

111TH CONGRESS  
1ST SESSION

# H. R. 1719

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote the use of the Internet by State and local election officials in carrying out voter registration activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2009

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote the use of the Internet by State and local election officials in carrying out voter registration activities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voter Registration  
5 Modernization Act of 2009”.

1 **SEC. 2. REQUIRING AVAILABILITY OF INTERNET FOR**  
2 **VOTER REGISTRATION.**

3 (a) REQUIRING AVAILABILITY OF INTERNET FOR  
4 REGISTRATION.—The National Voter Registration Act of  
5 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting  
6 after section 7 the following new section:

7 **“SEC. 7A. INTERNET REGISTRATION.**

8 “(a) REQUIRING AVAILABILITY OF INTERNET FOR  
9 ONLINE REGISTRATION.—Each State shall ensure that  
10 the following services are available to the public on the  
11 official public website of the appropriate election officials  
12 in the State:

13 “(1) Online access to, and distribution in elec-  
14 tronic form of, mail voter registration application  
15 forms in accordance with paragraph (6).

16 “(2) Online assistance to applicants in com-  
17 pleting voter registration application forms.

18 “(3) Online completion and submission by ap-  
19 plicants of online versions of voter registration appli-  
20 cation forms.

21 “(4) Online acceptance of completed voter reg-  
22 istration application forms.

23 “(b) PROVISION OF SERVICES IN NONPARTISAN  
24 MANNER.—The services made available under subsection  
25 (a) shall be provided in a manner that ensures that—

1           “(1) no person shall seek to influence an appli-  
2           cant’s political preference or party registration;

3           “(2) there is no display on the website of any  
4           political preference or party allegiance; and

5           “(3) there is no statement or any other feature  
6           on the website the purpose or effect of which is to  
7           discourage the applicant from registering to vote.

8           “(c) PROTECTION OF SECURITY OF INFORMATION.—

9           In meeting the requirements of this section, the State shall  
10          establish appropriate technological security measures to  
11          prevent unauthorized access to information provided by in-  
12          dividuals using the services made available under sub-  
13          section (a).

14          “(d) EFFECTIVE DATE.—The requirements of this  
15          section shall apply with respect to elections for Federal  
16          office occurring in 2016 and each succeeding year.”.

17          (b) CONFORMING AMENDMENTS.—

18                 (1) TIMING OF REGISTRATION.—Section 8(a)(1)  
19                 of such Act (42 U.S.C. 1973gg-6(a)(1)) is amend-  
20                 ed—

21                         (A) by striking “and” at the end of sub-  
22                         paragraph (C);

23                         (B) by redesignating subparagraph (D) as  
24                         subparagraph (E); and

1 (C) by inserting after subparagraph (C)  
2 the following new subparagraph:

3 “(D) in the case of online registration  
4 through the official public website of an election  
5 official under section 7A, if the valid voter reg-  
6 istration form is submitted online not later than  
7 the lesser of 15 days, or the period provided by  
8 State law, before the date of the election; and”.

9 (2) INFORMING APPLICANTS OF ELIGIBILITY  
10 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)  
11 of such Act (42 U.S.C. 1973gg–6(a)(5)) is amended  
12 by striking “and 7” and inserting “7, and 7A”.

13 **SEC. 3. USE OF INTERNET TO UPDATE REGISTRATION IN-**  
14 **FORMATION.**

15 (a) UPDATES TO INFORMATION CONTAINED ON COM-  
16 PUTERIZED STATEWIDE VOTER REGISTRATION LIST.—

17 (1) IN GENERAL.—Section 303(a) of the Help  
18 America Vote Act of 2002 (42 U.S.C. 15483(a)) is  
19 amended by adding at the end the following new  
20 paragraph:

21 “(6) USE OF INTERNET BY REGISTERED VOT-  
22 ERS TO UPDATE INFORMATION.—

23 “(A) IN GENERAL.—The appropriate State  
24 or local election official shall ensure that any le-  
25 gally registered voter to whom a unique identi-

1 fier has been assigned under the computerized  
2 list may update the voter’s registration informa-  
3 tion, including the voter’s address and elec-  
4 tronic mail address, online through the official  
5 public website of the election official responsible  
6 for the maintenance of the list, at any time as  
7 well as at any location at which under State law  
8 the voter may update the information in person.

