

109TH CONGRESS  
1ST SESSION

# H. R. 533

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. CONYERS (for himself, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. PAYNE, Mr. KUCINICH, Mr. FRANK of Massachusetts, Ms. WATERS, Ms. WOOLSEY, Mr. WEINER, Mr. CLAY, Mr. OWENS, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. ZOE LOFGREN of California, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. NORTON, Mr. OBERSTAR, Ms. CARSON, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Voting Opportunity and Technology Enhancement  
 4 Rights Act of 2005”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Enhanced protections against voter intimidation, threats, coercion, and deception.
- Sec. 4. National Federal write-in absentee ballot.
- Sec. 5. Verified ballots; preservation.
- Sec. 6. Requirements for counting provisional ballots.
- Sec. 7. Minimum required voting systems and poll workers in polling places.
- Sec. 8. Election day registration.
- Sec. 9. Integrity of voter registration list.
- Sec. 10. Early voting.
- Sec. 11. Acceleration of study on election day as a public holiday.
- Sec. 12. Improvements to voting systems.
- Sec. 13. Voter registration.
- Sec. 14. Establishing voter identification.
- Sec. 15. Impartial administration of elections.
- Sec. 16. Strengthening the Election Assistance Commission.
- Sec. 17. Additional protections to ensure fair administration of Federal elections.
- Sec. 18. Authorization of appropriations.
- Sec. 19. Effective date.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) **FINDINGS.**—Congress makes the following find-  
 9 ings:

10 (1) The right of all eligible citizens to vote and  
 11 have their vote counted is the cornerstone of a demo-  
 12 cratic form of government and the core precondition  
 13 of government of the people, by the people, and for  
 14 the people.

1           (2) The right of citizens of the United States  
2 to vote is a fundamental civil right guaranteed under  
3 the United States Constitution.

4           (3) Congress has an obligation to reaffirm the  
5 right of each American to have an equal opportunity  
6 to vote and have that vote counted in Federal elec-  
7 tions, regardless of color, ethnicity, disability, lan-  
8 guage, or the resources of the community in which  
9 they live.

10          (4) Congress has an obligation to ensure the  
11 uniform and nondiscriminatory exercise of that right  
12 by removing barriers in the form of election adminis-  
13 tration procedures and technology and insufficient  
14 and unequal resources of State and local govern-  
15 ments.

16          (b) PURPOSES.—The purposes of this Act are as fol-  
17 lows:

18           (1) To secure the opportunity to participate in  
19 democracy for all eligible American citizens by estab-  
20 lishing a national Federal write-in absentee ballot  
21 for Federal elections.

22           (2) To expand and establish uniform and non-  
23 discriminatory requirements and standards to re-  
24 move administrative procedural barriers and techno-

1 logical obstacles to casting a vote and having that  
2 vote counted in Federal elections.

3 (3) To expand and establish uniform and non-  
4 discriminatory requirements and standards to pro-  
5 vide for the accessibility, accuracy, verifiability, pri-  
6 vacy, and security of all voting systems and tech-  
7 nology used in Federal elections.

8 (4) To provide a Federal funding mechanism  
9 for the States to implement the requirements and  
10 standards to preserve and protect voting rights and  
11 the integrity of Federal elections in the United  
12 States.

13 **SEC. 3. ENHANCED PROTECTIONS AGAINST VOTER INTIMI-**  
14 **DATION, THREATS, COERCION, AND DECEP-**  
15 **TION.**

16 (a) PROHIBITING UNFAIR AND DECEPTIVE ACTS  
17 AND PRACTICES AFFECTING VOTING IN FEDERAL ELEC-  
18 TIONS.—

19 (1) DECLARATION OF UNLAWFULNESS; POWER  
20 TO PROHIBIT UNFAIR PRACTICES.—

21 (A) IN GENERAL.—It shall be unlawful for  
22 any person to engage in unfair or deceptive acts  
23 or practices in or affecting voting in Federal  
24 elections, and the Attorney General is hereby  
25 empowered and directed to prevent persons,

1 partnerships, or corporations from using unfair  
2 or deceptive acts or practices in or affecting  
3 voting in Federal elections.

4 (B) PROCEEDING BY ATTORNEY GEN-  
5 ERAL.—Whenever the Attorney General shall  
6 have reason to believe that any such person,  
7 partnership, or corporation has been or is using  
8 any unfair or deceptive act or practice in or af-  
9 fecting voting, he shall issue and serve upon  
10 such person, partnership, or corporation a com-  
11 plaint stating its charges in that respect and  
12 containing a notice of a hearing upon a day and  
13 at a place therein fixed at least 7 days after the  
14 service of said complaint. The person, partner-  
15 ship, or corporation so complained of shall have  
16 the right to appear at the place and time so  
17 fixed and show cause why an order should not  
18 be entered by the Attorney General requiring  
19 such person, partnership, or corporation to  
20 cease and desist from the violation of the law  
21 so charged in said complaint. If upon such  
22 hearing the Attorney General shall be of the  
23 opinion that the method of competition or the  
24 act or practice in question is prohibited by this  
25 subchapter, it shall make a report in writing in

1           which it shall state its findings as to the facts  
2           and shall issue and cause to be served on such  
3           person, partnership, or corporation an order re-  
4           quiring such person, partnership, or corporation  
5           to cease and desist from using such method of  
6           competition or such act or practice.

7           (C) PENALTY.—Any person, partnership,  
8           or corporation who violates an order of the At-  
9           torney General under this paragraph after it  
10          has become final, and while such order is in ef-  
11          fect, shall be fined in accordance with title 18,  
12          United States Code. Each separate violation of  
13          such an order shall be a separate offense.

14          (D) CIVIL ACTION BY AGGRIEVED PER-  
15          SON.—A person who is aggrieved by a violation  
16          of this section may, in a civil action, obtain de-  
17          claratory and injunctive relief with respect to  
18          the violation. The court in an action under this  
19          subsection may award the prevailing party  
20          (other than the United States) reasonable attor-  
21          neys fees, including litigation expenses and ex-  
22          pert witness fees, as part of the costs; fees may  
23          be awarded to a prevailing defendant only when  
24          a plaintiff's civil action is shown to be frivolous,  
25          unreasonable, or without foundation. The Attor-

1           ney General may intervene as a party in a civil  
2           action brought under this subsection.

3           (2) DOCUMENTARY EVIDENCE; SUBPOENA  
4           POWER.—

5                   (A) IN GENERAL.—For the purposes of  
6           this subsection the Attorney General shall at all  
7           reasonable times have access to, for the purpose  
8           of examination, and the right to copy any docu-  
9           mentary evidence of any person, partnership, or  
10          corporation being investigated or proceeded  
11          against; and the Attorney General shall have  
12          power to require by subpoena the attendance  
13          and testimony of witnesses and the production  
14          of all such documentary evidence relating to  
15          any matter under investigation.

