

# Union Calendar No. 825

118TH CONGRESS  
2D SESSION

# H. R. 4563

**[Report No. 118–978, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Mr. STEIL (for himself, Mr. TIFFANY, Mr. GIMENEZ, Mr. WITTMAN, Mr. CAREY, Ms. TENNEY, Mr. VALADAO, Mr. BOST, Mr. VAN ORDEN, Mr. GRAVES of Louisiana, Mr. RESCHENTHALER, Mr. GROTHMAN, Mr. SMITH of New Jersey, Mr. GUEST, Mr. CALVERT, Mr. ELLZEY, Ms. BOEBERT, Ms. GREENE of Georgia, Mr. TIMMONS, Mr. LATURNER, Mr. LAWLER, Mr. GRIFFITH, Mr. BUCSHON, Mr. COLLINS, Mr. MOONEY, Mr. FRY, Mr. D'ESPOSITO, Mr. CLINE, Mr. JOHNSON of Louisiana, Ms. LEE of Florida, Mrs. BICE, Mr. JOHNSON of South Dakota, Mr. AMODEI, Ms. STEFANIK, Mr. MORAN, Mr. BUCHANAN, Mr. HUDSON, Mr. LOUDERMILK, Mr. THOMPSON of Pennsylvania, Mr. MURPHY, Mr. CARTER of Georgia, Mrs. HINSON, Mr. SCALISE, Mr. DESJARLAIS, Mr. EDWARDS, Mr. LATTA, Mr. KUSTOFF, Mr. STAUBER, Mrs. HOUCHIN, Mr. MOYLAN, Mr. LALOTA, Mr. JACKSON of Texas, Mr. SCOTT FRANKLIN of Florida, Mr. ALFORD, Mr. GRAVES of Missouri, Mr. CRENSHAW, Ms. MACE, Mr. MOOLENAAR, Ms. FOXX, Mr. GOODEN of Texas, Mr. TONY GONZALES of Texas, Mr. HILL, Mrs. RODGERS of Washington, Mrs. HARSHBARGER, Mr. SMUCKER, Mr. WENSTRUP, Mr. ROUZER, Mr. LAMALFA, Mr. WILLIAMS of Texas, Mr. PFLUGER, Mr. MCCARTHY, Mr. BALDERSON, Mrs. MCCLAIN, Mr. BABIN, Mr. MIKE GARCIA of California, Mr. COLE, Mrs. WAGNER, Ms. GRANGER, Mr. FLEISCHMANN, Mr. STRONG, Mr. BAIRD, Mr. CRAWFORD, Mr. MCCLINTOCK, Mrs. MILLER of West Virginia, Mr. MILLER of Ohio, Mrs. MILLER of Illinois, Mr. MOORE of Alabama, Mr. FEENSTRA, Mr. MILLS, Mr. CARL, Mr. AUSTIN

SCOTT of Georgia, Mr. LANGWORTHY, Mr. ZINKE, Mr. KELLY of Pennsylvania, Mr. ADERHOLT, Mr. CARTER of Texas, Mr. NEWHOUSE, Mrs. FISCHBACH, Mr. BEAN of Florida, Mrs. MILLER-MEEKS, and Mr. WESTERMAN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, Ways and Means, Science, Space, and Technology, Intelligence (Permanent Select), Homeland Security, Education and the Workforce, Financial Services, Oversight and Accountability, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JANUARY 3, 2025

Additional sponsors: Mr. JAMES, Ms. DE LA CRUZ, Mr. LUTTRELL, Mr. ROSE, Mr. SMITH of Nebraska, Mr. YAKYM, Mr. FLOOD, Mr. FINSTAD, Mr. MCHENRY, Mr. BARR, Mr. KELLY of Mississippi, Mr. STEUBE, Ms. MALLIOTAKIS, Mr. MEUSER, Mrs. CAMMACK, Mr. GREEN of Tennessee, Mr. WALTZ, Mr. BILIRAKIS, Mr. EZELL, Mr. WALBERG, Mr. MCCORMICK, Mr. FALLON, Mr. DUNN of Florida, Mr. SANTOS, Mr. HUIZENGA, Mr. LAHOOD, Mr. WEBER of Texas, Mr. BERGMAN, Mr. WILLIAMS of New York, Mr. LAMBORN, Ms. HAGEMAN, and Mr. NEHLS

JANUARY 3, 2025

Reported from the Committee on House Administration with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JANUARY 3, 2025

Committees on the Judiciary, Ways and Means, Science, Space, and Technology, Intelligence (Permanent Select), Homeland Security, Education and the Workforce, Financial Services, Oversight and Accountability, and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 11, 2023]

# **A BILL**

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.

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.**

4        *This Act may be cited as the “American Confidence*  
 5        *in Elections Act” or the “ACE Act”.*

6        **SEC. 2. TABLE OF CONTENTS.**

7        *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.*

*Sec. 123. Contents of State mail voter registration form.*

*Sec. 124. Provision of photographic citizen voter identification tools for State use.*

*Sec. 125. Mandatory provision of identification for certain voters not voting in person.*

*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.*

*Sec. 138. Voter registration for applicants without driver's license or social security number.*

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

*Sec. 139A. GAO study and report on ability of States to comply with certain special election requirements.*

*Subtitle D—District of Columbia Election Integrity and Voter Confidence*

*Sec. 141. Short title.*

*Sec. 142. Statement of congressional authority; findings.*

*Sec. 143. Requirements for elections in District of Columbia.*

*Sec. 144. Repeal of Local Resident Voting Rights Amendment Act of 2022.*

*Sec. 145. Effective date.*

*Subtitle E—Administration of the Election Assistance Commission*

*Sec. 151. Short title.*

*Sec. 152. Findings relating to the administration of the Election Assistance Commission.*

*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.*

*Sec. 156. Election Assistance Commission primary role in election administration assistance.*

*Sec. 157. Clarification of the duties of the Election Assistance Commission.*

*Sec. 158. Election Assistance Commission powers.*

*Sec. 159. Membership of the Local Leadership Council.*

*Sec. 160. Rule of construction.*

*Subtitle F—Prohibition on Involvement in Elections by Foreign Nationals*

*Sec. 161. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.*

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

*Sec. 163. Prohibition on contributions by foreign nationals to certain tax-exempt entities.*

*Subtitle G—Constitutional Experts Panel With Respect to Presidential Elections*

*Sec. 171. Short title.*

*Sec. 172. Establishment of panel of constitutional experts.*

**TITLE II—MILITARY VOTING ADMINISTRATION**

*Sec. 200. Short title.*

*Subtitle A—Findings Relating to Military Voting*

*Sec. 201. Findings relating to military voting.*

*Subtitle B—GAO Analysis on Military Voting Access*

*Sec. 211. Government Accountability Office report on implementation of Uniformed and Overseas Citizens Absentee Voting Act and improving access to voter registration information and assistance for absent uniformed services voters.*

*TITLE III—FIRST AMENDMENT PROTECTION ACT*

*Sec. 300. Short title.*

*Subtitle A—Protecting Political Speech and Freedom of Association*

*PART 1—PROTECTING POLITICAL SPEECH*

*Sec. 301. Findings.*

*Sec. 302. Repeal of limits on coordinated political party expenditures.*

*Sec. 303. Repeal of limit on aggregate contributions by individuals.*

*Sec. 304. Equalization of contribution limits to State and national political party committees.*

*Sec. 305. Expansion of permissible Federal election activity by State and local political parties.*

*Sec. 306. Participation in joint fundraising activities by multiple political committees.*

*PART 2—PROTECTING FREEDOM OF ASSOCIATION*

*Sec. 307. Findings.*

*Sec. 308. Protecting privacy of donors to tax-exempt organizations.*

*Sec. 309. Reporting requirements for tax-exempt organizations.*

*Sec. 310. Maintenance of standards for determining eligibility of section 501(c)(4) organizations.*

*Subtitle B—Prohibition on Use of Federal Funds for Congressional Campaigns*

*Sec. 311. Prohibiting use of Federal funds for payments in support of congressional campaigns.*

*Subtitle C—Registration and Reporting Requirements*

*Sec. 321. Electronic filing of electioneering communication reports.*

*Sec. 322. Increased qualifying threshold and establishing purpose for political committees.*

*Sec. 323. Increased threshold with respect to independent expenditure reporting requirement.*

*Sec. 324. Increased qualifying threshold with respect to candidates.*

*Sec. 325. Repeal requirement of persons making independent expenditures to report identification of certain donors.*

*Subtitle D—Exclusion of Certain Amounts From Treatment as Contributions or Expenditures*

*Sec. 331. Increased threshold for exemption of certain amounts as contributions.*

*Sec. 332. Exemption of uncompensated internet communications from treatment as contribution or expenditure.*

*Sec. 333. Media exemption.*

*Subtitle E—Prohibition on Issuance of Regulations on Political Contributions*

*Sec. 341. Prohibition on issuance of regulations on Political Contributions.*

*Subtitle F—Miscellaneous Provisions*

*Sec. 351. Permanent extension of fines for qualified disclosure requirement violations.*

*Sec. 352. Permitting political committees to make disbursements by methods other than check.*

*Sec. 353. Designation of individual authorized to make campaign committee disbursements in event of death or incapacity of candidate.*

*Sec. 354. Prohibiting aiding or abetting making of contributions in name of another.*

*Sec. 355. Unanimous consent of Commission members required for Commission to refuse to defend actions brought against Commission.*

*Sec. 356. Federal Election Commission member pay.*

*Sec. 357. Uniform statute of limitations for proceedings to enforce Federal Election Campaign Act of 1971.*

*Sec. 358. Theft from political committee as a Federal crime.*

*Sec. 359. Repeal of obsolete provisions of law.*

*Sec. 360. Deadline for promulgation of proposed regulations.*

**TITLE IV—ELECTION SECURITY**

*Subtitle A—Promoting Election Security*

*Sec. 401. Short title.*

*Sec. 402. Reports to Congress on foreign threats to elections.*

*Sec. 403. Rule of construction.*

*Subtitle B—Cybersecurity for Election Systems*

*Sec. 411. Cybersecurity advisories relating to election systems.*

*Sec. 412. Process to test for cybersecurity vulnerabilities in election equipment.*

*Sec. 413. Sense of Congress regarding need to notify State and local officials of election cybersecurity incidents.*

**TITLE V—CONGRESSIONAL REDISTRICTING**

*Sec. 501. Sense of Congress on authority to establish maps of congressional districts.*

*Sec. 502. Authority for Speaker of the House to join certain civil actions relating to apportionment.*

*Sec. 503. Census Monitoring Board.*

**TITLE VI—DISINFORMATION GOVERNANCE BOARD**

*Sec. 601. Termination of the Disinformation Governance Board.*

*Sec. 602. Prohibition on funding similar board or similar activities.*

**TITLE VII—SEVERABILITY**

*Sec. 701. Severability.*

**1 SEC. 3. GENERAL FINDINGS.**

**2 Congress finds the following:**



1           (1) *According to Article 1, Section 4 of the Con-*  
2           *stitution of the United States, the States have the pri-*  
3           *mary role in establishing “(t)he Times, Places and*  
4           *Manner of holding Elections for Senators and Rep-*  
5           *resentatives”, while Congress has a purely secondary*  
6           *role in this space and must restrain itself from acting*  
7           *improperly and unconstitutionally.*

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

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

20          (4) *States must balance appropriate election ad-*  
21          *ministration structures and systems with accessible*  
22          *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 deter-*  
6        *mine the best redistricting processes for the particular*  
7        *needs of their citizens.*

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

12               *(10) The Civil Rights Act and the Voting Rights*  
13       *Act, which are not anchored in Article 1, Section 4*  
14       *of the Constitution, have seen much success since their*  
15       *passage in 1964 and 1965, and Congress should con-*  
16       *tinue to exercise its constitutional authority in this*  
17       *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 Congress*  
9   *that constitutional scholar Robert Natelson has done inval-*  
10 *uable work with respect to the history and understanding*  
11 *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 legisla-*  
15 *tion and administer elections—the “times, places and*  
16 *manner of holding of elections”—and Congress’ power*  
17 *in this space is purely secondary to the States’ power*  
18 *and is to be employed only in the direst of cir-*  
19 *cumstances. History, precedent, the Framers’ words,*  
20 *debates concerning ratification, the Supreme Court,*  
21 *and the Constitution itself make it exceedingly clear*  
22 *that Congress’ power over elections is not unfettered.*

23               (2) *The Framing Generation grappled with the*  
24 *failure of the Articles of Confederation, which pro-*  
25 *vided for only a weak national government incapable*

1       *of preserving the Union. Under the Articles, the*  
2       *States had exclusive authority over Federal elections*  
3       *held within their territory; but, given the difficulties*  
4       *the national government had experienced with State*  
5       *cooperation (e.g., the failure of Rhode Island to send*  
6       *delegates to the Confederation Congress), the Federal-*  
7       *ists, including Alexander Hamilton, were concerned*  
8       *with the possibility that the States, in an effort to de-*  
9       *stroy the Federal Government, simply might not hold*  
10      *elections or that an emergency, such as an invasion*  
11      *or insurrection, might prevent the operation of a*  
12      *State's government, leaving the Congress without*  
13      *Members and the Federal Government unable to re-*  
14      *spond.*

15           (3) *Quite plainly, Alexander Hamilton, a lead-*  
16      *ing Federalist and proponent of our Constitution, un-*  
17      *derstood the Elections Clause as serving only as a sort*  
18      *of emergency fail-safe, not as a cudgel used to nation-*  
19      *alize our elections process. Writing as Publius to the*  
20      *people of New York, Hamilton further expounds on*  
21      *the correct understanding of the Elections Clause:*  
22      *“T[he] natural order of the subject leads us to con-*  
23      *sider, in this place, that provision of the Constitution*  
24      *which authorizes the national legislature to regulate,*  
25      *in the last resort, the election of its own members.”.*

1     *Alexander Hamilton (writing as Publius), Federalist*  
2     *no. 59, Concerning the Power of Congress to Regulate*  
3     *the Election of Members, N.Y. PACKET (Fri., Feb.*  
4     *22, 1788).*

5             *(4) When questioned at the States' constitutional*  
6     *ratifying conventions with respect to this provision,*  
7     *the Federalists confirmed this understanding of a con-*  
8     *stitutionally limited, secondary congressional power*  
9     *under Article 1, Section 4. (“[C]onvention delegate*  
10    *James McHenry added that the risk to the federal*  
11    *government [without a fail-safe provision] might not*  
12    *arise from state malice: An insurrection or rebellion*  
13    *might prevent a state legislature from administering*  
14    *an election.”); (“An occasion may arise when the ex-*  
15    *ercise of this ultimate power of Congress may be nec-*  
16    *essary . . . if a state should be involved in war, and*  
17    *its legislature could not assemble, (as was the case of*  
18    *South Carolina and occasionally of some other states,*  
19    *during the [Revolutionary] war).”); (“Sir, let it be*  
20    *remembered that this power can only operate in a*  
21    *case of necessity, after the factious or listless disposi-*  
22    *tion of a particular state has rendered an interference*  
23    *essential to the salvation of the general government.”).*  
24    *See Robert G. Natelson, The Original Scope of the*

1      *Congressional Power to Regulate Elections*, 13 U. PA.  
2      *J. CONST. L.* 1, 12–13 (Nov. 2010).

3            (5) *John Jay made similar claims in New York.*

4      *And, as constitutional scholar Robert Natelson notes*  
5      *in his invaluable article, The Original Scope of the*  
6      *Congressional Power to Regulate Elections, “Alex-*  
7      *ander Contee Hanson, a member of Congress whose*  
8      *pamphlet supporting the Constitution proved pop-*  
9      *ular, stated flatly that Congress would exercise its*  
10     *times, places, and manner authority only in cases of*  
11     *invasion, legislative neglect or obstinate refusal to*  
12     *pass election laws [providing for the election of Mem-*  
13     *bers of Congress], or if a state crafted its election laws*  
14     *with a ‘sinister purpose’ or to injure the general gov-*  
15     *ernment.” Cementing his point, Hanson goes further*  
16     *to decree, “The exercise of this power must at all*  
17     *times be so very invidious, that congress will not ven-*  
18     *ture upon it without some very cogent and substantial*  
19     *reason.”. Alexander Contee Hanson (writing as*  
20     *Astrides), Remarks on the Proposed Plan: 31 Janu-*  
21     *ary, reprinted in John P. Kaminski, Gaspare J.*  
22     *Saladino, and Richard Leffler (eds.), 3 Commentaries*  
23     *on the Constitution, public and private 18 December*  
24     *1787 to 31 January 1788 522–26 (1984).*

1           (6) *In fact, had the alternate view of the Elec-*  
2           *tions Clause been accepted at the time of the Constitu-*  
3           *tion’s drafting—that is, that it offers Congress unfet-*  
4           *tered power over Federal elections— it is likely that*  
5           *the Constitution would not have been ratified or that*  
6           *an amendment to this language would have been re-*  
7           *quired.*

8           (7) *Indeed, at least seven of the original 13*  
9           *States—over half and enough to prevent the Constitu-*  
10          *tion from being ratified—expressed specific concerns*  
11          *with the language of the Elections Clause. See 1 An-*  
12          *nals of Cong. 799 (1789), Joseph Gales (ed.) (1834).*  
13          *However, “[l]eading Federalists...” assured them*  
14          *“...that, even without amendment, the [Elections]*  
15          *Clause should be construed as limited to emergencies”.*  
16          *Three States, New York, North Carolina, and Rhode*  
17          *Island, specifically made their ratification contingent*  
18          *on this understanding being made express. Ratifica-*  
19          *tion of the Constitution by the State of New York*  
20          *(July 26, 1788) (“Under these impressions and de-*  
21          *claring that the rights aforesaid cannot be abridged or*  
22          *violated, and the Explanations aforesaid are con-*  
23          *sistent with the said Constitution, And in confidence*  
24          *that the Amendments which have been proposed to the*  
25          *said Constitution will receive early and mature Con-*

1       sideration: We the said Delegates, in the Name and  
2       in [sic] the behalf of the People of the State of New  
3       York Do by these presents Assent to and Ratify the  
4       said Constitution. In full Confidence . . . that the  
5       Congress will not make or alter any Regulation in  
6       this State respecting the times places and manner of  
7       holding Elections for Senators or Representatives un-  
8       less the Legislature of this State shall neglect or refuse  
9       to make laws or regulations for the purpose, or from  
10      any circumstance be incapable of making the same,  
11      and that in those cases such power will only be exer-  
12      cised until the Legislature of this State shall make  
13      provision in the Premises”); Ratification of the Con-  
14      stitution by the State of North Carolina (Nov. 21,  
15      1789) (“That Congress shall not alter, modify, or  
16      interfere in the times, places, or manner of holding  
17      elections for senators and representatives, or either of  
18      them, except when the legislature of any state shall  
19      neglect, refuse or be disabled by invasion or rebellion,  
20      to prescribe the same.”); Ratification of the Constitu-  
21      tion by the State of Rhode Island (May 29, 1790)  
22      (“Under these impressions, and declaring, that the  
23      rights aforesaid cannot be abridged or violated, and  
24      that the explanations aforesaid, are consistent with  
25      the said constitution, and in confidence that the



1        *amendments hereafter mentioned, will receive an*  
 2        *early and mature consideration, and conformably to*  
 3        *the fifth article of said constitution, speedily become*  
 4        *a part thereof; We the said delegates, in the name,*  
 5        *and in [sic] the behalf of the People, of the State of*  
 6        *Rhode-Island and Providence-Plantations, do by these*  
 7        *Presents, assent to, and ratify the said Constitution.*  
 8        *In full confidence . . . That the Congress will not*  
 9        *make or alter any regulation in this State, respecting*  
 10       *the times, places and manner of holding elections for*  
 11       *senators and representatives, unless the legislature of*  
 12       *this state shall neglect, or refuse to make laws or regu-*  
 13       *lations for the purpose, or from any circumstance be*  
 14       *incapable of making the same; and that [i]n those*  
 15       *cases, such power will only be exercised, until the leg-*  
 16       *islature of this State shall make provision in the*  
 17       *Premises[.]”).*

18            *(8) Congress finds that the Framers designed*  
 19        *and the ratifying States understood the Elections*  
 20        *Clause to serve solely as a protective backstop to en-*  
 21        *sure the preservation of the Federal Government, not*  
 22        *as a font of limitless power for Congress to wrest con-*  
 23        *trol of Federal elections from the States.*

24            *(9) This understanding was also reinforced by*  
 25        *debate during the first Congress that convened under*

1     *the Constitution where Representative Aedanus Burke*  
2     *proposed a constitutional amendment to limit the*  
3     *Times, Places and Manner Clause to emergencies. Al-*  
4     *though the amendment failed, those on both sides of*  
5     *the Burke amendment debate already understood the*  
6     *Elections Clause to limit Federal elections power to*  
7     *emergencies.*

8             *(10) History clearly shows that even in the first*  
9     *Congress that convened under the Constitution, it was*  
10    *acknowledged and understood through the debates that*  
11    *ensued over the Elections Clause provision that Con-*  
12    *gress' control over elections is limited.*

13            *(11) Similarly, proponent Representative Smith*  
14    *of South Carolina also believed the original text of the*  
15    *Elections Clause already limited the Federal Govern-*  
16    *ment's power over Federal elections to emergencies*  
17    *and so thought there would be no harm in supporting*  
18    *an amendment to make that language express. Annals*  
19    *of Congress 801 (1789) Joseph Gales Edition. A Cen-*  
20    *tury of Lawmaking for a New Nation: U.S. Congres-*  
21    *sional Documents and Debates, 1774 - 1875 (loc.gov).*  
22    *So, even the records of the First Congress reflect a rec-*  
23    *ognition of the emergency nature of congressional*  
24    *power over Federal elections.*

1           (12) Similarly, the Supreme Court has sup-  
2       ported this understanding. In *Smiley v. Holm*, the  
3       Court held that Article 1, Section 4 of the Constitu-  
4       tion reserved to the States the primary “...authority  
5       to provide a complete code for congressional elections,  
6       not only as to times and places, but in relation to no-  
7       tices, registration, supervision of voting, protection of  
8       voters, prevention of fraud and corrupt practices,  
9       counting of votes, duties of inspectors and canvassers,  
10      and making and publication of election returns; in  
11      short, to enact the numerous requirements as to proce-  
12      dure and safeguards which experience shows are nec-  
13      essary in order to enforce the fundamental right in-  
14      volved. And these requirements would be nugatory if  
15      they did not have appropriate sanctions in the defini-  
16      tion of offenses and punishments. All this is com-  
17      prised in the subject of ‘times, places and manner of  
18      holding elections’, and involves lawmaking in its es-  
19      sential features and most important aspect.”. *Smiley*  
20      *v. Holm*, 285 U.S. 355, 366 (1932).

21           (13) This holding is consistent with the under-  
22      standing of the Elections Clause since the framing of  
23      the Constitution. The *Smiley* Court also held that  
24      while Congress maintains the authority to  
25      “...supplement these state regulations or [to] sub-

1       stitute its own[]”, such authority remains merely “a  
2       general supervisory power over the whole subject.”. *Id.*

3           (14) More recently, the Court noted in *Arizona*  
4       *v. Inter-Tribal Council of Ariz., Inc.* that “[t]his  
5       grant of congressional power [that is, the fail-safe  
6       provision in the Elections Clause] was the Framers’  
7       insurance against the possibility that a State would  
8       refuse to provide for the election of representatives to  
9       the Federal Congress.”. *Arizona v. Inter-Tribal Coun-*  
10      *cil of Arizona, Inc.*, 570 U.S. 1, 7–9 (2013). The  
11      Court explained that the Elections Clause “...imposes  
12      [upon the States] the duty...to prescribe the time,  
13      place, and manner of electing Representatives and  
14      Senators[.]”. *Id.* at 8. And, while, as the Court noted,  
15      “[t]he power of Congress over the ‘Times, Places, and  
16      Manner’ of congressional elections is paramount, and  
17      may be exercised at any time, and to any extent  
18      which it deems expedient; and so far as it is exercised,  
19      and no farther, the regulations effected supersede those  
20      of the State which are inconsistent therewith[]”, *id.* at  
21      9, the Inter-Tribal Court explained, quoting exten-  
22      sively from the *Federalist* no. 59, that it was clear  
23      that the congressional fail-safe included in the Elec-  
24      tions Clause was intended for the sorts of govern-  
25      mental self-preservation discussed here: “[E]very gov-

1        *ernment ought to contain in itself the means of its*  
2        *own preservation[.]”;* “[A]n exclusive power of regu-  
3        *lating elections for the national government, in the*  
4        *hands of the State legislatures, would leave the exist-*  
5        *ence of the Union entirely at their mercy. They could*  
6        *at any moment annihilate it by neglecting to provide*  
7        *for the choice of persons to administer its affairs.”.*  
8        *Id. at 8.*

9            (15) *It is clear in every respect that the congres-*  
10        *sional fail-safe described in the Elections Clause vests*  
11        *purely secondary authority over Federal elections in*  
12        *the Federal legislative branch and that the primary*  
13        *authority rests with the States. Congressional author-*  
14        *ity is intended to be, and as a matter of constitu-*  
15        *tional fact is, limited to addressing the worst imag-*  
16        *inable issues, such as invasion or other matters that*  
17        *might lead to a State not electing representatives to*  
18        *constitute the two Houses of Congress. Congress’ au-*  
19        *thority has never extended to the day-to-day authority*  
20        *over the “Times, Places and Manner of Holding Elec-*  
21        *tions” that the Constitution clearly reserves to the*  
22        *States.*

23            (16) *Congress must act within the bounds of its*  
24        *constitutional authority when enacting legislation*

1        *concerning the administration of our nation’s elec-*  
2        *tions.*

3        ***Subtitle B—Voluntary Consider-***  
4        ***ations for State Administration***  
5        ***of Federal Elections***

6        ***SEC. 111. SHORT TITLE.***

7        *This subtitle may be cited as the “Voluntarily Offered*  
8        *Tools for Election Reforms by States Act” or the “VOTERS*  
9        *Act”.*

10       ***SEC. 112. FINDINGS.***

11       *Congress finds the following:*

12                (1) *The United States Constitution reserves to*  
13        *the States the primary duty and authority to estab-*  
14        *lish election law and to administer Federal elections.*  
15        *See article I, section 4, clause 1 of the Constitution*  
16        *of the United States.*

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

20                (3) *Each State should be afforded the flexibility*  
21        *to implement election administration processes and*  
22        *procedures that are most beneficial in meeting the*  
23        *needs of its voters and ensuring that its elections are*  
24        *free, fair, and secure.*

1           (4) *The Federal Government is in a position to*  
 2           *provide States with voluntary tools to improve elec-*  
 3           *tion integrity and voter confidence, as well to remove*  
 4           *Federal impediments that hinder State efforts.*

5           (5) *The Election Assistance Commission (EAC)*  
 6           *was established to assist States in the administration*  
 7           *of Federal elections. One of its core missions is to*  
 8           *serve as a clearinghouse for election administration*  
 9           *information and to provide a forum for States to dis-*  
 10          *cuss and exchange ideas on issues related to the ad-*  
 11          *ministration of Federal elections, including practices,*  
 12          *processes, and procedures.*

13          (6) *The EAC's Standards Board and Local*  
 14          *Leadership Council are advisory boards with State*  
 15          *and local election official membership from all fifty*  
 16          *States and territories and are best suited to develop*  
 17          *voluntary considerations for various election adminis-*  
 18          *tration practices, processes, and procedures.*

19 **SEC. 113. ELECTION INTEGRITY VOLUNTARY CONSIDER-**  
 20                                   **ATIONS AND FEDERAL FORUM FOR STATE IN-**  
 21                                   **FORMATION SHARING.**

22          (a) *IN GENERAL.*—Subtitle C of title II of the Help  
 23          *America Vote Act of 2002 (52 U.S.C. 20981 et seq.) is*  
 24          *amended—*

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

2           *and*

3           (2) *by inserting after section 246 the following*

4           *new section:*

5       **“SEC. 247. RELEASE OF VOLUNTARY CONSIDERATIONS BY**

6                       **STANDARDS BOARD AND LOCAL LEADERSHIP**

7                       **COUNCIL WITH RESPECT TO ELECTION AD-**

8                       **MINISTRATION.**

9           “(a) *IN GENERAL.—The Standards Board and the*  
 10 *Local Leadership Council of the Commission shall draw*  
 11 *from experiences in their home jurisdictions and informa-*  
 12 *tion voluntarily provided by and between States and their*  
 13 *political subdivisions on the effectiveness or ineffectiveness*  
 14 *of election administration policies and release voluntary*  
 15 *considerations with respect to the administration of an elec-*  
 16 *tion for Federal office.*

17          “(b) *MATTERS TO CONSIDER.—In releasing the vol-*  
 18 *untary considerations under subsection (a), the Standards*  
 19 *Board and the Local Leadership Council shall examine and*  
 20 *consolidate information provided by States and release con-*  
 21 *siderations with respect to each of the following categories:*

22                       “(1) *The process for the administration of ballots*  
 23 *delivered by mail, including—*

24                               “(A) *deadlines for the return and receipt of*  
 25 *such ballots to the appropriate election official;*



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

3           “(C) the process for requesting and tracking  
4           the return of such ballots;

5           “(D) the processing of such ballots upon re-  
6           ceipt by the appropriate election official, includ-  
7           ing the schedule for counting the ballots and the  
8           reporting of the unofficial results of such count-  
9           ing; and

10          “(E) voter identity verification procedures,  
11          including signature matching or verification.

12          “(2) The signature verification procedures used  
13          to verify the identity of voters in an election, which  
14          shall include an evaluation of human and machine  
15          methods of signature verification, an assessment of the  
16          training provided to individuals tasked to carry out  
17          such verification procedures, and the proposal of other  
18          less subjective methods of confirming the identity of a  
19          voter such as requiring the identification number of  
20          a valid government-issued photo identification or the  
21          last four digits of the voter’s social security number  
22          to be provided along with the voter’s signature.

23          “(3) The processes used to carry out maintenance  
24          of the official list of persons registered to vote in each  
25          State.

