

118TH CONGRESS  
1ST SESSION

# H. R. 4563

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, equipping States with tools for, and establishing voluntary considerations to support effective State administration of Federal elections, improving election administration in the District of Columbia, improving the effectiveness of military voting programs, enhancing election security, and protecting political speech, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

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

on the Judiciary, Ways and Means, Science, Space, and Technology, Intelligence (Permanent Select), Homeland Security, Education and the Workforce, Financial Services, Oversight and Accountability, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, equipping States with tools for, and establishing voluntary considerations to support effective State administration of Federal elections, improving election administration in the District of Columbia, improving the effectiveness of military voting programs, enhancing election security, and protecting political speech, and for other purposes.

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

3        **SECTION 1. SHORT TITLE.**

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

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

7        The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. General findings.

TITLE I—ELECTION ADMINISTRATION INTEGRITY

Subtitle A—Findings Relating to State Administration of Federal Elections

Sec. 101. Findings Relating to State Administration of Federal Elections.

Subtitle B—Voluntary Considerations for State Administration of Federal  
 Elections

- Sec. 111. Short title.
- Sec. 112. Findings.
- Sec. 113. Election integrity voluntary considerations and Federal forum for State information sharing.

Subtitle C—Requirements to Promote Integrity in Election Administration

- Sec. 121. Ensuring only eligible American citizens may participate in Federal elections.
- Sec. 122. State reporting requirements with respect to voter list maintenance.
- Sec. 123. Contents of State mail voter registration form.
- Sec. 124. Provision of photographic citizen voter identification tools for State use.
- Sec. 125. Mandatory provision of identification for certain voters not voting in person.
- Sec. 126. Confirming access for Congressional election observers.
- Sec. 127. Use of requirements payments for post-election audits.
- Sec. 128. Increase in threshold for requiring information reporting with respect to certain payees.
- Sec. 129. Voluntary guidelines with respect to nonvoting election technology.
- Sec. 130. Status reports by National Institute of Standards and Technology.
- Sec. 131. 501(c)(3) organizations prohibited from providing direct or indirect funding for election administration.
- Sec. 132. Federal agency involvement in voter registration activities.
- Sec. 133. Prohibition on use of Federal funds for election administration in States that permit ballot harvesting.
- Sec. 134. Clarification with respect to Federal election record-keeping requirement.
- Sec. 135. Clarification of rules with respect to hiring of election workers.
- Sec. 136. State assistance in assigning mailing addresses with respect to Tribal Governments.
- Sec. 137. State defined.
- Sec. 138. Voter registration for applicants without driver's license or social security number.
- Sec. 139. GAO study on domestic manufacturing and assembly of voting equipment.

Subtitle D—District of Columbia Election Integrity and Voter Confidence

- Sec. 141. Short title.
- Sec. 142. Statement of congressional authority; findings.
- Sec. 143. Requirements for elections in District of Columbia.
- Sec. 144. Repeal of Local Resident Voting Rights Amendment Act of 2022.
- Sec. 145. Effective date.

Subtitle E—Administration of the Election Assistance Commission

- Sec. 151. Short title.
- Sec. 152. Findings relating to the administration of the Election Assistance Commission.
- Sec. 153. Requirements with respect to staff and funding of the Election Assistance Commission.
- Sec. 154. General requirements for payments made by Election Assistance Commission.
- Sec. 155. Executive Board of the Standards Board authority to enter into contracts.

- Sec. 156. Election Assistance Commission primary role in election administration assistance.
- Sec. 157. Clarification of the duties of the Election Assistance Commission.
- Sec. 158. Election Assistance Commission powers.
- Sec. 159. Membership of the Local Leadership Council.
- Sec. 160. Rule of construction.

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

- Sec. 161. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
- Sec. 162. Prohibiting providing assistance to foreign nationals in making contributions or donations in connection with elections.
- Sec. 163. Prohibition on contributions by foreign nationals to certain tax-exempt entities.

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

- Sec. 171. Short title.
- Sec. 172. Establishment of panel of constitutional experts.

### TITLE II—MILITARY VOTING ADMINISTRATION

- Sec. 200. Short title.

#### Subtitle A—Findings Relating to Military Voting

- Sec. 201. Findings relating to military voting.

#### Subtitle B—GAO Analysis on Military Voting Access

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

### TITLE III—FIRST AMENDMENT PROTECTION ACT

- Sec. 300. Short title.

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

##### PART 1—PROTECTING POLITICAL SPEECH

- Sec. 301. Findings.
- Sec. 302. Repeal of limits on coordinated political party expenditures.
- Sec. 303. Repeal of limit on aggregate contributions by individuals.
- Sec. 304. Equalization of contribution limits to State and national political party committees.
- Sec. 305. Expansion of permissible Federal election activity by State and local political parties.
- Sec. 306. Participation in joint fundraising activities by multiple political committees.

##### PART 2—PROTECTING FREEDOM OF ASSOCIATION

- Sec. 307. Findings.
- Sec. 308. Protecting privacy of donors to tax-exempt organizations.

- Sec. 309. Reporting requirements for tax-exempt organizations.  
 Sec. 310. Maintenance of standards for determining eligibility of section 501(c)(4) organizations.

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

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

Subtitle C—Registration and Reporting Requirements

- Sec. 321. Electronic filing of electioneering communication reports.  
 Sec. 322. Increased qualifying threshold and establishing purpose for political committees.  
 Sec. 323. Increased threshold with respect to independent expenditure reporting requirement.  
 Sec. 324. Increased qualifying threshold with respect to candidates.  
 Sec. 325. Repeal requirement of persons making independent expenditures to report identification of certain donors.

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

- Sec. 331. Increased threshold for exemption of certain amounts as contributions.  
 Sec. 332. Exemption of uncompensated internet communications from treatment as contribution or expenditure.  
 Sec. 333. Media exemption.

Subtitle E—Prohibition on Issuance of Regulations on Political Contributions

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

Subtitle F—Miscellaneous Provisions

- Sec. 351. Permanent extension of fines for qualified disclosure requirement violations.  
 Sec. 352. Permitting political committees to make disbursements by methods other than check.  
 Sec. 353. Designation of individual authorized to make campaign committee disbursements in event of death of candidate.  
 Sec. 354. Prohibiting aiding or abetting making of contributions in name of another.  
 Sec. 355. Unanimous consent of Commission members required for Commission to refuse to defend actions brought against Commission.  
 Sec. 356. Federal Election Commission member pay.  
 Sec. 357. Uniform statute of limitations for proceedings to enforce Federal Election Campaign Act of 1971.  
 Sec. 358. Theft from political committee as a Federal crime.  
 Sec. 359. Repeal of obsolete provisions of law.  
 Sec. 360. Deadline for promulgation of proposed regulations.

