The “triggering events”  
9           described in this subsection are as follows:

10           (1) The failure of the State to establish or designate a nonpartisan agency of the State legislature under section 2414(a) prior to the expiration of the deadline set forth in section 2414(a)(5).

14           (2) The failure of the State to appoint a Select Committee on Redistricting under section 2414(b) prior to the expiration of the deadline set forth in section 2414(b)(4).

18           (3) The failure of the Select Committee on Redistricting to approve any selection pool under section 2412 prior to the expiration of the deadline set forth for the approval of the second replacement selection pool in section 2412(d)(2).

23           (4) The failure of the independent redistricting commission of the State to approve a final redistricting

1       tricting plan for the State prior to the expiration of  
2       the deadline set forth in section 2413(e).

3   **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**  
4                   **DUCTED UNDER ORDER OF FEDERAL COURT.**

5       If a Federal court requires a State to conduct redis-  
6       tricting subsequent to an apportionment of Representa-  
7       tives in the State in order to comply with the Constitution  
8       or to enforce the Voting Rights Act of 1965, section 2413  
9       shall apply with respect to the redistricting, except that  
10      the court may revise any of the deadlines set forth in such  
11      section if the court determines that a revision is appro-  
12      priate in order to provide for a timely enactment of a new  
13      redistricting plan for the State.

14   **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**  
15                   **PROVISIONS**

16   **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**  
17                   **DISTRICTING.**

18       (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-  
19      section (d), not later than 30 days after a State receives  
20      a State apportionment notice, the Election Assistance  
21      Commission shall make a payment to the State in an  
22      amount equal to the product of—

- 23                   (1) the number of Representatives to which the  
24      State is entitled, as provided under the notice; and  
25                   (2) \$150,000.

1 (b) USE OF FUNDS.—A State shall use the payment  
2 made under this section to establish and operate the  
3 State’s independent redistricting commission, to imple-  
4 ment the State redistricting plan, and to otherwise carry  
5 out Congressional redistricting in the State.

6 (c) NO PAYMENT TO STATES WITH SINGLE MEM-  
7 BER.—The Election Assistance Commission shall not  
8 make a payment under this section to any State which  
9 is not entitled to more than one Representative under its  
10 State apportionment notice.

11 (d) REQUIRING SUBMISSION OF SELECTION POOL AS  
12 CONDITION OF PAYMENT.—The Election Assistance Com-  
13 mission may not make a payment to a State under this  
14 section until the State certifies to the Commission that  
15 the nonpartisan agency established or designated by a  
16 State under section 2414(a) has, in accordance with sec-  
17 tion 2412(b)(1), submitted a selection pool to the Select  
18 Committee on Redistricting for the State established  
19 under section 2414(b).

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated such sums as may be  
22 necessary for payments under this section.

23 **SEC. 2432. CIVIL ENFORCEMENT.**

24 (a) CIVIL ENFORCEMENT.—



1           (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
2           torney General may bring a civil action in an appro-  
3           priate district court for such relief as may be appro-  
4           priate to carry out this subtitle.

5           (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
6           TION.—Any citizen of a State who is aggrieved by  
7           the failure of the State redistricting plan which is  
8           enacted into law under section 2413 to meet the re-  
9           quirements for such a plan under this subtitle may  
10          bring a civil action in an appropriate district court  
11          for such relief as may be appropriate to remedy the  
12          failure, so long as the individual brings the action  
13          during the 45-day period which begins on the date  
14          on which the plan is enacted into law.

15          (b) EXPEDITED CONSIDERATION.—In any action  
16          brought forth under this section, the following rules shall  
17          apply:

18               (1) The action shall be filed in the United  
19               States District Court for the District of Columbia  
20               and shall be heard by a 3-judge court convened pur-  
21               suant to section 2284 of title 28, United States  
22               Code.

23               (2) The 3-judge court shall consolidate actions  
24               brought for relief under subsection (b)(1) with re-  
25               spect to the same State redistricting plan.

1           (3) A copy of the complaint shall be delivered  
2 promptly to the Clerk of the House of Representa-  
3 tives and the Secretary of the Senate.

4           (4) A final decision in the action shall be re-  
5 viewable only by appeal directly to the Supreme  
6 Court of the United States. Such appeal shall be  
7 taken by the filing of a notice of appeal within 10  
8 days, and the filing of a jurisdictional statement  
9 within 30 days, of the entry of the final decision.

10           (5) It shall be the duty of the district court and  
11 the Supreme Court of the United States to advance  
12 on the docket and to expedite to the greatest pos-  
13 sible extent the disposition of the action and appeal.

14           (c) ATTORNEY'S FEES.—In a civil action under this  
15 section, the court may allow the prevailing party (other  
16 than the United States) reasonable attorney fees, includ-  
17 ing litigation expenses, and costs.

18           (d) RELATION TO OTHER LAWS.—

19           (1) RIGHTS AND REMEDIES ADDITIONAL TO  
20 OTHER RIGHTS AND REMEDIES.—The rights and  
21 remedies established by this section are in addition  
22 to all other rights and remedies provided by law, and  
23 neither the rights and remedies established by this  
24 section nor any other provision of this subtitle shall  
25 supersede, restrict, or limit the application of the

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

3 (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
4 this subtitle authorizes or requires conduct that is  
5 prohibited by the Voting Rights Act of 1965 (52  
6 U.S.C. 10301 et seq.).

7 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

8 In this subtitle, the “State apportionment notice”  
9 means, with respect to a State, the notice sent to the State  
10 from the Clerk of the House of Representatives under sec-  
11 tion 22(b) of the Act entitled “An Act to provide for the  
12 fifteenth and subsequent decennial censuses and to pro-  
13 vide for an apportionment of Representatives in Con-  
14 gress”, approved June 18, 1929 (2 U.S.C. 2a), of the  
15 number of Representatives to which the State is entitled.

16 **SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND**  
17 **LOCAL OFFICE.**

18 Nothing in this subtitle or in any amendment made  
19 by this subtitle may be construed to affect the manner  
20 in which a State carries out elections for State or local  
21 office, including the process by which a State establishes  
22 the districts used in such elections.

23 **SEC. 2435. EFFECTIVE DATE.**

24 This subtitle and the amendments made by this sub-  
25 title shall apply with respect to redistricting carried out

1 pursuant to the decennial census conducted during 2020  
2 or any succeeding decennial census.

3 **Subtitle F—Saving Voters From**  
4 **Voter Purging**

5 **SEC. 2501. SHORT TITLE.**

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

9 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
10 **LIST OF REGISTERED VOTERS.**

11 (a) **CONDITIONS DESCRIBED.**—The National Voter  
12 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is  
13 amended by inserting after section 8 the following new  
14 section:

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

17 “(a) **VERIFICATION ON BASIS OF OBJECTIVE AND**  
18 **RELIABLE EVIDENCE OF INELIGIBILITY.**—Notwith-  
19 standing any other provision of this Act, a State may not  
20 remove any registrant from the official list of voters eligi-  
21 ble to vote in elections for Federal office in the State un-  
22 less the State verifies, on the basis of objective and reliable  
23 evidence, that the registrant is ineligible to vote in such  
24 elections on any of the grounds described in paragraph  
25 (3) or paragraph (4) of section 8(a).

1           “(b) FACTORS NOT CONSIDERED AS OBJECTIVE AND  
2 RELIABLE EVIDENCE OF INELIGIBILITY.—For purposes  
3 of subsection (a), the following factors, or any combination  
4 thereof, shall not be treated as objective and reliable evi-  
5 dence of a registrant’s ineligibility to vote:

6           “(1) The failure of the registrant to vote in any  
7 election.

8           “(2) The failure of the registrant to respond to  
9 any notice sent under section 8(d).

10           “(3) The failure of the registrant to take any  
11 other action with respect to voting in any election or  
12 with respect to the registrant’s status as a reg-  
13 istrant.”.

14           (b) CONFORMING AMENDMENTS.—

15           (1) NATIONAL VOTER REGISTRATION ACT OF  
16 1993.—Section 8(a) of such Act (52 U.S.C.  
17 20507(a)) is amended—

18           (A) in paragraph (3), by striking “pro-  
19 vide” and inserting “subject to section 8A, pro-  
20 vide”; and

21           (B) in paragraph (4), by striking “con-  
22 duct” and inserting “subject to section 8A, con-  
23 duct”.

24           (2) HELP AMERICA VOTE ACT OF 2002.—Section  
25 303(a)(4)(A) of the Help America Vote Act of 2002

1 (52 U.S.C. 21083(a)(4)(A)) is amended by striking  
 2 “, registrants” and inserting “, and subject to sec-  
 3 tion 8A of such Act, registrants”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 this section shall take effect on the date of the enactment  
 6 of this Act.

## 7 **Subtitle G—Severability**

### 8 **SEC. 2601. SEVERABILITY.**

9 If any provision of this title or amendment made by  
 10 this title, or the application of a provision or amendment  
 11 to any person or circumstance, is held to be unconstitu-  
 12 tional, the remainder of this title and amendments made  
 13 by this title, and the application of the provisions and  
 14 amendment to any person or circumstance, shall not be  
 15 affected by the holding.

## 16 **TITLE III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

### Subtitle A—Financial Support for Election Infrastructure

#### PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definitions.

#### PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3012. GAO analysis of effects of audits.

#### PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

Sec. 3021. Election infrastructure innovation grant program.

## 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”.

4 (b) **SENSE OF CONGRESS ON NEED TO IMPROVE**  
5 **ELECTION INFRASTRUCTURE SECURITY.**—It is the sense  
6 of Congress that, in light of the lessons learned from Rus-  
7 sian interference in the 2016 Presidential election, the  
8 Federal Government should intensify its efforts to improve  
9 the security of election infrastructure in the United States,

1 including through the use of individual, durable, paper  
2 ballots marked by the voter by hand.

3 **Subtitle A—Financial Support for**  
4 **Election Infrastructure**

5 **PART 1—VOTING SYSTEM SECURITY**

6 **IMPROVEMENT GRANTS**

7 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**  
8 **BALLOT VOTING SYSTEMS AND CARRYING**  
9 **OUT VOTING SYSTEM SECURITY IMPROVE-**  
10 **MENTS.**

11 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
12 II of the Help America Vote Act of 2002 (52 U.S.C.  
13 21001 et seq.), as amended by section 1906(a), is amend-  
14 ed by adding at the end the following new part:

15 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**  
16 **PAPER BALLOT VOTING SYSTEMS AND CAR-**  
17 **RYING OUT VOTING SYSTEM SECURITY IM-**  
18 **PROVEMENTS**

19 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**  
20 **BALLOT VOTING SYSTEMS AND CARRYING**  
21 **OUT VOTING SYSTEM SECURITY IMPROVE-**  
22 **MENTS.**

23 “(a) AVAILABILITY AND USE OF GRANT.—The Com-  
24 mission shall make a grant to each eligible State—

25 “(1) to replace a voting system—



1           “(A) which does not meet the requirements  
2           which are first imposed on the State pursuant  
3           to the amendments made by the Voter Con-  
4           fidence and Increased Accessibility Act of 2019  
5           with a voting system which does meet such re-  
6           quirements, for use in the regularly scheduled  
7           general elections for Federal office held in No-  
8           vember 2020, or

9           “(B) which does meet such requirements  
10          but which is not in compliance with the most  
11          recent voluntary voting system guidelines issued  
12          by the Commission prior to the regularly sched-  
13          uled general election for Federal office held in  
14          November 2020 with another system which does  
15          meet such requirements and is in compliance  
16          with such guidelines; and

17          “(2) to carry out voting system security im-  
18          provements described in section 298A with respect  
19          to the regularly scheduled general elections for Fed-  
20          eral office held in November 2020 and each suc-  
21          ceeding election for Federal office.

22          “(b) AMOUNT OF GRANT.—The amount of a grant  
23          made to a State under this section shall be such amount  
24          as the Commission determines to be appropriate, except  
25          that such amount may not be less than the product of

1 \$1 and the average of the number of individuals who cast  
2 votes in any of the two most recent regularly scheduled  
3 general elections for Federal office held in the State.

4 “(c) PRO RATA REDUCTIONS.—If the amount of  
5 funds appropriated for grants under this part is insuffi-  
6 cient to ensure that each State receives the amount of the  
7 grant calculated under subsection (b), the Commission  
8 shall make such pro rata reductions in such amounts as  
9 may be necessary to ensure that the entire amount appro-  
10 priated under this part is distributed to the States.

11 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
12 **DESCRIBED.**

13 “(a) PERMITTED USES.—A voting system security  
14 improvement described in this section is any of the fol-  
15 lowing:

16 “(1) The acquisition of goods and services from  
17 qualified election infrastructure vendors by purchase,  
18 lease, or such other arrangements as may be appro-  
19 priate.

20 “(2) Cyber and risk mitigation training.

21 “(3) A security risk and vulnerability assess-  
22 ment of the State’s election infrastructure which is  
23 carried out by a provider of cybersecurity services  
24 under a contract entered into between the chief  
25 State election official and the provider.

1           “(4) The maintenance of election infrastruc-  
2           ture, including addressing risks and vulnerabilities  
3           which are identified under either of the security risk  
4           and vulnerability assessments described in para-  
5           graph (3), except that none of the funds provided  
6           under this part may be used to renovate or replace  
7           a building or facility which is used primarily for pur-  
8           poses other than the administration of elections for  
9           public office.

10           “(5) Providing increased technical support for  
11           any information technology infrastructure that the  
12           chief State election official deems to be part of the  
13           State’s election infrastructure or designates as crit-  
14           ical to the operation of the State’s election infra-  
15           structure.

16           “(6) Enhancing the cybersecurity and oper-  
17           ations of the information technology infrastructure  
18           described in paragraph (4).

19           “(7) Enhancing the cybersecurity of voter reg-  
20           istration systems.

21           “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
22           DORS DESCRIBED.—

23           “(1) IN GENERAL.—For purposes of this part,  
24           a ‘qualified election infrastructure vendor’ is any  
25           person who provides, supports, or maintains, or who

1 seeks to provide, support, or maintain, election in-  
2 frastructure on behalf of a State, unit of local gov-  
3 ernment, or election agency (as defined in section  
4 3501 of the Election Security Act) who meets the  
5 criteria described in paragraph (2).

6 “(2) CRITERIA.—The criteria described in this  
7 paragraph are such criteria as the Chairman, in co-  
8 ordination with the Secretary of Homeland Security,  
9 shall establish and publish, and shall include each of  
10 the following requirements:

11 “(A) The vendor must be owned and con-  
12 trolled by a citizen or permanent resident of the  
13 United States.

14 “(B) The vendor must disclose to the  
15 Chairman and the Secretary, and to the chief  
16 State election official of any State to which the  
17 vendor provides any goods and services with  
18 funds provided under this part, of any sourcing  
19 outside the United States for parts of the elec-  
20 tion infrastructure.

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

1           “(D) The vendor agrees to maintain its in-  
2           formation technology infrastructure in a man-  
3           ner that is consistent with the cybersecurity  
4           best practices issued by the Technical Guide-  
5           lines Development Committee.

6           “(E) The vendor agrees to meet the re-  
7           quirements of paragraph (3) with respect to  
8           any known or suspected cybersecurity incidents  
9           involving any of the goods and services provided  
10          by the vendor pursuant to a grant under this  
11          part.

12          “(F) The vendor agrees to permit inde-  
13          pendent security testing by the Commission (in  
14          accordance with section 231(a)) and by the Sec-  
15          retary of the goods and services provided by the  
16          vendor pursuant to a grant under this part.

17          “(3) CYBERSECURITY INCIDENT REPORTING  
18          REQUIREMENTS.—

19                 “(A) IN GENERAL.—A vendor meets the  
20                 requirements of this paragraph if, upon becom-  
21                 ing aware of the possibility that an election cy-  
22                 bersecurity incident has occurred involving any  
23                 of the goods and services provided by the ven-  
24                 dor pursuant to a grant under this part—

1           “(i) the vendor promptly assesses  
2           whether or not such an incident occurred,  
3           and submits a notification meeting the re-  
4           quirements of subparagraph (B) to the  
5           Secretary and the Chairman of the assess-  
6           ment as soon as practicable (but in no case  
7           later than 3 days after the vendor first be-  
8           comes aware of the possibility that the in-  
9           cident occurred);

10           “(ii) if the incident involves goods or  
11           services provided to an election agency, the  
12           vendor submits a notification meeting the  
13           requirements of subparagraph (B) to the  
14           agency as soon as practicable (but in no  
15           case later than 3 days after the vendor  
16           first becomes aware of the possibility that  
17           the incident occurred), and cooperates with  
18           the agency in providing any other nec-  
19           essary notifications relating to the inci-  
20           dent; and

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

24           “(B) CONTENTS OF NOTIFICATIONS.—  
25           Each notification submitted under clause (i) or

1 clause (ii) of subparagraph (A) shall contain  
2 the following information with respect to any  
3 election cybersecurity incident covered by the  
4 notification:

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

8 “(ii) The date, time, and time zone  
9 when the election cybersecurity incident  
10 was detected.

11 “(iii) The date, time, and duration of  
12 the election cybersecurity incident.

13 “(iv) The circumstances of the elec-  
14 tion cybersecurity incident, including the  
15 specific election infrastructure systems be-  
16 lieved to have been accessed and informa-  
17 tion acquired, if any.

18 “(v) Any planned and implemented  
19 technical measures to respond to and re-  
20 cover from the incident.

21 “(vi) In the case of any notification  
22 which is an update to a prior notification,  
23 any additional material information relat-  
24 ing to the incident, including technical  
25 data, as it becomes available.

1 **“SEC. 298B. 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 description of how the State will use the  
7 grant to carry out the activities authorized under  
8 this part;

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

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

16 **“SEC. 298C. REPORTS TO CONGRESS.**

17 “Not later than 90 days after the end of each fiscal  
18 year, the Commission shall submit a report to the appro-  
19 priate congressional committees, including the Committees  
20 on Homeland Security, House Administration, and the Ju-  
21 diciary of the House of Representatives and the Commit-  
22 tees on Homeland Security and Governmental Affairs, the  
23 Judiciary, and Rules and Administration of the Senate,  
24 on the activities carried out with the funds provided under  
25 this part.



1 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

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

4 “(1) \$1,000,000,000 for fiscal year 2019; and

5 “(2) \$175,000,000 for each of the fiscal years  
6 2020, 2022, 2024, and 2026.

7 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any  
8 amounts appropriated pursuant to the authorization of  
9 this section shall remain available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents  
11 of such Act, as amended by section 1906(b), is amended  
12 by adding at the end of the items relating to subtitle D  
13 of title 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.

14 **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**  
15 **ACTIVITIES WITH USE OF REQUIREMENTS**  
16 **PAYMENTS AND ELECTION ADMINISTRATION**  
17 **REQUIREMENTS UNDER HELP AMERICA**  
18 **VOTE ACT OF 2002.**

19 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-  
20 SION.—Section 202 of the Help America Vote Act of 2002  
21 (52 U.S.C. 20922) is amended in the matter preceding

1 paragraph (1) by striking “by” and inserting “and the se-  
2 curity of election infrastructure by”.

3 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-  
4 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-  
5 ANCE COMMISSION.—Section 214(a) of such Act (52  
6 U.S.C. 20944(a)) is amended—

7 (1) by striking “37 members” and inserting  
8 “38 members”; and

9 (2) by adding at the end the following new  
10 paragraph:

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

13 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
14 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-  
15 MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
16 U.S.C. 20961(c)(1)) is amended—

17 (1) by redesignating subparagraph (E) as sub-  
18 paragraph (F); and

19 (2) by inserting after subparagraph (D) the fol-  
20 lowing new subparagraph:

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

23 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
24 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY

1 OF HOMELAND SECURITY.—Section 241(a) of such Act  
2 (52 U.S.C. 20981(a)) is amended—

3 (1) in the matter preceding paragraph (1), by  
4 striking “the Commission shall” and inserting “the  
5 Commission, in consultation with the Secretary of  
6 Homeland Security (as appropriate), shall”;

7 (2) by striking “and” at the end of paragraph  
8 (3);

9 (3) by redesignating paragraph (4) as para-  
10 graph (5); and

11 (4) by inserting after paragraph (3) the fol-  
12 lowing new paragraph:

13 “(4) will be secure against attempts to under-  
14 mine the integrity of election systems by cyber or  
15 other means; and”.

16 (e) REQUIREMENTS PAYMENTS.—

17 (1) USE OF PAYMENTS FOR VOTING SYSTEM  
18 SECURITY IMPROVEMENTS.—Section 251(b) of such  
19 Act (52 U.S.C. 21001(b)), as amended by section  
20 1905(b)(1), is amended by adding at the end the fol-  
21 lowing new paragraph:

22 “(5) PERMITTING USE OF PAYMENTS FOR VOT-  
23 ING SYSTEM SECURITY IMPROVEMENTS.—A State  
24 may use a requirements payment to carry out any  
25 of the following activities:

1           “(A) Cyber and risk mitigation training.

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

8           “(C) Enhancing the cybersecurity and op-  
9 erations of the information technology infra-  
10 structure described in subparagraph (B).

11           “(D) Enhancing the security of voter reg-  
12 istration databases.”.

13           (2) INCORPORATION OF ELECTION INFRA-  
14 STRUCTURE PROTECTION IN STATE PLANS FOR USE  
15 OF PAYMENTS.—Section 254(a)(1) of such Act (52  
16 U.S.C. 21004(a)(1)) is amended by striking the pe-  
17 riod at the end and inserting “, including the protec-  
18 tion of election infrastructure.”.

19           (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
20 FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
21 MENTS.—Section 255 of such Act (52 U.S.C.  
22 21005) is amended—

23           (A) by redesignating subsection (b) as sub-  
24 section (c); and

1 (B) by inserting after subsection (a) the  
2 following new subsection:

3 “(b) GEOGRAPHIC REPRESENTATION.—The mem-  
4 bers of the committee shall be a representative group of  
5 individuals from the State’s counties, cities, towns, and  
6 Indian tribes, and shall represent the needs of rural as  
7 well as urban areas of the State, as the case may be.”.

8 (f) ENSURING PROTECTION OF COMPUTERIZED  
9 STATEWIDE VOTER REGISTRATION LIST.—Section  
10 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
11 ed by striking the period at the end and inserting “, as  
12 well as other measures to prevent and deter cybersecurity  
13 incidents, as identified by the Commission, the Secretary  
14 of Homeland Security, and the Technical Guidelines De-  
15 velopment Committee.”.

16 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

17 (a) IN GENERAL.—Section 901 of the Help America  
18 Vote Act of 2001 (52 U.S.C. 21141) is amended to read  
19 as follows:

20 **“SEC. 901. DEFINITIONS.**

21 “In this Act, the following definitions apply:

22 “(1) The term ‘cybersecurity incident’ has the  
23 meaning given the term ‘incident’ in section 227 of  
24 the Homeland Security Act of 2002 (6 U.S.C. 148).

1           “(2) The term ‘election infrastructure’ has the  
2 meaning given such term in section 3501 of the  
3 Election Security Act.

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

9           (b) CLERICAL AMENDMENT.—The table of contents  
10 of such Act is amended by amending the item relating to  
11 section 901 to read as follows:

“Sec. 901. Definitions.”.

12   **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**  
13                           **RESULTS OF ELECTIONS**  
14   **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**  
15                           **ITING AUDITS OF RESULTS OF ELECTIONS.**

16           (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
17 II of the Help America Vote Act of 2002 (52 U.S.C.  
18 21001 et seq.), as amended by sections 1906(a) and  
19 3001(a), is amended by adding at the end the following  
20 new part:

1       **“PART 9—GRANTS FOR CONDUCTING RISK-**  
2       **LIMITING AUDITS OF RESULTS OF ELECTIONS**  
3       **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**  
4       **DITS OF RESULTS OF ELECTIONS.**

5       “(a) AVAILABILITY OF GRANTS.—The Commission  
6 shall make a grant to each eligible State to conduct risk-  
7 limiting audits as described in subsection (b) with respect  
8 to the regularly scheduled general elections for Federal of-  
9 fice held in November 2020 and each succeeding election  
10 for Federal office.

11       “(b) RISK-LIMITING AUDITS DESCRIBED.—In this  
12 part, a ‘risk-limiting audit’ is a post-election process—

13               “(1) which is conducted in accordance with  
14 rules and procedures established by the chief State  
15 election official of the State which meet the require-  
16 ments of subsection (c); and

17               “(2) under which, if the reported outcome of  
18 the election is incorrect, there is at least a predeter-  
19 mined percentage chance that the audit will replace  
20 the incorrect outcome with the correct outcome as  
21 determined by a full, hand-to-eye tabulation of all  
22 votes validly cast in that election that ascertains  
23 voter intent manually and directly from voter-  
24 verifiable paper records.

25       “(c) REQUIREMENTS FOR RULES AND PROCE-  
26 DURES.—The rules and procedures established for con-

1 ducting a risk-limiting audit shall include the following  
2 elements:

3           “(1) Rules for ensuring the security of ballots  
4           and documenting that prescribed procedures were  
5           followed.

6           “(2) Rules and procedures for ensuring the ac-  
7           curacy of ballot manifests produced by election agen-  
8           cies.

9           “(3) Rules and procedures for governing the  
10          format of ballot manifests, cast vote records, and  
11          other data involved in the audit.

12          “(4) Methods to ensure that any cast vote  
13          records used in the audit are those used by the vot-  
14          ing system to tally the election results sent to the  
15          chief State election official and made public.

16          “(5) Procedures for the random selection of  
17          ballots to be inspected manually during each audit.

18          “(6) Rules for the calculations and other meth-  
19          ods to be used in the audit and to determine wheth-  
20          er and when the audit of an election is complete.

21          “(7) Procedures and requirements for testing  
22          any software used to conduct risk-limiting audits.

23          “(d) DEFINITIONS.—In this part, the following defi-  
24          nitions apply:



1           “(1) The term ‘ballot manifest’ means a record  
2 maintained by each election agency that meets each  
3 of the following requirements:

4           “(A) The record is created without reliance  
5 on any part of the voting system used to tab-  
6 ulate votes.

7           “(B) The record functions as a sampling  
8 frame for conducting a risk-limiting audit.

9           “(C) The record contains the following in-  
10 formation with respect to the ballots cast and  
11 counted in the election:

12           “(i) The total number of ballots cast  
13 and counted by the agency (including  
14 undervotes, overvotes, and other invalid  
15 votes).

16           “(ii) The total number of ballots cast  
17 in each election administered by the agency  
18 (including undervotes, overvotes, and other  
19 invalid votes).

20           “(iii) A precise description of the  
21 manner in which the ballots are physically  
22 stored, including the total number of phys-  
23 ical groups of ballots, the numbering sys-  
24 tem for each group, a unique label for each

1                   group, and the number of ballots in each  
2                   such group.

3                   “(2) The term ‘incorrect outcome’ means an  
4                   outcome that differs from the outcome that would be  
5                   determined by a full tabulation of all votes validly  
6                   cast in the election, determining voter intent manu-  
7                   ally, directly from voter-verifiable paper records.

8                   “(3) The term ‘outcome’ means the winner of  
9                   an election, whether a candidate or a position.

10                  “(4) The term ‘reported outcome’ means the  
11                  outcome of an election which is determined accord-  
12                  ing to the canvass and which will become the official,  
13                  certified outcome unless it is revised by an audit, re-  
14                  count, or other legal process.

15   **“SEC. 299A. ELIGIBILITY OF STATES.**

16                  “A State is eligible to receive a grant under this part  
17 if the State submits to the Commission, at such time and  
18 in such form as the Commission may require, an applica-  
19 tion containing—

20                  “(1) a certification that, not later than 5 years  
21                  after receiving the grant, the State will conduct risk-  
22                  limiting audits of the results of elections for Federal  
23                  office held in the State as described in section 299;

24                  “(2) a certification that, not later than one year  
25                  after the date of the enactment of this section, the

1 chief State election official of the State has estab-  
2 lished or will establish the rules and procedures for  
3 conducting the audits which meet the requirements  
4 of section 299(c);

5 “(3) a certification that the audit shall be com-  
6 pleted not later than the date on which the State  
7 certifies the results of the election;

8 “(4) a certification that, after completing the  
9 audit, the State shall publish a report on the results  
10 of the audit, together with such information as nec-  
11 essary to confirm that the audit was conducted prop-  
12 erly;

13 “(5) a certification that, if a risk-limiting audit  
14 conducted under this part leads to a full manual  
15 tally of an election, State law requires that the State  
16 or election agency shall use the results of the full  
17 manual tally as the official results of the election;  
18 and

19 “(6) such other information and assurances as  
20 the Commission may require.

21 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated for grants  
23 under this part \$20,000,000 for fiscal year 2019, to re-  
24 main available until expended.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 of such Act, as amended by sections 1906(b) and 3001(b),  
3 is further amended by adding at the end of the items relat-  
4 ing 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 elec-  
tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

5 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

6 (a) ANALYSIS.—Not later than 6 months after the  
7 first election for Federal office is held after grants are  
8 first awarded to States for conducting risk-limiting under  
9 part 9 of subtitle D of title II of the Help America Vote  
10 Act of 2002 (as added by section 3011) for conducting  
11 risk-limiting audits of elections for Federal office, the  
12 Comptroller General of the United States shall conduct  
13 an analysis of the extent to which such audits have im-  
14 proved the administration of such elections and the secu-  
15 rity of election infrastructure in the States receiving such  
16 grants.

17 (b) REPORT.—The Comptroller General of the  
18 United States shall submit a report on the analysis con-  
19 ducted under subsection (a) to the appropriate congres-  
20 sional committees.

1           **PART 3—ELECTION INFRASTRUCTURE**

2                           **INNOVATION GRANT PROGRAM**

3 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION**  
4                           **GRANT PROGRAM.**

5           (a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended—

7                   (1) by redesignating the second section 319 (relating to EMP and GMD mitigation research and development) as section 320; and

10                  (2) by adding at the end the following new section:  
11           tion:

12 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**  
13                           **GRANT PROGRAM.**

14           “(a) ESTABLISHMENT.—The Secretary, acting  
15 through the Under Secretary for Science and Technology,  
16 in coordination with the Chairman of the Election Assistance Commission (established pursuant to the Help America Vote Act of 2002) and in consultation with the Director of the National Science Foundation, shall establish a  
17 competitive grant program to award grants to eligible entities,  
18 on a competitive basis, for purposes of research and  
19 development that are determined to have the potential to  
20 significantly to improve the security (including cybersecurity),  
21 quality, reliability, accuracy, accessibility, and affordability  
22 of election infrastructure.  
23  
24  
25

1           “(b) REPORT TO CONGRESS.—Not later than 90 days  
2 after the conclusion of each fiscal year for which grants  
3 are awarded under this section, the Secretary shall submit  
4 to the Committee on Homeland Security and the Com-  
5 mittee on House Administration of the House of Rep-  
6 resentatives and the Committee on Homeland Security  
7 and Governmental Affairs and the Committee on Rules  
8 and Administration of the Senate a report describing such  
9 grants and analyzing the impact, if any, of such grants  
10 on the security and operation of election infrastructure.

11           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated to the Secretary  
13 \$6,250,000 for each of fiscal years 2019 through 2027  
14 for purposes of carrying out this section.

15           “(d) ELIGIBLE ENTITY DEFINED.—In this section,  
16 the term ‘eligible entity’ means—

17                   “(1) an institution of higher education (as de-  
18 fined in section 101(a) of the Higher Education Act  
19 of 1965 (20 U.S.C. 1001(a)), including an institu-  
20 tion of higher education that is a historically Black  
21 college or university (which has the meaning given  
22 the term “part B institution” in section 322 of such  
23 Act (20 U.S.C. 1061)) or other minority-serving in-  
24 stitution listed in section 371(a) of such Act (20  
25 U.S.C. 1067q(a));

1           “(2) an organization described in section  
2           501(c)(3) of the Internal Revenue Code of 1986 and  
3           exempt from tax under section 501(a) of such Code;  
4           or

5           “(3) an organization, association, or a for-profit  
6           company, including a small business concern (as  
7           such term is defined under section 3 of the Small  
8           Business Act (15 U.S.C. 632)), including a small  
9           business concern owned and controlled by socially  
10          and economically disadvantaged individuals as de-  
11          fined under section 8(d)(3)(C) of the Small Business  
12          Act (15 U.S.C. 637(d)(3)(C)).”.

13          (b) DEFINITION.—Section 2 of the Homeland Secu-  
14          rity Act of 2002 (6 U.S.C. 101) is amended—

15                 (1) by redesignating paragraphs (6) through  
16                 (20) as paragraphs (7) through (21), respectively;  
17                 and

18                 (2) by inserting after paragraph (5) the fol-  
19                 lowing new paragraph:

20                 “(6) ELECTION INFRASTRUCTURE.—The term  
21                 ‘election infrastructure’ means storage facilities,  
22                 polling places, and centralized vote tabulation loca-  
23                 tions used to support the administration of elections  
24                 for public office, as well as related information and  
25                 communications technology, including voter registra-

1       tion databases, voting machines, electronic mail and  
2       other communications systems (including electronic  
3       mail and other systems of vendors who have entered  
4       into contracts with election agencies to support the  
5       administration of elections, manage the election  
6       process, and report and display election results), and  
7       other systems used to manage the election process  
8       and to report and display election results on behalf  
9       of an election agency.”.

10       (c) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of the Homeland Security Act of 2002 is  
12 amended by striking both items relating to section 319  
13 and the item relating to section 318 and inserting the fol-  
14 lowing new items:

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.

“Sec. 321. Election infrastructure innovation grant program.”.

## 15       **Subtitle B—Security Measures**

### 16       **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

17       Subparagraph (J) of section 2001(3) of the Home-  
18 land Security Act of 2002 (6 U.S.C. 601(3)) is amended  
19 by inserting “, including election infrastructure” before  
20 the period at the end.



1 **SEC. 3102. TIMELY THREAT INFORMATION.**

2 Subsection (d) of section 201 of the Homeland Secu-  
3 rity Act of 2002 (6 U.S.C. 121) is amended by adding  
4 at the end the following new paragraph:

5 “(27) To provide timely threat information re-  
6 garding election infrastructure to the chief State  
7 election official of the State with respect to which  
8 such information pertains.”.

9 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**  
10 **TION OFFICIALS.**

11 In order to promote the timely sharing of information  
12 on threats to election infrastructure, the Secretary may—

13 (1) help expedite a security clearance for the  
14 chief State election official and other appropriate  
15 State personnel involved in the administration of  
16 elections, as designated by the chief State election  
17 official;

18 (2) sponsor a security clearance for the chief  
19 State election official and other appropriate State  
20 personnel involved in the administration of elections,  
21 as designated by the chief State election official; and

22 (3) facilitate the issuance of a temporary clear-  
23 ance to the chief State election official and other ap-  
24 propriate State personnel involved in the administra-  
25 tion of elections, as designated by the chief State  
26 election official, if the Secretary determines classi-

1       fied information to be timely and relevant to the  
2       election infrastructure of the State at issue.

3       **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**  
4                                   **MENTS.**

5       (a) IN GENERAL.—Paragraph (6) of section 227(c)  
6 of the Homeland Security Act of 2002 (6 U.S.C. 148(c))  
7 is amended by inserting “(including by carrying out a se-  
8 curity risk and vulnerability assessment)” after “risk  
9 management support”.

10       (b) PRIORITIZATION TO ENHANCE ELECTION SECU-  
11 RITY.—

12               (1) IN GENERAL.—Not later than 90 days after  
13 receiving a written request from a chief State elec-  
14 tion official, the Secretary shall, to the extent prac-  
15 ticable, commence a security risk and vulnerability  
16 assessment (pursuant to paragraph (6) of section  
17 227(c) of the Homeland Security Act of 2002, as  
18 amended by subsection (a)) on election infrastruc-  
19 ture in the State at issue.

20               (2) NOTIFICATION.—If the Secretary, upon re-  
21 ceipt of a request described in paragraph (1), deter-  
22 mines that a security risk and vulnerability assess-  
23 ment cannot be commenced within 90 days, the Sec-  
24 retary shall expeditiously notify the chief State elec-  
25 tion official who submitted such request.

1 **SEC. 3105. ANNUAL REPORTS.**

2 (a) **REPORTS ON ASSISTANCE AND ASSESSMENTS.—**

3 Not later than one year after the date of the enactment  
4 of this Act and annually thereafter through 2026, the Sec-  
5 retary shall submit to the appropriate congressional com-  
6 mittees—

7 (1) efforts to carry out section 203 during the  
8 prior year, including specific information on which  
9 States were helped, how many officials have been  
10 helped in each State, how many security clearances  
11 have been sponsored in each State, and how many  
12 temporary clearances have been issued in each State;  
13 and

14 (2) efforts to carry out section 205 during the  
15 prior year, including specific information on which  
16 States were helped, the dates on which the Secretary  
17 received a request for a security risk and vulner-  
18 ability assessment pursuant to such section, the  
19 dates on which the Secretary commenced each such  
20 request, and the dates on which the Secretary trans-  
21 mitted a notification in accordance with subsection  
22 (b)(2) of such section.

23 (b) **REPORTS ON FOREIGN THREATS.—**Not later  
24 than 90 days after the end of each fiscal year (beginning  
25 with fiscal year 2019), the Secretary and the Director of  
26 National Intelligence, in coordination with the heads of

1 appropriate offices of the Federal government, shall sub-  
2 mit a joint report to the appropriate congressional com-  
3 mittees on foreign threats to elections in the United  
4 States, including physical and cybersecurity threats.

5 (c) INFORMATION FROM STATES.—For purposes of  
6 preparing the reports required under this section, the Sec-  
7 retary shall solicit and consider information and comments  
8 from States and election agencies, except that the provi-  
9 sion of such information and comments by a State or elec-  
10 tion agency shall be voluntary and at the discretion of the  
11 State or agency.

12 **Subtitle C—Enhancing Protections**  
13 **for United States Democratic In-**  
14 **stitutions**

15 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**  
16 **STATES DEMOCRATIC INSTITUTIONS.**

17 (a) IN GENERAL.—Not later than one year after the  
18 date of the enactment of this Act, the President, acting  
19 through the Secretary, in consultation with the Chairman,  
20 the Secretary of Defense, the Secretary of State, the At-  
21 torney General, the Secretary of Education, the Director  
22 of National Intelligence, the Chairman of the Federal  
23 Election Commission, and the heads of any other appro-  
24 priate Federal agencies, shall issue a national strategy to  
25 protect against cyber attacks, influence operations,

1 disinformation campaigns, and other activities that could  
2 undermine the security and integrity of United States  
3 democratic institutions.

4 (b) CONSIDERATIONS.—The national strategy re-  
5 quired under subsection (a) shall include consideration of  
6 the following:

7 (1) The threat of a foreign state actor, foreign  
8 terrorist organization (as designated pursuant to  
9 section 219 of the Immigration and Nationality Act  
10 (8 U.S.C. 1189)), or a domestic actor carrying out  
11 a cyber attack, influence operation, disinformation  
12 campaign, or other activity aimed at undermining  
13 the security and integrity of United States demo-  
14 cratic institutions.

15 (2) The extent to which United States demo-  
16 cratic institutions are vulnerable to a cyber attack,  
17 influence operation, disinformation campaign, or  
18 other activity aimed at undermining the security and  
19 integrity of such democratic institutions.

20 (3) Potential consequences, such as an erosion  
21 of public trust or an undermining of the rule of law,  
22 that could result from a successful cyber attack, in-  
23 fluence operation, disinformation campaign, or other  
24 activity aimed at undermining the security and in-  
25 tegrity of United States democratic institutions.

1           (4) Lessons learned from other Western govern-  
2           ments the institutions of which were subject to a  
3           cyber attack, influence operation, disinformation  
4           campaign, or other activity aimed at undermining  
5           the security and integrity of such institutions, as  
6           well as actions that could be taken by the United  
7           States Government to bolster collaboration with for-  
8           eign partners to detect, deter, prevent, and counter  
9           such activities.

10          (5) Potential impacts such as an erosion of  
11          public trust in democratic institutions as could be  
12          associated with a successful cyber breach or other  
13          activity negatively-affecting election infrastructure.

14          (6) Roles and responsibilities of the Secretary,  
15          the Chairman, and the heads of other Federal enti-  
16          ties and non-Federal entities, including chief State  
17          election officials and representatives of multi-state  
18          information sharing and analysis center.

19          (7) Any findings, conclusions, and recommenda-  
20          tions to strengthen protections for United States  
21          democratic institutions that have been agreed to by  
22          a majority of Commission members on the National  
23          Commission to Protect United States Democratic  
24          Institutions, authorized pursuant to section 32002.

1 (c) IMPLEMENTATION PLAN.—Not later than 90  
2 days after the issuance of the national strategy required  
3 under subsection (a), the President, acting through the  
4 Secretary, in coordination with the Chairman, shall issue  
5 an implementation plan for Federal efforts to implement  
6 such strategy that includes the following:

7 (1) Strategic objectives and corresponding  
8 tasks.

9 (2) Projected timelines and costs for the tasks  
10 referred to in paragraph (1).

11 (3) Metrics to evaluate performance of such  
12 tasks.

13 (d) CLASSIFICATION.—The national strategy re-  
14 quired under subsection (a) shall be in unclassified form  
15 but may contain a classified annex.

16 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**  
17 **STATES DEMOCRATIC INSTITUTIONS.**

18 (a) ESTABLISHMENT.—There is established within  
19 the legislative branch the National Commission to Protect  
20 United States Democratic Institutions (hereafter in this  
21 section referred to as the “Commission”).

22 (b) PURPOSE.—The purpose of the Commission is to  
23 counter efforts to undermine democratic institutions with-  
24 in the United States.

25 (c) COMPOSITION.—

1           (1) MEMBERSHIP.—The Commission shall be  
2           composed of 10 members appointed for the life of  
3           the Commission as follows:

4                   (A) One member shall be appointed by the  
5           Secretary.

6                   (B) One member shall be appointed by the  
7           Chairman.

8                   (C) 2 members shall be appointed by the  
9           majority leader of the Senate, in consultation  
10          with the Chairman of the Committee on Home-  
11          land Security and Governmental Affairs, the  
12          Chairman of the Committee on the Judiciary,  
13          and the Chairman of the Committee on Rules  
14          and Administration.

15                  (D) 2 members shall be appointed by the  
16          minority leader of the Senate, in consultation  
17          with the ranking minority member of the Com-  
18          mittee on Homeland Security and Govern-  
19          mental Affairs, the ranking minority member of  
20          the Committee on the Judiciary, and the rank-  
21          ing minority member of the Committee on  
22          Rules and Administration.

23                  (E) 2 members shall be appointed by the  
24          Speaker of the House of Representatives, in  
25          consultation with the Chairman of the Com-



1           committee on Homeland Security, the Chairman of  
2           the Committee on House Administration, and  
3           the Chairman of the Committee on the Judici-  
4           ary.

5           (F) 2 members shall be appointed by the  
6           minority leader of the House of Representa-  
7           tives, in consultation with the ranking minority  
8           member of the Committee on Homeland Secu-  
9           rity, the ranking minority member of the Com-  
10          mittee on the Judiciary, and the ranking minor-  
11          ity member of the Committee on House Admin-  
12          istration.

13          (2) QUALIFICATIONS.—Individuals shall be se-  
14          lected for appointment to the Commission solely on  
15          the basis of their professional qualifications, achieve-  
16          ments, public stature, experience, and expertise in  
17          relevant fields, including, but not limited to cyberse-  
18          curity, national security, and the Constitution of the  
19          United States.

