

112TH CONGRESS
1ST SESSION

H. R. 3463

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2011

Received; read twice and referred to the Committee on Rules and
Administration

AN ACT

To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

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

1 **TITLE I—TERMINATION OF TAX-**
 2 **PAYER FINANCING OF PRESI-**
 3 **DENTIAL ELECTION CAM-**
 4 **PAIGNS**

5 **SECTION 101. TERMINATION OF TAXPAYER FINANCING OF**
 6 **PRESIDENTIAL ELECTION CAMPAIGNS.**

7 (a) **TERMINATION OF DESIGNATION OF INCOME TAX**
 8 **PAYMENTS.**—Section 6096 of the Internal Revenue Code
 9 of 1986 is amended by adding at the end the following
 10 new subsection:

11 “(d) **TERMINATION.**—This section shall not apply to
 12 taxable years beginning after December 31, 2010.”.

13 (b) **TERMINATION OF FUND AND ACCOUNT.**—

14 (1) **TERMINATION OF PRESIDENTIAL ELECTION**
 15 **CAMPAIGN FUND.**—

16 (A) **IN GENERAL.**—Chapter 95 of subtitle
 17 H of such Code is amended by adding at the
 18 end the following new section:

19 **“SEC. 9014. TERMINATION.**

20 “The provisions of this chapter shall not apply with
 21 respect to any presidential election (or any presidential
 22 nominating convention) after the date of the enactment
 23 of this section, or to any candidate in such an election.”.

24 (B) **TRANSFER OF EXCESS FUNDS TO GEN-**
 25 **ERAL FUND.**—Section 9006 of such Code is

1 amended by adding at the end the following
2 new subsection:

3 “(d) **TRANSFER OF FUNDS REMAINING AFTER TER-**
4 **MINATION.**—The Secretary shall transfer all amounts in
5 the fund after the date of the enactment of this section
6 to the general fund of the Treasury, to be used only for
7 reducing the deficit.”.

8 (2) **TERMINATION OF ACCOUNT.**—Chapter 96
9 of subtitle H of such Code is amended by adding at
10 the end the following new section:

11 **“SEC. 9043. TERMINATION.**

12 “The provisions of this chapter shall not apply to any
13 candidate with respect to any presidential election after
14 the date of the enactment of this section.”.

15 (c) **CLERICAL AMENDMENTS.**—

16 (1) The table of sections for chapter 95 of sub-
17 title H of such Code is amended by adding at the
18 end the following new item:

“Sec. 9014. Termination.”.

19 (2) The table of sections for chapter 96 of sub-
20 title H of such Code is amended by adding at the
21 end the following new item:

“Sec. 9043. Termination.”.

1 **TITLE II—TERMINATION OF**
 2 **ELECTION ASSISTANCE COM-**
 3 **MISSION**

4 **SEC. 201. TERMINATION OF ELECTION ASSISTANCE COM-**
 5 **MISSION.**

6 (a) **TERMINATION.**—The Help America Vote Act of
 7 2002 (42 U.S.C. 15301 et seq.) is amended by adding at
 8 the end the following new title:

9 **“TITLE X—TERMINATION OF**
 10 **COMMISSION**
 11 **“Subtitle A—Termination**

12 **“SEC. 1001. TERMINATION.**

13 “Effective on the Commission termination date, the
 14 Commission (including the Election Assistance Commis-
 15 sion Standards Board and the Election Assistance Com-
 16 mission Board of Advisors under part 2 of subtitle A of
 17 title II) is terminated and may not carry out any programs
 18 or activities.

19 **“SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MAN-**
 20 **AGEMENT AND BUDGET DURING TRANSI-**
 21 **TION.**

22 “(a) **IN GENERAL.**—The Director of the Office of
 23 Management and Budget shall, effective upon the Com-
 24 mission termination date—

1 “(1) perform the functions of the Commission
2 with respect to contracts and agreements described
3 in subsection 1003(a) until the expiration of such
4 contracts and agreements, but shall not renew any
5 such contract or agreement; and

6 “(2) shall take the necessary steps to wind up
7 the affairs of the Commission.

8 “(b) EXCEPTION FOR FUNCTIONS TRANSFERRED TO
9 OTHER AGENCIES.—Subsection (a) does not apply with
10 respect to any functions of the Commission that are trans-
11 ferred under subtitle B.

