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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, equipping States with tools for, and establishing voluntary considerations to support effective State administration of Federal elections, improving election administration in the District of Columbia, improving the effectiveness of military voting programs, enhancing election security, and protecting political speech, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEIL introduced the following bill; which was referred to the Committee
on _____

A BILL

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “American Confidence
3 in Elections Act” or the “ACE Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. General findings.

TITLE I—ELECTION ADMINISTRATION INTEGRITY

Subtitle A—Findings Relating to State Administration of Federal Elections

Sec. 101. Findings Relating to State Administration of Federal Elections.

Subtitle B—Voluntary Considerations for State Administration of Federal Elections

- Sec. 111. Short title.
- Sec. 112. Findings.
- Sec. 113. Election integrity voluntary considerations and Federal forum for State information sharing.

Subtitle C—Requirements to Promote Integrity in Election Administration

- Sec. 121. Ensuring only eligible American citizens may participate in Federal elections.
- Sec. 122. State reporting requirements with respect to voter list maintenance.
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- Sec. 126. Confirming access for Congressional election observers.
- Sec. 127. Use of requirements payments for post-election audits.
- Sec. 128. Increase in threshold for requiring information reporting with respect to certain payees.
- Sec. 129. Voluntary guidelines with respect to nonvoting election technology.
- Sec. 130. Status reports by National Institute of Standards and Technology.
- Sec. 131. 501(c)(3) organizations prohibited from providing direct or indirect funding for election administration.
- Sec. 132. Federal agency involvement in voter registration activities.
- Sec. 133. Prohibition on use of Federal funds for election administration in States that permit ballot harvesting.
- Sec. 134. Clarification with respect to Federal election record-keeping requirement.
- Sec. 135. Clarification of rules with respect to hiring of election workers.
- Sec. 136. State assistance in assigning mailing addresses with respect to Tribal Governments.
- Sec. 137. State defined.

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Sec. 139. GAO study on domestic manufacturing and assembly of voting equipment.

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Sec. 142. Statement of congressional authority; findings.

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Sec. 153. Requirements with respect to staff and funding of the Election Assistance Commission.

Sec. 154. General requirements for payments made by Election Assistance Commission.

Sec. 155. Executive Board of the Standards Board authority to enter into contracts.

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Sec. 162. Prohibiting providing assistance to foreign nationals in making contributions or donations in connection with elections.

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Sec. 172. Establishment of panel of constitutional experts.

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Subtitle A—Protecting Political Speech and Freedom of Association

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1 SEC. 3. GENERAL FINDINGS.

2 Congress finds the following:

1 (1) According to Article 1, Section 4 of the
2 Constitution of the United States, the States have
3 the primary role in establishing “(t)he Times, Places
4 and Manners of holding Elections for Senators and
5 Representatives”, while Congress has a purely sec-
6 ondary role in this space and must restrain itself
7 from acting improperly and unconstitutionally.

8 (2) Federal election legislation should never be
9 the first step and must never impose burdensome,
10 unfunded Federal mandates on State and local elec-
11 tions officials. When Congress does speak, it must
12 devote its efforts only to resolving highly significant
13 and substantial deficiencies to ensure the integrity of
14 our elections. State legislatures are the primary
15 venues to establish rules for governing elections and
16 correct most issues.

17 (3) All eligible American voters who wish to
18 participate must have the opportunity to vote, and
19 all lawful votes must be counted.

20 (4) States must balance appropriate election
21 administration structures and systems with acces-
22 sible access to the ballot box.

23 (5) Political speech is protected speech.

24 (6) The First Amendment protects the right of
25 all Americans to state their political views and do-

1 nate money to the candidates, causes, and organiza-
2 tions of their choice without fear of retribution.

3 (7) Redistricting decisions are best made at the
4 State level.

5 (8) States must maintain the flexibility to de-
6 termine the best redistricting processes for the par-
7 ticular needs of their citizens.

8 (9) Congress has independent authority under
9 the Fourteenth, Fifteenth, Nineteenth, Twenty-
10 Fourth, and Twenty-Sixth Amendments to ensure
11 elections are conducted without unlawful discrimina-
12 tion.

13 (10) The Civil Rights Act and the Voting
14 Rights Act, which are not anchored in Article 1,
15 Section 4 of the Constitution, have seen much suc-
16 cess since their passage in 1964 and 1965, and Con-
17 gress should continue to exercise its constitutional
18 authority in this space as appropriate.

1 **TITLE I—ELECTION**
2 **ADMINISTRATION INTEGRITY**
3 **Subtitle A—Findings Relating to**
4 **State Administration of Federal**
5 **Elections**

6 **SEC. 101. FINDINGS RELATING TO STATE ADMINISTRATION**
7 **OF FEDERAL ELECTIONS.**

8 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
9 gress that constitutional scholar Robert Natelson has done
10 invaluable work with respect to the history and under-
11 standing of the Elections Clause.

12 (b) **FINDINGS.**—Congress finds the following:

13 (1) The Constitution reserves to the States the
14 primary authority and the duty to set election legis-
15 lation and administer elections—the “times, places,
16 and manner of holding of elections”—and Congress’
17 power in this space is purely secondary to the
18 States’ power and is to be employed only in the
19 direst of circumstances. History, precedent, the
20 Framers’ words, debates concerning ratification, the
21 Supreme Court, and the Constitution itself make it
22 exceedingly clear that Congress’ power over elections
23 is not unfettered.

24 (2) The Framing Generation grappled with the
25 failure of the Articles of Confederation, which pro-

1 vided for only a weak national government incapable
2 of preserving the Union. Under the Articles, the
3 States had exclusive authority over Federal elections
4 held within their territory; but, given the difficulties
5 the national government had experienced with State
6 cooperation (e.g., the failure of Rhode Island to send
7 delegates to the Confederation Congress), the Fed-
8 eralists, including Alexander Hamilton, were con-
9 cerned with the possibility that the States, in an ef-
10 fort to destroy the Federal government, simply
11 might not hold elections or that an emergency, such
12 as an invasion or insurrection, might prevent the op-
13 eration of a State’s government, leaving the Con-
14 gress without Members and the Federal government
15 unable to respond.

16 (3) Quite plainly, Alexander Hamilton, a lead-
17 ing Federalist and proponent of our Constitution,
18 understood the Elections Clause as serving only as
19 a sort of emergency fail-safe, not as a cudgel used
20 to nationalize our elections process. Writing as
21 Publius to the people of New York, Hamilton fur-
22 ther expounds on the correct understanding of the
23 Elections Clause: “T[he] natural order of the subject
24 leads us to consider, in this place, that provision of
25 the Constitution which authorizes the national legis-

1 lature to regulate, in the last resort, the election of
2 its own members.”. Alexander Hamilton (writing as
3 Publius), *Federalist* no. 59, *Concerning the Power of*
4 *Congress to Regulate the Election of Members*, N.Y.
5 PACKET (Fri., Feb. 22, 1788).

6 (4) When questioned at the States’ constitu-
7 tional ratifying conventions with respect to this pro-
8 vision, the Federalists confirmed this understanding
9 of a constitutionally limited, secondary congressional
10 power under Article 1, Section 4. (“[C]onvention
11 delegate James McHenry added that the risk to the
12 federal government [without a fail-safe provision]
13 might not arise from state malice: An insurrection
14 or rebellion might prevent a state legislature from
15 administering an election.”); (“An occasion may
16 arise when the exercise of this ultimate power of
17 Congress may be necessary . . . if a state should be
18 involved in war, and its legislature could not assem-
19 ble, (as was the case of South Carolina and occa-
20 sionally of some other states, during the [Revolu-
21 tionary] war).”); (“Sir, let it be remembered that
22 this power can only operate in a case of necessity,
23 after the factious or listless disposition of a par-
24 ticular state has rendered an interference essential
25 to the salvation of the general government.”). *See*

1 Robert G. Natelson, *The Original Scope of the Con-*
2 *gressional Power to Regulate Elections*, 13 U. PA. J.
3 CONST. L. 1, 12–13 (Nov. 2010).

4 (5) John Jay made similar claims in New York.
5 And, as constitutional scholar Robert Natelson notes
6 in his invaluable article, *The Original Scope of the*
7 *Congressional Power to Regulate Elections*, “Alex-
8 ander Contee Hanson, a member of Congress whose
9 pamphlet supporting the Constitution proved pop-
10 ular, stated flatly that Congress would exercise its
11 times, places, and manner authority only in cases of
12 invasion, legislative neglect or obstinate refusal to
13 pass election laws [providing for the election of
14 Members of Congress], or if a state crafted its elec-
15 tion laws with a ‘sinister purpose’ or to injure the
16 general government.” Cementing his point, Hanson
17 goes further to decree, “The exercise of this power
18 must at all times be so very invidious, that congress
19 will not venture upon it without some very cogent
20 and substantial reason.”. Alexander Contee Hanson
21 (writing as Astrides), *Remarks on the Proposed Plan:*
22 *31 January*, reprinted in John P. Kaminski,
23 Gaspare J. Saladino, and Richard Leffler (eds.), *3*
24 *Commentaries on the Constitution, public and private*

1 *18 December 1787 to 31 January 1788* 522–26
2 (1984).

3 (6) In fact, had the alternate view of the Elec-
4 tions Clause been accepted at the time of the Con-
5 stitution’s drafting—that is, that it offers Congress
6 unfettered power over Federal elections— it is likely
7 that the Constitution would not have been ratified or
8 that an amendment to this language would have
9 been required.

10 (7) Indeed, at least seven of the original 13
11 States—over half and enough to prevent the Con-
12 stitution from being ratified—expressed specific con-
13 cerns with the language of the Elections Clause. *See*
14 1 Annals of Cong. 799 (1789), Joseph Gales (ed.)
15 (1834). However, “[l]eading Federalists...” assured
16 them “...that, even without amendment, the [Elec-
17 tions] Clause should be construed as limited to
18 emergencies”. Three States, New York, North Caro-
19 lina, and Rhode Island, specifically made their ratifi-
20 cation contingent on this understanding being made
21 express. *Ratification of the Constitution by the State*
22 *of New York* (July 26, 1788) (“Under these impres-
23 sions and declaring that the rights aforesaid cannot
24 be abridged or violated, and the Explanations afore-
25 said are consistent with the said Constitution, And

1 in confidence that the Amendments which have been
2 proposed to the said Constitution will receive early
3 and mature Consideration: We the said Delegates, in
4 the Name and in [sic] the behalf of the People of
5 the State of New York Do by these presents Assent
6 to and Ratify the said Constitution. In full Con-
7 fidence . . . that the Congress will not make or alter
8 any Regulation in this State respecting the times
9 places and manner of holding Elections for Senators
10 or Representatives unless the Legislature of this
11 State shall neglect or refuse to make laws or regula-
12 tions for the purpose, or from any circumstance be
13 incapable of making the same, and that in those
14 cases such power will only be exercised until the
15 Legislature of this State shall make provision in the
16 Premises”); *Ratification of the Constitution by the*
17 *State of North Carolina* (Nov. 21, 1789) (“That
18 Congress shall not alter, modify, or interfere in the
19 times, places, or manner of holding elections for sen-
20 ators and representatives, or either of them, except
21 when the legislature of any state shall neglect, refuse
22 or be disabled by invasion or rebellion, to prescribe
23 the same.”); *Ratification of the Constitution by the*
24 *State of Rhode Island* (May 29, 1790) (“Under these
25 impressions, and declaring, that the rights aforesaid

1 cannot be abridged or violated, and that the expla-
2 nations aforesaid, are consistent with the said con-
3 stitution, and in confidence that the amendments
4 hereafter mentioned, will receive an early and ma-
5 ture consideration, and conformably to the fifth arti-
6 cle of said constitution, speedily become a part
7 thereof; We the said delegates, in the name, and in
8 [sic] the behalf of the People, of the State of Rhode-
9 Island and Providence-Plantations, do by these Pre-
10 sents, assent to, and ratify the said Constitution. In
11 full confidence . . . That the Congress will not make
12 or alter any regulation in this State, respecting the
13 times, places and manner of holding elections for
14 senators and representatives, unless the legislature
15 of this state shall neglect, or refuse to make laws or
16 regulations for the purpose, or from any cir-
17 cumstance be incapable of making the same; and
18 that [i]n those cases, such power will only be exer-
19 cised, until the legislature of this State shall make
20 provision in the Premises[.]”).

21 (8) Congress finds that the Framers designed
22 and the ratifying States understood the Elections
23 Clause to serve solely as a protective backstop to en-
24 sure the preservation of the Federal Government,

1 not as a font of limitless power for Congress to
2 wrest control of Federal elections from the States.

3 (9) This understanding was also reinforced by
4 debate during the first Congress that convened
5 under the Constitution where Representative
6 Aedanus Burke proposed a constitutional amend-
7 ment to limit the Times, Places and Manner Clause
8 to emergencies. Although the amendment failed,
9 those on both sides of the Burke amendment debate
10 already understood the Elections Clause to limit
11 Federal elections power to emergencies.

12 (10) History clearly shows that even in the first
13 Congress that convened under the Constitution, it
14 was acknowledged and understood through the de-
15 bates that ensued over the Elections Clause provi-
16 sion that Congress' control over elections is limited.

17 (11) Similarly, proponent Representative Smith
18 of South Carolina also believed the original text of
19 the Elections Clause already limited the Federal
20 Government's power over Federal elections to emer-
21 gencies and so thought there would be no harm in
22 supporting an amendment to make that language ex-
23 press. Annals of Congress 801 (1789) Joseph Gales
24 Edition. *A Century of Lawmaking for a New Nation:*
25 *U.S. Congressional Documents and Debates, 1774 -*

1 1875 (*loc.gov*). So, even the records of the First Con-
2 gress reflect a recognition of the emergency nature
3 of congressional power over Federal elections.

4 (12) Similarly, the Supreme Court has sup-
5 ported this understanding. In *Smiley v. Holm*, the
6 Court held that Article 1, Section 4 of the Constitu-
7 tion reserved to the States the primary “...authority
8 to provide a complete code for congressional elec-
9 tions, not only as to times and places, but in relation
10 to notices, registration, supervision of voting, protec-
11 tion of voters, prevention of fraud and corrupt prac-
12 tices, counting of votes, duties of inspectors and can-
13 vassers, and making and publication of election re-
14 turns; in short, to enact the numerous requirements
15 as to procedure and safeguards which experience
16 shows are necessary in order to enforce the funda-
17 mental right involved. And these requirements would
18 be nugatory if they did not have appropriate sanc-
19 tions in the definition of offenses and punishments.
20 All this is comprised in the subject of ‘times, places
21 and manner of holding elections’, and involves law-
22 making in its essential features and most important
23 aspect.”. *Smiley v. Holm*, 285 U.S. 355, 366
24 (1932).

1 (13) This holding is consistent with the under-
2 standing of the Elections Clause since the framing
3 of the Constitution. The *Smiley* Court also held that
4 while Congress maintains the authority to
5 “...supplement these state regulations or [to] sub-
6 stitute its own[]”, such authority remains merely “a
7 general supervisory power over the whole subject.”.
8 *Id.*

9 (14) More recently, the Court noted in *Arizona*
10 *v. Inter-Tribal Council of Ariz., Inc.* that “[t]his
11 grant of congressional power [that is, the fail-safe
12 provision in the Elections Clause] was the Framers’
13 insurance against the possibility that a State would
14 refuse to provide for the election of representatives
15 to the Federal Congress.”. *Arizona v. Inter-Tribal*
16 *Council of Arizona, Inc.*, 570 U.S. 1, 7–9 (2013).
17 The Court explained that the Elections Clause
18 “...imposes [upon the States] the duty...to prescribe
19 the time, place, and manner of electing Representa-
20 tives and Senators[.]”. *Id.* at 8. And, while, as the
21 Court noted, “[t]he power of Congress over the
22 ‘Times, Places, and Manner’ of congressional elec-
23 tions is paramount, and may be exercised at any
24 time, and to any extent which it deems expedient;
25 and so far as it is exercised, and no farther, the reg-

1 ulations effected supersede those of the State which
2 are inconsistent therewith[.]”, *id.* at 9, the *Inter-*
3 *Tribal* Court explained, quoting extensively from the
4 *Federalist* no. 59, that it was clear that the congress-
5 sional fail-safe included in the Elections Clause was
6 intended for the sorts of governmental self-preserva-
7 tion discussed here: “[E]very government ought to
8 contain in itself the means of its own
9 preservation[.]”; “[A]n exclusive power of regulating
10 elections for the national government, in the hands
11 of the State legislatures, would leave the existence of
12 the Union entirely at their mercy. They could at any
13 moment annihilate it by neglecting to provide for the
14 choice of persons to administer its affairs.”. *Id.* at
15 8.

16 (15) It is clear in every respect that the con-
17 gressional fail-safe described in the Elections Clause
18 vests purely secondary authority over Federal elec-
19 tions in the Federal legislative branch and that the
20 primary authority rests with the States. Congres-
21 sional authority is intended to be, and as a matter
22 of constitutional fact is, limited to addressing the
23 worst imaginable issues, such as invasion or other
24 matters that might lead to a State not electing rep-
25 resentatives to constitute the two Houses of Con-

1 gress. Congress’ authority has never extended to the
2 day-to-day authority over the “Times, Places and
3 Manner of Election” that the Constitution clearly re-
4 serves to the States.

5 (16) Congress must act within the bounds of its
6 constitutional authority when enacting legislation
7 concerning the administration of our nation’s elec-
8 tions.

9 **Subtitle B—Voluntary Consider-**
10 **ations for State Administration**
11 **of Federal Elections**

12 **SEC. 111. SHORT TITLE.**

13 This subtitle may be cited as the “Voluntarily Offered
14 Tools for Election Reforms by States Act” or the “VOT-
15 ERS Act”.

16 **SEC. 112. FINDINGS.**

17 Congress finds the following:

18 (1) The United States Constitution reserves to
19 the states the primary duty and authority to estab-
20 lish election law and to administer of Federal elec-
21 tions. *See* article I, section 4, clause 1 of the Con-
22 stitution of the United States.

23 (2) Under America’s decentralized election sys-
24 tem, there is not a one-size-fits-all approach to how
25 elections are administered.

1 (3) Each State should be afforded the flexibility
2 to implement election administration processes and
3 procedures that are most beneficial in meeting the
4 needs of its voters and ensuring that its elections are
5 free, fair, and secure.

6 (4) The Federal government is in a position to
7 provide States with voluntary tools to improve elec-
8 tion integrity and voter confidence, as well as remov-
9 ing Federal impediments that hinder State efforts.

10 (5) The Election Assistance Commission (EAC)
11 was established to assist States in the administra-
12 tion of Federal elections. One of its core missions is
13 to serve as a clearinghouse for election administra-
14 tion information and to provide a forum for States
15 to discuss and exchange ideas on issues related to
16 the administration of Federal elections, including
17 practices, processes, and procedures.

18 (6) The EAC's Standards Board and Local
19 Leadership Council are advisory boards with State
20 and local election official membership from all fifty
21 States and territories and are best suited to develop
22 voluntary considerations for various election admin-
23 istration practices, processes, and procedures.

1 **SEC. 113. ELECTION INTEGRITY VOLUNTARY CONSIDER-**
2 **ATIONS AND FEDERAL FORUM FOR STATE IN-**
3 **FORMATION SHARING.**

4 (a) IN GENERAL.—Subtitle C of title II of the Help
5 America Vote Act of 2002 (52 U.S.C. 20981 et seq.) is
6 amended—

7 (1) by redesignating section 247 as section 248;

8 and

9 (2) by inserting after section 246 the following
10 new section:

11 **“SEC. 247. RELEASE OF VOLUNTARY CONSIDERATIONS BY**
12 **STANDARDS BOARD AND LOCAL LEADERSHIP**
13 **COUNCIL WITH RESPECT TO ELECTION AD-**
14 **MINISTRATION.**

15 “(a) IN GENERAL.—The Standards Board and the
16 Local Leadership Council of the Commission shall draw
17 from experiences in their home jurisdictions and informa-
18 tion voluntarily provided by and between States and their
19 political subdivisions on the effectiveness or ineffectiveness
20 of election administration policies and release voluntary
21 considerations with respect to the administration of an
22 election for Federal office.

23 “(b) MATTERS TO CONSIDER.—In releasing the vol-
24 untary considerations under subsection (a), the Standards
25 Board and the Local Leadership Council shall examine
26 and consolidate information provided by States and re-

1 lease considerations with respect to each of the following
2 categories:

3 “(1) The process for the administration of bal-
4 lots delivered by mail, including—

5 “(A) deadlines for the return and receipt
6 of such ballots to the appropriate election offi-
7 cial;

8 “(B) the design of such ballots, including
9 the envelopes used to deliver the ballots;

10 “(C) the process for requesting and track-
11 ing the return of such ballots;

12 “(D) the processing of such ballots upon
13 receipt by the appropriate election official, in-
14 cluding the schedule for counting the ballots
15 and the reporting of the unofficial results of
16 such counting; and

17 “(E) voter identity verification procedures,
18 including signature matching or verification.

19 “(2) The signature verification procedures used
20 to verify the identity of voters in an election, which
21 shall include an evaluation of human and machine
22 methods of signature verification, an assessment of
23 the training provided to individuals tasked to carry
24 out such verification procedures, and the proposal of
25 other less subjective methods of confirming the iden-

1 tity of a voter such as requiring the identification
2 number of a valid government-issued photo identi-
3 fication or the last four digits of the voter’s social
4 security number to be provided along with the vot-
5 er’s signature.

6 “(3) The processes used to carry out mainte-
7 nance of the official list of persons registered to vote
8 in each State.

9 “(4) Rules and requirements with respect to the
10 access provided to election observers.

11 “(5) The processes used to ensure the timely
12 and accurate reporting of the unofficial results of
13 ballot counting in each polling place in a State and
14 the reporting of the unofficial results of such count-
15 ing.

16 “(6) The methods used to recruit poll workers
17 and designate the location of polling places during a
18 pandemic, natural disaster, or other emergency.

19 “(7) The education of the public with respect to
20 the certification and testing of voting machines and
21 related nonvoting election technology (as defined in
22 section 298C of the Help America Vote Act of 2002)
23 prior to the use of such machines and technology in
24 an election for Federal office, including education
25 with respect to—

1 “(A) how such machines and technology
2 are tested for accuracy, logic, and security; and

3 “(B) the connectivity to the public internet
4 of such machines and technology.

5 “(8) The processes and procedures used to
6 carry out a post-election audit.

7 “(9) The processes and procedures used to en-
8 sure a secure chain of custody with respect to ballots
9 and election equipment.

10 “(10) Public education, access, and citizen over-
11 sight and input with respect to the certification and
12 testing of voter machines prior to Federal elections.

13 “(11) The conduct of independent post-election
14 audits.

15 “(12) Transparency in the election and voting
16 process.

17 “(13) Accountability measures to ensure com-
18 pliance by election administrators with applicable
19 law.

20 “(c) RELEASE OF VOLUNTARY CONSIDERATIONS.—

21 “(1) DEADLINE FOR RELEASE.—Not later than
22 12 months after the date of the enactment of the
23 ACE Act, the Standards Board shall release vol-
24 untary considerations with respect to each of the
25 categories described in subsection (b).

1 “(2) TRANSMISSION AND NOTIFICATION RE-
2 QUIREMENTS.—Not later than 15 days after the
3 date the Standards Board releases voluntary consid-
4 erations with respect to a category described in sub-
5 section (b), the Commission shall—

6 “(A) transmit the considerations to the
7 chief State election official of each State and
8 the elected leadership of the legislature of each
9 State, including the elected leadership of any
10 committee of the legislature of a State with ju-
11 risdiction with respect to elections;

12 “(B) make the considerations available on
13 a publicly accessible Government website; and

14 “(C) notify and transmit the consider-
15 ations to the chair and ranking minority mem-
16 ber of the Committee on House Administration
17 of the House of Representatives, the chair and
18 ranking minority member of the Committee on
19 Rules and Administration of the Senate, and
20 the chairs and ranking minority members of
21 other relevant committees of Congress.

22 “(d) USE OF REQUIREMENTS PAYMENTS FOR IMPLE-
23 MENTATION OF VOLUNTARY CONSIDERATIONS.—A State
24 may use a requirements payment provided under this Act
25 or any other Federal funds made available to the State

1 by the Commission for the purposes of election adminis-
2 tration to implement any of the voluntary considerations
3 released under subsection (a).

4 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed—

6 “(1) to require compliance with the voluntary
7 considerations released under subsection (a), includ-
8 ing as a condition of the receipt of Federal funds;
9 or

10 “(2) to treat the lack of compliance with such
11 considerations as a violation of the Voting Rights
12 Act of 1965 or the Civil Rights Act of 1964 or to
13 treat compliance with such considerations as a de-
14 fense against an alleged violation of either such
15 Act.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended—

18 (1) by redesignating the item relating to section
19 247 as relating to section 248; and

20 (2) by inserting after the item relating to sec-
21 tion 246 the following new item:

“Sec. 247. Release of voluntary considerations by Standards Board with respect
to election administration.”.

1 **Subtitle C—Requirements to Pro-**
2 **mote Integrity in Election Ad-**
3 **ministration**

4 **SEC. 121. ENSURING ONLY ELIGIBLE AMERICAN CITIZENS**
5 **MAY PARTICIPATE IN FEDERAL ELECTIONS.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Non-Citizens: Outlawed from Voting in Our Trusted
8 Elections Act of 2023” or the “NO VOTE for Non-Citi-
9 zens Act of 2023”.

10 (b) **FINDINGS; SENSE OF CONGRESS.**—

11 (1) **FINDINGS.**—Congress finds the following:

12 (A) Every eligible American citizen who
13 wishes to cast a ballot in a Federal election
14 must be permitted to do so according to law,
15 and their ballot must be examined according to
16 law, and, if it meets all lawful requirements,
17 counted.

18 (B) Congress has long required States to
19 maintain Federal voter registration lists in a
20 manner that promotes voter confidence.

21 (C) The changes included herein are not
22 intended to be an expansion of Federal power
23 but rather a clarification of State authority.

24 (D) The Fifteenth Amendment, the Nine-
25 teenth Amendment, the Twenty-Fourth Amend-

1 ment, and the Twenty-Sixth Amendment,
2 among other references, make clear that the
3 Constitution prohibits voting by non-citizens in
4 Federal elections.

5 (E) Congress has the constitutional au-
6 thority, including under the aforementioned
7 amendments, to pass statutes preventing non-
8 citizens from voting in Federal elections, and
9 did so with the Illegal Immigration Reform and
10 Immigrant Responsibility Act of 1996.

11 (F) Congress may further exercise its con-
12 stitutional authority to ensure the Constitu-
13 tion’s prohibition on non-citizen voting in Fed-
14 eral elections is upheld.

15 (G) Since the Constitution prohibits non-
16 citizens from voting in Federal elections, such
17 ineligible persons must not be permitted to be
18 placed on Federal voter registration lists.

19 (H) Improper placement of an ineligible
20 non-citizen on a Federal voter registration list
21 leads to—

22 (i) confusion on the part of the ineli-
23 gible person with respect to their ineligi-
24 bility to cast a ballot; and

1 (ii) an increased likelihood that
2 human error will permit ineligible persons
3 to cast ballots in Federal elections.

4 (I) State officials have confirmed that
5 poorly maintained voter registration lists lead to
6 ineligible persons casting ballots in Federal
7 elections.

8 (J) A former Broward County, Florida,
9 elections supervisor has confirmed that ineli-
10 gible non-voters were able to cast ballots in pre-
11 vious elections and that she was not able to lo-
12 cate as many as 2,040 ballots during the 2018
13 midterm recount.

14 (K) This clarification of State authority to
15 maintain Federal voter registration lists to en-
16 sure non-citizens are not included on such lists
17 will promote voter confidence in election proc-
18 esses and outcomes.

19 (L) Congress has the authority to ensure
20 that no Federal elections funding is used to
21 support States that permit non-citizens to cast
22 ballots in any election.

23 (M) Federal courts and executive agencies
24 have much of the information States may need
25 to maintain their Federal voter registration

1 lists, and those entities should make that infor-
2 mation accessible to State election authorities.

3 (N) It is important to clarify the penalty
4 for any violation of law that allows a non-citizen
5 to cast a ballot in a Federal election.

6 (O) To protect the confidence of voters in
7 Federal elections, it is important to implement
8 the policy described herein.

9 (2) SENSE OF CONGRESS.—It is the sense of
10 Congress that—

11 (A) many States have not adequately met
12 the requirements concerning the removal of in-
13 eligible persons from State voter registration
14 rolls pursuant to section 8 of the National
15 Voter Registration Act of 1993 (52 U.S.C.
16 20507) and should strive to audit and update
17 their voter registration rolls on a routine basis;

18 (B) allowing non-citizens to cast ballots in
19 American elections weakens our electoral sys-
20 tem, directly and indirectly impacts Federal
21 policy and funding decisions and candidate
22 choice through the election of State and local
23 officials, dilutes the value of citizenship, and
24 sows distrust in our elections system;

1 (C) even if a State has the sovereign au-
2 thority, no State should permit non-citizens to
3 cast ballots in State or local elections;

4 (D) States should use all information
5 available to them to maintain Federal voter reg-
6 istration lists and should inform Congress if
7 such data is insufficient; and

8 (E) Congress may take further action in
9 the future to address this problem.

