To amend the National Voter Registration Act of 1993 to modernize State voting systems by allowing for increased use of the Internet in voter registration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2013

Mr. MORAN introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 to modernize State voting systems by allowing for increased use of the Internet in voter registration, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Value Our Time Elections Act” or the “VOTE Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING INTERNET REGISTRATION
Sec. 101. Requiring availability of Internet for voter registration.  
Sec. 102. Use of Internet to update registration information.  

TITLE II—AUTOMATED REGISTRATION OF CERTAIN INDIVIDUALS  
Sec. 201. Automated voter registration.  
Sec. 203. Promoting accuracy of Statewide voter registration lists.  
Sec. 204. Definitions.  

TITLE III—SHORTENING VOTER WAIT TIMES AND EARLY VOTING  
Sec. 301. Equitable allocation of voting systems, poll workers, and election resources.  
Sec. 302. Early voting.  
Sec. 303. Conforming amendment to enforcement provision.  

TITLE IV—GENERAL PROVISIONS  
Sec. 401. Effective date.  

1 TITLE I—PROMOTING INTERNET REGISTRATION  
2 SEC. 101. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.  
3 (a) Requiring Availability of Internet for Registration.—The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting after section 6 the following new section:  
4 "SEC. 6A. INTERNET REGISTRATION.  
5 "(a) Requiring Availability of Internet for Online Registration.—  
6 "(1) Availability of online registration.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same man-
ner and subject to the same terms and conditions as
the services provided by voter registration agencies
under section 7(a):

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

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

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

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

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

“(1) the individual meets the same voter reg-
istration requirements applicable to individuals who
register to vote by mail in accordance with section
6(a)(1) using the mail voter registration application
form prescribed by the Election Assistance Commiss-

ion pursuant to section 9(a)(2); and

“(2) the individual provides a signature in elec-

tronic form in accordance with subsection (c) (but

only in the case of applications submitted during or

after the second year in which this section is in ef-

fect in the State).

“(c) SIGNATURES IN ELECTRONIC FORM.—For pur-

poses of this section, an individual provides a signature

in electronic form by—

“(1) executing a computerized mark in the sig-

nature field on an online voter registration applica-

tion; or

“(2) submitting with the application an elec-

tronic copy of the individual’s handwritten signature

through electronic means.

“(d) CONFIRMATION AND DISPOSITION.—

“(1) CONFIRMATION OF RECEIPT.—Upon the

online submission of a completed voter registration

application by an individual under this section, the

appropriate State or local election official shall send

the individual a notice confirming the State’s receipt

of the application and providing instructions on how

the individual may check the status of the applica-

tion.

•HR 289 IH
“(2) Notice of Disposition.—As soon as the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.

“(3) Method of Notification.—The appropriate State or local election official shall send the notices required under this subsection by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.

“(e) Provision of Services in Nonpartisan Manner.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—

“(1) the online application does not seek to influence an applicant’s political preference or party registration; and

“(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.
“(f) Protection of Security of Information.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

“(g) Use of Additional Telephone-Based System.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

“(h) Nondiscrimination Among Registered Voters Using Mail and Online Registration.—In carrying out this Act, the Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.”.
(b) Special Requirements for Individuals Using Online Registration.—

(1) Treatment as individuals registering to vote by mail for purposes of first-time voter identification requirements.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or online under section 6A of the National Voter Registration Act of 1993”.

(2) Requiring signature for first-time voters in jurisdiction.—Section 303(b) of such Act (42 U.S.C. 15483(b)) is amended—

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

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

“(5) Signature requirements for first-time voters using online registration.—

“(A) In general.—A State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of sub-paragraph (B) if—

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

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

“(B) Requirements.—An individual meets the requirements of this subparagraph if—

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

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

“(C) Inapplicability.—Subparagraph (A) does not apply in the case of an individual 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.”.

(3) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(2)(A) of such Act (42 U.S.C. 15483(d)(2)(A)) is amended by striking “Each State” and inserting “Except as provided in subsection (b)(5), each State”.