1           “(4) *Rules and requirements with respect to the*  
2           *access provided to election observers.*

3           “(5) *The processes used to ensure the timely and*  
4           *accurate reporting of the unofficial results of ballot*  
5           *counting in each polling place in a State and the re-*  
6           *porting of the unofficial results of such counting.*

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

10          “(7) *The education of the public with respect to*  
11          *the certification and testing of voting machines and*  
12          *related nonvoting election technology (as defined in*  
13          *section 298C of the Help America Vote Act of 2002)*  
14          *prior to the use of such machines and technology in*  
15          *an election for Federal office, including education*  
16          *with respect to—*

17                 “(A) *how such machines and technology are*  
18                 *tested for accuracy, logic, and security; and*

19                 “(B) *the connectivity to the public internet*  
20                 *of such machines and technology.*

21          “(8) *The processes and procedures used to carry*  
22          *out a post-election audit.*

23          “(9) *The processes and procedures used to ensure*  
24          *a secure chain of custody with respect to ballots and*  
25          *election equipment.*

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

4           “(11) *The conduct of independent post-election*  
 5           *audits.*

6           “(12) *Transparency in the election and voting*  
 7           *process.*

8           “(13) *Accountability measures to ensure compli-*  
 9           *ance by election administrators with applicable law.*

10          “(c) *RELEASE OF VOLUNTARY CONSIDERATIONS.—*

11               “(1) *DEADLINE FOR RELEASE.—Not later than*  
 12               *12 months after the date of the enactment of the*  
 13               *American Confidence in Elections Act, the Standards*  
 14               *Board shall release voluntary considerations with re-*  
 15               *spect to each of the categories described in subsection*  
 16               *(b).*

17               “(2) *TRANSMISSION AND NOTIFICATION RE-*  
 18               *QUIREMENTS.—Not later than 15 days after the date*  
 19               *the Standards Board releases voluntary consider-*  
 20               *ations with respect to a category described in sub-*  
 21               *section (b), the Commission shall—*

22                       “(A) *transmit the considerations to the chief*  
 23                       *State election official of each State and the elect-*  
 24                       *ed leadership of the legislature of each State, in-*  
 25                       *cluding the elected leadership of any committee*

1           *of the legislature of a State with jurisdiction*  
2           *with respect to elections;*

3           “(B) *make the considerations available on a*  
4           *publicly accessible Government website; and*

5           “(C) *notify and transmit the considerations*  
6           *to the chair and ranking minority member of the*  
7           *Committee on House Administration of the*  
8           *House of Representatives, the chair and ranking*  
9           *minority member of the Committee on Rules and*  
10          *Administration of the Senate or their successor*  
11          *committees, and the chairs and ranking minor-*  
12          *ity members of other relevant committees of Con-*  
13          *gress.*

14          “(d) *USE OF REQUIREMENTS PAYMENTS FOR IMPLE-*  
15          *MENTATION OF VOLUNTARY CONSIDERATIONS.—A State*  
16          *may use a requirements payment provided under this Act*  
17          *or any other Federal funds made available to the State by*  
18          *the Commission for the purposes of election administration*  
19          *to implement any of the voluntary considerations released*  
20          *under subsection (a).*

21          “(e) *RULE OF CONSTRUCTION.—Nothing in this sec-*  
22          *tion may be construed—*

23                 “(1) *to require compliance with the voluntary*  
24                 *considerations released under subsection (a), includ-*  
25                 *ing as a condition of the receipt of Federal funds; or*

6 (b) CLERICAL AMENDMENT.—The table of contents of  
7 such Act is amended—

8           (1) by redesignating the item relating to section  
9       247 as relating to section 248; and

10 (2) by inserting after the item relating to section  
11 246 the following new item:

*“Sec. 247. Release of voluntary considerations by Standards Board and Local Leadership Council with respect to election administration.”*

12 *Subtitle C—Requirements to Pro-*  
13 *mote Integrity in Election Ad-*  
14 *ministration*

15 *SEC. 121. ENSURING ONLY ELIGIBLE AMERICAN CITIZENS*  
16 *MAY PARTICIPATE IN FEDERAL ELECTIONS.*

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

21 (b) FINDINGS; SENSE OF CONGRESS.—

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

23                   (A) *Every eligible American citizen who*  
24                   *wishes to cast a ballot in a Federal election must*

1       *be permitted to do so according to law, and their*  
2       *ballot must be examined according to law, and,*  
3       *if it meets all lawful requirements, counted.*

4               *(B) Congress has long required States to*  
5       *lists of eligible voters in Federal elections in a*  
6       *manner that promotes voter confidence.*

7               *(C) The changes included herein are not in-*  
8       *tended to be an expansion of Federal power but*  
9       *rather a clarification of State authority.*

10              *(D) The Fifteenth Amendment, the Nine-*  
11       *teenth Amendment, the Twenty-Fourth Amend-*  
12       *ment, and the Twenty-Sixth Amendment, among*  
13       *other references, make clear that the Constitution*  
14       *prohibits voting by non-citizens in Federal elec-*  
15       *tions.*

16              *(E) Congress has the constitutional author-*  
17       *ity, including under the aforementioned amend-*  
18       *ments, to pass statutes preventing non-citizens*  
19       *from voting in Federal elections, and did so with*  
20       *the Illegal Immigration Reform and Immigrant*  
21       *Responsibility Act of 1996.*

22              *(F) Congress may further exercise its con-*  
23       *stitutional authority to ensure the Constitution's*  
24       *prohibition on non-citizen voting in Federal elec-*  
25       *tions is upheld.*

1           (G) *Since the Constitution prohibits non-*  
2           *citizens from voting in Federal elections, such*  
3           *ineligible persons must not be permitted to be*  
4           *placed on lists of eligible voters in Federal elec-*  
5           *tions.*

6           (H) *Improper placement of an ineligible*  
7           *non-citizen on a list of eligible voters in Federal*  
8           *elections leads to—*

9                   (i) *confusion on the part of the ineli-*  
10                  *gible person with respect to their ineligi-*  
11                  *bility to cast a ballot; and*

12                   (ii) *an increased likelihood that human*  
13                  *error will permit ineligible persons to cast*  
14                  *ballots in Federal elections.*

15           (I) *State officials have confirmed that poor-*  
16           *ly maintained voter registration lists lead to in-*  
17           *eligible persons casting ballots in Federal elec-*  
18           *tions.*

19           (J) *A former Broward County, Florida,*  
20           *elections supervisor has confirmed that ineligible*  
21           *non-voters were able to cast ballots in previous*  
22           *elections and that she was not able to locate as*  
23           *many as 2,040 ballots during the 2018 midterm*  
24           *recount.*

1           (K) *This clarification of State authority to*  
2           *maintain lists of eligible voters in Federal elec-*  
3           *tions to ensure non-citizens are not included on*  
4           *such lists will promote voter confidence in elec-*  
5           *tion processes and outcomes.*

6           (L) *Congress has the authority to ensure*  
7           *that no Federal elections funding is used to sup-*  
8           *port States that permit non-citizens to cast bal-*  
9           *lots in any election.*

10          (M) *Federal courts and executive agencies*  
11          *have much of the information States may need*  
12          *to maintain their lists of eligible voters in Fed-*  
13          *eral elections, and those entities should make*  
14          *that information accessible to State election au-*  
15          *thorities.*

16          (N) *It is important to clarify the penalty*  
17          *for any violation of law that allows a non-citizen*  
18          *to cast a ballot in a Federal election.*

19          (O) *To protect the confidence of voters in*  
20          *Federal elections, it is important to implement*  
21          *the policy described herein.*

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

24                 (A) *many States have not adequately met*  
25                 *the requirements concerning the removal of ineli-*



1        *gible persons from State voter registration rolls*  
2        *pursuant to section 8 of the National Voter Reg-*  
3        *istration Act of 1993 (52 U.S.C. 20507) and*  
4        *should strive to audit and update their voter reg-*  
5        *istration rolls on a routine basis;*

6                *(B) allowing non-citizens to cast ballots in*  
7        *American elections weakens our electoral system,*  
8        *directly and indirectly impacts Federal policy*  
9        *and funding decisions and candidate choice*  
10        *through the election of State and local officials,*  
11        *dilutes the value of citizenship, and sows distrust*  
12        *in our elections system;*

13                *(C) even if a State has the sovereign author-*  
14        *ity, no State should permit non-citizens to cast*  
15        *ballots in State or local elections;*

16                *(D) States should use all information avail-*  
17        *able to them to maintain Federal voter registra-*  
18        *tion lists and should inform Congress if such*  
19        *data is insufficient; and*

20                *(E) Congress may take further action in the*  
21        *future to address this problem.*

22        *(c) CLARIFYING AUTHORITY OF STATES TO REMOVE*  
23        *NONCITIZENS FROM VOTING ROLLS.—*

24                *(1) AUTHORITY UNDER REGULAR REMOVAL PRO-*  
25        *GRAMS.—Section 8(a)(4) of the National Voter Reg-*

1        *istration Act of 1993 (52 U.S.C. 20507(a)(4)) is*  
 2        *amended—*

3                *(A) by striking “or” at the end of subpara-*  
 4                *graph (A);*

5                *(B) by redesignating subparagraph (B) as*  
 6                *subparagraph (C); and*

7                *(C) by inserting after subparagraph (A) the*  
 8                *following new subparagraph:*

9                *“(B) the registrant’s status as a noncitizen*  
 10                *of the United States; or”.*

11                *(2) CONFORMING AMENDMENT RELATING TO ON-*  
 12                *GOING REMOVAL.—Section 8(c)(2)(B)(i) of such Act*  
 13                *(52 U.S.C. 20507(c)(2)(B)(i)) is amended by striking*  
 14                *“(4)(A)” and inserting “(4)(A) or (B)”.*

15                *(d) REQUIREMENT TO MAINTAIN SEPARATE STATE*  
 16                *VOTER REGISTRATION LIST FOR NONCITIZENS.—Section*  
 17                *8(a) of the National Voter Registration Act of 1993 (52*  
 18                *U.S.C. 20507(a)) is amended—*

19                *(1) in paragraph (5)(B), by striking “and” at*  
 20                *the end;*

21                *(2) in paragraph (6), by striking the period at*  
 22                *the end and inserting “; and”; and*

23                *(3) by adding at the end the following new para-*  
 24                *graph:*

1           “(7) in the case of a State that allows individ-  
2           uals who are not citizens of the United States to vote  
3           in elections for public office in the State or any local  
4           jurisdiction of the State, ensure that the name of any  
5           registrant who is not a citizen of the United States  
6           is maintained on a voter registration list that is sep-  
7           arate from the official list of eligible voters with re-  
8           spect to registrants who are citizens of the United  
9           States.”.

10        (e) *REQUIREMENTS FOR BALLOTS FOR STATE OR*  
11 *LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-*  
12 *ING.*—Section 301(a)(1) of the *Help America Vote Act of*  
13 *2002 (52 U.S.C. 21081(a)(1)) is amended by adding at the*  
14 *end the following new subparagraph:*

15           “(D) In the case of a State or local jurisdic-  
16           tion that allows individuals who are not citizens  
17           of the United States to vote in elections for pub-  
18           lic office in the State or local jurisdiction, the  
19           ballot used for the casting of votes by a noncit-  
20           izen in such State or local jurisdiction may only  
21           include the candidates for the elections for public  
22           office in the State or local jurisdiction for which  
23           the noncitizen is permitted to vote.”.

1       (f) *REDUCTION IN PAYMENTS FOR ELECTION ADMINIS-*  
 2 *TRATION TO STATES OR LOCAL JURISDICTIONS THAT*  
 3 *ALLOW NONCITIZEN VOTING.*—

4           (1) *IN GENERAL.*—*Title IX of the Help America*  
 5 *Vote Act of 2002 (52 U.S.C. 21141 et seq.) is amended*  
 6 *by adding at the end the following new section:*

7   **“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL**  
 8                   **JURISDICTIONS THAT ALLOW NONCITIZEN**  
 9                   **VOTING.**

10       “(a) *IN GENERAL.*—*Notwithstanding any other provi-*  
 11 *sion of this Act, the amount of a payment under this Act*  
 12 *to any State or local jurisdiction that allows individuals*  
 13 *who are not citizens of the United States to vote in elections*  
 14 *for public office in the State or local jurisdiction shall be*  
 15 *reduced by 30 percent.*

16       “(b) *PROHIBITION ON USE OF FUNDS FOR CERTAIN*  
 17 *ELECTION ADMINISTRATION ACTIVITIES.*—*Notwithstanding*  
 18 *any other provision of law, no Federal funds may be used*  
 19 *to implement the requirements of section 8(a)(7) of the Na-*  
 20 *tional Voter Registration Act of 1993 (52 U.S.C.*  
 21 *20507(a)(7)) (as added by section 121(d) of the American*  
 22 *Confidence in Elections Act) or section 301(a)(1)(D) of the*  
 23 *Help America Vote Act of 2002 (52 U.S.C. 21081(a)(1)(D))*  
 24 *(as added by section 121(e) of the American Confidence in*  
 25 *Elections Act) in a State or local jurisdiction that allows*

1 *individuals who are not citizens of the United States to vote*  
 2 *in elections for public office in the State or local jurisdic-*  
 3 *tion.”.*

4 (2) *CLERICAL AMENDMENT.—The table of con-*  
 5 *tents of such Act is amended by adding at the end the*  
 6 *following new item:*

*“Sec. 907. Reduction in payments to States or local jurisdictions that allow non-*  
*citizen voting.”.*

7 (g) *PROMOTING PROVISION OF INFORMATION BY FED-*  
 8 *ERAL ENTITIES.—*

9 (1) *IN GENERAL.—*

10 (A) *REQUIREMENT.—Each entity of the*  
 11 *Federal Government which maintains informa-*  
 12 *tion which is relevant to the status of an indi-*  
 13 *vidual as a registered voter in elections for Fed-*  
 14 *eral office in a State shall, upon the request of*  
 15 *an election official of the State, provide that in-*  
 16 *formation to the election official.*

17 (B) *PROHIBITING FEES.—The head of an*  
 18 *entity described in subparagraph (A) may not*  
 19 *charge a fee for responding to an election offi-*  
 20 *cial’s request under such subparagraph.*

21 (2) *POLICIES AND PROCEDURES.—Consistent*  
 22 *with section 3506(g) of title 44, United States Code,*  
 23 *an entity of the Federal Government shall carry out*  
 24 *this subsection in accordance with policies and proce-*

1        *dures which will ensure that the information is pro-*  
 2        *vided securely, accurately, and in a timely basis.*

3                (3) *CONFORMING AMENDMENT RELATING TO COV-*  
 4        *ERAGE UNDER PRIVACY ACT.—Section 552a(b) of title*  
 5        *5, United States Code, is amended—*

6                (A) *by striking “or” at the end of para-*  
 7        *graph (11);*

8                (B) *by striking the period at the end of*  
 9        *paragraph (12) and inserting “; or”; and*

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

12                “(13) *to an election official of a State in accord-*  
 13        *ance with section 121(h) of the American Confidence*  
 14        *in Elections Act.”.*

15        (h) *ENSURING PROVISION OF INFORMATION TO STATE*  
 16        *ELECTION OFFICIALS ON INDIVIDUALS RECUSED FROM*  
 17        *JURY SERVICE ON GROUNDS OF NONCITIZENSHIP.—*

18                (1) *REQUIREMENT DESCRIBED.—If a United*  
 19        *States district court recuses an individual from serv-*  
 20        *ing on a jury on the grounds that the individual is*  
 21        *not a citizen of the United States, the court shall*  
 22        *transmit a notice of the individual’s recusal—*

23                (A) *to the chief State election official of the*  
 24        *State in which the individual resides; and*

1                   (B) to the Attorney General of the United  
2                   States.

3                   (2) *DEFINITIONS.*—For purposes of this sub-  
4                   section—

5                   (A) the “chief State election official” of a  
6                   State is the individual designated by the State  
7                   under section 10 of the National Voter Registra-  
8                   tion Act of 1993 (52 U.S.C. 20509) to be respon-  
9                   sible for coordination of the State’s responsibil-  
10                  ities under such Act; and

11                  (B) the term “State” has the meaning given  
12                  such term in section 901 of the Help America  
13                  Vote Act of 2002 (52 U.S.C. 21141), as amended  
14                  by section 138.

15                  (i) *PROHIBITION ON VOTING BY NONCITIZENS IN FED-*  
16                  *ERAL ELECTIONS.*—

17                  (1) *IN GENERAL.*—Section 12 of the National  
18                  Voter Registration Act of 1993 (52 U.S.C. 20511) is  
19                  amended—

20                  (A) by striking “A person” and inserting  
21                  “(a) *IN GENERAL.*—A person”; and

22                  (B) by adding at the end the following new  
23                  subsection:

24                  “(b) *PROHIBITION ON VOTING BY ALIENS.*—

1           “(1) *IN GENERAL.*—*It shall be unlawful for any*  
 2           *alien to vote in any election in violation of section*  
 3           *611 of title 18, United States Code.*

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

7           (2) *EFFECTIVE DATE.*—*This subsection and the*  
 8           *amendments made by this subsection shall apply with*  
 9           *respect to elections held after the date of the enact-*  
 10          *ment of this Act.*

11 **SEC. 122. STATE REPORTING REQUIREMENTS WITH RE-**  
 12                                   **SPECT TO VOTER LIST MAINTENANCE.**

13          *Section 8 of the National Voter Registration Act of*  
 14          *1993 (52 U.S.C. 20507) is amended—*

15                 (1) *in subsection (i), by adding at the end the*  
 16          *following:*

17                 “(3) *The records maintained pursuant to paragraph*  
 18          *(1) shall include lists of the names and addresses of all reg-*  
 19          *istrants in a State who were inactive according to the cri-*  
 20          *teria described in subsection (d)(1)(B) and the length of*  
 21          *time each such registrant has been inactive according to*  
 22          *such criteria.*

23                 “(4) *Nothing in this subsection may be construed to*  
 24          *waive the requirement that a State make the records main-*  
 25          *tained pursuant to paragraph (1) publically available,*



1 *without regard to whether or not the records are maintained*  
 2 *in whole or in part, or were provided to the State or a*  
 3 *political subdivision of the State, by a nongovernmental or-*  
 4 *ganization or other private entity.”;*

5 *(2) by redesignating subsection (j) as subsection*  
 6 *(k); and*

7 *(3) by inserting after subsection (i) the following*  
 8 *new subsection:*

9 *“(j) REPORTING REQUIREMENTS.—Not later than*  
 10 *June 30 of each odd-numbered year, each State shall submit*  
 11 *to the Election Assistance Commission a report that in-*  
 12 *cludes, with respect to such State during the preceding 2-*  
 13 *year period, the total number of—*

14 *“(1) registrants who were inactive according to*  
 15 *the criteria described in subsection (d)(1)(B) and the*  
 16 *length of time each such registrant has been inactive*  
 17 *according to such criteria;*

18 *“(2) registrants who voted in at least one of the*  
 19 *prior 2 consecutive general elections for Federal office;*

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

22 *“(4) notices sent to registrants pursuant to sub-*  
 23 *section (d)(2); and*

24 *“(5) registrants who received a notice described*  
 25 *in paragraph (4) who responded to such notice.”.*

1 **SEC. 123. CONTENTS OF STATE MAIL VOTER REGISTRATION**  
 2 **FORM.**

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

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

8 (1) *in paragraph (1), by inserting “, except that*  
 9 *a State may, in addition to the criteria stated in sec-*  
 10 *tion 9(b), require that an applicant provide proof*  
 11 *that the applicant is a citizen of the United States”*  
 12 *after “elections for Federal office”; and*

13 (2) *in paragraph (2), by inserting “and such*  
 14 *form may include a requirement that the applicant*  
 15 *provide proof that the applicant is a citizen of the*  
 16 *United States” after “elections for Federal office”.*

17 **SEC. 124. PROVISION OF PHOTOGRAPHIC CITIZEN VOTER**  
 18 **IDENTIFICATION TOOLS FOR STATE USE.**

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

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

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

23 (A) *Photo voter identification programs es-*  
 24 *tablished by the States should be administered*  
 25 *without unlawful discrimination and with an*  
 26 *eye toward balancing appropriate access to the*

1       *ballot box with election integrity and voter con-*  
2       *fidence goals.*

3               *(B) As confirmed by the bipartisan Com-*  
4       *mission on Federal Election Reform (commonly*  
5       *known as the Carter-Baker Commission),*  
6       *“[v]oters in nearly 100 democracies use a photo*  
7       *identification card without fear of infringement*  
8       *of their rights”.*

9               *(C) As confirmed by the Carter-Baker Com-*  
10       *mission, “[t]he right to vote is a vital component*  
11       *of U.S. citizenship and all States should use*  
12       *their best efforts to obtain proof of citizenship be-*  
13       *fore registering voters.”.*

14               *(D) The Carter-Baker Commission was cor-*  
15       *rect in its 2005 report when it recommended that*  
16       *the REAL ID Act be “modestly adapted for vot-*  
17       *ing purposes to indicate on the front or back*  
18       *whether the individual is a U.S. citizen.”.*

19               *(E) Congress acknowledges the important*  
20       *work completed by the Carter-Baker Commission*  
21       *and, by amending the REAL ID Act, resolves the*  
22       *concerns in the Commission’s report that “[t]he*  
23       *REAL ID Act does not require that the card in-*  
24       *dicates citizenship, but that would need to be*

1       *done if the card is to be used for voting pur-*  
2       *poses”.*

3               *(F) Photographic voter identification is im-*  
4       *portant for ensuring voter confidence in election*  
5       *processes and outcomes.*

6               *(G) Requiring photographic voter identi-*  
7       *fication is well within States’ constitutional*  
8       *competence, including pursuant to the Qualifica-*  
9       *tions Clause of the Constitution of the United*  
10       *States (article I, section 2, clause 2), the Presi-*  
11       *dential Electors Clause of the Constitution (arti-*  
12       *cle II, section 1, clause 2), and the Seventeenth*  
13       *Amendment.*

14               *(H) The Fifteenth Amendment, the Nine-*  
15       *teenth Amendment, the Twenty-Fourth Amend-*  
16       *ment, and the Twenty-Sixth Amendment, among*  
17       *other references, make clear that the Constitution*  
18       *prohibits voting by non-citizens in Federal elec-*  
19       *tions.*

20               *(I) Congress has the constitutional author-*  
21       *ity, including under the aforementioned amend-*  
22       *ments, to pass statutes preventing non-citizens*  
23       *from voting in Federal elections, and did so with*  
24       *the Illegal Immigration Reform and Immigrant*  
25       *Responsibility Act of 1996.*

1           *(J) Congress may further exercise its con-*  
 2           *stitutional authority to ensure the Constitution’s*  
 3           *prohibition on non-citizen voting in Federal elec-*  
 4           *tions is upheld.*

5           *(2) SENSE OF CONGRESS.—It is the sense of*  
 6           *Congress that—*

7           *(A) the States should implement the sub-*  
 8           *stance of the recommendation of the Carter-*  
 9           *Baker Commission that, “[t]o ensure that per-*  
 10           *sons presenting themselves at the polling place*  
 11           *are the ones on the registration list, the Commis-*  
 12           *sion recommends that States [encourage] voters*  
 13           *to use the REAL ID card, which was mandated*  
 14           *in a law signed by the President in May 2005”;*  
 15           *and*

16           *(B) a standard State photo identification*  
 17           *document, when required for voting purposes,*  
 18           *should be available at no cost to individuals who*  
 19           *cannot afford the cost of obtaining such docu-*  
 20           *ment.*

21           *(c) REAL ID ACT AMENDMENT.—*

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

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

(d) *RULE OF CONSTRUCTION.*—Nothing in this section or in any amendment made by this section may be construed to establish or mandate the use of a national identification card or to authorize any office of the executive branch to establish or mandate the use of a national identification card.

16 *SEC. 125. MANDATORY PROVISION OF IDENTIFICATION FOR*  
17 *CERTAIN VOTERS NOT VOTING IN PERSON.*

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

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

23 (2) by inserting after section 303 the following  
24 new section:

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

3 “(a) *FINDING OF CONSTITUTIONAL AUTHORITY.—*Con-  
4 *gress finds that it has the authority to establish the terms*  
5 *and conditions that States must follow with respect to the*  
6 *administration of voting by mail because article I, section*  
7 *8, clause 7 of the Constitution of the United States and*  
8 *other enumerated powers grant Congress the power to regu-*  
9 *late the operations of the United States Postal Service.*

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

12 “(1) *INDIVIDUALS REQUESTING A BALLOT TO*  
13 *VOTE BY MAIL.—*Notwithstanding any other provision  
14 *of law, the appropriate State or local election official*  
15 *may not provide an individual a ballot to vote by*  
16 *mail for an election for Federal office in a case in*  
17 *which the individual requested such ballot other than*  
18 *in person from the appropriate State or local election*  
19 *official of the State at a State-designated elections of-*  
20 *fice unless the individual submits with the applica-*  
21 *tion for the ballot a copy of an identification de-*  
22 *scribed in paragraph (3).*

23 “(2) *INDIVIDUALS VOTING BY MAIL IN CERTAIN*  
24 *CASES.—*

25 “(A) *IN GENERAL.—*Notwithstanding any  
26 *other provision of law, in a case in which the*

1        *appropriate State or local election official pro-*  
2        *vides an individual a ballot to vote by mail for*  
3        *an election for Federal office without requiring*  
4        *such individual to submit a separate application*  
5        *or request to receive such ballot for each such*  
6        *election, the election official may not accept the*  
7        *voted ballot unless the individual submits with*  
8        *the voted ballot a copy of an identification de-*  
9        *scribed in paragraph (3).*

10        *“(B) FAIL-SAFE VOTING.—An individual*  
11        *who desires to vote other than in person but who*  
12        *does not meet the requirements of subparagraph*  
13        *(A) may cast such a ballot other than in person*  
14        *and the ballot shall be counted as a provisional*  
15        *ballot in accordance with section 302(a).*

16        *“(3) IDENTIFICATION DESCRIBED.—An identi-*  
17        *fication described in this paragraph is, with respect*  
18        *to an individual—*

19                *“(A) a current and valid photo identifica-*  
20                *tion of the individual;*

21                *“(B) a copy of a current utility bill, bank*  
22                *statement, government check, paycheck, or other*  
23                *government document that shows the name and*  
24                *address of the individual;*



1           “(C) a valid driver’s license or an identi-  
2           fication card issued by a State or the identifica-  
3           tion number for such driver’s license or identi-  
4           fication card issued by a State;

5           “(D) the last 4 digits of the individual’s so-  
6           cial security number; or

7           “(E) such other documentation issued by the  
8           Federal Government or by a State, local, or  
9           Tribal government that provides the same or  
10          more identifying information as required by sub-  
11          paragraphs (A) through (D) such that the elec-  
12          tion official is reasonably certain as to the iden-  
13          tity of the individual.

14          “(c) *EXCEPTIONS.*—This section does not apply with  
15          respect to any individual who is—

16               “(1) entitled to vote by absentee ballot under the  
17               Uniformed and Overseas Citizens Absentee Voting Act  
18               (52 U.S.C. 20301 et seq.);

19               “(2) provided the right to vote otherwise than in  
20               person under section 3(b)(2)(B)(ii) of the Voting Ac-  
21               cessibility for the Elderly and Handicapped Act (52  
22               U.S.C. 20102(b)(2)(B)(ii)); or

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

1       “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
 2       *tion may be construed—*

3               “(1) *as prohibiting a State from imposing iden-*  
 4       *tification requirements to request a ballot to vote by*  
 5       *mail or cast a vote by mail that are more stringent*  
 6       *than the requirements under this section; or*

7               “(2) *as affecting the authority of a State to re-*  
 8       *quire notarization or witness signature or other for-*  
 9       *mal authentication as a condition of obtaining or*  
 10       *casting an absentee ballot.*

11       “(e) *EFFECTIVE DATE.*—*This section shall take effect*  
 12       *on January 1, 2025.”.*

13       (b) *CONFORMING AMENDMENTS RELATING TO EXIST-*  
 14       *ING IDENTIFICATION REQUIREMENTS.—*

15               (1) *TREATMENT AS INDIVIDUALS REGISTERING*  
 16       *TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME*  
 17       *VOTER IDENTIFICATION REQUIREMENTS.—Section*  
 18       *303(b)(1)(A) of the Help America Vote Act of 2002*  
 19       *(52 U.S.C. 21083(b)(1)(A)) is amended by striking*  
 20       *“by mail” and inserting “by mail or otherwise not in*  
 21       *person at an elections office or voter registration*  
 22       *agency of the State”.*

23               (2) *EXCEPTIONS.—Section 303(b)(3) of the Help*  
 24       *America Vote Act of 2002 (52 U.S.C. 21083(b)(3)) is*  
 25       *amended—*

1           (A) in subparagraph (A), by striking “by  
2           mail under section 6 of the National Voter Reg-  
3           istration Act of 1993 (42 U.S.C. 1973gg-4)” and  
4           inserting “by mail under section 6 of the Na-  
5           tional Voter Registration Act of 1993 (52 U.S.C.  
6           20505) or otherwise not in person at a voter reg-  
7           istration agency of the State”; and

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

15          (3) *EXPANSION OF TYPES OF IDENTIFICATION*  
16          *PERMITTED*.—Section 303(b)(2)(A) of the *Help Amer-*  
17          *ica Vote Act of 2002* (52 U.S.C. 21083(b)(2)(A)) is  
18          amended—

19               (A) in clause (i)—

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

22                   (ii) by adding at the end the following  
23                   new subclause:

24                               “(III) such other documentation  
25                               issued by a Federal, State, or local

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

7                   *(B) in clause (ii)—*

8                   *(i) in subclause (I), by striking “or” at*  
 9                   *the end;*

10                  *(ii) in subclause (II), by striking the*  
 11                  *period at the end and inserting “; or”; and*

12                  *(iii) by adding at the end the following*  
 13                  *new subclause:*

14                               *“(III) such other documentation*  
 15                               *issued by a Federal, State, or local*  
 16                               *government that provides the same or*  
 17                               *more identifying information as re-*  
 18                               *quired by subclauses (I) and (II) such*  
 19                               *that the election official is reasonably*  
 20                               *certain as to the identity of the indi-*  
 21                               *vidual.”.*

22           *(c) CONFORMING AMENDMENT RELATING TO EN-*  
 23           *FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)*  
 24           *is amended by striking “and 303” and inserting “303, and*  
 25           *304”.*

1       (d) *CLERICAL AMENDMENT.*—*The table of contents of*  
 2 *such Act is amended—*

3               (1) *by redesignating the items relating to sec-*  
 4 *tions 304 and 305 as relating to sections 305 and*  
 5 *306; and*

6               (2) *by inserting after the item relating to section*  
 7 *303 the following:*

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

8       **SEC. 126. CONFIRMING ACCESS FOR CONGRESSIONAL**  
 9               **ELECTION OBSERVERS.**

10       (a) *SHORT TITLE.*—*This section may be cited as the*  
 11 *“Confirmation of Congressional Observer Access Act of*  
 12 *2023” or the “COCOA Act of 2023”.*

13       (b) *FINDINGS RELATING TO CONGRESSIONAL ELEC-*  
 14 *TION OBSERVERS.*—*Congress finds the following:*

15               (1) *The Constitution delegates to each House of*  
 16 *the Congress the authority to “be the Judge of the*  
 17 *Elections, Returns and Qualifications of its own*  
 18 *Members”.*

19               (2) *While, in general, Congress shall respect the*  
 20 *determination of State authorities with respect to the*  
 21 *election of members to each House, each House of*  
 22 *Congress serves as the final arbiter over any contest*  
 23 *to the seating of any putative Member-elect or Sen-*  
 24 *ator-elect.*

1           (3) *These election contest procedures are con-*  
 2           *tained in the precedents of each House of Congress.*  
 3           *Further, for the House of Representatives the proce-*  
 4           *dures exist under the Federal Contested Elections Act.*

5           (4) *In the post-Civil War modern era, more than*  
 6           *100 election contests have been filed with the House*  
 7           *of Representatives.*

8           (5) *For decades, Congress has appointed and*  
 9           *sent out official congressional observers to watch the*  
 10          *administration of congressional elections in the States*  
 11          *and territories.*

12          (6) *These observers serve to permit Congress to*  
 13          *develop its own factual record in preparation for*  
 14          *eventual contests and for other reasons.*

15          (7) *This section and the amendments made by*  
 16          *this section do not establish any new authorities or*  
 17          *procedures but are provided simply to permit a con-*  
 18          *venient statutory reference for existing congressional*  
 19          *authority and activity.*

20          (c) *CONFIRMING REQUIREMENT THAT STATES PRO-*  
 21          *VIDE ACCESS.—Title III of the Help America Vote Act of*  
 22          *2002 (52 U.S.C. 21081 et seq.), as amended by section*  
 23          *125(a), is amended—*

24                 (1) *by redesignating sections 305 and 306 as sec-*  
 25                 *tions 306 and 307; and*

1           (2) *by inserting after section 304 the following*  
2       *new section:*

3       **“SEC. 305. CONFIRMING ACCESS FOR CONGRESSIONAL**  
4               **ELECTION OBSERVERS.**

5       “(a) *FINDING OF CONSTITUTIONAL AUTHORITY.—Con-*  
6       *gress finds that it has the authority to require that States*  
7       *allow access to designated congressional election observers*  
8       *to observe the election administration procedures in an elec-*  
9       *tion for Federal office because the authority granted to Con-*  
10       *gress under article I, section 5 of the Constitution of the*  
11       *United States gives each House of Congress the power to*  
12       *be the judge of the elections, returns and qualifications of*  
13       *its own Members.*

14       “(b) *REQUIRING STATES TO PROVIDE ACCESS.—A*  
15       *State shall provide each individual who is a designated con-*  
16       *gressional election observer for an election with full access*  
17       *to clearly observe all of the elements of the administration*  
18       *procedures with respect to such election, including but not*  
19       *limited to in all areas of polling places and other facilities*  
20       *where ballots in the election are processed, tabulated, cast,*  
21       *canvassed, and certified, in all areas where voter registra-*  
22       *tion activities occur before such election, and in any other*  
23       *such place where election administration procedures to pre-*  
24       *pare for the election or carry out any post-election recounts*  
25       *take place. No designated Congressional election observer*

1 *may handle ballots, elections equipment (voting or non vot-*  
 2 *ing), advocate for a position or candidate, take any action*  
 3 *to reduce ballot secrecy or otherwise violate the privacy of*  
 4 *a voter, or otherwise interfere with the elections administra-*  
 5 *tion process.*

6       “(c) *DESIGNATED CONGRESSIONAL ELECTION OB-*  
 7 *SERVER DESCRIBED.*—*In this section, a ‘designated con-*  
 8 *gressional election observer’ is an individual who is des-*  
 9 *ignated in writing by the chair or ranking minority mem-*  
 10 *ber of the Committee on House Administration of the House*  
 11 *of Representatives or the Committee on Rules and Adminis-*  
 12 *tration of the Senate, or the successor committee in either*  
 13 *House of Congress to gather information with respect to an*  
 14 *election, including in the event that the election is contested*  
 15 *in the House of Representatives or the Senate and for other*  
 16 *purposes permitted by article 1, section 5 of the Constitu-*  
 17 *tion of the United States.”.*

18       (d) *CONFORMING AMENDMENT RELATING TO EN-*  
 19 *FORCEMENT.*—*Section 401 of such Act (52 U.S.C. 21111),*  
 20 *as amended by section 125(c), is amended by striking “and*  
 21 *304” and inserting “304, and 305”.*

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



1           (1) by redesignating the items relating to sec-  
 2           tions 305 and 306 as relating to sections 306 and  
 3           307; and

4           (2) by inserting after the item relating to section  
 5           304 the following:

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

6   **SEC. 127. USE OF REQUIREMENTS PAYMENTS FOR POST-**  
 7           **ELECTION AUDITS.**

8           (a) *PERMITTING USE OF PAYMENTS FOR AUDITS.*—  
 9           Section 251(b)(1) of the Help America Vote Act of 2002 (52  
 10          U.S.C. 21001(b)(1)) is amended by inserting “, including  
 11          to conduct and publish an audit of the effectiveness and  
 12          accuracy of the voting systems, nonvoting election tech-  
 13          nology (as defined in section 298C), election procedures,  
 14          and outcomes used to carry out an election for Federal office  
 15          in the State and the performance of the State and local  
 16          election officials who carried out the election, but only if  
 17          the audit meets the requirements of paragraph (4)” after  
 18          “requirements of title III”.

