S. 58

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote.

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, January 3), 2013

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lines Interfere with National Elections Act of 2013” or the “LINE Act of 2013”.

SEC. 2. MINIMUM REQUIRED VOTING SYSTEMS, POLL WORKERS, AND ELECTION RESOURCES.

(a) MINIMUM REQUIREMENTS.—
(1) 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 section 299.

“(b) VOTING SITE.—For purposes of this section and section 299, 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) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after September 15, 2014.”.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C.
15511) is amended by striking “and 303” and inserting “303, and subtitle C”.

(3) CLERICAL AMENDMENT.—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. 321. Minimum required voting systems and poll workers.”.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle E—Guidance and Standards

“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

“(a) IN GENERAL.—Not later than January 1, 2014, the Attorney General, to the maximum extent practicable in coordination with the Commission, shall issue standards regarding the minimum number of voting systems, poll workers, and other election resources (including all other physical resources) required under section 321 on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

“(b) DISTRIBUTION.—
“(1) IN GENERAL.—The standards described in 
subsection (a) shall provide for a uniform and non-
discriminatory distribution of such systems, workers, 
and other resources, and shall take into account, 
among other factors, the following with respect to 
any voting site (as defined in section 321(b)):

“(A) The voting age population.
“(B) Voter turnout in past elections.
“(C) The number of voters registered.
“(D) The number of voters who have reg-
istered since the most recent Federal election.
“(E) Census data for the population served 
by such voting site.
“(F) The educational levels and socio-eco-
nomic factors of the population served by such 
voting site.
“(G) The needs and numbers of disabled 
voters and voters with limited English pro-
ficiency.
“(H) The type of voting systems used.

“(2) NO FACTOR DISPOSITIVE.—The standards 
shall provide that any distribution of such systems 
shall take into account the totality of all relevant 
factors, and no single factor shall be dispositive 
under the standards.
“(3) 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—

“(A) ensuring an equal waiting time for all voters in the State; and

“(B) preventing a waiting time of over 1 hour at any polling place.

“(e) DEVIAITION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster or terrorist attack.”.

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

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

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

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

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

“Subtitle E—Guidance and Standards
SEC. 3. REQUIREMENTS FOR JURISDICTIONS WITH SUBSTANTIAL VOTER WAIT TIMES.

(a) Remedial Plans for States With Excessive Wait Times.—

(1) In general.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

“TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE WAIT TIMES

“SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCESSIVE WAIT TIMES.

“(a) In general.—Each jurisdiction for which the Attorney General, to the maximum extent practicable in coordination with the Commission, determines that a substantial number of voters waited more than 90 minutes to cast a vote in the election for Federal office held on November 6, 2012, or any election for Federal office held on or after such date, shall comply with a State remedial plan established under this section in accordance with subsection (b).

“(b) State Remedial Plans.—The Attorney General, to the maximum extent practicable in coordination with the Commission, shall establish for each State or ju-
(c) JURISDICTION DEFINED.—For purposes of this section, 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)).

(d) FEDERAL REGISTER NOTICE.—Not later than March 1 of the year following the year in which an election for Federal office is held, the Attorney General, to the maximum extent practicable in coordination with the Commission, shall publish in the Federal Register a list of States and jurisdictions that are required to comply with a State remedial plan under this section.

(e) STATE REMEDIAL PLAN CERTIFICATION.—Not later than September 1 of the year following the year in which the Attorney General publishes in the Federal Register a list described in subsection (d), the governor of each State included on the list shall submit to the Attorney General a letter certifying that the State has made a good faith effort to comply with the State remedial plan established for the State under this section.”.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C.
15511), as amended by section 2(a)(2), is amended 
by striking “and subtitle C” and inserting “subtitle 
C, and title X”.

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

“TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE 
VOTER WAIT TIMES

“Sec. 1001. Remedial plans for States with excessive voter wait times.”.

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