16                   (B) PENALTIES.—Any person who shall  
17          neglect or refuse to attend and testify, or to an-  
18          swer any lawful inquiry or to produce any docu-  
19          mentary evidence under this subsection, if in  
20          his power to do so, in obedience to an order of  
21          a District Court of the United States directing  
22          compliance with the subpoena or lawful require-  
23          ment of the Attorney General shall be guilty of  
24          an offense and upon conviction thereof by a  
25          court of competent jurisdiction shall be fined in

1           accordance with title 18, United States Code, or  
2           imprisoned for not more than one year, or both.

3           (3) UNFAIR OR DECEPTIVE ACTS OR PRACTICES  
4           RULEMAKING PROCEEDINGS.—The Attorney General  
5           shall—

6                   (A) review information and receive com-  
7                   plaints alleging unfair or deceptive acts or prac-  
8                   tices in or affecting voting in Federal elections;

9                   (B) make public through the Internet,  
10                  radio, television, and newspaper advertisements  
11                  information on the responsibilities, contact in-  
12                  formation and complaint procedures of the At-  
13                  torney General under this section;

14                  (C) prescribe interpretive rules and general  
15                  statements of policy with respect to unfair or  
16                  deceptive acts or practices in or affecting vot-  
17                  ing; and

18                  (D) prescribe rules which define with speci-  
19                  ficity acts or practices which are unfair or de-  
20                  ceptive acts or practices in or affecting voting  
21                  (within the meaning of paragraph (1)), includ-  
22                  ing but not limited to so-called “caging” or se-  
23                  lective use of poll and registration challenges.  
24                  Rules under this subsection shall include re-  
25                  quirements prescribed for the purpose of pre-

1           venting such acts or practices on a proactive  
2           basis.

3           (4) CIVIL ACTIONS FOR VIOLATIONS OF RULES  
4           AND CEASE AND DESIST ORDERS RESPECTING UN-  
5           FAIR OR DECEPTIVE ACTS OR PRACTICES.—

6                   (A) SUITS AGAINST PERSONS, PARTNER-  
7                   SHIPS, OR CORPORATIONS; JURISDICTION; RE-  
8                   LIEF FOR DISHONEST OR FRAUDULENT ACTS.—

9                           (i) If any person, partnership, or cor-  
10                           poration violates any rule under this sub-  
11                           chapter respecting unfair or deceptive acts  
12                           or practices (within the meaning of para-  
13                           graph (1)), then the Attorney General may  
14                           commence a civil action against such per-  
15                           son, partnership, or corporation for relief  
16                           under this subsection in a United States  
17                           District Court or in any court of com-  
18                           petent jurisdiction of a State.

19                           (ii) If any person, partnership, or cor-  
20                           poration engages in any unfair or deceptive  
21                           act or practice (within the meaning of  
22                           paragraph (1)) with respect to which the  
23                           Attorney General has issued a final cease  
24                           and desist order which is applicable to  
25                           such person, partnership, or corporation,

1           then the Attorney General may commence  
2           a civil action against such person, partner-  
3           ship, or corporation in a United States  
4           District Court or in any court of com-  
5           petent jurisdiction of a State.

6           (B) NATURE OF RELIEF AVAILABLE.—The  
7           court in an action under subparagraph (A) shall  
8           have jurisdiction to grant such relief as the  
9           court finds necessary to redress injury to voters  
10          or other persons, partnerships, and corporations  
11          resulting from the rule violation or the unfair  
12          or deceptive act or practice, as the case may be.  
13          Such relief may include, but shall not be limited  
14          to, rescission or reformation of contracts, the  
15          refund of money or return of property, the pay-  
16          ment of damages, and public notification re-  
17          specting the rule violation or the unfair or de-  
18          ceptive act or practice, as the case may be, in-  
19          cluding exemplary or punitive damages.

20          (5) RELATIONSHIP TO OTHER LAWS.—

21                 (A) IN GENERAL.—Nothing in this sub-  
22                 section may be construed to authorize or re-  
23                 quire conduct prohibited under the following  
24                 laws, or supersede, restrict, or limit—

- 1 (i) the National Voter Registration  
2 Act of 1993 (42 U.S.C. 1973gg et seq.); or  
3 (ii) the Voting Rights Act of 1965 (42  
4 U.S.C. 1973aa et seq.).

5 (B) NO EFFECT ON PRECLEARANCE OR  
6 OTHER REQUIREMENTS UNDER VOTING RIGHTS  
7 ACT.—Any action taken by the Attorney Gen-  
8 eral or a State under this subsection may not  
9 be considered to have any effect on require-  
10 ments for preclearance under section 5 of the  
11 Voting Rights Act of 1965 or any other require-  
12 ments of such Act.

13 (b) REVISIONS TO CURRENT PROTECTIONS.—

14 (1) SECTION 2004 OF THE REVISED STAT-  
15 UTES.—Section 2004(b) of the Revised Statutes (42  
16 U.S.C. 1971(b)) is amended—

17 (A) by inserting after “coerce,” the fol-  
18 lowing: “knowingly deceive,”; and

19 (B) by striking “or coerce” and inserting  
20 “coerce, or knowingly deceive”.

21 (2) TITLE 18, UNITED STATES CODE.—

22 (A) SECTION 245.—Section 245 of title 18,  
23 United States Code, is amended by adding at  
24 the end the following new subsection:

1       “(e) Whoever, whether or not acting under color of  
2 law, knowingly deceives or attempts to knowingly deceive  
3 any person because he is or has been, or in order to intimi-  
4 date such person or any other person or class of persons  
5 from carrying out an activity specified in subparagraph  
6 (A) of subsection (b)(1), shall be punished as provided for  
7 a violation of subsection (b)(1)(A).”.

8                   (B) SECTION 241.—Section 241 of such  
9 title is amended by striking “or intimidate” and  
10 inserting “intimidate, or knowingly deceive”.

11       (c) ENHANCED SYSTEM FOR TRACKING, DOCU-  
12 MENTING, AND MONITORING ELECTION IRREGULAR-  
13 ITIES.—

14                   (1) IN GENERAL.—The Attorney General shall  
15 direct the Assistant Attorney General for the Civil  
16 Rights Division and the Chief of the Voting Section  
17 to—

18                   (A) develop and implement procedures to  
19 ensure that the Voting Section has a reliable  
20 method of tracking and documenting allegations  
21 of voting irregularities and actions taken to ad-  
22 dress them, including establishing precise cat-  
23 egories for recording types of allegations and  
24 actions taken, development of instructions on  
25 completing the telephone logs, and development

1 and implementation of training for contractors;  
 2 and

3 (B) implement a method to track and re-  
 4 port on election monitoring program activities  
 5 in the Interactive Case Management System.

