

**H.R.105**

**Title:** To protect voting rights and to improve the administration of Federal elections, and for other purposes.

**Sponsor:** [Rep Conyers, John, Jr.](#) [MI-14] (introduced 1/6/2009) [Cosponsors](#) (5)

**Latest Major Action:** 6/12/2009 Referred to House subcommittee. Status: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

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**SUMMARY AS OF:**

1/6/2009--Introduced.

Voting Opportunity and Technology Enhancement Rights Act of 2009 - Amends the Help America Vote Act of 2002 with respect to: (1) use of a national federal write-in absentee ballot; (2) verified ballots; (3) preservation of voting records; (4) requirements for counting provisional ballots; (5) minimum required voting systems and poll workers in polling places; (6) standards for establishing the minimum required voting systems and poll workers; (7) election day registration; (8) removal from voter registration list; (9) early voting; (10) voting systems and voter registration; (11) Internet registration; (12) voter identification; (13) election administration requirements; (15) required use of publicly available open source software in voting machines; (16) standards for conducting recounts; and (17) standards for prohibiting conflicts of interest of entities involved in manufacture, distribution, or other activities relating to voting machines.

Amends the federal criminal code to: (1) prohibit deceptive practices in federal elections; (2) modify the penalty for voter intimidation; and (3) prohibit voter caging and other questionable challenges.

States that the right of an individual citizen of the United States to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense, unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

Treats election day in the same manner as a legal public holiday for purposes of federal employment.

Directs the Comptroller General to study and report to Congress and the President on the impact of such treatment on voter participation.

Expresses the sense of Congress that private employers in the United States should give their employees a day off on the Tuesday after the first Monday in 2010 and each even-numbered year thereafter to enable them to cast votes in the elections held on that day.

HR 105 IH

111th CONGRESS  
1st Session  
**H. R. 105**

To protect voting rights and to improve the administration of Federal elections, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**January 6, 2009**

Mr. CONYERS (for himself, Mr. NADLER of New York, Ms. JACKSON-LEE of Texas, Mr. WEXLER, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Administration and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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**A BILL**

To protect voting rights and to improve the administration of Federal elections, and for other purposes.

*Be it enacted by the Senate and House of Representatives 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 'Voting Opportunity and Technology Enhancement Rights Act of 2009'.
- (b) Table of Contents- The table of contents of this Act is as follows:
  - Sec. 1. Short title; table of contents.

**TITLE I--IMPROVING ELECTION ADMINISTRATION**

- Sec. 101. National Federal write-in absentee ballot.
- Sec. 102. Verified ballots; preservation.
- Sec. 103. Requirements for counting provisional ballots.
- Sec. 104. Minimum requirements for voting systems and poll workers in polling places.
- Sec. 105. Election day registration.
- Sec. 106. Integrity of voter registration list.
- Sec. 107. Early voting.
- Sec. 108. Improvements to voting systems.
- Sec. 109. Voter registration.
- Sec. 110. Establishing voter identification.
- Sec. 111. Impartial administration of elections.

- Sec. 112. Strengthening the Election Assistance Commission.
- Sec. 113. Additional protections to ensure fair administration of Federal elections.
- Sec. 114. Authorization of appropriations.
- Sec. 115. Effective date.

## **TITLE II--PROHIBITING DECEPTIVE PRACTICES**

- Sec. 201. Prohibition on deceptive practices in Federal elections.
- Sec. 202. Modification of penalty for voter intimidation.
- Sec. 203. Sentencing guidelines.
- Sec. 204. Reporting violations and remedial action.

## **TITLE III--PROHIBITING VOTER CAGING**

- Sec. 301. Voter caging and other questionable challenges prohibited.
- Sec. 302. Severability.

## **TITLE IV--RESTORING VOTING RIGHTS**

- Sec. 401. Rights of citizens.
- Sec. 402. Enforcement.
- Sec. 403. Notification of restoration of voting rights.
- Sec. 404. Definitions.
- Sec. 405. Relation to other laws.
- Sec. 406. Federal prison funds.
- Sec. 407. Effective date.

## **TITLE V--ELECTION DAY AS LEGAL PUBLIC HOLIDAY**

- Sec. 501. Treatment of election day in same manner as legal public holiday for purposes of Federal employment.
- Sec. 502. Study by Comptroller General of impact on voter participation.
- Sec. 503. Sense of Congress regarding treatment of day by private employers.

