

110TH CONGRESS  
1ST SESSION

# S. 804

To amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mrs. CLINTON (for herself, Mrs. BOXER, Ms. MIKULSKI, Mr. KERRY, Mr. LEAHY, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Count Every Vote Act of 2007”.

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

Sec. 1. Short title; table of contents.

TITLE I—VOTER VERIFICATION AND AUDITING

- Sec. 101. Promoting accuracy, integrity, and security through preservation of a voter-verified paper record.
- Sec. 102. Requirement for mandatory manual audits.
- Sec. 103. Specific, delineated requirement of study, testing, and development of best practices.
- Sec. 104. Voter-verification and audit capacity funding.
- Sec. 105. Reports and provision of security consultation services.
- Sec. 106. Improvements to voting systems.
- Sec. 107. Requirements for testing laboratories.

#### TITLE II—PROVISIONAL BALLOTS

- Sec. 201. Requirements for casting and counting provisional ballots.

#### TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

##### Subtitle A—Shortening Voter Wait Times

- Sec. 301. Equitable allocation of voting systems, poll workers, and election resources.
- Sec. 302. State plans to prevent unreasonable wait times; remedial plans; emergency ballots.

##### Subtitle B—No-Excuse Absentee Voting

- Sec. 311. No-excuse absentee voting.

##### Subtitle C—Collection and Dissemination of Election Data

- Sec. 321. Data collection.

##### Subtitle D—Ensuring Well-Run Elections

- Sec. 331. Training of poll workers.
- Sec. 332. Impartial administration of elections.
- Sec. 333. Study on encouraging government employees and secondary school students to serve as poll workers.

##### Subtitle E—Standards for Purging Voters

- Sec. 341. Standards for purging voters.

##### Subtitle F—Election Day Registration and Early Voting

- Sec. 351. Election day registration.
- Sec. 352. Early voting.

##### Subtitle G—Newly Eligible Voters

- Sec. 361. Encouraging the registration of newly eligible voters.
- Sec. 362. Civic education pilot program.

#### TITLE IV—VOTER REGISTRATION AND IDENTIFICATION

- Sec. 401. Voter registration.
- Sec. 402. Establishing voter identification for certain voters who register by mail.
- Sec. 403. Requirement for Federal certification of technological security of voter registration lists.

Sec. 404. Coordination with state databases.

TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES

Sec. 501. Prohibition on certain campaign activities.

TITLE VI—ENDING DECEPTIVE PRACTICES

Sec. 601. Ending deceptive practices.

TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

Sec. 701. Voting rights of individuals convicted of criminal offenses.

TITLE VIII—FEDERAL ELECTION DAY ACT

Sec. 801. Short title.

Sec. 802. Federal Election Day as a public holiday.

TITLE IX—ADDITIONAL IMPROVEMENTS TO ELECTION PROCEDURES

Sec. 901. Transmission of certificate of ascertainment of electors.

Sec. 902. Study on feasibility of creating ranking system of State election administration processes.

TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

Sec. 1001. Strengthening the Election Assistance Commission.

Sec. 1002. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

Sec. 1003. Membership of Technical Guidelines Development Committee.

Sec. 1004. Authorization of appropriations for requirements payments.

TITLE XI—EFFECTIVE DATE

Sec. 1101. Effective date.

1 **TITLE I—VOTER VERIFICATION**  
2 **AND AUDITING**

3 **SEC. 101. PROMOTING ACCURACY, INTEGRITY, AND SECUR-**  
4 **ITY THROUGH PRESERVATION OF A VOTER-**  
5 **VERIFIED PAPER RECORD.**

6 (a) VOTER VERIFICATION AND MANUAL AUDIT CA-  
7 PACITY.—

1           (1) IN GENERAL.—Section 301(a)(2) of the  
2 Help America Vote Act of 2002 (42 U.S.C.  
3 15481(a)(2)) is amended to read as follows:

4           “(2) VOTER VERIFICATION AND MANUAL AUDIT  
5 CAPACITY.—

6           “(A) VOTER VERIFICATION.—

7           “(i) The voting system shall produce,  
8 or require the use of, an individual voter-  
9 verified paper record of the voter’s vote  
10 that shall be made available for inspection  
11 and verification by the voter, or marked by  
12 the voter, before the vote is cast.

13           “(ii) The voting system shall provide  
14 the voter with an opportunity to correct  
15 any error made by the system in the voter-  
16 verified paper record before the permanent  
17 voter-verified paper record is preserved in  
18 accordance with subparagraph (B)(i).

19           “(iii) The voter-verified paper record  
20 shall use durable paper of archival quality  
21 capable of withstanding multiple counts  
22 and recounts without compromising the  
23 fundamental integrity of the records, and  
24 capable of retaining the information  
25 marked, printed, or recorded on them for

1 the full duration of the retention and pres-  
2 ervation period called for by title III of the  
3 Civil Rights Act of 1960 (42 U.S.C. 1974  
4 et seq.) or under applicable State law,  
5 whichever is longer. The paper records  
6 shall not be produced through a reel-to-  
7 reel design.

8 “(iv) The voter-verified paper record  
9 shall not be preserved in any manner that  
10 makes it possible, at any time after the  
11 ballot has been cast, to associate a voter  
12 with the record of the votes selected by the  
13 voter.

14 “(B) MANUAL AUDIT CAPACITY.—The per-  
15 manent voter-verified paper record produced in  
16 accordance with subparagraph (A) shall—

17 “(i) be preserved within the polling  
18 place, in the manner, if any, in which all  
19 other paper ballots are preserved within  
20 that polling place, or, in the manner em-  
21 ployed by the jurisdiction for preserving  
22 paper ballots in general, for later use in  
23 any manual audit;

1           “(ii) be suitable for a manual audit  
2           equivalent to that of any paper ballot vot-  
3           ing system;

4           “(iii) be the official ballot for use in  
5           any recount or audit conducted with re-  
6           spect to any Federal election in which the  
7           system is used; and

8           “(iv) in the event of an inconsistency  
9           between an electronic vote tally and the  
10          vote tally determined by a hand count of  
11          the individual voter-verified paper records,  
12          be considered the true and correct record  
13          of the votes cast, except as provided in  
14          subparagraph (C).

15          “(C) SPECIAL RULES RELATING TO COM-  
16          PROMISED PAPER RECORDS.—In the event of  
17          an inconsistency between an electronic vote tally  
18          and the vote tally determined by a hand count  
19          of the individual voter-verified paper records,  
20          the paper records shall be presumed to be au-  
21          thoritative in determining the official count for  
22          the election, unless it is demonstrated by clear  
23          and convincing evidence, that the set of paper  
24          ballots associated with a particular machine has

1           been compromised (by damage or mischief or  
2           otherwise).”.

3           (2)     CONFORMING     AMENDMENT.—Section  
4     301(a)(1)(A)(ii)   of   such   Act   (42   U.S.C.  
5     15481(a)(1)(A)(ii)) is amended by inserting “and  
6     before the paper ballot is preserved under paragraph  
7     (2)” before the semicolon at the end.

8           (b) VOTER-VERIFICATION OF RESULTS FOR INDIVID-  
9     UALS WITH DISABILITIES AND LANGUAGE MINORITY  
10    VOTERS.—Section 301(a) of such Act (42 U.S.C.  
11    15481(a)) is amended by striking paragraphs (3) and (4)  
12    and inserting the following:

13           “(3) ACCESSIBILITY FOR INDIVIDUALS WITH  
14     DISABILITIES.—

15           “(A) IN GENERAL.—The voting system  
16     shall—

17           “(i) be accessible for individuals with  
18     disabilities, including nonvisual accessi-  
19     bility for the blind and visually impaired,  
20     in a manner that provides the same oppor-  
21     tunity for access, participation (including  
22     privacy and independence), inspection, and  
23     verification as for other voters;

24           “(ii) satisfy the requirement of clause  
25     (i) through the use of at least one voting

1 system equipped for individuals with dis-  
2 abilities at each polling place; and

3 “(iii) if purchased with funds made  
4 available under title II on or after January  
5 1, 2007, meet the voting system standards  
6 for disability access (as outlined in this  
7 paragraph).

8 “(B) VERIFICATION REQUIREMENTS.—Any  
9 voting system described in subparagraph (A)(ii)  
10 shall produce, or require the use of, in accord-  
11 ance with paragraph (2)(A), an individual  
12 voter-verified paper record that—

13 “(i) is produced using a mechanism  
14 that separates the function of vote genera-  
15 tion from the function of vote casting;

16 “(ii) shall be available for visual, en-  
17 hanced visual, and audio verification by the  
18 voter, with language translation available  
19 for all forms of inspection and verification  
20 in accordance with the requirements of sec-  
21 tion 203 of the Voting Rights Act of 1965  
22 (42 U.S.C. 1973aa-1); and

23 “(iii) shall not preclude the supple-  
24 mentary use of Braille or tactile ballots for  
25 those voters who need them.



1           “(4) ALTERNATIVE LANGUAGE ACCESSI-  
2 BILITY.—Any voting system and paper ballot shall  
3 provide alternative language accessibility in a man-  
4 ner that provides the same opportunity for access,  
5 participation (including privacy and independence)  
6 inspection and verification as for other voters, and  
7 shall be subject to the requirements of section 203  
8 of the Voting Rights Act of 1965 to the extent such  
9 section is applicable to the State or jurisdiction in  
10 which such record is produced.”.

11       (c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—  
12 Section 301(a) of such Act (42 U.S.C. 15481(a)) is  
13 amended by adding at the end the following new para-  
14 graphs:

15           “(7) INSTRUCTION OF ELECTION OFFICIALS.—  
16 Each State shall ensure that election officials are in-  
17 structed on the right of any individual who requires  
18 assistance to vote by reason of blindness, other dis-  
19 ability, or inability to read or write to be given as-  
20 sistance by a person chosen by that individual under  
21 section 208 of the Voting Rights Act of 1965.

22           “(8) BALLOT CHAIN OF CUSTODY.—The appro-  
23 priate State election official shall develop and imple-  
24 ment, according to guidelines established by the  
25 Commission, procedures to monitor and document

1 the chain of custody for election ballots, voter-  
2 verified paper records, software, hardware and vote  
3 storage media before, during, and after an election  
4 for Federal office.

5 “(9) PROHIBITION OF USE OF UNDISCLOSED  
6 SOFTWARE IN VOTING SYSTEMS.—No voting system  
7 shall at any time contain or use any software not  
8 disclosed to the State during the certification pro-  
9 cess. The appropriate election official shall disclose to  
10 the Commission all system documentation, and (in  
11 electronic form) the source code, object code, and  
12 executable representation of software and firmware  
13 (including ballot programming files) of any voting  
14 system, and the Commission shall make that source  
15 code, object code, and executable representation  
16 available for inspection promptly upon request to  
17 any citizen, except that the system documentation,  
18 source code, object code and executable representa-  
19 tion of unmodified commercial off-the-shelf software  
20 shall be disclosed only under confidentiality agree-  
21 ment to persons authorized by the State.

22 “(10) PROHIBITION OF COMMUNICATION DE-  
23 VICES OR CONNECTION TO INTERNET.—

24 “(A) PROHIBITION.—No component of any  
25 voting device upon which votes are cast or any

1 election management system on which ballots  
2 are defined or vote totals are recorded or tab-  
3 ulated shall use, contain, or be accessible by  
4 any wireless communication device or be con-  
5 nected to the Internet at any time.

6 “(B) ELECTION MANAGEMENT SYSTEM DE-  
7 SCRIBED.—For the purposes of this paragraph,  
8 the election management system includes the  
9 computer server and connected devices within a  
10 voting system designed or used to—

11 “(i) define, develop, or maintain elec-  
12 tion results databases;

13 “(ii) perform election definition and  
14 configuration functions;

15 “(iii) prepare and format ballots;

16 “(iv) record or count votes;

17 “(v) accumulate, consolidate, and re-  
18 port results; or

19 “(vi) maintain audit trails.

20 “(C) WIRELESS COMMUNICATION DEVICES  
21 DESCRIBED.—For purposes of this paragraph,  
22 prohibited wireless communication devices in-  
23 clude radio-frequency wireless, power line, re-  
24 mote, and wide-area communication devices, but  
25 do not include enclosed and shielded commu-

1           communications devices, such as infrared communica-  
2           tions devices that cannot be used for remote  
3           communication.

4           “(11) USABILITY TESTING.—Not later than 30  
5           days before an election for Federal office, each State  
6           shall undertake testing of its voting systems and bal-  
7           lots to ensure that voters are able to understand the  
8           use of the system and ballot and cast their vote ac-  
9           curately, easily, and efficiently.

10           “(12) SECURITY STANDARDS FOR VOTING SYS-  
11           TEMS USED IN FEDERAL ELECTIONS.—

12           “(A) IN GENERAL.—No voting system may  
13           be used in an election for Federal office unless  
14           the manufacturer of such system and the ap-  
15           propriate election official each meet the applica-  
16           ble requirements described in subparagraph  
17           (B).

18           “(B) REQUIREMENTS DESCRIBED.—The  
19           requirements described in this subparagraph  
20           are as follows:

21           “(i) The appropriate election official  
22           shall ensure that all voting machines and  
23           related supplies to be used in the election  
24           shall remain secured within storage facili-  
25           ties arranged for by the election official,

1 and shall not be removed from such facili-  
2 ties until such time as they are to be deliv-  
3 ered to the relevant polling place and se-  
4 cured at the polling place until used in the  
5 election.

6 “(ii) The manufacturer and the elec-  
7 tion official shall document the chain of  
8 custody for the handling of software, hard-  
9 ware, vote storage media and ballots used  
10 in connection with voting systems.

11 “(iii) The manufacturer shall provide  
12 the appropriate election official with the  
13 material necessary for the official to pro-  
14 vide information regarding software and  
15 firmware to the Commission pursuant to  
16 paragraph (9).

17 “(iv) After the appropriate election  
18 has certified the source code, object code,  
19 and executable representation of the voting  
20 system software for use in an election, the  
21 manufacturer may not—

22 “(I) alter such codes and rep-  
23 resentation;

1                   “(II) insert or use in the voting  
2                   system any software not certified by  
3                   the State for use in the election; or

4                   “(III) insert or use in the voting  
5                   system any certified software without  
6                   providing notice to the appropriate  
7                   election official.

8                   “(v) The manufacturer shall meet  
9                   standards established by the Commission  
10                  to ensure that all voting systems and re-  
11                  lated supplies to be used in the election are  
12                  secure.

13                  “(vi) The manufacturer shall meet the  
14                  requirements of section 319A of the Fed-  
15                  eral Election Campaign Act and any other  
16                  standards established by the Commission  
17                  to prevent the existence or appearance of  
18                  any conflict of interest with respect to can-  
19                  didates for public office and political par-  
20                  ties.

21                  “(vii) At the request of the Commis-  
22                  sion, the appropriate election official shall  
23                  submit information to the Commission re-  
24                  garding the State’s compliance with this  
25                  subparagraph.”

1 (d) GRANT PROGRAM.—

2 (1) IN GENERAL.—Subtitle D of title II of the  
3 Help America Vote Act of 2002 (42 U.S.C. 15401  
4 et seq.) is amended by adding at the end the fol-  
5 lowing new part:

6 **“PART 7—VOTING SYSTEM IMPROVEMENT GRANT**  
7 **PROGRAM**

8 **“SEC. 297. VOTING SYSTEM IMPROVEMENT GRANT PRO-**  
9 **GRAM.**

10 “(a) IN GENERAL.—The Commission shall make  
11 grants to eligible States and localities to carry out activi-  
12 ties to improve voting technology and enhance the accessi-  
13 bility of voting systems for individuals with disabilities, for  
14 voters whose primary language is not English, and for voters  
15 with difficulties in literacy, including—

16 “(1) improving voting system technology or de-  
17 veloping new designs and technology for voting sys-  
18 tems; and

19 “(2) improving the accessibility of voting ma-  
20 chines for people with disabilities, providing non-  
21 visual access for voters with visual impairments, and  
22 providing assistance to voters with limited pro-  
23 ficiency in the English language.

24 “(b) ELIGIBILITY.—

1           “(1) IN GENERAL.—A State locality is eligible  
2           to receive a payment under this section with respect  
3           to a fiscal year if it submits to the Commission a no-  
4           tice not later than 3 months before the first day of  
5           the fiscal year (in such form as the Commission may  
6           require) that contains—

7                   “(A) certifications that the State or local-  
8                   ity will use the payment (either directly or as  
9                   reimbursement) to carry out activities described  
10                  in subsection (a); and

11                  “(B) such other information and certifi-  
12                  cations as the Commission may require which  
13                  are necessary for the administration of the pro-  
14                  gram.

