

## Student Handout Number 1

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### **Election Reform Bills – House/Senate Side by Side and Analysis (Corrected as of 5/10/02)**

House Bill – H.R. 3295	Topics – Differences/Similarities/Analysis	Senate Bill – S.565
	<b>Title of Legislation</b>	
“Help America Vote Act of 2001”	?? The titles of the legislation will have to be assimilated	“Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002”
	<b>Punchcard Buyout Program</b>	
<p>?? Within 30 days of passage of the legislation, GSA shall establish and administer a one-time payment program to State or local governments that used punchcard machines for the November 2000 election.</p> <p>?? Recipients must use the funds to replace punch card systems with a non-punchcard system by purchase, lease, etc. Funds can be used as reimbursement if equipment has been replaced since the November 2000 election.</p> <p>?? Recipients must obligate the funds before the November 2002 elections.</p> <p>?? New equipment must be in place by the November 2004 election.</p> <p>?? State or local governments can apply for a waiver of these deadlines to the Election Assistance Commission.</p> <p>?? An application for this funding must be submitted within 120 of passage of</p>	<p>?? The entire punchcard buyout program is only found in the House bill.</p> <p>?? House considered this program to allow for transition time before the new commission was set up. Timeframe for implementation and spending of funds will need to be expanded beyond Nov 2002 election.</p>	<p>?? Not included in Senate bill</p>

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legislation. The application must include assurances of appropriate use of funds, compliance with VAEHA, ADA and VRA.		
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<p>Local governments can apply for funding if their states don't.</p> <p>?? Payment will equal cost of replacement of equipment up to \$6000 per precinct using punchcards.</p> <p>?? Federal Share 90%, State/local share 10%</p> <p>?? If the state/local doesn't meet the required deadlines, all funds must be returned.</p> <p>?? There will also be a program that will fund enhancements to punchcard voting systems if the state/local doesn't want to replace. All provisions for receiving funds to replace system also apply to enhancing system. State/local must choose either replacement or enhancement, can't apply for both.</p> <p>?? Payment for enhancement will equal actual cost up to \$2000 per precinct.</p> <p>?? 90% federal share, 10% state/local share.</p> <p>?? \$400 million authorized until expended. Any money not obligated by the Nov 2002 will be transferred to the Election Fund administered by the Election Assistance Commission.</p>		
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	<b>Commission Structure &amp; Administration</b>	
<p>?? Election Assistance Commission</p> <p>?? Independent entity in Executive Branch</p> <p>?? 4-member commission appointed by the President and approved by the Senate. Majority/Minority Leaders of House and Senate shall submit a list of nominees</p> <p>?? Appointments must be made within 30 days of enactment.</p> <p>?? Each commissioner shall have experience or expertise in election administration or the study of elections – but no commissioner may be an officer or employee of the Federal Government during period of service. 2 term limit, each term 4 years. Initial commissioners will have slightly different terms. Not more than 2 of the four members may be affiliated with the same political party.</p> <p>?? Members of the commission shall be paid \$30,000 a year with travel reimbursement and may continue to hold outside employment that is not inconsistent or in conflict.</p> <p>?? Executive Director for Commission recommended by Standards Board and Board of Advisors and appointed by Commission. Executive Director will</p>	<p>?? Name of commission is different.</p> <p>?? Number of commissioners the same</p> <p>?? House bill requires Leadership to submit list of nominees, Senate bill requires leadership to submit a candidate recommendation per opening.</p> <p>?? 30 days for appointment in/House bill. 90 days for Senate bill.</p> <p>?? Commissioner qualifications are approximately the same – both require specific election related knowledge. Senate adds the personal qualities description.</p> <p>?? 2 four-year terms for commissioners in House bill, 1 six-year term for commissioners in Senate bill.</p> <p>?? Commissioners in House bill are “part-time” and can hold outside employment. Commissioners in Senate bill are full time with applicable pay scales.</p> <p>?? Both bills have an Executive Director for the commission. Potential pay is the same. Terms, hiring procedures differ. Senate bill also names a separate General Counsel.</p> <p>?? Authorization for funds for the running of the commission in House bill ends in 2004. Senate bill doesn’t identify a date.</p>	<p>?? Election Administration Commission</p> <p>?? Independent establishment per Sec. 104, Title 5 of US Code.</p> <p>?? 4-member commission appointed by the President and approved by the Senate. Majority/Minority Leaders of House and Senate shall submit a candidate recommendation.</p> <p>?? Appointments must be made within 90 days enactment.</p> <p>?? Each commissioner shall have knowledge of and experience with election law, election technology, Federal, state or local election admin, the Constitution or history of US and integrity, impartiality and good judgment. Not more than two members may be affiliated with the same political party. At the time of appointment, commissioners may not be elected, appointed or employed by the Federal gov. Commissioners may not hold outside employment. 1 term limit, term is 6 years. Initial commissioners will have slightly different terms.</p> <p>?? Members of the commission will be compensated at the annual rate of basic pay for a level IV of the Executive Schedule (about \$120,000).</p>

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<p>have a 4- year term, no term limits, with a salary not to exceed Level V (about 110,000). Initially, the Commission may appoint the first Ex. Dir prior to recommendations, but that individual may only serve in that capacity for 6 months – could be ultimately appointed as official Exec. Dir. Exec Dir will appoint additional staff.</p> <p>?? May hold hearings for the purpose of carrying out duties. May administer oaths and affirmations to witnesses.</p> <p>?? The cost of running commission allows such sums as may be necessary not to exceed 10 million a year for 2002 through 2004.</p> <p>?? Standards Board and Board of Advisors review any of the voluntary standards recommended by the commission. Standards Board consists of 110 state and local election officials whose names are submitted by the state. Board of Advisors is 25 members appointed by various NGO’s, civil rights groups and disability rights groups and a rep of the DOJ. Both Boards may hold hearings, take testimony – but they may not issue subpoenas requiring attendance by witnesses or the production of evidence.