

117TH CONGRESS
2D SESSION

S. 4239

To establish a democracy advancement and innovation program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 17), 2022

Ms. KLOBUCHAR (for herself, Ms. WARREN, Ms. SMITH, Mrs. FEINSTEIN, Mr. WYDEN, Mr. PADILLA, Mr. MERKLEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. KING, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a democracy advancement and innovation program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Sustaining Our Democracy Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS AND ALLOCATIONS TO STATES

Sec. 101. Democracy Advancement and Innovation Program.

Sec. 102. State plan.
 Sec. 103. Prohibitions.
 Sec. 104. Amount of State allocation.
 Sec. 105. Procedures for disbursements of payments and allocations.
 Sec. 106. Office of Democracy Advancement and Innovation.

TITLE II—STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND

Sec. 201. State Election Assistance and Innovation Trust Fund.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
 Sec. 302. Rule of construction regarding calculation of deadlines.
 Sec. 303. Severability.

1 **TITLE I—PAYMENTS AND** 2 **ALLOCATIONS TO STATES**

3 **SEC. 101. DEMOCRACY ADVANCEMENT AND INNOVATION** 4 **PROGRAM.**

5 (a) ESTABLISHMENT.—There is established a pro-
 6 gram to be known as the “Democracy Advancement and
 7 Innovation Program” under which the Director of the Of-
 8 fice of Democracy Advancement and Innovation shall
 9 make allocations to each State for each fiscal year to carry
 10 out democracy promotion activities described in subsection
 11 (b).

12 (b) DEMOCRACY PROMOTION ACTIVITIES DE-
 13 SCRIBED.—The democracy promotion activities described
 14 in this subsection are as follows:

15 (1) Activities to promote innovation to improve
 16 efficiency and smooth functioning in the administra-
 17 tion of elections for Federal office and to secure the
 18 infrastructure used in the administration of such

1 elections, including making upgrades to voting
2 equipment and voter registration systems, voter reg-
3 istration and nonpartisan voter outreach activities,
4 securing voting locations, expanding polling places
5 and the availability of early and mail voting, and
6 promoting cybersecurity.

7 (2) Activities to recruit, train, and retain non-
8 partisan election officials and poll workers and to
9 protect election officials (both nonpartisan and those
10 elected or appointed to their position) from threats
11 against them in the course of their work admin-
12 istering Federal elections.

13 (3) Activities to increase access to voting in
14 elections for Federal office by underserved commu-
15 nities, individuals with disabilities, racial and lan-
16 guage minority groups, individuals entitled to vote
17 by absentee ballot under the Uniformed and Over-
18 seas Citizens Absentee Voting Act, and voters resid-
19 ing in Indian lands.

20 (c) PERMITTING STATES TO RETAIN AND RESERVE
21 ALLOCATIONS FOR FUTURE USE.—A State may retain
22 and reserve an allocation received for a fiscal year to carry
23 out democracy promotion activities in any subsequent fis-
24 cal year.

1 (d) REQUIRING SUBMISSION AND APPROVAL OF
2 STATE PLAN.—

3 (1) IN GENERAL.—A State shall receive an allo-
4 cation under the Program for a fiscal year if—

5 (A) not later than 90 days before the first
6 day of the fiscal year, the chief State election
7 official of the State submits to the Director the
8 State plan described in section 102; and

9 (B) not later than 45 days before the first
10 day of the fiscal year, the Director, in consulta-
11 tion with the Election Assistance Commission
12 as described in paragraph (3), determines that
13 the State plan will enable the State to carry out
14 democracy promotion activities and approves
15 the plan.