6 (2) ANNUAL REPORTS.—The Attorney General  
 7 shall submit annual reports to Congress detailing  
 8 the implementation of this subsection, including a  
 9 summary of the tracking and election monitoring ac-  
 10 tivities and a documentation of allegations of voting  
 11 irregularities.

12 **SEC. 4. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.**

13 (a) IN GENERAL.—

14 (1) IN GENERAL.—Title III of the Help Amer-  
 15 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.) is  
 16 amended by adding at the end the following new  
 17 subtitle:

18 **“Subtitle C—Additional**  
 19 **Requirements**

20 **“SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSEN-**  
 21 **TEE BALLOT.**

22 “(a) IN GENERAL.—Any person who is otherwise  
 23 qualified to vote in a Federal election in a State shall be  
 24 permitted to use the national Federal write-in absentee  
 25 ballot prescribed by the Election Assistance Commission

1 under section 297 to cast a vote in an election for Federal  
2 office.

3 “(b) SUBMISSION AND PROCESSING.—

4 “(1) IN GENERAL.—Except as otherwise pro-  
5 vided in this section, a national Federal write-in ab-  
6 sentee ballot shall be submitted and processed in the  
7 manner provided under the standards prescribed by  
8 the Commission under section 297(b).

9 “(2) DEADLINE.—An otherwise eligible national  
10 Federal write-in absentee ballot shall be counted if  
11 postmarked or signed before the close of the polls on  
12 election day and received by the appropriate State  
13 election official on or before the date which is 10  
14 days after the date of the election or the date pro-  
15 vided for receipt of absentee ballots under State law,  
16 whichever is later.

17 “(c) SPECIAL RULES.—The following rules shall  
18 apply with respect to national Federal write-in absentee  
19 ballots:

20 “(1) In completing the ballot, the voter may  
21 designate a candidate by writing in the name of the  
22 candidate or by writing in the name of a political  
23 party (in which case the ballot shall be counted for  
24 the candidate of that political party).

1           “(2) In the case of the offices of President and  
2 Vice President, a vote for a named candidate or a  
3 vote by writing in the name of a political party shall  
4 be counted as a vote for the electors supporting the  
5 candidate involved.

6           “(3) Any abbreviation, misspelling, or other  
7 minor variation in the form of the name of a can-  
8 didate or a political party shall be disregarded in de-  
9 termining the validity of the ballot.

10          “(d) EFFECTIVE DATE.—Each State shall be re-  
11 quired to comply with the requirements of this section on  
12 and after January 1, 2007.”.

13           (2) CONFORMING AMENDMENT.—Section 401  
14 of the Help America Vote Act of 2002 (42 U.S.C.  
15 15511) is amended by striking “and 303” and in-  
16 sserting “303, and subtitle C”.

17           (3) CLERICAL AMENDMENT.—The table of con-  
18 tents of title III of such Act is amended by adding  
19 at the end the following:

“Subtitle C—Additional Requirements

“Sec. 321. Use of national Federal write-in absentee ballot.”.

20          (b) NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-  
21 LOT.—

22           (1) IN GENERAL.—Title II of the Help America  
23 Vote Act of 2002 (42 U.S.C. 15321 et seq.) is

1 amended by adding at the end the following new  
2 subtitle:

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

5 **“SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**  
6 **LOT.**

7 “(a) FORM OF BALLOT.—The Commission shall pre-  
8 scribe a national Federal write-in absentee ballot (includ-  
9 ing a secrecy envelope and mailing envelope for such bal-  
10 lot) for use in elections for Federal office.

11 “(b) STANDARDS.—The Commission shall prescribe  
12 standards for—

13 “(1) distributing the national Federal write-in  
14 absentee ballot, including standards for distributing  
15 such ballot through the Internet; and

16 “(2) processing and submission of the national  
17 Federal write-in absentee ballot.”.

18 (2) CONFORMING AMENDMENT.—Section 202  
19 of the Help America Vote Act of 2002 (42 U.S.C.  
20 15322) is amended by redesignating paragraphs (5)  
21 and (6) as paragraphs (6) and (7), respectively, and  
22 by inserting after paragraph (4) the following new  
23 paragraph:

24 “(5) carrying out the duties described in sub-  
25 title E.”.

1           (3) CLERICAL AMENDMENT.—The table of con-  
2           tents for title II of such Act is amended by adding  
3           at the end the following:

                  “Subtitle E—Guidance and Standards

“Sec. 297. National Federal write-in absentee ballot.”.

4           (c) COORDINATION WITH UNIFORMED AND OVER-  
5 SEAS CITIZENS ABSENTEE VOTING ACT.—

6           (1) IN GENERAL.—The Presidential designee  
7           under the Uniformed and Overseas Absentee Voting  
8           Act, in consultation with the Election Assistance  
9           Commission, shall facilitate the use and return of  
10          the national Federal write-in ballot for absent uni-  
11          formed service voters and overseas voters so that  
12          such voters face no greater difficulties in the submis-  
13          sion and processing of their ballots than those faced  
14          by absentee voters who reside in the United States.

15          (2) DEFINITIONS.—The terms “absent uni-  
16          formed service voter” and “overseas voter” shall  
17          have the meanings given such terms by section 107  
18          of the Uniformed and Overseas Citizens Absentee  
19          Voting Act (42 U.S.C. 1973gg–6).

20 **SEC. 5. VERIFIED BALLOTS; PRESERVATION.**

21          (a) VERIFICATION.—

22               (1) IN GENERAL.—Section 301(a) of the Help  
23               America Vote Act of 2002 (42 U.S.C. 15481(a)) is

1 amended by adding at the end the following new  
2 paragraph:

3 “(7) VERIFIED BALLOTS.—In order to meet the  
4 requirements of paragraph (1)(A)(i), on and after  
5 January 1, 2007:

6 “(A) The voting system shall provide an  
7 independent means of voter verification which  
8 meets the requirements of subparagraph (B)  
9 and which allows each voter to verify the accu-  
10 racy of the ballot before it is cast and counted,  
11 and to correct any errors before the record of  
12 the ballot is produced and preserved under this  
13 paragraph and paragraph (2)(B)(iii).

14 “(B) A means of voter verification meets  
15 the requirements of this subparagraph if the  
16 voting system allows the voter to choose from  
17 one of the following options to verify the voter’s  
18 vote selection:

19 “(i) A paper record.

20 “(ii) An audio record.