</p>	<p>?? House Bill has a mechanism for state and local input by election officials through both the Standards Board and the Board of Advisors to the Election Assistance Commission. The Senate bill does not have a vehicle for input by election officials, but it does have a Sense of the Senate that there should be some avenue for input.</p> <p>?? House bill has up to 10 million a year to run commission. Senate authorizes as much as is necessary.</p> <p>?? Both House and Senate bills have commissions that may be able to issue subpoenas. House bill clearly states that their Boards cannot issue subpoenas for any hearings they may hold.</p> <p>?? Standards Board and Board of Advisors not compensated in House bill. Senate Bill does not include these Boards.</p>	<p>?? Commission, upon majority approval, will appoint Exec. Dir., a General Counsel and other necessary personnel. Initial Exec. Dir will be the current Dir. Of the Office of Election Admin in the FEC until a successor is appointed. The Executive Director and General Counsel each have a six year term with a 2 term limit with a salary not to exceed a Level V(about 110,000)</p> <p>?? The commission shall meet at least once a month.</p> <p>?? Sense of the Senate that the DOJ and the Committee on Election Reform should take steps to ensure that states and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.</p> <p>?? Such sums as may be necessary are authorized to the commission.</p> <p>?? The commission of member of the commission may hold hearings, take testimony, receive evidence, administer oaths</p>
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<p>Each of the Boards must meet at least once a year to vote on voluntary standards.</p> <p>?? No compensation for Standards Board and Board of Advisors – but travel reimbursement.</p>		
	<b>Duties of Commission</b>	
<p>?? Serve as a national clearinghouse and resource for the compilation of info and review of procedures re election administration by creating voluntary engineering and procedural performance standards for voting systems</p> <p>?? Compile and make available to public the official certified results of elections for Federal office and the statistics re registration and turnout.</p> <p>?? Clearinghouse of info on state and local implementation of voluntary standards.</p> <p>?? Advise states and localities regarding compliance with applicable federal laws.</p> <p>?? Develop, adopt and update voluntary standards for maintaining and enhancing accessibility for all aspects of elections. Consultation with the Access Board and others with expertise in accessibility.</p> <p>?? Periodic studies regarding current and alternate methods of voting and vote counting, current and alternate ballot</p>	<p>?? Both function as clearinghouse, both responsible for conducting a large number of studies on election administration.</p> <p>?? Both bills require commission to make official election results available to the public.</p> <p>?? Both bills require numerous studies and reports by the commission. Some of the topics of study are different.</p> <p>?? House bill has commission developing voluntary voting system standards. Senate bill has commission (after transition from DOJ) administering voting system requirements written in Senate bill. Senate bill also has commission (after transition from OEA) updating and administering mandatory equipment standards and management practices. Both bills involve Access Board in developing and updating standards</p> <p>?? Senate bill has commission (after transition from DOJ) administering provisional voting requirements, voter</p>	<p>?? Serve as a clearinghouse, gather info, conduct studies and issue reports re elections for Federal office.</p> <p>?? Provisions of Sec.9 of NVRA</p> <p>?? Compile and make available to public the official certified results of elections for Federal office and the statistics re registration and turnout.</p> <p>?? Study and report within 18 months the impact of the voter id requirements currently found in the Senate bill.</p> <p>?? Periodic studies of methods of election technology and voting systems, over-vote and under-vote notification capabilities, ballot design, accessibility, statistics on fraud, methods of voter intimidation, recruitment and training of poll workers, different days/times/holiday, etc for election day, how the feds can help state and locals and appropriate funding levels, laws and procedures used by each state re recounts, contests, standards for what constitutes a vote, best practices for recounts and contests, whether a need</p>

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<p>design, current and alternate methods of voter registration, list maintenance, registration linked to polling sites, current and alternate methods of provisional voting, current and alternate methods of accessibility, current and alternate methods of registering and voting for armed services and overseas citizens, current and alternate methods recruiting and improving performance of poll workers, laws governing eligibility of persons to vote, current and alternate methods of voter education, relevant issues to administering elections in rural and urban areas, utilizing different days and times – including uniform poll closing time, necessary levels of federal funding to best assist state and local election admin improvement.</p> <p>?? Distribute Election Fund payments each year to qualifying states</p> <p>?? Annual reports before House Admin and Senate Rules on the activities carried out by the commission</p> <p>?? Work with NIST to prepare a report on Human Factor impact within 1 year of enactment</p> <p>?? Develop the Help America Vote Program – by developing materials, seminars and workshops, make grants and other activities designed to encourage college students to serve as</p>	<p>id requirements and statewide voter registration system requirements. The House bill leaves provisional voting administration and statewide voter registration issues up to the states. There are no voter id requirements in the House bill.</p> <p>?? Both bills have commission taking over current responsibilities of the Office of Election Administration</p> <p>?? The House bill has the commission distributing the Election Funds payments to the state on a formula basis The punchcard grant payments will come from GSA. The Senate bill has the commission taking over responsibility for the grant program after transition from the DOJ. Grants will be approved after application approval process is complete.</p> <p>?? The House bill specifically states that commission will not have rulemaking authority. The Senate does not address rulemaking, which if not addressed in the negative, does give rulemaking authority to their commission.</p> <p>?? House bill requires annual reports to House Admin and Senate Rules on commission activities. Senate bill requires report to Congress and the President on grants made.</p> <p>?? House bill requires Commission to work with NIST to prepare a report on</p>	<p>for more consistency among state recount and contest procedures, technical feasibility of providing voting materials in 8 or more languages. Committee will also be responsible for studying and reporting on establishment of free postage for absentee ballots – must conduct a public survey.</p> <p>?? Administer the voting system standards already defined in legislation.</p> <p>?? After transition from DOJ, the commission will be responsible for promulgating or adopting or revising standards and guidelines for election technology and administration</p> <p>?? After transition from DOJ, the commission will be responsible for the three grant programs. If policies and criteria for applications have been established, the commission will need to adopt or revise – if not they will need to promulgate them.</p> <p>?? After transition from OEA of FEC, the commission will be responsible for administering the mandatory equipment standards and management practices.</p> <p>?? After transition from the DOJ, the commission will be responsible for administering the provisional voting requirements and administering the computerized statewide voter reg system requirements and voter id requirements.</p>