16 (2) SUBMISSION AND APPROVAL OF REVISED
17 PLAN.—If the Director does not approve the State
18 plan as submitted by the State under paragraph (1)
19 with respect to a fiscal year, the State shall receive
20 a payment under the Program for the fiscal year if,
21 at any time prior to the end of the fiscal year—

22 (A) the chief State election official of the
23 State submits a revised version of the State
24 plan; and

1 (B) the Director, in consultation with the
2 Election Assistance Commission as described in
3 paragraph (3), determines that the revised
4 version of the State plan will enable the State
5 to carry out democracy promotion activities and
6 approves the plan.

7 (3) ELECTION ASSISTANCE COMMISSION CON-
8 SULTATION.—With respect to a State plan sub-
9 mitted under paragraph (1) or a revised plan sub-
10 mitted under paragraph (2)—

11 (A) the Director shall, prior to making a
12 determination on approval of the plan, consult
13 with the Election Assistance Commission; and

14 (B) the Election Assistance Commission
15 shall submit to the Director a written assess-
16 ment with respect to whether the proposed ac-
17 tivities of the plan satisfy the requirements of
18 this Act.

19 (4) CONSULTATION WITH LEGISLATURE.—The
20 chief State election official of the State shall develop
21 the State plan submitted under paragraph (1) and
22 any revised plan submitted under paragraph (2) in
23 consultation with the majority party and minority
24 party leaders of each house of the State legislature.

1 (5) RULES FOR STATES THAT DO NOT SUBMIT
 2 A STATE PLAN.—If a State fails to submit a State
 3 plan described in section 102 before the date re-
 4 quired under paragraph (1)(A), under rules estab-
 5 lished by the Director—

6 (A) for purposes of this title (other than
 7 section 104)—

8 (i) each political subdivision within
 9 the State shall be treated as a State for
 10 purposes of this title (other than section
 11 104); and

12 (ii) in applying this title to such polit-
 13 ical subdivision, any duties required of the
 14 chief State election official shall be under-
 15 taken by the executive official of such po-
 16 litical subdivision charged with the admin-
 17 istration of elections;

18 (B) in applying this subsection to any po-
 19 litical subdivision of the State—

20 (i) paragraph (1)(A) shall be applied
 21 by substituting “the first day of the fiscal
 22 year” for “90 days before the first day of
 23 the fiscal year”;

24 (ii) paragraph (1)(B) shall be applied
 25 by substituting “30 days after the first day

of the fiscal year” for “45 days before the first day of the fiscal year”; and

(iii) paragraph (4) shall not apply; and

(C) the amount of the allocation made to each such political subdivision under the Program shall be the sum of—

(i) an amount which bears the same proportion to the amount determined under section 104 with respect to the State in which the political subdivision is located as—

(I) the population of the political subdivision; bears to

(II) the population of such State;

plus

(ii) an amount (not to exceed 100 percent of the amount determined with respect to the political subdivision under clause (i)) which bears the same proportion to the unsubscribed funds of the State as—

(I) the population of the political subdivision; bears to

1 (II) the population of the number
 2 of political subdivisions within the
 3 State that submitted a plan under
 4 section 102 before the date required
 5 under paragraph (1)(A) (after appli-
 6 cation of subparagraph (B)).

7 For purposes of subparagraph (C)(ii), the
 8 unsubscribed funds of any State is the sum of the
 9 amounts described in subparagraph (C)(i) with re-
 10 spect to political subdivisions in the State which did
 11 not submit a plan under this subsection before the
 12 date required under paragraph (1)(A) (after applica-
 13 tion of subparagraph (B)).

14 (e) STATE REPORT ON USE OF ALLOCATIONS.—Not
 15 later than 90 days after the last day of a fiscal year for
 16 which an allocation was made to the State under the Pro-
 17 gram, the chief State election official of the State shall
 18 submit a report to the Director describing how the State
 19 used the allocation, including a description of the democ-
 20 racy promotion activities the State carried out with the
 21 allocation.

22 (f) PUBLIC AVAILABILITY OF INFORMATION.—

23 (1) PUBLICLY AVAILABLE WEBSITE.—The Di-
 24 rector shall make available on a publicly accessible
 25 website the following:

1 (A) State plans submitted under para-
2 graph (1) of subsection (d) and revised plans
3 submitted under paragraph (2) of subsection
4 (d).