12 **“SEC. 1003. SAVINGS PROVISIONS.**

13 “(a) PRIOR CONTRACTS.—The termination of the
14 Commission under this subtitle shall not affect any con-
15 tract that has been entered into by the Commission before
16 the Commission termination date. All such contracts shall
17 continue in effect until modified, superseded, terminated,
18 set aside, or revoked in accordance with law by an author-
19 ized Federal official, a court of competent jurisdiction, or
20 operation of law.

21 “(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

22 “(1) IN GENERAL.—The termination of the
23 Commission under this subtitle shall not affect the
24 authority of any recipient of a payment made by the
25 Commission under this Act prior to the Commission

1 termination date to use any portion of the payment
2 that remains unobligated as of the Commission ter-
3 mination date, and the terms and conditions that
4 applied to the use of the payment at the time the
5 payment was made shall continue to apply.

6 “(2) SPECIAL RULE FOR STATES RECEIVING
7 REQUIREMENTS PAYMENTS.—In the case of a re-
8 quirements payment made to a State under part 1
9 of subtitle D of title II, the terms and conditions ap-
10 plicable to the use of the payment for purposes of
11 the State’s obligations under this subsection (as well
12 as any obligations in effect prior to the termination
13 of the Commission under this subtitle), and for pur-
14 poses of any applicable requirements imposed by
15 regulations promulgated by the Director of the Of-
16 fice of Management and Budget, shall be the general
17 terms and conditions applicable under Federal law,
18 rules, and regulations to payments made by the Fed-
19 eral government to a State, except that to the extent
20 that such general terms and conditions are incon-
21 sistent with the terms and conditions that are speci-
22 fied under part 1 of subtitle D of title II or section
23 902, the terms and conditions specified under such
24 part and such section shall apply.

25 “(c) PENDING PROCEEDINGS.—

1 “(1) NO EFFECT ON PENDING PROCEEDINGS.—
2 The termination of the Commission under this sub-
3 title shall not affect any proceeding to which the
4 Commission is a party that is pending on such date,
5 including any suit to which the Commission is a
6 party that is commenced prior to such date, and the
7 applicable official shall be substituted or added as a
8 party to the proceeding.

9 “(2) TREATMENT OF ORDERS.—In the case of
10 a proceeding described in paragraph (1), an order
11 may be issued, an appeal may be taken, judgments
12 may be rendered, and payments may be made as if
13 the Commission had not been terminated. Any such
14 order shall continue in effect until modified, termi-
15 nated, superseded, or revoked by an authorized Fed-
16 eral official, a court of competent jurisdiction, or op-
17 eration of law.

18 “(3) CONSTRUCTION RELATING TO DIS-
19 CONTINUANCE OR MODIFICATION.—Nothing in this
20 subsection shall be deemed to prohibit the dis-
21 continuance or modification of any proceeding de-
22 scribed in paragraph (1) under the same terms and
23 conditions and to the same extent that such pro-
24 ceeding could have been discontinued or modified if
25 the Commission had not been terminated.

1 “(4) REGULATIONS FOR TRANSFER OF PRO-
2 CEEDINGS.—The Director of the Office of Manage-
3 ment and Budget may issue regulations providing
4 for the orderly transfer of proceedings described in
5 paragraph (1).

6 “(d) JUDICIAL REVIEW.—Orders and actions of the
7 applicable official in the exercise of functions of the Com-
8 mission shall be subject to judicial review to the same ex-
9 tent and in the same manner as if such orders and actions
10 had been issued or taken by the Commission. Any require-
11 ments relating to notice, hearings, action upon the record,
12 or administrative review that apply to any function of the
13 Commission shall apply to the exercise of such function
14 by the applicable official.

15 “(e) APPLICABLE OFFICIAL DEFINED.—In this sec-
16 tion, the ‘applicable official’ means, with respect to any
17 proceeding, order, or action—

18 “(1) the Director of the Office of Management
19 and Budget, to the extent that the proceeding,
20 order, or action relates to functions performed by
21 the Director of the Office of Management and Budg-
22 et under section 1002; or

23 “(2) the Federal Election Commission, to the
24 extent that the proceeding, order, or action relates
25 to a function transferred under subtitle B.

1 **“SEC. 1004. COMMISSION TERMINATION DATE.**

2 “The ‘Commission termination date’ is the first date
3 following the expiration of the 60-day period that begins
4 on the date of the enactment of this subtitle.