(c) CONFORMING AMENDMENTS.—

(1) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

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

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

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

(2) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES.—Section 8(a)(5) of such Act (42 U.S.C. 1973gg–6(a)(5)) is amended by striking “and 7” and inserting “6A, and 7”.

SEC. 102. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

(a) IN GENERAL.—

(1) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)) is amended by adding at the end the following new paragraph:

“(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

“(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter’s registration information, including the voter’s address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the
voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

“(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—

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

“(ii) if the updated registration information affects the voter’s eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

“(C) CONFIRMATION AND DISPOSITION.—

“(i) CONFIRMATION OF RECEIPT.—

Upon the online submission of updated registration information by an individual under this paragraph, the appropriate
State or local election official shall send the individual a notice confirming the State’s receipt of the updated information and providing instructions on how the individual may check the status of the update.

“(ii) NOTICE OF DISPOSITION.—As soon as the appropriate State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.

“(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.”.

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (42 U.S.C. 15483(d)(1)(A)) is amended by
striking “subparagraph (B)” and inserting “sub-
paragraph (B) and subsection (a)(6)”.

(b) ABILITY OF REGISTRANT TO USE ONLINE UP-
DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
tion 8(d)(2)(A) of the National Voter Registration Act of

(1) in the first sentence, by inserting after “re-
turn the card” the following: “or update the reg-
istrant’s information on the computerized Statewide
voter registration list using the online method pro-
vided under section 303(a)(6) of the Help America
Vote Act of 2002 (42 U.S.C. 15483(a)(6))”; and

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

TITLE II—AUTOMATED REG-
ISTRATION OF CERTAIN INDI-
VIDUALS

SEC. 201. AUTOMATED VOTER REGISTRATION.

(a) COLLECTION OF INFORMATION BY SOURCE
AGENCIES.—

(1) DUTIES OF SOURCE AGENCIES.—Each
source agency in a State (as defined in subsection
(c)) shall, with each application for services or assistance by an individual, and with each recertification, renewal, or change of address relating to such services or assistance—

(A) notify each such individual of the substantive qualifications of an elector in the State, using language approved by the State’s chief election official;

(B) notify each such individual that there is an opportunity to be registered to vote or update voter registration, but that voter registration is voluntary, and that neither registering nor declining to register to vote will in any way affect the availability of services or benefits, nor be used for other purposes;

(C) require that each such individual indicate, after considering the substantive qualification of an elector in the State, whether or not the person wishes to be registered;

(D) ensure that each such individual’s transaction with the agency cannot be completed until the individual has indicated whether he or she wishes to register to vote; and

(E) for each such individual who consents to using the individual’s records with the source
agency to enable the individual to register to vote under this section, collect a signed affirmation of eligibility to register to vote in the State.

(2) **No effect on right to decline voter registration.**—Nothing in this subtitle shall be construed to interfere with the right of any person to decline to be registered to vote for any reason.

(b) **Transfer of information on individuals consenting to voter registration.**—

(1) **Transfer.**—For each individual who notifies the source agency that the individual consents to voter registration under this section, the source agency shall transfer to the chief State election official of the State the following data, to the extent the data is available to the source agency:

(A) The given name or names and surname or surnames.

(B) Date of birth.

(C) Residential address.

(D) Mailing address.

(E) Signature, in electronic form.

(F) Date of the last change to the information.

(G) The motor vehicle driver’s license number.
(H) The last four digits of the Social Security number.

(2) **Timing of transfer.**—The source agency shall transfer the data described in paragraph (1) to the chief State election official on a daily basis.

(3) **Format.**—The data transferred under paragraph (1) shall be transferred in a format compatible with the Statewide computerized voter registration list under section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483).

(4) **Prohibiting storage of information.**—Any information collected by the source agency under this section with respect to an individual who consents to register to vote under this section may not be stored by the source agency in any form after the information is transferred to the chief State election official under paragraph (1).