TITLE IV—ELECTION SECURITY

Subtitle A—Promoting Election Security

- Sec. 401. Short title.

- Sec. 402. Reports to Congress on foreign threats to elections.  
 Sec. 403. Rule of construction.

Subtitle B—Cybersecurity for Election Systems

- Sec. 411. Cybersecurity advisories relating to election systems.  
 Sec. 412. Process to test for and monitor cybersecurity vulnerabilities in election equipment.  
 Sec. 413. Duty of Secretary of Homeland Security to notify State and local officials of election cybersecurity incidents.

TITLE V—CONGRESSIONAL REDISTRICTING

- Sec. 501. Sense of Congress on authority to establish maps of congressional districts.  
 Sec. 502. Authority for Speaker of the House to join certain civil actions relating to apportionment.  
 Sec. 503. Census Monitoring Board.

TITLE VI—DISINFORMATION GOVERNANCE BOARD

- Sec. 601. Termination of the Disinformation Governance Board.  
 Sec. 602. Prohibition on funding similar board or similar activities.

TITLE VII—SEVERABILITY

- Sec. 701. Severability.

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

2 Congress finds the following:

3 (1) According to article 1, section 4 of the Con-  
 4 stitution of the United States, the States have the  
 5 primary role in establishing “(t)he Times, Places  
 6 and Manners of holding Elections for Senators and  
 7 Representatives”, while Congress has a purely sec-  
 8 ondary role in this space and must restrain itself  
 9 from acting improperly and unconstitutionally.

10 (2) Federal election legislation should never be  
 11 the first step and must never impose burdensome,  
 12 unfunded Federal mandates on State and local elec-  
 13 tions officials. When Congress does speak, it must  
 14 devote its efforts only to resolving highly significant

1 and substantial deficiencies to ensure the integrity of  
2 our elections. State legislatures are the primary  
3 venues to establish rules for governing elections and  
4 correct most issues.

5 (3) All eligible American voters who wish to  
6 participate must have the opportunity to vote, and  
7 all lawful votes must be counted.

8 (4) States must balance appropriate election  
9 administration structures and systems with acces-  
10 sible access to the ballot box.

11 (5) Political speech is protected speech.

12 (6) The First Amendment protects the right of  
13 all Americans to state their political views and do-  
14 nate money to the candidates, causes, and organiza-  
15 tions of their choice without fear of retribution.

16 (7) Redistricting decisions are best made at the  
17 State level.

18 (8) States must maintain the flexibility to de-  
19 termine the best redistricting processes for the par-  
20 ticular needs of their citizens.

21 (9) Congress has independent authority under  
22 the Fourteenth, Fifteenth, Nineteenth, Twenty-  
23 Fourth, and Twenty-Sixth Amendments to ensure  
24 elections are conducted without unlawful discrimina-  
25 tion.

1           (10) The Civil Rights Act and the Voting  
2 Rights Act, which are not anchored in article 1, sec-  
3 tion 4 of the Constitution, have seen much success  
4 since their passage in 1964 and 1965, and Congress  
5 should continue to exercise its constitutional author-  
6 ity in this space as appropriate.

7                           **TITLE I—ELECTION**  
8                   **ADMINISTRATION INTEGRITY**  
9           **Subtitle A—Findings Relating to**  
10           **State Administration of Federal**  
11           **Elections**

12   **SEC. 101. FINDINGS RELATING TO STATE ADMINISTRATION**  
13                           **OF FEDERAL ELECTIONS.**

14           (a) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that constitutional scholar Robert Natelson has done  
16 invaluable work with respect to the history and under-  
17 standing of the Elections Clause.

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

19                   (1) The Constitution reserves to the States the  
20 primary authority and the duty to set election legis-  
21 lation and administer elections—the “times, places,  
22 and manner of holding of elections”—and Congress’  
23 power in this space is purely secondary to the  
24 States’ power and is to be employed only in the  
25 direst of circumstances. History, precedent, the



1 Framers' words, debates concerning ratification, the  
2 Supreme Court, and the Constitution itself make it  
3 exceedingly clear that Congress' power over elections  
4 is not unfettered.

5 (2) The Framing Generation grappled with the  
6 failure of the Articles of Confederation, which pro-  
7 vided for only a weak national government incapable  
8 of preserving the Union. Under the Articles, the  
9 States had exclusive authority over Federal elections  
10 held within their territory; but, given the difficulties  
11 the national government had experienced with State  
12 cooperation (e.g., the failure of Rhode Island to send  
13 delegates to the Confederation Congress), the Fed-  
14 eralists, including Alexander Hamilton, were con-  
15 cerned with the possibility that the States, in an ef-  
16 fort to destroy the Federal government, simply  
17 might not hold elections or that an emergency, such  
18 as an invasion or insurrection, might prevent the op-  
19 eration of a State's government, leaving the Con-  
20 gress without Members and the Federal government  
21 unable to respond.

22 (3) Quite plainly, Alexander Hamilton, a lead-  
23 ing Federalist and proponent of our Constitution,  
24 understood the Elections Clause as serving only as  
25 a sort of emergency fail-safe, not as a cudgel used

1 to nationalize our elections process. Writing as  
2 Publius to the people of New York, Hamilton fur-  
3 ther expounds on the correct understanding of the  
4 Elections Clause: “T[he] natural order of the subject  
5 leads us to consider, in this place, that provision of  
6 the Constitution which authorizes the national legis-  
7 lature to regulate, in the last resort, the election of  
8 its own members.”. Alexander Hamilton (writing as  
9 Publius), Federalist no. 59, Concerning the Power of  
10 Congress to Regulate the Election of Members, N.Y.  
11 PACKET (Fri., Feb. 22, 1788).