5 (B) The Director's notifications of deter-
6 minations with respect to such plans under sub-
7 section (d).

8 (C) Reports submitted by States under
9 subsection (e).

10 (2) REDACTION.—The Director may redact in-
11 formation required to be made available under para-
12 graph (1) if the information would be properly with-
13 held from disclosure under section 552 of title 5,
14 United States Code, or if the public disclosure of the
15 information is otherwise prohibited by law.

16 (g) EFFECTIVE DATE.—This section shall apply with
17 respect to fiscal year 2023 and each succeeding fiscal year.

18 **SEC. 102. STATE PLAN.**

19 (a) CONTENTS.—A State plan under this section with
20 respect to a State is a plan containing each of the fol-
21 lowing:

22 (1) A description of the democracy promotion
23 activities the State will carry out with the payment
24 made under the Program.

1 (2) A statement of whether or not the State in-
2 tends to retain and reserve the payment for future
3 democracy promotion activities.

4 (3) A statement of how the State intends to
5 distribute resources under the plan, including how
6 the distribution of resources will address geographic
7 and racial disparities within the State.

8 (4) A description of how the State intends to
9 allocate funds to carry out the proposed activities,
10 which shall include the amount the State intends to
11 allocate to each such activity, including (if applica-
12 ble) a specific allocation for—

13 (A) activities described in subsection
14 101(b)(1) (relating to election administration);

15 (B) activities described in section
16 101(b)(2) (relating to activities to recruit, train,
17 retain, and protect election workers); and

18 (C) activities described in section
19 101(b)(3) (relating to activities to increase ac-
20 cess to voting in elections for Federal office by
21 certain communities).

22 (5) A description of how funds allocated under
23 paragraph (4) will be allocated to political subdivi-
24 sions of the State.

1 (6) A description of how the State will establish
2 the fund described in subsection (b) for purposes of
3 administering the democracy promotion activities
4 which the State will carry out with the payment, in-
5 cluding information on fund management.

6 (7) A description of the State-based administra-
7 tive complaint procedures established for purposes of
8 section 103(a)(2).

9 (8) A statement regarding whether the pro-
10 posed activities to be funded are permitted under
11 State law, or whether the official intends to seek
12 legal authorization for such activities.

13 (b) REQUIREMENTS FOR FUND.—

14 (1) FUND DESCRIBED.—For purposes of sub-
15 section (a)(6), a fund described in this subsection
16 with respect to a State is a fund which is established
17 in the treasury of the State government, which is
18 used in accordance with paragraph (2), and which
19 consists of the following amounts:

20 (A) Amounts appropriated or otherwise
21 made available by the State for carrying out the
22 democracy promotion activities for which the
23 payment is made to the State under the Pro-
24 gram.

1 (B) The payment made to the State under
2 the Program.

3 (C) Such other amounts as may be appro-
4 priated under law.

5 (D) Interest earned on deposits of the
6 fund.

7 (2) USE OF FUND.—Amounts in the fund shall
8 be used by the State exclusively to carry out democ-
9 racy promotion activities for which the payment is
10 made to the State under the Program.

11 (3) TREATMENT OF STATES THAT REQUIRE
12 CHANGES TO STATE LAW.—In the case of a State
13 that requires State legislation to establish the fund
14 described in this subsection, the Director shall defer
15 disbursement of the payment to such State under
16 the Program until such time as legislation estab-
17 lishing the fund is enacted.

18 **SEC. 103. PROHIBITIONS.**

19 (a) PROHIBITED USES OF PAYMENTS.—

20 (1) IN GENERAL.—A State may not use a pay-
21 ment made under the Program to carry out—

22 (A) any activity described in paragraph
23 (2); or

24 (B) any other activity which has the pur-
25 pose or effect of diminishing the ability of any

1 eligible voter to participate in the electoral proc-
2 ess.