(e) **Registration of individuals by chief State election official.**—

(1) **Comparison with statewide voter registration list.**—Upon receiving information from a source agency with respect to an individual under subsection (b), the chief State election official shall determine whether the individual is included in the computerized Statewide voter registration list estab-
lished and maintained under section 303 of the Help

(2) Registration of individuals not on
statewide list.—If an individual for whom infor-
mation is received from a source agency under sub-
section (b) is eligible to vote in elections for Federal
office in the State and is not on the computerized
Statewide voter registration list, the chief State elec-
tion official shall—

(A) ensure that the individual is registered
to vote in such elections not later than 5 days
after receiving the information, without regard
to whether or not the information provided by
the source agency includes the individual’s sig-
nature;

(B) update the Statewide computerized
voter registration list to include the individual;
and

(C) notify the individual that the individual
is registered to vote in elections for Federal of-

(3) Treatment of information incor-
correctly provided.—If a source agency provides the
chief State election official with information with re-
spect to an individual who did not consent to be reg-
istered to vote under this section, the chief State
election official shall not take any action to register
the individual to vote, except that no such individual
who is already included on the computerized State-
wide voter registration list shall be removed from the
list solely because the information was incorrectly
provided under subsection (b).

(4) No effect on other means of reg-
istration.—Nothing in this section affects a
State’s obligation to register voters upon receipt of
a valid voter registration application through means
provided by National Voter Registration Act of 1993
(42 U.S.C. 1973gg et seq.), the Internet registration
procedure described in section 101, or other valid
means.

(5) Individuals in existing records.—No
later than January 2015, each individual who is list-
ed in a source agency’s records and for whom there
exists reason to believe the individual is a citizen
and not otherwise ineligible to vote shall be mailed
a postage pre-paid return postcard including a box
for the individual to check, together with the state-
ment (in close proximity to the box and in promi-
nent type), “By checking this box, I affirm that I
am a citizen of the United States, am eligible to vote
in this State, and will be at least eighteen years old
by the next general election. I understand that by
checking this box, I will be registered to vote if I am
eligible to vote in the State.”, along with a clear de-
scription of the voting eligibility requirements in the
State. The postcard shall also include, where re-
quired for voter registration, a place for the individ-
ual’s signature and designation of party affiliation.
An individual who checks the box and returns the
completed postcard postmarked not later than the
lesser of the fifteenth day before an election for Fed-
eral office, or the period provided by State law, shall
be registered to vote in that election.

(d) Options for State To Require Special
Treatment of Individuals Registered Automatically.—

(1) Treatment as Individuals Registering
to Vote by Mail for Purposes of First-Time
Voter Identification Requirements.—Section
303(b)(1)(A) of the Help America Vote Act of 2002
(42 U.S.C. 15483(b)(1)(A)), as amended by section
101(b)(1), is amended by striking “of 1993” and in-
serting “of 1993 or (at the option of the State) was
registered automatically under section 102 of the
Voting Line Reduction and Online Registration Act”.

(2) REQUIRING SIGNATURE.—Section 303(b) of such Act (42 U.S.C. 15483(b)), as amended by section 101(b)(2), is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) OPTION FOR STATE TO REQUIRE SIGNATURE REQUIREMENTS FOR FIRST-TIME VOTERS REGISTERED AUTOMATICALLY.—

“(A) IN GENERAL.—A State may, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of subparagraph (B) if—

“(i) the individual was registered to vote in the State automatically under section 101 of the Voting Line Reduction and Online Registration Act; and

“(ii) the individual has not previously voted in an election for Federal office in the State.
“(B) REQUIREMENTS.—An individual meets the requirements of this subparagraph if—

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

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

“(C) INAPPLICABILITY.—Subparagraph (A) does not apply in the case of an individual 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.”.
(3) Conforming amendment relating to effective date.—Section 303(d)(2)(A) of such Act (42 U.S.C. 15483(d)(2)(A)), as amended by section 101(b)(3), is amended by striking “subsection (b)(5)” and inserting “subsections (b)(5) and (b)(6)”.