12 (4) When questioned at the States’ constitu-  
13 tional ratifying conventions with respect to this pro-  
14 vision, the Federalists confirmed this understanding  
15 of a constitutionally limited, secondary congressional  
16 power under article 1, section 4. (“[C]onvention del-  
17 egate James McHenry added that the risk to the  
18 federal government [without a fail-safe provision]  
19 might not arise from state malice: An insurrection  
20 or rebellion might prevent a state legislature from  
21 administering an election.”); (“An occasion may  
22 arise when the exercise of this ultimate power of  
23 Congress may be necessary . . . if a state should be  
24 involved in war, and its legislature could not assem-  
25 ble, (as was the case of South Carolina and occa-

1 sionally of some other states, during the [Revolu-  
2 tionary] war.”); (“Sir, let it be remembered that  
3 this power can only operate in a case of necessity,  
4 after the factious or listless disposition of a par-  
5 ticular state has rendered an interference essential  
6 to the salvation of the general government.”). See  
7 Robert G. Natelson, *The Original Scope of the Con-  
8 gressional Power to Regulate Elections*, 13 U. PA.  
9 J. CONST. L. 1, 12–13 (Nov. 2010).

10 (5) John Jay made similar claims in New York.  
11 And, as constitutional scholar Robert Natelson notes  
12 in his invaluable article, *The Original Scope of the  
13 Congressional Power to Regulate Elections*, “Alex-  
14 ander Contee Hanson, a member of Congress whose  
15 pamphlet supporting the Constitution proved pop-  
16 ular, stated flatly that Congress would exercise its  
17 times, places, and manner authority only in cases of  
18 invasion, legislative neglect or obstinate refusal to  
19 pass election laws [providing for the election of  
20 Members of Congress], or if a state crafted its elec-  
21 tion laws with a ‘sinister purpose’ or to injure the  
22 general government.” Cementing his point, Hanson  
23 goes further to decree, “The exercise of this power  
24 must at all times be so very invidious, that congress  
25 will not venture upon it without some very cogent

1 and substantial reason.”. Alexander Contee Hanson  
2 (writing as Astrides), Remarks on the Proposed  
3 Plan: 31 January, reprinted in John P. Kaminski,  
4 Gaspare J. Saladino, and Richard Leffler (eds.), 3  
5 Commentaries on the Constitution, public and pri-  
6 vate 18 December 1787 to 31 January 1788, 522–  
7 26 (1984).

8 (6) In fact, had the alternate view of the Elec-  
9 tions Clause been accepted at the time of the Con-  
10 stitution’s drafting—that is, that it offers Congress  
11 unfettered power over Federal elections—it is likely  
12 that the Constitution would not have been ratified or  
13 that an amendment to this language would have  
14 been required.

15 (7) Indeed, at least seven of the original 13  
16 States—over half and enough to prevent the Con-  
17 stitution from being ratified—expressed specific con-  
18 cerns with the language of the Elections Clause. See  
19 1 Annals of Cong. 799 (1789), Joseph Gales (ed.)  
20 (1834). However, “[l]eading Federalists . . .” as-  
21 sured them “. . . that, even without amendment, the  
22 [Elections] Clause should be construed as limited to  
23 emergencies”. Three States, New York, North Caro-  
24 lina, and Rhode Island, specifically made their ratifi-  
25 cation contingent on this understanding being made

1 express. Ratification of the Constitution by the State  
2 of New York (July 26, 1788) (“Under these impres-  
3 sions and declaring that the rights aforesaid cannot  
4 be abridged or violated, and the Explanations afore-  
5 said are consistent with the said Constitution, And  
6 in confidence that the Amendments which have been  
7 proposed to the said Constitution will receive early  
8 and mature Consideration: We the said Delegates, in  
9 the Name and in [sic] the behalf of the People of  
10 the State of New York Do by these presents Assent  
11 to and Ratify the said Constitution. In full Con-  
12 fidence . . . that the Congress will not make or alter  
13 any Regulation in this State respecting the times  
14 places and manner of holding Elections for Senators  
15 or Representatives unless the Legislature of this  
16 State shall neglect or refuse to make laws or regula-  
17 tions for the purpose, or from any circumstance be  
18 incapable of making the same, and that in those  
19 cases such power will only be exercised until the  
20 Legislature of this State shall make provision in the  
21 Premises”); Ratification of the Constitution by the  
22 State of North Carolina (Nov. 21, 1789) (“That  
23 Congress shall not alter, modify, or interfere in the  
24 times, places, or manner of holding elections for sen-  
25 ators and representatives, or either of them, except

1 when the legislature of any state shall neglect, refuse  
2 or be disabled by invasion or rebellion, to prescribe  
3 the same.”); Ratification of the Constitution by the  
4 State of Rhode Island (May 29, 1790) (“Under  
5 these impressions, and declaring, that the rights  
6 aforesaid cannot be abridged or violated, and that  
7 the explanations aforesaid, are consistent with the  
8 said constitution, and in confidence that the amend-  
9 ments hereafter mentioned, will receive an early and  
10 mature consideration, and conformably to the fifth  
11 article of said constitution, speedily become a part  
12 thereof; We the said delegates, in the name, and in  
13 [sic] the behalf of the People, of the State of Rhode-  
14 Island and Providence-Plantations, do by these Pre-  
15 sents, assent to, and ratify the said Constitution. In  
16 full confidence . . . That the Congress will not make  
17 or alter any regulation in this State, respecting the  
18 times, places and manner of holding elections for  
19 senators and representatives, unless the legislature  
20 of this state shall neglect, or refuse to make laws or  
21 regulations for the purpose, or from any cir-  
22 cumstance be incapable of making the same; and  
23 that [i]n those cases, such power will only be exer-  
24 cised, until the legislature of this State shall make  
25 provision in the Premises[.]”).

1           (8) Congress finds that the Framers designed  
2           and the ratifying States understood the Elections  
3           Clause to serve solely as a protective backstop to en-  
4           sure the preservation of the Federal Government,  
5           not as a font of limitless power for Congress to  
6           wrest control of Federal elections from the States.

7           (9) This understanding was also reinforced by  
8           debate during the first Congress that convened  
9           under the Constitution where Representative  
10          Aedanus Burke proposed a constitutional amend-  
11          ment to limit the Times, Places and Manner Clause  
12          to emergencies. Although the amendment failed,  
13          those on both sides of the Burke amendment debate  
14          already understood the Elections Clause to limit  
15          Federal elections power to emergencies.