15           “(2) COMPLIANCE OF STATES THAT REQUIRE  
16           CHANGES TO STATE LAW.—In the case of a State or  
17           locality located in a State that requires the enact-  
18           ment of State legislation to carry out an activity cov-  
19           ered by any certification submitted under this sub-  
20           section, the State or locality shall be permitted to  
21           make the certification notwithstanding that the leg-  
22           islation has not been enacted at the time the certifi-  
23           cation is submitted, and the State or locality shall  
24           submit an additional certification once such legisla-  
25           tion is enacted.



1 “(c) REPORTS.—

2 “(1) IN GENERAL.—Each recipient of a grant  
3 under this section shall submit to the Commission a  
4 report describing the activities carried out with the  
5 funds provided under the grant.

6 “(2) DEADLINE.—A recipient shall submit a re-  
7 port required under paragraph (1) not later than 60  
8 days after the end of the fiscal year for which the  
9 recipient received the grant which is the subject of  
10 the report.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated for grants under this  
13 part \$10,000,000 for each of the fiscal years 2008, 2009,  
14 2010, and 2011.”.

15 (2) CLERICAL AMENDMENT.—The table of con-  
16 tents of such Act is amended by adding at the end  
17 of the items relating to subtitle D of title II the fol-  
18 lowing:

“PART 7—VOTING SYSTEM IMPROVEMENT GRANT PROGRAM

“Sec. 297. Voting system improvement grant program.”.

19 **SEC. 102. REQUIREMENT FOR MANDATORY MANUAL AU-**  
20 **DITS.**

21 (a) MANDATORY MANUAL AUDITS.—Title III of the  
22 Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.)  
23 is amended by adding at the end the following new sub-  
24 title:

1       **“Subtitle C—Mandatory Manual**  
2               **Audits by Chief Auditors**

3       **“SEC. 321. MANUAL AUDITS BY STATE OFFICIALS.**

4               “(a) IN GENERAL.—The chief auditor of each State  
5 shall administer the random unannounced manual manda-  
6 tory recounts of the voter-verified paper ballots of each  
7 election for Federal office (and, at the option of the State  
8 or jurisdiction involved, of elections for State and local of-  
9 fice held at the same time as such an election for Federal  
10 office).

11              “(b) CHIEF AUDITOR.—

12                      “(1) DESIGNATION OF CHIEF AUDITOR.—Each  
13 State shall designate a State officer or employee as  
14 the chief auditor responsible for coordination of  
15 State responsibilities under this section.

16                      “(2) DESIGNATION BY ELECTION ASSISTANCE  
17 COMMISSION.—In the event that no single official in  
18 the State meets the definition in subsection (1), the  
19 Commission shall designate a State official to serve  
20 as chief auditor of the State for purposes of this sec-  
21 tion.

22                      “(3) INDEPENDENCE OF CHIEF AUDITOR.—An  
23 individual does not qualify as the chief auditor of a  
24 State for purposes of this section if the individual—

1           “(A) is designated as the chief election of-  
2           ficial of the State under section 10 of the Na-  
3           tional Voter Registration Act of 1993, or is an  
4           employee of or reports to such chief election of-  
5           ficial;

6           “(B) is serving in any position on any po-  
7           litical campaign committee of any candidate for  
8           federal office in the election that is subject to  
9           the manual audit; or

10           “(C) serves as the chief executive officer,  
11           chief financial officer, chief operating officer, or  
12           president of any entity that designs, manufac-  
13           turers, or sells a voting system used in an elec-  
14           tion for Federal office.

15 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

16           “(a) IN GENERAL.—Except as provided in subsection  
17 (b), the number of voter-verified paper ballots that will  
18 be subject to a hand count administered by the chief audi-  
19 tor under this subtitle with respect to an election shall  
20 be determined as follows:

21           “(1) In the event that the initial vote count  
22           under section 324(a)(1) reveals that the margin of  
23           victory between the two candidates receiving the  
24           largest number of votes in the election is less than  
25           1 percent of the total votes cast in the election, the

1 hand counts of the voter-verified paper ballots shall  
2 occur in 10 percent of all precincts (or equivalent lo-  
3 cations) in the Congressional district involved (in the  
4 case of an election for the House of Representatives)  
5 or the State (in the case of any other election for  
6 Federal office).

7 “(2) In the event that the initial vote count  
8 under section 324(a)(1) reveals that the margin of  
9 victory between the two candidates receiving the  
10 largest number of votes in the election is greater  
11 than or equal to 1 percent but less than 2 percent  
12 of the total votes cast in the election, the hand  
13 counts of the voter-verified paper ballots shall occur  
14 in 5 percent of all precincts (or equivalent locations)  
15 in the Congressional district involved (in the case of  
16 an election for the House of Representatives) or the  
17 State (in the case of any other election for Federal  
18 office).

19 “(3) In the event that the unofficial count as  
20 described in section 324(a)(1) reveals that the mar-  
21 gin of victory between the two candidates receiving  
22 the largest number of votes in the election is equal  
23 to or greater than 2 percent of the total votes cast  
24 in that election, the hand counts of the voter-verified  
25 paper ballots shall occur in 3 percent of all precincts

1 (or equivalent locations) in the Congressional district  
2 (in the case of an election for the House of Rep-  
3 resentatives) or the State (in the case of any other  
4 election for Federal office).

5 “(b) USE OF ALTERNATE MECHANISM.—Notwith-  
6 standing subsection (a), a State may adopt and apply an  
7 alternative mechanism to determine the number of voter-  
8 verified paper ballots that will be subject to the hand  
9 counts required under this subtitle with respect to an elec-  
10 tion, so long as the National Institute of Standards and  
11 Technology determines that the alternative mechanism  
12 will be at least as effective in ensuring the accuracy of  
13 the election results and as transparent as the procedure  
14 under subsection (a).

15 **“SEC. 323. SELECTION OF PRECINCTS.**

16 “The selection of the precincts in the State in which  
17 the manual audit shall be conducted under this subtitle  
18 shall be made by the chief auditor on an entirely random  
19 basis using a uniform distribution in which all precincts  
20 (or other audited units permitted pursuant to section  
21 322(b)) in a State have an equal chance of being selected,  
22 in accordance with such procedures as the chief auditor  
23 determines appropriate, except that—

1           “(1) at least one precinct or audited unit (or  
2           equivalent jurisdiction) shall be selected in each  
3           county (or equivalent jurisdiction);

4           “(2) the chief auditor shall publish the proce-  
5           dures prior to the selection of the precincts or au-  
6           dited units; and

7           “(3) the chief auditor shall conduct and an-  
8           nounce the selection of the precincts at a public  
9           meeting.

10 **“SEC. 324. PROCEDURE FOR CONDUCTING AUDITS.**

11           “(a) IN GENERAL.—The chief auditor shall admin-  
12           ister the conduct of an audit under this section of the re-  
13           sults of an election in accordance with the following proce-  
14           dures:

15           “(1) As soon as practicable following the closing  
16           of the polls, local or county election officials shall  
17           complete the initial vote count for every precinct and  
18           publicly announce and report to the State the results  
19           of each initial vote count.

20           “(2) Not later than 24 hours after the State  
21           announces the final vote count in each precinct in  
22           the State, the chief auditor shall determine and then  
23           announce the precincts (or other auditable units) in  
24           the State in which audits will be conducted.

1           “(3) As soon as practicable after the announce-  
2           ment of the precincts (or other auditable units) in  
3           which an audit shall be conducted, local or county  
4           elections staff, or wherever appropriate the chief  
5           auditor, shall begin to count by hand the voter-  
6           verified ballots produced and preserved under section  
7           301(a)(2)(A) in each precinct (or other auditable  
8           unit) in which the audit will be conducted and com-  
9           pare those ballots with the initial count of such votes  
10          as announced by the State.

11          “(4) Local or county officials shall conduct the  
12          recount using procedures developed in consultation  
13          with the chief auditor and operating under the over-  
14          sight of the chief auditor.

15          “(b) ADDITIONAL AUDITS IF CAUSE SHOWN.—If the  
16          chief auditor finds that any of the hand counts conducted  
17          under this section do not match the initial vote count of  
18          the results of an election, the chief auditor shall admin-  
19          ister hand counts under this section of such additional pre-  
20          cincts (or equivalent jurisdictions) as the chief auditor  
21          considers appropriate to resolve any concerns about the  
22          accuracy of the results.

23          “(c) PUBLIC OBSERVATION OF THE AUDIT.—The au-  
24          dits conducted under this subtitle shall be conducted in  
25          a manner that allows for observation by the public. Each

1 State shall issue uniform and nondiscriminatory standards  
2 for granting access to the audit that include reasonable  
3 restrictions designed to avoid disruption and crowding of  
4 the audit.

5 “(d) NO PRECLUSION OF STATE AUDITS.—Nothing  
6 in this subtitle shall be construed to preclude a State from  
7 conducting audits or recounts of the election in addition  
8 to those audits required under this subtitle.

9 **“SEC. 325. PUBLICATION OF RESULTS.**

10 “(a) SUBMISSION TO COMMISSION.—As soon as prac-  
11 ticable after the completion of an audit conducted under  
12 this subtitle, the Chief Auditor of a State shall submit to  
13 the Commission a report containing the results of the  
14 audit, including a list of any discrepancies between the ini-  
15 tial vote count and any subsequent manual counts of the  
16 voter-verified paper record by precinct or audited unit, any  
17 explanations for such discrepancies, and a tally of all over-  
18 votes, undervotes, blank ballots, spoiled ballots, and can-  
19 cellations recorded on the voter-verified paper record.

20 “(b) PUBLICATION BY COMMISSION.—Immediately  
21 after receiving the submission of the results of an audit  
22 from the Chief Auditor of a State under subsection (a),  
23 the Commission shall announce and publish the informa-  
24 tion contained in the submission.



1 **“SEC. 326. PAYMENTS TO STATES.**

2       “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-  
3 DITS.—The Commission shall make a payment to a State  
4 to cover the reasonable costs incurred by the State in car-  
5 rying out this subtitle with respect to the elections that  
6 are the subject of the audits conducted under this subtitle.

7       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to the Commission for  
9 fiscal year 2008 and each succeeding fiscal year such sums  
10 as may be necessary for payments under this section.

11 **“SEC. 327. EFFECTIVE DATE.**

12       “‘This subtitle shall apply with respect to regularly  
13 scheduled general elections for Federal office beginning  
14 with the elections held in November 2008.’”.

15       (b) AVAILABILITY OF ENFORCEMENT.—Section 401  
16 of such Act (42 U.S.C. 15511) is amended by striking the  
17 period at the end and inserting the following: “, or the  
18 requirements of subtitle C of title III.”.

19       (c) STUDY OF SELECTION OF PRECINCTS FOR MAN-  
20 UAL AUDITS.—Not later than 1 year after the date of the  
21 enactment of this Act, the Election Assistance Commis-  
22 sion shall conduct a study and make recommendations on  
23 methods to ensure that the mandatory manual audits con-  
24 ducted under subtitle C of title III of the Help America  
25 Vote Act of 2002 (as added by subsection (a)) reflect a  
26 representative demographic (including by socioeconomic,

1 age, and ethnicity) in the selection of the precincts or  
2 other audited units subject to the audits.

3 **SEC. 103. SPECIFIC, DELINEATED REQUIREMENT OF**  
4 **STUDY, TESTING, AND DEVELOPMENT OF**  
5 **BEST PRACTICES.**

6 (a) IN GENERAL.—Subtitle C of title II of the Help  
7 America Vote Act of 2002 (42 U.S.C. 15381 et seq.) is  
8 amended—

9 (1) by redesignating section 247 as section 250;

10 and

11 (2) by inserting after section 246 the following  
12 new sections:

13 **“SEC. 247. STUDY, TESTING, AND DEVELOPMENT OF BEST**  
14 **PRACTICES TO IMPROVE VOTING SYSTEMS**  
15 **AND ENHANCE ACCESSIBILITY AND VOTER-**  
16 **VERIFICATION MECHANISMS FOR VOTERS**  
17 **WITH DISABILITIES.**

18 “(a) STUDY; DEVELOPMENT OF BEST PRACTICES.—  
19 The Director of the National Institute of Standards and  
20 Technology shall study, test, and develop best practices  
21 to investigate and encourage existing and potential emerg-  
22 ing technologies in voting systems and design innovations,  
23 and enhance the accessibility of ballot verification mecha-  
24 nisms for individuals with disabilities, for alternative lan-  
25 guage voters, and for voters with difficulties in literacy,

1 including best practices for the mechanisms themselves  
2 and the processes through which the mechanisms are used.

3 “(b) DEADLINE.—The Director shall complete the re-  
4 quirements of subsection (a) not later than January 1,  
5 2010.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out subsection  
8 (a) \$5,000,000, to remain available until expended.

9 **“SEC. 248. STUDY, TESTING, AND DEVELOPMENT OF BEST**  
10 **PRACTICES REGARDING BALLOT CHAIN OF**  
11 **CUSTODY.**

12 “The Commission shall study, test, and develop best  
13 practices for documenting the chain of custody for election  
14 ballots.

15 **“SEC. 249. STUDY, TESTING, AND DEVELOPMENT OF BEST**  
16 **PRACTICES FOR DESIGN AND USABILITY**  
17 **TESTING OF BALLOTS.**

18 “(a) STUDY AND REPORT.—

19 “(1) IN GENERAL.—The National Institute for  
20 Standards and Technology shall conduct or contract  
21 with one or more parties to conduct studies on the  
22 best practices for ballot design, ballot instructions,  
23 and the testing of ballots, and shall produce one or  
24 more reports examining which practices increase and

1 decrease the likelihood that voter intent is accurately  
2 recorded.

3 “(2) DEADLINE.—The National Institute for  
4 Standards and Technology shall complete and make  
5 available to the public the studies and reports de-  
6 scribed in paragraph (1) not later than February 1,  
7 2008.

8 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
9 There are authorized to be appropriated to the Na-  
10 tional Institute of Standards and Technology  
11 \$1,000,000 to carry out this subsection.

12 “(b) GUIDANCE.—Not later than May 1, 2008, the  
13 Commission shall adopt voluntary guidance on the best  
14 practices for ballot design, instructions, and testing based  
15 on the study and report under subsection (a).”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 of such Act is amended—

18 (1) by redesignating the item relating to section  
19 247 as relating to section 250; and

20 (2) by inserting after the item relating to sec-  
21 tion 246 the following:

“Sec. 247. Study, testing, and development of best practices to improve voting systems and enhance accessibility and voter-verification mechanisms for voters with disabilities.

“Sec. 248. Study, testing, and development of best practices regarding ballot chain of custody.

“Sec. 249. Study, testing, and development of best practices for design and usability testing of ballots.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on the date of the enactment  
 3 of this Act.

4 **SEC. 104. VOTER-VERIFICATION AND AUDIT CAPACITY**  
 5 **FUNDING.**

6 (a) IN GENERAL.—Subtitle D of title II of the Help  
 7 America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as  
 8 amended by this Act, is amended by adding at the end  
 9 the following new part:

10 **“PART 8—VOTER-VERIFICATION AND AUDIT**  
 11 **CAPACITY FUNDING**

12 **“SEC. 297A. VOTER-VERIFICATION AND AUDIT CAPACITY**  
 13 **FUNDING.**

14 “(a) PAYMENTS TO STATES.—Subject to subsection  
 15 (b), not later than the date that is 30 days after the date  
 16 of the enactment of the Count Every Vote Act of 2007,  
 17 the Commission shall pay to each State an amount to as-  
 18 sist the State in paying for the implementation of the  
 19 voter-verification and audit capacity requirements of para-  
 20 graphs (2) and (3) of section 301(a), as amended by sub-  
 21 sections (a) and (b) of section 101 of the Count Every  
 22 Vote Act of 2007.

23 “(b) LIMITATION.—The amount paid to a State  
 24 under subsection (a) for each voting system purchased by  
 25 a State may not exceed the average cost of adding a print-

1 er with accessibility features to each type of voting system  
2 that the State could have purchased to meet the require-  
3 ments described in such subsection.

4 “(c) APPROPRIATIONS.—

5 “(1) PAYMENTS TO STATES.—There are au-  
6 thorized and appropriated \$500,000,000, without  
7 fiscal year limitation, to make payments to States  
8 under this section.