(e) Source agencies described.—

(1) In general.—With respect to any State, a “source agency” is—

(A) each State office which is described in paragraph (2); and

(B) each Federal office which is described in paragraph (3) which is located in the State, except that such office shall be a source agency only with respect to individuals who are residents of the State in which the office is located.

(2) State offices described.—

(A) In general.—The State offices described in this paragraph are as follows:

(i) The State motor vehicle authority.

(ii) Each office in the State which is designated as a voter registration agency in a State pursuant to section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)).
(iii) Each State agency that administers a program providing assistance pursuant to title III of the Social Security Act (42 U.S.C. 501 et seq.).

(iv) Each State agency primarily responsible for maintaining identifying information for students enrolled at public secondary schools in the State, including, where applicable, the State agency responsible for maintaining the education data system described in section 6401(e)(2) of the America COMPETES Act (20 U.S.C. 9871(e)(2)).

(v) In the case of a State in which an individual disenfranchised by a criminal conviction may become eligible to vote upon completion of criminal sentence or any part thereof, or upon formal restoration of rights, the State agency responsible for administering that sentence, or part thereof, or that restoration of rights.

(vi) In the case of a State in which an individual disenfranchised by adjudication of mental incompetence or similar condition becomes eligible to register to vote
upon the restoration of competence or similar condition, each State agency responsible for determining when competence or a similar condition is met.

(vii) Such other office which may be designated as a source agency by the chief State election official of the State.

(B) CRITERIA FOR DESIGNATION OF ADDITIONAL SOURCE AGENCIES.—In designating offices of the State as source agencies for purposes of subparagraph (A)(vii), the chief State election official shall give priority on the basis of the following criteria:

(i) The extent to which individuals receiving services or assistance from the office are likely to be individuals who are eligible to register to vote in elections for Federal office in the State but who are not registered to vote in such elections.

(ii) The accuracy of the office’s records with respect to identifying information (including age, citizenship status, and residency) for individuals receiving services or assistance from the office.
(iii) The cost-effectiveness of obtaining such identifying information and transmitting the information to the chief State election official.

(iv) The extent to which the designation of the office as a voter registration agency will promote the registration of eligible individuals to vote in elections for Federal office in the State and the accuracy of the State’s Statewide computerized voter registration list under the Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.).

(3) Federal offices described.—The Federal offices described in this paragraph are as follows:

(A) Armed Forces recruitment offices.

(B) The United States Immigration and Customs Enforcement Bureau, but only with respect to individuals who complete the naturalization process.

(C) The Social Security Administration.

(D) The Administrative Office of the United States Courts, the Federal Bureau of Prisons, and the United States Probation Serv-
ice, but only with respect to individuals completing terms of prison, sentences, probation, or parole.

(E) The Department of Veterans Affairs, but only with respect to individuals applying for or using health care services or services for homeless individuals.

(F) The Defense Manpower Data Center of the Department of Defense.

(G) The Indian Health Services of the Department of Health and Human Services.

(H) The Center for Medicare and Medicaid Services of the Department of Health and Human Services.

(I) Any other Federal office which is designated by a State (with the consent of the President) as a source agency with respect to the State.

SEC. 202. LIST MAINTENANCE, PRIVACY, AND SECURITY.

(a) DATABASE MANAGEMENT STANDARDS.—

(1) DATABASE MATCHING STANDARDS.—The chief State election official of each State shall establish standards governing the comparison of data on the Statewide computerized voter registration list under section 303 of the Help America Vote Act of
2002 (42 U.S.C. 15483), the data provided by various source agencies under section 201, and relevant data from other sources, including the specific data elements and data matching rules to be used for purposes of determining—

(A) whether a data record from any source agency represents the same individual as a record in another source agency or on the statewide list;

(B) whether a data record from any source agency represents an individual already registered to vote in the State;

(C) whether two data records in the statewide computerized voter registration list represent duplicate records for the same individual;

(D) whether a data record supplied by any list maintenance source represents an individual already registered to vote in the State; and

(E) which information will be treated as more current and reliable when data records from multiple sources present information for the same individual.