16          (10) History clearly shows that even in the first  
17          Congress that convened under the Constitution, it  
18          was acknowledged and understood through the de-  
19          bates that ensued over the Elections Clause provi-  
20          sion that Congress' control over elections is limited.

21          (11) Similarly, proponent Representative Smith  
22          of South Carolina also believed the original text of  
23          the Elections Clause already limited the Federal  
24          Government's power over Federal elections to emer-  
25          gencies and so thought there would be no harm in

1 supporting an amendment to make that language ex-  
2 press. Annals of Congress 801 (1789) Joseph Gales  
3 Edition. A Century of Lawmaking for a New Na-  
4 tion: U.S. Congressional Documents and Debates,  
5 1774–1875 (loc.gov). So, even the records of the  
6 First Congress reflect a recognition of the emer-  
7 gency nature of congressional power over Federal  
8 elections.

9 (12) Similarly, the Supreme Court has sup-  
10 ported this understanding. In *Smiley v. Holm*, the  
11 Court held that article 1, section 4 of the Constitu-  
12 tion reserved to the States the primary “. . . author-  
13 ity to provide a complete code for congressional elec-  
14 tions, not only as to times and places, but in relation  
15 to notices, registration, supervision of voting, protec-  
16 tion of voters, prevention of fraud and corrupt prac-  
17 tices, counting of votes, duties of inspectors and can-  
18 vassers, and making and publication of election re-  
19 turns; in short, to enact the numerous requirements  
20 as to procedure and safeguards which experience  
21 shows are necessary in order to enforce the funda-  
22 mental right involved. And these requirements would  
23 be nugatory if they did not have appropriate sanc-  
24 tions in the definition of offenses and punishments.  
25 All this is comprised in the subject of ‘times, places



1 and manner of holding elections’, and involves law-  
2 making in its essential features and most important  
3 aspect.”. *Smiley v. Holm*, 285 U.S. 355, 366  
4 (1932).

5 (13) This holding is consistent with the under-  
6 standing of the Elections Clause since the framing  
7 of the Constitution. The *Smiley* Court also held that  
8 while Congress maintains the authority to “. . . sup-  
9 plement these state regulations or [to] substitute its  
10 own[]”, such authority remains merely “a general  
11 supervisory power over the whole subject.”. *Id.*

12 (14) More recently, the Court noted in *Arizona*  
13 *v. Inter-Tribal Council of Ariz., Inc.* that “[t]his  
14 grant of congressional power [that is, the fail-safe  
15 provision in the Elections Clause] was the Framers’  
16 insurance against the possibility that a State would  
17 refuse to provide for the election of representatives  
18 to the Federal Congress.”. *Arizona v. Inter-Tribal*  
19 *Council of Arizona, Inc.*, 570 U.S. 1, 7–9 (2013).  
20 The Court explained that the Elections Clause “. . .  
21 . . . imposes [upon the States] the duty . . . to pre-  
22 scribe the time, place, and manner of electing Rep-  
23 resentatives and Senators[.]”. *Id.* at 8. And, while,  
24 as the Court noted, “[t]he power of Congress over  
25 the ‘Times, Places, and Manner’ of congressional

1 elections is paramount, and may be exercised at any  
2 time, and to any extent which it deems expedient;  
3 and so far as it is exercised, and no farther, the reg-  
4 ulations effected supersede those of the State which  
5 are inconsistent therewith[]”, Id. at 9, the Inter-  
6 Tribal Court explained, quoting extensively from the  
7 Federalist no. 59, that it was clear that the congress-  
8 sional fail-safe included in the Elections Clause was  
9 intended for the sorts of governmental self-preserva-  
10 tion discussed here: “[E]very government ought to  
11 contain in itself the means of its own  
12 preservation[.]”; “[A]n exclusive power of regulating  
13 elections for the national government, in the hands  
14 of the State legislatures, would leave the existence of  
15 the Union entirely at their mercy. They could at any  
16 moment annihilate it by neglecting to provide for the  
17 choice of persons to administer its affairs.”. Id. at  
18 8.

19 (15) It is clear in every respect that the con-  
20 gressional fail-safe described in the Elections Clause  
21 vests purely secondary authority over Federal elec-  
22 tions in the Federal legislative branch and that the  
23 primary authority rests with the States. Congres-  
24 sional authority is intended to be, and as a matter  
25 of constitutional fact is, limited to addressing the

1 worst imaginable issues, such as invasion or other  
2 matters that might lead to a State not electing rep-  
3 resentatives to constitute the two Houses of Con-  
4 gress. Congress’ authority has never extended to the  
5 day-to-day authority over the “Times, Places and  
6 Manner of Election” that the Constitution clearly re-  
7 serves to the States.

8 (16) Congress must act within the bounds of its  
9 constitutional authority when enacting legislation  
10 concerning the administration of our Nation’s elec-  
11 tions.

12 **Subtitle B—Voluntary Consider-**  
13 **ations for State Administration**  
14 **of Federal Elections**

15 **SEC. 111. SHORT TITLE.**

16 This subtitle may be cited as the “Voluntarily Offered  
17 Tools for Election Reforms by States Act” or the “VOT-  
18 ERS Act”.

19 **SEC. 112. FINDINGS.**

20 Congress finds the following:

21 (1) The United States Constitution reserves to  
22 the states the primary duty and authority to estab-  
23 lish election law and to administer of Federal elec-  
24 tions. See article I, section 4, clause 1 of the Con-  
25 stitution of the United States.

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

4           (3) Each State should be afforded the flexibility  
5           to implement election administration processes and  
6           procedures that are most beneficial in meeting the  
7           needs of its voters and ensuring that its elections are  
8           free, fair, and secure.

9           (4) The Federal government is in a position to  
10          provide States with voluntary tools to improve elec-  
11          tion integrity and voter confidence, as well as remov-  
12          ing Federal impediments that hinder State efforts.

13          (5) The Election Assistance Commission (EAC)  
14          was established to assist States in the administra-  
15          tion of Federal elections. One of its core missions is  
16          to serve as a clearinghouse for election administra-  
17          tion information and to provide a forum for States  
18          to discuss and exchange ideas on issues related to  
19          the administration of Federal elections, including  
20          practices, processes, and procedures.