21 “(iii) A pictorial record.

22 “(iv) An electronic record or other  
23 means that provides for voter verification  
24 that is accessible for individuals with dis-  
25 abilities, including nonvisual accessibility

1           for the blind and visually impaired, in a  
2           manner that provides privacy and inde-  
3           pendence equal to that provided for other  
4           voters.

5           “(C) Any means of verification described  
6           in clause (ii), (iii), or (iv) of subparagraph (B)  
7           must provide verification which is equal or su-  
8           perior to verification through the use of a paper  
9           record.

10           “(D) None of the means of verification  
11           under this paragraph may employ cryptography  
12           in the record.”.

13           (2) CONFORMING AMENDMENT.—Clause (i) of  
14           section 301(a)(1)(A) of the Help America Vote Act  
15           of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended  
16           by inserting “and consistent with the requirements  
17           of paragraphs (2), (4), and (7)” after “independent  
18           manner”.

19           (b) PRESERVATION OF RECORDS.—Section  
20           301(a)(2)(B)(iii) of the Help America Vote Act of 2002  
21           (42 U.S.C. 15481(a)(2)(B)(iii)) is amended to read as fol-  
22           lows:

23           “(iii) The record produced to meet the  
24           requirements of paragraph (1)(A)(i) and  
25           this paragraph shall be available as an offi-

1           cial record for any audit or recount con-  
2           ducted with respect to any election in  
3           which the system is used, and shall be pre-  
4           served after the voter has verified its accu-  
5           racy—

6                   “(I) in the case of a paper  
7                   record, within the polling place on the  
8                   date of the election in a manner that  
9                   ensures the security of the votes as  
10                  verified; and

11                   “(II) in the case of a record de-  
12                   scribed in clause (ii), (iii), or (iv) of  
13                   paragraph (7)(B), through a method  
14                   established by the Commission which  
15                   provides protection of the record equal  
16                   to or superior to the methods used to  
17                   preserve paper records.”.

18           (c) GUIDANCE.—

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

23           **“SEC. 298. VERIFIED BALLOTS.**

24                   “(a) STANDARDS.—The Commission shall issue uni-  
25                   form and nondiscriminatory standards—

1           “(1) for verified ballots required under section  
2           301(a)(7); and

3           “(2) for meeting the audit requirements of sec-  
4           tion 301(a)(2).

5           “(b) AUDITS.—The standards issued under sub-  
6           section (a) shall provide for partial audits of the results  
7           of elections using the records produced pursuant to section  
8           301(a)(7), and shall provide that those records shall be  
9           used for the official count of votes in the event that the  
10          tallies derived from the records differ from the tallies oth-  
11          erwise derived from the voting system used in the election  
12          involved.”.

13           (2) CLERICAL AMENDMENT.—The table of con-  
14          tents for subtitle E of title II of such Act, as added  
15          by this Act, is amended by adding at the end the fol-  
16          lowing new item:

“Sec. 298. Verified ballots.”.

17          (d) REPORTS.—

18           (1) ELECTION ASSISTANCE COMMISSION.—Sec-  
19          tion 207 of the Help America Vote Act of 2002 (42  
20          U.S.C. 15327) is amended by redesignating para-  
21          graph (5) as paragraph (6) and by inserting after  
22          paragraph (4) the following new paragraph:

23           “(5) A description of the progress on imple-  
24          menting the verified ballot requirements of section  
25          301(a)(7) and the impact of the use of such require-



1           (1) IN GENERAL.—Subsection (e) of section  
2           302 of the Help America Vote Act of 2002 (42  
3           U.S.C. 15482(e)), as redesignated under subsection  
4           (a), is amended by adding at the end the following:

5           “(2) EFFECTIVE DATE FOR STATEWIDE COUNT-  
6           ING OF PROVISIONAL BALLOTS.—Each State shall be  
7           required to comply with the requirements of sub-  
8           section (d) on and after January 1, 2007.”.

9           (2) CONFORMING AMENDMENT.—Subsection (e)  
10          of section 302 of the Help America Vote Act of  
11          2002 (42 U.S.C. 15482(e)), as redesignated under  
12          subsection (a), is amended by striking “Each” and  
13          inserting the following:

14          “(1) IN GENERAL.—Except as provided in para-  
15          graph (2), each”.

16 **SEC. 7. MINIMUM REQUIRED VOTING SYSTEMS AND POLL**  
17 **WORKERS IN POLLING PLACES.**

18          (a) MINIMUM REQUIREMENTS.—

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

1 **“SEC. 322. MINIMUM REQUIRED VOTING SYSTEMS AND**  
2 **POLL WORKERS.**

3 “(a) IN GENERAL.—Each State shall provide for the  
4 minimum required number of functioning and accurate  
5 voting systems and poll workers required in each precinct  
6 on the day of any Federal election and on any days during  
7 which such State allows early voting for a Federal election  
8 in accordance with the standards determined under sec-  
9 tion 299A.

10 “(b) EFFECTIVE DATE.—Each State shall be re-  
11 quired to comply with the requirements of this section on  
12 and after January 1, 2007.”.

13 (2) CLERICAL AMENDMENT.—The table of con-  
14 tents for subtitle C of title III of such Act, as added  
15 by this Act, is amended by adding at the end the fol-  
16 lowing new item:

“Sec. 322. Minimum required voting systems and poll workers.”.

17 (b) STANDARDS.—

18 (1) IN GENERAL.—Subtitle E of the Help  
19 America Vote Act of 2002, as added and amended  
20 by this Act, is amended by adding at the end the fol-  
21 lowing new section:

1 **“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM**  
2 **REQUIRED VOTING SYSTEMS AND POLL**  
3 **WORKERS.**

4 “(a) IN GENERAL.—The Commission shall issue  
5 standards regarding the minimum number of voting sys-  
6 tems and poll workers required in each precinct on the  
7 day of any Federal election and on any days during which  
8 early voting is allowed for a Federal election.

9 “(b) DISTRIBUTION.—The standards described in  
10 subsection (a) shall provide for a uniform and nondiscrim-  
11 inatory geographic distribution of such systems and work-  
12 ers, based on a ratio of the number of systems and work-  
13 ers per voter, taking into account voter registration statis-  
14 tics for the precinct, the most recent available census data  
15 regarding the number of individuals residing within the  
16 precinct who are eligible to register to vote, and the level  
17 of voter turnout during previous elections held in the pre-  
18 cinct.

19 “(c) DEVIATION.—The standards described in sub-  
20 section (a) shall permit States, upon providing adequate  
21 public notice, to deviate from any allocation requirements  
22 in the case of unforeseen circumstances such as a natural  
23 disaster, terrorist attack, or a change in voter turnout.”.