(2) STANDARDS FOR DETERMINING INELIGIBILITY.—The chief State election official of a State shall establish uniform and non-discriminatory
standards describing the specific conditions under
which an individual will be determined for list main-
tenance purposes to be ineligible to vote in an elec-
tion for Federal office in the State.

(b) PRIVACY AND SECURITY STANDARDS.—

(1) PRIVACY AND SECURITY POLICY.—The chief
State election official of a State shall publish and
enforce a privacy and security policy specifying each
class of users who shall have authorized access to
the computerized Statewide voter registration list,
specifying for each such class the permission and
levels of access to be granted, and setting forth
other safeguards to protect the privacy and security
of the information on the list. Such policy shall in-
clude security safeguards to protect personal infor-
mation in the data transfer process under section
201, the online or telephone interface, the mainte-
nance of the voter registration database, and audit
procedure to track individual access to the system.

(2) NO UNAUTHORIZED ACCESS.—The chief
State election official of a State shall establish poli-
cies and enforcement procedures to prevent unau-
thorized access to or use of the computerized state-
wide voter registration list, any list or other infor-
mation provided by a source agency under section
201, or any maintenance source for the list. Nothing in this paragraph shall be construed to prohibit access to information required for purposes of voter registration, election administration, and the enforcement of election laws.

(3) Inter-agency Transfers.—

(A) In General.—The chief State election official of a State shall establish policies and enforcement procedures to maintain security during inter-agency transfers of information required or permitted under this title. Each State agency and third party participating in such inter-agency transfers of information shall facilitate and comply with such policies. Nothing in this subparagraph shall prevent a source agency under section 201 from establishing and enforcing additional security measures to protect the confidentiality and integrity of inter-agency data transfers. No State or local election official shall transfer or facilitate the transfer of information from the computerized statewide voter registration list to any source agency under section 201.

(B) Transmission Through Secure Third Parties Permitted.—Nothing in this
section shall be construed to prevent a source agency under section 201 from contracting with a third party to assist in the transmission of data to a chief State election official, so long as the data transmission complies with the applicable requirements of this title, including the privacy and security provisions of this section.

(4) RECORDS RETENTION.—The chief State election official of a State shall establish standards and procedures to maintain all election records required for purposes of this title, including for the purpose of determining the eligibility of persons casting provisional ballots under section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482). Records for individuals who have been retained on the computerized statewide voter registration list under section 301 of such Act (42 U.S.C. 15481) but identified as ineligible to vote in an election for Federal office within the State, or removed from the list due to ineligibility, shall be maintained and kept available until at least the date of the second general election for Federal office that occurs after the date that the individual was identified as ineligible.

(c) PUBLICATION OF STANDARDS.—The chief State election official of a State shall publish on the official’s
website the standards established under this section, and shall make those standards available in written form upon public request.

(d) PROTECTION OF SOURCE INFORMATION.—The identity of the specific source agency through which an individual consented to register to vote under section 201 shall not be disclosed to the public and shall not be retained after the individual is added to the computerized statewide voter registration list.

(e) CONFIDENTIALITY OF PERSONAL INFORMATION.—The chief State election official of a State shall establish policies and enforcement procedures to ensure that personal information provided by source agencies or otherwise transmitted under this section is kept confidential and is available only to authorized users. For purposes of these policies and procedures, the term “personal information” means, with respect to an individual any of the following:

(1) Any portion of a Social Security number.

(2) Any portion of a vehicle driver’s license number or State identification card number.

(3) A signature.

(4) A personal residence and contact information (in the case of an individuals with respect to
whom such information is required to be maintained as confidential under State law).

(5) Sensitive information relating to any individual in a category designated as confidential by Federal or State law, including a victim of domestic violence or stalking, a prosecutor and member of law enforcement personnel, and a participant in a witness protection program.

(6) A phone number.

(7) An email address.

(8) Citizenship status.