3 (2) PROHIBITED ACTIVITIES.—The following
4 are activities described in this paragraph:

5 (A) Activities that intimidate, threaten, or
6 coerce voters, poll workers, or election adminis-
7 trators.

8 (B) The restriction of the distribution of
9 food or nonalcoholic beverages to voters while
10 waiting at polling places (other than restrictions
11 on distributions made on the basis of the elec-
12 toral participation or political preference of the
13 recipient).

14 (C) The removal of election administrators
15 from their positions other than for negligence,
16 neglect of duty, or malfeasance in office.

17 (D) Defending against lawsuits alleging
18 voter-suppression practices or proposed prac-
19 tices.

20 (E) The investigation of claims of voter
21 fraud based on the mere invocation of interests
22 in voter confidence or prevention of fraud.

23 (F) The performance of audits that—

1 (i) fail to meet best practices estab-
2 lished by the Election Assistance Commis-
3 sion;

4 (ii) fail to meet the requirements for
5 record retention under title III of the Civil
6 Rights Act of 1960 (52 U.S.C. 20701 et
7 seq.); or

8 (iii) otherwise jeopardize election
9 records, voting equipment, electronic poll
10 books, or election management systems (as
11 defined under the voluntary guidance
12 issued by the Election Assistance Commis-
13 sion under section 311 of the Help Amer-
14 ica Vote Act of 2002 (52 U.S.C. 21101)).

15 (G) The removal of voters from voter rolls
16 based on evidence that is not reliable.

17 (H) Activities preventing individuals seek-
18 ing to have their right to vote or register to
19 vote restored.

20 (I) The purchase of voting machines that
21 do not require the use of individual voter-
22 verifiable paper ballots marked through the use
23 of a nontabulating ballot marking device or sys-
24 tem.

1 (b) STATE-BASED ADMINISTRATIVE COMPLAINT
2 PROCEDURES.—

3 (1) ESTABLISHMENT.—A State receiving a pay-
4 ment under the Program shall establish uniform and
5 nondiscriminatory State-based administrative com-
6 plaint procedures under which any person who be-
7 lieves that a violation of subsection (a) has occurred,
8 is occurring, or is about to occur may file a com-
9 plaint.

10 (2) NOTIFICATION TO DIRECTOR.—The State
11 shall transmit to the Director a description of each
12 complaint filed under the procedures, together
13 with—

14 (A) if the State provides a remedy with re-
15 spect to the complaint, a description of the rem-
16 edy; or

17 (B) if the State dismisses the complaint, a
18 statement of the reasons for the dismissal.

19 (3) REVIEW BY DIRECTOR.—

20 (A) REQUEST FOR REVIEW.—Any person
21 who is dissatisfied with the final decision under
22 a State-based administrative complaint proce-
23 dure under this subsection may, not later than
24 60 days after the decision is made, file a re-
25 quest with the Director to review the decision.

1 (B) ACTION BY DIRECTOR.—Upon receiv-
2 ing a request under subparagraph (A), the Di-
3 rector shall review the decision and, in accord-
4 ance with such procedures as the Director may
5 establish, including procedures to provide notice
6 and an opportunity for a hearing, may uphold
7 the decision or reverse the decision and provide
8 an appropriate remedy.

9 (C) PUBLIC AVAILABILITY OF MATE-
10 RIAL.—The Director shall make available on a
11 publicly accessible website all material relating
12 to a request for review and determination by
13 the Director under this paragraph, except that
14 the Director may redact material required to be
15 made available under this subparagraph if the
16 material would be properly withheld from dis-
17 closure under section 552 of title 5, United
18 States Code, or if the public disclosure of the
19 material is otherwise prohibited by law.