### **TITLE I--IMPROVING ELECTION ADMINISTRATION**

#### **SEC. 101. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.**

- (a) Requiring States To Accept Ballot-
  - (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. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.**

` (a) In General- Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Commission under section 297 to cast a vote in an election for Federal office.

` (b) Submission and Processing-

` (1) IN GENERAL- Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided under the standards prescribed by the Commission under section 297(b).

` (2) DEADLINE- An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

` (c) Special Rules- The following rules shall apply with respect to national Federal write-in absentee ballots:

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

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

` (3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

` (d) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(2) CONFORMING AMENDMENT RELATING TO ENFORCEMENT- 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 title III of such Act is amended by adding at the end the following:

## **` Subtitle C--Additional Requirements**

` Sec. 321. Use of national Federal write-in absentee ballot.'

(b) Guidance and Standards for National Federal Write-in Absentee Ballot-

(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. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) Form of Ballot- The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

(b) Standards- The Commission shall prescribe standards for--

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

(2) processing and submission of the national Federal write-in absentee ballot.'

(2) CONFORMING AMENDMENT- Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended--

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

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

(5) carrying out the duties described in subtitle E;'

(3) CLERICAL AMENDMENT- The table of contents for title II of such Act is amended by adding at the end the following:

**Subtitle E--Guidance and Standards**

Sec. 297. National Federal write-in absentee ballot.'

(c) Coordination With Uniformed and Overseas Citizens Absentee Voting Act-

(1) IN GENERAL- The Presidential designee under the Uniformed and Overseas Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot prescribed by the Commission under section 297 of the Help America Vote Act of 2002 (as added by subsection (b)(1)) for absent uniformed service voters and overseas voters so that such voters face no greater difficulties in the submission and processing of their ballots than those faced by absentee voters who reside in the United States.

(2) DEFINITIONS- The terms 'absent uniformed service voter' and 'overseas voter' shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg-6).

**SEC. 102. VERIFIED BALLOTS; PRESERVATION.**

(a) Verification-

(1) IN GENERAL- Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

` (7) VERIFIED BALLOTS- In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2011:

` (A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to verify the accuracy of the ballot before it is cast and counted, and to correct any errors before the record of the ballot is produced and preserved under this paragraph and paragraph (2)(B)(iii).

` (B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

` (i) A paper record.

` (ii) An audio record.

` (iii) A pictorial record.

` (iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

` (C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

` (D) None of the means of verification under this paragraph may employ cryptography in the record.'

(2) CONFORMING AMENDMENT- Clause (i) of section 301(a)(1)(A) of such Act (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting `and consistent with the requirements of paragraphs (2), (4), and (7)' after `independent manner'.

(b) Preservation of Records- Section 301(a)(2)(B)(iii) of such Act (42 U.S.C. 15481(a)(2)(B)(iii)) is amended to read as follows:

` (iii) The record produced to meet the requirements of paragraph (1)(A)(i) and this paragraph shall be available as an official record for any audit or recount conducted with respect to any election in which the system is used, and shall be preserved after the voter has verified its accuracy--

` (I) in the case of a paper record, within the polling place on the date of the election in a manner that ensures the security of the votes as verified; and

` (II) in the case of a record described in clause (ii), (iii), or (iv) of paragraph (7)(B), through a method established by the Commission which provides protection of the record equal to or superior to the methods used to preserve paper records.'

(c) Guidance-

(1) IN GENERAL- Subtitle E of title II of such Act, as added by section 101(b)(1), is amended by adding at the end the following new section:

**SEC. 298. VERIFIED BALLOTS.**

(a) Standards- The Commission shall issue uniform and nondiscriminatory standards--

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

(2) for meeting the audit requirements of section 301(a)(2).

(b) Audits- The standards issued under subsection (a) shall provide for partial audits of the results of elections using the records produced pursuant to section 301(a)(7), and shall provide that those records shall be used for the official count of votes in the event that the tallies derived from the records differ from the tallies otherwise derived from the voting system used in the election involved.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added by this Act, is amended by adding at the end the following new item:

'Sec. 298. Verified ballots.'

(d) Reports-

(1) ELECTION ASSISTANCE COMMISSION- Section 207 of such Act (42 U.S.C. 15327) is amended--

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

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

(5) A description of the progress on implementing the verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.'