21          (6) The EAC’s Standards Board and Local  
22          Leadership Council are advisory boards with State  
23          and local election official membership from all fifty  
24          States and territories and are best suited to develop

1 voluntary considerations for various election admin-  
2 istration practices, processes, and procedures.

3 **SEC. 113. ELECTION INTEGRITY VOLUNTARY CONSIDER-**  
4 **ATIONS AND FEDERAL FORUM FOR STATE IN-**  
5 **FORMATION SHARING.**

6 (a) IN GENERAL.—Subtitle C of title II of the Help  
7 America Vote Act of 2002 (52 U.S.C. 20981 et seq.) is  
8 amended—

9 (1) by redesignating section 247 as section 248;  
10 and

11 (2) by inserting after section 246 the following  
12 new section:

13 **“SEC. 247. RELEASE OF VOLUNTARY CONSIDERATIONS BY**  
14 **STANDARDS BOARD AND LOCAL LEADERSHIP**  
15 **COUNCIL WITH RESPECT TO ELECTION AD-**  
16 **MINISTRATION.**

17 “(a) IN GENERAL.—The Standards Board and the  
18 Local Leadership Council of the Commission shall draw  
19 from experiences in their home jurisdictions and informa-  
20 tion voluntarily provided by and between States and their  
21 political subdivisions on the effectiveness or ineffectiveness  
22 of election administration policies and release voluntary  
23 considerations with respect to the administration of an  
24 election for Federal office.

1       “(b) MATTERS TO CONSIDER.—In releasing the vol-  
2 untary considerations under subsection (a), the Standards  
3 Board and the Local Leadership Council shall examine  
4 and consolidate information provided by States and re-  
5 lease considerations with respect to each of the following  
6 categories:

7           “(1) The process for the administration of bal-  
8 lots delivered by mail, including—

9           “(A) deadlines for the return and receipt  
10 of such ballots to the appropriate election offi-  
11 cial;

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

14           “(C) the process for requesting and track-  
15 ing the return of such ballots;

16           “(D) the processing of such ballots upon  
17 receipt by the appropriate election official, in-  
18 cluding the schedule for counting the ballots  
19 and the reporting of the unofficial results of  
20 such counting; and

21           “(E) voter identity verification procedures,  
22 including signature matching or verification.

23           “(2) The signature verification procedures used  
24 to verify the identity of voters in an election, which  
25 shall include an evaluation of human and machine

1 methods of signature verification, an assessment of  
2 the training provided to individuals tasked to carry  
3 out such verification procedures, and the proposal of  
4 other less subjective methods of confirming the iden-  
5 tity of a voter such as requiring the identification  
6 number of a valid government-issued photo identi-  
7 fication or the last four digits of the voter’s social  
8 security number to be provided along with the vot-  
9 er’s signature.

10 “(3) The processes used to carry out mainte-  
11 nance of the official list of persons registered to vote  
12 in each State.

13 “(4) Rules and requirements with respect to the  
14 access provided to election observers.

15 “(5) The processes used to ensure the timely  
16 and accurate reporting of the unofficial results of  
17 ballot counting in each polling place in a State and  
18 the reporting of the unofficial results of such count-  
19 ing.

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

23 “(7) The education of the public with respect to  
24 the certification and testing of voting machines and  
25 related nonvoting election technology (as defined in

1 section 298C of the Help America Vote Act of 2002)  
2 prior to the use of such machines and technology in  
3 an election for Federal office, including education  
4 with respect to—

5 “(A) how such machines and technology  
6 are tested for accuracy, logic, and security; and

7 “(B) the connectivity to the public internet  
8 of such machines and technology.

9 “(8) The processes and procedures used to  
10 carry out a post-election audit.

11 “(9) The processes and procedures used to en-  
12 sure a secure chain of custody with respect to ballots  
13 and election equipment.

14 “(10) Public education, access, and citizen over-  
15 sight and input with respect to the certification and  
16 testing of voter machines prior to Federal elections.

17 “(11) The conduct of independent post-election  
18 audits.

19 “(12) Transparency in the election and voting  
20 process.

21 “(13) Accountability measures to ensure com-  
22 pliance by election administrators with applicable  
23 law.

24 “(c) RELEASE OF VOLUNTARY CONSIDERATIONS.—



1           “(1) DEADLINE FOR RELEASE.—Not later than  
2           12 months after the date of the enactment of the  
3           ACE Act, the Standards Board shall release vol-  
4           untary considerations with respect to each of the  
5           categories described in subsection (b).

6           “(2) TRANSMISSION AND NOTIFICATION RE-  
7           QUIREMENTS.—Not later than 15 days after the  
8           date the Standards Board releases voluntary consid-  
9           erations with respect to a category described in sub-  
10          section (b), the Commission shall—

11           “(A) transmit the considerations to the  
12           chief State election official of each State and  
13           the elected leadership of the legislature of each  
14           State, including the elected leadership of any  
15           committee of the legislature of a State with ju-  
16           risdiction with respect to elections;

17           “(B) make the considerations available on  
18           a publicly accessible Government website; and

19           “(C) notify and transmit the consider-  
20           ations to the chair and ranking minority mem-  
21           ber of the Committee on House Administration  
22           of the House of Representatives, the chair and  
23           ranking minority member of the Committee on  
24           Rules and Administration of the Senate, and

1           the chairs and ranking minority members of  
2           other relevant committees of Congress.

3           “(d) USE OF REQUIREMENTS PAYMENTS FOR IMPLE-  
4           MENTATION OF VOLUNTARY CONSIDERATIONS.—A State  
5           may use a requirements payment provided under this Act  
6           or any other Federal funds made available to the State  
7           by the Commission for the purposes of election adminis-  
8           tration to implement any of the voluntary considerations  
9           released under subsection (a).

10          “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
11          tion may be construed—

12                 “(1) to require compliance with the voluntary  
13                 considerations released under subsection (a), includ-  
14                 ing as a condition of the receipt of Federal funds;  
15                 or

16                 “(2) to treat the lack of compliance with such  
17                 considerations as a violation of the Voting Rights  
18                 Act of 1965 or the Civil Rights Act of 1964 or to  
19                 treat compliance with such considerations as a de-  
20                 fense against an alleged violation of either such  
21                 Act.”.