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<p>pollworkers and to encourage state and local officials to utilize college students as pollworkers</p> <p>?? The commission must notify the AG if a state does not provide certification that it is meeting the minimum requirements of the Act or if the commission has credible evidence that the state's certification is false.</p> <p>?? All duties and responsibilities currently required of the Office of Election Administration within the FEC.</p> <p>?? The commission has no rulemaking authority</p> <p>?? The commission shall provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited laboratories.</p>	<p>Human Factor impact. There is no similar requirement in Senate bill.</p> <p>?? The Senate bill authorizes the commission to award up to \$650,000 to the National Student Parent Mock Election. There is no provision for this in the House bill</p> <p>?? Both bills contain the same language for the Help America Vote College Program</p> <p>?? The House bill has the commission notifying the AG if a state doesn't supply certification or provides false info to justify self-certification. The Senate bill does not include this provision because the state does not self certify, certification comes from the DOJ.</p> <p>?? House bill give commission task of equip certification program in conjunction with NIST. Senate bill has no provision for this.</p>	<p>?? After transition, all function of the OEA of FEC and all their responsibilities under NVRA</p> <p>?? After transition from DOJ, report on the grant program to the President and Congress describing activity and any recommended legislative action.</p> <p>?? Award grants to the National Student/Parent Mock election.</p> <p>?? Develop the Help America Vote College Program - - by developing materials, seminars and workshops, make grants and other activities designed to encourage college students to serve as pollworkers and to encourage state and local officials to utilize college students as pollworkers</p>
	<p><b>Voting System and Operational Standards &amp; Minimum Requirements</b></p>	
<p>?? The commission (in consultation with the Technical Standards Development Committee) shall develop, adopt and update at least every 4 years the voluntary engineering and procedural performance standards for voting systems.</p> <p>?? The scope of the standards shall include</p>	<p>?? House bill requires the commission, in conjunction with Tech Dev. Cttee to adopt voluntary technical and management standards to be updated every four years. Includes a list of things that should be included in standards. Senate bill requires commission in consultation with NIST</p>	<p>?? Each voting system must permit the voter to verify vote before being cast</p> <p>?? Notify the voter of overvote and the effect of overvoting</p> <p>?? Provide the opportunity to correct before being cast</p> <p>?? However a state that uses paper,</p>

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<p>security, procedures for certification/decertification, usability, operational guidelines and maintenance,</p> <p>?? The standards should provide for a way for voters to correct errors at the precinct while providing privacy to the voter</p> <p>?? The standards should include as part of certification what constitutes a vote</p> <p>?? New voting systems certified by the feds or state should provide a practical and effective means for voters with disabilities to cast a secret ballot</p> <p>?? Within 6 months of the commission adopting voluntary standards, the Director of NIST shall conduct an evaluation of independent, non-Federal laboratories and submit a list of recommended labs to carry out certification. The use of these labs is at the option of the state.</p> <p>?? The commission shall develop, after receiving recommendations from its Board of Advisors and Standards Board and the Access Board and others with expertise, and update at least every 4 years voluntary standards for maintaining and enhancing the accessibility.</p> <p>?? In addition to voluntary technical standards, the commission will develop, adopt and update at least every 4 years, voluntary election management practice</p>	<p>and Access Board to promulgate voting system standards, which are not voluntary, and also must be updated every 4 years.</p> <p>?? House bill has NIST Director conducting an independent evaluation of laboratories for certification of election equipment. Senate bill does not have a provision for this.</p> <p>?? House bill requires commission to develop management practices standards every 4 years. Senate bill is unclear on whether management practices are included.</p> <p>?? House bill has voluntary standards developed w/input from Standards Board and Board of Advisors. Commission then votes on each standard, only being adopted with a majority vote. Senate bill has commission promulgate standards with input from NIST and Access Board.</p> <p>?? Both bills have standards that are applicable regardless of receipt of funding. House bill has more standards applied if federal funding is received. Senate bill has more standards regardless of receipt of federal funds.</p> <p>?? Different implementation dates exist in both bills.</p> <p>?? Minimum Requirements of both bills are in bold. Both bills require provisional voting, statewide voter</p>	<p>punchcard, central count, mail-in etc may establish a voter education program specific to that system</p> <p>?? Any notification required by the standards must ensure the privacy of the voter and the confidentiality of the ballot.</p> <p>?? Must produce a permanent paper record with a manual audit capacity. This paper record must be available as the official record for a recount</p> <p>?? Must be accessible for individuals with disabilities through the use of at least 1 DRE per polling place</p> <p>?? All equipment purchased with grant funds after January 1, 2007 must meet disability access standards.</p> <p>?? Multilingual voting materials must be made available if at least 5% or 10,000 of the voting age citizens in a state or jurisdiction speak another language as their first language and they are limited English proficient and the illiteracy rate of that group of citizens is higher than the national rate. However, if a jurisdiction within a state doesn't reach the threshold, they aren't required to provide. And if the state uses a lever system and gets a waiver from the commission, it can use its DREs to provide language accessibility.</p>