9 “(2) ASSISTANCE BY COMMISSION.—There are  
10 authorized and appropriated \$20,000,000 to the  
11 Commission, for each of fiscal years 2008 through  
12 2012, in addition to any amounts otherwise appro-  
13 priated for administrative costs, to assist with the  
14 implementation of voter verification systems and im-  
15 proved security measures.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 of such Act, as amended by this Act, is amended by adding  
18 at the end of the items relating to subtitle D of title II  
19 the following:

“PART 8—VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING

“Sec. 297A. Voter-verification and audit capacity funding.”.

20 (c) EFFECTIVE DATE.—The amendment made by  
21 this section shall take effect on the date of the enactment  
22 of this Act.

1 **SEC. 105. REPORTS AND PROVISION OF SECURITY CON-**  
2 **SULTATION SERVICES.**

3 (a) IN GENERAL.—Subtitle C of title II of the Help  
4 America Vote Act of 2002 (42 U.S.C. 15381 et seq.), as  
5 amended by this Act, is amended by inserting after section  
6 249 the following new section.

7 **“SEC. 249A. REPORTS AND PROVISION OF SECURITY CON-**  
8 **SULTATION SERVICES.**

9 “(a) REPORT TO CONGRESS ON SECURITY RE-  
10 VIEW.—Not later than 6 months after the date of the en-  
11 actment of the Count Every Vote Act of 2007, the Com-  
12 mission, in consultation with the Director of the National  
13 Institute of Standards and Technology, shall submit to  
14 Congress a report on a proposed security review and cer-  
15 tification process for all voting systems used in elections  
16 for Federal office, including a description of the certifi-  
17 cation process to be implemented under section 231.

18 “(b) REPORT TO CONGRESS ON OPERATIONAL AND  
19 MANAGEMENT SYSTEMS.—Not later than 3 months after  
20 the date of the enactment of the Count Every Vote Act  
21 of 2007, the Commission shall submit to Congress a report  
22 on operational and management systems applicable with  
23 respect to elections for Federal office, including the secu-  
24 rity standards for manufacturers described in section  
25 301(a)(12), that should be employed to safeguard the se-

1 curity of voting systems, together with a proposed sched-  
 2 ule for the implementation of each such system.

3 “(c) PROVISION OF SECURITY CONSULTATION SERV-  
 4 ICES.—

5 “(1) IN GENERAL.—On and after the date of  
 6 the enactment of the Count Every Vote Act of 2007,  
 7 the Commission, in consultation with the Director of  
 8 the National Institute of Standards and Technology,  
 9 shall provide security consultation services to States  
 10 and local jurisdictions with respect to the adminis-  
 11 tration of elections for Federal office.

12 “(2) APPROPRIATIONS.—To carry out the pur-  
 13 poses of paragraph (1), there are authorized and ap-  
 14 propriated \$2,000,000 for each of fiscal years 2008  
 15 through 2012.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
 17 of such Act, as amended by this Act, is amended by insert-  
 18 ing after the item relating to section 249 the following:

“Sec. 249A. Reports and provision of security consultation services.”.

19 **SEC. 106. IMPROVEMENTS TO VOTING SYSTEMS.**

20 (a) IN GENERAL.—Section 301(a)(1)(B) of the Help  
 21 America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is  
 22 amended by striking “, a punch card voting system, or  
 23 a central count voting system”.

24 (b) CLARIFICATION OF REQUIREMENTS FOR PUNCH  
 25 CARD SYSTEMS.—Section 301(a)(1)(A) of such Act (42



1 U.S.C. 15481(a)(1)(A)) is amended in the matter pre-  
2 ceding clause (i) by striking “any lever voting system” and  
3 inserting “any punch card voting system, lever voting sys-  
4 tem”.

5 (c) RESIDUAL VOTE BENCHMARK.—Section  
6 301(a)(5) of such Act (42 U.S.C. 15481(a)(5)) is amend-  
7 ed to read as follows:

8 “(5) ERROR RATES.—

9 “(A) INITIAL RATES.—With respect to  
10 elections occurring prior to the regularly sched-  
11 uled general election held in November 2008,  
12 the error rate of the voting system in counting  
13 ballots (determined by taking into account only  
14 those errors which are attributable to the voting  
15 system and not attributable to an act of the  
16 voter) shall comply with the error rate stand-  
17 ards established under section 3.2.1 of the vot-  
18 ing systems standards issued by the Federal  
19 Election Commission which are in effect on the  
20 date of the enactment of this Act.

21 “(B) APPLICATION OF COMMISSION  
22 STANDARDS.—With respect to the regularly  
23 scheduled general election for Federal office  
24 held in November 2008 and each subsequent  
25 election for Federal office, the error rate of the

1 voting system in counting ballots (determined  
2 by taking into account only those errors which  
3 are attributable to the voting system and not  
4 attributable to an act of the voter) shall not ex-  
5 ceed the error rate standards established under  
6 the voting systems standards issued and main-  
7 tained by the Commission.

8 “(C) RESIDUAL BALLOT PERFORMANCE  
9 BENCHMARK.—In addition to the error rate  
10 standards described in subparagraph (B), the  
11 Commission shall issue and maintain a uniform  
12 benchmark for the residual ballot error rate  
13 that jurisdictions may not exceed. For purposes  
14 of the preceding sentence, the residual vote  
15 error rate shall be equal to the combination of  
16 overvotes, spoiled or uncountable votes, and  
17 undervotes cast in the contest at the top of the  
18 ballot, but excluding an estimate, based upon  
19 the best available research, of intentional  
20 undervotes. The Commission shall base the  
21 benchmark issued and maintained under this  
22 subparagraph on evidence of good practices in  
23 representative jurisdictions.

24 “(D) HISTORICALLY HIGH INTENTIONAL  
25 UNDERVOTES.—

1           “(i) FINDING.—Congress finds that  
2           there are certain distinct communities in  
3           certain geographic areas that have histori-  
4           cally high rates of intentional undervoting  
5           in elections for Federal office, relative to  
6           the rest of the Nation.

7           “(ii) TREATMENT OF CERTAIN DIS-  
8           TINCT COMMUNITIES.—In establishing the  
9           benchmark described in subparagraph (B),  
10          the Election Assistance Commission  
11          shall—

12                   “(I) study and report to Con-  
13                   gress on the occurrences of distinct  
14                   communities that have significantly  
15                   higher than average rates of historical  
16                   intentional undervoting; and

17                   “(II) promulgate for local juris-  
18                   dictions in which that distinct commu-  
19                   nity has a substantial presence either  
20                   a separate benchmark or an exclusion  
21                   from the national benchmark, as ap-  
22                   propriate.”.

1 **SEC. 107. REQUIREMENTS FOR TESTING LABORATORIES.**

2 (a) REQUIREMENTS FOR LABORATORIES.—Section  
3 231 of the Help America Vote Act of 2002 (42 U.S.C.  
4 15371(b)) is amended—

5 (1) by redesignating subsections (c) and (d) as  
6 subsections (h) and (i); and

7 (2) by inserting after subsection (b) the fol-  
8 lowing new subsections:

9 “(c) ESCROW FUND FOR PAYMENT OF LABORA-  
10 TORIES.—

11 “(1) ESTABLISHMENT OF ESCROW ACCOUNT.—

12 The Commission shall establish an escrow account  
13 (to be known as the Testing Escrow Account) for  
14 making payments to accredited laboratories for the  
15 costs of the testing carried out in connection with  
16 the certification, decertification, and recertification  
17 of voting system hardware and software.

18 “(2) SCHEDULE OF FEES.—In consultation  
19 with the accredited laboratories, the Commission  
20 shall establish and regularly update a schedule of  
21 fees for the testing carried out in connection with  
22 the certification, decertification, and recertification  
23 of voting system hardware and software, based on  
24 the reasonable costs expected to be incurred by the  
25 accredited laboratories in carrying out the testing  
26 for various types of hardware and software.

1           “(3) REQUESTS AND PAYMENTS BY MANUFAC-  
2           TURERS.—A manufacturer of voting system hard-  
3           ware and software may not have the hardware or  
4           software tested by an accredited laboratory under  
5           this section unless—

6                   “(A) the manufacturer submits a detailed  
7                   request for the testing to the Commission; and

8                   “(B) the manufacturer pays to the Com-  
9                   mission, for deposit into the Testing Escrow  
10                  Account, the applicable fee under the schedule  
11                  established and in effect under paragraph (2).

12           “(4) SELECTION OF LABORATORY.—Upon re-  
13           ceiving a request for testing and the payment from  
14           a manufacturer required under paragraph (3)(B),  
15           the Commission shall select at random, from all lab-  
16           oratories which are accredited under this section to  
17           carry out the specific testing requested by the manu-  
18           facturer, an accredited laboratory to carry out the  
19           testing. The Commission may exclude from the se-  
20           lection process any laboratory that the Commission  
21           determines does not have the resources to complete  
22           the required testing in a timely manner.

23           “(5) PAYMENTS TO LABORATORIES.—Upon re-  
24           ceiving a certification from a laboratory selected to  
25           carry out testing pursuant to paragraph (4) that the

1 testing is completed, along with a copy of the results  
2 of the test as required under subsection (d)(1)(D),  
3 the Commission shall make a payment to the labora-  
4 tory from the Testing Escrow Account in an amount  
5 equal to the applicable fee paid by manufacturer  
6 under paragraph (3)(B).

7 “(d) PROHIBITION OF CONFLICT OF INTEREST.—

8 “(1) IN GENERAL.—A laboratory may not be  
9 accredited by the Commission for purposes of this  
10 section unless—

11 “(A) the laboratory certifies that the only  
12 compensation it receives for the testing carried  
13 out in connection with the certification, decerti-  
14 fication, and recertification of the manufactur-  
15 ers voting system hardware and software is the  
16 payment made from the Testing Escrow Ac-  
17 count established under subsection (e)(1);

18 “(B) the laboratory meets the standards  
19 applicable to the manufacturers of voting sys-  
20 tems under section 301(a)(12)(B)(vi), together  
21 with such standards as the Commission shall  
22 establish (after notice and opportunity for pub-  
23 lic comment) to prevent the existence or ap-  
24 pearance of any conflict of interest in the test-  
25 ing carried out by the laboratory under this sec-

1           tion, including standards to ensure that the lab-  
2           oratory does not have a financial interest in the  
3           manufacture, sale, and distribution of voting  
4           system hardware and software, and is suffi-  
5           ciently independent from other persons with  
6           such an interest;

7           “(C) the laboratory certifies that it will  
8           permit an expert designated by the Commission  
9           to observe any testing the laboratory carries out  
10          under this section; and

11          “(D) the laboratory, upon completion of  
12          any testing carried out under this section, dis-  
13          closes the test protocols, results, and all com-  
14          munication between the laboratory and the  
15          manufacturer to the Commission.

16          “(2) AVAILABILITY OF RESULTS.—Upon receipt  
17          of information under paragraph (1), the Commission  
18          shall make the information available promptly to  
19          election officials and the public.

20          “(e) TESTING RESULTS; PUBLICATION.—

21          “(1) IN GENERAL.—Upon completion of any  
22          testing carried out under this section, a laboratory  
23          shall disclose the test protocols and results to the  
24          Commission.

1           “(2) PUBLICATION.—Upon receipt of the infor-  
2           mation required under subsection (1), the Commis-  
3           sion shall make such information available to elec-  
4           tion officials and the public. If the Commission re-  
5           vokes, terminates, or suspends the accreditation of a  
6           laboratory under this section, the Commission shall  
7           promptly notify Congress, the chief State election of-  
8           ficial of each State, and the public.

9           “(f) REPORTS.—

10           “(1) IN GENERAL.—Each accredited laboratory  
11           shall provide an annual report to the Commission  
12           and the National Institute of Standards and Tech-  
13           nology that sets out the following:

14           “(A) The methods and protocols the lab-  
15           oratory used to test, certify, decertify and recer-  
16           tify machines under this section.

17           “(B) A list of the directors and officers of  
18           the firm, and the background and qualifications  
19           of those individuals, including whether any indi-  
20           vidual has ever been convicted of a crime involv-  
21           ing election, accounting, or computer security  
22           fraud.

23           “(C) The results of the tests, certifications,  
24           decertifications and re-certifications conducted  
25           under this section in the preceding year.



1           “(2) PUBLICATION.—The Commission, in con-  
2           sultation with the National Institute of Standards  
3           and Technology, shall submit an annual report to  
4           the Congress on the laboratory testing and certifi-  
5           cation process conducted under this section, includ-  
6           ing a summary of the reports it receives under para-  
7           graph (1) of this subsection.”.

8           (b) CONFORMING AMENDMENTS.—Section 231 of  
9           such Act (42 U.S.C. 15371) is further amended—

10           (1) in subsection (a)(1), by striking “testing,  
11           certification,” and all that follows and inserting the  
12           following: “testing of voting system hardware and  
13           software by accredited laboratories in connection  
14           with the certification, decertification, and recertifi-  
15           cation of the hardware and software for purposes of  
16           this Act.”;

17           (2) in subsection (a)(2), by striking “testing,  
18           certification,” and all that follows and inserting the  
19           following: “testing of its voting system hardware and  
20           software by the laboratories accredited by the Com-  
21           mission under this section in connection with certi-  
22           fying, decertifying, and recertifying the hardware  
23           and software.”;

1           (3) in subsection (b)(1), by striking “testing,  
2           certification, decertification, and recertification” and  
3           inserting “testing”; and

4           (4) in subsection (i) (as redesignated above), by  
5           striking “testing, certification, decertification, and  
6           recertification” each place it appears and inserting  
7           “testing”.

8           (c) DEADLINE FOR ESTABLISHMENT OF STANDARDS  
9           AND ESCROW ACCOUNT.—The Election Assistance Com-  
10          mission shall establish the standards described in section  
11          231(d)(1)(B) of the Help America Vote Act of 2002 and  
12          the Testing Escrow Account described in section 231(c)(1)  
13          of such Act by not later than January 1, 2008.

14                           **TITLE II—PROVISIONAL**  
15                           **BALLOTS**

16          **SEC. 201. REQUIREMENTS FOR CASTING AND COUNTING**  
17                           **PROVISIONAL BALLOTS.**

18          (a) ELIGIBILITY OF PROVISIONAL BALLOTS.—Para-  
19          graph (4) of section 302(a) of the Help America Vote Act  
20          of 2002 (42 U.S.C. 15482(a)(4)) is amended by adding  
21          at the end the following new sentence: “A properly reg-  
22          istered voter who casts a provisional ballot in the county  
23          (or equivalent jurisdiction) in which the individual is reg-  
24          istered to vote shall have the ballot counted as a vote in  
25          all races in which the individual is eligible to vote. A provi-

1 sional ballot cast by an eligible and registered voter shall  
2 be counted as a vote without regard to any requirement  
3 to present identification to an election official.”.

4 (b) PROVISIONAL BALLOT AS APPLICATION FOR  
5 VOTER REGISTRATION.—Section 302(a) of such Act is  
6 amended by inserting after paragraph (5) the following  
7 new paragraph:

8 “(6) If the appropriate State or local election  
9 official determines that the individual who cast the  
10 provisional ballot is not registered to vote in the  
11 election, the provisional ballot shall be treated as an  
12 application to register the individual to vote in the  
13 next election for Federal office in that State. If the  
14 State or local election official determines that the in-  
15 dividual is registered to vote in the election, the offi-  
16 cial shall use the information in the provisional bal-  
17 lot to update the voters registration records.”.

18 (c) TIMELY PROCESSING OF BALLOTS.—

19 (1) IN GENERAL.—Section 302(a) of such Act  
20 (42 U.S.C. 15482(a)), as amended by subsection (c),  
21 is amended by inserting after paragraph (5) the fol-  
22 lowing new paragraph:

23 “(7) The appropriate State election official  
24 shall develop, according to guidelines established by  
25 the Election Assistance Commission, reasonable pro-

1 cedures to assure the timely processing and counting  
2 of provisional ballots, including—

3 “(A) standards for timely processing and  
4 counting to assure that, after the conclusion of  
5 the provisional vote count, parties and can-  
6 didates may have full, timely, and effective re-  
7 course to the recount and contest procedures  
8 provided by State law; and

9 “(B) standards for the informed participa-  
10 tion of candidates and parties such as are con-  
11 sistent with reasonable procedures to protect  
12 the security, confidentiality, and integrity of  
13 personal information collected in the course of  
14 the processing and counting of provisional bal-  
15 lots.”.

16 (2) EFFECTIVE DATE.—Section 302(d) of such  
17 Act (42 U.S.C. 15482(d)) is amended—

18 (A) by striking “Each State” and inserting  
19 the following:

20 “(1) IN GENERAL.—Except as provided in para-  
21 graph (2), each State; and”.

