bill also includes Federal grant programs that will help the States pay for these new mandatory requirements, and provide incentives for States to replace voting machines, educate voters, and train poll workers. The bill also establishes an Election Administration Commission to improve the administration of elections across the country by using grant programs, studies, and recommendations.

Most importantly, this bill will play a role in improving the situation for disabled voters. The obstacles facing millions of disabled voters have concerned me long before the 2000 elections. I find it particularly distressing that many of our nation's disabled veterans, who sacrificed so much for our country, are confronted with too many obstacles, including inaccessible polling places and machines that cannot be used by blind and visually impaired voters. According to a 2001 GAO report, requested by Senator HARKIN and me, 84 percent of all polling places in the U.S. are not accessible to disabled voters. Additionally, no polling place visited by the GAO had a ballot or voting system available for blind or visually-impaired voters to mark a ballot without requiring assistance from a poll worker or companion.

I would like to thank my colleagues in the Senate for supporting my amendment to ensure that the Federal Access Board will be consulted on the new voting systems standards. The Access Board has a good deal of insight and experience in solving the accessibility issues facing voters with disabilities. I am also grateful to my colleagues for accepting Senator HARKIN's amendment, which I cosponsored, to make it the Sense of the Senate that ''curbside voting'' should be allowed by states only as a last resort. For many disabled voters, ''curbside voting'' strips away their sacred right to cast a private ballot. It is my hope that these amendments, combined with the $100 million grant program to improve the accessibility of polling places and the new voting systems standards, will ensure that the disabled community and our Nation's veterans will become more involved in our Nation's election process.

One major issue for the Senate was how to strike a balance between preventing voter fraud and ensuring greater participation by legitimate voters. The compromise substitute amendment included provisions that would both include mandatory Federal standards to make the election process easier for legitimate voters and prevent voter fraud. I cosponsored this amendment, because it struck the necessary bipartisan compromise that was required to ensure the passage of election reform legislation.

I voted against the Schumer-Wyden amendment and against two cloture motions regarding this amendment, because I believed that it would destroy this bipartisan compromise. The issue of election reform is so important that it requires broad bipartisan support, as was achieved in the House of Representatives with the Ney-Hoyer bill. While I understand the intentions of the proponents of the Schumer-Wyden amendment, I was concerned that this amendment would strip out the anti-fraud provisions of the compromise, and endanger passage of this bill. My hope was that this impasse would force the parties to work together to achieve meaningful election reform legislation. I am glad that Senators WYDEN and BOND were able to work together to resolve this obstacle, and that we are now voting on final passage of this bill.

Again, I would like to congratulate my colleagues on passing this legislation. It is my hope that the House-Senate Conference on this bill can be resolved soon. We owe it to the American people to ensure that they have fair, open, and accurate elections.

Mr. DASCHLE. Mr. President, I thank the distinguished chairman and ranking member of the Rules Committee, Senators DODD and MCCONNELL, for their incredible leadership, perseverence and hard work in getting us a strong bipartisan election reform bill.

I also thank Senators SCHUMER, BOND, TORRICELLI, MCCAIN and DURBIN for their tireless efforts in crafting this bipartisan substitute amendment. Without their collaboration and compromise, we would not even be considering, let alone passing, this very important piece of legislation.

It has been several months since we first began floor consideration of this bill, and I appreciate the tireless efforts, and diligence that Senator DODD has maintained. Without his leadership we would not be here today.

By working together, our colleagues have produced legislation that will protect the most basic of all American rights: the right to vote, and to have that vote counted.

This bill represents a fair, balanced, and responsible approach.

It will ensure that nondiscriminatory voting procedures exist in every polling place, while strengthening the integrity of the Federal election process.

We all know why this bill is necessary.

We remember the stories from the 2000 elections about: inadequate voter education; confusing ballots; outdated and unreliable voting machines; poll workers who were unable to assist voters who needed assistance because they were overwhelmed or undertrained, or both; and registered voters who were wrongly denied the right to vote, because their English was less than perfect, their name was mistakenly purged from a registration list, or some other equally unacceptable reason.

We heard reports of police roadblocks and other barriers that prevented some voters from even reaching the polls, not in the 1920s or 30s, or even the 1960s, but in 2000.

Today, we are celebrating the 34th anniversary of the 1968 Civil Rights Act, which prohibited discrimination in the sale, rental, or financing of housing.

In every generation, we have tried to tear down barriers to full participation in the life of this Nation.

But there is one means of participation that forms the foundation of every other: the right to vote.

And that is why we cannot allow those barriers to voting, physical or otherwise, which so tainted our democracy in the last century, to stretch into this one.

In all, it is estimated that between 4 million and 6 million Americans were unable to cast a vote, or did not have their vote counted, in the 2000 elections.

Between 4 and 6 million Americans, disenfranchised. In this day and age, that is simply unacceptable.

It is not enough for Congress to document or decry the problems we saw in the last election. We need to fix the problems before the next election.

It should not matter where you live, what color your skin is, or who you vote for. In America, the right to vote must never be compromised. Too many people have given too much to defend that right.

Our system leaves it to States to decide the mechanics of election procedures.

But the right to vote is not a State right. It is a constitutional guarantee. And it is up to us to see that it is protected.

Not all States experienced problems with voting in the last election. And some States that did have problems have taken steps to rectify them, and they are to be commended for that.

But there are still States, nearly 17 months after the 2000 elections, where equal access to the voting booth is not guaranteed. It is time for this Congress to step in and enact basic standards, to ensure that every American who is eligible to vote can vote.

That is what this bill does.

It requires States to ensure that their voting equipment meets minimum Federal standards for accuracy.

It says that voters who cast ''overvotes'' must be notified, and given a chance to correct their ballot.

It ensures that voting machines are accessible to individuals with disabilities, as well as those with limited English proficiency.

It establishes statewide computerized voter registration lists.

And it allows individuals whose names don't appear on voting lists to cast ''provisional'' ballots.

If it is determined that the person's name was left off the registration list mistakenly, the vote will then be counted. This will prevent voters from having to wait hours at the polls, or not vote at all, simply because of someone else's clerical mistake.

These are not onerous requirements, and they are not unfunded mandates. This bill includes $3.5 billion for States, to help them upgrade their voting systems. And it establishes a new,

bipartisan commission to oversee the grant program and administer voting system standards.

I commend my colleagues, particularly the sponsors of this bill, for bringing us such a fair and balanced proposal. And for committing their time and energy to seeing this through.

I am hopeful that this bill will move through conference quickly so we can implement these reforms as soon as possible.

If people are denied their right to vote on issues that affect them directly, or if they fear their votes are not counted, democracy itself is threatened. If that happens, both parties, and all Americans, lose. This bill will go a long way in restoring the integrity of our system and ensuring that all Americans will be truly able to exercise their right to vote.

Voting is the most basic right in our democracy, the one that guarantees the preservation of all other rights against governmental tyranny.

Let us now pass this bill and protect that most basic right.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

Mr. DODD. How much on the Republican side?

The PRESIDING OFFICER. Almost 4 minutes.

Mr. DODD. Almost 4 minutes.

Mr. President, why don't I yield myself 5 minutes, and then the Senator from Kentucky may want to speak for 1 minute, and then we will just move on to the amendments.

Mr. President, first of all, I explained the order of the votes that will occur.

I express my thanks to Senator DASCHLE and his staff and to Senator LOTT and his staff. I know I probably tried the patience of all the staffs of both sides over the last number of weeks as we moved this product forward to get to the point where we are today. I would not want to leave this debate without expressing publicly my sincere gratitude to both the Democratic and Republican floor staffs and the cloakroom staffs for their expression of patience—I say that diplomatically—over the last number of weeks.

Secondly, I express my gratitude to my colleagues in the other body who have worked very hard on this as well. JOHN CONYERS from Michigan is my principal co-author, if you will, of this proposal on the House side, along with my colleagues here, although Congressman NEY and Congressman HOYER also have a very important bill they passed in the House, and we will be working with them.

EDDIE BERNICE JOHNSON, SILVESTRE REYES, the respective heads of the Black Caucus and Hispanic Caucus, as well as friends from the AFL–CIO, worked hard on this.

The Leadership Conference on Civil Rights—I will have printed in the RECORD the respective members of the Leadership Conference; it is a lengthy list—but I express my gratitude to them as well for their efforts.

I join my colleague, Senator MITCH MCCONNELL, in expressing our gratitude to the members of our committee, Senator SCHUMER and Senator TORRICELLI, who worked diligently to bring us to this point. I also want to join the Ranking Member in thanking our colleagues who are not part of the committee. I say to Senator BOND, I really meant what I said last evening. I think—I say to my colleague through the Chair—but for the provisions you added, which are the antifraud provisions, I think this bill would be a far weaker bill, and I am not sure we would even have gotten a bill. So while not a member of the Rules Committee, I know Senator MCCONNELL and I are deeply appreciative of your contribution to this effort.

Senator WYDEN and Senator CANTWELL worked through the Oregon and Washington issue with their respective colleagues. GORDON SMITH was very concerned about this; PATTY MURRAY as well. We thank them for their efforts.

The staffs of our respective offices—Shawn Maher, Kennie Gill and Ronnie Gilliespie, and Carole Blessington, Sue Wright, and Jennifer Cusick who supported them as well—I thank them for their work. I also thank Tam Somerville, Brian Lewis, and Leon Sequeira of Senator MCCONNELL's staff; Julie Dammann and Jack Bartling of Senator BOND's staff; Sharon Levin and Polly Trottenberg of Senator SCHUMER's staff; Sara Wills of Senator TORRICELLI's staff; Carol Grunberg of Senator WYDEN's staff; and Beth Stein of Senator CANTWELL's staff. I thank them for their terrific work. If I have left anyone out, I will add their names before the RECORD is closed today.

I said this before, but Senator MCCONNELL and I are of different political parties. We share the distinction of having gone to the same law school. We represent the alumni association of the University of Louisville. We share that point in common.

I wish to tell him how much I appreciate his efforts. I know he has a lot of things going on. He has had a huge battle on campaign finance reform that occurred in the middle of all of this. The fact that he and his staff would find time to help us work through this election reform bill is something for which I will always be grateful to him. I know I was hounding him. I know I bothered Brian and Jack and others to get this done. And they showed patience, as well, to me and my staff. I am really grateful to them for their help on that.

Lastly—it has been said by others—I know we have a lot of important bills we deal with. We have the energy bill we are considering. We have appropriations bills. And we are dealing with homeland security and terrorism issues.

I do not minimize at all the importance of that. But this bill goes beyond any specific current issue—it goes to the heart of who and what we are as Americans. Aside from the obvious results of the 2000 elections which provoked, I suppose, this discussion and this bill—this effort is not about addressing a single issue or event. We are dealing with the underlying structure of our very Government.

Patrick Henry once said that: The right to vote is the right upon which all other rights depend. The idea that by this legislation we make it easier to vote in this country and more difficult to scam the system is not an insignificant contribution. It may not get the notoriety of other provisions, but the fact that we are proposing to spend $3.5 billion of taxpayer money on our elections system to allow States to improve equipment, to allow people who are disabled, blind to be able to cast a ballot in private and independently—the idea that we are going to have statewide voter registration lists, provisional balloting, these are major, major changes in the law. In addition this bill provides for the establishment of the independent commission on elections, as well as, of course, the antifraud provisions.

I have been proud of a lot of things with which I have been involved in my 22 years. Nothing exceeds the sense of pride I have this morning, as we close out the debate, on this bill and this Senate accomplishment.

Mr. DODD. Mr. President, today is an historic day in the Senate marked by passage of S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act. It has been my great honor and privilege to have served as Chairman of the Rules and Administration Committee during the pendency of this legislative effort and to have served as floor manager during the Senate consideration.

This is landmark legislation. By enacting this bipartisan bill, the Senate will have established the authority, and responsibility, of Congress to regulate the administration of Federal elections, both in terms of assuring that voting systems and procedures are uniform and nondiscriminatory for all Americans and in ensuring the integrity of federal election results. The House has already passed similar legislation and I am confident that a House-Senate conference can act expeditiously to send this measure to the White House.

While we should not underestimate the significance of this action, we have been careful not to overstate the federal role in the administration of Federal elections. This legislation does not replace the historic role of state and local election officials, nor does it create a one-size-fits-all approach to balloting.

It does establish minimum Federal requirements for the conduct of Federal elections to ensure that the most fundamental of rights in a democracy—

the right to vote and have that vote counted—is secure.

In Bush v. Gore, the Supreme Court condemned a recount process that was '' . . . inconsistent with the minimum procedures necessary to protect the fundamental right of each voter . . . ''

The basic equal protection doctrine underlying the majority opinion in Bush v. Gore is consistent with the principle of equal weight accorded to each vote and equal dignity owed to each voter. The Court stated in pertinent part:

The right to vote is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise. Having once granted the right to vote on equal terms, the state may not, by later arbitrary and disparate treatment, value one person's vote over that of another.

This legislation ensures that every eligible American voter is assured of such minimum procedures. Only then can we be sure that every eligible American citizen has an equal opportunity to cast a vote and have that vote counted, so that the integrity of the results of our Federal elections remains unchallenged. That is the minimum that a Federal legislature should do to ensure the vitality of its democracy.

This journey to secure our democratic system of government began when the presidential November 2000 general election exposed to the citizens of this Nation, and the people of the entire world, the inadequacies of our Federal elections system. Throughout the last fifteen months of Congressional review, hearings, and legislative consideration, the efforts of this Senator have been guided by the words of Thomas Paine who described the right to vote as the ''primary right by which other rights are protected.'' I would suggest that those are the words that should guide the consideration and review of this legislative effort.

The bipartisan compromise being adopted by the Senate today is the culmination of several months of work by a dedicated group of our colleagues with strongly held and diverse views on how best to improve our system of Federal elections. The compromise is just that—it is not everything that all of us wanted, but it is something that everyone wanted. And the more than 40 amendments adopted during the debate have further improved the measure. Clearly, in the case of this legislation, the ability of the Senate to freely work its will through amendment and debate has produced a superior product.

This bill is the culmination of efforts begun by the distinguished ranking member, Senator MCCONNELL, in the fall of 2000, as then-Chairman of the Senate Rules Committee.

Shortly after the November 2000 general election, then-Chairman MCCONNELL announced a series of hearings on election reform. Under his leadership, the Committee held an initial hearing on March 14, 2001.

After the leadership of the Senate changed on June 6, 2001, I announced that election reform would continue to be the primary legislative priority of the Committee. As a result, the Rules Committee held an additional three days of hearings last year on election reform, including an unprecedented, and enlightening, field hearing in Atlanta, Georgia on July 23.

The Committee received testimony and written statements from a conglomeration of civil rights organizations, Congressional House members and caucuses, State and local election officials, study commissions, election associations, task forces, academics, and average voters.

But it was the field hearing in Atlanta that underscored this Senator's belief that this issue is not about what happened in one State or in one election. Election reform is about the systemic flaws in our Federal election system that we have long neglected—flaws which the problems in Florida in November 2000 simply brought to our nation's attention.

Prior to the Atlanta hearing, the chief election official of the State of Georgia, Cathy Cox, testified to her experience. In her words:

As the presidential election drama unfolded in Florida last November, one thought was foremost in my mind: there but for the grace of God go I. Because the thought is, if the presidential margin had been razor thin in Georgia and if our election systems had undergone the same microscopic scrutiny that Florida endured, we would have fared no better. In many respects, we might have fared even worse.

Ms. Cox testified before the Rules Committee at its field hearing in Atlanta, hosted by my good friend, the Senator from Georgia, Senator MAX CLELAND. Ms. Cox reflected what many of our state and local election officials believe—it could have been any State in the media spotlight that year—any state where the election was close.

In fact, according to the Caltech-MIT report, other States, including Georgia, Idaho, Illinois, South Carolina, and Wyoming, and other cities, such as Chicago and New York, had higher rates of spoiled and uncounted ballots than Florida. Nor were these problems limited to just the November presidential election.

The shortcomings in our election process have existed in many elections in States across this Nation. The Caltech-MIT report found that there have been approximately 2 million uncounted, unmarked or spoiled ballots in each of the last four presidential elections. During hearings before the Senate Rules Committee last year, Carolyn Jefferson-Jenkins, President of the League of Women Voters, testified that:

. . . [t]he kinds of problems that we saw in 2000 are not unusual. They represent the harvest from years of indifference that has been shown toward one of the most fundamental and important elements in our democratic system.

This concern was confirmed by the General Accounting Office, GAO, which conducted several comprehensive studies on the administration of elections. GAO found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 2000 elections.

Following the Rules Committee hearings, the Committee met on August 2 and voted to order reported S. 565, the Equal Protection of Voting Rights Act. Shortly thereafter, I approached Senator BOND and Senator MCCONNELL and suggested that we attempt to find a bipartisan way to approach election reform. We were joined by Senator SCHUMER and Senator TORRICELLI and began meeting to craft a bipartisan compromise that could be enacted prior to the completion of this Congress.