5 **“Subtitle B—Transfer of Certain**
6 **Authorities**

7 **“SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION**
8 **FUNCTIONS TO FEDERAL ELECTION COMMIS-**
9 **SION.**

10 “There are transferred to the Federal Election Com-
11 mission (hereafter in this section referred to as the ‘FEC’)
12 the following functions of the Commission:

13 “(1) The adoption of voluntary voting system
14 guidelines, in accordance with part 3 of subtitle A
15 of title II.

16 “(2) The testing, certification, decertification,
17 and recertification of voting system hardware and
18 software by accredited laboratories, in accordance
19 with subtitle B of title II.

20 “(3) The maintenance of a clearinghouse of in-
21 formation on the experiences of State and local gov-
22 ernments in implementing voluntary voting system
23 guidelines and in operating voting systems in gen-
24 eral.

25 “(4) The development of a standardized format
26 for reports submitted by States under section 102(c)

1 of the Uniformed and Overseas Citizens Absentee
2 Voting Act, and the making of such format available
3 to States and units of local government submitting
4 such reports, in accordance with section 703(b).

5 “(5) Any functions transferred to the Commis-
6 sion under section 801 (relating to functions of the
7 former Office of Election Administration of the
8 FEC).

9 “(6) Any functions transferred to the Commis-
10 sion under section 802 (relating to functions de-
11 scribed in section 9(a) of the National Voter Reg-
12 istration Act of 1993).

13 “(7) Any functions of the Commission under
14 section 1604(a) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2002 (Public Law 107–107;
16 115 Stat. 1277; 42 U.S.C. 1977ff note) (relating to
17 establishing guidelines and providing technical as-
18 sistance with respect to electronic voting demonstra-
19 tion projects of the Secretary of Defense).

20 “(8) Any functions of the Commission under
21 section 589(e)(1) of the Military and Overseas Voter
22 Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) (re-
23 lating to providing technical assistance with respect
24 to technology pilot programs for the benefit of ab-
25 sent uniformed services voters and overseas voters).

1 **“SEC. 1012. EFFECTIVE DATE.**

2 “The transfers under this subtitle shall take effect
3 on the Commission termination date described in section
4 1004.”.

5 (b) **CLERICAL AMENDMENT.**—The table of contents
6 of such Act is amended by adding at the end the following:

“TITLE X—TERMINATION OF COMMISSION

“Subtitle A—Termination

“Sec. 1001. Termination.

“Sec. 1002. Transfer of operations to Office of Management and Budget during transition.

“Sec. 1003. Savings provisions.

“Sec. 1004. Commission termination date.

“Subtitle B—Transfer of Certain Authorities

“Sec. 1011. Transfer of election administration functions to Federal Election Commission.

“Sec. 1012. Effective date.”.

7 **SEC. 202. REPLACEMENT OF STANDARDS BOARD AND**
8 **BOARD OF ADVISORS WITH GUIDELINES RE-**
9 **VIEW BOARD.**

10 (a) **REPLACEMENT.**—Part 2 of subtitle A of title II
11 of the Help America Vote Act of 2002 (42 U.S.C. 15341
12 et seq.) is amended to read as follows:

13 **“PART 2—GUIDELINES REVIEW BOARD**

14 **“SEC. 211. ESTABLISHMENT.**

15 “There is established the Guidelines Review Board
16 (hereafter in this part referred to as the ‘Board’).

1 **“SEC. 212. DUTIES.**

2 “The Board shall, in accordance with the procedures
3 described in part 3, review the voluntary voting system
4 guidelines under such part.

5 **“SEC. 213. MEMBERSHIP.**

6 “(a) IN GENERAL.—The Board shall be composed of
7 82 members appointed as follows:

8 “(1) One State or local election official from
9 each State, to be selected by the chief State election
10 official of the State, who shall take into account the
11 needs of both State and local election officials in
12 making the selection.

13 “(2) Two members appointed by the National
14 Conference of State Legislatures.

15 “(3) Two members appointed by the National
16 Association of Secretaries of State.

17 “(4) Two members appointed by the National
18 Association of State Election Directors.

19 “(5) Two members appointed by the National
20 Association of County Recorders, Election Adminis-
21 trators, and Clerks.

22 “(6) Two members appointed by the Election
23 Center.

24 “(7) Two members appointed by the Inter-
25 national Association of County Recorders, Election
26 Officials, and Treasurers.