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

24 “(2) PROCESSING.—Each State shall be re-  
25 quired to develop and publish the guidelines required

1 under subsection (a)(7) not later than the expiration  
 2 of the 6-month period which begins on the date of  
 3 the enactment of the Count Every Vote Act of  
 4 2007.”.

5 (d) PUBLICATION OF STANDARDS FOR COUNTING  
 6 PROVISIONAL BALLOTS.—Section 302(a) of such Act (42  
 7 U.S.C. 15482(a)), as amended by subsections (b) and (c),  
 8 is amended by inserting after paragraph (7) the following  
 9 new paragraph:

10 “(8) Not later than 90 days prior to any elec-  
 11 tion for Federal office, each State shall publish uni-  
 12 form standards for counting provisional ballots.”.

13 **TITLE III—ADDITIONAL RE-**  
 14 **QUIREMENTS UNDER THE**  
 15 **HELP AMERICA VOTE ACT OF**  
 16 **2002**

17 **Subtitle A—Shortening Voter Wait**  
 18 **Times**

19 **SEC. 301. EQUITABLE ALLOCATION OF VOTING SYSTEMS,**  
 20 **POLL WORKERS, AND ELECTION RESOURCES.**

21 (a) MINIMUM REQUIREMENTS.—

22 (1) IN GENERAL.—Title III of the Help Amer-  
 23 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.), as  
 24 amended by section 102(a), is amended by adding at  
 25 the end the following new subtitle:

1                   **“Subtitle D—Additional**  
 2                   **Requirements**

3   **“SEC. 331. MINIMUM REQUIRED VOTING SYSTEMS AND**  
 4                   **POLL WORKERS.**

5           “(a) IN GENERAL.—Each State shall provide for the  
 6 minimum required number of voting systems, poll workers,  
 7 and other election resources (including all other physical  
 8 resources) for each voting site on the day of any Federal  
 9 election and on any days during which such State allows  
 10 early voting for a Federal election in accordance with the  
 11 standards determined under section 299.

12           “(b) VOTING SITE.—For purposes of this section, the  
 13 term ‘voting site’ means a polling location, except that in  
 14 the case of any polling location which serves more than  
 15 1 precinct, such term shall mean a precinct.”.

16           (2) CONFORMING AMENDMENT.—Section 401  
 17 of such Act (42 U.S.C. 15511), as amended by sec-  
 18 tion 102(b), is amended by striking “subtitle C” and  
 19 inserting “subtitles C and D”.

20           (3) CLERICAL AMENDMENT.—The table of con-  
 21 tents of such Act is amended by adding at the end  
 22 of the items relating to title III the following:

                  “Subtitle D—Additional Requirements

                  “Sec. 331. Minimum required voting systems and poll workers.”.

23           (b) STANDARDS.—

1           (1) IN GENERAL.—Title II of such Act (42  
2           U.S.C. 15321 et seq.) is amended by adding at the  
3           end the following new subtitle:

4           **“Subtitle E—Guidance and**  
5           **Standards**

6           **“SEC. 299. STANDARDS FOR THE EQUITABLE ALLOCATION**  
7                           **OF VOTING SYSTEMS, POLL WORKERS, AND**  
8                           **ELECTION RESOURCES.**

9           “(a) IN GENERAL.—Not later than January 1, 2008,  
10          the Commission shall conduct a study and then issue  
11          standards that establish a minimum number of voting sys-  
12          tems, poll workers, and other election resources (including  
13          all other physical resources) for each voting site on the  
14          day of any Federal election and on any days during which  
15          early voting is allowed for a Federal election.

16          “(b) DISTRIBUTION.—

17                 “(1) IN GENERAL.—The standards described in  
18          subsection (a) shall provide for a uniform and non-  
19          discriminatory distribution of such systems, workers,  
20          and other resources, and, to the extent possible,  
21          shall take into account, among other factors, the fol-  
22          lowing:

23                         “(A) The voting age population.

24                         “(B) Voter turnout in past elections.

25                         “(C) The number of voters registered.

1           “(D) The number of voters who have reg-  
2           istered since the most recent Federal election.

3           “(E) Census data for the population served  
4           by such voting site.

5           “(F) The educational levels and socio-econo-  
6           mic factors of the population served by such  
7           voting site.

8           “(G) The needs and numbers of voters  
9           with disabilities and voters with limited English  
10          proficiency.

11          “(H) The type of voting systems used.

12          “(2) NO FACTOR DISPOSITIVE.—The standards  
13          shall provide that the distribution of such systems  
14          should take into account the totality of all relevant  
15          factors, and no single factor shall be dispositive  
16          under the standards.

17          “(3) PURPOSE.—To the extent possible, the  
18          standards shall provide for a distribution of voting  
19          systems, poll workers, and other election resources  
20          with the goals of—

21                 “(A) ensuring a fair and equitable waiting  
22                 time for all voters in the State; and

23                 “(B) preventing a waiting time of over 1  
24                 hour at any voting site.



1       “(c) VOTING SITE.—For purposes of this section, the  
 2 term ‘voting site’ means a polling location, except that in  
 3 the case of any polling location which serves more than  
 4 1 precinct, such term shall mean a precinct.

5       “(d) DEVIATION.—The standards described in sub-  
 6 section (a) shall permit States, upon giving reasonable  
 7 public notice, to deviate from any allocation requirements  
 8 in the case of unforeseen circumstances such as a natural  
 9 disaster or terrorist attack.”.

10           (2) CONFORMING AMENDMENT.—Section 202  
 11 of such Act (42 U.S.C. 15322) is amended—

12                   (A) by redesignating paragraphs (5) and  
 13                   (6) as paragraphs (6) and (7); and

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

16                   “(5) carrying out the duties described under  
 17 subtitle E;”.

18           (3) CLERICAL AMENDMENT.—The table of con-  
 19 tents of such Act is amended by adding at the end  
 20 of the items relating to title II the following:

“Subtitle E—Guidance and Standards

“Sec. 299. Standards for the equitable allocation of voting systems, poll work-  
 ers, and election resources.”.

1 **SEC. 302. STATE PLANS TO PREVENT UNREASONABLE WAIT**  
2 **TIMES; REMEDIAL PLANS; EMERGENCY BAL-**  
3 **LOTS.**

4 (a) STATE PLANS REQUIRED.—Title III of the Help  
5 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is  
6 amended—

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

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

11 **“SEC. 304. ALLOCATION OF ELECTION RESOURCES.**

12 **“(a) STATE PLANS TO PREVENT UNREASONABLE**  
13 **VOTER WAITING TIMES.—**

14 **“(1) IN GENERAL.—**Not later than 60 days be-  
15 fore each election for Federal office, each State shall  
16 submit a written plan to the Commission describing  
17 the measures it is implementing to ensure, to the  
18 greatest extent possible, an equitable waiting time  
19 for all voters in the State, and a waiting time of less  
20 than 1 hour at any polling place in the election.

21 **“(2) PUBLICATION.—**Not later than 30 days  
22 after receiving a State plan under paragraph (1),  
23 the Commission shall make the plan available to the  
24 public.

25 **“(b) REMEDIAL PLANS FOR STATES WITH EXCES-**  
26 **SIVE VOTER WAIT TIMES.—**

1           “(1) COMPLIANCE WITH STATE REMEDIAL  
2 PLANS.—

3           “(A) REMEDIAL PLANS.—Each jurisdiction  
4 for which the Commission determines that a  
5 substantial number of voters waited more than  
6 90 minutes to cast a vote in an election for  
7 Federal office, or in which there were substan-  
8 tial violations of the standards established  
9 under section 299 with respect to an election  
10 for Federal office, shall comply with a State re-  
11 medial plan established by the Commission to  
12 provide for the effective allocation of resources  
13 to administer elections held in the State and to  
14 reduce the waiting time of voters.

15           “(B) COORDINATION WITH ATTORNEY  
16 GENERAL AND STATES.—Each remedial plan  
17 established by the Commission shall provide for  
18 coordination between the Commission, the At-  
19 torney General, and the State involved to mon-  
20 itor the compliance of the State with the reme-  
21 dial plan during the period leading up to the  
22 election and on the date of the election and to  
23 respond to serious delays in the ability of voters  
24 to cast their ballots at polling places.

1           “(2) JURISDICTION DEFINED.—For purposes of  
2 this subsection, the term ‘jurisdiction’ has the mean-  
3 ing given the term ‘registrar’s jurisdiction’ in section  
4 8(j) of the National Voter Registration Act of 1993  
5 (42 U.S.C. 1973gg-6(j)).

6           “(c) EMERGENCY BALLOTS.—

7           “(1) IN GENERAL.—In the event of a failure of  
8 voting equipment or other circumstance at a polling  
9 place that causes an unreasonable delay, any indi-  
10 vidual who is waiting at the polling place to cast a  
11 ballot in an election for Federal office at the time  
12 of the failure shall be advised immediately of the in-  
13 dividuals right to use an emergency paper ballot,  
14 and upon request shall be provided with an emer-  
15 gency paper ballot for the election and the supplies  
16 necessary to mark the ballot.

17           “(2) DISPOSITION OF BALLOT.—Any emergency  
18 paper ballot which is cast by an individual under  
19 this subsection shall be counted in the same manner  
20 as a regular ballot, unless the individual casting the  
21 ballot would have otherwise been required to cast a  
22 provisional ballot in the absence of the delay, in  
23 which case that ballot shall be treated in the same  
24 manner as a provisional ballot.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 of such Act, as amended by this Act, is amended—

3 (1) by redesignating the items relating to sec-  
4 tions 304 and 305 as relating to sections 305 and  
5 306; and

6 (2) by inserting after the item relating to sec-  
7 tion 303 the following new item:

“Sec. 304. Allocation of election resources.”.

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on the date of the enactment  
10 of this Act.

## 11 **Subtitle B—No-Excuse Absentee** 12 **Voting**

### 13 **SEC. 311. NO-EXCUSE ABSENTEE VOTING.**

14 (a) IN GENERAL.—Subtitle D of title III of the Help  
15 America Vote Act of 2002, as added by this Act, is amend-  
16 ed by adding at the end the following new section:

#### 17 **“SEC. 332. NO-EXCUSE ABSENTEE VOTING.**

18 “(a) IN GENERAL.—Each State and jurisdiction shall  
19 permit any person who is otherwise qualified to vote in  
20 an election for Federal office to vote in such election in  
21 a manner other than in person, and shall not impose any  
22 additional conditions or restrictions on absentee voting  
23 other than a reasonable deadline for requesting and re-  
24 turning the ballot.

25 “(b) SUBMISSION AND PROCESSING.—

1           “(1) IN GENERAL.—Any ballot cast under sub-  
2           section (a) shall be submitted and processed in the  
3           manner provided for absentee ballots under State  
4           law.

5           “(2) DEADLINE.—Any ballot cast under sub-  
6           section (a) shall be counted if postmarked before the  
7           close of the polls on Election Day and received by  
8           the appropriate State election official on or before  
9           the date which is 10 days after the date of the elec-  
10          tion or the date provided for the receipt of absentee  
11          ballots under State law, whichever is later.

12          “(c) NO EFFECT ON ABSENT UNIFORMED AND  
13          OVERSEAS VOTERS.—Nothing in this section may be con-  
14          strued to permit a State or jurisdiction to revise any dead-  
15          line applicable with respect to any absentee ballot re-  
16          quested or submitted by an individual under the Uni-  
17          formed and Overseas Citizens Absentee Voting Act (42  
18          U.S.C. 1973ff–1 et seq.).”.

19          (b) CLERICAL AMENDMENT.—The table of contents  
20          of such Act, as amended by this Act, is amended by adding  
21          at the end of the items relating to subtitle D of title III  
22          the following:

“Sec. 332. No-excuse absentee voting.”.

1           **Subtitle C—Collection and**  
2           **Dissemination of Election Data**

3   **SEC. 321. DATA COLLECTION.**

4           (a) IN GENERAL.—Subtitle D of title III of the Help  
5 America Vote Act of 2002, as added and amended by this  
6 Act, is amended by adding at the end the following new  
7 section:

8   **“SEC. 333. PUBLIC REPORTS ON FEDERAL ELECTIONS.**

9           “(a) IN GENERAL.—Not later than 6 months after  
10 a Federal election, each State and jurisdiction shall pub-  
11 licly report information with respect to such election, in-  
12 cluding the following:

13           “(1) The total number of individuals of voting  
14 age in the population.

15           “(2) The total number of individuals registered  
16 to vote, and a breakdown of the number based on  
17 demographic criteria including age, gender, race and  
18 ethnicity.

19           “(3) The total number of registered voters who  
20 voted, and a breakdown of the number based on de-  
21 mographic criteria including age, gender, race and  
22 ethnicity.

23           “(4) The number of absentee and overseas bal-  
24 lots requested, including the numbers of such ballots

1 requested by military personnel and citizens living  
2 overseas.

3 “(5) The number of absentee and overseas bal-  
4 lots cast, including the numbers of such ballots cast  
5 by military personnel and citizens living overseas.

6 “(6) The total number of absentee and overseas  
7 ballots counted, including the number of such ballots  
8 which were cast by military personnel and citizens  
9 living overseas that were counted.

10 “(7) The total number of absentee and overseas  
11 ballots rejected, including the numbers of such bal-  
12 lots which were cast by military personnel and citi-  
13 zens living overseas that were rejected, and the rea-  
14 sons for any such rejections.

15 “(8) The number of votes cast in early voting  
16 at the polls before the day of the election.

17 “(9) The number of provisional ballots cast.

18 “(10) The number of provisional ballots count-  
19 ed.

20 “(11) The number of provisional ballots re-  
21 jected and the reasons the ballots were rejected.

22 “(12) The number of voting sites (within the  
23 meaning of section 321(b)) in the State or jurisdic-  
24 tion, including how many voting sites were moved  
25 since the last election and the reason for the move.



1           “(13) The number of voting machines in each  
2 such voting site on the day of the election and the  
3 type and manufacturer of each machine.

4           “(14) The total number of voting machines  
5 available in the State or jurisdiction for distribution  
6 to each such voting site.

7           “(15) The total number of voting machines ac-  
8 tually distributed to such voting sites (including vot-  
9 ing machines distributed as replacement voting ma-  
10 chines on the day of the election), and where they  
11 were distributed.

12           “(16) The total number of voting machines of  
13 any type, whether electronic or manual, that mal-  
14 functioned on the day of the election and the reason  
15 for any malfunction.

16           “(17) The total number of voting machines that  
17 were replaced on the day of the election.

18           “(18) The amount of money the State or juris-  
19 diction expended on the election, including the  
20 amount expended on voting machines, ballots, train-  
21 ing materials, and other election resources.

22           “(b) REPORT BY COMMISSION.—The Commission  
23 shall collect the information published under subsection  
24 (a) with respect to an election and shall report to Congress

1 not later than 9 months after the date of the election the  
2 following:

3           “(1) The funding and expenditures of each  
4 State under the provisions of this Act.

5           “(2) The voter turnout in the election.

6           “(3) The number of registered voters and the  
7 number of individuals eligible to register who are not  
8 registered.

9           “(4) The number of voters who have registered  
10 to vote in a Federal election since the most recent  
11 such election.

12           “(5) The extent to which voter registration in-  
13 formation has been shared among government agen-  
14 cies (including any progress on implementing state-  
15 wide voter registration databases under section  
16 303(a)).

17           “(6) The number, types and manufacturers of  
18 new voting systems purchased by States and juris-  
19 dictions.

20           “(7) The amount of time individuals waited to  
21 vote.

22           “(8) The number of early votes, provisional  
23 votes, absentee ballots, and overseas ballots distrib-  
24 uted, cast, and counted.

1           “(9) The amount of training that poll workers  
2           received.

3           “(10) The number of poll workers.

4           “(11) The number of polling locations and pre-  
5           cinets.

6           “(12) The ratio of the number of voting ma-  
7           chines to the number of registered voters.

8           “(13) Such other information pertaining to  
9           electoral participation as the Commission deems ap-  
10          propriate.”.

11          (b) CLERICAL AMENDMENT.—The table of contents  
12          of such Act, as amended by this Act, is amended by adding  
13          at the end of the items relating to subtitle D of title III  
14          the following:

          “Sec. 333. Public reports on Federal elections.”.

15           **Subtitle D—Ensuring Well-Run**  
16           **Elections**

17          **SEC. 331. TRAINING OF POLL WORKERS.**

18          (a) TRAINING.—

19           (1) IN GENERAL.—Subtitle D of title III of the  
20          Help America Vote Act of 2002, as added and  
21          amended by this Act, is amended by adding at the  
22          end the following new section:

23          **“SEC. 334. TRAINING OF POLL WORKERS.**

24           “(a) IN GENERAL.—Each State and jurisdiction shall  
25          require that each person who works in a polling place dur-

1 ing an election for Federal office receives adequate train-  
2 ing not earlier than 3 months before the election.