Each of my colleagues brought a unique perspective to the table. Senator MCCONNELL has been steadfast in his pursuit of a new, bipartisan agency to ensure the continuing partnership between the Federal, State and local governments in Federal elections.

Senator BOND's long-standing interest in ensuring the integrity of Federal elections is reflected in the anti-fraud provisions contained in this compromise. Senator SCHUMER and Senator TORRICELLI were among the first members of the Rules Committee to introduce bipartisan reform measures, and their commitment to the bipartisan process is evident throughout this compromise.

I am grateful to all of them, and to their very talented staff, for the time and dedication that each one committed to ensuring that a bipartisan solution could be presented to the Senate.

Throughout this process, all of us were committed to seeing meaningful reform enacted. All of us were convinced that real reform had to make it easier to vote but harder to defraud the system.

These twin goals—making it easier to vote and harder to corrupt our Federal elections system—underpin every provision of this compromise. These goals are fundamental to ensuring that not only does every eligible American have an equal opportunity to vote and have that vote counted, but that the integrity of the results is unquestioned.

Nothing in this legislation, and no words spoken by this Senator in this debate, should be construed to call into question the results of the November 2000 elections. This effort is not about assessing whether a particular candidate was legitimately elected. The fact that Congress may ultimately enact minimum Federal requirements for the conduct of Federal elections should not imply that prior elections conducted inconsistently with such requirements are somehow less legitimate.

But what we cannot fail to recognize is that the mere closeness of the presidential election in November 2000 tested our system of Federal elections to its limits and exposed both its strengths and its failures.

To underscore the uniqueness of the November 2000 general election, the Carter-Ford National Commission on Federal Election Reform observed, and I quote in pertinent part:

In 2000 the American electoral system was tested by a political ordeal unlike any in living memory. From November 7 until December 12 the outcome of the presidential election was fought out in bitter political and legal struggles that ranged throughout the state of Florida and ultimately extended to the Supreme Court of the United States. Not since 1876–77 has the outcome of a national election remained so unsettled, for so long. The nineteenth century political crisis brought the United States close to a renewal of civil war. Fortunately, no danger of armed conflict shadowed the country in this more recent crisis. The American political system proved its resilience. Nonetheless, the . . . election shook American faith in the legitimacy of the democratic process. . . . [I]n the electoral crisis of 2000 . . . the ordinary institutions of election administration in the United States, and specifically in Florida, just could not readily cope with an extremely close election.

The legitimacy of our democratic process was called into question by a close election because some Americans—be they people of color, or language minority, or disability, or lesser economic condition—believed that the voting system they used, or the administrative processes they encountered, did not provide them an equal opportunity to cast their vote and have that vote counted.

The U.S. Commission on Civil Rights conducted an extensive study on voting irregularities that occurred in Florida during the 2000 presidential election. The Commission found that African-Americans were nearly 10 times more likely than white voters to have their ballots rejected. The Commission found that poorer counties, particularly those with large minority populations, were more likely to use voting systems with higher spoilage rates than more affluent counties with significant white populations.

Additionally, an independent review of Florida's election systems conducted by members of the media found that, quoting from the New York Times and Washington Post:

Black precincts had more than three times as many rejected ballots as white precincts in [the November 2000] presidential race in Florida, a disparity that persists even after accounting for the effects of income, education and bad ballot design . . . [s]imilar patterns were found in Hispanic precincts and places with large elderly populations.

Again, this problem was not limited to Florida. The Committee also heard testimony at the Atlanta hearing that nearly half of all black voters in Georgia used the ''least reliable equipment,'' while less than 25 percent of white voters used that same equipment.

Election reform is clearly the first civil rights battle of the 21st century. As Congresswoman MAXINE WATERS, Chairperson of the Democratic Caucus Special Committee on Election Reform, has stated, ''there is no question, that the right to vote is the most important civil rights issue facing our Nation today.'' The Committee heard testimony to this effect at the Atlanta field hearing from Reverend Dr. Joseph E. Lowery, Chairman of the Georgia Coalition for the People's Agenda. Reverend Doctor Lowery testified that:

No aspect of democracy is more sacred than the right to vote and to have those votes counted. In 1965, thousands of us marched from Selma to Montgomery to urge this nation to remove any and all barriers based on race and color and ethnicity related to the right to vote. . . . Dr. King could not have anticipated that once we secured the ballot in 1965, that we would be back here in 2001 demanding that our government now assure us that our votes are fairly and accurately counted.

And we must ensure that all Americans have an equal opportunity to have their votes counted.

That is why this Senate, and this Congress, and this President, cannot squander this opportunity to reinforce the strengths and correct the failures in our system of Federal elections. To fail to act would be nothing less than an abdication of our collective obligations.

Luckily, unlike many other challenges that are presented to the U.S. Congress, the vast majority of flaws in our federal election system are eminently fixable. As the Carter-Ford Commission found, ''the weaknesses in election administration are, to a very great degree, problems that government can actually solve.''

Further, the Rules Committee found remarkable consensus regarding the problems that exist with our Federal election systems and the statutory changes that need to be made in response. The distinguished Ranking Member, Senator MCCONNELL, noted during one of our hearings that the message to Congress was unanimous: ''Congress must act, and act soon, to come to the aid of states and localities.''

And such cannot be accomplished in a partisan manner. Only through a bipartisan effort to assess and support the strengths and identify and correct the failures can we achieve meaningful, and lasting, election reform.

I submit to my colleagues that the provisions of the bipartisan substitute we are voting on today are intended to accomplish just that.

The principle behind our approach is very simple. The Federal Government has an obligation to provide leadership, both in terms of establishing minimum Federal requirements for the conduct of Federal elections and in terms of providing financial resources to State and local governments to meet those minimum requirements.

For too long leadership at the federal level has been lacking. After the elections of November 2000, Congress can no longer afford to ignore our obligation to the States to be an equal partner in the administration of the elections that choose our national leadership.

The provisions of this bipartisan compromise attempt to meet our obligation by establishing minimum Federal requirements—not a-one-size-fits-all solution—but broad standards that can be met in different ways by every balloting system used in America today. And this bipartisan compromise provides the necessary resources to fully fund these requirements in every one of the 186,000 polling places across this Nation.

Let me first give my colleagues a broad overview of what the bill we are about to adopt does and then go through each section to more fully explain how the provisions will work.

The compromise bill, as improved by amendments adopted during Senate debate, establishes three Federal minimum requirements for Federal elections that will affect voting systems, including machines and ballots, and the administration of Federal elections. These three requirements touch the very voting systems and administrative procedures that alienated Americans across this Nation in November of 2000 and called into question the integrity of the final election results.

The first requirement sets minimum Federal standards that voting systems and election technology must meet by the federal elections of 2006. Essentially, these common sense standards are designed to provide notice and a second-chance voting opportunity for all eligible voters, including the disabled, the blind and language minorities, in case the voter's ballot was incorrectly marked or spoiled.

This requirement conforms to important recommendations from the Caltech-MIT and Carter-Ford Commission reports. As the Carter-Ford report stated, we must '' . . . seek to ensure that every qualified citizen has an equal opportunity to vote and that every individual's vote is equally effective.''

The Carter-Ford report specifically recommended that the Federal Government develop a comprehensive set of voting equipment system standards. The Commission also took great pains to encourage the use of technology and election systems that ensure the voting rights of all citizens, including language minorities. Similarly, the Caltech-MIT report emphasized the importance of equipment that allows voters to fix their mistakes, provides for an audit trail, and is accessible to the disabled and language minorities.

The second requirement provides that all voters be given a chance to cast a provisional ballot if for some reason his or her name is not included on the registration list or the voter's eligibility to vote is otherwise challenged.

Almost every organization that has examined election problems has recommended the adoption of provisional

voting, including, but not limited to the: National Association for the Advancement of Colored People (NAACP); National Commission on Federal Election Reform (Carter-Ford Commission); National Association of Secretaries of State (NASS); National Association of State Election Directors (NASED); National Task Force on Election Reform; Democratic Caucus Special Committee on Election Reform; Caltech-MIT Voting Technology Project; Constitution Project; League of Women Voters (LWV); American Association of Persons with Disabilities (AAPD); Leadership Conference on Civil Rights (LCCR); National Council of La Raza (NCLR); Asian American Legal Defense and Education Fund (AALDEF); U.S. Commission on Civil Rights; and Federal Election Commission.

The Caltech-MIT report estimates that the aggressive use of provisional ballots could cut the lost votes due to registration problems in half. The Carter-Ford Commission recommended going even farther than the compromise. The Commission noted, ''No American qualified to vote anywhere in her or his State should be turned away from a polling place in that State.''

According to a survey by the Congressional Research Service, at least 15 States and the District of Columbia have a provisional ballot statute; 17 States have statutes that provide for some aspects of a provisional balloting process; and 18 States have no provisional ballot statute but have related provisions. For example, five of these States have same-day voter registration procedures and at least one State, North Dakota, does not require any voter registration.

Studies by GAO confirm that over three-quarters of the jurisdictions nationwide had at least one procedure in place to help resolve eligibility questions for voters whose name does not appear on the registration list at the polling place. However, the procedures and instructions developed to permit provisional voting differed across jurisdictions.

Provisional voting, as defined under the bipartisan compromise, would avoid situations like the one recounted to the Democratic Caucus Special Committee on Election Reform by two citizens living in Philadelphia, Juan Ramos and Petricio Morales.

They testified that in Philadelphia, voters whose names did not appear on the precinct roster were forced to travel to police stations and go before a judge, who would then determine whether or not they had the right to vote. Not surprisingly, many voters whose names were missing from the list wound up not voting rather than face these intimidating logistical hurdles.

If an individual is motivated enough to go to the polls and sign an affidavit that he or she is eligible to vote in that election, then the system ought to protect that individual's right to cast a ballot, even if only a provisional ballot. And that right is so fundamental, as is evidenced by its widespread use across this Nation, that we must ensure that it is offered to all Americans, not in an identical process, but in a uniform and nondiscriminatory manner.

And that is what the compromise accomplished by ensuring that so long as the minimum standards were satisfied regarding the provisional voting process, it does not matter what that provisional balloting process is called so long as it is a way to ensure equal access to the ballot box. While all jurisdictions must meet this requirement, the amendment offered by the Senator from New Hampshire, Senator GREGG, further clarifies that those States which are currently exempt from the provisions of the National Voter Registration Act, or Motor-Voter, can meet the requirements for provisional balloting through their current registration systems.

The second requirement also provides that election officials post information in the polling place on election day, such as a sample ballot and voting instructions to inform voters of their rights. Provisional balloting must be available by the Federal elections of 2004, while the posting of voting information on election day must begin upon enactment of the legislation.

GAO found that the two most common ways jurisdictions provided voter information were to make it available at the election office and to print it in the local newspapers.

With respect to sample ballots, 91 percent of the jurisdictions nationwide made them available at the election office, and 71 percent printed them in the local newspaper. Nationwide, 82 percent of the jurisdictions printed a list of polling places in the local paper.

In contrast, only 18 percent to 20 percent of jurisdictions nationwide placed public service ads on local media, performed community outreach programs, and put some voter information on the Internet. Mailing voter information to all registered voters was the least used approach, with 13 percent of the jurisdictions mailing voting instructions, 7 percent mailing sample ballots; and finally, 6 percent mailing voter information on polling locations.

The third requirement is intended to facilitate the administration of elections, especially on election day, and to guard against possible corruption of the system. This requirement calls for the establishment, by Federal elections in 2004, of a statewide computerized registration list that will ensure all eligible voters can vote. It will also ensure that the names of ineligible voters will not appear on the rolls.

The Carter-Ford Commission explicitly recommended that every state adopt a system of statewide voter registration. The Caltech-MIT report similarly recommended the development of better databases with a numerical identifier for each voter. The Constitution Project also called for the development of a statewide computerized voter registration system that can be routinely updated and is accessible at polling places on election day.

Additionally, this requirement establishes identification procedures for first-time voters who have registered by mail. In order to ensure against fraud and the possibility that mail-in registrants are not eligible to vote, first-time voters unless otherwise exempted will present verification of their identify at the polling place or submit such verification with their absentee ballot. The manager's amendment adopted last evening harmonizes this provision with the 2004 effective date for provisional balloting and the creation of computerized statewide registration lists. This is an important change that recognizes the administrative burden of the provision on both States and voters and so provides adequate time for jurisdictions to come into compliance and educate voters about the new provision. This amendment also establishes a uniform effective date of January 1, 2003 for first-time voter registration subject to the first-time voter provision. This assures that all eligible voters, regardless of where they live or vote, will know that if they register to vote after that date, they will have to meet the new requirements for first-time mail-registrant voters.

In order to fund these requirements and other election reforms by the States, the bipartisan compromise establishes three grant programs. The first grant program, the requirements grant program, provides funds to State and local governments to implement these three requirements. The compromise authorizes $3 billion over 4 years, with no matching requirement, for this purpose. Under the amendment offered by Senators COLLINS, JEFFORDS and others, as adopted by the Senate, each State will receive a minimum grant equal to one-half of 1 percent of the total appropriation.

The second grant program is an incentive grant program designed to authorize $400 million in this fiscal year to allow State and local governments to begin improving their voting systems and administrative procedures, even before the requirements go into effect. These funds may also be used for reform measures, such as training poll workers and officials, voter education programs, same-day registration procedures, and programs to deter election fraud.

Finally, in response to the GAO report that 84 percent of all polling places, from the parking lot to the voting booth, remain inaccessible to the disabled, the compromise creates a third grant program to provide funds to States and localities to improve the physical accessibility of polling places. This important initiative will help assure that no matter what the physical impediment, all eligible Americans will be able to not only reach and enter the polling place, but enter the voting

booth to cast their ballot as well. While this bill does not eliminate curbside voting, the amendment offered by Senators MCCAIN and HARKIN, and incorporated into the bill, as well as provisions of the amendment by Senator THOMAS adopted last night, expresses the sense of the Senate that curbside voting be the last alternative used to accommodate disabled voters. We are hopeful that these funds will make that a reality.

The final provision of the compromise establishes a new, bipartisan Federal agency to administer the grant programs and provide on-going support to State and local election officials in the administration of Federal elections. This new entity reflects an appropriate continuing federal role in the administration of Federal elections.

This bipartisan Federal election commission will be comprised of four presidential appointees, confirmed by the Senate, who will each serve a single, 6-year term. In order to ensure that all actions taken by the commission are strictly bipartisan, including the approval of any grants and the issuance of all guidelines, every action of the commission must be by majority vote.

With that overview, let me go through the compromise and explain its provisions in greater detail. The first title of the bill lays out three uniform and nondiscriminatory election technology and administration requirements which shall be met.

Although some have advocated instituting optional reforms, others have insisted that only minimum Federal requirements would ensure that every eligible voter can cast a vote and have that vote counted. The co-author of the ''Equal Protection of Voting Rights Act'' who serves as the ranking Democrat of the House Judiciary Committee, Congressman JOHN CONYERS, cautioned in his testimony before the Rules Committee against adopting measures that would allow ''States to simply elect to opt out of any standards,'' noting that past landmark civil rights bills, including the Voting Rights Act and the Americans with Disabilities Act, also set minimum Federal standards.

As the Democratic Caucus Special Committee on Election Reform reported:

> We do not believe that funding, without some basic minimum standards, is sufficient to achieve meaningful reform. If states were allowed to opt out of the recommended changes in Federal elections, voters in those States would be denied the opportunity to participate in Federal elections on the same basis as voters in other States which adopt the reforms. In presidential elections, where the votes of citizens in one State are dependent on the votes of citizens in others, this discrepancy could diminish the impact of votes in those States that agree to implement these reforms.

The requirements approach is also supported by six members of the Carter-Ford Commission, who wrote in an additional statement following the report that Congress should insist upon certain requirements, including voting systems and practices that produce low rates of uncounted ballots, accessible voting technologies, statewide provisional balloting, and voter education and information, including the provision of sample ballots.

As Christopher Edley, Jr., a member of the Carter-Ford Commission and professor at Harvard Law School, wrote, ''At their core, their reforms are intended to vindicate our civil and constitutional rights. They are too fundamental to be framed as some intergovernmental fiscal deal, bargained out through an appropriations process.''

These requirements are not intended to produce a single uniform voting system or a single set of uniform administrative procedures. On the contrary, they are intended to ensure that any voting system and certain administrative practices meet uniform standards that result in an equal opportunity for all eligible Americans to cast a ballot and have that ballot counted.

GAO found that both a jurisdiction's voting equipment and its demographic make-up had a statistically significant effect on the percentage of uncounted votes. As a result, GAO found that counties with higher percentage of minority voters had higher rates of uncounted votes. GAO also reported that the percentages of uncounted presidential votes were higher in minority areas than in others, regardless of voting equipment. These findings underscore the importance of instituting minimum Federal requirements that will ensure that all voters have an equal opportunity to vote and have their vote counted, regardless of their race, disability or ethnicity or the state in which they reside.