10 (c) CLARIFYING AUTHORITY OF STATES TO REMOVE
11 NONCITIZENS FROM VOTING ROLLS.—

12 (1) AUTHORITY UNDER REGULAR REMOVAL
13 PROGRAMS.—Section 8(a)(4) of the National Voter
14 Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is
15 amended—

16 (A) by striking “or” at the end of subpara-
17 graph (A);

18 (B) by redesignating subparagraph (B) as
19 subparagraph (C); and

20 (C) by inserting after subparagraph (A)
21 the following new subparagraph:

22 “(B) the registrant’s status as a noncitizen
23 of the United States; or”.

24 (2) CONFORMING AMENDMENT RELATING TO
25 ONGOING REMOVAL.—Section 8(c)(2)(B)(i) of such

1 Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by
2 striking “(4)(A)” and inserting “(4)(A) or (B)”.

3 (d) REQUIREMENT TO MAINTAIN SEPARATE STATE
4 VOTER REGISTRATION LIST FOR NONCITIZENS.—Section
5 8(a) of the National Voter Registration Act of 1993 (52
6 U.S.C. 20507(a)) is amended—

7 (1) in paragraph (5)(B), by striking “and” at
8 the end;

9 (2) in paragraph (6), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(7) in the case of a State that allows individ-
14 uals who are not citizens of the United States to
15 vote in elections for public office in the State or any
16 local jurisdiction of the State, ensure that the name
17 of any registrant who is not a citizen of the United
18 States is maintained on a voter registration list that
19 is separate from the official list of eligible voters
20 with respect to registrants who are citizens of the
21 United States.”.

22 (e) REQUIREMENTS FOR BALLOTS FOR STATE OR
23 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-
24 ING.—Section 301(a)(1) of the Help America Vote Act of

1 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at
2 the end the following new subparagraph:

3 “(D) In the case of a State or local juris-
4 diction that allows individuals who are not citi-
5 zens of the United States to vote in elections
6 for public office in the State or local jurisdic-
7 tion, the ballot used for the casting of votes by
8 a noncitizen in such State or local jurisdiction
9 may only include the candidates for the elec-
10 tions for public office in the State or local juris-
11 diction for which the noncitizen is permitted to
12 vote.”.

13 (f) REDUCTION IN PAYMENTS FOR ELECTION AD-
14 MINISTRATION TO STATES OR LOCAL JURISDICTIONS
15 THAT ALLOW NONCITIZEN VOTING.—

16 (1) IN GENERAL.—Title IX of the Help Amer-
17 ica Vote Act of 2002 (52 U.S.C. 21141 et seq.) is
18 amended by adding at the end the following new sec-
19 tion:

20 **“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL**
21 **JURISDICTIONS THAT ALLOW NONCITIZEN**
22 **VOTING.**

23 “(a) IN GENERAL.—Notwithstanding any other pro-
24 vision of this Act, the amount of a payment under this
25 Act to any State or local jurisdiction that allows individ-

1 uals who are not citizens of the United States to vote in
2 elections for public office in the State or local jurisdiction
3 shall be reduced by 30 percent.

4 “(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN
5 ELECTION ADMINISTRATION ACTIVITIES.—Notwith-
6 standing any other provision of law, no Federal funds may
7 be used to implement the requirements of section 8(a)(7)
8 of the National Voter Registration Act of 1993 (52 U.S.C.
9 20507(a)(7)) (as added by section 121(d) of the American
10 Confidence in Elections Act) or section 301(a)(1)(D) of
11 the Help America Vote Act of 2002 (52 U.S.C.
12 21081(a)(1)(D)) (as added by section 121(e) of the Amer-
13 ican Confidence in Elections Act) in a State or local juris-
14 diction that allows individuals who are not citizens of the
15 United States to vote in elections for public office in the
16 State or local jurisdiction.”.

17 (2) CLERICAL AMENDMENT.—The table of con-
18 tents of such Act is amended by adding at the end
19 the following new item:

“Sec. 907. Reduction in payments to States or local jurisdictions that allow
noncitizen voting.”.

20 (g) PROMOTING PROVISION OF INFORMATION BY
21 FEDERAL ENTITIES.—

22 (1) IN GENERAL.—

23 (A) REQUIREMENT.—Each entity of the
24 Federal government which maintains informa-

1 tion which is relevant to the status of an indi-
2 vidual as a registered voter in elections for Fed-
3 eral office in a State shall, upon the request of
4 an election official of the State, provide that in-
5 formation to the election official.

6 (B) PROHIBITING FEES.—The head of an
7 entity described in subparagraph (A) may not
8 charge a fee for responding to an election offi-
9 cial’s request under such subparagraph.

10 (2) POLICIES AND PROCEDURES.—Consistent
11 with section 3506(g) of title 44, United States Code,
12 an entity of the Federal government shall carry out
13 this subsection in accordance with policies and pro-
14 cedures which will ensure that the information is
15 provided securely, accurately, and in a timely basis.

16 (3) CONFORMING AMENDMENT RELATING TO
17 COVERAGE UNDER PRIVACY ACT.—Section 552a(b)
18 of title 5, United States Code, is amended—

19 (A) by striking “or” at the end of para-
20 graph (11);

21 (B) by striking the period at the end of
22 paragraph (12) and inserting “; or”; and

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

1 “(13) to an election official of a State in ac-
2 cordance with section 121(h) of the American Con-
3 fidence in Elections Act.”.

4 (h) ENSURING PROVISION OF INFORMATION TO
5 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED
6 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-
7 SHIP.—

8 (1) REQUIREMENT DESCRIBED.—If a United
9 States district court recuses an individual from serv-
10 ing on a jury on the grounds that the individual is
11 not a citizen of the United States, the court shall
12 transmit a notice of the individual’s recusal—

13 (A) to the chief State election official of
14 the State in which the individual resides; and

15 (B) to the Attorney General.

16 (2) DEFINITIONS.—For purposes of this sub-
17 section—

18 (A) the “chief State election official” of a
19 State is the individual designated by the State
20 under section 10 of the National Voter Reg-
21 istration Act of 1993 (52 U.S.C. 20509) to be
22 responsible for coordination of the State’s re-
23 sponsibilities under such Act; and

24 (B) the term “State” has the meaning
25 given such term in section 901 of the Help

1 America Vote Act of 2002 (52 U.S.C. 21141),
2 as amended by section 138.

3 (i) PROHIBITION ON VOTING BY NONCITIZENS IN
4 FEDERAL ELECTIONS.—

5 (1) IN GENERAL.—Section 12 of the National
6 Voter Registration Act of 1993 (52 U.S.C. 20511)
7 is amended—

8 (A) by striking “A person” and inserting
9 “(a) IN GENERAL.—A person”; and

10 (B) by adding at the end the following new
11 subsection:

12 “(b) PROHIBITION ON VOTING BY ALIENS.—

13 “(1) IN GENERAL.—It shall be unlawful for any
14 alien to vote in any election in violation of section
15 611 of title 18, United States Code.

16 “(2) PENALTIES.—Any person who violates this
17 subsection shall be fined under title 18, United
18 States Code, imprisoned not more than 1 year, or
19 both.”.

20 (2) EFFECTIVE DATE.—This subsection and the
21 amendments made by this subsection shall apply
22 with respect to elections held after the date of the
23 enactment of this Act.

1 **SEC. 122. STATE REPORTING REQUIREMENTS WITH RE-**
2 **SPECT TO VOTER LIST MAINTENANCE.**

3 Section 8 of the National Voter Registration Act of
4 1993 (52 U.S.C. 20507) is amended—

5 (1) in subsection (i), by adding at the end the
6 following:

7 “(3) The records maintained pursuant to paragraph
8 (1) shall include lists of the names and addresses of all
9 registrants in a State who were inactive according to the
10 criteria described in subsection (d)(1)(B) and the length
11 of time each such registrant has been inactive according
12 to such criteria.

13 “(4) Nothing in this subsection may be construed to
14 waive the requirement that a State make the records
15 maintained pursuant to paragraph (1) publically available,
16 without regard to whether or not the records are main-
17 tained in whole or in part, or were provided to the State
18 or a political subdivision of the State, by a nongovern-
19 mental organization or other private entity.”;

20 (2) by redesignating subsection (j) as sub-
21 section (k); and

22 (3) by inserting after subsection (i) the fol-
23 lowing new subsection:

24 “(j) **REPORTING REQUIREMENTS.**—Not later than
25 June 30 of each odd-numbered year, each State shall sub-
26 mit to the Election Assistance Commission a report that

1 includes, with respect to such State during the preceding
2 2-year period, the total number of—

3 “(1) registrants who were inactive according to
4 the criteria described in subsection (d)(1)(B) and
5 the length of time each such registrant has been in-
6 active according to such criteria;

7 “(2) registrants who voted in at least one of the
8 prior 2 consecutive general elections for Federal of-
9 fice;

10 “(3) registrants removed from the list of official
11 voters in the State pursuant to subsection (d)(1)(B);

12 “(4) notices sent to registrants pursuant to
13 subsection (d)(2); and

14 “(5) registrants who received a notice described
15 in paragraph (4) who responded to such notice.”.

16 **SEC. 123. CONTENTS OF STATE MAIL VOTER REGISTRATION**
17 **FORM.**

18 (a) **SHORT TITLE.**—This section may be cited as the
19 “State Instruction Inclusion Act”.

20 (b) **IN GENERAL.**—Section 6(a) of the National Voter
21 Registration Act of 1993 (52 U.S.C. 20505(a)) is amend-
22 ed—

23 (1) in paragraph (1), by inserting “, except that
24 a State may, in addition to the criteria stated in sec-
25 tion 9(b), require that an applicant provide proof

1 that the applicant is a citizen of the United States”
2 after “elections for Federal office”; and

3 (2) in paragraph (2), by inserting “and such
4 form may include a requirement that the applicant
5 provide proof that the applicant is a citizen of the
6 United States” after “elections for Federal office”.

7 **SEC. 124. PROVISION OF PHOTOGRAPHIC CITIZEN VOTER**
8 **IDENTIFICATION TOOLS FOR STATE USE.**

9 (a) **SHORT TITLE.**—This section may be cited as the
10 “Citizen Vote Protection Act”.

11 (b) **FINDINGS; SENSE OF CONGRESS.**—

12 (1) **FINDINGS.**—Congress finds the following:

13 (A) Photo voter identification programs es-
14 tablished by the States should be administered
15 without unlawful discrimination and with an
16 eye toward balancing appropriate access to the
17 ballot box with election integrity and voter con-
18 fidence goals.

19 (B) As confirmed by the bipartisan Com-
20 mission on Federal Election Reform (commonly
21 known as the Carter-Baker Commission),
22 “[v]oters in nearly 100 democracies use a photo
23 identification card without fear of infringement
24 of their rights”.

1 (C) As confirmed by the Carter-Baker
2 Commission, “[t]he right to vote is a vital com-
3 ponent of U.S. citizenship and all States should
4 use their best efforts to obtain proof of citizen-
5 ship before registering voters.”.

6 (D) The Carter-Baker Commission was
7 correct in its 2005 report when it recommended
8 that the REAL ID Act be “modestly adapted
9 for voting purposes to indicate on the front or
10 back whether the individual is a U.S. citizen.”.

11 (E) Congress acknowledges the important
12 work completed by the Carter-Baker Commis-
13 sion and, by amending the REAL ID Act, re-
14 solves the concerns in the Commission’s report
15 that “[t]he REAL ID Act does not require that
16 the card indicates citizenship, but that would
17 need to be done if the card is to be used for
18 voting purposes”.

19 (F) Photographic voter identification is im-
20 portant for ensuring voter confidence in election
21 processes and outcomes.

22 (G) Requiring photographic voter identi-
23 fication is well within States’ constitutional
24 competence, including pursuant to the Quali-
25 fications Clause of the Constitution of the

1 United States (article I, section 2, clause 2),
2 the Presidential Electors Clause of the Con-
3 stitution (article II, section 1, clause 2), and
4 the Seventeenth Amendment.

5 (H) The Fifteenth Amendment, the Nine-
6 teenth Amendment, the Twenty-Fourth Amend-
7 ment, and the Twenty-Sixth Amendment,
8 among other references, make clear that the
9 Constitution prohibits voting by non-citizens in
10 Federal elections.

11 (I) Congress has the constitutional author-
12 ity, including under the aforementioned amend-
13 ments, to pass statutes preventing non-citizens
14 from voting in Federal elections, and did so
15 with the Illegal Immigration Reform and Immi-
16 grant Responsibility Act of 1996.

17 (J) Congress may further exercise its con-
18 stitutional authority to ensure the Constitu-
19 tion's prohibition on non-citizen voting in Fed-
20 eral elections is upheld.

21 (2) SENSE OF CONGRESS.—It is the sense of
22 Congress that—

23 (A) the States should implement the sub-
24 stance of the recommendation of the Carter-
25 Baker Commission that, “[t]o ensure that per-

1 sons presenting themselves at the polling place
2 are the ones on the registration list, the Com-
3 mission recommends that states [encourage]
4 voters to use the REAL ID card, which was
5 mandated in a law signed by the President in
6 May 2005”; and

7 (B) a standard State photo identification
8 document, when required for voting purposes,
9 should be available at no cost.

10 (c) REAL ID ACT AMENDMENT.—

11 (1) AMENDMENT.—Section 202(b) of the Real
12 ID Act of 2005 (49 U.S.C. 30301 note) is amended
13 by adding at the end the following new paragraph:

14 “(10) If the person is a citizen of the United
15 States, an indication of that citizenship, except that
16 no other information may be included with respect
17 to the immigration status of the person.”.

18 (2) APPLICABILITY.—The amendment made by
19 this subsection shall be effective January 1, 2026,
20 and shall apply with respect to any driver’s license
21 or identification card issued by a State on and after
22 such date.

23 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion or in any amendment made by this section may be
25 construed to establish or mandate the use of a national

1 identification card or to authorize any office of the execu-
2 tive branch to establish or mandate the use of a national
3 identification card.

4 **SEC. 125. MANDATORY PROVISION OF IDENTIFICATION FOR**
5 **CERTAIN VOTERS NOT VOTING IN PERSON.**

6 (a) **REQUIRING VOTERS TO PROVIDE IDENTIFICA-**
7 **TION.**—Title III of the Help America Vote Act of 2002
8 (52 U.S.C. 21081 et seq.) is amended—

9 (1) by redesignating sections 304 and 305 as
10 sections 305 and 306; and

11 (2) by inserting after section 303 the following
12 new section:

13 **“SEC. 304. MANDATORY PROVISION OF IDENTIFICATION**
14 **FOR CERTAIN VOTERS WHO VOTE BY MAIL.**

15 **“(a) FINDING OF CONSTITUTIONAL AUTHORITY.**—
16 Congress finds that it has the authority to establish the
17 terms and conditions that States must follow with respect
18 to the administration of voting by mail because article I,
19 section 8, clause 7 of the Constitution of the United States
20 and other enumerated powers grant Congress the power
21 to regulate the operations of the United States Postal
22 Service.

23 **“(b) REQUIRING PROVISION OF IDENTIFICATION TO**
24 **RECEIVE A BALLOT OR VOTE IN CERTAIN CASES.**—

1 “(1) INDIVIDUALS REQUESTING A BALLOT TO
2 VOTE BY MAIL.—Notwithstanding any other provi-
3 sion of law, the appropriate State or local election
4 official may not provide an individual a ballot to vote
5 by mail for an election for Federal office in a case
6 in which the individual requested such ballot other
7 than in person from the appropriate State or local
8 election official of the State at a State designated
9 elections office unless the individual submits with
10 the application for the ballot a copy of an identifica-
11 tion described in paragraph (3).

12 “(2) INDIVIDUALS VOTING BY MAIL IN CERTAIN
13 CASES.—

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of law, in a case in which the
16 appropriate State or local election official pro-
17 vides an individual a ballot to vote by mail for
18 an election for Federal office without requiring
19 such individual to submit a separate application
20 or request to receive such ballot for each such
21 election, the election official may not accept the
22 voted ballot unless the individual submits with
23 the voted ballot a copy of an identification de-
24 scribed in paragraph (3).

1 “(B) FAIL-SAFE VOTING.—An individual
2 who desires to vote other than in person but
3 who does not meet the requirements of subpara-
4 graph (A) may cast such a ballot other than in
5 person and the ballot shall be counted as a pro-
6 visional ballot in accordance with section
7 302(a).

8 “(3) IDENTIFICATION DESCRIBED.—An identi-
9 fication described in this paragraph is, with respect
10 to an individual—

11 “(A) a current and valid photo identifica-
12 tion of the individual;

13 “(B) a copy of a current utility bill, bank
14 statement, government check, paycheck, or
15 other government document that shows the
16 name and address of the individual;

17 “(C) a valid driver’s license or an identi-
18 fication card issued by a State or the identifica-
19 tion number for such driver’s license or identi-
20 fication card issued by a State;

21 “(D) the last 4 digits of the individual’s
22 social security number; or

23 “(E) such other documentation issued by a
24 Federal, State, or local government that pro-
25 vides the same or more identifying information

1 as required by subparagraphs (A) through (D)
2 such that the election official is reasonably cer-
3 tain as to the identity of the individual.

4 “(c) EXCEPTIONS.—This section does not apply with
5 respect to any individual who is—

6 “(1) entitled to vote by absentee ballot under
7 the Uniformed and Overseas Citizens Absentee Vot-
8 ing Act (52 U.S.C. 20301 et seq.);

9 “(2) provided the right to vote otherwise than
10 in person under section 3(b)(2)(B)(ii) of the Voting
11 Accessibility for the Elderly and Handicapped Act
12 (52 U.S.C. 20102(b)(2)(B)(ii)); or

13 “(3) entitled to vote otherwise than in person
14 under any other Federal law.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed as prohibiting a State from impos-
17 ing identification requirements to request a ballot to vote
18 by mail or cast a vote by mail that are more stringent
19 than the requirements under this section.

20 “(e) EFFECTIVE DATE.—This section shall take ef-
21 fect on January 1, 2025.”.

22 (b) CONFORMING AMENDMENTS RELATING TO EX-
23 ISTING IDENTIFICATION REQUIREMENTS.—

24 (1) TREATMENT AS INDIVIDUALS REGISTERING
25 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME

1 VOTER IDENTIFICATION REQUIREMENTS.—Section
2 303(b)(1)(A) of the Help America Vote Act of 2002
3 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
4 “by mail” and inserting “by mail or otherwise not
5 in person at an elections office or voter registration
6 agency of the State”.

7 (2) EXCEPTIONS.—Section 303(b)(3) of the
8 Help America Vote Act of 2002 (52 U.S.C.
9 21083(b)(3)) is amended—

10 (A) in subparagraph (A), by striking “by
11 mail under section 6 of the National Voter Reg-
12 istration Act of 1993 (42 U.S.C. 1973gg-4)”
13 and inserting “by mail under section 6 of the
14 National Voter Registration Act of 1993 (52
15 U.S.C. 20505) or otherwise not in person at a
16 voter registration agency of the State”; and

17 (B) in subparagraph (B)(i), by striking
18 “by mail under section 6 of the National Voter
19 Registration Act of 1993 (42 U.S.C. 1973gg-
20 4)” and inserting “by mail under section 6 of
21 the National Voter Registration Act of 1993
22 (52 U.S.C. 20505) or otherwise not in person
23 at a voter registration agency of the State”.

24 (3) EXPANSION OF TYPES OF IDENTIFICATION
25 PERMITTED.—Section 303(b)(2)(A) of the Help

1 America Vote Act of 2002 (52 U.S.C.
2 21083(b)(2)(A)) is amended—

3 (A) in clause (i)—

4 (i) in subclause (I), by striking “or”
5 at the end; and

6 (ii) by adding at the end the following
7 new subclause:

8 “(III) such other documentation
9 issued by a Federal, State, or local
10 government that provides the same or
11 more identifying information as re-
12 quired by subclauses (I) and (II) such
13 that the election official is reasonably
14 certain as to the identity of the indi-
15 vidual; or”; and

16 (B) in clause (ii)—

17 (i) in subclause (I), by striking “or”
18 at the end;

19 (ii) in subclause (II), by striking the
20 period at the end and inserting “; or”; and

21 (iii) by adding at the end the fol-
22 lowing new subclause:

23 “(III) such other documentation
24 issued by a Federal, State, or local
25 government that provides the same or

1 more identifying information as re-
2 quired by subclauses (I) and (II) such
3 that the election official is reasonably
4 certain as to the identity of the indi-
5 vidual.”.

6 (c) CONFORMING AMENDMENT RELATING TO EN-
7 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
8 is amended by striking “and 303” and inserting “303, and
9 304”.

10 (d) CLERICAL AMENDMENT.—The table of contents
11 of such Act is amended—

12 (1) by redesignating the items relating to sec-
13 tions 304 and 305 as relating to sections 305 and
14 306; and

15 (2) by inserting after the item relating to sec-
16 tion 303 the following:

“Sec. 304. Mandatory provision of identification for certain voters who vote by
mail.”.

17 **SEC. 126. CONFIRMING ACCESS FOR CONGRESSIONAL**
18 **ELECTION OBSERVERS.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Confirmation of Congressional Observer Access Act of
21 2023” or the “COCOA Act of 2023”.

22 (b) FINDINGS RELATING TO CONGRESSIONAL ELEC-
23 TION OBSERVERS.—Congress finds the following:

1 (1) The Constitution delegates to each of House
2 of the Congress the authority to “be the Judge of
3 the Elections, Returns and Qualifications of its own
4 Members”.

5 (2) While, in general, Congress shall respect the
6 determination of State authorities with respect to
7 the election of members to each House, each House
8 of Congress serves as the final arbiter over any con-
9 test to the seating of any putative Member-elect or
10 Senator-elect.

11 (3) These election contest procedures are con-
12 tained in the precedents of each House of Congress.
13 Further, for the House of Representatives the proce-
14 dures exist under the Federal Contested Elections
15 Act.

16 (4) In the post-Civil War modern era, more
17 than 100 election contests have been filed with the
18 House of Representatives.

19 (5) For decades, Congress has appointed and
20 sent out official congressional observers to watch the
21 administration of congressional elections in the
22 States and territories.

23 (6) These observers serve to permit Congress to
24 develop its own factual record in preparation for
25 eventual contests and for other reasons.

1 “(b) REQUIRING STATES TO PROVIDE ACCESS.—A
2 State shall provide each individual who is a designated
3 Congressional election observer for an election with full
4 access to clearly observe all of the elements of the adminis-
5 tration procedures with respect to such election, including
6 but not limited to in all areas of polling places and other
7 facilities where ballots in the election are processed, tab-
8 ulated, cast, canvassed, and certified, in all areas where
9 voter registration activities occur before such election, and
10 in any other such place where election administration pro-
11 cedures to prepare for the election or carry out any post-
12 election recounts take place. No designated Congressional
13 election observer may handle ballots, elections equipment
14 (voting or non-voting), advocate for a position or can-
15 didate, take any action to reduce ballot secrecy or other-
16 wise violate the privacy of a voter, or otherwise interfere
17 with the elections administration process.

18 “(c) DESIGNATED CONGRESSIONAL ELECTION OB-
19 SERVER DESCRIBED.—In this section, a ‘designated Con-
20 gressional election observer’ is an individual who is des-
21 ignated in writing by the chair or ranking minority mem-
22 ber of the Committee on House Administration of the
23 House of Representatives or the Committee on Rules and
24 Administration of the Senate, or the successor committee
25 in either House of Congress to gather information with

1 respect to an election, including in the event that the elec-
2 tion is contested in the House of Representatives or the
3 Senate and for other purposes permitted by article 1, sec-
4 tion 5 of the Constitution of the United States.”.

5 (d) CONFORMING AMENDMENT RELATING TO EN-
6 FORCEMENT.—Section 401 of such Act (52 U.S.C.
7 21111), as amended by section 125(c), is amended by
8 striking “and 304” and inserting “304, and 305”.

9 (e) CLERICAL AMENDMENT.—The table of contents
10 of such Act, as amended by section 125(d), is amended—

11 (1) by redesignating the items relating to sec-
12 tions 305 and 306 as relating to sections 306 and
13 307; and

14 (2) by inserting after the item relating to sec-
15 tion 304 the following:

“Sec. 305. Confirming access for Congressional election observers.”.

16 **SEC. 127. USE OF REQUIREMENTS PAYMENTS FOR POST-**
17 **ELECTION AUDITS.**

18 (a) PERMITTING USE OF PAYMENTS FOR AUDITS.—
19 Section 251(b)(1) of the Help America Vote Act of 2002
20 (52 U.S.C. 21001(b)(1)) is amended by inserting “, in-
21 cluding to conduct and publish an audit of the effective-
22 ness and accuracy of the voting systems, nonvoting elec-
23 tion technology (as defined in section 298C), election pro-
24 cedures, and outcomes used to carry out an election for
25 Federal office in the State and the performance of the

1 State and local election officials who carried out the elec-
2 tion, but only if the audit meets the requirements of para-
3 graph (4)” after “requirements of title III”.

4 (b) REQUIREMENTS FOR AUDITS.—Section 251(b) of
5 such Act (52 U.S.C. 21001(b)) is amended by adding at
6 the end the following new paragraph:

7 “(4) REQUIREMENTS FOR AUDITS CONDUCTED
8 WITH REQUIREMENTS PAYMENTS.—An audit de-
9 scribed in paragraph (1) meets the requirements of
10 this paragraph if—

11 “(A) no individual who participates in con-
12 ducting the audit is an employee or contractor
13 of an office of the State or local government
14 which is responsible for the administration of
15 elections for Federal office or of a subsidiary or
16 affiliate of such an office;

17 “(B) the audit includes an examination of
18 compliance with established processes for voter
19 registration, voter check-in, voting, tabulation,
20 canvassing, post-election proceedings (such as
21 recounts and recanvasses), and reporting of re-
22 sults.”.

23 (c) SENSE OF CONGRESS REGARDING TIMING OF AU-
24 DITS.—It is the sense of Congress that post-election audits
25 of the effectiveness and accuracy of the voting systems,

1 election procedures, and outcomes used to carry out an
2 election for Federal office in a State and the performance
3 of the State and local election officials who carried out
4 the election are most effective when the audits are com-
5 pleted before the expiration of the period during which
6 persons are authorized under State law to challenge the
7 results of the election.

8 **SEC. 128. INCREASE IN THRESHOLD FOR REQUIRING IN-**
9 **FORMATION REPORTING WITH RESPECT TO**
10 **CERTAIN PAYEES.**

11 (a) IN GENERAL.—Sections 6041(a) of the Internal
12 Revenue Code of 1986 is amended by striking “\$600” and
13 inserting “\$5,000”.

14 (b) INFLATION ADJUSTMENT.—Section 6041 of such
15 Code is amended by adding at the end the following new
16 subsection:

17 “(h) INFLATION ADJUSTMENT.—In the case of any
18 calendar year after 2024, the dollar amount in subsection
19 (a) shall be increased by an amount equal to—

20 “(1) such dollar amount, multiplied by

21 “(2) the cost-of-living adjustment determined
22 under section 1(f)(3) for such calendar year, deter-
23 mined by substituting ‘calendar year 2023’ for ‘cal-
24 endar year 2016’ in subparagraph (A)(ii) thereof.

1 If any increase under the preceding sentence is not a mul-
2 tiple of \$100, such increase shall be rounded to the nearest
3 multiple of \$100.”.

4 (c) APPLICATION TO REPORTING ON REMUNERATION
5 FOR SERVICES AND DIRECT SALES.—Section 6041A of
6 such Code is amended—

7 (1) in subsection (a)(2), by striking “is \$600 or
8 more” and inserting “equals or exceeds the dollar
9 amount in effect for such calendar year under sec-
10 tion 6041(a)”, and

11 (2) in subsection (b)(1)(B), by striking “is
12 \$5,000 or more” and inserting “equals or exceeds
13 the dollar amount in effect for such calendar year
14 under section 6041(a)”.

15 (d) APPLICATION TO BACKUP WITHHOLDING.—Sec-
16 tion 3406(b)(6) of such Code is amended—

17 (1) by striking “\$600” in subparagraph (A)
18 and inserting “the dollar amount in effect for such
19 calendar year under section 6041(a)”, and

20 (2) by striking “ONLY WHERE AGGREGATE FOR
21 CALENDAR YEAR IS \$600 OR MORE” in the heading
22 and inserting “ONLY IF IN EXCESS OF THRESHOLD”.

23 (e) CONFORMING AMENDMENTS.—

1 (1) The heading of section 6041(a) of such
2 Code is amended by striking “OF \$600 OR MORE”
3 and inserting “EXCEEDING THRESHOLD”.

4 (2) Section 6041(a) of such Code is amended
5 by striking “taxable year” and inserting “calendar
6 year”.

7 (f) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to payments made
9 after December 31, 2023.

10 **SEC. 129. VOLUNTARY GUIDELINES WITH RESPECT TO NON-**
11 **VOTING ELECTION TECHNOLOGY.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Protect American Voters Act”.

14 (b) ADOPTION OF VOLUNTARY GUIDELINES BY
15 ELECTION ASSISTANCE COMMISSION.—

16 (1) ADOPTION OF GUIDELINES.—Title II of the
17 Help America Vote Act of 2002 (52 U.S.C. 20921
18 et seq.) is amended by adding at the end the fol-
19 lowing new subtitle:

1 **“Subtitle E—Voluntary Guidelines**
2 **for Use of Nonvoting Election**
3 **Technology**

4 **“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**
5 **MISSION.**

6 “(a) ADOPTION.—The Commission shall adopt vol-
7 untary guidelines for election officials on the use of non-
8 voting election technology, taking into account the rec-
9 ommendations of the Standards Board and the Local
10 Leadership Council of the Commission under section
11 298A.