20          (3) NO COMPENSATION FOR SERVICE.—Mem-  
21          bers shall not receive compensation for service on  
22          the Commission, but shall receive travel expenses,  
23          including per diem in lieu of subsistence, in accord-  
24          ance with chapter 57 of title 5, United States Code.

1           (4) DEADLINE FOR APPOINTMENT.—All mem-  
2           bers of the Commission shall be appointed no later  
3           than 60 days after the date of the enactment of this  
4           Act.

5           (5) VACANCIES.—A vacancy on the Commission  
6           shall not affect its powers and shall be filled in the  
7           manner in which the original appointment was  
8           made. The appointment of the replacement member  
9           shall be made not later than 60 days after the date  
10          on which the vacancy occurs.

11          (d) CHAIR AND VICE CHAIR.—The Commission shall  
12          elect a Chair and Vice Chair from among its members.

13          (e) QUORUM AND MEETINGS.—

14               (1) QUORUM.—The Commission shall meet and  
15               begin the operations of the Commission not later  
16               than 30 days after the date on which all members  
17               have been appointed or, if such meeting cannot be  
18               mutually agreed upon, on a date designated by the  
19               Speaker of the House of Representatives and the  
20               President pro Tempore of the Senate. Each subse-  
21               quent meeting shall occur upon the call of the Chair  
22               or a majority of its members. A majority of the  
23               members of the Commission shall constitute a  
24               quorum, but a lesser number may hold meetings.

1           (2) AUTHORITY OF INDIVIDUALS TO ACT FOR  
2 COMMISSION.—Any member of the Commission may,  
3 if authorized by the Commission, take any action  
4 that the Commission is authorized to take under this  
5 section.

6 (f) POWERS.—

7           (1) HEARINGS AND EVIDENCE.—The Commis-  
8 sion (or, on the authority of the Commission, any  
9 subcommittee or member thereof) may, for the pur-  
10 pose of carrying out this section, hold hearings and  
11 sit and act at such times and places, take such testi-  
12 mony, receive such evidence, and administer such  
13 oaths as the Commission considers advisable to  
14 carry out its duties.

15           (2) CONTRACTING.—The Commission may, to  
16 such extent and in such amounts as are provided in  
17 appropriation Acts, enter into contracts to enable  
18 the Commission to discharge its duties under this  
19 section.

20 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

21           (1) GENERAL SERVICES ADMINISTRATION.—  
22 The Administrator of General Services shall provide  
23 to the Commission on a reimbursable basis adminis-  
24 trative support and other services for the perform-  
25 ance of the Commission's functions.

1           (2) OTHER DEPARTMENTS AND AGENCIES.—In  
2 addition to the assistance provided under paragraph  
3 (1), the Department of Homeland Security, the  
4 Election Assistance Commission, and other appro-  
5 priate departments and agencies of the United  
6 States shall provide to the Commission such serv-  
7 ices, funds, facilities, and staff as they may deter-  
8 mine advisable and as may be authorized by law.

9           (h) PUBLIC MEETINGS.—Any public meetings of the  
10 Commission shall be conducted in a manner consistent  
11 with the protection of information provided to or developed  
12 for or by the Commission as required by any applicable  
13 statute, regulation, or Executive order.

14           (i) SECURITY CLEARANCES.—

15           (1) IN GENERAL.—The heads of appropriate  
16 departments and agencies of the executive branch  
17 shall cooperate with the Commission to expeditiously  
18 provide Commission members and staff with appro-  
19 priate security clearances to the extent possible  
20 under applicable procedures and requirements.

21           (2) PREFERENCES.—In appointing staff, ob-  
22 taining detailees, and entering into contracts for the  
23 provision of services for the Commission, the Com-  
24 mission shall give preference to individuals otherwise  
25 who have active security clearances.

1 (j) REPORTS.—

2 (1) INTERIM REPORTS.—At any time prior to  
3 the submission of the final report under paragraph  
4 (2), the Commission may submit interim reports to  
5 the President and Congress such findings, conclu-  
6 sions, and recommendations to strengthen protec-  
7 tions for democratic institutions in the United  
8 States as have been agreed to by a majority of the  
9 members of the Commission.

10 (2) FINAL REPORT.—Not later than 18 months  
11 after the date of the first meeting of the Commis-  
12 sion, the Commission shall submit to the President  
13 and Congress a final report containing such find-  
14 ings, conclusions, and recommendations to strength-  
15 en protections for democratic institutions in the  
16 United States as have been agreed to by a majority  
17 of the members of the Commission.

18 (k) TERMINATION.—

19 (1) IN GENERAL.—The Commission shall termi-  
20 nate upon the expiration of the 60-day period which  
21 begins on the date on which the Commission submits  
22 the final report required under subsection (j)(2).

23 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO  
24 TERMINATION.—During the 60-day period described  
25 in paragraph (2), the Commission may carry out

1 such administrative activities as may be required to  
2 conclude its work, including providing testimony to  
3 committees of Congress concerning the final report  
4 and disseminating the final report.

5 (I) NONAPPLICABILITY OF FEDERAL ADVISORY COM-  
6 MITTEE ACT.—The Federal Advisory Committee Act (5  
7 U.S.C. App.) shall not apply to the Commission.

8 **Subtitle D—Promoting Cybersecu-**  
9 **urity Through Improvements in**  
10 **Election Administration**

11 **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-**  
12 **SURE COMPLIANCE WITH ELECTION CYBER-**  
13 **SECURITY GUIDELINES AND OTHER GUIDE-**  
14 **LINES.**

15 (a) REQUIRING TESTING OF EXISTING VOTING SYS-  
16 TEMS.—

17 (1) IN GENERAL.—Section 231(a) of the Help  
18 America Vote Act of 2002 (52 U.S.C. 20971(a)) is  
19 amended by adding at the end the following new  
20 paragraph:

21 “(3) TESTING TO ENSURE COMPLIANCE WITH  
22 GUIDELINES.—

23 “(A) TESTING.—Not later than 9 months  
24 before the date of each regularly scheduled gen-  
25 eral election for Federal office, the Commission

1 shall provide for the testing by accredited lab-  
2 oratories under this section of the voting system  
3 hardware and software which was certified for  
4 use in the most recent such election, on the  
5 basis of the most recent voting system guide-  
6 lines applicable to such hardware or software  
7 (including election cybersecurity guidelines)  
8 issued under this Act.

9 “(B) DECERTIFICATION OF HARDWARE OR  
10 SOFTWARE FAILING TO MEET GUIDELINES.—If,  
11 on the basis of the testing described in subpara-  
12 graph (A), the Commission determines that any  
13 voting system hardware or software does not  
14 meet the most recent guidelines applicable to  
15 such hardware or software issued under this  
16 Act, the Commission shall decertify such hard-  
17 ware or software.”.

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1) shall apply with respect to the reg-  
20 ularly scheduled general election for Federal office  
21 held in November 2020 and each succeeding regu-  
22 larly scheduled general election for Federal office.

23 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY  
24 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—  
25 Section 221(b) of the Help America Vote Act of 2002 (52

1 U.S.C. 20961(b)) is amended by adding at the end the  
2 following new paragraph:

3 “(3) ELECTION CYBERSECURITY GUIDE-  
4 LINES.—Not later than 6 months after the date of  
5 the enactment of this paragraph, the Development  
6 Committee shall issue election cybersecurity guide-  
7 lines, including standards and best practices for pro-  
8 curing, maintaining, testing, operating, and updat-  
9 ing election systems to prevent and deter cybersecu-  
10 rity incidents.”.

11 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**  
12 **PART OF VOTING SYSTEMS.**

13 (a) INCLUSION IN DEFINITION OF VOTING SYS-  
14 TEM.—Section 301(b) of the Help America Vote Act of  
15 2002 (52 U.S.C. 21081(b)) is amended—

16 (1) in the matter preceding paragraph (1), by  
17 striking “this section” and inserting “this Act”;

18 (2) by striking “and” at the end of paragraph  
19 (1);

20 (3) by redesignating paragraph (2) as para-  
21 graph (3); and

22 (4) by inserting after paragraph (1) the fol-  
23 lowing new paragraph:

24 “(2) any electronic poll book used with respect  
25 to the election; and”.



1 (b) DEFINITION.—Section 301 of such Act (52  
2 U.S.C. 21081) is amended—

3 (1) by redesignating subsections (c) and (d) as  
4 subsections (d) and (e); and

5 (2) by inserting after subsection (b) the fol-  
6 lowing new subsection:

7 “(c) ELECTRONIC POLL BOOK DEFINED.—In this  
8 Act, the term ‘electronic poll book’ means the total com-  
9 bination of mechanical, electromechanical, or electronic  
10 equipment (including the software, firmware, and docu-  
11 mentation required to program, control, and support the  
12 equipment) that is used—

13 “(1) to retain the list of registered voters at a  
14 polling location, or vote center, or other location at  
15 which voters cast votes in an election for Federal of-  
16 fice; and

17 “(2) to identify registered voters who are eligi-  
18 ble to vote in an election.”.

19 (c) EFFECTIVE DATE.—Section 301(e) of such Act  
20 (52 U.S.C. 21081(e)), as redesignated by subsection (b),  
21 is amended by striking the period at the end and inserting  
22 the following: “, or, with respect to any requirements re-  
23 lating to electronic poll books, on and after January 1,  
24 2020”.

1 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**

2 **USAGE.**

3 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title  
4 III of the Help America Vote Act of 2002 (52 U.S.C.  
5 21081 et seq.) is amended by inserting after section 301  
6 the following new section:

7 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**

8 **USAGE.**

9 “(a) REQUIRING STATES TO SUBMIT REPORTS.—Not  
10 later than 120 days before the date of each regularly  
11 scheduled general election for Federal office, the chief  
12 State election official of a State shall submit a report to  
13 the Commission containing a detailed voting system usage  
14 plan for each jurisdiction in the State which will admin-  
15 ister the election, including a detailed plan for the usage  
16 of electronic poll books and other equipment and compo-  
17 nents of such system.

18 “(b) EFFECTIVE DATE.—Subsection (a) shall apply  
19 with respect to the regularly scheduled general election for  
20 Federal office held in November 2020 and each succeeding  
21 regularly scheduled general election for Federal office.”.

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 of such Act is amended by inserting after the item relating  
24 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

1 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**  
2 **FORMATION.**

3 Section 202 of the Help America Vote Act of 2002  
4 (52 U.S.C. 20922) is amended—

5 (1) by striking “The Commission” and insert-  
6 ing “(a) IN GENERAL.—The Commission”; and

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

9 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-  
10 chapter I of chapter 35 of title 44, United States Code,  
11 shall not apply to the collection of information for pur-  
12 poses of maintaining the clearinghouse described in para-  
13 graph (1) of subsection (a).”.

14 **Subtitle E—Preventing Election**  
15 **Hacking**

16 **SEC. 3401. SHORT TITLE.**

17 This subtitle may be cited as the “Prevent Election  
18 Hacking Act of 2019”.

19 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 1 year after  
21 the date of the enactment of this Act, the Secretary shall  
22 establish a program to be known as the “Election Security  
23 Bug Bounty Program” (hereafter in this subtitle referred  
24 to as the “Program”) to improve the cybersecurity of the  
25 systems used to administer elections for Federal office by  
26 facilitating and encouraging assessments by independent

1 technical experts, in cooperation with State and local elec-  
2 tion officials and election service providers, to identify and  
3 report election cybersecurity vulnerabilities.

4 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-  
5 CIALS AND ELECTION SERVICE PROVIDERS.—

6 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-  
7 GRAM.—Participation in the Program shall be en-  
8 tirely voluntary for State and local election officials  
9 and election service providers.

10 (2) ENCOURAGING PARTICIPATION AND INPUT  
11 FROM ELECTION OFFICIALS.—In developing the Pro-  
12 gram, the Secretary shall solicit input from, and en-  
13 courage participation by, State and local election of-  
14 ficials.

15 (c) ACTIVITIES FUNDED.—In establishing and car-  
16 rying out the Program, the Secretary shall—

17 (1) establish a process for State and local elec-  
18 tion officials and election service providers to volun-  
19 tarily participate in the Program;

20 (2) designate appropriate information systems  
21 to be included in the Program;

22 (3) provide compensation to eligible individuals,  
23 organizations, and companies for reports of pre-  
24 viously unidentified security vulnerabilities within  
25 the information systems designated under subpara-

1 graph (A) and establish criteria for individuals, or-  
2 ganizations, and companies to be considered eligible  
3 for such compensation in compliance with Federal  
4 laws;

5 (4) consult with the Attorney General on how  
6 to ensure that approved individuals, organizations,  
7 or companies that comply with the requirements of  
8 the Program are protected from prosecution under  
9 section 1030 of title 18, United States Code, and  
10 similar provisions of law, and from liability under  
11 civil actions for specific activities authorized under  
12 the Program;

13 (5) consult with the Secretary of Defense and  
14 the heads of other departments and agencies that  
15 have implemented programs to provide compensation  
16 for reports of previously undisclosed vulnerabilities  
17 in information systems, regarding lessons that may  
18 be applied from such programs;

19 (6) develop an expeditious process by which an  
20 individual, organization, or company can register  
21 with the Department, submit to a background check  
22 as determined by the Department, and receive a de-  
23 termination as to eligibility for participation in the  
24 Program; and

1           (7) engage qualified interested persons, includ-  
2           ing representatives of private entities, about the  
3           structure of the Program and, to the extent prac-  
4           ticable, establish a recurring competition for inde-  
5           pendent technical experts to assess election systems  
6           for the purpose of identifying and reporting election  
7           cybersecurity vulnerabilities;

8           (d) USE OF SERVICE PROVIDERS.—The Secretary  
9           may award competitive contracts as necessary to manage  
10          the Program.

11       **SEC. 3403. DEFINITIONS.**

12          In this subtitle, the following definitions apply:

13           (1) The terms “election” and “Federal office”  
14           have the meanings given such terms in section 301  
15           of the Federal Election Campaign Act of 1971 (52  
16           U.S.C. 30101).

17           (2) The term “election cybersecurity vulner-  
18           ability” means any security vulnerability (as defined  
19           in section 102 of the Cybersecurity Information  
20           Sharing Act of 2015 (6 U.S.C. 1501)) that affects  
21           an election system.

22           (3) The term “election service provider” means  
23           any person providing, supporting, or maintaining an  
24           election system on behalf of a State or local election  
25           official, such as a contractor or vendor.

1           (4) The term “election system” means any in-  
2           formation system (as defined in section 3502 of title  
3           44, United States Code) which is part of an election  
4           infrastructure.

5           (5) The term “Secretary” means the Secretary  
6           of Homeland Security, or, upon designation by the  
7           Secretary of Homeland Security, the Deputy Sec-  
8           retary of Homeland Security, the Director of Cyber-  
9           security and Infrastructure Security of the Depart-  
10          ment of Homeland Security, or a Senate-confirmed  
11          official that reports to the Director.

12          (6) The term “State” means each of the several  
13          States, the District of Columbia, the Commonwealth  
14          of Puerto Rico, Guam, American Samoa, the Com-  
15          monwealth of Northern Mariana Islands, and the  
16          United States Virgin Islands.

17          (7) The term “voting system” has the meaning  
18          given such term in section 301(b) of the Help Amer-  
19          ica Vote Act of 2002 (52 U.S.C. 21081(b)).

## 20                   **Subtitle F—Miscellaneous** 21                   **Provisions**

### 22   **SEC. 3501. DEFINITIONS.**

23          Except as provided in section 3404, in this title, the  
24          following definitions apply:

1           (1) The term “Chairman” means the chair of  
2 the Election Assistance Commission.

3           (2) The term “appropriate congressional com-  
4 mittees” means the Committees on Homeland Secu-  
5 rity and House Administration of the House of Rep-  
6 resentatives and the Committees on Homeland Secu-  
7 rity and Governmental Affairs and Rules and Ad-  
8 ministration of the Senate.

9           (3) The term “chief State election official”  
10 means, with respect to a State, the individual des-  
11 ignated by the State under section 10 of the Na-  
12 tional Voter Registration Act of 1993 (52 U.S.C.  
13 20509) to be responsible for coordination of the  
14 State’s responsibilities under such Act.

15           (4) The term “Commission” means the Election  
16 Assistance Commission.

17           (5) The term “democratic institutions” means  
18 the diverse range of institutions that are essential to  
19 ensuring an independent judiciary, free and fair elec-  
20 tions, and rule of law.

21           (6) The term “election agency” means any com-  
22 ponent of a State, or any component of a unit of  
23 local government in a State, which is responsible for  
24 the administration of elections for Federal office in  
25 the State.



1           (7) The term “election infrastructure” means  
2 storage facilities, polling places, and centralized vote  
3 tabulation locations used to support the administra-  
4 tion of elections for public office, as well as related  
5 information and communications technology, includ-  
6 ing voter registration databases, voting machines,  
7 electronic mail and other communications systems  
8 (including electronic mail and other systems of ven-  
9 dors who have entered into contracts with election  
10 agencies to support the administration of elections,  
11 manage the election process, and report and display  
12 election results), and other systems used to manage  
13 the election process and to report and display elec-  
14 tion results on behalf of an election agency.

15           (8) The term “Secretary” means the Secretary  
16 of Homeland Security.

17           (9) The term “State” has the meaning given  
18 such term in section 901 of the Help America Vote  
19 Act of 2002 (52 U.S.C. 21141).

20 **SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES**  
21 **AVAILABLE FOR IMPLEMENTATION.**

22           Not later than 120 days after enactment of this Act,  
23 the Chairman and the Secretary shall submit a report to  
24 the appropriate committees of Congress, including the  
25 Committees on Homeland Security and House Adminis-

1 tration of the House of Representatives and the Com-  
 2 mittee on Homeland Security and Governmental Affairs  
 3 of the Senate, analyzing the adequacy of the funding, re-  
 4 sources, and personnel available to carry out this title and  
 5 the amendments made by this title.

## 6 **Subtitle G—Severability**

### 7 **SEC. 3601. SEVERABILITY.**

8 If any provision of this title or amendment made by  
 9 this title, or the application of a provision or amendment  
 10 to any person or circumstance, is held to be unconstitu-  
 11 tional, the remainder of this title and amendments made  
 12 by this title, and the application of the provisions and  
 13 amendment to any person or circumstance, shall not be  
 14 affected by the holding.

## 15 **DIVISION B—CAMPAIGN**

## 16 **FINANCE**

## 17 **TITLE IV—CAMPAIGN FINANCE**

## 18 **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 na-  
 tionals 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 disburse-  
 ments 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—Secret Money Transparency

- Sec. 4401. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

## Subtitle F—Shareholder Right-to-Know

- Sec. 4501. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.

## Subtitle G—Disclosure of Political Spending by Government Contractors

- Sec. 4601. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

## 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.

Sec. 4801. Severability.

1 **Subtitle A—Findings Relating to Il-**  
2 **licit 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.

17 (2) The public release of the “Panama Papers”  
18 in 2016 and the “Paradise Papers” in 2017 revealed  
19 that these shell companies often purchase and sell  
20 United States real estate. United States anti-money  
21 laundering laws do not apply to cash transactions in-  
22 volving real estate effectively concealing the bene-  
23 ficiaries and transactions from regulators and law  
24 enforcement.

1           (3) Congress should curb the use of anonymous  
2 shell companies for illicit purposes by requiring  
3 United States companies to disclose their beneficial  
4 owners, strengthening anti-money laundering and  
5 counter-terrorism finance laws.

6           (4) Congress should examine the money laun-  
7 dering and terrorist financing risks in the real estate  
8 market, including the role of anonymous parties, and  
9 review legislation to address any vulnerabilities iden-  
10 tified in this sector.

11           (5) Congress should examine the methods by  
12 which corruption flourishes and the means to detect  
13 and deter the financial misconduct that fuels this  
14 driver of global instability. Congress should monitor  
15 government efforts to enforce United States anti-  
16 corruption laws and regulations.

## 17           **Subtitle B—DISCLOSE Act**

### 18       **SEC. 4100. SHORT TITLE.**

19           This subtitle may be cited as the “Democracy Is  
20 Strengthened by Casting Light On Spending in Elections  
21 Act of 2019” or the “DISCLOSE Act of 2019”.

1     **PART 1—REGULATION OF CERTAIN POLITICAL**  
2                                     **SPENDING**  
3     **SEC. 4101. APPLICATION OF BAN ON CONTRIBUTIONS AND**  
4                                     **EXPENDITURES BY FOREIGN NATIONALS TO**  
5                                     **DOMESTIC CORPORATIONS, LIMITED LIABIL-**  
6                                     **ITY CORPORATIONS, AND PARTNERSHIPS**  
7                                     **THAT ARE FOREIGN-CONTROLLED, FOREIGN-**  
8                                     **INFLUENCED, AND FOREIGN-OWNED.**

9             (a) APPLICATION OF BAN.—Section 319(b) of the  
10 Federal Election Campaign Act of 1971 (52 U.S.C.  
11 30121(b)) is amended—

12                     (1) by striking “or” at the end of paragraph  
13             (1);

14                     (2) by striking the period at the end of para-  
15             graph (2) and inserting “; or”; and

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

18                     “(3) any corporation, limited liability corpora-  
19             tion, or partnership which is not a foreign national  
20             described in paragraph (1) and—

21                             “(A) in which a foreign national described  
22                     in paragraph (1) or (2) directly or indirectly  
23                     owns or controls—

24                                     “(i) 5 percent or more of the voting  
25                     shares, if the foreign national is a foreign  
26                     country, a foreign government official, or a

1 corporation principally owned or controlled  
2 by a foreign country or foreign government  
3 official; or

4 “(ii) 20 percent or more of the voting  
5 shares, if the foreign national is not de-  
6 scribed in clause (i);

7 “(B) in which two or more foreign nation-  
8 als described in paragraph (1) or (2), each of  
9 whom owns or controls at least 5 percent of the  
10 voting shares, directly or indirectly own or con-  
11 trol 50 percent or more of the voting shares;

12 “(C) over which one or more foreign na-  
13 tionals described in paragraph (1) or (2) has  
14 the power to direct, dictate, or control the deci-  
15 sionmaking process of the corporation, limited  
16 liability corporation, or partnership with respect  
17 to its interests in the United States; or

18 “(D) over which one or more foreign na-  
19 tionals described in paragraph (1) or (2) has  
20 the power to direct, dictate, or control the deci-  
21 sionmaking process of the corporation, limited  
22 liability corporation, or partnership with respect  
23 to activities in connection with a Federal, State,  
24 or local election, including—

1                   “(i) the making of a contribution, do-  
2                   nation, expenditure, independent expendi-  
3                   ture, or disbursement for an electioneering  
4                   communication (within the meaning of sec-  
5                   tion 304(f)(3)); or

6                   “(ii) the administration of a political  
7                   committee established or maintained by the  
8                   corporation.”.

9           (b) CERTIFICATION OF COMPLIANCE.—Section 319  
10 of such Act (52 U.S.C. 30121) is amended by adding at  
11 the end the following new subsection:

12           “(c) CERTIFICATION OF COMPLIANCE REQUIRED  
13 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-  
14 ing in connection with an election for Federal office of any  
15 contribution, donation, expenditure, independent expendi-  
16 ture, or disbursement for an electioneering communication  
17 by a corporation, limited liability corporation, or partner-  
18 ship during a year, the chief executive officer of the cor-  
19 poration, limited liability corporation, or partnership (or,  
20 if the corporation, limited liability corporation, or partner-  
21 ship does not have a chief executive officer, the highest  
22 ranking official of the corporation, limited liability cor-  
23 poration, or partnership), shall file a certification with the  
24 Commission, under penalty of perjury, that the corpora-  
25 tion, limited liability corporation, or partnership is not



1 prohibited from carrying out such activity under sub-  
2 section (b)(3), unless the chief executive officer has pre-  
3 viously filed such a certification during that calendar  
4 year.”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall take effect upon the expiration of the  
7 180-day period which begins on the date of the enactment  
8 of this Act, and shall take effect without regard to whether  
9 or not the Federal Election Commission has promulgated  
10 regulations 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  
16 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is  
17 amended by striking the semicolon and inserting the fol-  
18 lowing: “, including any disbursement to a political com-  
19 mittee which accepts donations or contributions that do  
20 not comply with the limitations, prohibitions, and report-  
21 ing requirements of this Act (or any disbursement to or  
22 on behalf of any account of a political committee which  
23 is established for the purpose of accepting such donations  
24 or contributions);”.

1 (b) CONDITIONS UNDER WHICH CORPORATE PACS  
2 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-  
3 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended  
4 by adding at the end the following new paragraph:

5 “(8) A separate segregated fund established by a cor-  
6 poration may not make a contribution or expenditure dur-  
7 ing a year unless the fund has certified to the Commission  
8 the following during the year:

9 “(A) Each individual who manages the fund,  
10 and who is responsible for exercising decisionmaking  
11 authority for the fund, is a citizen of the United  
12 States or is lawfully admitted for permanent resi-  
13 dence in the United States.

14 “(B) No foreign national under section 319  
15 participates in any way in the decisionmaking proc-  
16 esses of the fund with regard to contributions or ex-  
17 penditures under this Act.

18 “(C) The fund does not solicit or accept rec-  
19 ommendations from any foreign national under sec-  
20 tion 319 with respect to the contributions or expend-  
21 itures made by the fund.

22 “(D) Any member of the board of directors of  
23 the corporation who is a foreign national under sec-  
24 tion 319 abstains from voting on matters concerning  
25 the 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 CORPORA-  
6     TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER  
7     ENTITIES.—

8             (1) IN GENERAL.—Section 324 of the Federal  
9     Election Campaign Act of 1971 (52 U.S.C. 30126)  
10    is amended to read as follows:

11    **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**  
12                     **MENTS BY COVERED ORGANIZATIONS.**

13             “(a) DISCLOSURE STATEMENT.—

14             “(1) IN GENERAL.—Any covered organization  
15     that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting  
16     cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission  
17     made under penalty of perjury that contains the information described in paragraph (2)—

21             “(A) in the case of the first statement filed  
22     under this subsection, for the period beginning  
23     on the first day of the election reporting cycle  
24     (or, if earlier, the period beginning one year before the first such disclosure date) and ending  
25     on the first such disclosure date; and  
26

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 or-  
9           ganization and, in the case of a covered organi-  
10          zation that is a corporation (other than a busi-  
11          ness concern that is an issuer of a class of secu-  
12          rities registered under section 12 of the Securi-  
13          ties Exchange Act of 1934 (15 U.S.C. 78l) or  
14          that is required to file reports under section  
15          15(d) of that Act (15 U.S.C. 78o(d))) or an en-  
16          tity described in subsection (e)(2), a list of the  
17          beneficial owners (as defined in paragraph  
18          (4)(A)) of the entity 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  
24                   legal entity, such as a corporation, partner-  
25                   ship, limited liability company, or trust,

1 identifies each such other legal entity and  
2 each such beneficial owner who will use  
3 that other entity to exercise control over  
4 the entity.

5 “(B) The amount of each campaign-related  
6 disbursement made by such organization during  
7 the period covered by the statement of more  
8 than \$1,000, and the name and address of the  
9 person 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  
12 election to which the campaign-related disburse-  
13 ment pertains and if the disbursement is made  
14 for a public communication, the name of any  
15 candidate 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 dis-  
21 bursement is not made in cooperation, consulta-  
22 tion, or concert with or at the request or sug-  
23 gession of a candidate, authorized committee, or  
24 agent of a candidate, political party, or agent of  
25 a political 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  
7 such payment to the account—

8                       “(I) the name and address of  
9 each person who made such payment  
10 during the period covered by the  
11 statement;

12                      “(II) the date and amount of  
13 such payment; and

14                      “(III) the aggregate amount of  
15 all such payments made by the person  
16 during the period beginning on the  
17 first day of the election reporting  
18 cycle (or, if earlier, the period begin-  
19 ning one year before the disclosure  
20 date) and ending on the disclosure  
21 date,

22 but only if such payment was made by a person  
23 who made payments to the account in an aggre-  
24 gate amount of \$10,000 or more during the pe-  
25 riod beginning on the first day of the election

1 reporting cycle (or, if earlier, the period begin-  
2 ning one year before the disclosure date) and  
3 ending on the disclosure date.

4 “(ii) In any calendar year after 2020, sec-  
5 tion 315(e)(1)(B) shall apply to the amount de-  
6 scribed in clause (i) in the same manner as  
7 such section applies to the limitations estab-  
8 lished under subsections (a)(1)(A), (a)(1)(B),  
9 (a)(3), and (h) of such section, except that for  
10 purposes of applying such section to the  
11 amounts described in subsection (b), the ‘base  
12 period’ shall be 2020.

13 “(F)(i) If the covered organization makes  
14 campaign-related disbursements using funds  
15 other than funds in a segregated bank account  
16 described in subparagraph (E), for each pay-  
17 ment to the covered organization—

18 “(I) the name and address of  
19 each person who made such payment  
20 during the period covered by the  
21 statement;

22 “(II) the date and amount of  
23 such payment; and

24 “(III) the aggregate amount of  
25 all such payments made by the person

1                   during the period beginning on the  
2                   first day of the election reporting  
3                   cycle (or, if earlier, the period begin-  
4                   ning one year before the disclosure  
5                   date) and ending on the disclosure  
6                   date,

7                   but only if such payment was made by a person  
8                   who made payments to the covered organization  
9                   in an aggregate amount of \$10,000 or more  
10                  during the period beginning on the first day of  
11                  the election reporting cycle (or, if earlier, the  
12                  period beginning one year before the disclosure  
13                  date) and ending on the disclosure date.

14                  “(ii) In any calendar year after 2020, sec-  
15                  tion 315(c)(1)(B) shall apply to the amount de-  
16                  scribed in clause (i) in the same manner as  
17                  such section applies to the limitations estab-  
18                  lished under subsections (a)(1)(A), (a)(1)(B),  
19                  (a)(3), and (h) of such section, except that for  
20                  purposes of applying such section to the  
21                  amounts described in subsection (b), the ‘base  
22                  period’ shall be 2020.

23                  “(G) Such other information as required in  
24                  rules established by the Commission to promote  
25                  the purposes of this section.



1 “(3) EXCEPTIONS.—

2 “(A) AMOUNTS RECEIVED IN ORDINARY  
3 COURSE OF BUSINESS.—The requirement to in-  
4 clude in a statement filed under paragraph (1)  
5 the information described in paragraph (2)  
6 shall not apply to amounts received by the cov-  
7 ered organization in commercial transactions in  
8 the ordinary course of any trade or business  
9 conducted by the covered organization or in the  
10 form of investments (other than investments by  
11 the principal shareholder in a limited liability  
12 corporation) in the covered organization.

13 “(B) DONOR RESTRICTION ON USE OF  
14 FUNDS.—The requirement to include in a state-  
15 ment submitted under paragraph (1) the infor-  
16 mation described in subparagraph (F) of para-  
17 graph (2) shall not apply if—

18 “(i) the person described in such sub-  
19 paragraph prohibited, in writing, the use of  
20 the payment made by such person for cam-  
21 paign-related disbursements; and

22 “(ii) the covered organization agreed  
23 to follow the prohibition and deposited the  
24 payment in an account which is segregated

1 from any account used to make campaign-  
2 related disbursements.

3 “(C) AMOUNTS RECEIVED FROM AFFILI-  
4 ATES.—The requirement to include in a state-  
5 ment submitted under paragraph (1) the infor-  
6 mation described in subparagraph (F) of para-  
7 graph (2) shall not apply to any amount which  
8 is described in subsection (f)(3).

9 “(D) THREAT OF HARASSMENT OR RE-  
10 PRISAL.—The requirement to include any infor-  
11 mation relating to the name or address of any  
12 person (other than a candidate) in a statement  
13 submitted under paragraph (1) shall not apply  
14 if the inclusion of the information would subject  
15 the person to serious threats, harassment, or  
16 reprisals.

17 “(4) OTHER DEFINITIONS.—For purposes of  
18 this section:

19 “(A) BENEFICIAL OWNER DEFINED.—

20 “(i) IN GENERAL.—Except as pro-  
21 vided in clause (ii), the term ‘beneficial  
22 owner’ means, with respect to any entity,  
23 a natural person who, directly or indi-  
24 rectly—

1           “(I) exercises substantial control  
2 over an entity through ownership, vot-  
3 ing rights, agreement, or otherwise; or

4           “(II) has a substantial interest in  
5 or receives substantial economic bene-  
6 fits from the assets of an entity.

7           “(ii) EXCEPTIONS.—The term ‘bene-  
8 ficial owner’ shall not include—

9           “(I) a minor child;

10           “(II) a person acting as a nomi-  
11 nee, intermediary, custodian, or agent  
12 on behalf of another person;

13           “(III) a person acting solely as  
14 an employee of an entity and whose  
15 control over or economic benefits from  
16 the entity derives solely from the em-  
17 ployment status of the person;

18           “(IV) a person whose only inter-  
19 est in an entity is through a right of  
20 inheritance, unless the person also  
21 meets the requirements of clause (i);  
22 or

23           “(V) a creditor of an entity, un-  
24 less the creditor also meets the re-  
25 quirements of clause (i).

1                   “(iii) ANTI-ABUSE RULE.—The excep-  
2                   tions under clause (ii) shall not apply if  
3                   used for the purpose of evading, circum-  
4                   venting, or abusing the provisions of clause  
5                   (i) or paragraph (2)(A).

6                   “(B) DISCLOSURE DATE.—The term ‘dis-  
7                   closure date’ means—

8                   “(i) the first date during any election  
9                   reporting cycle by which a person has  
10                  made campaign-related disbursements ag-  
11                  gregating more than \$10,000; and

12                  “(ii) any other date during such elec-  
13                  tion reporting cycle by which a person has  
14                  made campaign-related disbursements ag-  
15                  gregating more than \$10,000 since the  
16                  most recent disclosure date for such elec-  
17                  tion reporting cycle.

18                  “(C) ELECTION REPORTING CYCLE.—The  
19                  term ‘election reporting cycle’ means the 2-year  
20                  period beginning on the date of the most recent  
21                  general election for Federal office.

22                  “(D) PAYMENT.—The term ‘payment’ in-  
23                  cludes any contribution, donation, transfer, pay-  
24                  ment of dues, or other payment.

25                  “(b) COORDINATION WITH OTHER PROVISIONS.—

1           “(1) OTHER REPORTS FILED WITH THE COM-  
2           MISSION.—Information included in a statement filed  
3           under this section may be excluded from statements  
4           and reports filed under section 304.

5           “(2) TREATMENT AS SEPARATE SEGREGATED  
6           FUND.—A segregated bank account referred to in  
7           subsection (a)(2)(E) may be treated as a separate  
8           segregated fund for purposes of section 527(f)(3) of  
9           the Internal Revenue Code of 1986.

10          “(c) FILING.—Statements required to be filed under  
11          subsection (a) shall be subject to the requirements of sec-  
12          tion 304(d) to the same extent and in the same manner  
13          as if such reports had been required under subsection (c)  
14          or (g) of section 304.

15          “(d) CAMPAIGN-RELATED DISBURSEMENT DE-  
16          FINED.—

17                 “(1) IN GENERAL.—In this section, the term  
18                 ‘campaign-related disbursement’ means a disburse-  
19                 ment by a covered organization for any of the fol-  
20                 lowing:

21                         “(A) An independent expenditure which ex-  
22                         pressly advocates the election or defeat of a  
23                         clearly identified candidate for election for Fed-  
24                         eral office, or is the functional equivalent of ex-  
25                         press advocacy because, when taken as a whole,

1           it can be interpreted by a reasonable person  
2           only as advocating the election or defeat of a  
3           candidate for election for Federal office.

4           “(B) Any public communication which re-  
5           fers to a clearly identified candidate for election  
6           for Federal office and which promotes or sup-  
7           ports a candidate for that office, or attacks or  
8           opposes a candidate for that office, without re-  
9           gard to whether the communication expressly  
10          advocates a vote for or against a candidate for  
11          that office.

12          “(C) An electioneering communication, as  
13          defined in section 304(f)(3).

14          “(D) A covered transfer.

15          “(2) INTENT NOT REQUIRED.—A disbursement  
16          for an item described in subparagraph (A), (B), (C),  
17          or (D) of paragraph (1) shall be treated as a cam-  
18          paign-related disbursement regardless of the intent  
19          of the person making the disbursement.

20          “(e) COVERED ORGANIZATION DEFINED.—In this  
21          section, the term ‘covered organization’ means any of the  
22          following:

23                 “(1) A corporation (other than an organization  
24                 described in section 501(c)(3) of the Internal Rev-  
25                 enue Code of 1986).

1           “(2) A limited liability corporation that is not  
2 otherwise treated as a corporation for purposes of  
3 this Act (other than an organization described in  
4 section 501(c)(3) of the Internal Revenue Code of  
5 1986).

6           “(3) An organization described in section  
7 501(c) of such Code and exempt from taxation  
8 under section 501(a) of such Code (other than an  
9 organization described in section 501(c)(3) of such  
10 Code).

11           “(4) A labor organization (as defined in section  
12 316(b)).

13           “(5) Any political organization under section  
14 527 of the Internal Revenue Code of 1986, other  
15 than a political committee under this Act (except as  
16 provided in paragraph (6)).

17           “(6) A political committee with an account that  
18 accepts donations or contributions that do not com-  
19 ply with the contribution limits or source prohibi-  
20 tions under this Act, but only with respect to such  
21 accounts.

22           “(f) COVERED TRANSFER DEFINED.—

23           “(1) IN GENERAL.—In this section, the term  
24 ‘covered transfer’ means any transfer or payment of

1 funds by a covered organization to another person if  
2 the covered organization—

3 “(A) designates, requests, or suggests that  
4 the amounts be used for—

5 “(i) campaign-related disbursements  
6 (other than covered transfers); or

7 “(ii) making a transfer to another  
8 person for the purpose of making or pay-  
9 ing for such campaign-related disburse-  
10 ments;

11 “(B) made such transfer or payment in re-  
12 sponse to a solicitation or other request for a  
13 donation or payment for—

14 “(i) the making of or paying for cam-  
15 paign-related disbursements (other than  
16 covered transfers); or

17 “(ii) making a transfer to another  
18 person for the purpose of making or pay-  
19 ing for such campaign-related disburse-  
20 ments;

21 “(C) engaged in discussions with the re-  
22 cipient of the transfer or payment regarding—

23 “(i) the making of or paying for cam-  
24 paign-related disbursements (other than  
25 covered transfers); or



1           “(ii) donating or transferring any  
2           amount of such transfer or payment to an-  
3           other person for the purpose of making or  
4           paying for such campaign-related disburse-  
5           ments;

6           “(D) made campaign-related disburse-  
7           ments (other than a covered transfer) in an ag-  
8           gregate amount of \$50,000 or more during the  
9           2-year period ending on the date of the transfer  
10          or payment, or knew or had reason to know  
11          that the person receiving the transfer or pay-  
12          ment made such disbursements in such an ag-  
13          gregate amount during that 2-year period; or

14          “(E) knew or had reason to know that the  
15          person receiving the transfer or payment would  
16          make campaign-related disbursements in an ag-  
17          gregate amount of \$50,000 or more during the  
18          2-year period beginning on the date of the  
19          transfer or payment.

20          “(2) EXCLUSIONS.—The term ‘covered transfer’  
21          does not include any of the following:

22                 “(A) A disbursement made by a covered  
23                 organization in a commercial transaction in the  
24                 ordinary course of any trade or business con-  
25                 ducted by the covered organization or in the

1 form of investments made by the covered orga-  
2 nization.

3 “(B) A disbursement made by a covered  
4 organization if—

5 “(i) the covered organization prohib-  
6 ited, in writing, the use of such disburse-  
7 ment for campaign-related disbursements;  
8 and

9 “(ii) the recipient of the disbursement  
10 agreed to follow the prohibition and depos-  
11 ited the disbursement in an account which  
12 is segregated from any account used to  
13 make campaign-related disbursements.

14 “(3) SPECIAL RULE REGARDING TRANSFERS  
15 AMONG AFFILIATES.—

16 “(A) SPECIAL RULE.—A transfer of an  
17 amount by one covered organization to another  
18 covered organization which is treated as a  
19 transfer between affiliates under subparagraph  
20 (C) shall be considered a covered transfer by  
21 the covered organization which transfers the  
22 amount only if the aggregate amount trans-  
23 ferred during the year by such covered organi-  
24 zation to that same covered organization is  
25 equal to or greater than \$50,000.

1           “(B) DETERMINATION OF AMOUNT OF  
2           CERTAIN PAYMENTS AMONG AFFILIATES.—In  
3           determining the amount of a transfer between  
4           affiliates for purposes of subparagraph (A), to  
5           the extent that the transfer consists of funds  
6           attributable to dues, fees, or assessments which  
7           are paid by individuals on a regular, periodic  
8           basis in accordance with a per-individual cal-  
9           culation which is made on a regular basis, the  
10          transfer shall be attributed to the individuals  
11          paying the dues, fees, or assessments and shall  
12          not be attributed to the covered organization.

13          “(C) DESCRIPTION OF TRANSFERS BE-  
14          TWEEN AFFILIATES.—A transfer of amounts  
15          from one covered organization to another cov-  
16          ered organization shall be treated as a transfer  
17          between affiliates if—

18                 “(i) one of the organizations is an af-  
19                 filiate of the other organization; or

20                 “(ii) each of the organizations is an  
21                 affiliate of the same organization,

22          except that the transfer shall not be treated as  
23          a transfer between affiliates if one of the orga-  
24          nizations is established for the purpose of mak-  
25          ing campaign-related disbursements.

1           “(D) DETERMINATION OF AFFILIATE STA-  
2           TUS.—For purposes of subparagraph (C), a  
3           covered organization is an affiliate of another  
4           covered organization if—

5                   “(i) the governing instrument of the  
6                   organization requires it to be bound by de-  
7                   cisions of the other organization;

8                   “(ii) the governing board of the orga-  
9                   nization includes persons who are specifi-  
10                  cally designated representatives of the  
11                  other organization or are members of the  
12                  governing board, officers, or paid executive  
13                  staff members of the other organization, or  
14                  whose service on the governing board is  
15                  contingent upon the approval of the other  
16                  organization; or

17                  “(iii) the organization is chartered by  
18                  the other organization.

19           “(E) COVERAGE OF TRANSFERS TO AF-  
20           FILATED SECTION 501(c)(3) ORGANIZA-  
21           TIONS.—This paragraph shall apply with re-  
22           spect to an amount transferred by a covered or-  
23           ganization to an organization described in para-  
24           graph (3) of section 501(c) of the Internal Rev-  
25           enue Code of 1986 and exempt from tax under

1 section 501(a) of such Code in the same man-  
2 ner as this paragraph applies to an amount  
3 transferred by a covered organization to an-  
4 other covered organization.

5 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-  
6 MENTS.—Nothing in this section shall be construed to  
7 waive or otherwise affect any other requirement of this  
8 Act which relates to the reporting of campaign-related dis-  
9 bursements.”.

10 (2) CONFORMING AMENDMENT.—Section  
11 304(f)(6) of such Act (52 U.S.C. 30104) is amended  
12 by striking “Any requirement” and inserting “Ex-  
13 cept as provided in section 324(b), any require-  
14 ment”.

15 (b) COORDINATION WITH FINCEN.—

16 (1) IN GENERAL.—The Director of the Finan-  
17 cial Crimes Enforcement Network of the Depart-  
18 ment of the Treasury shall provide the Federal Elec-  
19 tion Commission with such information as necessary  
20 to assist in administering and enforcing section 324  
21 of the Federal Election Campaign Act of 1971, as  
22 added by this section.