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

22                 “(4) *REQUIREMENTS FOR AUDITS CONDUCTED*  
 23                 *WITH REQUIREMENTS PAYMENTS.*—An audit de-  
 24                 scribed in paragraph (1) meets the requirements of  
 25                 this paragraph if—

1           “(A) no individual who participates in con-  
2           ducting the audit is an employee or contractor of  
3           an office of the State or local government which  
4           is responsible for the administration of elections  
5           for Federal office or of a subsidiary or affiliate  
6           of such an office; and

7           “(B) the audit includes an examination of  
8           compliance with established processes for voter  
9           registration, voter check-in, voting, tabulation,  
10          canvassing, post-election proceedings (such as re-  
11          counts and recanvasses), and reporting of re-  
12          sults.”.

13          (c) *SENSE OF CONGRESS REGARDING TIMING OF AU-*  
14          *DITS.—It is the sense of Congress that post-election audits*  
15          *of the effectiveness and accuracy of the voting systems, elec-*  
16          *tion procedures, and outcomes used to carry out an election*  
17          *for Federal office in a State and the performance of the*  
18          *State and local election officials who carried out the election*  
19          *are most effective when the audits are completed before the*  
20          *expiration of the period during which persons are author-*  
21          *ized under State law to challenge the results of the election.*

1 **SEC. 128. INCREASE IN THRESHOLD FOR REQUIRING IN-**  
 2 **FORMATION REPORTING WITH RESPECT TO**  
 3 **CERTAIN PAYEES.**

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

7 (b) *INFLATION ADJUSTMENT.*—Section 6041 of such  
 8 Code is amended by adding at the end the following new  
 9 subsection:

10 “(h) *INFLATION ADJUSTMENT.*—In the case of any cal-  
 11 endar year after 2024, the dollar amount in subsection (a)  
 12 shall be increased by an amount equal to—

13 “(1) such dollar amount, multiplied by  
 14 “(2) the cost-of-living adjustment determined  
 15 under section 1(f)(3) for such calendar year, deter-  
 16 mined by substituting ‘calendar year 2023’ for ‘cal-  
 17 endar year 2016’ in subparagraph (A)(ii) thereof.

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

21 (c) *APPLICATION TO REPORTING ON REMUNERATION*  
 22 *FOR SERVICES AND DIRECT SALES.*—Section 6041A of such  
 23 Code is amended—

24 (1) in subsection (a)(2), by striking “is \$600 or  
 25 more” and inserting “equals or exceeds the dollar

1       *amount in effect for such calendar year under section*  
 2       *6041(a)”, and*

3           (2) *in subsection (b)(1)(B), by striking “is*  
 4       *\$5,000 or more” and inserting “equals or exceeds the*  
 5       *dollar amount in effect for such calendar year under*  
 6       *section 6041(a)”.*

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

9           (1) *by striking “\$600” in subparagraph (A) and*  
 10       *inserting “the dollar amount in effect for such cal-*  
 11       *endar year under section 6041(a)”, and*

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

15       (e) *CONFORMING AMENDMENTS.—*

16          (1) *The heading of section 6041(a) of such Code*  
 17       *is amended by striking “OF \$600 OR MORE” and in-*  
 18       *serting “EXCEEDING THRESHOLD”.*

19          (2) *Section 6041(a) of such Code is amended by*  
 20       *striking “taxable year” and inserting “calendar*  
 21       *year”.*

22       (f) *EFFECTIVE DATE.—The amendments made by this*  
 23       *section shall apply with respect to payments made after De-*  
 24       *cember 31, 2023.*

1 **SEC. 129. VOLUNTARY GUIDELINES WITH RESPECT TO NON-**  
 2 **VOTING ELECTION TECHNOLOGY.**

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

5 (b) *ADOPTION OF VOLUNTARY GUIDELINES BY ELEC-*  
 6 *TION ASSISTANCE COMMISSION.*—

7 (1) *ADOPTION OF GUIDELINES.*—*Title II of the*  
 8 *Help America Vote Act of 2002 (52 U.S.C. 20921 et*  
 9 *seq.) is amended by adding at the end the following*  
 10 *new subtitle:*

11 **“Subtitle E—Voluntary Guidelines**  
 12 **for Use of Nonvoting Election**  
 13 **Technology**

14 **“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**  
 15 **MISSION.**

16 “(a) *ADOPTION.*—*The Commission shall adopt vol-*  
 17 *untary guidelines for election officials on the use of non-*  
 18 *voting election technology, taking into account the rec-*  
 19 *ommendations of the Standards Board and the Local Lead-*  
 20 *ership Council of the Commission under section 298A.*

21 “(b) *REVIEW.*—*The Commission shall review the*  
 22 *guidelines adopted under this subtitle not less frequently*  
 23 *than once every 4 years, and may adopt revisions to the*  
 24 *guidelines as it considers appropriate.*

25 “(c) *PROCESS FOR ADOPTION.*—*The adoption of the*  
 26 *voluntary guidelines under this subtitle shall be carried out*

1 *by the Commission in a manner that provides for each of*  
 2 *the following:*

3           “(1) *Publication of notice of the proposed guide-*  
 4           *lines in the Federal Register.*

5           “(2) *An opportunity for public comment on the*  
 6           *proposed guidelines.*

7           “(3) *An opportunity for a public hearing on the*  
 8           *record.*

9           “(4) *Publication of the final recommendations in*  
 10          *the Federal Register.*

11          “(d) *DEADLINE FOR INITIAL SET OF GUIDELINES.—*  
 12          *The Commission shall adopt the initial set of voluntary*  
 13          *guidelines under this section not later than December 31,*  
 14          *2025.*

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

17          “(a) *DUTIES.—The Standards Board and the Local*  
 18          *Leadership Council of the Commission shall assist the Com-*  
 19          *mission in the adoption of voluntary guidelines under sec-*  
 20          *tion 298, including by providing the Commission with rec-*  
 21          *ommendations on appropriate standards for the use of non-*  
 22          *voting election technology, including standards to ensure*  
 23          *the security and accuracy, and promote the usability, of*  
 24          *such technology, and by conducting a review of existing*

1 *State programs with respect to the testing of nonvoting elec-*  
 2 *tion technology.*

3 “(b) *SOURCES OF ASSISTANCE.*—

4 “(1) *CERTAIN MEMBERS OF TECHNICAL GUIDE-*  
 5 *LINES DEVELOPMENT COMMITTEE.*—*The following*  
 6 *members of the Technical Guidelines Development*  
 7 *Committee under section 221 shall assist the Stand-*  
 8 *ards Board and the Local Leadership Council in car-*  
 9 *rying out their duties under this section:*

10 “(A) *The Director of the National Institute*  
 11 *of Standards and Technology.*

12 “(B) *The representative of the American*  
 13 *National Standards Institute.*

14 “(C) *The representative of the Institute of*  
 15 *Electrical and Electronics Engineers.*

16 “(D) *The 4 members of the Technical*  
 17 *Guidelines Development Committee appointed*  
 18 *under subsection (c)(1)(E) of such section as the*  
 19 *other individuals with technical and scientific*  
 20 *expertise relating to voting systems and voting*  
 21 *equipment.*

22 “(2) *DETAILEE FROM CISA.*—*The Executive*  
 23 *Board of the Standards Board may request the Direc-*  
 24 *tor of the Cybersecurity and Infrastructure Security*  
 25 *Agency of the Department of Homeland Security to*

1        *provide a detailee to assist the Standards Board in*  
2        *carrying out its duties under this section, so long as*  
3        *such detailee has no involvement in the drafting of*  
4        *any of the voluntary guidelines.*

5        **“SEC. 298B. USE OF PAYMENTS TO OBTAIN OR UPGRADE**  
6                                **TECHNOLOGY.**

7        *“A State may use funds provided under any law for*  
8        *activities to improve the administration of elections for*  
9        *Federal office, including to enhance election technology and*  
10       *make election security improvements, to obtain nonvoting*  
11       *election technology which is in compliance with the vol-*  
12       *untary guidelines adopted under section 298 or to upgrade*  
13       *nonvoting election technology so that the technology is in*  
14       *compliance with such guidelines, and may, notwithstanding*  
15       *any other provision of law, use any unobligated grant fund-*  
16       *ing provided to the State by the Election Assistance Com-*  
17       *mission from amounts appropriated under the heading*  
18       *‘Independent Agencies—Election Assistance Commission—*  
19       *Election Security Grants’ in title V of division C of the*  
20       *Consolidated Appropriations Act, 2020 (Public Law 116–*  
21       *93) for the purposes of enhancing election technology and*  
22       *making election security improvements until December 31,*  
23       *2024.*



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

2       *“In this subtitle, the term ‘nonvoting election tech-*  
 3 *nology’ means technology used in the administration of elec-*  
 4 *tions for Federal office which is not used directly in the*  
 5 *casting, counting, tabulating, or collecting of ballots or*  
 6 *votes, including each of the following:*

7           *“(1) Electronic pollbooks or other systems used to*  
 8       *check in voters at a polling place or verify a voter’s*  
 9       *identification.*

10           *“(2) Election result reporting systems.*

11           *“(3) Electronic ballot delivery systems.*

12           *“(4) Online voter registration systems.*

13           *“(5) Polling place location search systems.*

14           *“(6) Sample ballot portals.*

15           *“(7) Signature systems.*

16           *“(8) Such other technology as may be rec-*  
 17 *ommended for treatment as nonvoting election tech-*  
 18 *nology as the Standards Board may recommend.”.*

19           (2) *CLERICAL AMENDMENT.—The table of con-*  
 20 *tents of such Act is amended by adding at the end of*  
 21 *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.”.*

22           (c) *TREATMENT OF TECHNOLOGY USED IN MOST RE-*  
 23 *CENT ELECTION.—Any nonvoting election technology, as*

1 *defined in section 298C of the Help America Vote Act of*  
 2 *2002 (as added by subsection (a)(1)), which a State used*  
 3 *in the most recent election for Federal office held in the*  
 4 *State prior to the date of the enactment of this Act shall*  
 5 *be deemed to be in compliance with the voluntary guidelines*  
 6 *on the use of such technology which are adopted by the Elec-*  
 7 *tion Assistance Commission under section 298 of such Act*  
 8 *(as added by subsection (a)(1)).*

9 **SEC. 130. STATUS REPORTS BY NATIONAL INSTITUTE OF**  
 10 **STANDARDS AND TECHNOLOGY.**

11 *Section 231 of the Help America Vote Act of 2002 (52*  
 12 *U.S.C. 20971) is amended by adding at the end the fol-*  
 13 *lowing new subsection:*

14 *“(e) STATUS REPORTS BY NATIONAL INSTITUTE OF*  
 15 *STANDARDS AND TECHNOLOGY.—Not later than 60 days*  
 16 *after the end of each fiscal year (beginning with 2025), the*  
 17 *Director of the National Institute of Standards and Tech-*  
 18 *nology shall submit to Congress a status report describing—*

19 *“(1) the extent to which the Director carried out*  
 20 *the Director’s responsibilities under this Act during*  
 21 *the fiscal year, including the responsibilities imposed*  
 22 *under this section and the responsibilities imposed*  
 23 *with respect to the Technical Guidelines Development*  
 24 *Committee under section 222, together with the Direc-*  
 25 *tor’s best estimate of when the Director will com-*

1        *pletely carry out any responsibility which was not*  
 2        *carried out completely during the fiscal year; and*

3                *“(2) the extent to which the Director carried out*  
 4        *any projects requested by the Commission during the*  
 5        *fiscal year, together with the Director’s best estimate*  
 6        *of when the Director will complete any such project*  
 7        *which the Director did not complete during the fiscal*  
 8        *year.”.*

9    **SEC. 131. 501(c)(3) ORGANIZATIONS PROHIBITED FROM PRO-**  
 10                    **VIDING DIRECT OR INDIRECT FUNDING FOR**  
 11                    **ELECTION ADMINISTRATION.**

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

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

16                *(1) by striking “and which does not participate”*  
 17        *and inserting “which does not participate”, and*

18                *(2) by striking the period at the end and insert-*  
 19        *ing “and which does not provide direct funding to*  
 20        *any State or unit of local government for the purpose*  
 21        *of the administration of elections for public office or*  
 22        *any funding to any State or unit of local government*  
 23        *in a case in which it is reasonable to expect such*  
 24        *funding will be used for the purpose of the adminis-*  
 25        *tration of elections for public office (except with re-*

1        *spect to the donation of space to a State or unit of*  
 2        *local government to be used as a polling place in an*  
 3        *election for public office).’’.*

4        *(c) RULE OF CONSTRUCTION.—Nothing in the amend-*  
 5        *ments made by subsection (b) shall be construed to prevent*  
 6        *a house of worship, community center, or similar facility*  
 7        *from serving as a polling place in an election for public*  
 8        *office.*

9        *(d) EFFECTIVE DATE.—The amendments made by this*  
 10        *section shall apply to funding provided in taxable years be-*  
 11        *ginning after December 31, 2025.*

12        **SEC. 132. FEDERAL AGENCY INVOLVEMENT IN VOTER REG-**  
 13        **ISTRATION ACTIVITIES.**

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

16        *(b) CLARIFICATION OF FEDERAL AGENCY INVOLVE-*  
 17        *MENT IN VOTER REGISTRATION ACTIVITIES.—Executive*  
 18        *Order 14019 (86 Fed. Reg. 13623; relating to promoting*  
 19        *access to voting) shall have no force or effect, and any con-*  
 20        *tract or arrangement entered into by an agency to carry*  
 21        *out activities pursuant to sections 3 and 4 of such Executive*  
 22        *Order shall be abrogated.*

23        *(c) AGREEMENTS WITH NONGOVERNMENTAL ORGANI-*  
 24        *ZATIONS.—None of the funds made available for the salaries*  
 25        *and expenses of an agency may be used to solicit or enter*

1 *into an agreement with a nongovernmental organization to*  
 2 *conduct voter registration or voter mobilization activities,*  
 3 *including registering voters or providing any person with*  
 4 *voter registration materials, absentee or vote-by-mail ballot*  
 5 *applications, voting instructions, or candidate-related in-*  
 6 *formation, on the property or website of the agency.*

7       (d) *REPORT ON PRIOR VOTER REGISTRATION AND MO-*  
 8 *BILIZATION ACTIVITIES.*—*Not later than 30 days after the*  
 9 *date of enactment of this Act, the head of each agency shall*  
 10 *submit to the appropriate congressional committees a report*  
 11 *describing the activities carried out by the agency pursuant*  
 12 *to sections 3 and 4 of Executive Order 14019 (86 Fed. Reg.*  
 13 *13623).*

14       (e) *PROHIBITING VOTER REGISTRATION AND MOBILI-*  
 15 *ZATION IN FEDERAL WORK-STUDY PROGRAMS.*—*Section*  
 16 *443(b)(1) of the Higher Education Act of 1965 (20 U.S.C.*  
 17 *1087–53(b)(1)) is amended—*

18               (1) *in subparagraph (C), by striking “and”;*  
 19               (2) *by redesignating subparagraph (D) as sub-*  
 20               *paragraph (E); and*

21               (3) *by inserting after subparagraph (C) the fol-*  
 22               *lowing:*

23                       *“(D) does not involve registering or mobi-*  
 24                       *lizing voters on or off the campus of the institu-*  
 25                       *tion; and”.*

1 (f) *DEFINITIONS.*—*In this section:*

2 (1) *AGENCY.*—*The term “agency” has the mean-*  
 3 *ing given the term in section 3502(1) of title 44,*  
 4 *United States Code.*

5 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*  
 6 *TEES.*—*The term “appropriate congressional commit-*  
 7 *tees” means—*

8 (A) *the Committee on Rules and Adminis-*  
 9 *tration of the Senate;*

10 (B) *the Committee on the Judiciary of the*  
 11 *Senate;*

12 (C) *the Committee on House Administra-*  
 13 *tion of the House of Representatives; and*

14 (D) *the Committee on the Judiciary of the*  
 15 *House of Representatives.*

16 **SEC. 133. PROHIBITION ON USE OF FEDERAL FUNDS FOR**  
 17 **ELECTION ADMINISTRATION IN STATES THAT**  
 18 **PERMIT BALLOT HARVESTING.**

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

21 (b) *FINDINGS.*—*Congress finds that—*

22 (1) *the right to vote is a fundamental right of*  
 23 *citizens of the United States, as described by the Con-*  
 24 *stitution of the United States;*

1           (2) *the Committee on House Administration of*  
2           *the House of Representatives, which is charged with*  
3           *investigating election irregularities, received reports*  
4           *through its official Election Observer Program for the*  
5           *2018 general election and the 2020 general election, as*  
6           *well as from other stakeholders, that individuals other*  
7           *than voters themselves were depositing large amounts*  
8           *of absentee ballots at polling places throughout Cali-*  
9           *fornia and other States, a practice colloquially known*  
10          *as “ballot harvesting”;*

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

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

24          (5) *ballot harvesting invites electioneering activ-*  
25          *ity at home and weakens States’ long-standing voter*

1        *protection procedures, which remain in place at poll-*  
 2        *ing locations, creating the possibility of undue influ-*  
 3        *ence over voters by political operatives and other bad*  
 4        *actors; and*

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

9        *(c) PROHIBITION ON FEDERAL FUNDS FOR ELECTION*  
 10        *ADMINISTRATION FOR STATES ALLOWING COLLECTION AND*  
 11        *TRANSMISSION OF BALLOTS BY CERTAIN THIRD PAR-*  
 12        *TIES.—*

13                *(1) IN GENERAL.—The Help America Vote Act of*  
 14        *2002 (52 U.S.C. 20901 et seq.) is amended by adding*  
 15        *at the end the following new section:*

16        **“SEC. 908. PROHIBITION ON FEDERAL FUNDS FOR ELEC-**  
 17                        **TION ADMINISTRATION FOR STATES ALLOW-**  
 18                        **ING COLLECTION AND TRANSMISSION OF**  
 19                        **BALLOTS BY CERTAIN THIRD PARTIES.**

20                *“(a) IN GENERAL.—Notwithstanding any other provi-*  
 21        *sion of law, no Federal funds may be used to administer*  
 22        *any election for Federal office in a State unless the State*  
 23        *has in effect a law that prohibits an individual from the*  
 24        *knowing collection and transmission of a ballot in an elec-*



1 *tion for Federal office that was mailed to another person,*  
2 *other than an individual described as follows:*

3           “(1) *An election official while engaged in official*  
4 *duties as authorized by law.*

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

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

12           “(4) *A family member, household member, or*  
13 *caregiver of the person to whom the ballot was mailed.*

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

16           “(1) *The term ‘caregiver’ means an individual*  
17 *who provides medical or health care assistance to such*  
18 *person in a residence, nursing care institution, hos-*  
19 *pice facility, assisted living center, assisted living fa-*  
20 *cility, assisted living home, residential care institu-*  
21 *tion, adult day health care facility, or adult foster*  
22 *care home, except that such term does not include an*  
23 *individual who is an employee of the residence, nurs-*  
24 *ing care institution, hospice facility, assisted living*  
25 *center, assisted living facility, assisted living home,*

1        *residential care institution, adult day health care fa-*  
 2        *cility, or adult foster care home in which the indi-*  
 3        *vidual provides such assistance to such person.*

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

7            “(3) *The term ‘household member’ means an in-*  
 8        *dividual who resides at the same residence as such*  
 9        *person.”.*

10           (2) *CLERICAL AMENDMENT.—The table of con-*  
 11        *tents of such Act is amended by adding at the end the*  
 12        *following new item:*

*“Sec. 908. Prohibition on Federal funds for election administration for States al-*  
       *lowing collection and transmission of ballots by certain third*  
       *parties.”.*

13    **SEC. 134. CLARIFICATION WITH RESPECT TO FEDERAL**  
 14                                    **ELECTION RECORD-KEEPING REQUIREMENT.**

15        *Section 301 of the Civil Rights Act of 1960 (52 U.S.C.*  
 16        *20701) is amended—*

17            (1) *by inserting “including records and papers*  
 18        *of envelopes used to deliver voted ballots by mail and*  
 19        *scanned, electronically preserved records of envelopes*  
 20        *used to deliver blank ballots or absentee ballot requests*  
 21        *or used for any purpose other than delivering voted*  
 22        *ballots, ballots, ballot images, chain of custody*  
 23        *records, cast vote records, logic and accuracy test re-*  
 24        *sults and equipment certification, and other materials*

1       *related to the Federal election that would be essential*  
 2       *for conducting a post-election audit” after “requisite*  
 3       *to voting in such election,”; and*

4               (2) *by inserting after “shall devolve upon such*  
 5       *custodian.” the following: “Such records and papers*  
 6       *shall be considered public records available for reason-*  
 7       *able public inspection, including at a minimum, as*  
 8       *defined the law of the State in which the election is*  
 9       *held, the candidates appearing on the ballot in the*  
 10       *election, political parties whose candidates appeared*  
 11       *on the ballot in the election, and any individuals au-*  
 12       *thorized to observe the election.”*

13   **SEC. 135. CLARIFICATION OF RULES WITH RESPECT TO HIR-**  
 14               **ING OF ELECTION WORKERS.**

15       (a) *SHORT TITLE.*—*This section may be cited as the*  
 16       *“Election Worker Hiring Preference for Veterans and Amer-*  
 17       *icans With Disabilities Act”.*

18       (b) *PREFERENCES FOR VETERANS AND INDIVIDUALS*  
 19       *WITH DISABILITIES.*—

20               (1) *PREFERENCES.*—*In hiring election workers*  
 21       *to administer an election in a State or local jurisdic-*  
 22       *tion, the State or local jurisdiction may give pref-*  
 23       *erence to individuals who are veterans or individuals*  
 24       *with a disability.*

1           (2) *INCLUSION OF INFORMATION IN ELECTION*  
2           *ASSISTANCE COMMISSION CLEARINGHOUSE.—The Fed-*  
3           *eral Election Commission shall include in any clear-*  
4           *inghouse it maintains of procedures adopted by States*  
5           *with respect to the administration of Federal elections*  
6           *information on the procedures under which States*  
7           *hire individuals who are veterans or individuals with*  
8           *a disability as election workers, as described in para-*  
9           *graph (1).*

10          (2) *INDIVIDUAL WITH A DISABILITY DEFINED.—*  
11          *In this subsection, the term “individual with a dis-*  
12          *ability” has the meaning given such term in the*  
13          *Americans with Disabilities Act of 1990 (42 U.S.C.*  
14          *12101).*

15          (c) *PREFERENCE AND WAIVER OF RESIDENCY RE-*  
16          *QUIREMENT FOR SPOUSES AND DEPENDENTS OF ABSENT*  
17          *MILITARY VOTERS.—*

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

22                       (A) *should give preference to an individual*  
23                       *who is a nonresident military spouse or depend-*  
24                       *ent; and*

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

6           (2) *INCLUSION OF INFORMATION IN ELECTION*  
7           *ASSISTANCE COMMISSION CLEARINGHOUSE.*—*The Fed-*  
8           *eral Election Commission shall include in any clear-*  
9           *inghouse it maintains of procedures adopted by States*  
10          *with respect to the administration of Federal elections*  
11          *information on the procedures under which States*  
12          *hire nonresident military spouses or dependents as*  
13          *election workers, as described in paragraph (1).*

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

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

4 (a) *SHORT TITLE.*—*This section may be cited as the*  
 5 *“Mailing Addresses on Indian Lands Act” or the “MAIL*  
 6 *Act”.*

7 (b) *IN GENERAL.*—*Upon request from a Tribal Gov-*  
 8 *ernment, the appropriate State executives of the State con-*  
 9 *cerned shall assist the Tribal Government to assign a mail-*  
 10 *ing address to each home and residence of the Tribal Gov-*  
 11 *ernment in the State that does not have a mailing address*  
 12 *assigned to such home or residence and shall ensure that*  
 13 *the State records include any such mailing address assigned*  
 14 *and any mailing address previously assigned by such Trib-*  
 15 *al Government.*

16 (c) *DEFINITIONS.*—*In this section:*

17 (1) *INDIAN.*—*The term “Indian” has the mean-*  
 18 *ing given the term in section 4 of the Indian Self-De-*  
 19 *termination and Education Assistance Act (25 U.S.C.*  
 20 *5304).*

21 (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*  
 22 *has the meaning given the term “Indian tribe” in sec-*  
 23 *tion 4 of the Indian Self-Determination and Edu-*  
 24 *cation Assistance Act (25 U.S.C. 5304).*

1           (3) *STATE*.—*The term “State” has the meaning*  
 2           *given such term in section 901 of the Help America*  
 3           *Vote Act of 2002 (52 U.S.C. 21141).*

4           (4) *TRIBAL GOVERNMENT*.—*The term “Tribal*  
 5           *Government” means the recognized governing body of*  
 6           *an Indian Tribe.*

7   **SEC. 137. STATE DEFINED.**

8           (a) *SHORT TITLE*.—*This section may be cited as the*  
 9           *“Northern Mariana Islands Inclusion Act”.*

10          (b) *APPLICATION TO COMMONWEALTH OF NORTHERN*  
 11          *MARIANA ISLANDS*.—*Section 901 of the Help America Vote*  
 12          *Act of 2002 (52 U.S.C. 21141) is amended by striking “and*  
 13          *the United States Virgin Islands” and inserting “the*  
 14          *United States Virgin Islands, and the Commonwealth of the*  
 15          *Northern Mariana Islands”.*

16          (c) *CONFORMING AMENDMENTS*.—*Such Act is further*  
 17          *amended as follows:*

18               (1) *The second sentence of section 213(a)(2) (52*  
 19               *U.S.C. 20943(a)(2)) is amended by striking “and*  
 20               *American Samoa” and inserting “American Samoa,*  
 21               *and the Commonwealth of the Northern Mariana Is-*  
 22               *lands”.*

23               (2) *Section 252(c)(2) (52 U.S.C. 21002(c)(2)) is*  
 24               *amended by striking “or the United States Virgin Is-*  
 25               *lands” and inserting “the United States Virgin Is-*

1        *lands, or the Commonwealth of the Northern Mariana*  
 2        *Islands”.*

3        **SEC. 138. VOTER REGISTRATION FOR APPLICANTS WITH-**  
 4                                **OUT DRIVER’S LICENSE OR SOCIAL SECURITY**  
 5                                **NUMBER.**

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

9                *(1) in clause (i), by striking “Except as provided*  
 10        *in clause (ii), notwithstanding any other provision of*  
 11        *law, an application” and inserting “An application”;*

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

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

15                                *“(ii) SPECIAL RULE FOR APPLICANTS*  
 16                                *WITHOUT DRIVER’S LICENSE OR SOCIAL SE-*  
 17                                *CURITY NUMBER.—If an applicant for voter*  
 18                                *registration for an election for Federal office*  
 19                                *has not been issued a current and valid*  
 20                                *driver’s license or a social security number,*  
 21                                *the State shall assign the applicant a tem-*  
 22                                *porary number which shall be valid to iden-*  
 23                                *tify the applicant for the purposes of voter*  
 24                                *registration only during the period that be-*  
 25                                *gins on the date the temporary number is*



1           *assigned and ends 30 days after the date*  
 2           *that the applicant receives a current and*  
 3           *valid driver’s license or a social security*  
 4           *number. If the applicant fails to provide a*  
 5           *driver’s license number or the last 4 digits*  
 6           *of the social security number (as the case*  
 7           *may be) to the State during the 30-day pe-*  
 8           *riod that begins on the date the applicant*  
 9           *receives such driver’s license or social secu-*  
 10          *rity number, the applicant’s application for*  
 11          *voter registration with respect to which the*  
 12          *temporary number was assigned may not be*  
 13          *accepted or processed by the State.”.*

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

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

23          *(b) SUBMITTAL.—Not later than 2 years after the date*  
 24          *of the enactment of this Act, the Comptroller General shall*

1 *submit a report containing the results of the study carried*  
 2 *out under subsection (a) to—*

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

8 *(c) SENSE OF CONGRESS.—It is the sense of Congress*  
 9 *that it is in the national interest of the United States that*  
 10 *equipment used for voting in American elections be devel-*  
 11 *oped, programmed, manufactured, and assembled within*  
 12 *the United States under the authority of United States per-*  
 13 *sons.*

14 **SEC. 139A. GAO STUDY AND REPORT ON ABILITY OF STATES**  
 15 **TO COMPLY WITH CERTAIN SPECIAL ELEC-**  
 16 **TION REQUIREMENTS.**

17 *(a) STUDY.—*

18 *(1) IN GENERAL.—The Comptroller General of*  
 19 *the United States shall conduct a study of the ability*  
 20 *of States to comply with the requirements for filling*  
 21 *a vacancy in the State’s representation in the House*  
 22 *of Representatives by special election in extraordinary*  
 23 *circumstances pursuant to section 26 of the Revised*  
 24 *Statutes of the United States (2 U.S.C. 8).*

1           (2) *CONSULTATION.*—*In conducting the study*  
2           *under this subsection, the Comptroller General shall—*

3                     *(A) consult and work cooperatively with all*  
4                     *States and shall not rely on sample information*  
5                     *relating to a limited number of States; and*

6                     *(B) consult with the Election Assistance*  
7                     *Commission.*

8           (3) *STATE DEFINED.*—*In this subsection, the*  
9           *term “State” means each of the several States, the*  
10          *District of Columbia, the Commonwealth of Puerto*  
11          *Rico, American Samoa, Guam, the United States Vir-*  
12          *gin Islands, and the Commonwealth of the Northern*  
13          *Mariana Islands.*

14          (b) *REPORT.*—*Not later than 180 days after the date*  
15          *of the enactment of this Act, the Comptroller General shall*  
16          *submit to Congress a report on the study conducted under*  
17          *subsection (a), and shall include in the report such rec-*  
18          *ommendations as the Comptroller General considers appro-*  
19          *priate.*

1 ***Subtitle D—District of Columbia***  
 2 ***Election Integrity and Voter***  
 3 ***Confidence***

4 ***SEC. 141. SHORT TITLE.***

5 *This subtitle may be cited as the “American Con-*  
 6 *fidence in Elections: District of Columbia Election Integ-*  
 7 *rity and Voter Confidence Act”.*

8 ***SEC. 142. STATEMENT OF CONGRESSIONAL AUTHORITY;***  
 9 ***FINDINGS.***

10 *(a) STATEMENT OF CONGRESSIONAL AUTHORITY.—*  
 11 *Congress finds that it has the authority to establish the*  
 12 *terms and conditions for the administration of elections for*  
 13 *public office in the District of Columbia—*

14 *(1) pursuant to article I, section 8, clause 17 of*  
 15 *the Constitution of the United States, which grants*  
 16 *Congress the exclusive power to enact legislation with*  
 17 *respect to the seat of the government of the United*  
 18 *States;*

19 *(2) with recognition of the Residence Act of*  
 20 *1790, which Congress passed pursuant to the above*  
 21 *authority and which established the City of Wash-*  
 22 *ington in the District of Columbia as the seat of the*  
 23 *government of the United States;*

24 *(3) pursuant to article I, section 8, clause 18 of*  
 25 *the Constitution of the United States, which grants*

1 Congress the authority to “make all Laws which shall  
2 be necessary and proper for carrying into Execution”  
3 its enumerated powers; and

4 (4) under other enumerated powers granted to  
5 Congress.