24 (2) CLERICAL AMENDMENT.—The table of con-  
25 tents for subtitle E of title II of such Act, as added

1 by this Act, is amended by adding at the end the fol-  
2 lowing new item:

“Sec. 299. Standards for establishing the minimum required voting systems  
and poll workers.”.

3 **SEC. 8. ELECTION DAY REGISTRATION.**

4 (a) REQUIREMENT.—

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

9 **“SEC. 323. ELECTION DAY REGISTRATION.**

10 “(a) IN GENERAL.—

11 “(1) REGISTRATION.—Notwithstanding section  
12 8(a)(1)(D) of the National Voter Registration Act of  
13 1993 (42 U.S.C. 1973gg-6), each State shall permit  
14 any individual on the day of a Federal election—

15 “(A) to register to vote in such election at  
16 the polling place using the form established by  
17 the Election Assistance Commission pursuant  
18 to section 297; and

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

20 “(2) EXCEPTION.—The requirements under  
21 paragraph (1) shall not apply to a State in which,  
22 under a State law in effect continuously on and after  
23 the date of the enactment of this Act, there is no

1 voter registration requirement for individuals in the  
2 State with respect to elections for Federal office.

3 “(b) EFFECTIVE DATE.—Each State shall be re-  
4 quired to comply with the requirements of subsection (a)  
5 on and after January 1, 2007.”.

6 (2) CLERICAL AMENDMENT.—The table of con-  
7 tents for subtitle C of title III of such Act, as added  
8 by this Act, is amended by adding at the end the fol-  
9 lowing new item:

“Sec. 323. Election Day registration.”.

10 (b) ELECTION DAY REGISTRATION FORM.—

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

15 **“SEC. 299A. ELECTION DAY REGISTRATION FORM.**

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

18 (2) CLERICAL AMENDMENT.—The table of con-  
19 tents for subtitle E of title II of such Act, as added  
20 by this Act, is amended by adding at the end the fol-  
21 lowing new item:

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

22 **SEC. 9. INTEGRITY OF VOTER REGISTRATION LIST.**

23 (a) IN GENERAL.—Subtitle C of title III of the Help  
24 America Vote Act of 2002, as added and amended by this

1 Act, is amended by adding at the end the following new  
2 section:

3 **“SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.**

4 “(a) PUBLIC NOTICE.—Not later than 45 days before  
5 any Federal election, each State shall provide public notice  
6 of all names which have been removed from the voter reg-  
7 istration list of such State under section 303 since the  
8 later of the most recent election for Federal office or the  
9 day of the most recent previous public notice provided  
10 under this section.

11 “(b) NOTICE TO INDIVIDUAL VOTERS.—

12 “(1) IN GENERAL.—No individual shall be re-  
13 moved from the voter registration list under section  
14 303 unless such individual is first provided with a  
15 notice which meets the requirements of paragraph  
16 (2).

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

19 “(A) provided to each voter in a uniform  
20 and nondiscriminatory manner;

21 “(B) consistent with the requirements of  
22 the National Voter Registration Act of 1993  
23 (42 U.S.C. 1973gg et seq.); and

24 “(C) in the form and manner prescribed by  
25 the Election Assistance Commission.

1       “(c) EFFECTIVE DATE.—Each State shall be re-  
2       quired to comply with the requirements of this section on  
3       and after January 1, 2007.”.

4       (b) CLERICAL AMENDMENT.—The table of contents  
5       for subtitle C of title III of such Act, as added by this  
6       Act, is amended by adding at the end the following new  
7       item:

      “Sec. 324. Removal from voter registration list.”.

8       **SEC. 10. EARLY VOTING.**

9       (a) REQUIREMENTS.—

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

14       **“SEC. 325. EARLY VOTING.**

15           “(a) IN GENERAL.—Each State shall allow individ-  
16       uals to vote in an election for Federal office not less than  
17       15 days prior to the day scheduled for such election in  
18       the same manner as voting is allowed on such day.

19           “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

20       Each polling place which allows voting prior to the day  
21       of a Federal election pursuant to subsection (a) shall—

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

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

1           “(c) APPLICATION OF ELECTION DAY REGISTRATION  
2 TO EARLY VOTING.—A State shall permit individuals to  
3 register to vote at each polling place which allows voting  
4 prior to the day of a Federal election pursuant to sub-  
5 section (a) in the same manner as the State is required  
6 to permit individuals to register to vote and vote on the  
7 day of the election under section 323.

8           “(d) EFFECTIVE DATE.—Each State shall be re-  
9 quired to comply with the requirements of this section on  
10 and after January 1, 2007.”.

11           (2) CLERICAL AMENDMENT.—The table of con-  
12 tents for subtitle C of title III of such Act, as added  
13 by this Act, is amended by adding at the end the fol-  
14 lowing new item:

“Sec. 325. Early voting.”.

15           (b) STANDARDS FOR EARLY VOTING.—

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

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

21           “(a) IN GENERAL.—The Commission shall issue  
22 standards for the administration of voting prior to the day  
23 scheduled for a Federal election. Such standards shall in-  
24 clude the nondiscriminatory geographic placement of poll-  
25 ing places at which such voting occurs.

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

6           (2) CLERICAL AMENDMENT.—The table of con-  
 7 tents for subtitle E of title II of such Act, as added  
 8 by this Act, is amended by adding at the end the fol-  
 9 lowing new item:

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

10 **SEC. 11. ACCELERATION OF STUDY ON ELECTION DAY AS A**  
 11 **PUBLIC HOLIDAY.**

12       (a) IN GENERAL.—Section 241 of the Help America  
 13 Vote Act of 2002 (42 U.S.C. 15381) is amended by adding  
 14 at the end the following new subsection:

15       “(d) REPORT ON ELECTION DAY.—

16           “(1) IN GENERAL.—The report required under  
 17 subsection (a) with respect to election administration  
 18 issues described in subsection (b)(10) shall be sub-  
 19 mitted not later than 6 months after the date of the  
 20 enactment of the Voting Opportunity and Tech-  
 21 nology Enhancement Rights Act of 2005.

22           “(2) AUTHORIZATION OF APPROPRIATIONS.—Of  
 23 the amount authorized to be appropriated under sec-  
 24 tion 210 for fiscal year 2006, \$100,000 shall be au-

1       thorized solely to carry out the purposes of this sub-  
2       section.”.

3       (b) **EFFECTIVE DATE.**—The amendment made by  
4 this section shall take effect on the date of the enactment  
5 of this Act.