12 “(b) REVIEW.—The Commission shall review the
13 guidelines adopted under this subtitle not less frequently
14 than once every 4 years, and may adopt revisions to the
15 guidelines as it considers appropriate.

16 “(c) PROCESS FOR ADOPTION.—The adoption of the
17 voluntary guidelines under this subtitle shall be carried
18 out by the Commission in a manner that provides for each
19 of the following:

20 “(1) Publication of notice of the proposed
21 guidelines in the Federal Register.

22 “(2) An opportunity for public comment on the
23 proposed guidelines.

24 “(3) An opportunity for a public hearing on the
25 record.

1 “(4) Publication of the final recommendations
2 in the Federal Register.

3 “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—
4 The Commission shall adopt the initial set of voluntary
5 guidelines under this section not later than December 31,
6 2025.

7 **“SEC. 298A. ROLE OF STANDARDS BOARD AND LOCAL LEAD-
8 ERSHIP COUNCIL.**

9 “(a) DUTIES.—The Standards Board and the Local
10 Leadership Council of the Commission shall assist the
11 Commission in the adoption of voluntary guidelines under
12 section 298, including by providing the Commission with
13 recommendations on appropriate standards for the use of
14 nonvoting election technology, including standards to en-
15 sure the security and accuracy, and promote the usability,
16 of such technology, and by conducting a review of existing
17 State programs with respect to the testing of nonvoting
18 election technology.

19 “(b) SOURCES OF ASSISTANCE.—

20 “(1) CERTAIN MEMBERS OF TECHNICAL GUIDE-
21 LINES DEVELOPMENT COMMITTEE.—The following
22 members of the Technical Guidelines Development
23 Committee under section 221 shall assist the Stand-
24 ards Board and the Local Leadership Council in car-
25 rying out their duties under this section:

1 and make election security improvements, to obtain non-
2 voting election technology which is in compliance with the
3 voluntary guidelines adopted under section 298 or to up-
4 grade nonvoting election technology so that the technology
5 is in compliance with such guidelines, and may, notwith-
6 standing any other provision of law, use any unobligated
7 grant funding provided to the State by the Election Assist-
8 ance Commission from amounts appropriated under the
9 heading ‘Independent Agencies—Election Assistance
10 Commission—Election Security Grants’ in title V of divi-
11 sion C of the Consolidated Appropriations Act, 2020 (Pub-
12 lic Law 116–93) for the purposes of enhancing election
13 technology and making election security improvements
14 until December 31, 2024.

15 **“SEC. 298C. NONVOTING ELECTION TECHNOLOGY DEFINED.**

16 “In this subtitle, the term ‘nonvoting election tech-
17 nology’ means technology used in the administration of
18 elections for Federal office which is not used directly in
19 the casting, counting, tabulating, or collecting of ballots
20 or votes, including each of the following:

21 “(1) Electronic pollbooks or other systems used
22 to check in voters at a polling place or verify a vot-
23 er’s identification.

24 “(2) Election result reporting systems.

25 “(3) Electronic ballot delivery systems.

- 1 “(4) Online voter registration systems.
- 2 “(5) Polling place location search systems.
- 3 “(6) Sample ballot portals.
- 4 “(7) Signature systems.
- 5 “(8) Such other technology as may be rec-
- 6 ommended for treatment as nonvoting election tech-
- 7 nology as the Standards Board may recommend.”.

8 (2) CLERICAL AMENDMENT.—The table of con-

9 tents of such Act is amended by adding at the end

10 of the items relating to title II the following:

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Role of Standards Board and Local Leadership Council.

“Sec. 298B. Use of payments to obtain or upgrade technology.

“Sec. 298C. Nonvoting election technology defined.”.

11 (c) TREATMENT OF TECHNOLOGY USED IN MOST

12 RECENT ELECTION.—Any nonvoting election technology,

13 as defined in section 298C of the Help America Vote Act

14 of 2002 (as added by subsection (a)(1)), which a State

15 used in the most recent election for Federal office held

16 in the State prior to the date of the enactment of this

17 Act shall be deemed to be in compliance with the voluntary

18 guidelines on the use of such technology which are adopted

19 by the Election Assistance Commission under section 298

20 of such Act (as added by subsection (a)(1)).

1 **SEC. 130. STATUS REPORTS BY NATIONAL INSTITUTE OF**
2 **STANDARDS AND TECHNOLOGY.**

3 Section 231 of the Help America Vote Act of 2002
4 (52 U.S.C. 20971) is amended by adding at the end the
5 following new subsection:

6 “(e) STATUS REPORTS BY NATIONAL INSTITUTE OF
7 STANDARDS AND TECHNOLOGY.—Not later than 60 days
8 after the end of each fiscal year (beginning with 2025),
9 the Director of the National Institute of Standards and
10 Technology shall submit to Congress a status report de-
11 scribing—

12 “(1) the extent to which the Director carried
13 out the Director’s responsibilities under this Act
14 during the fiscal year, including the responsibilities
15 imposed under this section and the responsibilities
16 imposed with respect to the Technical Guidelines
17 Development Committee under section 222, together
18 with the Director’s best estimate of when the Direc-
19 tor will completely carry out any responsibility which
20 was not carried out completely during the fiscal
21 year; and

22 “(2) the extent to which the Director carried
23 out any projects requested by the Commission dur-
24 ing the fiscal year, together with the Director’s best
25 estimate of when the Director will complete any such

1 project which the Director did not complete during
2 the fiscal year.”.

3 **SEC. 131. 501(c)(3) ORGANIZATIONS PROHIBITED FROM**
4 **PROVIDING DIRECT OR INDIRECT FUNDING**
5 **FOR ELECTION ADMINISTRATION.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “End Zuckerbucks Act of 2023”.

8 (b) **IN GENERAL.**—Section 501(c)(3) of the Internal
9 Revenue Code of 1986 is amended—

10 (1) by striking “and which does not partici-
11 pate” and inserting “which does not participate”,
12 and

13 (2) by striking the period at the end and insert-
14 ing “and which does not provide direct funding to
15 any State or unit of local government for the pur-
16 pose of the administration of elections for public of-
17 fice or any funding to any State or unit of local gov-
18 ernment in a case in which it is reasonable to expect
19 such funding will be used for the purpose of the ad-
20 ministration of elections for public office (except
21 with respect to the donation of space to a State or
22 unit of local government to be used as a polling
23 place in an election for public office).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to funding provided in taxable
3 years beginning after December 31, 2025.

4 **SEC. 132. FEDERAL AGENCY INVOLVEMENT IN VOTER REG-**
5 **ISTRATION ACTIVITIES.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Promoting Free and Fair Elections Act of 2023”.

8 (b) CLARIFICATION OF FEDERAL AGENCY INVOLVE-
9 MENT IN VOTER REGISTRATION ACTIVITIES.—Executive
10 Order 14019 (86 Fed. Reg. 13623; relating to promoting
11 access to voting) shall have no force or effect, and any
12 contract or arrangement entered into by an agency to
13 carry out activities pursuant to sections 3 and 4 of such
14 Executive Order shall be abrogated.

15 (c) AGREEMENTS WITH NONGOVERNMENTAL ORGA-
16 NIZATIONS.—None of the funds made available for the sal-
17 aries and expenses of an agency may be used to solicit
18 or enter into an agreement with a nongovernmental orga-
19 nization to conduct voter registration or voter mobilization
20 activities, including registering voters or providing any
21 person with voter registration materials, absentee or vote-
22 by-mail ballot applications, voting instructions, or can-
23 didate-related information, on the property or website of
24 the agency.

1 (d) REPORT ON PRIOR VOTER REGISTRATION AND
2 MOBILIZATION ACTIVITIES.—Not later than 30 days after
3 the date of enactment of this Act, the head of each agency
4 shall submit to the appropriate congressional committees
5 a report describing the activities carried out by the agency
6 pursuant to sections 3 and 4 of Executive Order 14019
7 (86 Fed. Reg. 13623).

8 (e) PROHIBITING VOTER REGISTRATION AND MOBI-
9 LIZATION IN FEDERAL WORK-STUDY PROGRAMS.—Sec-
10 tion 443(b)(1) of the Higher Education Act of 1965 (20
11 U.S.C. 1087–53(b)(1)) is amended—

12 (1) in subparagraph (C), by striking “and”;

13 (2) by redesignating subparagraph (D) as sub-
14 paragraph (E); and

15 (3) by inserting after subparagraph (C) the fol-
16 lowing:

17 “(D) does not involve registering or mobi-
18 lizing voters on or off the campus of the institu-
19 tion; and”.

20 (f) DEFINITIONS.—In this section:

21 (1) AGENCY.—The term “agency” has the
22 meaning given the term in section 3502(1) of title
23 44, United States Code.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Rules and Adminis-
5 tration of the Senate;

6 (B) the Committee on the Judiciary of the
7 Senate;

8 (C) the Committee on House Administra-
9 tion of the House of Representatives; and

10 (D) the Committee on the Judiciary of the
11 House of Representatives.

12 **SEC. 133. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
13 **ELECTION ADMINISTRATION IN STATES THAT**
14 **PERMIT BALLOT HARVESTING.**

15 (a) SHORT TITLE.—This section may be cited as the
16 “No Federal Funds for Ballot Harvesting Act”.

17 (b) FINDINGS.—Congress finds that—

18 (1) the right to vote is a fundamental right of
19 citizens of the United States, as described by the
20 Constitution of the United States;

21 (2) the Committee on House Administration of
22 the House of Representatives, which is charged with
23 investigating election irregularities, received reports
24 through its official Election Observer Program for
25 the 2018 general election and the 2020 general elec-

1 tion, as well as from other stakeholders, that individ-
2 uals other than voters themselves were depositing
3 large amounts of absentee ballots at polling places
4 throughout California and other States, a practice
5 colloquially known as “ballot harvesting”;

6 (3) the practice of ballot harvesting creates sig-
7 nificant vulnerabilities in the chain-of-custody of bal-
8 lots because individuals collecting ballots are not re-
9 quired to be registered voters and are not required
10 to identify themselves at a voter’s home, and the
11 State does not track how many ballots are harvested
12 in an election;

13 (4) in North Carolina, a congressional election
14 was invalidated due to fraud associated with ballot
15 harvesting committed by a political operative, and it
16 is unlikely such activity would have been detected
17 were it not for the prohibition against ballot har-
18 vesting in the State;

19 (5) ballot harvesting invites electioneering activ-
20 ity at home and weakens States’ long-standing voter
21 protection procedures, which remain in place at poll-
22 ing locations, creating the possibility of undue influ-
23 ence over voters by political operatives and other bad
24 actors; and

1 (6) the Supreme Court of the United States has
2 affirmed State authority to restrict ballot harvesting
3 (*Brnovich v. Democratic National Committee*, 141 S.
4 Ct. 2321 (2021)).

5 (c) PROHIBITION ON FEDERAL FUNDS FOR ELEC-
6 TION ADMINISTRATION FOR STATES ALLOWING COLLEC-
7 TION AND TRANSMISSION OF BALLOTS BY CERTAIN
8 THIRD PARTIES.—

9 (1) IN GENERAL.—The Help America Vote Act
10 of 2002 (52 U.S.C. 20901 et seq.) is amended by
11 adding at the end the following new section:

12 **“SEC. 908. PROHIBITION ON FEDERAL FUNDS FOR ELEC-**
13 **TION ADMINISTRATION FOR STATES ALLOW-**
14 **ING COLLECTION AND TRANSMISSION OF**
15 **BALLOTS BY CERTAIN THIRD PARTIES.**

16 “(a) IN GENERAL.—Notwithstanding any other pro-
17 vision of law, no Federal funds may be used to administer
18 any election for Federal office in a State unless the State
19 has in effect a law that prohibits an individual from the
20 knowing collection and transmission of a ballot in an elec-
21 tion for Federal office that was mailed to another person,
22 other than an individual described as follows:

23 “(1) An election official while engaged in offi-
24 cial duties as authorized by law.

1 “(2) An employee of the United States Postal
2 Service or other commercial common carrier engaged
3 in similar activities while engaged in duties author-
4 ized by law.

5 “(3) Any other individual who is allowed by law
6 to collect and transmit United States mail, while en-
7 gaged in official duties as authorized by law.

8 “(4) A family member, household member, or
9 caregiver of the person to whom the ballot was
10 mailed.

11 “(b) DEFINITIONS.—For purposes of this section,
12 with respect to a person to whom the ballot was mailed:

13 “(1) The term ‘caregiver’ means an individual
14 who provides medical or health care assistance to
15 such person in a residence, nursing care institution,
16 hospice facility, assisted living center, assisted living
17 facility, assisted living home, residential care institu-
18 tion, adult day health care facility, or adult foster
19 care home.

20 “(2) The term ‘family member’ means an indi-
21 vidual who is related to such person by blood, mar-
22 riage, adoption or legal guardianship.

23 “(3) The term ‘household member’ means an
24 individual who resides at the same residence as such
25 person.”.

1 election, political parties whose candidates appeared
2 on the ballot in the election, and any individuals au-
3 thorized to observe the election.”

4 **SEC. 135. CLARIFICATION OF RULES WITH RESPECT TO**
5 **HIRING OF ELECTION WORKERS.**

6 (a) PREFERENCES FOR VETERANS AND INDIVIDUALS
7 WITH DISABILITIES.—

8 (1) PREFERENCES.—In hiring election workers
9 to administer an election in a State or local jurisdic-
10 tion, the State or local jurisdiction may give pref-
11 erence to individuals who are veterans or individuals
12 with a disability.

13 (2) INDIVIDUAL WITH A DISABILITY DE-
14 FINED.—In this subsection, an “individual with a
15 disability” means an individual with an impairment
16 that substantially limits any major life activities.

17 (b) PREFERENCE AND WAIVER OF RESIDENCY RE-
18 QUIREMENT FOR SPOUSES AND DEPENDENTS OF ABSENT
19 MILITARY VOTERS.—

20 (1) SENSE OF CONGRESS.—It is the sense of
21 Congress that, in hiring election workers to admin-
22 ister an election in a State or local jurisdiction, the
23 State or local jurisdiction—

1 (A) should give preference to an individual
2 who is a nonresident military spouse or depend-
3 ent; and

4 (B) should not refuse to hire such an indi-
5 vidual as an election worker solely on the
6 grounds that the individual does not maintain a
7 place of residence in the State or local jurisdic-
8 tion.

9 (2) INCLUSION OF INFORMATION ELECTION AS-
10 SISTANCE COMMISSION CLEARINGHOUSE.—The Fed-
11 eral Election Commission shall include in any clear-
12 inghouse it maintains of procedures adopted by
13 States with respect to the administration of Federal
14 elections information on the procedures under which
15 States hire nonresident military spouses or depend-
16 ents as election workers, as described in paragraph
17 (1).

18 (3) NONRESIDENT MILITARY SPOUSE OR DE-
19 PENDENT DEFINED.—In this subsection, a “non-
20 resident military spouse or dependent” means an in-
21 dividual who is an absent uniformed services voter
22 under section 107(1)(C) of the Uniformed and Over-
23 seas Citizen Absentee Voting Act (52 U.S.C.
24 20310(1)(C)).

1 **SEC. 136. STATE ASSISTANCE IN ASSIGNING MAILING AD-**
2 **DRESSES WITH RESPECT TO TRIBAL GOV-**
3 **ERNMENTS.**

4 (a) IN GENERAL.—Upon request from a Tribal Gov-
5 ernment, the appropriate State executives of the State
6 concerned shall assist the Tribal Government to assign a
7 mailing address to each home and residence of the Tribal
8 Government in the State that does not have a mailing ad-
9 dress assigned to such home or residence and shall ensure
10 that the State records include any such mailing address
11 assigned and any mailing address previously assigned by
12 such Tribal Government.

13 (b) DEFINITIONS.—In this section:

14 (1) INDIAN.—The term “Indian” has the mean-
15 ing given the term in section 4 of the Indian Self-
16 Determination and Education Assistance Act (25
17 U.S.C. 5304).

18 (2) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given the term “Indian tribe” in
20 section 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 5304).

22 (3) STATE.—The term “State” has the mean-
23 ing given such term in section 901 of the Help
24 America Vote Act of 2002 (52 U.S.C. 21141).

1 (4) TRIBAL GOVERNMENT.—The term “Tribal
2 Government” means the recognized governing body
3 of an Indian Tribe.

4 **SEC. 137. STATE DEFINED.**

5 (a) APPLICATION TO COMMONWEALTH OF NORTH-
6 ERN MARIANA ISLANDS.—Section 901 of the Help Amer-
7 ica Vote Act of 2002 (52 U.S.C. 21141) is amended by
8 striking “and the United States Virgin Islands” and in-
9 serting “the United States Virgin Islands, and the Com-
10 monwealth of the Northern Mariana Islands”.

11 (b) CONFORMING AMENDMENTS.—Such Act is fur-
12 ther amended as follows:

13 (1) The second sentence of section 213(a)(2)
14 (52 U.S.C. 20943(a)(2)) is amended by striking
15 “and American Samoa” and inserting “American
16 Samoa, and the Commonwealth of the Northern
17 Mariana Islands”.

18 (2) Section 252(c)(2) (52 U.S.C. 21002(c)(2))
19 is amended by striking “or the United States Virgin
20 Islands” and inserting “the United States Virgin Is-
21 lands, or the Commonwealth of the Northern Mar-
22 iana Islands”.

1 **SEC. 138. VOTER REGISTRATION FOR APPLICANTS WITH-**
2 **OUT DRIVER'S LICENSE OR SOCIAL SECURITY**
3 **NUMBER.**

4 (a) IN GENERAL.—Section 303(a)(5)(A) of the Help
5 America Vote Act of 2002 (52 U.S.C. 21083(a)(5)(A)) is
6 amended—

7 (1) in clause (i), by striking “Except as pro-
8 vided in clause (ii), notwithstanding any other provi-
9 sion of law, an application” and inserting “An appli-
10 cation”;

11 (2) in clause (i)(II), by striking “ (other than
12 an applicant to whom clause (ii) applies)”;

13 (3) by amending clause (ii) to read as follows:

14 “(ii) SPECIAL RULE FOR APPLICANTS
15 WITHOUT DRIVER'S LICENSE OR SOCIAL
16 SECURITY NUMBER.—If an applicant for
17 voter registration for an election for Fed-
18 eral office has not been issued a current
19 and valid driver's license or a social secu-
20 rity number, the State shall assign the ap-
21 plicant a temporary number which shall be
22 valid to identify the applicant for the pur-
23 poses of voter registration only during the
24 period that begins on the date the tem-
25 porary number is assigned and ends 30
26 days after the date that the applicant re-

1 ceives a current and valid driver’s license
2 or a social security number. If the appli-
3 cant fails to provide a driver’s license num-
4 ber or the last 4 digits of the social secu-
5 rity number (as the case may be) to the
6 State during the 30-day period that begins
7 on the date the applicant receives such
8 driver’s license or social security number,
9 the applicant’s application for voter reg-
10 istration with respect to which the tem-
11 porary number was assigned may not be
12 accepted or processed by the State.”.

13 **SEC. 139. GAO STUDY ON DOMESTIC MANUFACTURING AND**
14 **ASSEMBLY OF VOTING EQUIPMENT.**

15 (a) STUDY REQUIRED.—The Comptroller General of
16 the United States shall carry out a study on the feasibility
17 and requirements for all voting equipment used in elec-
18 tions for Federal office to be manufactured and assembled
19 in the United States, which shall include an assessment
20 of the importance of maintaining a secure supply chain
21 for such voting equipment.

22 (b) SUBMITTAL.—Not later than 2 years after the
23 date of the enactment of this Act, the Comptroller General
24 shall submit a report containing the results of the study
25 carried out under subsection (a) to—

- 1 (1) the appropriate congressional committees;
- 2 (2) the chief State election official of each
- 3 State;
- 4 (3) the Election Assistance Commission; and
- 5 (4) the National Institute of Standards and
- 6 Technology.

7 (c) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that it is in the national interest of the United States
9 that equipment used for voting in American elections be
10 developed, programmed, manufactured, and assembled
11 within the United States under the authority of United
12 States persons.

13 **Subtitle A—District of Columbia**
14 **Election Integrity and Voter**
15 **Confidence**

16 **SEC. 141. SHORT TITLE.**

17 This subtitle may be cited as the “American Con-
18 fidence in Elections: District of Columbia Election Integ-
19 rity and Voter Confidence Act”.

20 **SEC. 142. STATEMENT OF CONGRESSIONAL AUTHORITY;**
21 **FINDINGS.**

22 (a) STATEMENT OF CONGRESSIONAL AUTHORITY.—
23 Congress finds that it has the authority to establish the
24 terms and conditions for the administration of elections
25 for public office in the District of Columbia—

1 (1) pursuant to article I, section 8, clause 17
2 of the Constitution of the United States, which
3 grants Congress the exclusive power to enact legisla-
4 tion with respect to the seat of the government of
5 the United States;

6 (2) with recognition of the Residence Act of
7 1790, which Congress passed pursuant to the above
8 authority and which established the City of Wash-
9 ington in the District of Columbia as the seat of the
10 government of the United States;

11 (3) pursuant to article I, section 8, clause 18
12 of the Constitution of the United States, which
13 grants Congress the authority to “make all Laws
14 which shall be necessary and proper for carrying
15 into Execution” its enumerated powers; and

16 (4) under other enumerated powers granted to
17 Congress.

18 (b) FINDINGS.—Congress finds the following:

19 (1) Voter identification requirements in the
20 District of Columbia are some of the weakest in the
21 country. Currently, voters in the District of Colum-
22 bia are required only to provide proof of residence
23 the first time they vote and are never asked to pro-
24 vide anything again.

1 (2) In the 2012 general election, the District of
2 Columbia was wholly unprepared for early voters.
3 Several polling locations featured only one or two
4 voting machines. As a result, some voters waited in
5 line for hours while others waited for hours only to
6 be turned away as the polls closed.

7 (3) Following the 2012 general election, the ex-
8 ecutive director of the D.C. Board of Elections testi-
9 fied that missteps had taken place during the elec-
10 tion. Voters complained that some precincts weren't
11 accessible for the disabled, while poorly trained em-
12 ployees ran sites elsewhere in the District. In other
13 cases, voters were provided with ballots that were
14 not correct for their addresses, allowing them to vote
15 in races in other districts.

16 (4) In the District of Columbia's 2014 April
17 Democratic primary, voters had to wait several
18 hours after polls closed before receiving meaningful
19 election returns because of problems with voting ma-
20 chines that led to an unusually lengthy and chaotic
21 tabulation process.

22 (5) In the aftermath of that primary, while the
23 District of Columbia originally blamed a handful of
24 voting machines for late election results, the execu-
25 tive director later clarified that the issue came from

1 a broad computer network failure. As a result, on
2 election night, ballots did not begin to be counted
3 until 10:00 p.m. The executive director said “on
4 election night, polling officials never really did deter-
5 mine the problem...”All this occurred despite record
6 low turnout for the primary.

7 (6) Before the 2014 midterm election, the execu-
8 tive director hoped that ballot counting would be
9 done before midnight but could not offer any prom-
10 ises based on the District of Columbia’s previous
11 history.

12 (7) Following the 2014 midterm election, the
13 Office of the District of Columbia Auditor performed
14 an audit of the election and found the following:

15 (A) 23 of 89 precincts visited did not have
16 the minimum number of poll workers des-
17 ignated in city election procedures. In total, 168
18 workers did not come to work as scheduled, and
19 others that were not trained to perform certain
20 functions had to take on new jobs.

21 (B) 37 of the 89 precincts inspected fea-
22 tured polling places not fully accessible to dis-
23 abled voters. Some issues included missing or
24 inoperable doorbells to alert poll workers that a
25 wheelchair-bound voter needed assistance, as

1 well as a lack of accessible parking spaces and
2 entrances.

3 (C) 57 of the 89 precincts featured election
4 and non-election equipment issues affecting a
5 wide range of the Election Day technology —
6 including paper ballot readers, electronic poll
7 books and touch-screen voting machines.

8 (8) In 2016, the Office of the District of Co-
9 lumbia Auditor released a report titled “The District
10 of Columbia Voter File: Compliance with Law and
11 Best Practices”, which included the following:

12 (A) In 2015, the Board of Elections, as re-
13 quired under District law, sent out written no-
14 tices to 260,000 inactive voters through the
15 U.S. Postal Service in an attempt to maintain
16 accurate voter registration rolls. 38,179, or al-
17 most fifteen percent of those postcards, were re-
18 turned as undeliverable.

19 (B) The Office of the Auditor took a sam-
20 ple of thirty-three decedents who had died be-
21 tween January of 2011 and December of 2014.
22 The audit found that all of the thirty-three de-
23 cedents were still on the District’s voter reg-
24 istration rolls.

1 (C) The District of Columbia is a member
2 of the Electronic Registration Information Cen-
3 ter (ERIC). According to ERIC, 13,651 voters
4 were registered in the District of Columbia and
5 another jurisdiction. The D.C. Board of Elec-
6 tions contacted every voter with a duplicate reg-
7 istration. 6,000 voters confirmed they now re-
8 sided outside the District of Columbia and the
9 other 7,651 or 56 percent of voters with a du-
10 plicate registration did not respond.

11 (9) The District of Columbia allows for same-
12 day registration and automatic voter registration. In
13 2018, the District of Columbia implemented an
14 Automatic Voter Registration program through the
15 Department of Motor Vehicles (DMV). Now, any
16 DMV application automatically serves as an applica-
17 tion to register to vote or update registration
18 records, unless the applicant affirmatively opts out
19 of this registration option.

20 (10) In 2020, voting in the District of Colum-
21 bia for the June primary election was fraught with
22 problems. Some voters waited in line for hours, and
23 thousands of voters who requested absentee mail-in
24 ballots never received them. As a result, the District
25 of Columbia allowed voters that never received their

1 absentee ballot to cast their ballots via unsecured
2 email. During the Committee on House Administra-
3 tion and Committee on Oversight and Accountability
4 joint hearing titled “American Confidence in Elec-
5 tions: The Path to Election Integrity in the District
6 of Columbia”, witnesses called by Republicans and
7 Democrats both agreed that casting a ballot via un-
8 secured email raised serious security and voter iden-
9 tification concerns.

10 (11) In 2020, the District of Columbia Board
11 of Elections mailed every registered voter a ballot
12 for the general election. Voters were still permitted
13 to vote in-person. The Board mailed 421,791 ballots,
14 and 48,018 of them were undeliverable, more than
15 eleven percent. This is a rate more than eight times
16 higher than the national average.

17 (12) Even after mailing every registered voter
18 a ballot in the 2020 general election, the District of
19 Columbia had lower voter turnout rates than states
20 like Florida, Ohio, and Georgia. In 2020, the Dis-
21 trict of Columbia reported a roughly 64 percent
22 turnout while Florida reported 77 percent, Ohio re-
23 ported roughly 74 percent, and Georgia reported 66
24 percent.

1 (13) In 2022, the District of Columbia Board
2 of Elections mailed every registered voter a ballot
3 for the midterm primary election. Voters were still
4 allowed to vote in person. The Board mailed
5 402,323 ballots, and 65,398 ballots, or about sixteen
6 percent, were undeliverable. This is an increase of
7 17,380 in undeliverable ballots between the 2020
8 general election and the 2022 primary election.

9 (14) In 2022, the District of Columbia Board
10 of Elections mailed every registered voter a ballot
11 for the November general election. Voters were still
12 allowed to vote in person. The Board mailed
13 508,543 ballots, and 87,921 were undeliverable. The
14 rate of undeliverable ballots mailed out for the gen-
15 eral election in 2022 was seventeen percent, an in-
16 crease of about six basis points from the 2020 elec-
17 tion. In addition, the District of Columbia mailed
18 over 500 voters an incorrect ballot. At the time of
19 the 2022 election, the COVID-19 pandemic was
20 largely over, allowing voters to vote in person with-
21 out issue, unlike during the 2020 election.

22 (15) Despite mailing every registered voter a
23 ballot in the 2022 midterm election, the District of
24 Columbia had far lower voter turnout rates than
25 states like Florida, Georgia, and Ohio. In 2022, the

1 District of Columbia reported roughly 40 percent
2 turnout while Florida reported 54 percent, Ohio re-
3 ported 52 percent, and Georgia reported roughly 57
4 percent.

5 (16) The Local Resident Voting Rights Amend-
6 ment Act of 2022 allows noncitizen green-card hold-
7 ers and illegal aliens to cast a ballot in local races,
8 as long as the non-citizen voter is at least eighteen
9 years of age and has resided in the District of Co-
10 lumbia for thirty days. The law will take effect in
11 2024. Estimates as to the number of non-citizens of
12 voting age living in the District of Columbia range
13 from 21,000 to 42,000, potentially half of whom are
14 illegal aliens. Even according to the low estimates,
15 there are more than enough non-citizens of voting
16 age living in the District of Columbia to impact elec-
17 tion outcomes in some wards.

18 (17) On February 9, 2023, the U.S. House of
19 Representatives, by a vote of 260 to 162, passed
20 H.J. Res. 24, disapproving the Local Resident Vot-
21 ing Rights Amendment Act of 2022 under the Dis-
22 trict of Columbia Home Rule Act.