22          (b) CLERICAL AMENDMENT.—The table of contents  
23          of such Act is amended—

24                 (1) by redesignating the item relating to section  
25                 247 as relating to section 248; and

1           (2) by inserting after the item relating to sec-  
2           tion 246 the following new item:

          “Sec. 247. Release of voluntary considerations by Standards Board with respect  
          to election administration.”.

3           **Subtitle C—Requirements to Pro-**  
4           **mote Integrity in Election Ad-**  
5           **ministration**

6           **SEC. 121. ENSURING ONLY ELIGIBLE AMERICAN CITIZENS**  
7           **MAY PARTICIPATE IN FEDERAL ELECTIONS.**

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

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

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

14           (A) Every eligible American citizen who  
15           wishes to cast a ballot in a Federal election  
16           must be permitted to do so according to law,  
17           and their ballot must be examined according to  
18           law, and, if it meets all lawful requirements,  
19           counted.

20           (B) Congress has long required States to  
21           maintain Federal voter registration lists in a  
22           manner that promotes voter confidence.

1           (C) The changes included herein are not  
2 intended to be an expansion of Federal power  
3 but rather a clarification of State authority.

4           (D) The Fifteenth Amendment, the Nine-  
5 teenth Amendment, the Twenty-Fourth Amend-  
6 ment, and the Twenty-Sixth Amendment,  
7 among other references, make clear that the  
8 Constitution prohibits voting by non-citizens in  
9 Federal elections.

10          (E) Congress has the constitutional au-  
11 thority, including under the aforementioned  
12 amendments, to pass statutes preventing non-  
13 citizens from voting in Federal elections, and  
14 did so with the Illegal Immigration Reform and  
15 Immigrant Responsibility Act of 1996.

16          (F) Congress may further exercise its con-  
17 stitutional authority to ensure the Constitu-  
18 tion's prohibition on non-citizen voting in Fed-  
19 eral elections is upheld.

20          (G) Since the Constitution prohibits non-  
21 citizens from voting in Federal elections, such  
22 ineligible persons must not be permitted to be  
23 placed on Federal voter registration lists.

1 (H) Improper placement of an ineligible  
2 non-citizen on a Federal voter registration list  
3 leads to—

4 (i) confusion on the part of the ineli-  
5 gible person with respect to their ineligi-  
6 bility to cast a ballot; and

7 (ii) an increased likelihood that  
8 human error will permit ineligible persons  
9 to cast ballots in Federal elections.

10 (I) State officials have confirmed that  
11 poorly maintained voter registration lists lead to  
12 ineligible persons casting ballots in Federal  
13 elections.

14 (J) A former Broward County, Florida,  
15 elections supervisor has confirmed that ineli-  
16 gible non-voters were able to cast ballots in pre-  
17 vious elections and that she was not able to lo-  
18 cate as many as 2,040 ballots during the 2018  
19 midterm recount.

20 (K) This clarification of State authority to  
21 maintain Federal voter registration lists to en-  
22 sure non-citizens are not included on such lists  
23 will promote voter confidence in election proc-  
24 esses and outcomes.

1           (L) Congress has the authority to ensure  
2 that no Federal elections funding is used to  
3 support States that permit non-citizens to cast  
4 ballots in any election.

5           (M) Federal courts and executive agencies  
6 have much of the information States may need  
7 to maintain their Federal voter registration  
8 lists, and those entities should make that infor-  
9 mation accessible to State election authorities.

10           (N) It is important to clarify the penalty  
11 for any violation of law that allows a non-citizen  
12 to cast a ballot in a Federal election.

13           (O) To protect the confidence of voters in  
14 Federal elections, it is important to implement  
15 the policy described herein.

16           (2) SENSE OF CONGRESS.—It is the sense of  
17 Congress that—

18           (A) many States have not adequately met  
19 the requirements concerning the removal of in-  
20 eligible persons from State voter registration  
21 rolls pursuant to section 8 of the National  
22 Voter Registration Act of 1993 (52 U.S.C.  
23 20507) and should strive to audit and update  
24 their voter registration rolls on a routine basis;

1 (B) allowing non-citizens to cast ballots in  
2 American elections weakens our electoral sys-  
3 tem, directly and indirectly impacts Federal  
4 policy and funding decisions and candidate  
5 choice through the election of State and local  
6 officials, dilutes the value of citizenship, and  
7 sows distrust in our elections system;

8 (C) even if a State has the sovereign au-  
9 thority, no State should permit non-citizens to  
10 cast ballots in State or local elections;

11 (D) States should use all information  
12 available to them to maintain Federal voter reg-  
13 istration lists and should inform Congress if  
14 such data is insufficient; and

15 (E) Congress may take further action in  
16 the future to address this problem.

17 (c) CLARIFYING AUTHORITY OF STATES TO REMOVE  
18 NONCITIZENS FROM VOTING ROLLS.—

19 (1) AUTHORITY UNDER REGULAR REMOVAL  
20 PROGRAMS.—Section 8(a)(4) of the National Voter  
21 Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is  
22 amended—

23 (A) by striking “or” at the end of subpara-  
24 graph (A);

1 (B) by redesignating subparagraph (B) as  
2 subparagraph (C); and

3 (C) by inserting after subparagraph (A)  
4 the following new subparagraph:

5 “(B) the registrant’s status as a noncitizen  
6 of the United States; or”.

7 (2) CONFORMING AMENDMENT RELATING TO  
8 ONGOING REMOVAL.—Section 8(c)(2)(B)(i) of such  
9 Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by  
10 striking “(4)(A)” and inserting “(4)(A) or (B)”.

11 (d) REQUIREMENT TO MAINTAIN SEPARATE STATE  
12 VOTER REGISTRATION LIST FOR NONCITIZENS.—Section  
13 8(a) of the National Voter Registration Act of 1993 (52  
14 U.S.C. 20507(a)) is amended—

15 (1) in paragraph (5)(B), by striking “and” at  
16 the end;

17 (2) in paragraph (6), by striking the period at  
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new  
20 paragraph:

21 “(7) in the case of a State that allows individ-  
22 uals who are not citizens of the United States to  
23 vote in elections for public office in the State or any  
24 local jurisdiction of the State, ensure that the name  
25 of any registrant who is not a citizen of the United



1 States is maintained on a voter registration list that  
2 is separate from the official list of eligible voters  
3 with respect to registrants who are citizens of the  
4 United States.”.