1 “(8) Two members appointed by the United
2 States Commission on Civil Rights.

3 “(9) Two members appointed by the Architec-
4 tural and Transportation Barrier Compliance Board
5 under section 502 of the Rehabilitation Act of 1973
6 (29 U.S.C. 792).

7 “(10) The chief of the Voting Section of the
8 Civil Rights Division of the Department of Justice
9 or the chief’s designee.

10 “(11) The director of the Federal Voting As-
11 sistance Program of the Department of Defense.

12 “(12) The Director of the National Institute of
13 Standards and Technology or the Director’s des-
14 ignee.

15 “(13) Four members representing professionals
16 in the field of science and technology, of whom—

17 “(A) one each shall be appointed by the
18 Speaker and the minority leader of the House
19 of Representatives; and

20 “(B) one each shall be appointed by the
21 majority leader and the minority leader of the
22 Senate.

23 “(14) Four members representing voter inter-
24 ests, of whom—

1 “(A) one each shall be appointed by the
2 chair and ranking minority member of the
3 Committee on House Administration of the
4 House of Representatives; and

5 “(B) one each shall be appointed by the
6 chair and ranking minority member of the
7 Committee on Rules and Administration of the
8 Senate.

9 “(b) MANNER OF APPOINTMENTS.—

10 “(1) IN GENERAL.—Appointments shall be
11 made to the Board under subsection (a) in a manner
12 which ensures that the Board will be bipartisan in
13 nature and will reflect the various geographic re-
14 gions of the United States.

15 “(2) SPECIAL RULE FOR CERTAIN APPOINT-
16 MENTS.—The two individuals who are appointed as
17 members of the Board under each of the paragraphs
18 (2) through (9) of subsection (a) may not be mem-
19 bers of the same political party.

20 “(c) TERM OF SERVICE; VACANCY.—Members of the
21 Board shall serve for a term of 2 years, and may be re-
22 appointed. Any vacancy in the Board shall be filled in the
23 manner in which the original appointment was made.

24 “(d) EXECUTIVE BOARD.—

1 “(1) IN GENERAL.—Not later than 60 days
2 after the day on which the appointment of its mem-
3 bers is completed, the Board shall select nine of its
4 members to serve as the Executive Board of the
5 Guidelines Review Board, of whom—

6 “(A) not more than five may be State elec-
7 tion officials;

8 “(B) not more than five may be local elec-
9 tion officials; and

10 “(C) not more than five may be members
11 of the same political party.

12 “(2) TERMS.—Except as provided in paragraph
13 (3), members of the Executive Board of the Board
14 shall serve for a term of 2 years and may not serve
15 for more than 3 consecutive terms.

16 “(3) STAGGERING OF INITIAL TERMS.—Of the
17 members first selected to serve on the Executive
18 Board of the Board—

19 “(A) three shall serve for 1 term;

20 “(B) three shall serve for 2 consecutive
21 terms; and

22 “(C) three shall serve for 3 consecutive
23 terms,

24 as determined by lot at the time the members are
25 first appointed.

1 “(4) DUTIES.—The Executive Board of the
2 Board shall carry out such duties of the Board as
3 the Board may delegate.

4 “(e) BYLAWS; DELEGATION OF AUTHORITY.—The
5 Board may promulgate such bylaws as it considers appro-
6 priate to provide for the operation of the Board, including
7 bylaws that permit the Executive Board to grant to any
8 of its members the authority to act on behalf of the Execu-
9 tive Board.

10 **“SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.**

11 “(a) HEARINGS AND SESSIONS.—

12 “(1) IN GENERAL.—To the extent that funds
13 are made available by the Federal Election Commis-
14 sion, the Board may hold such hearings for the pur-
15 pose of carrying out this Act, sit and act at such
16 times and places, take such testimony, and receive
17 such evidence as the Board considers advisable to
18 carry out this title, except that the Board may not
19 issue subpoenas requiring the attendance and testi-
20 mony of witnesses or the production of any evidence.

21 “(2) MEETINGS.—The Board shall hold a meet-
22 ing of its members—

23 “(A) not less frequently than once every 2
24 years for purposes selecting the Executive
25 Board and voting on the voluntary voting sys-

1 tem guidelines referred to it under section 222;
2 and

3 “(B) at such other times as it considers
4 appropriate for purposes of conducting such
5 other business as it considers appropriate con-
6 sistent with this title.