1 **SEC. 143. REQUIREMENTS FOR ELECTIONS IN DISTRICT OF**
2 **COLUMBIA.**

3 (a) REQUIREMENTS DESCRIBED.—Title III of the
4 Help America Vote Act of 2002 (52 U.S.C. 21801 et seq.)
5 is amended by adding at the end the following new sub-
6 title:

7 **“Subtitle C—Requirements for**
8 **Elections in District of Columbia**

9 **“SEC. 321. STATEMENT OF CONGRESSIONAL AUTHORITY;**
10 **FINDINGS.**

11 “Congress finds that it has the authority to establish
12 the terms and conditions for the administration of elec-
13 tions for public office in the District of Columbia—

14 “(1) under article I, section 8, clause 17 of the
15 Constitution of the United States, which grants Con-
16 gress the exclusive power to enact legislation with
17 respect to the seat of the government of the United
18 States; and

19 “(2) under other enumerated powers granted to
20 Congress.

21 **“SEC. 322. REQUIREMENTS FOR PHOTO IDENTIFICATION.**

22 “(a) SHORT TITLE.—This section may be cited as the
23 ‘American Confidence in Elections: District of Columbia
24 Voter Identification Act’.

25 “(b) REQUIRING PROVISION OF IDENTIFICATION TO
26 RECEIVE A BALLOT OR VOTE.—

1 “(1) INDIVIDUALS VOTING IN PERSON.—A Dis-
2 trict of Columbia election official may not provide a
3 ballot for a District of Columbia election to an indi-
4 vidual who desires to vote in person unless the indi-
5 vidual presents to the official an identification de-
6 scribed in paragraph (3).

7 “(2) INDIVIDUALS VOTING OTHER THAN IN
8 PERSON.—A District of Columbia election official
9 may not provide a ballot for a District of Columbia
10 election to an individual who desires to vote other
11 than in person unless the individual submits with
12 the application for the ballot a copy of an identifica-
13 tion described in paragraph (3).

14 “(3) IDENTIFICATION DESCRIBED.—An identi-
15 fication described in this paragraph is, with respect
16 to an individual, any of the following:

17 “(A) A current and valid motor vehicle li-
18 cense issued by the District of Columbia or any
19 other current and valid photo identification of
20 the individual which is issued by the District of
21 Columbia or the identification number for such
22 motor vehicle license or photo identification.

23 “(B) A current and valid United States
24 passport, a current and valid military photo
25 identification, or any other current and valid

1 photo identification of the individual which is
2 issued by the Federal government.

3 “(C) Any current and valid photo identi-
4 fication of the individual which is issued by a
5 Tribal Government.

6 “(D) A student photo identification issued
7 by a secondary school (as such term is defined
8 in section 8101 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 7801)) or an institution of higher education (as
11 such term is defined in section 101 of the High-
12 er Education Act of 1965 (20 U.S.C. 1001)).

13 “(E) The last 4 digits of the individual’s
14 social security number.

15 “(4) ENSURING PROOF OF RESIDENCE.—If an
16 individual presents or submits an identification de-
17 scribed in paragraph (3) which does not include the
18 address of the individual’s residence, the District of
19 Columbia election official may not provide a ballot to
20 the individual unless the individual presents or sub-
21 mits a document or other written information from
22 a third party which—

23 “(A) provides the address of the individ-
24 ual’s residence; and

1 “(B) such document or other written infor-
2 mation is of sufficient validity such that the
3 election official is reasonably certain as to the
4 identity of the individual.

5 “(c) PROVISION OF IDENTIFICATION WITHOUT COST
6 TO INDIGENT INDIVIDUALS.—If the District of Columbia
7 charges an individual a fee for an identification described
8 in subsection (b)(3) and the individual provides an attesta-
9 tion that the individual is unable to afford the fee, the
10 District of Columbia shall provide the identification to the
11 individual at no cost.

12 “(d) SPECIAL RULE WITH RESPECT TO SINCERELY
13 HELD RELIGIOUS BELIEFS.—In the case of an individual
14 who is unable to comply with the requirements of sub-
15 section (b) due to sincerely held religious beliefs, the Dis-
16 trict of Columbia shall provide such individual with an al-
17 ternative identification that shall be deemed to meet the
18 requirements of an identification described in subsection
19 (b)(3).

20 “(e) DESIGNATION OF DISTRICT OF COLUMBIA
21 AGENCY TO PROVIDE COPIES OF IDENTIFICATION.—The
22 Mayor of the District of Columbia shall designate an agen-
23 cy of the District of Columbia government to provide an
24 individual with a copy of an identification described in

1 subsection (b)(3) at no cost to the individual for the pur-
2 poses of meeting the requirement under subsection (b)(2).

3 “(f) INCLUSION OF PHOTOS IN POLL BOOKS.—

4 “(1) METHODS FOR OBTAINING PHOTOS.—

5 “(A) PROVISION OF PHOTOS BY OFFICES
6 OF DISTRICT OF COLUMBIA GOVERNMENT.—If
7 any office of the District of Columbia govern-
8 ment has a photograph or digital image of the
9 likeness of an individual who is eligible to vote
10 in a District of Columbia election, the office, in
11 consultation with the chief election official of
12 the District of Columbia, shall provide access to
13 the photograph or digital image to the chief
14 election official of the District of Columbia.

15 “(B) TAKING OF PHOTOS AT POLLING
16 PLACE.—If a photograph or digital image of an
17 individual who votes in person at a polling place
18 is not included in the poll book which contains
19 the name of the individuals who are eligible to
20 vote in the District of Columbia election and
21 which is used by election officials to provide
22 ballots to such eligible individuals, the appro-
23 priate election official shall take a photograph
24 of the individual and provide access to the pho-

1 tograph to the chief election official of the Dis-
2 trict of Columbia.

3 “(C) COPIES OF PHOTOS PROVIDED BY IN-
4 DIVIDUALS NOT VOTING IN PERSON.—The elec-
5 tion official who receives a copy of an identifica-
6 tion described in subsection (b)(3) which is sub-
7 mitted by an individual who desires to vote
8 other than in person at a polling place shall
9 provide access to the copy of the identification
10 to the chief election official of the District of
11 Columbia.

12 “(2) INCLUSION IN POLL BOOKS.—The chief
13 election official of the District of Columbia shall en-
14 sure that a photograph, digital image, or copy of an
15 identification for which access is provided under
16 paragraph (1) is included in the poll book which con-
17 tains the name of the individuals who are eligible to
18 vote in the District of Columbia election and which
19 is used by election officials to provide ballots to such
20 eligible individuals.

21 “(3) PROTECTION OF PRIVACY OF VOTERS.—
22 The appropriate election officials of the District of
23 Columbia shall ensure that any photograph, digital
24 image, or copy of an identification which is included
25 in a poll book under this subsection is not used for

1 any purpose other than the administration of Dis-
2 trict of Columbia elections and is not provided or
3 otherwise made available to any other person except
4 as may be necessary to carry out that purpose.

5 “(g) EXCEPTIONS.—This section does not apply with
6 respect to any individual who is—

7 “(1) entitled to vote by absentee ballot under
8 the Uniformed and Overseas Citizens Absentee Vot-
9 ing Act (52 U.S.C. 20301 et seq.);

10 “(2) provided the right to vote otherwise than
11 in person under section 3(b)(2)(B)(ii) of the Voting
12 Accessibility for the Elderly and Handicapped Act
13 (52 U.S.C. 20102(b)(2)(B)(ii)); or

14 “(3) entitled to vote otherwise than in person
15 under any other Federal law.

16 “(h) DEFINITIONS.—For the purposes of this section,
17 the following definitions apply:

18 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
19 has the meaning given the term ‘Indian tribe’ in sec-
20 tion 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 5304).

22 “(2) TRIBAL GOVERNMENT.—The term ‘Tribal
23 Government’ means the recognized governing body
24 of an Indian Tribe.

1 **“SEC. 323. REQUIREMENTS FOR VOTER REGISTRATION.**

2 “(a) SHORT TITLE.—This section may be cited as the
3 ‘American Confidence in Elections: District of Columbia
4 Voter List Maintenance Act’.

5 “(b) ANNUAL LIST MAINTENANCE.—

6 “(1) REQUIREMENTS.—

7 “(A) IN GENERAL.—The District of Co-
8 lumbia shall carry out annually a program to
9 remove ineligible persons from the official list of
10 persons registered to vote in the District of Co-
11 lumbia, as required by section 8 of the National
12 Voter Registration Act of 1993 (52 U.S.C.
13 20507) and pursuant to the procedures de-
14 scribed in subparagraph (B).

15 “(B) REMOVAL FROM VOTER ROLLS.—In
16 the case of a registrant from the official list of
17 eligible voters in District of Columbia elections
18 who has failed to vote in a District of Columbia
19 election during a period of two consecutive
20 years, the District of Columbia shall send to
21 such registrant a notice described in section
22 8(d)(2) of the National Voter Registration Act
23 of 1993 (52 U.S.C. 20507(d)(2)) and shall re-
24 move the registrant from the official list of eli-
25 gible voters in District of Columbia elections
26 if—

1 “(i) the registrant fails to respond to
2 such notice; and

3 “(ii) the registrant has not voted or
4 appeared to vote in a District of Columbia
5 election during the period beginning the
6 date such notice is sent and ending the
7 later of 4 years after the date such notice
8 is sent or after two consecutive District of
9 Columbia general elections have been held.

10 “(2) TIMING.—In the case of a year during
11 which a regularly scheduled District of Columbia
12 election is held, the District of Columbia shall carry
13 out the program described in paragraph (1) not
14 later than 90 days prior to the date of the election.

15 “(c) PROHIBITING SAME-DAY REGISTRATION.—The
16 District of Columbia may not permit an individual to vote
17 in a District of Columbia election unless, not later than
18 30 days prior to the date of the election, the individual
19 is duly registered to vote in the election.

20 **“SEC. 324. BAN ON COLLECTION AND TRANSMISSION OF**
21 **BALLOTS BY CERTAIN THIRD PARTIES.**

22 “(a) SHORT TITLE.—This section may be cited as the
23 ‘American Confidence in Elections: District of Columbia
24 Election Fraud Prevention Act’.

1 “(b) IN GENERAL.—The District of Columbia may
2 not permit an individual to knowingly collect and transmit
3 a ballot in a District of Columbia election that was mailed
4 to another person, other than an individual described as
5 follows:

6 “(1) An election official while engaged in offi-
7 cial duties as authorized by law.

8 “(2) An employee of the United States Postal
9 Service or other commercial common carrier engaged
10 in similar activities while engaged in duties author-
11 ized by law.

12 “(3) Any other individual who is allowed by law
13 to collect and transmit United States mail, while en-
14 gaged in official duties as authorized by law.

15 “(4) A family member, household member, or
16 caregiver of the person to whom the ballot was
17 mailed.

18 “(c) DEFINITIONS.—For purposes of this section,
19 with respect to a person to whom the ballot was mailed:

20 “(1) The term ‘caregiver’ means an individual
21 who provides medical or health care assistance to
22 such person in a residence, nursing care institution,
23 hospice facility, assisted living center, assisted living
24 facility, assisted living home, residential care institu-

1 tion, adult day health care facility, or adult foster
2 care home.

3 “(2) The term ‘family member’ means an indi-
4 vidual who is related to such person by blood, mar-
5 riage, adoption or legal guardianship.

6 “(3) The term ‘household member’ means an
7 individual who resides at the same residence as such
8 person.

9 **“SEC. 325. TIMELY PROCESSING AND REPORTING OF RE-**
10 **SULTS.**

11 “(a) **SHORT TITLE.**—This section may be cited as the
12 ‘American Confidence in Elections: District of Columbia
13 Timely Reporting of Election Results Act’.

14 “(b) **TIME FOR PROCESSING BALLOTS AND REPORT-**
15 **ING RESULTS.**— The District of Columbia shall begin
16 processing ballots received by mail in a District of Colum-
17 bia election as soon as such ballots are received and shall
18 ensure that the results of such District of Columbia elec-
19 tion are reported to the public not later than 12 hours
20 after the closing of polls on the date of the election, but
21 in no case shall such ballots be tabulated or such results
22 be reported earlier than the closing of polls on the date
23 of the election.

24 “(c) **REQUIREMENT TO PUBLISH NUMBER OF VOTED**
25 **BALLOTS ON ELECTION DAY.**—The District of Columbia

1 shall, as soon as practicable after the closing of polls on
2 the date of a District of Columbia election, make available
3 on a publicly accessible website the total number of voted
4 ballots in the possession of election officials in the District
5 of Columbia as of the time of the closing of polls on the
6 date of such election, which shall include, as of such
7 time—

8 “(1) the number of voted ballots delivered by
9 mail;

10 “(2) the number of ballots requested for such
11 election by individuals who are entitled to vote by
12 absentee ballot under the Uniformed and Overseas
13 Citizens Absentee Voting Act (52 U.S.C. 20301 et
14 seq.); and

15 “(3) the number of voted ballots for such elec-
16 tion received from individuals who are entitled to
17 vote by absentee ballot under the Uniformed and
18 Overseas Citizens Absentee Voting Act (52 U.S.C.
19 20301 et seq.), including from individuals who,
20 under such Act, voted by absentee ballot without re-
21 questing such a ballot.

22 “(d) REQUIREMENTS TO ENSURE BIPARTISAN ELEC-
23 TION ADMINISTRATION ACTIVITY.—With respect to a Dis-
24 trict of Columbia election, District of Columbia election
25 officials shall ensure that all activities are carried out in

1 a bipartisan manner, which shall include a requirement
2 that, in the case of an election worker who enters a room
3 which contains ballots, voting equipment, or non-voting
4 equipment as any part of the election worker’s duties to
5 carry out such election, the election worker is accompanied
6 by an individual registered to vote with respect to a dif-
7 ferent political party than such election worker, as deter-
8 mined pursuant to the voting registration records of the
9 District of Columbia.

10 **“SEC. 326. BAN ON NONCITIZEN VOTING.**

11 “(a) SHORT TITLE.—This section may be cited as the
12 ‘American Confidence in Elections: District of Columbia
13 Citizen Voter Act’.

14 “(b) BAN ON NONCITIZEN VOTING.—No individual
15 may vote in a District of Columbia election unless the indi-
16 vidual is a citizen of the United States.

17 **“SEC. 327. REQUIREMENTS WITH RESPECT TO PROVI-**
18 **SIONAL BALLOTS.**

19 “(a) SHORT TITLE.—This section may be cited as the
20 ‘American Confidence in Elections: District of Columbia
21 Provisional Ballot Reform Act’.

22 “(b) IN GENERAL.—Except as provided in subsection
23 (c), the District of Columbia shall permit an individual
24 to cast a provisional ballot pursuant to section 302 if—

1 “(1) the individual declares that such individual
2 is a registered voter in the District of Columbia and
3 is eligible to vote in a District of Columbia election
4 but the name of the individual does not appear on
5 the official list of eligible voters for the polling place
6 or an election official asserts that the individual is
7 not eligible to vote; or

8 “(2) the individual declares that such individual
9 is a registered voter in the District of Columbia and
10 is eligible to vote in a District of Columbia election
11 but does not provide an identification required under
12 section 322, except that the individual’s provisional
13 ballot shall not be counted in the election unless the
14 individual provides such identification to the chief
15 State election official of the District of Columbia not
16 later than 5:00 pm on the second day which begins
17 after the date of the election.

18 “(c) REQUIREMENTS WITH RESPECT TO COUNTING
19 PROVISIONAL BALLOTS IN CERTAIN CASES.—If the name
20 of an individual who is a registered voter in the District
21 of Columbia and eligible to vote in a District of Columbia
22 election appears on the official list of eligible voters for
23 a polling place in the District of Columbia, such individual
24 may cast a provisional ballot pursuant to section 302 for
25 such election at a polling place other than the polling place

1 with respect to which the name of the individual appears
2 on the official list of eligible voters, except that the individ-
3 ual’s provisional ballot shall not be counted in the election
4 unless the individual demonstrates pursuant to the re-
5 quirements under section 302 that the individual is a reg-
6 istered voter in the jurisdiction of the polling place at
7 which the individual cast such ballot.

8 **“SEC. 328. MANDATORY POST-ELECTION AUDITS.**

9 “(a) **SHORT TITLE.**—This section may be cited as the
10 ‘American Confidence in Elections: District of Columbia
11 Mandatory Post-Election Audits Act’.

12 “(b) **REQUIREMENT FOR POST-ELECTION AUDITS.**—

13 “(1) **REQUIREMENT.**—Not later than 30 days
14 after each District of Columbia election, the District
15 of Columbia shall conduct and publish an audit of
16 the effectiveness and accuracy of the voting systems,
17 nonvoting election technology (as defined in section
18 298C), election procedures, and outcomes used to
19 carry out the election and the performance of the
20 election officials who carried out the election, but in
21 no case shall such audit be completed later than 2
22 business days before the deadline to file an election
23 contest under the laws of the District of Columbia.

24 “(2) **INDEPENDENCE OF AUDITOR.**—No indi-
25 vidual who participates in conducting the audit re-

1 “(A) The individual may serve as a poll
2 watcher to observe the casting and tabulation of
3 ballots at a polling place on the date of the elec-
4 tion or on any day prior to the date of the elec-
5 tion on which ballots are cast at early voting
6 sites, and may challenge the casting or tabula-
7 tion of any such ballot.

8 “(B) The individual may serve as a poll
9 watcher to observe the canvassing and proc-
10 essing of absentee or other mail-in ballots, in-
11 cluding the procedures for verification of signed
12 certificates of transmission under section
13 330(c)(2).

14 “(C) The individual may observe the re-
15 count of the results of the election at any loca-
16 tion at which the recount is held, and may chal-
17 lenge the tabulation of any ballot tabulated pur-
18 suant to the recount.

19 “(3) PROVISION OF CREDENTIALS.—The chief
20 State election official of the District of Columbia
21 shall provide each individual who is authorized to ob-
22 serve election procedures under paragraph (1) with
23 appropriate credentials to enable the individual to
24 observe such procedures.

1 “(4) EXCEPTION FOR CANDIDATES AND LAW
2 ENFORCEMENT OFFICERS.—An individual may not
3 serve as a poll watcher under subparagraph (A) or
4 (B) of paragraph (2), and the chief State election of-
5 ficial of the District of Columbia may not provide
6 the individual with credentials to enable the indi-
7 vidual to serve as a poll watcher under such sub-
8 paragraph, if the individual is a candidate in the
9 election or a law enforcement officer.

10 “(c) OTHER INDIVIDUALS.—

11 “(1) PETITION FOR OBSERVER CREDEN-
12 TIALS.—In addition to the individuals described in
13 subsection (b), any individual, including an indi-
14 vidual representing or affiliated with a domestic or
15 international organization, may petition the chief
16 State election official of the District of Columbia to
17 provide the individual with credentials to observe
18 election procedures carried out in a District of Co-
19 lumbia election, as described in subsection (b).

20 “(2) AUTHORITY DESCRIBED.—If the chief
21 State election official provides an individual with
22 credentials under paragraph (1), the individual shall
23 have the same authority to observe election proce-
24 dures carried out in the election as an individual de-
25 scribed in subsection (b), except that the individual

1 may not challenge the casting, tabulation, can-
2 vassing, or processing of any ballot in the election.

3 “(3) EXCEPTION FOR CANDIDATES AND LAW
4 ENFORCEMENT OFFICERS.—The chief State election
5 official of the District of Columbia may not provide
6 an individual who is a candidate in the election or
7 a law enforcement officer with credentials to serve as
8 a poll watcher, as described in subparagraph (A) or
9 (B) of subsection (b)(2).

10 “(d) AUTHORITY OF MEMBERS OF PUBLIC TO OB-
11 SERVE TESTING OF EQUIPMENT.—In addition to the au-
12 thority of individuals to observe procedures under sub-
13 sections (b) and (c), any member of the public may ob-
14 serve the testing of election equipment by election officials
15 prior to the date of the election.

16 “(e) PROHIBITING LIMITS ON ABILITY TO VIEW PRO-
17 CEDURES.—An election official may not obstruct the abil-
18 ity of an individual who is authorized to observe an elec-
19 tion procedure under this section to view the procedure
20 as it is being carried out.

21 “(f) PROHIBITION AGAINST CERTAIN RESTRIC-
22 TIONS.—An election official may not require that an indi-
23 vidual who observes election procedures under this section
24 stays more than 3 feet away from the procedure as it is
25 being carried out.

1 **“SEC. 330. REQUIREMENTS FOR VOTING BY MAIL-IN BAL-**
2 **LOT.**

3 “(a) **SHORT TITLE.**—This section may be cited as the
4 ‘American Confidence in Elections: District of Columbia
5 Mail Balloting Reform Act’.

6 “(b) **PROHIBITING TRANSMISSION OF UNSOLICITED**
7 **BALLOTS.**—The District of Columbia may not transmit
8 an absentee or other mail-in ballot for a District of Colum-
9 bia election to any individual who does not request the
10 District of Columbia to transmit the ballot.

11 “(c) **SIGNATURE VERIFICATION.**—

12 “(1) **INCLUSION OF CERTIFICATE WITH BAL-**
13 **LOT.**—The District of Columbia shall include with
14 each absentee or other mail-in ballot transmitted for
15 a District of Columbia election a certificate of trans-
16 mission which may be signed by the individual for
17 whom the ballot is transmitted.

18 “(2) **REQUIRING VERIFICATION FOR BALLOT TO**
19 **BE COUNTED.**—Except as provided in subsection (d),
20 the District of Columbia may not accept an absentee
21 or other mail-in ballot for a District of Columbia
22 election unless—

23 “(A) the individual for whom the ballot
24 was transmitted—

1 “(i) signs and dates the certificate of
2 transmission included with the ballot under
3 paragraph (1); and

4 “(ii) includes the signed certification
5 with the ballot and the date on such cer-
6 tification is accurate and in no case later
7 than the date of the election; and

8 “(B) the individual’s signature on the bal-
9 lot matches the signature of the individual on
10 the official list of registered voters in the Dis-
11 trict of Columbia or other official record or doc-
12 ument used by the District of Columbia to
13 verify the signatures of voters.

14 “(d) NOTICE AND OPPORTUNITY TO CURE.—

15 “(1) NOTICE AND OPPORTUNITY TO CURE DIS-
16 CREPANCY IN SIGNATURES.—If an individual sub-
17 mits an absentee or other mail-in ballot for a Dis-
18 trict of Columbia election and the appropriate Dis-
19 trict of Columbia election official determines that a
20 discrepancy exists between the signature on such
21 ballot and the signature of such individual on the of-
22 ficial list of registered voters in the District of Co-
23 lumbia or other official record or document used by
24 the District of Columbia to verify the signatures of
25 voters, such election official, prior to making a final

1 determination as to the validity of such ballot,
2 shall—

3 “(A) make a good faith effort to imme-
4 diately notify the individual by mail, telephone,
5 or (if available) text message and electronic
6 mail that—

7 “(i) a discrepancy exists between the
8 signature on such ballot and the signature
9 of the individual on the official list of reg-
10 istered voters in the District of Columbia
11 or other official record or document used
12 by the District of Columbia to verify the
13 signatures of voters; and

14 “(ii) if such discrepancy is not cured
15 prior to the expiration of the 48-hour pe-
16 riod which begins on the date the official
17 notifies the individual of the discrepancy,
18 such ballot will not be counted; and

19 “(B) cure such discrepancy and count the
20 ballot if, prior to the expiration of the 48-hour
21 period described in subparagraph (A)(ii), the
22 individual provides the official with information
23 to cure such discrepancy, either in person, by
24 telephone, or by electronic methods.

1 “(2) NOTICE AND OPPORTUNITY TO CURE MISS-
2 ING SIGNATURE OR OTHER DEFECT.—If an indi-
3 vidual submits an absentee or other mail-in ballot
4 for a District of Columbia election without a signa-
5 ture on the ballot or the certificate of transmission
6 included with the ballot under subsection (c)(1) or
7 submits an absentee ballot with another defect
8 which, if left uncured, would cause the ballot to not
9 be counted, the appropriate District of Columbia
10 election official, prior to making a final determina-
11 tion as to the validity of the ballot, shall—

12 “(A) make a good faith effort to imme-
13 diately notify the individual either by mail, tele-
14 phone, or (if available) text message and elec-
15 tronic mail that—

16 “(i) the ballot or certificate of trans-
17 mission did not include a signature or has
18 some other defect; and

19 “(ii) if the individual does not provide
20 the missing signature or cure the other de-
21 fect prior to the expiration of the 48-hour
22 period which begins on the date the official
23 notifies the individual that the ballot or
24 certificate of transmission did not include

1 a signature or has some other defect, such
2 ballot will not be counted; and

3 “(B) count the ballot if, prior to the expi-
4 ration of the 48-hour period described in sub-
5 paragraph (A)(ii), the individual provides the
6 official with the missing signature on a form
7 proscribed by the District of Columbia or cures
8 the other defect.

9 This paragraph does not apply with respect to a de-
10 fect consisting of the failure of a ballot to meet the
11 applicable deadline for the acceptance of the ballot,
12 as described in subsection (e).

13 “(e) DEADLINE FOR ACCEPTANCE.—

14 “(1) DEADLINE.—Except as provided in para-
15 graph (2), the District of Columbia may not accept
16 an absentee or other mail-in ballot for a District of
17 Columbia election which is received by the appro-
18 priate election official following the close of polls on
19 Election Day.

20 “(2) EXCEPTION FOR ABSENT MILITARY AND
21 OVERSEAS VOTERS.—Paragraph (1) does not apply
22 to a ballot cast by an individual who is entitled to
23 vote by absentee ballot under the Uniformed and
24 Overseas Citizens Absentee Voting Act (52 U.S.C.
25 20301 et seq.).

1 “(3) RULE OF CONSTRUCTION.—Nothing in
2 this subsection may be construed as prohibiting the
3 District of Columbia from accepting an absentee or
4 other mail-in ballot for a District of Columbia elec-
5 tion that is delivered in person by the voter to an
6 election official at an appropriate polling place or
7 the District of Columbia Board of Elections if such
8 ballot is received by the election official by the dead-
9 line described in paragraph (1).

10 **“SEC. 331. REQUIREMENTS WITH RESPECT TO USE OF**
11 **DROP BOXES.**

12 “(a) SHORT TITLE.—This section may be cited as the
13 ‘American Confidence in Elections: District of Columbia
14 Ballot Security Act’.

15 “(b) REQUIREMENTS.—With respect to a District of
16 Columbia election, the District of Columbia may not use
17 a drop box to accept a voted absentee or other mail-in
18 ballot for any such election unless—

19 “(1) any such drop box is located inside a Dis-
20 trict of Columbia government building or facility;

21 “(2) the District of Columbia provides for the
22 security of any such drop box through 24-hour re-
23 mote or electronic surveillance; and

24 “(3) the District of Columbia Board of Elec-
25 tions collects any ballot deposited in any such drop

1 box each day after 5:00 p.m. (local time) during the
2 period of the election.

3 **“SEC. 332. SPECIAL RULE WITH RESPECT TO APPLICATION**
4 **OF REQUIREMENTS TO FEDERAL ELECTIONS.**

5 “With respect to an election for Federal office in the
6 District of Columbia, to the extent that there is any incon-
7 sistency with the requirements of this subtitle and the re-
8 quirements of subtitle A, the requirements of this subtitle
9 shall apply.

10 **“SEC. 333. PROHIBITING THE USE OF RANKED CHOICE VOT-**
11 **ING.**

12 “(a) **SHORT TITLE.**—This section may be cited as the
13 ‘American Confidence in Elections: District of Columbia
14 One Vote One Choice Act’.

15 “(b) **PROHIBITION.**—The District of Columbia may
16 not carry out a District of Columbia election using a sys-
17 tem of ranked choice voting under which each voter shall
18 rank the candidates for the office in the order of the vot-
19 er’s preference.

20 **“SEC. 334. EARLY VOTING.**

21 “(a) **REQUIRING EARLY VOTING.**—

22 “(1) **IN GENERAL.**—The District of Columbia
23 shall allow individuals to vote in person in a District
24 of Columbia election during an early voting period
25 which occurs prior to the date of the election, in the

1 same manner as in person voting is allowed on such
2 date.

3 “(2) LENGTH OF PERIOD.—The early voting
4 period required under this subsection with respect to
5 a District of Columbia election shall consist of not
6 more than 10 days during the period of consecutive
7 days (including weekends) which begins on the 14th
8 day before the date of the election and ends on the
9 date of the election.

10 “(b) POLLING PLACE REQUIREMENTS.—Each poll-
11 ing place which allows voting during an early voting period
12 under subsection (a) shall have the same hours for each
13 day on which such voting occurs as the polling place has
14 on the date of the election.

15 **“SEC. 335. DISTRICT OF COLUMBIA ELECTION DEFINED.**

16 “In this subtitle, the term ‘District of Columbia elec-
17 tion’ means any election for public office in the District
18 of Columbia, including an election for Federal office, and
19 any ballot initiative or referendum.”.

20 (b) CONFORMING AMENDMENT RELATING TO EN-
21 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
22 is amended by striking the period at the end and inserting
23 the following: “, and the requirements of subtitle C with
24 respect to the District of Columbia.”.

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

“Subtitle C—Requirements for Elections in District of Columbia

“Sec. 321. Statement of Congressional authority; findings.

“Sec. 322. Requirements for photo identification.

“Sec. 323. Requirements for voter registration.

“Sec. 324. Ban on collection and transmission of ballots by certain third parties.

“Sec. 325. Timely processing and reporting of results.

“Sec. 326. Ban on noncitizen voting.

“Sec. 327. Requirements with respect to provisional ballots.

“Sec. 328. Mandatory post-election audits.

“Sec. 329. Public observation of election procedures.

“Sec. 330. Requirements for voting by mail-in ballot.

“Sec. 331. Requirements with respect to use of drop boxes.