The House Democratic Caucus Special Committee on Election Reform specifically recommended that Congress institute minimum national standards that require voting systems with error detection devices that are fully accessible to elderly voters, voters with physical disabilities, and visually impaired voters. Likewise, six members of the Carter-Ford Commission advised Congress to require states and localities to use voting technologies that produce low rates of uncounted ballots, are accessible to voters with disabilities, are adaptable to non-English speakers, and allow all voters to cast a secret ballot.

The first requirement establishes standards that all voting systems must meet for any Federal election held in a jurisdiction after January 1, 2006.

It is important to note, that with regard to effective dates, the actual date on which the requirements must be implemented will vary from jurisdiction to jurisdiction depending upon when the first Federal election occurs in 2006. A Federal election is intended to include a general, primary, special, or runoff election for Federal office.

There are five basic standards that all voting systems shall meet under the first requirement:

First, a notification procedure to inform a voter when he or she has overvoted, including the opportunity to verify and correct the ballot before it is cast and tabulated. This first standard is modified for voting systems in which the voter casts a paper or punch card ballot or votes are counted at a central location, as provided for in the amendment offered by Senator CANTWELL and incorporated into the bill.

Second, all voting systems must produce a record with an audit capacity, including a permanent paper record that will serve as an official record for recounts. As the Chairman of the Rules Committee, let me advise my colleagues of the importance of this feature in the unlikely event that a petition of election contest is filed with the Senate. Often, in order to resolve such contests, the Rules Committee must have access to an audit trail in order to determine which candidate received the most votes.

Third, all voting systems must be accessible to persons with disabilities.

Fourth, all voting systems must provide for alternative language accessibility; and

Fifth, all voting systems must meet a Federal error rate in counting ballots, which will be established by the new election administration commission.

A few of these standards merit additional discussion. With regard to the first standard, which requires notification to the voter of an over-vote, there has been a great deal of misunderstanding about this provision. The compromise before us made significant changes in the original bill reported by the Rules Committee. The original bill required that voting systems notify a voter of both over-votes and under-votes. This compromise deletes the required notification of an under-vote. While the new commission is charged with studying the feasibility of notifying voters of under-votes, there is no under-vote notification requirement in the compromise.

To further clarify the purpose of over-vote notification, there is no intent to have an adverse impact on any jurisdiction with election administration procedures for instant runoff or preferential voting. All jurisdictions, including Alaska, California, Florida, Georgia, New Mexico and Vermont are not prohibited from using such voting procedures to conduct instant runoff or preferential under this Act.

Notification is an essential standard because it provides an eligible voter a ''second chance'' opportunity to correct his or her ballot before it is cast and tabulated.

The Caltech-MIT report emphasized the need for voting equipment that ''. . . give[s] voters a chance to change their ballots to fix any mistakes . . .'' Similarly, the Carter-Ford Commission explicitly recommended that: ''Voters should have the opportunity to correct errors at the precinct or other polling place . . .''

With regard to the notification, it is the voting system itself, or the educational document, and not a poll worker or election official, which notifies the voter of an over-vote. The sanctity of a private ballot is so fundamental to our system of elections, that the language of this compromise contains a specific requirement that any notification under this section preserve the privacy of the voter and the confidentiality of the ballot.

The Caltech-MIT study noted that secrecy and anonymity of the ballot provides important checks on coercion and fraud in the form of widespread vote buying.

This concern for preserving the sanctity of the ballot, as well as practical differences in paper ballots versus machines, led us to create an alternative notification standard for paper ballots, punch card systems, and central count systems.

Paper ballot systems include those systems where the individual votes a paper ballot that is tabulated by hand. Central count systems includes mail-in absentee ballots and mail-in balloting, such as that used extensively in Oregon and Washington State, and to a lesser extent in Alaska, California, Colorado, Florida, Kansas, and 13 other States where a paper ballot is voted and then sent off to a central location to be tabulated by an optical scanning or punch card system. Under the bill as clarified by Senator CANTWELL's amendment, a mail-in ballot or mail-in absentee ballot is treated as a paper ballot for purposes of notification of an over-vote under section 101 of this compromise, as is a ballot counted on a central count voting system. However, if an individual votes in person on a central count system, as is used in some states which allow early voting or in-person absentee voting, for that voter, such system must actually notify the voter of the over-vote.

In the case of punch cards and paper ballot and central count systems, including mail-in ballots and mail-in absentee ballots, the state or locality need only establish a voter education program specific to that voting system in use which tells the voter the effect of casting multiple votes for a single Federal office.

Regardless of a punch card system or a paper ballot voting system, all mail-in ballots and mail-in absentee ballots must still meet the requirement of providing a voter with the opportunity to correct the ballot before it is cast and tabulated under section 101 of this compromise.

I also want to note for the record that although this compromise provides an alternative method of notifying voters of over-votes for punch card and paper ballot systems, nothing in this legislation precludes jurisdictions from going beyond what is required, so long as such methods are not inconsistent with the Federal requirements under this title or any law described in section 402 of this Act.

In fact, Cook County, Illinois uses a punch card reader that can be programmed to notify the voter of both over-votes and under-votes. It is my understanding that this technology can provide an individual voter with such notification in a completely private and confidential manner. The system allows the voter to correct his or her ballot or override the notice if the voter so desires.

As for the other types of voting systems, namely lever machines, precinct-based optical scanning systems, and direct recording electronic systems—or DREs—the voting system itself must meet the standard. Specifically, the voting system must be programmed to permit the voter to verify the votes selected, provide the voter with an opportunity to change or correct the ballot before it is cast or tabulated, and actually notify the voter if he or she casts more than one vote for a single-candidate office.

Again, it is important to understand that it is the machine itself, and not the poll worker or official, that notifies the voter.

We believe that the bill as amended recognizes the inherent differences between paper ballot systems and mechanical or electronic voting systems, and is a reasonable accommodation which nonetheless ensures that all voters will have the information and the notice necessary to avoid spoiling their ballot due to an over-vote.

Let me also take a minute to discuss the disabled accessibility standard. This is perhaps one of the most important provisions of this compromise. The fact is ten million blind voters did not vote in the 2000 elections in part because they cannot read the ballots used in their jurisdiction. In this age of technology that is simply unacceptable.

The Committee received a great deal of disturbing testimony regarding the disenfranchisement of Americans with disabilities. Mr. James Dickson, Vice President of the American Association of People with Disabilities, testified that our Nation has a ''. . . crisis of access to the polling places.'' Twenty-one million Americans with disabilities did not vote in the last election—the single largest demographic groups of non-voters.

To respond to this ''crisis of access,'' this compromise requires that by the federal elections of 2006, all voting systems must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired. Most importantly, that accommodation must be provided in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

In order to assist the states and localities in meeting this standard, the bill adds an important new provision that allows jurisdictions to satisfy this standard through the use of at least one direct recording electronic (DRE) voting system in every polling place.

Let me note that these voting systems are not just for the use of the disabled. According to GAO, approximately 12 percent of registered voters nationwide used DREs in the last Federal election. Obviously, anyone in the polling place can use the system. But these machines can be manipulated by not only the blind and vision-impaired, but by paraplegic and other individuals with motor skill disabilities.

Furthermore, the Caltech-MIT study suggests that DREs have the potential to allow for more flexible user interfaces to accommodate many languages. This means that DRE voting systems can also be used to meet the accessibility requirements for language minorities as well. Moreover, the bill does not require that a jurisdiction purchase a DRE to meet the accessiblity requirements. Jurisdictions may also choose to modify existing systems to meet the needs of the disabled.

Some of my colleagues have expressed concerns that this may be a wasteful requirement for jurisdictions that have no known disabled voters. Let me make clear that the purpose of this requirement is to ensure that the disabled have an equal opportunity to vote, just as all other non-disabled Americans, with privacy and independence. It is simply not acceptable that the disabled should have to hide in their homes and not participate with other Americans on election day simply because no one knows that they exist.

I have indicated my willingness to look at the impact of the each of the bill's provisions on small communities and rural areas in conference, and the amendment by Senator THOMAS adopted last evening expresses that. With regard to the disability provisions, I will do so with the twin goals of ease of administration but equality of voting opportunity in mind.

Finally, let me touch on the issue of alternative language accessibility. This standard generally follows the procedures for determining when a language minority must be accommodated under the Voting Rights Act, with an important difference. The Voting Rights Act recognizes only four general groups of language minorities: Asian Americans, people of Spanish heritage, Native Americans and native Alaskans.

This compromise leaves in place the numerical triggers under the Voting Rights Act. It merely allows groups who otherwise do not meet the very narrow definition in the Voting Rights Act to nonetheless receive an alternative language ballot. So, if a Haitian or a Croatian population meets the numerical triggers, they, too, will have access to bilingual materials in their native language.

With the addition of section 203 in 1975 to the Voting Rights Act of 1965, Congress sought to increase voter turnout of language minorities by requiring bilingual voting assistance.

In 1992, Congress amended, reauthorized and strengthened section 203 by

passing the Voting Rights Language Assistance Act with an expiration date of 2007.

This Act requires states and political subdivisions with significant numbers of non-English speaking citizens of voting age to improve language assistance at the polls for American voters. The required bilingual assistance includes bilingual ballots, voting materials, and oral translation services.

These bilingual services are triggered when the Census Bureau determines that more than 5 percent of the voting age citizens are of a single language minority and are limited-English proficient; or more than 10,000 citizens of voting age are members of a single language minority who are limited in their English proficiency.

Here we are in 2002 with the same concerns for our language minorities. Accordingly, our compromise follows the Congressional tradition of strengthening voting assistance to our language minority citizens by including language minority groups that were not included in earlier amendments to the Voting Rights Act. It merely widens the coverage of language minorities to ensure that a large number of limited-English speakers may participate in the elections process.

This is accomplished by ensuring alternative language accessibility to voting systems, provisional balloting, and inclusion as a registered voter in the statewide voter registration lists. These safeguards provide an equal opportunity for all eligible language minorities to cast a vote and have that vote counted.

In the spirit of minority language accessibility under the Voting Rights Act, the purpose of this bill is to establish uniform, nondiscriminatory standards for voting systems and administration of elections. To continue to recognize only four distinct language minority groups is neither uniform nor nondiscriminatory.

This Act also provides for a Commission study to determine whether the voting systems are, in fact, capable of accommodating all voters with a limited proficiency in the English language and make necessary recommendations.

This compromise includes provisions specifying how lever voting systems may meet the multilingual voting requirements if it is not practicable to add the alternative language to the lever voting system and the state or locality has filed a request for a waiver.

Finally, the requirement that voting systems meet a uniform, national error rate standard is a particularly important reform. Requiring voting systems to conform to a nationwide error rate ensures the integrity of the results and greater uniformity and nondiscriminatory results in the casting and tabulating of ballots. It is important to note that error rates encompass more than just errors due to the mechanical failure of the equipment and can reflect design flaws that impede the ability of voters to accurately operate the voting system. Error rates should reflect the design, accuracy, and performance of systems under normal voting conditions.

Similarly, operating failures of the voting system, or voter confusion about how to operate technology or use various types of ballots, may be the result of unclear instructions or poor ballot design. The Committee received information from the American Institute of Graphic Arts regarding the importance of design in the voting experience. AIGA has been working with the Federal Election Commission to educate the FEC on the importance of communication design. It would be appropriate for the new Election Administration Commission to study the issue of communication design criteria and consider incorporating such ideas into its guidelines.

In order to ensure that states and localities have sufficient time to meet these requirements, the compromise directs that the Office of Election Administration—which is currently housed at the Federal Election Commission but will be transferred to the new Election Administration Commission—issue revised voting system standards by January 1, 2004, two years before the standards must be in place. This should give vendors sufficient time to modify and certify their products and allow State and local governments to procure DREs which are disable accessible for each polling place.

Most importantly, the compromise states that nothing in the language of the voting system requirements shall require a jurisdiction to change their existing voting system for another. Unlike the H.R. 3295, the bill that passed the House, this compromise presumes, protects, and preserves, all methods of balloting. And while some systems may have to be enhanced or modified to some extent, or additional voter education conducted, no jurisdiction is required by this bill to exchange the current voting system used in that jurisdiction with a new system in order to be in compliance.

However, the voting system that is in use must meet these standards in order to ensure that all eligible voters have access to a uniform, nondiscriminatory system.

It is vitally important that the Congress institute these basic voting system standards. As Congresswoman EDDIE BERNICE JOHNSON, Chair of the Congressional Black Caucus testified, ''All over the world, the United States is seen as the guarantor of democracy. This country has sent countless scores of observers to foreign lands to assure that the process of democracy is scrupulously maintained. We cannot do less for ourselves than we have done for others.''

The second Federal minimum requirement contained in the compromise provides for provisional balloting and the posting of voting information in the polling place on election day.

For Federal elections beginning after January 1, 2004, State and local election officials shall make a provisional ballot available to voters whose names do not appear on the registration rolls or who are otherwise challenged as ineligible.

In order to receive a provisional ballot, the voter must execute a written affirmation that he or she is a registered voter in that jurisdiction and is eligible to vote in that election. Once executed, the affidavit is handed over to the appropriate election official who must promptly verify the information and issue a ballot.

The election official then makes a determination, under state law, as to whether the voter is eligible to vote in the jurisdiction, or not, and shall count the ballot accordingly.

It is important to note that in some jurisdictions, the verification of voter eligibility will take place prior to the issuance of a ballot based upon the information in the written affidavit. In other jurisdictions, the ballot will be issued and then laid aside for verification later. Both procedures are equally valid under the compromise, and the amendment adopted last evening, offered by the Senator from Michigan, Senator LEVIN, reflects that. The authors of the compromise have repeatedly said that we do not require a one-size-fits-all approach to elections in this bill. The same is true for the provisional balloting requirement which provides flexibility to states to meet the needs of their communities in slightly differing ways.

In order to ensure that voters who cast provisional ballots are properly registered in time for the next election, within 30 days of the election the appropriate election official must notify, in writing, those voters whose ballots are not counted. A voter whose provisional ballot is counted does not have to be individually notified of such.

This bipartisan compromise requires all 50 States and the District of Columbia to provide for provisional balloting in Federal elections, even if a State also permits same-day registration or requires no registration. In States without voter registration requirements, provisional balloting will protect the rights of voters whose eligibility to cast a ballot is officially challenged, for whatever reason, at the polling place.

In States with same-day voter registration, the right to cast a provisional ballot will protect an eligible voter who pre-registers and whose name is not on the official list of eligible voters or whose eligibility is challenged by an election official, but who cannot re-register on Election Day. For example, a properly registered legal voter heading to the polls might not carry the identification required by the State for same-day voter registration. Under this compromise, if that voter's

name does not appear on the list of eligible voters or the voter's eligibility is officially challenged, the voter could cast a provisional ballot. If the voter does have the identification required to register on Election Day, he or she would have the option of registering again and casting a ballot in accordance with state law. Same-day registration thus not only boosts voter turnout but also offers another way that states can guard against disenfranchising voters as the result of registration problems that arise on election day.

This compromise further ensures that a voter will receive a provisional ballot if he or she needs one. The provisional ballot will be counted if the individual is eligible under State law to vote in the jurisdiction. It is our intent that the word ''jurisdiction,'' for the purpose of determining whether the provisional ballot is to be counted, has the same meaning as the term ''registrar's jurisdiction'' in section 8(j) of the National Voter Registration Act.

However, the appropriate election official must also establish a free access system, such as a toll-free phone line or Internet website, through which any voter who casts a provisional ballot can find out whether his or her ballot was counted, and if it was not counted, why it was not counted. Voters casting a provisional ballot will be informed of this notification process at the time they vote. And the compromise requires that the security, confidentiality, and integrity of the information be maintained.

In order to ensure that voters are aware of the provisional balloting process and are provided information about sample ballots and their voting rights, the compromise requires that certain election information be posted at the polling place on election day. This is a significant change from the original bill which required an actual mailing to each registered voter or the equivalent of such notice through publication and media distribution. Although some states already mail individual sample ballots to the homes of registered voters and post voting information in the polling place, the compromise will establish a national uniform standard with respect to voting information.

Like provisional voting, increased voter education is widely endorsed. The Carter-Ford report recommends the use of sample ballots and other voter education tools. The report of the Democratic Caucus Special Committee on Election Reform also urged increased voter education efforts, especially targeted to new voters.

The Caltech-MIT report advocates increased voter education, including the publication of sample ballots, providing instructional areas at polling places, and additional training for poll workers, as a way to reduce the number of lost votes. Other organizations support additional voter education, including the League of Women Voters, the Constitution Project, and the NAACP.