(2) STATE REPORTS- Section 258 of such Act (42 U.S.C. 15408) is amended--

(A) by striking 'and' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '; and'; and

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

(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the verified ballot requirements of section 301(a)(7).'

**SEC. 103. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.**

(a) In General- Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended--

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

` (d) Statewide Counting of Provisional Ballots- For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote in the election.'

(b) Effective Date- Section 302(e) of such Act (42 U.S.C. 15482(e)), as redesignated by subsection (a), is amended to read as follows:

` (e) Effective Date for Provisional Voting and Voting Information-

` (1) IN GENERAL- Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements fo this section on and after January 1, 2004.

` (2) STATEWIDE COUNTING OF PROVISIONAL BALLOTS- Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2011.'

## **SEC. 104. MINIMUM REQUIREMENTS FOR VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.**

(a) Minimum Requirements-

(1) IN GENERAL- Subtitle C of title III of the Help America Vote Act of 2002, as added by section 101(a)(1), is amended by adding at the end the following new section:

## **` SEC. 322. MINIMUM REQUIREMENTS FOR VOTING SYSTEMS AND POLL WORKERS.**

` (a) In General- Each State shall provide for the minimum required number of functioning and accurate voting systems and poll workers required in each precinct 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 299A.

` (b) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added by section 101(a)(3), is amended by adding at the end the following new item:

` Sec. 322. Minimum required voting systems and poll workers.'

(b) Standards-

(1) IN GENERAL- Subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

## **` SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.**

` (a) In General- The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each precinct on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

` (b) Distribution- The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers, based on a ratio of the number of systems and workers per voter, taking into account voter registration statistics for the precinct, the most recent available census data regarding the number of individuals residing within the precinct who are eligible to register to vote, and the level of voter turnout during previous elections held in the precinct.

` (c) Deviation- The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.'.

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 299. Standards for establishing the minimum required voting systems and poll workers.'.

## **SEC. 105. ELECTION DAY REGISTRATION.**

(a) Requirement-

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

## **` SEC. 323. ELECTION DAY REGISTRATION.**

` (a) In General-

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

` (A) to register to vote in such election at the polling place using the form established by the Commission pursuant to section 297; and

` (B) to cast a vote in such election.

` (2) EXCEPTION- The requirements under paragraph (1) shall not apply to a 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 registration requirement for individuals in the State with respect to elections for Federal office.

` (b) Effective Date- Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2011.'.

(2) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

`Sec. 323. Election Day registration.'.

(b) Election Day Registration Form-

(1) IN GENERAL- Subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

### **`SEC. 299A. ELECTION DAY REGISTRATION FORM.**

`The Commission shall develop an election day registration form for elections for Federal office.'.

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

`Sec. 299A. Election Day registration form.'.

### **SEC. 106. INTEGRITY OF VOTER REGISTRATION LIST.**

(a) In General- Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

### **`SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.**

`(a) Public Notice- Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

`(b) Notice to Individual Voters-

`(1) IN GENERAL- No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

`(2) REQUIREMENTS OF NOTICE- The notice required under paragraph (1) shall be--

`(A) provided to each voter in a uniform and nondiscriminatory manner;

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

`(C) in the form and manner prescribed by the Election Assistance Commission.

`(c) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'.

(b) Clerical Amendment- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

`Sec. 324. Removal from voter registration list.'

## **SEC. 107. EARLY VOTING.**

(a) Requirements-

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

## **`SEC. 325. EARLY VOTING.**

`(a) In General- Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

`(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 uniform hours each day for which such voting occurs.

`(c) Application of Election Day Registration to Early Voting- A State shall permit individuals to register to vote at each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) in the same manner as the State is required to permit individuals to register to vote and vote on the day of the election under section 323.

`(d) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

`Sec. 325. Early voting.'

(b) Standards for Early Voting-

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

## **`SEC. 299B. STANDARDS FOR EARLY VOTING.**

`(a) In General- The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

` (b) Deviation- The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 299B. Standards for early voting.'

## **SEC. 108. IMPROVEMENTS TO VOTING SYSTEMS.**

(a) In General- Section 301(a)(1)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking ` , a punch card voting system, or a central count voting system'.