“Sec. 332. Special rule with respect to application of requirements to Federal elections.

“Sec. 333. Prohibiting the use of ranked choice voting.

“Sec. 334. Early voting.

“Sec. 335. District of Columbia election defined.

4 **SEC. 144. REPEAL OF LOCAL RESIDENT VOTING RIGHTS**
5 **AMENDMENT ACT OF 2022.**

6 The Local Resident Voting Rights Amendment Act
7 of 2022 (D.C. Law 24–242) is repealed, and any provision
8 of law amended or repealed by such Act shall be restored
9 or revived as if such Act had not been enacted into law.

10 **SEC. 145. EFFECTIVE DATE.**

11 The amendments made by this subtitle shall apply
12 with respect to District of Columbia elections held on or
13 after January 1, 2024. For purposes of this section, the
14 term “District of Columbia election” has the meaning
15 given such term in section 333 of the Help America Vote
16 Act of 2002, as added by section 143(a).

1 **Subtitle B—Administration of the**
2 **Election Assistance Commission**

3 **SEC. 151. SHORT TITLE.**

4 This subtitle may be cited as the “Positioning the
5 Election Assistance Commission for the Future Act of
6 2023”.

7 **SEC. 152. FINDINGS RELATING TO THE ADMINISTRATION**
8 **OF THE ELECTION ASSISTANCE COMMISSION.**

9 Congress finds the following:

10 (1) The Election Assistance Commission best
11 serves the American people when operating within
12 its core statutory functions, including serving as a
13 clearinghouse for information on election administra-
14 tion, providing grants, and testing and certifying
15 election equipment.

16 (2) The American people are best served when
17 Federal agency election assistance is offered by a
18 single agency with expertise in this space. The Elec-
19 tion Assistance Commission, composed of four elec-
20 tion experts from different political parties, is best
21 situated among the Federal government agencies to
22 offer assistance services to citizens and to guide
23 other Federal agencies that have responsibilities in
24 the elections space. The Commission is also best
25 suited to determine the timing of the issuance of any

1 advisories and to disburse all appropriated election
2 grant funding.

3 (3) To this end, Congress finds that the Elec-
4 tion Assistance Commission should be viewed as the
5 lead Federal government agency on all election ad-
6 ministration matters, and other Federal agencies op-
7 erating in this space should look to the Commission
8 for guidance, direction, and support on election ad-
9 ministration-related issues.

10 **SEC. 153. REQUIREMENTS WITH RESPECT TO STAFF AND**
11 **FUNDING OF THE ELECTION ASSISTANCE**
12 **COMMISSION.**

13 (a) **STAFF.**—Section 204(a)(5) of the Help America
14 Vote Act of 2002 (52 U.S.C. 20924(a)(5)) is amended by
15 striking “of such additional personnel” and inserting “of
16 not more than 55 full-time equivalent employees to carry
17 out the duties and responsibilities under this Act and the
18 additional duties and responsibilities required under the
19 American Confidence in Elections Act”.

20 (b) **FUNDING.**—Section 210 of the Help America
21 Vote Act of 2002 (52 U.S.C. 20930) is amended—

22 (1) by striking “for each of the fiscal years
23 2003 through 2005” and inserting “for each of the
24 fiscal years 2024 through 2026”; and

1 (2) by striking “(but not to exceed \$10,000,000
2 for each such year)” and inserting “(but not to ex-
3 ceed \$25,000,000 for each such year)”.

4 (c) PROHIBITION ON CERTAIN USE OF FUNDS.—

5 (1) PROHIBITION.—None of the funds author-
6 ized to be appropriated or otherwise made available
7 under subsection (b) may be obligated or expended
8 for the operation of an advisory committee estab-
9 lished by the Election Assistance Commission pursu-
10 ant to and in accordance with the provisions of the
11 Federal Advisory Committee Act (5 U.S.C. App. 2),
12 except with respect to the operation of the Local
13 Leadership Council.

14 (2) NO EFFECT ON ENTITIES ESTABLISHED BY
15 HELP AMERICA VOTE ACT OF 2002.—Paragraph (1)
16 does not apply with respect to the operation of any
17 entity established by the Help America Vote Act of
18 2002, including the Election Assistance Commission
19 Standards Board, the Election Assistance Commis-
20 sion Board of Advisors, and the Technical Guide-
21 lines Development Committee.

22 (d) REQUIREMENTS WITH RESPECT TO COMPENSA-
23 TION OF MEMBERS OF THE COMMISSION.—Section
24 203(d) of the Help America Vote Act of 2002 (52 U.S.C.
25 20923(d)) is amended—

1 (1) in paragraph (1), by striking “at the annual
2 rate of basic pay prescribed for level IV of the Exec-
3 utive Schedule under section 5315 of title 5, United
4 States Code” and inserting “at an annual rate of
5 basic pay equal to the lesser of the amount of
6 \$176,300, as adjusted under section 5318 of title 5,
7 United States Code, in the same manner as the an-
8 nual rate of pay for positions at each level of the
9 Executive Schedule, or 90 percent of the annual rate
10 of pay for a member of the Federal Election Com-
11 mission (but in no case lower than the rate applica-
12 ble for the pay period occurring on the date of the
13 enactment of the ACE Act)”;

14 (2) in paragraph (2), by striking “No member
15 appointed” and inserting “Except as provided in
16 paragraph (3), no member appointed”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(3) SUPPLEMENTAL EMPLOYMENT AND COM-
20 PENSATION.—An individual serving a term of service
21 on the Commission shall be permitted to hold a posi-
22 tion at an institution of higher education (as such
23 term is defined in section 101 of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1001) if—

1 “(A) the General Counsel of the Election
2 Assistance Commission determines that such
3 position does not create a conflict of interest
4 with the individual’s position as a sitting mem-
5 ber of the Commission and grants the indi-
6 vidual approval to hold the position; and

7 “(B) the annual rate of compensation re-
8 ceived by the individual from such institution is
9 not greater than the amount equal to 49.9% of
10 the annual rate of basic pay paid to the indi-
11 vidual under paragraph (1).”.

12 (e) OFFICE OF INSPECTOR GENERAL.—Section 204
13 of the Help America Vote Act of 2002 (52 U.S.C. 20924)
14 is amended by adding at the end the following new sub-
15 section:

16 “(f) OFFICE OF INSPECTOR GENERAL.—In consulta-
17 tion with the Office of the Inspector General of the Com-
18 mission, the Commission shall establish annually a budget
19 and a number of full-time equivalent employees for the
20 Office of the Inspector General which will ensure that the
21 Office has sufficient funding and personnel to carry out
22 the duties and responsibilities under section 404 of title
23 5, United States Code.”.

1 (f) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect on October
3 1, 2025.

4 **SEC. 154. GENERAL REQUIREMENTS FOR PAYMENTS MADE**
5 **BY ELECTION ASSISTANCE COMMISSION.**

6 (a) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-
7 ANCE COMMISSION TO MAKE ELECTION ADMINISTRATION
8 PAYMENTS TO STATES.—No entity of the Federal Govern-
9 ment other than the Election Assistance Commission may
10 make any payment to a State for purposes of admin-
11 istering elections for Federal office, including obtaining
12 election and voting equipment and infrastructure (includ-
13 ing software), enhancing election and voting technology,
14 and making election and voting security improvements, in-
15 cluding with respect to cybersecurity and infrastructure
16 (including software).

17 (b) PROHIBITING USE OF PAYMENTS FOR GET-OUT-
18 THE-VOTE-ACTIVITY; OTHER REQUIREMENTS FOR PAY-
19 MENTS MADE BY COMMISSION.—Subtitle D of title II of
20 the Help America Vote Act of 2002 (52 U.S.C. 21001 et
21 seq.) is amended by adding at the end the following new
22 part:

1 **“PART 7—GENERAL REQUIREMENTS FOR**
2 **PAYMENTS**
3 **“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-**
4 **THE-VOTE-ACTIVITY.**

5 “(a) PROHIBITION.—No payment made to a State or
6 unit of local government by the Commission under this
7 Act or any other Act or any other Federal funds made
8 available to a State or unit of local government may be
9 used for get-out-the-vote activity.

10 “(b) DEFINITION.—In this section, the term ‘get-out-
11 the-vote activity’ means, with respect to a payment made
12 to a State or unit of local government, any activity which,
13 at the time the payment is made, is treated as get-out-
14 the-vote-activity under the Federal Election Campaign Act
15 of 1971 and the regulations promulgated by the Federal
16 Election Commission to carry out such Act, or similar ac-
17 tivity which is targeted, or may be reasonably assumed
18 to be targeted, at particular voters and groups of voters
19 on the basis of political affiliation, their expected votes,
20 their place of residence, or some other demographic fac-
21 tor.”.

22 (c) REQUIRING DISCLAIMER IN COMMUNICATIONS.—
23 Part 7 of subtitle D of title II of such Act, as added by
24 subsection (b), is amended by adding at the end the fol-
25 lowing new section:

1 **“SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY**
2 **PAYMENTS TO INCLUDE DISCLAIMER.**

3 “(a) REQUIREMENT.—If a State or unit of local gov-
4 ernment disseminates a public communication which was
5 developed or disseminated in whole or in part with a pay-
6 ment made to the State or a unit of local government by
7 the Commission under this Act or any other Act, the State
8 or unit of local government shall ensure that the commu-
9 nication includes, in a clear and conspicuous manner, the
10 following statement: ‘Paid for using Federal taxpayer
11 funds pursuant to the Help America Vote Act’.

12 “(b) CLEAR AND CONSPICUOUS MANNER DE-
13 SCRIBED.—A statement required under subsection (a)
14 shall be considered to be in a clear and conspicuous man-
15 ner if the statement meets the following requirements:

16 “(1) TEXT OR GRAPHIC COMMUNICATIONS.—In
17 the case of a text or graphic communication, the
18 statement—

19 “(A) appears in letters at least as legible
20 as the majority of the text in the communica-
21 tion;

22 “(B) is contained in a printed box set
23 apart from the other contents of the commu-
24 nication; and

1 “(C) is printed with a reasonable degree of
2 color contrast between the background and the
3 printed statement.

4 “(2) AUDIO COMMUNICATIONS.—In the case of
5 an audio communication, the statement is spoken in
6 a clearly audible and intelligible manner at the be-
7 ginning or end of the communication and lasts at
8 least 3 seconds.

9 “(3) VIDEO COMMUNICATIONS.—In the case of
10 a video communication, the statement—

11 “(A) is included at either the beginning or
12 the end of the communication; and

13 “(B) is made in a written format that
14 meets the requirements of subparagraphs (A)
15 and (C) of paragraph (1) and appears for at
16 least 4 seconds.

17 “(4) OTHER COMMUNICATIONS.—In the case of
18 any other type of communication, the statement is
19 at least as clear and conspicuous as the statement
20 specified in paragraph (1), (2), or (3).

21 “(e) PUBLIC COMMUNICATION.—In this section, the
22 term ‘public communication’ means a communication re-
23 lating to the administration of an election for Federal of-
24 fice by means of any broadcast, cable, or satellite commu-
25 nication, Internet communication, newspaper, magazine,

1 outdoor advertising facility, mass mailing, or telephone
2 bank to the general public, or any other form of general
3 public advertising.

4 **“SEC. 297B. GUIDANCE ON USE OF PAYMENTS.**

5 “(a) **REQUIRING ESTABLISHMENT AND PUBLICATION**
6 **ON GUIDANCE.**—The Commission shall establish and pub-
7 lish clear guidance on the permissible use of any payments
8 made by the Commission to States and units of local gov-
9 ernment under this Act or any other Act.

10 “(b) **REQUIREMENTS FOR GUIDANCE.**—The guidance
11 established under this section shall meet the following re-
12 quirements:

13 “(1) The guidance shall be consistent for all
14 States and units of local government.

15 “(2) The guidance shall be available to the pub-
16 lic.

17 “(3) If the Commission revises any previously
18 established and published guidance under this sec-
19 tion, the revision may not take effect until after the
20 next regularly scheduled general election for Federal
21 office, and the Commission shall provide and publish
22 its reasons for the revision.

23 “(c) **APPLICATION OF GUIDANCE TO AUDITS.**—If the
24 Commission conducts any audit of the use of a payment
25 to a State or unit of local government, it shall base the

1 audit on the compliance of the State or unit of local gov-
2 ernment with the applicable guidance under this section
3 and the applicable requirements of this Act.

4 “(d) UNIFORM TERMS FOR REPORTS.—In coopera-
5 tion and consultation with States, the Commission shall
6 establish a set of uniform terms for States and units of
7 local government to use for any reports submitted to the
8 Commission on the use of payments made by the Commis-
9 sion under this Act or any other Act.”.

10 (d) CLERICAL AMENDMENT.—The table of contents
11 of such Act is amended by inserting at the end of the items
12 relating to subtitle D of title II the following:

“PART 7—GENERAL REQUIREMENTS FOR PAYMENTS

“Sec. 297. Prohibiting use of payments for get-out-the-vote-activity.

“Sec. 297A. Requiring communications funded by payments to include dis-
claimer.

“Sec. 297B. Guidance on use of payments.”.

13 (e) EFFECTIVE DATE.—This section and the amend-
14 ments made by this section shall apply with respect to pay-
15 ments made on or after the date that is 30 days after
16 the date of the enactment of this Act.

17 **SEC. 155. EXECUTIVE BOARD OF THE STANDARDS BOARD**
18 **AUTHORITY TO ENTER INTO CONTRACTS.**

19 Section 213(c) of the Help America Vote Act of 2002
20 (52 U.S.C. 20943(c)) is amended by adding at the end
21 the following new paragraph:

1 “(5) AUTHORITY TO ENTER INTO CON-
2 TRACTS.—The Executive Board of the Standards
3 Board may, using amounts already made available
4 to the Commission, enter into contracts to employ
5 and retain no more than 2 individuals to enable the
6 Standards Board to discharge its duties with respect
7 to the examination and release of voluntary consider-
8 ations with respect to the administration of elections
9 for Federal offices by the States under section 247,
10 except that—

11 “(A) no more than 1 individual from the
12 same political party may be employed under
13 such contracts at the same time;

14 “(B) the authority to enter into such con-
15 tracts shall end on the earlier of the date of the
16 release of the considerations or December 31,
17 2025; and

18 “(C) no additional funds may be appro-
19 priated to the Commission for the purposes of
20 carrying out this paragraph.”.

21 **SEC. 156. ELECTION ASSISTANCE COMMISSION PRIMARY**
22 **ROLE IN ELECTION ADMINISTRATION ASSIST-**
23 **ANCE.**

24 (a) IN GENERAL.—Except as provided in any other
25 provision of law, the Election Assistance Commission

1 shall, with respect to any other entity of the Federal Gov-
2 ernment, have primary jurisdiction to address issues with
3 respect to the administration of elections for Federal of-
4 fice.

5 (b) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-
6 ANCE COMMISSION TO DEVELOP VOLUNTARY GUIDE-
7 LINES WITH RESPECT TO VOTING SYSTEMS AND NON-
8 VOTING TECHNOLOGY.—No entity of the Federal Govern-
9 ment other than the Election Assistance Commission may
10 develop, adopt, issue, or oversee voluntary guidelines with
11 respect to voting systems and any related nonvoting elec-
12 tion technology, as defined in section 298C of the Help
13 America Vote Act of 2002 (as added by section 129(b))
14 that are used in elections for Federal office.

15 **SEC. 157. CLARIFICATION OF THE DUTIES OF THE ELEC-**
16 **TION ASSISTANCE COMMISSION.**

17 Section 202 of the Help America Vote Act of 2002
18 (52 U.S.C. 20922) is amended—

19 (1) by striking “The Commission shall serve”
20 and inserting the following:

21 “(a) IN GENERAL.—The Commission shall serve”;

22 (2) in paragraph (1), by striking “including the
23 maintenance of a clearinghouse of information on
24 the experiences of State and local governments in
25 implementing the guidelines and in operating voting

1 systems in general” and inserting “including, in co-
2 operation with and for the benefit of the States and
3 their political subdivisions, the maintenance and op-
4 eration of a Federal forum for the States and their
5 political subdivisions to discuss with other States
6 and their political subdivisions their experiences with
7 election administration processes, equipment, oper-
8 ations, training, and scheduling, as well as any other
9 useful information relating to State administration
10 of elections for Federal office (as described in sub-
11 section (b))”;

12 (3) in paragraph (2), by inserting “, including
13 any related nonvoting election technology, as defined
14 in section 298C of the Help America Vote Act of
15 2002” after “hardware and software”; and

16 (4) by adding at the end the following new sub-
17 sections:

18 “(b) FEDERAL FORUM FOR DISCUSSION OF ELEC-
19 TION ADMINISTRATION EXPERIENCES.—

20 “(1) MEMBERSHIP.—The membership of the
21 Federal forum described in paragraph (1) of sub-
22 section (a) shall be comprised of the membership of
23 the Standards Board and of the Local Leadership
24 Council.

1 “(2) MAINTENANCE OF CLEARINGHOUSE.—As
2 part of such Federal forum, the Commission shall,
3 on behalf of and for the benefit of the States and
4 their political subdivisions, maintain and operation a
5 national clearinghouse of relevant information devel-
6 oped by or provided to the Federal forum with re-
7 spect to State administration of elections for Federal
8 office. The Commission may also include other infor-
9 mation related to election administration that it con-
10 siders useful to State and local election administra-
11 tors who administer elections for Federal office, ex-
12 cept that the Commission may not endorse a private
13 third party, the information provided or published by
14 a private third party, or use such information in a
15 way that suggests that the information was created
16 or endorsed by the Commission.

17 “(c) SPECIAL RULE WITH RESPECT TO
18 PRIORITIZATION OF DUTIES.—The Commission shall—

19 “(1) prioritize carrying out the duties described
20 in paragraphs (1), (2), and (4) of subsection (a);

21 “(2) retain personnel qualified to assist the
22 Commission in carrying out such duties; and

23 “(3) prioritize such duties in all budget re-
24 quests.”.

1 **SEC. 158. ELECTION ASSISTANCE COMMISSION POWERS.**

2 Section 205 of the Help America Vote Act of 2002
3 (52 U.S.C. 20925) is amended by adding at the end the
4 following new subsection:

5 “(f) CONCURRENT TRANSMISSIONS TO CONGRESS.—

6 “(1) BUDGET ESTIMATE OR REQUEST.—When-
7 ever the Commission submits any budget estimate or
8 request to the President or the Director of the Of-
9 fice of Management and Budget, the Commission
10 shall concurrently transmit a copy of such estimate
11 or request to the Committee on House Administra-
12 tion of the House of Representatives and the Com-
13 mittee on Rules and Administration of the Senate.

14 “(2) LEGISLATIVE RECOMMENDATION, TESTI-
15 MONY, OR COMMENTS.—Whenever the Commission
16 submits any legislative recommendation, testimony,
17 or comments on legislation requested by Congress or
18 by any Member of Congress to the President or the
19 Office of Management and Budget, it shall concur-
20 rently transmit a copy thereof to Congress or to the
21 Member of Congress involved (as the case may be).
22 No officer or agency of the United States shall have
23 any authority to require the Commission to submit
24 its legislative recommendations, testimony, or com-
25 ments on legislation to any office or agency of the
26 United States for approval, comments, or review

1 prior to the submission of such recommendations,
2 testimony, or comments to the Congress or Member
3 of Congress under the previous sentence.”.

4 **SEC. 159. MEMBERSHIP OF THE LOCAL LEADERSHIP COUN-**
5 **CIL.**

6 Subtitle C of title II of the Help America Vote Act
7 of 2002 (52 U.S.C. 20981 et seq.) is amended by adding
8 at the end the following new section:

9 **“SEC. 248. MEMBERSHIP OF THE LOCAL LEADERSHIP**
10 **COUNCIL.**

11 “In appointing members of the Local Leadership
12 Council, the Commission shall ensure that members who
13 represent the same State are not of the same political af-
14 filiation in their professional capacities and should reflect
15 the goal of soliciting diverse opinions and ideas.”.

16 **SEC. 160. RULE OF CONSTRUCTION.**

17 Nothing in this subtitle or the amendments made by
18 this subtitle shall be construed as providing the Election
19 Assistance Commission with additional regulatory author-
20 ity, other than the regulatory authority required to carry
21 out the requirements and duties under this subtitle and
22 the amendments made by this subtitle.

1 **Subtitle C—Prohibition on Involvement in Elections by Foreign**
2 **Nationals**

4 **SEC. 161. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTION WITH BALLOT INITIATIVES AND REFERENDA.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “American Confidence in Elections: Keeping Foreign
10 Money out of Politics Act”.

11 (b) **IN GENERAL.**—Chapter 29 of title 18, United
12 States Code, is amended by adding at the end the following new section:

14 **“§ 612. Foreign nationals making certain political contributions**

16 “(a) **PROHIBITION.**—It shall be unlawful for a foreign national, directly or indirectly, to make a contribution
17 as such term is defined in section 301(8)(A) of the Federal
18 Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A))
19 or donation of money or other thing of value, or to make
20 an express or implied promise to make a contribution or
21 donation, in connection with a State or local ballot initiative or referendum.
23

1 “(b) PENALTY.—Any person who violates subsection
2 (a) shall be fined not more than \$250,000, imprisoned for
3 not more than 5 years, or both.

4 “(c) FOREIGN NATIONAL DEFINED.—In this section,
5 the term ‘foreign national’ has the meaning given such
6 term in section 319(b) of the Federal Election Campaign
7 Act of 1971 (52 U.S.C. 30121(b)).”.

8 (c) CLERICAL AMENDMENT.—The table of sections
9 for chapter 29 of title 18, United States Code, is amended
10 by adding at the end the following new item:

“612. Foreign nationals making certain political contributions.”.

11 (d) EFFECTIVE DATE.—The amendment made by
12 this section shall apply with respect to contributions and
13 donations made on or after the date of the enactment of
14 this Act.

15 **SEC. 162. PROHIBITING PROVIDING ASSISTANCE TO FOR-**
16 **EIGN NATIONALS IN MAKING CONTRIBU-**
17 **TIONS OR DONATIONS IN CONNECTION WITH**
18 **ELECTIONS.**

19 (a) PROHIBITION.—Section 319(a) of the Federal
20 Election Campaign Act of 1971 (52 U.S.C. 30121(a)) is
21 amended—

22 (1) in paragraph (1)(C), by striking “or” at the
23 end;

24 (2) in paragraph (2), by striking the period at
25 the end and inserting “; or”; and

1 contribution or donation of money or other thing of
2 value from a foreign national to make a contribution
3 to a political committee during the 4-year period
4 which begins on the date that the most recent such
5 contribution or donation was received by the organi-
6 zation; or

7 “(5) a political committee to accept a contribu-
8 tion or donation of money from an organization that
9 is described in section 501(c) of the Internal Rev-
10 enue Code of 1986 and exempt from tax under sec-
11 tion 501(a) of such Code which is unlawful for the
12 organization to make under paragraph (4).”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to contributions made
15 on or after the date of the enactment of this Act.

16 **Subtitle D—Constitutional Experts**
17 **Panel With Respect to Presi-**
18 **dential Elections**

19 **SEC. 171. SHORT TITLE.**

20 This subtitle may be cited as the “Solving an Over-
21 looked Loophole in Votes for Executives (SOLVE) Act”.

1 **SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL**
2 **EXPERTS.**

3 (a) ESTABLISHMENT.—There is established the
4 “Twentieth Amendment Section Four Panel” (in this sec-
5 tion referred to as the “Panel”).

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The Panel shall be composed
8 of 6 constitutional experts, of whom—

9 (A) 1 shall be appointed by the majority
10 leader of the Senate;

11 (B) 1 shall be appointed by the minority
12 leader of the Senate;

13 (C) 1 shall be appointed jointly by the ma-
14 jority and minority leader of the Senate;

15 (D) 1 shall be appointed by the Speaker of
16 the House of Representatives;

17 (E) 1 shall be appointed by minority leader
18 of the House of Representatives; and

19 (F) 1 shall be appointed jointly by the
20 Speaker of the House of Representatives and
21 the minority leader of the House of Representa-
22 tives.

23 (2) DATE.—The appointments of the members
24 of the Panel shall be made not later than 180 days
25 after the date of enactment of this Act.

1 (3) VACANCY.—Any vacancy occurring in the
2 membership of the Panel shall be filled in the same
3 manner in which the original appointment was
4 made.

5 (4) CHAIRPERSON AND VICE CHAIRPERSON.—
6 The Panel shall select a Chairperson and Vice
7 Chairperson from among the members of the Panel.

8 (c) PURPOSE.—The purpose of the Panel shall be to
9 recommend to Congress model legislation, which shall pro-
10 vide for an appropriate process, pursuant to section 4 of
11 the Twentieth Amendment to the United States Constitu-
12 tion, to resolve any vacancy created by the death of a can-
13 didate in a contingent presidential or vice-presidential
14 election.

15 (d) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 1 year
17 after the date on which all of the appointments have
18 been made under subsection (b)(2), the Panel shall
19 submit to Congress an interim report containing the
20 Panel's findings, conclusions, and recommendations.

21 (2) FINAL REPORT.—Not later than 6 months
22 after the submission of the interim report under
23 paragraph (1), the Panel shall submit to Congress a
24 final report containing the Panel's findings, conclu-
25 sions, and recommendations.

1 (e) MEETINGS; INFORMATION.—

2 (1) IN GENERAL.—Meetings of the Panel shall
3 be held at the Law Library of Congress.

4 (2) INFORMATION.—The Panel may secure
5 from the Law Library of Congress such information
6 as the Panel considers necessary to carry out the
7 provisions of this section.

8 (f) FUNDS.—

9 (1) COMPENSATION OF MEMBERS.—Members of
10 the Panel shall receive no compensation.

11 (2) OTHER FUNDING.—No amounts shall be
12 appropriated for the purposes of this section, except
13 for any amounts strictly necessary for the Law Li-
14 brary of Congress to execute its responsibilities
15 under subsection (e).

16 (g) TERMINATION.—

17 (1) IN GENERAL.—The panel established under
18 subsection (a) shall terminate 90 days after the date
19 on which the panel submits the final report required
20 under subsection (d)(2).

21 (2) RECORDS.—Upon termination of the panel,
22 all of its records shall become the records of the Sec-
23 retary of the Senate and the Clerk of the House of
24 Representatives.

1 **TITLE II—MILITARY VOTING**
2 **ADMINISTRATION**

3 **SEC. 200. SHORT TITLE.**

4 This title may be cited as the “American Confidence
5 in Elections: Military Voting Rights Study Act of 2023”.

6 **Subtitle A—Findings Relating to**
7 **Military Voting**

8 **SEC. 201. FINDINGS RELATING TO MILITARY VOTING.**

9 Congress finds the following:

10 (1) Participation in the voting process by Amer-
11 icans who serve in the Armed Forces is vital to the
12 future of the Republic; however, due to the realities
13 of service around the globe and despite many best
14 efforts, the nation has not always lived up to its
15 commitment to servicemembers that their vote be
16 counted.

17 (2) The Military and Overseas Empowerment
18 (MOVE) Act made great progress in solving prob-
19 lems with voting that many servicemembers faced.
20 Yet, for many, it is still difficult to exercise the fran-
21 chise, with many ballots not reaching State elections
22 officials until after the deadline, negating their voice.
23 After 14 years, Congress must address the remain-
24 ing issues.

1 (3) Congress finds that it is a moral imperative
2 of national importance that every eligible American
3 servicemember has the opportunity to cast a ballot
4 in each election and, not only that such ballot be re-
5 ceived in time to be counted, but that it actually be
6 counted according to law.

7 **Subtitle B—GAO Analysis on**
8 **Military Voting Access**

9 **SEC. 211. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
10 **ON IMPLEMENTATION OF UNIFORMED AND**
11 **OVERSEAS CITIZENS ABSENTEE VOTING ACT**
12 **AND IMPROVING ACCESS TO VOTER REG-**
13 **ISTRATION INFORMATION AND ASSISTANCE**
14 **FOR ABSENT UNIFORMED SERVICES VOTERS.**

15 (a) IN GENERAL.—The Comptroller General of the
16 United States shall conduct—

17 (1) an analysis of the effectiveness of the Fed-
18 eral Government in carrying out its responsibilities
19 under the Uniformed and Overseas Citizens Absen-
20 tee Voting Act (52 U.S.C. 20301 et seq.) to promote
21 access to voting for absent uniformed services voters;
22 and

23 (2) a study on means for improving access to
24 voter registration information and assistance for

1 members of the Armed Forces and their family
2 members.

3 (b) ELEMENTS.—

4 (1) ANALYSIS.—The analysis required by sub-
5 section (a)(1) shall include analysis of the following:

6 (A) Data and information pertaining to the
7 transmission of ballots to absent uniformed serv-
8 ices voters.

9 (B) Data and information pertaining to
10 the methods of transmission of voted ballots
11 from absent uniformed services voters, includ-
12 ing the efficacy and security of such methods.

13 (C) Data and information pertaining to the
14 treatment by election officials of voted ballots
15 transmitted by absent uniformed services vot-
16 ers, including—

17 (i) the rate at which such ballots are
18 counted in elections;

19 (ii) the rate at which such ballots are
20 rejected in elections; and

21 (iii) the reasons for such rejections.

22 (D) An analysis of the effectiveness of the
23 assistance provided to absent uniformed serv-
24 ices voters by Voting Assistance Officers of the

1 Federal Voting Assistance Program of the De-
2 partment of Defense.

3 (E) A review of the extent of coordination
4 between Voting Assistance Officers and State
5 and local election officials.