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

7 (1) Voter identification requirements in the Dis-  
8 trict of Columbia are some of the weakest in the coun-  
9 try. Currently, voters in the District of Columbia are  
10 required only to provide proof of residence the first  
11 time they vote and are never asked to provide any-  
12 thing again.

13 (2) In the 2012 general election, the District of  
14 Columbia was wholly unprepared for early voters.  
15 Several polling locations featured only one or two vot-  
16 ing machines. As a result, some voters waited in line  
17 for hours while others waited for hours only to be  
18 turned away as the polls closed.

19 (3) Following the 2012 general election, the exec-  
20 utive director of the D.C. Board of Elections testified  
21 that missteps had taken place during the election.  
22 Voters complained that some precincts were not acces-  
23 sible for the disabled, while poorly trained employees  
24 ran sites elsewhere in the District. In other cases, vot-  
25 ers were provided with ballots that were not correct

1     *for their addresses, allowing them to vote in races in*  
2     *other wards.*

3             *(4) In the District of Columbia’s 2014 April*  
4     *Democratic primary, voters had to wait several hours*  
5     *after polls closed before receiving meaningful election*  
6     *returns because of problems with voting machines that*  
7     *led to an unusually lengthy and chaotic tabulation*  
8     *process.*

9             *(5) In the aftermath of that primary, while the*  
10    *District of Columbia originally blamed a handful of*  
11    *voting machines for late election results, the executive*  
12    *director later clarified that the issue came from a*  
13    *broad computer network failure. As a result, on elec-*  
14    *tion night, ballots did not begin to be counted until*  
15    *10:00 p.m. The executive director said “on election*  
16    *night, polling officials never really did determine the*  
17    *problem...”All this occurred despite record low turn-*  
18    *out for the primary.*

19            *(6) Before the 2014 midterm election, the execu-*  
20    *tive director stated that he hoped that ballot counting*  
21    *would be done before midnight but could not offer any*  
22    *promises based on the District of Columbia’s previous*  
23    *history.*

1           (7) *Following the 2014 midterm election, the Of-*  
2           *ice of the District of Columbia Auditor performed an*  
3           *audit of the election and found the following:*

4                   (A) *23 of 89 precincts visited did not have*  
5                   *the minimum number of poll workers designated*  
6                   *in city election procedures. In total, 168 workers*  
7                   *did not come to work as scheduled, and others*  
8                   *that were not trained to perform certain func-*  
9                   *tions had to take on new jobs.*

10                   (B) *37 of the 89 precincts inspected featured*  
11                   *polling places not fully accessible to disabled vot-*  
12                   *ers. Some issues included missing or inoperable*  
13                   *doorbells to alert poll workers that a wheelchair-*  
14                   *bound voter needed assistance, as well as a lack*  
15                   *of accessible parking spaces and entrances.*

16                   (C) *57 of the 89 precincts featured election*  
17                   *and non-election equipment issues affecting a*  
18                   *wide range of the Election Day technology — in-*  
19                   *cluding paper ballot readers, electronic poll books*  
20                   *and touch-screen voting machines.*

21           (8) *In 2016, the Office of the District of Colum-*  
22           *bia Auditor released a report titled “The District of*  
23           *Columbia Voter File: Compliance with Law and Best*  
24           *Practices”, which included the following:*

1           (A) In 2015, the Board of Elections, as re-  
2           quired under District law, sent out written no-  
3           tices to 260,000 inactive voters through the U.S.  
4           Postal Service in an attempt to maintain accu-  
5           rate voter registration rolls. 38,179, or almost 15  
6           percent of those postcards, were returned as un-  
7           deliverable.

8           (B) The Office of the Auditor took a sample  
9           of thirty-three decedents who had died between  
10          January of 2011 and December of 2014. The  
11          audit found that all of the thirty-three decedents  
12          were still on the District's voter registration  
13          rolls.

14          (C) The District of Columbia is a member  
15          of the Electronic Registration Information Cen-  
16          ter (ERIC). According to ERIC, 13,651 voters  
17          were registered in the District of Columbia and  
18          another jurisdiction. The D.C. Board of Elec-  
19          tions contacted every voter with a duplicate reg-  
20          istration. 6,000 voters confirmed they now re-  
21          sided outside the District of Columbia and the  
22          other 7,651 or 56 percent of voters with a dupli-  
23          cate registration did not respond.

24          (9) The District of Columbia allows for same-day  
25          registration and automatic voter registration. In



1       2018, the District of Columbia implemented an Auto-  
2       matic Voter Registration program through the De-  
3       partment of Motor Vehicles (DMV). Now, any DMV  
4       application automatically serves as an application to  
5       register to vote or update registration records, unless  
6       the applicant affirmatively opts out of this registra-  
7       tion option.

8               (10) In 2020, voting in the District of Columbia  
9       for the June primary election was fraught with prob-  
10      lems. Some voters waited in line for hours, and thou-  
11      sands of voters who requested absentee mail-in ballots  
12      never received them. As a result, the District of Co-  
13      lumbia allowed voters that never received their absen-  
14      tee ballot to cast their ballots via unsecured email.  
15      During the Committee on House Administration and  
16      Committee on Oversight and Accountability joint  
17      hearing titled “American Confidence in Elections:  
18      The Path to Election Integrity in the District of Co-  
19      lumbia”, witnesses called by Republicans and Demo-  
20      crats both agreed that casting a ballot via unsecured  
21      email raised serious security and voter identification  
22      concerns.

23              (11) In 2020, the District of Columbia Board of  
24      Elections mailed every registered voter a ballot for the  
25      general election. Voters were still permitted to vote in-

1        *person. The Board mailed 421,791 ballots, and 48,018*  
2        *of them were undeliverable, more than eleven percent.*  
3        *This is a rate more than eight times higher than the*  
4        *national average.*

5            *(12) Even after mailing every registered voter a*  
6        *ballot in the 2020 general election, the District of Co-*  
7        *lumbia had lower voter turnout rates than States like*  
8        *Florida, Ohio, and Georgia. In 2020, the District of*  
9        *Columbia reported a roughly 64 percent turnout*  
10       *while Florida reported 77 percent, Ohio reported*  
11       *roughly 74 percent, and Georgia reported 66 percent.*

12           *(13) In 2022, the District of Columbia Board of*  
13        *Elections mailed every registered voter a ballot for the*  
14        *midterm primary election. Voters were still allowed to*  
15        *vote in person. The Board mailed 402,323 ballots,*  
16        *and 65,398 ballots, or about 16 percent, were undeliv-*  
17        *erable. This is an increase of 17,380 in undeliverable*  
18        *ballots between the 2020 general election and the 2022*  
19        *primary election.*

20           *(14) In 2022, the District of Columbia Board of*  
21        *Elections mailed every registered voter a ballot for the*  
22        *November general election. Voters were still allowed to*  
23        *vote in person. The Board mailed 508,543 ballots,*  
24        *and 87,921 were undeliverable. The rate of undeliver-*  
25        *able ballots mailed out for the general election in*

1       2022 was 17 percent, an increase of about six basis  
2       points from the 2020 election. In addition, the Dis-  
3       trict of Columbia mailed over 500 voters an incorrect  
4       ballot. At the time of the 2022 election, the COVID-  
5       19 pandemic was largely over, allowing voters to vote  
6       in person without issue, unlike during the 2020 elec-  
7       tion.

8               (15) Despite mailing every registered voter a bal-  
9       lot in the 2022 midterm election, the District of Co-  
10      lumbia had far lower voter turnout rates than States  
11      like Florida, Georgia, and Ohio. In 2022, the District  
12      of Columbia reported roughly 40 percent turnout  
13      while Florida reported 54 percent, Ohio reported 52  
14      percent, and Georgia reported roughly 57 percent.

15              (16) The Local Resident Voting Rights Amend-  
16      ment Act of 2022 allows noncitizen green-card holders  
17      and illegal aliens to cast a ballot in local races, as  
18      long as the non-citizen voter is at least eighteen years  
19      of age and has resided in the District of Columbia for  
20      thirty days. The law will take effect in 2024. Esti-  
21      mates as to the number of non-citizens of voting age  
22      living in the District of Columbia range from 21,000  
23      to 42,000, potentially half of whom are illegal aliens.  
24      Even according to the low estimates, there are more  
25      than enough non-citizens of voting age living in the

1 *District of Columbia to impact election outcomes in*  
 2 *some wards.*

3 *(17) On February 9, 2023, the U.S. House of*  
 4 *Representatives, by a vote of 260 to 162, passed H.J.*  
 5 *Res. 24, disapproving the Local Resident Voting*  
 6 *Rights Amendment Act of 2022 under the District of*  
 7 *Columbia Home Rule Act.*

8 **SEC. 143. REQUIREMENTS FOR ELECTIONS IN DISTRICT OF**  
 9 **COLUMBIA.**

10 *(a) REQUIREMENTS DESCRIBED.—Title III of the*  
 11 *Help America Vote Act of 2002 (52 U.S.C. 21801 et seq.)*  
 12 *is amended by adding at the end the following new subtitle:*

13 **“Subtitle C—Requirements for**  
 14 **Elections in District of Columbia**

15 **“SEC. 321. STATEMENT OF CONGRESSIONAL AUTHORITY;**  
 16 **FINDINGS.**

17 *“Congress finds that it has the authority to establish*  
 18 *the terms and conditions for the administration of elections*  
 19 *for public office in the District of Columbia—*

20 *“(1) pursuant to article I, section 8, clause 17 of*  
 21 *the Constitution of the United States, which grants*  
 22 *Congress the exclusive power to enact legislation with*  
 23 *respect to the seat of the government of the United*  
 24 *States;*

1           “(2) *with recognition of the Residence Act of*  
 2           *1790, which Congress passed pursuant to the above*  
 3           *authority and which established the City of Wash-*  
 4           *ington in the District of Columbia as the seat of the*  
 5           *government of the United States;*

6           “(3) *pursuant to article I, section 8, clause 18 of*  
 7           *the Constitution of the United States, which grants*  
 8           *Congress the authority to ‘make all Laws which shall*  
 9           *be necessary and proper for carrying into Execution’*  
 10          *its enumerated powers; and*

11          “(4) *under other enumerated powers granted to*  
 12          *Congress.*

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

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

17          “(b) *REQUIRING PROVISION OF IDENTIFICATION TO*  
 18          *RECEIVE A BALLOT OR VOTE.—*

19               “(1) *INDIVIDUALS VOTING IN PERSON.—A Dis-*  
 20               *trict of Columbia election official may not provide a*  
 21               *ballot for a District of Columbia election to an indi-*  
 22               *vidual who desires to vote in person unless the indi-*  
 23               *vidual presents to the official an identification de-*  
 24               *scribed in paragraph (3).*

1           “(2) *INDIVIDUALS VOTING OTHER THAN IN PER-*  
2           *SON.—A District of Columbia election official may*  
3           *not provide a ballot for a District of Columbia elec-*  
4           *tion to an individual who desires to vote other than*  
5           *in person unless the individual submits with the ap-*  
6           *plication for the ballot a copy of an identification de-*  
7           *scribed in paragraph (3).*

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

11           “(A) *A current and valid motor vehicle li-*  
12           *cense issued by the District of Columbia or any*  
13           *other current and valid photo identification of*  
14           *the individual which is issued by the District of*  
15           *Columbia or the identification number for such*  
16           *motor vehicle license or photo identification.*

17           “(B) *A current and valid United States*  
18           *passport, a current and valid military photo*  
19           *identification, or any other current and valid*  
20           *photo identification of the individual which is*  
21           *issued by the Federal Government.*

22           “(C) *Any current and valid photo identi-*  
23           *fication of the individual which is issued by a*  
24           *Tribal Government.*

1           “(D) *A student photo identification issued*  
 2           *by a secondary school (as such term is defined in*  
 3           *section 8101 of the Elementary and Secondary*  
 4           *Education Act of 1965 (20 U.S.C. 7801)) or an*  
 5           *institution of higher education (as such term is*  
 6           *defined in section 101 of the Higher Education*  
 7           *Act of 1965 (20 U.S.C. 1001)).*

8           “(E) *The last 4 digits of the individual’s so-*  
 9           *cial security number.*

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

18               “(A) *provides the address of the individual’s*  
 19               *residence; and*

20               “(B) *such document or other written infor-*  
 21               *mation is of sufficient validity such that the elec-*  
 22               *tion official is reasonably certain as to the iden-*  
 23               *tity of the individual.*

24          “(c) *PROVISION OF IDENTIFICATION WITHOUT COST*  
 25          *TO INDIGENT INDIVIDUALS.—If the District of Columbia*

1 *charges an individual a fee for an identification described*  
 2 *in subsection (b)(3) and the individual provides an attesta-*  
 3 *tion that the individual is unable to afford the fee, the Dis-*  
 4 *trict of Columbia shall provide the identification to the in-*  
 5 *dividual at no cost.*

6       “(d) *SPECIAL RULE WITH RESPECT TO SINCERELY*  
 7 *HELD RELIGIOUS BELIEFS.—In the case of an individual*  
 8 *who is unable to comply with the requirements of subsection*  
 9 *(b) due to sincerely held religious beliefs, the District of Co-*  
 10 *lumbia shall provide such individual with an alternative*  
 11 *identification that shall be deemed to meet the requirements*  
 12 *of an identification described in subsection (b)(3).*

13       “(e) *DESIGNATION OF DISTRICT OF COLUMBIA AGENCY*  
 14 *TO PROVIDE COPIES OF IDENTIFICATION.—The Mayor of*  
 15 *the District of Columbia shall designate an agency of the*  
 16 *District of Columbia government to provide an individual*  
 17 *with a copy of an identification described in subsection*  
 18 *(b)(3) at no cost to the individual for the purposes of meet-*  
 19 *ing the requirement under subsection (b)(2).*

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

21               “(1) *SHORT TITLE.—This subsection may be*  
 22 *cited as the ‘American Confidence in Elections: Dis-*  
 23 *trict of Columbia Photographic Poll Books Act’.*

24               “(2) *METHODS FOR OBTAINING PHOTOS.—*



1           “(A) *PROVISION OF PHOTOS BY OFFICES OF*  
2           *DISTRICT OF COLUMBIA GOVERNMENT.—If any*  
3           *office of the District of Columbia government has*  
4           *a photograph or digital image of the likeness of*  
5           *an individual who is eligible to vote in a Dis-*  
6           *trict of Columbia election, the office, in consulta-*  
7           *tion with the chief election official of the District*  
8           *of Columbia, shall provide access to the photo-*  
9           *graph or digital image to the chief election offi-*  
10          *cial of the District of Columbia.*

11          “(B) *TAKING OF PHOTOS AT POLLING*  
12          *PLACE.—If a photograph or digital image of an*  
13          *individual who votes in person at a polling place*  
14          *is not included in the poll book which contains*  
15          *the names of the individuals who are eligible to*  
16          *vote in the District of Columbia election and*  
17          *which is used by election officials to provide bal-*  
18          *lots to such eligible individuals, the appropriate*  
19          *election official shall take a photograph of the in-*  
20          *dividual and provide access to the photograph to*  
21          *the chief election official of the District of Co-*  
22          *lumbia.*

23          “(C) *COPIES OF PHOTOS PROVIDED BY IN-*  
24          *DIVIDUALS NOT VOTING IN PERSON.—The elec-*  
25          *tion official who receives a copy of an identifica-*

1            *tion described in subsection (b)(3) which is sub-*  
 2            *mitted by an individual who desires to vote other*  
 3            *than in person at a polling place shall provide*  
 4            *access to the copy of the identification to the*  
 5            *chief election official of the District of Columbia.*

6            *“(3) INCLUSION IN POLL BOOKS.—The chief elec-*  
 7            *tion official of the District of Columbia shall ensure*  
 8            *that the most recently available photograph, digital*  
 9            *image, or copy of an identification for which access*  
 10           *is provided under paragraph (2) is included in the*  
 11           *poll book which contains the name of the individuals*  
 12           *who are eligible to vote in the District of Columbia*  
 13           *election and which is used by election officials to pro-*  
 14           *vide ballots to such eligible individuals.*

15           *“(4) PROTECTION OF PRIVACY OF VOTERS.—The*  
 16           *appropriate election officials of the District of Colum-*  
 17           *bia shall ensure that any photograph, digital image,*  
 18           *or copy of an identification which is included in a*  
 19           *poll book under this subsection is not used for any*  
 20           *purpose other than the administration of District of*  
 21           *Columbia elections and is not provided or otherwise*  
 22           *made available to any other person except as may be*  
 23           *necessary to carry out that purpose.*

24           *“(g) EXCEPTIONS.—This section does not apply with*  
 25           *respect to any individual who is—*

1           “(1) entitled to vote by absentee ballot under the  
2           *Uniformed and Overseas Citizens Absentee Voting Act*  
3           (52 U.S.C. 20301 *et seq.*);

4           “(2) provided the right to vote otherwise than in  
5           person under section 3(b)(2)(B)(ii) of the *Voting Ac-*  
6           *cessibility for the Elderly and Handicapped Act* (52  
7           U.S.C. 20102(b)(2)(B)(ii)); or

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

10          “(h) *DEFINITIONS.*—For the purposes of this section,  
11          the following definitions apply:

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

16                 “(2) *TRIBAL GOVERNMENT.*—The term ‘Tribal  
17                 Government’ means the recognized governing body of  
18                 an Indian Tribe.

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

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

23                 “(b) *ANNUAL LIST MAINTENANCE.*—

24                 “(1) *REQUIREMENTS.*—

1           “(A) *IN GENERAL.*—*The District of Colum-*  
2           *bia shall carry out annually a program to re-*  
3           *move ineligible persons from the official list of*  
4           *persons registered to vote in the District of Co-*  
5           *lumbia, as required by section 8 of the National*  
6           *Voter Registration Act of 1993 (52 U.S.C.*  
7           *20507) and pursuant to the procedures described*  
8           *in subparagraph (B).*

9           “(B) *REMOVAL FROM VOTER ROLLS.*—*In*  
10          *the case of a registrant from the official list of*  
11          *eligible voters in District of Columbia elections*  
12          *who has failed to vote in a District of Columbia*  
13          *election during a period of two consecutive years,*  
14          *the District of Columbia shall send to such reg-*  
15          *istrant a notice described in section 8(d)(2) of*  
16          *the National Voter Registration Act of 1993 (52*  
17          *U.S.C. 20507(d)(2)) and shall remove the reg-*  
18          *istrant from the official list of eligible voters in*  
19          *District of Columbia elections if—*

20                 “(i) *the registrant fails to respond to*  
21                 *such notice; and*

22                 “(ii) *the registrant has not voted or*  
23                 *appeared to vote in a District of Columbia*  
24                 *election during the period beginning the*  
25                 *date such notice is sent and ending the later*

1                   of 4 years after the date such notice is sent  
2                   or after two consecutive District of Colum-  
3                   bia general elections have been held.

4                   “(2) *TIMING.*—In the case of a year during  
5                   which a regularly scheduled District of Columbia elec-  
6                   tion is held, the District of Columbia shall carry out  
7                   the program described in paragraph (1) not later  
8                   than 90 days prior to the date of the election.

9                   “(c) *PROHIBITING SAME-DAY REGISTRATION.*—The  
10                  District of Columbia may not permit an individual to vote  
11                  in a District of Columbia election unless, not later than  
12                  30 days prior to the date of the election, the individual is  
13                  duly registered to vote in the election.

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

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

19                  “(b) *IN GENERAL.*—The District of Columbia may not  
20                  permit an individual to knowingly collect and transmit a  
21                  ballot in a District of Columbia election that was mailed  
22                  to another person, other than an individual described as  
23                  follows:

24                               “(1) An election official while engaged in official  
25                               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 mailed.*

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

12                 “(1) *The term ‘caregiver’ means an individual*  
13                 *who provides medical or health care assistance to such*  
14                 *person in a residence, nursing care institution, hos-*  
15                 *pice facility, assisted living center, assisted living fa-*  
16                 *cility, assisted living home, residential care institu-*  
17                 *tion, adult day health care facility, or adult foster*  
18                 *care home, except that such term does not include an*  
19                 *individual who is an employee of the residence, nurs-*  
20                 *ing care institution, hospice facility, assisted living*  
21                 *center, assisted living facility, assisted living home,*  
22                 *residential care institution, adult day health care fa-*  
23                 *cility, or adult foster care home in which the indi-*  
24                 *vidual provides such assistance to such person..*

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

4           “(3) *The term ‘household member’ means an in-*  
 5           *dividual who resides at the same residence as such*  
 6           *person.*

7           **“SEC. 325. TIMELY PROCESSING AND REPORTING OF RE-**  
 8           **SULTS.**

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

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

21          “(c) *REQUIREMENT TO PUBLISH NUMBER OF VOTED*  
 22          *BALLOTS ON ELECTION DAY.—The District of Columbia*  
 23          *shall, as soon as practicable after the closing of polls on*  
 24          *the date of a District of Columbia election, make available*  
 25          *on a publicly accessible website the total number of voted*

1 *ballots in the possession of election officials in the District*  
 2 *of Columbia as of the time of the closing of polls on the*  
 3 *date of such election, which shall include, as of such time—*

4           “(1) *the number of voted ballots delivered by*  
 5       *mail;*

6           “(2) *the number of ballots requested for such elec-*  
 7       *tion by individuals who are entitled to vote by absen-*  
 8       *tee ballot under the Uniformed and Overseas Citizens*  
 9       *Absentee Voting Act (52 U.S.C. 20301 et seq.); and*

10          “(3) *the number of voted ballots for such election*  
 11       *received from 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.), including from individuals who, under such*  
 15       *Act, voted by absentee ballot without requesting such*  
 16       *a ballot.*

17          “(d) *REQUIREMENTS TO ENSURE BIPARTISAN ELEC-*  
 18       *TION ADMINISTRATION ACTIVITY.—With respect to a Dis-*  
 19       *trict of Columbia election, District of Columbia election of-*  
 20       *ficials shall ensure that all activities are carried out in a*  
 21       *bipartisan manner, which shall include a requirement that,*  
 22       *in the case of an election worker who enters a room which*  
 23       *contains ballots, voting equipment, or non voting equipment*  
 24       *as any part of the election worker’s duties to carry out such*  
 25       *election, the election worker is accompanied by an indi-*



1 *vidual registered to vote with respect to a different political*  
 2 *party than such election worker, as determined pursuant*  
 3 *to the voting registration records of the District of Colum-*  
 4 *bia.*

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

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

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

12 **“SEC. 327. REQUIREMENTS WITH RESPECT TO PROVI-**  
 13 ***SIONAL BALLOTS.***

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

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

20               “(1) *the individual declares that such individual*  
 21 *is a registered voter in the District of Columbia and*  
 22 *is eligible to vote in a District of Columbia election*  
 23 *but the name of the individual does not appear on the*  
 24 *official list of eligible voters for the polling place or*

1        *an election official asserts that the individual is not*  
2        *eligible to vote; or*

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

13        *“(c) REQUIREMENTS WITH RESPECT TO COUNTING*  
14       *PROVISIONAL BALLOTS IN CERTAIN CASES.—If the name*  
15       *of an individual who is a registered voter in the District*  
16       *of Columbia and eligible to vote in a District of Columbia*  
17       *election appears on the official list of eligible voters for a*  
18       *polling place in the District of Columbia, such individual*  
19       *may cast a provisional ballot pursuant to section 302 for*  
20       *such election at a polling place other than the polling place*  
21       *with respect to which the name of the individual appears*  
22       *on the official list of eligible voters, except that the individ-*  
23       *ual’s provisional ballot shall not be counted in the election*  
24       *unless the individual demonstrates pursuant to the require-*  
25       *ments under section 302 that the individual is a registered*

1 voter in the jurisdiction of the polling place at which the  
 2 individual cast such ballot.

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

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

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

8               “(1) *REQUIREMENT.*—Not later than 30 days  
 9 after each District of Columbia election, the District  
 10 of Columbia shall conduct and publish an audit of the  
 11 effectiveness and accuracy of the voting systems, non-  
 12 voting election technology (as defined in section  
 13 298C), election procedures, and outcomes used to  
 14 carry out the election and the performance of the elec-  
 15 tion officials who carried out the election, but in no  
 16 case shall such audit be completed later than 2 busi-  
 17 ness days before the deadline to file an election contest  
 18 under the laws of the District of Columbia.

19               “(2) *INDEPENDENCE OF AUDITOR.*—No indi-  
 20 vidual who participates in conducting the audit re-  
 21 quired under this section may be an employee or con-  
 22 tractor of an office of the District of Columbia which  
 23 is responsible for the administration of District of Co-  
 24 lumbia elections or of a subsidiary or affiliate of such  
 25 an office.

1 **“SEC. 329. PUBLIC OBSERVATION OF ELECTION PROCE-**  
 2 **DURES.**

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

6 “(b) *DESIGNATED REPRESENTATIVES OF CANDIDATES,*  
 7 *POLITICAL PARTIES, AND COMMITTEES AFFILIATED WITH*  
 8 *BALLOT INITIATIVES.*—

9 “(1) *AUTHORITY TO OBSERVE PROCEDURES.*—  
 10 *An individual who is not a District of Columbia elec-*  
 11 *tion official may observe election procedures carried*  
 12 *out in a District of Columbia election, as described in*  
 13 *paragraph (2), if the individual is designated to ob-*  
 14 *serve such procedures by a candidate in the election,*  
 15 *a political party, or a committee affiliated with a*  
 16 *ballot initiative or referendum in the election.*

17 “(2) *AUTHORITY AND PROCEDURES DE-*  
 18 *SCRIBED.*—*The authority of an individual to observe*  
 19 *election procedures pursuant to this subsection is as*  
 20 *follows:*

21 “(A) *The individual may serve as a poll*  
 22 *watcher to observe the casting and tabulation of*  
 23 *ballots at a polling place on the date of the elec-*  
 24 *tion or on any day prior to the date of the elec-*  
 25 *tion on which ballots are cast at early voting*

1        *sites, and may challenge the casting or tabula-*  
2        *tion of any such ballot.*

3                *“(B) The individual may serve as a poll*  
4        *watcher to observe the canvassing and processing*  
5        *of absentee or other mail-in ballots, including the*  
6        *procedures for verification of signed certificates*  
7        *of transmission under section 330(c)(2).*

8                *“(C) The individual may observe the re-*  
9        *count of the results of the election at any location*  
10       *at which the recount is held, and may challenge*  
11       *the tabulation of any ballot tabulated pursuant*  
12       *to the recount.*

13                *“(3) PROVISION OF CREDENTIALS.—The chief*  
14       *State election official of the District of Columbia shall*  
15       *provide each individual who is authorized to observe*  
16       *election procedures under paragraph (1) with appro-*  
17       *priate credentials to enable the individual to observe*  
18       *such procedures.*

19                *“(4) EXCEPTION FOR CANDIDATES AND LAW EN-*  
20       *FORCEMENT OFFICERS.—An individual may not serve*  
21       *as a poll watcher under subparagraph (A) or (B) of*  
22       *paragraph (2), and the chief State election official of*  
23       *the District of Columbia may not provide the indi-*  
24       *vidual with credentials to enable the individual to*  
25       *serve as a poll watcher under such subparagraph, if*

1       *the individual is a candidate in the election or a law*  
2       *enforcement officer.*

3       “(c) *OTHER INDIVIDUALS.*—

4               “(1) *PETITION FOR OBSERVER CREDENTIALS.*—  
5       *In addition to the individuals described in subsection*  
6       *(b), any individual, including an individual rep-*  
7       *resenting or affiliated with a domestic or inter-*  
8       *national organization, may petition the chief State*  
9       *election official of the District of Columbia to provide*  
10       *the individual with credentials to observe election pro-*  
11       *cedures carried out in a District of Columbia election,*  
12       *as described in subsection (b).*

13              “(2) *AUTHORITY DESCRIBED.*—*If the chief State*  
14       *election official provides an individual with creden-*  
15       *tials under paragraph (1), the individual shall have*  
16       *the same authority to observe election procedures car-*  
17       *ried out in the election as an individual described in*  
18       *subsection (b), except that the individual may not*  
19       *challenge the casting, tabulation, canvassing, or proc-*  
20       *essing of any ballot in the election.*

21              “(3) *EXCEPTION FOR CANDIDATES AND LAW EN-*  
22       *FORCEMENT OFFICERS.*—*The chief State election offi-*  
23       *cial of the District of Columbia may not provide an*  
24       *individual who is a candidate in the election or a law*  
25       *enforcement officer with credentials to serve as a poll*

1        *watcher, as described in subparagraph (A) or (B) of*  
 2        *subsection (b)(2).*

3        “(d) *AUTHORITY OF MEMBERS OF PUBLIC TO OB-*  
 4        *SERVE TESTING OF EQUIPMENT.—In addition to the au-*  
 5        *thority of individuals to observe procedures under sub-*  
 6        *sections (b) and (c), any member of the public may observe*  
 7        *the testing of election equipment by election officials prior*  
 8        *to the date of the election.*

9        “(e) *PROHIBITING LIMITS ON ABILITY TO VIEW PRO-*  
 10        *CEDURES.—An election official may not obstruct the ability*  
 11        *of an individual who is authorized to observe an election*  
 12        *procedure under this section to view the procedure as it is*  
 13        *being carried out.*

14        “(f) *PROHIBITION AGAINST CERTAIN RESTRIC-*  
 15        *TIONS.—An election official may not require that an indi-*  
 16        *vidual who observes election procedures under this section*  
 17        *stays more than 3 feet away from the procedure as it is*  
 18        *being carried out.*

19        **“SEC. 330. REQUIREMENTS FOR VOTING BY MAIL-IN BAL-**  
 20        **LOT.**

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

24        “(b) *PROHIBITING TRANSMISSION OF UNSOLICITED*  
 25        *BALLOTS.—The District of Columbia may not transmit an*

1 *absentee or other mail-in ballot for a District of Columbia*  
 2 *election to any individual who does not request the District*  
 3 *of Columbia to transmit the ballot.*

4 “(c) *SIGNATURE VERIFICATION.*—

5 “(1) *INCLUSION OF CERTIFICATE WITH BAL-*  
 6 *LOT.*—*The District of Columbia shall include with*  
 7 *each absentee or other mail-in ballot transmitted for*  
 8 *a District of Columbia election a certificate of trans-*  
 9 *mission which may be signed by the individual for*  
 10 *whom the ballot is transmitted.*

11 “(2) *REQUIRING VERIFICATION FOR BALLOT TO*  
 12 *BE COUNTED.*—*Except as provided in subsection (d),*  
 13 *the District of Columbia shall not accept an absentee*  
 14 *or other mail-in ballot for a District of Columbia elec-*  
 15 *tion unless—*

16 “(A) *the individual for whom the ballot was*  
 17 *transmitted—*

18 “(i) *signs and dates the certificate of*  
 19 *transmission included with the ballot under*  
 20 *paragraph (1); and*

21 “(ii) *includes the signed certification*  
 22 *with the ballot and the date on such certifi-*  
 23 *cation is accurate and in no case later than*  
 24 *the date of the election; and*



1           “(B) the individual’s signature on the ballot  
 2           matches the signature of the individual on the of-  
 3           ficial list of registered voters in the District of  
 4           Columbia or other official record or document  
 5           used by the District of Columbia to verify the  
 6           signatures of voters.

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

8           “(1) NOTICE AND OPPORTUNITY TO CURE DIS-  
 9           CREPANCY IN SIGNATURES.—If an individual submits  
 10          an absentee or other mail-in ballot for a District of  
 11          Columbia election and the appropriate District of Co-  
 12          lumbia election official determines that a discrepancy  
 13          exists between the signature on such ballot and the  
 14          signature of such individual on the official list of reg-  
 15          istered voters in the District of Columbia or other of-  
 16          ficial record or document used by the District of Co-  
 17          lumbia to verify the signatures of voters, such election  
 18          official, prior to making a final determination as to  
 19          the validity of such ballot, shall—

20               “(A) make a good faith effort to imme-  
 21               diately notify the individual by mail, telephone,  
 22               or (if available) text message or electronic mail  
 23               that—

24                       “(i) a discrepancy exists between the  
 25                       signature on such ballot and the signature

1           *of the individual on the official list of reg-*  
2           *istered voters in the District of Columbia or*  
3           *other official record or document used by*  
4           *the District of Columbia to verify the signa-*  
5           *tures of voters; and*

6           “(ii) if such discrepancy is not cured  
7           prior to the expiration of the 48-hour period  
8           which begins on the date the official notifies  
9           the individual of the discrepancy, such bal-  
10          lot will not be counted; and

11          “(B) cure such discrepancy and count the  
12          ballot if, prior to the expiration of the 48-hour  
13          period described in subparagraph (A)(ii), the in-  
14          dividual provides the official with information to  
15          cure such discrepancy, either in person, by tele-  
16          phone, or by electronic methods.

