

AMENDMENT TO H.R. 1719

OFFERED BY M_. _____

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Voter Registration Modernization Act of 2009”.

SEC. 2. REQUIRING AVAILABILITY OF ONLINE REGISTRATION.

Deleted: INTERNET FOR VOTER

(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 7 the following new section:

“SEC. 7A. ONLINE REGISTRATION.

Deleted: INTERNET

“(a) REQUIRING AVAILABILITY OF ONLINE REGISTRATION.—Each State shall ensure that the following services are available to the public on the official public website of the appropriate election officials in the State:

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“(1) Online access to, and distribution in electronic form of, mail voter registration application forms in accordance with section (6(a)(1) or 9(a)(2) seem more appropriate).

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“(2) Assistance, including but not limited to published online instructions, to applicants in completing voter registration application forms.

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“(3) Online completion and submission by applicants of online versions of voter registration application forms.

“(4) Online acknowledgement of completed voter registration application forms in accordance with Section 7A(b).

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“(5) online retrieval of the applicant's signature if the applicant

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(i) has a current and valid motor vehicle operator's license issued by the State, or another current and valid identification issued by the State, which includes the applicant's signature;

(ii) agrees that such license or identification, and the signature contained on the license or identification, may be used by the appropriate election officials in the State for voter registration purposes; and

(iii) includes in the information submitted in the application the number of the license or identification which will be used as described in subparagraph (i).

“(b) CONFIRMATION OF RECEIPT.—**[NEW]** Upon the online submission of a completed voter registration application form by an individual under this section, the State or other appropriate election official shall provide an on-line confirmation which the applicant may print or from which the applicant may record a confirmation number. In addition to on-line confirmation, a notice confirming receipt of the form shall be sent through electronic mail, if the registrant records an e-mail address and requests such notice (or, at the option of the State, by both electronic and regular mail).

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“(c) PROVISION OF SERVICES IN NONPARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that, consistent with Sec. 7(a)(5), (NVRA), ensures that—

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

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“(2) there is no display on the website, promoting any political preference or party allegiance; and

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“(3) there is no statement or any other feature on the website the purpose or effect of which is to discourage the applicant from registering to vote.

“(d) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate

technological security measures, in accordance with Section....., (I haven't been able to find what we wanted to refer to here) to prevent unauthorized access to information provided by individuals using the services made available under subsection (a).

“(e) OPTIONAL USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—**[NEW]** A State may at its option 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, so long as the State continues to make the services available online in accordance with the requirements of this section.

“(f) EFFECTIVE DATE.—The requirements of this section shall apply with respect to elections for Federal office occurring in 2014 and each succeeding year.”

(b) SIGNATURE VERIFICATION FOR CERTAIN VOTERS USING ONLINE REGISTRATION.—**[NEW (based on section 303(b) of HAVA; review to ensure that this is an appropriate model)]**

(1) REQUIRING SIGNATURE.—Section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(B) by inserting after subsection (b) the following new subsection:

“(c) (Would suggest here that the online system be capable of producing a printable copy of the voter registration application which the voter can sign and mail in to the appropriate jurisdiction.)

(2) EFFECTIVE DATE.—Section 303(e) of such Act (42 U.S.C. 15483(e)), as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

“(3) SIGNATURE VERIFICATION FOR CERTAIN VOTERS USING ONLINE REGISTRATION.—Each State and jurisdiction shall be required to comply

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Deleted: “(c) REQUIREMENT FOR THE PROVISION OF A SIGNATURE BY CERTAIN VOTERS USING ONLINE REGISTRATION.—

Deleted: “(1) IN GENERAL.—A State shall, in an uniform and nondiscriminatory manner, require an individual to meet the signature verification requirements of paragraph (2) if— ¶

“(A) the individual registered to vote in the State online in accordance with section 7A of the National Voter Registration Act of 1993; and¶

“(B) at the time the individual registered to vote, the individual’s signature was not contained in— ¶

“(i) the database of the chief State election official or another election official in the State,¶

“(ii) the database of the State motor vehicle authority, or¶

“(iii) the database of another office of the State which is designated by the State for purposes of this subparagraph.¶

“(2) REQUIREMENTS DESCRIBED.— ¶

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

“(i) in the case of an individual who votes in person, the individual signs the registry of voters (or other similar document) at the polling place in the presence of the appropriate State or local election official; or¶

“(ii) in the case of an individual who votes by mail, the individual signs the ballot or submits with the ballot a separate document containing the individual’s signature.¶

“(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 302(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 302(a). ¶

“(3) INAPPLICABILITY.—Paragraph (1) does not apply in the case of an individual who is— ¶

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

“(B) 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¶

“(C) entitled to vote otherwise than in person under any other Federal law. ”.¶

with the requirements of subsection (c) with respect to elections for Federal office occurring in 2014 and each succeeding year.”

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(c) TREATMENT OF ONLINE REGISTRATION AS REGISTRATION BY MAIL FOR PURPOSES OF MEETING CERTAIN IDENTIFICATION REQUIREMENTS.—**[NEW]** 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 in accordance with section 7A of the National Voter Registration Act of 1993”.

(d) 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 7A, if the valid voter registration form is submitted online not later than the period provided by State law, before the date of the election; and”.

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(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 “7, and 7A”.

SEC. 3. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

(a) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—

(1) IN GENERAL.—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 legally registered voter on the computerized list may 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, at any time at which the voter may submit a new registration application pursuant to Section 7(A)(a).