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<p>standards, including standards developed with the Sec. Of Defense governing the treatment of absent uniformed services voters and overseas voters.</p> <p>?? The process for adopting the voluntary standards is Exec. Director shall prepare standards and take into consideration the recommendations provided by the Technical Standards Development Committee. Then submit to the Board of Advisors and to the Executive Board of the Standards Board and finally on to the Standards Board. These bodies will review and submit comments and recommendations to the Commission. Each standard will be reviewed and voted on by the commission. Final adoption can only come with a majority vote of the commission.</p> <p>?? NIST Director shall establish a program for intramural R&amp;D in areas to support the development of voluntary technical standards for voting products and systems including – computer security, methods to detect and prevent fraud, protection of voter privacy and role of human factors in design and application of voting products, remote access and voting including through the internet.</p> <p>?? In order to receive an Election Funds payment for a fiscal year, the state shall provide the commission with</p>	<p>registration databases, and compliance with existing federal law regardless of any funding received. However, in the Senate bill, if your application is approved, you would get 100% of cost of mandate. House bill has no application approval process, but you only get 75% of cost of mandate.</p> <p>?? Senate bill gets more proscriptive about how to implement provisional voting, but does appear to allow for same day voter registration as method of provisional voting if state is referenced in 4b of NVRA.</p> <p>?? House bill gets more detailed about requirements for a statewide database</p> <p>?? Senate mandates statewide database include a unique identifier for each registered voter.</p> <p>?? Senate bill mandates list maintenance in compliance with NVRA. House bill does list maintenance by amending /clarifying NVRA</p> <p>?? Senate bill requires posting of voting info at the polling places and what that info must include.</p> <p>?? Senate bill requires provisional voting to be implemented by 2004. House requires by Nov 2002 unless a waiver is applied for.</p> <p>?? Senate bill has required voter ID provisions. House bill has no voter ID provisions.</p>	<p>?? Error rates must not exceed the error rates standards established by the voting system standards issued by the commission.</p> <p>?? Standards shall be promulgated by January 1, 2004 by the Office of Election Administration (ultimately new commission) in consultation with Access Board and NIST.</p> <p>?? At least every four years the voting system standards shall be reviewed and updated by the OEA (ultimately new commission, the Access Board and NIST. These standards are no longer voluntary.</p> <p>?? All states and localities must comply with the requirements of the voting system standards by January 1, 2006.</p> <p>?? If a voter arrives at the polls and says he is a registered voter in that jurisdiction and he doesn't appear on the rolls or is otherwise told he is not eligible an election official must notify him that he can vote a provisional ballot.</p> <p>?? A provisional ballot can be cast after signing an affidavit that the voter is registered to vote in that jurisdiction and that he is eligible to vote.</p> <p>?? An election official must transmit that ballot or voter info promptly to local or state election official for</p>
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<p>certifications that the State has set a uniform statewide benchmark for voting system performance in each local jurisdiction administering elections – defined as a percentage of residual vote in the contest at the top of the ballot, and requires local jurisdictions to report data relevant to this benchmark after each general election for federal office.</p> <p>?? In order to receive an Election Funds payment for a fiscal year, the state shall provide the commission with certifications that the state is in compliance with the voluntary voting system standards and certification processes adopted by the commission or that the state has enacted legislation establishing its own voting system standards and process which at a minimum ensure new equipment have the audit capacity to produce a record for each ballot.</p> <p>?? In order to receive an Election Funds payment for a fiscal year, the state shall provide the commission with certifications that the state has in each precinct or polling place, at least one voting system available which is fully accessible to individuals with physical disabilities and if the state uses any portion of the federal funding to purchase new equipment, at least one voting machine in each polling place</p>		<p>verification. If eligibility is verified, that vote will be counted.</p> <p>?? Whenever a provisional ballot is cast, the voter must receive info on the free access system available to find out whether or not the vote was counted.</p> <p>?? States described in 4(b) of NVRA may meet provisional voting requirements using voter registration procedures established under applicable state law.</p> <p>?? Any individual voting after the polls close, including by court order, may only vote a provisional ballot.</p> <p>?? By January 1, 2003, the AAG of Civil Rights of DOJ shall promulgate guidelines for implementation of provisional voting</p> <p>?? By January 1, 2004 each state and locality must comply with provisional voting requirements.</p> <p>?? Voter information must be posted at each polling place on election day. Legislation details what information must be provided</p> <p>?? Each state must implement an interactive computerized statewide voter registration list that contains the name and registration info of all legally registered voters and assigns a unique identifier to each voter.</p>
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<p>will be fully accessible.</p> <p>?? In order to receive an Election Funds payment for a fiscal year, the state shall provide the commission with certifications in administering election systems the state is in compliance with all applicable existing federal law.</p> <p>?? In order to receive an Election Fund payment for a fiscal year, the state shall certify that they have established a fund in their own treasury.</p> <p>?? In order to receive an Election Fund payment for a fiscal year, the state shall certify that they will provide voter education and poll worker training programs to improve access and participation and that the state provides relevant training re NVRA to personnel of state motor vehicle offices and other voter registration agencies.</p> <p>?? The state must also certify that Election Funds payments will not be used to supplant existing state funds.</p> <p>?? Chief State Election official of each state shall certify to the commission that the state is in compliance with NVRA, Voting Rights Act, UOCAVA, Voting Accessibility for the Elderly and Handicapped Act, and the ADA.</p> <p>?? Chief State Election official of each state shall certify that the state has enacted legislation to enable the state to meet the required minimum standards</p>		<p>?? Removal of list names shall be in accordance with NVRA. If a state is 4(b) of NVRA, they shall remove ineligible from list in accordance with state law.</p> <p>?? List maintenance must ensure that each registered voter appears and only non-registered and ineligible voters are removed.</p> <p>?? State must be able to match data with SSA on whether name and SS# match and whether or not voter is deceased.</p> <p>?? Statewide system must be in place by January 1, 2004.</p> <p>?? AAG of Civil Rights of DOJ must promulgate guidelines by October 1, 2003</p> <p>?? First time voters who register by mail and vote by mail must provide ID with either ballot or reg form. If no ID, voter may provide last 4 digits of SS# or DL# and election official can match with other state databases.</p> <p>?? First time voters who register by mail and vote in person must provide ID to pollworker.</p> <p>?? If the first time voter who registered by mail, arrives at the polling place and did not provide ID or SS# or DL they can vote a provisional ballot.</p> <p>?? ID requirements for must be</p>