6 **SEC. 12. IMPROVEMENTS TO VOTING SYSTEMS.**

7       (a) **IN GENERAL.**—Subparagraph (B) of section  
8 301(a)(1) of the Help America Vote Act of 2002 (42  
9 U.S.C. 15481(a)(1)(B)) is amended by striking “, a punch  
10 card voting system, or a central count voting system”.

11       (b) **CLARIFICATION OF REQUIREMENTS FOR PUNCH**  
12 **CARD SYSTEMS.**—Subparagraph (A) of section 301(a)(1)  
13 of the Help America Vote Act of 2002 (42 U.S.C.  
14 15481(a)(1)(A)) is amended by inserting “punch card vot-  
15 ing system,” after “any”.

16 **SEC. 13. VOTER REGISTRATION.**

17       (a) **IN GENERAL.**—Paragraph (4) of section 303(b)  
18 of the Help America Vote Act of 2002 (42 U.S.C.  
19 15483(b)(4)) is amended by adding at the end the fol-  
20 lowing new subparagraphs:

21               “(C) **EXCEPTION.**—On and after January  
22               1, 2007—

23                       “(i) in lieu of the questions and state-  
24                       ments required under subparagraph (A),  
25                       such mail voter registration form shall in-

1           clude an affidavit to be signed by the reg-  
2           istrant attesting both to citizenship and  
3           age; and

4           “(ii) subparagraph (B) shall not  
5           apply.

6           “(D) APPLICATION TO FORMS DEVELOPED  
7           BY STATES.—For purposes of section 6(a)(2) of  
8           the National Voter Registration Act of 1993  
9           (42 U.S.C. 1973gg—4(a)(2)), any form devel-  
10          oped and used by a State for the registration  
11          of voters in elections for Federal office shall not  
12          be considered to meet all of the criteria stated  
13          in section 9(b) of such Act unless the form  
14          meets the requirements of subparagraph (C).”.

15          (b) INTERNET REGISTRATION.—

16               (1) IN GENERAL.—Subtitle C of title III 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. 326. INTERNET REGISTRATION.**

21               “(a) INTERNET REGISTRATION.—Each State shall  
22          establish a program under which individuals may access  
23          and submit voter registration forms electronically through  
24          the Internet.

1       “(b) EFFECTIVE DATE.—Each State shall be re-  
2       quired to comply with the requirements of this section on  
3       and after January 1, 2007.”.

4               (2) CLERICAL AMENDMENT.—The table of con-  
5       tents for subtitle C of title III of such Act, as added  
6       by this Act, is amended by adding at the end the fol-  
7       lowing new item:

“Sec. 326. Internet registration.”.

8       (c) STANDARDS FOR INTERNET REGISTRATION.—

9               (1) IN GENERAL.—Subtitle E of the Help  
10       America Vote Act of 2002, as added and amended  
11       by this Act, is amended by adding at the end the fol-  
12       lowing new section:

13       **“SEC. 299C. STANDARDS FOR INTERNET REGISTRATION**  
14               **PROGRAMS.**

15       “‘The Commission shall establish standards regarding  
16       the design and operation of programs which allow elec-  
17       tronic voter registration through the Internet.’”.

18               (2) CLERICAL AMENDMENT.—The table of con-  
19       tents for subtitle E of title II of such Act, as added  
20       by this Act, is amended by adding at the end the fol-  
21       lowing new item:

“Sec. 299C. Standards for Internet registration programs.”.

22       **SEC. 14. ESTABLISHING VOTER IDENTIFICATION.**

23       (a) IN GENERAL.—

1           (1) IN PERSON VOTING.—Clause (i) of section  
2           303(b)(2)(A) of the Help America Vote Act of 2002  
3           (42 U.S.C. 15483(b)(2)(A)(i)) is amended by strik-  
4           ing “or” at the end of subclause (I) and by adding  
5           at the end the following new subclause:

6                           “(III) executes a written affidavit  
7                           attesting to such individual’s identity;  
8                           or”.

9           (2) VOTING BY MAIL.—Clause (ii) of section  
10          303(b)(2)(A) of the Help America Vote Act of 2002  
11          (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by strik-  
12          ing “or” at the end of subclause (I), by striking the  
13          period at the end of subclause (II) and inserting “;  
14          or”, and by adding at the end the following new sub-  
15          clause:

16                           “(III) a written affidavit, exe-  
17                           cuted by such individual, attesting to  
18                           such individual’s identity.”.

19          (b) STANDARDS FOR VERIFYING VOTER INFORMA-  
20          TION.—

21           (1) IN GENERAL.—Subtitle E of the Help  
22          America Vote Act of 2002, as added and amended  
23          by this Act, is amended by adding at the end the fol-  
24          lowing new section:

1 **“SEC. 299D. VOTER IDENTIFICATION.**

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

6 (2) CLERICAL AMENDMENT.—The table of con-  
7 tents for subtitle E of title II of such Act, as added  
8 by this Act, is amended by adding at the end the fol-  
9 lowing new item:

“Sec. 299D. Voter identification.”.

10 **SEC. 15. IMPARTIAL ADMINISTRATION OF ELECTIONS.**

11 (a) ELECTION ADMINISTRATION REQUIREMENTS.—

12 (1) IN GENERAL.—Subtitle C 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. 327. ELECTION ADMINISTRATION REQUIREMENTS.**

17 “(a) NOTICE OF CHANGES IN STATE ELECTION  
18 LAWS.—Not later than 15 days prior to any Federal elec-  
19 tion, each State shall issue a public notice describing all  
20 changes in State law affecting the administration of Fed-  
21 eral elections since the most recent prior election.

22 “(b) OBSERVERS.—

23 “(1) IN GENERAL.—Each State shall allow uni-  
24 form and nondiscriminatory access to any polling

1 place for purposes of observing a Federal election  
2 to—

3 “(A) voting rights and civil rights organi-  
4 zations; and

5 “(B) nonpartisan domestic observers and  
6 international observers.

7 “(2) NOTICE OF DENIAL OF OBSERVATION RE-  
8 QUEST.—Each State shall issue a public notice with  
9 respect to any denial of a request by any observer  
10 described in paragraph (1) for access to any polling  
11 place for purposes of observing a Federal election.  
12 Such notice shall be issued not later than 24 hours  
13 after such denial.

14 “(3) NO INTERFERENCE WITH ELECTION PER-  
15 MITTED.—Nothing in this subsection may be con-  
16 strued to permit any individual observing a Federal  
17 election pursuant to this subsection to engage in  
18 campaign activity at a polling place or interfere in  
19 any way with the conduct of the election.

20 “(c) EFFECTIVE DATE.—Each State shall be re-  
21 quired to comply with the requirements of this section on  
22 and after January 1, 2007.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents for subtitle C of title III of such Act, as added

1 by this Act, is amended by adding at the end the fol-  
2 lowing new item:

“Sec. 327. Election administration requirements.”.