17          “(2) NOTICE AND OPPORTUNITY TO CURE MISS-  
18          ING SIGNATURE OR OTHER DEFECT.—If an indi-  
19          vidual submits an absentee or other mail-in ballot for  
20          a District of Columbia election without a signature  
21          on the ballot or the certificate of transmission in-  
22          cluded with the ballot under subsection (c)(1) or sub-  
23          mits an absentee ballot with another defect which, if  
24          left uncured, would cause the ballot to not be counted,  
25          the appropriate District of Columbia election official,

1       *prior to making a final determination as to the valid-*  
2       *ity of the ballot, shall—*

3               “(A) make a good faith effort to imme-

4               *diately notify the individual either by mail, tele-*

5               *phone, or (if available) text message or electronic*

6               *mail that—*

7                       “(i) the ballot or certificate of trans-

8                       *mission did not include a signature or has*

9                       *some other defect; and*

10                      “(ii) if the individual does not provide

11                      *the missing signature or cure the other de-*

12                      *fect prior to the expiration of the 48-hour*

13                      *period which begins on the date the official*

14                      *notifies the individual that the ballot or cer-*

15                      *tificate of transmission did not include a*

16                      *signature or has some other defect, such bal-*

17                      *lot will not be counted; and*

18                      “(B) count the ballot if, prior to the expira-

19                      *tion of the 48-hour period described in subpara-*

20                      *graph (A)(ii), the individual provides the official*

21                      *with the missing signature on a form proscribed*

22                      *by the District of Columbia or cures the other de-*

23                      *fect.*

24       *This paragraph does not apply with respect to a de-*

25       *fect consisting of the failure of a ballot to meet the ap-*

1 *plicable deadline for the acceptance of the ballot, as*  
2 *described in subsection (e).*

3 “(e) *DEADLINE FOR ACCEPTANCE.*—

4 “(1) *DEADLINE.*—*Except as provided in para-*  
5 *graph (2), the District of Columbia may not accept*  
6 *an absentee or other mail-in ballot for a District of*  
7 *Columbia election which is received by the appro-*  
8 *priate election official following the close of polls on*  
9 *Election Day.*

10 “(2) *EXCEPTION FOR ABSENT MILITARY AND*  
11 *OVERSEAS VOTERS.*—*Paragraph (1) does not apply to*  
12 *a ballot cast by an individual who is entitled to vote*  
13 *by absentee ballot under the Uniformed and Overseas*  
14 *Citizens Absentee Voting Act (52 U.S.C. 20301 et*  
15 *seq.).*

16 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*  
17 *subsection may be construed as prohibiting the Dis-*  
18 *trict of Columbia from accepting an absentee or other*  
19 *mail-in ballot for a District of Columbia election that*  
20 *is delivered in person by the voter to an election offi-*  
21 *cial at an appropriate polling place or the District*  
22 *of Columbia Board of Elections if such ballot is re-*  
23 *ceived by the election official by the deadline described*  
24 *in paragraph (1).*

1   **“SEC. 331. REQUIREMENTS WITH RESPECT TO USE OF DROP**  
2                           **BOXES.**

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

6           “(b) *REQUIREMENTS.*—*With respect to a District of*  
7   *Columbia election, the District of Columbia may not use*  
8   *a drop box to accept a voted absentee or other mail-in ballot*  
9   *for any such election unless—*

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

12                  “(2) *the District of Columbia provides for the se-*  
13       *curity of any such drop box through 24-hour remote*  
14       *or electronic surveillance; and*

15                  “(3) *the District of Columbia Board of Elections*  
16       *collects any ballot deposited in any such drop box*  
17       *each day after 5:00 p.m. (local time) during the pe-*  
18       *riod of the election.*

19   **“SEC. 332. SPECIAL RULE WITH RESPECT TO APPLICATION**  
20                           **OF REQUIREMENTS TO FEDERAL ELECTIONS.**

21           *“With respect to an election for Federal office in the*  
22   *District of Columbia, to the extent that there is any incon-*  
23   *sistency with the requirements of this subtitle and the re-*  
24   *quirements of subtitle A, the requirements of this subtitle*  
25   *shall apply.*

1 **“SEC. 333. PROHIBITING THE USE OF RANKED CHOICE VOT-**  
2 **ING.**

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

6 “(b) *PROHIBITION.*—The District of Columbia may  
7 not carry out a District of Columbia election using a system  
8 of ranked choice voting under which each voter shall rank  
9 the candidates for the office in the order of the voter’s pref-  
10 erence.

11 **“SEC. 334. EARLY VOTING.**

12 “(a) *REQUIRING EARLY VOTING.*—

13 “(1) *IN GENERAL.*—The District of Columbia  
14 shall allow individuals to vote in person in a District  
15 of Columbia election during an early voting period  
16 which occurs prior to the date of the election, in the  
17 same manner as in person voting is allowed on such  
18 date.

19 “(2) *LENGTH OF PERIOD.*—The early voting pe-  
20 riod required under this subsection with respect to a  
21 District of Columbia election shall consist of not more  
22 than 10 days during the period of consecutive days  
23 (including weekends) which begins on the 14th day  
24 before the date of the election and ends on the date of  
25 the election.

1       “(b) *POLLING PLACE REQUIREMENTS.*—Each polling  
 2   *place which allows voting during an early voting period*  
 3   *under subsection (a) shall have the same hours for each day*  
 4   *on which such voting occurs as the polling place has on*  
 5   *the date of the election.*

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

7       *“In this subtitle, the term ‘District of Columbia elec-*  
 8   *tion’ means any election for public office in the District*  
 9   *of Columbia, including an election for Federal office, and*  
 10   *any ballot initiative or referendum.”.*

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

16       (c) *CLERICAL AMENDMENT.*—The table of contents of  
 17   *such Act is amended by adding at the end of the items relat-*  
 18   *ing 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.*”.

1 **SEC. 144. REPEAL OF LOCAL RESIDENT VOTING RIGHTS**  
 2 **AMENDMENT ACT OF 2022.**

3 *The Local Resident Voting Rights Amendment Act of*  
 4 *2022 (D.C. Law 24–242) is repealed, and any provision*  
 5 *of law amended or repealed by such Act shall be restored*  
 6 *or revived as if such Act had not been enacted into law.*

7 **SEC. 145. EFFECTIVE DATE.**

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

14 ***Subtitle E—Administration of the***  
 15 ***Election Assistance Commission***

16 **SEC. 151. SHORT TITLE.**

17 *This subtitle may be cited as the “Positioning the Elec-*  
 18 *tion Assistance Commission for the Future Act of 2023”.*

19 **SEC. 152. FINDINGS RELATING TO THE ADMINISTRATION**  
 20 **OF THE ELECTION ASSISTANCE COMMISSION.**

21 *Congress finds the following:*

22 *(1) The Election Assistance Commission best*  
 23 *serves the American people when operating within its*



1       core statutory functions, including serving as a clear-  
2       inghouse for information on election administration,  
3       providing grants, and testing and certifying election  
4       equipment.

5               (2) *The American people are best served when*  
6       *Federal agency election assistance is offered by a sin-*  
7       *gle agency with expertise in this space. The Election*  
8       *Assistance Commission, composed of four election ex-*  
9       *perts from different political parties, is best situated*  
10       *among the Federal Government agencies to offer as-*  
11       *sistance services to citizens and to guide other Federal*  
12       *agencies that have responsibilities in the elections*  
13       *space. The Commission is also best suited to deter-*  
14       *mine the timing of the issuance of any advisories and*  
15       *to disburse all appropriated election grant funding.*

16              (3) *To this end, Congress finds that the Election*  
17       *Assistance Commission should be viewed as the lead*  
18       *Federal Government agency on all election adminis-*  
19       *tration matters, and other Federal agencies operating*  
20       *in this space should look to the Commission for guid-*  
21       *ance, direction, and support on election administra-*  
22       *tion-related issues.*

1 **SEC. 153. REQUIREMENTS WITH RESPECT TO STAFF AND**  
2 **FUNDING OF THE ELECTION ASSISTANCE**  
3 **COMMISSION.**

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

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

13 (1) by striking “for each of the fiscal years 2003  
14 through 2005” and inserting “for each of the fiscal  
15 years 2024 through 2026”; and

16 (2) by striking “(but not to exceed \$10,000,000  
17 for each such year)” and inserting “(but not to exceed  
18 \$25,000,000 for each such year)”.

19 (c) *PROHIBITION ON CERTAIN USE OF FUNDS*.—

20 (1) *PROHIBITION*.—None of the funds authorized  
21 to be appropriated or otherwise made available under  
22 subsection (b) may be obligated or expended for the  
23 operation of an advisory committee established by the  
24 *Election Assistance Commission* pursuant to and in  
25 accordance with the provisions of the *Federal Advi-*  
26 *sory Committee Act* (5 U.S.C. App. 2), except with re-

1        *spect to the operation of the Local Leadership Coun-*  
 2        *cil.*

3                (2) *NO EFFECT ON ENTITIES ESTABLISHED BY*  
 4        *HELP AMERICA VOTE ACT OF 2002.—Paragraph (1)*  
 5        *does not apply with respect to the operation of any*  
 6        *entity established by the Help America Vote Act of*  
 7        *2002, including the Election Assistance Commission*  
 8        *Standards Board, the Election Assistance Commission*  
 9        *Board of Advisors, and the Technical Guidelines De-*  
 10        *velopment Committee.*

11        (d) *REQUIREMENTS WITH RESPECT TO COMPENSA-*  
 12        *TION OF MEMBERS OF THE COMMISSION.—Section 203(d)*  
 13        *of the Help America Vote Act of 2002 (52 U.S.C. 20923(d))*  
 14        *is amended—*

15                (1) *in paragraph (1), by striking “at the annual*  
 16        *rate of basic pay prescribed for level IV of the Execu-*  
 17        *tive Schedule under section 5315 of title 5, United*  
 18        *States Code” and inserting “at an annual rate of*  
 19        *basic pay equal to the lesser of the amount of*  
 20        *\$176,300, as adjusted under section 5318 of title 5,*  
 21        *United States Code, in the same manner as the an-*  
 22        *annual rate of pay for positions at each level of the Ex-*  
 23        *ecutive Schedule, or 90 percent of the annual rate of*  
 24        *pay for a member of the Federal Election Commission*  
 25        *(but in no case lower than the rate applicable for the*

1 *pay period occurring on the date of the enactment of*  
 2 *the American Confidence in Elections Act)”;*

3 *(2) in paragraph (2), by striking “No member*  
 4 *appointed” and inserting “Except as provided in*  
 5 *paragraph (3), no member appointed”; and*

6 *(3) by adding at the end the following new para-*  
 7 *graph:*

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

14 *“(A) the General Counsel of the Election As-*  
 15 *sistance Commission determines that such posi-*  
 16 *tion does not create a conflict of interest with the*  
 17 *individual’s position as a sitting member of the*  
 18 *Commission and grants the individual approval*  
 19 *to hold the position; and*

20 *“(B) the annual rate of compensation re-*  
 21 *ceived by the individual from such institution is*  
 22 *not greater than the amount equal to 49.9% of*  
 23 *the annual rate of basic pay paid to the indi-*  
 24 *vidual under paragraph (1).”.*

1       (e) *OFFICE OF INSPECTOR GENERAL.*—Section 204 of  
 2   the *Help America Vote Act of 2002* (52 U.S.C. 20924) is  
 3   amended by adding at the end the following new subsection:

4       “(f) *OFFICE OF INSPECTOR GENERAL.*—In consulta-  
 5   tion with the Office of the Inspector General of the Commis-  
 6   sion, the Commission shall establish annually a budget and  
 7   a number of full-time equivalent employees for the Office  
 8   of the Inspector General which will ensure that the Office  
 9   has sufficient funding and personnel to carry out the duties  
 10   and responsibilities under section 404 of title 5, United  
 11   States Code.”.

12       (f) *EFFECTIVE DATE.*—This section and the amend-  
 13   ments made by this section shall take effect on October 1,  
 14   2025.

15   **SEC. 154. GENERAL REQUIREMENTS FOR PAYMENTS MADE**  
 16       **BY ELECTION ASSISTANCE COMMISSION.**

17       (a) *EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE*  
 18   *COMMISSION TO MAKE ELECTION ADMINISTRATION PAY-*  
 19   *MENTS TO STATES.*—No entity of the Federal Government  
 20   other than the Election Assistance Commission may make  
 21   any payment to a State for purposes of administering elec-  
 22   tions for Federal office, including obtaining election and  
 23   voting equipment and infrastructure (including software),  
 24   enhancing election and voting technology, and making elec-  
 25   tion and voting security improvements, including with re-

1 *spect to cybersecurity and infrastructure (including soft-*  
 2 *ware).*

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

8 **“PART 7—GENERAL REQUIREMENTS FOR**  
 9 **PAYMENTS**

10 **“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-**  
 11 **THE-VOTE-ACTIVITY.**

12 *“(a) PROHIBITION.—No payment made to a State or*  
 13 *unit of local government by the Commission under this Act*  
 14 *or any other Act or any other Federal funds made available*  
 15 *to a State or unit of local government may be used for get-*  
 16 *out-the-vote activity.*

17 *“(b) DEFINITION.—In this section, the term ‘get-out-*  
 18 *the-vote activity’ means, with respect to a payment made*  
 19 *to a State or unit of local government, any activity which,*  
 20 *at the time the payment is made, is treated as get-out-the-*  
 21 *vote-activity under the Federal Election Campaign Act of*  
 22 *1971 and the regulations promulgated by the Federal Elec-*  
 23 *tion Commission to carry out such Act, or similar activity*  
 24 *which is targeted, or may be reasonably assumed to be tar-*  
 25 *geted, at particular voters and groups of voters on the basis*

1 of political affiliation, their expected votes, their place of  
 2 residence, or some other demographic factor.”.

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

7 **“SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY**  
 8 **PAYMENTS TO INCLUDE DISCLAIMER.**

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

18 “(b) *CLEAR AND CONSPICUOUS MANNER DE-*  
 19 *SCRIBED.*—A statement required under subsection (a) shall  
 20 be considered to be in a clear and conspicuous manner if  
 21 the statement meets the following requirements:

22 “(1) *TEXT OR GRAPHIC COMMUNICATIONS.*—In  
 23 the case of a text or graphic communication, the  
 24 statement—

1           “(A) appears in letters at least as legible as  
2           the majority of the text in the communication;

3           “(B) is contained in a printed box set apart  
4           from the other contents of the communication;  
5           and

6           “(C) is printed with a reasonable degree of  
7           color contrast between the background and the  
8           printed statement.

9           “(2) AUDIO COMMUNICATIONS.—In the case of an  
10          audio communication, the statement is spoken in a  
11          clearly audible and intelligible manner at the begin-  
12          ning or end of the communication and lasts at least  
13          3 seconds.

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

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

18               “(B) is made in a written format that  
19               meets the requirements of subparagraphs (A) and  
20               (C) of paragraph (1) and appears for at least 4  
21               seconds.

22          “(4) OTHER COMMUNICATIONS.—In the case of  
23          any other type of communication, the statement is at  
24          least as clear and conspicuous as the statement speci-  
25          fied in paragraph (1), (2), or (3).



1       “(c) *PUBLIC COMMUNICATION.*—*In this section, the*  
 2 *term ‘public communication’ means a communication re-*  
 3 *lating to the administration of an election for Federal office*  
 4 *by means of any broadcast, cable, or satellite communica-*  
 5 *tion, Internet communication, newspaper, magazine, out-*  
 6 *door advertising facility, mass mailing, or telephone bank*  
 7 *to the general public, or any other form of general public*  
 8 *advertising.*

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

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

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

18               “(1) *The guidance shall be consistent for all*  
 19 *States and units of local government.*

20               “(2) *The guidance shall be available to the pub-*  
 21 *lic.*

22               “(3) *If the Commission revises any previously es-*  
 23 *tablished and published guidance under this section,*  
 24 *the revision may not take effect until after the next*  
 25 *regularly scheduled general election for Federal office,*

1        *and the Commission shall provide and publish its*  
 2        *reasons for the revision.*

3        “(c) *APPLICATION OF GUIDANCE TO AUDITS.—If the*  
 4        *Commission conducts any audit of the use of a payment*  
 5        *to a State or unit of local government, it shall base the*  
 6        *audit on the compliance of the State or unit of local govern-*  
 7        *ment with the applicable guidance under this section and*  
 8        *the applicable requirements of this Act.*

9        “(d) *UNIFORM TERMS FOR REPORTS.—In cooperation*  
 10        *and consultation with States, the Commission shall estab-*  
 11        *lish a set of uniform terms for States and units of local*  
 12        *government to use for any reports submitted to the Commis-*  
 13        *sion on the use of payments made by the Commission under*  
 14        *this Act or any other Act.”.*

15        (d) *CLERICAL AMENDMENT.—The table of contents of*  
 16        *such Act is amended by inserting at the end of the items*  
 17        *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.”.*

18        (e) *EFFECTIVE DATE.—This section and the amend-*  
 19        *ments made by this section shall apply with respect to pay-*  
 20        *ments made on or after the date that is 30 days after the*  
 21        *date of the enactment of this Act.*

1 **SEC. 155. EXECUTIVE BOARD OF THE STANDARDS BOARD**

2 **AUTHORITY TO ENTER INTO CONTRACTS.**

3 *Section 213(c) of the Help America Vote Act of 2002*  
4 *(52 U.S.C. 20943(c)) is amended by adding at the end the*  
5 *following new paragraph:*

6 “(5) *AUTHORITY TO ENTER INTO CONTRACTS.—*

7 *The Executive Board of the Standards Board may,*  
8 *using amounts already made available to the Com-*  
9 *mission, enter into contracts to employ and retain no*  
10 *more than 2 individuals to enable the Standards*  
11 *Board to discharge its duties with respect to the ex-*  
12 *amination and release of voluntary considerations*  
13 *with respect to the administration of elections for*  
14 *Federal offices by the States under section 247, except*  
15 *that—*

16 “(A) *no more than 1 individual from the*  
17 *same political party may be employed under*  
18 *such contracts at the same time;*

19 “(B) *the authority to enter into such con-*  
20 *tracts shall end on the earlier of the date of the*  
21 *release of the considerations or December 31,*  
22 *2025; and*

23 “(C) *no additional funds may be appro-*  
24 *priated to the Commission for the purposes of*  
25 *carrying out this paragraph.”.*

1 **SEC. 156. ELECTION ASSISTANCE COMMISSION PRIMARY**  
 2 **ROLE IN ELECTION ADMINISTRATION ASSIST-**  
 3 **ANCE.**

4 (a) *IN GENERAL.*—*Except as provided in any other*  
 5 *provision of law, the Election Assistance Commission shall,*  
 6 *with respect to any other entity of the Federal Government,*  
 7 *have primary jurisdiction to address issues with respect to*  
 8 *the administration of elections for Federal office.*

9 (b) *EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE*  
 10 *COMMISSION TO DEVELOP VOLUNTARY GUIDELINES WITH*  
 11 *RESPECT TO VOTING SYSTEMS AND NONVOTING TECH-*  
 12 *NOLOGY.*—*No entity of the Federal Government other than*  
 13 *the Election Assistance Commission may develop, adopt,*  
 14 *issue, or oversee voluntary guidelines with respect to voting*  
 15 *systems and any related nonvoting election technology, as*  
 16 *defined in section 298C of the Help America Vote Act of*  
 17 *2002 (as added by section 129(b)) that are used in elections*  
 18 *for Federal office.*

19 **SEC. 157. CLARIFICATION OF THE DUTIES OF THE ELEC-**  
 20 **TION ASSISTANCE COMMISSION.**

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

23 (1) *by striking “The Commission shall serve”*  
 24 *and inserting the following:*

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

(2) in paragraph (1), by striking “including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general” and inserting “including, in cooperation with and for the benefit of the States and their political subdivisions, the maintenance and operation of a Federal forum for the States and their political subdivisions to discuss with other States and their political subdivisions their experiences with election administration processes, equipment, operations, training, and scheduling, as well as any other useful information relating to State administration of elections for Federal office (as described in subsection (b))”;

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

(4) by adding at the end the following new subsections:

“(b) *FEDERAL FORUM FOR DISCUSSION OF ELECTION ADMINISTRATION EXPERIENCES.*—

“(1) *MEMBERSHIP.*—The membership of the Federal forum described in paragraph (1) of subsection

1       (a) shall be comprised of the membership of the  
 2       Standards Board and of the Local Leadership Coun-  
 3       cil.

4               “(2) MAINTENANCE OF CLEARINGHOUSE.—As  
 5       part of such Federal forum, the Commission shall, on  
 6       behalf of and for the benefit of the States and their  
 7       political subdivisions, maintain and operation a na-  
 8       tional clearinghouse of relevant information developed  
 9       by or provided to the Federal forum with respect to  
 10      State administration of elections for Federal office.  
 11      The Commission may also include other information  
 12      related to election administration that it considers  
 13      useful to State and local election administrators who  
 14      administer elections for Federal office, except that the  
 15      Commission may not endorse a private third party,  
 16      the information provided or published by a private  
 17      third party, or use such information in a way that  
 18      suggests that the information was created or endorsed  
 19      by the Commission.

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

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

24               “(2) retain personnel qualified to assist the Com-  
 25      mission in carrying out such duties; and

1           “(3) *prioritize such duties in all budget re-*  
 2       *quests.*”.

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

4       *Section 205 of the Help America Vote Act of 2002 (52*  
 5   *U.S.C. 20925) is amended by adding at the end the fol-*  
 6   *lowing new subsection:*

7       “(f) *CONCURRENT TRANSMISSIONS TO CONGRESS.*—

8           “(1) *BUDGET ESTIMATE OR REQUEST.*—*When-*  
 9       *ever the Commission submits any budget estimate or*  
 10      *request to the President or the Director of the Office*  
 11      *of Management and Budget, the Commission shall*  
 12      *concurrently transmit a copy of such estimate or re-*  
 13      *quest to the Committee on House Administration of*  
 14      *the House of Representatives and the Committee on*  
 15      *Rules and Administration of the Senate.*

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

1        *islative recommendations, testimony, or comments on*  
 2        *legislation to any office or agency of the United*  
 3        *States for approval, comments, or review prior to the*  
 4        *submission of such recommendations, testimony, or*  
 5        *comments to the Congress or Member of Congress*  
 6        *under the previous sentence.”.*

7    **SEC. 159. MEMBERSHIP OF THE LOCAL LEADERSHIP COUN-**  
 8                                    **CIL.**

9        (a) *IN GENERAL.*—Subtitle C of title II of the Help  
 10    *America Vote Act of 2002 (52 U.S.C. 20981 et seq.) is*  
 11    *amended—*

12                    (1) *by redesignating section 248, as redesignated*  
 13        *by section 113(a)(1), as section 249; and*

14                    (2) *by adding before section 249 (as redesignated*  
 15        *by paragraph (1)) the following new section:*

16    **“SEC. 248. MEMBERSHIP OF THE LOCAL LEADERSHIP COUN-**  
 17                                    **CIL.**

18        *“In appointing members of the Local Leadership*  
 19    *Council, the Commission shall ensure that members who*  
 20    *represent the same State are not of the same political affili-*  
 21    *ation in their professional capacities and should reflect the*  
 22    *goal of soliciting diverse opinions and ideas.”.*

23        (b) *CLERICAL AMENDMENT.*—*The table of contents of*  
 24    *such Act is amended—*



1           (1) by redesignating the item relating to section  
 2       248, as redesignated by section 113(b)(1), as section  
 3       249; and

4           (2) by inserting after the item relating to section  
 5       247, as added by section 113(b)(2), the following new  
 6       item:

“Sec. 248. Membership of the Local Leadership Council.”.

7   **SEC. 160. RULE OF CONSTRUCTION.**

8       Nothing in this subtitle or the amendments made by  
 9       this subtitle shall be construed as providing the Election  
 10      Assistance Commission with additional regulatory author-  
 11      ity, other than the regulatory authority required to carry  
 12      out the requirements and duties under this subtitle and the  
 13      amendments made by this subtitle.

14   **Subtitle F—Prohibition on Involvement in Elections by Foreign Na-**  
 15       **tionals**

17   **SEC. 161. PROHIBITION ON CONTRIBUTIONS AND DONA-**  
 18       **TIONS BY FOREIGN NATIONALS IN CONNEC-**  
 19       **TION WITH BALLOT INITIATIVES AND**  
 20       **REFERENDA.**

21       (a) *SHORT TITLE.*—This section may be cited as the  
 22       “American Confidence in Elections: Keeping Foreign  
 23       Money out of Ballot Measures Act”.

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

4       **“§612. Foreign nationals making certain political**  
 5                               **contributions**

6       “(a) *PROHIBITION.*—It shall be unlawful for a foreign  
 7       national, directly or indirectly, to make a contribution as  
 8       such term is defined in section 301(8)(A) of the Federal  
 9       Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A))  
 10      or donation of money or other thing of value, or to make  
 11      an express or implied promise to make a contribution or  
 12      donation, in connection with a State or local ballot initia-  
 13      tive or referendum.

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

17      “(c) *FOREIGN NATIONAL DEFINED.*—In this section,  
 18      the term ‘foreign national’ has the meaning given such term  
 19      in section 319(b) of the Federal Election Campaign Act of  
 20      1971 (52 U.S.C. 30121(b)).”.

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

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

24      (d) *EFFECTIVE DATE.*—The amendment made by this  
 25      section shall apply with respect to contributions and dona-

1 tions made on or after the date of the enactment of this  
2 Act.

3 **SEC. 162. PROHIBITING PROVIDING ASSISTANCE TO FOR-**  
4 **EIGN NATIONALS IN MAKING CONTRIBU-**  
5 **TIONS OR DONATIONS IN CONNECTION WITH**  
6 **ELECTIONS.**

7 (a) *PROHIBITION.*—Section 319(a) of the Federal Elec-  
8 tion Campaign Act of 1971 (52 U.S.C. 30121(a)) is amend-  
9 ed—

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

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

14 (3) by adding at the end the following new para-  
15 graph:

16 “(3) a person to knowingly help or assist a for-  
17 eign national in violating this subsection.”.

18 (b) *EFFECTIVE DATE.*—The amendment made by this  
19 section shall apply with respect to contributions and dona-  
20 tions made on or after the date of the enactment of this  
21 Act.

1 **SEC. 163. PROHIBITION ON CONTRIBUTIONS BY FOREIGN**  
 2 **NATIONALS TO CERTAIN TAX-EXEMPT ENTI-**  
 3 **TIES.**

4 (a) *IN GENERAL.*—Section 319(a)(1) of the Federal  
 5 Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)),  
 6 as amended by section 162(a), is amended—

7 (1) in subparagraph (C), by adding “or” at the  
 8 end;

9 (2) by adding at the end the following new sub-  
 10 paragraph:

11 “(D) a contribution or donation of money  
 12 or other thing of value to an organization that  
 13 is described in section 501(c) of the Internal  
 14 Revenue Code of 1986 and exempt from tax  
 15 under section 501(a) of such Code if the organi-  
 16 zation makes or expects to make a contribution  
 17 to a political committee during the 4-year period  
 18 which begins on the date that the foreign na-  
 19 tional made such contribution or donation to the  
 20 organization; or”.

21 (b) *RULE OF CONSTRUCTION REGARDING PRIVACY OF*  
 22 *DONOR INFORMATION.*—Section 319 of such Act (52 U.S.C.  
 23 30121) is amended by adding at the end the following new  
 24 subsection:

25 “(c) *RULE OF CONSTRUCTION.*—Nothing in paragraph  
 26 (1)(D) of subsection (a) may be construed to permit the col-

1 *lection, submission, or disclosure of any information in vio-*  
 2 *lation of the Speech Privacy Act of 2023.”.*

3 *(c) EFFECTIVE DATE.—The amendments made by this*  
 4 *section shall apply with respect to contributions made on*  
 5 *or after the date of the enactment of this Act.*

6 ***Subtitle G—Constitutional Experts***  
 7 ***Panel With Respect to Presi-***  
 8 ***dential Elections***

9 ***SEC. 171. SHORT TITLE.***

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

12 ***SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL***  
 13 ***EXPERTS.***

14 *(a) ESTABLISHMENT.—There is established the “Twen-*  
 15 *tieth Amendment Section Four Panel” (in this section re-*  
 16 *ferred to as the “Panel”).*

17 *(b) MEMBERSHIP.—*

18 *(1) IN GENERAL.—The Panel shall be composed*  
 19 *of 6 constitutional experts, of whom—*

20 *(A) 1 shall be appointed by the majority*  
 21 *leader of the Senate;*

22 *(B) 1 shall be appointed by the minority*  
 23 *leader of the Senate;*

24 *(C) 1 shall be appointed jointly by the ma-*  
 25 *jority and minority leader of the Senate;*

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

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

5           (F) 1 shall be appointed jointly by the  
6           Speaker of the House of Representatives and the  
7           minority leader of the House of Representatives.

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

11          (3) VACANCY.—Any vacancy occurring in the  
12          membership of the Panel shall be filled in the same  
13          manner in which the original appointment was  
14          made.

15          (4) CHAIRPERSON AND VICE CHAIRPERSON.—The  
16          Panel shall select a Chairperson and Vice Chair-  
17          person from among the members of the Panel.

18          (c) PURPOSE.—The purpose of the Panel shall be to  
19          recommend to Congress model legislation, which shall pro-  
20          vide for an appropriate process, pursuant to section 4 of  
21          the Twentieth Amendment to the United States Constitu-  
22          tion, to resolve any vacancy created by the death of a can-  
23          didate in a contingent presidential or vice-presidential elec-  
24          tion.

25          (d) REPORTS.—

1           (1) *INITIAL REPORT.*—Not later than 1 year  
 2           after the date on which all of the appointments have  
 3           been made under subsection (b)(2), the Panel shall  
 4           submit to Congress an interim report containing the  
 5           Panel’s findings, conclusions, and recommendations.

6           (2) *FINAL REPORT.*—Not later than 6 months  
 7           after the submission of the interim report under para-  
 8           graph (1), the Panel shall submit to Congress a final  
 9           report containing the Panel’s findings, conclusions,  
 10          and recommendations.

11          (e) *MEETINGS; INFORMATION.*—

12           (1) *IN GENERAL.*—Meetings of the Panel shall be  
 13          held at the Law Library of Congress.

14           (2) *INFORMATION.*—The Panel may secure from  
 15          the Law Library of Congress such information as the  
 16          Panel considers necessary to carry out the provisions  
 17          of this section.

18          (f) *FUNDS.*—

19           (1) *COMPENSATION OF MEMBERS.*—Members of  
 20          the Panel shall receive no compensation.

21           (2) *OTHER FUNDING.*—No amounts shall be ap-  
 22          propriated for the purposes of this section, except for  
 23          any amounts strictly necessary for the Law Library  
 24          of Congress to execute its responsibilities under sub-  
 25          section (e).