(9) Such other information as the chief State election official may designate as confidential to the extent reasonably necessary to prevent identity theft or impersonation, except that the chief State election official may not designate as confidential under this subparagraph the name, address, or date of registration of an individual, or, where applicable, the self-identified racial or ethnic category of the individual as applicable under Revisions to OMB Directive Number 15 or successor directives.

(f) PROTECTIONS AGAINST LIABILITY OF INDIVIDUALS ON BASIS OF INFORMATION TRANSFERRED.—

(1) NO INDIVIDUAL LIABILITY FOR REGISTRATION OF INELIGIBLE INDIVIDUAL.—If an individual
who is not eligible to register to vote in elections for Federal office is registered to vote in such elections by a chief State election official under section 201, the individual shall not be subject to any penalty, including the imposition of a fine or term of imprisonment, adverse treatment in any immigration or naturalization proceeding, or the denial of any status under immigration laws, under any law prohibiting an individual who is not eligible to register to vote in elections for Federal office from registering to vote in such elections. Nothing in this paragraph shall be construed to waive the liability of any individual who knowingly provides false information to any person regarding the individual’s eligibility to register to vote or vote in elections for Federal office.

(2) **Prohibiting Use of Information by Officials.**—No person acting under color of law may use the information received by the chief State election official under section 201 to attempt to determine the citizenship status of any individual for immigration enforcement, criminal law enforcement (other than enforcement of election laws), or any purpose other than voter registration, election administration, or the enforcement of election laws.
(g) Prohibition on Transfer of Information Irrelevant to Administration of Elections.—No source agency shall transmit any information under section 201 which is irrelevant to the administration of elections. To the extent that an election official receives any information which is accidentally or inadvertently transferred by a source agency under such section, the official shall immediately delete the information from the official’s records.

(h) Restriction on Use of Information.—No information relating to an individual’s absence from the statewide voter registration list under section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483) or an individual’s declination to supply information for voter registration purposes to a source agency under section 201 may be disclosed to the public for immigration enforcement, criminal law enforcement other than enforcement of laws against election crimes, or used for any purpose other than voter registration, election administration, or the enforcement of election laws.

(i) Nondiscrimination.—No person acting under color of law may discriminate against any individual on the basis of the individual’s absence from the statewide voter registration list, the information supplied by the individual for voter registration purpose to a source agency
under section 201, or the individual’s declination to supply such information, except as required for purposes of voter registration, election administration, and the enforcement of election laws.

(j) **Prohibition on the Use of Voter Registration Information for Commercial or Non-Governmental Purposes.**—Voter registration information collected under this title shall not be used for commercial purposes including for comparison with any existing commercial list or database.

(k) **Penalty.**—Whoever knowingly uses information or permits information to be used in violation of this section shall be imprisoned for not more than 1 year, fined under title 18, United States Code, or both.

(l) **Exclusion From Lists of Individuals Declining Registration.**—The chief State election official of a State shall ensure that, with respect to any individual who declines the opportunity to register to vote under section 201, the individual’s information is not included on the computerized Statewide voter registration list under section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483) and is not provided to any third party (except to the extent required under another Federal or State law). Nothing in this subsection shall be construed to preclude an individual who has previously declined the oppor-
tunity to register to vote from subsequently registering to vote.

SEC. 203. PROMOTING ACCURACY OF STATEWIDE VOTER REGISTRATION LISTS.

(a) Deadlines for Transmittal of Change of Address or Other Identifying Information.—

(1) Information received by State motor vehicle authority.—Section 5(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(d)) is amended to read as follows:

“(d) Automatic Transmittal of Change of Address or Other Identifying Information.—Not later than 24 hours after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of the State motor vehicle authority has been changed, the State motor vehicle authority shall transmit such form or other information to the chief State election official, unless—

“(1) the records of the authority include information indicating that the individual is not eligible to register to vote in the State; or

“(2) the individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.”.
(2) Information received by other voter registration agencies.—Section 7 of such Act (42 U.S.C. 1973gg–5) is amended by adding at the end the following new subsection:

“(e) Automatic Transmittal of Change of Address or Other Identifying Information.—Not later than 24 hours after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of a voter registration agency designated under this section has been changed, the appropriate official of such agency shall transmit such form or other information to the chief State election official, unless—

“(1) the records of the agency include information indicating that the individual is not eligible to register to vote in the State; or

“(2) the individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.”.