23 (2) REPORT.—Not later than 6 months after  
24 the date of the enactment of this Act, the Chairman  
25 of the Federal Election Commission, in consultation

1 with the Director of the Financial Crimes Enforce-  
2 ment Network of the Department of the Treasury,  
3 shall submit to Congress a report with recommenda-  
4 tions for providing further legislative authority to as-  
5 sist in the administration and enforcement of such  
6 section 324.

7 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**  
8 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**  
9 **BURSEMENTS CONSISTING OF COVERED**  
10 **TRANSFERS.**

11 Section 319(a)(1)(A) of the Federal Election Cam-  
12 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-  
13 ed by section 4102, is amended by striking the semicolon  
14 and inserting the following: “, and any disbursement to  
15 another person who made a campaign-related disburse-  
16 ment consisting of a covered transfer (as described in sec-  
17 tion 324) during the 2-year period ending on the date of  
18 the disbursement;”.

19 **SEC. 4113. EFFECTIVE DATE.**

20 The amendments made by this part shall apply with  
21 respect to disbursements made on or after January 1,  
22 2020, and shall take effect without regard to whether or  
23 not the Federal Election Commission has promulgated  
24 regulations to carry out such amendments.

1       **PART 3—OTHER ADMINISTRATIVE REFORMS**

2       **SEC. 4121. PETITION FOR CERTIORARI.**

3           Section 307(a)(6) of the Federal Election Campaign  
4 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-  
5 serting “(including a proceeding before the Supreme  
6 Court on certiorari)” after “appeal”.

7       **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**  
8                                   **CAMPAIGN FINANCE LAWS.**

9           (a) IN GENERAL.—Title IV of the Federal Election  
10 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is  
11 amended by inserting after section 406 the following new  
12 section:

13       **“SEC. 407. JUDICIAL REVIEW.**

14           “(a) IN GENERAL.—Notwithstanding section 373(f),  
15 if any action is brought for declaratory or injunctive relief  
16 to challenge the constitutionality of any provision of this  
17 Act or of chapter 95 or 96 of the Internal Revenue Code  
18 of 1986, or is brought to with respect to any action of  
19 the Commission under chapter 95 or 96 of the Internal  
20 Revenue Code of 1986, the following rules shall apply:

21                   “(1) The action shall be filed in the United  
22 States District Court for the District of Columbia  
23 and an appeal from the decision of the district court  
24 may be taken to the Court of Appeals for the Dis-  
25 trict of Columbia Circuit.

1           “(2) In the case of an action relating to declar-  
2           atory or injunctive relief to challenge the constitu-  
3           tionality of a provision—

4                   “(A) a copy of the complaint shall be deliv-  
5           ered promptly to the Clerk of the House of  
6           Representatives and the Secretary of the Sen-  
7           ate; and

8                   “(B) it shall be the duty of the United  
9           States District Court for the District of Colum-  
10          bia, the Court of Appeals for the District of Co-  
11          lumbia, and the Supreme Court of the United  
12          States to advance on the docket and to expedite  
13          to the greatest possible extent the disposition of  
14          the action and appeal.

15          “(b) INTERVENTION BY MEMBERS OF CONGRESS.—  
16          In any action in which the constitutionality of any provi-  
17          sion of this Act or chapter 95 or 96 of the Internal Rev-  
18          enue Code of 1986 is raised, any Member of the House  
19          of Representatives (including a Delegate or Resident Com-  
20          missioner to the Congress) or Senate shall have the right  
21          to intervene either in support of or opposition to the posi-  
22          tion of a party to the case regarding the constitutionality  
23          of the provision. To avoid duplication of efforts and reduce  
24          the burdens placed on the parties to the action, the court  
25          in any such action may make such orders as it considers



1 necessary, including orders to require interveners taking  
2 similar positions to file joint papers or to be represented  
3 by a single attorney at oral argument.

4 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any  
5 Member of Congress may bring an action, subject to the  
6 special rules described in subsection (a), for declaratory  
7 or injunctive relief to challenge the constitutionality of any  
8 provision of this Act or chapter 95 or 96 of the Internal  
9 Revenue Code of 1986.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

12 (A) Section 9011 of the Internal Revenue  
13 Code of 1986 is amended to read as follows:

14 **“SEC. 9011. JUDICIAL REVIEW.**

15 “For provisions relating to judicial review of certifi-  
16 cations, determinations, and actions by the Commission  
17 under this chapter, see section 407 of the Federal Election  
18 Campaign Act of 1971.”.

19 (B) Section 9041 of the Internal Revenue  
20 Code of 1986 is amended to read as follows:

21 **“SEC. 9041. JUDICIAL REVIEW.**

22 “For provisions relating to judicial review of actions  
23 by the Commission under this chapter, see section 407 of  
24 the Federal Election Campaign Act of 1971.”.

1 (C) Section 403 of the Bipartisan Cam-  
2 paign Finance Reform Act of 2002 (52 U.S.C.  
3 30110 note) is repealed.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to actions brought on or after Jan-  
6 uary 1, 2019.

## 7 **Subtitle C—Honest Ads**

### 8 **SEC. 4201. SHORT TITLE.**

9 This subtitle may be cited as the “Honest Ads Act”.

### 10 **SEC. 4202. PURPOSE.**

11 The purpose of this subtitle is to enhance the integ-  
12 rity of American democracy and national security by im-  
13 proving disclosure requirements for online political adver-  
14 tisements in order to uphold the Supreme Court’s well-  
15 established standard that the electorate bears the right to  
16 be fully informed.

### 17 **SEC. 4203. FINDINGS.**

18 Congress makes the following findings:

19 (1) On January 6, 2017, the Office of the Di-  
20 rector of National Intelligence published a report ti-  
21 tled “Assessing Russian Activities and Intentions in  
22 Recent U.S. Elections”, noting that “Russian Presi-  
23 dent Vladimir Putin ordered an influence campaign  
24 in 2016 aimed at the US presidential election . . .”.  
25 Moscow’s influence campaign followed a Russian

1       messaging strategy that blends covert intelligence  
2       operation—such as cyber activity—with overt efforts  
3       by Russian Government agencies, state-funded  
4       media, third-party intermediaries, and paid social  
5       media users or “trolls”.

6           (2) On November 24, 2016, The Washington  
7       Post reported findings from 2 teams of independent  
8       researchers that concluded Russians “exploited  
9       American-made technology platforms to attack U.S.  
10      democracy at a particularly vulnerable moment . . .  
11      as part of a broadly effective strategy of sowing dis-  
12      trust in U.S. democracy and its leaders.”.

13          (3) Findings from a 2017 study on the manipu-  
14      lation of public opinion through social media con-  
15      ducted by the Computational Propaganda Research  
16      Project at the Oxford Internet Institute found that  
17      the Kremlin is using pro-Russian bots to manipulate  
18      public discourse to a highly targeted audience. With  
19      a sample of nearly 1,300,000 tweets, researchers  
20      found that in the 2016 election’s 3 decisive States,  
21      propaganda constituted 40 percent of the sampled  
22      election-related tweets that went to Pennsylvanians,  
23      34 percent to Michigan voters, and 30 percent to  
24      those in Wisconsin. In other swing States, the figure  
25      reached 42 percent in Missouri, 41 percent in Flor-

1        ida, 40 percent in North Carolina, 38 percent in  
2        Colorado, and 35 percent in Ohio.

3            (4) On September 6, 2017, the nation’s largest  
4        social media platform disclosed that between June  
5        2015 and May 2017, Russian entities purchased  
6        \$100,000 in political advertisements, publishing  
7        roughly 3,000 ads linked to fake accounts associated  
8        with the Internet Research Agency, a pro-Kremlin  
9        organization. According to the company, the ads  
10       purchased focused “on amplifying divisive social and  
11       political messages . . .”.

12           (5) In 2002, the Bipartisan Campaign Reform  
13        Act became law, establishing disclosure requirements  
14        for political advertisements distributed from a tele-  
15        vision or radio broadcast station or provider of cable  
16        or satellite television. In 2003, the Supreme Court  
17        upheld regulations on electioneering communications  
18        established under the Act, noting that such require-  
19        ments “provide the electorate with information and  
20        insure that the voters are fully informed about the  
21        person or group who is speaking.”.

22           (6) According to a study from Borrell Associ-  
23        ates, in 2016, \$1,415,000,000 was spent on online  
24        advertising, more than quadruple the amount in  
25        2012.

1           (7) The reach of a few large internet plat-  
2 forms—larger than any broadcast, satellite, or cable  
3 provider—has greatly facilitated the scope and effec-  
4 tiveness of disinformation campaigns. For instance,  
5 the largest platform has over 210,000,000 Ameri-  
6 cans users—over 160,000,000 of them on a daily  
7 basis. By contrast, the largest cable television pro-  
8 vider has 22,430,000 subscribers, while the largest  
9 satellite television provider has 21,000,000 sub-  
10 scribers. And the most-watched television broadcast  
11 in United States history had 118,000,000 viewers.

12           (8) The public nature of broadcast television,  
13 radio, and satellite ensures a level of publicity for  
14 any political advertisement. These communications  
15 are accessible to the press, fact-checkers, and polit-  
16 ical opponents; this creates strong disincentives for  
17 a candidate to disseminate materially false, inflam-  
18 matory, or contradictory messages to the public. So-  
19 cial media platforms, in contrast, can target portions  
20 of the electorate with direct, ephemeral advertise-  
21 ments often on the basis of private information the  
22 platform has on individuals, enabling political adver-  
23 tisements that are contradictory, racially or socially  
24 inflammatory, or materially false.

1           (9) According to comScore, 2 companies own 8  
2 of the 10 most popular smartphone applications as  
3 of June 2017, including the most popular social  
4 media and email services—which deliver information  
5 and news to users without requiring proactivity by  
6 the user. Those same 2 companies accounted for 99  
7 percent of revenue growth from digital advertising in  
8 2016, including 77 percent of gross spending. 79  
9 percent of online Americans—representing 68 per-  
10 cent of all Americans—use the single largest social  
11 network, while 66 percent of these users are most  
12 likely to get their news from that site.

13           (10) In its 2006 rulemaking, the Federal Elec-  
14 tion Commission noted that only 18 percent of all  
15 Americans cited the internet as their leading source  
16 of news about the 2004 Presidential election; by con-  
17 trast, the Pew Research Center found that 65 per-  
18 cent of Americans identified an internet-based  
19 source as their leading source of information for the  
20 2016 election.

21           (11) The Federal Election Commission, the  
22 independent Federal agency charged with protecting  
23 the integrity of the Federal campaign finance proc-  
24 ess by providing transparency and administering

1 campaign finance laws, has failed to take action to  
2 address online political advertisements.

3 (12) In testimony before the Senate Select  
4 Committee on Intelligence titled, “Disinformation: A  
5 Primer in Russian Active Measures and Influence  
6 Campaigns”, multiple expert witnesses testified that  
7 while the disinformation tactics of foreign adver-  
8 saries have not necessarily changed, social media  
9 services now provide “platform[s] practically pur-  
10 pose-built for active measures[.]” Similarly, as Gen.  
11 Keith B. Alexander (RET.), the former Director of  
12 the National Security Agency, testified, during the  
13 Cold War “if the Soviet Union sought to manipulate  
14 information flow, it would have to do so principally  
15 through its own propaganda outlets or through ac-  
16 tive measures that would generate specific news:  
17 planting of leaflets, inciting of violence, creation of  
18 other false materials and narratives. But the news  
19 itself was hard to manipulate because it would have  
20 required actual control of the organs of media, which  
21 took long-term efforts to penetrate. Today, however,  
22 because the clear majority of the information on so-  
23 cial media sites is uncurated and there is a rapid  
24 proliferation of information sources and other sites  
25 that can reinforce information, there is an increasing

1 likelihood that the information available to average  
2 consumers may be inaccurate (whether intentionally  
3 or otherwise) and may be more easily manipulable  
4 than in prior eras.”.

5 (13) Current regulations on political advertise-  
6 ments do not provide sufficient transparency to up-  
7 hold the public’s right to be fully informed about po-  
8 litical advertisements made online.

9 **SEC. 4204. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the dramatic increase in digital political ad-  
12 vertisements, and the growing centrality of online  
13 platforms in the lives of Americans, requires the  
14 Congress and the Federal Election Commission to  
15 take meaningful action to ensure that laws and reg-  
16 ulations provide the accountability and transparency  
17 that is fundamental to our democracy;

18 (2) free and fair elections require both trans-  
19 parency and accountability which give the public a  
20 right to know the true sources of funding for polit-  
21 ical advertisements in order to make informed polit-  
22 ical choices and hold elected officials accountable;  
23 and

24 (3) transparency of funding for political adver-  
25 tisements is essential to enforce other campaign fi-



1 nance laws, including the prohibition on campaign  
2 spending by foreign nationals.

3 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**  
4 **NICATION.**

5 (a) IN GENERAL.—Paragraph (22) of section 301 of  
6 the Federal Election Campaign Act of 1971 (52 U.S.C.  
7 30101(22)) is amended by striking “or satellite commu-  
8 nication” and inserting “satellite, paid internet, or paid  
9 digital communication”.

10 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
11 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
12 amended—

13 (1) in paragraph (8)(B)—

14 (A) in clause (v), by striking “on broad-  
15 casting stations, or in newspapers, magazines,  
16 or similar types of general public political ad-  
17 vertising” and inserting “in any public commu-  
18 nication”;

19 (B) in clause (ix), by striking “broad-  
20 casting, newspaper, magazine, billboard, direct  
21 mail, or similar type of general public commu-  
22 nication or political advertising” and inserting  
23 “public communication”; and

24 (C) in clause (x), by striking “but not in-  
25 cluding the use of broadcasting, newspapers,

1 magazines, billboards, direct mail, or similar  
2 types of general public communication or polit-  
3 ical advertising” and inserting “but not includ-  
4 ing use in any public communication”; and  
5 (2) in paragraph (9)(B)—

6 (A) by amending clause (i) to read as fol-  
7 lows:

8 “(i) any news story, commentary, or  
9 editorial distributed through the facilities  
10 of any broadcasting station or any print,  
11 online, or digital newspaper, magazine,  
12 blog, publication, or periodical, unless such  
13 broadcasting, print, online, or digital facili-  
14 ties are owned or controlled by any polit-  
15 ical party, political committee, or can-  
16 didate;” and

17 (B) in clause (iv), by striking “on broad-  
18 casting stations, or in newspapers, magazines,  
19 or similar types of general public political ad-  
20 vertising” and inserting “in any public commu-  
21 nication”.

22 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
23 Subsection (a) of section 318 of such Act (52 U.S.C.  
24 30120) is amended—

1           (1) by striking “financing any communication  
2 through any broadcasting station, newspaper, maga-  
3 zine, outdoor advertising facility, mailing, or any  
4 other type of general public political advertising”  
5 and inserting “financing any public communication”;  
6 and

7           (2) by striking “solicits any contribution  
8 through any broadcasting station, newspaper, maga-  
9 zine, outdoor advertising facility, mailing, or any  
10 other type of general public political advertising”  
11 and inserting “solicits any contribution through any  
12 public communication”.

13 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**  
14 **EERING COMMUNICATION.**

15 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

16           (1) APPLICATION TO QUALIFIED INTERNET AND  
17 DIGITAL COMMUNICATIONS.—

18           (A) IN GENERAL.—Subparagraph (A) of  
19 section 304(f)(3) of the Federal Election Cam-  
20 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
21 is amended by striking “or satellite communica-  
22 tion” each place it appears in clauses (i) and  
23 (ii) and inserting “satellite, or qualified internet  
24 or digital communication”.

1 (B) QUALIFIED INTERNET OR DIGITAL  
2 COMMUNICATION.—Paragraph (3) of section  
3 304(f) of such Act (52 U.S.C. 30104(f)) is  
4 amended by adding at the end the following  
5 new subparagraph:

6 “(D) QUALIFIED INTERNET OR DIGITAL  
7 COMMUNICATION.—The term ‘qualified internet  
8 or digital communication’ means any commu-  
9 nication which is placed or promoted for a fee  
10 on an online platform (as defined in subsection  
11 (j)(3)).”.

12 (2) NONAPPLICATION OF RELEVANT ELEC-  
13 TORATE TO ONLINE COMMUNICATIONS.—Section  
14 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
15 30104(f)(3)(A)(i)(III)) is amended by inserting “any  
16 broadcast, cable, or satellite” before “communica-  
17 tion”.

18 (3) NEWS EXEMPTION.—Section  
19 304(f)(3)(B)(i) of such Act (52 U.S.C.  
20 30104(f)(3)(B)(i)) is amended to read as follows:

21 “(i) a communication appearing in a  
22 news story, commentary, or editorial dis-  
23 tributed through the facilities of any  
24 broadcasting station or any online or dig-  
25 ital newspaper, magazine, blog, publica-

1                   tion, or periodical, unless such broad-  
2                   casting, online, or digital facilities are  
3                   owned or controlled by any political party,  
4                   political committee, or candidate;”.

5           (b) **EFFECTIVE DATE.**—The amendments made by  
6 this section shall apply with respect to communications  
7 made on or after January 1, 2020.

8   **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**  
9                   **ONLINE COMMUNICATIONS.**

10           (a) **CLEAR AND CONSPICUOUS MANNER REQUIRE-**  
11 **MENT.**—Subsection (a) of section 318 of the Federal Elec-  
12 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
13 amended—

14                   (1) by striking “shall clearly state” each place  
15                   it appears in paragraphs (1), (2), and (3) and in-  
16                   serting “shall state in a clear and conspicuous man-  
17                   ner”; and

18                   (2) by adding at the end the following flush  
19                   sentence: “For purposes of this section, a commu-  
20                   nication does not make a statement in a clear and  
21                   conspicuous manner if it is difficult to read or hear  
22                   or if the placement is easily overlooked.”.

23           (b) **SPECIAL RULES FOR QUALIFIED INTERNET OR**  
24 **DIGITAL COMMUNICATIONS.**—

1           (1) IN GENERAL.—Section 318 of such Act (52  
2           U.S.C. 30120) is amended by adding at the end the  
3           following new subsection:

4           “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
5           DIGITAL COMMUNICATIONS.—

6           “(1) SPECIAL RULES WITH RESPECT TO STATE-  
7           MENTS.—In the case of any qualified internet or  
8           digital communication (as defined in section  
9           304(f)(3)(D)) which is disseminated through a me-  
10          dium in which the provision of all of the information  
11          specified in this section is not possible, the commu-  
12          nication shall, in a clear and conspicuous manner—

13                  “(A) state the name of the person who  
14                  paid for the communication; and

15                  “(B) provide a means for the recipient of  
16                  the communication to obtain the remainder of  
17                  the information required under this section with  
18                  minimal effort and without receiving or viewing  
19                  any additional material other than such re-  
20                  quired information.

21           “(2) SAFE HARBOR FOR DETERMINING CLEAR  
22           AND CONSPICUOUS MANNER.—A statement in quali-  
23           fied internet or digital communication (as defined in  
24           section 304(f)(3)(D)) shall be considered to be made  
25           in a clear and conspicuous manner as provided in

1 subsection (a) if the communication meets the fol-  
2 lowing requirements:

3 “(A) TEXT OR GRAPHIC COMMUNICA-  
4 TIONS.—In the case of a text or graphic com-  
5 munication, the statement—

6 “(i) appears in letters at least as large  
7 as the majority of the text in the commu-  
8 nication; and

9 “(ii) meets the requirements of para-  
10 graphs (2) and (3) of subsection (c).

11 “(B) AUDIO COMMUNICATIONS.—In the  
12 case of an audio communication, the statement  
13 is spoken in a clearly audible and intelligible  
14 manner at the beginning or end of the commu-  
15 nication and lasts at least 3 seconds.

16 “(C) VIDEO COMMUNICATIONS.—In the  
17 case of a video communication which also in-  
18 cludes audio, the statement—

19 “(i) is included at either the beginning  
20 or the end of the communication; and

21 “(ii) is made both in—

22 “(I) a written format that meets  
23 the requirements of subparagraph (A)  
24 and appears for at least 4 seconds;  
25 and

1                   “(II) an audible format that  
2                   meets the requirements of subpara-  
3                   graph (B).

4                   “(D) OTHER COMMUNICATIONS.—In the  
5                   case of any other type of communication, the  
6                   statement is at least as clear and conspicuous  
7                   as the statement specified in subparagraph (A),  
8                   (B), or (C).”.

9                   (2) NONAPPLICATION OF CERTAIN EXCEP-  
10                  TIONS.—The exceptions provided in section  
11                  110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
12                  Regulations, or any successor to such rules, shall  
13                  have no application to qualified internet or digital  
14                  communications (as defined in section 304(f)(3)(D)  
15                  of the Federal Election Campaign Act of 1971).

16                  (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
17                  FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
18                  Act (52 U.S.C. 30120(d)) is amended—

19                   (1) in paragraph (1)(A)—

20                   (A) by striking “which is transmitted  
21                   through radio” and inserting “which is in an  
22                   audio format”; and

23                   (B) by striking “BY RADIO” in the heading  
24                   and inserting “AUDIO FORMAT”;

25                   (2) in paragraph (1)(B)—



1 (A) by striking “which is transmitted  
2 through television” and inserting “which is in  
3 video format”; and

4 (B) by striking “BY TELEVISION” in the  
5 heading and inserting “VIDEO FORMAT”; and

6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio  
8 or television” and inserting “made in audio or  
9 video format”; and

10 (B) by striking “through television” in the  
11 second sentence and inserting “in video for-  
12 mat”.

13 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**  
14 **LINE PLATFORMS.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-  
16 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended  
17 by adding at the end the following new subsection:

18 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
19 MENTS.—

20 “(1) IN GENERAL.—

21 “(A) REQUIREMENTS FOR ONLINE PLAT-  
22 FORMS.—An online platform shall maintain,  
23 and make available for online public inspection  
24 in machine readable format, a complete record  
25 of any request to purchase on such online plat-

1 form a qualified political advertisement which is  
2 made by a person whose aggregate requests to  
3 purchase qualified political advertisements on  
4 such online platform during the calendar year  
5 exceeds \$500.

6 “(B) REQUIREMENTS FOR ADVER-  
7 TISERS.—Any person who requests to purchase  
8 a qualified political advertisement on an online  
9 platform shall provide the online platform with  
10 such information as is necessary for the online  
11 platform to comply with the requirements of  
12 subparagraph (A).

13 “(2) CONTENTS OF RECORD.—A record main-  
14 tained under paragraph (1)(A) shall contain—

15 “(A) a digital copy of the qualified political  
16 advertisement;

17 “(B) a description of the audience targeted  
18 by the advertisement, the number of views gen-  
19 erated from the advertisement, and the date  
20 and time that the advertisement is first dis-  
21 played and last displayed; and

22 “(C) information regarding—

23 “(i) the average rate charged for the  
24 advertisement;

1           “(ii) the name of the candidate to  
2           which the advertisement refers and the of-  
3           fice to which the candidate is seeking elec-  
4           tion, the election to which the advertise-  
5           ment refers, or the national legislative  
6           issue to which the advertisement refers (as  
7           applicable);

8           “(iii) in the case of a request made  
9           by, or on behalf of, a candidate, the name  
10          of the candidate, the authorized committee  
11          of the candidate, and the treasurer of such  
12          committee; and

13          “(iv) in the case of any request not  
14          described in clause (iii), the name of the  
15          person purchasing the advertisement, the  
16          name, address, and phone number of a  
17          contact person for such person, and a list  
18          of the chief executive officers or members  
19          of the executive committee or of the board  
20          of directors of such person.

21          “(3) ONLINE PLATFORM.—For purposes of this  
22          subsection, the term ‘online platform’ means any  
23          public-facing website, web application, or digital ap-  
24          plication (including a social network, ad network, or  
25          search engine) which—

1           “(A) sells qualified political advertise-  
2           ments; and

3           “(B) has 50,000,000 or more unique  
4           monthly United States visitors or users for a  
5           majority of months during the preceding 12  
6           months.

7           “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

8           “(A) IN GENERAL.—For purposes of this  
9           subsection, the term ‘qualified political adver-  
10          tisement’ means any advertisement (including  
11          search engine marketing, display advertise-  
12          ments, video advertisements, native advertise-  
13          ments, and sponsorships) that—

14                   “(i) is made by or on behalf of a can-  
15                   didate; or

16                   “(ii) communicates a message relating  
17                   to any political matter of national impor-  
18                   tance, including—

19                                   “(I) a candidate;

20                                   “(II) any election to Federal of-  
21                                   fice; or

22                                   “(III) a national legislative issue  
23                                   of public importance.

24           “(5) TIME TO MAINTAIN FILE.—The informa-  
25           tion required under this subsection shall be made

1 available as soon as possible and shall be retained by  
2 the online platform for a period of not less than 4  
3 years.

4 “(6) PENALTIES.—For penalties for failure by  
5 online platforms, and persons requesting to purchase  
6 a qualified political advertisement on online plat-  
7 forms, to comply with the requirements of this sub-  
8 section, see section 309.”.

9 (b) RULEMAKING.—Not later than 90 days after the  
10 date of the enactment of this Act, the Federal Election  
11 Commission shall establish rules—

12 (1) requiring common data formats for the  
13 record required to be maintained under section  
14 304(j) of the Federal Election Campaign Act of  
15 1971 (as added by subsection (a)) so that all online  
16 platforms submit and maintain data online in a com-  
17 mon, machine-readable and publicly accessible for-  
18 mat; and

19 (2) establishing search interface requirements  
20 relating to such record, including searches by can-  
21 didate name, issue, purchaser, and date.

22 (c) REPORTING.—Not later than 2 years after the  
23 date of the enactment of this Act, and biannually there-  
24 after, the Chairman of the Federal Election Commission  
25 shall submit a report to Congress on—

1           (1) matters relating to compliance with and the  
2 enforcement of the requirements of section 304(j) of  
3 the Federal Election Campaign Act of 1971, as  
4 added by subsection (a);

5           (2) recommendations for any modifications to  
6 such section to assist in carrying out its purposes;  
7 and

8           (3) identifying ways to bring transparency and  
9 accountability to political advertisements distributed  
10 online for free.

11 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
12 **INDEPENDENT EXPENDITURES, AND DIS-**  
13 **BURSEMENTS FOR ELECTIONEERING COM-**  
14 **MUNICATIONS BY FOREIGN NATIONALS IN**  
15 **THE FORM OF ONLINE ADVERTISING.**

16 Section 319 of the Federal Election Campaign Act  
17 of 1971 (52 U.S.C. 30121), as amended by section  
18 4101(b), is further amended by adding at the end the fol-  
19 lowing new subsection:

20           “(d) RESPONSIBILITIES OF BROADCAST STATIONS,  
21 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
22 ONLINE PLATFORMS.—Each television or radio broadcast  
23 station, provider of cable or satellite television, or online  
24 platform (as defined in section 304(j)(3)) shall make rea-  
25 sonable efforts to ensure that communications described

1 in section 318(a) and made available by such station, pro-  
2 vider, or platform are not purchased by a foreign national,  
3 directly or indirectly.”.

## 4 **Subtitle D—Stand By Every Ad**

### 5 **SEC. 4301. SHORT TITLE.**

6 This Act may be cited as the “Stand By Every Ad  
7 Act”.

### 8 **SEC. 4302. STAND BY EVERY AD.**

9 (a) **EXPANDED DISCLAIMER REQUIREMENTS FOR**  
10 **CERTAIN COMMUNICATIONS.**—Section 318 of the Federal  
11 Election Campaign Act of 1971 (52 U.S.C. 30120), as  
12 amended by section 4207(b)(1), is further amended—

13 (1) by redesignating subsection (e) as sub-  
14 section (f); and

15 (2) by inserting after subsection (d) the fol-  
16 lowing new subsection:

17 “(e) **EXPANDED DISCLAIMER REQUIREMENTS FOR**  
18 **COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR**  
19 **COMMITTEES.**—

20 “(1) **IN GENERAL.**—Except as provided in para-  
21 graph (6), any communication described in para-  
22 graph (3) of subsection (a) which is transmitted in  
23 an audio or video format (including an Internet or  
24 digital communication), or which is an Internet or  
25 digital communication transmitted in a text or

1 graphic format, shall include, in addition to the re-  
2 quirements of paragraph (3) of subsection (a), the  
3 following:

4 “(A) The individual disclosure statement  
5 described in paragraph (2)(A) (if the person  
6 paying for the communication is an individual)  
7 or the organizational disclosure statement de-  
8 scribed in paragraph (2)(B) (if the person pay-  
9 ing for the communication is not an individual).

10 “(B) If the communication is transmitted  
11 in a video format, or is an Internet or digital  
12 communication which is transmitted in a text or  
13 graphic format, and is paid for in whole or in  
14 part with a payment which is treated as a cam-  
15 paign-related disbursement under section 324,  
16 the Top Five Funders list (if applicable), un-  
17 less, on the basis of criteria established in regu-  
18 lations issued by the Commission, the commu-  
19 nication is of such short duration that including  
20 the Top Five Funders list in the communication  
21 would constitute a hardship to the person pay-  
22 ing for the communication by requiring a dis-  
23 proportionate amount of the content of the  
24 communication to consist of the Top Five  
25 Funders list.



1           “(C) If the communication is transmitted  
2 in an audio format and is paid for in whole or  
3 in part with a payment which is treated as a  
4 campaign-related disbursement under section  
5 324, the Top Two Funders list (if applicable),  
6 unless, on the basis of criteria established in  
7 regulations issued by the Commission, the com-  
8 munication is of such short duration that in-  
9 cluding the Top Two Funders list in the com-  
10 munication would constitute a hardship to the  
11 person paying for the communication by requir-  
12 ing a disproportionate amount of the content of  
13 the communication to consist of the Top Two  
14 Funders list.

15           “(2) DISCLOSURE STATEMENTS DESCRIBED.—

16           “(A) INDIVIDUAL DISCLOSURE STATE-  
17 MENTS.—The individual disclosure statement  
18 described in this subparagraph is the following:  
19 ‘I am \_\_\_\_\_, and I approve this  
20 message.’, with the blank filled in with the  
21 name of the applicable individual.

22           “(B) ORGANIZATIONAL DISCLOSURE  
23 STATEMENTS.—The organizational disclosure  
24 statement described in this subparagraph is the  
25 following: ‘I am \_\_\_\_\_, the

1 \_\_\_\_\_ of \_\_\_\_\_, and  
2 \_\_\_\_\_ approves this message.’,  
3 with—

4 “(i) the first blank to be filled in with  
5 the name of the applicable individual;

6 “(ii) the second blank to be filled in  
7 with the title of the applicable individual;  
8 and

9 “(iii) the third and fourth blank each  
10 to be filled in with the name of the organi-  
11 zation or other person paying for the com-  
12 munication.

13 “(3) METHOD OF CONVEYANCE OF STATE-  
14 MENT.—

15 “(A) COMMUNICATIONS IN TEXT OR  
16 GRAPHIC FORMAT.—In the case of a commu-  
17 nication to which this subsection applies which  
18 is transmitted in a text or graphic format, the  
19 disclosure statements required under paragraph  
20 (1) shall appear in letters at least as large as  
21 the majority of the text in the communication.

22 “(B) COMMUNICATIONS TRANSMITTED IN  
23 AUDIO FORMAT.—In the case of a communica-  
24 tion to which this subsection applies which is  
25 transmitted in an audio format, the disclosure

1 statements required under paragraph (1) shall  
2 be made by audio by the applicable individual  
3 in a clear and conspicuous manner.

4 “(C) COMMUNICATIONS TRANSMITTED IN  
5 VIDEO FORMAT.—In the case of a communica-  
6 tion to which this subsection applies which is  
7 transmitted in a video format, the information  
8 required under paragraph (1)—

9 “(i) shall appear in writing at the end  
10 of the communication or in a crawl along  
11 the bottom of the communication in a clear  
12 and conspicuous manner, with a reasonable  
13 degree of color contrast between the back-  
14 ground and the printed statement, for a  
15 period of at least 6 seconds; and

16 “(ii) shall also be conveyed by an  
17 unobscured, full-screen view of the applica-  
18 ble individual or by the applicable indi-  
19 vidual making the statement in voice-over  
20 accompanied by a clearly identifiable pho-  
21 tograph or similar image of the individual,  
22 except in the case of a Top Five Funders  
23 list.

1           “(4) APPLICABLE INDIVIDUAL DEFINED.—The  
2 term ‘applicable individual’ means, with respect to a  
3 communication to which this subsection applies—

4           “(A) if the communication is paid for by  
5 an individual, the individual involved;

6           “(B) if the communication is paid for by a  
7 corporation, the chief executive officer of the  
8 corporation (or, if the corporation does not have  
9 a chief executive officer, the highest ranking of-  
10 ficial of the corporation);

11           “(C) if the communication is paid for by a  
12 labor organization, the highest ranking officer  
13 of the labor organization; and

14           “(D) if the communication is paid for by  
15 any other person, the highest ranking official of  
16 such person.

17           “(5) TOP FIVE FUNDERS LIST AND TOP TWO  
18 FUNDERS LIST DEFINED.—

19           “(A) TOP FIVE FUNDERS LIST.—The term  
20 ‘Top Five Funders list’ means, with respect to  
21 a communication which is paid for in whole or  
22 in part with a campaign-related disbursement  
23 (as defined in section 324), a list of the five  
24 persons who, during the 12-month period end-  
25 ing on the date of the disbursement, provided

1 the largest payments of any type in an aggregate  
2 amount equal to or exceeding \$10,000 to  
3 the person who is paying for the communication  
4 and the amount of the payments each such person  
5 provided. If two or more people provided  
6 the fifth largest of such payments, the person  
7 paying for the communication shall select one of  
8 those persons to be included on the Top Five  
9 Funders list.

10 “(B) TOP TWO FUNDERS LIST.—The term  
11 ‘Top Two Funders list’ means, with respect to  
12 a communication which is paid for in whole or  
13 in part with a campaign-related disbursement  
14 (as defined in section 324), a list of the persons  
15 who, during the 12-month period ending on the  
16 date of the disbursement, provided the largest  
17 and the second largest payments of any type in  
18 an aggregate amount equal to or exceeding  
19 \$10,000 to the person who is paying for the  
20 communication and the amount of the payments  
21 each such person provided. If two or  
22 more persons provided the second largest of  
23 such payments, the person paying for the communication  
24 shall select one of those persons to  
25 be included on the Top Two Funders list.

1           “(C) EXCLUSION OF CERTAIN PAY-  
2           MENTS.—For purposes of subparagraphs (A)  
3           and (B), in determining the amount of pay-  
4           ments made by a person to a person paying for  
5           a communication, there shall be excluded the  
6           following:

7                   “(i) Any amounts provided in the or-  
8                   dinary course of any trade or business con-  
9                   ducted by the person paying for the com-  
10                  munication or in the form of investments  
11                  in the person paying for the communica-  
12                  tion.

13                   “(ii) Any payment which the person  
14                   prohibited, in writing, from being used for  
15                   campaign-related disbursements, but only  
16                   if the person paying for the communication  
17                   agreed to follow the prohibition and depos-  
18                   ited the payment in an account which is  
19                   segregated from any account used to make  
20                   campaign-related disbursements.

21           “(6) EXCEPTION FOR COMMUNICATIONS PAID  
22           FOR BY POLITICAL PARTIES AND CERTAIN POLIT-  
23           ICAL COMMITTEES.—This subsection does not apply  
24           to any communication to which subsection (d)(2) ap-  
25           plies.”.

1 (b) APPLICATION OF EXPANDED REQUIREMENTS TO  
2 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-  
3 RELATED DISBURSEMENTS.—Section 318(a) of such Act  
4 (52 U.S.C. 30120(a)) is amended by striking “for the pur-  
5 pose of financing communications expressly advocating the  
6 election or defeat of a clearly identified candidate” and  
7 inserting “for a campaign-related disbursement, as de-  
8 fined in section 324, consisting of a public communica-  
9 tion”.

10 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY  
11 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-  
12 TEES.—Section 318(d)(2) of such Act (52 U.S.C.  
13 30120(d)(2)) is amended—

14 (1) in the heading, by striking “OTHERS” and  
15 inserting “CERTAIN POLITICAL COMMITTEES”;

16 (2) by striking “Any communication” and in-  
17 serting “(A) Any communication”;

18 (3) by inserting “which (except to the extent  
19 provided in subparagraph (B)) is paid for by a polit-  
20 ical committee (including a political committee of a  
21 political party) and” after “subsection (a)”;

22 (4) by striking “or other person” each place it  
23 appears; and

24 (5) by adding at the end the following new sub-  
25 paragraph:

1           “(B)(i) This paragraph does not apply to a  
2           communication paid for in whole or in part during  
3           a calendar year with a campaign-related disburse-  
4           ment, but only if the covered organization making  
5           the campaign-related disbursement made campaign-  
6           related disbursements (as defined in section 324) ag-  
7           gregating more than \$10,000 during such calendar  
8           year.

9           “(ii) For purposes of clause (i), in determining  
10          the amount of campaign-related disbursements made  
11          by a covered organization during a year, there shall  
12          be excluded the following:

13               “(I) Any amounts received by the covered  
14               organization in the ordinary course of any trade  
15               or business conducted by the covered organiza-  
16               tion or in the form of investments in the cov-  
17               ered organization.

18               “(II) Any amounts received by the covered  
19               organization from a person who prohibited, in  
20               writing, the organization from using such  
21               amounts for campaign-related disbursements,  
22               but only if the covered organization agreed to  
23               follow the prohibition and deposited the  
24               amounts in an account which is segregated



1 from any account used to make campaign-re-  
2 lated disbursements.”.

3 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**  
4 **TIONS MADE THROUGH PRERECORDED TELE-**  
5 **PHONE CALLS.**

6 (a) APPLICATION OF REQUIREMENTS.—

7 (1) IN GENERAL.—Section 318(a) of the Fed-  
8 eral Election Campaign Act of 1971 (52 U.S.C.  
9 30120(a)), as amended by section 4205(c), is  
10 amended by inserting after “public communication”  
11 each place it appears the following: “(including a  
12 telephone call consisting in substantial part of a  
13 prerecorded audio message)”.

14 (2) APPLICATION TO COMMUNICATIONS SUB-  
15 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—

16 Section 318(e)(1) of such Act (52 U.S.C.  
17 30120(e)(1)), as added by section 4302(a), is  
18 amended in the matter preceding subparagraph (A)  
19 by striking “which is transmitted in an audio or  
20 video format” and inserting “which is transmitted in  
21 an audio or video format or which consists of a tele-  
22 phone call consisting in substantial part of a  
23 prerecorded audio message”.

24 (b) TREATMENT AS COMMUNICATION TRANSMITTED  
25 IN AUDIO FORMAT.—

1           (1) COMMUNICATIONS BY CANDIDATES OR AU-  
2 THORIZED PERSONS.—Section 318(d) of such Act  
3 (52 U.S.C. 30120(d)) is amended by adding at the  
4 end the following new paragraph:

5           “(3) PRERECORDED TELEPHONE CALLS.—Any  
6 communication described in paragraph (1), (2), or  
7 (3) of subsection (a) (other than a communication  
8 which is subject to subsection (e)) which is a tele-  
9 phone call consisting in substantial part of a  
10 prerecorded audio message shall include, in addition  
11 to the requirements of such paragraph, the audio  
12 statement required under subparagraph (A) of para-  
13 graph (1) or the audio statement required under  
14 paragraph (2) (whichever is applicable), except that  
15 the statement shall be made at the beginning of the  
16 telephone call.”.

17           (2) COMMUNICATIONS SUBJECT TO EXPANDED  
18 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of  
19 such Act (52 U.S.C. 30120(e)(3)), as added by sec-  
20 tion 4302(a), is amended by adding at the end the  
21 following new subparagraph:

22           “(C) PRERECORDED TELEPHONE CALLS.—  
23 In the case of a communication to which this  
24 subsection applies which is a telephone call con-  
25 sisting in substantial part of a prerecorded

1 audio message, the communication shall be con-  
2 sidered to be transmitted in an audio format.”.

3 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**  
4 **CLAIMER REQUIREMENTS ON INTERNET**  
5 **COMMUNICATIONS.**

6 Nothing in this subtitle or the amendments made by  
7 this subtitle may be construed to require any person who  
8 is not required under section 318 of the Federal Election  
9 Campaign Act of 1971 (as provided under section 110.11  
10 of title 11 of the Code of Federal Regulations) to include  
11 a disclaimer on communications made by the person  
12 through the internet to include any disclaimer on any such  
13 communications.

14 **SEC. 4305. EFFECTIVE DATE.**

15 The amendments made by this subtitle shall apply  
16 with respect to communications made on or after January  
17 1, 2020, and shall take effect without regard to whether  
18 or not the Federal Election Commission has promulgated  
19 regulations to carry out such amendments.

1                   **Subtitle E—Secret Money**  
2                                   **Transparency**

3   **SEC. 4401. REPEAL OF RESTRICTION OF USE OF FUNDS BY**  
4                                   **INTERNAL REVENUE SERVICE TO BRING**  
5                                   **TRANSPARENCY TO POLITICAL ACTIVITY OF**  
6                                   **CERTAIN NONPROFIT ORGANIZATIONS.**

7           Notwithstanding section 101 of division C of Public  
8 Law 115–245, section 125 of Division E of the Consoli-  
9 dated Appropriations Act, 2018 shall have no force or ef-  
10 fect during fiscal year 2019.

11                   **Subtitle F—Shareholder Right-to-**  
12                                   **Know**

13   **SEC. 4501. REPEAL OF RESTRICTION ON USE OF FUNDS BY**  
14                                   **SECURITIES AND EXCHANGE COMMISSION TO**  
15                                   **ENSURE SHAREHOLDERS OF CORPORATIONS**  
16                                   **HAVE KNOWLEDGE OF CORPORATION POLIT-**  
17                                   **ICAL ACTIVITY.**

18           Notwithstanding section 101 of division C of Public  
19 Law 115–245, section 631 of Division E of the Consoli-  
20 dated Appropriations Act, 2019 shall have no force or ef-  
21 fect during fiscal year 2019.

1 **Subtitle G—Disclosure of Political**  
2 **Spending by Government Con-**  
3 **tractors**

4 **SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS TO**  
5 **REQUIRE DISCLOSURE OF POLITICAL SPEND-**  
6 **ING BY GOVERNMENT CONTRACTORS.**

7 Notwithstanding section 101 of division C of Public  
8 Law 115–245, section 735 of Division E of the Consoli-  
9 dated Appropriations Act, 2019 shall have no force or ef-  
10 fect during fiscal year 2019.

11 **Subtitle H—Limitation and Disclo-**  
12 **sure Requirements for Presi-**  
13 **dential Inaugural Committees**

14 **SEC. 4701. SHORT TITLE.**

15 This subtitle may be cited as the “Presidential Inau-  
16 gural Committee Oversight Act”.

17 **SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**  
18 **NATIONS TO, AND DISBURSEMENTS BY, INAUG-**  
19 **URAL COMMITTEES.**

20 (a) REQUIREMENTS FOR INAUGURAL COMMIT-  
21 TEES.—Title III of the Federal Election Campaign Act  
22 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding  
23 at the end the following new section:

24 **“SEC. 325. INAUGURAL COMMITTEES.**

25 **“(a) PROHIBITED DONATIONS.—**

1           “(1) IN GENERAL.—It shall be unlawful—  
2           “(A) for an Inaugural Committee—  
3           “(i) to solicit, accept, or receive a do-  
4           nation from a person that is not an indi-  
5           vidual; or  
6           “(ii) to solicit, accept, or receive a do-  
7           nation from a foreign national;  
8           “(B) for a person—  
9           “(i) to make a donation to an Inau-  
10          gural Committee in the name of another  
11          person, or to knowingly authorize his or  
12          her name to be used to effect such a dona-  
13          tion;  
14          “(ii) to knowingly accept a donation  
15          to an Inaugural Committee made by a per-  
16          son in the name of another person; or  
17          “(iii) to convert a donation to an In-  
18          augural Committee to personal use as de-  
19          scribed in paragraph (2); and  
20          “(C) for a foreign national to, directly or  
21          indirectly, make a donation, or make an express  
22          or implied promise to make a donation, to an  
23          Inaugural Committee.  
24          “(2) CONVERSION OF DONATION TO PERSONAL  
25          USE.—For purposes of paragraph (1)(B)(iii), a do-

1 nation shall be considered to be converted to per-  
2 sonal use if any part of the donated amount is used  
3 to fulfill a commitment, obligation, or expense of a  
4 person that would exist irrespective of the respon-  
5 sibilities of the Inaugural Committee under chapter  
6 5 of title 36, United States Code.