3 “(b) TRAINING.—The training required under sub-  
4 section (a) shall, at a minimum, include—

5 “(1) hands-on training on all voting systems  
6 used in the election;

7 “(2) training on accommodating individuals  
8 with disabilities, individuals who are of limited  
9 English proficiency, and individuals who are illit-  
10 erate;

11 “(3) training on requirements for the identifica-  
12 tion of voters;

13 “(4) training on the appropriate use of provi-  
14 sional ballots and the process for casting such bal-  
15 lots;

16 “(5) training on registering voters on the day  
17 of the election;

18 “(6) training on which individuals have the au-  
19 thority to challenge voter eligibility and the process  
20 for any such challenges;

21 “(7) training on security procedures; and

22 “(8) the development and distribution to poll  
23 workers of statewide and uniform training manu-  
24 als.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents of such Act, as amended by this Act, is amend-  
 3           ed by adding at the end of the items relating to sub-  
 4           title D of title III the following:

“Sec. 334. Training of poll workers.”.

5           (b) GRANT PROGRAM.—

6           (1) IN GENERAL.—Subtitle D of title II of the  
 7           Help America Vote Act of 2002 (42 U.S.C. 15401  
 8           et seq.), as amended by this Act, is amended by add-  
 9           ing at the end the following new part:

10           **“PART 9—POLL WORKER TRAINING GRANT**  
 11   **PROGRAM**

12           **“SEC. 297B. POLL WORKER TRAINING GRANT PROGRAM.**

13           “(a) IN GENERAL.—The Commission shall make  
 14           grants to States and other jurisdictions to train individ-  
 15           uals to serve as poll workers in elections for Federal office.

16           “(b) USE OF FUNDS.—

17           “(1) IN GENERAL.—A recipient of a grant  
 18           under this section shall use the funds provided by  
 19           the grant to develop training materials and proce-  
 20           dures for poll workers and provide poll workers with  
 21           the necessary training to effectively and fairly ad-  
 22           minister elections for Federal office.

23           “(2) CONTENTS OF TRAINING.—The training  
 24           provided to poll workers with the payment made  
 25           under this section shall include—

1           “(A) hands-on training on the functioning  
2 of the voting systems used in the election;

3           “(B) training on how to prevent, detect  
4 and address problems with voting systems used  
5 in the election;

6           “(C) training on accommodating individ-  
7 uals with disabilities or other specific needs;

8           “(D) training on requirements for the  
9 identification of voters;

10           “(E) training on the appropriate use of  
11 provisional ballots and the process for casting  
12 such ballots; and

13           “(F) training through the development and  
14 distribution of educational materials.

15       “(c) ELIGIBILITY.—

16           “(1) IN GENERAL.—A State or jurisdiction is  
17 eligible to receive a grant under this section with re-  
18 spect to a fiscal year if it submits to the Commission  
19 a notice not later than 3 months before the first day  
20 of the fiscal year (in such form as the Commission  
21 may require) that contains—

22           “(A) certifications that the State or juris-  
23 diction will use the grant (either directly or as  
24 reimbursement) for the uses described in sub-  
25 section (b); and

1           “(B) such other information and certifi-  
2           cations as the Administrator may require which  
3           are necessary for the administration of the pro-  
4           gram.

5           “(2) COMPLIANCE OF STATES THAT REQUIRE  
6           CHANGES TO STATE LAW.—In the case of a State or  
7           jurisdiction located in a State that requires the en-  
8           actment of State legislation to carry out an activity  
9           covered by any certification submitted under this  
10          subsection, the State or jurisdiction shall be per-  
11          mitted to make the certification notwithstanding  
12          that the legislation has not been enacted at the time  
13          the certification is submitted, and such State or ju-  
14          risdiction shall submit an additional certification  
15          once such legislation is enacted.

16          “(d) REPORTS.—

17                 “(1) IN GENERAL.—Each recipient of a grant  
18                 under this section shall submit to the Commissioner  
19                 a report describing the activities carried out with the  
20                 funds provided under the grant.

21                 “(2) DEADLINE.—The recipient of a grant shall  
22                 submit the report required under paragraph (1) not  
23                 later than 60 days after the end of the fiscal year  
24                 for which the entity received the grant which is the  
25                 subject of the report.

1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated for grants under this  
 3 part \$20,000,000 for each of the fiscal years 2008, 2009,  
 4 2010, and 2011.”.

5           (2) CLERICAL AMENDMENT.—The table of con-  
 6 tents of such Act, as amended by this Act, is amend-  
 7 ed by adding at the end of the items relating to sub-  
 8 title D of title II the following:

“PART 9—POLL WORKER TRAINING GRANT PROGRAM

“Sec. 297B. Poll worker training grant program.”.

9 **SEC. 332. IMPARTIAL ADMINISTRATION OF ELECTIONS.**

10       (a) IN GENERAL.—Subtitle D of title III of the Help  
 11 America Vote Act of 2002, as added and amended by this  
 12 Act, is amended by adding at the end the following new  
 13 section:

14 **“SEC. 335. ELECTION ADMINISTRATION REQUIREMENTS.**

15       “(a) PUBLICATION OF STATE ELECTION LAWS.—

16           “(1) IN GENERAL.—Each State shall be re-  
 17 quired to publish all State laws, regulations, proce-  
 18 dures, and practices relating to Federal elections on  
 19 January 1 of each year in which there is a regularly  
 20 scheduled election for a Federal office (beginning  
 21 with 2008).

22           “(2) MAINTENANCE OF LAWS ON THE INTER-  
 23 NET.—Each State shall be required to maintain an  
 24 updated version of all material published under



1 paragraph (1) on an easily accessible public web site  
2 on the Internet.

3 “(b) NOTICE OF CHANGES IN STATE ELECTION  
4 LAWS.—Not later than 45 days prior to any Federal elec-  
5 tion, each State shall issue a public notice describing all  
6 changes in State law affecting voting in Federal elections  
7 and the administration of Federal elections since the most  
8 recent prior such election.

9 “(c) PROHIBITION ON LAST-MINUTE CHANGES TO  
10 ELECTION LAWS.—No State or local government shall  
11 make any change to election laws or regulations affecting  
12 the administration of Federal elections within 45 days of  
13 a Federal election, unless—

14 “(1) ordered to do so by a court of competent  
15 jurisdiction, or

16 “(2) upon giving reasonable public notice, in  
17 the case of an unforeseen circumstance such as a  
18 natural disaster or a terrorist attack.

19 “(d) OBSERVERS.—

20 “(1) STANDARDS.—Each State shall issue uni-  
21 form and nondiscriminatory standards for granting  
22 access to nonpartisan election observers to polling  
23 places. Such standards shall account for the need to  
24 avoid disruption and crowding in polling places, and  
25 shall be developed in consultation with civil rights,

1 voting rights, and voting protection organizations,  
2 State and local election officials, and other inter-  
3 ested members of the community.

4 “(2) ACCESS TO POLLING PLACES.—In accord-  
5 ance with the standards issued under paragraph (1),  
6 each State shall allow reasonable and nondiscrim-  
7 inatory access to any polling place to nonpartisan  
8 domestic observers (including voting rights and civil  
9 rights organizations) and international observers for  
10 purposes of observing a federal election.

11 “(3) EXPULSION FROM POLLING PLACES.—To  
12 facilitate a fair, efficient, and transparent election  
13 process, decisions to expel a poll watcher from a  
14 polling place shall be made in a non-discriminatory  
15 manner.

16 “(4) NOTICE OF DENIAL OF OBSERVATION RE-  
17 QUEST.—Each State shall issue a public notice with  
18 respect to any denial of a request by any observer  
19 described in paragraph (2) for access to any polling  
20 place for purposes of observing a Federal election.  
21 Such notice shall be issued not later than 7 days  
22 after such denial.

23 “(5) RIGHT OF APPEAL.—Each State shall pro-  
24 vide an expedited opportunity to appeal to an elec-

1       tion official a denial of access to, or an expulsion  
2       from, a polling place.”.

3       (b) CLERICAL AMENDMENT.—The table of contents  
4       of such Act, as amended by this Act, is amended by adding  
5       at the end of the items relating to subtitle D of title III  
6       the following:

“Sec. 335. Election administration requirements.”.

7       **SEC. 333. STUDY ON ENCOURAGING GOVERNMENT EM-**  
8                               **PLOYEES AND SECONDARY SCHOOL STU-**  
9                               **DENTS TO SERVE AS POLL WORKERS.**

10       (a) IN GENERAL.—Subtitle C of title II of such Act  
11       (42 U.S.C. 15381 et seq.), as amended by this Act, is  
12       amended by inserting after section 249A the following new  
13       section:

14       **“SEC. 249B. STUDY ON ENCOURAGING GOVERNMENT EM-**  
15                               **PLOYEES AND SECONDARY SCHOOL STU-**  
16                               **DENTS TO SERVE AS POLL WORKERS.**

17       “(a) STUDY.—The Commission shall conduct a study  
18       on appropriate methods to encourage State and local gov-  
19       ernment employees and secondary school students to serve  
20       as poll workers in Federal elections.

21       “(b) REPORT.—Not later than 6 months after the  
22       date of the enactment of the Count Every Vote Act of  
23       2007, the Commission shall transmit to Congress a report  
24       on the results of the study conducted under subsection (a).

1           “(c) AUTHORIZATION OF APPROPRIATIONS.—Of the  
 2 amount authorized to be appropriated under section 210  
 3 for fiscal year 2008, \$100,000 shall be used solely to carry  
 4 out the purposes of this section.”.

5           (b) CLERICAL AMENDMENT.—The table of contents  
 6 of such Act, as amended by this Act, is amended by insert-  
 7 ing after the item relating to section 249A the following:

“Sec. 249B. Study on encouraging government employees and secondary school  
 students to serve as poll workers.”.

## 8       **Subtitle E—Standards for Purging** 9                                   **Voters**

### 10   **SEC. 341. STANDARDS FOR PURGING VOTERS.**

11           (a) STANDARDS.—Subtitle D of title III of the Help  
 12 America Vote Act of 2002, as added and amended by this  
 13 Act, is amended by adding at the end the following new  
 14 section:

#### 15   **“SEC. 336. REMOVAL FROM VOTER REGISTRATION LIST.**

16           “(a) STATE RULES.—Each State shall adopt uniform  
 17 and nondiscriminatory criteria, processes, and procedures  
 18 for the removal of voters from a voter registration list and  
 19 the restoration of voters to the list if improperly removed.

20           “(b) PUBLIC NOTICE.—Not later than 45 days before  
 21 any Federal election, each State shall provide public notice  
 22 of—

23                   “(1) all names which have been removed from  
 24       the voter registration list of such State under section

1 303 since the later of the most recent election for  
2 Federal office or the day of the most recent previous  
3 public notice provided under this section; and

4 “(2) the criteria, processes, and procedures  
5 used to determine which names were removed.

6 “(c) NOTICE TO INDIVIDUAL VOTERS.—

7 “(1) IN GENERAL.—No individual shall be re-  
8 moved from the voter registration list under section  
9 303 unless such individual is first provided with a  
10 notice and opportunity to cure that meet the re-  
11 quirements of paragraphs (2) and (3).

12 “(2) REQUIREMENTS OF NOTICE.—The notice  
13 required under paragraph (1) shall be—

14 “(A) provided to each voter in a uniform  
15 and nondiscriminatory manner;

16 “(B) consistent with the requirements of  
17 the National Voter Registration Act of 1993  
18 (42 U.S.C. 1973gg et seq.);

19 “(C) transmitted to the last known address  
20 of the voter by certified mail, and include a  
21 postage pre-paid response card;

22 “(D) in a form that provides the voter with  
23 clear notice of the reason for removal, the op-  
24 portunity to cure, and the option to cast a pro-  
25 visional ballot; and

1           “(E) mailed to each voter not later than  
2           30 days before the State or local election offi-  
3           cial removes the voter’s name from the registra-  
4           tion list.

5           “(3) OPPORTUNITY TO CURE.—The opportunity  
6           to cure required under paragraph (1) shall—

7           “(A) give the voter a reasonable oppor-  
8           tunity to file a written request that the appro-  
9           priate State election official retain the voter on  
10          the registration rolls (including through the  
11          postage pre-paid response card required under  
12          paragraph (2));

13          “(B) allow the voter to submit to the ap-  
14          propriate State election official any information  
15          or evidence the voter believes demonstrates that  
16          the State is in error and the voter should re-  
17          main on the registration rolls; and

18          “(C) not later than 14 days after the ap-  
19          propriate State election official receives a re-  
20          quest to retain the voter on the registration list,  
21          require the official to send the voter a written  
22          response that approves or rejects the request  
23          and, if the request was rejected, includes an ex-  
24          planation for the rejection.

1           “(4) PROVISIONAL BALLOT.—A voter who re-  
2           ceives notice that he or she will be removed from the  
3           registration list, and who has not received a re-  
4           sponse approving a request to cure under paragraph  
5           (3), shall be permitted to cast a provisional ballot  
6           consistent with section 302 of this Act, and if it is  
7           determined that the voter should remain on the rolls,  
8           such provisional ballot shall be counted as a vote in  
9           that election in accordance with State law and the  
10          requirements of this Act.

11          “(d) PRESERVATION OF RECORDS.—Each State shall  
12          retain the registration records of individuals removed from  
13          the voter registration rolls for a period of at least 5 years  
14          after the date of removal.

15          “(e) PRIVACY.—Notwithstanding subsection (b), no  
16          State or jurisdiction may disclose that a voter was re-  
17          moved from the voter registration list for reason of a fel-  
18          ony conviction or an adjudication of incompetency, other  
19          than to the voter, unless ordered to do so by a court of  
20          competent jurisdiction or otherwise required to do so  
21          under State or Federal law.

22          “(f) EXCEPTION FOR CERTAIN STATES.—The re-  
23          quirements of this section shall not apply to a State in  
24          which, under a State law in effect continuously on and  
25          after the date of the enactment of the Count Every Vote

1 Act of 2007, there is no voter registration requirement for  
 2 individuals in the State with respect to elections for Fed-  
 3 eral office.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 of such Act, as amended by this Act, is amended by adding  
 6 at the end of the items relating to subtitle D of title III  
 7 the following:

“Sec. 336. Removal from voter registration list.”.

8 **Subtitle F—Election Day**  
 9 **Registration and Early Voting**

10 **SEC. 351. ELECTION DAY REGISTRATION.**

11 (a) REQUIREMENT.—

12 (1) IN GENERAL.—Subtitle D of title III of the  
 13 Help America Vote Act of 2002, as added and  
 14 amended by this Act, is amended by adding at the  
 15 end the following new section:

16 **“SEC. 337. ELECTION DAY REGISTRATION.**

17 “(a) REGISTRATION.—Notwithstanding section  
 18 8(a)(1)(D) of the National Voter Registration Act of 1993  
 19 (42 U.S.C. 1973gg–6), each State shall permit any indi-  
 20 vidual on the day of a Federal election—

21 “(1) to register to vote in such election at the  
 22 polling place; and

23 “(2) to cast a vote in such election and have  
 24 that vote counted in the same manner as a vote cast



1 by an eligible voter who properly registered during  
2 the regular registration period.

3 “(b) EXCEPTION.—The requirements under para-  
4 graph (1) shall not apply to a State in which, under a  
5 State law in effect continuously on and after the date of  
6 the enactment of the Count Every Vote Act of 2007, there  
7 is no voter registration requirement for individuals in the  
8 State with respect to elections for Federal office.”.

9 (2) CLERICAL AMENDMENT.—The table of con-  
10 tents of such Act, as amended by this Act, is amend-  
11 ed by adding at the end of the items relating to sub-  
12 title D of title III the following:

“Sec. 337. Election Day registration.”.

13 (b) ELECTION DAY REGISTRATION FORM.—

14 (1) IN GENERAL.—Subtitle E of title II of the  
15 Help America Vote Act of 2002, as added by this  
16 Act, is amended by adding at the end the following  
17 new section:

18 **“SEC. 299A. ELECTION DAY REGISTRATION FORMS.**

19 “The Commission shall develop an election day reg-  
20 istration form for elections for Federal office.”.

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents of such Act, as amended by this Act, is amend-  
23 ed by adding at the end of the items relating to sub-  
24 title E of title II the following:

“Sec. 299A. Election Day registration forms.”.