(b) Clarification of Requirements for Punch Card Systems- Section 301(a)(1)(A) of such Act (42 U.S.C. 15481(a)(1)(A)) is amended by striking ` any lever' and inserting ` any punch card voting system, lever'.

## **SEC. 109. VOTER REGISTRATION.**

(a) In General- Section 303(b)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraphs:

` (C) EXCEPTION- On and after January 1, 2011--

` (i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

` (ii) subparagraph (B) shall not apply.

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

(b) Internet Registration-

(1) IN GENERAL- Subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

## **` SEC. 326. INTERNET REGISTRATION.**

` (a) Internet Registration- Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

` (b) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 326. Internet registration.'

(c) Standards for Internet Registration-

(1) IN GENERAL- Subtitle E of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

### **` SEC. 299C. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.**

` The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 299C. Standards for Internet registration programs.'

### **SEC. 110. ESTABLISHING VOTER IDENTIFICATION.**

(a) In General-

(1) IN PERSON VOTING- Section 303(b)(2)(A)(i) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended--

(A) by striking ` or' at the end of subclause (I); and

(B) by adding at the end the following new subclause:

` (III) executes a written affidavit attesting to such individual's identity; or'.

(2) VOTING BY MAIL- Section 303(b)(2)(A)(ii) of such Act (42 U.S.C. 15483(b)(2)(A)(ii)) is amended--

(A) by striking ` or' at the end of subclause (I);

(B) by striking the period at the end of subclause (II) and inserting ` ; or'; and

(C) and by adding at the end the following new subclause:

` (III) a written affidavit, executed by such individual, attesting to such individual's identity.'

(b) Standards for Verifying Voter Information-

(1) IN GENERAL- Subtitle E of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

### **` SEC. 299D. VOTER IDENTIFICATION.**

`The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added by this Act, is amended by adding at the end the following new item:

`Sec. 299D. Voter identification.'

## **SEC. 111. IMPARTIAL ADMINISTRATION OF ELECTIONS.**

(a) Election Administration Requirements-

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

## **`SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.**

`(a) Notice of Changes in State Election Laws- Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

`(b) Observers-

`(1) IN GENERAL- Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to--

`(A) voting rights and civil rights organizations; and

`(B) nonpartisan domestic observers and international observers.

`(2) NOTICE OF DENIAL OF OBSERVATION REQUEST- Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

`(3) NO INTERFERENCE WITH ELECTION PERMITTED- Nothing in this subsection may be construed to permit any individual observing a Federal election pursuant to this subsection to engage in campaign activity at a polling place or interfere in any way with the conduct of the election.

`(c) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

`Sec. 327. Election administration requirements.'

(b) Study of Administration of Elections by Nonpartisan Boards-

(1) STUDY- The Election Assistance Commission shall conduct a study analyzing the feasibility and desirability of requiring States to carry out the

administration of elections for Federal office through nonpartisan election boards.

(2) REPORT- Not later than January 1, 2011, the Commission shall submit a report to Congress and the relevant committees of Congress on the study conducted under paragraph (1).

## **SEC. 112. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.**

(a) Budget Requests-

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

### **SEC. 209A. SUBMISSION OF BUDGET REQUESTS.**

Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to all relevant committees of the House and Senate.'

(2) CLERICAL AMENDMENT- The table of contents for part 1 of subtitle A of title II of such Act is amended by inserting after the item relating to section 209 the following new item:

Sec. 209A. Submission of budget requests.'

(b) Exemption From Paperwork Reduction Act- Section 3502(1) of title 44, United States Code, is amended--

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E); and

(2) by inserting after subparagraph (A) the following new subparagraph:

(B) the Election Assistance Commission;'

(c) Rulemaking- Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended--

(1) by striking 'The Commission' and inserting the following:

(a) In General- Except as provided in subsection (b), the Commission'; and

(2) by adding at the end the following new subsection:

(b) Exception- On and after January 1, 2011, subsection (a) shall not apply to any authority granted under subtitle E of this title or subtitle C of title III.'

(d) NIST Authority-

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

### **SEC. 299E. TECHNICAL SUPPORT.**

` At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added by this Act, is amended by adding at the end the following new item:

` Sec. 299E. Technical support.'