6 (F) Information regarding such other
7 issues relating to the ability of absent uni-
8 formed services voters to register to vote, vote,
9 and have their ballots counted in elections for
10 Federal office.

11 (G) Data and information pertaining to—

12 (i) the awareness of members of the
13 Armed Forces and their family members of
14 the requirement under section 1566a of
15 title 10, United States Code, that the Sec-
16 retaries of the military departments pro-
17 vide voter registration information and as-
18 sistance; and

19 (ii) whether members of the Armed
20 Forces and their family members received
21 such information and assistance at the
22 times required by subsection (c) of that
23 section.

24 (2) STUDY.—The study required by subsection
25 (a)(2) shall include the following:

1 (A) An assessment of potential actions to
2 be undertaken by the Secretary of each military
3 department to increase access to voter registra-
4 tion information and assistance for members of
5 the Armed Forces and their family members.

6 (B) An estimate of the costs and require-
7 ments to fully meet the needs of members of
8 the Armed Forces for access to voter registra-
9 tion information and assistance.

10 (c) METHODS.—In conducting the analysis and study
11 required by subsection (a), the Comptroller General shall,
12 in cooperation and consultation with the Secretaries of the
13 military departments—

14 (1) use existing information from available gov-
15 ernment and other public sources; and

16 (2) acquire, through the Comptroller General's
17 own investigations, interviews, and analysis, such
18 other information as the Comptroller General re-
19 quires to conduct the analysis and study.

20 (d) REPORT REQUIRED.—Not later than September
21 30, 2025, the Comptroller General shall submit to the
22 Committee on Rules and Administration of the Senate and
23 the Committee on House Administration of the House of
24 Representatives a report on the analysis and study re-
25 quired by subsection (a).

1 (e) DEFINITIONS.—In this section:

2 (1) ABSENT UNIFORMED SERVICES VOTER.—

3 The term “absent uniformed services voter” has the
4 meaning given that term in section 107 of the Uni-
5 formed and Overseas Citizens Absentee Voting Act
6 (52 U.S.C. 20310).

7 (2) FAMILY MEMBER.—The term “family mem-
8 ber”, with respect to a member of the Armed
9 Forces, means a spouse and other dependent (as de-
10 fined in section 1072 of title 10, United States
11 Code) of the member.

12 **TITLE III—FIRST AMENDMENT**
13 **PROTECTION ACT**

14 **SEC. 300. SHORT TITLE.**

15 This title may be cited as the “First Amendment Pro-
16 tection Act”.

17 **Subtitle A—Protecting Political**
18 **Speech and Freedom of Association**

19 **PART 1—PROTECTING POLITICAL SPEECH**

20 **SEC. 301. FINDINGS.**

21 Congress finds the following:

22 (1) The structure of the Constitution and its
23 amendments represents the radical idea that any
24 sovereign power exercised by the Federal govern-
25 ment flows either directly from the people or

1 through the States they established to govern them-
2 selves. In the words of the Ninth and Tenth Amend-
3 ments, “[t]he enumeration in the Constitution, of
4 certain rights, shall not be construed to deny or dis-
5 parage others retained by the people.” “The powers
6 not delegated to the United States by the Constitu-
7 tion, nor prohibited by it to the States, are reserved
8 to the States respectively, or to the people.”

9 (2) Among the many freedoms it protects, the
10 First Amendment prevents Congress from making
11 any law abridging the freedom of speech, the right
12 of the people peaceably to assemble, or the right of
13 the people to petition the Government for the re-
14 dress of grievances.

15 (3) Any proposed Federal action concerning
16 freedom of speech, protest, or petition must start
17 with an analysis of the First Amendment. Congress
18 must ask whether the proposed action would abridge
19 these freedoms, and any uncertainty must be deter-
20 mined in favor of fewer restrictions on speech.

21 (4) In particular, political speech, uttered in the
22 furtherance of self-government, must raise an even
23 higher bar to congressional abridgement. The mech-
24 anisms and media used to offer political speech must
25 realize the same protections.

1 (5) As the Supreme Court has recognized, the
2 Constitution grants Congress only a very narrow in-
3 terest in the regulation of political speech, the pre-
4 vention of corruption or the appearance of corrup-
5 tion. *Buckley v. Valeo*, 424 U.S. 1, 25–26 (1976);
6 *Federal Election Commission v. National Conserv-*
7 *ative Political Action Commission*, 470 U.S. 480,
8 497 (1985); *Citizens United v. Federal Election*
9 *Commission* 558 U. S. 310, 359 (2010); *McCutcheon*
10 *v. Federal Election Commission*, 572 U. S. 185, 207
11 (2014); *Cruz v. Federal Election Commission* 142
12 S.Ct. 1638, 1652 (2022).

13 (6) In order to uphold and effectuate the Con-
14 stitution, any Federal statute that goes beyond this
15 interest must be repealed, and Congress must exer-
16 cise its Article 1 authorities to do so.

17 **SEC. 302. REPEAL OF LIMITS ON COORDINATED POLITICAL**
18 **PARTY EXPENDITURES.**

19 (a) REPEAL OF LIMITS.—Section 315(d) of the Fed-
20 eral Election Campaign Act of 1971 (52 U.S.C. 30116(d))
21 is amended—

22 (1) in paragraph (1)—

23 (A) by striking “may make expenditures”
24 and inserting “may make expenditures, includ-
25 ing coordinated expenditures,” and

1 (B) by striking “Federal office, subject to
2 the limitations contained in paragraphs (2), (3),
3 and (4) of this subsection” and inserting “Fed-
4 eral office in any amount”; and
5 (2) by striking paragraphs (2), (3), (4), and
6 (5).

7 (b) CLARIFYING TREATMENT OF CERTAIN PARTY
8 COMMUNICATIONS AS COORDINATED EXPENDITURES.—
9 Section 315(d) of such Act (52 U.S.C. 30116(d)), as
10 amended by subsection (a), is amended by adding at the
11 end the following new paragraph:

12 “(2) For purposes of this subsection, a communica-
13 tion shall be treated as a coordinated expenditure in con-
14 nection with the campaign of a candidate only if the public
15 communication is paid for by a committee of a political
16 party or its agent, refers to a clearly identified House or
17 Senate candidate, and is publicly distributed or otherwise
18 publicly disseminated in the clearly identified candidate’s
19 jurisdiction.”.

20 (c) CONFORMING AMENDMENT RELATING TO INDEX-
21 ING.—Section 315(c) of such Act (52 U.S.C. 30116(c))
22 is amended—

23 (1) in paragraph (1)(B)(i), by striking “(d),”;
24 and

1 (2) in paragraph (2)(B)(i), by striking “sub-
2 sections (b) and (d)” and inserting “subsection (b)”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply with respect to elections held dur-
5 ing 2024 or any succeeding year.

6 **SEC. 303. REPEAL OF LIMIT ON AGGREGATE CONTRIBU-**
7 **TIONS BY INDIVIDUALS.**

8 (a) **FINDINGS.**—Congress finds that the Supreme
9 Court of the United States in *McCutcheon v. FEC*, 572
10 U.S. 185 (2014) determined the biennial aggregate limits
11 under section 315(a)(3) of the Federal Election Campaign
12 Act of 1971 (52 U.S.C. 30116(a)(3)) to be unconstitu-
13 tional.

14 (b) **REPEAL.**—Section 315(a) of the Federal Election
15 Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended
16 by striking paragraph (3).

17 (c) **CONFORMING AMENDMENTS.**—Section 315(c) of
18 such Act (52 U.S.C. 30116(c)) is amended by striking
19 “(a)(3),” each place it appears in paragraph (1)(B)(i),
20 (1)(C), and (2)(B)(ii).

1 **SEC. 304. EQUALIZATION OF CONTRIBUTION LIMITS TO**
2 **STATE AND NATIONAL POLITICAL PARTY**
3 **COMMITTEES.**

4 (a) **IN GENERAL.**—Section 315(a)(1) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1))
6 is amended—

7 (1) in subparagraph (B), by striking “a na-
8 tional political party” and inserting “a national or
9 State political party”;

10 (2) by adding “or” at the end of subparagraph
11 (B);

12 (3) in subparagraph (C), by striking “; or” and
13 inserting a period; and

14 (4) by striking subparagraph (D).

15 (b) **CONTRIBUTIONS BY MULTICANDIDATE POLIT-**
16 **ICAL COMMITTEES.**—

17 (1) **IN GENERAL.**—Section 315(a)(2)(B) of
18 such Act (52 U.S.C. 30116(a)(2)(B)) is amended by
19 striking “a national political party” and inserting “a
20 national or State political party”.

21 (2) **PRICE INDEX ADJUSTMENT.**—Section
22 315(c) of such Act (52 U.S.C. 30116(c)) is amend-
23 ed—

24 (A) in paragraph (1), by adding at the end
25 the following new subparagraph:

26 “(D) In any calendar year after 2024—

1 “(i) a limitation established by subsection
2 (a)(2) shall be increased by the percent difference
3 determined under subparagraph (A);

4 “(ii) each amount so increased shall remain in
5 effect for the calendar year; and

6 “(iii) if any amount after adjustment under
7 clause (i) is not a multiple of \$100, such amount
8 shall be rounded to the nearest multiple of \$100.”;
9 and

10 (B) in paragraph (2)(B)—

11 (i) in clause (i), by striking “and” at
12 the end;

13 (ii) in clause (ii), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing new clause:

17 “(iii) for purposes of subsection (a)(2), cal-
18 endar year 2024.”.

19 (c) ACCEPTANCE OF ADDITIONAL AMOUNTS FOR
20 CERTAIN ACCOUNTS.—

21 (1) PERMITTING ACCEPTANCE OF ADDITIONAL
22 AMOUNTS IN SAME MANNER AS NATIONAL PAR-
23 TIES.—Section 315(a) of such Act (52 U.S.C.
24 30116(a)) is amended—

1 (A) in paragraph (1)(B), by striking
2 “paragraph (9)” and inserting “paragraph (9)
3 or paragraph (10)”; and

4 (B) in paragraph (2)(B), by striking
5 “paragraph (9)” and inserting “paragraph (9)
6 or paragraph (10)”.

7 (2) ACCOUNTS.—Section 315(a)(9) of such Act
8 (52 U.S.C. 30116(a)(9)) is amended by striking
9 “national committee of a political party” each place
10 it appears in subparagraphs (A), (B), and (C) and
11 inserting “committee of a national or State political
12 party”.

13 (3) STATE PARTY CONVENTION ACCOUNTS DE-
14 SCRIBED.—Section 315(a) of such Act (52 U.S.C.
15 30116(a)) is amended by adding at the end the fol-
16 lowing new paragraph:

17 “(10) An account described in this paragraph is a
18 separate, segregated account of a political committee es-
19 tablished and maintained by a State committee of a polit-
20 ical party which is used solely to defray—

21 “(A) expenses incurred with respect to carrying
22 out State party nominating activities or other party-
23 building conventions;

24 “(B) expenses incurred with respect to pro-
25 viding for the attendance of delegates at a presi-

1 FOR FEDERAL ELECTION ACTIVITY.—Section 323(b)(2)
2 of the Federal Election Campaign Act of 1971 (52 U.S.C.
3 30125(b)(2)) is amended to read as follows:

4 “(2) APPLICABILITY.—Notwithstanding section
5 301(20), for purposes of paragraph (1), an amount
6 that is expended or disbursed by a State, district, or
7 local committee of a political party shall be consid-
8 ered to be expended or disbursed for Federal elec-
9 tion activity only if the committee coordinated the
10 expenditure or disbursement of the amount with a
11 candidate for election for Federal office or an au-
12 thorized committee of a candidate for election for
13 Federal office.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) FUNDRAISING COSTS.—Section 323(c) of
16 such Act (52 U.S.C. 30125(c)) is amended by add-
17 ing at the end the following new sentence: “In the
18 case of a person described in subsection (b), the pre-
19 vious sentence applies only if the amount was spent
20 by such person in coordination with a candidate for
21 election for Federal office or an authorized com-
22 mittee of a candidate for election for Federal office,
23 as determined pursuant to regulations promulgated
24 by the Commission for the purpose of determining
25 whether a political party communication is coordi-

1 nated with a candidate, a candidate’s authorized
2 committee, or an agent thereof.”.

3 (2) APPEARANCE OF FEDERAL CANDIDATES OR
4 OFFICEHOLDERS AT FUNDRAISING EVENTS.—Sec-
5 tion 323(e)(3) of such Act (52 U.S.C. 30125(e)(3))
6 is amended by striking “subsection (b)(2)(C)” and
7 inserting “subsection (b)”.

8 **SEC. 306. PARTICIPATION IN JOINT FUNDRAISING ACTIVI-**
9 **TIES BY MULTIPLE POLITICAL COMMITTEES.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) While Federal law permits the Federal
12 Election Commission to engage in certain “gap-fill-
13 ing” activities as it administers the Federal Election
14 Campaign Act of 1971, the regulations promulgated
15 by the Federal Election Commission to govern joint
16 fundraising activities of multiple political committees
17 are not tied specifically to any particular provision
18 of the Act, and while these regulations generally du-
19 plicate the provisions of the Act, they also impose
20 additional and unnecessary burdens on political com-
21 mittees which seek to engage in joint fundraising ac-
22 tivities, such as a requirement for written agree-
23 ments between the participating committees.

24 (2) It is therefore not necessary at this time to
25 direct the Federal Election Commission to repeal the

1 existing regulations which govern joint fundraising
2 activities of multiple political committees, as some
3 political committees may have reasons for following
4 the provisions of such regulations which impose ad-
5 ditional and unnecessary burdens on these activities.

6 (b) CRITERIA FOR PARTICIPATION IN JOINT FUND-
7 RAISING ACTIVITIES.—Section 302 of the Federal Elec-
8 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
9 by adding at the end the following new subsection:

10 “(j) CRITERIA FOR PARTICIPATION IN JOINT FUND-
11 RAISING ACTIVITIES BY MULTIPLE POLITICAL COMMIT-
12 TEES.—

13 “(1) CRITERIA DESCRIBED.—Two or more po-
14 litical committees as defined in this Act may partici-
15 pate in joint fundraising activities in accordance
16 with the following criteria:

17 “(A) The costs of the activities shall be al-
18 located among and paid for by the participating
19 committees on the basis of the allocation among
20 the participating committees of the contribu-
21 tions received as a result of the activities.

22 “(B) Notwithstanding subparagraph (A), a
23 participating committee may make a payment
24 (in whole or in part) for the portion of the costs
25 of the activities which is allocated to another

1 participating committee, and the amount of any
2 such payment shall be treated as a contribution
3 made by the committee to the other partici-
4 pating committee.

5 “(C) The provisions of section 315(a)(8)
6 regarding the treatment of contributions to a
7 candidate which are earmarked or otherwise di-
8 rected through an intermediary or conduit shall
9 apply to contributions made by a person to a
10 participating committee which are allocated by
11 the committee to another participating com-
12 mittee.

13 “(2) RULE OF CONSTRUCTION.—Nothing in
14 this subsection may be construed to prohibit two or
15 more political committees from participating in joint
16 fundraising activities by designating or establishing
17 a separate, joint committee subject to the registra-
18 tion and reporting requirements of this Act or by
19 publishing a joint fundraising notice.”

20 **PART 2—PROTECTING FREEDOM OF**
21 **ASSOCIATION**

22 **SEC. 307. FINDINGS.**

23 Congress finds the following:

24 (1) The First Amendment of the United States
25 Constitution provides that “[C]ongress shall make

1 no law respecting an establishment of religion, or
2 prohibiting the free exercise thereof; or abridging the
3 freedom of speech, or of the press; or the right of
4 the people peaceably to assemble, and to petition the
5 Government for a redress of grievances.” See U.S.
6 Const. Amend. I.

7 (2) The Supreme Court has held that the First
8 Amendment’s protections apply with equal force to
9 States and localities as it does to the Federal gov-
10 ernment. See *Gitlow v. New York*, 268 U.S. 652
11 (1925).

12 (3) The Supreme Court has held that “implicit
13 in the right to engage in activities protected by the
14 First Amendment [lies] a corresponding right to as-
15 sociate with others.” *Roberts v. United States Jay-
16 cees*, 468 U. S. 609, 622 (1984). This is commonly
17 understood as the right of association. It furthers “a
18 wide variety of political, social, economic, edu-
19 cational, religious, and cultural ends,” and “is espe-
20 cially important in preserving political and cultural
21 diversity and in shielding dissident expression from
22 suppression by the majority.” *Id.*

23 (4) In *NAACP v. Alabama ex rel. Patterson*, 357
24 U.S. 449 (1958), the Supreme Court held the First
25 Amendment’s freedom of association protected the

1 National Association for the Advancement of Col-
2 ored People from compelled disclosure of its mem-
3 bers. This was because “on past occasions revelation
4 of the identity of its rank-and-file members has ex-
5 posed these members to economic reprisal, loss of
6 employment, threat of physical coercion, and other
7 manifestations of public hostility. Under these cir-
8 cumstances...it [is] apparent that compelled disclo-
9 sure of petitioner’s Alabama membership is likely to
10 affect adversely the ability of petitioner and its
11 members to pursue their collective effort to foster
12 beliefs which they admittedly have the right to advo-
13 cate, in that it may induce members to withdraw
14 from the Association and dissuade others from join-
15 ing it because of fear of exposure of their beliefs
16 shown through their associations and of the con-
17 sequences of this exposure.” *Id.* at 462–463.

18 (5) The First Amendment’s freedom of associa-
19 tion has been protected and strengthened by the Su-
20 preme Court for over sixty years. See *NAACP v.*
21 *Alabama ex rel. Patterson*, 357 U.S. 449 (1958);
22 *Shelton v. Tucker*, 364 U. S. 479 (1960); *Bates v.*
23 *Little Rock*, 361 U. S. 516 (1960); *Healy v. James*,
24 408 U. S. 169 (1972); *Elrod v. Burns*, 427 U. S.
25 347 (1976); *Roberts v. United States Jaycees*, 468

1 U.S. 609, 622 (1984); *Boy Scouts of America v.*
2 *Dale*, 530 U.S. 640 (2000); *Americans for Prosperity*
3 *Foundation v. Bonta*, 141 S. Ct. 2373 (2021).

4 (6) Most recently, in *Americans for Prosperity*
5 *Foundation v. Bonta*, 141 S. Ct. 2373 (2021), a
6 California law required Americans for Prosperity
7 Foundation and the Thomas Moore Law Center to
8 disclose the names, contribution amounts, and ad-
9 dresses of their major donors. *Id.* at 2380. The Su-
10 preme Court held this substantial intrusion into the
11 group’s donors was unconstitutional. *Id.* at 2389.
12 While Attorney General Bonta argued these dislo-
13 sures were needed so California could prevent
14 wrongdoing by charitable organizations, there was
15 “not a single, concrete instance in which pre-inves-
16 tigation collection of [this information] did anything
17 to advance the Attorney General’s investigative, reg-
18 ulatory or enforcement efforts.” *Id.* at 2386. Simi-
19 larly, California’s need for this information before
20 initiating an investigation was highly questionable as
21 it was only one of three states to impose this re-
22 quirement and did not seriously enforce it until
23 2010. *Id.* at 2387.

24 (7) In short, *Americans for Prosperity Founda-*
25 *tion* and *NAACP* both stand for the proposition that

1 compelled disclosure of an organization’s members
2 can violate an organization’s freedom of association.
3 This is because “effective advocacy of both public
4 and private points of view, particularly controversial
5 ones, is undeniably enhanced by group association”
6 and there is a “vital relationship between freedom to
7 associate and privacy in one’s associations...” See *Id.*
8 at 2382 citing *NAACP v. Alabama ex rel. Patterson*,
9 357 U.S. 449, 460–462.

10 (8) Unfortunately, the First Amendment’s free-
11 dom of association protections are under constant
12 attack. Recently, there have been efforts to enlarge
13 the size of the Supreme Court because of disagree-
14 ment with some of its rulings and personal disagree-
15 ment with some of the justices.

16 (9) On April 9, 2021, the President issued Ex-
17 ecutive Order 14023 that created the Presidential
18 Commission on the Supreme Court (the Commis-
19 sion). Under Section 3(iii) of that Executive Order,
20 the Commission was tasked with providing “[a]n
21 analysis of the principal arguments in the contem-
22 porary public debate for and against Supreme Court
23 reform, including an appraisal of the merits and le-
24 gality of particular reform proposals.”

1 (10) In December 2021, the Commission re-
2 leased its final report. On the issue of adding jus-
3 tices to the Supreme Court, the Commission con-
4 cluded “[m]irroring the broader public debate, there
5 is profound disagreement among Commissioners on
6 this issue.”.

7 (11) Unfortunately, even though the President’s
8 Commission would not endorse adding the number
9 of justices on the Supreme Court, some in Congress
10 still believe it is necessary. *See, for example*, H.R.
11 3422, the Judiciary Act of 2023 that would add four
12 associate justices to the Supreme Court.

13 (12) Because of this political uncertainty and
14 the importance that donors in all organizations, no
15 matter their party affiliation, are protected from
16 having their membership disclosed and threats of re-
17 prisal that would follow, it is important that Con-
18 gress statutorily codifies the Supreme Court’s hold-
19 ings in *NAACP v. Alabama ex rel. Patterson* and
20 *Americans for Prosperity Foundation v. Bonta*.

21 (13) Government targeting of tax-exempt orga-
22 nizations because of disagreement with their political
23 views is sadly not a hypothetical problem. From
24 2010 through 2013, the Internal Revenue Service
25 (IRS) intentionally discriminated against conserv-

1 ative organizations seeking tax-exempt status with
2 words like “patriot” or “Tea Party” in their names.

3 (14) After years of litigation, in October 2017,
4 the IRS signed a consent decree in Federal court
5 and admitted to targeting conservative organizations
6 from 2010 through 2013. The IRS confessed that
7 “its treatment of [conservative organizations] during
8 the tax-exempt determinations process, including
9 screening their applications based on their names or
10 policy positions, subjecting those applications to
11 heightened scrutiny and inordinate delays, and de-
12 manding of some Plaintiffs’ information that TIGTA
13 [U.S. Treasury Inspector General, Tax Administra-
14 tion] determined was unnecessary to the agency’s
15 determination of their tax-exempt status, was
16 wrong.”.

17 (15) It is antithetical to the First Amendment
18 that the IRS or any Federal government agency
19 would ever be used to target an organization because
20 of its political beliefs, or who its donors might be.
21 As such, these organizations need to be protected to
22 prevent events like what transpired at the IRS be-
23 tween 2010 and 2013.

1 **SEC. 308. PROTECTING PRIVACY OF DONORS TO TAX-EX-**
2 **EMPT ORGANIZATIONS.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Speech Privacy Act of 2023”.

5 (b) **RESTRICTIONS ON COLLECTION OF DONOR IN-**
6 **FORMATION.**—

7 (1) **RESTRICTIONS.**—An entity of the Federal
8 government may not collect or require the submis-
9 sion of information on the identification of any
10 donor to a tax-exempt organization.

11 (2) **EXCEPTIONS.**—Paragraph (1) does not
12 apply to the following:

13 (A) The Internal Revenue Service, acting
14 lawfully pursuant to section 6033 of the Inter-
15 nal Revenue Code of 1986 or any successor pro-
16 vision.

17 (B) The Secretary of the Senate and the
18 Clerk of the House of Representatives, acting
19 lawfully pursuant to section 3 of the Lobbying
20 Disclosure Act of 1995 (2 U.S.C. 1604).

21 (C) The Federal Election Commission, act-
22 ing lawfully pursuant to section 510 of title 36,
23 United States Code.

24 (D) An entity acting pursuant to a lawful
25 order of a court or administrative body which
26 has the authority under law to direct the entity

1 to collect or require the submission of the infor-
2 mation, but only to the extent permitted by the
3 lawful order of such court or administrative
4 body.

5 (c) RESTRICTIONS ON RELEASE OF DONOR INFOR-
6 MATION.—

7 (1) RESTRICTIONS.—An entity of the Federal
8 government may not disclose to the public informa-
9 tion revealing the identification of any donor to a
10 tax-exempt organization.

11 (2) EXCEPTIONS.—Paragraph (1) does not
12 apply to the following:

13 (A) The Internal Revenue Service, acting
14 lawfully pursuant to section 6104 of the Inter-
15 nal Revenue Code of 1986 or any successor pro-
16 vision.

17 (B) The Secretary of the Senate and the
18 Clerk of the House of Representatives, acting
19 lawfully pursuant to section 3 of the Lobbying
20 Disclosure Act of 1995 (2 U.S.C. 1604).

21 (C) The Federal Election Commission, act-
22 ing lawfully pursuant to section 510 of title 36,
23 United States Code.

24 (D) An entity acting pursuant to a lawful
25 order of a court or administrative body which

1 has the authority under law to direct the entity
2 to disclose the information, but only to the ex-
3 tent permitted by the lawful order of such court
4 or administrative body.

5 (E) An entity which discloses the informa-
6 tion as authorized by the organization.

7 (d) TAX-EXEMPT ORGANIZATION DEFINED.—In this
8 section, a “tax-exempt organization” means an organiza-
9 tion which is described in section 501(c) of the Internal
10 Revenue Code of 1986 and is exempt from taxation under
11 section 501(a) of such Code. Nothing in this subsection
12 may be construed to treat a political organization under
13 section 527 of such Code as a tax-exempt organization for
14 purposes of this section.

15 (e) PENALTIES.—It shall be unlawful for any officer
16 or employee of the United States, or any former officer
17 or employee, willfully to disclose to any person, except as
18 authorized in this section, any information revealing the
19 identification of any donor to a tax-exempt organization.
20 Any violation of this section shall be a felony punishable
21 upon conviction by a fine in any amount not exceeding
22 \$250,000, or imprisonment of not more than 5 years, or
23 both, together with the costs of prosecution, and if such
24 offense is committed by any officer or employee of the
25 United States, he shall, in addition to any other punish-

1 ment, be dismissed from office or discharged from employ-
2 ment upon conviction for such offense.

3 **SEC. 309. REPORTING REQUIREMENTS FOR TAX-EXEMPT**
4 **ORGANIZATIONS.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Don’t Weaponize the IRS Act”.

7 (b) **ORGANIZATIONS EXEMPT FROM REPORTING.**—

8 (1) **GROSS RECEIPTS THRESHOLD.**—Clause (ii)
9 of section 6033(a)(3)(A) of the Internal Revenue
10 Code of 1986 is amended by striking “\$5,000” and
11 inserting “\$50,000”.

12 (2) **ORGANIZATIONS DESCRIBED.**—Subpara-
13 graph (C) of section 6033(a)(3) of the Internal Rev-
14 enue Code of 1986 is amended—

15 (A) by striking “and” at the end of clause
16 (v),

17 (B) by striking the period at the end of
18 clause (vi) and inserting a semicolon, and

19 (C) by adding at the end the following new
20 clauses:

21 “(vii) any other organization described
22 in section 501(c) (other than a private
23 foundation or a supporting organization
24 described in section 509(a)(3)); and

1 “(viii) any organization (other than a
2 private foundation or a supporting organi-
3 zation described in section 509(a)(3))
4 which is not described in section
5 170(e)(2)(A), or which is created or orga-
6 nized in a possession of the United States,
7 which has no significant activity (including
8 lobbying and political activity and the op-
9 eration of a trade or business) other than
10 investment activity in the United States.”.

11 (3) EFFECTIVE DATE.—The amendments made
12 by this subsection shall apply to taxable years end-
13 ing after the date of the enactment of this Act.

14 (c) CLARIFICATION OF APPLICATION TO SECTION
15 527 ORGANIZATIONS.—

16 (1) IN GENERAL.—Paragraph (1) of section
17 6033(g) of the Internal Revenue Code of 1986 is
18 amended—

19 (A) by striking “This section” and insert-
20 ing “Except as otherwise provided by this sub-
21 section, this section”, and

22 (B) by striking “for the taxable year.” and
23 inserting “for the taxable year in the same
24 manner as to an organization exempt from tax-
25 ation under section 501(a).”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to taxable years end-
3 ing after the date of the enactment of this Act.

4 (d) REPORTING OF NAMES AND ADDRESSES OF CON-
5 TRIBUTORS.—

6 (1) IN GENERAL.—Paragraph (1) of section
7 6033(a) of the Internal Revenue Code of 1986 is
8 amended by adding at the end the following: “Ex-
9 cept as provided in subsections (b)(5) and (g)(2)(B),
10 such annual return shall not be required to include
11 the names and addresses of contributors to the orga-
12 nization.”.

13 (2) APPLICATION TO SECTION 527 ORGANIZA-
14 TIONS.—Paragraph (2) of section 6033(g) of the In-
15 ternal Revenue Code of 1986 is amended—

16 (A) by striking “and” at the end of sub-
17 paragraph (A),

18 (B) by redesignating subparagraph (B) as
19 subparagraph (C), and

20 (C) by inserting after subparagraph (A)
21 the following new subparagraph:

22 “(B) containing the names and addresses
23 of all substantial contributors, and”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to taxable years end-
3 ing after the date of the enactment of this Act.

4 **SEC. 310. MAINTENANCE OF STANDARDS FOR DETER-**
5 **MINING ELIGIBILITY OF SECTION 501(C)(4)**
6 **ORGANIZATIONS.**

7 (a) IN GENERAL.—The Department of the Treasury,
8 including the Internal Revenue Service, may not issue, re-
9 vise, or finalize any regulation, revenue ruling, or other
10 guidance not limited to a particular taxpayer relating to
11 the standard which is used to determine whether an orga-
12 nization is operated exclusively for the promotion of social
13 welfare for purposes of section 501(c)(4) of the Internal
14 Revenue Code of 1986 (including the proposed regulations
15 published at 78 Fed. Reg. 71535 (November 29, 2013)).