9 “(B) PROCESSING OF UPDATED INFORMA-  
10 TION BY ELECTION OFFICIALS.—If a registered  
11 voter updates registration information under  
12 subparagraph (A), the appropriate State or  
13 local election official shall—

14 “(i) revise any information on the  
15 computerized list to reflect the update  
16 made by the voter; and

17 “(ii) if requested by the voter, confirm  
18 the receipt of the update by electronic mail  
19 sent to the voter.

20 “(C) PREVENTION OF UNAUTHORIZED RE-  
21 VISIONS AND FRAUD.—In meeting the require-  
22 ments of this paragraph, the appropriate State  
23 or local election official shall establish appro-  
24 priate technological security measures to pre-  
25 vent unauthorized persons from updating a reg-

1           istered voter’s registration information and to  
2           prevent the entry of fraudulent data.

3           “(D) EFFECTIVE DATE.—This paragraph  
4           shall take effect on January 1, 2012.”.

5           (2) CONFORMING AMENDMENT RELATING TO  
6           EFFECTIVE DATE.—Section 303(d)(1)(A) of such  
7           Act (42 U.S.C. 15483(d)(1)(A)) is amended by  
8           striking “subparagraph (B)” and inserting “sub-  
9           paragraph (B) and subsection (a)(6)”.

10          (b) EFFECT ON VOTER REMOVAL PROGRAM UNDER  
11         NATIONAL VOTER REGISTRATION ACT OF 1993.—

12           (1) USE OF ONLINE UPDATE TO CONFIRM  
13           CHANGE OF RESIDENCE.—Section 8(d)(1)(A) of the  
14           National Voter Registration Act of 1993 (42 U.S.C.  
15           1973gg-6(d)(1)(A)) is amended by inserting after  
16           “in writing” the following: “or by updating informa-  
17           tion on the computerized Statewide voter registra-  
18           tion list using the online method provided under sec-  
19           tion 303(a)(6) of the Help America Vote Act of  
20           2002”.

21           (2) PROHIBITING REMOVAL OF REGISTERED  
22           VOTERS INCLUDED ON COMPUTERIZED LIST FOR  
23           FAILURE TO VOTE OR APPEAR TO VOTE.—Section 8  
24           of such Act (42 U.S.C. 1973gg-6) is amended—

1 (A) in subsection (b)(2), by inserting after  
2 “eligible voters” the following: “(other than an  
3 individual to whom a unique identifier has been  
4 assigned under the computerized Statewide  
5 voter registration list under section 303(a) of  
6 the Help America Vote Act of 2002)”; and

7 (B) in subsection (d)(1)(B)(i), by striking  
8 “has failed” and inserting the following: “in the  
9 case of a registrant to whom a unique identifier  
10 has not been assigned under the computerized  
11 Statewide voter registration list under section  
12 303(a) of the Help America Vote Act of 2002,  
13 has failed”.

14 (3) CONFORMING AMENDMENT RELATING TO  
15 PROCEDURES TO ENSURE ABILITY TO VOTE FOL-  
16 LOWING FAILURE TO NOTIFY REGISTRAR OF  
17 CHANGE OF ADDRESS.—Section 8(e) of such Act (42  
18 U.S.C. 1973gg–6(e)) is amended in the heading by  
19 striking “FAILURE TO RETURN CARD” and inserting  
20 “FAILURE TO NOTIFY REGISTRAR OF CHANGE OF  
21 ADDRESS”.

22 (4) EFFECTIVE DATE.—The amendments made  
23 by this subsection shall take effect on January 1,  
24 2012.