(e) Authorization of Appropriations- Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking `for each of the fiscal years 2003 through 2005' and all that follows and inserting the following: `for the Commission to carry out this title the following:

` (1) For each of fiscal years 2003 through 2009, \$10,000,000.

` (2) For fiscal year 2010, \$23,000,000, of which \$3,000,000 is solely to carry out section 299E.

` (3) For fiscal year 2011 and each succeeding fiscal year, such sums as may be necessary.'

### **SEC. 113. ADDITIONAL PROTECTIONS TO ENSURE FAIR ADMINISTRATION OF FEDERAL ELECTIONS.**

(a) Requiring Use of Publicly Available Open Source Software in Voting Machines-

(1) REQUIRING USE OF OPEN SOURCE SOFTWARE-

(A) IN GENERAL- Subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

### **` SEC. 328. REQUIRING USE OF PUBLICLY AVAILABLE OPEN SOURCE SOFTWARE IN VOTING MACHINES.**

` (a) In General- Each State shall ensure that each voting machine used by the State for elections for Federal office uses open source software which may be accessible for inspection by the public, in accordance with standards established by the Commission under section 299G.

` (b) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(B) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 328. Requiring use of publicly available open source software in voting machines.'

(2) ESTABLISHMENT OF STANDARDS-

(A) IN GENERAL- Subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

**` SEC. 299F. STANDARDS FOR PUBLICLY AVAILABLE OPEN SOURCE SOFTWARE IN VOTING MACHINES.**

` The Commission shall establish standards for the software used in voting machines for elections for Federal offices, including standards to ensure that all such software is open source software which may be accessible for inspection by the public.'

(B) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 299F. Standards for publicly available open source software in voting machines.'

(b) Standards for Conducting Recounts-

(1) IN GENERAL- Subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

**` SEC. 329. STANDARDS FOR CONDUCTING RECOUNTS.**

` In conducting any recount with respect to any election for Federal office in the State, the State shall ensure that a vote in the election will be counted when the intent of the voter can reasonably be determined from the ballot.'

(2) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 329. Standards for conducting recounts.'

(c) Prohibiting Conflicts of Interest of Entities Involved in Manufacture, Distribution, or Other Activities Relating to Voting Machines-

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

(A) IN GENERAL- Subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

**` SEC. 329A. PROHIBITING AGREEMENTS WITH ENTITIES FAILING TO MEET ANTI-CONFLICT OF INTEREST STANDARDS FOR ENTITIES INVOLVED WITH VOTING MACHINES.**

` (a) In General- In carrying out an election for Federal office, a State may not enter into any agreement with an entity regarding the manufacture, distribution, installation, servicing, or other activity with respect to a voting machine to be used for the election if the entity is not in compliance with the standards established by the Commission under section 299G for prohibiting conflicts of interest of such entities.

` (b) Effective Date- Each State shall be required to comply with the requirements of this section on and after January 1, 2011.'

(B) CLERICAL AMENDMENT- The table of contents for subtitle C of title III of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 329A. Prohibiting agreement with entities failing to meet anti-conflict of interest standards for entities involved with voting machines.'

(2) ESTABLISHMENT OF STANDARDS-

(A) IN GENERAL- Subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new section:

### **` SEC. 299G. STANDARDS FOR PROHIBITING CONFLICTS OF INTEREST OF ENTITIES INVOLVED IN MANUFACTURE, DISTRIBUTION, OR OTHER ACTIVITIES RELATING TO VOTING MACHINES.**

` The Commission shall establish standards to prohibit conflicts of interest of entities engaged in the manufacture, distribution, installation, servicing, or other activities with respect to voting machines, including standards to prohibit any such entity from directly or indirectly providing any funds or property (including in-kind funds and property) to any candidate for public office, any political party, any political committee under the Federal Election Campaign Act of 1971, any organization described in section 527 of the Internal Revenue Code of 1986, or any other entity organized for any partisan political purpose.'

(B) CLERICAL AMENDMENT- The table of contents for subtitle E of title II of such Act, as added and amended by this Act, is amended by adding at the end the following new item:

` Sec. 299G. Standards for prohibiting conflicts of interest of entities involved in manufacture, distribution, or other activities relating to voting machines.'

### **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

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

` (4) For fiscal year 2010, \$2,000,000,000.

` (5) For each fiscal year after 2010, such sums as are necessary.'