16 (b) APPLICATION OF CURRENT STANDARDS AND
17 DEFINITIONS.—The standard and definitions as in effect
18 on January 1, 2010, which are used to make determina-
19 tions described in subsection (b) shall apply after the date
20 of the enactment of this Act for purposes of determining
21 status under section 501(c)(4) of such Code of organiza-
22 tions created on, before, or after such date.

1 **Subtitle B—Prohibition on Use of**
2 **Federal Funds for Congres-**
3 **sional Campaigns**

4 **SEC. 311. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-**
5 **MENTS IN SUPPORT OF CONGRESSIONAL**
6 **CAMPAIGNS.**

7 No Federal funds, including amounts attributable to
8 the collection of fines and penalties, may be used to make
9 any payment in support of a campaign for election for the
10 office of Senator or Representative in, or Delegate or Resi-
11 dent Commissioner to, the Congress.

12 **Subtitle C—Registration and**
13 **Reporting Requirements**

14 **SEC. 321. ELECTRONIC FILING OF ELECTIONEERING COM-**
15 **MUNICATION REPORTS.**

16 Section 304(a)(11)(A)(i) of the Federal Election
17 Campaign Act of 1971 (52 U.S.C. 30104(a)(11)(A)(i)) is
18 amended by inserting “or makes electioneering commu-
19 nications” after “expenditures”.

20 **SEC. 322. INCREASED QUALIFYING THRESHOLD AND ES-**
21 **TABLISHING PURPOSE FOR POLITICAL COM-**
22 **MITTEES.**

23 (a) IN GENERAL.—Section 301(4) of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30101(4)) is
25 amended to read as follows:

1 “(4) The term ‘political committee’ means—

2 “(A) any committee, club, association, or
3 other group of persons, including any local com-
4 mittee of a political party, which receives con-
5 tributions aggregating in excess of \$25,000
6 during a calendar year or which makes expendi-
7 tures aggregating in excess of \$25,000 during
8 a calendar year and which is under the control
9 of a candidate or has the major purpose of
10 nominating or electing a candidate; or

11 “(B) any separate segregated fund estab-
12 lished under the provisions of section 316(b).”.

13 (b) DEFINITION.—Section 301 of such Act (52
14 U.S.C. 30101) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(27) MAJOR PURPOSE OF NOMINATING OR
17 ELECTING A CANDIDATE.—The term ‘major purpose
18 of nominating or electing a candidate’ means, with
19 respect to a group of persons described in paragraph
20 (4)(A)—

21 “(A) a group whose central organizational
22 purpose is to expressly advocate for the nomina-
23 tion, election, or defeat of a candidate; or

24 “(B) a group for which the majority of its
25 spending throughout its lifetime of existence

1 has been on contributions, expenditures, or
2 independent expenditures.”.

3 (c) PRICE INDEX ADJUSTMENT FOR POLITICAL COM-
4 MITTEE THRESHOLD.—Section 315(c) of such Act (52
5 U.S.C. 30116(c)), as amended by section 304(b), is
6 amended—

7 (1) in paragraph (1), by adding at the end the
8 following new subparagraph:

9 “(E) In any calendar year after 2024—

10 “(i) a threshold established by sections
11 301(4)(A) or 301(4)(C) shall be increased by the
12 percent difference determined under subparagraph
13 (A);

14 “(ii) each amount so increased shall remain in
15 effect for the calendar year; and

16 “(iii) if any amount after adjustment under
17 clause (i) is not a multiple of \$100, such amount
18 shall be rounded to the nearest multiple of \$100.”;

19 and

20 (2) in paragraph (2)(B)—

21 (A) in clause (ii), by striking “and” at the
22 end;

23 (B) in clause (iii), by striking the period at
24 the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 clause:

3 “(iv) for purposes of sections 301(4)(A)
4 and 301(4)(C), calendar year 2024.”.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to elections held dur-
7 ing 2024 or any succeeding year.

8 **SEC. 323. INCREASED THRESHOLD WITH RESPECT TO INDE-**
9 **PENDENT EXPENDITURE REPORTING RE-**
10 **QUIREMENT.**

11 (a) IN GENERAL.—Section 304(e)(1) of the Federal
12 Election Campaign Act of 1971 (52 U.S.C. 30104(e)(1))
13 is amended by striking “\$250” and inserting “\$1,000”.

14 (b) PRICE INDEX ADJUSTMENT FOR INDEPENDENT
15 EXPENDITURE REPORTING THRESHOLD.—Section 315(c)
16 of the Federal Election Campaign Act of 1971 (52 U.S.C.
17 30116(c)), as amended by sections 304(b) and 322(c), is
18 amended—

19 (1) in paragraph (1), by adding at the end the
20 following new subparagraph:

21 “(F) In any calendar year after 2024—

22 “(i) a threshold established by section 304(e)(1)
23 shall be increased by the percent difference deter-
24 mined under subparagraph (A);

1 “(ii) each amount so increased shall remain in
2 effect for the calendar year; and

3 “(iii) if any amount after adjustment under
4 clause (i) is not a multiple of \$100, such amount
5 shall be rounded to the nearest multiple of \$100.”;
6 and

7 (2) in paragraph (2)(B)—

8 (A) in clause (iii), by striking “and” at the
9 end;

10 (B) in clause (iv), by striking the period at
11 the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 clause:

14 “(v) for purposes of section 304(c)(1), cal-
15 endar year 2024.”.

16 (c) **EFFECTIVE DATE.**—The amendments made by
17 this section shall apply with respect to elections held dur-
18 ing 2024 or any succeeding year.

19 **SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RE-**
20 **SPECT TO CANDIDATES.**

21 (a) **INCREASE IN THRESHOLD.**—Section 301(2) of
22 the Federal Election Campaign Act of 1971 (52 U.S.C.
23 30101(2)) is amended by striking “\$5,000” each place it
24 appears and inserting “\$10,000”.

1 (b) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF
2 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)
3 of such Act (52 U.S.C. 30116(c)), as amended by sections
4 304(b), 322(c), and 323(b), is amended—

5 (1) in paragraph (1), by adding at the end the
6 following new subparagraph:

7 “(G) In any calendar year after 2024—

8 (i) a threshold established by sections 301(2)
9 shall be increased by the percent difference deter-
10 mined under subparagraph (A);

11 (ii) each amount so increased shall remain for
12 the 2-year period that begins on the first day fol-
13 lowing the date of the general election in the year
14 preceding the year in which the amount is increased
15 and ending on the date of the next general election;
16 and

17 (iii) if any amount after adjustment under
18 clause (i) is not a multiple of \$100, such amount
19 shall be rounded to the nearest multiple of \$100.”;
20 and

21 (2) in paragraph (2)(B)—

22 (A) in clause (iv), by striking “and” at the
23 end;

24 (B) in clause (v), by striking the period at
25 the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 clause:

3 “(vi) for purposes of sections 301(2), cal-
4 endar year 2024.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to elections held dur-
7 ing 2024 or any succeeding year.

8 **SEC. 325. REPEAL REQUIREMENT OF PERSONS MAKING**
9 **INDEPENDENT EXPENDITURES TO REPORT**
10 **IDENTIFICATION OF CERTAIN DONORS.**

11 (a) REPEAL.—Section 304(c)(2) of the Federal Elec-
12 tion Campaign Act of 1971 (52 U.S.C. 30104(c)(2)) is
13 amended—

14 (1) in subparagraph (A), by adding “and” at
15 the end;

16 (2) in subparagraph (B), by striking “; and”
17 and inserting a period; and

18 (3) by striking subparagraph (C).

19 (b) CONFORMING AMENDMENT.—Section 304(c)(1)
20 of such Act (52 U.S.C. 30104(c)(1)) is amended by strik-
21 ing “the information required under subsection (b)(3)(A)
22 for all contributions received by such person” and insert-
23 ing “the information required under paragraph (2)”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall apply with respect to independent ex-

1 penditures made on or after the date of the enactment
2 of this Act.

3 **Subtitle D—Exclusion of Certain**
4 **Amounts From Treatment as**
5 **Contributions or Expenditures**

6 **SEC. 331. INCREASED THRESHOLD FOR EXEMPTION OF**
7 **CERTAIN AMOUNTS AS CONTRIBUTIONS.**

8 (a) REAL OR PERSONAL PROPERTY EXEMPTION.—

9 Section 301(8)(B)(ii) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30101(8)(B)(ii)) is amended—

11 (1) by striking “\$1,000” and inserting
12 “\$2,000”; and

13 (2) by striking “\$2,000” and inserting
14 “\$4,000”.

15 (b) TRAVEL EXPENSES EXEMPTION.—Section
16 301(8)(B)(iv) of the Federal Election Campaign Act of
17 1971 (52 U.S.C. 30101(8)(B)(iv)) is amended—

18 (1) by striking “\$1,000” and inserting
19 “\$2,000”; and

20 (2) by striking “\$2,000” and inserting
21 “\$4,000”.

22 (c) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF
23 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)
24 of such Act (52 U.S.C. 30116(c)), as amended by sections
25 304(b), 322(c), 323(b), and 324(b) is amended—

1 (1) in paragraph (1), by adding at the end the
2 following new subparagraph:

3 “(H) In any calendar year after 2024—

4 “(i) the exemption amounts established by sec-
5 tions 301(8)(B)(ii) or 301(8)(B)(iv) shall be in-
6 creased by the percent difference determined under
7 subparagraph (A);

8 “(ii) each amount so increased shall remain for
9 the 2-year period that begins on the first day fol-
10 lowing the date of the general election in the year
11 preceding the year in which the amount is increased
12 and ending on the date of the next general election;
13 and

14 “(iii) if any amount after adjustment under
15 clause (i) is not a multiple of \$100, such amount
16 shall be rounded to the nearest multiple of \$100.”;
17 and

18 (2) in paragraph (2)(B)—

19 (A) in clause (v), by striking “and” at the
20 end;

21 (B) in clause (vi), by striking the period at
22 the end and inserting “; and”; and

23 (C) by adding at the end the following new
24 clause:

1 “(vii) for purposes of sections
2 301(8)(B)(ii) or 301(8)(B)(iv), calendar year
3 2024.”.

4 (d) **EFFECTIVE DATE.**—The amendments made by
5 this section shall apply with respect to elections held dur-
6 ing 2024 or any succeeding year.

7 **SEC. 332. EXEMPTION OF UNCOMPENSATED INTERNET**
8 **COMMUNICATIONS FROM TREATMENT AS**
9 **CONTRIBUTION OR EXPENDITURE.**

10 (a) **EXEMPTIONS.**—

11 (1) **EXEMPTION FROM TREATMENT AS CON-**
12 **TRIBUTION.**—Section 301(8)(B) of the Federal Elec-
13 tion Campaign Act of 1971 (52 U.S.C.
14 30101(8)(B)) is amended—

15 (A) by striking “and” at the end of clause
16 (xiii);

17 (B) by striking the period at the end of
18 clause (xiv) and inserting “; and”; and

19 (C) by adding at the end the following new
20 clause:

21 “(xv) any payment by any person in producing
22 and disseminating any information or communica-
23 tion on the Internet, Internet platform or other
24 Internet-enabled application, unless the information
25 or communication is disseminated for a fee on an-

1 other person’s website, platform or other Internet-
2 enabled application, whether coordinated or not.”.

3 (2) EXEMPTION FROM TREATMENT AS EXPEND-
4 ITURE.—Section 301(9)(B) of such Act (52 U.S.C.
5 30101(9)(B)) is amended—

6 (A) by striking “and” at the end of clause
7 (ix);

8 (B) by striking the period at the end of
9 clause (x) and inserting “; and”; and

10 (C) by adding at the end the following new
11 clause:

12 “(xi) any cost incurred by any person in pro-
13 ducing and disseminating any information or com-
14 munication on the Internet, Internet platform or
15 other Internet-enabled application, unless the infor-
16 mation or communication is disseminated for a fee
17 on another person’s website, platform or other Inter-
18 net-enabled application.”.

19 (b) APPLICATION TO DEFINITION OF PUBLIC COM-
20 MUNICATIONS.—Section 301(22) of such Act (52 U.S.C.
21 30101(22)) is amended by adding at the end the following:

22 “In the previous sentence, the terms ‘public communica-
23 tion’ and ‘general public political advertising’ do not in-
24 clude communications disseminated over the Internet or
25 via an Internet platform or other Internet-enabled applica-

1 tion, unless the communication or advertising is dissemi-
2 nated for a fee on another person’s website, platform or
3 other internet-enabled application.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to elections held dur-
6 ing 2024 or any succeeding year.

7 **SEC. 333. MEDIA EXEMPTION.**

8 (a) EXPANSION OF EXEMPTION TO ADDITIONAL
9 FORMS OF MEDIA.—Section 301(9)(B)(i) of the Federal
10 Election Campaign Act of 1971 (52 U.S.C.
11 30101(9)(B)(i)) is amended to read as follows:

12 “(i) any news story, commentary, or edi-
13 torial distributed through the facilities of any
14 broadcasting, cable, satellite, or internet-based
15 station, programmer, operator or producer;
16 newspaper, magazine, or other periodical pub-
17 lisher; electronic publisher, platform, or applica-
18 tion; book publisher; or filmmaker or film pro-
19 ducer, distributor or exhibitor, unless such fa-
20 cilities are owned or controlled by any political
21 party, political committee, or candidate;”.

22 (b) APPLICATION TO CONTRIBUTIONS.—Section
23 301(8)(B) of such Act (52 U.S.C. 30101(8)(B)), as
24 amended by section 332(a)(1), is amended—

1 (1) by redesignating clauses (i) through (xv) as
2 clauses (ii) through (xvi); and

3 (2) by inserting before clause (ii) (as so redesign-
4 nated) the following new clause:

5 “(i) any payment for any news story, com-
6 mentary, or editorial distributed through the fa-
7 cilities of any broadcasting, cable, satellite, or
8 internet-based station, programmer, operator or
9 producer; newspaper, magazine, or other peri-
10 odical publisher; electronic publisher, platform,
11 or application; book publisher; or filmmaker or
12 film producer, distributor or exhibitor.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to elections held dur-
15 ing 2024 or any succeeding year.

16 **Subtitle E—Prohibition on**
17 **Issuance of Regulations on Po-**
18 **litical Contributions**

19 **SEC. 341. PROHIBITION ON ISSUANCE OF REGULATIONS ON**
20 **POLITICAL CONTRIBUTIONS.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) From 2010 through 2013, the Internal Rev-
23 enue Service targeted conservative organizations
24 seeking tax-exempt status. The result of this tar-
25 geting was obvious—to discourage conservative orga-

1 nizations and individuals associated with them from
2 engaging in the 2012 presidential election after an
3 incredibly successful 2010 midterm election.

4 (2) In response to this treatment, a large num-
5 ber of conservative organizations sued the Internal
6 Revenue Service. In 2017, a settlement was reached
7 and the Internal Revenue Service was required to
8 issue an apology for its actions.

9 (3) Congress quickly recognized that the Inter-
10 nal Revenue Service was not the only government
11 agency that could question or threaten the tax-ex-
12 empt status of disfavored political groups. The Secu-
13 rities and Exchange Commission, an independent
14 government agency, also enjoys some regulatory
15 power in this area.

16 (4) Beginning in 2015, Congress has included
17 in every appropriations bill that has funded the Se-
18 curities and Exchange Commission, an appropria-
19 tions rider prohibiting the agency from using any of
20 the funds made available to “finalize, issue, or im-
21 plement any rule, regulation, or order regarding the
22 disclosure of political contributions, contributions to
23 tax exempt organizations, or dues paid to trade as-
24 sociations.” *See* Consolidated Appropriations Act,
25 2016, H.R. 2029, 114th Cong. § 1 (2015); Consoli-

1 dated Appropriations Act, 2017, H.R. 244, 115th
2 Cong. § 1 (2017); Consolidated Appropriations Act,
3 2018, H.R. 1625, 115th Cong. § 2 (2018); Consoli-
4 dated Appropriations Act, 2019, H.J. Res. 31,
5 116th Cong. § 1 (2019); Consolidated Appropria-
6 tions Act, 2020, H.R. 1158, 116th Cong. § 1
7 (2019); Consolidated Appropriations Act, 2021,
8 H.R. 133, 116th Cong. § 2 (2020); Consolidated
9 Appropriations Act 2022, H.R. 2471, 117th Cong. §
10 2 (2022); Consolidated Appropriations Act 2023,
11 H.R. 2617, 117th Cong. § 2 (2022).

12 (5) This prohibition is too important to be sub-
13 ject to yearly renewal. Instead, it must be enacted
14 into permanent law so political organizations of both
15 political parties can rest assured the Securities and
16 Exchange Commission will not target them.

17 (b) PROHIBITION.—The Securities and Exchange
18 Commission may not finalize, issue, or implement any
19 rule, regulation, or order regarding the disclosure of polit-
20 ical contributions, contributions to tax exempt organiza-
21 tions, or dues paid to trade associations.

1 **Subtitle F—Miscellaneous**
2 **Provisions**

3 **SEC. 351. PERMANENT EXTENSION OF FINES FOR QUALI-**
4 **FIED DISCLOSURE REQUIREMENT VIOLA-**
5 **TIONS.**

6 Section 309(a)(4)(C)(v) of the Federal Election Cam-
7 paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is
8 amended by striking “, and that end on or before Decem-
9 ber 31, 2023”.

10 **SEC. 352. PERMITTING POLITICAL COMMITTEES TO MAKE**
11 **DISBURSEMENTS BY METHODS OTHER THAN**
12 **CHECK.**

13 Section 302(h)(1) of the Federal Election Campaign
14 Act of 1971 (52 U.S.C. 30102(h)(1)) is amended by strik-
15 ing “except by check drawn on such accounts in accord-
16 ance with this section” and inserting “except from such
17 accounts”.

18 **SEC. 353. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**
19 **MAKE CAMPAIGN COMMITTEE DISBURSE-**
20 **MENTS IN EVENT OF DEATH OF CANDIDATE.**

21 (a) IN GENERAL.—Section 302 of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30102), as amend-
23 ed by section 306(b), is amended by adding at the end
24 the following new subsection:

1 “(k)(1) Each candidate may, with respect to each au-
2 thORIZED committee of the candidate, designate an indi-
3 VIDUAL who shall be responsible for disbursing funds in the
4 ACCOUNTS of the committee in the event of the death of
5 the candidate, and may also designate another individual
6 to carry out the responsibilities of the designated indi-
7 VIDUAL under this subsection in the event of the death or
8 INCAPACITY of the designated individual or the unwilling-
9 NESS of the designated individual to carry out the respon-
10 SIBILITIES.

11 “(2) In order to designate an individual under this
12 subsection, the candidate shall file with the Commission
13 a signed written statement (in a standardized form devel-
14 OPED by the Commission, and including any applicable
15 supporting documentation, including a will or trust docu-
16 MENT) that contains the name and address of the indi-
17 VIDUAL and the name of the authorized committee for
18 which the designation shall apply, and that may contain
19 the candidate’s instructions regarding the lawful disburse-
20 MENT of the funds involved by the individual. At any time
21 after filing the statement, the candidate may revoke the
22 designation of an individual by filing with the Commission
23 a signed written statement of revocation (in a standard-
24 IZED form developed by the Commission).

1 “(3)(A) Upon the death of a candidate who has des-
2 igned an individual for purposes of paragraph (1), funds
3 in the accounts of each authorized committee of the can-
4 didate may be disbursed only under the direction and in
5 accordance with the instructions of such individual, sub-
6 ject to the terms and conditions applicable to the disburse-
7 ment of such funds under this Act or any other applicable
8 Federal or State law (other than any provision of State
9 law which authorizes any person other than such indi-
10 vidual to direct the disbursement of such funds).

11 “(B) Subparagraph (A) does not apply with respect
12 to an authorized committee if, at the time of the can-
13 didate’s death, the authorized committee has a treasurer
14 or a designated agent of the treasurer as described in sec-
15 tion 302(a), unless the treasurer or designated agent is
16 incapacitated or cannot be reached by the authorized com-
17 mittee.

18 “(C) Nothing in this paragraph may be construed to
19 grant any authority to an individual who is designated
20 pursuant to this subsection other than the authority to
21 direct the disbursement of funds as provided in such para-
22 graph, or may be construed to affect the responsibility of
23 the treasurer of an authorized committee for which funds
24 are disbursed in accordance with such paragraph to file

1 reports of the disbursements of such funds under section
2 304(a).”.

3 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
4 ORGANIZATION OF COMMITTEE.—Section 303(b) of such
5 Act (52 U.S.C. 30103(b)) is amended—

6 (1) in paragraph (5), by striking “and” at the
7 end;

8 (2) in paragraph (6), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(7) in the case of an authorized committee of
13 a candidate who has designated an individual under
14 section 302(k) (including a second individual des-
15 ignated to carry out the responsibilities of that indi-
16 vidual under such section in the event of that indi-
17 vidual’s death or incapacity or unwillingness to carry
18 out the responsibilities) to disburse funds from the
19 accounts of the committee in the event of the death
20 of the candidate, a copy of the statement filed by the
21 candidate with the Commission under such section
22 (as well as a copy of any subsequent statement of
23 revocation filed by the candidate with the Commis-
24 sion under such section).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to authorized cam-
3 paign committees which are designated under section
4 302(e)(1) of the Federal Election Campaign Act of 1971
5 before, on, or after the date of the enactment of this Act.

6 **SEC. 354. PROHIBITING AIDING OR ABETTING MAKING OF**
7 **CONTRIBUTIONS IN NAME OF ANOTHER.**

8 Section 320 of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30122) is amended by adding at the
10 end the following new sentence: “No person shall know-
11 ingly direct, help, or assist any person in making a con-
12 tribution in the name of another person.”.

13 **SEC. 355. UNANIMOUS CONSENT OF COMMISSION MEM-**
14 **BERS REQUIRED FOR COMMISSION TO**
15 **REFUSE TO DEFEND ACTIONS BROUGHT**
16 **AGAINST COMMISSION.**

17 (a) UNANIMOUS CONSENT.—Section 307 of the Fed-
18 eral Election Campaign Act of 1971 (52 U.S.C. 30107)
19 is amended by adding at the end the following new sub-
20 section:

21 “(f)(1) Except as provided in paragraph (2), the
22 Commission shall defend each action brought against the
23 Commission under this Act or chapter 95 and 96 of the
24 Internal Revenue Code of 1986—

1 “(A) through the general counsel, as provided
2 in subsection (a)(6);

3 “(B) by appointing counsel as provided in sec-
4 tion 306(f)(4); or

5 “(C) by referral to the Attorney General in the
6 case of a criminal action.

7 “(2) The Commission may refuse to defend an action
8 brought against the Commission pursuant to the unani-
9 mous vote of its Members.”.

10 (b) **EFFECTIVE DATE.**—The amendment made by
11 subsection (a) shall apply with respect to actions brought
12 on or after the date of the enactment of this Act.

13 **SEC. 356. FEDERAL ELECTION COMMISSION MEMBER PAY.**

14 Section 306(a)(4) of the Federal Election Campaign
15 Act of 1971 (52 U.S.C. 30106(a)(4)) is amended—

16 (1) by striking “(4) Members” and inserting
17 “(4)(A) Except as provided in subparagraph (B),
18 members”;

19 (2) by striking “equivalent to the compensation
20 paid at level IV of the Executive Schedule (5 U.S.C.
21 5315)” and inserting “at an annual rate of basic
22 pay of \$186,300, as adjusted under section 5318 of
23 title 5, United States Code, in the same manner as
24 the annual rate of pay for positions at each level of

1 the Executive Schedule, which may not be varied or
2 suspended by executive action”; and

3 (3) by adding at the end the following:

4 “(B) A member who serves on the Commission after
5 the expiration of the member’s term because the member’s
6 successor has not taken office may not receive any in-
7 crease in compensation under this subsection for any pay
8 period occurring after the expiration of the 4-year period
9 which begins on the date of the expiration of the member’s
10 term. A member shall no longer be subject to the previous
11 sentence if the member is appointed to a new term and
12 takes office pursuant to that appointment.

13 “(C) A member shall be permitted to hold a position
14 at an institution of higher education (as such term is de-
15 fined in section 101 of the Higher Education Act of 1965
16 (20 U.S.C. 1001) if—

17 “(i) the General Counsel of the Commission de-
18 termines that such position does not create a conflict
19 of interest with the member’s position as a sitting
20 member of the Commission and grants the member
21 approval to hold the position; and

22 “(ii) the annual rate of compensation received
23 by the individual from such institution is not greater
24 than the amount equal to 49.9% of the annual rate

1 of basic pay paid to the member under this para-
2 graph.”.

3 **SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PRO-**
4 **CEEDINGS TO ENFORCE FEDERAL ELECTION**
5 **CAMPAIGN ACT OF 1971.**

6 (a) 5-YEAR LIMITATION.—Section 406(a) of the Fed-
7 eral Election Campaign Act of 1971 (52 U.S.C. 30145(a))
8 is amended—

9 (1) by striking “(a)” and inserting “(a)(1)”;
10 and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) No person shall be subject to a civil penalty for
14 any violation of title III of this Act unless the proceeding
15 is initiated in accordance with section 309 not later than
16 5 years after the date on which the violation occurred.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to violations occur-
19 ring on or after the date of the enactment of this Act.

20 **SEC. 358. THEFT FROM POLITICAL COMMITTEE AS A FED-**
21 **ERAL CRIME.**

22 (a) FEDERAL CRIME.—Chapter 29 of title 18, United
23 States Code, as amended by section 161(b), is amended
24 by adding at the end the following new section:

1 **“§ 613. Theft from political committee**

2 “(a) IN GENERAL.—It shall be unlawful to remove,
3 without appropriate authorization, any funds or any other
4 item of value from an account maintained for the benefit
5 of a candidate for Federal office or the candidate’s polit-
6 ical committee (as such term is defined in section 301 of
7 the Federal Election Campaign Act of 1971 (52 U.S.C.
8 30101)).

9 “(b) PENALTY.—Any person who violates subsection
10 (a) shall be fined not more than \$250,000, imprisoned for
11 not more than 5 years, or both.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 28 of title 18, United States Code, is amended
14 by adding at the end the following new item:

“613. Theft from political committee.”.

15 **SEC. 359. REPEAL OF OBSOLETE PROVISIONS OF LAW.**

16 (a) PROVISIONS HELD UNCONSTITUTIONAL.—

17 (1) MEMBERSHIP OF SECRETARY OF SENATE
18 AND CLERK OF HOUSE ON FEDERAL ELECTION COM-
19 MISSION.—Section 306(a)(1) of the Federal Election
20 Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is
21 amended by striking “the Secretary of the Senate
22 and the Clerk of the House of Representatives or
23 their designees, ex officio and without the right to
24 vote, and”.

1 (2) CHOICE OF INDEPENDENT OR COORDI-
2 NATED EXPENDITURES BY POLITICAL PARTIES.—
3 Section 315(d) of such Act (52 U.S.C. 30116(d)) is
4 amended—

5 (A) by striking paragraph (4) and redesignig-
6 nating paragraph (5) as paragraph (4);

7 (B) in paragraph (4), as so redesignated,
8 by striking “paragraphs (2), (3), and (4)” and
9 inserting “paragraphs (2) and (3)”; and

10 (C) in paragraph (1), by striking “para-
11 graphs (2), (3), and (4)” and inserting “para-
12 graphs (2) and (3)”.

13 (3) PROHIBITING CONTRIBUTIONS BY MI-
14 NORS.—The Federal Election Campaign Act of 1971
15 is amended by striking section 324 (52 U.S.C.
16 30126).

17 (4) INCREASE IN CONTRIBUTION LIMITS FOR
18 CANDIDATES IN RESPONSE TO PERSONAL FUND EX-
19 PENDITURES BY OPPONENTS.—

20 (A) HOUSE CANDIDATES.—The Federal
21 Election Campaign Act of 1971 is amended by
22 striking section 315A (52 U.S.C. 30117).

23 (B) SENATE CANDIDATES.—Section 315 of
24 such Act (52 U.S.C. 30116) is amended—

25 (i) by striking subsection (i); and

1 (ii) by redesignating subsection (j) as
2 subsection (i).

3 (C) CONFORMING AMENDMENT RELATING
4 TO NOTIFICATION.—Section 304(a)(6) of such
5 Act (52 U.S.C. 30104(a)(6)) is amended—

6 (i) by striking subparagraphs (B),
7 (C), and (D); and

8 (ii) by redesignating subparagraph
9 (E) as subparagraph (D).

10 (D) CONFORMING AMENDMENT RELATING
11 TO DEFINITIONS.—Section 301(25) of such Act
12 (52 U.S.C. 30101(25)) is amended by striking
13 “For purposes of sections 315(i) and 315A and
14 paragraph (26), the term” and inserting “The
15 term”.

16 (E) OTHER CONFORMING AMENDMENT.—
17 Section 315(a)(1) of such Act (52 U.S.C.
18 30116(a)(1)) is amended by striking “Except
19 as provided in subsection (i) and section 315A,
20 no person” and inserting “No person”.

21 (5) ELECTIONEERING COMMUNICATIONS AND
22 INDEPENDENT EXPENDITURES BY CORPORATIONS
23 AND LABOR ORGANIZATIONS.—Section 316 of such
24 Act (52 U.S.C. 30117) is amended—

1 (A) in subsection (b)(1), by striking “or
2 for any applicable electioneering communica-
3 tion”; and

4 (B) by striking subsection (c).