7 “(3) NO EFFECT ON DISBURSEMENT OF UN-  
8 USED FUNDS TO NONPROFIT ORGANIZATIONS.—  
9 Nothing in this subsection may be construed to pro-  
10 hibit an Inaugural Committee from disbursing un-  
11 used funds to an organization which is described in  
12 section 501(c)(3) of the Internal Revenue Code of  
13 1986 and is exempt from taxation under section  
14 501(a) of such Code.

15 “(b) LIMITATION ON DONATIONS.—

16 “(1) IN GENERAL.—It shall be unlawful for an  
17 individual to make donations to an Inaugural Com-  
18 mittee which, in the aggregate, exceed \$50,000.

19 “(2) INDEXING.—At the beginning of each  
20 Presidential election year (beginning with 2024), the  
21 amount described in paragraph (1) shall be in-  
22 creased by the cumulative percent difference deter-  
23 mined in section 315(c)(1)(A) since the previous  
24 Presidential election year. If any amount after such

1 increase is not a multiple of \$1,000, such amount  
2 shall be rounded to the nearest multiple of \$1,000.

3 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-  
4 BURSEMENTS.—

5 “(1) DONATIONS OVER \$1,000.—

6 “(A) IN GENERAL.—An Inaugural Com-  
7 mittee shall file with the Commission a report  
8 disclosing any donation by an individual to the  
9 committee in an amount of \$1,000 or more not  
10 later than 24 hours after the receipt of such do-  
11 nation.

12 “(B) CONTENTS OF REPORT.—A report  
13 filed under subparagraph (A) shall contain—

14 “(i) the amount of the donation;

15 “(ii) the date the donation is received;

16 and

17 “(iii) the name and address of the in-  
18 dividual making the donation.

19 “(2) FINAL REPORT.—Not later than the date  
20 that is 90 days after the date of the Presidential in-  
21 augural ceremony, the Inaugural Committee shall  
22 file with the Commission a report containing the fol-  
23 lowing information:

24 “(A) For each donation of money or any-  
25 thing of value made to the committee in an ag-



1 aggregate amount equal to or greater than  
2 \$200—

3 “(i) the amount of the donation;

4 “(ii) the date the donation is received;

5 and

6 “(iii) the name and address of the in-  
7 dividual making the donation.

8 “(B) The total amount of all disburse-  
9 ments, and all disbursements in the following  
10 categories:

11 “(i) Disbursements made to meet  
12 committee operating expenses.

13 “(ii) Repayment of all loans.

14 “(iii) Donation refunds and other off-  
15 sets to donations.

16 “(iv) Any other disbursements.

17 “(C) The name and address of each per-  
18 son—

19 “(i) to whom a disbursement in an ag-  
20 gregate amount or value in excess of \$200  
21 is made by the committee to meet a com-  
22 mittee operating expense, together with  
23 date, amount, and purpose of such oper-  
24 ating expense;

1           “(ii) who receives a loan repayment  
2           from the committee, together with the date  
3           and amount of such loan repayment;

4           “(iii) who receives a donation refund  
5           or other offset to donations from the com-  
6           mittee, together with the date and amount  
7           of such disbursement; and

8           “(iv) to whom any other disbursement  
9           in an aggregate amount or value in excess  
10          of \$200 is made by the committee, to-  
11          gether with the date and amount of such  
12          disbursement.

13          “(d) DEFINITIONS.—For purposes of this section:

14                 “(1)(A) The term ‘donation’ includes—

15                         “(i) any gift, subscription, loan, ad-  
16                         vance, or deposit of money or anything of  
17                         value made by any person to the com-  
18                         mittee; or

19                         “(ii) the payment by any person of  
20                         compensation for the personal services of  
21                         another person which are rendered to the  
22                         committee without charge for any purpose.

23                 “(B) The term ‘donation’ does not include  
24                 the value of services provided without com-

1           pensation by any individual who volunteers on  
2           behalf of the committee.

3           “(2) The term ‘foreign national’ has the mean-  
4           ing given that term by section 319(b).

5           “(3) The term ‘Inaugural Committee’ has the  
6           meaning given that term by section 501 of title 36,  
7           United States Code.”.

8           (b) CONFIRMING AMENDMENT RELATED TO RE-  
9           PORTING REQUIREMENTS.—Section 304 of the Federal  
10          Election Campaign Act (52 U.S.C. 30104) is amended—

11           (1) by striking subsection (h); and

12           (2) by redesignating subsection (i) as subsection  
13          (h).

14          (c) CONFORMING AMENDMENT RELATED TO STATUS  
15          OF COMMITTEE.—Section 510 of title 36, United States  
16          Code, is amended to read as follows:

17          **“§ 510. Disclosure of and prohibition on certain dona-**  
18                  **tions**

19          “A committee shall not be considered to be the Inau-  
20          gural Committee for purposes of this chapter unless the  
21          committee agrees to, and meets, the requirements of sec-  
22          tion 325 of the Federal Election Campaign Act of 1971.”.

23          (d) EFFECTIVE DATE.—The amendments made by  
24          this Act shall apply with respect to Inaugural Committees  
25          established under chapter 5 of title 36, United States

1 Code, for inaugurations held in 2021 and any succeeding  
2 year.

### 3 **Subtitle I—Severability**

#### 4 **SEC. 4801. SEVERABILITY.**

5 If any provision of this title or amendment made by  
6 this title, or the application of a provision or amendment  
7 to any person or circumstance, is held to be unconstitu-  
8 tional, the remainder of this title and amendments made  
9 by this title, and the application of the provisions and  
10 amendment to any person or circumstance, shall not be  
11 affected by the holding.

## 12 **TITLE V—CAMPAIGN FINANCE** 13 **EMPOWERMENT**

#### Subtitle A—Findings Relating to *Citizens United* Decision

Sec. 5001. Findings relating to *Citizens United* decision.

#### Subtitle B—Congressional Elections

Sec. 5100. Short title.

#### PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.

Sec. 5102. Voucher program described.

Sec. 5103. Reports.

Sec. 5104. Definitions.

#### PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

#### “TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

##### “Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Procedures for making payments.

“Sec. 503. Use of funds.

“Sec. 504. Qualified small dollar contributions described.

## “Subtitle B—Eligibility and Certification

- “Sec. 511. Eligibility.
- “Sec. 512. Qualifying requirements.
- “Sec. 513. Certification.

## “Subtitle C—Requirements for Candidates Certified as Participating Candidates

- “Sec. 521. Contribution and expenditure requirements.
- “Sec. 522. Administration of campaign.
- “Sec. 523. Preventing unnecessary spending of public funds.
- “Sec. 524. Remitting unspent funds after election.

## “Subtitle A—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 B—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.

## 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.

PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

- Sec. 5301. Short title; findings.
- 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  
 8             rights and responsibilities as citizens to vote, be rep-  
 9             resented, speak, debate, and participate in self-gov-  
 10            ernment on equal terms regardless of wealth. To se-  
 11            cure these rights and responsibilities, our Constitu-  
 12            tion not only protects the equal rights of all Ameri-  
 13            cans but also provides checks and balances to pre-  
 14            vent corruption and prevent concentrated power and  
 15            wealth from undermining effective self-government.

16                    (2) The Supreme Court’s decisions in *Citizens*  
 17            *United v. Federal Election Commission*, 558 U.S.

1       310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185  
2       (2014), as well as other court decisions, erroneously  
3       invalidated even-handed rules about the spending of  
4       money in local, State, and Federal elections. These  
5       flawed decisions have empowered large corporations,  
6       extremely wealthy individuals, and special interests  
7       to dominate election spending, corrupt our politics,  
8       and degrade our democracy through tidal waves of  
9       unlimited and anonymous spending. These decisions  
10      also stand in contrast to a long history of efforts by  
11      Congress and the States to regulate money in poli-  
12      tics to protect democracy, and they illustrate a trou-  
13      bling deregulatory trend in campaign finance-related  
14      court decisions. Additionally, an unknown amount of  
15      foreign money continues to be spent in our political  
16      system as subsidiaries of foreign-based corporations  
17      and hostile foreign actors sometimes connected to  
18      nation-States work to influence our elections.

19           (3) The Supreme Court's misinterpretation of  
20      the Constitution to empower monied interests at the  
21      expense of the American people in elections has seri-  
22      ously eroded over 100 years of congressional action  
23      to promote fairness and protect elections from the  
24      toxic influence of money.

1           (4) In 1907, Congress passed the Tillman Act  
2           in response to the concentration of corporate power  
3           in the post-Civil War Gilded Age. The Act prohibited  
4           corporations from making contributions in connec-  
5           tion with Federal elections, aiming “not merely to  
6           prevent the subversion of the integrity of the elec-  
7           toral process [but] . . . to sustain the active, alert  
8           responsibility of the individual citizen in a democ-  
9           racy for the wise conduct of government”.

10           (5) By 1910, Congress began passing disclosure  
11           requirements and campaign expenditure limits, and  
12           dozens of States passed corrupt practices Acts to  
13           prohibit corporate spending in elections. States also  
14           enacted campaign spending limits, and some States  
15           limited the amount that people could contribute to  
16           campaigns.

17           (6) In 1947, the Taft-Hartley Act prohibited  
18           corporations and unions from making campaign con-  
19           tributions or other expenditures to influence elec-  
20           tions. In 1962, a Presidential commission on election  
21           spending recommended spending limits and incen-  
22           tives to increase small contributions from more peo-  
23           ple.

24           (7) The Federal Election Campaign Act of  
25           1971 (FECA), as amended in 1974, required dislo-



1       sure of contributions and expenditures, imposed con-  
2       tribution and expenditure limits for individuals and  
3       groups, set spending limits for campaigns, can-  
4       didates, and groups, implemented a public funding  
5       system for Presidential campaigns, and created the  
6       Federal Election Commission to oversee and enforce  
7       the new rules.

8               (8) In the wake of *Citizens United* and other  
9       damaging Federal court decisions, Americans have  
10      witnessed an explosion of outside spending in elec-  
11      tions. Outside spending increased nearly 900 percent  
12      between the 2008 and 2016 Presidential election  
13      years. Indeed, the 2018 elections once again made  
14      clear the overwhelming political power of wealthy  
15      special interests, to the tune of over \$5,000,000,000.  
16      And as political entities adapt to a post- *Citizens*  
17      *United*, post-*McCutcheon* landscape, these trends are  
18      getting worse, as evidenced by the experience in the  
19      2018 midterm congressional elections, where outside  
20      spending more than doubled from the previous mid-  
21      term cycle.

22              (9) The torrent of money flowing into our polit-  
23      ical system has a profound effect on the democratic  
24      process for everyday Americans, whose voices and  
25      policy preferences are increasingly being drowned

1 out by those of wealthy special interests. The more  
2 campaign cash from wealthy special interests can  
3 flood our elections, the more policies that favor those  
4 interests are reflected in the national political agen-  
5 da. When it comes to policy preferences, our Na-  
6 tion's wealthiest tend to have fundamentally dif-  
7 ferent views than do average Americans when it  
8 comes to issues ranging from unemployment benefits  
9 to the minimum wage to health care coverage.

10 (10) The Court has tied the hands of Congress  
11 and the States, severely restricting them from set-  
12 ting reasonable limits on campaign spending. For  
13 example, the Court has held that only the Govern-  
14 ment's interest in preventing quid pro quo corrup-  
15 tion, like bribery, or the appearance of such corrup-  
16 tion, can justify limits on campaign contributions.  
17 More broadly, the Court has severely curtailed at-  
18 tempts to reduce the ability of the Nation's wealthi-  
19 est and most powerful to skew our democracy in  
20 their favor by buying outsized influence in our elec-  
21 tions. Because this distortion of the Constitution has  
22 prevented truly meaningful regulation or reform of  
23 the way we finance elections in America, a constitu-  
24 tional amendment is needed to achieve a democracy  
25 for all the people.

1           (11) Since the landmark *Citizens United* deci-  
2           sion, 19 States and nearly 800 municipalities, in-  
3           cluding large cities like New York, Los Angeles, Chi-  
4           cago, and Philadelphia, have gone on record sup-  
5           porting a constitutional amendment. Transcending  
6           political leanings and geographic location, voters in  
7           States and municipalities across the country that  
8           have placed amendment questions on the ballot have  
9           routinely supported these initiatives by considerably  
10          large margins.

11          (12) At the same time millions of Americans  
12          have signed petitions, marched, called their Members  
13          of Congress, written letters to the editor, and other-  
14          wise demonstrated their public support for a con-  
15          stitutional amendment to overturn *Citizens United*  
16          that will allow Congress to reign in the outsized in-  
17          fluence of unchecked money in politics. Dozens of  
18          organizations, representing tens of millions of indi-  
19          viduals, have come together in a shared strategy of  
20          supporting such an amendment.

21          (13) In order to protect the integrity of democ-  
22          racy and the electoral process and to ensure political  
23          equality for all, the Constitution should be amended  
24          so that Congress and the States may regulate and  
25          set limits on the raising and spending of money to

1 influence elections and may distinguish between nat-  
2 ural persons and artificial entities, like corporations,  
3 that are created by law, including by prohibiting  
4 such artificial entities from spending money to influ-  
5 ence elections.

6 **Subtitle B—Congressional**  
7 **Elections**

8 **SEC. 5100. SHORT TITLE.**

9 This subtitle may be cited as the “Government By  
10 the People Act of 2019”.

11 **PART 1—MY VOICE VOUCHER PILOT PROGRAM**

12 **SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.**

13 (a) **ESTABLISHMENT.**—The Federal Election Com-  
14 mission (hereafter in this part referred to as the “Commis-  
15 sion”) shall establish a pilot program under which the  
16 Commission shall select 3 eligible States to operate a  
17 voucher pilot program which is described in section 5102  
18 during the program operation period.

19 (b) **ELIGIBILITY OF STATES.**—A State is eligible to  
20 be selected to operate a voucher pilot program under this  
21 part if, not later than 180 days after the beginning of the  
22 program application period, the State submits to the Com-  
23 mission an application containing—

1 (1) information and assurances that the State  
2 will operate a voucher program which contains the  
3 elements described in section 5102(a);

4 (2) information and assurances that the State  
5 will establish fraud prevention mechanisms described  
6 in section 5102(b);

7 (3) information and assurances that the State  
8 will establish a commission to oversee and implement  
9 the program as described in section 5102(c);

10 (4) information and assurances that the State  
11 will carry out a public information campaign as de-  
12 scribed in section 5102(d);

13 (5) information and assurances that the State  
14 will submit reports as required under section 5103;  
15 and

16 (6) such other information and assurances as  
17 the Commission may require.

18 (c) SELECTION OF PARTICIPATING STATES.—

19 (1) IN GENERAL.—Not later than 1 year after  
20 the beginning of the program application period, the  
21 Commission shall select the 3 States which will oper-  
22 ate voucher pilot programs under this part.

23 (2) CRITERIA.—In selecting States for the oper-  
24 ation of the voucher pilot programs under this part,  
25 the Commission shall apply such criteria and metrics

1 as the Commission considers appropriate to deter-  
2 mine the ability of a State to operate the program  
3 successfully, and shall attempt to select States in a  
4 variety of geographic regions and with a variety of  
5 political party preferences.

6 (3) NO SUPERMAJORITY REQUIRED FOR SELEC-  
7 TION.—The selection of States by the Commission  
8 under this subsection shall require the approval of  
9 only half of the Members of the Commission.

10 (d) DUTIES OF STATES DURING PROGRAM PREPARA-  
11 TION PERIOD.—During the program preparation period,  
12 each State selected to operate a voucher pilot program  
13 under this part shall take such actions as may be nec-  
14 essary to ensure that the State will be ready to operate  
15 the program during the program operation period, and  
16 shall complete such actions not later than 90 days before  
17 the beginning of the program operation period.

18 (e) TERMINATION.—Each voucher pilot program  
19 under this part shall terminate as of the first day after  
20 the program operation period.

21 (f) REIMBURSEMENT OF COSTS.—Upon receiving the  
22 report submitted by a State under section 5103(a) with  
23 respect to an election cycle, the Commission shall transmit  
24 a payment to the State in an amount equal to the reason-

1 able costs incurred by the State in operating the voucher  
2 pilot program under this part during the cycle.

3 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

4 (a) GENERAL ELEMENTS OF PROGRAM.—

5 (1) ELEMENTS DESCRIBED.—The elements of a  
6 voucher pilot program operated by a State under  
7 this part are as follows:

8 (A) The State shall provide each qualified  
9 individual upon the individual's request with a  
10 voucher worth \$25 to be known as a "My Voice  
11 Voucher" during the election cycle which will be  
12 assigned a routing number and which at the op-  
13 tion of the individual will be provided in either  
14 paper or electronic form.

15 (B) Using the routing number assigned to  
16 the My Voice Voucher, the individual may sub-  
17 mit the My Voice Voucher in either electronic  
18 or paper form to qualified candidates for elec-  
19 tion for the office of Representative in, or Dele-  
20 gate or Resident Commissioner to, the Congress  
21 and allocate such portion of the value of the My  
22 Voice Voucher in increments of \$5 as the indi-  
23 vidual may select to any such candidate.

24 (C) If the candidate transmits the My  
25 Voice Voucher to the Commission, the Commis-

1           sion shall pay the candidate the portion of the  
2           value of the My Voice Voucher that the indi-  
3           vidual allocated to the candidate, which shall be  
4           considered a contribution by the individual to  
5           the candidate for purposes of the Federal Elec-  
6           tion Campaign Act of 1971.

7           (2) DESIGNATION OF QUALIFIED INDIVID-  
8           UALS.—For purposes of paragraph (1)(A), a “quali-  
9           fied individual” with respect to a State means an in-  
10          dividual—

11                   (A) who is a resident of the State;

12                   (B) who will be of voting age as of the  
13           date of the election for the candidate to whom  
14           the individual submits a My Voice Voucher; and

15                   (C) who is not prohibited under Federal  
16           law from making contributions to candidates  
17           for election for Federal office.

18           (3) TREATMENT AS CONTRIBUTION TO CAN-  
19           DIDATE.—For purposes of the Federal Election  
20           Campaign Act of 1971, the submission of a My  
21           Voice Voucher to a candidate by an individual shall  
22           be treated as a contribution to the candidate by the  
23           individual in the amount of the portion of the value  
24           of the Voucher that the individual allocated to the  
25           candidate.



1 (b) FRAUD PREVENTION MECHANISM.—In addition  
2 to the elements described in subsection (a), a State oper-  
3 ating a voucher pilot program under this part shall permit  
4 an individual to revoke a My Voice Voucher not later than  
5 2 days after submitting the My Voice Voucher to a can-  
6 didate.

7 (c) OVERSIGHT COMMISSION.—In addition to the ele-  
8 ments described in subsection (a), a State operating a  
9 voucher pilot program under this part shall establish a  
10 commission or designate an existing entity to oversee and  
11 implement the program in the State, except that no such  
12 commission or entity may be comprised of elected officials.

13 (d) PUBLIC INFORMATION CAMPAIGN.—In addition  
14 to the elements described in subsection (a), a State oper-  
15 ating a voucher pilot program under this part shall carry  
16 out a public information campaign to disseminate aware-  
17 ness of the program among qualified individuals.

18 **SEC. 5103. REPORTS.**

19 (a) PRELIMINARY REPORT.—Not later than 6  
20 months after the first election cycle of the program oper-  
21 ation period, a State which operates a voucher pilot pro-  
22 gram under this part shall submit a report to the Commis-  
23 sion analyzing the operation and effectiveness of the pro-  
24 gram during the cycle and including such other informa-  
25 tion as the Commission may require.

1           (b) FINAL REPORT.—Not later than 6 months after  
2 the end of the program operation period, the State shall  
3 submit a final report to the Commission analyzing the op-  
4 eration and effectiveness of the program and including  
5 such other information as the Commission may require.

6           (c) REPORT BY COMMISSION.—Not later than the  
7 end of the first election cycle which begins after the pro-  
8 gram operation period, the Commission shall submit a re-  
9 port to Congress which summarizes and analyzes the re-  
10 sults of the voucher pilot program, and shall include in  
11 the report such recommendations as the Commission con-  
12 siders appropriate regarding the expansion of the pilot  
13 program to all States and territories, along with such  
14 other recommendations and other information as the Com-  
15 mission considers appropriate.

16 **SEC. 5104. DEFINITIONS.**

17           (a) ELECTION CYCLE.—In this part, the term “elec-  
18 tion cycle” means the period beginning on the day after  
19 the date of the most recent regularly scheduled general  
20 election for Federal office and ending on the date of the  
21 next regularly scheduled general election for Federal of-  
22 fice.

23           (b) DEFINITIONS RELATING TO PERIODS.—In this  
24 part, the following definitions apply:

1           (1) PROGRAM APPLICATION PERIOD.—The term  
2           “program application period” means the first elec-  
3           tion cycle which begins after the date of the enact-  
4           ment of this Act.

5           (2) PROGRAM PREPARATION PERIOD.—The  
6           term “program preparation period” means the first  
7           election cycle which begins after the program appli-  
8           cation period.

9           (3) PROGRAM OPERATION PERIOD.—The term  
10          “program operation period” means the first 2 elec-  
11          tion cycles which begin after the program prepara-  
12          tion period.

13           **PART 2—SMALL DOLLAR FINANCING OF**  
14           **CONGRESSIONAL ELECTION CAMPAIGNS**  
15           **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS**  
16           **FOR CANDIDATES.**

17          The Federal Election Campaign Act of 1971 (52  
18          U.S.C. 30101 et seq.) is amended by adding at the end  
19          the 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 Com-  
9 missioner to, the Congress is certified as a participating  
10 candidate under this title with respect to an election for  
11 such office, the candidate shall be entitled to payments  
12 as provided 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  
17 made to the candidate under this title during the election  
18 cycle, without regard to whether or not the candidate re-  
19 ceived any of the contributions before, during, or after the  
20 Small Dollar Democracy qualifying period applicable to  
21 the candidate under section 511(c).

22 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-  
23 MENTS.—The aggregate amount of payments made to a  
24 participating candidate with respect to an election cycle  
25 under this title may not exceed 50 percent of the average

1 of the 20 greatest amounts of disbursements made by the  
2 authorized committees of any winning candidate for the  
3 office of Representative in, or Delegate or Resident Com-  
4 missioner to, the Congress during the most recent election  
5 cycle, rounded to the 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  
14 the candidate under this title during the election  
15 cycle;

16 “(2) a statement of the amount of the payment  
17 the candidate anticipates receiving with respect to  
18 the request;

19 “(3) a statement of the total amount of pay-  
20 ments the candidate has received under this title as  
21 of the date of the statement; and

22 “(4) such other information and assurances as  
23 the Commission may require.

1       “(b) RESTRICTIONS ON SUBMISSION OF RE-  
2 QUESTS.—A candidate may not submit a request under  
3 subsection (a) unless each of the following applies:

4               “(1) The amount of the qualified small dollar  
5 contributions in the statement referred to in sub-  
6 section (a)(1) is equal to or greater than \$5,000, un-  
7 less the request is submitted during the 30-day pe-  
8 riod which ends on the date of a general election.

9               “(2) The candidate did not receive a payment  
10 under this title during the 7-day period which ends  
11 on the date the candidate submits the request.

12       “(c) TIME OF PAYMENT.—The Commission shall, in  
13 coordination with the Secretary of the Treasury, take such  
14 steps as may be necessary to ensure that the Secretary  
15 is able to make payments under this section from the  
16 Treasury not later than 2 business days after the receipt  
17 of a request submitted under subsection (a).

18 **“SEC. 503. USE OF FUNDS.**

19       “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN  
20 EXPENDITURES.—A candidate shall use payments made  
21 under this title, including payments provided with respect  
22 to a previous election cycle which are withheld from remit-  
23 tance to the Commission in accordance with section  
24 524(a)(2), only for making direct payments for the receipt  
25 of goods and services which constitute authorized expendi-

1 tures (as determined in accordance with title III) in con-  
2 nection with the election cycle involved.

3 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-  
4 PENSES, FINES, OR PENALTIES.—Notwithstanding title  
5 III, a candidate may not use payments made under this  
6 title for the payment of expenses incurred in connection  
7 with any action, claim, or other matter before the Commis-  
8 sion or before any court, hearing officer, arbitrator, or  
9 other dispute resolution entity, or for the payment of any  
10 fine or civil monetary penalty.

11 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-  
12 SCRIBED.**

13 “(a) IN GENERAL.—In this title, the term ‘qualified  
14 small dollar contribution’ means, with respect to a can-  
15 didate and the authorized committees of a candidate, a  
16 contribution that meets the following requirements:

17 “(1) The contribution is in an amount that is—

18 “(A) not less than \$1; and

19 “(B) not more than \$200.

20 “(2)(A) The contribution is made directly by an  
21 individual to the candidate or an authorized com-  
22 mittee of the candidate and is not—

23 “(i) forwarded from the individual making  
24 the contribution to the candidate or committee  
25 by another person; or

1           “(ii) received by the candidate or com-  
2           mittee with the knowledge that the contribution  
3           was made at the request, suggestion, or rec-  
4           ommendation of another person.

5           “(B) In this paragraph—

6           “(i) the term ‘person’ does not include an  
7           individual (other than an individual described in  
8           section 304(i)(7) of the Federal Election Cam-  
9           paign Act of 1971), a political committee of a  
10          political party, or any political committee which  
11          is not a separate segregated fund described in  
12          section 316(b) of the Federal Election Cam-  
13          paign Act of 1971 and which does not make  
14          independent expenditures, does not engage in  
15          lobbying activity under the Lobbying Disclosure  
16          Act of 1995 (2 U.S.C. 1601 et seq.), and is not  
17          established by, controlled by, or affiliated with  
18          a registered lobbyist under such Act, an agent  
19          of a registered lobbyist under such Act, or an  
20          organization which retains or employs a reg-  
21          istered lobbyist under such Act; and

22          “(ii) a contribution is not ‘made at the re-  
23          quest, suggestion, or recommendation of an-  
24          other person’ solely on the grounds that the  
25          contribution is made in response to information



1 provided to the individual making the contribu-  
2 tion by any person, so long as the candidate or  
3 authorized committee does not know the iden-  
4 tity of the person who provided the information  
5 to such individual.

6 “(3) The individual who makes the contribution  
7 does not make contributions to the candidate or the  
8 authorized committees of the candidate with respect  
9 to the election involved in an aggregate amount that  
10 exceeds the amount described in paragraph (1)(B),  
11 or any contribution to the candidate or the author-  
12 ized committees of the candidate with respect to the  
13 election involved that otherwise is not a qualified  
14 small dollar contribution.

15 “(b) TREATMENT OF MY VOICE VOUCHERS.—Any  
16 payment received by a candidate and the authorized com-  
17 mittees of a candidate which consists of a My Voice  
18 Voucher under the Government By the People Act of 2019  
19 shall be considered a qualified small dollar contribution  
20 for purposes of this title, so long as the individual making  
21 the payment meets the requirements of paragraphs (2)  
22 and (3) of subsection (a).

23 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-  
24 TIONS.—

1           “(1) PROHIBITING DONOR FROM MAKING SUB-  
2 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING  
3 ELECTION CYCLE.—

4           “(A) IN GENERAL.—An individual who  
5 makes a qualified small dollar contribution to a  
6 candidate or the authorized committees of a  
7 candidate with respect to an election may not  
8 make any subsequent contribution to such can-  
9 didate or the authorized committees of such  
10 candidate with respect to the election cycle  
11 which is not a qualified small dollar contribu-  
12 tion.

13           “(B) EXCEPTION FOR CONTRIBUTIONS TO  
14 CANDIDATES WHO VOLUNTARILY WITHDRAW  
15 FROM PARTICIPATION DURING QUALIFYING PE-  
16 RIOD.—Subparagraph (A) does not apply with  
17 respect to a contribution made to a candidate  
18 who, during the Small Dollar Democracy quali-  
19 fying period described in section 511(c), sub-  
20 mits a statement to the Commission under sec-  
21 tion 513(c) to voluntarily withdraw from par-  
22 ticipating in the program under this title.

23           “(2) TREATMENT OF SUBSEQUENT NON-  
24 QUALIFIED CONTRIBUTIONS.—If, notwithstanding  
25 the prohibition described in paragraph (1), an indi-

1       vidual who makes a qualified small dollar contribu-  
2       tion to a candidate or the authorized committees of  
3       a candidate with respect to an election makes a sub-  
4       sequent contribution to such candidate or the au-  
5       thorized committees of such candidate with respect  
6       to the election which is prohibited under paragraph  
7       (1) because it is not a qualified small dollar con-  
8       tribution, the candidate may take one of the fol-  
9       lowing actions:

10               “(A) Not later than 2 weeks after receiving  
11               the contribution, the candidate may return the  
12               subsequent contribution to the individual. In  
13               the case of a subsequent contribution which is  
14               not a qualified small dollar contribution because  
15               the contribution fails to meet the requirements  
16               of paragraph (3) of subsection (a) (relating to  
17               the aggregate amount of contributions made to  
18               the candidate or the authorized committees of  
19               the candidate by the individual making the con-  
20               tribution), the candidate may return an amount  
21               equal to the difference between the amount of  
22               the subsequent contribution and the amount de-  
23               scribed in paragraph (1)(B) of subsection (a).

24               “(B) The candidate may retain the subse-  
25               quent contribution, so long as not later than 2

1 weeks after receiving the subsequent contribu-  
2 tion, the candidate remits to the Commission  
3 for deposit in the Freedom From Influence  
4 Fund under section 541 an amount equal to  
5 any payments received by the candidate under  
6 this title which are attributable to the qualified  
7 small dollar contribution made by the individual  
8 involved.

9 “(3) NO EFFECT ON ABILITY TO MAKE MUL-  
10 TIPLE CONTRIBUTIONS.—Nothing in this section  
11 may be construed to prohibit an individual from  
12 making multiple qualified small dollar contributions  
13 to any candidate or any number of candidates, so  
14 long as each contribution meets each of the require-  
15 ments of paragraphs (1), (2), and (3) of subsection  
16 (a).

17 “(d) NOTIFICATION REQUIREMENTS FOR CAN-  
18 DIDATES.—

19 “(1) NOTIFICATION.—Each authorized com-  
20 mittee of a candidate who seeks to be a participating  
21 candidate under this title shall provide the following  
22 information in any materials for the solicitation of  
23 contributions, including any internet site through  
24 which individuals may make contributions to the  
25 committee:

1           “(A) A statement that if the candidate is  
2 certified as a participating candidate under this  
3 title, the candidate will receive matching pay-  
4 ments in an amount which is based on the total  
5 amount of qualified small dollar contributions  
6 received.

7           “(B) A statement that a contribution  
8 which meets the requirements set forth in sub-  
9 section (a) shall be treated as a qualified small  
10 dollar contribution under this title.

11           “(C) A statement that if a contribution is  
12 treated as qualified small dollar contribution  
13 under this title, the individual who makes the  
14 contribution may not make any contribution to  
15 the candidate or the authorized committees of  
16 the candidate during the election cycle which is  
17 not a qualified small dollar contribution.

18           “(2) ALTERNATIVE METHODS OF MEETING RE-  
19 QUIREMENTS.—An authorized committee may meet  
20 the requirements of paragraph (1)—

21           “(A) by including the information de-  
22 scribed in paragraph (1) in the receipt provided  
23 under section 512(b)(3) to a person making a  
24 qualified small dollar contribution; or

1           “(B) by modifying the information it pro-  
2           vides to persons making contributions which is  
3           otherwise required under title III (including in-  
4           formation it provides through the internet).

## 5           **“Subtitle B—Eligibility and** 6           **Certification**

### 7           **“SEC. 511. ELIGIBILITY.**

8           “(a) IN GENERAL.—A candidate for the office of  
9           Representative in, or Delegate or Resident Commissioner  
10          to, the Congress is eligible to be certified as a participating  
11          candidate under this title with respect to an election if  
12          the candidate meets the following requirements:

13               “(1) The candidate files with the Commission a  
14               statement of intent to seek certification as a partici-  
15               pating candidate.

16               “(2) The candidate meets the qualifying re-  
17               quirements of section 512.

18               “(3) The candidate files with the Commission a  
19               statement certifying that the authorized committees  
20               of the candidate meet the requirements of section  
21               504(d).

22               “(4) Not later than the last day of the Small  
23               Dollar Democracy qualifying period, the candidate  
24               files with the Commission an affidavit signed by the  
25               candidate and the treasurer of the candidate’s prin-

1        cial campaign committee declaring that the can-  
2        didate—

3                “(A) has complied and, if certified, will  
4                comply with the contribution and expenditure  
5                requirements of section 521;

6                “(B) if certified, will run only as a partici-  
7                pating candidate for all elections for the office  
8                that such candidate is seeking during that elec-  
9                tion cycle; and

10               “(C) has either qualified or will take steps  
11               to qualify under State law to be on the ballot.

12        “(b) GENERAL ELECTION.—Notwithstanding sub-  
13        section (a), a candidate shall not be eligible to be certified  
14        as a participating candidate under this title for a general  
15        election or a general runoff election unless the candidate’s  
16        party nominated the candidate to be placed on the ballot  
17        for the general election or the candidate is otherwise quali-  
18        fied to be on the ballot under State law.

19        “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-  
20        RIOD DEFINED.—The term ‘Small Dollar Democracy  
21        qualifying period’ means, with respect to any candidate  
22        for an office, the 180-day period (during the election cycle  
23        for such office) which begins on the date on which the  
24        candidate files a statement of intent under section  
25        511(a)(1), except that such period may not continue after

1 the date that is 30 days before the date of the general  
2 election for the office.

3 **“SEC. 512. QUALIFYING REQUIREMENTS.**

4 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-  
5 TRIBUTIONS.—A candidate for the office of Representative  
6 in, or Delegate or Resident Commissioner to, the Congress  
7 meets the requirement of this section if, during the Small  
8 Dollar Democracy qualifying period described in section  
9 511(c), each of the following occurs:

10 “(1) Not fewer than 1,000 individuals make a  
11 qualified small dollar contribution to the candidate.

12 “(2) The candidate obtains a total dollar  
13 amount of qualified small dollar contributions which  
14 is equal to or greater than \$50,000.

15 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
16 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each  
17 qualified small dollar contribution—

18 “(1) may be made by means of a personal  
19 check, money order, debit card, credit card, elec-  
20 tronic payment account, or any other method  
21 deemed appropriate by the Commission;

22 “(2) shall be accompanied by a signed state-  
23 ment (or, in the case of a contribution made online  
24 or through other electronic means, an electronic



1 equivalent) containing the contributor's name and  
2 address; and

3 “(3) shall be acknowledged by a receipt that is  
4 sent to the contributor with a copy (in paper or elec-  
5 tronic form) kept by the candidate for the Commis-  
6 sion.

7 “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-  
8 mission shall establish procedures for the auditing and  
9 verification of the contributions received and expenditures  
10 made by participating candidates under this title, includ-  
11 ing procedures for random audits, to ensure that such con-  
12 tributions and expenditures meet the requirements of this  
13 title.

14 **“SEC. 513. CERTIFICATION.**

15 “(a) DEADLINE AND NOTIFICATION.—

16 “(1) IN GENERAL.—Not later than 5 business  
17 days after a candidate files an affidavit under sec-  
18 tion 511(a)(4), the Commission shall—

19 “(A) determine whether or not the can-  
20 didate meets the requirements for certification  
21 as a participating candidate;

22 “(B) if the Commission determines that  
23 the candidate meets such requirements, certify  
24 the candidate as a participating candidate; and

1           “(C) notify the candidate of the Commis-  
2           sion’s determination.

3           “(2) DEEMED CERTIFICATION FOR ALL ELEC-  
4           TIONS IN ELECTION CYCLE.—If the Commission cer-  
5           tifies a candidate as a participating candidate with  
6           respect to the first election of the election cycle in-  
7           volved, the Commission shall be deemed to have cer-  
8           tified the candidate as a participating candidate with  
9           respect to all subsequent elections of the election  
10          cycle.

11          “(b) REVOCATION OF CERTIFICATION.—

12           “(1) IN GENERAL.—The Commission shall re-  
13          voke a certification under subsection (a) if—

14           “(A) a candidate fails to qualify to appear  
15          on the ballot at any time after the date of cer-  
16          tification (other than a candidate certified as a  
17          participating candidate with respect to a pri-  
18          mary election who fails to qualify to appear on  
19          the ballot for a subsequent election in that elec-  
20          tion cycle);

21           “(B) a candidate ceases to be a candidate  
22          for the office involved, as determined on the  
23          basis of an official announcement by an author-  
24          ized committee of the candidate or on the basis

1 of a reasonable determination by the Commis-  
2 sion; or

3 “(C) a candidate otherwise fails to comply  
4 with the requirements of this title, including  
5 any regulatory requirements prescribed by the  
6 Commission.

7 “(2) EXISTENCE OF CRIMINAL SANCTION.—The  
8 Commission shall revoke a certification under sub-  
9 section (a) if a penalty is assessed against the can-  
10 didate under section 309(d) with respect to the elec-  
11 tion.

12 “(3) EFFECT OF REVOCATION.—If a can-  
13 didate’s certification is revoked under this sub-  
14 section—

15 “(A) the candidate may not receive pay-  
16 ments under this title during the remainder of  
17 the election cycle involved; and

18 “(B) in the case of a candidate whose cer-  
19 tification is revoked pursuant to subparagraph  
20 (A) or subparagraph (C) of paragraph (1)—

21 “(i) the candidate shall repay to the  
22 Freedom From Influence Fund established  
23 under section 541 an amount equal to the  
24 payments received under this title with re-  
25 spect to the election cycle involved plus in-

1           terest (at a rate determined by the Com-  
2           mission on the basis of an appropriate an-  
3           nual percentage rate for the month in-  
4           volved) on any such amount received; and

5                   “(ii) the candidate may not be cer-  
6           tified as a participating candidate under  
7           this title with respect to the next election  
8           cycle.

9                   “(4) PROHIBITING PARTICIPATION IN FUTURE  
10          ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-  
11          OCATIONS.—If the Commission revokes the certifi-  
12          cation of an individual as a participating candidate  
13          under this title pursuant to subparagraph (A) or  
14          subparagraph (C) of paragraph (1) a total of 3  
15          times, the individual may not be certified as a par-  
16          ticipating candidate under this title with respect to  
17          any subsequent election.

18                   “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-  
19          PATING DURING QUALIFYING PERIOD.—At any time dur-  
20          ing the Small Dollar Democracy qualifying period de-  
21          scribed in section 511(c), a candidate may withdraw from  
22          participation in the program under this title by submitting  
23          to the Commission a statement of withdrawal (without re-  
24          gard to whether or not the Commission has certified the  
25          candidate as a participating candidate under this title as

1 of the time the candidate submits such statement), so long  
2 as the candidate has not submitted a request for payment  
3 under section 502.

4 “(d) PARTICIPATING CANDIDATE DEFINED.—In this  
5 title, a ‘participating candidate’ means a candidate for the  
6 office of Representative in, or Delegate or Resident Com-  
7 missioner to, the Congress who is certified under this sec-  
8 tion as eligible to receive benefits under this title.

9 **“Subtitle C—Requirements for Can-**  
10 **didates Certified as Partici-**  
11 **pating Candidates**

12 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
13 **MENTS.**

14 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND  
15 EXPENDITURES.—Except as provided in subsection (c), a  
16 participating candidate with respect to an election shall,  
17 with respect to all elections occurring during the election  
18 cycle for the office involved, accept no contributions from  
19 any source and make no expenditures from any amounts,  
20 other than the following:

21 “(1) Qualified small dollar contributions.

22 “(2) Payments under this title.

23 “(3) Contributions from political committees es-  
24 tablished and maintained by a national or State po-

1        litical party, subject to the applicable limitations of  
2        section 315.

3            “(4) Subject to subsection (b), personal funds  
4        of the candidate or of any immediate family member  
5        of the candidate (other than funds received through  
6        qualified small dollar contributions).

7            “(5) Contributions from individuals who are  
8        otherwise permitted to make contributions under  
9        this Act, subject to the applicable limitations of sec-  
10       tion 315, except that the aggregate amount of con-  
11       tributions a participating candidate may accept from  
12       any individual with respect to any election during  
13       the election cycle may not exceed \$1,000.

14            “(6) Contributions from multicandidate political  
15       committees, subject to the applicable limitations of  
16       section 315.

17        “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

18            “(1) LIMIT ON AMOUNT.—A candidate who is  
19       certified as a participating candidate may use per-  
20       sonal funds (including personal funds of any imme-  
21       diate family member of the candidate) so long as—

22            “(A) the aggregate amount used with re-  
23       spect to the election cycle (including any period  
24       of the cycle occurring prior to the candidate’s

1 certification as a participating candidate) does  
2 not exceed \$50,000; and

3 “(B) the funds are used only for making  
4 direct payments for the receipt of goods and  
5 services which constitute authorized expendi-  
6 tures in connection with the election cycle in-  
7 volved.

8 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
9 In this subsection, the term ‘immediate family mem-  
10 ber’ means, with respect to a candidate—

11 “(A) the candidate’s spouse;

12 “(B) a child, stepchild, parent, grand-  
13 parent, brother, half-brother, sister, or half-sis-  
14 ter of the candidate or the candidate’s spouse;  
15 and

16 “(C) the spouse of any person described in  
17 subparagraph (B).

18 “(c) EXCEPTIONS.—

19 “(1) EXCEPTION FOR CONTRIBUTIONS RE-  
20 CEIVED PRIOR TO FILING OF STATEMENT OF IN-  
21 TENT.—A candidate who has accepted contributions  
22 that are not described in subsection (a) is not in vio-  
23 lation of subsection (a), but only if all such contribu-  
24 tions are—

25 “(A) returned to the contributor;

1           “(B) submitted to the Commission for de-  
2           posit in the Freedom From Influence Fund es-  
3           tablished under section 541; or

4           “(C) spent in accordance with paragraph  
5           (2).

6           “(2) EXCEPTION FOR EXPENDITURES MADE  
7           PRIOR TO FILING OF STATEMENT OF INTENT.—If a  
8           candidate has made expenditures prior to the date  
9           the candidate files a statement of intent under sec-  
10          tion 511(a)(1) that the candidate is prohibited from  
11          making under subsection (a) or subsection (b), the  
12          candidate is not in violation of such subsection if the  
13          aggregate amount of the prohibited expenditures is  
14          less than the amount referred to in section  
15          512(a)(2) (relating to the total dollar amount of  
16          qualified small dollar contributions which the can-  
17          didate is required to obtain) which is applicable to  
18          the candidate.