### **SEC. 115. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect on January 1, 2010.

## **TITLE II--PROHIBITING DECEPTIVE PRACTICES**

## **SEC. 201. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.**

(a) In General- Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

### **` Sec. 618. Deceptive practices in Federal elections**

` (a) Whoever, within 60 days before a Federal election, knowingly communicates election-related information about that election, knowing that information to be false, with the intent to prevent another person from exercising the right to vote in that election, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

` (b) As used in this section--

` (1) the term `Federal election' means any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession; and

` (2) the term `election related information' means information regarding--

` (A) the time, place, or manner of conducting the election;

` (B) the qualifications for or restrictions on voter eligibility for the election, including--

` (i) any criminal penalties associated with voting in the election;  
or

` (ii) information regarding a voter's registration status or eligibility;

` (C) with respect to a closed primary election, the political party affiliation of any candidate for office, if the communication of the information also contains false information described in subparagraph (A) or (B); or

` (D) the explicit endorsement by any person or organization of a candidate running for any office voted on in the election.'

(b) Clerical Amendment- The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

` 618. Deceptive practices in Federal elections.'

## **SEC. 202. MODIFICATION OF PENALTY FOR VOTER INTIMIDATION.**

Section 594 of title 18, United States Code, is amended by striking `one year' and inserting `5 years'.

## **SEC. 203. SENTENCING GUIDELINES.**

(a) Review and Amendment- Not later than 90 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under sections of title 18, United States Code, that are added or modified by this title.

(b) Authorization- The United States Sentencing Commission may, for the purposes of the amendments made pursuant to this section, amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

## **SEC. 204. REPORTING VIOLATIONS AND REMEDIAL ACTION.**

(a) Reporting- Any person may report to the Attorney General any violation or possible violation of section 594 or 618 of title 18, United States Code.

(b) Corrective Action-

(1) IN GENERAL- Immediately after receiving a report under subsection (a), the Attorney General shall consider and review such report and, if the Attorney General determines that there is a reasonable basis to find that a violation has occurred, the Attorney General shall--

(A) undertake all effective measures necessary to provide correct information to voters affected by the false information;

(B) refer any matter under the jurisdiction of the Civil Rights Division of the Department of Justice to such division for prosecution; and

(C) refer the matter to the appropriate Federal and State authorities for criminal prosecution or civil action after the election.

(2) REGULATIONS-

(A) IN GENERAL- The Attorney General shall promulgate regulations regarding the methods and means of corrective actions to be taken under paragraph (1). Such regulations shall be developed in consultation with the Election Assistance Commission, civil rights organizations, voting rights groups, State and local election officials, voter protection groups, and other interested community organizations.

(B) STUDY-

(i) IN GENERAL- The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraph (1) through public service announcements, the emergency alert system, or other forms of public broadcast.

(ii) REPORT- Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to

Congress a report detailing the results of the study conducted under clause (i).

(3) PUBLICIZING REMEDIES- The Attorney General shall make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities, contact information, and complaint procedures applicable under this section.

(c) Reports to Congress-

(1) IN GENERAL- Not later than 90 days after any primary, general, or run-off election for Federal office, the Attorney General shall submit to Congress a report compiling and detailing any allegations of false information submitted pursuant to subsection (a) and relating to such election.

(2) CONTENTS- Each report submitted under paragraph (1) shall include--

(A) detailed information on specific allegations of deceptive tactics;

(B) statistical compilations of how many allegations were made and of what type;

(C) the geographic locations of and the populations affected by the alleged deceptive information;

(D) the status of the investigations of such allegations;

(E) any corrective actions taken in response to such allegations;

(F) the rationale used for any corrective actions or for any refusal to pursue an allegation;

(G) the effectiveness of any such corrective actions;

(H) whether a Voting Integrity Task Force was established with respect to such election, and, if so, how such task force was staffed and funded;

(I) any referrals of information to other Federal, State, or local agencies;

(J) any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C. 1971(b)(2)) in connection with such allegations; and

(K) any criminal prosecution instituted under title 18, United States Code, in connection with such allegations.

(3) REPORT MADE PUBLIC- On the date that the Attorney General submits the report required under paragraph (1), the Attorney General shall also make the report publicly available through the Internet and other appropriate means.

(d) Delegation of Duties-

(1) IN GENERAL- The Attorney General shall delegate the responsibilities under this section to a Voting Integrity Task Force established under paragraph (2).