7 “(b) INFORMATION FROM FEDERAL AGENCIES.—
8 The Board may secure directly from any Federal depart-
9 ment or agency such information as the Board considers
10 necessary to carry out this Act. Upon request of the Exec-
11 utive Board, the head of such department or agency shall
12 furnish such information to the Board.

13 “(c) POSTAL SERVICES.—The Board may use the
14 United States mails in the same manner and under the
15 same conditions as a department or agency of the Federal
16 Government.

17 “(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
18 the request of the Executive Board, the Administrator of
19 the General Services Administration shall provide to the
20 Board, on a reimbursable basis, the administrative sup-
21 port services that are necessary to enable the Board to
22 carry out its duties under this title.

23 “(e) NO COMPENSATION FOR SERVICE.—Members of
24 the Board shall not receive any compensation for their
25 service, but shall be paid travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for employ-
 2 ees of agencies under subchapter I of chapter 57 of title
 3 5, United States Code, while away from their homes or
 4 regular places of business in the performance of services
 5 for the Board.

6 **“SEC. 215. STATUS OF BOARD AND MEMBERS FOR PUR-
 7 POSES OF CLAIMS AGAINST BOARD.**

8 “(a) IN GENERAL.—The provisions of chapters 161
 9 and 171 of title 28, United States Code, shall apply with
 10 respect to the liability of the Board and its members for
 11 acts or omissions performed pursuant to and in the course
 12 of the duties and responsibilities of the Board.

13 “(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
 14 WILLFUL CONDUCT.—Subsection (a) may not be con-
 15 strued to limit personal liability for criminal acts or omis-
 16 sions, willful or malicious misconduct, acts or omissions
 17 for private gain, or any other act or omission outside the
 18 scope of the service of a member of the Board.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) MEMBERSHIP ON TECHNICAL GUIDELINES
 21 DEVELOPMENT COMMITTEE.—Section 221(c)(1) of
 22 such Act (42 U.S.C. 15361(c)(1)) is amended—

23 (A) in subparagraph (A), by striking
 24 clauses (i) and (ii) and inserting the following:

1 “(i) Members of the Guidelines Re-
2 view Board.”;

3 (B) by redesignating clause (iii) of sub-
4 paragraph (A) as clause (ii); and

5 (C) in subparagraph (D), by striking
6 “Standards Board or Board of Advisors” and
7 inserting “Guidelines Review Board”.

8 (2) CONSIDERATION OF PROPOSED GUIDE-
9 LINES.—Section 222(b) of such Act (42 U.S.C.
10 15362(b)) is amended—

11 (A) in the heading, by striking “BOARD OF
12 ADVISORS AND STANDARDS BOARD” and in-
13 serting “GUIDELINES REVIEW BOARD”; and

14 (B) by striking paragraphs (2) and (3) and
15 inserting the following:

16 “(2) GUIDELINES REVIEW BOARD.—The Execu-
17 tive Director of the Commission shall submit the
18 guidelines proposed to be adopted under this part
19 (or any modifications to such guidelines) to the
20 Guidelines Review Board.”.

21 (3) REVIEW OF PROPOSED GUIDELINES.—Sec-
22 tion 222(c) of such Act (42 U.S.C. 15362(c)) is
23 amended by striking “the Board of Advisors and the
24 Standards Board shall each review” and inserting
25 “the Guidelines Review Board shall review”.

1 (4) FINAL ADOPTION OF PROPOSED GUIDE-
2 LINES.—Section 222(d) of such Act (42 U.S.C.
3 15362(d)) is amended by striking “the Board of Ad-
4 visors and the Standards Board” each place it ap-
5 pears in paragraphs (1) and (2) and inserting “the
6 Guidelines Review Board”.

7 (5) ASSISTANCE WITH NIST REVIEW OF TEST-
8 ING LABORATORIES.—Section 231(c)(1) of such Act
9 (42 U.S.C. 15371(c)(1)) is amended by striking “the
10 Standards Board and the Board of Advisors” and
11 inserting “the Guidelines Review Board”.