20 (4) RIGHT TO PETITION FOR REVIEW.—

21 (A) IN GENERAL.—Any person aggrieved
22 by an action of the Director under subpara-
23 graph (B) of paragraph (3) may file a petition
24 with the United States District Court for the
25 District of Columbia.

1 (B) DEADLINE TO FILE PETITION.—Any
 2 petition under this subparagraph shall be filed
 3 not later than 60 days after the date of the ac-
 4 tion taken by the Director under subparagraph
 5 (B) of paragraph (3).

6 (C) STANDARD OF REVIEW.—In any pro-
 7 ceeding under this paragraph, the court shall
 8 determine whether the action of the Director
 9 was arbitrary, capricious, an abuse of discre-
 10 tion, or otherwise not in accordance with law
 11 under section 706 of title 5, United States
 12 Code, and may direct the Office to conform
 13 with any such determination within 30 days.

14 (c) ACTION BY ATTORNEY GENERAL FOR DECLARA-
 15 TORY AND INJUNCTIVE RELIEF.—The Attorney General
 16 may bring a civil action against any State in an appro-
 17 priate United States District Court for such declaratory
 18 and injunctive relief (including a temporary restraining
 19 order, a permanent or temporary injunction, or other
 20 order) as may be necessary to enforce subsection (a).

21 **SEC. 104. AMOUNT OF STATE ALLOCATION.**

22 (a) STATE-SPECIFIC AMOUNT.—The amount of the
 23 allocation made to a State under the Program for a fiscal
 24 year shall be equal to the product of—

1 (1) the Congressional district allocation amount
2 (determined under subsection (b)); and

3 (2) the number of Congressional districts in the
4 State for the next regularly scheduled general elec-
5 tion for Federal office held in the State.

6 (b) CONGRESSIONAL DISTRICT ALLOCATION
7 AMOUNT.—For purposes of subsection (a), the “Congres-
8 sional district allocation amount” with respect to a fiscal
9 year is equal to the quotient of—

10 (1) the aggregate amount available for alloca-
11 tions to States under the Program for the fiscal
12 year, as determined by the Director under sub-
13 section (c); divided by

14 (2) the total number of Congressional districts
15 in all States.

16 (c) DETERMINATION OF AGGREGATE AMOUNT
17 AVAILABLE FOR ALLOCATIONS; NOTIFICATION TO
18 STATES.—Not later than 120 days before the first day
19 of each fiscal year, the Director—

20 (1) shall determine and establish the aggregate
21 amount available for allocations to States under the
22 Program for the fiscal year, taking into account the
23 anticipated balances of the Trust Fund (including
24 any amounts appropriated pursuant to section
25 106(i)); and

1 (2) shall notify each State of the amount of the
 2 State's allocation under the Program for the fiscal
 3 year.

4 In making the determination under paragraph (1), the Di-
 5 rector shall consult with the Election Assistance Commis-
 6 sion, but shall be solely responsible for making the final
 7 determinations under such paragraph.

8 (d) SOURCE OF PAYMENTS.—The amounts used to
 9 make allocations and payments under the Program shall
 10 be derived solely from the Trust Fund.

11 **SEC. 105. PROCEDURES FOR DISBURSEMENTS OF PAY-**
 12 **MENTS AND ALLOCATIONS.**

13 (a) ALLOCATION.—Upon approving the State plan
 14 under section 102, the Director shall direct the Secretary
 15 of the Treasury to allocate to the Election Assistance
 16 Commission the amount provided for activities under the
 17 plan.

18 (b) PAYMENT TO STATE.—As soon as practicable
 19 after receiving an allocation under subsection (a) with re-
 20 spect to a State, the Election Assistance Commission shall
 21 make payments to—

22 (1) local election administrators in the State
 23 with respect to amounts related to activities in the
 24 State plan carried out directly by such local election
 25 administrators; and

1 (2) the State with respect to any amount not
2 described in paragraph (1).

3 (c) CONTINUING AVAILABILITY OF FUNDS AFTER
4 APPROPRIATION.—A payment made to a State by the
5 Election Assistance Commission under this section shall
6 be available without fiscal year limitation.

7 **SEC. 106. OFFICE OF DEMOCRACY ADVANCEMENT AND IN-**
8 **NOVATION.**

9 (a) ESTABLISHMENT.—There is established as an
10 independent establishment in the executive branch the Of-
11 fice of Democracy Advancement and Innovation.

12 (b) DIRECTOR.—

13 (1) IN GENERAL.—The Office shall be headed
14 by a Director, who shall be appointed by the Presi-
15 dent with the advice and consent of the Senate.

16 (2) TERM OF SERVICE.—The Director shall
17 serve for a term of 6 years and may be reappointed
18 to an additional term, and may continue serving as
19 Director until a replacement is appointed. A vacancy
20 in the position of Director shall be filled in the same
21 manner as the original appointment.

22 (3) COMPENSATION.—The Director shall be
23 paid at an annual rate of pay equal to the annual
24 rate in effect for level II of the Executive Schedule.

1 (4) REMOVAL.—The Director may be removed
2 from office by the President. If the President re-
3 moves the Director, the President shall communicate
4 in writing the reasons for the removal to both
5 Houses of Congress not later than 30 days before-
6 hand. Nothing in this paragraph shall be construed
7 to prohibit a personnel action otherwise authorized
8 by law.

9 (c) GENERAL COUNSEL AND OTHER STAFF.—

10 (1) GENERAL COUNSEL.—The Director shall
11 appoint a general counsel who shall be paid at an
12 annual rate of pay equal to the annual rate in effect
13 for level III of the Executive Schedule. In the event
14 of a vacancy in the position of the Director, the
15 General Counsel shall exercise all the responsibilities
16 of the Director until such vacancy is filled.

17 (2) SENIOR STAFF.—The Director may appoint
18 and fix the pay of staff designated as Senior staff,
19 such as a Deputy Director, who may be paid at an
20 annual rate of pay equal to the annual rate in effect
21 for level IV of the Executive Schedule.

22 (3) OTHER STAFF.—In addition to the General
23 Counsel and Senior staff, the Director may appoint
24 and fix the pay of such other staff as the Director
25 considers necessary to carry out the duties of the

1 Office, except that no such staff may be com-
2 pensated at an annual rate exceeding the daily
3 equivalent of the annual rate of basic pay in effect
4 for grade GS-15 of the General Schedule.

5 (d) DUTIES.—The duties of the Office are as follows:

6 (1) ADMINISTRATION OF PROGRAM.—The Di-
7 rector shall administer the Program, in consultation
8 with the Election Assistance Commission, including
9 by holding quarterly meetings of representatives
10 from such Commission.

11 (2) OVERSIGHT OF TRUST FUND.—The Direc-
12 tor shall oversee the operation of the Trust Fund
13 and monitor its balances, in consultation with the
14 Election Assistance Commission and the Secretary
15 of the Treasury. The Director may hold funds in re-
16 serve to cover the expenses of the Office and to pre-
17 serve the solvency of the Trust Fund.

18 (3) REPORTS.—Not later than 180 days after
19 the date of the regularly scheduled general election
20 for Federal office held in 2024 and each succeeding
21 regularly scheduled general election for Federal of-
22 fice thereafter, the Director, in consultation with the
23 Election Assistance Commission, shall submit to the
24 Committee on House Administration of the House of
25 Representatives and the Committee on Rules and

1 Administration of the Senate a report on the activi-
 2 ties carried out under the Program and the amounts
 3 deposited into and paid from the Trust Fund during
 4 the two most recent fiscal years.

5 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF
 6 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—

7 (1) IN GENERAL.—Section 8G(a)(2) of the In-
 8 spector General Act of 1978 (5 U.S.C. App.) is
 9 amended by inserting “the Office of Democracy Ad-
 10 vancement and Innovation,” after “Election Assist-
 11 ance Commission,”.