(3) Information received from source agencies.—Not later than 24 hours after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of a source agency designated under section 201 has
been changed, the appropriate official of such agency shall transmit such form or other information to the chief State election official, unless—

(A) the records of the agency include information indicating that the individual is not eligible to register to vote in the State; or

(B) the individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.

(b) Revision of Statewide Computerized List to Reflect Revised Information.—Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)), as amended by section 102(a), is amended by adding at the end the following new paragraph:

“(7) Revision of list to reflect information received from other state offices.—

“(A) In general.—If a State motor vehicle authority (pursuant to section 5(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(d))) a voter registration agency (designated under section 7 of such Act (42 U.S.C. 1973gg–5)), or a source agency (designated under section 201 of the Voting Line Reduction and Online Registration Act) trans-
mits to the chief State election official a change of address form or any other information indicating that identifying information with respect to an individual has been changed, the appropriate State or local election official shall—

“(i) determine whether the individual appears on the computerized list established under this section; and

“(ii) if the individual appears on the list, revise the information relating to the individual on the list to reflect the individual’s new address or other changed identifying information.

“(B) Notification to Voters.—If an election official revises any voter registration information on the computerized list with respect to any voter (including removing the voter from the list), immediately after revising the information, the official shall send the individual a written notice of the revision which includes the following information:

“(i) The voter’s name, date of birth, and address, as reflected in the revised information on the computerized list.
“(ii) A statement that the voter’s voter registration information has been updated.

“(iii) Information on how to correct information on the computerized list.

“(iv) A statement of the eligibility requirements for registered voters in the State.

“(v) A statement (in larger font size than the other statements on the notice) that it is illegal for an individual who does not meet the eligibility requirements for registered voters in the State to vote in an election in the State.

“(vi) A statement that the voter may terminate the voter’s status as a registered voter in the State, or request a change in the voter’s voter registration information, at any time by contacting the appropriate State or local election official, together with contact information for such official (including any website through which the voter may contact the official or obtain information on voter registration in the State).
“(C) USE OF ELECTRONIC MAIL.—If an election official has an electronic mail address for any voter to whom the official is required to send a written notice under this paragraph, the official may meet the requirements of this paragraph by sending the notice to the voter in electronic form at that address, but only if prior to sending the notice, the official sends a test electronic mail to the voter at that address and receives confirmation that the address is current and valid.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring during 2014 or any succeeding year.

SEC. 204. DEFINITIONS.

(a) CHIEF STATE ELECTION OFFICIAL.—In this title, the term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State’s responsibilities under such Act.

(b) STATE.—In this title, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, but does not include any State in which,
under a State law in effect continuously on and after the
date of the enactment of this Act, there is no voter reg-
istration requirement for individuals in the State with re-
spect to elections for Federal office.

TITLE III—SHORTENING VOTER
WAIT TIMES AND EARLY VOTING

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

(a) In General.—Title III of the Help America
Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended
by adding at the end the following new subtitle:

“Subtitle C—Additional
Requirements

“SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND
POLL WORKERS.

“(a) In General.—Each State shall provide for the
minimum required number of voting systems, poll workers,
and other election resources (including all other physical
resources) for each voting site on the day of any Federal
election and on any days during which such State allows
early voting for a Federal election in accordance with the
standards determined under subsection (c).

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

“(c) GUIDANCE AND STANDARDS.—

“(1) IN GENERAL.—Not later than January 1, 2014, the Commission shall conduct a study and then issue standards that establish a minimum number of voting systems, poll workers, and other election resources (including all other physical resources) for each voting site on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

“(2) DISTRIBUTION.—

“(A) IN GENERAL.—The standards described in paragraph (1) shall provide for a uniform and nondiscriminatory distribution of such systems, workers, and other resources, and, to the extent possible, shall take into account, among other factors, the following:

“(i) The voting age population.