12 (6) ASSISTING FEC WITH DEVELOPMENT OF
13 STANDARDIZED FORMAT FOR REPORTS ON ABSEN-
14 TEE BALLOTS OF ABSENT UNIFORMED SERVICES
15 AND OVERSEAS VOTERS.—Section 703(b) of such
16 Act (42 U.S.C. 1973ff–1 note) is amended by strik-
17 ing “the Election Assistance Commission Board of
18 Advisors and the Election Assistance Commission
19 Standards Board” and inserting “the Guidelines Re-
20 view Board”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 of such Act is amended by amending the item relating to
23 part 2 of subtitle A of title II to read as follows:

“PART 2—GUIDELINES REVIEW BOARD

“Sec. 211. Establishment.

“Sec. 212. Duties.

“Sec. 213. Membership.

“Sec. 214. Powers; no compensation for service.

“Sec. 215. Status of Board and members for purposes of claims against Board.”.

1 (d) **EFFECTIVE DATE.**—The amendments made by
 2 this section shall take effect on the Commission termi-
 3 nation date described in section 1004 of the Help America
 4 Vote Act of 2002 (as added by section 201(a)).

5 **SEC. 203. SPECIAL REQUIREMENTS RELATING TO TRANS-**
 6 **FER OF CERTAIN AUTHORITIES TO FEDERAL**
 7 **ELECTION COMMISSION.**

8 (a) **DEVELOPMENT AND ADOPTION OF VOLUNTARY**
 9 **VOTING SYSTEM GUIDELINES.**—

10 (1) **IN GENERAL.**—Part 3 of subtitle A of title
 11 II of the Help America Vote Act of 2002 (42 U.S.C.
 12 15361 et seq.) is amended by adding at the end the
 13 following new section:

14 **“SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELEC-**
 15 **TION COMMISSION.**

16 “(a) **TRANSFER.**—Effective on the Commission ter-
 17 mination date described in section 1004, the Federal Elec-
 18 tion Commission (hereafter in this section referred to as
 19 the ‘FEC’) shall be responsible for carrying out the duties
 20 and functions of the Commission under this part.

21 “(b) **ROLE OF STAFF DIRECTOR.**—The FEC shall
 22 carry out the operation and management of its duties and
 23 functions under this part through the Office of the Staff
 24 Director of the FEC.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents of such Act is amended by adding at the end
3 of the item relating to part 3 of subtitle A of title
4 II the following:

“Sec. 223. Transfer of authority to Federal Election Commission.”.

5 (b) TESTING, CERTIFICATION, DECERTIFICATION,
6 AND RECERTIFICATION OF VOTING SYSTEM HARDWARE
7 AND SOFTWARE.—

8 (1) IN GENERAL.—Subtitle B of title II of such
9 Act (42 U.S.C. 15371 et seq.) is amended by adding
10 at the end the following new section:

11 **“SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELEC-**
12 **TION COMMISSION.**

13 “(a) TRANSFER.—

14 “(1) IN GENERAL.—Effective on the Commis-
15 sion termination date described in section 1004, the
16 Federal Election Commission (hereafter in this sec-
17 tion referred to as the ‘FEC’) shall be responsible
18 for carrying out the duties and functions of the
19 Commission under this subtitle.

20 “(2) ROLE OF STAFF DIRECTOR.—The FEC
21 shall carry out the operation and management of its
22 duties and functions under this subtitle through the
23 Office of the Staff Director of the FEC.

24 “(b) TRANSFER OF OFFICE OF VOTING SYSTEM
25 TESTING AND CERTIFICATION.—

1 “(1) IN GENERAL.—There are transferred to
2 the FEC all functions that the Office of Voting Sys-
3 tem Testing and Certification of the Commission
4 (hereafter in this section referred to as the ‘Office’)
5 exercised under this subtitle before the Commission
6 termination date.

7 “(2) TRANSFER OF PROPERTY, RECORDS, AND
8 PERSONNEL.—

9 “(A) PROPERTY AND RECORDS.—The con-
10 tracts, liabilities, records, property, appropria-
11 tions, and other assets and interests of the Of-
12 fice, together with the unexpended balances of
13 any appropriations or other funds available to
14 the Office, are transferred and made available
15 to the FEC.

16 “(B) PERSONNEL.—

17 “(i) IN GENERAL.—The personnel of
18 the Office are transferred to the FEC, ex-
19 cept that the number of full-time equiva-
20 lent personnel so transferred may not ex-
21 ceed the number of full-time equivalent
22 personnel of the Office as of January 1,
23 2011.