1 (c) ELECTION DAY REGISTRATION GRANT PRO-  
2 GRAM.—

3 (1) IN GENERAL.—Subtitle D of title II of such  
4 Act (42 U.S.C. 15401 et seq.), as amended by this  
5 Act, is amended by adding at the end the following  
6 new part:

7 **“PART 10—ELECTION DAY REGISTRATION GRANT**  
8 **PROGRAM**

9 **“SEC. 297C. ELECTION DAY REGISTRATION GRANT PRO-**  
10 **GRAM.**

11 “(a) IN GENERAL.—The Commission shall make  
12 grants to States and other jurisdictions to carry out activi-  
13 ties to provide access, and allow real-time updates, to com-  
14 puterized registration lists at polling places in order to fa-  
15 cilitate the implementation of same-day election registra-  
16 tion and resolve problems with voter lists at the polling  
17 place, including—

18 “(1) providing secure access at polling places to  
19 the computerized statewide voter database required  
20 under section 303(a);

21 “(2) creating and implementing secure mecha-  
22 nisms to update those lists at the polling place in  
23 order to facilitate same-day registration;

24 “(3) testing and monitoring the use and imple-  
25 mentation of the database at polling places and pro-

1       vide a paper copy of the database at the polling  
2       place; and

3               “(4) training poll workers in how to use and  
4       update the database at a polling place.

5       “(b) ELIGIBILITY.—

6               “(1) IN GENERAL.—A State or jurisdiction is  
7       eligible to receive a payment under the program  
8       under this section with respect to a fiscal year if it  
9       submits to the Commission a notice not later than  
10      3 months before the first day of the fiscal year (in  
11      such form as the Commission may require) that con-  
12      tains—

13               “(A) certifications that the State or juris-  
14      diction will use the payment (either directly or  
15      as reimbursement) to carry out the activities  
16      described in subsection (a); and

17               “(B) such other information and certifi-  
18      cations as the Commission may require which  
19      are necessary for the administration of the pro-  
20      gram.

21               “(2) COMPLIANCE OF STATES THAT REQUIRE  
22      CHANGES TO STATE LAW.—In the case of a State or  
23      a jurisdiction located in a State that requires the en-  
24      actment of State legislation to carry out an activity  
25      covered by any certification submitted under this

1 subsection, the State or jurisdiction shall be per-  
2 mitted to make the certification notwithstanding  
3 that the legislation has not been enacted at the time  
4 the certification is submitted, and such State or ju-  
5 risdiction shall submit an additional certification  
6 once such legislation is enacted.

7 “(c) REPORTS.—

8 “(1) IN GENERAL.—Each entity which receives  
9 a grant under this part shall submit to the Commis-  
10 sion a report describing the activities carried out  
11 with the funds provided under the grant.

12 “(2) DEADLINE.—Each entity shall submit a  
13 report required under paragraph (1) not later than  
14 60 days after the end of the fiscal year for which the  
15 entity received the grant which is the subject of the  
16 report.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized be appropriated for grants under this part  
19 \$30,000,000 for each of the fiscal years 2008, 2009, 2010,  
20 and 2011.”.

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents of such Act, as amended by this Act, is amend-  
23 ed by adding at the end of the items relating to sub-  
24 title D of title II the following:

“PART 10—ELECTION DAY REGISTRATION GRANT PROGRAM

“Sec. 297C. Election Day registration grant program.”.

1 **SEC. 352. EARLY VOTING.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—Subtitle D of title III of the  
4 Help America Vote Act of 2002, as added and  
5 amended by this Act, is amended by adding at the  
6 end the following new section:

7 **“SEC. 338. EARLY VOTING.**

8 “(a) IN GENERAL.—During the 15-day period (or, at  
9 the option of the State, a longer period) which ends on  
10 the date of an election for Federal office, each State shall  
11 allow individuals to vote in the election in the same man-  
12 ner as voting is allowed on the date of such election.

13 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—  
14 Each polling place which allows voting prior to the day  
15 of a Federal election pursuant to subsection (a) shall—

16 “(1) allow such voting for no less than 4 hours  
17 on each day (other than Sunday); and

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

20 “(c) APPLICATION OF ELECTION DAY REGISTRATION  
21 TO EARLY VOTING.—A State shall permit individuals to  
22 register to vote at each polling place which allows voting  
23 prior to the day of a Federal election pursuant to sub-  
24 section (a) in the same manner as the State is required  
25 to permit individuals to register to vote and vote on the  
26 day of the election under section 337.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents of such Act, as amended by this Act, is amend-  
3           ed by adding at the end of the items relating to sub-  
4           title D of title III the following:

“Sec. 338. Early voting.”.

5           (b) STANDARDS FOR EARLY VOTING.—

6           (1) IN GENERAL.—Subtitle E of title II of such  
7           Act, as added and amended by this Act, is amended  
8           by adding at the end the following new section:

9   **“SEC. 299B. STANDARDS FOR EARLY VOTING.**

10          “(a) STANDARDS.—

11               “(1) IN GENERAL.—The Commission shall issue  
12               standards for the administration of voting prior to  
13               the day scheduled for a Federal election.

14               “(2) STANDARDS FOR POLLING PLACES.—Such  
15               standards shall include the nondiscriminatory geo-  
16               graphic placement of polling places at which such  
17               voting occurs and the public listing of the date, time,  
18               and location of polling places no earlier than 10 days  
19               before the date on which such voting begins.

20               “(3) CONSULTATION.—Such standards shall be  
21               developed in consultation with civil rights, voting  
22               rights, and voting protection organizations, State  
23               and local election officials, and other interested  
24               members of the community.

1       “(b) DEVIATION.—The standards described in sub-  
 2 section (a) shall permit States, upon giving reasonable  
 3 public notice, to deviate from any requirement in the case  
 4 of unforeseen circumstances such as a natural disaster or  
 5 a terrorist attack.”.

6           (2) CLERICAL AMENDMENT.—The table of con-  
 7 tents of such Act, as amended by this Act, is amend-  
 8 ed by adding at the end of the items relating to sub-  
 9 title E of title II the following:

“Sec. 299B. Standards for early voting.”.

## 10       **Subtitle G—Newly Eligible Voters**

### 11       **SEC. 361. ENCOURAGING THE REGISTRATION OF NEWLY** 12           **ELIGIBLE VOTERS.**

13       (a) REQUIREMENT.—

14           (1) IN GENERAL.—Subtitle D of title III of the  
 15 Help America Vote Act of 2002, as added and  
 16 amended by this Act, is amended by adding at the  
 17 end the following new section:

### 18       **“SEC. 339. ENCOURAGING THE REGISTRATION OF NEWLY** 19           **ELIGIBLE VOTERS.**

20       “(a) NEWLY ELIGIBLE VOTERS.—

21           “(1) IN GENERAL.—Each State shall mail a  
 22 voter registration application to each individual who  
 23 is a citizen of the United States residing in that  
 24 State on the date the individual reaches 18 years of  
 25 age, if the State has issued a driver’s license or has

1 another accessible record of the individual’s address  
2 and date of birth.

3 “(2) EXCEPTION FOR CERTAIN STATES.—The  
4 requirement under paragraph (1) shall not apply to  
5 a State in which, under a State law in effect con-  
6 tinuously on and after the date of the enactment of  
7 the Count Every Vote Act of 2007, there is no voter  
8 registration requirement for individuals in the State  
9 with respect to elections for Federal office.

10 “(b) PUBLIC EDUCATION.—Each State, in consulta-  
11 tion with the Secretary of Education and the Commission,  
12 shall develop and implement procedures to provide oppor-  
13 tunities for persons to apply to register to vote at public  
14 educational institutions, including but not limited to—

15 “(1) high school graduation ceremonies;

16 “(2) orientation at public colleges and univer-  
17 sities; and

18 “(3) colleges, universities, and trade schools  
19 participating in Federal student loan programs.

20 “(c) NATURALIZATION PROCEEDINGS.—The Sec-  
21 retary of Homeland Security, in consultation with the  
22 Commission, shall develop and implement procedures to  
23 provide opportunities for persons to apply to register to  
24 vote at, or otherwise in connection with, naturalization  
25 proceedings.



1       “(d) CHANGES OF ADDRESS FORMS.—The United  
 2 States Postal Service shall include the National mail voter  
 3 registration application form developed pursuant to sec-  
 4 tion 9 of the National Voter Registration Act of 1993  
 5 along with the materials made available to citizens who  
 6 change their address. The Postal Service shall also make  
 7 such form available on its change of address web site.

8       “(e) LIMITATION ON USE OF INFORMATION.—No in-  
 9 formation relating to the failure of an individual to sign  
 10 a voter registration application may be used for any pur-  
 11 pose other than voter registration.”.

12               (2) CLERICAL AMENDMENT.—The table of con-  
 13 tents of such Act, as amended by this Act, is amend-  
 14 ed by adding at the end of the items relating to sub-  
 15 title D of title III the following:

“Sec. 339. Encouraging the registration of newly eligible voters.”.

16 **SEC. 362. CIVIC EDUCATION PILOT PROGRAM.**

17       (a) PROGRAM.—Subtitle D of title II of the Help  
 18 America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as  
 19 amended by this Act, is amended by adding at the end  
 20 the following new part:

21       **“PART 11—CIVIC EDUCATION PILOT PROGRAM**

22       **“SEC. 297D. CIVIC EDUCATION PILOT PROGRAM.**

23       “(a) IN GENERAL.—The Commission shall make  
 24 grants to carry out pilot programs under which States will

1 teach high school students the mechanics and importance  
2 of participation in the democratic process.

3 “(b) MATERIALS.—The Commission shall develop  
4 educational materials to assist States in meeting the pur-  
5 poses of this pilot program.

6 “(c) CURRICULUM.—A State receiving funds under a  
7 pilot program under this section shall use the funds to  
8 encourage leadership, community development, and par-  
9 ticipation in the political process, including through—

10 “(1) the provision of cross-disciplinary instruc-  
11 tion in government, history, law and democracy, in-  
12 cluding the importance of voting and registering to  
13 vote;

14 “(2) the incorporation of a discussion of current  
15 issues and events into the classroom;

16 “(3) the development and implementation of  
17 programs that provide students with the opportunity  
18 to apply what they learn through performing com-  
19 munity service that is linked to classroom discussion;

20 “(4) the development and implementation of  
21 programs that allow students to meet and discuss  
22 current events and legislation with community and  
23 political leaders; or

1           “(5) the development of simulations of demo-  
2           cratic processes and procedures and the encourage-  
3           ment of student participation in those simulations.

4           “(d) REQUIREMENTS FOR GRANT RECIPIENTS.—In  
5           making grants under this section, the Commission shall  
6           ensure that the funds provided are spent for projects and  
7           activities which are carried out without partisan bias and  
8           without promoting any particular point of view regarding  
9           any issue, and that each recipient is governed in a bal-  
10          anced manner without any partisan bias. A grant recipient  
11          who is determined to have violated this subsection shall  
12          be disqualified from receiving any additional grants under  
13          this part.

14          “(e) REPORTS.—

15                 “(1) IN GENERAL.—Each State which receives  
16                 a grant under this part shall submit to the Commis-  
17                 sion a report describing the activities carried out  
18                 with the funds provided under the grant.

19                 “(2) DEADLINE.—An State shall submit a re-  
20                 port required under paragraph (1) not later than 60  
21                 days after the end of the fiscal year for which the  
22                 entity received the grant which is the subject of the  
23                 report.

24          “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
25          are authorized to be appropriated for grants under this

1 part \$5,000,000 for each of the fiscal years 2008, 2009,  
2 2010, and 2011.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 of such Act, as amended by this Act, is amended by adding  
5 at the end of the items relating to subtitle D of title II  
6 the following:

“PART 11—CIVIC EDUCATION PILOT PROGRAM

“Sec. 297D. Civic education pilot program.”.

7 **TITLE IV—VOTER REGISTRA-**  
8 **TION AND IDENTIFICATION**

9 **SEC. 401. VOTER REGISTRATION.**

10 (a) CONTENTS OF REGISTRATION APPLICATIONS.—

11 (1) MAIL-IN APPLICATION.—Paragraph (4) of  
12 section 303(b) of the Help America Vote Act of  
13 2002 (42 U.S.C. 15483(b)(4)) is amended by adding  
14 at the end the following new subparagraph:

15 “(C) EXCEPTION.—On and after the date  
16 of the enactment of the Count Every Vote Act  
17 of 2007—

18 “(i) in lieu of the questions and state-  
19 ments required under subparagraph (A),  
20 such mail voter registration form shall in-  
21 clude on the form an affidavit to be signed  
22 by the registrant attesting both to citizen-  
23 ship and age; and

1                   “(ii) subparagraph (B) shall not  
2                   apply.”.

3                   (2) APPLICATION IDENTIFYING NUMBERS.—

4                   (A) REGISTRATION APPLICATION.—Sub-  
5                   paragraph (A) of section 303(a)(5) of such Act  
6                   (42 U.S.C. 15483(a)(5)) is amended—

7                   (i) by redesignating clause (iii) as  
8                   clause (iv); and

9                   (ii) by inserting after clause (ii) the  
10                  following new clause:

11                  “(iii) IDENTIFYING NUMBERS IN REG-  
12                  ISTRATION APPLICATIONS.—An application  
13                  for voter registration shall—

14                         “(I) provide a space for appli-  
15                         cants to state if they lack a driver’s li-  
16                         cense or Social Security number, and

17                         “(II) state explicitly that the ap-  
18                         plicant may enter any personal identi-  
19                         fication document number issued by a  
20                         State motor vehicle authority in the  
21                         space provided for a driver’s license  
22                         number.”.

23                   (B) CLARIFICATION.—Section  
24                   303(a)(5)(A) of such Act (42 U.S.C.  
25                   15483(a)(5)(A)) is amended—

1 (i) in clause (i)(I), by striking “driv-  
2 er’s license, the applicant’s driver’s license  
3 number” and inserting “motor vehicle driv-  
4 er’s license (as defined in section 3(3) of  
5 the National Voter Registration Act of  
6 1993 (42 U.S.C. 1973gg-1(3))), the appli-  
7 cant’s motor vehicle driver’s license num-  
8 ber”; and

9 (ii) in clause (ii), by striking “driver’s  
10 license” and inserting “motor vehicle driv-  
11 er’s license (as defined in section 3(3) of  
12 the National Voter Registration Act of  
13 1993 (42 U.S.C. 1973gg-1(3)))”.

14 (3) TESTING.—Section 303 of such Act (42  
15 U.S.C. 15483) is amended—

16 (A) by redesignating subsection (d) as sub-  
17 section (e); and

18 (B) by inserting after subsection (c) the  
19 following new subsection:

20 “(d) TESTING.—Not later than 6 months after the  
21 date of the enactment of the Count Every Vote Act of  
22 2007, the Commission shall—

23 “(1) issue voluntary guidance for usability test-  
24 ing of registration forms; and

1           “(2) conduct usability testing of all national or  
2           Federal registration forms, and make the results  
3           available upon request to the public.”.

4           (b) CLARIFICATION OF STANDARDS FOR DETER-  
5           MINING MATCHING OF INFORMATION PROVIDED WITH  
6           APPLICATIONS.—

7           (1) STATE REQUIREMENTS FOR DETERMINA-  
8           TION OF VALIDITY OF NUMBERS PROVIDED.—Sec-  
9           tion 303(a)(5)(A)(iii) of such Act (42 U.S.C.  
10          15483(a)(5)(A)(iii)) is amended by striking the pe-  
11          riod at the end and inserting the following: “, except  
12          that the information provided by an individual shall  
13          be sufficient to meet the requirements of this sub-  
14          paragraph if, based on the information provided, the  
15          State is able to determine the individual’s motor ve-  
16          hicle driver’s number or other personal identification  
17          document number or the last four digits of the indi-  
18          vidual’s Social Security number, or is able to locate  
19          one of those numbers in another State record.”.

20          (2) STANDARDS FOR DETERMINATION OF  
21          MATCH OF SOCIAL SECURITY NUMBERS.—

22                 (A) REQUIREMENTS FOR STATES.—Section  
23                 303(a)(5)(B) of such Act (42 U.S.C.  
24                 15483(a)(5)(B)) is amended by adding at the  
25                 end the following new clause:

1                   “(iii) MATCHING STANDARDS.—Infor-  
2                   mation provided by an applicant for voter  
3                   registration shall be deemed to be validly  
4                   matched with information maintained by  
5                   the Commissioner of Social Security shall  
6                   be deemed validly matched for purposes of  
7                   this subparagraph if it may be reasonably  
8                   concluded that the applicant is substan-  
9                   tially likely to be the same individual as an  
10                  individual reflected in the database of the  
11                  Social Security Administration.”.