19          “(3) EXCEPTION FOR CAMPAIGN SURPLUSES  
20          FROM A PREVIOUS ELECTION.—Notwithstanding  
21          paragraph (1), unexpended contributions received by  
22          the candidate or an authorized committee of the  
23          candidate with respect to a previous election may be  
24          retained, but only if the candidate places the funds  
25          in escrow and refrains from raising additional funds



1 for or spending funds from that account during the  
2 election cycle in which a candidate is a participating  
3 candidate.

4 “(4) EXCEPTION FOR CONTRIBUTIONS RE-  
5 CEIVED BEFORE THE EFFECTIVE DATE OF THIS  
6 TITLE.—Contributions received and expenditures  
7 made by the candidate or an authorized committee  
8 of the candidate prior to the effective date of this  
9 title shall not constitute a violation of subsection (a)  
10 or (b). Unexpended contributions shall be treated  
11 the same as campaign surpluses under paragraph  
12 (3), and expenditures made shall count against the  
13 limit in paragraph (2).

14 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-  
15 PENDITURES.—For purposes of this section, a payment  
16 made by a political party in coordination with a partici-  
17 pating candidate shall not be treated as a contribution to  
18 or as an expenditure made by the participating candidate.

19 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
20 TEES.—

21 “(1) PROHIBITION.—An authorized committee  
22 of a candidate who is certified as a participating  
23 candidate under this title with respect to an election  
24 may not establish a joint fundraising committee with

1 a political committee other than another authorized  
2 committee of the candidate.

3 “(2) STATUS OF EXISTING COMMITTEES FOR  
4 PRIOR ELECTIONS.—If a candidate established a  
5 joint fundraising committee described in paragraph  
6 (1) with respect to a prior election for which the  
7 candidate was not certified as a participating can-  
8 didate under this title and the candidate does not  
9 terminate the committee, the candidate shall not be  
10 considered to be in violation of paragraph (1) so  
11 long as that joint fundraising committee does not re-  
12 ceive any contributions or make any disbursements  
13 during the election cycle for which the candidate is  
14 certified as a participating candidate under this title.

15 “(f) PROHIBITION ON LEADERSHIP PACS.—

16 “(1) PROHIBITION.—A candidate who is cer-  
17 tified as a participating candidate under this title  
18 with respect to an election may not associate with,  
19 establish, finance, maintain, or control a leadership  
20 PAC.

21 “(2) STATUS OF EXISTING LEADERSHIP  
22 PACS.—If a candidate established, financed, main-  
23 tained, or controlled a leadership PAC prior to being  
24 certified as a participating candidate under this title  
25 and the candidate does not terminate the leadership

1 PAC, the candidate shall not be considered to be in  
2 violation of paragraph (1) so long as the leadership  
3 PAC does not receive any contributions or make any  
4 disbursements during the election cycle for which the  
5 candidate is certified as a participating candidate  
6 under this title.

7 “(3) LEADERSHIP PAC DEFINED.—In this sub-  
8 section, the term ‘leadership PAC’ has the meaning  
9 given such term in section 304(i)(8)(B).

10 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

11 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-  
12 MITTED CONTRIBUTIONS.—Each authorized committee of  
13 a candidate certified as a participating candidate under  
14 this title—

15 “(1) shall provide for separate accounting of  
16 each type of contribution described in section 521(a)  
17 which is received by the committee; and

18 “(2) shall provide for separate accounting for  
19 the payments received under this title.

20 “(b) ENHANCED DISCLOSURE OF INFORMATION ON  
21 DONORS.—

22 “(1) MANDATORY IDENTIFICATION OF INDIVID-  
23 UALS MAKING QUALIFIED SMALL DOLLAR CON-  
24 TRIBUTIONS.—Each authorized committee of a par-  
25 ticipating candidate under this title shall elect, in ac-

1 cordance with section 304(b)(3)(A), to include in the  
2 reports the committee submits under section 304 the  
3 identification of each person who makes a qualified  
4 small dollar contribution to the committee.

5 “(2) MANDATORY DISCLOSURE THROUGH  
6 INTERNET.—Each authorized committee of a partici-  
7 pating candidate under this title shall ensure that all  
8 information reported to the Commission under this  
9 Act with respect to contributions and expenditures  
10 of the committee is available to the public on the  
11 internet (whether through a site established for pur-  
12 poses of this subsection, a hyperlink on another pub-  
13 lic site of the committee, or a hyperlink on a report  
14 filed electronically with the Commission) in a search-  
15 able, sortable, and downloadable manner.

16 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-  
17 LIC FUNDS.**

18 “(a) MANDATORY SPENDING OF AVAILABLE PRI-  
19 VATE FUNDS.—An authorized committee of a candidate  
20 certified as a participating candidate under this title may  
21 not make any expenditure of any payments received under  
22 this title in any amount unless the committee has made  
23 an expenditure in an equivalent amount of funds received  
24 by the committee which are described in paragraphs (1),  
25 (3), (4), (5), and (6) of section 521(a).

1           “(b) LIMITATION.—Subsection (a) applies to an au-  
2 thORIZED committee only to the extent that the funds re-  
3 ferred to in such subsection are available to the committee  
4 at the time the committee makes an expenditure of a pay-  
5 ment received under this title.

6           **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

7           “(a) REMITTANCE REQUIRED.—Not later than the  
8 date that is 180 days after the last election for which a  
9 candidate certified as a participating candidate qualifies  
10 to be on the ballot during the election cycle involved, such  
11 participating candidate shall remit to the Commission for  
12 deposit in the Freedom From Influence Fund established  
13 under section 541 an amount equal to the balance of the  
14 payments received under this title by the authorized com-  
15 mittees of the candidate which remain unexpended as of  
16 such date.

17           “(b) PERMITTING CANDIDATES PARTICIPATING IN  
18 NEXT ELECTION CYCLE TO RETAIN PORTION OF  
19 UNSPENT FUNDS.—Notwithstanding subsection (a), a  
20 participating candidate may withhold not more than  
21 \$100,000 from the amount required to be remitted under  
22 subsection (a) if the candidate files a signed affidavit with  
23 the Commission that the candidate will seek certification  
24 as a participating candidate with respect to the next elec-  
25 tion cycle, except that the candidate may not use any por-

1 tion of the amount withheld until the candidate is certified  
2 as a participating candidate with respect to that next elec-  
3 tion cycle. If the candidate fails to seek certification as  
4 a participating candidate prior to the last day of the Small  
5 Dollar Democracy qualifying period for the next election  
6 cycle (as described in section 511), or if the Commission  
7 notifies the candidate of the Commission’s determination  
8 does not meet the requirements for certification as a par-  
9 ticipating candidate with respect to such cycle, the can-  
10 didate shall immediately remit to the Commission the  
11 amount withheld.

12 **“Subtitle A—Enhanced Match**  
13 **Support**

14 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

15 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In  
16 addition to the payments made under subtitle A, the Com-  
17 mission shall make an additional payment to an eligible  
18 candidate under this subtitle.

19 “(b) USE OF FUNDS.—A candidate shall use the ad-  
20 ditional payment under this subtitle only for authorized  
21 expenditures in connection with the election involved.

22 **“SEC. 532. ELIGIBILITY.**

23 “(a) IN GENERAL.—A candidate is eligible to receive  
24 an additional payment under this subtitle if the candidate  
25 meets each of the following requirements:

1           “(1) The candidate is on the ballot for the gen-  
2           eral election for the office the candidate seeks.

3           “(2) The candidate is certified as a partici-  
4           pating candidate under this title with respect to the  
5           election.

6           “(3) During the enhanced support qualifying  
7           period, the candidate receives qualified small dollar  
8           contributions in a total amount of not less than  
9           \$50,000.

10          “(4) During the enhanced support qualifying  
11          period, the candidate submits to the Commission a  
12          request for the payment which includes—

13                 “(A) a statement of the number and  
14                 amount of qualified small dollar contributions  
15                 received by the candidate during the enhanced  
16                 support qualifying period;

17                 “(B) a statement of the amount of the  
18                 payment the candidate anticipates receiving  
19                 with respect to the request; and

20                 “(C) such other information and assur-  
21                 ances as the Commission may require.

22          “(5) After submitting a request for the addi-  
23          tional payment under paragraph (4), the candidate  
24          does not submit any other application for an addi-  
25          tional payment under this subtitle.

1           “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-  
2   SCRIBED.—In this subtitle, the term ‘enhanced support  
3   qualifying period’ means, with respect to a general elec-  
4   tion, the period which begins 60 days before the date of  
5   the election and ends 14 days before the date of the elec-  
6   tion.

7   **“SEC. 533. AMOUNT.**

8           “(a) IN GENERAL.—Subject to subsection (b), the  
9   amount of the additional payment made to an eligible can-  
10   didate under this subtitle shall be an amount equal to 50  
11   percent of—

12           “(1) the amount of the payment made to the  
13   candidate under section 501(b) with respect to the  
14   qualified small dollar contributions which are re-  
15   ceived by the candidate during the enhanced support  
16   qualifying period (as included in the request sub-  
17   mitted by the candidate under section 532(a)(4)); or

18           “(2) in the case of a candidate who is not eligi-  
19   ble to receive a payment under section 501(b) with  
20   respect to such qualified small dollar contributions  
21   because the candidate has reached the limit on the  
22   aggregate amount of payments under subtitle A for  
23   the election cycle under section 501(c), the amount  
24   of the payment which would have been made to the  
25   candidate under section 501(b) with respect to such



1 qualified small dollar contributions if the candidate  
2 had not reached such limit.

3 “(b) LIMIT.—The amount of the additional payment  
4 determined under subsection (a) with respect to a can-  
5 didate may not exceed \$500,000.

6 “(c) NO EFFECT ON AGGREGATE LIMIT.—The  
7 amount of the additional payment made to a candidate  
8 under this subtitle shall not be included in determining  
9 the aggregate amount of payments made to a participating  
10 candidate with respect to an election cycle under section  
11 501(c).

12 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**  
13 **UNSPENT FUNDS AFTER ELECTION.**

14 “Notwithstanding section 524(a)(2), a candidate who  
15 receives an additional payment under this subtitle with re-  
16 spect to an election is not permitted to withhold any por-  
17 tion from the amount of unspent funds the candidate is  
18 required to remit to the Commission under section  
19 524(a)(1).

20 **“Subtitle B—Administrative**  
21 **Provisions**

22 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

23 “(a) ESTABLISHMENT.—There is established in the  
24 Treasury a fund to be known as the ‘Freedom From Infl-  
25 ence Fund’.

1       “(b) AMOUNTS HELD BY FUND.—The Fund shall  
2 consist of the following amounts:

3           “(1) APPROPRIATED AMOUNTS.—Amounts ap-  
4 propriated to the Fund, including trust fund  
5 amounts appropriated pursuant to applicable provi-  
6 sions of the Internal Revenue Code of 1986.

7           “(2) OTHER DEPOSITS.—Amounts deposited  
8 into the Fund under—

9                   “(A) section 521(c)(1)(B) (relating to ex-  
10 ceptions to contribution requirements);

11                   “(B) section 523 (relating to remittance of  
12 unused payments from the Fund);

13                   “(C) section 544 (relating to violations);  
14 and

15                   “(D) any other section of this Act.

16           “(4) INVESTMENT RETURNS.—Interest on, and  
17 the proceeds from, the sale or redemption of any ob-  
18 ligations held by the Fund under subsection (c).

19           “(c) INVESTMENT.—The Commission shall invest  
20 portions of the Fund in obligations of the United States  
21 in the same manner as provided under section 9602(b)  
22 of the Internal Revenue Code of 1986.

23           “(d) USE OF FUND.—

24                   “(1) IN GENERAL.—Amounts in the Fund shall  
25 be available without further appropriation or fiscal

1 year limitation to make payments to participating  
2 candidates as provided in this title.

3 “(2) INSUFFICIENT AMOUNTS.—Under regula-  
4 tions established by the Commission, rules similar to  
5 the rules of section 9006(c) of the Internal Revenue  
6 Code of 1986 shall apply.

7 **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-  
8 COUNTABILITY OFFICE.**

9 “(a) REVIEW OF SMALL DOLLAR FINANCING.—

10 “(1) IN GENERAL.—After each regularly sched-  
11 uled general election for Federal office, the Comp-  
12 troller General of the United States shall conduct a  
13 comprehensive review of the Small Dollar financing  
14 program under this title, including—

15 “(A) the maximum and minimum dollar  
16 amounts of qualified small dollar contributions  
17 under section 504;

18 “(B) the number and value of qualified  
19 small dollar contributions a candidate is re-  
20 quired to obtain under section 512(a) to be eli-  
21 gible for certification as a participating can-  
22 didate;

23 “(C) the maximum amount of payments a  
24 candidate may receive under this title;

1           “(D) the overall satisfaction of partici-  
2           pating candidates and the American public with  
3           the program; and

4           “(E) such other matters relating to financ-  
5           ing of campaigns as the Comptroller General  
6           determines are appropriate.

7           “(2) CRITERIA FOR REVIEW.—In conducting  
8           the review under subparagraph (A), the Comptroller  
9           General shall consider the following:

10           “(A) QUALIFIED SMALL DOLLAR CON-  
11           TRIBUTIONS.—Whether the number and dollar  
12           amounts of qualified small dollar contributions  
13           required strikes an appropriate balance regard-  
14           ing the importance of voter involvement, the  
15           need to assure adequate incentives for partici-  
16           pating, and fiscal responsibility, taking into  
17           consideration the number of primary and gen-  
18           eral election participating candidates, the elec-  
19           toral performance of those candidates, program  
20           cost, and any other information the Comptroller  
21           General determines is appropriate.

22           “(B) REVIEW OF PAYMENT LEVELS.—  
23           Whether the totality of the amount of funds al-  
24           lowed to be raised by participating candidates  
25           (including through qualified small dollar con-

1 tributions) and payments under this title are  
2 sufficient for voters in each State to learn about  
3 the candidates to cast an informed vote, taking  
4 into account the historic amount of spending by  
5 winning candidates, media costs, primary elec-  
6 tion dates, and any other information the  
7 Comptroller General determines is appropriate.

8 “(3) RECOMMENDATIONS FOR ADJUSTMENT OF  
9 AMOUNTS.—Based on the review conducted under  
10 subparagraph (A), the Comptroller General may rec-  
11 ommend to Congress adjustments of the following  
12 amounts:

13 “(A) The number and value of qualified  
14 small dollar contributions a candidate is re-  
15 quired to obtain under section 512(a) to be eli-  
16 gible for certification as a participating can-  
17 didate.

18 “(B) The maximum amount of payments a  
19 candidate may receive under this title.

20 “(b) REPORTS.—Not later than each June 1 which  
21 follows a regularly scheduled general election for Federal  
22 office for which payments were made under this title, the  
23 Comptroller General shall submit to the Committee on  
24 House Administration of the House of Representatives a  
25 report—

1           “(1) containing an analysis of the review con-  
2           ducted under subsection (a), including a detailed  
3           statement of Comptroller General’s findings, conclu-  
4           sions, and recommendations based on such review,  
5           including any recommendations for adjustments of  
6           amounts described in subsection (a)(3); and

7           “(2) documenting, evaluating, and making rec-  
8           ommendations relating to the administrative imple-  
9           mentation and enforcement of the provisions of this  
10          title.

11          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
12          are authorized to be appropriated such sums as are nec-  
13          essary to carry out the purposes of this subtitle.

14          **“SEC. 543. ADMINISTRATION BY COMMISSION.**

15          “The Commission shall prescribe regulations to carry  
16          out the purposes of this title, including regulations to es-  
17          tablish procedures for—

18                 “(1) verifying the amount of qualified small dol-  
19                 lar contributions with respect to a candidate;

20                 “(2) effectively and efficiently monitoring and  
21                 enforcing the limits on the raising of qualified small  
22                 dollar contributions;

23                 “(3) effectively and efficiently monitoring and  
24                 enforcing the limits on the use of personal funds by  
25                 participating candidates; and

1           “(4) monitoring the use of allocations from the  
2       Freedom From Influence Fund established under  
3       section 541 and matching contributions under this  
4       title through audits of not fewer than  $\frac{1}{10}$  (or, in the  
5       case of the first 3 election cycles during which the  
6       program under this title is in effect, not fewer than  
7        $\frac{1}{3}$ ) of all participating candidates or other mecha-  
8       nisms.

9       **“SEC. 544. VIOLATIONS AND PENALTIES.**

10       “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
11       TION AND EXPENDITURE REQUIREMENTS.—If a can-  
12       didate who has been certified as a participating candidate  
13       accepts a contribution or makes an expenditure that is  
14       prohibited under section 521, the Commission may assess  
15       a civil penalty against the candidate in an amount that  
16       is not more than 3 times the amount of the contribution  
17       or expenditure. Any amounts collected under this sub-  
18       section shall be deposited into the Freedom From Infl-  
19       ence Fund established under section 541.

20       “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM  
21       FROM INFLUENCE FUND.—

22           “(1) IN GENERAL.—If the Commission deter-  
23       mines that any payment made to a participating  
24       candidate was not used as provided for in this title  
25       or that a participating candidate has violated any of

1 the dates for remission of funds contained in this  
2 title, the Commission shall so notify the candidate  
3 and the candidate shall pay to the Fund an amount  
4 equal to—

5 “(A) the amount of payments so used or  
6 not remitted, as appropriate; and

7 “(B) interest on any such amounts (at a  
8 rate determined by the Commission).

9 “(2) OTHER ACTION NOT PRECLUDED.—Any  
10 action by the Commission in accordance with this  
11 subsection shall not preclude enforcement pro-  
12 ceedings by the Commission in accordance with sec-  
13 tion 309(a), including a referral by the Commission  
14 to the Attorney General in the case of an apparent  
15 knowing and willful violation of this title.

16 “(c) PROHIBITING CANDIDATES SUBJECT TO CRIMI-  
17 NAL PENALTY FROM QUALIFYING AS PARTICIPATING  
18 CANDIDATES.—A candidate is not eligible to be certified  
19 as a participating candidate under this title with respect  
20 to an election if a penalty has been assessed against the  
21 candidate under section 309(d) with respect to any pre-  
22 vious election.

23 **“SEC. 545. APPEALS PROCESS.**

24 “(a) REVIEW OF ACTIONS.—Any action by the Com-  
25 mission in carrying out this title shall be subject to review



1 by the United States Court of Appeals for the District  
2 of Columbia upon petition filed in the Court not later than  
3 30 days after the Commission takes the action for which  
4 the review is sought.

5 “(b) PROCEDURES.—The provisions of chapter 7 of  
6 title 5, United States Code, apply to judicial review under  
7 this section.

8 **“SEC. 546. INDEXING OF AMOUNTS.**

9 “(a) INDEXING.—In any calendar year after 2024,  
10 section 315(c)(1)(B) shall apply to each amount described  
11 in subsection (b) in the same manner as such section ap-  
12 plies to the limitations established under subsections  
13 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-  
14 cept that for purposes of applying such section to the  
15 amounts described in subsection (b), the ‘base period’  
16 shall be 2024.

17 “(b) AMOUNTS DESCRIBED.—The amounts described  
18 in this subsection are as follows:

19 “(1) The amount referred to in section  
20 502(b)(1) (relating to the minimum amount of quali-  
21 fied small dollar contributions included in a request  
22 for payment).

23 “(2) The amounts referred to in section  
24 504(a)(1) (relating to the amount of a qualified  
25 small dollar contribution).

1           “(3) The amount referred to in section  
2           512(a)(2) (relating to the total dollar amount of  
3           qualified small dollar contributions).

4           “(4) The amount referred to in section  
5           521(a)(5) (relating to the aggregate amount of con-  
6           tributions a participating candidate may accept from  
7           any individual with respect to an election).

8           “(5) The amount referred to in section  
9           521(b)(1)(A) (relating to the amount of personal  
10          funds that may be used by a candidate who is cer-  
11          tified as a participating candidate).

12          “(6) The amounts referred to in section  
13          524(a)(2) (relating to the amount of unspent funds  
14          a candidate may retain for use in the next election  
15          cycle).

16          “(7) The amount referred to in section  
17          532(a)(3) (relating to the total dollar amount of  
18          qualified small dollar contributions for a candidate  
19          seeking an additional payment under subtitle D).

20          “(8) The amount referred to in section 533(b)  
21          (relating to the limit on the amount of an additional  
22          payment made to a candidate under subtitle D).

23       **“SEC. 547. ELECTION CYCLE DEFINED.**

24          “In this title, the term ‘election cycle’ means, with  
25          respect to an election for an office, the period beginning

1 on the day after the date of the most recent general elec-  
2 tion for that office (or, if the general election resulted in  
3 a runoff election, the date of the runoff election) and end-  
4 ing on the date of the next general election for that office  
5 (or, if the general election resulted in a runoff election,  
6 the date of the runoff election).”.

7 **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**  
8 **CANDIDATE AND POLITICAL PARTY COMMIT-**  
9 **TEES ON BEHALF OF PARTICIPATING CAN-**  
10 **DIDATES.**

11 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-  
12 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL  
13 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal  
14 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is  
15 amended by adding at the end the following new para-  
16 graph:

17 “(9) In the case of a multicandidate political com-  
18 mittee or any political committee of a political party, the  
19 committee may make a contribution to a candidate who  
20 is a participating candidate under title V with respect to  
21 an election only if the contribution is paid from a separate,  
22 segregated account of the committee which consists solely  
23 of contributions which meet the following requirements:

24 “(A) Each such contribution is in an amount  
25 which meets the requirements for the amount of a

1 qualified small dollar contribution under section  
2 504(a)(1) with respect to the election involved.

3 “(B) Each such contribution is made by an in-  
4 dividual who is not otherwise prohibited from mak-  
5 ing a contribution under this Act.

6 “(C) The individual who makes the contribution  
7 does not make contributions to the committee during  
8 the year in an aggregate amount that exceeds the  
9 limit described in section 504(a)(1).”.

10 (b) PERMITTING UNLIMITED COORDINATED EX-  
11 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-  
12 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.  
13 30116(d)) is amended—

14 (1) in paragraph (3), by striking “The national  
15 committee” and inserting “Except as provided in  
16 paragraph (5), the national committee”; and

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

19 “(5) The limits described in paragraph (3) do not  
20 apply in the case of expenditures in connection with the  
21 general election campaign of a candidate for the office of  
22 Representative in, or Delegate or Resident Commissioner  
23 to, the Congress who is a participating candidate under  
24 title V with respect to the election, but only if—

1           “(A) the expenditures are paid from a separate,  
2           segregated account of the committee which is de-  
3           scribed in subsection (a)(9); and

4           “(B) the expenditures are the sole source of  
5           funding provided by the committee to the can-  
6           didate.”.

7   **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
8                           **TICIPATING CANDIDATES FOR PURPOSES**  
9                           **OTHER THAN CAMPAIGN FOR ELECTION.**

10          Section 313 of the Federal Election Campaign Act  
11          of 1971 (52 U.S.C. 30114) is amended by adding at the  
12          end the following new subsection:

13          “(d) **RESTRICTIONS ON PERMITTED USES OF FUNDS**  
14          **BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-**  
15          **ING.**—Notwithstanding paragraph (2), (3), or (4) of sub-  
16          section (a), if a candidate for election for the office of Rep-  
17          resentative in, or Delegate or Resident Commissioner to,  
18          the Congress is certified as a participating candidate  
19          under title V with respect to the election, any contribution  
20          which the candidate is permitted to accept under such title  
21          may be used only for authorized expenditures in connec-  
22          tion with the candidate’s campaign for such office, subject  
23          to section 503(b).”.

1 **SEC. 5114. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This part and the amendments  
3 made by this part shall apply with respect to elections oc-  
4 ccurring during 2024 or any succeeding year, without re-  
5 gard to whether or not the Federal Election Commission  
6 has promulgated the final regulations necessary to carry  
7 out this part and the amendments made by this part by  
8 the deadline set forth in subsection (b).

9 (b) DEADLINE FOR REGULATIONS.—Not later than  
10 June 30, 2022, the Federal Election Commission shall  
11 promulgate such regulations as may be necessary to carry  
12 out this part and the amendments made by this part.

13 **Subtitle C—Presidential Elections**

14 **SEC. 5200. SHORT TITLE.**

15 This subtitle may be cited as the “Empower Act of  
16 2019”.

17 **PART 1—PRIMARY ELECTIONS**

18 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-**  
19 **ING PAYMENTS.**

20 (a) INCREASE AND MODIFICATION.—

21 (1) IN GENERAL.—The first sentence of section  
22 9034(a) of the Internal Revenue Code of 1986 is  
23 amended—

24 (A) by striking “an amount equal to the  
25 amount of each contribution” and inserting “an  
26 amount equal to 600 percent of the amount of

1 each matchable contribution (disregarding any  
2 amount of contributions from any person to the  
3 extent that the total of the amounts contributed  
4 by such person for the election exceeds \$200”);  
5 and

6 (B) by striking “authorized committees”  
7 and all that follows through “\$250” and insert-  
8 ing “authorized committees”.

9 (2) MATCHABLE CONTRIBUTIONS.—Section  
10 9034 of such Code is amended—

11 (A) by striking the last sentence of sub-  
12 section (a); and

13 (B) by adding at the end the following new  
14 subsection:

15 “(c) MATCHABLE CONTRIBUTION DEFINED.—For  
16 purposes of this section and section 9033(b)—

17 “(1) MATCHABLE CONTRIBUTION.—The term  
18 ‘matchable contribution’ means, with respect to the  
19 nomination for election to the office of President of  
20 the United States, a contribution by an individual to  
21 a candidate or an authorized committee of a can-  
22 didate with respect to which the candidate has cer-  
23 tified in writing that—

24 “(A) the individual making such contribu-  
25 tion has not made aggregate contributions (in-

1 including such matchable contribution) to such  
2 candidate and the authorized committees of  
3 such candidate in excess of \$1,000 for the elec-  
4 tion;

5 “(B) such candidate and the authorized  
6 committees of such candidate will not accept  
7 contributions from such individual (including  
8 such matchable contribution) aggregating more  
9 than the amount described in subparagraph  
10 (A); and

11 “(C) such contribution was a direct con-  
12 tribution.

13 “(2) CONTRIBUTION.—For purposes of this  
14 subsection, the term ‘contribution’ means a gift of  
15 money made by a written instrument which identi-  
16 fies the individual making the contribution by full  
17 name and mailing address, but does not include a  
18 subscription, loan, advance, or deposit of money, or  
19 anything of value or anything described in subpara-  
20 graph (B), (C), or (D) of section 9032(4).

21 “(3) DIRECT CONTRIBUTION.—

22 “(A) IN GENERAL.—For purposes of this  
23 subsection, the term ‘direct contribution’  
24 means, with respect to a candidate, a contribu-  
25 tion which is made directly by an individual to



1 the candidate or an authorized committee of the  
2 candidate and is not—

3 “(i) forwarded from the individual  
4 making the contribution to the candidate  
5 or committee by another person; or

6 “(ii) received by the candidate or com-  
7 mittee with the knowledge that the con-  
8 tribution was made at the request, sugges-  
9 tion, or recommendation of another person.

10 “(B) OTHER DEFINITIONS.—In subpara-  
11 graph (A)—

12 “(i) the term ‘person’ does not include  
13 an individual (other than an individual de-  
14 scribed in section 304(i)(7) of the Federal  
15 Election Campaign Act of 1971), a polit-  
16 ical committee of a political party, or any  
17 political committee which is not a separate  
18 segregated fund described in section  
19 316(b) of the Federal Election Campaign  
20 Act of 1971 and which does not make  
21 independent expenditures, does not engage  
22 in lobbying activity under the Lobbying  
23 Disclosure Act of 1995 (2 U.S.C. 1601 et  
24 seq.), and is not established by, controlled  
25 by, or affiliated with a registered lobbyist

1 under such Act, an agent of a registered  
2 lobbyist under such Act, or an organization  
3 which retains or employs a registered lob-  
4 byist under such Act; and

5 “(ii) a contribution is not ‘made at  
6 the request, suggestion, or recommendation  
7 of another person’ solely on the grounds  
8 that the contribution is made in response  
9 to information provided to the individual  
10 making the contribution by any person, so  
11 long as the candidate or authorized com-  
12 mittee does not know the identity of the  
13 person who provided the information to  
14 such individual.”.

15 (3) CONFORMING AMENDMENTS.—

16 (A) Section 9032(4) of such Code is  
17 amended by striking “section 9034(a)” and in-  
18 sserting “section 9034”.

19 (B) Section 9033(b)(3) of such Code is  
20 amended by striking “matching contributions”  
21 and inserting “matchable contributions”.

22 (b) MODIFICATION OF PAYMENT LIMITATION.—

23 (1) IN GENERAL.—Section 9034(b) of such  
24 Code is amended—

1 (A) by striking “Every” and inserting the  
2 following:

3 “(1) IN GENERAL.—Every”,

4 (2) by striking “shall not exceed” and all that  
5 follows and inserting “shall not exceed  
6 \$250,000,000.”, and

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

9 “(3) INFLATION ADJUSTMENT.—

10 “(A) IN GENERAL.—In the case of any ap-  
11 plicable period beginning after 2025, the dollar  
12 amount in paragraph (1) shall be increased by  
13 an amount equal to—

14 “(i) such dollar amount, multiplied by

15 “(ii) the cost-of-living adjustment de-  
16 termined under section 1(f)(3) for the cal-  
17 endar year following the year which such  
18 applicable period begins, determined by  
19 substituting ‘calendar year 2024’ for ‘cal-  
20 endar year 1992’ in subparagraph (B)  
21 thereof.

22 “(B) APPLICABLE PERIOD.—For purposes  
23 of this paragraph, the term ‘applicable period’  
24 means the 4-year period beginning with the  
25 first day following the date of the general elec-

1           tion for the office of President and ending on  
2           the date of the next such general election.

3           “(C) ROUNDING.—If any amount as ad-  
4           justed under subparagraph (1) is not a multiple  
5           of \$10,000, such amount shall be rounded to  
6           the nearest multiple of \$10,000.”.

7   **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**  
8           **PAYMENTS.**

9           (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER  
10          STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN  
11          EXCESS OF \$200.—Section 9033(b)(3) of the Internal  
12          Revenue Code of 1986 is amended—

13                 (1) by striking “\$5,000” and inserting  
14                 “\$25,000”; and

15                 (2) by striking “20 States” and inserting the  
16                 following: “20 States (disregarding any amount of  
17                 contributions from any such resident to the extent  
18                 that the total of the amounts contributed by such  
19                 resident for the election exceeds \$200)”.

20          (b) CONTRIBUTION LIMIT.—

21                 (1) IN GENERAL.—Paragraph (4) of section  
22                 9033(b) of such Code is amended to read as follows:

23                         “(4) the candidate and the authorized commit-  
24                         tees of the candidate will not accept aggregate con-  
25                         tributions from any person with respect to the nomi-

1 nation for election to the office of President of the  
2 United States in excess of \$1,000 for the election.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 9033(b) of such Code is  
5 amended by adding at the end the following  
6 new flush sentence:

7 “For purposes of paragraph (4), the term ‘contribution’  
8 has the meaning given such term in section 301(8) of the  
9 Federal Election Campaign Act of 1971.”.

10 (B) Section 9032(4) of such Code, as  
11 amended by section 1001(a)(3)(A) is amended  
12 by inserting “or 9033(b)” after “9034”.

13 (c) BAN ON ACCEPTANCE OF BUNDLED CONTRIBU-  
14 TIONS.—Section 9033(b) of such Code, as amended by  
15 subsection (b), is amended—

16 (1) by striking “and” at the end of paragraph  
17 (3);

18 (2) by striking the period at the end of para-  
19 graph (4) and inserting “, and”; and

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

22 “(5) the candidate and the authorized com-  
23 mittee of the candidate will not accept any contribu-  
24 tion which is not a direct contribution (as defined in  
25 section 9034(c)(3)).”.

1 (d) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR  
2 GENERAL ELECTION.—Section 9033(b) of such Code, as  
3 amended by subsection (c), is amended—

4 (1) by striking “and” at the end of paragraph  
5 (4);

6 (2) by striking the period at the end of para-  
7 graph (5) and inserting “, and”; and

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

10 “(6) if the candidate is nominated by a political  
11 party for election to the office of President, the can-  
12 didate will apply for and accept payments with re-  
13 spect to the general election for such office in ac-  
14 cordance with chapter 95.”.

15 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

16 (a) IN GENERAL.—Subsection (a) of section 9035 of  
17 the Internal Revenue Code of 1986 is amended to read  
18 as follows:

19 “(a) PERSONAL EXPENDITURE LIMITATION.—No  
20 candidate shall knowingly make expenditures from his per-  
21 sonal funds, or the personal funds of his immediate family,  
22 in connection with his campaign for nomination for elec-  
23 tion to the office of President in excess of, in the aggre-  
24 gate, \$50,000.”.

1 (b) CONFORMING AMENDMENT.—Paragraph (1) of  
2 section 9033(b) of the Internal Revenue Code of 1986 is  
3 amended to read as follows:

4 “(1) the candidate will comply with the per-  
5 sonal expenditure limitation under section 9035,”.

6 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**  
7 **MENTS.**

8 Section 9032(6) of the Internal Revenue Code of  
9 1986 is amended by striking “the beginning of the cal-  
10 endar year in which a general election for the office of  
11 President of the United States will be held” and inserting  
12 “the date that is 6 months prior to the date of the earliest  
13 State primary election”.

14 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**  
15 **TRIBUTIONS.**

16 Section 9038(a) of the Internal Revenue Code of  
17 1986 is amended by inserting “and matchable contribu-  
18 tions accepted by” after “qualified campaign expenses of”.

19 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**  
20 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**  
21 **DIDATES.**

22 Section 315(a)(6) of the Federal Election Campaign  
23 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-  
24 ing “calendar year” and inserting “four-year election  
25 cycle”.

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 Rev-  
5   enue 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 po-  
8   litical party in a Presidential election shall meet the fol-  
9   lowing requirements:

10           “(1) PARTICIPATION IN PRIMARY PAYMENT  
11   SYSTEM.—The candidate for President received pay-  
12   ments under chapter 96 for the campaign for nomi-  
13   nation for election to be President.

14           “(2) AGREEMENTS WITH COMMISSION.—The  
15   candidates, 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  
21   Commission such records, books, and other in-  
22   formation 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  
26   section.



1           “(3) BAN ON BUNDLED CONTRIBUTIONS.—The  
2 candidates certify to the Commission, under penalty  
3 of perjury and within such time prior to the day of  
4 the Presidential election as the Commission shall  
5 prescribe by rules or regulations, that the candidates  
6 and the authorized committees of such candidates  
7 will not accept any contribution which is not a direct  
8 contribution (as defined in section 9034(c)(3)).”.

9 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**  
10 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**  
11 **TIONS.**

12       (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
13 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME  
14 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-  
15 TIES.—Section 9003 of the Internal Revenue Code of  
16 1986 is amended by striking subsections (b) and (c) and  
17 inserting the following:

18       “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
19 TO DEFRAY EXPENSES.—

20           “(1) IN GENERAL.—In order to be eligible to  
21 receive any payments under section 9006, the can-  
22 didates of a party in a Presidential election shall  
23 certify to the Commission, under penalty of perjury,  
24 that—

1           “(A) such candidates and their authorized  
2 committees have not and will not accept any  
3 contributions to defray qualified campaign ex-  
4 penses other than—

5                   “(i) qualified campaign contributions,  
6                   and

7                   “(ii) contributions to the extent nec-  
8                   essary to make up any deficiency payments  
9                   received out of the fund on account of the  
10                  application of section 9006(c), and

11           “(B) such candidates and their authorized  
12 committees have not and will not accept any  
13 contribution to defray expenses which would be  
14 qualified campaign expenses but for subpara-  
15 graph (C) of section 9002(11).

16           “(2) TIMING OF CERTIFICATION.—The can-  
17 didate shall make the certification required under  
18 this subsection at the same time the candidate  
19 makes the certification required under subsection  
20 (a)(3).”.

21           (b) DEFINITION OF QUALIFIED CAMPAIGN CON-  
22 TRIBUTION.—Section 9002 of such Code is amended by  
23 adding at the end the following new paragraph:

24                   “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—  
25           The term ‘qualified campaign contribution’ means,

1 with respect to any election for the office of Presi-  
2 dent of the United States, a contribution from an in-  
3 dividual to a candidate or an authorized committee  
4 of a candidate which—

5 “(A) does not exceed \$1,000 for the elec-  
6 tion; and

7 “(B) with respect to which the candidate  
8 has certified in writing that—

9 “(i) the individual making such con-  
10 tribution has not made aggregate contribu-  
11 tions (including such qualified contribu-  
12 tion) to such candidate and the authorized  
13 committees of such candidate in excess of  
14 the amount described in subparagraph (A),  
15 and

16 “(ii) such candidate and the author-  
17 ized committees of such candidate will not  
18 accept contributions from such individual  
19 (including such qualified contribution) ag-  
20 gregating more than the amount described  
21 in subparagraph (A) with respect to such  
22 election.”.

23 (c) CONFORMING AMENDMENTS.—

24 (1) REPEAL OF EXPENDITURE LIMITS.—

1 (A) IN GENERAL.—Section 315 of the Fed-  
2 eral Election Campaign Act of 1971 (52 U.S.C.  
3 30116) is amended by striking subsection (b).

4 (B) CONFORMING AMENDMENTS.—Section  
5 315(c) of such Act (52 U.S.C. 30116(c)) is  
6 amended—

7 (i) in paragraph (1)(B)(i), by striking  
8 “, (b)”; and

9 (ii) in paragraph (2)(B)(i), by striking  
10 “subsections (b) and (d)” and inserting  
11 “subsection (d)”.

12 (2) REPEAL OF REPAYMENT REQUIREMENT.—

13 (A) IN GENERAL.—Section 9007(b) of the  
14 Internal Revenue Code of 1986 is amended by  
15 striking paragraph (2) and redesignating para-  
16 graphs (3), (4), and (5) as paragraphs (2), (3),  
17 and (4), respectively.

18 (B) CONFORMING AMENDMENT.—Para-  
19 graph (2) of section 9007(b) of such Code, as  
20 redesignated by subparagraph (A), is amend-  
21 ed—

22 (i) by striking “a major party” and  
23 inserting “a party”;

1 (ii) by inserting “qualified contribu-  
2 tions and” after “contributions (other  
3 than”; and

4 (iii) by striking “(other than qualified  
5 campaign expenses with respect to which  
6 payment is required under paragraph  
7 (2))”.

8 (3) CRIMINAL PENALTIES.—

9 (A) REPEAL OF PENALTY FOR EXCESS EX-  
10 PENSES.—Section 9012 of the Internal Revenue  
11 Code of 1986 is amended by striking subsection  
12 (a).

13 (B) PENALTY FOR ACCEPTANCE OF DIS-  
14 ALLOWED CONTRIBUTIONS; APPLICATION OF  
15 SAME PENALTY FOR CANDIDATES OF MAJOR,  
16 MINOR, AND NEW PARTIES.—Subsection (b) of  
17 section 9012 of such Code is amended to read  
18 as follows:

19 “(b) CONTRIBUTIONS.—

20 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-  
21 TIONS.—It shall be unlawful for an eligible can-  
22 didate of a party in a Presidential election or any of  
23 his authorized committees knowingly and willfully to  
24 accept—

1           “(A) any contribution other than a quali-  
2           fied campaign contribution to defray qualified  
3           campaign expenses, except to the extent nec-  
4           essary to make up any deficiency in payments  
5           received out of the fund on account of the ap-  
6           plication of section 9006(c); or

7           “(B) any contribution to defray expenses  
8           which would be qualified campaign expenses but  
9           for subparagraph (C) of section 9002(11).

10          “(2) PENALTY.—Any person who violates para-  
11          graph (1) shall be fined not more than \$5,000, or  
12          imprisoned not more than one year, or both. In the  
13          case of a violation by an authorized committee, any  
14          officer or member of such committee who knowingly  
15          and willfully consents to such violation shall be fined  
16          not more than \$5,000, or imprisoned not more than  
17          one year, or both.”.

18   **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**  
19                   **TIONS TO PAYMENT AMOUNTS.**

20          (a) IN GENERAL.—

21               (1) AMOUNT OF PAYMENTS; APPLICATION OF  
22               SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,  
23               AND NEW PARTIES.—Subsection (a) of section 9004  
24               of the Internal Revenue Code of 1986 is amended to  
25               read as follows:

1           “(a) IN GENERAL.—Subject to the provisions of this  
2 chapter, the eligible candidates of a party in a Presidential  
3 election shall be entitled to equal payment under section  
4 9006 in an amount equal to 600 percent of the amount  
5 of each matchable contribution received by such candidate  
6 or by the candidate’s authorized committees (disregarding  
7 any amount of contributions from any person to the extent  
8 that the total of the amounts contributed by such person  
9 for the election exceeds \$200), except that total amount  
10 to which a candidate is entitled under this paragraph shall  
11 not exceed \$250,000,000.”.

12           (2) REPEAL OF SEPARATE LIMITATIONS FOR  
13 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-  
14 TION ADJUSTMENT.—Subsection (b) of section 9004  
15 of such Code is amended to read as follows:

16           “(b) INFLATION ADJUSTMENT.—

17           “(1) IN GENERAL.—In the case of any applica-  
18 ble period beginning after 2025, the \$250,000,000  
19 dollar amount in subsection (a) shall be increased by  
20 an amount equal to—

21                   “(A) such dollar amount; multiplied by

22                   “(B) the cost-of-living adjustment deter-  
23 mined under section 1(f)(3) for the calendar  
24 year following the year which such applicable  
25 period begins, determined by substituting ‘cal-

1           endar year 2024’ for ‘calendar year 1992’ in  
2           subparagraph (B) thereof.

3           “(2) APPLICABLE PERIOD.—For purposes of  
4           this subsection, the term ‘applicable period’ means  
5           the 4-year period beginning with the first day fol-  
6           lowing the date of the general election for the office  
7           of President and ending on the date of the next such  
8           general election.

9           “(3) ROUNDING.—If any amount as adjusted  
10          under paragraph (1) is not a multiple of \$10,000,  
11          such amount shall be rounded to the nearest mul-  
12          tiple of \$10,000.”.

13          (3) CONFORMING AMENDMENT.—Section  
14          9005(a) of such Code is amended by adding at the  
15          end the following new sentence: “The Commission  
16          shall make such additional certifications as may be  
17          necessary to receive payments under section 9004.”.

18          (b) MATCHABLE CONTRIBUTION.—Section 9002 of  
19          such Code, as amended by section 5212(b), is amended  
20          by adding at the end the following new paragraph:

21                 “(14) MATCHABLE CONTRIBUTION.—The term  
22                 ‘matchable contribution’ means, with respect to the  
23                 election to the office of President of the United  
24                 States, a contribution by an individual to a can-  
25                 didate or an authorized committee of a candidate



1 with respect to which the candidate has certified in  
2 writing that—

3 “(A) the individual making such contribu-  
4 tion has not made aggregate contributions (in-  
5 cluding such matchable contribution) to such  
6 candidate and the authorized committees of  
7 such candidate in excess of \$1,000 for the elec-  
8 tion;

9 “(B) such candidate and the authorized  
10 committees of such candidate will not accept  
11 contributions from such individual (including  
12 such matchable contribution) aggregating more  
13 than the amount described in subparagraph (A)  
14 with respect to such election; and

15 “(C) such contribution was a direct con-  
16 tribution (as defined in section 9034(c)(3)).”.

17 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**  
18 **EXPENDITURES.**

19 (a) IN GENERAL.—Section 315(d)(2) of the Federal  
20 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))  
21 is amended to read as follows:

22 “(2)(A) The national committee of a political party  
23 may not make any expenditure in connection with the gen-  
24 eral election campaign of any candidate for President of

1 the United States who is affiliated with such party which  
2 exceeds \$100,000,000.