24 “(ii) TREATMENT OF EMPLOYEES AT
25 TIME OF TRANSFER.—An individual who is

1 an employee of the Office who is trans-
2 ferred under this section shall not be sepa-
3 rated or reduced in grade or compensation
4 because of the transfer during the 1-year
5 period that begins on the date of the trans-
6 fer.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents of such Act is amended by adding at the end
9 of the items relating to subtitle B of title II the fol-
10 lowing:

“Sec. 232. Transfer of authority to Federal Election Commission.”.

11 (c) DEVELOPMENT OF STANDARDIZED FORMAT FOR
12 REPORTS ON ABSENTEE BALLOTING BY ABSENT UNI-
13 FORMED SERVICES VOTERS AND OVERSEAS VOTERS.—
14 Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is
15 amended by adding at the end the following: “Effective
16 on the Commission termination date described in section
17 1004, the Federal Election Commission shall be respon-
18 sible for carrying out the duties and functions of the Com-
19 mission under this subsection.”.

20 **SEC. 204. CONFORMING AMENDMENTS TO OTHER LAWS.**

21 (a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

22 (1) DUTIES OF FEC.—Section 311(a) of the
23 Federal Election Campaign Act of 1971 (2 U.S.C.
24 438(a)) is amended—

1 (A) by striking “and” at the end of para-
2 graph (8);

3 (B) by striking the period at the end of
4 paragraph (9) and inserting a semicolon; and

5 (C) by adding at the end the following new
6 paragraphs:

7 “(10) provide for the adoption of voluntary vot-
8 ing system guidelines, in accordance with part 3 of
9 subtitle A of title II of the Help America Vote Act
10 of 2002 (42 U.S.C. 15361 et seq.);

11 “(11) provide for the testing, certification, de-
12 certification, and recertification of voting system
13 hardware and software by accredited laboratories, in
14 accordance with subtitle B of title II of the Help
15 America Vote Act of 2002 (42 U.S.C. 15371 et
16 seq.);

17 “(12) maintain a clearinghouse of information
18 on the experiences of State and local governments in
19 implementing voluntary voting system guidelines and
20 in operating voting systems in general;

21 “(13) carry out the duties described in section
22 9(a) of the National Voter Registration Act of 1993;

23 “(14) develop a standardized format for reports
24 submitted by States under section 102(c) of the Uni-
25 formed and Overseas Citizens Absentee Voting Act,

1 make such format available to States and units of
2 local government submitting such reports, and re-
3 ceive such reports in accordance with section 102(c)
4 of such Act, in accordance with section 703(b) of the
5 Help America Vote Act of 2002;

6 “(15) carry out the duties described in section
7 1604(a)(2) of the National Defense Authorization
8 Act for Fiscal Year 2002 (Public Law 107–107; 115
9 Stat. 1277; 42 U.S.C. 1977ff note); and

10 “(16) carry out the duties described in section
11 589(e)(1) of the Military and Overseas Voter Em-
12 powerment Act (42 U.S.C. 1973ff–7(e)(1)).”.

13 (2) AUTHORIZATION TO ENTER INTO PRIVATE
14 CONTRACTS TO CARRY OUT FUNCTIONS.—Section
15 311 of such Act (2 U.S.C. 438) is amended by add-
16 ing at the end the following new subsection:

17 “(g) Subject to applicable laws, the Commission may
18 enter into contracts with private entities to carry out any
19 of the authorities that are the responsibility of the Com-
20 mission under paragraphs (10) through (16) of subsection
21 (a).”.

22 (3) LIMITATION ON AUTHORITY TO IMPOSE RE-
23 QUIREMENTS ON STATES AND UNITS OF LOCAL GOV-
24 ERNMENT.—Section 311 of such Act (2 U.S.C.
25 438), as amended by paragraph (2), is further

1 amended by adding at the end the following new
2 subsection:

3 “(h) Nothing in paragraphs (10) through (16) of sub-
4 section (a) or any other provision of this Act shall be con-
5 strued to grant the Commission the authority to issue any
6 rule, promulgate any regulation, or take any other actions
7 that imposes any requirement on any State or unit of local
8 government, except to the extent that the Commission had
9 such authority prior to the enactment of this subsection
10 or to the extent permitted under section 9(a) of the Na-
11 tional Voter Registration Act of 1993 (42 U.S.C. 1973gg-
12 7(a)).”.