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<p>below.</p> <ul style="list-style-type: none"><li>?? Statewide voter registration system networked to every local jurisdiction with provisions for sharing data with other states and ensures voter registration records are accurate and updated regularly with a file maintenance system that removes ineligible voters who haven't voted in 2 or more consecutive general elections for federal office and have not responded to a notice and safeguards to ensure eligible voters are not removed</li><li>?? In-precinct provisional voting or alternative which achieves the same objective, for every voter who claims to be qualified to vote in the state</li><li>?? Uniform standards defining what constitutes a vote on each type of voting equipment,</li><li>?? Safeguards to ensure absent service voters and overseas voters have the opportunity to vote and be counted,</li><li>?? New voting systems have practical and effective means for disabled voters to cast a secret ballot</li><li>?? Ensure that voters using equipment, which allows them to correct errors, can do so assuring their privacy. New systems shall provide voters the chance to correct errors before casting vote</li><li>?? AG may bring civil action against a state or locality to remedy a violation of</li></ul>		<p>implemented by January 1, 2004. Voters must begin providing info by January 1, 2003.</p>
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<p>any of these minimum standards</p> <p>?? Minimum standards (except for provisional voting) must be implemented within 2 years of enactment of legislation. A state could apply for a waiver until the 2004 general election.</p> <p>?? Provisional voting must be implemented by the November 2002 election. A state could apply for a waiver until the November 2004 election.</p>		
	<b>Grants/Election Fund</b>	
<p>?? Election Fund</p> <p>?? Election Fund must be used for accurate voting lists, encouraging eligible voters to vote, improving verification and ID at the polls, improving equipment and methods for casting and counting votes, recruiting and training of election officials and poll workers, improving the quantity and quality of polling places, educating voters about their rights and responsibilities, access, other activities to improve election administration.</p> <p>?? Voluntary standards adopted by the commission do not need to be implemented as a condition of payment.</p> <p>?? Within 6 months of all commissioners being appointed, and then once a year, the commission shall make election fund payments to the states based on a formula of voting age population of the</p>	<p>?? House bill requires states to set up an election fund to receive federal payments. Senate bill does not include this provision.</p> <p>?? Prior to transition, House bill has GSA cutting checks for punchcards and after transition the commission will be cutting all election fund checks. Senate bill has DOJ writing checks until transition to commission.</p> <p>?? House bill has election fund payments made once a year based on a formula. Senate bill has an application approval process to determine how much and who gets money.</p> <p>?? Senate bill allows for .5% of grant money to go to state as soon as application is submitted. House bill does not have this provision.</p> <p>?? Both bills have several different grant programs with varying requirements.</p>	<p>?? Uniform and Nondiscriminatory Election Technology and Administrative Requirements Grant Program</p> <p>?? AG (until transition to new commission) will (subject to the policies and criteria developed by AG) in consultation with the FEC and the Access Board to make grant payments thru AAG of Justice Programs and AAG of Civil Rights.</p> <p>?? Each state applying for Requirements Grant must develop a state plan describing how the state will use the funds to meet the voting technology requirements, provisional voting requirements, statewide voter registration system requirements; how to identify and deter and investigate fraud; assurances that state will comply with existing law and the timetable for</p>

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<p>state and total voting age population. However the minimum amount may not be less than ½ of 1% of the total amount appropriated for the year.</p> <p>?? The Election Fund payment to a state shall be available without fiscal year limitation.</p> <p>?? 2.25 billion from 2002 –2004</p> <p>?? Punchcard Replacement Grant (listed earlier in separate section) 400 million.</p> <p>?? Grants for Research on Voting Technology Improvements.</p> <p>?? Commission will make grants to assist entities in carrying out R&amp;D.</p> <p>?? Entities submitting an application must include assurances that R&amp;D will take into account full accessibility, alternative language accessibility, and other assurances the commission deems necessary.</p> <p>?? Recipient entity must submit a report to the Commission, Congress and the President describing activities carried out with grant funds. Report must be submitted within 60 days of end of fiscal year of grant.</p> <p>?? Authorized to be appropriated 20 million for FY 2002</p> <p>?? Pilot Program for Testing of Equipment and Technology Grants</p> <p>?? Commission shall make grants to carry out pilot programs for new technologies implemented on a trial basis.</p>	<p>Senate bill allows both state and locals to apply for grants. House bill only allows states to receive funding – except for punchcard program.</p> <p>?? Total grant money available in both bills is approximately the same but with different qualifications, distribution systems and programs apply. House bill all grant money requires a match from states. Senate bill has no match for major grant program, but does with other programs.</p> <p>?? Senate bill requires approved state plans by DOJ for main grant and certification by DOJ for incentive grant. House bill does not require a state plan for grant receipt – but will have self-certification.</p>	<p>all of the activities. State plan must be available for review and public comment before submitting with application.</p> <p>?? Any localities submitting an application for funds must include a description of how it will use the funds consistent with the state plan.</p> <p>?? No action using this Act can be brought against a state or locality on the basis of what is contained in the application or the state plan.</p> <p>?? AG will establish guidelines and criteria for application approval, awarding of grants.</p> <p>?? States or localities may use grant payments to implement voting system standards required, to meet provisional voting requirements, and/or to establish computerized statewide voter Regis. List requirements.</p> <p>?? The AG shall make payments to states based on the cost of the activities. There is no state share of payment.</p> <p>?? Each state that submits an application for Requirements Grant shall receive .5% of all funds allocated for that year.</p> <p>?? The AG may make retro payments to states and localities with an approved applications for requirements already implemented by the states after Jan 1, 2001. If a state or locality engaged in multi-year contract prior Jan 1, 2001,</p>