(2) VOTING INTEGRITY TASK FORCE-

(A) IN GENERAL- The Attorney General shall establish a Voting Integrity Task Force to carry out the requirements of this section with

respect to any general, primary, run-off, or special election for Federal office.

(B) COMPOSITION- Any Voting Integrity Task Force established under paragraph (1) shall be under the direction of the Assistant Attorney General for the Civil Rights Division and the Assistant Attorney General for the Criminal Division, jointly.

(e) Federal Office- For purposes of this section, the term `Federal office' means the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession of the United States.

### **TITLE III--PROHIBITING VOTER CAGING**

#### **SEC. 301. VOTER CAGING AND OTHER QUESTIONABLE CHALLENGES PROHIBITED.**

(a) In General- Chapter 29 of title 18, United States Code, as amended by section 201(a), is amended by adding at the end the following:

#### **`Sec. 619. Voter caging and other questionable challenges**

`(a) Definitions- In this section--

`(1) the term `voter caging document' means--

`(A) a nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or

`(B) any document with instructions to an addressee that the document be returned to the sender or a third party but is not so returned, despite an attempt to deliver such document to the address of a registered voter or applicant, unless at least two Federal election cycles have passed since the date of the attempted delivery;

`(2) the term `voter caging list' means a list of individuals compiled from voter caging documents; and

`(3) the term `unverified match list' means a list produced by matching the information of registered voters or applicants for voter registration to a list of individuals who are ineligible to vote in the registrar's jurisdiction, by virtue of death, conviction, change of address, or otherwise; unless one of the pieces of information matched includes a signature, photograph, or unique identifying number ensuring that the information from each source refers to the same individual.

`(b) Prohibition Against Voter Caging- No State or local election official shall prevent an individual from registering or voting in any election for Federal office, or permit in connection with any election for Federal office a formal challenge

under State law to an individual's registration status or eligibility to vote, if the basis for such decision is evidence consisting of--

- ` (1) a voter caging document or voter caging list;
- ` (2) an unverified match list;
- ` (3) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote under section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971(a)(2)(B)); or
- ` (4) any other evidence so designated for purposes of this section by the Election Assistance Commission,

except that the election official may use such evidence if it is corroborated by independent evidence of the individual's ineligibility to register or vote.

` (c) Requirements For Challenges by Persons Other Than Election Officials-

` (1) ATTESTATION OF FIRST-HAND KNOWLEDGE OF INELIGIBILITY- No person, other than a State or local election official, shall submit a formal challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office unless that challenge is supported by personal, first-hand knowledge regarding the grounds for ineligibility which is--

- ` (A) documented in writing; and
- ` (B) subject to an oath or attestation under penalty of perjury that the individual who is the subject of the challenge is ineligible to register to vote or vote in that election.

` (2) PROHIBITING CHALLENGES BASED ON CERTAIN EVIDENCE- No person, other than a State or local election official, shall submit a formal challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office if the basis for such challenge is evidence consisting of--

- ` (A) a voter caging document or voter caging list;
- ` (B) an unverified match list;
- ` (C) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote under section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971(a)(2)(B)); or
- ` (D) any other evidence so designated for purposes of this section by the Election Assistance Commission.

` (d) Penalties for Knowing Misconduct- Whoever knowingly challenges the eligibility of one or more individuals to register or vote or knowingly causes the eligibility of such individuals to be challenged in violation of this section with the intent that one or more eligible voters be disqualified, shall be fined under this title or imprisoned not more than 5 years, or both, for each such violation. Each violation shall be a separate offense.

` (e) No Effect on Related Laws- Nothing in this section is intended to override the protections of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) or to affect the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).'

(b) Clerical Amendment- The table of sections for chapter 29 of title 18, United States Code, as amended by section 201(b), is amended by adding at the end the following:

` 619. Voter caging and other questionable challenges.'

## **SEC. 302. SEVERABILITY.**

If any provision of this title or any amendment made by this title, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

## **TITLE IV--RESTORING VOTING RIGHTS**

### **SEC. 401. RIGHTS OF CITIZENS.**

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

### **SEC. 402. ENFORCEMENT.**

(a) Attorney General- The Attorney General may, in a civil action, obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) Private Right of Action-

(1) NOTICE TO ELECTION OFFICIAL- A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION PERMITTED- Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action obtain declaratory or injunctive relief with respect to the violation.