“(ii) Voter turnout in past elections.

“(iii) The number of voters registered.

“(iv) The number of voters who have registered since the most recent Federal election.
“(v) Census data for the population served by such voting site.

“(vi) The educational levels and socio-economic factors of the population served by such voting site.

“(vii) The needs and numbers of voters with disabilities and voters with limited English proficiency.

“(viii) The type of voting systems used.

“(B) No factor dispositive.—The standards shall provide that the distribution of such systems should take into account the totality of all relevant factors, and no single factor shall be dispositive under the standards.

“(C) Purpose.—To the extent possible, the standards shall provide for a distribution of voting systems, poll workers, and other election resources with the goals of—

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

and

“(ii) preventing a waiting time of over 1 hour at any voting site.
“(3) Deviation.—The standards described in paragraph (1) shall permit States, upon giving reasonable public notice, to deviate from any allocation requirements in the case of unforeseen circumstances such as a natural disaster or terrorist attack.

“SEC. 322. ALLOCATION OF ELECTION RESOURCES.

“(a) State Plans To Prevent Unreasonable Voter Waiting Times.—

“(1) In general.—Not later than 60 days before each election for Federal office, each State shall submit a written plan to the Commission describing the measures it is implementing to ensure, to the greatest extent possible, an equitable waiting time for all voters in the State, and a waiting time of less than 1 hour at any polling place in the election.

“(2) Publication.—Not later than 30 days after receiving a State plan under paragraph (1), the Commission shall make the plan available to the public.

“(b) Remedial Plans for States With Excessive Voter Wait Times.—

“(1) Compliance with state remedial plans.—
“(A) Remedial Plans.—Each jurisdiction for which the Commission determines that a substantial number of voters waited more than 90 minutes to cast a vote in an election for Federal office, or in which there were substantial violations of the standards established under section 321(c) with respect to an election for Federal office, shall comply with a State remedial plan established by the Commission to provide for the effective allocation of resources to administer elections held in the State and to reduce the waiting time of voters.

“(B) Coordination with Attorney General and States.—Each remedial plan established by the Commission shall provide for coordination between the Commission, the Attorney General, and the State involved to monitor the compliance of the State with the remedial plan during the period leading up to the election and on the date of the election and to respond to serious delays in the ability of voters to cast their ballots at polling places.

“(2) Jurisdiction Defined.—For purposes of this paragraph, the term ‘jurisdiction’ has the meaning given the term ‘registrar’s jurisdiction’ in section
8(j) of the National Voter Registration Act of 1993
(42 U.S.C. 1973gg–6(j)).

“(c) EMERGENCY BALLOTS.—

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

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

(b) CLERICAL AMENDMENTS.—The table of contents
of such Act is amended by adding at the end of the items
relating to title III the following:

“Subtitle C—Additional Requirements
SEC. 302. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 301, is amended by adding at the end the following new section:

“SEC. 323. EARLY VOTING.

“(a) IN GENERAL.—During the 7-day period (or, at the option of the State, a longer period) which ends on the date of an election for Federal office, each State shall allow individuals to vote in the election in the same manner as voting is allowed on the date of such election.

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

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

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

“(c) STANDARDS FOR EARLY VOTING.—

“(1) STANDARDS.—

“(A) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal elec-
“(B) STANDARDS FOR POLLING PLACES.—

Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs and the public listing of the date, time, and location of polling places no earlier than 10 days before the date on which such voting begins.

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

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

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 301, is amended by adding at the end of the items relating to subtitle C of title III the following:

“Sec. 323. Early voting.”.
SEC. 303. CONFORMING AMENDMENT TO ENFORCEMENT PROVISION.

Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking “sections 301, 302, and 303” and inserting “subtitles A and C of title III”.

TITLE IV—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b) and section 203(c), the amendments made by this Act shall take effect on January 1, 2014.

(b) Waiver.—Subject to the approval of the Election Assistance Commission, if a State certifies to the Election Assistance Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2014” were a reference to “January 1, 2016”.

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