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<p>?? Entities must submit application to commission with assurances that equipment developed with grant funds will take into account accessibility needs and other information with commission deems necessary.</p> <p>?? Each entity receiving a grant must submit a report to the commission, Congress and the President within 60 days of end of fiscal year of grant.</p> <p>?? Authorized to be appropriated 10 million for FY 2002.</p> <p>?? NIST shall submit to commission an annual list of suggestions for issues, which could be the subject of research, funded with grants.</p> <p>?? NIST shall also review each of the applications submitted under R&amp;D grant and Pilot Program grant</p> <p>?? NIST shall monitor grants awarded under R&amp;D program and Pilot Program and make any necessary recommendations to Commission.</p>		<p>states can receive grants to pay for any contractual amounts after Jan 1, 2001.</p> <p>?? The AG and the Comptroller General may audit or examine a recipient of a grant and have access to any record they determine necessary.</p> <p>?? Authorization to appropriate \$1 billion for 2003, 1.3 billion for 2004, 500 million for 2005, and 200 million for 2006 for Requirements Grant.</p> <p>?? In addition to other payments, the AG shall pay the protection and advocacy system of each State to ensure full participation for individuals with disabilities. The P&amp;A systems shall have the same general authorities they are afforded under part C of the Dev. Disab. Assis and Bill of Rights Act of 2000. The state shall system shall receive a minimum amount of \$75,000 or \$35,000 based on Sec. 509 of Rehab Act of 1973. There is authorized to be appropriated 10 million a year for 2003-2006.</p> <p>?? The AG must establish policies and criteria for acceptance of applications by Oct 1, 2002.</p> <p>?? <b>Federal Election Reform Incentive Grant Program</b></p> <p>?? AG is authorized to make grants to states and localities based on approved applications for qualified activities working through AAG for Justice</p>
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		<p>Programs and AAG for Civil Rights.</p> <p>?? Application submitted by state or locality must include a description of the activities requiring funding, a request for certification by the AAG for Civil Rights, provide assurance that the state or locality will pay the non-federal share and provide other assurances the AG deems necessary to ensure compliance.</p> <p>?? Certification from AAG of Civil Rights request must include specific and detailed demonstration that the state or locality is in compliance with existing federal laws. Any state or locality that can't provide this assurance, must submit a detailed and specific demonstration of how they will with the grant funds. They must also show that the proposed use of this grant money will not be inconsistent with the previously stated voting system requirements, provisional voting requirements and the statewide voter Regis. Requirements.</p> <p>?? No action brought under this Act can be taken against a state or locality based on information contained in the app or the request for certification.</p> <p>?? No application for Incentive Grant will be approved by the AG without a certification from AAG of Civil Rights. If the AAG finds cause for</p>
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		<p>noncertification, it must provide the AG with the deficiencies of the state or locality.</p> <p>?? Incentive Grant money may be used to improve, acquire, etc, voting systems and technology and to improve accessibility, implement new election administration procedures to increase voter participation and reduce disenfranchisement – such as same day voter registration, educate voters and train election officials and poll workers, implement new election procedures such as ID requirements, fraud prevention, meet existing federal law, establish toll free lines for fraud and voting rights violations, to meet new minimum federal requirements for voting systems, provisional voting and statewide voter registration systems.</p> <p>?? The AG shall pay each state or locality with an approved app the federal share of the cost of activities. Federal share can be up to 80%.</p> <p>?? The AG shall pay each state submitting an app. .5% of total funds allocated for this grant program for that fiscal year.</p> <p>?? The AG may make retro payments to states and localities with an approved applications for requirements already implemented by the states after Jan 1, 2001. If a state or locality engaged in multi-year contract prior Jan 1, 2001,</p>
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		<p>states can receive grants to pay for any contractual amounts after Jan 1, 2001.</p> <p>?? The AAG of Civil Rights in consultation with the FEC shall audit any state or locality it awards certification as well.</p> <p>?? There is authorized to be appropriated \$400,000,000 for fiscal year 2002 and shall remain available with no fiscal year limitation until expended.</p> <p>?? The AG shall establish policies and criteria necessary so he is able to approve applications by Oct 1, 2002.</p> <p>?? <b>Federal Election Accessibility Grant Program</b></p> <p>?? Criteria and policies for application approval developed by Access board. The AG will act thru the AAG of Justice Programs and the AAG of Civil Rights.</p> <p>?? Application must include activities for funding, assurance of payment of non-federal share and anything else AG determines necessary. Authorized activities including path of travel, entrances, exits, voting areas accessible and information to indiv. With disabilities about access, outreach and training for election officials and pollworkers about how to promote access.</p> <p>?? No action may be brought under this Act against a state or locality based on</p>