3 (b) **STUDY OF ADMINISTRATION OF ELECTIONS BY**  
4 **NONPARTISAN BOARDS.**—

5 (1) **STUDY.**—The Election Assistance Commis-  
6 sion shall conduct a study analyzing the feasibility  
7 and desirability of requiring States to carry out the  
8 administration of elections for Federal office  
9 through nonpartisan election boards.

10 (2) **REPORT.**—Not later than January 1, 2007,  
11 the Commission shall submit a report to Congress  
12 and the relevant committees of Congress on the  
13 study conducted under paragraph (1).

14 **SEC. 16. STRENGTHENING THE ELECTION ASSISTANCE**  
15 **COMMISSION.**

16 (a) **BUDGET REQUESTS.**—

17 (1) **IN GENERAL.**—Part 1 of subtitle A of title  
18 II of the Help America Vote Act of 2002 (42 U.S.C.  
19 15321 et seq.) is amended by inserting after section  
20 209 the following new section:

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

22 “Whenever the Commission submits any budget esti-  
23 mate or request to the President or the Office of Manage-  
24 ment and Budget, it shall concurrently transmit a copy

1 of such estimate or request to the Congress and to all rel-  
2 evant committees of the House and Senate.”.

3 (2) CLERICAL AMENDMENT.—The table of con-  
4 tents for part 1 of subtitle A of title II of such Act  
5 is amended by inserting after the item relating to  
6 section 209 the following new item:

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

7 (b) EXEMPTION FROM PAPERWORK REDUCTION  
8 ACT.—Paragraph (1) of section 3502 of title 44, United  
9 States Code, is amended by redesignating subparagraphs  
10 (B), (C), and (D) as subparagraphs (C), (D), and (E),  
11 respectively, and by inserting after subparagraph (A) the  
12 following new subparagraph:

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

15 (c) RULEMAKING.—Section 209 of the Help America  
16 Vote Act of 2002 (42 U.S.C. 15239) is amended—

17 (1) by striking “The Commission” and insert-  
18 ing the following:

19 “(a) IN GENERAL.—Except as provided in subsection  
20 (b), the Commission”, and

21 (2) by inserting at the end the following new  
22 subsection:

23 “(b) EXCEPTION.—On and after January 1, 2007,  
24 subsection (a) shall not apply to any authority granted  
25 under subtitle E of this title or subtitle C of title III.”.

1 (d) NIST AUTHORITY.—

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

6 **“SEC. 299E. TECHNICAL SUPPORT.**

7 “At the request of the Commission, the Director of  
8 the National Institute of Standards and Technology shall  
9 provide the Commission with technical support necessary  
10 for the Commission to carry out its duties under this  
11 title.”.

12 (2) CLERICAL AMENDMENT.—The table of con-  
13 tents for subtitle E of title II of such Act, as added  
14 by this Act, is amended by adding at the end the fol-  
15 lowing new item:

“Sec. 299E. Technical support.”.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 210 of the Help America Vote Act of 2002 (42 U.S.C.  
18 15330) is amended by striking “for each of fiscal years  
19 2003 through 2005 such sums as may be necessary (but  
20 not to exceed \$10,000,000 for each such year)” and in-  
21 serting “\$23,000,000 for fiscal year 2006 (of which  
22 \$3,000,000 are authorized solely to carry out the purposes  
23 of section 299E) and such sums as may be necessary for  
24 succeeding fiscal years”.

1 **SEC. 17. ADDITIONAL PROTECTIONS TO ENSURE FAIR AD-**  
2 **MINISTRATION OF FEDERAL ELECTIONS.**

3 (a) STANDARDS AND TRAINING FOR ELECTION OFFI-  
4 CIALS WORKING AT POLLING PLACES.—

5 (1) REQUIRING STATES TO MEET STAND-  
6 ARDS.—

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

11 **“SEC. 328. STANDARDS AND TRAINING FOR ELECTION OFFI-**  
12 **CIALS WORKING AT POLLING PLACES.**

13 “(a) IN GENERAL.—No individual shall be permitted  
14 to serve as an election official at any polling place used  
15 for any election for Federal office, unless the individual  
16 is certified as having completed the poll worker training  
17 program established by the Commission under section  
18 299F.

19 “(b) EXCEPTION FOR EMERGENCIES.—A State may  
20 waive the application of subsection (a) in the case of an  
21 emergency.

22 “(c) EFFECTIVE DATE.—Each State shall be re-  
23 quired to comply with the requirements of this section on  
24 and after January 1, 2007.”.

25 (B) CLERICAL AMENDMENT.—The table of  
26 contents for subtitle C of title III of such Act,

1 as added by this Act, is amended by adding at  
2 the end the following new item:

“Sec. 328. Standards and training for election officials working at polling  
places.”.

3 (2) POLL WORKER TRAINING PROGRAM.—

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

8 **“SEC. 299F. POLL WORKER TRAINING PROGRAM.**

9 “(a) ESTABLISHMENT OF PROGRAM.—The Commis-  
10 sion shall establish a program for the training of individ-  
11 uals to serve as election officials at polling places used for  
12 elections for Federal office, including polling places used  
13 on a day during which a State allows early voting for a  
14 Federal election in accordance with the standards deter-  
15 mined under section 299B.

16 “(b) REQUIREMENTS FOR CERTIFICATION UNDER  
17 PROGRAM.—An individual may not be certified as having  
18 completed the training program established under this sec-  
19 tion unless the individual meets the following require-  
20 ments:

21 “(1) The individual has completed not fewer  
22 than 8 hours of training not later than 2 months  
23 prior to the date of the election for which the indi-  
24 vidual will serve as an election official.

1           “(2) If the polling place at which the individual  
2 will serve as an election official uses an electronic or  
3 electromechanical voting system, the individual has  
4 been trained to check the system’s calibration, power  
5 status, and other mechanical features affecting the  
6 ability of the system to function properly.

7           “(3) The individual meets such other require-  
8 ments as the Commission may establish.”.

9           (B) CLERICAL AMENDMENT.—The table of  
10 contents for subtitle E of title II of such Act,  
11 as added by this Act, is amended by adding at  
12 the end the following new item:

“Sec. 299F. Poll worker training program.”.

13           (b) REQUIRING USE OF PUBLICLY AVAILABLE OPEN  
14 SOURCE SOFTWARE IN VOTING MACHINES.—

15           (1) REQUIRING USE OF OPEN SOURCE SOFT-  
16 WARE.—

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

21 **“SEC. 329. REQUIRING USE OF PUBLICLY AVAILABLE OPEN**  
22 **SOURCE SOFTWARE IN VOTING MACHINES.**

23           “(a) IN GENERAL.—Each State shall ensure that  
24 each voting machine used by the State for elections for  
25 Federal office uses open source software which may be ac-

1 cessible for inspection by the public, in accordance with  
2 standards established by the Commission under section  
3 299G.