5 (6) LIMITATION ON REPAYMENT OF PERSONAL
6 LOANS.—Section 315 of such Act (52 U.S.C. 30116)
7 is amended by striking subsection (i), as redesign-
8 nated by paragraph (4)(B)(ii).

9 (b) PROVISIONS RELATING TO USE OF PRESI-
10 DENTIAL ELECTION CAMPAIGN FUND FOR PARTY NOMI-
11 NATING CONVENTIONS.—Section 9008 of the Internal
12 Revenue Code of 1986 is amended—

13 (1) in subsection (b), by striking paragraph (3);
14 and

15 (2) by striking subsections (c), (d), (e), (f), (g),
16 and (h).

17 (c) TECHNICAL CORRECTION.—Sections 307 and 309
18 of the Federal Election Campaign Act of 1971 (52 U.S.C.
19 30107 and 30109) are each amended by striking “sub-
20 pena” each place it appears and inserting “subpoena”.

21 **SEC. 360. DEADLINE FOR PROMULGATION OF PROPOSED**
22 **REGULATIONS.**

23 Not later than 120 days after the date of the enact-
24 ment of this Act, the Federal Election Commission shall

1 publish in the Federal Register proposed regulations to
2 carry out this title and the amendments made by this title.

3 **TITLE IV—ELECTION SECURITY**
4 **Subtitle A—Promoting Election**
5 **Security**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Election Security As-
8 sistance Act”.

9 **SEC. 402. REPORTS TO CONGRESS ON FOREIGN THREATS**
10 **TO ELECTIONS.**

11 (a) **IN GENERAL.**—Not later than 30 days after the
12 date of enactment of this Act, and 30 days after the end
13 of each fiscal year thereafter, the Secretary of Homeland
14 Security and the Director of National Intelligence, in co-
15 ordination with the heads of the appropriate Federal enti-
16 ties, shall submit a joint report to the appropriate congres-
17 sional committees and the chief State election official of
18 each State on foreign threats to elections in the United
19 States, including physical and cybersecurity threats.

20 (b) **VOLUNTARY PARTICIPATION BY STATES.**—The
21 Secretary shall solicit and consider voluntary comments
22 from all State election agencies. Participation by an elec-
23 tion agency in the report under this section shall be vol-
24 untary and at the discretion of the State.

1 (c) APPROPRIATE FEDERAL ENTITIES.—In this sec-
2 tion, the term “appropriate Federal entities” means—

3 (1) the Department of Commerce, including the
4 National Institute of Standards and Technology;

5 (2) the Department of Defense;

6 (3) the Department of Homeland Security, in-
7 cluding the component of the Department that re-
8 ports to the Under Secretary responsible for over-
9 seeing critical infrastructure protection, cybersecu-
10 rity, and other related programs of the Department;

11 (4) the Department of Justice, including the
12 Federal Bureau of Investigation;

13 (5) the Election Assistance Commission; and

14 (6) the Office of the Director of National Intel-
15 ligence, the National Security Agency, and such
16 other elements of the intelligence community (as de-
17 fined in section 3 of the National Security Act of
18 1947 (50 U.S.C. 3003)) as the Director of National
19 Intelligence determines are appropriate.

20 (d) OTHER DEFINITIONS.—In this section—

21 (1) the term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Rules and Adminis-
24 tration, the Committee on Homeland Security
25 and Governmental Affairs, the Select Com-

1 committee on Intelligence, and the Committee on
2 Foreign Relations of the Senate; and

3 (B) the Committee on House Administra-
4 tion, the Committee on Homeland Security, the
5 Permanent Select Committee on Intelligence,
6 and the Committee on Foreign Affairs of the
7 House of Representatives;

8 (2) the term “chief State election official”
9 means, with respect to a State, the individual des-
10 ignated by the State under section 10 of the Na-
11 tional Voter Registration Act of 1993 (52 U.S.C.
12 20509) to be responsible for coordination of the
13 State’s responsibilities under such Act;

14 (3) the term “election agency” means any com-
15 ponent of a State or any component of a unit of
16 local government of a State that is responsible for
17 administering Federal elections;

18 (4) the term “Secretary” means the Secretary
19 of Homeland Security; and

20 (5) the term “State” has the meaning given
21 such term in section 901 of the Help America Vote
22 Act of 2002 (52 U.S.C. 21141).

1 **SEC. 403. RULE OF CONSTRUCTION.**

2 Nothing in this title may be construed as authorizing
3 the Secretary of Homeland Security to carry out the ad-
4 ministration of an election for Federal office.

5 **Subtitle B—Cybersecurity for**
6 **Election Systems**

7 **SEC. 411. CYBERSECURITY ADVISORIES RELATING TO**
8 **ELECTION SYSTEMS.**

9 (a) CYBERSECURITY ADVISORIES.—

10 (1) IN GENERAL.—The Director of the Cyberse-
11 curity and Infrastructure Security Agency of the De-
12 partment of Homeland Security (in this subtitle re-
13 ferred to as the “Director”) shall collaborate with
14 the Election Assistance Commission (in this subtitle
15 referred to as the “Commission”) to determine if an
16 advisory relating to the cybersecurity of election sys-
17 tems used in the administration of elections for Fed-
18 eral office or the cybersecurity of elections for Fed-
19 eral office generally is necessary. If such a deter-
20 mination is made in the affirmative, the Director
21 shall collaborate with the Commission in the prepa-
22 ration of such an advisory.

23 (2) PROHIBITION.—The Director may not issue
24 an advisory described in paragraph (1) unless the
25 Commission has provided input relating thereto.

1 (b) NOTIFICATION.—If the Director issues an advi-
2 sory described in subsection (a), the Director, in collabora-
3 tion with the Commission, shall provide to appropriate
4 State election officials and vendors of covered voting sys-
5 tems notification relating thereto.

6 **SEC. 412. PROCESS TO TEST FOR AND MONITOR CYBERSE-**
7 **CURITY VULNERABILITIES IN ELECTION**
8 **EQUIPMENT.**

9 (a) PROCESS FOR COVERED VOTING SYSTEMS.—

10 (1) IN GENERAL.—The Director and the Com-
11 mission (in consultation with the Technical Guide-
12 lines Development Committee and the Standards
13 Board of the Commission), shall jointly establish a
14 voluntary process to test for and monitor covered
15 voting systems for cybersecurity vulnerabilities. Such
16 process shall include the following:

17 (A) Mitigation strategies and other rem-
18 edies.

19 (B) Notice to the Commission and appro-
20 priate entities of the results of testing con-
21 ducted pursuant to such process.

22 (2) IMPLEMENTATION.—The Director shall im-
23 plement the process established under paragraph (1)
24 at the request of the Commission.

1 (b) LABELING FOR VOTING SYSTEMS.—The Commis-
2 sion (in consultation with the Technical Guidelines Devel-
3 opment Committee and the Standards Board of the Com-
4 mission), shall establish a process to provide for the de-
5 ployment of appropriate labeling available through the
6 website of the Commission to indicate that covered voting
7 systems passed the most recent cybersecurity testing pur-
8 suant to the process established under subsection (a).

9 (c) RULES OF CONSTRUCTION.—The process estab-
10 lished under subsection (a), including the results of any
11 testing carried out pursuant to this section, shall not af-
12 fect—

13 (1) the certification status of equipment used in
14 the administration of an election for Federal office
15 under the Help America Vote Act of 2002; or

16 (2) the authority of the Commission to so cer-
17 tify such equipment under such Act.

18 (d) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-
19 ANCE COMMISSION WITH RESPECT TO GUIDELINES AND
20 CERTIFICATION OF COVERED VOTING SYSTEMS.—No en-
21 tity of the Federal Government other than the Election
22 Assistance Commission may issue guidelines with respect
23 to the minimum standards for the testing, certification,
24 decertification, and recertification of covered voting sys-
25 tems.

1 (e) DEFINITION.—In this section, the term “covered
2 voting systems” means equipment used in the administra-
3 tion of an election for Federal office that is certified in
4 accordance with versions of Voluntary Voting System
5 Guidelines under the Help America Vote Act of 2002, and
6 includes any related nonvoting election technology, as de-
7 fined in section 298C of the Help America Vote Act of
8 2002, as added by section 129(b).

9 **SEC. 413. DUTY OF SECRETARY OF HOMELAND SECURITY**
10 **TO NOTIFY STATE AND LOCAL OFFICIALS OF**
11 **ELECTION CYBERSECURITY INCIDENTS.**

12 (a) DUTY TO SHARE INFORMATION WITH DEPART-
13 MENT OF HOMELAND SECURITY.—If a Federal entity re-
14 ceives information about an election cybersecurity inci-
15 dent, the Federal entity shall promptly share that infor-
16 mation with the Department of Homeland Security, unless
17 the head of the entity (or a Senate-confirmed official des-
18 ignated by the head) makes a specific determination in
19 writing that there is good cause to withhold the particular
20 information.

21 (b) RESPONSE TO RECEIPT OF INFORMATION BY
22 SECRETARY OF HOMELAND SECURITY.—

23 (1) IN GENERAL.—Upon receiving information
24 about an election cybersecurity incident under sub-
25 section (a), the Secretary of Homeland Security, in

1 consultation with the Attorney General, the Director
2 of the Federal Bureau of Investigation, and the Di-
3 rector of National Intelligence, shall promptly (but
4 in no case later than 96 hours after receiving the in-
5 formation) review the information and make a deter-
6 mination whether each of the following apply:

7 (A) There is credible evidence that the in-
8 cident occurred.

9 (B) There is a basis to believe that the in-
10 cident resulted, could have resulted, or could re-
11 sult in voter information systems or voter tab-
12 ulation systems being altered or otherwise af-
13 fected.

14 (2) DUTY TO NOTIFY STATE AND LOCAL OFFI-
15 CIALS.—

16 (A) DUTY DESCRIBED.—If the Secretary
17 makes a determination under paragraph (1)
18 that subparagraphs (A) and (B) of such para-
19 graph apply with respect to an election cyberse-
20 curity incident, not later than 96 hours after
21 making the determination, the Secretary shall
22 provide a notification of the incident to each of
23 the following:

24 (i) The chief executive of the State in-
25 volved.

1 (ii) The State election official of the
2 State involved.

3 (iii) The local election official of the
4 election agency involved.

5 (B) TREATMENT OF CLASSIFIED INFORMA-
6 TION.—

7 (i) EFFORTS TO AVOID INCLUSION OF
8 CLASSIFIED INFORMATION.—In preparing
9 a notification provided under this para-
10 graph to an individual described in clause
11 (i), (ii), or (iii) of subparagraph (A), the
12 Secretary shall attempt to avoid the inclu-
13 sion of classified information.

14 (ii) PROVIDING GUIDANCE TO STATE
15 AND LOCAL OFFICIALS.—To the extent
16 that a notification provided under this
17 paragraph to an individual described in
18 clause (i), (ii), or (iii) of subparagraph (A)
19 includes classified information, the Sec-
20 retary (in consultation with the Attorney
21 General and the Director of National Intel-
22 ligence) shall indicate in the notification
23 which information is classified.

24 (3) EXCEPTION.—

1 (A) IN GENERAL.—If the Secretary, in
2 consultation with the Attorney General and the
3 Director of National Intelligence, makes a de-
4 termination that it is not possible to provide a
5 notification under paragraph (1) with respect to
6 an election cybersecurity incident without com-
7 promising intelligence methods or sources or
8 interfering with an ongoing investigation, the
9 Secretary shall not provide the notification
10 under such paragraph.

11 (B) ONGOING REVIEW.—Not later than 30
12 days after making a determination under sub-
13 paragraph (A) and every 30 days thereafter,
14 the Secretary shall review the determination. If,
15 after reviewing the determination, the Secretary
16 makes a revised determination that it is pos-
17 sible to provide a notification under paragraph
18 (2) without compromising intelligence methods
19 or sources or interfering with an ongoing inves-
20 tigation, the Secretary shall provide the notifi-
21 cation under paragraph (2) not later than 96
22 hours after making such revised determination.

23 (4) COORDINATION WITH ELECTION ASSIST-
24 ANCE COMMISSION.—The Secretary shall make de-
25 terminations and provide notifications under this

1 subsection in the same manner, and subject to the
2 same terms and conditions relating to the role of the
3 Election Assistance Commission, in which the Direc-
4 tor of the Cybersecurity and Infrastructure Security
5 Agency of the Department of Homeland Security
6 makes determinations as to the necessity of an advi-
7 sory and the issuance of an advisory under section
8 411(a) and the provision of notification under sec-
9 tion 411(b).

10 (c) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) ELECTION AGENCY.—The term “election
13 agency” means any component of a State, or any
14 component of a unit of local government in a State,
15 which is responsible for the administration of elec-
16 tions for Federal office in the State.

17 (2) ELECTION CYBERSECURITY INCIDENT.—
18 The term “election cybersecurity incident” means an
19 occurrence that actually or imminently jeopardizes,
20 without lawful authority, the integrity, confiden-
21 tiality, or availability of information on an informa-
22 tion system of election infrastructure (including a
23 vote tabulation system), or actually or imminently
24 jeopardizes, without lawful authority, such an infor-
25 mation system of election infrastructure.

1 (3) FEDERAL ELECTION.—The term “Federal
2 election” means any election (as defined in section
3 301(1) of the Federal Election Campaign Act of
4 1971 (52 U.S.C. 30101(1))) for Federal office (as
5 defined in section 301(3) of the Federal Election
6 Campaign Act of 1971 (52 U.S.C. 30101(3))).

7 (4) FEDERAL ENTITY.—The term “Federal en-
8 tity” means any agency (as defined in section 551
9 of title 5, United States Code).

10 (5) LOCAL ELECTION OFFICIAL.—The term
11 “local election official” means the chief election offi-
12 cial of a component of a unit of local government of
13 a State that is responsible for administering Federal
14 elections.

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Homeland Security.

17 (7) STATE.—The term “State” has the mean-
18 ing given such term in section 901 of the Help
19 America Vote Act of 2002 (52 U.S.C. 21141), as
20 amended by section 138.

21 (8) STATE ELECTION OFFICIAL.—The term
22 “State election official” means—

23 (A) the chief State election official of a
24 State designated under section 10 of the Na-

1 tional Voter Registration Act of 1993 (52
2 U.S.C. 20509); or

3 (B) in the case of Puerto Rico, Guam,
4 American Samoa, the Northern Mariana Is-
5 lands, and the United States Virgin Islands, a
6 chief State election official designated by the
7 State for purposes of this Act.

8 (d) EFFECTIVE DATE.—This section shall apply with
9 respect to information about an election cybersecurity inci-
10 dent which is received on or after the date of the enact-
11 ment of this Act.

12 **TITLE V—CONGRESSIONAL**
13 **REDISTRICTING**

14 **SEC. 501. SENSE OF CONGRESS ON AUTHORITY TO ESTAB-**
15 **LISH MAPS OF CONGRESSIONAL DISTRICTS.**

16 It is the sense of Congress that, while Congress is
17 authorized under the Constitution of the United States to
18 ensure that congressional redistricting is carried out in a
19 manner consistent with the Constitution, only a State has
20 the authority to establish maps of the congressional dis-
21 tricts of the State and to determine the procedures and
22 criteria used to establish such maps.

1 **SEC. 502. AUTHORITY FOR SPEAKER OF THE HOUSE TO**
2 **JOIN CERTAIN CIVIL ACTIONS RELATING TO**
3 **APPORTIONMENT.**

4 The Speaker of the House of Representatives or the
5 Speaker's designee or designees may commence or join in
6 a civil action, for and on behalf of the House of Represent-
7 atives, under any applicable law, to prevent the use of any
8 statistical method, in connection with the decennial cen-
9 sus, to determine the population for purposes of the appor-
10 tionment or redistricting of Members in Congress. It shall
11 be the duty of the Office of the General Counsel of the
12 House of Representatives to represent the House in such
13 civil action, according to the directions of the Speaker.
14 The Office of the General Counsel of the House of Rep-
15 resentatives may employ the services of outside counsel
16 and other experts for this purpose.

17 **SEC. 503. CENSUS MONITORING BOARD.**

18 (a) **SHORT TITLE.**—This section may be cited as the
19 “Citizen Census Monitoring Board Permanent Authoriza-
20 tion Act of 2023”.

21 (b) **FINDINGS.**—Congress finds the following:

22 (1) The 2020 decennial census of population
23 was conducted amongst unique and difficult cir-
24 cumstances which have caused many of its results to
25 be questioned as regards their accuracy and legality.

1 (2) Privacy limitations prevent the decennial
2 census from being a transparent process, therefore
3 limiting the ability of the public and even Congress
4 or the courts from effectively monitoring the entire
5 census process.

6 (3) Only an independent bipartisan Board with
7 the same access to data and documentation as the
8 Bureau of the Census itself can effectively monitor
9 the decennial census process.

10 (4) Therefore, in order to achieve these goals,
11 the Congress finds that a bipartisan Census Moni-
12 toring Board should be established.

13 (c) ESTABLISHMENT.—There shall be established a
14 board to be known as the Census Monitoring Board (in
15 this section referred to as the “Board”).

16 (d) DUTIES.—The function of the Board shall be to
17 review all aspects of the preparation and implementation,
18 data and results, and all post-enumeration activities and
19 procedures, of the 2020 decennial census of population
20 under section 141 of title 13, United States Code, (includ-
21 ing all dress rehearsals and other simulations of a census
22 in preparation therefor) and observe and monitor all as-
23 pects of the preparation and implementation of the 2030
24 decennial census and each decennial census thereafter (in-

1 cluding all dress rehearsals and other simulations of a cen-
2 sus in preparation therefor).

3 (e) MEMBERS.—

4 (1) IN GENERAL.—The Board shall be com-
5 posed of 6 members, appointed as follows:

6 (A) One individual appointed by the major-
7 ity leader of the Senate.

8 (B) Two individuals appointed by the
9 Speaker of the House of Representatives.

10 (C) One individual appointed by the minor-
11 ity leader of the Senate.

12 (D) Two individuals appointed by the mi-
13 nority leader of the House of Representatives.

14 (2) APPOINTMENT.—Each member of the
15 Board shall be appointed within 60 days after the
16 date of the enactment of this Act. A vacancy in the
17 Board shall be filled in the manner in which the
18 original appointment was made. Members of the
19 Board's terms shall expire when the Houses of Con-
20 gress are reorganized, except that a member shall
21 continue to serve as a member until their replace-
22 ment is appointed.

23 (3) COMPENSATION.—Members shall not be en-
24 titled to any pay by reason of their service on the
25 Board, but shall receive travel expenses, including

1 per diem in lieu of subsistence, in accordance with
2 sections 5702 and 5703 of title 5, United States
3 Code.

4 (4) BIPARTISAN.—The Board shall be bipar-
5 tisan and each party’s appointees shall caucus sepa-
6 rately and elect a co-chair from each caucus.

7 (5) MEETINGS.—The Board shall meet at the
8 call of either co-chair.

9 (6) QUORUM.—A quorum shall consist of four
10 members of the Board.

11 (7) REGULATIONS.—The Board may promul-
12 gate any regulations necessary to carry out its du-
13 ties.

14 (f) EXECUTIVE DIRECTORS.—

15 (1) IN GENERAL.—Each caucus of the Board
16 shall have an executive director who shall be ap-
17 pointed by the members of the two most numerous
18 caucuses, each of whom shall be paid at a rate not
19 to exceed level IV of the Executive Schedule under
20 section 5315 of title 5, United States Code.

21 (2) STAFF AND SERVICES.—

22 (A) IN GENERAL.—Subject to such rules
23 as the Board may prescribe, each executive di-
24 rector—

1 (i) may appoint and fix the pay of
2 such additional personnel as that executive
3 director considers appropriate; and

4 (ii) may procure temporary and inter-
5 mittent services under section 3109(b) of
6 title 5, United States Code, but at rates
7 for individuals not to exceed the daily
8 equivalent of the maximum annual rate of
9 pay payable for grade GS-15 of the Gen-
10 eral Schedule.

11 (B) BOARD RULES.—Such rules shall in-
12 clude provisions to ensure an equitable division
13 or sharing of resources, as appropriate, between
14 the respective staff of the Board.

15 (3) BOARD STAFF.—The staff of the Board
16 shall be appointed without regard to the provisions
17 of title 5, United States Code, governing appoint-
18 ments in the competitive service, and shall be paid
19 without regard to the provisions of chapter 51 and
20 subchapter III of chapter 53 of such title (relating
21 to classification and General Schedule pay rates).

22 (4) FACILITIES.—The Administrator of the
23 General Services Administration, in coordination
24 with the Secretary of Commerce, shall locate suitable
25 office space for the operation of the Board in the

1 headquarters of the Bureau of the Census in
2 Suitland, Maryland. The facilities shall serve as the
3 headquarters of the Board and shall include all nec-
4 essary equipment and incidentals required for the
5 proper functioning of the Board.

6 (g) OTHER AUTHORITIES.—

7 (1) HEARINGS.—For the purpose of carrying
8 out its duties, the Board may hold such hearings (at
9 the call of either co-chair) and undertake such other
10 activities as the Board determines to be necessary to
11 carry out its duties.

12 (2) ACCESS TO INFORMATION.—

13 (A) IN GENERAL.—Each co-chair of the
14 Board and any Board staff who may be des-
15 ignated by the Board under this subparagraph
16 shall be granted access to any data, files, infor-
17 mation, or other matters maintained by the Bu-
18 reau of the Census (or received by it in the
19 course of conducting a decennial census of pop-
20 ulation) which they may request, subject to
21 such regulations as the Board may prescribe in
22 consultation with the Secretary of Commerce.
23 No information may be withheld pursuant to
24 title 13, United States Code, and all members
25 of the Board and Board staff shall be sworn to

1 protect the confidentiality and privilege of all
2 data and information protected by such title.

3 (B) AGENCY INFORMATION.—The Board
4 or the co-chairs acting jointly may secure di-
5 rectly from any other Federal agency, including
6 the White House, all information that the
7 Board considers necessary to enable the Board
8 to carry out its duties. Upon request of the
9 Board or both co-chairs, the head of that agen-
10 cy (or other person duly designated for pur-
11 poses of this paragraph) shall furnish that in-
12 formation to the Board.

13 (3) REGULATIONS.—The Board shall prescribe
14 regulations under which any member of the Board
15 or of its staff, and any person whose services are
16 procured under subsection (e)(2)(A)(ii), who gains
17 access to any information or other matter pursuant
18 to this subsection shall, to the extent that any provi-
19 sions of section 9 or section 214 of title 13, United
20 States Code, would apply with respect to such mat-
21 ter in the case of an employee of the Department of
22 Commerce, be subject to such provisions.

23 (4) DETAIL AUTHORITY.—Upon the request of
24 the Board, the head of any Federal agency is au-
25 thorized to detail, without reimbursement, any of the

1 personnel of such agency to the Board to assist the
2 Board in carrying out its duties. Any such detail of
3 a Federal employee under this paragraph shall not
4 interrupt or otherwise affect the civil service status
5 or privileges of the employee.

6 (5) TECHNICAL ASSISTANCE.—Upon the re-
7 quest of the Board, the head of a Federal agency
8 shall provide such technical assistance to the Board
9 as the Board determines to be necessary to carry out
10 its duties.

11 (6) USE OF MAILS.—The Board may use the
12 United States mails in the same manner and under
13 the same conditions as Federal agencies and shall,
14 for purposes of the frank, be considered a commis-
15 sion of Congress as described in section 3215 of title
16 39, United States Code.

17 (7) SUPPORT SERVICES.—Upon request of the
18 Board, the Administrator of General Services shall
19 provide to the Board on a reimbursable basis such
20 administrative support services as the Board may re-
21 quest.

22 (8) PRINTING COSTS.—For purposes of costs
23 relating to printing and binding, including the cost
24 of personnel detailed from the Government Pub-

1 lishing Office, the Board shall be deemed to be a
2 committee of the Congress.

3 (h) REPORTS.—

4 (1) 2020 CENSUS.—The Board shall transmit
5 to the Congress—

6 (A) interim reports, with the first such re-
7 port due by April 1, 2024;

8 (B) additional reports, the first of which
9 shall be due by February 1, 2025, the second
10 of which shall be due by April 1, 2025, and
11 subsequent reports at least semiannually there-
12 after;

13 (C) a final report on the 2020 Census shall
14 be due by September 1, 2025; and

15 (D) any other reports which the Board or
16 either co-chair considers appropriate.

17 (2) SUBSEQUENT CENSUSES.—With respect to
18 the 2030 decennial census of population and each
19 decennial census thereafter, the Board shall transmit
20 to Congress—

21 (A) an interim report due not later than
22 September 1 of the second year following the
23 year in which a decennial census occurs; and

1 (B) a final report not later than September
2 1 of the third year following the year in which
3 a decennial census occurs; and

4 (C) any other reports which the Board or
5 either co-chair considers appropriate.

6 (3) FINAL REPORT CONTENTS.—A final report
7 under paragraph (1)(C) or (2)(B) shall contain a de-
8 tailed statement of the findings and conclusions of
9 the Board with respect to the matters described in
10 subsection (c).

11 (4) REPORT CONTENTS.—In addition to any
12 matter otherwise required under this subsection,
13 each such report shall address, with respect to the
14 period covered by such report—

15 (A) the degree to which efforts of the Bu-
16 reau of the Census to prepare to conduct the
17 decennial census—

18 (i) shall achieve maximum possible ac-
19 curacy at every level of geography;

20 (ii) shall be taken by means of an
21 enumeration process designed to count
22 every individual possible;

23 (iii) shall be free from political bias
24 and arbitrary decisions; and

1 (iv) comply with all legal and constitu-
2 tional requirements; and

3 (B) efforts by the Bureau of the Census
4 intended to contribute to enumeration improve-
5 ment, specifically in connection with—

6 (i) computer modernization and the
7 appropriate use of automation;

8 (ii) address list development;

9 (iii) outreach and promotion efforts at
10 all levels designed to maximize response
11 rates, especially among groups that have
12 historically been undercounted (including
13 measures undertaken in conjunction with
14 local government and community and other
15 groups);

16 (iv) establishment and operation of
17 field offices; and

18 (v) efforts relating to the recruitment,
19 hiring, and training of enumerators.

20 (5) AVAILABILITY OF DATA AND INFORMA-
21 TION.—Any data or other information obtained by
22 the Board under this section shall be made available
23 to any committee or subcommittee of Congress of
24 appropriate jurisdiction upon request of the chair or
25 ranking minority member of such committee or sub-

1 committee. No such committee or subcommittee, or
2 member thereof, shall disclose any information ob-
3 tained under this paragraph which is submitted to it
4 on a confidential basis unless the full committee de-
5 termines that the withholding of that information is
6 contrary to the national interest.

7 (6) USE OF CONTRACTORS.—The Board shall
8 study and submit to Congress, as part of its first re-
9 port under paragraph (1)(A), its findings and rec-
10 ommendations as to the feasibility and desirability of
11 using postal personnel or private contractors to help
12 carry out the decennial census.

13 (i) ACCURACY OF CENSUS.—To the extent prac-
14 ticable, members of the Board shall work to promote the
15 most accurate and complete decennial census possible by
16 using their positions to publicize the need for full and
17 timely responses to decennial census questionnaires.

18 (j) LIMITATION ON BOARD MEMBERS AND STAFF.—

19 (1) IN GENERAL.—No individual described in
20 paragraph (2) may—

21 (A) be appointed or serve as a member of
22 the Board or as a member of the staff of the
23 Board; or

24 (B) enter into any contract with the
25 Board.

1 (2) INDIVIDUALS COVERED.—An individual de-
2 scribed in this paragraph is any individual who is
3 serving or who has ever served—

4 (A) as the Director of the Census; or

5 (B) with any committee or subcommittee
6 of either House of Congress having jurisdiction
7 over any aspect of the decennial census as—

8 (i) a Member of Congress; or

9 (ii) a congressional employee.

10 (k) EXCEPTION FOR USE OF INFORMATION.—Sec-
11 tion 9(a) of title 13, United States Code, is amended in
12 the matter before paragraph (1)—

13 (1) by striking “or section 210” and inserting
14 “, section 210”;

15 (2) by striking “1998 or” and inserting
16 “1998,”; and

17 (3) by striking “1997” and inserting “, or sec-
18 tion 502 of the ACE Act”.

19 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$7,500,000 for fiscal year
21 2024 and each fiscal year thereafter to carry out this sec-
22 tion.

1 **TITLE VI—DISINFORMATION**
2 **GOVERNANCE BOARD**

3 **SEC. 601. TERMINATION OF THE DISINFORMATION GOV-**
4 **ERNANCE BOARD.**

5 The Disinformation Governance Board of the De-
6 partment of Homeland Security is hereby terminated.

7 **SEC. 602. PROHIBITION ON FUNDING SIMILAR BOARD OR**
8 **SIMILAR ACTIVITIES.**

9 No Federal funds authorized to be appropriated or
10 otherwise made available may be used to establish any
11 other entity that is substantially similar to the
12 Disinformation Governance Board terminated by section
13 601 or to carry out activities that are substantially similar
14 to the Disinformation Governance Board terminated by
15 section 601.

16 **TITLE VII—SEVERABILITY**

17 **SEC. 701. SEVERABILITY.**

18 If any provision of this Act or any amendment made
19 by this Act, or the application of any such provision or
20 amendment to any person or circumstance, is held to be
21 unconstitutional, the remainder of this Act, and the appli-
22 cation of such provision or amendment to any other person
23 or circumstance, shall not be affected by the holding.