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		<p>anything contained in application.</p> <p>?? AG shall pay each state or locality with approved app. federal share up to 80%.</p> <p>?? The AG shall pay each state submitting an app. .5% of total funds allocated for this grant program for that fiscal year.</p> <p>?? The AAG of Civil Rights in consultation with the Access shall audit any state or locality it awards certification as well.</p> <p>?? Authorized to be appropriated 100 million for 2002. Shall remain available without fiscal year limitation until expended.</p> <p>?? The Access Board shall establish policies and criteria so that the AG may approve Accessibility Grant applications by October 1, 2002.</p> <p>?? Authorized to be appropriated for grants to National Student/Parent Mock Election \$650,000 for FY 2002 and sums as necessary for 6 succeeding FY's. Appears to be a separate Grant Program.</p>
	<p><b>Military and Overseas Voters</b></p>	
<p>?? Defense Secretary must prescribe regulations that require all military branches to ensure compliance with any directives re voting assistance. Each Inspector General shall conduct an annual review of FVAP and compliance of services and submit a report to IG of DOD.</p>	<p>?? Both bills identify and clarify election related duties of Sec. Of Defense. House bill goes into more detail regarding Secretaries of the Military branches and IG's of military branches to ensure and improve absent military and overseas voting.</p>	<p>?? A state may not refuse to count a ballot by an absent military voter solely because it lacked a notarized sig, an address, a postmark – if there is other evidence that it was mailed in a timely manner or an overseas postmark. Or solely on the basis on lack of reasonable signature comparison</p>

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<p>By March 31<sup>st</sup> of each year, the IG of DOD shall report to Congress.</p> <p>?? IG of DOD shall conduct unannounced assessments of at least 10 installations, re compliance with UOCAVA and FVAP</p> <p>?? The commission shall develop a standardized format for reports submitted by state and locals under sec. 102(c) of UOCAVA and make available to states and localities.</p> <p>?? Each military Secretary shall include in overall reviews the compliance with UOCAVA and DOD regs re FVAP.</p> <p>?? Voting Assistance Officers(VAO) shall be assigned under DOD regs. Commanders are responsible for ensuring training and materials. Performance evaluations of these officers must include a review of their performance as the VAO. Each military Secretary shall certify to Congress that at least one VAO is assigned at each military installation.</p> <p>?? Each military Sec. shall ensure that military families have access to info re voting registration and absentee ballots.</p> <p>?? Defense Sec shall conduct periodic surveys of mail shipments during 4 months prior to general election to ensure postmarks and other official proof is present.</p>	<p>?? Both bills mandate that each state provide a single office of contact for absent military and overseas voters. Senate bill requires that EAC do a study of feasibility of this office receiving all absent military and overseas voters registration apps, absentee ballot apps and absentee ballot. House bill recommends this office handle those duties.</p> <p>?? Both bills require reporting on absentee ballots mailed and returned by military and overseas voters. House bill requires that states report within 90 days. The Senate bill requires that states and locals report within 120 days.</p> <p>?? House bill requires states to accept postcard form as simultaneous voter regis app and absentee ballot app and at the request of the voter to use for all federal elections for the year. Senate bill does not include this provision.</p> <p>?? Senate bill states that states cannot refuse voter related applications because they are received early. House bill does not contain this provision.</p> <p>?? Senate bill requires states to notify a military or overseas voter if their application has been rejected and why.</p> <p>?? House bill requires the oath of the Presidential designee to be used by states that require an oath. Senate bill requires a study of oaths.</p>	<p>?? A state may not refuse to accept or process any otherwise valid voter reg or absentee ballot app because it arrives early.</p> <p>?? Sec of Defense must distribute enough copies of the federal military voting laws to distribute to each jurisdiction in the state.</p> <p>?? EAC must do a feasibility study of permanent registration for overseas voters.</p> <p>?? Each state shall designate a single office responsible for providing voter reg and absentee ballot info to all who wish to register or vote in any jurisdiction.</p> <p>?? EAC must do a study on the feasibility of making that one state office the location where registration – ballot apps and ballots are sent to cast a vote.</p> <p>?? Within 120 days of an election, each state shall submit a report on the number of absentee ballots transmitted to absent military and overseas voters and the number cast. Also must make report available to the public.</p> <p>?? EAC must develop standardized report formats for reports required and distribute them to state and local gov.</p> <p>?? State must provide a reason for a rejected application or ballot of an absent military or overseas voter.</p> <p>?? EAC shall conduct a study of a standard oath.</p>
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<p>?? Each state shall provide a single office for absent military and overseas voters to provide info on voter registration and procedures for any jurisdiction in the state</p> <p>?? Act recommends this single office also be responsible for accepting valid registration applications, ballot applications and absentee ballots from all absent military or overseas voters for any jurisdiction in the state.</p> <p>?? Each state shall report to EAC and the public within 90 days of a federal election on the number of absentee ballots sent to overseas and absent military and the number cast by those voters.</p> <p>?? States and localities must accept and process any otherwise valid voter reg and absentee ballot app from absent military or overseas voter if received not less than 30 days before the election.</p> <p>?? States required to accept official postcard as both voter reg and absentee ballot app. At the request of the voter, the state shall then provide this voter with absentee ballots for all elections for federal office during that year.</p> <p>?? If state requires a standard oath or affirmation, the state must use oath prescribed by the Presidential designee</p>	<p>?? House bill allows for Secretaries of the military to designate military installations as polling places for those that reside on the installation. Senate bill does not have this provision</p> <p>?? Senate bill allows military voters to use absentee registration procedures and vote absentee in all state and local elections (as well as federal) and the states must accept and process any otherwise valid app if received by appropriate state official not less than 30 days before the state/local election.</p>	<p>?? EAC shall conduct a study of advisability of prohibiting states to refuse docs based on lack of notarization.</p> <p>?? Sec of Defense shall ensure that voting materials are transmitted expeditiously by military postal authorities and ensure postmarks or proof of mailing date is provided. Also ensure that measures implemented do not result in delivery delays, which would result in arriving after election is over.</p> <p>?? Sec of Defense shall provide notice of the last date before a general federal election can be sent with reasonable timely delivery</p> <p>?? Each state shall permit absent military voters to use absentee registration procedures and vote absentee ballot in all state and local elections and accept and process any otherwise valid voter regis app if received by appropriate state election official not less than 30 days before the state/local election.</p>