1 **SEC. 4. PROVISION OF ELECTION INFORMATION BY ELEC-**  
2 **TRONIC MAIL TO INDIVIDUALS REGISTERED**  
3 **TO VOTER.**

4 (a) INCLUDING OPTION ON VOTER REGISTRATION  
5 FORM TO PROVIDE E-MAIL ADDRESS AND RECEIVE IN-  
6 FORMATION.—

7 (1) IN GENERAL.—Section 9(b) of the National  
8 Voter Registration Act of 1993 (42 U.S.C. 1973gg-  
9 7(b)) is amended—

10 (A) by striking “and” at the end of para-  
11 graph (3);

12 (B) by striking the period at the end of  
13 paragraph (4) and inserting “; and”; and

14 (C) by adding at the end the following new  
15 paragraph:

16 “(5) shall include a space for the applicant to  
17 provide an electronic mail address, together with a  
18 statement that, unless the applicant requests other-  
19 wise, the applicant shall (if eligible to register to  
20 vote) receive voter registration and voting informa-  
21 tion from the appropriate State or local election offi-  
22 cial through electronic mail sent to that address.”.

23 (2) EFFECTIVE DATE.—The amendments made  
24 by paragraph (1) shall take effect January 1, 2012.

25 (b) REQUIRING PROVISION OF INFORMATION BY  
26 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-



1 ica Vote Act of 2002 (42 U.S.C. 15482(b)) is amended  
2 by adding at the end the following new paragraph:

3           “(3) PROVISION OF OTHER INFORMATION BY  
4 ELECTRONIC MAIL.—If an individual who is a reg-  
5 istered voter has provided the State or local election  
6 official with an electronic mail address for the pur-  
7 pose of receiving voter registration and voting infor-  
8 mation (as described in section 9(b)(5) of the Na-  
9 tional Voter Registration Act of 1993), the appro-  
10 priate State or local election official shall provide the  
11 individual with the following information through  
12 electronic mail not later than 7 days before the date  
13 of the election involved:

14           “(A) The name and address of the polling  
15 place at which the individual is assigned to vote  
16 in the election.

17           “(B) The hours of operation for the polling  
18 place.

19           “(C) A description of any identification or  
20 other information the individual may be re-  
21 quired to bring to the polling place.”.

1 **SEC. 5. CLARIFICATION OF REQUIREMENT TO REGISTER**  
2 **APPLICANTS PROVIDING NECESSARY INFOR-**  
3 **MATION TO SHOW ELIGIBILITY TO VOTE.**

4 Section 8 of the National Voter Registration Act of  
5 1993 (42 U.S.C. 1973gg-6) is amended by adding at the  
6 end the following new subsection:

7 “(k) REQUIREMENT FOR STATE TO REGISTER AP-  
8 PPLICANTS PROVIDING NECESSARY INFORMATION TO  
9 SHOW ELIGIBILITY TO VOTE.—For purposes meeting the  
10 requirement of subsection (a)(1) that an eligible applicant  
11 is registered to vote in an election for Federal office within  
12 the deadlines required under such subsection, the State  
13 shall consider an applicant to have provided a ‘valid voter  
14 registration form’ if the applicant has provided the appro-  
15 priate State or local election official with all of the infor-  
16 mation necessary to demonstrate that the applicant is eli-  
17 gible to vote in elections for Federal office in the State  
18 or local jurisdiction involved.”.

19 **SEC. 6. AVAILABILITY OF REQUIREMENTS PAYMENTS**  
20 **UNDER HAVA TO COVER COSTS OF COMPLI-**  
21 **ANCE WITH NEW NVRA REQUIREMENTS.**

22 (a) IN GENERAL.—Section 251(b) of the Help Amer-  
23 ica Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

24 (1) in paragraph (1), by striking “paragraph  
25 (2)” and inserting “paragraphs (2) and (3)”;

1           (2) by redesignating paragraph (2) as para-  
2           graph (3); and

3           (3) by inserting after paragraph (2) the fol-  
4           lowing new paragraph:

5           “(2) CERTAIN VOTER REGISTRATION ACTIVI-  
6           TIES.—A State may use a requirements payment to  
7           carry out the requirements of the National Voter  
8           Registration Act of 1993 which are imposed pursu-  
9           ant to the amendments made to such Act by the  
10          Voter Registration Modernization Act of 2009.”.

11          (b) CONFORMING AMENDMENT.—Section 254(a)(1)  
12          of such Act (42 U.S.C. 15404(a)(1)) is amended by strik-  
13          ing “section 251(a)(2)” and inserting “section  
14          251(b)(3)”.

15          (c) EFFECTIVE DATE.—The amendments made by  
16          this section shall apply with respect to fiscal year 2010  
17          and each succeeding fiscal year.

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