(3) WAIVER OF NOTICE FOR VIOLATIONS OCCURRING NEAR DATE OF ELECTION- If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a

civil action to obtain declaratory or injunctive relief with respect to the violation.

### **SEC. 403. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.**

(a) State Notification-

(1) NOTIFICATION- On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual has the right to vote in an election for Federal office pursuant to this title and may register to vote in any such election.

(2) DATE OF NOTIFICATION-

(A) FELONY CONVICTION- In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual--  
(i) is sentenced to serve only a term of probation; or  
(ii) is released from the custody of that State (other than to the custody of another State or the Federal Government to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION- In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced.

(b) Federal Notification-

(1) NOTIFICATION- On the date determined under paragraph (2), the Director of the Bureau of Prisons shall notify in writing any individual who has been convicted of a criminal offense under Federal law that such individual has the right to vote in an election for Federal office pursuant to this title and may register to vote in any such election.

(2) DATE OF NOTIFICATION-

(A) FELONY CONVICTION- In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual--  
(i) is sentenced to serve only a term of probation by a court established by an Act of Congress; or  
(ii) is released from the custody of the Bureau of Prisons (other than to the custody of a State to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION- In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced.

### **SEC. 404. DEFINITIONS.**

For purposes of this title:

- (1) CORRECTIONAL INSTITUTION OR FACILITY- The term `correctional institution or facility' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).
- (2) ELECTION- The term `election' means--
  - (A) a general, special, primary, or runoff election;
  - (B) a convention or caucus of a political party held to nominate a candidate;
  - (C) a primary election held for the selection of delegates to a national nominating convention of a political party; or
  - (D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.
- (3) FEDERAL OFFICE- The term `Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.
- (4) PROBATION- The term `probation' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning--
  - (A) the individual's freedom of movement;
  - (B) the payment of damages by the individual;
  - (C) periodic reporting by the individual to an officer of the court; or
  - (D) supervision of the individual by an officer of the court.

## **SEC. 405. RELATION TO OTHER LAWS.**

(a) State Laws Relating to Voting Rights- Nothing in this title shall be construed to prohibit the States enacting any State law which affords the right to vote in any election for Federal office on terms less restrictive than those established by this title.

(b) Certain Federal Acts- The rights and remedies established by this title are in addition to all other rights and remedies provided by law, and neither rights and remedies established by this title shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act (42 U.S.C. 1973-gg).

## **SEC. 406. FEDERAL PRISON FUNDS.**

No State, unit of local government, or other person may receive or use, to construct or otherwise improve a prison, jail, or other place of incarceration, any Federal grant amounts unless that person has in effect a program under which each individual incarcerated in that person's jurisdiction who is a citizen of the

United States is notified, upon release from such incarceration, of that individual's rights under section 401.

**SEC. 407. EFFECTIVE DATE.**

This title shall apply to citizens of the United States voting in any election for Federal office held after the date of the enactment of this Act.

**TITLE V--ELECTION DAY AS LEGAL PUBLIC HOLIDAY**

**SEC. 501. TREATMENT OF ELECTION DAY IN SAME MANNER AS LEGAL PUBLIC HOLIDAY FOR PURPOSES OF FEDERAL EMPLOYMENT.**

For purposes of any law relating to Federal employment, the Tuesday next after the first Monday in November in 2010 and each even-numbered year thereafter shall be treated in the same manner as a legal public holiday described in section 6103 of title 5, United States Code.

**SEC. 502. STUDY BY COMPTROLLER GENERAL OF IMPACT ON VOTER PARTICIPATION.**

- (a) In General- The Comptroller General shall conduct a study of the impact of section 501 on voter participation.
- (b) Report- Not later than May 1, 2015, the Comptroller General shall submit a report to Congress and the President on the results of the study conducted under subsection (a).

**SEC. 503. SENSE OF CONGRESS REGARDING TREATMENT OF DAY BY PRIVATE EMPLOYERS.**

It is the sense of Congress that private employers in the United States should give their employees a day off on the Tuesday next after the first Monday in November in 2010 and each even-numbered year thereafter to enable the employees to cast votes in the elections held on that day.

*END*