Voter education is particularly important for communities disproportionately impacted by the current inadequacies in our voting systems. As Anil Lewis, President of the Atlanta metropolitan chapter of the National Federation of the Blind, testified to at the Committee hearing in Atlanta:

> Many of the disenfranchised, disabled voters do not have [a] record of knowing that the polls are now accessible. Many of them, out of frustration, have refused to go to the polls to vote. They have not taken advantage of the absentee opportunity to vote as an absentee ballot, but by educating them that these accommodations are now in place, we are going to increase the vote turnout for people with disabilities.

Hilary O. Shelton, president of the Washington, D.C. chapter of the NAACP, testified before the Committee about poll workers who told African-American voters that they could not have another ballot after they had made a mistake on their first one, despite a State statutory requirement that voters be given another punch card if they needed one.

The clear message the Committee received is that voters, particularly those with special needs, simply do not know what services and voting opportunities are available to them. This requirement will ensure that voting information will be provided.

The specific information that must be posted in the polling place includes: a sample ballot with instructions, including instructions on how to cast a provisional ballot; information regarding the date and hours the polling place will be open; information on the additional verification required by voters who register by mail and are voting for the first time; and general information on voting rights under Federal and State law and instructions on how to contact the appropriate official if such rights are alleged to have been violated.

The requirement for posting voting information in the polling place is effective for federal elections which occur after the date of enactment of the legislation.

While it is not anticipated that extensive guidelines will be necessary to implement the provisional ballot requirement, any such guidelines must be issued by January 1, 2003, either by the Department of Justice, or the new Election Administration Commission if it is up and running.

The third requirement calls for the creation of a statewide computerized voter registration list and new verification procedures for first-time voters who register by mail. This requirement will facilitate the administration of election day activities and addresses concerns about possible voter registration fraud. Although GAO found there is less than a 1 percent to 5 percent incident of fraud nationwide the reality is that even an insignificant potential for fraud can undermine the confidence of voters, election officials, political parties, etc., in the results of a close election.

More specifically, GAO found as a general matter that most jurisdictions did not identify this type of fraud as a major concern, because state and local election officials have established procedures for preventing mail-in absentee fraud.

GAO estimated that less than 1 percent to 5 percent of jurisdictions nationwide experienced special problems with absentee voting fraud during recent elections. However, the absentee voting fraud concerns tend to fall into three categories, including: one, someone other than the appropriate voter casting the mail-in absentee ballot; two, absentee voters voting more than once; and three, voters being intimidated or unduly influenced while voting the mail-in absentee ballot.

GAO also reported that during the November 2000 elections, local election jurisdictions used several procedures to prevent fraud in the above three areas, including providing notice to such voters about the potential legal consequences of providing inaccurate or fraudulent information on the balloting materials.

Finally, GAO reported that some of the local election officials commented that they had referred certain cases to the local District Attorney's office for possible prosecution.

Specifically, the third requirement of the compromise provides that each State, acting through the chief State election official, shall establish an interactive computerized statewide voter registration list by the first Federal election in 2004.

This computerized list must contain the name and registration information for every legally registered voter in the State. To ensure accurate list maintenance and to deter potential fraud, the list must assign a unique identifier to each voter, and the list must be accessible to State and local election officials in the State. Furthermore, the compromise permits the use of social security numbers for voter registration while ensuring that privacy guarantees are maintained.

List maintenance must be performed regularly, and the purging of any name from the list must be accomplished in a fashion that is consistent with provisions of the National Voter Registration Act, more commonly known as the Motor-Voter law.

While this compromise reflects a belief that technology can provide an effective deterrent to fraud through the use of computerized registration lists, the amendment offered last evening by Senator NICKLES also ensures that such technology is not subject to unauthorized use by hackers or others who wish to defraud the system by use of technology. Similarly, voting system error rates doe not include system security. A voting system with a computer modem, such as used in the DRE and optical scan technology, could be compromised through a computer network. Senator NICKLES amendment requires that State and local officials address

the security of voting systems technology. It would also be appropriate for the new commission to consider developing security protocols for voting systems as a part of its overall responsibility for overseeing the creation and updating of the voluntary voting system standards.

Essentially, the compromise provides for the removal of individuals from official voter registration lists if such individuals are not eligible to vote. There are many reasons an individual might be ineligible to vote. The individual may have moved outside the State or may have died. Some may have been convicted of a felony or been adjudicated incompetent, either of which may under some State laws could end the individual's eligibility.

The compromise provides a mechanism for removing the names of such individuals from the rolls. Under this mechanism there are three essential elements. First, the individual is to be notified that the State believes he or she is ineligible. Second, the individual is to have an opportunity to correct erroneous information or to confirm that his or her status has changed. And third, if the individual has not responded to the notice, the individual is to be given an opportunity to go to the polls and correct erroneous information and then vote.

This third element is needed to ensure that the right to vote is not dependent on the mails. It allows an individual to correct erroneous information when that individual goes to the polls. These are the mechanisms outlined in the National Voter Registration Act, and these are the mechanisms that will be used under this compromise to remove any ineligible individuals from the voter registration rolls.

In addition, under this compromise, a State or its subdivisions shall complete, not later than 90 days prior to the date of an election, any program that systematically removes the names of ineligible voters from an official list of eligible voters.

And, of course, any voter removal system must be uniform, nondiscriminatory and in compliance with the Voting Rights Act. The voter removal system shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

The managers of this bill intend to ensure, and the legislation ensures, that only voters who are not registered or who are not eligible to vote are removed from the voter rolls.

As a practical matter, once the computerized list is up and running, list maintenance will be almost automatic. While many of us have read of allegations of massive duplicate registrations, the truth is that even though duplicate names appear on more than one jurisdiction's list, the vast majority of voters only live in one place and only vote in one place.

In a highly mobile society likes ours voters move constantly. And while they may remember to change their mailing address with the post office, with utility companies, and with the bank and credit card companies, they may not even think about changing their address with the local election official until it comes time to vote.

If there is no statewide system for sharing such information, voters can easily remain on lists long after they have moved. If the State or jurisdiction is not vigilant about conducting list maintenance, the number of so-called duplicate names can easily grow.

The State of Michigan has a very good system which we used as a model for judging what was possible under this requirement. As I understand it, under the Michigan system, when a voter changes his or her address, the address change is entered into the system, and it automatically notifies both jurisdictions simultaneously. This results in an automatic update which precludes the possibility of duplicate registration.

Moreover, while the compromise does not require it, many States will make this computerized list available to local officials at the polling place on election day. This tool can then be used to immediately verify registration information at the polling place, without the frustration of dialing into a toll-free number that always rings busy.

Let me also address an issue that has been raised by local election officials. Some local officials are concerned that they will lose the ability to effectively manage their voter rolls if the primary responsibility for input and list maintenance is shifted to the State.

This requirement does not specify who is responsible for the daily maintenance of the list—that is left to each State to decide as it best sees fit. However, in order to have an interactive statewide list, a central authority must have the ultimate responsibility for establishing such a computerized system.

That responsibility falls clearly to the chief State election official. This proposal envisions close cooperation and consultation with local election officials who are interacting with new voters every day.

Several States have already begun implementing such systems or have been running such systems for years. The Council of State Governments notes that the States of Oklahoma, Kentucky and Michigan have particularly good models for other States to follow.

To further guard against potential fraud, the third requirement also establishes new verification procedures for first-time voters who register by mail.

In the case of an individual who registers by mail, the first time the individual goes to vote in person in a jurisdiction, he or she must present to the appropriate election official one of the following pieces of identification: a current valid photo id; or a copy of any of the following documents: a current utility bill; a bank statement; a government check; a paycheck; or another government document with the voter's name and address.

The compromise does not specify any particular type of acceptable photo identification. Clearly, a driver's license, a student ID, or a work ID that has a photograph of the individual would be sufficient.

If the voter does not have any of these forms of identification, he or she must be allowed to cast a provisional ballot, following the procedures outlined in the second requirement of the compromise under Section 102.

In the case of a voter who registers by mail and votes absentee for the first time in the jurisdiction, the voter must include a copy of one of these pieces of identification with their absentee ballot.

It is important to note that it is the voter, and not the State or local election official, who determines which piece of identification is presented for the purposes of casting a provisional ballot.

A first-time voter may avoid producing identification at the polling place or including it with an absentee ballot by mailing in a copy of any of the listed pieces of identification with his or her voter registration card.

Additionally, as added by the amendment of the Senator from Oregon, Senator WYDEN, adopted last evening, the voter may choose to submit his or her driver's license number or the last four digits of his or her Social Security number which the State can then match against an existing database to see if the number submitted match the name, address, and number in the state file. In the event that a first-time mail-registrant voter cannot produce the required identification, he or she may cast a provisional ballot if voting in person. In the case of a mail-in ballot, if the required identification verification information is not included, the ballot will nonetheless be counted as a provisional ballot.

This is an important and common sense change to the compromise which preserves the anti-fraud provisions while at the same time providing voters with more options for verifying their identity while increasing the flexibility of State and local administrators to verify such identity. Either way, it will be easier to vote and harder to defraud the system. I am greatly appreciative to all of my colleagues, and their staff, for working so diligently to achieve this modification.

The compromise also preserves the existing exemptions under the Motor-Voter law under section 1973gg–4(c)(2) of title 42 in the implementation of this compromise. A State may not by law require a person to vote in-person if that first-time voter is: one, entitled to vote by absentee ballot under section 1973ff–1 of title 42 of the Uniformed

and Overseas Citizens Absentee Voting Act; two, provided the right to vote otherwise than in-person under section 1973ee–1(b)(2)(b)(ii) and 1973ee–3(b)(2)(b)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; and three, entitled to vote otherwise than in-person under any other Federal law.

There is no question about the intent to this Senator. The exemptions under Motor-Voter are preserved under this compromise. There is no attempt to change current law with respect to preserving the long-standing practice of States permitting eligible uniform service voters and eligible American overseas voters to continue to vote by absentee ballot without this first-time voters requirement attaching.

Similarly, there is no attempt to change current law with respect to preserving the States' practice of permitting disabled voters and senior voters to continue to vote by absentee ballot without this first-time voter requirement attaching.

According to GAO, ''All states provide for one or more alternative voting methods or accommodations that may facilitate voting by people with disabilities whose assigned polling places are inaccessible.'' For example, all States have provisions allowing voters with disabilities to vote absentee without requiring notary or medical certification requirements, although the procedures for absentee voting vary among States. The GAO State survey demonstrates that all States permit absentee voting for voters with disabilities. There is no intent to change the underlying law for any of these covered individuals since covered individuals are not subject to the requirements for first-time voters under Section 103.

Finally, the compromise adds two new questions to the mail-in registration form under the Motor-Voter law. These questions are designed to assist voters in determining whether or not they are eligible to register to vote in the first place and thus reduce the number of ineligible applications. When a non-citizen fills out a voter registration form while waiting to renew a driver's license, or a 16 year-old high school senior applies to vote along with his or her classmates during the voter registration drive at the high school, it does not mean that these individuals are attempting to defraud the system. They may actually be very civic-minded individuals who are just misinformed about whether or not they are eligible to register.

These two additional questions will help alert such voters to the fact that they are not yet eligible to vote. First, the mail-in registration card must include the question with a box for checking ''yes'' or ''no'': ''Are you a citizen of the United States of America?'' Second, the mail-in registration card must include the question with a box for indicating ''yes'' or ''no'': ''Will you be 18 years of age on or before election day?'' If a voter answers ''no'' to either question, the registration card must instruct the voter not to fill out the form.

There has been an issue raised with regard to those States that allow for early registration and the impact of this provision on that. However, this bill only applies to Federal elections and a voter must be 18 years of age to vote in a Federal election. This requirement does not affect State law with regard to the minimum age for registration.

To the extent that guidelines are required to implement the statewide computerized voter list requirement or the first-time voter provision, the Department of Justice, or the new commission if it has been constituted, must issue these guidelines by October 1, 2003.

As with any such law, enforcement of the three requirements in Title I will fall to the Department of Justice, and the rights and remedies established under this bill are in addition to all others provided by law.

Title II of the measure before us contains three grant programs to assist states in meeting the minimum Federal requirements and to fund other election reform initiatives.

From the beginning of this debate it has been clear to this Senator that the Federal Government has not lived up to its responsibility to ensure adequate funding for the administration of Federal elections. The fundamental principle of this bipartisan compromise is that if the Federal Government is going to establish minimum requirements for the conduct of Federal elections, then we must provide the resources to State and local governments to meet those requirements.

Of equal importance is the principle that there should not be a one-size-fits-all approach to meeting the Federal minimum requirements. Consequently, the compromise provides broad latitude to States and localities on how they meet the minimum requirements and what specific activities they fund with the Federal grants.

The first grant program authorizes $3 billion over 4 years for grants to State and local governments to be used to meet the three minimum Federal requirements of the bill. The only limitation on the use of these funds is that they be used to ''implement'' these requirements. The compromise envisions that implementation activities may vary widely both between States and across jurisdictions within a State. Clearly, funds may be used to purchase new voting systems or enhance or modify existing ones.

Obviously, specific grant approvals will necessarily have to be made by the Department of Justice or the new Election Administration Commission once it becomes effective, in light of the overall funding requests. However, it is the intent of this Senator that States and localities be given broad latitude in making the case that the reforms they seek to fund are in direct support of the implementation of these requirements.

For example, a State may decide to upgrade an entire State from a lever voting system to an electronic system in order to meet the accessibility standard for the disabled. Clearly, the purchase of a new, statewide system would be an authorized activity used to implement the voting system standards of the first minimum requirement. But to meet the same requirement, another State might use these funds to lease one DRE machine for each polling place. That would be equally allowable and in compliance with this compromise.

Similarly, if some jurisdictions within a State use a central count punch card system, funds may be used to implement the voter education program required to notify voters of the effect of an over-vote, while other jurisdictions within that same State might use the funds to purchase precinct-based optical scan systems.

If a State or jurisdiction appears to already meet the requirements of the bill, but wishes to upgrade old equipment to newer models or add improvements to ensure that it will continue to be in compliance, such would also be an allowable use of funding.

The compromise also authorizes retroactive payments for those jurisdictions which incurred expenses on or after January 1, 2001 for costs that would otherwise have been incurred to implement the minimum requirements. An amendment offered by Senators CHAFEE and REED, which was adopted by the Senator, clarifies that multi-year contract for the purchase of voting systems can also qualify for retroactive payments.

There is no matching requirement for these grants. If we are going to require that States and localities meet certain minimum Federal standards with regard to Federal elections, then we should provide them with the Federal resources to do so.

The requirements of the grant application process are designed specifically to allow both States and localities to apply for funds without creating either overlapping funding or inconsistencies within States.

To apply for funds to implement the requirements, States must submit an application to the attorney general with a State plan.

The State plan contains four basic components.

First, a description of how the state will use the funds to meet the three minimum requirements, including a description of how State and local election officials will ensure the accuracy of voter registration lists; and the precautions the State will take to prevent eligible voters from being removed from the list.

Second, an assessment of the susceptibility of Federal elections in the State to voting fraud and a description of how the State intends to address such.

Third, assurances that the State will comply with existing Federal laws, specifically: Voting Rights Act; Voting Accessibility for the Elderly and Handicapped Act; Uniformed and Overseas Citizens Absentee Voting Act; National Voter Registration Act (or Motor-Voter); and Rehabilitation Act of 1973.

Fourth, and finally, the State plan must include a timetable for meeting the elements of the plan.

In order to ensure the broadest support for the State plan, it must be developed in consultation with State and local election officials and made available for public review and comment prior to submission with any grant application.

In addition to the State plan, each application must include a statement of how the State will use the Federal funds to implement the State plan.

Localities may also submit a separate application for funds, but the use of funds must be consistent with the State plan. The application must also contain any additional information required by the attorney general or the new commission once it is effective.

Grant recipients must keep such records as the attorney general determines and, as is usually the case for Federal grant programs, any grant recipient may be audited by the attorney general or comptroller general. Grantees may be required to submit reports, and the attorney general must report to Congress and the President annually on the activities funded under this program.

One of the goals of this legislation is to encourage states and localities to move forward with election reform initiatives and apply for Federal grants, even before the effective dates established for meeting those requirements.

This is reflected in the larger appropriations in the early years and the fact that the appropriations remain available until expended.

This is one of the provisions of the committee-reported bill which has been retained in the compromise. The requirements under this compromise are so simple and so self-explanatory, that we do not believe that complicated guidelines, much less full-blown regulations, are going to be necessary to implement the requirements.

Consequently, the original bill, and this compromise, encourages States and localities to move expeditiously by essentially providing for a grandfathering of early action.

The compromise allows jurisdictions that apply for Federal grants prior to the issuance of any guidelines or standards to nonetheless receive funding to implement the requirements of the bill. If the attorney general approves the grant, then that approval acts as a determination that the State plan, and the activities in the State plan which will be funded with the grant, are deemed to otherwise comply with the minimum requirements of the bill.