5 (e) REQUIREMENTS FOR BALLOTS FOR STATE OR  
6 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-  
7 ING.—Section 301(a)(1) of the Help America Vote Act of  
8 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at  
9 the end the following new subparagraph:

10 “(D) In the case of a State or local jurisdic-  
11 tion that allows individuals who are not citi-  
12 zens of the United States to vote in elections  
13 for public office in the State or local jurisdic-  
14 tion, the ballot used for the casting of votes by  
15 a noncitizen in such State or local jurisdiction  
16 may only include the candidates for the elec-  
17 tions for public office in the State or local jurisdic-  
18 tion for which the noncitizen is permitted to  
19 vote.”.

20 (f) REDUCTION IN PAYMENTS FOR ELECTION AD-  
21 MINISTRATION TO STATES OR LOCAL JURISDICTIONS  
22 THAT ALLOW NONCITIZEN VOTING.—

23 (1) IN GENERAL.—Title IX of the Help Amer-  
24 ica Vote Act of 2002 (52 U.S.C. 21141 et seq.) is

1       amended by adding at the end the following new sec-  
2       tion:

3       **“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL**  
4                               **JURISDICTIONS THAT ALLOW NONCITIZEN**  
5                               **VOTING.**

6       “(a) IN GENERAL.—Notwithstanding any other pro-  
7       vision of this Act, the amount of a payment under this  
8       Act to any State or local jurisdiction that allows individ-  
9       uals who are not citizens of the United States to vote in  
10      elections for public office in the State or local jurisdiction  
11      shall be reduced by 30 percent.

12      “(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN  
13      ELECTION ADMINISTRATION ACTIVITIES.—Notwith-  
14      standing any other provision of law, no Federal funds may  
15      be used to implement the requirements of section 8(a)(7)  
16      of the National Voter Registration Act of 1993 (52 U.S.C.  
17      20507(a)(7)) (as added by section 121(d) of the American  
18      Confidence in Elections Act) or section 301(a)(1)(D) of  
19      the Help America Vote Act of 2002 (52 U.S.C.  
20      21081(a)(1)(D)) (as added by section 121(e) of the Amer-  
21      ican Confidence in Elections Act) in a State or local juris-  
22      diction that allows individuals who are not citizens of the  
23      United States to vote in elections for public office in the  
24      State or local jurisdiction.”.

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

          “Sec. 907. Reduction in payments to States or local jurisdictions that allow  
          noncitizen voting.”.

4           (g) PROMOTING PROVISION OF INFORMATION BY  
5 FEDERAL ENTITIES.—

6           (1) IN GENERAL.—

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

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

18          (2) POLICIES AND PROCEDURES.—Consistent  
19          with section 3506(g) of title 44, United States Code,  
20          an entity of the Federal government shall carry out  
21          this subsection in accordance with policies and pro-  
22          cedures which will ensure that the information is  
23          provided securely, accurately, and in a timely basis.

1           (3) CONFORMING AMENDMENT RELATING TO  
2           COVERAGE UNDER PRIVACY ACT.—Section 552a(b)  
3           of title 5, United States Code, is amended—

4                   (A) by striking “or” at the end of para-  
5                   graph (11);

6                   (B) by striking the period at the end of  
7                   paragraph (12) and inserting “; or”; and

8                   (C) by adding at the end the following new  
9                   paragraph:

10                   “(13) to an election official of a State in ac-  
11                   cordance with section 121(h) of the American Con-  
12                   fidence in Elections Act.”.

13           (h) ENSURING PROVISION OF INFORMATION TO  
14           STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED  
15           FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-  
16           SHIP.—

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

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

24                           (B) to the Attorney General.

1           (2) DEFINITIONS.—For purposes of this sub-  
2 section—

3           (A) the “chief State election official” of a  
4 State is the individual designated by the State  
5 under section 10 of the National Voter Reg-  
6 istration Act of 1993 (52 U.S.C. 20509) to be  
7 responsible for coordination of the State’s re-  
8 sponsibilities under such Act; and

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

13       (i) PROHIBITION ON VOTING BY NONCITIZENS IN  
14 FEDERAL ELECTIONS.—

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

18           (A) by striking “A person” and inserting  
19 “(a) IN GENERAL.—A person”; and

20           (B) by adding at the end the following new  
21 subsection:

22       “(b) PROHIBITION ON VOTING BY ALIENS.—

23           “(1) IN GENERAL.—It shall be unlawful for any  
24 alien to vote in any election in violation of section  
25 611 of title 18, United States Code.

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

5           (2) EFFECTIVE DATE.—This subsection and the  
6           amendments made by this subsection shall apply  
7           with respect to elections held after the date of the  
8           enactment of this Act.

9   **SEC. 122. STATE REPORTING REQUIREMENTS WITH RE-**  
10                           **SPECT TO VOTER LIST MAINTENANCE.**

11           Section 8 of the National Voter Registration Act of  
12   1993 (52 U.S.C. 20507) is amended—

13           (1) in subsection (i), by adding at the end the  
14           following:

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

21           “(4) Nothing in this subsection may be construed to  
22   waive the requirement that a State make the records  
23   maintained pursuant to paragraph (1) publically available,  
24   without regard to whether or not the records are main-  
25   tained in whole or in part, or were provided to the State

1 or a political subdivision of the State, by a nongovern-  
2 mental organization or other private entity.”;

3 (2) by redesignating subsection (j) as sub-  
4 section (k); and

5 (3) by inserting after subsection (i) the fol-  
6 lowing new subsection:

7 “(j) REPORTING REQUIREMENTS.—Not later than  
8 June 30 of each odd-numbered year, each State shall sub-  
9 mit to the Election Assistance Commission a report that  
10 includes, with respect to such State during the preceding  
11 2-year period, the total number of—

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

16 “(2) registrants who voted in at least one of the  
17 prior 2 consecutive general elections for Federal of-  
18 fice;

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

21 “(4) notices sent to registrants pursuant to  
22 subsection (d)(2); and

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

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

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

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

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

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

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

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

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

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

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



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

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

9 (C) As confirmed by the Carter-Baker  
10 Commission, “[t]he right to vote is a vital com-  
11 ponent of U.S. citizenship and all States should  
12 use their best efforts to obtain proof of citizen-  
13 ship before registering voters.”.

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

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

1           need to be done if the card is to be used for  
2           voting purposes”.