3 “(B) For purposes of this paragraph—

4 “(i) any expenditure made by or on behalf of a  
5 national committee of a political party and in con-  
6 nection with a Presidential election shall be consid-  
7 ered to be made in connection with the general elec-  
8 tion campaign of a candidate for President of the  
9 United States who is affiliated with such party; and

10 “(ii) any communication made by or on behalf  
11 of such party shall be considered to be made in con-  
12 nection with the general election campaign of a can-  
13 didate for President of the United States who is af-  
14 filiated with such party if any portion of the commu-  
15 nication is in connection with such election.

16 “(C) Any expenditure under this paragraph shall be  
17 in addition to any expenditure by a national committee  
18 of a political party serving as the principal campaign com-  
19 mittee of a candidate for the office of President of the  
20 United States.”.

21 (b) CONFORMING AMENDMENTS RELATING TO TIM-  
22 ING OF COST-OF-LIVING ADJUSTMENT.—

23 (1) IN GENERAL.—Section 315(c)(1) of such  
24 Act (52 U.S.C. 30116(c)(1)) is amended—

1 (A) in subparagraph (B), by striking “(d)”  
2 and inserting “(d)(2)”; and

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

5 “(D) In any calendar year after 2024—

6 “(i) the dollar amount in subsection (d)(2) shall  
7 be increased by the percent difference determined  
8 under subparagraph (A);

9 “(ii) the amount so increased shall remain in  
10 effect for the calendar year; and

11 “(iii) if the amount after adjustment under  
12 clause (i) is not a multiple of \$100, such amount  
13 shall be rounded to the nearest multiple of \$100.”.

14 (2) BASE YEAR.—Section 315(c)(2)(B) of such  
15 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

16 (A) in clause (i)—

17 (i) by striking “(d)” and inserting  
18 “(d)(3)”; and

19 (ii) by striking “and” at the end;

20 (B) in clause (ii), by striking the period at  
21 the end and inserting “; and”; and

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

24 “(iii) for purposes of subsection (d)(2), cal-  
25 endar year 2023.”.

1 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**  
2 **LEASE OF PAYMENTS.**

3 (a) DATE FOR PAYMENTS.—

4 (1) IN GENERAL.—Section 9006(b) of the In-  
5 ternal Revenue Code of 1986 is amended to read as  
6 follows:

7 “(b) PAYMENTS FROM THE FUND.—If the Secretary  
8 of the Treasury receives a certification from the Commis-  
9 sion under section 9005 for payment to the eligible can-  
10 didates of a political party, the Secretary shall pay to such  
11 candidates out of the fund the amount certified by the  
12 Commission on the later of—

13 “(1) the last Friday occurring before the first  
14 Monday in September; or

15 “(2) 24 hours after receiving the certifications  
16 for the eligible candidates of all major political par-  
17 ties.

18 Amounts paid to any such candidates shall be under the  
19 control of such candidates.”.

20 (2) CONFORMING AMENDMENT.—The first sen-  
21 tence of section 9006(c) of such Code is amended by  
22 striking “the time of a certification by the Commis-  
23 sion under section 9005 for payment” and inserting  
24 “the time of making a payment under subsection  
25 (b)”.

1 (b) TIME FOR CERTIFICATION.—Section 9005(a) of  
2 the Internal Revenue Code of 1986 is amended by striking  
3 “10 days” and inserting “24 hours”.

4 **SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**  
5 **PAIGN FUND.**

6 (a) DETERMINATION OF AMOUNTS IN FUND.—Sec-  
7 tion 9006(c) of the Internal Revenue Code of 1986 is  
8 amended by adding at the end the following new sentence:  
9 “In making a determination of whether there are insuffi-  
10 cient moneys in the fund for purposes of the previous sen-  
11 tence, the Secretary shall take into account in determining  
12 the balance of the fund for a Presidential election year  
13 the Secretary’s best estimate of the amount of moneys  
14 which will be deposited into the fund during the year, ex-  
15 cept that the amount of the estimate may not exceed the  
16 average of the annual amounts deposited in the fund dur-  
17 ing the previous 3 years.”.

18 (b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE  
19 UNDER THIS ACT.—

20 (1) IN GENERAL.—Section 9006 of the Internal  
21 Revenue Code of 1986 is amended by adding at the  
22 end the following new subsection:

23 “(d) SPECIAL AUTHORITY TO BORROW.—

24 “(1) IN GENERAL.—Notwithstanding subsection  
25 (c), there are authorized to be appropriated to the

1 fund, as repayable advances, such sums as are nec-  
2 essary to carry out the purposes of the fund during  
3 the period ending on the first Presidential election  
4 occurring after the effective date of this subsection.

5 “(2) REPAYMENT OF ADVANCES.—

6 “(A) IN GENERAL.—Advances made to the  
7 fund shall be repaid, and interest on such ad-  
8 vances shall be paid, to the general fund of the  
9 Treasury when the Secretary determines that  
10 moneys are available for such purposes in the  
11 fund.

12 “(B) RATE OF INTEREST.—Interest on ad-  
13 vances made to the fund shall be at a rate de-  
14 termined by the Secretary of the Treasury (as  
15 of the close of the calendar month preceding the  
16 month in which the advance is made) to be  
17 equal to the current average market yield on  
18 outstanding marketable obligations of the  
19 United States with remaining periods to matu-  
20 rity comparable to the anticipated period during  
21 which the advance will be outstanding and shall  
22 be compounded annually.”.

23 (2) EFFECTIVE DATE.—The amendment made  
24 by this subsection shall take effect January 1, 2022.

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  
5 1986 is amended by adding at the end the following new  
6 sentence: “For purposes of subparagraph (A), an expense  
7 incurred by a candidate or authorized committee for gen-  
8 eral election legal and accounting compliance purposes  
9 shall be considered to be an expense to further the election  
10 of such candidate.”.

11 **PART 3—EFFECTIVE DATE**

12 **SEC. 5221. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as otherwise provided, this  
14 subtitle and the amendments made by this subtitle shall  
15 apply with respect to the Presidential election held in 2024  
16 and each succeeding Presidential election, without regard  
17 to whether or not the Federal Election Commission has  
18 promulgated the final regulations necessary to carry out  
19 this part and the amendments made by this part by the  
20 deadline set forth in subsection (b).

21 (b) DEADLINE FOR REGULATIONS.—Not later than  
22 June 30, 2022, the Federal Election Commission shall  
23 promulgate such regulations as may be necessary to carry  
24 out this part and the amendments made by this part.

1 **Subtitle D—Personal Use Services**  
2 **as Authorized Campaign Ex-**  
3 **penditures**

4 **SEC. 5301. SHORT TITLE; FINDINGS.**

5 (a) SHORT TITLE.—This subtitle may be cited as the  
6 “Help America Run Act”.

7 (b) FINDINGS.—Congress finds the following: **[to be**  
8 **provided]**

9 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**  
10 **AND OTHER PERSONAL USE SERVICES AS AU-**  
11 **THORIZED CAMPAIGN EXPENDITURE.**

12 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-  
13 PAIGN EXPENDITURES.—Section 313 of the Federal Elec-  
14 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-  
15 ed by section 5113, is amended by adding at the end the  
16 following new subsection:

17 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE  
18 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED  
19 CAMPAIGN EXPENDITURE.—

20 “(1) AUTHORIZED EXPENDITURES.—For pur-  
21 poses of subsection (a), the payment by an author-  
22 ized committee of a candidate for any of the per-  
23 sonal use services described in paragraph (2) shall  
24 be treated as an authorized expenditure if the serv-  
25 ices are necessary to enable the participation of the



1 candidate or staff of the committee (including un-  
2 paid staff) in campaign-connected activities.

3 “(2) PERSONAL USE SERVICES DESCRIBED.—

4 The personal use services described in this para-  
5 graph are as follows:

6 “(A) Child care services.

7 “(B) Elder care services.

8 “(C) Professional development services.

9 “(D) Payments of premiums, copayments,  
10 deductibles and other costs associated with  
11 health insurance coverage.”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 this subtitle shall take effect on the date of the enactment  
14 of this Act.

## 15 **Subtitle E—Severability**

### 16 **SEC. 5401. 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  
23 affected by the holding.

1     **TITLE VI—CAMPAIGN FINANCE**  
2                     **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. Effective date; transition.

                  Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.  
Sec. 6102. Clarification of treatment of coordinated expenditures as contribu-  
                  tions to candidates.  
Sec. 6103. Clarification of ban on fundraising for super PACs by Federal can-  
                  didates and officeholders.

                  Subtitle C—Severability

- Sec. 6201. Severability.

3     **Subtitle A—Restoring Integrity to**  
4                     **America’s Elections**

5     **SEC. 6001. SHORT TITLE.**

6             This subtitle may be cited as the “Restoring Integrity  
7 to America’s Elections Act”.

8     **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**  
9                     **SION.**

10            (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL  
11 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS  
12 EX OFFICIO MEMBERS.—

13                    (1) IN GENERAL; QUORUM.—Section 306(a)(1)  
14 of the Federal Election Campaign Act of 1971 (52  
15 U.S.C. 30106(a)(1)) is amended by striking the sec-

1       ond and third sentences and inserting the following:  
2       “The Commission is composed of 5 members ap-  
3       pointed by the President by and with the advice and  
4       consent of the Senate, of whom no more than 2 may  
5       be affiliated with the same political party. A major-  
6       ity of the number of members of the Commission  
7       who are serving at the time shall constitute a  
8       quorum, except that 3 members shall constitute a  
9       quorum if there are 4 members serving at the  
10      time.”.

11           (2) CONFORMING AMENDMENTS RELATING TO  
12      REDUCTION IN NUMBER OF MEMBERS.—(A) The  
13      second sentence of section 306(c) of such Act (52  
14      U.S.C. 30106(c)) is amended by striking “affirma-  
15      tive vote of 4 members of the Commission” and in-  
16      serting “affirmative vote of a majority of the mem-  
17      bers of the Commission who are serving at the  
18      time”.

19           (B) Such Act is further amended by striking  
20      “affirmative vote of 4 of its members” and inserting  
21      “affirmative vote of a majority of the members of  
22      the Commission who are serving at the time” each  
23      place it appears in the following sections:

24                   (i) Section 309(a)(2) (52 U.S.C.  
25                   30109(a)(2)).

1           (ii) Section 309(a)(4)(A)(i) (52 U.S.C.  
2           30109(a)(4)(A)(i)).

3           (iii) Section 309(a)(5)(C) (52 U.S.C.  
4           30109(a)(5)(C)).

5           (iv) Section 309(a)(6)(A) (52 U.S.C.  
6           30109(a)(6)(A)).

7           (v) Section 311(b) (52 U.S.C. 30111(b)).

8           (3) CONFORMING AMENDMENT RELATING TO  
9           REMOVAL OF EX OFFICIO MEMBERS.—Section  
10          306(a) of such Act (52 U.S.C. 30106(a)) is amend-  
11          ed by striking “(other than the Secretary of the Sen-  
12          ate and the Clerk of the House of Representatives)”  
13          each place it appears in paragraphs (4) and (5).

14          (b) TERMS OF SERVICE.—Section 306(a)(2) of such  
15          Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-  
16          lows:

17                 “(2) TERMS OF SERVICE.—

18                         “(A) IN GENERAL.—Each member of the  
19                         Commission shall serve for a single term of 6  
20                         years.

21                         “(B) SPECIAL RULE FOR INITIAL APPOINT-  
22                         MENTS.—Of the members first appointed to  
23                         serve terms that begin in January 2022, the  
24                         President shall designate 2 to serve for a 3-year  
25                         term.

1           “(C) NO REAPPOINTMENT PERMITTED.—  
2           An individual who served a term as a member  
3           of the Commission may not serve for an addi-  
4           tional term, except that—

5                   “(i) an individual who served a 3-year  
6                   term under subparagraph (B) may also be  
7                   appointed to serve a 6-year term under  
8                   subparagraph (A); and

9                   “(ii) for purposes of this subpara-  
10                  graph, an individual who is appointed to  
11                  fill a vacancy under subparagraph (D)  
12                  shall not be considered to have served a  
13                  term if the portion of the unexpired term  
14                  the individual fills is less than 50 percent  
15                  of the period of the term.

16                  “(D) VACANCIES.—Any vacancy occurring  
17                  in the membership of the Commission shall be  
18                  filled in the same manner as in the case of the  
19                  original appointment. Except as provided in  
20                  subparagraph (C), an individual appointed to  
21                  fill a vacancy occurring other than by the expi-  
22                  ration of a term of office shall be appointed  
23                  only for the unexpired term of the member he  
24                  or she succeeds.

1           “(E) LIMITATION ON SERVICE AFTER EX-  
2           PIRATION OF TERM.—A member of the Com-  
3           mission may continue to serve on the Commis-  
4           sion after the expiration of the member’s term  
5           for an additional period, but only until the ear-  
6           lier of—

7                   “(i) the date on which the member’s  
8                   successor has taken office as a member of  
9                   the Commission; or

10                   “(ii) the expiration of the 1-year pe-  
11                   riod that begins on the last day of the  
12                   member’s term.”.

13           (c) QUALIFICATIONS.—Section 306(a)(3) of such Act  
14 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

15                   “(3) QUALIFICATIONS.—

16                   “(A) IN GENERAL.—The President may  
17                   select an individual for service as a member of  
18                   the Commission if the individual has experience  
19                   in election law and has a demonstrated record  
20                   of integrity, impartiality, and good judgment.

21                   “(B) ASSISTANCE OF BLUE RIBBON ADVI-  
22                   SORY PANEL.—

23                   “(i) IN GENERAL.—Prior to the regu-  
24                   larly scheduled expiration of the term of a  
25                   member of the Commission and upon the

1 occurrence of a vacancy in the membership  
2 of the Commission prior to the expiration  
3 of a term, the President shall convene a  
4 Blue Ribbon Advisory Panel, consisting of  
5 an odd number of individuals selected by  
6 the President from retired Federal judges,  
7 former law enforcement officials, or indi-  
8 viduals with experience in election law, ex-  
9 cept that the President may not select any  
10 individual to serve on the panel who holds  
11 any public office at the time of selection.

12 “(ii) RECOMMENDATIONS.—With re-  
13 spect to each member of the Commission  
14 whose term is expiring or each vacancy in  
15 the membership of the Commission (as the  
16 case may be), the Blue Ribbon Advisory  
17 Panel shall recommend to the President at  
18 least one but not more than 3 individuals  
19 for nomination for appointment as a mem-  
20 ber of the Commission.

21 “(iii) PUBLICATION.—At the time the  
22 President submits to the Senate the nomi-  
23 nations for individuals to be appointed as  
24 members of the Commission, the President  
25 shall publish the Blue Ribbon Advisory

1 Panel's recommendations for such nomina-  
2 tions.

3 “(iv) EXEMPTION FROM FEDERAL AD-  
4 VISORY COMMITTEE ACT.—The Federal  
5 Advisory Committee Act (5 U.S.C. App.)  
6 does not apply to a Blue Ribbon Advisory  
7 Panel convened under this subparagraph.

8 “(C) PROHIBITING ENGAGEMENT WITH  
9 OTHER BUSINESS OR EMPLOYMENT DURING  
10 SERVICE.—A member of the Commission shall  
11 not engage in any other business, vocation, or  
12 employment. Any individual who is engaging in  
13 any other business, vocation, or employment at  
14 the time of his or her appointment to the Com-  
15 mission shall terminate or liquidate such activ-  
16 ity no later than 90 days after such appoint-  
17 ment.”.

18 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**  
19 **ERAL ELECTION COMMISSION.**

20 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

21 (1) IN GENERAL.—Section 306(a)(5) of the  
22 Federal Election Campaign Act of 1971 (52 U.S.C.  
23 30106(a)(5)) is amended to read as follows:

24 “(5) CHAIR.—



1           “(A) INITIAL APPOINTMENT.—Of the  
2 members first appointed to serve terms that  
3 begin in January 2022, one such member (as  
4 designated by the President at the time the  
5 President submits nominations to the Senate)  
6 shall serve as Chair of the Commission.

7           “(B) SUBSEQUENT APPOINTMENTS.—Any  
8 individual who is appointed to succeed the  
9 member who serves as Chair of the Commission  
10 for the term beginning in January 2022 (as  
11 well as any individual who is appointed to fill  
12 a vacancy if such member does not serve a full  
13 term as Chair) shall serve as Chair of the Com-  
14 mission.

15           “(C) VICE CHAIR.—The Commission shall  
16 select, by majority vote of its members, one of  
17 its members to serve as Vice Chair, who shall  
18 act as Chair in the absence or disability of the  
19 Chair or in the event of a vacancy in the posi-  
20 tion of Chair.”.

21           (2) CONFORMING AMENDMENT.—Section  
22 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is  
23 amended by striking “through its chairman or vice  
24 chairman” and inserting “through the Chair”.

25           (b) POWERS.—

1           (1) ASSIGNMENT OF CERTAIN POWERS TO  
2 CHAIR.—Section 307(a) of such Act (52 U.S.C.  
3 30107(a)) is amended to read as follows:

4           “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR  
5 AND COMMISSION.—

6           “(1) POWERS ASSIGNED TO CHAIR.—

7           “(A) ADMINISTRATIVE POWERS.—The  
8 Chair of the Commission shall be the chief ad-  
9 ministrative officer of the Commission and shall  
10 have the authority to administer the Commis-  
11 sion and its staff, and (in consultation with the  
12 other members of the Commission) shall have  
13 the power—

14           “(i) to appoint and remove the staff  
15 director of the Commission;

16           “(ii) to request the assistance (includ-  
17 ing personnel and facilities) of other agen-  
18 cies and departments of the United States,  
19 whose heads may make such assistance  
20 available to the Commission with or with-  
21 out reimbursement; and

22           “(iii) to prepare and establish the  
23 budget of the Commission and to make  
24 budget requests to the President, the Di-

1 rector of the Office of Management and  
2 Budget, and Congress.

3 “(B) OTHER POWERS.—The Chair of the  
4 Commission shall have the power—

5 “(i) to appoint and remove the gen-  
6 eral counsel of the Commission with the  
7 concurrence of at least 2 other members of  
8 the Commission;

9 “(ii) to require by special or general  
10 orders, any person to submit, under oath,  
11 such written reports and answers to ques-  
12 tions as the Chair may prescribe;

13 “(iii) to administer oaths or affirma-  
14 tions;

15 “(iv) to require by subpoena, signed  
16 by the Chair, the attendance and testimony  
17 of witnesses and the production of all doc-  
18 umentary evidence relating to the execu-  
19 tion of its duties;

20 “(v) in any proceeding or investiga-  
21 tion, to order testimony to be taken by  
22 deposition before any person who is des-  
23 ignated by the Chair, and shall have the  
24 power to administer oaths and, in such in-  
25 stances, to compel testimony and the pro-

1           duction of evidence in the same manner as  
2           authorized under clause (iv); and

3                   “(vi) to pay witnesses the same fees  
4           and mileage as are paid in like cir-  
5           cumstances in the courts of the United  
6           States.

7           “(2) POWERS ASSIGNED TO COMMISSION.—The  
8           Commission shall have the power—

9                   “(A) to initiate (through civil actions for  
10           injunctive, declaratory, or other appropriate re-  
11           lief), defend (in the case of any civil action  
12           brought under section 309(a)(8) of this Act) or  
13           appeal any civil action in the name of the Com-  
14           mission to enforce the provisions of this Act  
15           and chapter 95 and chapter 96 of the Internal  
16           Revenue Code of 1986, through its general  
17           counsel;

18                   “(B) to render advisory opinions under  
19           section 308 of this Act;

20                   “(C) to develop such prescribed forms and  
21           to make, amend, and repeal such rules, pursu-  
22           ant to the provisions of chapter 5 of title 5,  
23           United States Code, as are necessary to carry  
24           out the provisions of this Act and chapter 95

1 and chapter 96 of the Internal Revenue Code of  
2 1986;

3 “(D) to conduct investigations and hear-  
4 ings expeditiously, to encourage voluntary com-  
5 pliance, and to report apparent violations to the  
6 appropriate law enforcement authorities; and

7 “(E) to transmit to the President and Con-  
8 gress not later than June 1 of each year a re-  
9 port which states in detail the activities of the  
10 Commission in carrying out its duties under  
11 this Act, and which includes any recommenda-  
12 tions for any legislative or other action the  
13 Commission considers appropriate.

14 “(3) PERMITTING COMMISSION TO EXERCISE  
15 OTHER POWERS OF CHAIR.—With respect to any in-  
16 vestigation, action, or proceeding, the Commission,  
17 by an affirmative vote of a majority of the members  
18 who are serving at the time, may exercise any of the  
19 powers of the Chair described in paragraph (1)(B).”.

20 (2) CONFORMING AMENDMENTS RELATING TO  
21 PERSONNEL AUTHORITY.—Section 306(f) of such  
22 Act (52 U.S.C. 30106(f)) is amended—

23 (A) by amending the first sentence of  
24 paragraph (1) to read as follows: “The Com-  
25 mission shall have a staff director who shall be

1 appointed by the Chair of the Commission in  
2 consultation with the other members and a gen-  
3 eral counsel who shall be appointed by the  
4 Chair with the concurrence of at least two other  
5 members.”;

6 (B) in paragraph (2), by striking “With  
7 the approval of the Commission” and inserting  
8 “With the approval of the Chair of the Commis-  
9 sion”; and

10 (C) by striking paragraph (3).

11 (3) CONFORMING AMENDMENT RELATING TO  
12 BUDGET SUBMISSION.—Section 307(d)(1) of such  
13 Act (52 U.S.C. 30107(d)(1)) is amended by striking  
14 “the Commission submits any budget” and inserting  
15 “the Chair (or, pursuant to subsection (a)(3), the  
16 Commission) submits any budget”.

17 (4) OTHER CONFORMING AMENDMENTS.—Sec-  
18 tion 306(e) of such Act (52 U.S.C. 30106(e)) is  
19 amended by striking “All decisions” and inserting  
20 “Subject to section 307(a), all decisions”.

21 (5) TECHNICAL AMENDMENT.—The heading of  
22 section 307 of such Act (52 U.S.C. 30107) is  
23 amended by striking “THE COMMISSION” and insert-  
24 ing “THE CHAIR AND THE COMMISSION”.

1 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

2 (a) STANDARD FOR INITIATING INVESTIGATIONS AND  
3 DETERMINING WHETHER VIOLATIONS HAVE OC-  
4 CURRED.—

5 (1) REVISION OF STANDARDS.—Section 309(a)  
6 of the Federal Election Campaign Act of 1971 (52  
7 U.S.C. 30109(a)) is amended by striking paragraphs  
8 (2) and (3) and inserting the following:

9 “(2)(A) The general counsel, upon receiving a com-  
10 plaint filed with the Commission under paragraph (1) or  
11 upon the basis of information ascertained by the Commis-  
12 sion in the normal course of carrying out its supervisory  
13 responsibilities, shall make a determination as to whether  
14 or not there is reason to believe that a person has com-  
15 mitted, or is about to commit, a violation of this Act or  
16 chapter 95 or chapter 96 of the Internal Revenue Code  
17 of 1986, and as to whether or not the Commission should  
18 either initiate an investigation of the matter or that the  
19 complaint should be dismissed. The general counsel shall  
20 promptly provide notification to the Commission of such  
21 determination and the reasons therefore, together with  
22 any written response submitted under paragraph (1) by  
23 the person alleged to have committed the violation. Upon  
24 the expiration of the 30-day period which begins on the  
25 date the general counsel provides such notification, the  
26 general counsel’s determination shall take effect, unless

1 during such 30-day period the Commission, by vote of a  
2 majority of the members of the Commission who are serv-  
3 ing at the time, overrules the general counsel's determina-  
4 tion. If the determination by the general counsel that the  
5 Commission should investigate the matter takes effect, or  
6 if the determination by the general counsel that the com-  
7 plaint should be dismissed is overruled as provided under  
8 the previous sentence, the general counsel shall initiate an  
9 investigation of the matter on behalf of the Commission.

10       “(B) If the Commission initiates an investigation  
11 pursuant to subparagraph (A), the Commission, through  
12 the Chair, shall notify the subject of the investigation of  
13 the alleged violation. Such notification shall set forth the  
14 factual basis for such alleged violation. The Commission  
15 shall make an investigation of such alleged violation, which  
16 may include a field investigation or audit, in accordance  
17 with the provisions of this section. The general counsel  
18 shall provide notification to the Commission of any intent  
19 to issue a subpoena or conduct any other form of discovery  
20 pursuant to the investigation. Upon the expiration of the  
21 15-day period which begins on the date the general counsel  
22 provides such notification, the general counsel may issue  
23 the subpoena or conduct the discovery, unless during such  
24 15-day period the Commission, by vote of a majority of  
25 the members of the Commission who are serving at the



1 time, prohibits the general counsel from issuing the sub-  
2 poena or conducting the discovery.

3 “(3)(A) Upon completion of an investigation under  
4 paragraph (2), the general counsel shall promptly submit  
5 to the Commission the general counsel’s recommendation  
6 that the Commission find either that there is probable  
7 cause or that there is not probable cause to believe that  
8 a person has committed, or is about to commit, a violation  
9 of this Act or chapter 95 or chapter 96 of the Internal  
10 Revenue Code of 1986, and shall include with the rec-  
11 ommendation a brief stating the position of the general  
12 counsel on the legal and factual issues of the case.

13 “(B) At the time the general counsel submits to the  
14 Commission the recommendation under subparagraph (A),  
15 the general counsel shall simultaneously notify the re-  
16 spondent of such recommendation and the reasons there-  
17 fore, shall provide the respondent with an opportunity to  
18 submit a brief within 30 days stating the position of the  
19 respondent on the legal and factual issues of the case and  
20 replying to the brief of the general counsel. The general  
21 counsel and shall promptly submit such brief to the Com-  
22 mission upon receipt.

23 “(C) Not later than 30 days after the general counsel  
24 submits the recommendation to the Commission under  
25 subparagraph (A) (or, if the respondent submits a brief

1 under subparagraph (B), not later than 30 days after the  
2 general counsel submits the respondent’s brief to the Com-  
3 mission under such subparagraph), the Commission shall  
4 approve or disapprove the recommendation by vote of a  
5 majority of the members of the Commission who are serv-  
6 ing at the time.”.

7 (2) CONFORMING AMENDMENT RELATING TO  
8 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-  
9 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))  
10 is amended—

11 (A) in the third sentence, by striking “the  
12 Commission” and inserting “the general coun-  
13 sel”; and

14 (B) by amending the fourth sentence to  
15 read as follows: “Not later than 15 days after  
16 receiving notice from the general counsel under  
17 the previous sentence, the person may provide  
18 the general counsel with a written response that  
19 no action should be taken against such person  
20 on the basis of the complaint.”.

21 (b) REVISION OF STANDARD FOR REVIEW OF DIS-  
22 MISSAL OF COMPLAINTS.—

23 (1) IN GENERAL.—Section 309(a)(8) of such  
24 Act (52 U.S.C. 30109(a)(8)) is amended to read as  
25 follows:

1           “(8)(A)(i) Any party aggrieved by an order of the  
2 Commission dismissing a complaint filed by such party  
3 after finding either no reason to believe a violation has  
4 occurred or no probable cause a violation has occurred  
5 may file a petition with the United States District Court  
6 for the District of Columbia. Any petition under this sub-  
7 paragraph shall be filed within 60 days after the date on  
8 which the party received notice of the dismissal of the  
9 complaint.

10           “(ii) In any proceeding under this subparagraph, the  
11 court shall determine by de novo review whether the agen-  
12 cy’s dismissal of the complaint is contrary to law. In any  
13 matter in which the penalty for the alleged violation is  
14 greater than \$50,000, the court should disregard any  
15 claim or defense by the Commission of prosecutorial dis-  
16 cretion as a basis for dismissing the complaint.

17           “(B)(i) Any party who has filed a complaint with the  
18 Commission and who is aggrieved by a failure of the Com-  
19 mission, within one year after the filing of the complaint,  
20 to either dismiss the complaint or to find reason to believe  
21 a violation has occurred or is about to occur, may file a  
22 petition with the United States District Court for the Dis-  
23 trict of Columbia.

24           “(ii) In any proceeding under this subparagraph, the  
25 court shall treat the failure to act on the complaint as

1 a dismissal of the complaint, and shall determine by de  
2 novo review whether the agency's failure to act on the  
3 complaint is contrary to law.

4 “(C) In any proceeding under this paragraph the  
5 court may declare that the dismissal of the complaint or  
6 the failure to act is contrary to law, and may direct the  
7 Commission to conform with such declaration within 30  
8 days, failing which the complainant may bring, in the  
9 name of such complainant, a civil action to remedy the  
10 violation involved in the original complaint.”.

11 (2) EFFECTIVE DATE.—The amendments made  
12 by paragraph (1) shall apply—

13 (A) in the case of complaints which are  
14 dismissed by the Federal Election Commission,  
15 with respect to complaints which are dismissed  
16 on or after the date of the enactment of this  
17 Act; and

18 (B) in the case of complaints upon which  
19 the Federal Election Commission failed to act,  
20 with respect to complaints which were filed on  
21 or 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  
5 U.S.C. 30108) is amended by adding at the end the fol-  
6 lowing new 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 op-  
12 portunity, the Commission shall provide a reasonable op-  
13 portunity for an interested party who submitted written  
14 comments under subsection (d) in response to the request  
15 (or counsel for such interested party) to appear before the  
16 Commission to present testimony in response to the re-  
17 quest.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to requests for advi-  
20 sory opinions under section 308 of the Federal Election  
21 Campaign Act of 1971 which are made on or after the  
22 date of the enactment of this Act.

23 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**  
24 **PENALTY AUTHORITY.**

25 (a) EXTENSION OF AUTHORITY.—Section  
26 309(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 strik-  
2 ing “, and that end on or before December 31, 2018”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall take effect on December 31, 2018.

5 **SEC. 6007. EFFECTIVE DATE; TRANSITION.**

6 (a) **IN GENERAL.**—Except as otherwise provided, the  
7 amendments made by this subtitle shall apply beginning  
8 January 1, 2022.

9 (b) **TRANSITION.**—

10 (1) **TERMINATION OF SERVICE OF CURRENT**  
11 **MEMBERS.**—Notwithstanding any provision of the  
12 Federal Election Campaign Act of 1971, the term of  
13 any individual serving as a member of the Federal  
14 Election Commission as of December 31, 2021, shall  
15 expire on that date.

16 (2) **NO EFFECT ON EXISTING CASES OR PRO-**  
17 **CEEDINGS.**—Nothing in this subtitle or in any  
18 amendment made by this subtitle shall affect any of  
19 the powers exercised by the Federal Election Com-  
20 mission prior to December 31, 2021, including any  
21 investigation initiated by the Commission prior to  
22 such date or any proceeding (including any enforce-  
23 ment action) pending as of such date.

1     **Subtitle B—Stopping Super PAC-**  
2             **Candidate Coordination**

3     **SEC. 6101. SHORT TITLE.**

4             This subtitle may be cited as the “Stop Super PAC–  
5     Candidate Coordination Act”.

6     **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-**  
7             **NATED EXPENDITURES AS CONTRIBUTIONS**  
8             **TO CANDIDATES.**

9             (a) TREATMENT AS CONTRIBUTION TO CAN-  
10     DIDATE.—Section 301(8)(A) of the Federal Election Cam-  
11     paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

12             (1) by striking “or” at the end of clause (i);

13             (2) by striking the period at the end of clause  
14     (ii) and inserting “; or”; and

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

17             “(iii) any payment made by any person  
18             (other than a candidate, an authorized com-  
19             mittee of a candidate, or a political committee  
20             of a political party) for a coordinated expendi-  
21             ture (as such term is defined in section 326)  
22             which is not otherwise treated as a contribution  
23             under clause (i) or clause (ii).”.

1 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.  
2 30101 et seq.), as amended by section 4702(a), is amend-  
3 ed by adding at the end the following new section:

4 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

5 “(a) COORDINATED EXPENDITURES.—

6 “(1) IN GENERAL.—For purposes of section  
7 301(8)(A)(iii), the term ‘coordinated expenditure’  
8 means—

9 “(A) any expenditure, or any payment for  
10 a covered communication described in sub-  
11 section (d), which is made in cooperation, con-  
12 sultation, or concert with, or at the request or  
13 suggestion of, a candidate, an authorized com-  
14 mittee of a candidate, a political committee of  
15 a political party, or agents of the candidate or  
16 committee, as defined in subsection (b); or

17 “(B) any payment for any communication  
18 which republishes, disseminates, or distributes,  
19 in whole or in part, any video or broadcast or  
20 any written, graphic, or other form of campaign  
21 material prepared by the candidate or com-  
22 mittee or by agents of the candidate or com-  
23 mittee (including any excerpt or use of any  
24 video from any such broadcast or written,  
25 graphic, or other form of campaign material).



1           “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN  
2           COMMUNICATIONS.—A payment for a communication  
3           (including a covered communication described in  
4           subsection (d)) shall not be treated as a coordinated  
5           expenditure under this subsection if—

6                   “(A) the communication appears in a news  
7                   story, commentary, or editorial distributed  
8                   through the facilities of any broadcasting sta-  
9                   tion, newspaper, magazine, or other periodical  
10                  publication, unless such facilities are owned or  
11                  controlled by any political party, political com-  
12                  mittee, or candidate; or

13                  “(B) the communication constitutes a can-  
14                  didate debate or forum conducted pursuant to  
15                  regulations adopted by the Commission pursu-  
16                  ant to section 304(f)(3)(B)(iii), or which solely  
17                  promotes such a debate or forum and is made  
18                  by or on behalf of the person sponsoring the de-  
19                  bate or forum.

20           “(b) COORDINATION DESCRIBED.—

21                   “(1) IN GENERAL.—For purposes of this sec-  
22                   tion, a payment is made ‘in cooperation, consulta-  
23                   tion, or concert with, or at the request or suggestion  
24                   of,’ a candidate, an authorized committee of a can-  
25                   didate, a political committee of a political party, or

1 agents of the candidate or committee, if the pay-  
2 ment, or any communication for which the payment  
3 is made, is not made entirely independently of the  
4 candidate, committee, or agents. For purposes of the  
5 previous sentence, a payment or communication not  
6 made entirely independently of the candidate or  
7 committee includes any payment or communication  
8 made pursuant to any general or particular under-  
9 standing with, or pursuant to any communication  
10 with, the candidate, committee, or agents about the  
11 payment or communication.

12 “(2) NO FINDING OF COORDINATION BASED  
13 SOLELY ON SHARING OF INFORMATION REGARDING  
14 LEGISLATIVE OR POLICY POSITION.—For purposes  
15 of this section, a payment shall not be considered to  
16 be made by a person in cooperation, consultation, or  
17 concert with, or at the request or suggestion of, a  
18 candidate or committee, solely on the grounds that  
19 the person or the person’s agent engaged in discus-  
20 sions with the candidate or committee, or with any  
21 agent of the candidate or committee, regarding that  
22 person’s position on a legislative or policy matter  
23 (including urging the candidate or committee to  
24 adopt that person’s position), so long as there is no  
25 communication between the person and the can-

1 didate or committee, or any agent of the candidate  
2 or committee, regarding the candidate's or commit-  
3 tee's campaign advertising, message, strategy, pol-  
4 icy, polling, allocation of resources, fundraising, or  
5 other campaign activities.

6 “(3) NO EFFECT ON PARTY COORDINATION  
7 STANDARD.—Nothing in this section shall be con-  
8 strued to affect the determination of coordination  
9 between a candidate and a political committee of a  
10 political party for purposes of section 315(d).

11 “(4) NO SAFE HARBOR FOR USE OF FIRE-  
12 WALL.—A person shall be determined to have made  
13 a payment in cooperation, consultation, or concert  
14 with, or at the request or suggestion of, a candidate  
15 or committee, in accordance with this section with-  
16 out regard to whether or not the person established  
17 and used a firewall or similar procedures to restrict  
18 the sharing of information between individuals who  
19 are employed by or who are serving as agents for the  
20 person making the payment.

21 “(c) PAYMENTS BY COORDINATED SPENDERS FOR  
22 COVERED COMMUNICATIONS.—

23 “(1) PAYMENTS MADE IN COOPERATION, CON-  
24 SULTATION, OR CONCERT WITH CANDIDATES.—For  
25 purposes of subsection (a)(1)(A), if the person who

1 makes a payment for a covered communication, as  
2 defined in subsection (d), is a coordinated spender  
3 under paragraph (2) with respect to the candidate  
4 as described in subsection (d)(1), the payment for  
5 the covered communication is made in cooperation,  
6 consultation, or concert with the candidate.

7 “(2) COORDINATED SPENDER DEFINED.—For  
8 purposes of this subsection, the term ‘coordinated  
9 spender’ means, with respect to a candidate or an  
10 authorized committee of a candidate, a person (other  
11 than a political committee of a political party) for  
12 which any of the following applies:

13 “(A) During the 4-year period ending on  
14 the date on which the person makes the pay-  
15 ment, the person was directly or indirectly  
16 formed or established by or at the request or  
17 suggestion of, or with the encouragement of,  
18 the candidate (including an individual who later  
19 becomes a candidate) or committee or agents of  
20 the candidate or committee, including with the  
21 approval of the candidate or committee or  
22 agents of the candidate or committee.

23 “(B) The candidate or committee or any  
24 agent of the candidate or committee solicits  
25 funds, appears at a fundraising event, or en-

1 gages in other fundraising activity on the per-  
2 son's behalf during the election cycle involved,  
3 including by providing the person with names of  
4 potential donors or other lists to be used by the  
5 person in engaging in fundraising activity, re-  
6 gardless of whether the person pays fair market  
7 value for the names or lists provided. For pur-  
8 poses of this subparagraph, the term 'election  
9 cycle' means, with respect to an election for  
10 Federal office, the period beginning on the day  
11 after the date of the most recent general elec-  
12 tion for that office (or, if the general election  
13 resulted in a runoff election, the date of the  
14 runoff election) and ending on the date of the  
15 next general election for that office (or, if the  
16 general election resulted in a runoff election,  
17 the date of the runoff election).

18 “(C) The person is established, directed, or  
19 managed by the candidate or committee or by  
20 any person who, during the 4-year period end-  
21 ing on the date on which the person makes the  
22 payment, has been employed or retained as a  
23 political, campaign media, or fundraising ad-  
24 viser or consultant for the candidate or com-  
25 mittee or for any other entity directly or indi-

1 rectly controlled by the candidate or committee,  
2 or has held a formal position with the candidate  
3 or committee (including a position as an em-  
4 ployee of the office of the candidate at any time  
5 the candidate held any Federal, State, or local  
6 public office during the 4-year period).

7 “(D) The person has retained the profes-  
8 sional services of any person who, during the 2-  
9 year period ending on the date on which the  
10 person makes the payment, has provided or is  
11 providing professional services relating to the  
12 campaign to the candidate or committee, with-  
13 out regard to whether the person providing the  
14 professional services used a firewall. For pur-  
15 poses of this subparagraph, the term ‘profes-  
16 sional services’ includes any services in support  
17 of the candidate’s or committee’s campaign ac-  
18 tivities, including advertising, message, strat-  
19 egy, policy, polling, allocation of resources,  
20 fundraising, and campaign operations, but does  
21 not include accounting or legal services.

22 “(E) The person is established, directed, or  
23 managed by a member of the immediate family  
24 of the candidate, or the person or any officer or  
25 agent of the person has had more than inci-

1 dental discussions about the candidate’s cam-  
2 paign with a member of the immediate family  
3 of the candidate. For purposes of this subpara-  
4 graph, the term ‘immediate family’ has the  
5 meaning given such term in section 9004(e) of  
6 the Internal Revenue Code of 1986.

7 “(d) COVERED COMMUNICATION DEFINED.—

8 “(1) IN GENERAL.—For purposes of this sec-  
9 tion, the term ‘covered communication’ means, with  
10 respect to a candidate or an authorized committee of  
11 a candidate, a public communication (as defined in  
12 section 301(22)) which—

13 “(A) expressly advocates the election of the  
14 candidate or the defeat of an opponent of the  
15 candidate (or contains the functional equivalent  
16 of express advocacy);

17 “(B) promotes or supports the candidate,  
18 or attacks or opposes an opponent of the can-  
19 didate (regardless of whether the communica-  
20 tion expressly advocates the election or defeat  
21 of a candidate or contains the functional equiv-  
22 alent of express advocacy); or

23 “(C) refers to the candidate or an oppo-  
24 nent of the candidate but is not described in  
25 subparagraph (A) or subparagraph (B), but

1           only if the communication is disseminated dur-  
2           ing the applicable election period.

3           “(2) APPLICABLE ELECTION PERIOD.—In para-  
4           graph (1)(C), the ‘applicable election period’ with re-  
5           spect to a communication means—

6                   “(A) in the case of a communication which  
7                   refers to a candidate in a general, special, or  
8                   runoff election, the 120-day period which ends  
9                   on the date of the election; or

10                   “(B) in the case of a communication which  
11                   refers to a candidate in a primary or preference  
12                   election, or convention or caucus of a political  
13                   party that has authority to nominate a can-  
14                   didate, the 60-day period which ends on the  
15                   date of the election or convention or caucus.

16           “(3) SPECIAL RULES FOR COMMUNICATIONS IN-  
17           VOLVING CONGRESSIONAL CANDIDATES.—For pur-  
18           poses of this subsection, a public communication  
19           shall not be considered to be a covered communica-  
20           tion with respect to a candidate for election for an  
21           office other than the office of President or Vice  
22           President unless it is publicly disseminated or dis-  
23           tributed in the jurisdiction of the office the can-  
24           didate is seeking.

25           “(e) PENALTY.—



1           “(1) DETERMINATION OF AMOUNT.—Any per-  
2           son who knowingly and willfully commits a violation  
3           of this Act by making a contribution which consists  
4           of a payment for a coordinated expenditure shall be  
5           fined an amount equal to the greater of—

6                       “(A) in the case of a person who makes a  
7                       contribution which consists of a payment for a  
8                       coordinated expenditure in an amount exceeding  
9                       the applicable contribution limit under this Act,  
10                      300 percent of the amount by which the  
11                      amount of the payment made by the person ex-  
12                      ceeds such applicable contribution limit; or

13                     “(B) in the case of a person who is prohib-  
14                     ited under this Act from making a contribution  
15                     in any amount, 300 percent of the amount of  
16                     the payment made by the person for the coordi-  
17                     nated expenditure.

18           “(2) JOINT AND SEVERAL LIABILITY.—Any di-  
19           rector, manager, or officer of a person who is subject  
20           to a penalty under paragraph (1) shall be jointly and  
21           severally liable for any amount of such penalty that  
22           is not paid by the person prior to the expiration of  
23           the 1-year period which begins on the date the Com-  
24           mission imposes the penalty or the 1-year period  
25           which begins on the date of the final judgment fol-

1       lowing any judicial review of the Commission’s ac-  
2       tion, whichever is later.”.

3       (c) EFFECTIVE DATE.—

4               (1) REPEAL OF EXISTING REGULATIONS ON CO-  
5       ORDINATION.—Effective upon the expiration of the  
6       90-day period which begins on the date of the enact-  
7       ment of this Act—

8               (A) the regulations on coordinated commu-  
9       nications adopted by the Federal Election Com-  
10      mission which are in effect on the date of the  
11      enactment of this Act (as set forth in 11 CFR  
12      Part 109, Subpart C, under the heading “Co-  
13      ordination”) are repealed; and

14              (B) the Federal Election Commission shall  
15      promulgate new regulations on coordinated  
16      communications which reflect the amendments  
17      made by this Act.