However, in encouraging quick action we did not want to deter State and local governments, much less penalize them if the early action they took turns out to be somehow inconsistent with subsequently issued guidelines. The most obvious instance in which this might occur would be with regard to the voting system standards and the not-yet-issued voting system error rate.

In order to avoid placing a State or locality at risk of non-compliance, the compromise essentially grandfathers the action that the State takes pursuant to an approved State plan and grant application and provides a safe harbor from enforcement actions on that basis.

Without such a provision, the Federal Government might end up literally funding a State or locality twice for essentially the same reform—once when the State took early action and a second time when any subsequent guidelines or standards were finally issued.

Moreover, in promoting early action, the safe harbor provision attempts to give jurisdictions a reasonable amount of time to come into compliance with any subsequently issued guidelines or standards by extending the grandfather period to 2010, except for the requirements for disability access. Although the effective dates for most of the requirements are 2004 and 2006, this additional time period provided by the grandfather provision will minimize the otherwise disruptive effect to both voters and election officials of repeated changes to systems and procedures. It will also provide those States poised to act with the assurance that the decision to take early action will not end up in an enforcement action.

With regard to the disability accessibility standard under the voting system requirement, because the bill provides for a specific compliance mechanism in the requirement of one DRE machine in every polling place, it was believed that the extended safe harbor period was unnecessary and potentially disruptive to the disabled community. Consequently, in taking early action jurisdictions will still have to meet the disability access standards by 2006.

Similarly, with this same goal of encouraging States to take early action, the compromise creates a second incentive grant program designed to fund other election reform initiatives not necessarily funded under the requirements grant program.

The incentive grant program authorizes $400 million in this fiscal year to fund such activities as: poll worker and volunteer training; voter education; same-day registration procedures; procedures to deter and investigate voting fraud; improvements to voting systems; and action to bring the jurisdiction into compliance with existing civil rights laws.

The compromise also establishes a program to recruit and train college students to serve as poll workers.

The incentive grant programs has a matching requirement of 80 percent Federal to 20 percent State or local funding. The attorney general, however, can reduce the 20 percent matching requirement for States or localities that lack resources.

Although grants cannot be used to implement reforms that are inconsistent with the minimum Federal requirements, these grants can be used to take interim action to bring voting systems into compliance.

As with the requirements grant program, early action under the incentive grant program to implement the three minimum requirements is similarly grandfathered to 2010, with the exception of the disability requirements.

To apply for incentive grant funds, a State or locality submits an application to the attorney general or the new commission upon its enactment. Patterned after the requirements of the legislation introduced by Senators MCCONNELL and SCHUMER as S. 953, applications for incentive grant funds must contain a specific showing that the jurisdiction is in compliance with a number of existing civil rights laws, including: Voting Rights Act; Voting Accessibility for the Elderly and Handicapped Act; Uniformed and Overseas Citizens Absentee Voting Act; National Voter Registration Act; Americans with Disabilities Act; and Rehabilitation Act of 1973.

Before a grant application can be approved, the assistant attorney general for civil rights must certify that the jurisdiction is either in compliance, or has demonstrated that it will be using the grant funds to come into compliance, with these laws. Entities which receive funds to come into compliance with these laws are subject to audit.

The purpose of this provision is not to penalize or place in jeopardy those jurisdictions which are attempting to overcome compliance issues. Instead, it is intended to provide a source of funds for States or localities to address compliance issues under existing civil rights laws before facing the effective dates for minimum Federal standards under this new civil rights law. To ensure that jurisdictions are not penalized by this process, the compromise prohibits action being brought against a State or local government on the basis of any information contained in the application.

In order to ensure that these funds are available this year, the attorney general must establish any general policies or criteria for the application process so that grant applications can be approved no later than October 1, 2002.

The final grant program contained in Title II of the compromise provides funds to make polling places physically accessible to the disabled. GAO found that 84 percent of all polling places in the United States are not physically accessible from the parking area to the voting room. Moreover, not one of the 496 polling places visited by GAO on election day 2000 had voting equipment adapted for blind voters.

This is a modest grant program which authorizes $100 million beginning in fiscal year 2002, with such funds to remain available until expended. States or localities may use these funds to ensure accessibility of polling places, including entrances, exits, paths of travel and voting areas of the polling facility.

Funds may also be used for education and outreach programs for those with disabilities to inform voters about the accessibility of polling places. Education programs to train election officials, poll workers and volunteers on how best to promote access and participation of individuals with disabilities can also be funded under this program.

This grant program will also be administered initially by the Department of Justice, and then by new Election Administration Commission. However, the general policies and criteria for the approval of applications for the accessibility grant program will be established by the Architectural and Transportation Barriers Compliance Board, also known as the Access Board, which was established under the Rehabilitation Act of 1973.

The Access Board is uniquely qualified to determine what physical modifications would be appropriate to make polling facilities accessible to disabled voters. The Board must establish such policies in time to ensure that applications can be approved by October 1, 2002.

Grants under the accessibility grant program are funded at an 80 percent Federal share, although the Attorney General can provide a greater share to jurisdictions which lack resources. Grantees must keep appropriate records and are subject to audit.

The final title of the compromise establishes a new independent agency within the executive branch for administering the three grant programs and providing on-going assistance to State and local governments in the administration of Federal elections.

The Election Administration Commission will be composed of four members appointed by the President and confirmed by the Senate. To reflect the need for a continuing nonpartisan approach to election administration, no more than two commissioners may be members of the same political party.

In recognition of the national significance of these appointments and to ensure the broadest bipartisan support for the President's nominees, the four respective leaders of the House and Senate, including the Speaker and the House Minority Leader and the Majority and Minority Leaders of the Senate, shall each submit a candidate recommendation to the President before the initial appointment of nominees and prior to the appointment of a vacancy.

The qualifications for appointment to the new commission reflect the desire to create a diverse and experienced commission that will bring more to the job than just experience in election administration or loyalty and service to a particular party. We would hope to also attract scholars and historians who appreciate and understand the broadest experience of voters of all backgrounds, abilities, and party affiliations.

It would be this Senator's hope that we would attract candidates who have an appreciation of the fundamental importance of the citizen vote to a democracy and are committed to ensuring both the inclusiveness and the integrity of Federal elections.

Specifically, commissioners are to be appointed on the basis of their knowledge and experience with election law, election technology, and Federal, State or local election administration, as well as their knowledge of the Constitution and the history of the United States.

Appropriately, a commissioner at the time of appointment cannot be an elected or appointed officer or employee of the Federal Government. Unlike the House bill, this is a permanent, full-time commission. Consequently, commissioners cannot engage in any other business or employment while serving on the commission.

To ensure that the best talent that America has to offer will be continually reflected in appointees, we limit each commissioner to one 6-year term. Similarly, to ensure the broadest participation in the work of the commission, the compromise provides that a chair and vice-chair must be of different parties and serve for a term of 1 year, and an individual may serve as chair only twice during his or her 6-year term.

The duties of the commission reflect the fundamental approach of this compromise—that of forming a partnership between the Federal Government and State and local election officials. The purpose of this bill is not to replace or minimize the authority or responsibilities of State and local election officials in administering Federal elections. It is, however, an attempt to provide leadership at the Federal level, in the form of both financial resources and minimum Federal requirements, to ensure uniform and nondiscriminatory participation in those elections.

Consequently, the duties of the commission augment, but do not replace, those of State and local election officials. The commission can best be viewed as a resource for election officials rather than as a regulatory or enforcement body.

Primarily, the commission shall serve as a clearinghouse on Federal election administration and technology by gathering information, conducting studies and issuing reports on Federal elections. What became evident in the Rules Committee hearings and discussions with election officials across this Nation was the apparent lack of unbiased information regarding election technology. Today, the primary source of information about the efficiency and effectiveness of voting systems and machines is often the manufacturer of the voting system or its vendor. The commission can provide a much needed role as an unbiased clearinghouse for technology assessments.

The compromise envisions that the current authority of the office of election administration, at the Federal Election Commission, to develop voluntary voting system standards would continue once this office is transferred to the new commission. While the compromise does not mandate what types of machines must be used in Federal elections, the fact that it establishes minimum requirements for voting systems, specifically acceptable error rates, necessitates that procedures for testing and assessing voting technology will be required. Such would be an appropriate activity for the new commission. To ensure that the commission has the best advice on technical and accessibility matters as it develops standards, the compromise directs the commission to consult with the National Institute of Standards and Technology and the Compliance Board in developing the standards.

The commission will also serve an important role in communicating information regarding Federal elections to the public and the media. Specifically, the compromise provides that the commission compile and make available to the public the official results of elections for Federal office and statistics regarding national voter registration and turnout. The compromise also requires that the commission establish an Internet website to facilitate public access, comment, and participation in the activities of the commission.

The compromise does not go as far as the Carter-Ford Commission recommended in this regard. As my colleagues may remember, the Carter-Ford Commission recommended that '' . . . news organizations should not project any presidential election results in any State so long as polls remain open elsewhere in the 48 contiguous States . . .'' and that Congress should consider appropriate legislation, consistent with the first amendment to encourage the media to withhold early results. While the commission is in no way intended to replace the appropriate role of responsible media in informing the public of the outcome of Federal elections, the 2000 presidential election highlighted the need for a national clearinghouse for election results. Over time, the new commission may come to be accepted as the most authoritative source of election results.

The commission will conduct ongoing studies regarding election technology and administration in addition to other subjects impacting Federal elections. Over the course of the last year, a number of excellent election reform proposals have been made that simply require more study and review before they can be enacted.

Specifically, the commission is charged with making periodic studies of the following: election technology, including both over-vote and under-vote notification capabilities of such technology; ballots designs for Federal elections; methods of ensuring accessibility to all voters; nationwide statistics on voting fraud in Federal elections and methods of identifying, deterring and investigating any such corruption; methods of voter intimidation; the recruitment and training of poll workers; the feasibility of conducting elections on different days, or for extended hours, including the advisability of establishing a uniform poll closing time or a federal holiday; Internet voting; Media reporting of election related information; Overseas voters issues; ways in which the Federal Government can assist in the administration of Federal elections; and any other matters which the commission deems appropriate.

The commission will be providing reports and recommendations for administrative and legislative action. Through the oversight process, I would anticipate that the Rules Committee will be reviewing those recommendations and acting to bring additional reform proposals to the floor in subsequent Congresses.

In addition to the study and clearinghouse authorities, the commission is empowered to hold hearings, take testimony, and administer such oaths as are necessary to carry out its responsibilities. However, since the commission is not an enforcement agency, it does not have the authority to issue subpoenas.

Most importantly, the commission will ultimately assume the ongoing responsibility for administering the three minimum Federal requirements and the three grant programs under the bill. But so as not to discourage immediate election reform or delay the flow of Federal funds to support reform, the compromise does not tie the effective dates of the minimum requirements and the grant programs to the establishment of the commission.

The compromise attempts to expedite the appointment of the commissioners by requiring that the President act within ninety days of the date of enactment. As Chairman of the Rules Committee, the committee of jurisdiction over such nominations, it is my intent to move expeditiously to consider the nominations if they occur this year.

But realistically, the President may require additional time to appoint nominees and the committee cannot act until those nominations are made. Because the compromise requires the commission to appoint both the executive director and the general counsel by majority vote, even once confirmed, it will take some time for the commissioners to create a new agency and hire staff to administer over three billion dollars in grant programs.

Consequently, the compromise initially places the administration of both the Federal minimum requirements and the three grant programs at the Department of Justice and provides for a transition of most, but not all, of those authorities to the new commission upon its establishment.

Specifically, the compromise transfers to the commission the authority to issue standards or guidelines for the three minimum Federal requirements, to issue policies and criteria for the three grant programs, and to approve by majority vote all grant applications. The Department of Justice retains the authority to approve State plans submitted under the requirements grant program and the certification authority under the incentive grant program.

In order to ensure that the transfer of authority does not impede the continuity of the requirements or the expeditious review of grant applications, the compromise sets specific dates by which the commission must act to overturn or modify any action of the Department of Justice.

If the Department of Justice has issued standards or guidelines pursuant to the Federal minimum requirements, the commission must act by majority vote within 30 days of the transition date to either affirm that action or to issue revised standards or guidelines. If the Department of Justice has not acted as of the transition date, then the commission must act by majority vote by the later of the effective date provided for in Title I or within 30 days of the transition date.

Similarly, if the Department of Justice has issued policies and criteria for the approval of grant applications, the commission must act by majority vote within thirty days of the transition date to either affirm or modify such. If the Department of Justice has not acted, the commission must similarly issue policies and criteria by the later of the date specified in Title II or within 30 days of the transition date.

The compromise defines the effective date of the transition as the earlier of sixty days after all of the commissioners have been appointed, or the date that is 1 year after the date of enactment of the act.

While the compromise attempts to coordinate the transition dates for transfer of responsibilities to the new agency with a reasonable time frame for appointing and confirming commissioners, it remains the prerogative of the President as to when he appoints and the will of the Senate as to when it confirms. And until those two actions occur, the commission will exist in name only and the Department of Justice will be left to administer the act.

In addition to assuming certain authorities of the Department of Justice under the bill, the new Election Administration Commission will also assume certain functions of the Federal Election Commission.

First, all functions of the director of the Office of Election Administration of the Federal Election Commission are transferred to the new commission. Beginning on the transition date, the director of the Office of Election Administration is named as the interim executive director of the new commission and serves until an executive director is appointed by a majority vote of the commission. The executive director is appointed for a term of 6 years and may be reappointed by majority vote of the commission for a second term.

Second, all functions of the Federal Election Commission under the National Voter Registration Act of 1993, the so-called Motor-Voter Act, are transferred to the new Election Administration Commission. Section 9 of the act provides that the Federal Election Commission shall prescribe appropriate regulations necessary to carry out the act with respect to developing a mail voter registration application form for Federal elections and submit reports. The compromise also provides for the transfer of Federal Election Commission personnel employed in connection with the offices and functions which are transferred by the act.

Finally, Title IV of the compromise clarifies the relationship of this bill to other existing civil rights laws, and makes improvements in voting procedures for members of the military.

With respect to criminal penalties, this compromise includes two provisions that track existing laws and do not constitute new law. Both provisions merely are restatements of the existing underlying laws and do not alter the specific intent element described in sections 401(a) or 401(b) of this compromise. In the amendment which I offered and was adopted by the Senate, I inserted the existing specific intent of ''knowingly and willfully'' and ''knowingly'' in the respective provisions to ensure that those standards are the explicit legal standards of review for section 1973(i)(c) of title 42 and section 1015 of title 18 and therefore are the same standards to be applied under this act.

The first provision recognizes that the criminal penalties established under the National Voter Registration Act, specifically section 1973(i)(c) of title 42 and means in plain language that it is unlawful for any individual who knowingly and willfully gives false information as to his or her name, address, or period of residence in the voting district for the purpose of establishing his or her eligibility to register or vote in an election for Federal office, or conspires with another individual for the purpose of encouraging his or her false registration to vote in an election for Federal office.

The second provision clarifies that any individual who commits fraud or makes a false statement with regard to citizenship, such as in the context of the new citizenship question on registration forms as provided for under section 103 of the compromise, is in violation of section 1015 of title 18 and

means in plain language that it is unlawful for any individual who knowingly makes a false statement relating to naturalization, citizenship or registry of aliens, for the purpose of establishing his or her eligibility to register or vote in an election for Federal office.

With regard to the effect of the bill on existing civil rights laws, the compromise is specifically not intended to impair any right guaranteed, nor require any conduct which is prohibited under the various civil rights laws, nor are the provisions of the compromise intended to supercede, restrict, or limit such other laws, including: Voting Rights Act; Voting Accessibility for the Elderly and Handicapped Act; Uniformed and Overseas Citizens Absentee Voting Act; National Voter Registration Act of 1993; Americans with Disabilities Act of 1990; and Rehabilitation Act of 1973.

This Senator intents that nothing in this compromise should be interpreted in any manner other than to protect and preserve any and all rights guaranteed by these existing civil rights and voting laws.

For example, the approval of the Attorney General of any state plan under the provisions of the requirements grant in Title II of the compromise, or any other action taken by the Attorney General or a state under the grant programs in Title II, specifically shall not have any effect on requirements for pre-clearance under section five of the Voting Rights Act.

We do not profess to have all the answers or even the best solution for reforming our system of Federal elections. But we do present a compromise that reflects an incremental step, but not a sea change, in the role of the Federal Government in our Nation's system of Federal elections. This compromise has been developed with a true sense of the historical importance of the work and a fundamental belief that only a bipartisan effort will be acceptable to the American people.

Let me address a final concern—and that is the constitutional question of whether this bipartisan legislation is on its face, constitutional. In the opinion of this Senator, this compromise is entirely consistent with the scope of Congress's authority to enact statutes regulating Federal elections.