4 “(b) EFFECTIVE DATE.—Each State shall be re-  
5 quired to comply with the requirements of this section on  
6 and after January 1, 2007.”.

7 (B) CLERICAL AMENDMENT.—The table of  
8 contents for subtitle C of title III of such Act,  
9 as added by this Act, is amended by adding at  
10 the end the following new item:

“Sec. 329. Requiring use of publicly available open source software in voting  
machines.”.

11 (2) ESTABLISHMENT OF STANDARDS.—

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

16 **“SEC. 299G. STANDARDS FOR PUBLICLY AVAILABLE OPEN**  
17 **SOURCE SOFTWARE IN VOTING MACHINES.**

18 “The Commission shall establish standards for the  
19 software used in voting machines for elections for Federal  
20 offices, including standards to ensure that all such soft-  
21 ware is open source software which may be accessible for  
22 inspection by the public.”.

23 (B) CLERICAL AMENDMENT.—The table of  
24 contents for subtitle E of title II of such Act,

1 as added by this Act, is amended by adding at  
 2 the end the following new item:

“Sec. 299G. Standards for publicly available open source software in voting machines.”.

3 (c) STANDARDS FOR RECOUNTING BALLOTS.—

4 (1) REQUIRING STATES TO MEET STANDARDS  
 5 FOR RECOUNTS.—

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

10 **“SEC. 329A. STANDARDS FOR CONDUCTING RECOUNTS.**

11 “(a) IN GENERAL.—In conducting any recount with  
 12 respect to any election for Federal office in the State, the  
 13 State shall meet the standards established by the Commis-  
 14 sion under section 299H.

15 “(b) EFFECTIVE DATE.—Each State shall be re-  
 16 quired to comply with the requirements of this section on  
 17 and after January 1, 2007.”.

18 (B) CLERICAL AMENDMENT.—The table of  
 19 contents for subtitle C of title III of such Act,  
 20 as added by this Act, is amended by adding at  
 21 the end the following new item:

“Sec. 329A. Standards for conducting recounts.”.

22 (2) ESTABLISHMENT OF STANDARDS.—

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

5 **“SEC. 299H. STANDARDS FOR RECOUNTS IN FEDERAL**  
 6 **ELECTIONS.**

7 “The Commission shall establish standards for the  
 8 conducting of a recount of the results of any election for  
 9 Federal office, including standards for determining who  
 10 may request a recount, who may witness the recount, and  
 11 the deadline for completing the recount (which, in the case  
 12 of an election for electors for the President and Vice Presi-  
 13 dent, may not be later than 7 business days prior to the  
 14 deadline referred to in section 12 of title 3, United States  
 15 Code, for the receipt by the President of the Senate of  
 16 the certificates of votes and lists referred to in sections  
 17 9 and 11 of such title). ”.

18 (B) CLERICAL AMENDMENT.—The table of  
 19 contents for subtitle E of title II of such Act,  
 20 as added by this Act, is amended by adding at  
 21 the end the following new item:

“Sec. 299H. Standards for recounts in Federal elections.”.

22 (d) PROHIBITING CONFLICTS OF INTEREST OF ENTI-  
 23 TIES INVOLVED IN MANUFACTURE, DISTRIBUTION, OR  
 24 OTHER ACTIVITIES RELATING TO VOTING MACHINES.—

1           (1) PROHIBITING AGREEMENTS BY STATES  
2 WITH ENTITIES FAILING TO MEET ANTI-CONFLICT  
3 OF INTEREST STANDARDS.—

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

8 **“SEC. 329B. PROHIBITING AGREEMENTS WITH ENTITIES**  
9 **FAILING TO MEET ANTI-CONFLICT OF INTER-**  
10 **EST STANDARDS FOR ENTITIES INVOLVED**  
11 **WITH VOTING MACHINES.**

12       “(a) IN GENERAL.—In carrying out an election for  
13 Federal office, a State may not enter into any agreement  
14 with an entity regarding the manufacture, distribution, in-  
15 stallation, servicing, or other activity with respect to a vot-  
16 ing machine to be used for the election if the entity is  
17 not in compliance with the standards established by the  
18 Commission under section 299I for prohibiting conflicts  
19 of interest of such entities.

20       “(b) EFFECTIVE DATE.—Each State shall be re-  
21 quired to comply with the requirements of this section on  
22 and after January 1, 2007.”.

23           (B) CLERICAL AMENDMENT.—The table of  
24 contents for subtitle C of title III of such Act,

1 as added by this Act, is amended by adding at  
 2 the end the following new item:

“Sec. 329B. Prohibiting agreement with entities failing to meet anti-conflict of  
 interest standards for entities involved with voting machines.”.

3 (2) ESTABLISHMENT OF STANDARDS.—

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

8 **“SEC. 299I. STANDARDS FOR PROHIBITING CONFLICTS OF**  
 9 **INTEREST OF ENTITIES INVOLVED IN MANU-**  
 10 **FACTURE, DISTRIBUTION, OR OTHER ACTIVI-**  
 11 **TIES RELATING TO VOTING MACHINES.**

12 “The Commission shall establish standards to pro-  
 13 hibit conflicts of interest of entities engaged in the manu-  
 14 facture, distribution, installation, servicing, or other activi-  
 15 ties with respect to voting machines, including standards  
 16 to prohibit any such entity from directly or indirectly pro-  
 17 viding any funds or property (including in-kind funds and  
 18 property) to any candidate for public office, any political  
 19 party, any political committee under the Federal Election  
 20 Campaign Act of 1971, any organization described in sec-  
 21 tion 527 of the Internal Revenue Code of 1986, or any  
 22 other entity organized for any partisan political purpose.”.

23 (B) CLERICAL AMENDMENT.—The table of  
 24 contents for subtitle E of title II of such Act,

1 as added by this Act, is amended by adding at  
2 the end the following new item:

“Sec. 299I. Standards for prohibiting conflicts of interest of entities involved in  
manufacture, distribution, or other activities relating to voting  
machines.”.

3 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

4 Subsection (a) of section 257 of the Help America  
5 Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by  
6 adding at the end the following new paragraphs:

7 “(4) For fiscal year 2006, \$2,000,000,000.

8 “(5) For each fiscal year after 2006, such sums  
9 as are necessary.”.

10 **SEC. 19. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall  
12 take effect on January 1, 2007.

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