1 (g) *TERMINATION*.—

2 (1) *IN GENERAL*.—*The panel established under*  
 3 *subsection (a) shall terminate 90 days after the date*  
 4 *on which the panel submits the final report required*  
 5 *under subsection (d)(2).*

6 (2) *RECORDS*.—*Upon termination of the panel,*  
 7 *all of its records shall become the records of the Sec-*  
 8 *retary of the Senate and the Clerk of the House of*  
 9 *Representatives.*

## 10 ***TITLE II—MILITARY VOTING*** 11 ***ADMINISTRATION***

12 ***SEC. 200. SHORT TITLE.***

13 *This title may be cited as the “American Confidence*  
 14 *in Elections: Military Voting Rights Study Act”.*

### 15 ***Subtitle A—Findings Relating to*** 16 ***Military Voting***

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

18 *Congress finds the following:*

19 (1) *Participation in the voting process by Amer-*  
 20 *icans who serve in the Armed Forces is vital to the*  
 21 *future of the Republic; however, due to the realities of*  
 22 *service around the globe and despite many best efforts,*  
 23 *the nation has not always lived up to its commitment*  
 24 *to servicemembers that their vote be counted.*



1           (2) *The Military and Overseas Empowerment*  
 2           *(MOVE) Act made great progress in solving problems*  
 3           *with voting that many servicemembers faced. Yet, for*  
 4           *many, it is still difficult to exercise the franchise,*  
 5           *with many ballots not reaching State elections offi-*  
 6           *cials until after the deadline, negating their voice.*  
 7           *After 14 years, Congress must address the remaining*  
 8           *issues.*

9           (3) *Congress finds that it is a moral imperative*  
 10          *of national importance that every eligible American*  
 11          *servicemember has the opportunity to cast a ballot in*  
 12          *each election and, not only that such ballot be received*  
 13          *in time to be counted, but that it actually be counted*  
 14          *according to law.*

15           ***Subtitle B—GAO Analysis on***  
 16           ***Military Voting Access***

17   ***SEC. 211. GOVERNMENT ACCOUNTABILITY OFFICE REPORT***  
 18           ***ON IMPLEMENTATION OF UNIFORMED AND***  
 19           ***OVERSEAS CITIZENS ABSENTEE VOTING ACT***  
 20           ***AND IMPROVING ACCESS TO VOTER REG-***  
 21           ***ISTRATION INFORMATION AND ASSISTANCE***  
 22           ***FOR ABSENT UNIFORMED SERVICES VOTERS.***

23          (a) *IN GENERAL.—The Comptroller General of the*  
 24          *United States shall conduct—*

1           (1) *an analysis of the effectiveness of the Federal*  
2           *Government in carrying out its responsibilities under*  
3           *the Uniformed and Overseas Citizens Absentee Voting*  
4           *Act (52 U.S.C. 20301 et seq.) to promote access to vot-*  
5           *ing for absent uniformed services voters; and*

6           (2) *a study on means for improving access to*  
7           *voter registration information and assistance for*  
8           *members of the Armed Forces and their family mem-*  
9           *bers.*

10          (b) *ELEMENTS.—*

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

13                   (A) *Data and information pertaining to the*  
14                   *transmission of ballots to absent uniformed serv-*  
15                   *ices voters.*

16                   (B) *Data and information pertaining to the*  
17                   *methods of transmission of voted ballots from ab-*  
18                   *sent uniformed services voters, including the effi-*  
19                   *cacy and security of such methods.*

20                   (C) *Data and information pertaining to the*  
21                   *treatment by election officials of voted ballots*  
22                   *transmitted by absent uniformed services voters,*  
23                   *including—*

24                           (i) *the rate at which such ballots are*  
25                           *counted in elections;*

1                   (ii) the rate at which such ballots are  
2                   rejected in elections; and

3                   (iii) the reasons for such rejections.

4                   (D) An analysis of the effectiveness of the  
5                   assistance provided to absent uniformed services  
6                   voters by Voting Assistance Officers of the Fed-  
7                   eral Voting Assistance Program of the Depart-  
8                   ment of Defense.

9                   (E) A review of the extent of coordination  
10                  between Voting Assistance Officers and State and  
11                  local election officials.

12                  (F) Information regarding such other issues  
13                  relating to the ability of absent uniformed serv-  
14                  ices voters to register to vote, vote, and have their  
15                  ballots counted in elections for Federal office.

16                  (G) Data and information pertaining to—

17                       (i) the awareness of members of the  
18                       Armed Forces and their family members of  
19                       the requirement under section 1566a of title  
20                       10, United States Code, that the Secretaries  
21                       of the military departments provide voter  
22                       registration information and assistance;  
23                       and

24                       (ii) whether members of the Armed  
25                       Forces and their family members received

1           *such information and assistance at the*  
2           *times required by subsection (c) of that sec-*  
3           *tion.*

4           (2) *STUDY.*—*The study required by subsection*  
5           *(a)(2) shall include the following:*

6                   (A) *An assessment of potential actions to be*  
7                   *undertaken by the Secretary of each military de-*  
8                   *partment to increase access to voter registration*  
9                   *information and assistance for members of the*  
10                  *Armed Forces and their family members.*

11                   (B) *An estimate of the costs and require-*  
12                   *ments to fully meet the needs of members of the*  
13                   *Armed Forces for access to voter registration in-*  
14                   *formation and assistance.*

15           (c) *METHODS.*—*In conducting the analysis and study*  
16           *required by subsection (a), the Comptroller General shall,*  
17           *in cooperation and consultation with the Secretaries of the*  
18           *military departments—*

19                   (1) *use existing information from available gov-*  
20                   *ernment and other public sources; and*

21                   (2) *acquire, through the Comptroller General's*  
22                   *own investigations, interviews, and analysis, such*  
23                   *other information as the Comptroller General requires*  
24                   *to conduct the analysis and study.*

1       (d) *REPORT REQUIRED.*—Not later than September  
 2   30, 2025, the Comptroller General shall submit to the Com-  
 3   mittee on Rules and Administration of the Senate and the  
 4   Committee on House Administration of the House of Rep-  
 5   resentatives a report on the analysis and study required  
 6   by subsection (a).

7       (e) *DEFINITIONS.*—In this section:

8           (1) *ABSENT UNIFORMED SERVICES VOTER.*—The  
 9       term “absent uniformed services voter” has the mean-  
 10      ing given that term in section 107 of the Uniformed  
 11      and Overseas Citizens Absentee Voting Act (52 U.S.C.  
 12      20310).

13          (2) *FAMILY MEMBER.*—The term “family mem-  
 14      ber”, with respect to a member of the Armed Forces,  
 15      means a spouse and other dependent (as defined in  
 16      section 1072 of title 10, United States Code) of the  
 17      member.

## 18       ***TITLE III—FIRST AMENDMENT*** 19               ***PROTECTION ACT***

### 20       ***SEC. 300. SHORT TITLE.***

21       This title may be cited as the “First Amendment Pro-  
 22      tection Act”.

1     ***Subtitle A—Protecting Political***  
2     ***Speech and Freedom of Association***

3     ***PART 1—PROTECTING POLITICAL SPEECH***

4     ***SEC. 301. FINDINGS.***

5         *Congress finds the following:*

6             *(1) The structure of the Constitution and its*  
7             *amendments represents the radical idea that any sov-*  
8             *ereign power exercised by the Federal Government*  
9             *flows either directly from the people or through the*  
10            *States they established to govern themselves. In the*  
11            *words of the Ninth and Tenth Amendments, “[t]he*  
12            *enumeration in the Constitution, of certain rights,*  
13            *shall not be construed to deny or disparage others re-*  
14            *tained by the people.” “The powers not delegated to*  
15            *the United States by the Constitution, nor prohibited*  
16            *by it to the States, are reserved to the States respec-*  
17            *tively, or to the people.”*

18            *(2) Among the many freedoms it protects, the*  
19            *First Amendment prevents Congress from making any*  
20            *law abridging the freedom of speech, the right of the*  
21            *people peaceably to assemble, or the right of the people*  
22            *to petition the Government for the redress of griev-*  
23            *ances.*

24            *(3) Any proposed Federal action concerning free-*  
25            *dom of speech, protest, or petition must start with an*

1        *analysis of the First Amendment. Congress must ask*  
2        *whether the proposed action would abridge these free-*  
3        *doms, and any uncertainty must be determined in*  
4        *favor of fewer restrictions on speech.*

5            (4) *In particular, political speech, uttered in the*  
6        *furtherance of self-government, must raise an even*  
7        *higher bar to congressional abridgement. The mecha-*  
8        *nisms and media used to offer political speech must*  
9        *realize the same protections.*

10           (5) *As the Supreme Court has recognized, the*  
11        *Constitution grants Congress only a very narrow in-*  
12        *terest in the regulation of political speech, the preven-*  
13        *tion of corruption or the appearance of corruption.*  
14        *Buckley v. Valeo, 424 U.S. 1, 25–26 (1976); Federal*  
15        *Election Commission v. National Conservative Polit-*  
16        *ical Action Commission, 470 U.S. 480, 497 (1985);*  
17        *Citizens United v. Federal Election Commission 558*  
18        *U. S. 310, 359 (2010); McCutcheon v. Federal Elec-*  
19        *tion Commission, 572 U. S. 185, 207 (2014); Cruz v.*  
20        *Federal Election Commission 142 S.Ct. 1638, 1652*  
21        *(2022).*

22           (6) *In order to uphold and effectuate the Con-*  
23        *stitution, any Federal statute that goes beyond this*  
24        *interest must be repealed, and Congress must exercise*  
25        *its Article 1 authorities to do so.*

1 **SEC. 302. REPEAL OF LIMITS ON COORDINATED POLITICAL**  
 2 **PARTY EXPENDITURES.**

3 (a) *REPEAL OF LIMITS.*—Section 315(d) of the Federal  
 4 Election Campaign Act of 1971 (52 U.S.C. 30116(d)) is  
 5 amended—

6 (1) in paragraph (1)—

7 (A) by striking “may make expenditures”  
 8 and inserting “may make expenditures, includ-  
 9 ing coordinated expenditures,” and

10 (B) by striking “Federal office, subject to  
 11 the limitations contained in paragraphs (2), (3),  
 12 and (4) of this subsection” and inserting “Fed-  
 13 eral office in any amount”; and

14 (2) by striking paragraphs (2), (3), (4), and (5).

15 (b) *CLARIFYING TREATMENT OF CERTAIN PARTY COM-*  
 16 *MUNICATIONS AS COORDINATED EXPENDITURES.*—Section  
 17 315(d) of such Act (52 U.S.C. 30116(d)), as amended by  
 18 subsection (a), is amended by adding at the end the fol-  
 19 lowing new paragraph:

20 “(2) For purposes of this subsection, a communication  
 21 shall be treated as a coordinated expenditure in connection  
 22 with the campaign of a candidate only if the public commu-  
 23 nication is paid for by a committee of a political party  
 24 or its agent, refers to a clearly identified House or Senate  
 25 candidate, and is publicly distributed or otherwise publicly



1 *disseminated in the clearly identified candidate’s jurisdic-*  
 2 *tion.”.*

3 (c) *CONFORMING AMENDMENT RELATING TO INDEX-*  
 4 *ING.*—Section 315(c) of such Act (52 U.S.C. 30116(c)) is  
 5 *amended—*

6 (1) *in paragraph (1)(B)(i), by striking “(d),”;*  
 7 *and*

8 (2) *in paragraph (2)(B)(i), by striking “sub-*  
 9 *sections (b) and (d)” and inserting “subsection (b)”.*

10 (d) *EFFECTIVE DATE.*—*The amendments made by this*  
 11 *section shall apply with respect to elections held during*  
 12 *2024 or any succeeding year.*

13 **SEC. 303. REPEAL OF LIMIT ON AGGREGATE CONTRIBU-**  
 14 **TIONS BY INDIVIDUALS.**

15 (a) *FINDINGS.*—*Congress finds that the Supreme*  
 16 *Court of the United States in* *McCutcheon v. FEC*, *572 U.S.*  
 17 *185 (2014) determined the biennial aggregate limits under*  
 18 *section 315(a)(3) of the Federal Election Campaign Act of*  
 19 *1971 (52 U.S.C. 30116(a)(3)) to be unconstitutional.*

20 (b) *REPEAL.*—*Section 315(a) of the Federal Election*  
 21 *Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended*  
 22 *by striking paragraph (3).*

23 (c) *CONFORMING AMENDMENTS.*—*Section 315(c) of*  
 24 *such Act (52 U.S.C. 30116(c)) is amended by striking*

1 “(a)(3),” each place it appears in paragraph (1)(B)(i),  
 2 (1)(C), and (2)(B)(ii).

3 **SEC. 304. EQUALIZATION OF CONTRIBUTION LIMITS TO**  
 4 **STATE AND NATIONAL POLITICAL PARTY**  
 5 **COMMITTEES.**

6 (a) *IN GENERAL.*—Section 315(a)(1) of the Federal  
 7 Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1)) is  
 8 amended—

9 (1) in subparagraph (B), by striking “a national  
 10 political party” and inserting “a national or State  
 11 political party”;

12 (2) by adding “or” at the end of subparagraph  
 13 (B);

14 (3) in subparagraph (C), by striking “; or” and  
 15 inserting a period; and

16 (4) by striking subparagraph (D).

17 (b) *CONTRIBUTIONS BY MULTICANDIDATE POLITICAL*  
 18 *COMMITTEES.*—

19 (1) *IN GENERAL.*—Section 315(a)(2)(B) of such  
 20 Act (52 U.S.C. 30116(a)(2)(B)) is amended by strik-  
 21 ing “a national political party” and inserting “a na-  
 22 tional or State political party”.

23 (2) *PRICE INDEX ADJUSTMENT.*—Section 315(c)  
 24 of such Act (52 U.S.C. 30116(c)) is amended—

1                   (A) in paragraph (1), by adding at the end  
2                   the following new subparagraph:

3                   “(D) In any calendar year after 2024—

4                   “(i) a limitation established by subsection (a)(2)  
5                   shall be increased by the percent difference determined  
6                   under subparagraph (A);

7                   “(ii) each amount so increased shall remain in  
8                   effect for the calendar year; and

9                   “(iii) if any amount after adjustment under  
10                  clause (i) is not a multiple of \$100, such amount  
11                  shall be rounded to the nearest multiple of \$100.”;  
12                  and

13                  (B) in paragraph (2)(B)—

14                   (i) in clause (i), by striking “and” at  
15                   the end;

16                   (ii) in clause (ii), by striking the pe-  
17                   riod at the end and inserting “; and”; and

18                   (iii) by adding at the end the following  
19                   new clause:

20                   “(iii) for purposes of subsection (a)(2), cal-  
21                   endar year 2024.”.

22                  (c) ACCEPTANCE OF ADDITIONAL AMOUNTS FOR CER-  
23                  TAIN ACCOUNTS.—

24                   (1) PERMITTING ACCEPTANCE OF ADDITIONAL  
25                   AMOUNTS IN SAME MANNER AS NATIONAL PARTIES.—

1       *Section 315(a) of such Act (52 U.S.C. 30116(a)) is*  
2       *amended—*

3               *(A) in paragraph (1)(B), by striking “para-*  
4               *graph (9)” and inserting “paragraph (9) or*  
5               *paragraph (10)”;* and

6               *(B) in paragraph (2)(B), by striking*  
7               *“paragraph (9)” and inserting “paragraph (9)*  
8               *or paragraph (10)”.*

9       (2) *ACCOUNTS.—Section 315(a)(9) of such Act*  
10       *(52 U.S.C. 30116(a)(9)) is amended by striking “na-*  
11       *tional committee of a political party” each place it*  
12       *appears in subparagraphs (A), (B), and (C) and in-*  
13       *serting “committee of a national or State political*  
14       *party”.*

15       (3) *STATE PARTY CONVENTION ACCOUNTS DE-*  
16       *SCRIBED.—Section 315(a) of such Act (52 U.S.C.*  
17       *30116(a)) is amended by adding at the end the fol-*  
18       *lowing new paragraph:*

19       *“(10) An account described in this paragraph is a sep-*  
20       *arate, segregated account of a political committee estab-*  
21       *lished and maintained by a State committee of a political*  
22       *party which is used solely to defray—*

23               *“(A) expenses incurred with respect to carrying*  
24               *out State party nominating activities or other party-*  
25               *building conventions;*

1           “(B) expenses incurred with respect to providing  
 2       for the attendance of delegates at a presidential nomi-  
 3       nating convention, but only to the extent that such ex-  
 4       penses are not paid for from the account described in  
 5       paragraph (9)(A); or

6           “(C) expenses incurred with respect to carrying  
 7       out local, county, or district conventions or pro-  
 8       ceedings to elect delegates to a State party conven-  
 9       tion.”.

10       (d) *CLARIFICATION OF INDEXING OF AMOUNTS TO EN-*  
 11 *SURE EQUALIZATION OF PARTY CONTRIBUTION LIMITS.—*  
 12 *For purposes of applying section 315(c) of such Act (52*  
 13 *U.S.C. 30116(c)) to limits on the amount of contributions*  
 14 *to political committees established and maintained by a*  
 15 *State political party, the amendments made by this section*  
 16 *shall be considered to have been included in section 307 of*  
 17 *the Bipartisan Campaign Reform Act of 2002 (Public Law*  
 18 *107–55; 116 Stat. 102).*

19       (e) *EFFECTIVE DATE.—The amendments made by this*  
 20 *section shall apply with respect to elections held during*  
 21 *2024 or any succeeding year.*

1 **SEC. 305. EXPANSION OF PERMISSIBLE FEDERAL ELECTION**  
 2 **ACTIVITY BY STATE AND LOCAL POLITICAL**  
 3 **PARTIES.**

4 (a) *EXPANSION OF PERMISSIBLE USE OF FUNDS NOT*  
 5 *SUBJECT TO CONTRIBUTION LIMITS OR SOURCE PROHIBI-*  
 6 *TIONS BY STATE AND LOCAL POLITICAL PARTIES FOR FED-*  
 7 *ERAL ELECTION ACTIVITY.*—Section 323(b)(2) of the *Fed-*  
 8 *eral Election Campaign Act of 1971* (52 U.S.C.  
 9 30125(b)(2)) is amended to read as follows:

10 “(2) *APPLICABILITY.*—Notwithstanding section  
 11 301(20), for purposes of paragraph (1), an amount  
 12 that is expended or disbursed by a State, district, or  
 13 local committee of a political party shall be consid-  
 14 ered to be expended or disbursed for Federal election  
 15 activity only if the committee coordinated the expend-  
 16 iture or disbursement of the amount with a candidate  
 17 for election for Federal office or an authorized com-  
 18 mittee of a candidate for election for Federal office.”.

19 (b) *CONFORMING AMENDMENTS.*—

20 (1) *FUNDRAISING COSTS.*—Section 323(c) of such  
 21 Act (52 U.S.C. 30125(c)) is amended by adding at the  
 22 end the following new sentence: “In the case of a per-  
 23 son described in subsection (b), the previous sentence  
 24 applies only if the amount was spent by such person  
 25 in coordination with a candidate for election for Fed-  
 26 eral office or an authorized committee of a candidate

1 *for election for Federal office, as determined pursuant*  
 2 *to regulations promulgated by the Commission for the*  
 3 *purpose of determining whether a political party*  
 4 *communication is coordinated with a candidate, a*  
 5 *candidate’s authorized committee, or an agent there-*  
 6 *of.”.*

7 (2) *APPEARANCE OF FEDERAL CANDIDATES OR*  
 8 *OFFICEHOLDERS AT FUNDRAISING EVENTS.*—Section  
 9 *323(e)(3) of such Act (52 U.S.C. 30125(e)(3)) is*  
 10 *amended by striking “subsection (b)(2)(C)” and in-*  
 11 *serting “subsection (b)”.*

12 **SEC. 306. PARTICIPATION IN JOINT FUNDRAISING ACTIVI-**  
 13 **TIES BY MULTIPLE POLITICAL COMMITTEES.**

14 (a) *FINDINGS.*—Congress finds the following:

15 (1) *While Federal law permits the Federal Elec-*  
 16 *tion Commission to engage in certain “gap-filling”*  
 17 *activities as it administers the Federal Election Cam-*  
 18 *paign Act of 1971, the regulations promulgated by the*  
 19 *Federal Election Commission to govern joint fund-*  
 20 *raising activities of multiple political committees are*  
 21 *not tied specifically to any particular provision of the*  
 22 *Act, and while these regulations generally duplicate*  
 23 *the provisions of the Act, they also impose additional*  
 24 *and unnecessary burdens on political committees*  
 25 *which seek to engage in joint fundraising activities,*

1       *such as a requirement for written agreements between*  
2       *the participating committees.*

3           *(2) It is therefore not necessary at this time to*  
4       *direct the Federal Election Commission to repeal the*  
5       *existing regulations which govern joint fundraising*  
6       *activities of multiple political committees, as some*  
7       *political committees may have reasons for following*  
8       *the provisions of such regulations which impose addi-*  
9       *tional and unnecessary burdens on these activities.*

10       *(b) CRITERIA FOR PARTICIPATION IN JOINT FUND-*  
11       *RAISING ACTIVITIES.—Section 302 of the Federal Election*  
12       *Campaign Act of 1971 (52 U.S.C. 30102) is amended by*  
13       *adding at the end the following new subsection:*

14           *“(j)(1) Two or more political committees as defined in*  
15       *this Act may participate in joint fundraising activities in*  
16       *accordance with the following criteria:*

17           *“(A) The costs of the activities shall be allocated*  
18       *among and paid for by the participating committees*  
19       *on the basis of the allocation among the participating*  
20       *committees of the contributions received as a result of*  
21       *the activities.*

22           *“(B) Notwithstanding subparagraph (A), a par-*  
23       *ticipating committee may make a payment (in whole*  
24       *or in part) for the portion of the costs of the activities*  
25       *which is allocated to another participating committee,*



1       *and the amount of any such payment shall be treated*  
 2       *as a contribution made by the committee to the other*  
 3       *participating committee.*

4               “(C) *The provisions of section 315(a)(8) regard-*  
 5       *ing the treatment of contributions to a candidate*  
 6       *which are earmarked or otherwise directed through an*  
 7       *intermediary or conduit shall apply to contributions*  
 8       *made by a person to a participating committee which*  
 9       *are allocated by the committee to another partici-*  
 10       *pating committee.*

11       “(2) *Nothing in this subsection may be construed to*  
 12       *prohibit two or more political committees from partici-*  
 13       *pating in joint fundraising activities by designating or es-*  
 14       *tablishing a separate, joint committee subject to the reg-*  
 15       *istration and reporting requirements of this Act or by pub-*  
 16       *lishing a joint fundraising notice.”.*

17               **PART 2—PROTECTING FREEDOM OF**  
 18               **ASSOCIATION**

19       **SEC. 307. FINDINGS.**

20       *Congress finds the following:*

21               (1) *The First Amendment of the United States*  
 22       *Constitution provides that “[C]ongress shall make no*  
 23       *law respecting an establishment of religion, or prohib-*  
 24       *iting the free exercise thereof; or abridging the free-*  
 25       *dom of speech, or of the press; or the right of the peo-*

1 *ple peaceably to assemble, and to petition the Govern-*  
2 *ment for a redress of grievances.” See U.S. Const.*  
3 *Amend. I.*

4 (2) *The Supreme Court has held that the First*  
5 *Amendment’s protections apply with equal force to*  
6 *States and localities as it does to the Federal Govern-*  
7 *ment. See Gitlow v. New York, 268 U.S. 652 (1925).*

8 (3) *The Supreme Court has held that “implicit*  
9 *in the right to engage in activities protected by the*  
10 *First Amendment [lies] a corresponding right to asso-*  
11 *ciate with others.” Roberts v. United States Jaycees,*  
12 *468 U. S. 609, 622 (1984). This is commonly under-*  
13 *stood as the right of association. It furthers “a wide*  
14 *variety of political, social, economic, educational, reli-*  
15 *gious, and cultural ends,” and “is especially impor-*  
16 *tant in preserving political and cultural diversity*  
17 *and in shielding dissident expression from suppres-*  
18 *sion by the majority.” Id.*

19 (4) *In NAACP v. Alabama ex rel. Patterson, 357*  
20 *U.S. 449 (1958), the Supreme Court held the First*  
21 *Amendment’s freedom of association protected the Na-*  
22 *tional Association for the Advancement of Colored*  
23 *People from compelled disclosure of its members. This*  
24 *was because “on past occasions revelation of the iden-*  
25 *tity of its rank-and-file members has exposed these*

1     *members to economic reprisal, loss of employment,*  
2     *threat of physical coercion, and other manifestations*  
3     *of public hostility. Under these circumstances...it [is]*  
4     *apparent that compelled disclosure of petitioner's Ala-*  
5     *bama membership is likely to affect adversely the*  
6     *ability of petitioner and its members to pursue their*  
7     *collective effort to foster beliefs which they admittedly*  
8     *have the right to advocate, in that it may induce*  
9     *members to withdraw from the Association and dis-*  
10    *suade others from joining it because of fear of expo-*  
11    *sure of their beliefs shown through their associations*  
12    *and of the consequences of this exposure.” Id. at 462–*  
13    *463.*

14           (5) *The First Amendment's freedom of associa-*  
15    *tion has been protected and strengthened by the Su-*  
16    *preme Court for over sixty years. See NAACP v. Ala-*  
17    *bama ex rel. Patterson, 357 U.S. 449 (1958); Shelton*  
18    *v. Tucker, 364 U. S. 479 (1960); Bates v. Little Rock,*  
19    *361 U. S. 516 (1960); Healy v. James, 408 U. S. 169*  
20    *(1972); Elrod v. Burns, 427 U. S. 347 (1976); Rob-*  
21    *erts v. United States Jaycees, 468 U.S. 609, 622*  
22    *(1984); Boy Scouts of America v. Dale, 530 U.S. 640*  
23    *(2000); Americans for Prosperity Foundation v.*  
24    *Bonta, 141 S. Ct. 2373 (2021).*

1           (6) Most recently, in *Americans for Prosperity*  
2     *Foundation v. Bonta*, 141 S. Ct. 2373 (2021), a Cali-  
3     fornia law required *Americans for Prosperity Foun-*  
4     *dation* and the *Thomas Moore Law Center* to disclose  
5     the names, contribution amounts, and addresses of  
6     their major donors. *Id.* at 2380. The Supreme Court  
7     held this substantial intrusion into the group’s donors  
8     was unconstitutional. *Id.* at 2389. While California  
9     Attorney General Bonta argued these disclosures were  
10    needed so California could prevent wrongdoing by  
11    charitable organizations, there was “not a single, con-  
12    crete instance in which pre-investigation collection of  
13    [this information] did anything to advance the Attor-  
14    ney General’s investigative, regulatory or enforcement  
15    efforts.” *Id.* at 2386. Similarly, California’s need for  
16    this information before initiating an investigation  
17    was highly questionable as it was only one of three  
18    states to impose this requirement and did not seri-  
19    ously enforce it until 2010. *Id.* at 2387.

20           (7) In short, *Americans for Prosperity Founda-*  
21    *tion* and *NAACP* both stand for the proposition that  
22    compelled disclosure of an organization’s members  
23    can violate an organization’s freedom of association.  
24    This is because “effective advocacy of both public and  
25    private points of view, particularly controversial

1        *ones, is undeniably enhanced by group association”*  
2        *and there is a “vital relationship between freedom to*  
3        *associate and privacy in one’s associations...” See Id.*  
4        *at 2382 citing NAACP v. Alabama ex rel. Patterson,*  
5        *357 U.S. 449, 460–462.*

6            (8) *Unfortunately, the First Amendment’s free-*  
7        *dom of association protections are under constant at-*  
8        *tack. Recently, there have been efforts to enlarge the*  
9        *size of the Supreme Court because of disagreement*  
10       *with some of its rulings and personal disagreement*  
11       *with some of the justices.*

12           (9) *On April 9, 2021, the President issued Exec-*  
13       *utive Order 14023 that created the Presidential Com-*  
14       *mission on the Supreme Court (the Commission).*  
15       *Under Section 3(iii) of that Executive Order, the*  
16       *Commission was tasked with providing “[a]n anal-*  
17       *ysis of the principal arguments in the contemporary*  
18       *public debate for and against Supreme Court reform,*  
19       *including an appraisal of the merits and legality of*  
20       *particular reform proposals.”.*

21           (10) *In December 2021, the Commission released*  
22       *its final report. On the issue of adding justices to the*  
23       *Supreme Court, the Commission concluded*  
24       *“[m]irroring the broader public debate, there is pro-*

1     *found disagreement among Commissioners on this*  
2     *issue.”.*

3           (11) *Unfortunately, even though the President’s*  
4     *Commission would not endorse adding the number of*  
5     *justices on the Supreme Court, some in Congress still*  
6     *believe it is necessary. See, for example, H.R. 3422,*  
7     *the Judiciary Act of 2023 that would add four asso-*  
8     *ciate justices to the Supreme Court.*

9           (12) *Because of this political uncertainty and*  
10    *the importance that donors in all organizations, no*  
11    *matter their party affiliation, are protected from hav-*  
12    *ing their membership disclosed and threats of reprisal*  
13    *that would follow, it is important that Congress*  
14    *statutorily codifies the Supreme Court’s holdings in*  
15    *NAACP v. Alabama ex rel. Patterson and Americans*  
16    *for Prosperity Foundation v. Bonta.*

17          (13) *Government targeting of tax-exempt organi-*  
18    *zations because of disagreement with their political*  
19    *views is sadly not a hypothetical problem. From 2010*  
20    *through 2013, the Internal Revenue Service (IRS) in-*  
21    *tentionally discriminated against conservative orga-*  
22    *nizations seeking tax-exempt status with words like*  
23    *“patriot” or “Tea Party” in their names.*

24          (14) *After years of litigation, in October 2017,*  
25    *the IRS signed a consent decree in Federal court and*

1        *admitted to targeting conservative organizations from*  
 2        *2010 through 2013. The IRS confessed that “its treat-*  
 3        *ment of [conservative organizations] during the tax-*  
 4        *exempt determinations process, including screening*  
 5        *their applications based on their names or policy po-*  
 6        *sitions, subjecting those applications to heightened*  
 7        *scrutiny and inordinate delays, and demanding of*  
 8        *some Plaintiffs’ information that TIGTA [U.S. Treas-*  
 9        *ury Inspector General, Tax Administration] deter-*  
 10        *mined was unnecessary to the agency’s determination*  
 11        *of their tax-exempt status, was wrong.”.*

12            *(15) It is antithetical to the First Amendment*  
 13        *that the IRS or any Federal Government agency*  
 14        *would ever be used to target an organization because*  
 15        *of its political beliefs, or who its donors might be. As*  
 16        *such, these organizations need to be protected to pre-*  
 17        *vent events like what transpired at the IRS between*  
 18        *2010 and 2013.*

19        **SEC. 308. PROTECTING PRIVACY OF DONORS TO TAX-EX-**  
 20            **EMPT ORGANIZATIONS.**

21            *(a) SHORT TITLE.—This section may be cited as the*  
 22        *“Speech Privacy Act of 2023”.*

23            *(b) RESTRICTIONS ON COLLECTION OF DONOR INFOR-*  
 24        *MATION.—*

1           (1) *RESTRICTIONS.*—*An entity of the Federal*  
2           *Government may not collect or require the submission*  
3           *of information on the identification of any donor to*  
4           *a tax-exempt organization.*

5           (2) *EXCEPTIONS.*—*Paragraph (1) does not apply*  
6           *to the following:*

7                   (A) *The Internal Revenue Service, acting*  
8                   *lawfully pursuant to section 6033 of the Internal*  
9                   *Revenue Code of 1986 or any successor provision.*

10                   (B) *The Secretary of the Senate and the*  
11                   *Clerk of the House of Representatives, acting*  
12                   *lawfully pursuant to section 3 of the Lobbying*  
13                   *Disclosure Act of 1995 (2 U.S.C. 1604).*

14                   (C) *The Federal Election Commission, act-*  
15                   *ing lawfully pursuant to section 510 of title 36,*  
16                   *United States Code.*

17                   (D) *An entity acting pursuant to a lawful*  
18                   *order of a court or administrative body which*  
19                   *has the authority under law to direct the entity*  
20                   *to collect or require the submission of the infor-*  
21                   *mation, but only to the extent permitted by the*  
22                   *lawful order of such court or administrative*  
23                   *body.*

24           (c) *RESTRICTIONS ON RELEASE OF DONOR INFORMA-*  
25           *TION.*—



1           (1) *RESTRICTIONS.*—*An entity of the Federal*  
2           *Government may not disclose to the public informa-*  
3           *tion revealing the identification of any donor to a*  
4           *tax-exempt organization.*

5           (2) *EXCEPTIONS.*—*Paragraph (1) does not apply*  
6           *to the following:*

7                   (A) *The Internal Revenue Service, acting*  
8                   *lawfully pursuant to section 6104 of the Internal*  
9                   *Revenue Code of 1986 or any successor provision.*

10                   (B) *The Secretary of the Senate and the*  
11                   *Clerk of the House of Representatives, acting*  
12                   *lawfully pursuant to section 3 of the Lobbying*  
13                   *Disclosure Act of 1995 (2 U.S.C. 1604).*

14                   (C) *The Federal Election Commission, act-*  
15                   *ing lawfully pursuant to section 510 of title 36,*  
16                   *United States Code.*

17                   (D) *An entity acting pursuant to a lawful*  
18                   *order of a court or administrative body which*  
19                   *has the authority under law to direct the entity*  
20                   *to disclose the information, but only to the extent*  
21                   *permitted by the lawful order of such court or*  
22                   *administrative body.*

23                   (E) *An entity which discloses the informa-*  
24                   *tion as authorized by the organization.*