12                  (B) PROCEDURES OF COMMISSIONER OF  
13                  SOCIAL SECURITY.—Section 205(r)(8) of the  
14                  Social Security Act (42 U.S.C. 405(r)(8)), as  
15                  added by section 303(a)(5)(C) of the Help  
16                  America Vote Act of 2002, is amended by add-  
17                  ing at the end the following new subparagraph:

18                  “(G) The Commissioner shall develop pro-  
19                  cedures consistent with the matching standard  
20                  established under section 303(a)(5)(B)(iii) of  
21                  the Help America Vote Act of 2002 to improve  
22                  the accuracy of the matching process under the  
23                  agreements under this paragraph, including  
24                  procedures to account for typographical errors  
25                  and common variations in recording data. Such



1           procedures shall be uniform, nondiscriminatory,  
2           and open to public scrutiny.”.

3           (c) PROCESSING OF REGISTRATION APPLICATIONS.—

4           (1) PROCESSING REQUIREMENTS.—Subtitle D  
5           of title III of the Help America Vote Act of 2002,  
6           as added and amended by this Act, is amended by  
7           adding at the end the following new section:

8           **“SEC. 340. PROCESSING OF REGISTRATION APPLICATIONS.**

9           “(a) IN GENERAL.—Notwithstanding any other pro-  
10          vision of law, each State and jurisdiction shall accept and  
11          process a voter registration application for an election for  
12          Federal office unless there is a material omission or infor-  
13          mation that specifically affects the eligibility of the voter.

14          “(b) PRESUMPTION TO REGISTER.—There shall be  
15          a presumption that persons who submit voter registration  
16          applications should be registered.

17          “(c) PRESUMPTION TO CURE MATERIAL OMIS-  
18          SION.—Each State and jurisdiction shall—

19                  “(1) provide a process to permit voters an op-  
20                  portunity to cure any material omission on the voter  
21                  registration application within a reasonable period of  
22                  time before the election; and

23                  “(2) accept any application which is so cured as  
24                  having been filed on the date on which such applica-  
25                  tion is originally received.

1       “(d) STANDARDS FOR MATERIAL OMISSION FROM  
2 REGISTRATION FORMS.—

3           “(1) IN GENERAL.—For purposes of this sec-  
4 tion, a ‘material omission or information that spe-  
5 cifically affects the eligibility of the voter’ consists  
6 of—

7           “(A) the omission of information necessary  
8 to establish the eligibility of the applicant to  
9 vote; or

10          “(B) the inclusion of information that es-  
11 tablishes the applicant’s ineligibility to vote.

12          “(2) CERTAIN INFORMATION NOT A MATERIAL  
13 OMISSION.—For purposes of this section, the fol-  
14 lowing shall not constitute a ‘material omission or  
15 information that specifically affects the eligibility of  
16 the voter’:

17          “(A) The failure to provide a Social Secu-  
18 rity number or driver’s license number.

19          “(B) The failure to provide information  
20 concerning citizenship or age in a manner other  
21 than the attestation required under section  
22 9(b)(2) of the National Voter Registration Act  
23 of 1993 (42 U.S.C. 1973gg-7).

24          “(C) The mere fact of a mismatch between  
25 the information provided by the voter and the

1 information in a State government database,  
2 absent cause to believe that the mismatch is  
3 evidence of ineligibility.

4 “(e) STATE RULES.—Each State shall adopt uniform  
5 and nondiscriminatory standards regarding the eligibility  
6 of citizens to vote in elections in the State, and describing  
7 the procedures and circumstances under which a voter reg-  
8 istration form may be rejected, consistent with the re-  
9 quirements of this Act and the National Voter Registra-  
10 tion Act of 1993.

11 “(f) EXCEPTION FOR CERTAIN STATES.—The re-  
12 quirements of this section shall not apply to a State in  
13 which, under a State law in effect continuously on and  
14 after the date of the enactment of the Count Every Vote  
15 Act of 2007, there is no voter registration requirement for  
16 individuals in the State with respect to elections for Fed-  
17 eral office.”.

18 (2) CLERICAL AMENDMENT.—The table of con-  
19 tents of such Act, as amended by this Act, is amend-  
20 ed by adding at the end of the items relating to sub-  
21 title D of title III the following:

“Sec. 340. Processing of registration applications.”.

22 (d) STUDY ON USES OF THE INTERNET IN FEDERAL  
23 ELECTIONS.—

24 (1) IN GENERAL.—Subtitle C of title II of such  
25 Act (42 U.S.C. 15381 et seq.), as amended by this

1 Act, is amended by inserting after section 249B the  
2 following new section:

3 **“SEC. 249C. STUDY ON INTERNET REGISTRATION AND**  
4 **OTHER USES OF THE INTERNET IN FEDERAL**  
5 **ELECTIONS.**

6 “(a) STUDY.—The Commission shall conduct a study  
7 on—

8 “(1) the feasibility of voter registration through  
9 the Internet for Federal elections; and

10 “(2) other uses of the Internet in Federal elec-  
11 tions, including—

12 “(A) the use of the Internet to publicize  
13 information related to Federal elections;

14 “(B) the use of the Internet to provide  
15 public access portals through which voters can  
16 confirm, correct and update voter registration  
17 records; and

18 “(C) the use of the Internet to vote in  
19 Federal elections.

20 “(b) REPORT.—Not later than 6 months after the  
21 date of the enactment of the Count Every Vote Act of  
22 2007, the Commission shall transmit to Congress a report  
23 on the results of the study conducted under subsection  
24 (a).”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents of such Act, as amended by this Act, is amend-  
 3           ed by inserting after the item relating to section  
 4           249B the following:

“Sec. 249C. Study on Internet registration and other uses of the Internet in  
 Federal elections.”.

5           (3) EFFECTIVE DATE.—The amendments made  
 6           by this subsection shall take effect on the date of the  
 7           enactment of this Act.

8   **SEC. 402. ESTABLISHING VOTER IDENTIFICATION FOR CER-**  
 9                           **TAIN VOTERS WHO REGISTER BY MAIL.**

10          (a) IN GENERAL.—

11               (1) INDIVIDUALS VOTING IN PERSON.—Section  
 12               303(b)(2)(A)(i) of the Help America Vote Act of  
 13               2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended—

14                       (A) by striking “or” at the end of sub-  
 15                       clause (I); and

16                       (B) by adding at the end the following new  
 17                       subclause:

18                                       “(III) executes a written affidavit  
 19                                       attesting to such individual’s identity;  
 20                                       or”.

21               (2) INDIVIDUALS VOTING BY MAIL.—Section  
 22               303(b)(2)(A)(ii) of such Act (42 U.S.C.  
 23               15483(b)(2)(A)(ii)) is amended—

1 (A) by striking “or” at the end of sub-  
 2 clause (I);

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

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

7 “(III) a written affidavit exe-  
 8 cuted by such individual attesting to  
 9 the individual’s identity.”.

10 (b) STANDARDS FOR VERIFYING VOTER INFORMA-  
 11 TION.—

12 (1) IN GENERAL.—Subtitle E of title II of such  
 13 Act, as added and amended by this Act, is amended  
 14 by adding at the end the following new section:

15 **“SEC. 299C. VOTER IDENTIFICATION.**

16 “The Commission shall develop standards for  
 17 verifying the identification information required under sec-  
 18 tion 303(a)(5) in connection with the registration of an  
 19 individual to vote in a Federal election.”.

20 (2) CLERICAL AMENDMENT.—The table of con-  
 21 tents of such Act, as amended by this Act, is amend-  
 22 ed by adding at the end of the items relating to sub-  
 23 title E of title II the following:

“Sec. 299C. Voter identification.”.

1 **SEC. 403. REQUIREMENT FOR FEDERAL CERTIFICATION OF**  
 2 **TECHNOLOGICAL SECURITY OF VOTER REG-**  
 3 **ISTRATION LISTS.**

4 (a) IN GENERAL.—Section 303(a)(3) of the Help  
 5 America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is  
 6 amended by striking “measures to prevent the” and in-  
 7 serting “measures, as certified by the Commission, to pre-  
 8 vent”.

9 (b) EFFECTIVE DATE.—The amendment made by  
 10 this section shall take effect on the date of the enactment  
 11 of this Act.

12 **SEC. 404. COORDINATION WITH STATE DATABASES.**

13 Section 303(a)(1)(A)(iv) of the Help America Vote  
 14 Act of 2002 (42 U.S.C. 15483(a)(1)(A)(iv)) is amended  
 15 by striking the period at the end and inserting the fol-  
 16 lowing: “including the databases of social services agen-  
 17 cies, in order to confirm and correct information in voter  
 18 registration records and ensure the accurate and timely  
 19 processing of applications to register to vote.”.

20 **TITLE V—PROHIBITION ON**  
 21 **CERTAIN CAMPAIGN ACTIVITIES**

22 **SEC. 501. PROHIBITION ON CERTAIN CAMPAIGN ACTIVI-**  
 23 **TIES.**

24 (a) IN GENERAL.—Title III of the Federal Election  
 25 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended  
 26 by inserting after section 319 the following new section:

1 “CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS AND  
2 VOTING SYSTEM MANUFACTURERS

3 “SEC. 319A. (a) PROHIBITION.—

4 “(1) CHIEF STATE ELECTION OFFICIALS.—It  
5 shall be unlawful for any chief State election official  
6 to take part in prohibited political activities with re-  
7 spect to any election for Federal office over which  
8 such official has managerial authority.

9 “(2) VOTING SYSTEM MANUFACTURERS.—It  
10 shall be unlawful for any person who owns or serves  
11 as the chief executive officer, chief financial officer,  
12 chief operating officer, or president of any entity  
13 that designs or manufactures a voting system to  
14 take part in prohibited political activities with re-  
15 spect to any election for a Federal office for which  
16 a voting system produced by such manufacturer is  
17 used.

18 “(b) DEFINITIONS.—For purposes of this section:

19 “(1) CHIEF STATE ELECTION OFFICIAL.—The  
20 term ‘chief State election official’ means the indi-  
21 vidual designated as such under section 10 of the  
22 National Voter Registration Act of 1993.

23 “(2) PROHIBITED POLITICAL ACTIVITIES.—The  
24 term ‘prohibited political activities’ means actively  
25 campaigning to support or oppose a candidate or



1 slate of candidates for Federal office, making public  
 2 speeches in support of such a candidate, soliciting  
 3 and collecting contributions on behalf of such a can-  
 4 didate, distributing campaign materials with respect  
 5 to such a candidate, organizing campaign events  
 6 with respect to such a candidate, and serving in any  
 7 position on any political campaign committee of such  
 8 a candidate.

9 “(c) OWNERSHIP.—For purposes of subsection  
 10 (a)(2), a person shall be considered to own an entity if  
 11 such person controls at least 20 percent, by vote or value,  
 12 of the entity.”.

13 (b) EFFECTIVE DATE.—The amendments made by  
 14 this section shall take effect upon the expiration of the  
 15 90-day period which begins on the date of the enactment  
 16 of this Act.

## 17 **TITLE VI—ENDING DECEPTIVE** 18 **PRACTICES**

### 19 **SEC. 601. ENDING DECEPTIVE PRACTICES.**

20 (a) IN GENERAL.—

21 (1) Subsection (b) of section 2004 of the Re-  
 22 vised Statutes (42 U.S.C. 1971(b)) is amended—

23 (A) by striking “No person” and inserting  
 24 the following:

25 “(1) IN GENERAL.—No person”; and

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

3 “(3) DECEPTIVE ACTS.—No person, whether  
4 acting under color of law or otherwise, shall know-  
5 ingly deceive any other person regarding the time,  
6 place, or manner of conducting a general, primary,  
7 run-off, or special election for the office of Presi-  
8 dent, Vice President, presidential elector, Member of  
9 the Senate, or Member of the House of Representa-  
10 tives, Delegates, or Commissioners from the Terri-  
11 tories or possessions; nor shall any person knowingly  
12 deceive any person regarding the qualifications or  
13 restrictions of voter eligibility for any general, pri-  
14 mary, run-off, or special election for the office of  
15 President, Vice President, presidential elector, Mem-  
16 ber of the Senate, or Member of the House of Rep-  
17 resentatives, Delegates, or Commissioners from the  
18 Territories or possessions.”.

19 (2) The heading of section 2004(b) of the Re-  
20 vised Statutes is amended by striking “or coercion”  
21 and inserting “coercion, or deceptive acts”.

22 (b) CRIMINAL PENALTY.—Section 594 of title 18,  
23 United States Code, is amended—

24 (1) by striking “Whoever” and inserting the fol-  
25 lowing:

1 “(a) INTIMIDATION.—Whoever”; and

2 (2) by inserting at the end the following:

3 “(b) DECEPTIVE ACTS.—Whoever knowingly deceives  
4 any person regarding—

5 “(1) the time, place, or manner of conducting  
6 a general, primary, run-off, or special election for  
7 the office of President, Vice President, presidential  
8 elector, Member of the Senate, or Member of the  
9 House of Representatives, Delegates, or Commis-  
10 sioners from the Territories or possessions; or

11 “(2) the qualifications or restrictions of voter  
12 eligibility for any general, primary, run-off or special  
13 election for the office of President, Vice President,  
14 presidential elector, Member of the Senate, or Mem-  
15 ber of the House of Representatives, Delegates, or  
16 Commissioners from the Territories or possessions  
17 shall be fined under this title, imprisoned not more  
18 than five years, or both.”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on the date of the enactment  
21 of this Act.

1 **TITLE VII—CIVIC PARTICIPA-**  
2 **TION BY EX-OFFENDERS**

3 **SEC. 701. VOTING RIGHTS OF INDIVIDUALS CONVICTED OF**  
4 **CRIMINAL OFFENSES.**

5 (a) **SHORT TITLE.**—This title may be cited as the  
6 “Civic Participation Act of 2007”.

7 (b) **FINDINGS AND PURPOSE.**—

8 (1) **FINDINGS.**—Congress makes the following  
9 findings:

10 (A) The right to vote is the most basic  
11 constitutive act of citizenship and regaining the  
12 right to vote reintegrates offenders into free so-  
13 ciety. The right to vote may not be abridged or  
14 denied by the United States or by any State on  
15 account of race, color, gender, or previous con-  
16 dition of servitude. Basic constitutional prin-  
17 ciples of fairness and equal protection require  
18 an equal opportunity for United States citizens  
19 to vote in Federal elections.

20 (B) Congress has ultimate supervisory  
21 power over Federal elections, an authority that  
22 has repeatedly been upheld by the Supreme  
23 Court.

24 (C) Although State laws determine the  
25 qualifications for voting in Federal elections,

1 Congress must ensure that those laws are in ac-  
2 cordance with the Constitution. Currently, those  
3 laws vary throughout the Nation, resulting in  
4 discrepancies regarding which citizens may vote  
5 in Federal elections.

6 (D) An estimated 5,400,000 individuals in  
7 the United States, or 1 in 40 adults, currently  
8 cannot vote as a result of a felony conviction.  
9 Women represent about 650,000 and military  
10 veterans represent about 500,000 of those  
11 5,300,000.

12 (E) State disenfranchisement laws dis-  
13 proportionately impact ethnic minorities.

14 (F) 12 States disenfranchise some or all  
15 ex-offenders who have fully served their sen-  
16 tences, regardless of the nature or seriousness  
17 of the offense.

18 (G) In those States that disenfranchise ex-  
19 offenders who have fully served their sentences,  
20 the right to vote can be regained in theory, but  
21 in practice this possibility is often illusory.

22 (H) In 8 States, a pardon or order from  
23 the Governor is required for an ex-offender to  
24 regain the right to vote. In two States, ex-of-

1            offenders must obtain action by the parole or par-  
2            don board to regain that right.

3            (I) Offenders convicted of a Federal of-  
4            fense often have additional barriers to regaining  
5            voting rights. Many States do not offer a res-  
6            toration procedure for Federal offenders who  
7            have completed supervision. The only method  
8            available to such persons is a Presidential par-  
9            don.

10           (J) State procedures that require individ-  
11           uals to apply to have their voting rights re-  
12           stored are often unfair and inefficient. Long  
13           backlogs often cause delays of months or years  
14           before individual applications are processed.  
15           Few persons who seek to have their right to  
16           vote restored have the financial and political re-  
17           sources needed to succeed.

18           (K) Thirteen percent of the African-Amer-  
19           ican adult male population, or 1,400,000 Afri-  
20           can-American men, are disenfranchised. Given  
21           current rates of incarceration, 3 in 10 African-  
22           American men in the next generation will be  
23           disenfranchised at some point during their life-  
24           times. Hispanic citizens are also disproportion-  
25           ately disenfranchised, since those citizens are

1 disproportionately represented in the criminal  
2 justice system.