According to the GAO study on the scope of congressional authority in election administration, Congress has constitutional authority over both congressional and Presidential elections. This report concludes that there is a role for both the State and the Federal Government. States are responsible for the administration of Federal, State and local elections. But, notwithstanding the traditional State role in elections, Congress has the authority to affect the administration of elections in certain ways.

While the Constitution does not explicitly provide the right to vote, many amendments to the Constitution protect the right to vote. Congress has previously acted under this explicit grant of constitutional power to protect the voting rights of eligible Americans.

Congress passed the landmark Voting Rights Act of 1965. More recently, Congress enacted federal legislation to remove barriers to voting for persons with disabilities, facilitate voting by those in the military and Americans living overseas, and standardize voter registration procedures under the Motor-Voter legislation.

When Congress enacted these Federal statutes, Congress legislated in the subject matter of election administration in such areas as voting rights, voter registration, absentee voting requirements, timing of Federal elections, and accessibility for elderly and disabled voters. Similarly, Congress also legislated to enforce prohibitions against specific discriminatory practices in all elections, including Federal, State, and local elections.

Congress's scope of power is derived from a number of constitutional sources, including the 15th amendment's prohibition on voting discrimination on the basis of race, color, or previous condition of servitude; the 19th amendment's prohibition on the basis of sex; and the 26th amendment's prohibition on the basis of age.

These three amendments do not grant the right to vote, but all three prohibit States from denying the franchise to individuals who are racial or ethnic minorities, women, or citizens aged 18 or older.

The Carter-Ford Task Force on Constitutional Law and Federal Election Law also concluded that Congress has great power to regulate elections. The task force makes the point that the Constitution grants to Congress broad power to directly regulate Congressional elections, less power to directly regulate Presidential elections, and less power still to directly regulate state and local elections.

But as a practical matter, Congress has great power to collaterally regulate all elections through its power over the ''time, place and manner'' of Congressional elections and through its power to determine how Federal funds are made available to States for expenditures. That same authority derives from its enforcement powers of constitutional safeguards, such as the equal protection clause and due process clause of the 14th Amendment.

Opponents of this legislation might argue that it goes too far by providing Federal requirements in the areas of voting system standards, provisional voting and statewide voter registration lists. This Senator does not believe that will prove to be the case.

While the precise parameters of Congressional authority in election administration relating to presidential elections are unsettled and have not been clearly established, the Supreme Court has recently recognized that certain measures protecting voting rights are within Congress's power to enforce the 14th and 15th Amendments, despite administrative burdens placed on the States.

In Bush v. Gore which was decided following the November 2000 Presidential election, the Supreme Court held that differing definitions of a vote within the state of Florida during the recount violated the equal protection clause and were therefore unconstitutional.

The enforcement powers from the 14th amendment alone provide adequate support for all three of the minimum Federal requirements in the bipartisan compromise bill. The reasoning of the Supreme Court in Bush v. Gore suggests that there may be a compelling governmental interest and constitutional authority for Congress to act in light of extensive evidence that African American or Asian American voters, for example, are being treated unequally with respect to their right to vote.

It should also be noted that while we take a different approach, the Carter-Ford Commission's recommendations also include voting system standards, provisional voting and a statewide voter registration system. Many other commissions and study groups also consistently recommended provisional voting.

We believe that the Constitution provides ample authority for these minimum Federal requirements and all the other provisions in this bipartisan compromise. Except in one instance, this legislation applies only to elections for Federal office, putting this urgently needed legislation beyond constitutional dispute.

I applaud the majority leader, Senator DASCHLE, for his commitment to make this measure a priority of this session of Congress and for his unfailing commitment to bring it to the floor for debate. I also commend the distinguished Republican Leader, Senator LOTT, for his assistance in facilitating consideration of this bipartisan compromise.

Our distinguished colleagues in the House, Chairman BOB NEY and Congressman STENY HOYER of the House Administration Committee have already shepherded a bipartisan reform proposal through that body. The differences between the approach in the House and our bipartisan compromise are not irreconcilable.

Both recognize that there are minimum standards that every voting system should meet. Both bills strive to ensure the greatest possible access to the polling place for disabled Americans and the blind. Both bills ensure that all eligible voters may cast a vote and have that vote counted. Both bills establish a new Federal agency to provide on-going support to State and local governments. And both approaches provide significant resources to the States and localities to underwrite the Federal share of administering Federal elections.

Not insignificantly, President Bush has also indicated his support for providing assistance to the States for election reform. Included in his fiscal year 2003 budget submission is a request for $1.2 billion over the next three fiscal years, including $400 million for fiscal year 2003, to fund an election reform initiative.

There appears to be a uniform desire in both houses of Congress to see that the Federal Government meets its obligation to be a partner with State and local election officials in the conduct of Federal elections. But time is running short and state budgets are growing thin. It is time for the Senate to enact election reform. It is time for the Senate to meet with the House to produce a bipartisan bill that is worthy of the signature of the President and the support of all the American people, regardless of color or class, gender or age, disability or native language, and party or precinct.

As this debate draws to a close, it is appropriate to recognize the significant contributions of both individuals and organizations which have provided input and expertise to the committee, and to me personally, in the course of this legislative matter. I have already expressed my gratitude to my colleagues on and off the committee and to my distinguished coauthor in the House, Congressman JOHN CONYERS, and to many other House Members who truly have made this effort their cause.

As we all know, no such effort can be undertaken without the considerable effort of our staff. In addition to those already mentioned, I want to thank Sheryl Cohen, Marvin Fast, Alex Swartsel and Tom Lenard of my personal staff, and two former Rules Committee staff members, Candace Chin and Laura Roubicek.

We have also received considerable assistance from the support offices of the Senate, including from James Fransen and Jim Scott in the Office of Legislative Counsel and from attorneys and analysts at the Congressional Research Service including Kevin Coleman, Eric Fischer, L. Paige Whitaker, and Judith Fraizer, and finally from the Government Accounting Office.

The list of organizations which have provided invaluable assistance to this effort over the last 18 months is almost too lengthy to include here. But it is important to note the breadth and depth of the input that went into crafting this historic legislation. At the risk of inadvertently leaving someone out, I want to recognize and thank the following organizations which have provided their expertise to this effort: American Association of People With Disabilities; American Civil Liberties Union; American Federation of State, County and Municipal Employees; American Institute of Graphic Arts; Asian American Legal Defense and Education Fund; Brennan Center for Justice; Center for Constitutional Rights; Common Cause; Commission on Civil Rights; Caltech-MIT Voting Technology Project; Constitution Project; Lawyers Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; Mexican American Legal Defense & Education Fund; National Asian Pacific American Legal Consortium; National Association for the Advancement of Colored People; NAACP Legal Defense & Education Fund, Inc.; National Commission on Federal Election Reform (Carter-Ford Commission); National Association of Secretaries of State; National Association of State Election Directors; National Coalition on Black Civic Participation; National Congress of American Indians; National Conference of State Legislatures; National Council of La Raza; National Federation of the Blind; Paralyzed Veterans of America; People for the American Way; Public Citizen; U.S. PIRG.

It is the fervent view of this Senator that at the end of this historic process, the Senate will have made a lasting contribution to the continued health and stability of this democracy for the people, by the people and of the people in the United States.

My thanks to all who have been involved. I urge the adoption of this bill and yield back whatever time remains on this side.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, let me take my last minute by thanking again my friend and colleague Senator DODD. This has been a happy experience. We can proudly recommend to all Members of the Senate today that they vote in favor of an important new piece of legislation that goes right to the core of what our democracy is all about; that is, the ability to vote.

This legislation will make a positive difference in our country, and is a step forward for our democracy. This bill has been fashioned in a way that I wish we could produce more legislation, which is in a bipartisan fashion.

I enthusiastically support this bill and urge all of my Republican colleagues—in fact, all of our colleagues in the Senate—to proudly vote for this legislation.

I yield back the remainder of my time.

AMENDMENT NO. 2907

The PRESIDING OFFICER. Under the previous order, the Senate will turn to the amendment offered by the Senator from Kansas. There are 2 minutes of debate equally divided.

Mr. ROBERTS. Madam President, what we have before us is an amendment to the election reform bill that is now pending that would basically eliminate the mass mailing requirement to give local and State election officials more time and resources to improve the overall election management and to register voters and to comply with the newly enacted mandates of this bill.

This is an unfunded mandate. This amendment is supported by the National Association of Secretaries of State. It is cosponsored by the distinguished Senator from Kentucky, Mr. MCCONNELL, and Senators FEINSTEIN and LEVIN. Why? Because the secretaries of state and county election officers have indicated there is no need to put in a mandate to make sure that your voters who are provisional voters must be notified by mail within 30 days. There are other ways you can do this.

Our amendment says to States, if you want to do a mass mailing, you can do that. But at least there is an option here to use a Web site and toll-free numbers and other means of communication that will actually allow a provisional voter to know much faster than the mass mailing whether or not they are properly registered and their vote counted. As a matter of fact, it will enable local county officials and others to make sure a provisional voter is registered, so you can actually make the argument that we will make more progress.

I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, following the Roberts amendment, which will be the normal 15-minute vote, I ask unanimous consent that votes on the Clinton amendment and final passage be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I speak with great reluctance in opposition to the amendment of the Senator from Kansas. I misidentified his State last evening. I apologize.

I appreciate the motivations behind this. Let me first say there is nothing in this bill that creates an unfunded mandate. One of the things we have provided for in this bill is that every requirement must be paid for by the Federal Government. That is very important to us. We realize if we asked otherwise, we would in fact be doing just what the Senator from Kansas has suggested. But that is simply not the case.

We are saying with regard to provisional voters—these are some of the most disadvantaged voters in the sense of where they live and their circumstances, economic and otherwise—if you show up to vote and there is a question about whether or not you have the right to vote, this bill is going to give you the right to cast a provisional ballot. If at the end of that process it is discovered you don't have the right to vote, we are saying that the state and local officials must notify that voter so they don't come back and show up the next time as a provisional voter and their vote doesn't count again.

The underlying bill already allows a state or locality to create an internet site or establish a 1–800 number, and I don't have a problem with that. But don't exclude the requirement that you must specifically notify a voter whose

ballot was not counted. Registrars of voters notify voters on all sorts of things during the year. Saying to a provisional voter, your vote didn't count for the following reasons, this is what you need to do to correct it, is a minor request. This bill truly makes it easier to vote and harder to cheat. We urge the defeat of the Roberts amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2907. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—56

Allard	Frist	Murkowski
Allen	Gramm	Nickles
Bennett	Grassley	Reid
Boxer	Gregg	Roberts
Breaux	Hagel	Santorum
Brownback	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Johnson	Specter
Collins	Kyl	Stabenow
Craig	Levin	Stevens
Crapo	Lincoln	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Ensign	McCain	Voinovich
Enzi	McConnell	Warner
Feinstein	Miller	

NAYS—43

Akaka	Dodd	Leahy
Baucus	Dorgan	Lieberman
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Bond	Feingold	Nelson (FL)
Byrd	Fitzgerald	Nelson (NE)
Cantwell	Graham	Reed
Carnahan	Harkin	Rockefeller
Carper	Hollings	Sarbanes
Chafee	Inouye	Schumer
Clinton	Jeffords	Torricelli
Conrad	Kennedy	Wellstone
Corzine	Kerry	Wyden
Daschle	Kohl	
Dayton	Landrieu	

NOT VOTING—1

Bayh

The amendment (No. 2907) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. So everyone is aware, the next two votes are 10-minute votes.

AMENDMENT NO. 3108

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided for debate on amendment No. 3108.

Who yields time?

The Senator from New York.

Mrs. CLINTON. Madam President, this next amendment, called the ''leave no vote behind'' amendment, aims at making sure the Office of Election Administration has the authority to determine whether or not there are unintentional or intentional human errors. With all due respect to the ranking member, it is not a burdensome provision because election officials are going to have to sort out the ballots to determine whether there are mechanical errors or not.

Secondly, this does not have to be enforced until after January 1, 2010, and so the language that is in the bill provides more than sufficient flexibility for the Office of Election Administration to make a determination as to what benchmark standard to set. If we do not deal with this issue, we are not dealing with the underlying concern that many citizens have, that in some way their vote will not be counted.

I urge our colleagues to give the Office of Election Administration the flexibility and authority to make a determination about this kind of error, along with mechanical errors. They get to set the standard. We do the same thing in most States to try to determine whether there are unintentional errors that a citizen makes in casting a vote, and in the absence of having this provision in the underlying bill we will not have addressed one of the major concerns that citizens have; not only from the 2000 election but from many elections.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I strongly oppose the Clinton amendment. This is about the sanctity of the ballot and about the right of voters not to vote in an election if they choose. This amendment mandates a single voter error rate for all machines and all systems of voting.

Each State will be forced to calculate how many voter errors are allowed, divide that number by the number of precincts, and tell poll workers in those precincts how many errors each is allowed; all of this under threat of Department of Justice prosecution.

Those poll workers will closely monitor undervotes and overvotes, and when they approach their maximum allowable number, they will be forced to plead with voters to cast a vote or to change votes they have already made; all of this under threat of Department of Justice prosecution.

I say to my colleagues, especially the Senators from Oregon and Washington, if their home State uses paper ballots, mail-in ballots, or absentee ballots, this amendment will fundamentally alter, if not eliminate, those systems of voting. There is no way to control voter error unless one is face-to-face with the voter.

This is an amendment that essentially unravels this legislation. I strongly urge its defeat.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the question is on agreeing to amendment No. 3108 offered by the Senator from New York.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—48

Akaka	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Boxer	Graham	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Nelson (NE)
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Cleland	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kerry	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Wellstone
Dorgan	Levin	Wyden

NAYS—52

Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Baucus	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith (NH)
Burns	Hagel	Smith (OR)
Campbell	Hatch	Snowe
Carnahan	Helms	Specter
Chafee	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Collins	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	McCain	
Domenici	McConnell	

The amendment (No. 3108) was rejected.

Mr. DODD. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Madam President, I ask unanimous consent that upon the passage of S. 565, the Rules Committee be discharged from further consideration of H.R. 3295, the House companion, and that the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S. 565, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and passed; that the title amendment which is at the desk be considered and agreed to, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, that the ratio be 3–2; and that this action occur with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill (S. 565) having been read the third time, the question is, Shall the bill pass?

Mr. DODD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—99

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Leahy	Torricelli
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Wellstone
Dorgan	Lott	Wyden

NAYS—1

Burns

The bill (S. 565) was passed.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Under the previous order, the Rules Committee is discharged from further consideration of H.R. 3295; all after the enacting clause is stricken, and the text of S. 565, as amended, is inserted in lieu thereof. The bill is read a third time, passed, and the motion to reconsider is laid upon the table. The title amendment is agreed to, and the motion to reconsider is laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint conferees on the part of the Senate.

The ratio of conferees on the bill will be 3 to 2.

The bill (H.R. 3295), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3295) entitled ''An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002''.

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

Sec. 1. Short title; table of contents.

TITLE I—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Sec. 101. Voting systems standards.
Sec. 102. Provisional voting and voting information requirements.
Sec. 103. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
Sec. 104. Enforcement by the Civil Rights Division of the Department of Justice.
Sec. 105. Minimum Standards.

TITLE II—GRANT PROGRAMS

Subtitle A—Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program

Sec. 201. Establishment of the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program.
Sec. 202. State plans.
Sec. 203. Application.
Sec. 204. Approval of applications.
Sec. 205. Authorized activities.
Sec. 206. Payments.
Sec. 207. Audits and examinations of States and localities.
Sec. 208. Reports to Congress and the Attorney General.
Sec. 209. Authorization of appropriations.
Sec. 210. Effective date.

Subtitle B—Federal Election Reform Incentive Grant Program

Sec. 211. Establishment of the Federal Election Reform Incentive Grant Program.
Sec. 212. Application.
Sec. 213. Approval of applications.
Sec. 214. Authorized activities.
Sec. 215. Payments; Federal share.
Sec. 216. Audits and examinations of States and localities.
Sec. 217. Reports to Congress and the Attorney General.
Sec. 218. Authorization of appropriations.
Sec. 219. Effective date.

Subtitle C—Federal Election Accessibility Grant Program

Sec. 221. Establishment of the Federal Election Accessibility Grant Program.
Sec. 222. Application.
Sec. 223. Approval of applications.
Sec. 224. Authorized activities.
Sec. 225. Payments; Federal share.
Sec. 226. Audits and examinations of States and localities.
Sec. 227. Reports to Congress and the Attorney General.
Sec. 228. Authorization of appropriations.
Sec. 229. Effective date.

Subtitle D—National Student/Parent Mock Election

Sec. 231. National Student/Parent Mock Election.
Sec. 232. Authorization of appropriations.

TITLE III—ADMINISTRATION

Subtitle A—Election Administration Commission

Sec. 301. Establishment of the Election Administration Commission.
Sec. 302. Membership of the Commission.
Sec. 303. Duties of the Commission.
Sec. 304. Meetings of the Commission.
Sec. 305. Powers of the Commission.
Sec. 306. Commission personnel matters.
Sec. 307. Authorization of appropriations.