18              (2) EFFECTIVE DATE.—The amendments made  
19      by this section shall apply with respect to payments  
20      made on or after the expiration of the 120-day pe-  
21      riod which begins on the date of the enactment of  
22      this Act, without regard to whether or not the Fed-  
23      eral Election Commission has promulgated regula-  
24      tions in accordance with paragraph (1)(B) as of the  
25      expiration of such period.

1 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**  
2 **SUPER PACS BY FEDERAL CANDIDATES AND**  
3 **OFFICEHOLDERS.**

4 (a) IN GENERAL.—Section 323(e)(1) of the Federal  
5 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))  
6 is amended—

7 (1) by striking “or” at the end of subparagraph  
8 (A);

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

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

13 “(C) solicit, receive, direct, or transfer  
14 funds to or on behalf of any political committee  
15 which accepts donations or contributions that  
16 do not comply with the limitations, prohibitions,  
17 and reporting requirements of this Act (or to or  
18 on behalf of any account of a political com-  
19 mittee which is established for the purpose of  
20 accepting such donations or contributions), or  
21 to or on behalf of any political organization  
22 under section 527 of the Internal Revenue Code  
23 of 1986 which accepts such donations or con-  
24 tributions (other than a committee of a State or  
25 local political party or a candidate for election  
26 for State or local office).”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply with respect to elections occur-  
3 ring after January 1, 2020.

## 4 **Subtitle C—Severability**

### 5 **SEC. 6201. SEVERABILITY.**

6 If any provision of this title or amendment made by  
7 this title, or the application of a provision or amendment  
8 to any person or circumstance, is held to be unconstitu-  
9 tional, the remainder of this title and amendments made  
10 by this title, and the application of the provisions and  
11 amendment to any person or circumstance, shall not be  
12 affected by the holding.

## 13 **DIVISION C—ETHICS**

# 14 **TITLE VII—ETHICAL STANDARDS**

### Subtitle A—Supreme Court Ethics

Sec. 7001. Code of conduct for Federal judges.

### Subtitle B—Foreign Agents Registration

Sec. 7101. Establishment of FARA investigation and enforcement unit within  
Department of Justice.

Sec. 7102. Authority to impose civil money penalties.

Sec. 7103. Disclosure of transactions involving things of financial value con-  
ferred on officeholders.

### Subtitle C—Lobbying Disclosure Reform

Sec. 7201. Expanding scope of individuals and activities subject to require-  
ments of Lobbying Disclosure Act of 1995.

### Subtitle D—Recusal of Presidential Appointees

Sec. 7301. Recusal of appointees.

### Subtitle E—Severability

Sec. 7401. Severability.

## 1 **Subtitle A—Supreme Court Ethics**

### 2 **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

3 (a) IN GENERAL.—Chapter 57 of title 28, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

#### 6 **“§ 964. Code of conduct**

7 “Not later than one year after the date of the enact-  
8 ment of this section, the Judicial Conference shall issue  
9 a code of conduct, which applies to each justice and judge  
10 of the United States, except that the code of conduct may  
11 include provisions that are applicable only to certain cat-  
12 egories of judges or justices.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 for chapter 57 of title 28, United States Code, is amended  
15 by adding after the item related to section 963 the fol-  
16 lowing:

“964. Code of conduct.”.

## 17 **Subtitle B—Foreign Agents**

### 18 **Registration**

#### 19 **SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND** 20 **ENFORCEMENT UNIT WITHIN DEPARTMENT** 21 **OF JUSTICE.**

22 Section 8 of the Foreign Agents Registration Act of  
23 1938, as amended (22 U.S.C. 618) is amended by adding  
24 at the end the following new subsection:

1 “(i) DEDICATED ENFORCEMENT UNIT.—

2 “(1) ESTABLISHMENT.—Not later than 180  
3 days after the date of enactment of this subsection,  
4 the Attorney General shall establish a unit within  
5 the counterespionage section of the National Security  
6 Division of the Department of Justice with re-  
7 sponsibility for the enforcement of this Act.

8 “(2) POWERS.—The unit established under this  
9 subsection is authorized to—

10 “(A) take appropriate legal action against  
11 individuals suspected of violating this Act; and

12 “(B) coordinate any such legal action with  
13 the United States Attorney for the relevant ju-  
14 risdiction.

15 “(3) CONSULTATION.—In operating the unit es-  
16 tablished under this subsection, the Attorney Gen-  
17 eral shall, as appropriate, consult with the Director  
18 of National Intelligence, the Secretary of Homeland  
19 Security, and the Secretary of State.

20 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
21 There are authorized to be appropriated to carry out  
22 the activities of the unit established under this sub-  
23 section \$10,000,000 for fiscal year 2019 and each  
24 succeeding fiscal year.”.

1 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**  
2 **ALTIES.**

3 (a) ESTABLISHING AUTHORITY.—Section 8 of the  
4 Foreign Agents Registration Act of 1938, as amended (22  
5 U.S.C. 618) is amended by inserting after subsection (c)  
6 the following new subsection:

7 “(d) CIVIL MONEY PENALTIES.—

8 “(1) REGISTRATION STATEMENTS.—Whoever  
9 fails to file timely or complete a registration state-  
10 ment as provided under section 2(a) shall be subject  
11 to a civil money penalty of not more than \$10,000  
12 per violation.

13 “(2) SUPPLEMENTS.—Whoever fails to file  
14 timely or complete supplements as provided under  
15 section 2(b) shall be subject to a civil money penalty  
16 of not more than \$1,000 per violation.

17 “(3) OTHER VIOLATIONS.—Whoever knowingly  
18 fails to—

19 “(A) remedy a defective filing within 60  
20 days after notice of such defect by the Attorney  
21 General; or

22 “(B) comply with any other provision of  
23 this Act,

24 shall upon proof of such knowing violation by a pre-  
25 ponderance of the evidence, be subject to a civil

1 money penalty of not more than \$200,000, depend-  
2 ing on the extent and gravity of the violation.

3 “(4) NO FINES PAID BY FOREIGN PRIN-  
4 CIPALS.—A civil money penalty paid under para-  
5 graph (1) may not be paid, directly or indirectly, by  
6 a foreign principal.

7 “(5) USE OF FINES.—All civil money penalties  
8 collected under this subsection shall be used to de-  
9 fray the cost of the enforcement unit established  
10 under subsection (i).”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall take effect on the date of the enact-  
13 ment of this Act.

14 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**  
15 **THINGS OF FINANCIAL VALUE CONFERRED**  
16 **ON OFFICEHOLDERS.**

17 (a) REQUIRING AGENTS TO DISCLOSE KNOWN  
18 TRANSACTIONS.—

19 (1) IN GENERAL.—Section 2(a) of the Foreign  
20 Agents Registration Act of 1938, as amended (22  
21 U.S.C. 612(a)) is amended—

22 (A) by redesignating paragraphs (10) and  
23 (11) as paragraphs (11) and (12); and

24 (B) by inserting after paragraph (9) the  
25 following new paragraph:



1           “(10) To the extent that the registrant has  
2           knowledge of any transaction which occurred in the  
3           preceding 60 days and in which the foreign principal  
4           for whom the registrant is acting as an agent con-  
5           ferred on a Federal or State officeholder any thing  
6           of financial value, including a gift, profit, salary, fa-  
7           vorable regulatory treatment, or any other direct or  
8           indirect economic or financial benefit, a detailed  
9           statement describing each such transaction.”.

10           (2) EFFECTIVE DATE.—The amendments made  
11           by paragraph (1) shall apply with respect to state-  
12           ments filed on or after the expiration of the 90-day  
13           period which begins on the date of the enactment of  
14           this Act.

15           (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT  
16           REGISTRANTS.—Not later than the expiration of the 90-  
17           day period which begins on the date of the enactment of  
18           this Act, each registrant who (prior to the expiration of  
19           such period) filed a registration statement with the Attor-  
20           ney General under section 2(a) of the Foreign Agents Reg-  
21           istration Act of 1938, as amended (22 U.S.C. 612(a)) and  
22           who has knowledge of any transaction described in para-  
23           graph (10) of section 2(a) of such Act (as added by sub-  
24           section (a)(1)) which occurred at any time during which  
25           the registrant was an agent of the foreign principal in-

1 volved, shall file with the Attorney General a supplement  
2 to such statement under oath, on a form prescribed by  
3 the Attorney General, containing a detailed statement de-  
4 scribing each such transaction.

## 5 **Subtitle C—Lobbying Disclosure** 6 **Reform**

### 7 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-** 8 **TIVITIES SUBJECT TO REQUIREMENTS OF** 9 **LOBBYING DISCLOSURE ACT OF 1995.**

10 (a) COVERAGE OF INDIVIDUALS PROVIDING LEGIS-  
11 LATIVE, POLITICAL, AND STRATEGIC COUNSELING SERV-  
12 ICES.—

13 (1) TREATMENT OF LEGISLATIVE, POLITICAL,  
14 AND STRATEGIC COUNSELING SERVICES IN SUPPORT  
15 OF LOBBYING CONTACTS AS LOBBYING ACTIVITY.—

16 Section 3(7) of such Act (2 U.S.C. 1602(7)) is  
17 amended—

18 (A) by striking “efforts” and inserting  
19 “any efforts”; and

20 (B) by striking “research and other back-  
21 ground work” and inserting the following: “leg-  
22 islative, political, and strategic counseling serv-  
23 ices, research, and other background work”.

24 (2) TREATMENT OF LOBBYING CONTACT MADE  
25 WITH SUPPORT OF LEGISLATIVE, POLITICAL, AND

1 STRATEGIC COUNSELING SERVICES AS LOBBYING  
2 CONTACT MADE BY INDIVIDUAL PROVIDING SERV-  
3 ICES.—Section 3(8) of such Act (2 U.S.C. 1602(8))  
4 is amended by adding at the end the following new  
5 subparagraph:

6 “(C) TREATMENT OF PROVIDERS OF LEG-  
7 ISLATIVE, POLITICAL, AND STRATEGIC COUN-  
8 SELING SERVICES.—Any individual who for fi-  
9 nancial or other compensation provides legisla-  
10 tive, political, and strategic counseling services  
11 which are treated as lobbying activity under  
12 paragraph (7), and which are used in support  
13 of a lobbying contact under this paragraph  
14 which is made by another individual, shall be  
15 considered to have made the same lobbying con-  
16 tact at the same time and in the same manner  
17 to the covered executive branch official or cov-  
18 ered legislative branch official involved.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply with respect to lobbying contacts  
21 made on or after the date of the enactment of this Act.

1 **Subtitle D—Recusal of Presidential**  
2 **Appointees**

3 **SEC. 7301. RECUSAL OF APPOINTEES.**

4 Section 208 of title 18, United States Code, is  
5 amended by adding at the end the following:

6 “(e)(1) Any officer or employee appointed by the  
7 President shall recuse himself or herself from any par-  
8 ticular matter involving specific parties in which a party  
9 to that matter is—

10 “(A) the President who appointed the offi-  
11 cer or employee, which shall include any entity  
12 in which the President has a substantial inter-  
13 est; or

14 “(B) the spouse of the President who ap-  
15 pointed the officer or employee, which shall in-  
16 clude any entity in which the spouse of the  
17 President has a substantial interest.

18 “(2)(A) Subject to subparagraph (B), if an offi-  
19 cer or employee is recused under paragraph (1), a  
20 career appointee in the agency of the officer or em-  
21 ployee shall perform the functions and duties of the  
22 officer or employee with respect to the matter.

23 “(B)(i) In this subparagraph, the term  
24 ‘Commission’ means a board, commission, or

1 other agency for which the authority of the  
2 agency is vested in more than 1 member.

3 “(ii) If the recusal of a member of a  
4 Commission from a matter under para-  
5 graph (1) would result in there not being  
6 a statutorily required quorum of members  
7 of the Commission available to participate  
8 in the matter, notwithstanding such stat-  
9 ute or any other provision of law, the  
10 members of the Commission not recused  
11 under paragraph (1) may—

12 “(I) consider the matter without  
13 regard to the quorum requirement  
14 under such statute;

15 “(II) delegate the authorities and  
16 responsibilities of the Commission  
17 with respect to the matter to a sub-  
18 committee of the Commission; or

19 “(III) designate an officer or em-  
20 ployee of the Commission who was not  
21 appointed by the President who ap-  
22 pointed the member of the Commis-  
23 sion recused from the matter to exer-  
24 cise the authorities and duties of the

1                   recused member with respect to the  
2                   matter.

3                   “(3) Any officer or employee who violates para-  
4                   graph (1) shall be subject to the penalties set forth  
5                   in section 216.

6                   “(4) For purposes of this section, the term  
7                   ‘particular matter’ shall have the meaning given the  
8                   term in section 207(i).”.

## 9                   **Subtitle E—Severability**

### 10 **SEC. 7401. SEVERABILITY.**

11                   If any provision of this title or amendment made by  
12                   this title, or the application of a provision or amendment  
13                   to any person or circumstance, is held to be unconstitu-  
14                   tional, the remainder of this title and amendments made  
15                   by this title, and the application of the provisions and  
16                   amendment to any person or circumstance, shall not be  
17                   affected by the holding.

## 18 **TITLE VIII—ETHICS REFORMS** 19 **FOR THE PRESIDENT, VICE** 20 **PRESIDENT, AND FEDERAL** 21 **OFFICERS AND EMPLOYEES**

### Subtitle A—Executive Branch Conflict of Interest

Sec. 8001. Short title.

Sec. 8002. Restrictions on private sector payment for government service.

Sec. 8003. Requirements relating to slowing the revolving door.

Sec. 8004. Prohibition of procurement officers accepting employment from gov-  
ernment contractors.

Sec. 8005. Revolving door restrictions on employees moving into the private  
sector.

Subtitle B—Presidential Conflicts of Interest

- Sec. 8011. Short title.
- Sec. 8012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 8013. Initial financial disclosure.
- Sec. 8014. Contracts by the President or Vice President.

Subtitle C—White House Ethics Transparency

- Sec. 8021. Short title.
- Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 8031. Short title.
- Sec. 8032. Reauthorization of the Office of Government Ethics.
- Sec. 8033. Tenure of the Director of the Office of Government Ethics.
- Sec. 8034. Duties of Director of the Office of Government Ethics.
- Sec. 8035. Agency Ethics Officials Training and Duties.

Subtitle E—Conflicts From Political Fundraising

- Sec. 8041. Short title.
- Sec. 8042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 8051. Short title.
- Sec. 8052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge For Senior Executive Branch Employees

- Sec. 8061. Short title.
- Sec. 8062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Severability

- Sec. 8071. Severability.

1       **Subtitle A—Executive Branch**  
2                   **Conflict of Interest**

3 **SEC. 8001. SHORT TITLE.**

4           This subtitle may be cited as the “Executive Branch  
5 Conflict of Interest Act”.

1 **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**  
2 **FOR GOVERNMENT SERVICE.**

3 Section 209 of title 18, United States Code, is  
4 amended—

5 (1) in subsection (a), by striking “any salary”  
6 and inserting “any salary (including a bonus)”; and

7 (2) in subsection (b)—

8 (A) by inserting “(1)” after “(b)”; and

9 (B) by adding at the end the following:

10 “(2) For purposes of paragraph (1), a pension,  
11 retirement, group life, health or accident insurance,  
12 profit-sharing, stock bonus, or other employee wel-  
13 fare or benefit plan that makes payment of any por-  
14 tion of compensation contingent on accepting a posi-  
15 tion in the United States Government shall not be  
16 considered bona fide.”.

17 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING THE RE-**  
18 **VOLVING DOOR.**

19 (a) IN GENERAL.—The Ethics in Government Act of  
20 1978 (5 U.S.C. App.) is amended by adding at the end  
21 the following:

22 **“TITLE VI—ENHANCED RE-**  
23 **QUIREMENTS FOR CERTAIN**  
24 **EMPLOYEES**

25 **“SEC. 601. DEFINITIONS.**

26 “In this title:



1           “(1) COVERED AGENCY.—The term ‘covered  
2 agency’—

3           “(A) means an Executive agency, as de-  
4 fined in section 105 of title 5, United States  
5 Code, the Postal Service and the Postal Rate  
6 Commission, but does not include the Govern-  
7 ment Accountability Office or the Government  
8 of the District of Columbia; and

9           “(B) shall include the Executive Office of  
10 the President.

11          “(2) COVERED EMPLOYEE.—The term ‘covered  
12 employee’ means an officer or employee referred to  
13 in paragraph (2) of section 207(c) of title 18,  
14 United States Code.

15          “(3) DIRECTOR.—The term ‘Director’ means  
16 the Director of the Office of Government Ethics.

17          “(4) EXECUTIVE BRANCH.—The term ‘execu-  
18 tive branch’ has the meaning given that term in sec-  
19 tion 109.

20          “(5) FORMER CLIENT.—The term ‘former cli-  
21 ent’—

22          “(A) means a person for whom a covered  
23 employee served personally as an agent, attor-  
24 ney, or consultant during the 2-year period end-  
25 ing on the date before the date on which the

1 covered employee begins service in the Federal  
2 Government; and

3 “(B) does not include—

4 “(i) instances in which the service  
5 provided was limited to a speech or similar  
6 appearance by the covered employee; or

7 “(ii) a client of the former employer  
8 of the covered employee to whom the cov-  
9 ered employee did not personally provide  
10 such services.

11 “(6) FORMER EMPLOYER.—The term ‘former  
12 employer’—

13 “(A) means a person for whom a covered  
14 employee served as an employee, officer, direc-  
15 tor, trustee, or general partner during the 2  
16 year period ending on the date before the date  
17 on which the covered employee begins service in  
18 the Federal Government; and

19 “(B) does not include—

20 “(i) an entity in the Federal Govern-  
21 ment, including an executive branch agen-  
22 cy;

23 “(ii) a State or local government;

24 “(iii) the District of Columbia;

1                   “(iv) an Indian tribe, as defined in  
2                   section 4 of the Indian Self-Determination  
3                   and Education Assistance Act (25 U.S.C.  
4                   5304); or

5                   “(v) the government of a territory or  
6                   possession of the United States.

7                   “(7) PARTICULAR MATTER.—The term ‘par-  
8                   ticular matter’ has the meaning given that term in  
9                   section 207(i) of title 18, United States Code.

10 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**  
11 **STANDARDS.**

12                   “(a) IN GENERAL.—A covered employee may not use,  
13 or attempt to use, the official position of the covered em-  
14 ployee to participate in a particular matter in which the  
15 covered employee knows a former employer or former cli-  
16 ent of the covered employee has a financial interest.

17                   “(b) WAIVER.—

18                   “(1) IN GENERAL.—The head of the covered  
19 agency employing a covered employee, in consulta-  
20 tion with the Director, may grant a written waiver  
21 of the restrictions under subsection (a) prior to en-  
22 gaging in the action otherwise prohibited by sub-  
23 section (a) if, and to the extent that, the head of the  
24 covered agency certifies in writing that—

1           “(A) the application of the restriction to  
2           the particular matter is inconsistent with the  
3           purposes of the restriction; or

4           “(B) it is in the public interest to grant  
5           the waiver.

6           “(2) PUBLICATION.—The head of the covered  
7           agency shall provide a waiver under paragraph (1)  
8           to the Director and post the waiver on the website  
9           of the agency within 30 calendar days after granting  
10          such waiver.

11 **“SEC. 603. PENALTIES AND INJUNCTIONS.**

12          “(a) CRIMINAL PENALTIES.—

13           “(1) IN GENERAL.—Any person who violates  
14           section 602 shall be fined under title 18, United  
15           States Code, imprisoned for not more than 1 year,  
16           or both.

17           “(2) WILLFUL VIOLATIONS.—Any person who  
18           willfully violates section 602 shall be fined under  
19           title 18, United States Code, imprisoned for not  
20           more than 5 years, or both.

21          “(b) CIVIL ENFORCEMENT.—

22           “(1) IN GENERAL.—The Attorney General may  
23           bring a civil action in an appropriate district court  
24           of the United States against any person who vio-  
25           lates, or whom the Attorney General has reason to

1 believe is engaging in conduct that violates, section  
2 602.

3 “(2) CIVIL PENALTY.—

4 “(A) IN GENERAL.—If the court finds by  
5 a preponderance of the evidence that a person  
6 violated section 602, the court shall impose a  
7 civil penalty of not more than the greater of—

8 “(i) \$100,000 for each violation; or

9 “(ii) the amount of compensation the  
10 person received or was offered for the con-  
11 duct constituting the violation.

12 “(B) RULE OF CONSTRUCTION.—A civil  
13 penalty under this subsection may be in addi-  
14 tion to any other criminal or civil statutory,  
15 common law, or administrative remedy available  
16 to the United States or any other person.

17 “(3) INJUNCTIVE RELIEF.—

18 “(A) IN GENERAL.—In a civil action  
19 brought under paragraph (1) against a person,  
20 the Attorney General may petition the court for  
21 an order prohibiting the person from engaging  
22 in conduct that violates section 602.

23 “(B) STANDARD.—The court may issue an  
24 order under subparagraph (A) if the court finds

1 by a preponderance of the evidence that the  
2 conduct of the person violates section 602.

3 “(C) RULE OF CONSTRUCTION.—The filing  
4 of a petition seeking injunctive relief under this  
5 paragraph shall not preclude any other remedy  
6 that is available by law to the United States or  
7 any other person.”.

8 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**  
9 **CEPTING EMPLOYMENT FROM GOVERNMENT**  
10 **CONTRACTORS.**

11 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE  
12 BY FORMER OFFICIALS OF COMPENSATION FROM CON-  
13 TRACTORS.—Section 2104 of title 41, United States Code,  
14 is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph

17 (1)—

18 (i) by striking “or consultant” and in-  
19 serting “attorney, consultant, subcon-  
20 tractor, or lobbyist”; and

21 (ii) by striking “one year” and insert-  
22 ing “2 years”; and

23 (B) in paragraph (3), by striking “person-  
24 ally made for the Federal agency” and inserting

1 “participated personally and substantially in”;

2 and

3 (2) by striking subsection (b) and inserting the

4 following:

5 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-  
6 ATES AND SUBCONTRACTORS.—A former official respon-  
7 sible for a Government contract referred to in paragraph  
8 (1), (2), or (3) of subsection (a) may not accept compensa-  
9 tion for 2 years after awarding the contract from any divi-  
10 sion, affiliate, or subcontractor of the contractor.”.

11 (b) REQUIREMENT FOR PROCUREMENT OFFICERS TO  
12 DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-  
13 ATIVES.—Section 2103(a) of title 41, United States Code,  
14 is amended in the matter preceding paragraph (1) by in-  
15 serting after “that official” the following: “, or for a rel-  
16 ative (as defined in section 3110 of title 5) of that offi-  
17 cial,”.

18 (c) REQUIREMENT ON AWARD OF GOVERNMENT  
19 CONTRACTS TO FORMER EMPLOYERS.—

20 (1) IN GENERAL.—Chapter 21 of division B of  
21 subtitle I of title 41, United States Code, is amend-  
22 ed by adding at the end the following new section:

1 **“§ 2108. Prohibition on involvement by certain**  
2 **former contractor employees in procure-**  
3 **ments**

4 “An employee of the Federal Government may not  
5 be personally and substantially involved with any award  
6 of a contract to, or the administration of a contract award-  
7 ed to, a contractor that is a former employer of the em-  
8 ployee during the 2-year period beginning on the date on  
9 which the employee leaves the employment of the con-  
10 tractor.”.

11 (2) TECHNICAL AND CONFORMING AMEND-  
12 MENT.—The table of sections for chapter 21 of title  
13 41, United States Code, is amended by adding at  
14 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees  
in procurements.”.

15 (d) REGULATIONS.—The Administrator for Federal  
16 Procurement Policy and the Director of the Office of Man-  
17 agement and Budget shall—

18 (1) in consultation with the Director of the Of-  
19 fice of Personnel Management and the Counsel to  
20 the President, promulgate regulations to carry out  
21 and ensure the enforcement of chapter 21 of title  
22 41, United States Code, as amended by this section;  
23 and



1           (2) in consultation with designated agency eth-  
2           ics officials (as that term is defined in section  
3           109(3) of the Ethics in Government Act of 1978 (5  
4           U.S.C. App.)), monitor compliance with that chapter  
5           by individuals and agencies.

6   **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**  
7                                   **EES MOVING INTO THE PRIVATE SECTOR.**

8           (a) IN GENERAL.—Subsection (c) of section 207 of  
9           title 18, United States Code, is amended—

10           (1) in the subsection heading, by striking  
11           “ONE-YEAR” and inserting “TWO-YEAR”;

12           (2) in paragraph (1), by striking “1 year” in  
13           each instance and inserting “2 years”; and

14           (3) in paragraph (2)(B), by striking “1-year”  
15           and inserting “2-year”.

16           (b) APPLICATION.—The amendments made by sub-  
17           section (a) shall apply to any individual covered by sub-  
18           section (c) of section 207 of title 18, United States Code,  
19           separating from the civil service on or after the date of  
20           enactment of this Act.

21   **Subtitle B—Presidential Conflicts**  
22                                   **of Interest**

23   **SEC. 8011. SHORT TITLE.**

24           This subtitle may be cited as the “Presidential Con-  
25           flicts of Interest Act of 2019”.

1 **SEC. 8012. DIVESTITURE OF PERSONAL FINANCIAL INTER-**  
2 **ESTS OF THE PRESIDENT AND VICE PRESI-**  
3 **DENT THAT POSE A POTENTIAL CONFLICT OF**  
4 **INTEREST.**

5 It is the sense of Congress that the President and  
6 the Vice President should conduct themselves as if they  
7 were bound by section 208 of title 18, United States Code,  
8 by divesting conflicting assets in accordance with that sec-  
9 tion and implementing regulations issued by the Office of  
10 Government Ethics, or by establishing a qualified blind  
11 trust (as that term is defined in section 102(f)(3) of the  
12 Ethics in Government Act of 1978 (5 U.S.C. App.)), or  
13 both.

14 **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

15 Subsection (a) of section 101 of the Ethics in Govern-  
16 ment Act of 1978 (5 U.S.C. App.) is amended by striking  
17 “position” and adding at the end the following: “position,  
18 with the exception of the President and Vice President,  
19 who must file a new report.”.

20 **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**  
21 **DENT.**

22 (a) AMENDMENT.—Section 431 of title 18, United  
23 States Code, is amended—

24 (1) in the section heading, by inserting “**the**  
25 **President, Vice President, or a**” after  
26 “**Contracts by**”; and

1 (2) in the first undesignated paragraph, by in-  
2 sserting “the President or Vice President,” after  
3 “Whoever, being”.

4 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
5 sections for chapter 23 of title 18, United States Code,  
6 is amended by striking the item relating to section 431  
7 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

8 **Subtitle C—White House Ethics**  
9 **Transparency**

10 **SEC. 8021. SHORT TITLE.**

11 This subtitle may be cited as the “White House Eth-  
12 ics Transparency Act of 2019”.

13 **SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**  
14 **TIONS RELATING TO ETHICS REQUIREMENTS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-  
16 sion of law, not later than 30 days after an officer or em-  
17 ployee issues or approves a waiver or authorization pursu-  
18 ant to section 3 of Executive Order 13770 (82 6 Fed. Reg.  
19 9333), or any subsequent similar order, such officer or  
20 employee shall—

21 (1) transmit a written copy of such waiver or  
22 authorization to the Director of the Office of Gov-  
23 ernment Ethics; and

1           (2) make a written copy of such waiver or au-  
2           thorization available to the public on the website of  
3           the employing agency of the covered employee.

4           (b) **RETROACTIVE APPLICATION.**—In the case of a  
5           waiver or authorization described in subsection (a) issued  
6           during the period beginning on January 20, 2017, and  
7           ending on the date of enactment of this Act, the issuing  
8           officer or employee of such waiver or authorization shall  
9           comply with the requirements of paragraphs (1) and (2)  
10          of such subsection not later than 30 days after the date  
11          of enactment of this Act.

12          (c) **OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-**  
13          **ABILITY.**—Not later than 14 days after receiving a written  
14          copy of a waiver or authorization under subsection (a)(1),  
15          the Director of the Office of Government Ethics shall  
16          make such waiver or authorization available to the public  
17          on the website of the Office of Government Ethics.

18          (d) **DEFINITION OF COVERED EMPLOYEE.**—In this  
19          section, the term “covered employee”—

20                (1) means a full-time, non-career Presidential  
21                or Vice Presidential appointee, non-career appointee  
22                in the Senior Executive Service (or other SES-type  
23                system), or an appointee to a position that has been  
24                excepted from the competitive service by reason of  
25                being of a confidential or policymaking character

1 (Schedule C and other positions excepted under com-  
2 parable criteria) in an executive agency; and

3 (2) does not include any individual appointed as  
4 a member of the Senior Foreign Service or solely as  
5 a uniformed service commissioned officer.

6 **Subtitle D—Executive Branch**  
7 **Ethics Enforcement**

8 **SEC. 8031. SHORT TITLE.**

9 This subtitle may be cited as the “Executive Branch  
10 Comprehensive Ethics Enforcement Act of 2019”.

11 **SEC. 8032. REAUTHORIZATION OF THE OFFICE OF GOVERN-**  
12 **MENT ETHICS.**

13 Section 405 of the Ethics in Government Act of 1978  
14 (5 U.S.C. App.) is amended by striking “fiscal year 2007”  
15 and inserting “fiscal years 2019 through 2023.”.

16 **SEC. 8033. TENURE OF THE DIRECTOR OF THE OFFICE OF**  
17 **GOVERNMENT ETHICS.**

18 Section 401(b) of the Ethics in Government Act of  
19 1978 (5 U.S.C. App.) is amended by striking the period  
20 at the end and inserting “, subject to removal only for  
21 inefficiency, neglect of duty, or malfeasance in office. The  
22 Director may continue to serve beyond the expiration of  
23 the term until a successor is appointed and has qualified,  
24 except that the Director may not continue to serve for

1 more than one year after the date on which the term would  
2 otherwise expire under this subsection.”.

3 **SEC. 8034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**  
4 **ERNMENT ETHICS.**

5 (a) IN GENERAL.—Section 402(b) of the Ethics in  
6 Government Act of 1978 (5 U.S.C. App.) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “developing, in consulta-  
9 tion” and inserting “consulting”;

10 (B) by striking “Management, rules, and  
11 regulations to be promulgated by the President  
12 or the Director,” and inserting “Management  
13 for input on the promulgation of rules and reg-  
14 ulations to be promulgated by the Director”;  
15 and

16 (C) by striking “title II” and inserting  
17 “title I”;

18 (2) by striking paragraph (2) and inserting the  
19 following:

20 “(2) providing mandatory education and train-  
21 ing programs for designated agency ethics officials,  
22 which may be delegated to each agency or the White  
23 House Counsel as deemed appropriate by the Direc-  
24 tor;”;

1           (3) in paragraph (3), by striking “title II” and  
2           inserting “title I”;

3           (4) in paragraph (4), by striking “problems”  
4           and inserting “issues”;

5           (5) in paragraph (6), by striking “problems”  
6           and inserting “issues”;

7           (6) in paragraph (7)—

8                 (A) by striking “, when requested,”; and

9                 (B) by striking “conflict of interest prob-  
10            lems” and inserting “conflicts of interest, as  
11            well as other ethics issues”;

12           (7) in paragraph (9)—

13                 (A) by striking “ordering” and inserting  
14            “receiving allegations of violations of this Act  
15            and, when necessary, investigating an allegation  
16            to determine whether a violation occurred, and  
17            ordering”; and

18                 (B) by inserting before the semi-colon the  
19            following: “, and recommending appropriate  
20            disciplinary action”;

21           (8) in paragraph (12)—

22                 (A) by striking “evaluating, with the as-  
23            sistance of” and inserting “promulgating, with  
24            input from”;

25                 (B) by striking “the need for”;

1 (C) by striking “conflict of interest and  
2 ethical problems” and inserting “conflict of in-  
3 terest and ethics issues”;

4 (9) in paragraph (13)—

5 (A) by striking “with the Attorney Gen-  
6 eral” and inserting “with the Inspectors Gen-  
7 eral and the Attorney General”;

8 (B) by striking “violations of the conflict  
9 of interest laws” and inserting “conflict of in-  
10 terest issues and allegations of violations of eth-  
11 ics laws and regulations and this Act”; and

12 (C) by striking “, as required by section  
13 535 of title 28, United States Code”;

14 (10) in paragraph (14), by striking “and” at  
15 the end;

16 (11) in paragraph (15)—

17 (A) by striking “title II” and inserting  
18 “title I”; and

19 (B) by striking the period at the end and  
20 inserting a semicolon; and

21 (12) by adding at the end the following:

22 “(16) directing and providing final approval,  
23 when determined appropriate by the Director, for  
24 designated agency ethics officials regarding the reso-  
25 lution of conflicts of interest as well as any other



1 ethics issues under the purview of this Act in indi-  
2 vidual cases; and

3 “(17) reviewing and approving, when deter-  
4 mined appropriate by the Director, any recusals, ex-  
5 emptions, or waivers from the conflicts of interest  
6 and ethics laws, rules, and regulations and making  
7 approved recusals, exemptions, and waivers made  
8 publicly available by the relevant agency available in  
9 a central location on the official website of the Office  
10 of Government Ethics.”.

11 (b) WRITTEN PROCEDURES.—Section 402(d) of the  
12 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
13 amended—

14 (1) in paragraph (1)—

15 (A) by striking “, by the exercise of any  
16 authority otherwise available to the Director  
17 under this title,”; and

18 (B) by striking “the agency is”.

19 (c) CORRECTIVE ACTIONS.—Section 402(f) of the  
20 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
21 amended—

22 (1) in paragraph (1)—

23 (A) in clause (i) of subparagraph (A), by  
24 striking “of such agency”; and

1 (B) in subparagraph (B), by inserting at  
2 the end “and determine that a violation of this  
3 Act has occurred and issue appropriate admin-  
4 istrative or legal remedies as prescribed in para-  
5 graph (2)”;

6 (2) in paragraph (2)—

7 (A) in subparagraph (A)—

8 (i) in clause (ii)—

9 (I) in subclause (I)—

10 (aa) by inserting “to the  
11 President or the President’s des-  
12 ignee if the matter involves em-  
13 ployees of the Executive Office of  
14 the President or” after “may rec-  
15 ommend”;

16 (bb) by striking “and” at  
17 the end; and

18 (II) in subclause (II)—

19 (aa) by inserting “President  
20 or” after “determines that the”;  
21 and

22 (bb) by adding “and” at the  
23 end;

24 (ii) in subclause (II) of clause (iii)—

1 (I) by striking “notify in writ-  
2 ing,” and inserting “advise the Presi-  
3 dent in writing or order”;

4 (II) by inserting “take appro-  
5 priate disciplinary action including  
6 reprimand, suspension, demotion, or  
7 dismissal against the officer or em-  
8 ployee” after “employee’s agency”;  
9 and

10 (III) by striking “of the officer’s  
11 or employee’s noncompliance, except  
12 that, if the officer or employee in-  
13 volved is the agency head, the notifi-  
14 cation shall instead be submitted to  
15 the President and Congress and”;

16 (iii) by striking clause (iv);

17 (B) in subparagraph (B)(i)—

18 (i) by striking “subparagraph (A)(iii)  
19 or (iv)” and inserting “subparagraph (A)”;

20 (ii) by inserting “(I)” before “In  
21 order to”; and

22 (iii) by adding at the end the fol-  
23 lowing:

24 “(II)(aa) The Director may secure directly  
25 from any agency information necessary to en-

1           able the Director to carry out this Act. Upon  
2           request of the Director, the head of such agency  
3           shall furnish that information to the Director.

4           “(bb) The Director may require by sub-  
5           poena the production of all information, docu-  
6           ments, reports, answers, records, accounts, pa-  
7           pers, and other data in any medium and docu-  
8           mentary evidence necessary in the performance  
9           of the functions assigned by this Act, which  
10          subpoena, in the case of refusal to obey, shall  
11          be enforceable by order of any appropriate  
12          United States district court.”;

13          (C) in subparagraph (B)(ii)(I)—

14                 (i) by striking “Subject to clause (iv)  
15                 of this subparagraph, before” and insert-  
16                 ing “Before”; and

17                 (ii) by striking “subparagraphs (A)  
18                 (iii) or (iv)” and inserting “subparagraph  
19                 (A)(iii)”;

20          (D) in subparagraph (B)(iii), by striking  
21          “Subject to clause (iv) of this subparagraph,  
22          before” and inserting “Before”; and

23          (E) in subparagraph (B)(iv)—

24                 (i) by striking “title 2” and inserting  
25                 “title I”; and

1 (ii) by striking “section 206” and in-  
2 serting “section 104”;

3 (3) in paragraph (4), by striking “(iv),”; and

4 (4) by striking paragraph (5) and inserting the  
5 following:

6 “(5)(A) The Office of Government Ethics shall  
7 provide, on the official website of the Office, public  
8 access to records made available by agencies of all  
9 conflicts of interest and ethics laws, rules and regu-  
10 lations, recusals, waivers and exemptions, ethics ad-  
11 visory opinions, ethics agreements of senior executive  
12 branch personnel and employee certificates of dives-  
13 titure, financial disclosure reports, compliance re-  
14 views, enforcement actions, and any other public  
15 records concerning conflicts of interest and ethics  
16 records for the executive branch required by law.

17 “(B) All financial disclosure reports and  
18 records related to conflict of interest waivers and  
19 other records of ethics determinations deemed public  
20 information by the Director or by law shall be made  
21 available to the public either by internet link to such  
22 information if publicly available, or at no charge on  
23 the website of the Office of Government Ethics in a  
24 searchable, sortable, and downloadable format, and

1 at reasonable fees for reproduction of paper docu-  
2 ments at the Office of Government Ethics.”.

3 (d) DEFINITIONS.—Section 402 of the Ethics in Gov-  
4 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
5 ing at the end the following:

6 “(g) For purposes of this title—

7 “(1) the term ‘agency’ shall include the Execu-  
8 tive Office of the President; and

9 “(2) the term ‘officer or employee’ shall include  
10 any individual occupying a position, providing any  
11 official services, or acting in an advisory capacity, in  
12 the White House or the Executive Office of the  
13 President.

14 “(h) In this title, a reference to the head of an agency  
15 shall include the President or the President’s designee.

16 “(i) The Director shall not be required to obtain the  
17 prior approval, comment, or review of any officer or agen-  
18 cy of the United States, including the Office of Manage-  
19 ment and Budget, before submitting to Congress, or any  
20 committee or subcommittee thereof, any information, re-  
21 ports, recommendations, testimony, or comments, if such  
22 submissions include a statement indicating that the views  
23 expressed therein are those of the Director and do not nec-  
24 essarily represent the views of the President.”.

1 **SEC. 8035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**  
2 **TIES.**

3 Section 403 of the Ethics in Government Act of 1978  
4 (5 U.S.C. App.) is amended by adding at the end the fol-  
5 lowing:

6 “(c)(1) All designated agency ethics officials and al-  
7 ternate designated agency ethics officials shall register  
8 with, and report to, the Director as well as with the ap-  
9 pointing authority of the official.

10 “(2) The Director shall provide ethics education and  
11 training to all designated and alternate designated agency  
12 ethics officials in a time and manner deemed appropriate  
13 by the Director.

14 “(d)(1) The head of each agency shall ensure that  
15 all records and information provided to the Director under  
16 this Act shall be provided, to the greatest extent prac-  
17 ticable, in a searchable, sortable, and downloadable for-  
18 mat.

19 “(2) The head of each agency shall post on the offi-  
20 cial website of the agency each recusal, waiver, exemption,  
21 ethics advisory opinion, ethics agreement, and certificate  
22 of divestiture issued by the agency under this Act and its  
23 implementing regulations.”.

1                   **Subtitle E—Conflicts From**  
2                   **Political Fundraising**

3   **SEC. 8041. SHORT TITLE.**

4           This subtitle may be cited as the “Conflicts from Po-  
5   litical Fundraising Act of 2019”.

6   **SEC. 8042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-**  
7                   **TIONS.**

8           (a) DEFINITIONS.—Section 109 of the Ethics in Gov-  
9   ernment Act of 1978 (5 U.S.C. App.) is amended—

10                   (1) by redesignating paragraphs (2) through  
11                   (19) as paragraphs (5) through (22), respectively;  
12                   and

13                   (2) by inserting after paragraph (1) the fol-  
14                   lowing:

15                   “(2) ‘covered contribution’ means a payment,  
16                   advance, forbearance, rendering, or deposit of  
17                   money, or any thing of value—

18                   “(A)(i) that—

19                   “(I) is—

20                   “(aa) made by or on behalf of a  
21                   covered individual; or

22                   “(bb) solicited in writing by or at  
23                   the request of a covered individual;  
24                   and

25                   “(II) is made—



1                   “(aa) to a political organization,  
2                   as defined in section 527 of the Inter-  
3                   nal Revenue Code of 1986; or

4                   “(bb) to an organization—

5                   “(AA) that is described in  
6                   paragraph (4) or (6) of section  
7                   501(c) of the Internal Revenue  
8                   Code of 1986 and exempt from  
9                   tax under section 501(a) of such  
10                  Code; and

11                  “(BB) that promotes or op-  
12                  poses changes in Federal laws or  
13                  regulations that are (or would  
14                  be) administered by the agency in  
15                  which the covered individual has  
16                  been nominated for appointment  
17                  to a covered position or is serving  
18                  in a covered position; or

19                  “(ii) that is—

20                  “(I) solicited in writing by or on be-  
21                  half of a covered individual; and

22                  “(II) made—

23                  “(aa) by an individual or entity  
24                  the activities of which are subject to  
25                  Federal laws or regulations that are

1 (or would be) administered by the  
2 agency in which the covered individual  
3 has been nominated for appointment  
4 to a covered position or is serving in  
5 a covered position; and

6 “(bb) to—

7 “(AA) a political organiza-  
8 tion, as defined in section 527 of  
9 the Internal Revenue Code of  
10 1986; or

11 “(BB) an organization that  
12 is described in paragraph (4) or  
13 (6) of section 501(c) of the Inter-  
14 nal Revenue Code of 1986 and  
15 exempt from tax under section  
16 501(a) of such Code; and

17 “(B) that is made to an organization de-  
18 scribed in item (aa) or (bb) of clause (i)(II) or  
19 clause (ii)(II)(bb) of subparagraph (A) for  
20 which the total amount of such payments, ad-  
21 vances, forbearances, renderings, or deposits of  
22 money, or any thing of value, during the cal-  
23 endar year in which it is made is not less than  
24 the contribution limitation in effect under sec-  
25 tion 315(a)(1)(A) of the Federal Election Cam-

1           paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))  
2           for elections occurring during such calendar  
3           year;

4           “(3) ‘covered individual’ means an individual  
5           who has been nominated or appointed to a covered  
6           position; and

7           “(4) ‘covered position’—

8           “(A) means—

9           “(i) a position described under sec-  
10          tions 5312 through 5316 of title 5, United  
11          States Code;

12          “(ii) a position placed in level IV or V  
13          of the Executive Schedule under section  
14          5317 of title 5, United States Code;

15          “(iii) a position as a limited term ap-  
16          pointee, limited emergency appointee, or  
17          noncareer appointee in the Senior Execu-  
18          tive Service, as defined under paragraphs  
19          (5), (6), and (7), respectively, of section  
20          3132(a) of title 5, United States Code; and

21          “(iv) a position in the executive  
22          branch of the Government of a confidential  
23          or policy-determining character under  
24          schedule C of subpart C of part 213 of

1 title 5 of the Code of Federal Regulations;

2 and

3 “(B) does not include a position if the in-  
4 dividual serving in the position has been ex-  
5 cluded from the application of section  
6 101(f)(5);”.