1       (d) *TAX-EXEMPT ORGANIZATION DEFINED.*—*In this*  
 2 *section, a “tax-exempt organization” means an organiza-*  
 3 *tion which is described in section 501(c) of the Internal*  
 4 *Revenue Code of 1986 and is exempt from taxation under*  
 5 *section 501(a) of such Code. Nothing in this subsection may*  
 6 *be construed to treat a political organization under section*  
 7 *527 of such Code as a tax-exempt organization for purposes*  
 8 *of this section.*

9       (e) *PENALTIES.*—*It shall be unlawful for any officer*  
 10 *or employee of the United States, or any former officer or*  
 11 *employee, willfully to disclose to any person, except as au-*  
 12 *thorized in this section, any information revealing the iden-*  
 13 *tification of any donor to a tax-exempt organization. Any*  
 14 *violation of this section shall be a felony punishable upon*  
 15 *conviction by a fine in any amount not exceeding \$250,000,*  
 16 *or imprisonment of not more than 5 years, or both, together*  
 17 *with the costs of prosecution, and if such offense is com-*  
 18 *mitted by any officer or employee of the United States, he*  
 19 *shall, in addition to any other punishment, be dismissed*  
 20 *from office or discharged from employment upon conviction*  
 21 *for such offense.*

22 **SEC. 309. REPORTING REQUIREMENTS FOR TAX-EXEMPT**  
 23 **ORGANIZATIONS.**

24       (a) *SHORT TITLE.*—*This section may be cited as the*  
 25 *“Don’t Weaponize the IRS Act”.*

1       **(b) ORGANIZATIONS EXEMPT FROM REPORTING.—**

2               **(1) GROSS RECEIPTS THRESHOLD.—***Clause (ii)*  
3       *of section 6033(a)(3)(A) of the Internal Revenue Code*  
4       *of 1986 is amended by striking “\$5,000” and insert-*  
5       *ing “\$50,000”.*

6               **(2) ORGANIZATIONS DESCRIBED.—***Subparagraph*  
7       *(C) of section 6033(a)(3) of the Internal Revenue*  
8       *Code of 1986 is amended—*

9               *(A) by striking “and” at the end of clause*  
10              *(v),*

11              *(B) by striking the period at the end of*  
12              *clause (vi) and inserting a semicolon, and*

13              *(C) by adding at the end the following new*  
14              *clauses:*

15                      *“(vii) any other organization described*  
16                      *in section 501(c) (other than a private foun-*  
17                      *dation or a supporting organization de-*  
18                      *scribed in section 509(a)(3)); and*

19                      *“(viii) any organization (other than a*  
20                      *private foundation or a supporting organi-*  
21                      *zation described in section 509(a)(3)) which*  
22                      *is not described in section 170(c)(2)(A), or*  
23                      *which is created or organized in a posses-*  
24                      *sion of the United States, which has no sig-*  
25                      *nificant activity (including lobbying and*

1                   *political activity and the operation of a*  
 2                   *trade or business) other than investment ac-*  
 3                   *tivity in the United States.”.*

4                   (3) *EFFECTIVE DATE.*—*The amendments made*  
 5                   *by this subsection shall apply to taxable years ending*  
 6                   *after the date of the enactment of this Act.*

7                   (c) *CLARIFICATION OF APPLICATION TO SECTION 527*  
 8                   *ORGANIZATIONS.*—

9                   (1) *IN GENERAL.*—*Paragraph (1) of section*  
 10                  *6033(g) of the Internal Revenue Code of 1986 is*  
 11                  *amended—*

12                  (A) *by striking “This section” and inserting*  
 13                  *“Except as otherwise provided by this subsection,*  
 14                  *this section”, and*

15                  (B) *by striking “for the taxable year.” and*  
 16                  *inserting “for the taxable year in the same man-*  
 17                  *ner as to an organization exempt from taxation*  
 18                  *under section 501(a).”.*

19                  (2) *EFFECTIVE DATE.*—*The amendments made*  
 20                  *by this subsection shall apply to taxable years ending*  
 21                  *after the date of the enactment of this Act.*

22                  (d) *REPORTING OF NAMES AND ADDRESSES OF CON-*  
 23                  *TRIBUTORS.*—

24                  (1) *IN GENERAL.*—*Paragraph (1) of section*  
 25                  *6033(a) of the Internal Revenue Code of 1986 is*

1        *amended by adding at the end the following: “Except*  
 2        *as provided in subsections (b)(5) and (g)(2)(B), such*  
 3        *annual return shall not be required to include the*  
 4        *names and addresses of contributors to the organiza-*  
 5        *tion.”.*

6                (2) *APPLICATION TO SECTION 527 ORGANIZA-*  
 7        *TIONS.—Paragraph (2) of section 6033(g) of the In-*  
 8        *ternal Revenue Code of 1986 is amended—*

9                        (A) *by striking “and” at the end of sub-*  
 10                      *paragraph (A),*

11                      (B) *by redesignating subparagraph (B) as*  
 12                      *subparagraph (C), and*

13                      (C) *by inserting after subparagraph (A) the*  
 14                      *following new subparagraph:*

15                      “(B) *containing the names and addresses of*  
 16                      *all substantial contributors, and”.*

17                (3) *EFFECTIVE DATE.—The amendments made*  
 18        *by this subsection shall apply to taxable years ending*  
 19        *after the date of the enactment of this Act.*

20        **SEC. 310. MAINTENANCE OF STANDARDS FOR DETER-**  
 21                      **MINING ELIGIBILITY OF SECTION 501(C)(4)**  
 22                      **ORGANIZATIONS.**

23                (a) *IN GENERAL.—The Department of the Treasury,*  
 24        *including the Internal Revenue Service, may not issue, re-*  
 25        *vise, or finalize any regulation, revenue ruling, or other*

1 *guidance not limited to a particular taxpayer relating to*  
 2 *the standard which is used to determine whether an organi-*  
 3 *zation is operated exclusively for the promotion of social*  
 4 *welfare for purposes of section 501(c)(4) of the Internal Rev-*  
 5 *enue Code of 1986 (including the proposed regulations pub-*  
 6 *lished at 78 Fed. Reg. 71535 (November 29, 2013)).*

7       (b) *APPLICATION OF CURRENT STANDARDS AND DEFINI-*  
 8 *TIONS.—The standard and definitions as in effect on*  
 9 *January 1, 2010, which are used to make determinations*  
 10 *described in subsection (b) shall apply after the date of the*  
 11 *enactment of this Act for purposes of determining status*  
 12 *under section 501(c)(4) of such Code of organizations cre-*  
 13 *ated on, before, or after such date.*

14 ***Subtitle B—Prohibition on Use of***  
 15 ***Federal Funds for Congressional***  
 16 ***Campaigns***

17 ***SEC. 311. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-***  
 18 ***MENTS IN SUPPORT OF CONGRESSIONAL***  
 19 ***CAMPAIGNS.***

20       *No Federal funds, including amounts attributable to*  
 21 *the collection of fines and penalties, may be used to make*  
 22 *any payment in support of a campaign for election for the*  
 23 *office of Senator or Representative in, or Delegate or Resi-*  
 24 *dent Commissioner to, the Congress.*

***Subtitle C—Registration and  
Reporting Requirements***

***SEC. 321. ELECTRONIC FILING OF ELECTIONEERING COMMUNICATION REPORTS.***

*(a) SHORT TITLE.—This section may be cited as the “Modernizing Electioneering Communications Reporting Act”.*

*(b) REQUIRING ELECTRONIC FILING.—Section 304(a)(11)(A)(i) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(a)(11)(A)(i)) is amended by inserting “or makes electioneering communications” after “expenditures”.*

***SEC. 322. INCREASED QUALIFYING THRESHOLD AND ESTABLISHING PURPOSE FOR POLITICAL COMMITTEES.***

*(a) IN GENERAL.—Section 301(4) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(4)) is amended to read as follows:*

*“(4) The term ‘political committee’ means—*

*“(A) any committee, club, association, or other group of persons, including any local committee of a political party, which receives contributions aggregating in excess of \$25,000 during a calendar year or which makes expenditures aggregating in excess of \$25,000 during a calendar year and which is under*

1        *the control of a candidate or has the major purpose*  
 2        *of nominating or electing a candidate; or*

3                *“(B) any separate segregated fund established*  
 4        *under the provisions of section 316(b).”.*

5        *(b) DEFINITION.—Section 301 of such Act (52 U.S.C.*  
 6        *30101) is amended by adding at the end the following new*  
 7        *paragraph:*

8                *“(27) MAJOR PURPOSE OF NOMINATING OR*  
 9        *ELECTING A CANDIDATE.—The term ‘major purpose of*  
 10        *nominating or electing a candidate’ means, with re-*  
 11        *spect to a group of persons described in paragraph*  
 12        *(4)(A)—*

13                *“(A) a group whose central organizational*  
 14        *purpose is to expressly advocate for the nomina-*  
 15        *tion, election, or defeat of a candidate; or*

16                *“(B) a group for which the majority of its*  
 17        *spending throughout its lifetime of existence has*  
 18        *been on contributions, expenditures, or inde-*  
 19        *pendent expenditures.”.*

20        *(c) PRICE INDEX ADJUSTMENT FOR POLITICAL COM-*  
 21        *MITTEE THRESHOLD.—Section 315(c) of such Act (52*  
 22        *U.S.C. 30116(c)), as amended by section 304(b), is amend-*  
 23        *ed—*

24                *(1) in paragraph (1), by adding at the end the*  
 25        *following new subparagraph:*



1       “(E) *In any calendar year after 2024—*

2               “(i) *a threshold established by sections 301(4)(A)*  
 3       *or 301(4)(C) shall be increased by the percent dif-*  
 4       *ference determined under subparagraph (A);*

5               “(ii) *each amount so increased shall remain in*  
 6       *effect for the calendar year; and*

7               “(iii) *if any amount after adjustment under*  
 8       *clause (i) is not a multiple of \$100, such amount*  
 9       *shall be rounded to the nearest multiple of \$100.”;*  
 10       *and*

11               (2) *in paragraph (2)(B)—*

12               (A) *in clause (ii), by striking “and” at the*  
 13       *end;*

14               (B) *in clause (iii), by striking the period at*  
 15       *the end and inserting “; and”; and*

16               (C) *by adding at the end the following new*  
 17       *clause:*

18               “(iv) *for purposes of sections 301(4)(A) and*  
 19       *301(4)(C), calendar year 2024.”.*

20       (d) *EFFECTIVE DATE.—The amendments made by this*  
 21       *section shall apply with respect to elections held during*  
 22       *2024 or any succeeding year.*

1 **SEC. 323. INCREASED THRESHOLD WITH RESPECT TO INDE-**  
 2 **PENDENT EXPENDITURE REPORTING RE-**  
 3 **QUIREMENT.**

4 (a) *IN GENERAL.*—Section 304(c)(1) of the Federal  
 5 Election Campaign Act of 1971 (52 U.S.C. 30104(c)(1)) is  
 6 amended by striking “\$250” and inserting “\$1,000”.

7 (b) *PRICE INDEX ADJUSTMENT FOR INDEPENDENT*  
 8 *EXPENDITURE REPORTING THRESHOLD.*—Section 315(c)  
 9 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
 10 30116(c)), as amended by sections 304(b) and 322(c), is  
 11 amended—

12 (1) in paragraph (1), by adding at the end the  
 13 following new subparagraph:

14 “(F) In any calendar year after 2024—

15 “(i) a threshold established by section 304(c)(1)  
 16 shall be increased by the percent difference determined  
 17 under subparagraph (A);

18 “(ii) each amount so increased shall remain in  
 19 effect for the calendar year; and

20 “(iii) if any amount after adjustment under  
 21 clause (i) is not a multiple of \$100, such amount  
 22 shall be rounded to the nearest multiple of \$100.”;  
 23 and

24 (2) in paragraph (2)(B)—

25 (A) in clause (iii), by striking “and” at the  
 26 end;

1                   (B) in clause (iv), by striking the period at  
2                   the end and inserting “; and”; and

3                   (C) by adding at the end the following new  
4                   clause:

5                   “(v) for purposes of section 304(c)(1), cal-  
6                   endar year 2024.”.

7                   (c) *EFFECTIVE DATE.*—The amendments made by this  
8                   section shall apply with respect to elections held during  
9                   2024 or any succeeding year.

10   **SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RE-**  
11                   **SPECT TO CANDIDATES.**

12                   (a) *INCREASE IN THRESHOLD.*—Section 301(2) of the  
13                   Federal Election Campaign Act of 1971 (52 U.S.C.  
14                   30101(2)) is amended by striking “\$5,000” each place it  
15                   appears and inserting “\$10,000”.

16                   (b) *PRICE INDEX ADJUSTMENT FOR EXEMPTION OF*  
17                   *CERTAIN AMOUNTS AS CONTRIBUTIONS.*—Section 315(c) of  
18                   such Act (52 U.S.C. 30116(c)), as amended by sections  
19                   304(b), 322(c), and 323(b), is amended—

20                   (1) in paragraph (1), by adding at the end the  
21                   following new subparagraph:

22                   “(G) In any calendar year after 2024—

23                   “(i) a threshold established by sections 301(2)  
24                   shall be increased by the percent difference determined  
25                   under subparagraph (A);

1           “(ii) each amount so increased shall remain for  
2       the 2-year period that begins on the first day fol-  
3       lowing the date of the general election in the year pre-  
4       ceding the year in which the amount is increased and  
5       ending on the date of the next general election; 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           (2) in paragraph (2)(B)—

11                (A) in clause (iv), by striking “and” at the  
12                end;

13                (B) in clause (v), by striking the period at  
14                the end and inserting “; and”; and

15                (C) by adding at the end the following new  
16                clause:

17                       “(vi) for purposes of section 301(2), cal-  
18                       endar year 2024.”.

19           (c) *EFFECTIVE DATE.*—The amendments made by this  
20       section shall apply with respect to elections held during  
21       2024 or any succeeding year.

1 **SEC. 325. REPEAL REQUIREMENT OF PERSONS MAKING**  
2 **INDEPENDENT EXPENDITURES TO REPORT**  
3 **IDENTIFICATION OF CERTAIN DONORS.**

4 (a) *REPEAL.*—Section 304(c)(2) of the Federal Elec-  
5 tion Campaign Act of 1971 (52 U.S.C. 30104(c)(2)) is  
6 amended—

7 (1) in subparagraph (A), by adding “and” at the  
8 end;

9 (2) in subparagraph (B), by striking “; and”  
10 and inserting a period; and

11 (3) by striking subparagraph (C).

12 (b) *CONFORMING AMENDMENT.*—Section 304(c)(1) of  
13 such Act (52 U.S.C. 30104(c)(1)) is amended by striking  
14 “the information required under subsection (b)(3)(A) for all  
15 contributions received by such person” and inserting “the  
16 information required under paragraph (2)”.

17 (c) *EFFECTIVE DATE.*—The amendments made by this  
18 section shall apply with respect to independent expenditures  
19 made on or after the date of the enactment of this Act.

1 ***Subtitle D—Exclusion of Certain***  
 2 ***Amounts From Treatment as***  
 3 ***Contributions or Expenditures***

4 ***SEC. 331. INCREASED THRESHOLD FOR EXEMPTION OF***  
 5 ***CERTAIN AMOUNTS AS CONTRIBUTIONS.***

6 *(a) REAL OR PERSONAL PROPERTY EXEMPTION.—*  
 7 *Section 301(8)(B)(ii) of the Federal Election Campaign Act*  
 8 *of 1971 (52 U.S.C. 30101(8)(B)(ii)) is amended—*

9 *(1) by striking “\$1,000” and inserting “\$2,000”;*  
 10 *and*

11 *(2) by striking “\$2,000” and inserting “\$4,000”.*

12 *(b) TRAVEL EXPENSES EXEMPTION.—Section*  
 13 *301(8)(B)(iv) of the Federal Election Campaign Act of 1971*  
 14 *(52 U.S.C. 30101(8)(B)(iv)) is amended—*

15 *(1) by striking “\$1,000” and inserting “\$2,000”;*  
 16 *and*

17 *(2) by striking “\$2,000” and inserting “\$4,000”.*

18 *(c) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF*  
 19 *CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c) of*  
 20 *such Act (52 U.S.C. 30116(c)), as amended by sections*  
 21 *304(b), 322(c), 323(b), and 324(b) is amended—*

22 *(1) in paragraph (1), by adding at the end the*  
 23 *following new subparagraph:*

24 *“(H) In any calendar year after 2024—*

1           “(i) the exemption amounts established by sec-  
 2           tions 301(8)(B)(ii) or 301(8)(B)(iv) shall be increased  
 3           by the percent difference determined under subpara-  
 4           graph (A);

5           “(ii) each amount so increased shall remain for  
 6           the 2-year period that begins on the first day fol-  
 7           lowing the date of the general election in the year pre-  
 8           ceding the year in which the amount is increased and  
 9           ending on the date of the next general election; and

10          “(iii) if any amount after adjustment under  
 11          clause (i) is not a multiple of \$100, such amount  
 12          shall be rounded to the nearest multiple of \$100.”;  
 13          and

14          (2) in paragraph (2)(B)—

15                 (A) in clause (v), by striking “and” at the  
 16                 end;

17                 (B) in clause (vi), by striking the period at  
 18                 the end and inserting “; and”; and

19                 (C) by adding at the end the following new  
 20                 clause:

21                         “(vii) for purposes of section 301(8)(B)(ii)  
 22                         or 301(8)(B)(iv), calendar year 2024.”.

23          (d) *EFFECTIVE DATE.*—The amendments made by this  
 24          section shall apply with respect to elections held during  
 25          2024 or any succeeding year.

1 **SEC. 332. EXEMPTION OF UNCOMPENSATED INTERNET**  
 2 **COMMUNICATIONS FROM TREATMENT AS**  
 3 **CONTRIBUTION OR EXPENDITURE.**

4 *(a) EXEMPTIONS.—*

5 *(1) EXEMPTION FROM TREATMENT AS CONTRIBU-*  
 6 *TION.—Section 301(8)(B) of the Federal Election*  
 7 *Campaign Act of 1971 (52 U.S.C. 30101(8)(B)) is*  
 8 *amended—*

9 *(A) by striking “and” at the end of clause*  
 10 *(xiii);*

11 *(B) by striking the period at the end of*  
 12 *clause (xiv) and inserting “; and”; and*

13 *(C) by adding at the end the following new*  
 14 *clause:*

15 *“(xv) any payment by any person in producing*  
 16 *and disseminating any information or communica-*  
 17 *tion on the Internet, Internet platform or other Inter-*  
 18 *net-enabled application, unless the information or*  
 19 *communication is disseminated for a fee on another*  
 20 *person’s website, platform or other Internet-enabled*  
 21 *application, whether coordinated or not.”.*

22 *(2) EXEMPTION FROM TREATMENT AS EXPENDI-*  
 23 *TURE.—Section 301(9)(B) of such Act (52 U.S.C.*  
 24 *30101(9)(B)) is amended—*

25 *(A) by striking “and” at the end of clause*  
 26 *(ix);*



1           (B) by striking the period at the end of  
2           clause (x) and inserting “; and”; and

3           (C) by adding at the end the following new  
4           clause:

5           “(xi) any cost incurred by any person in pro-  
6           ducing and disseminating any information or com-  
7           munication on the Internet, Internet platform or  
8           other Internet-enabled application, unless the infor-  
9           mation or communication is disseminated for a fee on  
10          another person’s website, platform or other Internet-  
11          enabled application.”.

12          (b) *APPLICATION TO DEFINITION OF PUBLIC COMMU-*  
13 *NICATIONS.*—Section 301(22) of such Act (52 U.S.C.  
14 30101(22)) is amended by adding at the end the following:  
15 “In the previous sentence, the terms ‘public communication’  
16 and ‘general public political advertising’ do not include  
17 communications disseminated over the Internet or via an  
18 Internet platform or other Internet-enabled application, un-  
19 less the communication or advertising is disseminated for  
20 a fee on another person’s website, platform or other internet-  
21 enabled application.”.

22          (c) *EFFECTIVE DATE.*—The amendments made by this  
23 section shall apply with respect to elections held during  
24 2024 or any succeeding year.

1 **SEC. 333. MEDIA EXEMPTION.**

2 (a) *EXPANSION OF EXEMPTION TO ADDITIONAL*  
 3 *FORMS OF MEDIA.*—Section 301(9)(B)(i) of the Federal  
 4 *Election Campaign Act of 1971 (52 U.S.C. 30101(9)(B)(i))*  
 5 *is amended to read as follows:*

6 “(i) any news story, commentary, or edi-  
 7 torial distributed through the facilities of any  
 8 broadcasting, cable, satellite, or internet-based  
 9 station, programmer, operator or producer;  
 10 newspaper, magazine, or other periodical pub-  
 11 lisher; electronic publisher, platform, or applica-  
 12 tion; book publisher; or filmmaker or film pro-  
 13 ducer, distributor or exhibitor, unless such facili-  
 14 ties are owned or controlled by any political  
 15 party, political committee, or candidate;”.

16 (b) *APPLICATION TO CONTRIBUTIONS.*—Section  
 17 301(8)(B) of such Act (52 U.S.C. 30101(8)(B)), as amended  
 18 by section 332(a)(1), is amended—

19 (1) by redesignating clauses (i) through (xv) as  
 20 clauses (ii) through (xvi); and

21 (2) by inserting before clause (ii) (as so redesign-  
 22 ated) the following new clause:

23 “(i) any payment for any news story, com-  
 24 mentary, or editorial distributed through the facilities  
 25 of any broadcasting, cable, satellite, or internet-based  
 26 station, programmer, operator or producer; news-

1 paper, magazine, or other periodical publisher; elec-  
 2 tronic publisher, platform, or application; book pub-  
 3 lisher; or filmmaker or film producer, distributor or  
 4 exhibitor;”.

5 (c) *EFFECTIVE DATE.*—The amendments made by this  
 6 section shall apply with respect to elections held during  
 7 2024 or any succeeding year.

8 ***Subtitle E—Prohibition on Issuance***  
 9 ***of Regulations on Political Con-***  
 10 ***tributions***

11 ***SEC. 341. PROHIBITION ON ISSUANCE OF REGULATIONS ON***  
 12 ***POLITICAL CONTRIBUTIONS.***

13 (a) *FINDINGS.*—Congress finds the following:

14 (1) *From 2010 through 2013, the Internal Rev-*  
 15 *enue Service targeted conservative organizations seek-*  
 16 *ing tax-exempt status. The result of this targeting was*  
 17 *obvious—to discourage conservative organizations*  
 18 *and individuals associated with them from engaging*  
 19 *in the 2012 presidential election after an incredibly*  
 20 *successful 2010 midterm election.*

21 (2) *In response to this treatment, a large number*  
 22 *of conservative organizations sued the Internal Rev-*  
 23 *enue Service. In 2017, a settlement was reached and*  
 24 *the Internal Revenue Service was required to issue an*  
 25 *apology for its actions.*

1           (3) Congress quickly recognized that the Internal  
2       Revenue Service was not the only government agency  
3       that could question or threaten the tax-exempt status  
4       of disfavored political groups. The Securities and Ex-  
5       change Commission, an independent government  
6       agency, also enjoys some regulatory power in this  
7       area.

8           (4) Beginning in 2015, Congress has included in  
9       every appropriations bill that has funded the Securi-  
10      ties and Exchange Commission, an appropriations  
11      rider prohibiting the agency from using any of the  
12      funds made available to “finalize, issue, or implement  
13      any rule, regulation, or order regarding the disclosure  
14      of political contributions, contributions to tax exempt  
15      organizations, or dues paid to trade associations.”  
16      See Consolidated Appropriations Act, 2016, H.R.  
17      2029, 114th Cong. § 1 (2015); Consolidated Appro-  
18      priations Act, 2017, H.R. 244, 115th Cong. § 1  
19      (2017); Consolidated Appropriations Act, 2018, H.R.  
20      1625, 115th Cong. § 2 (2018); Consolidated Appro-  
21      priations Act, 2019, H.J. Res. 31, 116th Cong. § 1  
22      (2019); Consolidated Appropriations Act, 2020, H.R.  
23      1158, 116th Cong. § 1 (2019); Consolidated Appro-  
24      priations Act, 2021, H.R. 133, 116th Cong. § 2  
25      (2020); Consolidated Appropriations Act 2022, H.R.

1       2471, 117th Cong. § 2 (2022); Consolidated Appro-  
 2       priations Act 2023, H.R. 2617, 117th Cong. § 2  
 3       (2022).

4           (5) *This prohibition is too important to be sub-*  
 5       *ject to yearly renewal. Instead, it must be enacted*  
 6       *into permanent law so political organizations of both*  
 7       *political parties can rest assured the Securities and*  
 8       *Exchange Commission will not target them.*

9       (b) *PROHIBITION.—The Securities and Exchange*  
 10      *Commission may not finalize, issue, or implement any rule,*  
 11      *regulation, or order regarding the disclosure of political*  
 12      *contributions, contributions to tax exempt organizations, or*  
 13      *dues paid to trade associations.*

## 14       ***Subtitle F—Miscellaneous*** 15       ***Provisions***

16      ***SEC. 351. PERMANENT EXTENSION OF FINES FOR QUALI-***  
 17                      ***FIED DISCLOSURE REQUIREMENT VIOLA-***  
 18                      ***TIONS.***

19       *Section 309(a)(4)(C)(v) of the Federal Election Cam-*  
 20      *paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amend-*  
 21      *ed by striking “, and that end on or before December 31,*  
 22      *2023”.*

1 **SEC. 352. PERMITTING POLITICAL COMMITTEES TO MAKE**  
 2 **DISBURSEMENTS BY METHODS OTHER THAN**  
 3 **CHECK.**

4 *Section 302(h)(1) of the Federal Election Campaign*  
 5 *Act of 1971 (52 U.S.C. 30102(h)(1)) is amended by striking*  
 6 *“except by check drawn on such accounts in accordance*  
 7 *with this section” and inserting “except from such ac-*  
 8 *counts”.*

9 **SEC. 353. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**  
 10 **MAKE CAMPAIGN COMMITTEE DISBURSE-**  
 11 **MENTS IN EVENT OF DEATH OR INCAPACITY**  
 12 **OF CANDIDATE.**

13 *(a) IN GENERAL.—Section 302 of the Federal Election*  
 14 *Campaign Act of 1971 (52 U.S.C. 30102), as amended by*  
 15 *section 306(b), is amended by adding at the end the fol-*  
 16 *lowing new subsection:*

17 *“(k)(1) Each candidate may, with respect to each au-*  
 18 *thorized committee of the candidate, designate an indi-*  
 19 *vidual who shall be responsible for disbursing funds in the*  
 20 *accounts of the committee in the event of the death or inca-*  
 21 *capacity of the candidate, and may also designate another*  
 22 *individual to carry out the responsibilities of the designated*  
 23 *individual under this subsection in the event of the death*  
 24 *or incapacity of the designated individual or the unwilling-*  
 25 *ness of the designated individual to carry out the respon-*  
 26 *sibilities.*

1       “(2) *In order to designate an individual under this*  
2 *subsection, the candidate shall file with the Commission a*  
3 *signed written statement (in a standardized form developed*  
4 *by the Commission, and including any applicable sup-*  
5 *porting documentation, including a will or trust document)*  
6 *that contains the name and address of the individual and*  
7 *the name of the authorized committee for which the designa-*  
8 *tion shall apply, and that may contain the candidate’s in-*  
9 *structions regarding the lawful disbursement of the funds*  
10 *involved by the individual. At any time after filing the*  
11 *statement, the candidate may revoke the designation of an*  
12 *individual by filing with the Commission a signed written*  
13 *statement of revocation (in a standardized form developed*  
14 *by the Commission).*

15       “(3)(A) *Upon the death or incapacity of a candidate*  
16 *who has designated an individual for purposes of para-*  
17 *graph (1), funds in the accounts of each authorized com-*  
18 *mittee of the candidate may be disbursed only under the*  
19 *direction and in accordance with the instructions of such*  
20 *individual, subject to the terms and conditions applicable*  
21 *to the disbursement of such funds under this Act or any*  
22 *other applicable Federal or State law (other than any pro-*  
23 *vision of State law which authorizes any person other than*  
24 *such individual to direct the disbursement of such funds).*

1       “(B) Subparagraph (A) does not apply with respect  
 2 to an authorized committee if, at the time of the candidate’s  
 3 death or incapacity, the authorized committee has a treas-  
 4 urer or a designated agent of the treasurer as described in  
 5 section 302(a), unless the treasurer or designated agent is  
 6 incapacitated or cannot be reached by the authorized com-  
 7 mittee.

8       “(C) Nothing in this paragraph may be construed to  
 9 grant any authority to an individual who is designated  
 10 pursuant to this subsection other than the authority to di-  
 11 rect the disbursement of funds as provided in such para-  
 12 graph, or may be construed to affect the responsibility of  
 13 the treasurer of an authorized committee for which funds  
 14 are disbursed in accordance with such paragraph to file re-  
 15 ports of the disbursements of such funds under section  
 16 304(a).”.

17       (b) *INCLUSION OF DESIGNATION IN STATEMENT OF*  
 18 *ORGANIZATION OF COMMITTEE.*—Section 303(b) of such  
 19 Act (52 U.S.C. 30103(b)) is amended—

20               (1) in paragraph (5), by striking “and” at the  
 21 end;

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

24               (3) by adding at the end the following new para-  
 25 graph:



1           “(7) in the case of an authorized committee of a  
 2           candidate who has designated an individual under  
 3           section 302(k) (including a second individual des-  
 4           ignated to carry out the responsibilities of that indi-  
 5           vidual under such section in the event of that individ-  
 6           ual’s death or incapacity or unwillingness to carry  
 7           out the responsibilities) to disburse funds from the ac-  
 8           counts of the committee in the event of the death of  
 9           the candidate, a copy of the statement filed by the  
 10          candidate with the Commission under such section  
 11          (as well as a copy of any subsequent statement of rev-  
 12          ocation filed by the candidate with the Commission  
 13          under such section).”.

14          (c) *EFFECTIVE DATE.*—The amendments made by this  
 15          section shall apply with respect to authorized campaign  
 16          committees which are designated under section 302(e)(1) of  
 17          the Federal Election Campaign Act of 1971 before, on, or  
 18          after the date of the enactment of this Act.

19          **SEC. 354. PROHIBITING AIDING OR ABETTING MAKING OF**  
 20                                   **CONTRIBUTIONS IN NAME OF ANOTHER.**

21          Section 320 of the Federal Election Campaign Act of  
 22          1971 (52 U.S.C. 30122) is amended by adding at the end  
 23          the following new sentence: “No person shall knowingly di-  
 24          rect, help, or assist any person in making a contribution  
 25          in the name of another person.”.

1 **SEC. 355. UNANIMOUS CONSENT OF COMMISSION MEMBERS**  
 2 **REQUIRED FOR COMMISSION TO REFUSE TO**  
 3 **DEFEND ACTIONS BROUGHT AGAINST COM-**  
 4 **MISSION.**

5 (a) *UNANIMOUS CONSENT.*—Section 307 of the Federal  
 6 Election Campaign Act of 1971 (52 U.S.C. 30107) is  
 7 amended by adding at the end the following new subsection:  
 8 “(f)(1) Except as provided in paragraph (2), the Com-  
 9 mission shall defend each action brought against the Com-  
 10 mission under this Act or chapter 95 and 96 of the Internal  
 11 Revenue Code of 1986—

12 “(A) through the General Counsel, as provided in  
 13 subsection (a)(6);

14 “(B) by appointing counsel as provided in sec-  
 15 tion 306(f)(4); or

16 “(C) by referral to the Attorney General in the  
 17 case of a criminal action.

18 “(2) The Commission may refuse to defend an action  
 19 brought against the Commission pursuant to the unani-  
 20 mous vote of its Members.”.

21 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 22 section (a) shall apply with respect to actions brought on  
 23 or after the date of the enactment of this Act.

1 **SEC. 356. FEDERAL ELECTION COMMISSION MEMBER PAY.**

2       (a) *DETERMINATION OF RATE OF PAY.*—Section  
3 306(a)(4) of the Federal Election Campaign Act of 1971  
4 (52 U.S.C. 30106(a)(4)) is amended—

5           (1) by striking “(4) Members” and inserting  
6 “(4)(A) Except as provided in subparagraph (B),  
7 members”;

8           (2) by striking “equivalent to the compensation  
9 paid at level IV of the Executive Schedule (5 U.S.C.  
10 5315)” and inserting “at an annual rate of basic pay  
11 of \$186,300, as adjusted under section 5318 of title 5,  
12 United States Code, in the same manner as the an-  
13 nual rate of pay for positions at each level of the Ex-  
14 ecutive Schedule, which may not be varied or sus-  
15 pended by executive action”; and

16           (3) by adding at the end the following:

17       “(B) A member who serves on the Commission after  
18 the expiration of the member’s term because the member’s  
19 successor has not taken office may not receive any increase  
20 in compensation under this subsection for any pay period  
21 occurring after the expiration of the 4-year period which  
22 begins on the date of the expiration of the member’s term.  
23 A member shall no longer be subject to the previous sentence  
24 if the member is appointed to a new term and takes office  
25 pursuant to that appointment.