12 (2) EFFECTIVE DATE.—The amendment made
 13 by paragraph (1) shall take effect 180 days after the
 14 appointment of the Director.

15 (f) COVERAGE UNDER HATCH ACT.—Clause (i) of
 16 section 7323(b)(2)(B) of title 5, United States Code, is
 17 amended—

18 (1) by striking “or” at the end of subclause
 19 (XIII); and

20 (2) by adding at the end the following new sub-
 21 clause:

22 “(XV) the Office of Democracy Advance-
 23 ment and Innovation; or”.

24 (g) REGULATIONS.—

1 (1) IN GENERAL.—Except as provided in para-
 2 graph (2), not later than 270 days after the date of
 3 enactment of this Act, the Director shall promulgate
 4 such rules and regulations as the Director considers
 5 necessary and appropriate to carry out the duties of
 6 the Office under this Act and the amendments made
 7 by this Act.

8 (2) STATE PLAN SUBMISSION AND APPROVAL
 9 AND DISTRIBUTION OF FUNDS.—Not later than 90
 10 days after the date of the enactment of this Act, the
 11 Director shall promulgate such rules and regulations
 12 as the Director considers necessary and appropriate
 13 to carry out the requirements of this title and the
 14 amendments made by this title.

15 (3) COMMENTS BY THE ELECTION ASSISTANCE
 16 COMMISSION.—The Election Assistance Commission
 17 shall timely submit comments with respect to any
 18 proposed regulations promulgated by the Director
 19 under this subsection.

20 (h) INTERIM AUTHORITY PENDING APPOINTMENT
 21 AND CONFIRMATION OF DIRECTOR.—

22 (1) AUTHORITY OF DIRECTOR OF OFFICE OF
 23 MANAGEMENT AND BUDGET.—Notwithstanding sub-
 24 section (b), during the transition period, the Direc-
 25 tor of the Office of Management and Budget is au-

1 thorized to perform the functions of the Office under
2 this Act, and shall act for all purposes as, and with
3 the full powers of, the Director.

4 (2) INTERIM ADMINISTRATIVE SERVICES.—

5 (A) AUTHORITY OF OFFICE OF MANAGE-
6 MENT AND BUDGET.—During the transition pe-
7 riod, the Director of the Office of Management
8 and Budget may provide administrative services
9 necessary to support the Office.

10 (B) TERMINATION OF AUTHORITY; PER-
11 MITTING EXTENSION.—The Director of the Of-
12 fice of Management and Budget shall cease pro-
13 viding interim administrative services under this
14 paragraph upon the expiration of the transition
15 period, except that the Director of the Office of
16 Management and Budget may continue to pro-
17 vide such services after the expiration of the
18 transition period if the Director and the Direc-
19 tor of the Office of Management and Budget
20 jointly transmit to the Committee on House Ad-
21 ministration of the House of Representatives
22 and the Committee on Rules and Administra-
23 tion of the Senate—

24 (i) a written determination that an or-
25 derly implementation of this Act is not fea-

1 sible by the expiration of the transition pe-
2 riod;

3 (ii) an explanation of why an exten-
4 sion is necessary for the orderly implemen-
5 tation of this Act;

6 (iii) a description of the period during
7 which the Director of the Office of Man-
8 agement and Budget shall continue pro-
9 viding services under the authority of this
10 subparagraph; and

11 (iv) a description of the steps that will
12 be taken to ensure an orderly and timely
13 implementation of this Act during the pe-
14 riod described in clause (iii).

15 (3) TRANSITION PERIOD DEFINED.—In this
16 subsection, the “transition period” is the period
17 which begins on the date of the enactment of this
18 Act and ends on the date on which the first Director
19 is appointed.