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<p>?? Each military Secretary may designate installation w/in his jurisdiction available for use as a polling place, but only to those voters residing on that installation. Will then be a permanent polling place until military secretary notifies appropriate state or local official otherwise.</p>		
<b>Transition to New Commission</b>		
<p>?? Functions of the Office of Election Administration will be transferred to the Election Assistance Commission.</p> <p>?? The current personnel in the Office of Election Administration will be transferred to the Election Assistance Commission.</p> <p>?? Personnel will not be reduced in grade or pay because of the transfer.</p> <p>?? Transition will take effect upon the appointment of all members of the commission.</p>	<p>?? Both bills transfer the assets and employees of the office of Election Administration within the FEC to a new Commission.</p> <p>?? Senate bill used DOJ offices for transition until new commission is established. However after transition, approval of state plans and certification will still remain with DOJ. House bill has GSA handling punchcard buyout until new commission is established. When their commission is established everything from GSA will transfer.</p>	<p>?? Functions of Office of Election Administration within FEC will be transferred to new Election Administration Commission once established.</p> <p>?? Functions of the AAG for Civil Rights as they relate to provisional voting, posting and providing of voting information requirements, and computerized statewide voter registration systems and requirements for first time voters who register by mail.</p> <p>?? Functions of the AG, AAG of Justice Programs and AAG of Civil Rights Division regarding grant making and the writing of policies and criteria for applications will transfer to EAC once established.</p> <p>?? Functions of review of state plans as they relate to Requirements Grant and certification requirements as they relate to Incentive Grant will remain with the AG.</p>

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		<p>?? The AG will also retain Enforcement authority, including the enforcement of the voting system standards through AAG of Civil Rights</p> <p>?? The functions of the Access Board will transfer to new EAC once established except for the writing of the policies and criteria for applications submitted for Accessibility Grant. The Commission shall also be required to consult the Access Board when revising voting system standards.</p> <p>?? The current personnel in the Office of Election Administration will be transferred to the Election Administration Commission.</p> <p>?? Transition date is 1 year after the enactment of the Act or within 60 days of appointment of all Commissioners.</p>
	<p><b>Advisory Committee on Electronic Voting and the Electoral Process</b></p>	
<p>?? Provision not found in the House Bill</p>	<p>?? This Committee is only found in the Senate Bill</p>	<p>?? 16 member committee – 4 feds, 4 internet reps, 4 state and local reps and 4 private sector reps with expertise in election law and political speech. Committee appointed by the leadership of Congress within 30 days of enactment of Act.</p> <p>?? First meeting shall be held within 30 days of last appointment. All meetings are open to the public.</p> <p>?? Committee shall conduct a study of issues and challenges by incorporating</p>

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		<p>the internet into elections.</p> <p>?? The committee shall report on their findings within 20 months, including legislative recommendations.</p> <p>?? Committee members serve without compensation</p> <p>?? Committee chair may appoint and terminate an Executive Director and any necessary support staff.</p> <p>?? Committee shall terminate within 90 days of submitting report.</p> <p>?? Authorized to be appropriated 2,000,000 from the appropriate for the administration of the Election Administration Commission.</p>
	<p><b>Help America Vote Foundation</b></p>	
<p>?? Help America Vote Foundation is a federal chartered corporation with a perpetual existence. It is not an agency of the federal government</p> <p>?? Foundation’s purpose is to mobilize secondary school students to participate in the election process as poll workers or assistants.</p> <p>?? Activities must be done on a non-partisan basis and must be done in consultation with the chief election officials in each state.</p> <p>?? Board of Directors is governing body and consists of 12 who must be appointed within 60 days of enactment. 4 appt by Pres, 8 by Senate and House leadership. Chair and Ranking member</p>	<p>?? This provision is only found in the House bill.</p>	<p>?? No such provision in the Senate Bill</p>

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<p>of House Admin shall serve as nonvoting members</p> <p>?? Directors will serve without compensation but will be reimbursed for expenses.</p> <p>?? Board will appoint officers and employees of the foundation.</p> <p>?? Foundation can hold an annual conference in DC each year beginning in 2003 to honor secondary school students and others.</p> <p>?? Principal office of the foundation shall be in DC unless Board determines otherwise.</p> <p>?? Authorized to be appropriated 5 million for 2002.</p>		
	<p><b>Criminal Penalties; Miscellaneous</b></p>	
<p>?? A pollworker who urges or encourages a voter who has voted for every race on the ticket to return to the voting booth and vote every office or who otherwise intimidates, harasses or coerces the voter shall be considered to have intimidated or threatened.</p> <p>?? This legislation does not have any effect on other existing federal laws.</p> <p>??</p>	<p>?? Senate bill allows for social security numbers to be used in election administration. House bill does not have this provision.</p> <p>?? Both bills highlight different criminal penalties.</p>	<p>?? AG shall review existing criminal penalties for election offices to determine adequacy and submit report to Judiciary Cttes of House and Senate and Rules/Administration Ctte of House and Senate.</p> <p>?? Any individual who knowingly and willing gives false info in registering or voting is in violation of Voting Rights Act.</p> <p>?? Social Security Act is amended by allowing states, in the administration of voter regis or other election law to use SS# as ID. States may now require individuals to provide SS #'s for the admin of voter registration or other</p>

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		election law. ?? This SS# provision will nullify any provision of Federal law enacted before the date of enactment of this Act. This does not supersede any privacy guarantee under any federal or state law that applies to SS#.
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As of 5/10/02