13 (b) NATIONAL VOTER REGISTRATION ACT OF
14 1993.—Section 9(a) of the National Voter Registration
15 Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by strik-
16 ing “Election Assistance Commission” and inserting
17 “Federal Election Commission”.

18 (c) UNIFORMED AND OVERSEAS CITIZENS ABSEN-
19 TEE VOTING ACT.—

20 (1) DEVELOPMENT OF STANDARDS FOR STATE
21 REPORTS.—Section 101(b)(11) of the Uniformed
22 and Overseas Citizens Absentee Voting Act (42
23 U.S.C. 1973ff(b)(11)) is amended by striking “the
24 Election Assistance Commission” and inserting “the
25 Federal Election Commission”.

1 (2) RECEIPT OF REPORTS ON NUMBER OF AB-
2 SENTEE BALLOTS TRANSMITTED AND RECEIVED.—
3 Section 102(c) of such Act (42 U.S.C. 1973ff–1(c))
4 is amended by striking “the Election Assistance
5 Commission (established under the Help America
6 Vote Act of 2002)” and inserting “the Federal Elec-
7 tion Commission”.

8 (d) ELECTRONIC VOTING DEMONSTRATION
9 PROJECTS FOR SECRETARY OF DEFENSE.—Section
10 1604(a)(2) of the National Defense Authorization Act for
11 Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277;
12 42 U.S.C. 1977ff note) is amended by striking “the Elec-
13 tion Assistance Commission” and inserting “the Federal
14 Election Commission”.

15 (e) TECHNOLOGY PILOT PROGRAM FOR ABSENT
16 MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of
17 the Military and Overseas Voter Empowerment Act (42
18 U.S.C. 1973ff–7(e)(1)) is amended by striking “Election
19 Assistance Commission” and inserting “Federal Election
20 Commission”.

21 (f) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the Commission termi-
23 nation date described in section 1004 of the Help America
24 Vote Act of 2002 (as added by section 201(a)).

1 **SEC. 205. OTHER CONFORMING AMENDMENTS RELATING**
2 **TO TERMINATION.**

3 (a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title
4 5, United States Code, is amended by striking “or the
5 Election Assistance Commission”.

6 (b) SENIOR EXECUTIVE SERVICE.—Section
7 3132(a)(1)(C) of title 5, United States Code, is amended
8 by striking “or the Election Assistance Commission”.

9 (c) INSPECTOR GENERAL ACT OF 1978.—Section
10 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C.
11 App.) is amended by striking “the Election Assistance
12 Commission,”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the Commission termi-
15 nation date described in section 1004 of the Help America
16 Vote Act of 2002 (as added by section 201(a)).

17 **SEC. 206. STUDIES.**

18 (a) PROCEDURES FOR ADOPTION AND MODIFICATION
19 OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

20 (1) STUDY.—The Comptroller General shall
21 conduct a study of the procedures used to adopt and
22 modify the voluntary voting system guidelines appli-
23 cable to the administration of elections for Federal
24 office, and shall develop recommendations on meth-
25 ods to improve such procedures, taking into account
26 the needs of persons affected by such guidelines, in-

1 including State and local election officials, voters with
2 disabilities, absent military and overseas voters, and
3 the manufacturers of voting systems.

4 (2) REPORT.—Not later than 2 years after the
5 date of the enactment of this Act, the Comptroller
6 General shall submit a report to Congress on the
7 study conducted under paragraph (1), and shall in-
8 clude in the report the recommendations developed
9 under such paragraph.

10 (b) PROCEDURES FOR VOTING SYSTEM TESTING AND
11 CERTIFICATION.—

12 (1) STUDY.—The Federal Election Commission
13 shall conduct a study of the procedures for the test-
14 ing, certification, decertification, and recertification
15 of voting system hardware and software used in elec-
16 tions for Federal office, and shall develop a rec-
17 ommendation on the entity that is best suited to
18 oversee and carry out such procedures, taking into
19 consideration the needs of persons affected by such
20 procedures, including State and local election offi-
21 cials, voters with disabilities, absent military and
22 overseas voters, and the manufacturers of voting
23 systems.

24 (2) REPORT.—Not later than 2 years after the
25 date of the enactment of this Act, the Federal Elec-

1 tion Commission shall submit a report to Congress
2 on the study conducted under paragraph (1), and
3 shall include in the report the recommendation de-
4 veloped under such paragraph.

Passed the House of Representatives December 1,
2011.

Attest:

KAREN L. HAAS,
Clerk.