3 (L) The discrepancies described in this  
4 paragraph should be addressed by Congress, in  
5 the name of fundamental fairness and equal  
6 protection.

7 (2) PURPOSE.—The purpose of this title is to  
8 restore fairness in the Federal election process by  
9 ensuring that ex-offenders who have fully served  
10 their sentences are not denied the right to vote.

11 (c) DEFINITIONS.—In this title:

12 (1) CORRECTIONAL INSTITUTION OR FACIL-  
13 ITY.—The term “correctional institution or facility”  
14 means any prison, penitentiary, jail, or other institu-  
15 tion or facility for the confinement of individuals  
16 convicted of criminal offenses, whether publicly or  
17 privately operated, except that such term does not  
18 include any residential community treatment center  
19 (or similar public or private facility).

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

21 (A) a general, special, primary, or runoff  
22 election;

23 (B) a convention or caucus of a political  
24 party held to nominate a candidate;

1           (C) a primary election held for the selec-  
2           tion of delegates to a national nominating con-  
3           vention of a political party; or

4           (D) a primary election held for the expres-  
5           sion of a preference for the nomination of per-  
6           sons for election to the office of President.

7           (3) FEDERAL OFFICE.—The term “Federal of-  
8           fice” means the office of President or Vice Presi-  
9           dent, or of Senator or Representative in, or Delegate  
10          or Resident Commissioner to, Congress.

11          (4) PAROLE.—The term “parole” means parole  
12          (including mandatory parole), or conditional or su-  
13          pervised release (including mandatory supervised re-  
14          lease), imposed by a Federal, State, or local court.

15          (5) PROBATION.—The term probation means  
16          probation imposed by a Federal, State, or local  
17          court, with or without a condition on the individual  
18          involved concerning—

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

20                (B) the payment of damages by the indi-  
21          vidual;

22                (C) periodic reporting by the individual to  
23          an officer of the court; or

24                (D) supervision of the individual by an of-  
25          ficer of the court.



1 (d) RIGHTS OF CITIZENS.—The right of an individual  
2 who is a citizen of the United States to vote in any election  
3 for Federal office shall not be denied or abridged because  
4 that individual has been convicted of a criminal offense  
5 unless, at the time of the election, such individual—

6 (1) is serving a felony sentence in a correctional  
7 institution or facility; or

8 (2) is on parole or probation for a felony of-  
9 fense.

10 (e) ENFORCEMENT.—

11 (1) ATTORNEY GENERAL.—The Attorney Gen-  
12 eral may bring a civil action in a court of competent  
13 jurisdiction to obtain such declaratory or injunctive  
14 relief as is necessary to remedy a violation of this  
15 section.

16 (2) PRIVATE RIGHT OF ACTION.—

17 (A) NOTICE.—A person who is aggrieved  
18 by a violation of this section may provide writ-  
19 ten notice of the violation to the chief election  
20 official of the State involved.

21 (B) ACTION.—Except as provided in sub-  
22 paragraph (C), if the violation is not corrected  
23 within 90 days after receipt of a notice provided  
24 under subparagraph (A), or within 20 days  
25 after receipt of the notice if the violation oc-

1 curred within 120 days before the date of an  
2 election for Federal office, the aggrieved person  
3 may bring a civil action in such a court to ob-  
4 tain declaratory or injunctive relief with respect  
5 to the violation.

6 (C) ACTION FOR VIOLATION SHORTLY BE-  
7 FORE A FEDERAL ELECTION.—If the violation  
8 occurred within 30 days before the date of an  
9 election for Federal office, the aggrieved person  
10 shall not be required to provide notice to the  
11 chief election official of the State under sub-  
12 paragraph (A) before bringing a civil action in  
13 such a court to obtain declaratory or injunctive  
14 relief with respect to the violation.

15 (f) RELATION TO OTHER LAWS.—

16 (1) NO PROHIBITION ON LESS RESTRICTIVE  
17 LAWS.—Nothing in this section shall be construed to  
18 prohibit a State from enacting any State law that  
19 affords the right to vote in any election for Federal  
20 office on terms less restrictive than those terms es-  
21 tablished by this section.

22 (2) NO LIMITATION ON OTHER LAWS.—The  
23 rights and remedies established by this section shall  
24 be in addition to all other rights and remedies pro-  
25 vided by law, and shall not supersede, restrict, or

1 limit the application of the Voting Rights Act of  
2 1965 (42 U.S.C. 1973 et seq.) or the National Voter  
3 Registration Act of 1993 (42 U.S.C. 1973gg et  
4 seq.).

5 (g) NOTIFICATION OF RESTORATION OF VOTING  
6 RIGHTS.—

7 (1) IN GENERAL.—Subtitle D of title III of the  
8 Help America Vote Act of 2002, as added and  
9 amended by this Act, is amended by adding at the  
10 end the following new section:

11 **“SEC. 341. NOTIFICATION OF RESTORATION OF VOTING**  
12 **RIGHTS.**

13 “(a) NOTIFICATION.—

14 “(1) IN GENERAL.—On the date determined  
15 under subsection (b), each State shall notify in writ-  
16 ing any qualified ex-offender who resides in the  
17 State that such qualified ex-offender has the right to  
18 vote in an election for Federal office pursuant to the  
19 Civic Participation Act of 2007 and may register to  
20 vote in any such election.

21 “(2) QUALIFIED EX-OFFENDER.—For the pur-  
22 pose of this section, the term ‘qualified ex-offender’  
23 means any individual who resides in the State who  
24 has been convicted of a criminal offense and is not  
25 serving a felony sentence in a correctional institution

1 or facility and who is not on parole or probation for  
2 a felony offense.

3 “(b) DATE OF NOTIFICATION.—The notification re-  
4 quired under subsection (a) shall be given on the later of  
5 the date on which such individual is released from a cor-  
6 rectional institution or facility for serving a felony sen-  
7 tence or the date on which such individual is released from  
8 parole for a felony offense.

9 “(c) DEFINITIONS.—Any term which is used in this  
10 section that is also used in the Civic Participation Act of  
11 2007 shall have the meaning given to such term in that  
12 Act.

13 “(d) EFFECTIVE DATE.—Each State shall be re-  
14 quired to comply with the requirements of this section on  
15 and after the date of the enactment of the Civic Participa-  
16 tion Act of 2007.”.

17 (2) CLERICAL AMENDMENT.—The table of con-  
18 tents of such Act, as amended by this Act, is amend-  
19 ed by adding at the end of the items relating to sub-  
20 title D of title III the following:

“Sec. 341. Notification of restoration of voting rights.”.

21 (h) EFFECTIVE DATE.—

22 (1) IN GENERAL.—This section shall apply to  
23 citizens of the United States voting in any election  
24 for Federal office after the date of the enactment of  
25 this Act.

1           (2) AMENDMENTS.—The amendment made by  
2           subsection (g) shall take effect on the date of the en-  
3           actment of this Act.

4           **TITLE VIII—FEDERAL ELECTION**  
5           **DAY ACT**

6           **SEC. 801. SHORT TITLE.**

7           This title may be cited as the “Federal Election Day  
8           Act of 2007”.

9           **SEC. 802. FEDERAL ELECTION DAY AS A PUBLIC HOLIDAY.**

10          (a) ELECTION DAY AS A FEDERAL HOLIDAY.—Sec-  
11          tion 6103(a) of title 5, United States Code, is amended  
12          by inserting after the matter relating to Columbus Day,  
13          the following undesignated paragraph:

14                 “Federal Election Day, the Tuesday next after  
15                 the first Monday in November in each even num-  
16                 bered year.”.

17          (b) CONFORMING AMENDMENT.—Section 241(b) of  
18          the Help America Vote Act of 2002 (42 U.S.C. 15381(b))  
19          is amended by striking paragraph (10) and by redesi-  
20          gnating paragraphs (11) through (19) as paragraphs (10)  
21          through (18), respectively.

22          (c) EFFECTIVE DATE.—The amendments made by  
23          this section shall take effect on the date of the enactment  
24          of this Act.

1 **TITLE IX—ADDITIONAL IM-**  
2 **PROVEMENTS TO ELECTION**  
3 **PROCEDURES**

4 **SEC. 901. TRANSMISSION OF CERTIFICATE OF ASCERTAIN-**  
5 **MENT OF ELECTORS.**

6 (a) IN GENERAL.—Section 6 of title 3, United States  
7 Code, is amended—

8 (1) by inserting “and before the date that is 6  
9 days before the date on which the electors are to  
10 meet under section 7,” after “under and in pursu-  
11 ance of the laws of such State providing for such as-  
12 certainment,”; and

13 (2) by striking “by registered mail” and insert-  
14 ing “by overnight courier”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on the date of the enactment  
17 of this Act.

18 **SEC. 902. STUDY ON FEASIBILITY OF CREATING RANKING**  
19 **SYSTEM OF STATE ELECTION ADMINISTRA-**  
20 **TION PROCESSES.**

21 (a) STUDY.—Subtitle C of title II of the Help Amer-  
22 ica Vote Act of 2002 (42 U.S.C. 15381 et seq.), as amend-  
23 ed by this Act, is amended by inserting after section 249C  
24 the following new section:

1 **“SEC. 249D. STUDY ON FEASIBILITY OF CREATING RANKING**  
2 **SYSTEM OF STATE ELECTION ADMINISTRA-**  
3 **TION PROCESSES.**

4 “(a) STUDY.—

5 “(1) IN GENERAL.—The Commission shall con-  
6 duct and make publicly available a comprehensive  
7 study of the costs and benefits of developing a De-  
8 mocracy Index (Index) of State election administra-  
9 tion processes.

10 “(2) STUDY THROUGH APPROPRIATE ENTITY.—  
11 Not later than 60 days after the date of the enact-  
12 ment of the Count Every Vote Act of 2007, the  
13 Commission shall seek to enter into agreement with  
14 the National Academy of Sciences, the National  
15 Science Foundation, the AEI–Brookings Election  
16 Reform Project, or other appropriate nongovern-  
17 mental entity to carry out the study required in sub-  
18 section (a).

19 “(3) ISSUES CONSIDERED.—The study shall—

20 “(A) identify the appropriate scope and  
21 methodology, if any, to be used in organizing  
22 and administering the Index;

23 “(B) recommend an appropriate method-  
24 ology for gathering and standardizing informa-  
25 tion related to the quality of each State’s elec-  
26 tion administration processes; and

1           “(C) recommend an appropriate method-  
 2           ology for ranking the quality of State election  
 3           administration processes.

4           “(b) DEFINITION.—For purposes of this section,  
 5 ‘election administration processes’ includes the registra-  
 6 tion of eligible voters, the casting of ballots, and the count-  
 7 ing of ballots.

8           “(c) REPORT AND RECOMMENDATIONS.—Not later  
 9 than 12 months after the date of the enactment of the  
 10 Count Every Vote Act of 2007, the Commission shall sub-  
 11 mit to the President and Congress a report on the study  
 12 conducted under subsection (a), together with rec-  
 13 ommendations for administrative and legislative action as  
 14 the Commission deems appropriate. The report shall be  
 15 made publicly available in paper copy and electronically.”.

16           (b) CLERICAL AMENDMENT.—The table of contents  
 17 of such Act, as amended by this Act, is amended by insert-  
 18 ing after the item relating to section 249C the following:

“Sec. 249D. Study on feasibility of creating ranking system of State election  
 administration processes.”.



1 **TITLE X—STRENGTHENING THE**  
2 **ELECTION ASSISTANCE COM-**  
3 **MISSION**

4 **SEC. 1001. STRENGTHENING THE ELECTION ASSISTANCE**  
5 **COMMISSION.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 210 of the Help America Vote Act of 2002 (42 U.S.C.  
8 15330) is amended by striking “for each of fiscal years  
9 2003 through 2005 such sums as may be necessary (but  
10 not to exceed \$10,000,000 for each such year)” and in-  
11 serting “\$15,000,000 for fiscal year 2008, \$10,000,000  
12 for fiscal year 2009, \$10,000,000 for fiscal year 2010, and  
13 such sums as may be necessary for each succeeding fiscal  
14 year”.

15 (b) BUDGET REQUESTS.—

16 (1) IN GENERAL.—Part 1 of subtitle A of title  
17 II of such Act (42 U.S.C. 15321 et seq.) is amended  
18 by inserting after section 209 the following new sec-  
19 tion:

20 **“SEC. 209A. SUBMISSION OF BUDGET REQUESTS.**

21 “Whenever the Commission submits any budget esti-  
22 mate or request to the President or the Office of Manage-  
23 ment and Budget, it shall concurrently transmit a copy  
24 of such estimate or request to the Congress and to the  
25 Committee on House Administration of the House of Rep-

1 representatives and the Committee on Rules and Administra-  
2 tion of the Senate.”.

3 (2) CLERICAL AMENDMENT.—The table of con-  
4 tents of such Act is amended by inserting after the  
5 item relating to section 209 the following:

“Sec. 209A. Submission of budget requests.”.

6 (c) EXEMPTION FROM PAPERWORK REDUCTION  
7 ACT.—Paragraph (1) of section 3502 of title 44, United  
8 States Code, is amended—

9 (1) by redesignating subparagraphs (B), (C),  
10 and (D) as subparagraphs (C), (D), and (E); and

11 (2) by inserting after subparagraph (A) the fol-  
12 lowing new subparagraph:

13 “(B) the Election Assistance Commis-  
14 sion;”.

15 (d) NIST AUTHORITY.—

16 (1) IN GENERAL.—Subtitle E of title II of the  
17 Help America Vote Act of 2002, as added and  
18 amended by this Act, is amended by adding at the  
19 end the following new section:

20 **“SEC. 299D. TECHNICAL SUPPORT.**

21 “At the request of the Commission, the Director of  
22 the National Institute of Standards and Technology shall  
23 provide the Commission with technical support necessary  
24 for the Commission to carry out its duties under this  
25 title”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents of such Act, as amended by this Act, is amend-  
3           ed by adding at the end of the items relating to sub-  
4           title E of title II the following:

“Sec. 299D. Technical support.”.

5           (e) REMOVAL OF FULL-TIME EMPLOYEE CAP.—Not-  
6           withstanding any other provision of law, there shall be no  
7           cap on the number of full-time equivalent personnel who  
8           may be employed at the Election Assistance Commission.

9           (f) EFFECTIVE DATE.—The amendments made by  
10          this section shall take effect on the date of the enactment  
11          of this Act.

12   **SEC. 1002. REPEAL OF EXEMPTION OF ELECTION ASSIST-**  
13                           **ANCE COMMISSION FROM CERTAIN GOVERN-**  
14                           **MENT CONTRACTING REQUIREMENTS.**

15          (a) IN GENERAL.—Section 205 of the Help America  
16          Vote Act of 2002 (42 U.S.C. 15325) is amended by strik-  
17          ing subsection (e).

18          (b) EFFECTIVE DATE.—The amendment made by  
19          subsection (a) shall apply with respect to contracts entered  
20          into by the Election Assistance Commission on or after  
21          the date of enactment of this Act.

1 **SEC. 1003. MEMBERSHIP OF TECHNICAL GUIDELINES DE-**  
2 **VELOPMENT COMMITTEE.**

3 (a) IN GENERAL.—Section 221(c)(1) of the Help  
4 America Vote Act of 2002 (42 U.S.C. 15361(c)(1)) is  
5 amended—

6 (1) by redesignating subparagraph (E) as sub-  
7 paragraph (F); and

8 (2) by inserting after subparagraph (D) the fol-  
9 lowing new subparagraph:

10 “(E) An individual with expertise in pro-  
11 viding assistive technology to individuals with a  
12 wide range of disabilities.”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect on the date of enactment of  
15 this Act.

16 **SEC. 1004. AUTHORIZATION OF APPROPRIATIONS FOR RE-**  
17 **QUIREMENTS PAYMENTS.**

18 Subsection (a) of section 257 of the Help America  
19 Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by  
20 adding at the end the following new paragraphs:

21 “(4) For fiscal year 2008, \$3,000,000,000.

22 “(5) For each fiscal year after 2008, such sums  
23 as are necessary.”.

1       **TITLE XI—EFFECTIVE DATE**

2   **SEC. 1101. EFFECTIVE DATE.**

3       Except as otherwise provided, this Act and the  
4 amendments made by this Act shall apply with respect to  
5 the regularly scheduled general election for Federal office  
6 held in November 2008 and each succeeding election for  
7 Federal office.

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