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Deleted: update the information in person.

“(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) **[NEW]** 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 period provided by State law, before the date of the election.

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“(C) PREVENTION OF UNAUTHORIZED REVISIONS AND FRAUD.—In meeting the requirements of this paragraph, the appropriate State or local election official shall establish appropriate technological security measures to prevent unauthorized persons from updating a registered voter’s registration information and to prevent the entry of fraudulent data.

“(D) CONFIRMATION OF RECEIPT.— Upon the online submission of a completed voter registration application form by an individual under this section, the State or other appropriate election official shall provide an on-line confirmation which the applicant may print or from which the applicant may record a confirmation number. In addition to on-line confirmation, a

notice confirming receipt of the form shall be sent through electronic mail, if the registrant provides an e-mail address and requests such notice (or, at the option of the State, by both electronic and regular mail).

“(E) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2014.”

(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 “subparagraph (B) and subsection (a)(6)”.

(b) USE OF ONLINE UPDATE TO CONFIRM CHANGE OF RESIDENCE FOR PURPOSES OF VOTER REMOVAL PROGRAM UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.—

(1) USE OF ONLINE UPDATE.—Section 8(d)(1)(A) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg—6(d)(1)(A)) is amended by inserting after “in writing” the following: “or by updating information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002”. **[NOTE: Provision entitled “prohibiting removal of registered voters included on computerized list for failure to vote or appear to vote” dropped]**

(2) CONFORMING AMENDMENT RELATING TO PROCEDURES TO ENSURE ABILITY TO VOTE FOLLOWING FAILURE TO NOTIFY REGISTRAR OF CHANGE OF ADDRESS.—Section 8(e) of such Act (42 U.S.C. 1973gg—6(e)) is amended in the heading by striking “FAILURE TO RETURN CARD” and inserting “FAILURE TO NOTIFY REGISTRAR OF CHANGE OF ADDRESS”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2014.

SEC. 4. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.

Deleted: NOTIFICATION UPON REVISION.—*[NEW]* Upon processing an individual’s updated registration information under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the updated information. The State shall send the notice through electronic mail (or, at the option of the State, by both electronic and regular mail).

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(a) INCLUDING OPTION ON VOTER REGISTRATION FORM TO PROVIDE E-MAIL ADDRESS AND RECEIVE INFORMATION.—

(1) IN GENERAL.—Section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg—7(b)) is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) shall include a space for the applicant to provide an electronic mail address, together with a statement that, unless the applicant requests otherwise, the applicant shall (if eligible to register to vote) receive any voter registration and voting information normally provided by standard mail to registered voters from the appropriate State or local election official through electronic mail sent to that address.”.

(2) PROHIBITING USE FOR PURPOSES OTHER THAN OFFICIAL PURPOSES.—Section 9 of such Act (42 U.S.C. 1973gg—7) is amended by adding at the end the following new subsection:

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“(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESS FOR OTHER THAN OFFICIAL PURPOSES.—
[NEW] The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official, or any agent or contractor of the State or local election official to any person who does not require the address to carry out such official duties.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect January 1, 2014.

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(b) REQUIRING PROVISION OF INFORMATION BY ELECTION OFFICIALS.—Section 302(b) of the Help America Vote Act of 2002 (42 U.S.C. 15482(b)) is amended by adding at the end the following new paragraph:

“(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voter registration and voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official shall provide the individual with any voting information normally provided on an individual basis to registered voters through electronic mail not later than 7 days before the date of the election involved. The voting information may include the following information or provide the voter with a link to a website where the following information can be found:

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“(A) Where the voter is entitled to vote.“(B) The hours of operation for the polling placeor other locations where voting is offered.

Deleted: The name and address of the polling place at which the individual is assigned to vote in the election.¶

“(C) A description of any identification or other information the individual may be required to bring to the polling place.”.

SEC. 5. CLARIFICATION OF REQUIREMENT TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg—6) is amended by adding at the end the following new subsection:

“(k) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a ‘valid voter registration form’ if the applicant has provided the appropriate State or local election official with a properly executed application equivalent to the form described in Section 9(a)(2) and submitted the information via the website required by Section 7(a)”.

Deleted: all of the information necessary to demonstrate that the applicant is eligible to vote in elections for Federal office in the State or local jurisdiction involved.

(This section, as drafted, appears to obviate the need for any prescribed “form” in order to constitute a valid registration application. The section does not even require that the information be provided in writing. While we do not think the latter is the intent of the bill sponsor(s), the elimination of a specified voter registration application form would, in our view, be counterproductive to the need for clarity and simplicity in the voter registration process.)

SEC. 6. AVAILABILITY OF REQUIREMENTS PAYMENTS UNDER HAVA TO COVER COSTS OF COMPLIANCE WITH NEW NVRA REQUIREMENTS.

(a) **IN GENERAL.**—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (2) the following new paragraph:

“(2) **CERTAIN VOTER REGISTRATION ACTIVITIES.**—A State may use a requirements payment to carry out the requirements of the National Voter Registration Act of 1993 which are imposed pursuant to the amendments made to such Act by the Voter Registration Modernization Act of 2009.”.

(b) **CONFORMING AMENDMENT.**—Section 254(a)(1) of such Act (42 U.S.C. 15404(a)(1)) is amended by striking “section 251(a)(2)” and inserting “section 251(b)(3)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.