Subtitle B—Transition Provisions

Sec. 311. Equal Protection of Voting Rights Act of 2001.
Sec. 312. Federal Election Campaign Act of 1971.
Sec. 313. National Voter Registration Act of 1993.
Sec. 314. Transfer of property, records, and personnel.
Sec. 315. Coverage of Election Administration Commission under certain laws and programs.
Sec. 316. Effective date; transition.

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

Sec. 321. Establishment of Committee.
Sec. 322. Duties of the Committee.
Sec. 323. Powers of the Committee.
Sec. 324. Committee personnel matters.
Sec. 325. Termination of the Committee.
Sec. 326. Authorization of appropriations.

TITLE IV—UNIFORMED SERVICES ELECTION REFORM

Sec. 401. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.
Sec. 402. Maximization of access of recently separated uniformed services voters to the polls.
Sec. 403. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.
Sec. 404. Distribution of Federal military voter laws to the States.
Sec. 405. Effective dates.
Sec. 406. Study and report on permanent registration of overseas voters; distribution of overseas voting information by a single State office; study and report on expansion of single State office duties.
Sec. 407. Report on absentee ballots transmitted and received after general elections.
Sec. 408. Other requirements to promote participation of overseas and absent uniformed services voters.
Sec. 409. Study and report on the development of a standard oath for use with overseas voting materials.
Sec. 410. Study and report on prohibiting notarization requirements.

TITLE V—CRIMINAL PENALTIES; MISCELLANEOUS

Sec. 501. Review and report on adequacy of existing electoral fraud statutes and penalties.
Sec. 502. Other criminal penalties.
Sec. 503. Use of social security numbers for voter registration and election administration.
Sec. 504. Delivery of mail from overseas preceding Federal elections.
Sec. 505. State responsibility to guarantee military voting rights.
Sec. 506. Sense of the Senate regarding State and local input into changes made to the electoral process.
Sec. 507. Study and report on free absentee ballot postage
Sec. 508. Help America vote college program
Sec. 509. Relationship to other laws.
Sec. 510. Voters with disabilities.
Sec. 511. Election day holiday study.

Sec. 512. Sense of the Senate on compliance with election technology and administration requirements.
Sec. 513. Broadcasting false election information.
Sec. 514. Sense of the Senate regarding changes made to the electoral process and how such changes impact States.

TITLE I—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

SEC. 101. VOTING SYSTEMS STANDARDS.

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office, the voting system shall—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (including mail-in absentee ballots or mail-in ballots), may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) PERMANENT PAPER RECORD.—The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(4) MULTILINGUAL VOTING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the voting system shall provide alternative language accessibility—

(i) with respect to a language other than English in a State or jurisdiction if, as determined by the Director of the Bureau of the Census—

(I)(aa) at least 5 percent of the total number of voting-age citizens who reside in such State or jurisdiction speak that language as their first language and who are limited-English proficient; or

(bb) there are at least 10,000 voting-age citizens who reside in that jurisdiction who speak that language as their first language and who are limited-English proficient; and

(II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate; or

(ii) with respect to a language other than English that is spoken by Native American or Alaskan native citizens in a jurisdiction that contains all or any part of an Indian reservation if, as determined by the Director of the Bureau of the Census—

(I) at least 5 percent of the total number of citizens on the reservation are voting-age Native American or Alaskan native citizens who speak that language as their first language and who are limited-English proficient; and

(II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate.

(B) EXCEPTIONS.—

(i) If a State meets the criteria of item (aa) of subparagraph (A)(i)(I) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(I) less than 5 percent of the total number of voting-age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and

(II) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

(ii) A State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under the preceding provisions of this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirements of this paragraph with respect to such additional language by providing alternative language accessibility through the voting systems used to meet the requirement of paragraph (3)(B) if—

(I) it is not practicable to add the alternative language to the lever voting system or the addition of the language would cause the voting system to become more confusing or difficult to read for other voters;

(II) the State or locality has filed a request for a waiver with the Office of Election Administration of the Federal Election Commission or, after the transition date (as defined in section 316(a)(2)), with the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (3)(B) would provide alternative language accessibility; and

(III) the Office of Election Administration or the Election Administration Commission (as appropriate) has approved the request filed under subclause (II).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(b) VOTING SYSTEM DEFINED.—In this section, the term ''voting system'' means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information;

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that such standards meet the requirements established under subsection (a).

(2) QUADRENNIAL REVIEW.—The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board and the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.

(d) CONSTRUCTION.—Nothing in this section shall require a jurisdiction to change the voting system or systems (including paper balloting systems, including in-person, absentee, and mail-in paper balloting systems, lever machine systems, punchcard systems, optical scanning systems, and direct recording electronic systems) used in an election in order to be in compliance with this Act.

(e) EFFECTIVE DATE.—Each State and locality shall be required to comply with the requirements of this section on and after January 1, 2006.

SEC. 102. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the

execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election.

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term ''voting information'' means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 103(b); and

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

(d) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION.—Not later than January 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

(e) EFFECTIVE DATE.—

(1) PROVISIONAL VOTING.—Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(2) VOTING INFORMATION.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after the date of enactment of this Act.

SEC. 103. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement an interactive computerized statewide voter registration list that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ''computerized list'').

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) ACCESS.—The computerized list shall be accessible to each State and local election official in the State.

(3) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(4) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(5) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term ''applicable information'' means information regarding whether—

(i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; and

(ii) such individual is shown on the records of the Commissioner as being deceased.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 102(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current valid photo identification; or

(ii) a copy of a current utility bill, bank statement, Government check, paycheck, or Government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

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

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include:

(A) The question ''Are you a citizen of the United States of America?'' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(B) The question ''Will you be 18 years of age on or before election day?'' and boxes for the applicant to check to indicate whether or not the applicant will be 18 or older on election day.

(C) The statement ''If you checked 'no' in response to either of these questions, do not complete this form''.

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

(c) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION.—Not later than October 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.

SEC. 104. ENFORCEMENT BY THE CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Subject to subsection (b), the Attorney General, acting through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

(b) SAFE HARBOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a State or locality receives funds under a grant program under subtitle A or B of title II for the purpose of meeting a requirement under section 101, 102, or 103, such State or locality shall be deemed to be in compliance with such requirement until January 1, 2010, and no action may be brought under this Act against such State or locality on the basis that the State or locality is not in compliance with such requirement before such date.

(2) EXCEPTION.—The safe harbor provision under paragraph (1) shall not apply with respect to the requirement described in section 101(a)(3).

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

SEC. 105. MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 509.

TITLE II—GRANT PROGRAMS

Subtitle A—Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program

SEC. 201. ESTABLISHMENT OF THE UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS GRANT PROGRAM.

(a) IN GENERAL.—There is established a Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 204 and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized to make grants to States and localities to pay the costs of the activities described in section 205.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice and the Assistant Attorney General in charge of the Civil Rights Division of that Department.

SEC. 202. STATE PLANS.

(a) IN GENERAL.—Each State that desires to receive a grant under this subtitle shall develop a State plan, in consultation with State and local election officials of that State, that provides for each of the following:

(1) UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—A description of how the State will use the funds made available under this subtitle to meet each of the following requirements:

(A) The voting system standards under section 101.

(B) The provisional voting requirements under section 102.

(C) The computerized statewide voter registration list requirements under section 103(a), including a description of—

(i) how State and local election officials will ensure the accuracy of the list of eligible voters in the State to ensure that only registered voters appear in such list; and

(ii) the precautions that the State will take to prevent the removal of eligible voters from the list.

(D) The requirements for voters who register by mail under section 103(b), including the steps that the State will take to ensure—

(i) the accuracy of mail-in and absentee ballots; and

(ii) that the use of mail-in and absentee ballots does not result in duplicate votes.

(2) IDENTIFICATION, DETERRENCE, AND INVESTIGATION OF VOTING FRAUD.—An assessment of the susceptibility of elections for Federal office in the State to voting fraud and a description of how the State intends to identify, deter, and investigate such fraud.

(3) COMPLIANCE WITH EXISTING FEDERAL LAW.—Assurances that the State will comply with existing Federal laws, as such laws relate to the provisions of this Act, including the following:

(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a).

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

(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

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

(E) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) TIMETABLE.—A timetable for meeting the elements of the State plan.

(b) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State shall make the State plan developed under subsection (a) available for public review and comment before the submission of an application under section 203(a).

SEC. 203. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time and in such manner as the Attorney General may require, and containing the information required under subsection (b) and such other information as the Attorney General may require.

(b) CONTENTS.—

(1) STATES.—Each application submitted by a State shall contain the State plan developed under section 202 and a description of how the State proposes to use funds made available under this subtitle to implement such State plan.

(2) LOCALITIES.—Each application submitted by a locality shall contain a description of how the locality proposes to use the funds made available under this subtitle in a manner that is consistent with the State plan developed under section 202.

(c) SAFE HARBOR.—No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a), including any information contained in the State plan developed under section 202.

SEC. 204. APPROVAL OF APPLICATIONS.

The Attorney General shall establish general policies and criteria with respect to the approval of applications submitted by States and localities under section 203(a) (including a review of State plans developed under section 202), the awarding of grants under this subtitle, and the use of assistance made available under this subtitle.

SEC. 205. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle for any of the following purposes:

(1) To implement voting system standards that meet the requirements of section 101.

(2) To provide for provisional voting that meets the requirements of section 102(a) and to meet the voting information requirements under section 102(b).

(3) To establish a computerized statewide voter registration list that meets the requirements of section 103(a) and to meet the requirements for voters who register by mail under section 103(b).

SEC. 206. PAYMENTS.

(a) PAYMENTS .—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.— The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for election technology or administration that meets a requirement of section 101, 102, or 103 that were incurred during the period beginning on January 1, 2001, and ending on the date on which such application was approved under such section. A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

SEC. 207. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

SEC. 208. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this subtitle the following amounts:

(1) For fiscal year 2003, $1,000,000,000.

(2) For fiscal year 2004, $1,300,000,000.

(3) For fiscal year 2005, $500,000,000.

(4) For fiscal year 2006, $200,000,000.

(5) For each subsequent fiscal year, such sums as may be necessary.

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c): Provided, That none of the funds provided by this subsection shall be used to commence any litigation related to election-related disability access; notwithstanding the general authorities of the protection and advocacy systems are otherwise afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

SEC. 210. EFFECTIVE DATE.

The Attorney General shall establish the general policies and criteria for the approval of applications under section 204 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle B—Federal Election Reform Incentive Grant Program

SEC. 211. ESTABLISHMENT OF THE FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—There is established a Federal Election Reform Incentive Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 213(a) and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized to make grants to States and localities to pay the costs of the activities described in section 214.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through—

(1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and

(2) the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice (in this subtitle referred to as the ''Assistant Attorney General for Civil Rights'').

SEC. 212. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought;

(2) contain a request for certification by the Assistant Attorney General for Civil Rights described in subsection (c);

(3) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(4) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) REQUEST FOR CERTIFICATION BY THE CIVIL RIGHTS DIVISION.—

(1) COMPLIANCE WITH CURRENT FEDERAL ELECTION LAW.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each request for certification described in subsection (b)(2) shall contain a specific and detailed demonstration that the State or locality is in compliance with each of the following laws, as such laws relate to the provisions of this Act:

(i) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a).

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

(iii) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

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

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

(vi) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(B) APPLICANTS UNABLE TO MEET REQUIREMENTS.—Each State or locality that, at the time it applies for a grant under this subtitle, does not demonstrate that it meets each requirement described in subparagraph (A), shall submit to the Attorney General a detailed and specific demonstration of how the State or locality intends to use grant funds to meet each such requirement.

(2) UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—In addition to the demonstration required under paragraph (1), each request for certification described in subsection (b)(2) shall contain a specific and detailed demonstration that the proposed use of grant funds by the State or locality is not inconsistent with the requirements under section 101, 102, or 103.

(d) SAFE HARBOR.—No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a), including any information contained in the request for certification described in subsection (c).

SEC. 213. APPROVAL OF APPLICATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall establish general policies and criteria for the approval of applications submitted under section 212(a).

(b) CERTIFICATION PROCEDURE.—

(1) IN GENERAL.—The Attorney General may not approve an application of a State or locality submitted under section 212(a) unless the Attorney General has received a certification from the Assistant Attorney General for Civil Rights under paragraph (4) with respect to such State or locality.

(2) TRANSMITTAL OF REQUEST.—Upon receipt of the request for certification submitted under section 212(b)(2), the Attorney General shall transmit such request to the Assistant Attorney General for Civil Rights.

(3) CERTIFICATION; NONCERTIFICATION.—

(A) CERTIFICATION.—If the Assistant Attorney General for Civil Rights finds that the request for certification demonstrates that—

(i) a State or locality meets the requirements of subparagraph (A) of section 212(c)(1), or that a State or locality has provided a detailed and specific demonstration of how it will use funds received under this section to meet such requirements under subparagraph (B) of such section; and

(ii) the proposed use of grant funds by the State or locality meets the requirements of section 212(c)(2),

the Assistant Attorney General for Civil Rights shall certify that the State or locality is eligible to receive a grant under this subtitle.

(B) NONCERTIFICATION.—If the Assistant Attorney General for Civil Rights finds that the request for certification does not demonstrate that a State or locality meets the requirements described in subparagraph (A), the Assistant Attorney General for Civil Rights shall not certify

that the State or locality is eligible to receive a grant under this subtitle.

(4) TRANSMITTAL OF CERTIFICATION.—The Assistant Attorney General for Civil Rights shall transmit to the Attorney General either—

(A) a certification under subparagraph (A) of paragraph (3); or

(B) a notice of noncertification under subparagraph (B) of such paragraph, together with a report identifying the relevant deficiencies in the State's or locality's system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality.

SEC. 214. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, lease, modify, or replace voting systems and technology and to improve the accessibility of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to individuals with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and to reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election officials, poll workers, and election volunteers;

(4) to implement new election administration procedures such as requiring individuals to present identification at the polls and programs to identify, to deter, and to investigate voting fraud and to refer allegations of voting fraud to the appropriate authority;

(5) to meet the requirements of current Federal election law in accordance with the demonstration submitted under section 212(c)(1)(B) of such section;

(6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations and general election information; or

(7) to meet the requirements under section 101, 102, or 103.

SEC. 215. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States and localities having an application approved under section 213 for the Federal share of any costs for election technology or administration that meets the requirements of sections 101, 102, and 103 that were incurred during the period beginning on January 1, 2001, and ending on the date on which such application was approved under such section.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the costs shall be a percentage determined by the Attorney General that does not exceed 80 percent.

(2) EXCEPTION.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 216. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

(c) OTHER AUDITS.—If the Assistant Attorney General for Civil Rights has certified a State or locality as eligible to receive a grant under this subtitle in order to meet a certification requirement described in section 212(c)(1)(A) (as permitted under section 214(5)) and such State or locality is a recipient of such a grant, such Assistant Attorney General, in consultation with the Federal Election Commission shall—

(1) audit such recipient to ensure that the recipient has achieved, or is achieving, compliance with the certification requirements described in section 212(c)(1)(A); and

(2) have access to any record of the recipient that the Attorney General determines may be related to such a grant for the purpose of conducting such an audit.

SEC. 217. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 218. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $400,000,000 for fiscal year 2002 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 219. EFFECTIVE DATE.

The Attorney General shall establish the general policies and criteria for the approval of applications under section 213(a) in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle C—Federal Election Accessibility Grant Program

SEC. 221. ESTABLISHMENT OF THE FEDERAL ELECTION ACCESSIBILITY GRANT PROGRAM.

(a) IN GENERAL.—There is established a Federal Election Accessibility Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 223 by the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) (in this subtitle referred to as the ''Access Board''), is authorized to make grants to States and localities to pay the costs of the activities described in section 224.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through—

(1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and

(2) the Assistant Attorney General in charge of the Civil Rights Division of that Department.

SEC. 222. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought;

(2) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(3) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.—A State or locality that desires to do so may submit an application under this section as part of any application submitted under section 212(a).

(d) SAFE HARBOR.—No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a).

SEC. 223. APPROVAL OF APPLICATIONS.

The Access Board shall establish general policies and criteria for the approval of applications submitted under section 222(a).

SEC. 224. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle—

(1) to make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) to provide individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and to train election officials, poll workers, and election volunteers on how best to promote the access and participation of the individuals in elections for Federal office.

SEC. 225. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the costs shall be a percentage determined by the Attorney General that does not exceed 80 percent.

(2) EXCEPTION.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 226. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep

such records as the Attorney General, in consultation with the Access Board, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

SEC. 227. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 2002 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 229. EFFECTIVE DATE.