7 (b) DISCLOSURE REQUIREMENTS.—The Ethics in  
8 Government Act of 1978 (5 U.S.C. App.) is amended—

9 (1) in section 101—

10 (A) in subsection (a)—

11 (i) by inserting “(1)” before “With-  
12 in”;

13 (ii) by striking “unless” and inserting  
14 “and, if the individual is assuming a cov-  
15 ered position, the information described in  
16 section 102(j), except that, subject to para-  
17 graph (2), the individual shall not be re-  
18 quired to file a report if”; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(2) If an individual has left a position described in  
22 subsection (f) that is not a covered position and, within  
23 30 days, assumes a position that is a covered position, the  
24 individual shall, within 30 days of assuming the covered

1 position, file a report containing the information described  
2 in section 102(j)(2)(A).”;

3 (B) in subsection (b)(1), in the first sen-  
4 tence, by inserting “and the information re-  
5 quired by section 102(j)” after “described in  
6 section 102(b)”;

7 (C) in subsection (d), by inserting “and, if  
8 the individual is serving in a covered position,  
9 the information required by section  
10 102(j)(2)(A)” after “described in section  
11 102(a)”;

12 (D) in subsection (e), by inserting “and, if  
13 the individual was serving in a covered position,  
14 the information required by section  
15 102(j)(2)(A)” after “described in section  
16 102(a)”;

17 (2) in section 102—

18 (A) in subsection (g), by striking “Political  
19 campaign funds” and inserting “Except as pro-  
20 vided in subsection (j), political campaign  
21 funds”;

22 (B) by adding at the end the following:

23 “(j)(1) In this subsection—

24 “(A) the term ‘applicable period’ means—

1           “(i) with respect to a report filed pursuant  
2 to subsection (a) or (b) of section 101, the year  
3 of filing and the 4 calendar years preceding the  
4 year of the filing; and

5           “(ii) with respect to a report filed pursuant  
6 to subsection (d) or (e) of section 101, the pre-  
7 ceding calendar year; and

8           “(B) the term ‘covered gift’ means a gift that—

9           “(i) is made to a covered individual, the  
10 spouse of a covered individual, or the dependent  
11 child of a covered individual;

12           “(ii) is made by an entity described in item  
13 (aa) or (bb) of section 109(2)(A)(i)(II); and

14           “(iii) would have been required to be re-  
15 ported under subsection (a)(2) if the covered in-  
16 dividual had been required to file a report  
17 under section 101(d) with respect to the cal-  
18 endar year during which the gift was made.

19           “(2)(A) A report filed pursuant to subsection (a), (b),  
20 (d), or (e) of section 101 by a covered individual shall in-  
21 clude, for each covered contribution during the applicable  
22 period—

23           “(i) the date on which the covered contribution  
24 was made;

1           “(ii) if applicable, the date or dates on which  
2           the covered contribution was solicited;

3           “(iii) the value of the covered contribution;

4           “(iv) the name of the person making the cov-  
5           ered contribution; and

6           “(v) the name of the person receiving the cov-  
7           ered contribution.

8           “(B)(i) Subject to clause (ii), a covered contribution  
9           made by or on behalf of, or that was solicited in writing  
10          by or on behalf of, a covered individual shall constitute  
11          a conflict of interest, or an appearance thereof, with re-  
12          spect to the official duties of the covered individual.

13          “(ii) The Director of the Office of Government Ethics  
14          may exempt a covered contribution from the application  
15          of clause (i) if the Director determines the circumstances  
16          of the solicitation and making of the covered contribution  
17          do not present a risk of a conflict of interest and the ex-  
18          emption of the covered contribution would not affect ad-  
19          versely the integrity of the Government or the public’s con-  
20          fidence in the integrity of the Government.

21          “(3) A report filed pursuant to subsection (a) or (b)  
22          of section 101 by a covered individual shall include the  
23          information described in subsection (a)(2) with respect to  
24          each covered gift received during the applicable period.”.

1           (c) PROVISION OF REPORTS AND ETHICS AGREE-  
2 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-  
3 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
4 ing at the end the following:

5           “(e) Not later than 30 days after receiving a written  
6 request from the Chairman or Ranking Member of a com-  
7 mittee or subcommittee of either House of Congress, the  
8 Director of the Office of Government Ethics shall provide  
9 to the Chairman and Ranking Member each report filed  
10 under this title by the covered individual and any ethics  
11 agreement entered into between the agency and the cov-  
12 ered individual.”.

13           (d) RULES ON ETHICS AGREEMENTS.—The Director  
14 of the Office of Government Ethics shall promptly issue  
15 rules regarding how an agency in the executive branch  
16 shall address information required to be disclosed under  
17 the amendments made by this subtitle in drafting ethics  
18 agreements between the agency and individuals appointed  
19 to positions in the agency.

20           (e) TECHNICAL AND CONFORMING AMENDMENTS.—

21           (1) The Ethics in Government Act of 1978 (5  
22 U.S.C. App.) is amended—

23                   (A) in section 101(f)—



1 (i) in paragraph (9), by striking “sec-  
2 tion 109(12)” and inserting “section  
3 109(15)”;

4 (ii) in paragraph (10), by striking  
5 “section 109(13)” and inserting “section  
6 109(16)”;

7 (iii) in paragraph (11), by striking  
8 “section 109(10)” and inserting “section  
9 109(13)”;

10 (iv) in paragraph (12), by striking  
11 “section 109(8)” and inserting “section  
12 109(11)”;

13 (B) in section 103(l)—

14 (i) in paragraph (9), by striking “sec-  
15 tion 109(12)” and inserting “section  
16 109(15)”;

17 (ii) in paragraph (10), by striking  
18 “section 109(13)” and inserting “section  
19 109(16)”;

20 (C) in section 105(b)(3)(A), by striking  
21 “section 109(8) or 109(10)” and inserting “sec-  
22 tion 109(11) or 109(13)”.

23 (2) Section 3(4)(D) of the Lobbying Disclosure  
24 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by

1 striking “section 109(13)” and inserting “section  
2 109(16)”.

3 (3) Section 21A of the Securities Exchange Act  
4 of 1934 (15 U.S.C. 78u-1) is amended—

5 (A) in subsection (g)(2)(B)(ii), by striking  
6 “section 109(11) of the Ethics in Government  
7 Act of 1978 (5 U.S.C. App. 109(11))” and in-  
8 serting “section 109 of the Ethics in Govern-  
9 ment Act of 1978 (5 U.S.C. App.)”; and

10 (B) in subsection (h)(2)—

11 (i) in subparagraph (B), by striking  
12 “section 109(8) of the Ethics in Govern-  
13 ment Act of 1978 (5 U.S.C. App. 109(8))”  
14 and inserting “section 109 of the Ethics in  
15 Government Act of 1978 (5 U.S.C. App.)”;  
16 and

17 (ii) in subparagraph (C), by striking  
18 “section 109(10) of the Ethics in Govern-  
19 ment Act of 1978 (5 U.S.C. App.  
20 109(10))” and inserting “section 109 of  
21 the Ethics in Government Act of 1978 (5  
22 U.S.C. App.)”.

23 (4) Section 499(j)(2) of the Public Health Serv-  
24 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-  
25 ing “section 109(16) of the Ethics in Government

1 Act of 1978” and inserting “section 109 of the Eth-  
2 ics in Government Act of 1978 (5 U.S.C. App.)”.

### 3 **Subtitle F—Transition Team Ethics**

#### 4 **SEC. 8051. SHORT TITLE.**

5 This subtitle may be cited as the “Transition Team  
6 Ethics Improvement Act”.

#### 7 **SEC. 8052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

8 The Presidential Transition Act of 1963 (3 U.S.C.  
9 102 note) is amended—

10 (1) in section 3(f), by adding at the end the fol-  
11 lowing new paragraph:

12 “(3) The President-elect shall submit to the Com-  
13 mittee on Oversight and Reform of the House of Rep-  
14 resentatives and the Committee on Homeland Security  
15 and Governmental Affairs of the Senate a report with a  
16 list of—

17 “(A) any individual for whom an application for  
18 a security clearance was submitted, not later than  
19 10 days after the date on which the application was  
20 submitted; and

21 “(B) any individual provided a security clear-  
22 ance, not later than 10 days after the date on which  
23 the security clearance was provided.”;

24 (2) in section 4—

25 (A) in subsection (a)—

1 (i) in paragraph (3), by striking  
2 “and” at the end;

3 (ii) by redesignating paragraph (4) as  
4 paragraph (5); and

5 (iii) by inserting after paragraph (3)  
6 the following:

7 “(4) the term ‘nonpublic information’—

8 “(A) means information from the Federal  
9 Government that a transition team member ob-  
10 tains as part of the employment of such mem-  
11 ber that the member knows or reasonably  
12 should know has not been made available to the  
13 general public; and

14 “(B) includes information that has not  
15 been released to the public that a transition  
16 team member knows or reasonably should  
17 know—

18 “(i) is exempt from disclosure under  
19 section 552 of title 5, United States Code,  
20 or otherwise protected from disclosure by  
21 law; and

22 “(ii) is not authorized by the appro-  
23 priate agency or official to be released to  
24 the public; and”;

25 (B) in subsection (g)—

1 (i) in paragraph (1), by striking “No-  
2 vember” and inserting “October”; and

3 (ii) by adding at the end the fol-  
4 lowing:

5 “(3) ETHICS PLAN.—

6 “(A) IN GENERAL.—Each memorandum of  
7 understanding under paragraph (1) shall in-  
8 clude an agreement that the eligible candidate  
9 will implement and enforce an ethics plan to  
10 guide the conduct of the transition beginning on  
11 the date on which the eligible candidate be-  
12 comes the President-elect.

13 “(B) CONTENTS.—The ethics plan shall  
14 include, at a minimum—

15 “(i) a description of the ethics re-  
16 quirements that will apply to all transition  
17 team members, including specific require-  
18 ments for transition team members who  
19 will have access to nonpublic or classified  
20 information;

21 “(ii) a description of how the transi-  
22 tion team will—

23 “(I) address the role on the tran-  
24 sition team of—

1           “(aa) registered lobbyists  
2 under the Lobbying Disclosure  
3 Act of 1995 (2 U.S.C. 1601 et  
4 seq.) and individuals who were  
5 formerly registered lobbyists  
6 under that Act;

7           “(bb) persons registered  
8 under the Foreign Agents Reg-  
9 istration Act, as amended (22  
10 U.S.C. 611 et seq.), foreign na-  
11 tionals, and other foreign agents;  
12 and

13           “(cc) transition team mem-  
14 bers with sources of income or  
15 clients that are not disclosed to  
16 the public;

17           “(II) prohibit a transition team  
18 member with personal financial con-  
19 flicts of interest as described in sec-  
20 tion 208 of title 18, United States  
21 Code, from working on particular  
22 matters involving specific parties that  
23 affect the interests of such member;  
24 and

1                   “(III) address how the covered  
2                   eligible candidate will address their  
3                   own personal financial conflicts of in-  
4                   terest during a Presidential term if  
5                   the covered eligible candidate becomes  
6                   the President-elect;

7                   “(iii) a Code of Ethical Conduct, to  
8                   which each transition team member will  
9                   sign and be subject to, that reflects the  
10                  content of the ethics plans under this para-  
11                  graph and at a minimum requires each  
12                  transition team member to—

13                  “(I) seek authorization from  
14                  transition team leaders or their des-  
15                  ignees before seeking, on behalf of the  
16                  transition, access to any nonpublic in-  
17                  formation;

18                  “(II) keep confidential any non-  
19                  public information provided in the  
20                  course of the duties of the member  
21                  with the transition and exclusively use  
22                  such information for the purposes of  
23                  the transition; and

24                  “(III) not use any nonpublic in-  
25                  formation provided in the course of

1 transition duties, in any manner, for  
2 personal or private gain for the mem-  
3 ber or any other party at any time  
4 during or after the transition; and

5 “(iv) a description of how the transi-  
6 tion team will enforce the Code of Ethical  
7 Conduct, including the names of the tran-  
8 sition team members responsible for en-  
9 forcement, oversight, and compliance.

10 “(C) PUBLICLY AVAILABLE.—The transi-  
11 tion team shall make the ethics plan described  
12 in this paragraph publicly available on the  
13 Internet website of the General Services Admin-  
14 istration the earlier of—

15 “(i) the day on which the memo-  
16 randum of understanding is completed; or

17 “(ii) October 1.”; and

18 (3) in section 6(b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking  
21 “and” at the end;

22 (ii) in subparagraph (B), by striking  
23 the period at the end and inserting a semi-  
24 colon; and



1 (iii) by adding at the end the fol-  
2 lowing:

3 “(C) a list of all positions each transition team  
4 member has held outside the Federal Government  
5 for the previous 12-month period, including paid and  
6 unpaid positions;

7 “(D) sources of compensation for each transi-  
8 tion team member exceeding \$5,000 a year for the  
9 previous 12-month period;

10 “(E) a description of the role of each transition  
11 team member, including a list of any policy issues  
12 that the member expects to work on, and a list of  
13 agencies the member expects to interact with, while  
14 serving on the transition team;

15 “(F) a list of any issues from which each tran-  
16 sition team member will be recused while serving as  
17 a member of the transition team pursuant to the  
18 transition team ethics plan outlined in section  
19 4(g)(3); and

20 “(G) an affirmation that no transition team  
21 member has a financial conflict of interest that pre-  
22 cludes the member from working on the matters de-  
23 scribed in subparagraph (E).”;

24 (B) in paragraph (2), by inserting “not  
25 later than 2 business days” after “public”; and

1 (C) by adding at the end the following:

2 “(3) The head of a Federal department or agency,  
3 or their designee, shall not permit access to the Federal  
4 department or agency, or employees of such department  
5 or agency, that would not be provided to a member of the  
6 public for any transition team member who does not make  
7 the disclosures listed under paragraph (1).”.

8 **Subtitle G—Ethics Pledge For Sen-**  
9 **ior Executive Branch Employees**

10 **SEC. 8061. SHORT TITLE.**

11 This subtitle may be cited as the “Ethics in Public  
12 Service Act”.

13 **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**  
14 **ECUTIVE BRANCH EMPLOYEES.**

15 The Ethics in Government Act of 1978 (5 U.S.C.  
16 App. 101 et seq.) is amended by inserting after title I the  
17 following new title:

18 **“TITLE II—ETHICS PLEDGE**

19 **“SEC. 201. DEFINITIONS.**

20 “For the purposes of this title, the following defini-  
21 tions apply:

22 “(1) The term ‘executive agency’ has the mean-  
23 ing given that term in section 105 of title 5, United  
24 States Code, and includes the Executive Office of  
25 the President, the United States Postal Service, and

1       Postal Regulatory Commission, but does not include  
2       the Government Accountability Office.

3           “(2) The term ‘appointee’ means any full-time,  
4       noncareer Presidential or Vice-Presidential ap-  
5       pointee, noncareer appointee in the Senior Executive  
6       Service (or other SES-type system), or appointee to  
7       a position that has been excepted from the competi-  
8       tive service by reason of being of a confidential or  
9       policymaking character (Schedule C and other posi-  
10      tions excepted under comparable criteria) in an execu-  
11      tive agency, but does not include any individual ap-  
12      pointed as a member of the Senior Foreign Service  
13      or solely as a uniformed service commissioned offi-  
14      cer.

15           “(3) The term ‘gift’ means anything having  
16      monetary value.

17           “(4) The term ‘covered executive branch offi-  
18      cial’ and ‘lobbyist’ have the meanings given those  
19      terms in section 3 of the Lobbying Disclosure Act of  
20      1995 (2 U.S.C. 1602).

21           “(5) The term ‘registered lobbyist or lobbying  
22      organization’ means a lobbyist or an organization fil-  
23      ing a registration pursuant to section 4(a) of the  
24      Lobbying Disclosure Act of 1995 (2 U.S.C.  
25      1603(a)), and in the case of an organization filing

1 such a registration, ‘registered lobbyist’ includes  
2 each of the lobbyists identified therein.

3 “(6) The term ‘lobby’ and ‘lobbied’ mean to act  
4 or have acted as a registered lobbyist.

5 “(7) The term ‘former employer’ is any person  
6 for whom the appointee has within the 2 years prior  
7 to the date of his or her appointment served as an  
8 employee, officer, director, trustee, or general part-  
9 ner, except that ‘former employer’ does not include  
10 any executive agency or other entity of the Federal  
11 Government, State or local government, the District  
12 of Columbia, Native American tribe, or any United  
13 States territory or possession.

14 “(8) The term ‘former client’ is any person for  
15 whom the appointee served personally as agent, at-  
16 torney, or consultant within the 2 years prior to the  
17 date of his or her appointment, but excluding in-  
18 stances where the service provided was limited to a  
19 speech or similar appearance. It does not include cli-  
20 ents of the appointee’s former employer to whom the  
21 appointee did not personally provide services.

22 “(9) The term ‘directly and substantially re-  
23 lated to my former employer or former clients’  
24 means matters in which the appointee’s former em-

1        ployer or a former client is a party or represents a  
2        party.

3            “(10) The term ‘participate’ means to partici-  
4        pate personally and substantially.

5            “(11) The term ‘post-employment restrictions’  
6        includes the provisions and exceptions in section  
7        207(c) of title 18, United States Code, and the im-  
8        plementing regulations.

9            “(12) The term ‘Government official’ means  
10       any employee of the executive branch.

11           “(13) The term ‘Administration’ means all  
12       terms of office of the incumbent President serving at  
13       the time of the appointment of an appointee covered  
14       by this title.

15           “(14) The term ‘pledge’ means the ethics  
16       pledge set forth in section 202 of this title.

17           “(15) All references to provisions of law and  
18       regulations shall refer to such provisions as in effect  
19       on the date of enactment of this title.

20       **“SEC. 202. ETHICS PLEDGE.**

21           “Each appointee in every executive agency appointed  
22       on or after the date of enactment of this section shall be  
23       required to sign an ethics pledge upon appointment. The  
24       pledge shall be signed and dated within 30 days of taking

1 office and shall include, at a minimum, the following ele-  
2 ments:

3 “As a condition, and in consideration, of my employ-  
4 ment in the United States Government in a position in-  
5 vested with the public trust, I commit myself to the fol-  
6 lowing obligations, which I understand are binding on me  
7 and are enforceable under law:

8 ““(1) Lobbyist Gift Ban.—I will not accept  
9 gifts from registered lobbyists or lobbying organiza-  
10 tions for the duration of my service as an appointee.

11 ““(2) Revolving Door Ban; Entering Govern-  
12 ment.—

13 ““(A) All Appointees Entering Govern-  
14 ment.—I will not, for a period of 2 years from  
15 the date of my appointment, participate in any  
16 particular matter involving specific party or  
17 parties that is directly and substantially related  
18 to my former employer or former clients, in-  
19 cluding regulations and contracts.

20 ““(B) Lobbyists Entering Government.—If  
21 I was a registered lobbyist within the 2 years  
22 before the date of my appointment, in addition  
23 to abiding by the limitations of subparagraph  
24 (A), I will not for a period of 2 years after the  
25 date of my appointment:

1           “(i) participate in any particular  
2           matter on which I lobbied within the 2  
3           years before the date of my appointment;

4           “(ii) participate in the specific issue  
5           area in which that particular matter falls;  
6           or

7           “(iii) seek or accept employment with  
8           any executive agency that I lobbied within  
9           the 2 years before the date of my appoint-  
10          ment.

11          “(3) Revolving Door Ban; Appointees Leaving  
12          Government.—

13               “(A) All Appointees Leaving Govern-  
14               ment.—If, upon my departure from the Govern-  
15               ment, I am covered by the post-employment re-  
16               strictions on communicating with employees of  
17               my former executive agency set forth in section  
18               207(c) of title 18, United States Code, I agree  
19               that I will abide by those restrictions for a pe-  
20               riod of 2 years following the end of my appoint-  
21               ment.

22               “(B) Appointees Leaving Government to  
23               Lobby.—In addition to abiding by the limita-  
24               tions of subparagraph (A), I also agree, upon  
25               leaving Government service, not to lobby any

1 covered executive branch official or noncareer  
2 Senior Executive Service appointee for the re-  
3 mainder of the Administration.

4 ““(4) Employment Qualification Commit-  
5 ment.—I agree that any hiring or other employment  
6 decisions I make will be based on the candidate’s  
7 qualifications, competence, and experience.

8 ““(5) Assent to Enforcement.—I acknowledge  
9 that title II of the Ethics in Government Act of  
10 1978, which I have read before signing this docu-  
11 ment, defines certain of the terms applicable to the  
12 foregoing obligations and sets forth the methods for  
13 enforcing them. I expressly accept the provisions of  
14 that title as a part of this agreement and as binding  
15 on me. I understand that the terms of this pledge  
16 are in addition to any statutory or other legal re-  
17 strictions applicable to me by virtue of Federal Gov-  
18 ernment service.’”.

19 **“SEC. 203. WAIVER.**

20 ““(a) The President or the President’s designee may  
21 grant to any current or former appointee a written waiver  
22 of any restrictions contained in the pledge signed by such  
23 appointee if, and to the extent that, the President or the  
24 President’s designee certifies (in writing) that—



1           “(1) the literal application of the restriction is  
2           inconsistent with the purposes of the restriction; or

3           “(2) it is in the public interest to grant the  
4           waiver.

5           “(b) Any waiver under this section shall take effect  
6           when the certification is signed by the President or the  
7           President’s designee.

8           “(c) For purposes of subsection (a)(2), the public in-  
9           terest shall include exigent circumstances relating to na-  
10          tional security or to the economy. De minimis contact with  
11          an executive agency shall be cause for a waiver of the re-  
12          strictions contained in paragraph (2)(B) of the pledge.

13          **“SEC. 204. ADMINISTRATION.**

14          “(a) The head of each executive agency shall, in con-  
15          sultation with the Director of the Office of Government  
16          Ethics, establish such rules or procedures (conforming as  
17          nearly as practicable to the agency’s general ethics rules  
18          and procedures, including those relating to designated  
19          agency ethics officers) as are necessary or appropriate to  
20          ensure—

21                  “(1) that every appointee in the agency signs  
22                  the pledge upon assuming the appointed office or  
23                  otherwise becoming an appointee;

1           “(2) that compliance with paragraph (2)(B) of  
2 the pledge is addressed in a written ethics agree-  
3 ment with each appointee to whom it applies;

4           “(3) that spousal employment issues and other  
5 conflicts not expressly addressed by the pledge are  
6 addressed in ethics agreements with appointees or,  
7 where no such agreements are required, through eth-  
8 ics counseling; and

9           “(4) compliance with this title within the agen-  
10 cy.

11          “(b) With respect to the Executive Office of the  
12 President, the duties set forth in subsection (a) shall be  
13 the responsibility of the Counsel to the President.

14          “(c) The Director of the Office of Government Ethics  
15 shall—

16           “(1) ensure that the pledge and a copy of this  
17 title are made available for use by agencies in ful-  
18 filling their duties under subsection (a);

19           “(2) in consultation with the Attorney General  
20 or the Counsel to the President, when appropriate,  
21 assist designated agency ethics officers in providing  
22 advice to current or former appointees regarding the  
23 application of the pledge;

24           “(3) adopt such rules or procedures as are nec-  
25 essary or appropriate—

1           “(A) to carry out the responsibilities as-  
2 signed by this subsection;

3           “(B) to apply the lobbyist gift ban set  
4 forth in paragraph 1 of the pledge to all execu-  
5 tive branch employees;

6           “(C) to authorize limited exceptions to the  
7 lobbyist gift ban for circumstances that do not  
8 implicate the purposes of the ban;

9           “(D) to make clear that no person shall  
10 have violated the lobbyist gift ban if the person  
11 properly disposes of a gift;

12           “(E) to ensure that existing rules and pro-  
13 cedures for Government employees engaged in  
14 negotiations for future employment with private  
15 businesses that are affected by their official ac-  
16 tions do not affect the integrity of the Govern-  
17 ment’s programs and operations; and

18           “(F) to ensure, in consultation with the  
19 Director of the Office of Personnel Manage-  
20 ment, that the requirement set forth in para-  
21 graph (4) of the pledge is honored by every em-  
22 ployee of the executive branch;

23           “(4) in consultation with the Director of the  
24 Office of Management and Budget, report to the  
25 President on whether full compliance is being

1       achieved with existing laws and regulations gov-  
2       erning executive branch procurement lobbying disclo-  
3       sure and on steps the executive branch can take to  
4       expand to the fullest extent practicable disclosure of  
5       such executive branch procurement lobbying and of  
6       lobbying for presidential pardons, and to include in  
7       the report both immediate action the executive  
8       branch can take and, if necessary, recommendations  
9       for legislation; and

10           “(5) provide an annual public report on the ad-  
11       ministration of the pledge and this title.

12       “(d) All pledges signed by appointees, and all waiver  
13       certifications with respect thereto, shall be filed with the  
14       head of the appointee’s agency for permanent retention  
15       in the appointee’s official personnel folder or equivalent  
16       folder.”.

## 17                   **Subtitle H—Severability**

### 18       **SEC. 8071. SEVERABILITY.**

19       If any provision of this title or any amendment made  
20       by this title, or any application of such provision or  
21       amendment to any person or circumstance, is held to be  
22       unconstitutional, the remainder of the provisions of this  
23       title and the amendments made by this title, and the appli-  
24       cation of the provision or amendment to any other person  
25       or circumstance, shall not be affected.

1       **TITLE IX—CONGRESSIONAL**  
2               **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. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.

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 Treas-**  
3 **ury for Amounts Paid as Settle-**  
4 **ments and Awards Under Con-**  
5 **gressional Accountability Act of**  
6 **1995**

7 **SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-**  
8 **BURSE TREASURY FOR AMOUNTS PAID AS**  
9 **SETTLEMENTS AND AWARDS UNDER CON-**  
10 **GRESSIONAL ACCOUNTABILITY ACT OF 1995**  
11 **IN ALL CASES OF EMPLOYMENT DISCRIMINA-**  
12 **TION ACTS BY MEMBERS.**

13 (a) **REQUIRING REIMBURSEMENT.**—Clause (i) of sec-  
14 tion 415(d)(1)(C) of the Congressional Accountability Act  
15 of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section  
16 111(a) of the Congressional Accountability Act of 1995  
17 Reform Act, is amended to read as follows:

18 “(i) a violation of section 201(a) or  
19 section 206(a); or”.

20 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**  
21 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause  
22 (i) of section 402(b)(2)(B) of the Congressional Account-  
23 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended  
24 by section 102(a) of the Congressional Accountability Act  
25 of 1995 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  
4 this section shall take effect as if included in the enact-  
5 ment of the Congressional Accountability Act of 1995 Re-  
6 form Act.

## 7       **Subtitle B—Conflicts of Interests**

### 8       **SEC. 9101. PROHIBITING MEMBERS OF HOUSE OF REP-** 9                   **RESENTATIVES FROM SERVING ON BOARDS** 10                   **OF FOR-PROFIT ENTITIES.**

11       Rule XXIII of the Rules of the House of Representa-  
12 tives is amended—

13           (1) by redesignating clause 19 as clause 20;  
14       and

15           (2) by inserting after clause 18 the following  
16       new clause:

17       “19. A Member, Delegate, or Resident Commissioner  
18 may not serve on the board of directors of any for-profit  
19 entity.”.

### 20       **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS** 21                   **OF CONGRESS AND CONGRESSIONAL STAFF.**

22       No Member, officer, or employee of a committee or  
23 Member of either House of Congress may knowingly use  
24 his or her official position to introduce or aid the progress  
25 or passage of legislation, a principal purpose of which is

1 to further only his or her pecuniary interest, only the pecu-  
2 niary interest of his or her immediate family, or only the  
3 pecuniary interest of a limited class of persons or enter-  
4 prises, when he or she, or his or her immediate family,  
5 or enterprises controlled by them, are members of the af-  
6 fected class.

7 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

8 The provisions of this subtitle are enacted by the  
9 Congress—

10 (1) as an exercise of the rulemaking power of  
11 the House of Representatives and the Senate, re-  
12 spectively, and as such they shall be considered as  
13 part of the rules of each House, respectively, or of  
14 that House to which they specifically apply, and  
15 such rules shall supersede other rules only to the ex-  
16 tent that they are inconsistent therewith; and

17 (2) with full recognition of the constitutional  
18 right of either House to change such rules (so far  
19 as relating to such House) at any time, in the same  
20 manner, and to the same extent as in the case of  
21 any other rule of such House.



1 **Subtitle C—Campaign Finance and**  
2 **Lobbying Disclosure**

3 **SEC. 9201. SHORT TITLE.**

4 This subtitle may be cited as the “Connecting Lobby-  
5 ists and Electeds for Accountability and Reform Act” or  
6 the “CLEAR Act”.

7 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**

8 **FILED WITH FEDERAL ELECTION COMMIS-**  
9 **SION OF PERSONS WHO ARE REGISTERED**  
10 **LOBBYISTS.**

11 (a) REPORTS FILED BY POLITICAL COMMITTEES.—

12 Section 304(b) of the Federal Election Campaign Act of  
13 1971 (52 U.S.C. 30104(b)) is amended—

14 (1) by striking “and” at the end of paragraph  
15 (7);

16 (2) by striking the period at the end of para-  
17 graph (8) and inserting “; and”; and

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

20 “(9) if any person identified in subparagraph  
21 (A), (E), (F), or (G) of paragraph (3) is a registered  
22 lobbyist under the Lobbying Disclosure Act of 1995,  
23 a separate statement that such person is a reg-  
24 istered lobbyist under such Act.”.

1 (b) REPORTS FILED BY PERSONS MAKING INDE-  
2 PENDENT EXPENDITURES.—Section 304(c)(2) of such  
3 Act (52 U.S.C. 30104(c)(2)) is amended—

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

6 (2) by striking the period at the end of sub-  
7 paragraph (C) and inserting “; and”; and

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

10 “(D) if the person filing the statement, or a  
11 person whose identification is required to be dis-  
12 closed under subparagraph (C), is a registered lob-  
13 byist under the Lobbying Disclosure Act of 1995, a  
14 separate statement that such person is a registered  
15 lobbyist under such Act.”.

16 (c) REPORTS FILED BY PERSONS MAKING DIS-  
17 BURSEMENTS FOR ELECTIONEERING COMMUNICA-  
18 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.  
19 30104(f)(2)) is amended by adding at the end the fol-  
20 lowing new subparagraph:

21 “(G) If the person making the disburse-  
22 ment, or a contributor described in subpara-  
23 graph (E) or (F), is a registered lobbyist under  
24 the Lobbying Disclosure Act of 1995, a sepa-

1 rate statement that such person or contributor  
2 is a registered lobbyist under such Act.”.

3 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO  
4 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF  
5 SENATE.—Section 304 of such Act (52 U.S.C. 30104),  
6 as amended by section 4308(a), is amended by adding at  
7 the end the following new subsection:

8 “(k) REQUIRING INFORMATION ON REGISTERED  
9 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF  
10 HOUSE AND SECRETARY OF SENATE.—

11 “(1) LINKS TO WEBSITES.—The Commission  
12 shall ensure that the Commission’s public database  
13 containing information described in paragraph (2) is  
14 linked electronically to the websites maintained by  
15 the Secretary of the Senate and the Clerk of the  
16 House of Representatives containing information  
17 filed pursuant to the Lobbying Disclosure Act of  
18 1995.

19 “(2) INFORMATION DESCRIBED.—The informa-  
20 tion described in this paragraph is each of the fol-  
21 lowing:

22 “(A) Information disclosed under para-  
23 graph (9) of subsection (b).

24 “(B) Information disclosed under subpara-  
25 graph (D) of subsection (c)(2).

1                   “(C) Information disclosed under subpara-  
2                   graph (G) of subsection (f)(2).”.

3 **SEC. 9203. EFFECTIVE DATE.**

4           The amendments made by this subtitle shall apply  
5 with respect to reports required to be filed under the Fed-  
6 eral Election Campaign Act of 1971 on or after the expira-  
7 tion of the 90-day period which begins on the date of the  
8 enactment of this Act.

9                                   **Subtitle D—Access to**  
10 **Congressionally Mandated Reports**

11 **SEC. 9301. SHORT TITLE.**

12           This subtitle may be cited as the “Access to Congres-  
13 sionally Mandated Reports Act”.

14 **SEC. 9302. DEFINITIONS.**

15           In this subtitle:

16                   (1) CONGRESSIONALLY MANDATED REPORT.—

17           The term “congressionally mandated report”—

18                   (A) means a report that is required to be  
19 submitted to either House of Congress or any  
20 committee of Congress, or subcommittee there-  
21 of, by a statute, resolution, or conference report  
22 that accompanies legislation enacted into law;  
23 and

1 (B) does not include a report required  
2 under part B of subtitle II of title 36, United  
3 States Code.

4 (2) DIRECTOR.—The term “Director” means  
5 the Director of the Government Publishing Office.

6 (3) FEDERAL AGENCY.—The term “Federal  
7 agency” has the meaning given that term under sec-  
8 tion 102 of title 40, United States Code, but does  
9 not include the Government Accountability Office.

10 (4) OPEN FORMAT.—The term “open format”  
11 means a file format for storing digital data based on  
12 an underlying open standard that—

13 (A) is not encumbered by any restrictions  
14 that would impede reuse; and

15 (B) is based on an underlying open data  
16 standard that is maintained by a standards or-  
17 ganization.

18 (5) REPORTS ONLINE PORTAL.—The term “re-  
19 ports online portal” means the online portal estab-  
20 lished under section (3)(a).

21 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**  
22 **GRESSIONALLY MANDATED REPORTS.**

23 (a) REQUIREMENT TO ESTABLISH ONLINE POR-  
24 TAL.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Director shall  
3           establish and maintain an online portal accessible by  
4           the public that allows the public to obtain electronic  
5           copies of all congressionally mandated reports in one  
6           place. The Director may publish other reports on the  
7           online portal.

8           (2) EXISTING FUNCTIONALITY.—To the extent  
9           possible, the Director shall meet the requirements  
10          under paragraph (1) by using existing online portals  
11          and functionality under the authority of the Direc-  
12          tor.

13          (3) CONSULTATION.—In carrying out this sub-  
14          title, the Director shall consult with the Clerk of the  
15          House of Representatives, the Secretary of the Sen-  
16          ate, and the Librarian of Congress regarding the re-  
17          quirements for and maintenance of congressionally  
18          mandated reports on the reports online portal.

19          (b) CONTENT AND FUNCTION.—The Director shall  
20          ensure that the reports online portal includes the fol-  
21          lowing:

22                (1) Subject to subsection (c), with respect to  
23                each congressionally mandated report, each of the  
24                following:

1 (A) A citation to the statute, conference  
2 report, or resolution requiring the report.

3 (B) An electronic copy of the report, in-  
4 cluding any transmittal letter associated with  
5 the report, in an open format that is platform  
6 independent and that is available to the public  
7 without restrictions, including restrictions that  
8 would impede the re-use of the information in  
9 the report.

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 congress-  
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  
19 Federal agency to submit to the reports online por-  
20 tal each congressionally mandated report of the  
21 agency, as required 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 sub-  
5 mitted; 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 ex-  
11 tent 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  
3 in exchange for access to the reports online portal.

4 (e) UPGRADE CAPABILITY.—The reports online por-  
5 tal shall be enhanced and updated as necessary to carry  
6 out 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  
11 Federal agency submitting the congressionally mandated  
12 report shall submit to the Director the information re-  
13 quired under subparagraphs (A) through (D) of section  
14 3(b)(1) with respect to the congressionally mandated re-  
15 port. Nothing in this subtitle shall relieve a Federal agen-  
16 cy of any other requirement to publish the congressionally  
17 mandated report on the online portal of the Federal agen-  
18 cy or otherwise submit the congressionally mandated re-  
19 port to Congress or specific committees of Congress, or  
20 subcommittees thereof.

21 (b) GUIDANCE.—Not later than 240 days after the  
22 date of enactment of this Act, the Director of the Office  
23 of Management and Budget, in consultation with the Di-  
24 rector, shall issue guidance to agencies on the implementa-  
25 tion of this Act.

1 (c) STRUCTURE OF SUBMITTED REPORT DATA.—

2 The head of each Federal agency shall ensure that each  
3 congressionally mandated report submitted to the Director  
4 complies with the open format criteria established by the  
5 Director 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 congression-  
8 ally 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  
19 each 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 on-  
5 line portal may only be changed or removed, with the ex-  
6 ception of technical changes, by the head of the Federal  
7 agency concerned if—

8           (1) the head of the Federal agency consults  
9           with each congressional committee to which the re-  
10          port is 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 Di-  
21          rector to review congressionally mandated reports  
22          submitted for publication to the reports online portal  
23          for the purpose of identifying and redacting such in-  
24          formation or records.

1 (b) REDACTION OF INFORMATION.—The head of a  
2 Federal agency may redact information required to be dis-  
3 closed under this Act if the information would be properly  
4 withheld from disclosure under section 552 of title 5,  
5 United States Code, and shall—

6 (1) redact information required to be disclosed  
7 under this subtitle if disclosure of such information  
8 is prohibited by law;

9 (2) redact information being withheld under  
10 this subsection prior to submitting the information  
11 to the Director;

12 (3) redact only such information properly with-  
13 held under this subsection from the submission of  
14 information or from any congressionally mandated  
15 report submitted under this subtitle;

16 (4) identify where any such redaction is made  
17 in the submission or report; and

18 (5) identify the exemption under which each  
19 such 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

1 on or after the date that is 1 year after such date of enact-  
2 ment.

### 3 **Subtitle E—Severability**

#### 4 **SEC. 9401. SEVERABILITY.**

5 If any provision of this title or amendment made by  
6 this title, or the application of a provision or amendment  
7 to any person or circumstance, is held to be unconstitu-  
8 tional, the remainder of this title and amendments made  
9 by this title, and the application of the provisions and  
10 amendment to any person or circumstance, shall not be  
11 affected by the holding.

## 12 **TITLE X—PRESIDENTIAL AND** 13 **VICE PRESIDENTIAL TAX** 14 **TRANSPARENCY**

Sec. 10001. Presidential and Vice Presidential tax transparency.

#### 15 **SECTION 10001. PRESIDENTIAL AND VICE PRESIDENTIAL** 16 **TAX TRANSPARENCY.**

17 (a) DEFINITIONS.—In this section—

18 (1) The term “covered candidate” means a can-  
19 didate of a major party in a general election for the  
20 office of President or Vice President.

21 (2) The term “major party” has the meaning  
22 given the term in section 9002 of the Internal Rev-  
23 enue Code of 1986.

1           (3) The term “income tax return” means, with  
2           respect to an individual, any return (as such term is  
3           defined in section 6103(b)(1) of the Internal Rev-  
4           enue Code of 1986) of such individual other than—

5                   (A) information returns issued to persons  
6                   other than such individual, and

7                   (B) declarations of estimated tax.

8           (4) The term “Secretary” means the Secretary  
9           of the Treasury or the delegate of the Secretary.

10          (b) DISCLOSURE.—

11               (1) IN GENERAL.—

12                   (A) CANDIDATES FOR PRESIDENT AND  
13                   VICE PRESIDENT.—Not later than the date that  
14                   is 15 days after the date on which an individual  
15                   becomes a covered candidate, the individual  
16                   shall submit to the Federal Election Commis-  
17                   sion a copy of the individual’s income tax re-  
18                   turns for the 10 most recent taxable years for  
19                   which a return has been filed with the Internal  
20                   Revenue Service.

21                   (B) PRESIDENT AND VICE PRESIDENT.—

22                   With respect to each taxable year for an indi-  
23                   vidual who is the President or Vice President,  
24                   not later than the due date for the return of tax  
25                   for the taxable year, such individual shall sub-

1           mit to the Federal Election Commission a copy  
2           of the individual's income tax returns for the  
3           taxable year and for the 9 preceding taxable  
4           years.

5           (C) TRANSITION RULE FOR SITTING PRESI-  
6           DENTS AND VICE PRESIDENTS.—Not later than  
7           the date that is 30 days after the date of enact-  
8           ment of this section, an individual who is the  
9           President or Vice President on such date of en-  
10          actment shall submit to the Federal Election  
11          Commission a copy of the income tax returns  
12          for the 10 most recent taxable years for which  
13          a return has been filed with the Internal Rev-  
14          enue Service.

15          (2) FAILURE TO DISCLOSE.—If any require-  
16          ment under paragraph (1) to submit an income tax  
17          return is not met, the chairman of the Federal Elec-  
18          tion Commission shall submit to the Secretary a  
19          written request that the Secretary provide the Fed-  
20          eral Election Commission with the income tax re-  
21          turn.

22          (3) PUBLICLY AVAILABLE.—The chairman of  
23          the Federal Election Commission shall make publicly  
24          available each income tax return submitted under  
25          paragraph (1) in the same manner as a return pro-



1        vided under section 6103(l)(23) of the Internal Rev-  
2        enue Code of 1986 (as added by this section).

3            (4) TREATMENT AS A REPORT UNDER THE  
4        FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For  
5        purposes of the Federal Election Campaign Act of  
6        1971, any income tax return submitted under para-  
7        graph (1) or provided under section 6103(l)(23) of  
8        the Internal Revenue Code of 1986 (as added by  
9        this section) shall, after redaction under paragraph  
10       (3) or subparagraph (B)(ii) of such section, be treat-  
11       ed as a report filed under the Federal Election Cam-  
12       paign Act of 1971.

13        (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND  
14       VICE PRESIDENTS AND CERTAIN CANDIDATES FOR  
15       PRESIDENT AND VICE PRESIDENT.—

16            (1) IN GENERAL.—Section 6103(l) of the Inter-  
17        nal Revenue Code of 1986 is amended by adding at  
18        the end the following new paragraph:

19            “(23) DISCLOSURE OF RETURN INFORMATION  
20        OF PRESIDENTS AND VICE PRESIDENTS AND CER-  
21        TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-  
22        DENT.—

23            “(A) IN GENERAL.—Upon written request  
24        by the chairman of the Federal Election Com-  
25        mission under section 10001(b)(2) of the For

1 the People Act of 2019, the Secretary shall pro-  
2 vide copies of any return which is so requested  
3 to officers and employees of the Federal Elec-  
4 tion Commission whose official duties require  
5 access to such return under this paragraph.

6 “(B) DISCLOSURE TO THE PUBLIC.—

7 “(i) IN GENERAL.—The chairman of  
8 the Federal Election Commission shall  
9 make publicly available any return which is  
10 provided under subparagraph (A).

11 “(ii) REDACTION OF CERTAIN INFOR-  
12 MATION.—Before making publicly available  
13 under clause (i) any return, the chairman  
14 of the Federal Election Commission shall  
15 redact such information as the Federal  
16 Election Commission and the Secretary  
17 jointly determine is necessary for pro-  
18 tecting against identity theft, such as so-  
19 cial security numbers.”.

20 (2) CONFORMING AMENDMENTS.—Section  
21 6103(p)(4) of such Code is amended—

22 (A) in the matter preceding subparagraph  
23 (A) by striking “or (22)” and inserting “(22),  
24 or (23)”, and

1 (B) in subparagraph (F)(ii) by striking “or  
2 (22)” and inserting “(22), or (23)”.

3 (3) EFFECTIVE DATE.—The amendments made  
4 by this subsection shall apply to disclosures made on  
5 or after the date of enactment of this Act.