20 (4) LIMIT ON LENGTH OF PERIOD OF INTERIM
21 AUTHORITIES.—Notwithstanding any other provision
22 of this subsection, the Director of the Office of Man-
23 agement and Budget may not exercise any authority
24 under this subsection after the expiration of the 24-

1 month period which begins on the date of the enact-
 2 ment of this Act.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated from the Trust Fund
 5 such sums as may be necessary to carry out the activities
 6 of the Office for fiscal year 2023 and each succeeding fis-
 7 cal year.

8 **TITLE II—STATE ELECTION AS-**
 9 **SISTANCE AND INNOVATION**
 10 **TRUST FUND**

11 **SEC. 201. STATE ELECTION ASSISTANCE AND INNOVATION**
 12 **TRUST FUND.**

13 (a) ESTABLISHMENT.—There is established in the
 14 Treasury a fund to be known as the “State Election As-
 15 sistance and Innovation Trust Fund”.

16 (b) CONTENTS.—There is hereby appropriated to the
 17 Trust Fund \$2,000,000,000 for each of fiscal years 2023
 18 through 2032.

19 (c) USE OF FUNDS.—Amounts in the Trust Fund
 20 shall be used to make payments and allocations under the
 21 Program and to carry out the activities of the Office.

22 (d) ACCEPTANCE OF GIFTS.—The Office may accept
 23 gifts or bequests for deposit into the Trust Fund.

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term “chief State election official” has the meaning given such term in section 253(e) of the Help America Vote Act of 2002 (52 U.S.C. 21003(e)).

(2) The term “Director” means the Director of the Office.

(3) The term “Indian lands” includes—

(A) Indian country, as defined under section 1151 of title 18, United States Code;

(B) any land in Alaska owned, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by an Indian Tribe that is a Native village (as defined in section 3 of that Act (43 U.S.C. 1602)) or by a Village Corporation that is associated with an Indian Tribe (as defined in section 3 of that Act (43 U.S.C. 1602));

(C) any land on which the seat of the Tribal government is located; and

(D) any land that is part or all of a Tribal designated statistical area associated with an

1 Indian Tribe, or is part or all of an Alaska Na-
 2 tive village statistical area associated with an
 3 Indian Tribe, as defined by the Census Bureau
 4 for the purposes of the most recent decennial
 5 census.

6 (4) The term “Office” means the Office of De-
 7 mocracy Advancement and Innovation established
 8 under section 105.

9 (5) The term “Program” means the Democracy
 10 Advancement and Innovation Program established
 11 under section 101.

12 (6) The term “State” means each of the several
 13 States, the District of Columbia, the Commonwealth
 14 of Puerto Rico, Guam, American Samoa, the United
 15 States Virgin Islands, and the Commonwealth of the
 16 Northern Mariana Islands.

17 (7) The term “Trust Fund” means the State
 18 Election Assistance and Innovation Trust Fund es-
 19 tablished under section 201.

20 **SEC. 302. RULE OF CONSTRUCTION REGARDING CALCULA-**
 21 **TION OF DEADLINES.**

22 (a) IN GENERAL.—With respect to the calculation of
 23 any period of time for the purposes of a deadline in this
 24 Act, the last day of the period shall be included in such
 25 calculation, unless such day is a Saturday, a Sunday, or

1 a legal public holiday, in which case the period of such
2 deadline shall be extended until the end of the next day
3 which is not a Saturday, a Sunday, a legal public holiday.

4 (b) **LEGAL PUBLIC HOLIDAY DEFINED.**—For the
5 purposes of this section, the term “legal public holiday”
6 means a day described in section 6103(a) of title 5, United
7 States Code.

8 **SEC. 303. SEVERABILITY.**

9 If any provision of this Act or any amendment made
10 by this Act, or the application of any such provision or
11 amendment to any person or circumstance, is held to be
12 unconstitutional, the remainder of such Act and amend-
13 ments made by such Act and the application of such provi-
14 sion or amendment to any other person or circumstance,
15 shall not be affected by the holding.

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