The Access Board shall establish the general policies and criteria for the approval of applications under section 223 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle D—National Student/Parent Mock Election

SEC. 231. NATIONAL STUDENT/PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Administration Commission is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an ''issues forum'';

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student/Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $650,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

TITLE III—ADMINISTRATION

Subtitle A—Election Administration Commission

SEC. 301. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.

There is established the Election Administration Commission (in this subtitle referred to as the ''Commission'') as an independent establishment (as defined in section 104 of title 5, United States Code).

SEC. 302. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—

(1) COMPOSITION.—The Commission shall be composed of 4 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Each member appointed under subsection (a) shall be appointed on the basis of—

(A) knowledge of—

(i) and experience with, election law;

(ii) and experience with, election technology;

(iii) and experience with, Federal, State, or local election administration;

(iv) the Constitution; or

(v) the history of the United States; and

(B) integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 2 of the 4 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.

(4) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 90 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of 6 years, except that, of the members first appointed, 2 of the members who are not affiliated with the same political party shall be appointed for a term of 4 years. Except as provided in paragraph (2), a member may only serve 1 term.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy on the Commission occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced. Such individual may be appointed to a full term in addition to the unexpired term for which that individual is appointed.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson only twice during the term of office to which such member is appointed.

(3) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. 303. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission—

(1) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to elections for Federal office;

(2) shall carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7);

(3) shall make available information regarding the Federal election system to the public and media;

(4) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout;

(5) shall establish an Internet website to facilitate public access, public comment, and public participation in the activities of the Commission, and shall make all information on such website available in print;

(6) shall conduct the study on election technology and administration under subsection (b)(1) and submit the report under subsection (b)(2); and

(7) beginning on the transition date (as defined in section 316(a)(2)), shall administer—

(A) the voting systems standards under section 101;

(B) the provisional voting requirements under section 102;

(C) the computerized statewide voter registration list requirements and requirements for voters who register by mail under section 103;

(D) the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under subtitle A of title II;

(E) the Federal Election Reform Incentive Grant Program under subtitle C of title II; and

(F) the Federal Election Accessibility Grant Program under subtitle B of title II.

(b) STUDIES AND REPORTS ON ELECTION TECHNOLOGY AND ADMINISTRATION.—

(1) STUDY OF FIRST TIME VOTERS WHO REGISTER BY MAIL.—

(A) STUDY.—

(i) IN GENERAL.—The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail.

(ii) SPECIFIC ISSUES STUDIED.—The study conducted under clause (i) shall include—

(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(B) REPORT.—Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the

President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(2) STUDIES.—The Commission shall conduct periodic studies of—

(A) methods of election technology and voting systems in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems;

(B) ballot designs for elections for Federal office;

(C) methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including blind and disabled voters, and voters with limited proficiency in the English language;

(D) nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office;

(E) methods of voter intimidation;

(F) the recruitment and training of poll workers;

(G) the feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing election day as a Federal holiday;

(H) ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance;

(I)(i) the laws and procedures used by each State that govern—

(I) recounts of ballots cast in elections for Federal office;

(II) contests of determinations regarding whether votes are counted in such elections; and

(III) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office;

(ii) the best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i); and

(iii) whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office;

(J) such other matters as the Commission determines are appropriate; and

(K) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient.

(3) REPORTS.—The Commission shall submit to the President and Congress a report on each study conducted under paragraph (2) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SEC. 304. MEETINGS OF THE COMMISSION.

The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.

SEC. 305. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths as the Commission or such subcommittee or member considers advisable.

(b) VOTING.—

(1) IN GENERAL.—Each action of the Commission shall be approved by a majority vote of the members of the Commission and each member of the Commission shall have 1 vote.

(2) SPECIAL RULES.—

(A) UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—

(i) ADOPTION OR REVISION OF STANDARDS AND GUIDELINES.—If standards or guidelines have been promulgated under section 101, 102, or 103 as of the transition date (as defined in section 316(a)(2)), not later than 30 days after the transition date, the Commission shall—

(I) adopt such standards or guidelines by a majority vote of the members of the Commission; or

(II) promulgate revisions to such standards or guidelines and such revisions shall take effect only upon the approval of a majority of the members of the Commission.

(ii) ESTABLISHMENT OF STANDARDS AND GUIDELINES.—

(I) If standards or guidelines have not been promulgated under section 101, 102, or 103 as of the transition date (as defined in section 316(a)(2)), the Commission shall promulgate such standards or guidelines not later than the date described in subclause (II) and such standards or guidelines shall take effect only upon the approval of a majority of the members of the Commission.

(II) The date described this subclause is the later of—

(aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or

(bb) the date that is 30 days after the transition date (as defined in section 316(a)(2)).

(B) GRANT PROGRAMS.—

(i) APPROVAL OR DENIAL.—The grants shall be approved or denied under sections 204, 213, and 223 by a majority vote of the members of the Commission not later than the date that is 30 days after the date on which the application is submitted to the Commission under section 203, 212, or 222.

(ii) ADOPTION OR REVISION OF GENERAL POLICIES AND CRITERIA.—If general policies and criteria for the approval of applications have been established under section 204, 213, or 223 as of the transition date (as defined in section 316(a)(2)), not later than 30 days after the transition date, the Commission shall—

(I) adopt such general policies and criteria by a majority vote of the members of the Commission; or

(II) promulgate revisions to such general policies and criteria and such revisions shall take effect only upon the approval of a majority of the members of the Commission.

(iii) ESTABLISHMENT OF GENERAL POLICIES AND CRITERIA.—

(I) If general policies and criteria for the approval of applications have been established under section 204, 213, or 223 as of the transition date (as defined in section 316(a)(2)), the Commission shall promulgate such general policies and criteria not later than the date described in subclause (II) and such general policies and criteria shall take effect only upon the approval of a majority of the members of the Commission.

(II) The date described this subclause is the later of—

(aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or

(bb) the date that is 30 days after the transition date (as defined in section 316(a)(2)).

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

SEC. 306. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—

(1) APPOINTMENT AND TERMINATION.—Subject to paragraph (2), the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an Executive Director, a General Counsel, and such other personnel as may be necessary to enable the Commission to perform its duties.

(2) EXECUTIVE DIRECTOR; GENERAL COUNSEL.—

(A) APPOINTMENT AND TERMINATION.—The appointment and termination of the Executive Director and General Counsel under paragraph (1) shall be approved by a majority of the members of the Commission.

(B) INITIAL APPOINTMENT.—Beginning on the transition date (as defined in section 316(a)(2)), the Director of the Office of Election Administration of the Federal Election Commission shall serve as the Executive Director of the Commission until such date as a successor is appointed under paragraph (1).

(C) TERM.—The term of the Executive Director and the General Counsel shall be for a period of 6 years. An individual may not serve for more than 2 terms as the Executive Director or the General Counsel. The appointment of an individual with respect to each term shall be approved by a majority of the members of the Commission.

(D) CONTINUANCE IN OFFICE.—Notwithstanding subparagraph (C), the Executive Director and General Counsel shall continue in office until a successor is appointed under paragraph (1).

(3) COMPENSATION.—The Commission may fix the compensation of the Executive Director, General Counsel, and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director, General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subtitle.

Subtitle B—Transition Provisions

SEC. 311. EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001.

(a) TRANSFER OF CERTAIN FUNCTIONS OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Administration Commission established under section 301 all functions of the Federal Election Commission under section 101 and under subtitles A and B of title II before the transition date (as defined in section 316(a)(2)).

(b) TRANSFER OF CERTAIN FUNCTIONS OF THE ATTORNEY GENERAL.—

(1) TITLE I FUNCTIONS.—There are transferred to the Election Administration Commission established under section 301 all functions of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under sections 102 and 103 before the transition date (as defined in section 316(a)(2)).

(2) GRANTMAKING FUNCTIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Election Administration Commission established under

section 301 all functions of the Attorney General, the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice, and the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under subtitles A, B, and C of title II before the transition date (as defined in section 316(a)(2)).

(B) EXCEPTION.—The functions of the Attorney General relating to the review of State plans under section 204 and the certification requirements under section 213 shall not be transferred under paragraph (1).

(3) ENFORCEMENT.—The Attorney General shall remain responsible for any enforcement action required under this Act, including the enforcement of the voting systems standards through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under section 104 and the criminal penalties under section 502.

(c) TRANSFER OF CERTAIN FUNCTIONS OF THE ACCESS BOARD.—There are transferred to the Election Administration Commission established under section 301 all functions of the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) under section 101 and under subtitles A, B, and C of title II before the transition date (as defined in section 316(a)(2)), except that—

(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.

SEC. 312. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION.—There are transferred to the Election Administration Commission established under section 301 all functions of the Director of the Office of the Election Administration of the Federal Election Commission before the transition date (as defined in section 316(a)(2)).

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 313. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Administration Commission established under section 301 all functions of the Federal Election Commission under the National Voter Registration Act of 1993 before the transition date (as defined in section 316(a)(2)).

(b) CONFORMING AMENDMENT.—For purposes of section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)), the reference to the Federal Election Commission shall be deemed to be a reference to the Election Administration Commission.

SEC. 314. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission for appropriate allocation.

(b) PERSONNEL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission.

SEC. 315. COVERAGE OF ELECTION ADMINISTRATION COMMISSION UNDER CERTAIN LAWS AND PROGRAMS.

(a) TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.—

(1) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

(b) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', the Election Administration Commission,'' after ''Federal Election Commission,''.

SEC. 316. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This subtitle and the amendments made by this subtitle shall take effect on the transition date (as defined in paragraph (2)).

(2) TRANSITION DATE DEFINED.—In this section, the term ''transition date'' means the earlier of—

(A) the date that is 1 year after the date of enactment of this Act; or

(B) the date that is 60 days after the first date on which all of the members of the Election Administration Commission have been appointed under section 302.

(b) TRANSITION.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

SEC. 321. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.—There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 16 members as follows:

(A) FEDERAL REPRESENTATIVES.—Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative.

(B) INTERNET REPRESENTATIVES.—Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security).

(C) STATE AND LOCAL REPRESENTATIVES.—Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

(D) PRIVATE SECTOR REPRESENTATIVES.—Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech).

(2) APPOINTMENTS.—Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner:

(A) SENATE MAJORITY LEADER.—Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(B) SENATE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(C) SPEAKER OF THE HOUSE.—Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(D) HOUSE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(E) SENATE MAJORITY AND HOUSE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and the Minority Leader of the House of Representatives.

(F) HOUSE MAJORITY AND SENATE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate.

(3) DATE.—The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee.

(2) NOTICE.—Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register.

(3) OPEN MEETINGS.—Each Committee meeting shall be open to the public.

(f) QUORUM.—Eight members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee.

(h) ADDITIONAL RULES.—The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee.

SEC. 322. DUTIES OF THE COMMITTEE.

(a) STUDY.—

(1) IN GENERAL.—The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Committee may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) TRANSMISSION.—Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee.

(2) APPROVAL OF REPORT.—Any finding or recommendation included in the report shall be agreed to by at least ⅔ of the members of the Committee serving at the time the finding or recommendation is made.

(3) INTERNET POSTING.—The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5).

SEC. 323. POWERS OF THE COMMITTEE.

(a) HEARINGS.—

(1) IN GENERAL.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle.

(2) OPPORTUNITIES TO TESTIFY.—The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify at hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(2) UNUSED GIFTS.—Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor.

SEC. 324. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation.

(b) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMITTEE.—Subparagraph (A) shall not be construed to apply to members of the Committee.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 325. TERMINATION OF THE COMMITTEE.

The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1).

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle not less than $2,000,000 from the funds appropriated under section 307.

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

TITLE IV—UNIFORMED SERVICES ELECTION REFORM

SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

''(A) solely on the grounds that the ballot lacked—

''(i) a notarized witness signature;

''(ii) an address (other than on a Federal write-in absentee ballot, commonly known as 'SF186');

''(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

''(iv) an overseas postmark; or

''(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

''(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

''(A) has registered to vote under this section; and

''(B) is eligible to vote in that election under State law.''.

(b) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) The term 'recently separated uniformed services voter' means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

''(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

''(B) is no longer such a voter; and

''(C) is otherwise qualified to vote in that election.'';

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

''(10) The term 'uniformed services voter' means—

''(A) a member of a uniformed service in active service;

''(B) a member of the merchant marine; and

''(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

''(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the ''Secretary''), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

SEC. 405. EFFECTIVE DATES.

Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after such effective date.

SEC. 406. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279) and this title.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(c) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. 407. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 408. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

''(e) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.''.

SEC. 409. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. 410. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission''), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

TITLE V—CRIMINAL PENALTIES; MISCELLANEOUS

SEC. 501. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Rules and Administration, and the House Committee on Administration on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 502. OTHER CRIMINAL PENALTIES.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SEC. 503. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

(a) IN GENERAL.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended

by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SEC. 504. DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.

(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—

(1) ADDITIONAL DUTIES.—Section 1566(g) of title 10, United States Code, as added by section 1602(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

''(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held.

''(3) The Secretary of each military department shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.''.

(2) REPORT.—The Secretary of Defense shall submit to Congress a report describing the measures to be implemented under section 1566(g)(2) of title 10, United States Code (as added by paragraph (1)), to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1602 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274) upon the enactment of that Act.

SEC. 505. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking ''**FOR FEDERAL OFFICE**''.

SEC. 506. SENSE OF THE SENATE REGARDING STATE AND LOCAL INPUT INTO CHANGES MADE TO THE ELECTORAL PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Although Congress has the responsibility to ensure that our citizens' right to vote is protected, and that votes are counted in a fair and accurate manner, States and localities have a vested interest in the electoral process.

(2) The Federal Government should ensure that States and localities have some say in any election mandates placed upon the States and localities.

(3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

SEC. 507. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 shall conduct a study on the feasibility and advisability of the establishment by the Federal Election Commission and the Postal Service of a program under which the Postal Service shall waive the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Election Administration Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of enactment of this Act, the Election Administration Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations of the Federal Election Commission on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

SEC. 508. HELP AMERICA VOTE COLLEGE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Administration Commission (in this section referred to as the ''Commission'') shall develop a program to be known as the ''Help America Vote College Program'' (in this section referred to as the ''Program'').

(2) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(A) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(B) to encourage State and local governments to use the services of the students participating in the Program.

(b) ACTIVITIES UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in subsection (a)(2).

(2) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(3) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each succeeding fiscal year.

SEC. 509. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may

be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

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

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

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

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

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under title II, or any other action taken by the Attorney General or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

SEC. 510. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

SEC. 511. ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the advisability of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President, or of establishing uniform weekend voting hours.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well-below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of non-voters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former President's Carter and Ford is ''Congress should enact legislation to hold presidential and congressional elections on a national holiday''. Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal Government or on the weekends, may allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily, potentially increasing voter turnout. It could increase the pool of available poll workers and make public buildings more available for use as polling places. Holding elections over a weekend could provide flexibility needed for uniform polling hours.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Any new voting day options should be sensitive to the religious observances of voters of all faiths and to our Nation's veterans.

SEC. 512. SENSE OF THE SENATE ON COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.

It is the sense of the Senate that full funding shall be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

SEC. 513. BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of Federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

SEC. 514. SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 101(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should recognize the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

Amend the title so as to read: ''An Act to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes on the energy bill.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator may proceed.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. ALLEN. Mr. President, I rise today to discuss the much needed energy security legislation that is before the Senate.

This week, at the very moment we debate this very important landmark legislation, we are seeing a confluence of factors in our energy supply and demand that amounts to what one might call the ''perfect storm.''

There have been few other times in the history of our nation where we have seen such a stark demonstration that our national security interests are synonymous with our energy security. And here are—in this ''perfect storm''—the various storm fronts that are coming together and colliding to produce some very ominous results for the American people, their families, and small businesses.

The travel season is heading into its annual peak as more and more Americans hit the road, and those numbers are higher than usual because of people's fear of flying or the aggravation, the stress of commercial air travel due to security concerns and desires.

Refineries are also beginning their annual changeover from winter fuels to specially formulated, cleaner burning summer fuels that cost more to produce. Those increased costs at refineries, that are already running at near capacity, will be passed on to the American consumer.

In recent weeks, the Israelis have taken strong action to defend themselves from the escalating growth of heinous suicide bombings in Israel.

In response to all of this, the dictator of Iraq, Saddam Hussein, has pledged to embargo Iraq's oil exports for 30 days or until Israel withdraws from Palestinian territories.

The Associated Press quoted Saddam as saying:

> The oppressive Zionist and American enemy has belittled the capabilities of the [Arab] nation.

Combine all of these factors together, and the price of gasoline has increased about 25 cents a gallon in just the last few weeks. This is the sharpest increase in a 4-week period since the year 1990, right before the gulf war.

The price of a barrel of oil has risen to about $26 a barrel as of yesterday, and many projections indicate the price will spike to more than $30 a barrel.

The problem is one of basic economics that a fourth grade student in Virginia would understand, or as the Presiding Officer would certainly agree, a fourth grade student in West Virginia