1       “(C) *A member shall be permitted to hold a position*  
 2 *at an institution of higher education (as such term is de-*  
 3 *finied in section 101 of the Higher Education Act of 1965*  
 4 *(20 U.S.C. 1001) if—*

5               “(i) *the General Counsel of the Commission de-*  
 6 *termines that such position does not create a conflict*  
 7 *of interest with the member’s position as a sitting*  
 8 *member of the Commission and grants the member*  
 9 *approval to hold the position; and*

10              “(ii) *the annual rate of compensation received by*  
 11 *the individual from such institution is not greater*  
 12 *than the amount equal to 49.9% of the annual rate*  
 13 *of basic pay paid to the member under this para-*  
 14 *graph.”.*

15       (b) *CLARIFICATION OF AUTHORITY TO SERVE ADDI-*  
 16 *TIONAL TERMS.—Section 306(a)(2) of such Act (52 U.S.C.*  
 17 *30106(a)(2)) is amended by striking “shall serve for a sin-*  
 18 *gle term of 6 years” and inserting “shall be appointed for*  
 19 *terms of 6 years”.*

20       **SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PRO-**  
 21                               **CEEDINGS TO ENFORCE FEDERAL ELECTION**  
 22                               **CAMPAIGN ACT OF 1971.**

23       (a) *5-YEAR LIMITATION.—Section 406(a) of the Fed-*  
 24 *eral Election Campaign Act of 1971 (52 U.S.C. 30145(a))*  
 25 *is amended—*

1           (1) by striking “(a)” and inserting “(a)(1)”; and

2           (2) by adding at the end the following new para-

3           graph:

4           “(2) No person shall be subject to a civil penalty for

5           any violation of title III of this Act unless the proceeding

6           is initiated in accordance with section 309 not later than

7           5 years after the date on which the violation occurred.”.

8           (b) *EFFECTIVE DATE.*—The amendment made by sub-

9           section (a) shall apply with respect to violations occurring

10          on or after the date of the enactment of this Act.

11       **SEC. 358. THEFT FROM POLITICAL COMMITTEE AS A FED-**

12                               **ERAL CRIME.**

13           (a) *FEDERAL CRIME.*—Chapter 29 of title 18, United

14           States Code, as amended by section 161(b), is amended by

15           adding at the end the following new section:

16       **“§ 613. Theft from political committee**

17           “(a) *IN GENERAL.*—It shall be unlawful to remove,

18           without appropriate authorization, any funds or any other

19           item of value from an account maintained for the benefit

20           of a candidate for Federal office or the candidate’s political

21           committee (as such term is defined in section 301 of the

22           Federal Election Campaign Act of 1971 (52 U.S.C. 30101)).

23           “(b) *PENALTY.*—Any person who violates subsection

24           (a) shall be fined not more than \$250,000, imprisoned for

25           not more than 5 years, or both.”.

1       (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
 2 *chapter 29 of title 18, United States Code, is amended by*  
 3 *adding at the end the following new item:*

*“613. Theft from political committee.”.*

4   **SEC. 359. REPEAL OF OBSOLETE PROVISIONS OF LAW.**

5       (a) *PROVISIONS HELD UNCONSTITUTIONAL.*—

6           (1) *MEMBERSHIP OF SECRETARY OF SENATE*  
 7 *AND CLERK OF HOUSE ON FEDERAL ELECTION COM-*  
 8 *MISSION.*—*Section 306(a)(1) of the Federal Election*  
 9 *Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is*  
 10 *amended by striking “the Secretary of the Senate and*  
 11 *the Clerk of the House of Representatives or their des-*  
 12 *ignees, ex officio and without the right to vote, and”.*

13          (2) *PROHIBITING CONTRIBUTIONS BY MINORS.*—  
 14 *The Federal Election Campaign Act of 1971 is*  
 15 *amended by striking section 324 (52 U.S.C. 30126).*

16          (3) *INCREASE IN CONTRIBUTION LIMITS FOR*  
 17 *CANDIDATES IN RESPONSE TO PERSONAL FUND EX-*  
 18 *PENDITURES BY OPPONENTS.*—

19           (A) *HOUSE CANDIDATES.*—*The Federal*  
 20 *Election Campaign Act of 1971 is amended by*  
 21 *striking section 315A (52 U.S.C. 30117).*

22           (B) *SENATE CANDIDATES.*—*Section 315 of*  
 23 *such Act (52 U.S.C. 30116) is amended—*

24                   *(i) by striking subsection (i); and*

1                   (ii) by redesignating subsection (j) as  
2                   subsection (i).

3                   (C) CONFORMING AMENDMENT RELATING TO  
4                   NOTIFICATION.—Section 304(a)(6) of such Act  
5                   (52 U.S.C. 30104(a)(6)) is amended—

6                   (i) by striking subparagraphs (B), (C),  
7                   and (D); and

8                   (ii) by redesignating subparagraph (E)  
9                   as subparagraph (B).

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 as  
19                  provided in subsection (i) and section 315A, no  
20                  person” and inserting “No person”.

21                  (4) ELECTIONEERING COMMUNICATIONS AND  
22                  INDEPENDENT EXPENDITURES BY CORPORATIONS AND  
23                  LABOR ORGANIZATIONS.—Section 316 of such Act (52  
24                  U.S.C. 30117) is amended—

1                   (A) in subsection (b)(2), by striking “or for  
2                   any applicable electioneering communication”;  
3                   and

4                   (B) by striking subsection (c).

5                   (5) *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 redesignated  
8                   by paragraph (4)(B)(ii).

9                   (b) *PROVISIONS RELATING TO USE OF PRESIDENTIAL*  
10                  *ELECTION CAMPAIGN FUND FOR PARTY NOMINATING CON-*  
11                  *VENTIONS.*—Section 9008 of the Internal Revenue Code of  
12                  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.*—

18                  (1) Sections 307 and 309 of the Federal Election  
19                  Campaign Act of 1971 (52 U.S.C. 30107 and 30109)  
20                  are each amended by striking “subpena” each place  
21                  it appears and inserting “subpoena”.

22                  (2) Section 309(a)(7) of the Federal Election  
23                  Campaign Act of 1971 (52 U.S.C. 30109(a)(7)) is  
24                  amended by striking “subpenas” and inserting “sub-  
25                  poenas”.



1 **SEC. 360. DEADLINE FOR PROMULGATION OF PROPOSED**  
2 **REGULATIONS.**

3 *Not later than 120 days after the date of the enactment*  
4 *of this Act, the Federal Election Commission shall publish*  
5 *in the Federal Register proposed regulations to carry out*  
6 *this title and the amendments made by this title.*

7 **TITLE IV—ELECTION SECURITY**  
8 **Subtitle A—Promoting Election**  
9 **Security**

10 **SEC. 401. SHORT TITLE.**

11 *This title may be cited as the “Election Security As-*  
12 *sistance Act”.*

13 **SEC. 402. REPORTS TO CONGRESS ON FOREIGN THREATS**  
14 **TO ELECTIONS.**

15 *(a) IN GENERAL.—Not later than 30 days after the*  
16 *date of enactment of this Act, and 30 days after the end*  
17 *of each fiscal year thereafter, the Secretary of Homeland*  
18 *Security and the Director of National Intelligence, in co-*  
19 *ordination with the heads of the appropriate Federal enti-*  
20 *ties, shall submit a joint report to the appropriate congres-*  
21 *sional committees and the chief State election official of*  
22 *each State on foreign threats to elections in the United*  
23 *States, including physical and cybersecurity threats.*

24 *(b) VOLUNTARY PARTICIPATION BY STATES.—The Sec-*  
25 *retary shall solicit and consider voluntary comments from*  
26 *all State election agencies. Participation by an election*

1 *agency in the report under this section shall be voluntary*  
2 *and at the discretion of the State.*

3 (c) *APPROPRIATE FEDERAL ENTITIES.—In this sec-*  
4 *tion, the term “appropriate Federal entities” means—*

5 (1) *the Department of Commerce, including the*  
6 *National Institute of Standards and Technology;*

7 (2) *the Department of Defense;*

8 (3) *the Department of Homeland Security, in-*  
9 *cluding the component of the Department that reports*  
10 *to the Under Secretary responsible for overseeing crit-*  
11 *ical infrastructure protection, cybersecurity, and other*  
12 *related programs of the Department;*

13 (4) *the Department of Justice, including the Fed-*  
14 *eral Bureau of Investigation;*

15 (5) *the Election Assistance Commission; and*

16 (6) *the Office of the Director of National Intel-*  
17 *ligence, the National Security Agency, and such other*  
18 *elements of the intelligence community (as defined in*  
19 *section 3 of the National Security Act of 1947 (50*  
20 *U.S.C. 3003)) as the Director of National Intelligence*  
21 *determines are appropriate.*

22 (d) *OTHER DEFINITIONS.—In this section—*

23 (1) *the term “appropriate congressional commit-*  
24 *tees” means—*

1           (A) the Committee on Rules and Adminis-  
2           tration, the Committee on Homeland Security  
3           and Governmental Affairs, the Select Committee  
4           on Intelligence, and the Committee on Foreign  
5           Relations of the Senate; and

6           (B) the Committee on House Administra-  
7           tion, the Committee on Homeland Security, the  
8           Permanent Select Committee on Intelligence, and  
9           the Committee on Foreign Affairs of the House  
10          of Representatives;

11          (2) the term “chief State election official” means,  
12          with respect to a State, the individual designated by  
13          the State under section 10 of the National Voter Reg-  
14          istration Act of 1993 (52 U.S.C. 20509) to be respon-  
15          sible for coordination of the State’s responsibilities  
16          under such Act;

17          (3) the term “election agency” means any com-  
18          ponent of a State or any component of a unit of local  
19          government of a State that is responsible for admin-  
20          istering Federal elections;

21          (4) the term “Secretary” means the Secretary of  
22          Homeland Security; and

23          (5) the term “State” has the meaning given such  
24          term in section 901 of the Help America Vote Act of  
25          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 admin-*  
 4 *istration of an election for Federal office.*

5 ***Subtitle B—Cybersecurity for***  
 6 ***Election Systems***

7 **SEC. 411. CYBERSECURITY ADVISORIES RELATING TO ELEC-**  
 8 **TION SYSTEMS.**

9 *(a) CYBERSECURITY ADVISORIES.—*

10 *(1) IN GENERAL.—The Director of the Cybersecu-*  
 11 *rity and Infrastructure Security Agency of the De-*  
 12 *partment of Homeland Security (in this subtitle re-*  
 13 *ferred to as the “Director”) shall provide notification*  
 14 *to the Election Assistance Commission (in this sub-*  
 15 *title referred to as the “Commission”) if the Director*  
 16 *is determining whether an advisory relating to the cy-*  
 17 *bersecurity of election systems used in the administra-*  
 18 *tion of elections for Federal office or the cybersecurity*  
 19 *of elections for Federal office generally is necessary. If*  
 20 *such a determination is made in the affirmative, the*  
 21 *Director shall coordinate with the Election Assistance*  
 22 *Commission on the timing of the release of the advi-*  
 23 *sory.*

24 *(2) PROHIBITION.—The Director may not issue*  
 25 *an advisory described in paragraph (1) unless the*  
 26 *Commission has provided input relating thereto.*

1       (b) *NOTIFICATION.*—*If the Director issues an advisory*  
 2 *described in subsection (a), the Director, in collaboration*  
 3 *with the Commission, shall provide to appropriate State*  
 4 *election officials and vendors of covered voting systems noti-*  
 5 *fication relating thereto.*

6 **SEC. 412. PROCESS TO TEST FOR CYBERSECURITY**  
 7 **VULNERABILITIES IN ELECTION EQUIPMENT.**

8       (a) *PROCESS FOR COVERED VOTING SYSTEMS.*—

9           (1) *IN GENERAL.*—*The Director and the Com-*  
 10 *mission (in consultation with the Technical Guide-*  
 11 *lines Development Committee and the Standards*  
 12 *Board of the Commission), shall jointly establish a*  
 13 *voluntary process to test covered voting systems for*  
 14 *cybersecurity vulnerabilities. Such process shall in-*  
 15 *clude the following:*

16           (A) *Mitigation strategies and other rem-*  
 17 *edies.*

18           (B) *Notice to the Commission and appro-*  
 19 *priate entities of the results of testing conducted*  
 20 *pursuant to such process.*

21           (2) *IMPLEMENTATION.*—*The Director shall im-*  
 22 *plement the process established under paragraph (1)*  
 23 *at the request of the Commission.*

24       (b) *LABELING FOR VOTING SYSTEMS.*—*The Commis-*  
 25 *sion (in consultation with the Technical Guidelines Devel-*

1 opment Committee and the Standards Board of the Com-  
 2 mission), shall establish a process to provide for the deploy-  
 3 ment of appropriate labeling available through the website  
 4 of the Commission to indicate that covered voting systems  
 5 passed the most recent cybersecurity testing pursuant to the  
 6 process established under subsection (a).

7 (c) *RULES OF CONSTRUCTION.*—The process estab-  
 8 lished under subsection (a), including the results of any  
 9 testing carried out pursuant to this section, shall not af-  
 10 fect—

11 (1) the certification status of equipment used in  
 12 the administration of an election for Federal office  
 13 under the Help America Vote Act of 2002; or

14 (2) the authority of the Commission to so certify  
 15 such equipment under such Act.

16 (d) *EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE*  
 17 *COMMISSION WITH RESPECT TO GUIDELINES AND CER-*  
 18 *TIFICATION OF COVERED VOTING SYSTEMS.*—No entity of  
 19 the Federal Government other than the Election Assistance  
 20 Commission may issue guidelines with respect to the min-  
 21 imum standards for the testing, certification, decertifica-  
 22 tion, and recertification of covered voting systems.

23 (e) *DEFINITION.*—In this section, the term “covered  
 24 voting systems” means equipment used in the administra-  
 25 tion of an election for Federal office that is certified in ac-

1 *cordance with versions of Voluntary Voting System Guide-*  
 2 *lines under the Help America Vote Act of 2002, and in-*  
 3 *cludes any related nonvoting election technology, as defined*  
 4 *in section 298C of the Help America Vote Act of 2002, as*  
 5 *added by section 129(b).*

6 **SEC. 413. SENSE OF CONGRESS REGARDING NEED TO NO-**  
 7 **TIFY STATE AND LOCAL OFFICIALS OF ELEC-**  
 8 **TION CYBERSECURITY INCIDENTS.**

9 *It is the sense of Congress that, because the Constitu-*  
 10 *tion tasks the Federal Government with the primary re-*  
 11 *sponsibility to protect national security and reserves to the*  
 12 *States and tasks them with the duty to establish election*  
 13 *law and to administer Federal elections, it is imperative*  
 14 *that the relevant Federal officials communicate regularly*  
 15 *and clearly with State and local officials who are admin-*  
 16 *istering Federal elections.*

17 **TITLE V—CONGRESSIONAL**  
 18 **REDISTRICTING**

19 **SEC. 501. SENSE OF CONGRESS ON AUTHORITY TO ESTAB-**  
 20 **LISH MAPS OF CONGRESSIONAL DISTRICTS.**

21 *It is the sense of Congress that, while Congress is au-*  
 22 *thorized under the Constitution of the United States to en-*  
 23 *sure that congressional redistricting is carried out in a*  
 24 *manner consistent with the Constitution, only a State has*  
 25 *the authority to establish maps of the congressional districts*

1 *of the State and to determine the procedures and criteria*  
 2 *used to establish such maps.*

3 **SEC. 502. AUTHORITY FOR SPEAKER OF THE HOUSE TO**  
 4 **JOIN CERTAIN CIVIL ACTIONS RELATING TO**  
 5 **APPORTIONMENT.**

6 *The Speaker of the House of Representatives or the*  
 7 *Speaker's designee or designees may commence or join in*  
 8 *a civil action, for and on behalf of the House of Representa-*  
 9 *tives, under any applicable law, to prevent the use of any*  
 10 *statistical method, in connection with the decennial census,*  
 11 *to determine the population for purposes of the apportion-*  
 12 *ment or redistricting of Members in Congress. It shall be*  
 13 *the duty of the Office of the General Counsel of the House*  
 14 *of Representatives to represent the House in such civil ac-*  
 15 *tion, according to the directions of the Speaker. The Office*  
 16 *of the General Counsel of the House of Representatives may*  
 17 *employ the services of outside counsel and other experts for*  
 18 *this purpose.*

19 **SEC. 503. CENSUS MONITORING BOARD.**

20 *(a) SHORT TITLE.—This section may be cited as the*  
 21 *“Citizen Census Monitoring Board Permanent Authoriza-*  
 22 *tion Act of 2023”.*

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

24 *(1) The 2020 decennial census of population was*  
 25 *conducted amongst unique and difficult circumstances*



1       *which have caused many of its results to be questioned*  
2       *as regards their accuracy and legality.*

3           (2) *Privacy limitations prevent the decennial*  
4       *census from being a transparent process, therefore*  
5       *limiting the ability of the public and even Congress*  
6       *or the courts from effectively monitoring the entire*  
7       *census process.*

8           (3) *Only an independent bipartisan Board with*  
9       *the same access to data and documentation as the Bu-*  
10      *reau of the Census itself can effectively monitor the*  
11      *decennial census process.*

12          (4) *Therefore, in order to achieve these goals, the*  
13      *Congress finds that a bipartisan Census Monitoring*  
14      *Board should be established.*

15      (c) *ESTABLISHMENT.—There shall be established a*  
16      *board to be known as the Census Monitoring Board (in this*  
17      *section referred to as the “Board”).*

18      (d) *DUTIES.—The function of the Board shall be to*  
19      *review all aspects of the preparation and implementation,*  
20      *data and results, and all post-enumeration activities and*  
21      *procedures, of the 2020 decennial census of population*  
22      *under section 141 of title 13, United States Code, (including*  
23      *all dress rehearsals and other simulations of a census in*  
24      *preparation therefor) and observe and monitor all aspects*  
25      *of the preparation and implementation of the 2030 decen-*

1 nial census and each decennial census thereafter (including  
2 all dress rehearsals and other simulations of a census in  
3 preparation therefor).

4 (e) MEMBERS.—

5 (1) IN GENERAL.—The Board shall be composed  
6 of 6 members, appointed as follows:

7 (A) One individual appointed by the major-  
8 ity leader of the Senate.

9 (B) Two individuals appointed by the  
10 Speaker of the House of Representatives.

11 (C) One individual appointed by the minor-  
12 ity leader of the Senate.

13 (D) Two individuals appointed by the mi-  
14 nority leader of the House of Representatives.

15 (2) APPOINTMENT.—Each member of the Board  
16 shall be appointed within 60 days after the date of the  
17 enactment of this Act. A vacancy in the Board shall  
18 be filled in the manner in which the original appoint-  
19 ment was made. Members of the Board's terms shall  
20 expire when the Houses of Congress are reorganized,  
21 except that a member shall continue to serve as a  
22 member until their replacement is appointed.

23 (3) COMPENSATION.—Members shall not be enti-  
24 tled to any pay by reason of their service on the  
25 Board, but shall receive travel expenses, including per

1        *diem in lieu of subsistence, in accordance with sec-*  
2        *tions 5702 and 5703 of title 5, United States Code.*

3            (4) *BIPARTISAN.*—*The Board shall be bipartisan*  
4        *and each party’s appointees shall caucus separately*  
5        *and elect a co-chair from each caucus.*

6            (5) *MEETINGS.*—*The Board shall meet at the call*  
7        *of either co-chair.*

8            (6) *QUORUM.*—*A quorum shall consist of four*  
9        *members of the Board.*

10          (7) *REGULATIONS.*—*The Board may promulgate*  
11        *any regulations necessary to carry out its duties.*

12        (f) *EXECUTIVE DIRECTORS.*—

13            (1) *IN GENERAL.*—*Each caucus of the Board*  
14        *shall have an executive director who shall be ap-*  
15        *pointed by the members of the two most numerous*  
16        *caucuses, each of whom shall be paid at a rate not*  
17        *to exceed level IV of the Executive Schedule under sec-*  
18        *tion 5315 of title 5, United States Code.*

19            (2) *STAFF AND SERVICES.*—

20            (A) *IN GENERAL.*—*Subject to such rules as*  
21        *the Board may prescribe, each executive direc-*  
22        *tor—*

23                    (i) *may appoint and fix the pay of*  
24                    *such additional personnel as that executive*  
25                    *director considers appropriate; and*

1                   (ii) may procure temporary and inter-  
2                   mittent services under section 3109(b) of  
3                   title 5, United States Code, but at rates for  
4                   individuals not to exceed the daily equiva-  
5                   lent of the maximum annual rate of pay  
6                   payable for grade GS-15 of the General  
7                   Schedule.

8                   (B) BOARD RULES.—Such rules shall in-  
9                   clude provisions to ensure an equitable division  
10                  or sharing of resources, as appropriate, between  
11                  the respective staff of the Board.

12               (3) BOARD STAFF.—The staff of the Board shall  
13               be appointed without regard to the provisions of title  
14               5, United States Code, governing appointments in the  
15               competitive service, and shall be paid without regard  
16               to the provisions of chapter 51 and subchapter III of  
17               chapter 53 of such title (relating to classification and  
18               General Schedule pay rates).

19               (4) FACILITIES.—The Administrator of the Gen-  
20               eral Services Administration, in coordination with  
21               the Secretary of Commerce, shall locate suitable office  
22               space for the operation of the Board in the head-  
23               quarters of the Bureau of the Census in Suitland,  
24               Maryland, or its successor location. The facilities  
25               shall serve as the headquarters of the Board and shall

1       *include all necessary equipment and incidentals re-*  
2       *quired for the proper functioning of the Board.*

3       (g) *OTHER AUTHORITIES.*—

4             (1) *HEARINGS.*—*For the purpose of carrying out*  
5       *its duties, the Board may hold such hearings (at the*  
6       *call of either co-chair) and undertake such other ac-*  
7       *tivities as the Board determines to be necessary to*  
8       *carry out its duties.*

9             (2) *ACCESS TO INFORMATION.*—

10            (A) *IN GENERAL.*—*Each co-chair of the*  
11       *Board and any Board staff who may be des-*  
12       *ignated by the Board under this subparagraph*  
13       *shall be granted access to any data, files, infor-*  
14       *mation, or other matters maintained by the Bu-*  
15       *reau of the Census (or received by it in the*  
16       *course of conducting a decennial census of popu-*  
17       *lation) which they may request, subject to such*  
18       *regulations as the Board may prescribe in con-*  
19       *sultation with the Secretary of Commerce. No in-*  
20       *formation may be withheld pursuant to title 13,*  
21       *United States Code, and all members of the*  
22       *Board and Board staff shall be sworn to protect*  
23       *the confidentiality and privilege of all data and*  
24       *information protected by such title.*

1           (B) *AGENCY INFORMATION.*—*The Board or*  
2           *the co-chairs acting jointly may secure directly*  
3           *from any other Federal agency, including the*  
4           *White House, all information that the Board*  
5           *considers necessary to enable the Board to carry*  
6           *out its duties. Upon request of the Board or both*  
7           *co-chairs, the head of that agency (or other per-*  
8           *son duly designated for purposes of this para-*  
9           *graph) shall furnish that information to the*  
10          *Board.*

11          (3) *REGULATIONS.*—*The Board shall prescribe*  
12          *regulations under which any member of the Board or*  
13          *of its staff, and any person whose services are pro-*  
14          *cured under subsection (e)(2)(A)(ii), who gains access*  
15          *to any information or other matter pursuant to this*  
16          *subsection shall, to the extent that any provisions of*  
17          *section 9 or section 214 of title 13, United States*  
18          *Code, would apply with respect to such matter in the*  
19          *case of an employee of the Department of Commerce,*  
20          *be subject to such provisions.*

21          (4) *DETAIL AUTHORITY.*—*Upon the request of*  
22          *the Board, the head of any Federal agency is author-*  
23          *ized to detail, without reimbursement, any of the per-*  
24          *sonnel of such agency to the Board to assist the Board*  
25          *in carrying out its duties. Any such detail of a Fed-*

1        *eral employee under this paragraph shall not inter-*  
2        *rupt or otherwise affect the civil service status or*  
3        *privileges of the employee.*

4            (5) *TECHNICAL ASSISTANCE.*—*Upon the request*  
5        *of the Board, the head of a Federal agency shall pro-*  
6        *vide such technical assistance to the Board as the*  
7        *Board determines to be necessary to carry out its du-*  
8        *ties.*

9            (6) *USE OF MAILS.*—*The Board may use the*  
10       *United States mails in the same manner and under*  
11       *the same conditions as Federal agencies and shall, for*  
12       *purposes of the frank, be considered a commission of*  
13       *Congress as described in section 3215 of title 39,*  
14       *United States Code.*

15           (7) *SUPPORT SERVICES.*—*Upon request of the*  
16       *Board, the Administrator of General Services shall*  
17       *provide to the Board on a reimbursable basis such ad-*  
18       *ministrative support services as the Board may re-*  
19       *quest.*

20           (8) *PRINTING COSTS.*—*For purposes of costs re-*  
21       *lating to printing and binding, including the cost of*  
22       *personnel detailed from the Government Publishing*  
23       *Office, the Board shall be deemed to be a committee*  
24       *of the Congress.*

25        (h) *REPORTS.*—

1           (1) *2020 CENSUS.*—*The Board shall transmit to*  
2     *the Congress—*

3                 (A) *interim reports, with the first such re-*  
4     *port due by April 1, 2024;*

5                 (B) *additional reports, the first of which*  
6     *shall be due by February 1, 2025, the second of*  
7     *which shall be due by April 1, 2025, and subse-*  
8     *quent reports at least semiannually thereafter;*

9                 (C) *a final report on the 2020 Census shall*  
10    *be due by September 1, 2025; and*

11                (D) *any other reports which the Board or*  
12    *either co-chair considers appropriate.*

13           (2) *SUBSEQUENT CENSUSES.*—*With respect to*  
14    *the 2030 decennial census of population and each de-*  
15    *cennial census thereafter, the Board shall transmit to*  
16    *Congress—*

17                (A) *an interim report due not later than*  
18    *September 1 of the second year following the*  
19    *year in which a decennial census occurs; and*

20                (B) *a final report not later than September*  
21    *1 of the third year following the year in which*  
22    *a decennial census occurs; and*

23                (C) *any other reports which the Board or*  
24    *either co-chair considers appropriate.*



1           (3) *FINAL REPORT CONTENTS.*—A final report  
2           under paragraph (1)(C) or (2)(B) shall contain a de-  
3           tailed statement of the findings and conclusions of the  
4           Board with respect to the matters described in sub-  
5           section (c).

6           (4) *REPORT CONTENTS.*—In addition to any  
7           matter otherwise required under this subsection, each  
8           such report shall address, with respect to the period  
9           covered by such report—

10                 (A) the degree to which efforts of the Bureau  
11                 of the Census to prepare to conduct the decennial  
12                 census—

13                         (i) shall achieve maximum possible ac-  
14                         curacy at every level of geography;

15                         (ii) shall be taken by means of an enu-  
16                         meration process designed to count every in-  
17                         dividual possible;

18                         (iii) shall be free from political bias  
19                         and arbitrary decisions; and

20                         (iv) comply with all legal and constitu-  
21                         tional requirements; and

22                 (B) efforts by the Bureau of the Census in-  
23                 tended to contribute to enumeration improve-  
24                 ment, specifically in connection with—

- 1                   (i) computer modernization and the  
2                   appropriate use of automation;  
3                   (ii) address list development;  
4                   (iii) outreach and promotion efforts at  
5                   all levels designed to maximize response  
6                   rates, especially among groups that have  
7                   historically been undercounted (including  
8                   measures undertaken in conjunction with  
9                   local government and community and other  
10                  groups);  
11                  (iv) establishment and operation of  
12                  field offices; and  
13                  (v) efforts relating to the recruitment,  
14                  hiring, and training of enumerators.

15               (5) AVAILABILITY OF DATA AND INFORMATION.—  
16               Any data or other information obtained by the Board  
17               under this section shall be made available to any  
18               committee or subcommittee of Congress of appropriate  
19               jurisdiction upon request of the chair or ranking mi-  
20               nority member of such committee or subcommittee. No  
21               such committee or subcommittee, or member thereof,  
22               shall disclose any information obtained under this  
23               paragraph which is submitted to it on a confidential  
24               basis unless the full committee determines that the

1       *withholding of that information is contrary to the na-*  
2       *tional interest.*

3           (6) *USE OF CONTRACTORS.*—*The Board shall*  
4       *study and submit to Congress, as part of its first re-*  
5       *port under paragraph (1)(A), its findings and rec-*  
6       *ommendations as to the feasibility and desirability of*  
7       *using postal personnel or private contractors to help*  
8       *carry out the decennial census.*

9           (i) *ACCURACY OF CENSUS.*—*To the extent practicable,*  
10      *members of the Board shall work to promote the most accu-*  
11      *rate and complete decennial census possible by using their*  
12      *positions to publicize the need for full and timely responses*  
13      *to decennial census questionnaires.*

14          (j) *LIMITATION ON BOARD MEMBERS AND STAFF.*—

15           (1) *IN GENERAL.*—*No individual described in*  
16      *paragraph (2) may—*

17                   (A) *be appointed or serve as a member of*  
18                   *the Board or as a member of the staff of the*  
19                   *Board; or*

20                   (B) *enter into any contract with the Board.*

21           (2) *INDIVIDUALS COVERED.*—*An individual de-*  
22      *scribed in this paragraph is any individual who is*  
23      *serving or who has ever served—*

24                   (A) *as the Director of the Census; or*

1                   (B) with any committee or subcommittee of  
 2                   either House of Congress having jurisdiction over  
 3                   any aspect of the decennial census as—

4                   (i) a Member of Congress; or

5                   (ii) a congressional employee.

6           (k) *EXCEPTION FOR USE OF INFORMATION.*—Section  
 7   9(a) of title 13, United States Code, is amended in the mat-  
 8   ter before paragraph (1)—

9                   (1) by striking “or section 210” and inserting “,  
 10   section 210”;

11                  (2) by striking “1998 or” and inserting “1998,”;  
 12   and

13                  (3) by striking “1997” and inserting “, or sec-  
 14   tion 502 of the American Confidence in Elections  
 15   Act”.

16   (l) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
 17   authorized to be appropriated \$7,500,000 for fiscal year  
 18   2024 and each fiscal year thereafter to carry out this sec-  
 19   tion.

## 20           **TITLE VI—DISINFORMATION** 21                   **GOVERNANCE BOARD**

### 22   **SEC. 601. TERMINATION OF THE DISINFORMATION GOV-** 23                   **ERNANCE BOARD.**

24           The Disinformation Governance Board of the Depart-  
 25   ment of Homeland Security is hereby terminated.

1 **SEC. 602. PROHIBITION ON FUNDING SIMILAR BOARD OR**  
2 **SIMILAR ACTIVITIES.**

3 *No Federal funds authorized to be appropriated or oth-*  
4 *erwise made available may be used to establish any other*  
5 *entity that is substantially similar to the Disinformation*  
6 *Governance Board terminated by section 601 or to carry*  
7 *out activities that are substantially similar to the*  
8 *Disinformation Governance Board terminated by section*  
9 *601.*

10 **TITLE VII—SEVERABILITY**

11 **SEC. 701. SEVERABILITY.**

12 *If any provision of this Act or any amendment made*  
13 *by this Act, or the application of any such provision or*  
14 *amendment to any person or circumstance, is held to be*  
15 *unconstitutional, the remainder of this Act, and the appli-*  
16 *cation of such provision or amendment to any other person*  
17 *or circumstance, shall not be affected by the holding.*

Union Calendar No. 825

118TH CONGRESS  
2D Session

**H. R. 4563**

[Report No. 118-978, Part I]

**A BILL**

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.

JANUARY 3, 2025

Reported from the Committee on House Administration  
with an amendment

JANUARY 3, 2025

Committees on the Judiciary, Ways and Means, Science, Space, and Technology, Intelligence (Permanent Select), Homeland Security, Education and the Workforce, Financial Services, Oversight and Accountability, and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed