

United States Code Annotated
Title 52. Voting and Elections (Refs & Annos)
Subtitle I. Voting Rights
Chapter 101. Generally

52 U.S.C.A. § 10101
Formerly cited as 42 USCA § 1971

§ 10101. Voting rights

Currentness

(a) Race, color, or previous condition not to affect right to vote; uniform standards for voting qualifications; errors or omissions from papers; literacy tests; agreements between Attorney General and State or local authorities; definitions

(1) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

(2) No person acting under color of law shall--

(A) in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

(B) deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

(C) employ any literacy test as a qualification for voting in any election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to Title III of the Civil Rights Act of 1960 [52 U.S.C.A. § 20701 et seq.]: *Provided, however,* That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

(3) For purposes of this subsection--

(A) the term "vote" shall have the same meaning as in subsection (e) of this section;

(B) the phrase “literacy test” includes any test of the ability to read, write, understand, or interpret any matter.

(b) Intimidation, threats, or coercion

No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunction; rebuttable literacy presumption; liability of United States for costs; State as party defendant

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any election. In any proceeding hereunder the United States shall be liable for costs the same as a private person. Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.

(d) Jurisdiction; exhaustion of other remedies

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(e) Order qualifying person to vote; application; hearing; voting referees; transmittal of report and order; certificate of qualification; definitions

In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant

could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by [section 3331 of Title 5](#), to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard *ex parte* at such times and places as the court shall direct. His statement under oath shall be *prima facie* evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by [rule 53\(c\) of the Federal Rules of Civil Procedure](#). The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally: *Provided, however*, That such applicant shall be qualified to vote under State law. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other

action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

When used in the subsection, the word “vote” includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words “affected area” shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words “qualified under State law” shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

(f) Contempt; assignment of counsel; witnesses

Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

(g) Three-judge district court: hearing, determination, expedition of action, review by Supreme Court; single-judge district court: hearing, determination, expedition of action

In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

CREDIT(S)

(R.S. § 2004; Pub.L. 85-315, Pt. IV, § 131, Sept. 9, 1957, 71 Stat. 637; Pub.L. 86-449, Title VI, § 601, May 6, 1960, 74 Stat. 90; Pub.L. 88-352, Title I, § 101, July 2, 1964, 78 Stat. 241; Pub.L. 89-110, § 15, Aug. 6, 1965, 79 Stat. 445.)

[Notes of Decisions \(266\)](#)

52 U.S.C.A. § 10101, 52 USCA § 10101

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United States Code Annotated
Title 52. Voting and Elections (Refs & Annos)
Subtitle I. Voting Rights
Chapter 101. Generally

52 U.S.C.A. § 10102
Formerly cited as 42 USCA § 1972

§ 10102. Interference with freedom of elections

[Currentness](#)

No officer of the Army, Navy, or Air Force of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State.

CREDIT(S)

(R.S. § 2003.)

[Notes of Decisions \(2\)](#)

52 U.S.C.A. § 10102, 52 USCA § 10102

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United States Code Annotated
Title 52. Voting and Elections (Refs & Annos)
Subtitle I. Voting Rights
Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10301
Formerly cited as 42 USCA § 1973

§ 10301. Denial or abridgement of right to vote on account of race or color
through voting qualifications or prerequisites; establishment of violation

Currentness

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in [section 10303\(f\)\(2\)](#) of this title, as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

CREDIT(S)

(Pub.L. 89-110, Title I, § 2, Aug. 6, 1965, 79 Stat. 437; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended [Pub.L. 94-73, Title II, § 206](#), Aug. 6, 1975, 89 Stat. 402; [Pub.L. 97-205](#), § 3, June 29, 1982, 96 Stat. 134.)

[Notes of Decisions \(911\)](#)

52 U.S.C.A. § 10301, 52 USCA § 10301

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United States Code Annotated
Title 52. Voting and Elections (Refs & Annos)
Subtitle I. Voting Rights
Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10302
Formerly cited as 42 USCA § 1973a

§ 10302. Proceeding to enforce the right to vote

Currentness

(a) Authorization by court for appointment of Federal observers

Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal observers by the Director of the Office of Personnel Management in accordance with [section 1973d of Title 42](#) to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the voting guarantees of the fourteenth or fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such observers is necessary to enforce such voting guarantees or (2) as part of any final judgment if the court finds that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of observers if any incidents of denial or abridgement of the right to vote on account of race or color, or in contravention of the voting guarantees set forth in [section 10303\(f\)\(2\)](#) of this title (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) Suspension of use of tests and devices which deny or abridge the right to vote

If in a proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, or in contravention of the voting guarantees set forth in [section 10303\(f\)\(2\)](#) of this title, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) Retention of jurisdiction to prevent commencement of new devices to deny or abridge the right to vote

If in any proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the fourteenth or fifteenth amendment in any State or political subdivision the court finds that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the voting guarantees set forth in [section 10303\(f\)\(2\)](#) of this title: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate

official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

CREDIT(S)

(Pub.L. 89-110, Title I, § 3, Aug. 6, 1965, 79 Stat. 437; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended [Pub.L. 94-73, Title II, §§ 205](#), 206, Title IV, §§ 401, 410, Aug. 6, 1975, 89 Stat. 402, 404, 406; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; [Pub.L. 109-246](#), § 3(d)(1), July 27, 2006, 120 Stat. 580.)

[Notes of Decisions \(17\)](#)

52 U.S.C.A. § 10302, 52 USCA § 10302

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United States Code Annotated
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Subtitle I. Voting Rights
Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10303
Formerly cited as 42 USCA § 1973b

§ 10303. Suspension of the use of tests or devices in determining eligibility to vote

Currentness

(a) Action by State or political subdivision for declaratory judgment of no denial or abridgement; three-judge district court; appeal to Supreme Court; retention of jurisdiction by three-judge court

(1) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the first two sentences of subsection (b) or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia issues a declaratory judgment under this section. No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia issues a declaratory judgment under this section. A declaratory judgment under this section shall issue only if such court determines that during the ten years preceding the filing of the action, and during the pendency of such action--

(A) no such test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2);

(B) no final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision and no consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds; and no declaratory judgment under this section shall be entered during the pendency of an action commenced before the filing of an action under this section and alleging such denials or abridgements of the right to vote;

(C) no Federal examiners or observers under chapters 103 to 107 of this title have been assigned to such State or political subdivision;

(D) such State or political subdivision and all governmental units within its territory have complied with [section 10304](#) of this title, including compliance with the requirement that no change covered by [section 10304](#) of this title has been enforced without preclearance under [section 10304](#) of this title, and have repealed all changes covered by [section 10304](#) of this title to which the Attorney General has successfully objected or as to which the United States District Court for the District of Columbia has denied a declaratory judgment;

(E) the Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been denied under [section 10304](#) of this title, with respect to any submission by or on behalf of the plaintiff or any governmental unit within its territory under [section 10304](#) of this title, and no such submissions or declaratory judgment actions are pending; and

(F) such State or political subdivision and all governmental units within its territory--

(i) have eliminated voting procedures and methods of election which inhibit or dilute equal access to the electoral process;

(ii) have engaged in constructive efforts to eliminate intimidation and harassment of persons exercising rights protected under chapters 103 to 107 of this title; and

(iii) have engaged in other constructive efforts, such as expanded opportunity for convenient registration and voting for every person of voting age and the appointment of minority persons as election officials throughout the jurisdiction and at all stages of the election and registration process.

(2) To assist the court in determining whether to issue a declaratory judgment under this subsection, the plaintiff shall present evidence of minority participation, including evidence of the levels of minority group registration and voting, changes in such levels over time, and disparities between minority-group and non-minority-group participation.

(3) No declaratory judgment shall issue under this subsection with respect to such State or political subdivision if such plaintiff and governmental units within its territory have, during the period beginning ten years before the date the judgment is issued, engaged in violations of any provision of the Constitution or laws of the United States or any State or political subdivision with respect to discrimination in voting on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2) unless the plaintiff establishes that any such violations were trivial, were promptly corrected, and were not repeated.

(4) The State or political subdivision bringing such action shall publicize the intended commencement and any proposed settlement of such action in the media serving such State or political subdivision and in appropriate United States post offices. Any aggrieved party may as of right intervene at any stage in such action.

(5) An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of [section 2284 of Title 28](#) and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for ten years after judgment and shall reopen the action upon motion of the Attorney General or any aggrieved person alleging that conduct has occurred which, had that conduct occurred during the ten-year periods referred

to in this subsection, would have precluded the issuance of a declaratory judgment under this subsection. The court, upon such reopening, shall vacate the declaratory judgment issued under this section if, after the issuance of such declaratory judgment, a final judgment against the State or subdivision with respect to which such declaratory judgment was issued, or against any governmental unit within that State or subdivision, determines that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision, or if, after the issuance of such declaratory judgment, a consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds.

(6) If, after two years from the date of the filing of a declaratory judgment under this subsection, no date has been set for a hearing in such action, and that delay has not been the result of an avoidable delay on the part of counsel for any party, the chief judge of the United States District Court for the District of Columbia may request the Judicial Council for the Circuit of the District of Columbia to provide the necessary judicial resources to expedite any action filed under this section. If such resources are unavailable within the circuit, the chief judge shall file a certificate of necessity in accordance with [section 292\(d\) of Title 28](#).

(7) The Congress shall reconsider the provisions of this section at the end of the fifteen-year period following the effective date of the amendments made by the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006.

(8) The provisions of this section shall expire at the end of the twenty-five-year period following the effective date of the amendments made by the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006.

(9) Nothing in this section shall prohibit the Attorney General from consenting to an entry of judgment if based upon a showing of objective and compelling evidence by the plaintiff, and upon investigation, he is satisfied that the State or political subdivision has complied with the requirements of subsection (a)(1). Any aggrieved party may as of right intervene at any stage in such action.

(b) Required factual determinations necessary to allow suspension of compliance with tests and devices; publication in Federal Register

The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964. On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968. On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972.

A determination or certification of the Attorney General or of the Director of the Census under this section or under [section 10305](#) or [10309](#) of this title shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) “Test or device” defined

The phrase “test or device” shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) Required frequency, continuation and probable recurrence of incidents of denial or abridgement to constitute forbidden use of tests or devices

For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in subsection (f)(2) if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e) Completion of requisite grade level of education in American-flag schools in which the predominant classroom language was other than English

(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

(f) Congressional findings of voting discrimination against language minorities; prohibition of English-only elections; other remedial measures

(1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this

exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

(3) In addition to the meaning given the term under subsection (c), the term “test or device” shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority. With respect to subsection (b), the term “test or device”, as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of subsection (a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan Natives and American Indians, if the predominate language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

CREDIT(S)

(Pub.L. 89-110, Title I, § 4, Aug. 6, 1965, 79 Stat. 438; renumbered Title I, and amended Pub.L. 91-285, §§ 2-4, June 22, 1970, 84 Stat. 314, 315; [Pub.L. 94-73, Title I, § 101, Title II, §§ 201-203](#), 206, Aug. 6, 1975, 89 Stat. 400-402; [Pub.L. 97-205](#), § 2(a)-(c), June 29, 1982, 96 Stat. 131-133; [Pub.L. 109-246](#), §§ 3(d)(2), (e)(1), 4, July 27, 2006, 120 Stat. 580; [Pub.L. 110-258](#), § 2, July 1, 2008, 122 Stat. 2428.)

VALIDITY

<The United States Supreme Court has held Section 4(b) of the Voting Rights Act of 1965 unconstitutional as a violation of the fundamental principle of equal sovereignty among states. [Shelby County, Ala. v. Holder, U.S.2013, 133 S.Ct. 2612, 186 L.Ed.2d 651](#). >

[Notes of Decisions \(74\)](#)

52 U.S.C.A. § 10303, 52 USCA § 10303

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Subtitle I. Voting Rights
Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10304
Formerly cited as 42 USCA § 1973c

§ 10304. Alteration of voting qualifications; procedure and appeal; purpose or effect of diminishing the ability of citizens to elect their preferred candidates

Currentness

(a) Whenever a State or political subdivision with respect to which the prohibitions set forth in [section 10303\(a\)](#) of this title based upon determinations made under the first sentence of [section 10303\(b\)](#) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, or whenever a State or political subdivision with respect to which the prohibitions set forth in [section 10303\(a\)](#) of this title based upon determinations made under the second sentence of [section 10303\(b\)](#) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968, or whenever a State or political subdivision with respect to which the prohibitions set forth in [section 10303\(a\)](#) of this title based upon determinations made under the third sentence of [section 10303\(b\)](#) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in [section 10303\(f\)\(2\)](#) of this title, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of [section 2284 of Title 28](#) and any appeal shall lie to the Supreme Court.

(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in [section 10303\(f\)\(2\)](#) of this title, to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section.

(c) The term “purpose” in subsections (a) and (b) of this section shall include any discriminatory purpose.

(d) The purpose of subsection (b) of this section is to protect the ability of such citizens to elect their preferred candidates of choice.

CREDIT(S)

(Pub.L. 89-110, Title I, § 5, Aug. 6, 1965, 79 Stat. 439; renumbered Title I, and amended Pub.L. 91-285, §§ 2, 5, June 22, 1970, 84 Stat. 314, 315; [Pub.L. 94-73, Title II, §§ 204](#), 206, Title IV, § 405, Aug. 6, 1975, 89 Stat. 402, 404; [Pub.L. 109-246](#), § 5, July 27, 2006, 120 Stat. 580.)

[Notes of Decisions \(570\)](#)

52 U.S.C.A. § 10304, 52 USCA § 10304

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52 U.S.C.A. § 10305
Formerly cited as 42 USCA §1973f

§ 10305. Use of observers

Currentness

(a) Assignment

Whenever--

- (1) a court has authorized the appointment of observers under [section 10302\(a\)](#) of this title for a political subdivision; or
- (2) the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under [section 10303\(b\)](#) of this title, unless a declaratory judgment has been rendered under [section 10303\(a\)](#) of this title, that--

(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to deny or abridge the right to vote under the color of law on account of race or color, or in contravention of the guarantees set forth in [section 10303\(f\)\(2\)](#) of this title are likely to occur; or

(B) in the Attorney General's judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to the Attorney General to be reasonably attributable to violations of the 14th or 15th amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 14th or 15th amendment), the assignment of observers is otherwise necessary to enforce the guarantees of the 14th or 15th amendment;

the Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director may deem appropriate.

(b) Status

Except as provided in subsection (c), such observers shall be assigned, compensated, and separated without regard to the provisions of any statute administered by the Director of the Office of Personnel Management, and their service under chapters 103 to 107 of this title shall not be considered employment for the purposes of any statute administered by the Director of the Office of Personnel Management, except the provisions of [section 7324 of Title 5](#) prohibiting partisan political activity.

(c) Designation

The Director of the Office of Personnel Management is authorized to, after consulting the head of the appropriate department or agency, designate suitable persons in the official service of the United States, with their consent, to serve in these positions.

(d) Authority

Observers shall be authorized to

(1) enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote; and

(2) enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.

(e) Investigation and report

Observers shall investigate and report to the Attorney General, and if the appointment of observers has been authorized pursuant to [section 10302\(a\)](#) of this title, to the court.

CREDIT(S)

(Pub.L. 89-110, Title I, § 8, Aug. 6, 1965, 79 Stat. 441; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended [Pub.L. 109-246](#), § 3(a), July 27, 2006, 120 Stat. 578.)

[Notes of Decisions \(7\)](#)

52 U.S.C.A. § 10305, 52 USCA § 10305

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Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10306
Formerly cited as 42 USCA § 1973h

§ 10306. Poll taxes

[Currentness](#)

(a) Congressional finding and declaration of policy against enforced payment of poll taxes as a device to impair voting rights

The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) Authority of Attorney General to institute actions for relief against enforcement of poll tax requirement

In the exercise of the powers of Congress under section 5 of the fourteenth amendment, section 2 of the fifteenth amendment and section 2 of the twenty-fourth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) Jurisdiction of three-judge district courts; appeal to Supreme Court

The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of [section 2284 of Title 28](#) and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

CREDIT(S)

(Pub.L. 89-110, Title I, § 10, Aug. 6, 1965, 79 Stat. 442; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended [Pub.L. 94-73, Title IV, § 408](#), Aug. 6, 1975, 89 Stat. 405.)

[Notes of Decisions \(5\)](#)

52 U.S.C.A. § 10306, 52 USCA § 10306

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52 U.S.C.A. § 10307
Formerly cited as 42 USCA §1973i

§ 10307. Prohibited acts

Currentness

(a) Failure or refusal to permit casting or tabulation of vote

No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) Intimidation, threats, or coercion

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under [section 10302\(a\)](#), [10305](#), [10306](#), or [10308\(e\)](#) of this title or [section 1973d](#) or [1973g](#) of [Title 42](#).

(c) False information in registering or voting; penalties

Whoever knowingly or willfully gives false information as to his name, address or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however*, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Falsification or concealment of material facts or giving of false statements in matters within jurisdiction of examiners or hearing officers; penalties

Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(e) Voting more than once

(1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(3) As used in this subsection, the term “votes more than once” does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under [section 10502](#) of this title, to the extent two ballots are not cast for an election to the same candidacy or office.

CREDIT(S)

(Pub.L. 89-110, Title I, § 11, Aug. 6, 1965, 79 Stat. 443; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended Pub.L. 91-405, Title II, § 204(e), Sept. 22, 1970, 84 Stat. 853; [Pub.L. 94-73, Title IV, §§ 404, 409](#), Aug. 6, 1975, 89 Stat. 404, 405.)

[Notes of Decisions \(49\)](#)

52 U.S.C.A. § 10307, 52 USCA § 10307

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52 U.S.C.A. § 10308
Formerly cited as 42 USCA § 1973j

§ 10308. Civil and criminal sanctions

Currentness

(a) Depriving or attempting to deprive persons of secured rights

Whoever shall deprive or attempt to deprive any person of any right secured by [section 10301](#), [10302](#), [10303](#), [10304](#), or [10306](#) of this title or shall violate [section 10307\(a\)](#) of this title, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Destroying, defacing, mutilating, or altering ballots or official voting records

Whoever, within a year following an election in a political subdivision in which an observer has been assigned (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Conspiring to violate or interfere with secured rights

Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by [section 10301](#), [10302](#), [10303](#), [10304](#), [10306](#), or [10307\(a\)](#) of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(d) Civil action by Attorney General for preventive relief; injunctive and other relief

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by [section 10301](#), [10302](#), [10303](#), [10304](#), [10306](#), or [10307](#) of this title, [section 1973e of Title 42](#), or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under chapters 103 to 107 of this title to vote and (2) to count such votes.

(e) Proceeding by Attorney General to enforce the counting of ballots of registered and eligible persons who are prevented from voting

Whenever in any political subdivision in which there are observers appointed pursuant to chapters 103 to 107 of this title any persons allege to such an observer within forty-eight hours after the closing of the polls that notwithstanding (1) their listing

under chapters 103 to 107 of this title or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the observer shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) Jurisdiction of district courts; exhaustion of administrative or other remedies unnecessary

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of chapters 103 to 107 of this title shall have exhausted any administrative or other remedies that may be provided by law.

CREDIT(S)

(Pub.L. 89-110, Title I, § 12, Aug. 6, 1965, 79 Stat. 443; Pub.L. 90-284, Title I, § 103(c), Apr. 11, 1968, 82 Stat. 75; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; [Pub.L. 109-246](#), § 3(d)(3), (4), (e)(2), July 27, 2006, 120 Stat. 580.)

[Notes of Decisions \(9\)](#)

52 U.S.C.A. § 10308, 52 USCA § 10308

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52 U.S.C.A. § 10309
Formerly cited as 42 USCA § 1973k

§ 10309. Termination of assignment of observers

Currentness

(a) In general

The assignment of observers shall terminate in any political subdivision of any State--

(1) with respect to observers appointed pursuant to [section 10305](#) of this title or with respect to examiners certified under chapters 103 to 107 of this title before July 27, 2006, whenever the Attorney General notifies the Director of the Office of Personnel Management, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision described in subsection (b), that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color, or in contravention of the guarantees set forth in [section 10303\(f\)\(2\)](#) of this title in such subdivision; and

(2) with respect to observers appointed pursuant to [section 10302\(a\)](#) of this title, upon order of the authorizing court.

(b) Political subdivision with majority of nonwhite persons registered

A political subdivision referred to in subsection (a)(1) is one with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote.

(c) Petition for termination

A political subdivision may petition the Attorney General for a termination under subsection (a)(1).

CREDIT(S)

(Pub.L. 89-110, Title I, § 13, Aug. 6, 1965, 79 Stat. 444; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended [Pub.L. 94-73, Title II, § 206](#), Aug. 6, 1975, 89 Stat. 402; [Pub.L. 109-246](#), § 3(b), July 27, 2006, 120 Stat. 579; [Pub.L. 110-258](#), § 2, July 1, 2008, 122 Stat. 2428.)

52 U.S.C.A. § 10309, 52 USCA § 10309

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52 U.S.C.A. § 10310
Formerly cited as 42 USCA §1973 *l*

§ 10310. Enforcement proceedings

Currentness

(a) Criminal contempt

All cases of criminal contempt arising under the provisions of chapters 103 to 107 of this title shall be governed by [section 1995 of Title 42](#).

(b) Jurisdiction of courts for declaratory judgment, restraining orders, or temporary or permanent injunction

No court other than the District Court for the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to [section 10303](#) or [10304](#) of this title or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of chapters 103 to 107 of this title or any action of any Federal officer or employee pursuant hereto.

(c) Definitions

(1) The terms “vote” or “voting” shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this chapter, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term “political subdivision” shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(3) The term “language minorities” or “language minority group” means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.

(d) Subpenas

In any action for a declaratory judgment brought pursuant to [section 10303](#) or [10304](#) of this title, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one

hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

(e) Attorney's fees

In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, reasonable expert fees, and other reasonable litigation expenses as part of the costs.

CREDIT(S)

(Pub.L. 89-110, Title I, § 14, Aug. 6, 1965, 79 Stat. 445; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended [Pub.L. 94-73, Title II, § 207, Title IV, § 402](#), Aug. 6, 1975, 89 Stat. 402, 404; [Pub.L. 109-246](#), §§ 3(e)(3), 6, July 27, 2006, 120 Stat. 580, 581.)

[Notes of Decisions \(186\)](#)

52 U.S.C.A. § 10310, 52 USCA § 10310

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52 U.S.C.A. § 10311
Formerly cited as 42 USCA § 1973n

§ 10311. Impairment of voting rights of persons holding current registration

[Currentness](#)

Nothing in chapters 103 to 107 of this title shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

CREDIT(S)

(Pub.L. 89-110, Title I, § 17, Aug. 6, 1965, 79 Stat. 446; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314.)

52 U.S.C.A. § 10311, 52 USCA § 10311

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52 U.S.C.A. § 10312
Formerly cited as 42 USCA §1973 **o**

§ 10312. Authorization of appropriations

[Currentness](#)

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of chapters 103 to 107 of this title.

CREDIT(S)

(Pub.L. 89-110, Title I, § 18, Aug. 6, 1965, 79 Stat. 446; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314.)

52 U.S.C.A. § 10312, 52 USCA § 10312

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Subtitle I. Voting Rights
Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10313
Formerly cited as 42 USCA § 1973p

§ 10313. Separability

[Currentness](#)

If any provision of chapters 103 to 107 of this title or the application thereof to any person or circumstances is held invalid, the remainder of chapters 103 to 107 of this title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

CREDIT(S)

(Pub.L. 89-110, Title I, § 19, Aug. 6, 1965, 79 Stat. 446; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314.)

52 U.S.C.A. § 10313, 52 USCA § 10313

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52 U.S.C.A. § 10314
Formerly cited as 42 USCA § 1973q

§ 10314. Construction

[Currentness](#)

A reference in this chapter to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to, respectively, the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

CREDIT(S)

(Pub.L. 89-110, Title I, § 20, as added [Pub.L. 110-258](#), § 3, July 1, 2008, 122 Stat. 2428.)

52 U.S.C.A. § 10314, 52 USCA § 10314

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Chapter 105. Supplemental Provisions

52 U.S.C.A. § 10501
Formerly cited as 42 USCA § 1973aa

§ 10501. Application of prohibition to other States; “test or device” defined

Currentness

(a) No citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State.

(b) As used in this section, the term “test or device” means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

CREDIT(S)

(Pub.L. 89-110, Title II, § 201, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 315; amended [Pub.L. 94-73, Title I, § 102](#), Aug. 6, 1975, 89 Stat. 400.)

[Notes of Decisions \(5\)](#)

52 U.S.C.A. § 10501, 52 USCA § 10501

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Chapter 105. Supplemental Provisions

52 U.S.C.A. § 10502

Formerly cited as 42 USCA § 1973aa-1

§ 10502. Residence requirements for voting

Currentness

(a) Congressional findings

The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections--

- (1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;
- (2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;
- (3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under [article IV, section 2, clause 1, of the Constitution](#);
- (4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;
- (5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and
- (6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) Congressional declaration: durational residency requirement, abolishment; absentee registration and balloting standards, establishment

Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) Prohibition of denial of right to vote because of durational residency requirement or absentee balloting

No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) Registration: time for application; absentee balloting: time of application and return of ballots

For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) Change of residence; voting in person or by absentee ballot in State of prior residence

If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(f) Absentee registration requirement

No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(g) State or local adoption of less restrictive voting practices

Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(h) "State" defined

The term “State” as used in this section includes each of the several States and the District of Columbia.

(i) False registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting

The provisions of [section 10307\(c\)](#) of this title shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

CREDIT(S)

(Pub.L. 89-110, Title II, § 202, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 316.)

[Notes of Decisions \(19\)](#)

52 U.S.C.A. § 10502, 52 USCA § 10502

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52 U.S.C.A. § 10503

Formerly cited as 42 USCA §1973aa-1a

§ 10503. Bilingual election requirements

Currentness

(a) Congressional findings and declaration of policy

The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

(b) Bilingual voting materials requirement

(1) Generally

Before August 6, 2032, no covered State or political subdivision shall provide voting materials only in the English language.

(2) Covered States and political subdivisions

(A) Generally

A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that--

(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;

(ii)(II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

(B) Exception

The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

(3) Definitions

As used in this section--

(A) the term “voting materials” means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

(B) the term “limited-English proficient” means unable to speak or understand English adequately enough to participate in the electoral process;

(C) the term “Indian reservation” means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census;

(D) the term “citizens” means citizens of the United States; and

(E) the term “illiteracy” means the failure to complete the 5th primary grade.

(4) Special rule

The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

(c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language

Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American

Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

(d) Action for declaratory judgment permitting English-only materials

Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

(e) Definitions

For purposes of this section, the term “language minorities” or “language minority group” means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

CREDIT(S)

(Pub.L. 89-110, Title II, § 203, as added [Pub.L. 94-73, Title III, § 301](#), Aug. 6, 1975, 89 Stat. 402; amended [Pub. L. 97-205](#), §§ 2(d), 4, June 29, 1982, 96 Stat. 134; [Pub.L. 102-344](#), § 2, Aug. 26, 1992, 106 Stat. 921; [Pub.L. 109-246](#), §§ 7, 8, July 27, 2006, 120 Stat. 581.)

[Notes of Decisions \(15\)](#)

52 U.S.C.A. § 10503, 52 USCA § 10503

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Subtitle I. Voting Rights
Chapter 105. Supplemental Provisions

52 U.S.C.A. § 10504
Formerly cited as 42 USCA §1973aa-2

§ 10504. Judicial relief; civil actions by the Attorney
General; three-judge district court; appeal to Supreme Court

Currentness

Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in [section 10501](#) of this title, or (b) undertakes to deny the right to vote in any election in violation of [section 10502](#) or [10503](#) of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with [sections 1391 through 1393 of Title 28](#), for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of [section 2284 of Title 28](#) and any appeal shall be to the Supreme Court.

CREDIT(S)

(Pub.L. 89-110, Title II, § 204, formerly § 203, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 317; renumbered and amended [Pub.L. 94-73, Title III, §§ 302, 303](#), Title IV, § 406, Aug. 6, 1975, 89 Stat. 403, 405.)

[Notes of Decisions \(1\)](#)

52 U.S.C.A. § 10504, 52 USCA § 10504

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52 U.S.C.A. § 10505
Formerly cited as 42 USCA §1973aa-3

§ 10505. Penalty

[Currentness](#)

Whoever shall deprive or attempt to deprive any person of any right secured by [section 10501](#), [10502](#), or [10503](#) of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

CREDIT(S)

(Pub.L. 89-110, Title II, § 205, formerly § 204, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 317; renumbered and amended [Pub.L. 94-73, Title III, §§ 302, 304](#), Aug. 6, 1975, 89 Stat. 403.)

52 U.S.C.A. § 10505, 52 USCA § 10505

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Chapter 105. Supplemental Provisions

52 U.S.C.A. § 10506
Formerly cited as 42 USCA §1973aa-4

§ 10506. Separability

[Currentness](#)

If any provision of chapters 103 to 107 of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of chapters 103 to 107 of this title or the application of such provision to other persons or circumstances shall not be affected by such determination.

CREDIT(S)

(Pub.L. 89-110, Title II, § 206, formerly § 205, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 318; renumbered [Pub.L. 94-73, Title III, § 302](#), Aug. 6, 1975, 89 Stat. 403.)

52 U.S.C.A. § 10506, 52 USCA § 10506

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52 U.S.C.A. § 10507
Formerly cited as 42 USCA §1973aa-5

§ 10507. Survey to compile registration and voting statistics

Currentness

(a) Elections to House of Representatives and elections designated by United States Commission on Civil Rights

Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of [section 10303\(a\)](#) of this title are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

(b) Prohibition against compulsion to disclose personal data; advice of rights

In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

(c) Report to Congress

The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

(d) Confidentiality of information; penalties

The provisions of section 9 and chapter 7 of Title 13 shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section.

CREDIT(S)

(Pub.L. 89-110, Title II, § 207, as added [Pub.L. 94-73, Title IV, § 403](#), Aug. 6, 1975, 89 Stat. 404.)

52 U.S.C.A. § 10507, 52 USCA § 10507

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Subtitle I. Voting Rights
Chapter 105. Supplemental Provisions

52 U.S.C.A. § 10508
Formerly cited as 42 USCA §1973aa-6

§ 10508. Voting assistance for blind, disabled or illiterate persons

[Currentness](#)

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

CREDIT(S)

(Pub. L. 89-110, Title II, § 208, as added [Pub. L. 97-205](#), § 5, June 29, 1982, 96 Stat. 134.)

[Notes of Decisions \(3\)](#)

52 U.S.C.A. § 10508, 52 USCA § 10508

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Subtitle I. Voting Rights
Chapter 107. Right to Vote at Age Eighteen

52 U.S.C.A. § 10701
Formerly cited as 42 USCA § 1973bb

§ 10701. Enforcement of twenty-sixth amendment

[Currentness](#)

(a)(1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this chapter, which shall be heard and determined by a court of three judges in accordance with [section 2284 of Title 28](#), and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

CREDIT(S)

(Pub.L. 89-110, Title III, § 301, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 318; amended [Pub.L. 94-73, Title IV, § 407](#), Aug. 6, 1975, 89 Stat. 405.)

[Notes of Decisions \(5\)](#)

52 U.S.C.A. § 10701, 52 USCA § 10701

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Subtitle I. Voting Rights
Chapter 107. Right to Vote at Age Eighteen

52 U.S.C.A. § 10702
Formerly cited as 42 USCA §1973bb-1

§ 10702. “State” defined

[Currentness](#)

As used in this chapter, the term “State” includes the District of Columbia.

CREDIT(S)

(Pub.L. 89-110, Title III, § 302, as added Pub.L. 91-285, § 6, June 22, 1970, 84 Stat. 318; amended [Pub.L. 94-73, Title IV, § 407](#), Aug. 6, 1975, 89 Stat. 405.)

52 U.S.C.A. § 10702, 52 USCA § 10702

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Subtitle II. Voting Assistance and Election Administration
Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20101
Formerly cited as 42 USCA § 1973ee

§ 20101. Congressional declaration of purpose

Currentness

It is the intention of Congress in enacting this chapter to promote the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.

CREDIT(S)

(Pub.L. 98-435, § 2, Sept. 28, 1984, 98 Stat. 1678.)

52 U.S.C.A. § 20101, 52 USCA § 20101

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Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20102

Formerly cited as 42 USCA § 1973ee-1

§ 20102. Selection of polling facilities

Currentness

(a) Accessibility to all polling places as responsibility of each political subdivision

Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.

(b) Exception

Subsection (a) shall not apply to a polling place--

(1) in the case of an emergency, as determined by the chief election officer of the State; or

(2) if the chief election officer of the State--

(A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)--

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

(c) Report to Federal Election Commission

(1) Not later than December 31 of each even-numbered year, the chief election officer of each State shall report to the Federal Election Commission, in a manner to be determined by the Commission, the number of accessible and inaccessible polling places in such State on the date of the preceding general Federal election, and the reasons for any instance of inaccessibility.

(2) Not later than April 30 of each odd-numbered year, the Federal Election Commission shall compile the information reported under paragraph (1) and shall transmit that information to the Congress.

(3) The provisions of this subsection shall only be effective for a period of 10 years beginning on September 28, 1984.

CREDIT(S)

(Pub.L. 98-435, § 3, Sept. 28, 1984, 98 Stat. 1678.)

52 U.S.C.A. § 20102, 52 USCA § 20102

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Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20103
Formerly cited as 42 USCA §1973ee-2

§ 20103. Selection of registration facilities

Currentness

(a) Each State or political subdivision responsible for registration for Federal elections shall provide a reasonable number of accessible permanent registration facilities.

(b) Subsection (a) does not apply to any State that has in effect a system that provides an opportunity for each potential voter to register by mail or at the residence of such voter.

CREDIT(S)

(Pub.L. 98-435, § 4, Sept. 28, 1984, 98 Stat. 1679.)

52 U.S.C.A. § 20103, 52 USCA § 20103

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Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20104

Formerly cited as 42 USCA §1973ee-3

§ 20104. Registration and voting aids

Currentness

(a) Printed instructions; telecommunications devices for the deaf

Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including--

(1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and

(2) information by telecommunications devices for the deaf.

(b) Medical certification

No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot, except that medical certification may be required when the certification establishes eligibility, under State law--

(1) to automatically receive an application or a ballot on a continuing basis; or

(2) to apply for an absentee ballot after the deadline has passed.

(c) Notice of availability of aids

The chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under [section 10508](#) of this title, and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

CREDIT(S)

([Pub.L. 98-435](#), § 5, Sept. 28, 1984, 98 Stat. 1679.)

52 U.S.C.A. § 20104, 52 USCA § 20104

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Title 52. Voting and Elections (Refs & Annos)
Subtitle II. Voting Assistance and Election Administration
Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20105
Formerly cited as 42 USCA §1973ee-4

§ 20105. Enforcement

Currentness

(a) Action for declaratory or injunctive relief

If a State or political subdivision does not comply with this chapter, the United States Attorney General or a person who is personally aggrieved by the noncompliance may bring an action for declaratory or injunctive relief in the appropriate district court.

(b) Prerequisite notice of noncompliance

An action may be brought under this section only if the plaintiff notifies the chief election officer of the State of the noncompliance and a period of 45 days has elapsed since the date of notification.

(c) Attorney fees

Notwithstanding any other provision of law, no award of attorney fees may be made with respect to an action under this section, except in any action brought to enforce the original judgment of the court.

CREDIT(S)

([Pub.L. 98-435](#), § 6, Sept. 28, 1984, 98 Stat. 1679.)

52 U.S.C.A. § 20105, 52 USCA § 20105

Current through P.L. 114-114 (excluding 114-92, 114-94, 114-95 and 114-113) approved 12-28-2015

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Subtitle II. Voting Assistance and Election Administration

Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20106

Formerly cited as 42 USCA §1973ee-5

§ 20106. Relationship to Voting Rights Act of 1965

[Currentness](#)

This chapter shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 ([42 U.S.C. 1973 et seq.](#)) [now [52 U.S.C.A. § 10301 et seq.](#)].

CREDIT(S)

([Pub.L. 98-435](#), § 7, Sept. 28, 1984, 98 Stat. 1679.)

52 U.S.C.A. § 20106, 52 USCA § 20106

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Title 52. Voting and Elections (Refs & Annos)
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Chapter 201. Voting Accessibility for the Elderly and Handicapped

52 U.S.C.A. § 20107
Formerly cited as 42 USCA §1973ee-6

§ 20107. Definitions

Currentness

As used in this chapter, the term--

- (1) “accessible” means accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined under guidelines established by the chief election officer of the State involved;
- (2) “elderly” means 65 years of age or older;
- (3) “Federal election” means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;
- (4) “handicapped” means having a temporary or permanent physical disability; and
- (5) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession¹ of the United States.

CREDIT(S)

(Pub.L. 98-435, § 8, Sept. 28, 1984, 98 Stat. 1679.)

Footnotes

¹ So in original. Probably should be “possession”.

52 U.S.C.A. § 20107, 52 USCA § 20107

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Title 52. Voting and Elections (Refs & Annos)

Subtitle II. Voting Assistance and Election Administration

Chapter 203 . Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office

52 U.S.C.A. § 20301

Formerly cited as 42 USCA §1973ff

§ 20301. Federal responsibilities

Currentness

(a) Presidential designee

The President shall designate the head of an executive department to have primary responsibility for Federal functions under this chapter.

(b) Duties of Presidential designee

The Presidential designee shall--

- (1) consult State and local election officials in carrying out this chapter, and ensure that such officials are aware of the requirements of this Act;
- (2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by the States as required under [section 20302\(a\)\(4\)](#) of this title;
- (3) carry out [section 20303](#) of this title with respect to the Federal write-in absentee ballot for absent uniformed services voters and overseas voters in general elections for Federal office;
- (4) prescribe a suggested design for absentee ballot mailing envelopes;
- (5) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the extent practicable, facts relating to specific elections, including dates, offices involved, and the text of ballot questions;
- (6) not later than the end of each year after a Presidential election year, transmit to the President and the Congress a report on the effectiveness of assistance under this chapter, including a statistical analysis of uniformed services voter participation, a separate statistical analysis of overseas nonmilitary participation, and a description of State-Federal cooperation;
- (7) prescribe a standard oath for use with any document under this chapter affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury;

(8) carry out [section 20304](#) of this title with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office;

(9) to the greatest extent practicable, take such actions as may be necessary--

(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee;

(10) carry out [section 20305](#) of this title with respect to Federal Voting Assistance Program Improvements; and

(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards--

(A) for States to report data on the number of absentee ballots transmitted and received under [section 20302\(c\)](#) of this title and such other data as the Presidential designee determines appropriate; and

(B) for the Presidential designee to store the data reported.

(c) Duties of other Federal officials

(1) In general

The head of each Government department, agency, or other entity shall, upon request of the Presidential designee, distribute balloting materials and otherwise cooperate in carrying out this chapter.

(2) Administrator of General Services

As directed by the Presidential designee, the Administrator of General Services shall furnish official post card forms (prescribed under subsection (b)) and Federal write-in absentee ballots (prescribed under [section 20303](#) of this title).

(d) Authorization of appropriations for carrying out Federal Voting Assistance Program Improvements

There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).

CREDIT(S)

([Pub.L. 99-410, Title I, § 101](#), Aug. 28, 1986, 100 Stat. 924; [Pub.L. 105-277](#), Div. G, Title XXII, § 2219(c), Oct. 21, 1998, 112 Stat. 2681-817; [Pub.L. 107-107](#), Div. A, Title XVI, § 1606(a)(2), Dec. 28, 2001, 115 Stat. 1279; [Pub.L. 107-252, Title VII](#),

§ 705(a), (b)(1), (c), Oct. 29, 2002, 116 Stat. 1724, 1725; Pub.L. 108-375, Div. A, Title V, § 566(a), Oct. 28, 2004, 118 Stat. 1919; Pub.L. 111-84, Div. A, Title V, §§ 580(b), (e), 583(a)(2), 584(a), 585(b)(1), Oct. 28, 2009, 123 Stat. 2325, 2328, 2330, 2331; Pub.L. 111-383, Div. A, Title X, § 1075(d)(4), (5), Jan. 7, 2011, 124 Stat. 4372.)

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 12642

<June 8, 1988, 53 F.R. 21975>

Designation of Secretary of Defense as Presidential Designee

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act ([Public Law 99-410](#)) (“the Act”) [subsec. (a) of this section], it is hereby ordered as follows:

Section 1. The Secretary of Defense is hereby designated as the “Presidential designee” under Title I of the Act [this chapter].

Sec. 2. In order to effectuate the purposes of the Act [see Short Title note set out under this section], the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this Order to any person or persons within the Department of Defense.

RONALD REAGAN

52 U.S.C.A. § 20301, 52 USCA § 20301

Current through P.L. 114-114 (excluding 114-92, 114-94, 114-95 and 114-113) approved 12-28-2015

United States Code Annotated

Title 52. Voting and Elections (Refs & Annos)

Subtitle II. Voting Assistance and Election Administration

Chapter 203 . Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office

52 U.S.C.A. § 20302

Formerly cited as 42 USCA § 1973ff-1

§ 20302. State responsibilities

Currentness

(a) In general

Each State shall--

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;

(3) permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with [section 20303](#) of this title) in general elections for Federal office;

(4) use the official post card form (prescribed under [section 20301](#) of this title) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this chapter, use the standard oath prescribed by the Presidential designee under [section 20301\(b\)\(7\)](#) of this title;

(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures--

(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f);

(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter--

(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

(B) in the case in which the request is received less than 45 days before an election for Federal office--

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot;

(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner¹ that gives them sufficient time to vote in the runoff election;

(10) carry out [section 20304\(b\)\(1\)](#) of this title with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters; and

(11) report data on the number of absentee ballots transmitted and received under subsection (c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under [section 20301\(b\)\(11\)](#) of this title.

(b) Designation of single State office to provide information on registration and absentee ballot procedures for all voters in State

(1) In general

Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

(2) Recommendation regarding use of office to accept and process materials

Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

(c) Report on number of absentee ballots transmitted and received

Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002 [[52 U.S.C.A. § 20901 et seq.](#)]) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.

(d) Registration notification

With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.

(e) Designation of means of electronic communication for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications, and for other purposes related to voting information

(1) In general

Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication--

(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

(2) Clarification regarding provision of multiple means of electronic communication

A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

(3) Inclusion of designated means of electronic communication with informational and instructional materials that accompany balloting materials

Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

(4) Availability and maintenance of online repository of State contact information

The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

(5) Transmission if no preference indicated

In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

(6) Security and privacy protections

(A) Security protections

To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

(B) Privacy protections

To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.

(f) Transmission of blank absentee ballots by mail and electronically

(1) In general

Each State shall establish procedures--

(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

(2) Transmission if no preference indicated

In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1) (B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

(3) Security and privacy protections

(A) Security protections

To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

(B) Privacy protections

To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.

(g) Hardship exemption

(1) In general

If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include--

(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes--

(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

(2) Approval of waiver request

After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

(B) One or more of the following issues creates an undue hardship for the State:

(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

(ii) The State has suffered a delay in generating ballots due to a legal contest.

(iii) The State Constitution prohibits the State from complying with such subsection.

(3) Timing of waiver

(A) In general

Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect

to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

(B) Exception

If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

(4) Application of waiver

A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.

(h) Tracking marked ballots

The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.

(i) Prohibiting refusal to accept applications for failure to meet certain requirements

A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under [section 20301](#) of this title) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

(1) Notarization requirements.

(2) Restrictions on paper type, including weight and size.

(3) Restrictions on envelope type, including weight and size.

CREDIT(S)

([Pub.L. 99-410, Title I, § 102](#), Aug. 28, 1986, 100 Stat. 925; [Pub.L. 107-107](#), Div. A, Title XVI, § 1606(a)(1), Dec. 28, 2001, 115 Stat. 1278; [Pub.L. 107-252, Title VII, §§ 702, 703\(a\), 705\(b\)\(2\), 707](#), Oct. 29, 2002, 116 Stat. 1723 to 1725; [Pub.L. 108-375](#), Div. A, Title V, § 566(b), Oct. 28, 2004, 118 Stat. 1919; [Pub.L. 111-84](#), Div. A, Title V, §§ 577(a), 578(a), 579(a), (b), 580(c), (d), 582(a), 584(b), Oct. 28, 2009, 123 Stat. 2319, 2321 to 2323, 2325, 2327, 2330.)

[Notes of Decisions \(16\)](#)

Footnotes

¹ So in original. Probably should be “in a manner”.

52 U.S.C.A. § 20302, 52 USCA § 20302

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Chapter 203 . Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office

52 U.S.C.A. § 20303

Formerly cited as 42 USCA §1973ff-2

§ 20303. Federal write-in absentee ballot in general elections for
Federal office for absent uniformed services voters and overseas voters

Currentness

(a) In general

(1) Federal write-in absentee ballot

The Presidential designee shall prescribe a Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States, absentee ballots.¹

(2) Promotion and expansion of use of Federal write-in absentee ballots

(A) In general

Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

(B) Use of technology

Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may--

(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under [section 20302\(b\)](#) of this title).

(C) Authorization of appropriations

There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.

(b) Submission and processing

Except as otherwise provided in this chapter, a Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved. A Federal write-in absentee ballot of an absent uniformed services voter or overseas voter shall not be counted--

(1) in the case of a ballot submitted by an overseas voter who is not an absent uniformed services voter, if the ballot is submitted from any location in the United States;

(2) if the application of the absent uniformed services voter or overseas voter for a State absentee ballot is received by the appropriate State election official after the later of--

(A) the deadline of the State for receipt of such application; or

(B) the date that is 30 days before the general election; or

(3) if a State absentee ballot of the absent uniformed services voter or overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.

(c) Special rules

The following rules shall apply with respect to Federal write-in absentee ballots:

(1) In completing the ballot, the absent uniformed services voter or overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

(d) Second ballot submission; instruction to absent uniformed services voter or overseas voter

An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State absentee ballot, may submit the State absentee ballot. The Presidential designee shall assure that the instructions for each Federal write-in absentee ballot clearly state that an absent uniformed services voter or overseas voter who submits a Federal write-

in absentee ballot and later receives and submits a State absentee ballot should make every reasonable effort to inform the appropriate State election official that the voter has submitted more than one ballot.

(e) Use of approved State absentee ballot in place of Federal write-in absentee ballot

The Federal write-in absentee ballot shall not be valid for use in a general, special, primary, or runoff election for Federal office if the State involved provides a State absentee ballot that--

(1) at the request of the State, is approved by the Presidential designee for use in place of the Federal write-in absentee ballot; and

(2) is made available to absent uniformed services voters and overseas voters at least 60 days before the deadline for receipt of the State ballot under State law.

(f) Prohibiting refusal to accept ballot for failure to meet certain requirements

A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

(1) Notarization requirements.

(2) Restrictions on paper type, including weight and size.

(3) Restrictions on envelope type, including weight and size.

(g) Certain States exempted

A State is not required to permit use of the Federal write-in absentee ballot, if, on and after August 28, 1986, the State has in effect a law providing that--

(1) a State absentee ballot is required to be available to any voter described in [section 20310\(5\)\(A\)](#) of this title at least 90 days before the general, special, primary, or runoff election for Federal office involved; and

(2) a State absentee ballot is required to be available to any voter described in [section 20310\(5\)\(B\)](#) or [\(C\)](#) of this title, as soon as the official list of candidates in the general, special, primary, or runoff election for Federal office is complete.

CREDIT(S)

([Pub.L. 99-410, Title I, § 103](#), Aug. 28, 1986, 100 Stat. 925; [Pub.L. 108-375](#), Div. A, Title V, § 566(c), (d), Oct. 28, 2004, 118 Stat. 1919; [Pub.L. 111-84](#), Div. A, Title V, §§ 581(a)(1), (b), 582(b), Oct. 28, 2009, 123 Stat. 2326, 2327; [Pub.L. 111-383](#), Div. A, Title X, § 1075(d)(3), Jan. 7, 2011, 124 Stat. 4372.)

[Notes of Decisions \(6\)](#)

Footnotes

¹ So in original. Probably should be “States' absentee ballots.”

52 U.S.C.A. § 20303, 52 USCA § 20303

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52 U.S.C.A. § 20304

Formerly cited as 42 USCA § 1973ff-2a

§ 20304. Procedures for collection and delivery of marked
absentee ballots of absent overseas uniformed services voters

Currentness

(a) Establishment of procedures

The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under [section 20303](#) of this title, and for delivering such marked absentee ballots to the appropriate election officials.

(b) Delivery to appropriate election officials

(1) In general

Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

(2) Cooperation and coordination with the United States Postal Service

The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

(3) Deadline described

(A) In general

Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

(B) Authority to establish alternative deadline for certain locations

If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

(4) No postage requirement

In accordance with [section 3406 of Title 39](#), such marked absentee ballots and other balloting materials shall be carried free of postage.

(5) Date of mailing

Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

(c) Outreach for absent overseas uniformed services voters on procedures

The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

(d) Absent overseas uniformed services voter defined

In this section, the term “absent overseas uniformed services voter” means an overseas voter described in [section 20310\(5\)\(A\)](#) of this title.

(e) Authorization of appropriations

There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

CREDIT(S)

([Pub.L. 99-410, Title I, § 103A](#), as added [Pub.L. 111-84](#), Div. A, Title V, § 580(a), Oct. 28, 2009, 123 Stat. 2324.)

52 U.S.C.A. § 20304, 52 USCA § 20304

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Subtitle II. Voting Assistance and Election Administration

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52 U.S.C.A. § 20305

Formerly cited as 42 USCA § 1973ff-2b

§ 20305. Federal Voting Assistance Program Improvements

Currentness

(a) Duties

The Presidential designee shall carry out the following duties:

(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

(b) Clarification regarding other duties and obligations

Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

(c) Authorization of appropriations

There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.

CREDIT(S)

(Pub.L. 99-410, Title I, § 103B, as added Pub.L. 111-84, Div. A, Title V, § 583(a)(1), Oct. 28, 2009, 123 Stat. 2327.)

52 U.S.C.A. § 20305, 52 USCA § 20305

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52 U.S.C.A. § 20306

Formerly cited as 42 USCA §1973ff-3

§ 20306. Prohibition of refusal of applications on grounds of early submission

Currentness

A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under [section 20301](#) of this title) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.

CREDIT(S)

([Pub.L. 99-410, Title I, § 104](#), Aug. 28, 1986, 100 Stat. 926; [Pub.L. 107-107](#), Div. A, Title XVI, § 1606(b), Dec. 28, 2001, 115 Stat. 1279; [Pub.L. 107-252, Title VII, §§ 704](#), 706(a), Oct. 29, 2002, 116 Stat. 1724, 1725; [Pub.L. 111-84](#), Div. A, Title V, § 585(a), (b)(2), Oct. 28, 2009, 123 Stat. 2331.)

52 U.S.C.A. § 20306, 52 USCA § 20306

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52 U.S.C.A. § 20307

Formerly cited as 42 USCA §1973ff-4

§ 20307. Enforcement

Currentness

(a) In general

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this chapter.

(b) Report to Congress

Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.

CREDIT(S)

(Pub.L. 99-410, Title I, § 105, Aug. 28, 1986, 100 Stat. 927; Pub.L. 111-84, Div. A, Title V, § 587, Oct. 28, 2009, 123 Stat. 2333.)

52 U.S.C.A. § 20307, 52 USCA § 20307

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52 U.S.C.A. § 20308

Formerly cited as 42 USCA § 1973ff-4a

§ 20308. Reporting requirements

Currentness

(a) Report on status of implementation and assessment of programs

Not later than 180 days after October 28, 2009, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under [section 20304](#) of this title, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

(A) A thorough and complete assessment of whether the Program, as configured and implemented as of October 28, 2009, is effectively assisting absent uniformed services voters in exercising their right to vote.

(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under [section 1566a of Title 10](#).

(b) Annual report on effectiveness of activities and utilization of certain procedures

Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

(1) An assessment of the effectiveness of activities carried out under [section 20305](#) of this title, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

(2) A description of the utilization of voter registration assistance under [section 1566a of Title 10](#), which shall include the following:

(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to [section 20304](#) of this title, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

(c) Definitions

In this section:

(1) Absent overseas uniformed services voter

The term “absent overseas uniformed services voter” has the meaning given such term in [section 20304\(d\)](#) of this title.

(2) Presidential designee

The term “Presidential designee” means the Presidential designee under [section 20301\(a\)](#) of this title.

(3) Relevant committees of Congress defined

The term “relevant committees of Congress” means--

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

CREDIT(S)

(Pub.L. 99-410, Title I, § 105A, as added Pub.L. 111-84, Div. A, Title V, § 586, Oct. 28, 2009, 123 Stat. 2331.)

52 U.S.C.A. § 20308, 52 USCA § 20308

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52 U.S.C.A. § 20309

Formerly cited as 42 USCA §1973ff-5

§ 20309. Effect on certain other laws

Currentness

The exercise of any right under this chapter shall not affect, for purposes of any Federal, State, or local tax, the residence or domicile of a person exercising such right.

CREDIT(S)

(Pub.L. 99-410, Title I, § 106, Aug. 28, 1986, 100 Stat. 927.)

52 U.S.C.A. § 20309, 52 USCA § 20309

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52 U.S.C.A. § 20310

Formerly cited as 42 USCA §1973ff-6

§ 20310. Definitions

Currentness

As used in this chapter, the term--

(1) “absent uniformed services voter” means--

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) “balloting materials” means official post card forms (prescribed under [section 20301](#) of this title), Federal write-in absentee ballots (prescribed under [section 20303](#) of this title), and any State balloting materials that, as determined by the Presidential designee, are essential to the carrying out of this chapter;

(3) “Federal office” means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) “member of the merchant marine” means an individual (other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways)--

(A) employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(B) enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel;

(5) “overseas voter” means--

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; and

(8) “United States”, where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

CREDIT(S)

(Pub.L. 99-410, Title I, § 107, Aug. 28, 1986, 100 Stat. 927.)

52 U.S.C.A. § 20310, 52 USCA § 20310

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52 U.S.C.A. § 20311

Formerly cited as 42 USCA §1973ff-7

§ 20311. Technology pilot program

Currentness

(a) Definitions

In this section:

(1) Absent uniformed services voter

The term “absent uniformed services voter” has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1)) [now 52 U.S.C.A. § 20310(1)].

(2) Overseas voter

The term “overseas voter” has the meaning given such term in section 107(5) of such Act [52 U.S.C.A. § 20310(5)].

(3) Presidential designee

The term “Presidential designee” means the individual designated under section 101(a) of such Act [52 U.S.C.A. § 20301(a)].

(b) Establishment

(1) In general

The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) [now 52 U.S.C.A. § 20301 et seq.].

(2) Design and conduct

The design and conduct of a pilot program established under this subsection--

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) Considerations

In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

- (1)** The transmission of electronic voting material across military networks.
- (2)** Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.
- (3)** The transmission of ballot representations and scanned pictures in a secure manner.
- (4)** Capturing, retaining, and comparing electronic and physical ballot representations.
- (5)** Utilization of voting stations at military bases.
- (6)** Document delivery and upload systems.
- (7)** The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) Reports

The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations--

- (1)** for the conduct of additional pilot programs under this section; and
- (2)** for such legislation and administrative action as the Presidential designee determines appropriate.

(e) Technical assistance

(1) In general

The Election Assistance Commission and the National Institute of Standards and Technology shall provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first

sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 ([Public Law 107-107](#); 115 Stat. 1277; [42 U.S.C. 1973ff](#) note [now [52 U.S.C.A. § 20301](#) note]), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 ([Public Law 108-375](#); 118 Stat. 1919) to support the pilot program or programs.

(2) Report

In the case in which the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after October 28, 2009, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

- (A) The reasons such guidelines have not been established as of such date.
- (B) A detailed timeline for the establishment of such guidelines.
- (C) A detailed explanation of the Commission's actions in establishing such guidelines since October 28, 2004.

(3) Relevant committees of Congress defined

In this subsection, the term “relevant committees of Congress” means--

- (A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and
- (B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

CREDIT(S)

([Pub.L. 111-84](#), Div. A, Title V, § 589, Oct. 28, 2009, 123 Stat. 2334; [Pub.L. 111-383](#), Div. A, Title X, § 1075(d)(6), Jan. 7, 2011, 124 Stat. 4373.)

52 U.S.C.A. § 20311, 52 USCA § 20311

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20501
Formerly cited as 42 USCA § 1973gg

§ 20501. Findings and purposes

[Currentness](#)

(a) Findings

The Congress finds that--

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
- (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) Purposes

The purposes of this chapter are--

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

CREDIT(S)

([Pub.L. 103-31](#), § 2, May 20, 1993, 107 Stat. 77.)

[Notes of Decisions \(4\)](#)

52 U.S.C.A. § 20501, 52 USCA § 20501

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20502
Formerly cited as 42 USCA § 1973gg-1

§ 20502. Definitions

Currentness

As used in this chapter--

- (1) the term “election” has the meaning stated in [section 30101\(1\)](#) of this title;
- (2) the term “Federal office” has the meaning stated in [section 30101\(3\)](#) of this title;
- (3) the term “motor vehicle driver's license” includes any personal identification document issued by a State motor vehicle authority;
- (4) the term “State” means a State of the United States and the District of Columbia; and
- (5) the term “voter registration agency” means an office designated under [section 20506\(a\)\(1\)](#) of this title to perform voter registration activities.

CREDIT(S)

([Pub.L. 103-31](#), § 3, May 20, 1993, 107 Stat. 77.)

[Notes of Decisions \(2\)](#)

52 U.S.C.A. § 20502, 52 USCA § 20502

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52 U.S.C.A. § 20503
Formerly cited as 42 USCA §1973gg-2

§ 20503. National procedures for voter registration for elections for Federal office

Currentness

(a) In general

Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office--

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to [section 20504](#) of this title;

(2) by mail application pursuant to [section 20505](#) of this title; and

(3) by application in person--

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under [section 20506](#) of this title.

(b) Nonapplicability to certain States

This chapter does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after August 1, 1994, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after August 1, 1994, or that was enacted on or prior to August 1, 1994, and by its terms is to come into effect upon the enactment of this chapter, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

CREDIT(S)

(Pub.L. 103-31, § 4, May 20, 1993, 107 Stat. 78; Pub.L. 104-91, Title I, § 101(a), Jan. 6, 1996, 110 Stat. 11, as amended Pub.L. 104-99, Title II, § 211, Jan. 26, 1996, 110 Stat. 37.)

Notes of Decisions (6)

52 U.S.C.A. § 20503, 52 USCA § 20503

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20504
Formerly cited as 42 USCA §1973gg-3

§ 20504. Simultaneous application for voter registration and application for motor vehicle driver's license

Currentness

(a) In general

(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) Limitation on use of information

No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) Forms and procedures

(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license--

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to--

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that--

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application--

(i) the information required in [section 20507\(a\)\(5\)\(A\) and \(B\)](#) of this title;

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) Change of address

Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) Transmittal deadline

(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

CREDIT(S)

(Pub.L. 103-31, § 5, May 20, 1993, 107 Stat. 78.)

Notes of Decisions (4)

52 U.S.C.A. § 20504, 52 USCA § 20504

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52 U.S.C.A. § 20505
Formerly cited as 42 USCA §1973gg-4

§ 20505. Mail registration

Currentness

(a) Form

(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to [section 20508\(a\)\(2\)](#) of this title for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in [section 20508\(b\)](#) of this title for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) Availability of forms

The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) First-time voters

(1) Subject to paragraph (2), a State may by law require a person to vote in person if--

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person--

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act [[52 U.S.C.A. § 20301 et seq.](#)];

(B) who is provided the right to vote otherwise than in person under [section 20102\(b\)\(2\)\(B\)\(ii\)](#) of this title; or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) Undelivered notices

If a notice of the disposition of a mail voter registration application under [section 20507\(a\)\(2\)](#) of this title is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with [section 20507\(d\)](#) of this title.

CREDIT(S)

([Pub.L. 103-31](#), § 6, May 20, 1993, 107 Stat. 79.)

[Notes of Decisions \(6\)](#)

52 U.S.C.A. § 20505, 52 USCA § 20505

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United States Code Annotated
Title 52. Voting and Elections (Refs & Annos)
Subtitle II. Voting Assistance and Election Administration
Chapter 205. National Voter Registration

52 U.S.C.A. § 20506
Formerly cited as 42 USCA § 1973gg-5

§ 20506. Voter registration agencies

Currentness

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies--

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include--

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not--

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall--

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance--

(i) the mail voter registration application form described in [section 20508\(a\)\(2\)](#) of this title, including a statement that--

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in [section 20508\(a\)\(2\)](#) of this title,

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes--

(i) the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;

(ii) if the agency provides public assistance, the statement, “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.”;

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.”;

(iv) the statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”; and

(v) the statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.”, the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) Federal Government and private sector cooperation

All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) Armed Forces recruitment offices

(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this chapter.

(d) Transmittal deadline

(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

CREDIT(S)

(Pub.L. 103-31, § 7, May 20, 1993, 107 Stat. 80.)

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 12926

<Sept. 12, 1994, 59 F.R. 47227>

Implementation of National Voter Registration Act of 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including [section 301 of title 3, United States Code](#), and in order to ensure, as required by section 7(b) of the National Voter Registration Act of 1993 ([42 U.S.C. 1973gg](#) [sic]) [now 52 U.S.C.A. § 20506(b)] (“the Act”) that departments, agencies, and other entities of the executive branch of the Federal Government cooperate with the States in carrying out the Act’s [this chapter] requirements, it is hereby ordered as follows:

Section 1. Assistance to States. To the greatest extent practicable, departments, agencies, and other entities of the executive branch of the Federal Government that provide, in whole or in part, funding, grants, or assistance for, or with respect to the administration of, any program of public assistance or services to persons with disabilities within the meaning of section 7(a) of the Act [subsec. (a) of this section] shall: (a) provide, to State agencies administering any such program, guidance for the implementation of the requirements of section 7 of the Act [this section], including guidance for use and distribution of voter registration forms in connection with applications for service;

(b) assist each such State agency administering any such program with the costs of implementation of the Act [this chapter], consistent with legal authority and the availability of funds, and promptly indicate to each State agency the extent to which such assistance will be made available; and

(c) designate an office or staff to be available to provide technical assistance to such State agencies.

Sec. 2. Armed Forces Recruitment Offices. The Secretary of Defense is directed to work with the appropriate State elections authorities in each State to develop procedures for persons to apply to register to vote at Armed Forces recruitment offices as required by section 7(c) of the Act [subsec. (c) of this section].

Sec. 3. Acceptance of Designation. To the greatest extent practicable, departments, agencies, or other entities of the executive branch of the Federal Government, if requested to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the Act [subsec. (a)(3)(B)(ii) of this section], shall: (a) agree to such a designation if agreement is consistent with the department’s, agency’s, or entity’s legal authority and availability of funds; and

(b) ensure that all of its offices that are located in a particular State will have available to the public at least one of the national voter registration forms that are required under the Act [this chapter] to be available in that State.

WILLIAM J. CLINTON

[Notes of Decisions \(27\)](#)

52 U.S.C.A. § 20506, 52 USCA § 20506

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Subtitle II. Voting Assistance and Election Administration
Chapter 205. National Voter Registration

52 U.S.C.A. § 20507
Formerly cited as 42 USCA § 1973gg-6

§ 20507. Requirements with respect to administration of voter registration

Currentness

(a) In general

In the administration of voter registration for elections for Federal office, each State shall--

(1) ensure that any eligible applicant is registered to vote in an election--

(A) in the case of registration with a motor vehicle application under [section 20504](#) of this title, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under [section 20505](#) of this title, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except--

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of--

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under [sections 20504](#), [20505](#), and [20506](#) of this title of--

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of voter registration

Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office--

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 ([42 U.S.C. 1973 et seq.](#)); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual--

(A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then

(B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.

(c) Voter removal programs

(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which--

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that--

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude--

(i) the removal of names from official lists of voters on a basis described in paragraph (3)(A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this chapter.

(d) Removal of names from voting rolls

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant--

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) Procedure for voting following failure to return card

(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant--

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) Change of voting address within a jurisdiction

In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) Conviction in Federal court

(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under [section 20509](#) of this title of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include--

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) Omitted

(i) Public disclosure of voter registration activities

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) "Registrar's jurisdiction" defined

For the purposes of this section, the term "registrar's jurisdiction" means--

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

CREDIT(S)

(Pub.L. 103-31, § 8, May 20, 1993, 107 Stat. 82; Pub.L. 107-252, Title IX, § 903, Oct. 29, 2002, 116 Stat. 1728.)

[Notes of Decisions \(23\)](#)

52 U.S.C.A. § 20507, 52 USCA § 20507

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20508
Formerly cited as 42 USCA §1973gg-7

§ 20508. Federal coordination and regulations

Currentness

(a) In general

The Election Assistance Commission--

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this chapter on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this chapter; and

(4) shall provide information to the States with respect to the responsibilities of the States under this chapter.

(b) Contents of mail voter registration form

The mail voter registration form developed under subsection (a)(2)--

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that--

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application--

(i) the information required in [section 20507\(a\)\(5\)\(A\) and \(B\)](#) of this title;

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

CREDIT(S)

([Pub.L. 103-31](#), § 9, May 20, 1993, 107 Stat. 87; [Pub.L. 107-252, Title VIII, § 802\(b\)](#), Oct. 29, 2002, 116 Stat. 1726.)

[Notes of Decisions \(5\)](#)

52 U.S.C.A. § 20508, 52 USCA § 20508

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20509
Formerly cited as 42 USCA §1973gg-8

§ 20509. Designation of chief State election official

[Currentness](#)

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this chapter.

CREDIT(S)

(Pub.L. 103-31, § 10, May 20, 1993, 107 Stat. 87.)

[Notes of Decisions \(1\)](#)

52 U.S.C.A. § 20509, 52 USCA § 20509

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20510

Formerly cited as 42 USCA §1973gg-9

§ 20510. Civil enforcement and private right of action

Currentness

(a) Attorney General

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this chapter.

(b) Private right of action

(1) A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) Attorney's fees

In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) Relation to other laws

(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this chapter shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this chapter authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

CREDIT(S)

([Pub.L. 103-31](#), § 11, May 20, 1993, 107 Stat. 88.)

[Notes of Decisions \(40\)](#)

52 U.S.C.A. § 20510, 52 USCA § 20510

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Chapter 205. National Voter Registration

52 U.S.C.A. § 20511
Formerly cited as 42 USCA §1973gg-10

§ 20511. Criminal penalties

Currentness

A person, including an election official, who in any election for Federal office--

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for--

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this chapter; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by--

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with Title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to [section 3302 of Title 31](#)), notwithstanding any other law), or imprisoned not more than 5 years, or both.

CREDIT(S)

([Pub.L. 103-31](#), § 12, May 20, 1993, 107 Stat. 88.)

Notes of Decisions (3)

52 U.S.C.A. § 20511, 52 USCA § 20511

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Chapter 207. Federal Election Records

52 U.S.C.A. § 20701
Formerly cited as 42 USCA §1974

§ 20701. Retention and preservation of records and papers by
officers of elections; deposit with custodian; penalty for violation

[Currentness](#)

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

CREDIT(S)

(Pub.L. 86-449, Title III, § 301, May 6, 1960, 74 Stat. 88.)

[Notes of Decisions \(9\)](#)

52 U.S.C.A. § 20701, 52 USCA § 20701

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Chapter 207. Federal Election Records

52 U.S.C.A. § 20702
Formerly cited as 42 USCA § 1974a

§ 20702. Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties

Currentness

Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by [section 20701](#) of this title to be retained and preserved shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

CREDIT(S)

(Pub.L. 86-449, Title III, § 302, May 6, 1960, 74 Stat. 88.)

52 U.S.C.A. § 20702, 52 USCA § 20702

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52 U.S.C.A. § 20703
Formerly cited as 42 USCA § 1974b

§ 20703. Demand for records or papers by Attorney General or representative; statement of basis and purpose

[Currentness](#)

Any record or paper required by [section 20701](#) of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

CREDIT(S)

(Pub.L. 86-449, Title III, § 303, May 6, 1960, 74 Stat. 88.)

[Notes of Decisions \(13\)](#)

52 U.S.C.A. § 20703, 52 USCA § 20703

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52 U.S.C.A. § 20704
Formerly cited as 42 USCA § 1974c

§ 20704. Disclosure of records or papers

Currentness

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

CREDIT(S)

(Pub.L. 86-449, Title III, § 304, May 6, 1960, 74 Stat. 88.)

52 U.S.C.A. § 20704, 52 USCA § 20704

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52 U.S.C.A. § 20705
Formerly cited as 42 USCA §1974d

§ 20705. Jurisdiction to compel production of records or papers

[Currentness](#)

The United States district court for the district in which a demand is made pursuant to [section 20703](#) of this title, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

CREDIT(S)

(Pub.L. 86-449, Title III, § 305, May 6, 1960, 74 Stat. 88.)

[Notes of Decisions \(8\)](#)

52 U.S.C.A. § 20705, 52 USCA § 20705

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52 U.S.C.A. § 20706
Formerly cited as 42 USCA § 1974e

§ 20706. “Officer of election” defined

Currentness

As used in this chapter, the term “officer of election” means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

CREDIT(S)

(Pub.L. 86-449, Title III, § 306, May 6, 1960, 74 Stat. 88.)

52 U.S.C.A. § 20706, 52 USCA § 20706

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Chapter 209. Election Administration Improvement

Subchapter I. Payments to States for Election Administration Improvements and Replacement of Punch Card and Lever Voting Machines

52 U.S.C.A. § 20901

Formerly cited as 42 USCA § 15301

§ 20901. Payments to States for activities to improve administration of elections

Currentness

(a) In general

Not later than 45 days after October 29, 2002, the Administrator of General Services (in this subchapter referred to as the “Administrator”) shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after October 29, 2002, that the State intends to use the payment in accordance with this section.

(b) Use of payment

(1) In general

A State shall use the funds provided under a payment made under this section to carry out one or more of the following activities:

(A) Complying with the requirements under subchapter III.

(B) Improving the administration of elections for Federal office.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

(D) Training election officials, poll workers, and election volunteers.

(E) Developing the State plan for requirements payments to be submitted under subpart 1 of part D of subchapter II.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

(G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

(H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) Limitation

A State may not use the funds provided under a payment made under this section--

(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or

(B) for the payment of any judgment.

(c) Use of funds to be consistent with other laws and requirements

In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that--

(1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in [section 21145](#) of this title, as such laws relate to the provisions of this chapter; and

(2) the proposed uses of the funds are not inconsistent with the requirements of subchapter III.

(d) Amount of payment

(1) In general

Subject to [section 20903\(b\)](#) of this title, the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

(2) Minimum payment amount

The minimum payment amount described in this paragraph is--

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such aggregate amount.

(3) Voting age population proportion amount

The voting age population proportion amount described in this paragraph is the product of--

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) Voting age population proportion defined

The term “voting age population proportion” means, with respect to a State, the amount equal to the quotient of--

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

CREDIT(S)

(Pub.L. 107-252, Title I, § 101, Oct. 29, 2002, 116 Stat. 1668.)

[Notes of Decisions \(3\)](#)

52 U.S.C.A. § 20901, 52 USCA § 20901

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Subchapter I. Payments to States for Election Administration Improvements and Replacement of Punch Card and Lever Voting Machines

52 U.S.C.A. § 20902

Formerly cited as 42 USCA § 15302

§ 20902. Replacement of punch card or lever voting machines

Currentness

(a) Establishment of program

(1) In general

Not later than 45 days after October 29, 2002, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a “qualifying precinct”).

(2) Use of funds

A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that--

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in [section 21145](#) of this title; and

(C) meets the requirements of [section 21081](#) of this title.

(3) Deadline

(A) In general

Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) Waiver

If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after November 1, 2010.

(b) Eligibility

(1) In general

A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after October 29, 2002 (in such form as the Administrator may require) that contains--

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in [section 21145](#) of this title;

(C) certifications that the replacement voting systems will meet the requirements of [section 21081](#) of this title; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) Compliance of states that require changes to State law

In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) Amount of payment

(1) In general

Subject to paragraph (2) and [section 20903\(b\)](#) of this title, the amount of payment made to a State under the program under this section shall be equal to the product of--

(A) the number of the qualifying precincts within the State; and

(B) \$4,000.

(2) Reduction

If the amount of funds appropriated pursuant to the authority of [section 20904\(a\)\(2\)](#) of this title is insufficient to ensure that each State receives the amount of payment calculated under paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) Repayment of funds for failure to meet deadlines

(1) In general

If a State receiving funds under the program under this section fails to meet the deadline applicable to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) Noncompliant precinct percentage defined

In this subsection, the term “noncompliant precinct percentage” means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of--

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) Punch card voting system defined

For purposes of this section, a “punch card voting system” includes any of the following voting systems:

(1) C.E.S.

(2) Datavote.

(3) PBC Counter.

(4) Pollstar.

(5) Punch Card.

(6) Vote Recorder.

(7) Votomatic.

CREDIT(S)

(Pub.L. 107-252, Title I, § 102, Oct. 29, 2002, 116 Stat. 1670; Pub.L. 110-28, Title VI, § 6301(a), May 25, 2007, 121 Stat. 171; Pub.L. 111-8, Div. D, Title VI, § 625(a), Mar. 11, 2009, 123 Stat. 678.)

52 U.S.C.A. § 20902, 52 USCA § 20902

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52 U.S.C.A. § 20903

Formerly cited as 42 USCA §15303

§ 20903. Guaranteed minimum payment amount

Currentness

(a) In general

In addition to any other payments made under this subchapter, the Administrator shall make a payment to each State to which a payment is made under either [section 20901](#) or [20902](#) of this title and with respect to which the aggregate amount paid under such sections is less than \$5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under [sections 20901](#) and [20902](#) of this title and \$5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to “\$5,000,000” were a reference to “\$1,000,000”.

(b) Pro rata reductions

The Administrator shall make such pro rata reductions to the amounts described in [sections 20901\(d\)](#) and [20902\(c\)](#) of this title as are necessary to comply with the requirements of subsection (a).

CREDIT(S)

([Pub.L. 107-252, Title I, § 103](#), Oct. 29, 2002, 116 Stat. 1672.)

52 U.S.C.A. § 20903, 52 USCA § 20903

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52 U.S.C.A. § 20904

Formerly cited as 42 USCA §15304

§ 20904. Authorization of appropriations

Currentness

(a) In general

There are authorized to be appropriated for payments under this subchapter \$650,000,000, of which--

(1) 50 percent shall be for payments under [section 20901](#) of this title; and

(2) 50 percent shall be for payments under [section 20902](#) of this title.

(b) Continuing availability of funds after appropriation

Any payment made to a State under this subchapter shall be available to the State without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) Use of returned funds and funds remaining unexpended for requirements payments

(1) In general

The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under subchapter II) and used by the Commission to make requirements payments under subpart 1 of part D of subchapter II.

(2) Amounts described

The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under [section 20902\(d\)\(1\)](#) of this title.

(B) Any amounts appropriated for payments under this subchapter which remain unobligated as of September 1, 2003.

(d) Deposit of amounts in State election fund

When a State has established an election fund described in [section 21004\(b\)](#) of this title, the State shall ensure that any funds provided to the State under this subchapter are deposited and maintained in such fund.

(e) Authorization of appropriations for Administrator

In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this subchapter.

CREDIT(S)

([Pub.L. 107-252, Title I, § 104](#), Oct. 29, 2002, 116 Stat. 1672.)

52 U.S.C.A. § 20904, 52 USCA § 20904

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Punch Card and Lever Voting Machines

52 U.S.C.A. § 20905

Formerly cited as 42 USCA §15305

§ 20905. Administration of programs

Currentness

In administering the programs under this subchapter, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

CREDIT(S)

(Pub.L. 107-252, Title I, § 105, Oct. 29, 2002, 116 Stat. 1673.)

52 U.S.C.A. § 20905, 52 USCA § 20905

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52 U.S.C.A. § 20906

Formerly cited as 42 USCA §15306

§ 20906. Effective date

Currentness

The Administrator shall implement the programs established under this subchapter in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on October 29, 2002.

CREDIT(S)

(Pub.L. 107-252, Title I, § 106, Oct. 29, 2002, 116 Stat. 1673.)

52 U.S.C.A. § 20906, 52 USCA § 20906

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Subchapter II. Commission
Part A. Establishment and General Organization
Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20921
Formerly cited as 42 USCA §15321

§ 20921. Establishment

Currentness

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this subchapter referred to as the “Commission”), consisting of the members appointed under this subpart. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under subpart 2 of this part (hereafter in this subpart referred to as the “Standards Board” and the “Board of Advisors”, respectively) and the Technical Guidelines Development Committee under subpart 3 of this part.

CREDIT(S)

(Pub.L. 107-252, Title II, § 201, Oct. 29, 2002, 116 Stat. 1673.)

52 U.S.C.A. § 20921, 52 USCA § 20921

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Subchapter II. Commission
Part A. Establishment and General Organization
Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20922
Formerly cited as 42 USCA § 15322

§ 20922. Duties

Currentness

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by--

- (1) carrying out the duties described in subpart 3 of this part (relating to the adoption of voluntary voting system guidelines), 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;
- (2) carrying out the duties described in part B of this subchapter (relating to the testing, certification, decertification, and recertification of voting system hardware and software);
- (3) carrying out the duties described in part C of this subchapter (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);
- (4) carrying out the duties described in part D of this subchapter (relating to election assistance), and providing information and training on the management of the payments and grants provided under such part;
- (5) carrying out the duties described in part B of subchapter III (relating to the adoption of voluntary guidance); and
- (6) developing and carrying out the Help America Vote College Program under subchapter V.

CREDIT(S)

(Pub.L. 107-252, Title II, § 202, Oct. 29, 2002, 116 Stat. 1673.)

52 U.S.C.A. § 20922, 52 USCA § 20922

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Subchapter II. Commission
Part A. Establishment and General Organization
Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20923
Formerly cited as 42 USCA § 15323

§ 20923. Membership and appointment

Currentness

(a) Membership

(1) In general

The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.

(2) Recommendations

Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) Qualifications

Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

(4) Date of appointment

The appointments of the members of the Commission shall be made not later than 120 days after October 29, 2002.

(b) Term of service

(1) In general

Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) Terms of initial appointees

As designated by the President at the time of nomination, of the members first appointed--

(A) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) Vacancies

(A) In general

A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) Expired terms

A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) Unexpired terms

An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) Chair and vice chair

(1) In general

The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) Number of terms

A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) Compensation

(1) In general

Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under [section 5315 of Title 5](#).

(2) Other activities

No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

CREDIT(S)

([Pub.L. 107-252, Title II, § 203](#), Oct. 29, 2002, 116 Stat. 1674.)

52 U.S.C.A. § 20923, 52 USCA § 20923

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Subchapter II. Commission
Part A. Establishment and General Organization
Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20924
Formerly cited as 42 USCA §15324

§ 20924. Staff

Currentness

(a) Executive Director, General Counsel, and other staff

(1) Executive Director

The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under [section 5316 of Title 5](#).

(2) Term of service for Executive Director

The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) Procedure for appointment

(A) In general

When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position.

(B) Requiring consideration of nominees

Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) Interim service of General Counsel

If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) Special rules for interim Executive Director

(i) Convening of search committees

The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) Interim initial appointment

Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) General Counsel

The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) Other staff

Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) Applicability of certain civil service laws

The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of Title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) Experts and consultants

Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under [section 3109\(b\) of Title 5](#) by a vote of the Commission.

(c) Staff of Federal agencies

Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(d) Arranging for assistance for Board of Advisors and Standards Board

At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission considers appropriate to make personnel available to assist the Boards with carrying out their duties under this subchapter (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) Consultation with Board of Advisors and Standards Board on certain matters

In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

CREDIT(S)

(Pub.L. 107-252, Title II, § 204, Oct. 29, 2002, 116 Stat. 1675.)

52 U.S.C.A. § 20924, 52 USCA § 20924

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Part A. Establishment and General Organization
Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20925
Formerly cited as 42 USCA §15325

§ 20925. Powers

Currentness

(a) Hearings and sessions

The Commission may hold such hearings for the purpose of carrying out this chapter, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this chapter. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) Information from Federal agencies

The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this chapter. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Postal services

The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Administrative support services

Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this chapter.

(e) Contracts

The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to [section 6101 of Title 41](#).

CREDIT(S)

(Pub.L. 107-252, Title II, § 205, Oct. 29, 2002, 116 Stat. 1677.)

52 U.S.C.A. § 20925, 52 USCA § 20925

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52 U.S.C.A. § 20926
Formerly cited as 42 USCA §15326

§ 20926. Dissemination of information

Currentness

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of Title 44, information on the activities carried out under this chapter.

CREDIT(S)

(Pub.L. 107-252, Title II, § 206, Oct. 29, 2002, 116 Stat. 1677.)

52 U.S.C.A. § 20926, 52 USCA § 20926

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Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20927
Formerly cited as 42 USCA § 15327

§ 20927. Annual report

Currentness

Not later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information:

- (1) A detailed description of activities conducted with respect to each program carried out by the Commission under this chapter, including information on each grant or other payment made under such programs.
- (2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under such a program, including reports submitted by States receiving requirements payments under subpart 1 of part D of this subchapter, and each other report submitted to the Commission under this chapter.
- (3) Information on the voluntary voting system guidelines adopted or modified by the Commission under subpart 3 of this part and information on the voluntary guidance adopted under part B of subchapter III.
- (4) All votes taken by the Commission.
- (5) Such other information and recommendations as the Commission considers appropriate.

CREDIT(S)

(Pub.L. 107-252, Title II, § 207, Oct. 29, 2002, 116 Stat. 1677.)

52 U.S.C.A. § 20927, 52 USCA § 20927

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Part A. Establishment and General Organization
Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20928
Formerly cited as 42 USCA §15328

§ 20928. Requiring majority approval for actions

Currentness

Any action which the Commission is authorized to carry out under this chapter may be carried out only with the approval of at least three of its members.

CREDIT(S)

(Pub.L. 107-252, Title II, § 208, Oct. 29, 2002, 116 Stat. 1678.)

52 U.S.C.A. § 20928, 52 USCA § 20928

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Subpart 1. Election Assistance Commission

52 U.S.C.A. § 20929
Formerly cited as 42 USCA §15329

§ 20929. Limitation on rulemaking authority

Currentness

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under [section 20508\(a\)](#) of this title.

CREDIT(S)

([Pub.L. 107-252, Title II, § 209](#), Oct. 29, 2002, 116 Stat. 1678.)

52 U.S.C.A. § 20929, 52 USCA § 20929

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52 U.S.C.A. § 20930
Formerly cited as 42 USCA §15330

§ 20930. Authorization of appropriations

Currentness

In addition to the amounts authorized for payments and grants under this subchapter and the amounts authorized to be appropriated for the program under [section 21123](#) of this title, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed \$10,000,000 for each such year) for the Commission to carry out this subchapter.

CREDIT(S)

([Pub.L. 107-252, Title II, § 210](#), Oct. 29, 2002, 116 Stat. 1678.)

52 U.S.C.A. § 20930, 52 USCA § 20930

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Part A. Establishment and General Organization

Subpart 2. Election Assistance Commission Standards Board and Board of Advisors

52 U.S.C.A. § 20941

Formerly cited as 42 USCA §15341

§ 20941. Establishment

Currentness

There are hereby established the Election Assistance Commission Standards Board (hereafter in this subchapter referred to as the “Standards Board”) and the Election Assistance Commission Board of Advisors (hereafter in this subchapter referred to as the “Board of Advisors”).

CREDIT(S)

(Pub.L. 107-252, Title II, § 211, Oct. 29, 2002, 116 Stat. 1678.)

52 U.S.C.A. § 20941, 52 USCA § 20941

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Part A. Establishment and General Organization

Subpart 2. Election Assistance Commission Standards Board and Board of Advisors

52 U.S.C.A. § 20942

Formerly cited as 42 USCA §15342

§ 20942. Duties

Currentness

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in subpart 3 of this part, review the voluntary voting system guidelines under such subpart, the voluntary guidance under subchapter III, and the best practices recommendations contained in the report submitted under [section 20982\(b\)](#) of this title.

CREDIT(S)

([Pub.L. 107-252, Title II, § 212](#), Oct. 29, 2002, 116 Stat. 1678.)

52 U.S.C.A. § 20942, 52 USCA § 20942

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Part A. Establishment and General Organization

Subpart 2. Election Assistance Commission Standards Board and Board of Advisors

52 U.S.C.A. § 20943

Formerly cited as 42 USCA § 15343

§ 20943. Membership of Standards Board

Currentness

(a) Composition

(1) In general

Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) Fifty-five shall be State election officials selected by the chief State election official of each State.

(B) Fifty-five shall be local election officials selected in accordance with paragraph (2).

(2) List of local election officials

Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) Requiring mix of political parties represented

The two members of the Standards Board who represent the same State may not be members of the same political party.

(b) Procedures for notice and certification of appointment

(1) Notice to chair of Federal Election Commission

Not later than 90 days after October 29, 2002, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing--

(A) the name of the State election official who agrees to serve on the Standards Board under this subchapter; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this subchapter.

(2) Certification

Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this subchapter.

(3) Effect of failure to provide notice

If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) Role of Commission

Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) Executive Board

(1) In general

Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select nine of its members to serve as the Executive Board of the Standards Board, of whom--

(A) not more than five may be State election officials;

(B) not more than five may be local election officials; and

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

(2) Terms

Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) Staggering of initial terms

Of the members first selected to serve on the Executive Board of the Standards Board--

(A) three shall serve for 1 term;

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

(C) three shall serve for 3 consecutive terms,

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

(4) Duties

In addition to any other duties assigned under this subchapter, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

CREDIT(S)

([Pub.L. 107-252, Title II, § 213](#), Oct. 29, 2002, 116 Stat. 1678.)

52 U.S.C.A. § 20943, 52 USCA § 20943

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Part A. Establishment and General Organization

Subpart 2. Election Assistance Commission Standards Board and Board of Advisors

52 U.S.C.A. § 20944

Formerly cited as 42 USCA §15344

§ 20944. Membership of Board of Advisors

Currentness

(a) In general

The Board of Advisors shall be composed of 37 members appointed as follows:

- (1) Two members appointed by the National Governors Association.
- (2) Two members appointed by the National Conference of State Legislatures.
- (3) Two members appointed by the National Association of Secretaries of State.
- (4) Two members appointed by the National Association of State Election Directors.
- (5) Two members appointed by the National Association of Counties.
- (6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.¹
- (7) Two members appointed by the United States Conference of Mayors.
- (8) Two members appointed by the Election Center.
- (9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.²
- (10) Two members appointed by the United States Commission on Civil Rights.

(11) Two members appointed by the Architectural and Transportation Barrier³ Compliance Board under [section 792 of Title 29](#).

(12) The chief of the Office of Public Integrity of the Department of Justice,⁴ or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) Four members representing professionals in the field of science and technology, of whom--

(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) Eight members representing voter interests, of whom--

(A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and

(B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

(b) Manner of appointments

Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) Term of service; vacancy

Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) Chair

The Board of Advisors shall elect a Chair from among its members.

CREDIT(S)

([Pub.L. 107-252, Title II, § 214](#), Oct. 29, 2002, 116 Stat. 1680.)

Footnotes

- 1 So in original. Probably should be “National Association of County Recorders, Election Officials and Clerks”.
- 2 So in original. Probably should be “International Association of Clerks, Recorders, Election Officials and Treasurers”.
- 3 So in original. Probably should be “Barriers”.
- 4 So in original. Probably means the Public Integrity Section of the Criminal Division of the Department of Justice.

52 U.S.C.A. § 20944, 52 USCA § 20944

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Part A. Establishment and General Organization

Subpart 2. Election Assistance Commission Standards Board and Board of Advisors

52 U.S.C.A. § 20945

Formerly cited as 42 USCA § 15345

§ 20945. Powers of Boards; no compensation for service

Currentness

(a) Hearings and sessions

(1) In general

To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this chapter, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this subchapter, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) Meetings

The Standards Board and the Board of Advisors shall each hold a meeting of its members--

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under [section 20962](#) of this title;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this subchapter.

(b) Information from Federal agencies

The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this chapter. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) Postal services

The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) Administrative support services

Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this subchapter.

(e) No compensation for service

Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of Title 5, while away from their homes or regular places of business in the performance of services for the Board.

CREDIT(S)

([Pub.L. 107-252, Title II, § 215](#), Oct. 29, 2002, 116 Stat. 1681.)

52 U.S.C.A. § 20945, 52 USCA § 20945

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Part A. Establishment and General Organization

Subpart 2. Election Assistance Commission Standards Board and Board of Advisors

52 U.S.C.A. § 20946

Formerly cited as 42 USCA §15346

§ 20946. Status of Boards and members for purposes of claims against Board

Currentness

(a) In general

The provisions of chapters 161 and 171 of Title 28 shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) Exception for criminal acts and other willful conduct

Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

CREDIT(S)

(Pub.L. 107-252, Title II, § 216, Oct. 29, 2002, 116 Stat. 1681.)

52 U.S.C.A. § 20946, 52 USCA § 20946

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Part A. Establishment and General Organization
Subpart 3. Technical Guidelines Development Committee

52 U.S.C.A. § 20961
Formerly cited as 42 USCA § 15361

§ 20961. Technical Guidelines Development Committee

Currentness

(a) Establishment

There is hereby established the Technical Guidelines Development Committee (hereafter in this subpart referred to as the “Development Committee”).

(b) Duties

(1) In general

The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) Deadline for initial set of recommendations

The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) Membership

(1) In general

The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under [section 792 of Title 29](#).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) Quorum

A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) No compensation for service

Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of Title 5, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) Technical support from National Institute of Standards and Technology

(1) In general

At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this part.

(2) Technical support

The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this subpart, including--

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under [section 21083\(a\)](#) of this title;

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) No private sector intellectual property rights in guidelines

No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this chapter.

(f) Publication of recommendations in Federal Register

At the time the Commission adopts any voluntary voting system guideline pursuant to [section 20962](#) of this title, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

CREDIT(S)

([Pub.L. 107-252, Title II, § 221](#), Oct. 29, 2002, 116 Stat. 1682.)

52 U.S.C.A. § 20961, 52 USCA § 20961

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Part A. Establishment and General Organization
Subpart 3. Technical Guidelines Development Committee

52 U.S.C.A. § 20962
Formerly cited as 42 USCA §15362

§ 20962. Process for adoption

Currentness

(a) General requirement for notice and comment

Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed guidelines in the Federal Register.
- (2) An opportunity for public comment on the proposed guidelines.
- (3) An opportunity for a public hearing on the record.
- (4) Publication of the final guidelines in the Federal Register.

(b) Consideration of recommendations of Development Committee; submission of proposed guidelines to Board of Advisors and Standards Board

- (1) Consideration of recommendations of Development Committee

In developing the voluntary voting system guidelines and modifications of such guidelines under this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under [section 20961](#) of this title.

- (2) Board of Advisors

The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this subpart (or any modifications to such guidelines) to the Board of Advisors.

(3) Standards Board

The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this subpart (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) Review

Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) Final adoption

(1) In general

A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) Minimum period for consideration of comments and recommendations

The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) Special rule for initial set of guidelines

Notwithstanding any other provision of this subpart, the most recent set of voting system standards adopted by the Federal Election Commission prior to October 29, 2002, shall be deemed to have been adopted by the Commission as of October 29, 2002, as the first set of voluntary voting system guidelines adopted under this subpart.

CREDIT(S)

([Pub.L. 107-252, Title II, § 222](#), Oct. 29, 2002, 116 Stat. 1683.)

52 U.S.C.A. § 20962, 52 USCA § 20962

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Subchapter II. Commission

Part B. Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

52 U.S.C.A. § 20971

Formerly cited as 42 USCA § 15371

§ 20971. Certification and testing of voting systems

Currentness

(a) Certification and testing

(1) In general

The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) Optional use by States

At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) Laboratory accreditation

(1) Recommendations by National Institute of Standards and Technology

Not later than 6 months after the Commission first adopts voluntary voting system guidelines under subpart 3 of part A of this subchapter, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) Approval by Commission

(A) In general

The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) Accreditation of laboratories not on Director list

The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) Continuing review by National Institute of Standards and Technology

(1) In general

In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) Approval by Commission required for revocation

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) Transition

Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of October 29, 2002, shall remain in effect.

CREDIT(S)

([Pub.L. 107-252, Title II, § 231](#), Oct. 29, 2002, 116 Stat. 1684.)

52 U.S.C.A. § 20971, 52 USCA § 20971

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52 U.S.C.A. § 20981

Formerly cited as 42 USCA §15381

§ 20981. Periodic studies of election administration issues

Currentness

(a) In general

On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which--

- (1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;
- (2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;
- (3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and
- (4) will be efficient and cost-effective for use.

(b) Election administration issues described

For purposes of subsection (a), the election administration issues described in this subsection are as follows:

- (1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.
- (2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing--

(A) a legal public holiday under [section 6103 of Title 5](#) as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern--

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) Reports

The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

CREDIT(S)

(Pub.L. 107-252, Title II, § 241, Oct. 29, 2002, 116 Stat. 1686.)

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52 U.S.C.A. § 20982

Formerly cited as 42 USCA §15382

§ 20982. Study, report, and recommendations on best practices for facilitating military and overseas voting

Currentness

(a) Study

(1) In general

The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in [section 20310\(1\)](#) of this title) and overseas voters (as defined in [section 20310\(5\)](#) of this title).

(2) Issues considered

In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(b) Report and recommendations

Not later than the date that is 18 months after October 29, 2002, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

CREDIT(S)

(Pub.L. 107-252, Title II, § 242, Oct. 29, 2002, 116 Stat. 1688.)

52 U.S.C.A. § 20982, 52 USCA § 20982

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52 U.S.C.A. § 20983

Formerly cited as 42 USCA §15383

§ 20983. Report on human factor research

Currentness

Not later than 1 year after October 29, 2002, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

CREDIT(S)

(Pub.L. 107-252, Title II, § 243, Oct. 29, 2002, 116 Stat. 1688.)

52 U.S.C.A. § 20983, 52 USCA § 20983

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52 U.S.C.A. § 20984

Formerly cited as 42 USCA §15384

§ 20984. Study and report on voters who register by mail and use of Social Security information

Currentness

(a) Registration by mail

(1) Study

(A) In general

The Commission shall conduct a study of the impact of [section 21083\(b\)](#) of this title on voters who register by mail.

(B) Specific issues studied

The study conducted under subparagraph (A) shall include--

(i) an examination of the impact of [section 21083\(b\)](#) of this title on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) Report

Not later than 18 months after the date on which [section 21083\(b\)\(2\)](#) of this title takes effect, the Commission shall submit a report to the President and Congress on the study conducted under paragraph (1)(A) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(b) Use of Social Security information

Not later than 18 months after the date on which [section 21083\(a\)\(5\)](#) of this title takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter.

CREDIT(S)

([Pub.L. 107-252, Title II, § 244](#), Oct. 29, 2002, 116 Stat. 1689.)

52 U.S.C.A. § 20984, 52 USCA § 20984

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52 U.S.C.A. § 20985

Formerly cited as 42 USCA §15385

§ 20985. Study and report on electronic voting and the electoral process

Currentness

(a) Study

(1) In general

The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) Issues to be studied

The Commission may include in the study conducted under paragraph (1) an examination of--

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) Report

(1) Submission

Not later than 20 months after October 29, 2002, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission.

(2) Internet posting

In addition to the dissemination requirements under chapter 19 of Title 44, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

CREDIT(S)

(Pub.L. 107-252, Title II, § 245, Oct. 29, 2002, 116 Stat. 1690.)

52 U.S.C.A. § 20985, 52 USCA § 20985

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52 U.S.C.A. § 20986

Formerly cited as 42 USCA §15386

§ 20986. Study and report on free absentee ballot postage

Currentness

(a) Study on the establishment of a free absentee ballot postage program

(1) In general

The Commission, in consultation with the Postal Service, shall conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service shall waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under [section 3406 of Title 39](#)) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) Public survey

As part of the study conducted under paragraph (1), the Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) Report

(1) Submission

Not later than the date that is 1 year after October 29, 2002, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) Costs

The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) Implementation

The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots to be submitted in the general election for Federal office held in 2004.

(4) Recommendations regarding the elderly and disabled

The report submitted under paragraph (1) shall--

(A) include recommendations on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) Postal Service defined

The term "Postal Service" means the United States Postal Service established under [section 201 of Title 39](#).

CREDIT(S)

([Pub.L. 107-252, Title II, § 246](#), Oct. 29, 2002, 116 Stat. 1691.)

52 U.S.C.A. § 20986, 52 USCA § 20986

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52 U.S.C.A. § 20987

Formerly cited as 42 USCA §15387

§ 20987. Consultation with Standards Board and Board of Advisors

Currentness

The Commission shall carry out its duties under this part in consultation with the Standards Board and the Board of Advisors.

CREDIT(S)

(Pub.L. 107-252, Title II, § 247, Oct. 29, 2002, 116 Stat. 1692.)

52 U.S.C.A. § 20987, 52 USCA § 20987

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Subpart 1. Requirements Payments

52 U.S.C.A. § 21001
Formerly cited as 42 USCA §15401

§ 21001. Requirements payments

Currentness

(a) In general

The Commission shall make a requirements payment each year in an amount determined under [section 21002](#) of this title to each State which meets the conditions described in [section 21003](#) of this title for the year.

(b) Use of funds

(1) In general

Except as provided in paragraphs (2) and (3), a State receiving a requirements payment shall use the payment only to meet the requirements of subchapter III.

(2) Other activities

A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that--

(A) the State has implemented the requirements of subchapter III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under [section 21002\(c\)](#) of this title.

(3) Activities under Uniformed and Overseas Citizens Absentee Voting Act

A State shall use a requirements payment made using funds appropriated pursuant to the authorization under [section 21007\(a\)\(4\)](#) of this title only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act [[52 U.S.C.A. § 20301 et seq.](#)] imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.

(c) Retroactive payments

(1) In general

Notwithstanding any other provision of this part, including the maintenance of effort requirements of [section 21004\(a\)\(7\)](#) of this title, a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of [section 21081](#) of this title if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) Special rule regarding multiyear contracts

A State may use a requirements payment for any costs for voting equipment which meets the requirements of [section 21081](#) of this title that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of [section 21004\(a\)\(7\)](#) of this title shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) Adoption of Commission guidelines and guidance not required to receive payment

Nothing in this subpart may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) Schedule of payments

As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this subpart.

(f) Limitation

A State may not use any portion of a requirements payment--

(1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this subpart; or

(2) for the payment of any judgment.

CREDIT(S)

([Pub.L. 107-252, Title II, § 251](#), Oct. 29, 2002, 116 Stat. 1692; [Pub.L. 111-84, Div. A, Title V, § 588\(a\)](#), Oct. 28, 2009, 123 Stat. 2333.)

52 U.S.C.A. § 21001, 52 USCA § 21001

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Subpart 1. Requirements Payments

52 U.S.C.A. § 21002
Formerly cited as 42 USCA § 15402

§ 21002. Allocation of funds

Currentness

(a) In general

Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of--

- (1) the total amount appropriated for requirements payments for the year pursuant to the authorization under [section 21007](#) of this title; and
- (2) the State allocation percentage for the State (as determined under subsection (b)).

(b) State allocation percentage defined

The “State allocation percentage” for a State is the amount (expressed as a percentage) equal to the quotient of--

- (1) the voting age population of the State (as reported in the most recent decennial census); and
- (2) the total voting age population of all States (as reported in the most recent decennial census).

(c) Minimum amount of payment

The amount of a requirements payment made to a State for a year may not be less than--

- (1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for requirements payments for the year under [section 21007](#) of this title; or
- (2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.

(d) Pro rata reductions

The Administrator¹ shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) Continuing availability of funds after appropriation

A requirements payment made to a State under this subpart shall be available to the State without fiscal year limitation.

CREDIT(S)

(Pub.L. 107-252, Title II, § 252, Oct. 29, 2002, 116 Stat. 1693.)

Footnotes

¹ So in original. Probably should be "Commission".

52 U.S.C.A. § 21002, 52 USCA § 21002

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52 U.S.C.A. § 21003
Formerly cited as 42 USCA §15403

§ 21003. Condition for receipt of funds

Currentness

(a) In general

A State is eligible to receive a requirements payment for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: “_____ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.” (with the blank to be filled in with the name of the State involved).

(b) State plan requirement; certification of compliance with applicable laws and requirements

The requirements referred to in this subsection are as follows:

(1) The State has filed with the Commission a State plan covering the fiscal year which the State certifies--

(A) contains each of the elements described in [section 21004\(a\)](#) of this title (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under [section 21007\(a\)\(4\)](#) of this title, contains the element described in paragraph (14) of such section) with respect to the fiscal year;

(B) is developed in accordance with [section 21005](#) of this title; and

(C) meets the public notice and comment requirements of [section 21006](#) of this title.

(2)(A) Subject to subparagraph (B), the State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under [section 21112](#) of this title (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of [sections 21005\(b\)](#) and [21006](#) of this title shall apply to the implementation plan in the same manner as such requirements apply to the State plan.

(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under [section 21007\(a\)\(4\)](#) of this title.

(3) The State is in compliance with each of the laws described in [section 21145](#) of this title, as such laws apply with respect to this chapter.

(4) To the extent that any portion of the requirements payment is used for activities other than meeting the requirements of subchapter III--

(A) the State's proposed uses of the requirements payment are not inconsistent with the requirements of subchapter III; and

(B) the use of the funds under this paragraph is consistent with the requirements of [section 21001\(b\)](#) of this title.

(5)(A) Subject to subparagraph (B), the State has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement under [section 21001\(c\)\(2\)](#) of this title, an additional amount equal to the amount of such reimbursement.

(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under [section 21007\(a\)\(4\)](#) of this title for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.

(c) Methods of compliance left to discretion of State

The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) Timing for filing of certification

A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year for which a requirements payment is made to the State under this part, the 30-day period) which begins on the date notice of the State plan under this part is published in the Federal Register pursuant to [section 21005\(b\)](#) of this title.

(e) Chief State election official defined

In this part, the "chief State election official" of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 ([42 U.S.C. 1973gg-8](#)) to be responsible for coordination of the State's responsibilities under such Act.

CREDIT(S)

([Pub.L. 107-252, Title II, § 253](#), Oct. 29, 2002, 116 Stat. 1693; [Pub.L. 111-84](#), Div. A, Title V, § 588(b)(1)(B) to (3), Oct. 28, 2009, 123 Stat. 2333; [Pub.L. 112-74](#), Div. C, Title VI, § 622(2), Dec. 23, 2011, 125 Stat. 927.)

52 U.S.C.A. § 21003, 52 USCA § 21003

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Title 52. Voting and Elections (Refs & Annos)
Subtitle II. Voting Assistance and Election Administration
Chapter 209. Election Administration Improvement
Subchapter II. Commission
Part D. Election Assistance
Subpart 1. Requirements Payments

52 U.S.C.A. § 21004
Formerly cited as 42 USCA §15404

§ 21004. State plan

Currentness

(a) In general

The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of subchapter III, and, if applicable under [section 21001\(a\)\(2\)](#) of this title, to carry out other activities to improve the administration of elections.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of--

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of subchapter III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of [section 21081](#) of this title.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this subpart, including information on fund management.

(6) The State's proposed budget for activities under this subpart, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on--

(A) the costs of the activities required to be carried out to meet the requirements of subchapter III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under [section 21112](#) of this title.

(10) If the State received any payment under subchapter I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless notice of the change--

(A) is developed and published in the Federal Register in accordance with [section 21005](#) of this title in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with [section 21006](#) of this title in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date notice of the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this part during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with [section 21005](#) of this title and the procedures followed by the committee under such section and [section 21006](#) of this title.

(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.

(b) Requirements for election fund

(1) Election fund described

For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this subpart.

(B) The requirements payment made to the State under this subpart.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) Use of fund

Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this subpart.

(3) Treatment of States that require changes to State law

In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) Protection against actions based on information in plan

(1) In general

No action may be brought under this chapter against a State or other jurisdiction on the basis of any information contained in the State plan filed under this subpart.

(2) Exception for criminal acts

Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

CREDIT(S)

(Pub.L. 107-252, Title II, § 254, Oct. 29, 2002, 116 Stat. 1694; Pub.L. 111-84, Div. A, Title V, § 588(b)(1)(A), Oct. 28, 2009, 123 Stat. 2333; Pub.L. 112-74, Div. C, Title VI, § 622(3), (4), Dec. 23, 2011, 125 Stat. 927.)

52 U.S.C.A. § 21004, 52 USCA § 21004

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52 U.S.C.A. § 21005
Formerly cited as 42 USCA §15405

§ 21005. Process for development and filing of plan; publication by Commission

Currentness

(a) In general

The chief State election official shall develop the State plan under this part through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) Publication of plan by Commission

After receiving the State plan of a State under this part, the Commission shall cause to have the plan posted on the Commission's website with a notice published in the Federal Register.

CREDIT(S)

(Pub.L. 107-252, Title II, § 255, Oct. 29, 2002, 116 Stat. 1697; Pub.L. 112-74, Div. C, Title VI, § 622(1), Dec. 23, 2011, 125 Stat. 926.)

52 U.S.C.A. § 21005, 52 USCA § 21005

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52 U.S.C.A. § 21006
Formerly cited as 42 USCA §15406

§ 21006. Requirement for public notice and comment

Currentness

For purposes of [section 21001\(a\)\(1\)\(C\)](#) of this title, a State plan meets the public notice and comment requirements of this section if--

- (1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;
- (2) the State publishes notice that the preliminary version of the plan is so available; and
- (3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

CREDIT(S)

([Pub.L. 107-252, Title II, § 256](#), Oct. 29, 2002, 116 Stat. 1697.)

52 U.S.C.A. § 21006, 52 USCA § 21006

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52 U.S.C.A. § 21007
Formerly cited as 42 USCA §15407

§ 21007. Authorization of appropriations

Currentness

(a) In general

In addition to amounts transferred under [section 20904\(c\)](#) of this title, there are authorized to be appropriated for requirements payments under this subpart the following amounts:

(1) For fiscal year 2003, \$1,400,000,000.

(2) For fiscal year 2004, \$1,000,000,000.

(3) For fiscal year 2005, \$600,000,000.

(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in [section 21001\(b\)\(3\)](#) of this title.

(b) Availability

Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

CREDIT(S)

([Pub.L. 107-252, Title II, § 257](#), Oct. 29, 2002, 116 Stat. 1697; [Pub.L. 111-84, Div. A, Title V, § 588\(c\)](#), Oct. 28, 2009, 123 Stat. 2334.)

52 U.S.C.A. § 21007, 52 USCA § 21007

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52 U.S.C.A. § 21008
Formerly cited as 42 USCA §15408

§ 21008. Reports

Currentness

Not later than 6 months after the end of each fiscal year for which a State received a requirements payment under this subpart, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report--

- (1) a list of expenditures made with respect to each category of activities described in [section 21001\(b\)](#) of this title;
- (2) the number and type of articles of voting equipment obtained with the funds; and
- (3) an analysis and description of the activities funded under this subpart to meet the requirements of this chapter and an analysis and description of how such activities conform to the State plan under [section 21004](#) of this title.

CREDIT(S)

([Pub.L. 107-252, Title II, § 258](#), Oct. 29, 2002, 116 Stat. 1697.)

52 U.S.C.A. § 21008, 52 USCA § 21008

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52 U.S.C.A. § 21021

Formerly cited as 42 USCA §15421

§ 21021. Payments to States and units of local government to assure access for individuals with disabilities

Currentness

(a) In general

The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in [section 21023](#) of this title).

(b) Use of funds

An eligible State and eligible unit of local government shall use the payment received under this subpart for--

(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.

(c) Schedule of payments

As soon as practicable after October 29, 2002 (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this subpart.

CREDIT(S)

([Pub.L. 107-252, Title II, § 261](#), Oct. 29, 2002, 116 Stat. 1698.)

52 U.S.C.A. § 21021, 52 USCA § 21021

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52 U.S.C.A. § 21022

Formerly cited as 42 USCA §15422

§ 21022. Amount of payment

Currentness

(a) In general

The amount of a payment made to an eligible State or an eligible unit of local government for a year under this subpart shall be determined by the Secretary.

(b) Continuing availability of funds after appropriation

A payment made to an eligible State or eligible unit of local government under this subpart shall be available without fiscal year limitation.

CREDIT(S)

(Pub.L. 107-252, Title II, § 262, Oct. 29, 2002, 116 Stat. 1698.)

52 U.S.C.A. § 21022, 52 USCA § 21022

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52 U.S.C.A. § 21023

Formerly cited as 42 USCA § 15423

§ 21023. Requirements for eligibility

Currentness

(a) Application

Each State or unit of local government that desires to receive a payment under this subpart for a fiscal year shall submit an application for the payment to the Secretary at such time and in such manner and containing such information as the Secretary shall require.

(b) Contents of application

Each application submitted under subsection (a) shall--

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional information and certifications as the Secretary determines to be essential to ensure compliance with the requirements of this subpart.

(c) Protection against actions based on information in application

(1) In general

No action may be brought under this chapter against a State or unit of local government on the basis of any information contained in the application submitted under subsection (a).

(2) Exception for criminal acts

Paragraph (1) may not be construed to limit the liability of a State or unit of local government for criminal acts or omissions.

CREDIT(S)

(Pub.L. 107-252, Title II, § 263, Oct. 29, 2002, 116 Stat. 1698.)

52 U.S.C.A. § 21023, 52 USCA § 21023

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Subpart 2. Payments to States and Units of Local Government to Assure Access for Individuals with Disabilities

52 U.S.C.A. § 21024

Formerly cited as 42 USCA § 15424

§ 21024. Authorization of appropriations

Currentness

(a) In general

There are authorized to be appropriated to carry out the provisions of this subpart the following amounts:

(1) For fiscal year 2003, \$50,000,000.

(2) For fiscal year 2004, \$25,000,000.

(3) For fiscal year 2005, \$25,000,000.

(b) Availability

Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

CREDIT(S)

(Pub.L. 107-252, Title II, § 264, Oct. 29, 2002, 116 Stat. 1699.)

52 U.S.C.A. § 21024, 52 USCA § 21024

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Subpart 2. Payments to States and Units of Local Government to Assure Access for Individuals with Disabilities

52 U.S.C.A. § 21025

Formerly cited as 42 USCA § 15425

§ 21025. Reports

Currentness

(a) Reports by recipients

Not later than the ¹ 6 months after the end of each fiscal year for which an eligible State or eligible unit of local government received a payment under this subpart, the State or unit shall submit a report to the Secretary on the activities conducted with the funds provided during the year, and shall include in the report a list of expenditures made with respect to each category of activities described in [section 21021\(b\)](#) of this title.

(b) Report by Secretary to Committees

With respect to each fiscal year for which the Secretary makes payments under this subpart, the Secretary shall submit a report on the activities carried out under this subpart to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

CREDIT(S)

([Pub.L. 107-252, Title II, § 265](#), Oct. 29, 2002, 116 Stat. 1699.)

Footnotes

¹ So in original. The word “the” probably should not appear.

52 U.S.C.A. § 21025, 52 USCA § 21025

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Subpart 3. Grants for Research on Voting Technology Improvements

52 U.S.C.A. § 21041
Formerly cited as 42 USCA § 15441

§ 21041. Grants for research on voting technology improvements

Currentness

(a) In general

The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) Eligibility

An entity is eligible to receive a grant under this subpart if it submits to the Commission (at such time and in such form as the Commission may require) an application containing--

(1) certifications that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and certifications as the Commission may require.

(c) Applicability of regulations governing patent rights in inventions made with Federal assistance

Any invention made by the recipient of a grant under this subpart using funds provided under this subpart shall be subject to chapter 18 of Title 35 (relating to patent rights in inventions made with Federal assistance).

(d) Recommendation of topics for research

(1) In general

The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the “Director”) shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under this subpart during the year.

(2) Review of grant applications received by Commission

The Commission shall submit each application it receives for a grant under this subpart to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) Monitoring and adjustment of grant activities at request of Commission

After the Commission has awarded a grant under this subpart, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) Evaluation of grants at request of Commission

(A) In general

In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) Inclusion in reports

The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under [section 20927](#) of this title.

(e) Provision of information on projects

The Commission may provide to the Technical Guidelines Development Committee under subpart 3 of part A of this subchapter such information regarding the activities funded under this subpart as the Commission deems necessary to assist the Committee in carrying out its duties.

CREDIT(S)

(Pub.L. 107-252, Title II, § 271, Oct. 29, 2002, 116 Stat. 1699.)

52 U.S.C.A. § 21041, 52 USCA § 21041

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Subpart 3. Grants for Research on Voting Technology Improvements

52 U.S.C.A. § 21042

Formerly cited as 42 USCA §15442

§ 21042. Report

Currentness

(a) In general

Each entity which receives a grant under this subpart shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) Deadline

An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

CREDIT(S)

(Pub.L. 107-252, Title II, § 272, Oct. 29, 2002, 116 Stat. 1700.)

52 U.S.C.A. § 21042, 52 USCA § 21042

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52 U.S.C.A. § 21043

Formerly cited as 42 USCA §15443

§ 21043. Authorization of appropriations

Currentness

(a) In general

There are authorized to be appropriated for grants under this subpart \$20,000,000 for fiscal year 2003.

(b) Availability of funds

Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

CREDIT(S)

(Pub.L. 107-252, Title II, § 273, Oct. 29, 2002, 116 Stat. 1700.)

52 U.S.C.A. § 21043, 52 USCA § 21043

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Subpart 4. Pilot Program for Testing of Equipment and Technology

52 U.S.C.A. § 21051
Formerly cited as 42 USCA § 15451

§ 21051. Pilot program

Currentness

(a) In general

The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are tested and implemented on a trial basis so that the results of such tests and trials are reported to Congress.

(b) Eligibility

An entity is eligible to receive a grant under this subpart if it submits to the Commission (at such time and in such form as the Commission may require) an application containing--

(1) certifications that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities, including the blind and visually impaired, the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965 and the requirements of this chapter); and

(2) such other information and certifications as the Commission may require.

(c) Recommendation of topics for pilot programs

(1) In general

The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of pilot programs funded with grants awarded under this subpart during the year.

(2) Review of grant applications received by Commission

The Commission shall submit each application it receives for a grant under this subpart to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(3) Monitoring and adjustment of grant activities at request of Commission

After the Commission has awarded a grant under this subpart, the Commission may request that the Director monitor the grant, and (to the extent permitted under the terms of the grant as awarded) the Director may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(4) Evaluation of grants at request of Commission

(A) In general

In the case of a grant for which the Commission submits the application to the Director under paragraph (2) or requests that the Director monitor the grant under paragraph (3), the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(B) Inclusion in reports

The Commission shall include the evaluations submitted under subparagraph (A) for a year in the report submitted for the year under [section 20927](#) of this title.

(d) Provision of information on projects

The Commission may provide to the Technical Guidelines Development Committee under subpart 3 of part A of this subchapter such information regarding the activities funded under this subpart as the Commission deems necessary to assist the Committee in carrying out its duties.

CREDIT(S)

([Pub.L. 107-252, Title II, § 281](#), Oct. 29, 2002, 116 Stat. 1701.)

52 U.S.C.A. § 21051, 52 USCA § 21051

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Subpart 4. Pilot Program for Testing of Equipment and Technology

52 U.S.C.A. § 21052
Formerly cited as 42 USCA §15452

§ 21052. Report

Currentness

(a) In general

Each entity which receives a grant under this subpart shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

(b) Deadline

An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

CREDIT(S)

(Pub.L. 107-252, Title II, § 282, Oct. 29, 2002, 116 Stat. 1702.)

52 U.S.C.A. § 21052, 52 USCA § 21052

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Subpart 4. Pilot Program for Testing of Equipment and Technology

52 U.S.C.A. § 21053
Formerly cited as 42 USCA § 15453

§ 21053. Authorization of appropriations

Currentness

(a) In general

There are authorized to be appropriated for grants under this subpart \$10,000,000 for fiscal year 2003.

(b) Availability of funds

Amounts appropriated pursuant to the authorization under this section shall remain available, without fiscal year limitation, until expended.

CREDIT(S)

(Pub.L. 107-252, Title II, § 283, Oct. 29, 2002, 116 Stat. 1702.)

52 U.S.C.A. § 21053, 52 USCA § 21053

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Subpart 5. Protection and Advocacy Systems

52 U.S.C.A. § 21061
Formerly cited as 42 USCA §15461

§ 21061. Payments for protection and advocacy systems

Currentness

(a) In general

In addition to any other payments made under this part, the Secretary of Health and Human Services shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) Minimum grant amount

The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 794e of Title 29, except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than \$70,000 and \$35,000, respectively.

(c) Training and technical assistance program

(1) In general

Not later than 90 days after the date on which the initial appropriation of funds for a fiscal year is made pursuant to the authorization under section 21062 of this title, the Secretary shall set aside 7 percent of the amount appropriated under such section and use such portion to make payments to eligible entities to provide training and technical assistance with respect to the activities carried out under this section.

(2) Use of funds

A recipient of a payment under this subsection may use the payment to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least

one of the recipients under this subsection shall use the payment to provide training and technical assistance for nonvisual access.

(3) Eligibility

An entity is eligible to receive a payment under this subsection if the entity--

(A) is a public or private nonprofit entity with demonstrated experience in voting issues for individuals with disabilities;

(B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and

(C) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

CREDIT(S)

(Pub.L. 107-252, Title II, § 291, Oct. 29, 2002, 116 Stat. 1702.)

52 U.S.C.A. § 21061, 52 USCA § 21061

Current through P.L. 114-114 (excluding 114-92, 114-94, 114-95 and 114-113) approved 12-28-2015

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Subtitle II. Voting Assistance and Election Administration
Chapter 209. Election Administration Improvement
Subchapter II. Commission
Part D. Election Assistance
Subpart 5. Protection and Advocacy Systems

52 U.S.C.A. § 21062
Formerly cited as 42 USCA § 15462

§ 21062. Authorization of appropriations

Currentness

(a) In general

In addition to any other amounts authorized to be appropriated under this part, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under [section 21061\(a\)](#) of this title; except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any litigation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 ([42 U.S. C. 15041 et seq.](#)).

(b) Availability

Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

CREDIT(S)

([Pub.L. 107-252, Title II, § 292](#), Oct. 29, 2002, 116 Stat. 1703.)

52 U.S.C.A. § 21062, 52 USCA § 21062

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Subchapter II. Commission
Part D. Election Assistance
Subpart 6. National Student and Parent Mock Election

52 U.S.C.A. § 21071
Formerly cited as 42 USCA § 15471

§ 21071. National Student and Parent Mock Election

Currentness

(a) In general

The Election Assistance Commission is authorized to award grants to the National Student and Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may--

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of--

(A) school forums and local cable call-in shows on the national issues to be voted upon in an “issues forum”;

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) Requirement

The National Student and Parent Mock Election shall present awards to outstanding student and parent mock election projects.

CREDIT(S)

(Pub.L. 107-252, Title II, § 295, Oct. 29, 2002, 116 Stat. 1703.)

52 U.S.C.A. § 21071, 52 USCA § 21071

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Part D. Election Assistance

Subpart 6. National Student and Parent Mock Election

52 U.S.C.A. § 21072

Formerly cited as 42 USCA § 15472

§ 21072. Authorization of appropriations

Currentness

There are authorized to be appropriated to carry out the provisions of this part \$200,000 for fiscal year 2003 and such sums as may be necessary for each of the 6 succeeding fiscal years.

CREDIT(S)

(Pub.L. 107-252, Title II, § 296, Oct. 29, 2002, 116 Stat. 1704.)

52 U.S.C.A. § 21072, 52 USCA § 21072

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Subchapter III. Uniform and Nondiscriminatory Election Technology and Administration

Requirements

Part A. Requirements

52 U.S.C.A. § 21081

Formerly cited as 42 USCA § 15481

§ 21081. Voting systems standards

Currentness

(a) Requirements

Each voting system used in an election for Federal office shall meet the following requirements:

(1) In general

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall--

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office--

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by--

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) Audit capacity

(A) In general

The voting system shall produce a record with an audit capacity for such system.

(B) Manual audit capacity

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) Accessibility for individuals with disabilities

The voting system shall--

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under subchapter II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) Alternative language accessibility

The voting system shall provide alternative language accessibility pursuant to the requirements of [section 10503](#) of this title.

(5) Error rates

The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on October 29, 2002.

(6) Uniform definition of what constitutes a vote

Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

(b) Voting system defined

In this section, the term “voting system” means--

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used--

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used--

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) Construction

(1) In general

Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

(2) Protection of paper ballot voting systems

For purposes of subsection (a)(1)(A)(i), the term “verify” may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

(d) Effective date

Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

CREDIT(S)

([Pub.L. 107-252, Title III, § 301](#), Oct. 29, 2002, 116 Stat. 1704.)

[Notes of Decisions \(2\)](#)

52 U.S.C.A. § 21081, 52 USCA § 21081

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Subchapter III. Uniform and Nondiscriminatory Election Technology and Administration

Requirements

Part A. Requirements

52 U.S.C.A. § 21082

Formerly cited as 42 USCA §15482

§ 21082. Provisional voting and voting information requirements

Currentness

(a) Provisional voting requirements

If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under

the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in [section 20503\(b\)](#) of this title may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) Voting information requirements

(1) Public posting on election day

The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) Voting information defined

In this section, the term “voting information” means--

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under [section 21083\(b\)](#) of this title;

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(c) Voters who vote after the polls close

Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(d) Effective date for provisional voting and voting information

Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

CREDIT(S)

([Pub.L. 107-252, Title III, § 302](#), Oct. 29, 2002, 116 Stat. 1706.)

[Notes of Decisions \(17\)](#)

52 U.S.C.A. § 21082, 52 USCA § 21082

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Requirements
Part A. Requirements

52 U.S.C.A. § 21083
Formerly cited as 42 USCA § 15483

§ 21083. Computerized statewide voter registration list
requirements and requirements for voters who register by mail

Currentness

(a) Computerized statewide voter registration list requirements

(1) Implementation

(A) In general

Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the “computerized list”), and includes the following:

- (i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
- (ii) The computerized list contains the name and registration information of every legally registered voter in the State.
- (iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.
- (iv) The computerized list shall be coordinated with other agency databases within the State.
- (v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
- (vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) Exception

The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after October 29, 2002, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) Computerized list maintenance

(A) In general

The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters--

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) Conduct

The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) Technological security of computerized list

The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) Minimum standard for accuracy of State voter registration records

The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 ([42 U.S.C. 1973gg et seq.](#)), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) Verification of voter registration information

(A) Requiring provision of certain information by applicants

(i) In general

Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes--

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) Special rule for applicants without driver's license or social security number

If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) Determination of validity of numbers provided

The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) Requirements for State officials

(i) Sharing information in databases

The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) Agreements with Commissioner of Social Security

The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under [section 405\(r\)\(8\) of Title 42](#) (as added by subparagraph (C)).

(C) Omitted

(D) Special rule for certain States

In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 ([5 U.S.C. 552a](#) note), the provisions of this paragraph shall be optional.

(b) Requirements for voters who register by mail

(1) In general

Notwithstanding section 6(c) of the National Voter Registration Act of 1993 ([42 U.S.C. 1973gg-4\(c\)](#)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph

(2) if--

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) Requirements

(A) In general

An individual meets the requirements of this paragraph if the individual--

(i) in the case of an individual who votes in person--

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot--

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) Fail-safe voting

(i) In person

An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under [section 21082\(a\)](#) of this title.

(ii) By mail

An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with [section 21082\(a\)](#) of this title.

(3) Inapplicability

Paragraph (1) shall not apply in the case of a person--

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either--

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is--

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C.A. § 20301 et seq.];

(ii) provided the right to vote otherwise than in person under section 20102(b)(2)(B)(ii) of this title; or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) Contents of mail-in registration form

(A) In general

The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:

(i) The question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question “Will you be 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement “If you checked ‘no’ in response to either of these questions, do not complete this form.”.

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) Incomplete forms

If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

(5) Construction

Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 ([42 U.S.C. 1973gg et seq.](#)) before October 29, 2002, to comply with such a provision after October 29, 2002.

(c) Permitted use of last 4 digits of social security numbers

The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 ([5 U.S.C. 552a](#) note).

(d) Effective date

(1) Computerized statewide voter registration list requirements

(A) In general

Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) Waiver

If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to “January 1, 2004” were a reference to “January 1, 2006”.

(2) Requirement for voters who register by mail

(A) In general

Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) Applicability with respect to individuals

The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

CREDIT(S)

(Pub.L. 107-252, Title III, § 303, Oct. 29, 2002, 116 Stat. 1708.)

[Notes of Decisions \(4\)](#)

52 U.S.C.A. § 21083, 52 USCA § 21083

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Requirements

Part A. Requirements

52 U.S.C.A. § 21084

Formerly cited as 42 USCA §15484

§ 21084. Minimum requirements

Currentness

The requirements established by this subchapter are minimum requirements and nothing in this subchapter shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this subchapter so long as such State requirements are not inconsistent with the Federal requirements under this subchapter or any law described in [section 21145](#) of this title.

CREDIT(S)

([Pub.L. 107-252, Title III, § 304](#), Oct. 29, 2002, 116 Stat. 1714.)

52 U.S.C.A. § 21084, 52 USCA § 21084

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Chapter 209. Election Administration Improvement

Subchapter III. Uniform and Nondiscriminatory Election Technology and Administration

Requirements

Part A. Requirements

52 U.S.C.A. § 21085

Formerly cited as 42 USCA §15485

§ 21085. Methods of implementation left to discretion of State

Currentness

The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.

CREDIT(S)

(Pub.L. 107-252, Title III, § 305, Oct. 29, 2002, 116 Stat. 1714.)

52 U.S.C.A. § 21085, 52 USCA § 21085

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Requirements

Part B. Voluntary Guidance

52 U.S.C.A. § 21101

Formerly cited as 42 USCA §15501

§ 21101. Adoption of voluntary guidance by Commission

Currentness

(a) In general

To assist States in meeting the requirements of part A of this subchapter, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in [section 21102](#) of this title.

(b) Deadlines

The Commission shall adopt the recommendations under this section not later than--

- (1) in the case of the recommendations with respect to [section 21081](#) of this title, January 1, 2004;
- (2) in the case of the recommendations with respect to [section 21082](#) of this title, October 1, 2003; and
- (3) in the case of the recommendations with respect to [section 21083](#) of this title, October 1, 2003.

(c) Quadrennial update

The Commission shall review and update recommendations adopted with respect to [section 21081](#) of this title no less frequently than once every 4 years.

CREDIT(S)

([Pub.L. 107-252, Title III, § 311](#), Oct. 29, 2002, 116 Stat. 1715.)

52 U.S.C.A. § 21101, 52 USCA § 21101

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Subchapter III. Uniform and Nondiscriminatory Election Technology and Administration

Requirements

Part B. Voluntary Guidance

52 U.S.C.A. § 21102

Formerly cited as 42 USCA §15502

§ 21102. Process for adoption

Currentness

The adoption of the voluntary guidance under this part shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed recommendations in the Federal Register.
- (2) An opportunity for public comment on the proposed recommendations.
- (3) An opportunity for a public hearing on the record.
- (4) Publication of the final recommendations in the Federal Register.

CREDIT(S)

(Pub.L. 107-252, Title III, § 312, Oct. 29, 2002, 116 Stat. 1715.)

52 U.S.C.A. § 21102, 52 USCA § 21102

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Subchapter IV. Enforcement

52 U.S.C.A. § 21111
Formerly cited as 42 USCA § 15511

§ 21111. Actions by the Attorney General for declaratory and injunctive relief

Currentness

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under [sections 21081](#), [21082](#), and [21083](#) of this title.

CREDIT(S)

([Pub.L. 107-252](#), [Title IV](#), [§ 401](#), Oct. 29, 2002, 116 Stat. 1715.)

Notes of Decisions (2)

52 U.S.C.A. § 21111, 52 USCA § 21111

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Subchapter IV. Enforcement

52 U.S.C.A. § 21112
Formerly cited as 42 USCA § 15512

§ 21112. Establishment of State-based administrative complaint procedures to remedy grievances

Currentness

(a) Establishment of State-based administrative complaint procedures to remedy grievances

(1) Establishment of procedures as condition of receiving funds

If a State receives any payment under a program under this chapter, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) Requirements for procedures

The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of subchapter III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

(b) Requiring Attorney General approval of compliance plan for States not receiving funds

(1) In general

Not later than January 1, 2004, each nonparticipating State shall elect--

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this chapter; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of subchapter III.

(2) States without approved plan deemed out of compliance

A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of subchapter III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) Nonparticipating State defined

In this section, a “nonparticipating State” is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this chapter of its intent to participate in, and receive funds under, the program.

CREDIT(S)

(Pub.L. 107-252, Title IV, § 402, Oct. 29, 2002, 116 Stat. 1715.)

52 U.S.C.A. § 21112, 52 USCA § 21112

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Chapter 209. Election Administration Improvement
Subchapter V. Help America Vote College Program

52 U.S.C.A. § 21121
Formerly cited as 42 USCA § 15521

§ 21121. Establishment of Program

Currentness

(a) In general

Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the “Help America Vote College Program” (hereafter in this subchapter referred to as the “Program”).

(b) Purposes of Program

The purpose of the Program shall be--

- (1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and
- (2) to encourage State and local governments to use the services of the students participating in the Program.

CREDIT(S)

(Pub.L. 107-252, Title V, § 501, Oct. 29, 2002, 116 Stat. 1717.)

52 U.S.C.A. § 21121, 52 USCA § 21121

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Subchapter V. Help America Vote College Program

52 U.S.C.A. § 21122
Formerly cited as 42 USCA § 15522

§ 21122. Activities under Program

Currentness

(a) In general

In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in [section 21121\(b\)](#) of this title.

(b) Requirements for grant recipients

In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) Coordination with institutions of higher education

The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

CREDIT(S)

([Pub.L. 107-252, Title V, § 502](#), Oct. 29, 2002, 116 Stat. 1717.)

52 U.S.C.A. § 21122, 52 USCA § 21122

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52 U.S.C.A. § 21123
Formerly cited as 42 USCA § 15523

§ 21123. Authorization of appropriations

Currentness

In addition to any funds authorized to be appropriated to the Commission under [section 20930](#) of this title, there are authorized to be appropriated to carry out this subchapter--

- (1) \$5,000,000 for fiscal year 2003; and
- (2) such sums as may be necessary for each succeeding fiscal year.

CREDIT(S)

([Pub.L. 107-252](#), [Title V](#), § 503, Oct. 29, 2002, 116 Stat. 1717.)

52 U.S.C.A. § 21123, 52 USCA § 21123

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Subchapter VI. Transfer to Commission of Functions Under Certain Laws

52 U.S.C.A. § 21131

Formerly cited as 42 USCA §15531

§ 21131. Transfer of functions of Office of Election Administration of Federal Election Commission

Currentness

There are transferred to the Election Assistance Commission established under [section 20921](#) of this title all functions which the Office of Election Administration, established within the Federal Election Commission, exercised before October 29, 2002.

CREDIT(S)

([Pub.L. 107-252, Title VIII, § 801\(a\)](#), Oct. 29, 2002, 116 Stat. 1725.)

52 U.S.C.A. § 21131, 52 USCA § 21131

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Subchapter VI. Transfer to Commission of Functions Under Certain Laws

52 U.S.C.A. § 21132

Formerly cited as 42 USCA § 15532

§ 21132. Transfer of functions

Currentness

There are transferred to the Election Assistance Commission established under [section 20921](#) of this title all functions which the Federal Election Commission exercised under [section 20508\(a\)](#) of this title before October 29, 2002.

CREDIT(S)

(Pub.L. 107-252, Title VIII, § 802(a), Oct. 29, 2002, 116 Stat. 1726.)

52 U.S.C.A. § 21132, 52 USCA § 21132

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52 U.S.C.A. § 21133

Formerly cited as 42 USCA § 15533

§ 21133. Transfer of property, records, and personnel

[Currentness](#)

(a) Property and records

The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subchapter are transferred to the Election Assistance Commission for appropriate allocation.

(b) Personnel

(1) In general

The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subchapter are transferred to the Election Assistance Commission.

(2) Effect

Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on October 29, 2002.

CREDIT(S)

([Pub.L. 107-252, Title VIII, § 803](#), Oct. 29, 2002, 116 Stat. 1726.)

52 U.S.C.A. § 21133, 52 USCA § 21133

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Subchapter VI. Transfer to Commission of Functions Under Certain Laws

52 U.S.C.A. § 21134

Formerly cited as 42 USCA § 15534

§ 21134. Effective date; transition

Currentness

(a) Effective date

This subchapter and the amendments made by this subchapter shall take effect upon the appointment of all members of the Election Assistance Commission under [section 20923](#) of this title.

(b) Transition

With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this subchapter or the amendments made by this subchapter for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

(c) No effect on authorities of Office of Election Administration prior to appointment of members of Commission

During the period which begins on October 29, 2002, and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting systems) which it has the authority to carry out as of October 29, 2002.

CREDIT(S)

([Pub.L. 107-252, Title VIII, § 804](#), Oct. 29, 2002, 116 Stat. 1726.)

52 U.S.C.A. § 21134, 52 USCA § 21134

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Subchapter VII. Miscellaneous Provisions

52 U.S.C.A. § 21141
Formerly cited as 42 USCA § 15541

§ 21141. State defined

Currentness

In this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

CREDIT(S)

(Pub.L. 107-252, Title IX, § 901, Oct. 29, 2002, 116 Stat. 1727.)

52 U.S.C.A. § 21141, 52 USCA § 21141

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52 U.S.C.A. § 21142
Formerly cited as 42 USCA § 15542

§ 21142. Audits and repayment of funds

Effective: November 26, 2014
[Currentness](#)

(a) Recordkeeping requirement

Each recipient of a grant or other payment made under this chapter shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) Audits and examinations

(1) Audits and examinations

Except as provided in paragraph (4), each office making a grant or other payment under this chapter, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

(2) Recipients of assistance subject to provisions of section

The provisions of this section shall apply to all recipients of grants or other payments under this chapter, whether by direct grant, cooperative agreement, or contract under this chapter or by subgrant or subcontract from primary grantees or contractors under this chapter.

(3) Special rule for payments by General Services Administration

With respect to any grant or payment made under this chapter by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

(4) Special rule

In the case of grants or payments made under [section 21001](#) of this title, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

(5) Special rules for audits by the Commission

In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

(c) Recoupment of funds

If the Comptroller General determines as a result of an audit conducted under subsection (b) prior to November 26, 2014, that--

(1) a recipient of funds under this chapter is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

CREDIT(S)

([Pub.L. 107-252, Title IX, § 902](#), Oct. 29, 2002, 116 Stat. 1727; [Pub.L. 113-188, Title IX, § 901\(c\)](#), Nov. 26, 2014, 128 Stat. 2020.)

52 U.S.C.A. § 21142, 52 USCA § 21142

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Subchapter VII. Miscellaneous Provisions

52 U.S.C.A. § 21143
Formerly cited as 42 USCA § 15543

§ 21143. Review and report on adequacy of existing electoral fraud statutes and penalties

Currentness

(a) Review

The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine--

- (1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and
- (2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) Report

The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

CREDIT(S)

(Pub.L. 107-252, Title IX, § 904, Oct. 29, 2002, 116 Stat. 1729.)

52 U.S.C.A. § 21143, 52 USCA § 21143

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52 U.S.C.A. § 21144
Formerly cited as 42 USCA § 15544

§ 21144. Other criminal penalties

Currentness

(a) Conspiracy to deprive voters of a fair election

Any individual who knowingly and willfully gives false information in registering or voting in violation of [section 10307\(c\)](#) of this title, or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) False information in registering and voting

Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of [section 1015 of Title 18](#) shall be fined or imprisoned, or both, in accordance with such section.

CREDIT(S)

([Pub.L. 107-252, Title IX, § 905](#), Oct. 29, 2002, 116 Stat. 1729.)

52 U.S.C.A. § 21144, 52 USCA § 21144

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52 U.S.C.A. § 21145
Formerly cited as 42 USCA § 15545

§ 21145. No effect on other laws

Currentness

(a) In general

Except as specifically provided in [section 21083\(b\)](#) of this title with regard to the National Voter Registration Act of 1993 ([42 U.S.C. 1973gg et seq.](#)), nothing in this chapter may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

- (1) The Voting Rights Act of 1965 ([42 U.S.C. 1973 et seq.](#)).
- (2) The Voting Accessibility for the Elderly and Handicapped Act ([42 U.S.C. 1973ee et seq.](#)).
- (3) The Uniformed and Overseas Citizens Absentee Voting Act ([42 U.S.C. 1973ff et seq.](#)) [now [52 U.S.C.A. § 20301 et seq.](#)].
- (4) The National Voter Registration Act of 1993 ([42 U.S.C. 1973gg et seq.](#)).
- (5) The Americans with Disabilities Act of 1990 ([42 U.S.C. 12101 et seq.](#)).
- (6) The Rehabilitation Act of 1973 ([29 U.S.C. 701 et seq.](#)).

(b) No effect on preclearance or other requirements under Voting Rights Act

The approval by the Administrator or the Commission of a payment or grant application under subchapter I or subchapter II, or any other action taken by the Commission or a State under such subchapter, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 ([42 U.S.C. 1973c](#)) or any other requirements of such Act.

CREDIT(S)

([Pub.L. 107-252, Title IX, § 906](#), Oct. 29, 2002, 116 Stat. 1729.)

52 U.S.C.A. § 21145, 52 USCA § 21145

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