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

6           (G) Requiring photographic voter identi-  
7           fication is well within States’ constitutional  
8           competence, including pursuant to the Quali-  
9           fications Clause of the Constitution of the  
10          United States (article I, section 2, clause 2),  
11          the Presidential Electors Clause of the Con-  
12          stitution (article II, section 1, clause 2), and  
13          the Seventeenth Amendment.

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

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

1           (J) Congress may further exercise its con-  
2           stitutional authority to ensure the Constitu-  
3           tion’s prohibition on non-citizen voting in Fed-  
4           eral elections is upheld.

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

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

16          (B) a standard State photo identification  
17          document, when required for voting purposes,  
18          should be available at no cost.

19          (c) REAL ID ACT AMENDMENT.—

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

23           “(10) If the person is a citizen of the United  
24          States, an indication of that citizenship, except that

1 no other information may be included with respect  
2 to the immigration status of the person.”.

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

8 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion or in any amendment made by this section may be  
10 construed to establish or mandate the use of a national  
11 identification card or to authorize any office of the execu-  
12 tive branch to establish or mandate the use of a national  
13 identification card.

14 **SEC. 125. MANDATORY PROVISION OF IDENTIFICATION FOR**  
15 **CERTAIN VOTERS NOT VOTING IN PERSON.**

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

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

21 (2) by inserting after section 303 the following  
22 new section:

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

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

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

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

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

1           “(A) IN GENERAL.—Notwithstanding any  
2 other provision of law, in a case in which the  
3 appropriate State or local election official pro-  
4 vides an individual a ballot to vote by mail for  
5 an election for Federal office without requiring  
6 such individual to submit a separate application  
7 or request to receive such ballot for each such  
8 election, the election official may not accept the  
9 voted ballot unless the individual submits with  
10 the voted ballot a copy of an identification de-  
11 scribed in paragraph (3).

12           “(B) FAIL-SAFE VOTING.—An individual  
13 who desires to vote other than in person but  
14 who does not meet the requirements of subpara-  
15 graph (A) may cast such a ballot other than in  
16 person and the ballot shall be counted as a pro-  
17 visional ballot in accordance with section  
18 302(a).

19           “(3) IDENTIFICATION DESCRIBED.—An identi-  
20 fication described in this paragraph is, with respect  
21 to an individual—

22           “(A) a current and valid photo identifica-  
23 tion of the individual;

24           “(B) a copy of a current utility bill, bank  
25 statement, government check, paycheck, or

1 other government document that shows the  
2 name and address of the individual;

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

7 “(D) the last 4 digits of the individual’s  
8 social security number; or

9 “(E) such other documentation issued by a  
10 Federal, State, or local government that pro-  
11 vides the same or more identifying information  
12 as required by subparagraphs (A) through (D)  
13 such that the election official is reasonably cer-  
14 tain as to the identity of the individual.

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

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

20 “(2) provided the right to vote otherwise than  
21 in person under section 3(b)(2)(B)(ii) of the Voting  
22 Accessibility for the Elderly and Handicapped Act  
23 (52 U.S.C. 20102(b)(2)(B)(ii)); or

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

1       “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed as prohibiting a State from impos-  
3 ing identification requirements to request a ballot to vote  
4 by mail or cast a vote by mail that are more stringent  
5 than the requirements under this section.

6       “(e) EFFECTIVE DATE.—This section shall take ef-  
7 fect on January 1, 2025.”.

8       (b) CONFORMING AMENDMENTS RELATING TO EX-  
9 ISTING IDENTIFICATION REQUIREMENTS.—

10           (1) TREATMENT AS INDIVIDUALS REGISTERING  
11 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME  
12 VOTER IDENTIFICATION REQUIREMENTS.—Section  
13 303(b)(1)(A) of the Help America Vote Act of 2002  
14 (52 U.S.C. 21083(b)(1)(A)) is amended by striking  
15 “by mail” and inserting “by mail or otherwise not  
16 in person at an elections office or voter registration  
17 agency of the State”.

18           (2) EXCEPTIONS.—Section 303(b)(3) of the  
19 Help America Vote Act of 2002 (52 U.S.C.  
20 21083(b)(3)) is amended—

21           (A) in subparagraph (A), by striking “by  
22 mail under section 6 of the National Voter Reg-  
23 istration Act of 1993 (42 U.S.C. 1973gg-4)”  
24 and inserting “by mail under section 6 of the  
25 National Voter Registration Act of 1993 (52



1 U.S.C. 20505) or otherwise not in person at a  
2 voter registration agency of the State”; and

3 (B) in subparagraph (B)(i), by striking  
4 “by mail under section 6 of the National Voter  
5 Registration Act of 1993 (42 U.S.C. 1973gg-  
6 4)” and inserting “by mail under section 6 of  
7 the National Voter Registration Act of 1993  
8 (52 U.S.C. 20505) or otherwise not in person  
9 at a voter registration agency of the State”.

10 (3) EXPANSION OF TYPES OF IDENTIFICATION  
11 PERMITTED.—Section 303(b)(2)(A) of the Help  
12 America Vote Act of 2002 (52 U.S.C.  
13 21083(b)(2)(A)) is amended—

14 (A) in clause (i)—

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

17 (ii) by adding at the end the following  
18 new subclause:

19 “(III) such other documentation  
20 issued by a Federal, State, or local  
21 government that provides the same or  
22 more identifying information as re-  
23 quired by subclauses (I) and (II) such  
24 that the election official is reasonably

1                   certain as to the identity of the indi-  
2                   vidual; or”; and

3                   (B) in clause (ii)—

4                   (i) in subclause (I), by striking “or”  
5                   at the end;

6                   (ii) in subclause (II), by striking the  
7                   period at the end and inserting “; or”; and

8                   (iii) by adding at the end the fol-  
9                   lowing new subclause:

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

18                   (c) CONFORMING AMENDMENT RELATING TO EN-  
19                   FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
20                   is amended by striking “and 303” and inserting “303, and  
21                   304”.

22                   (d) CLERICAL AMENDMENT.—The table of contents  
23                   of such Act is amended—

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

4           (2) by inserting after the item relating to sec-  
5           tion 303 the following:

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

6   **SEC. 126. CONFIRMING ACCESS FOR CONGRESSIONAL**  
7                                   **ELECTION OBSERVERS.**

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

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

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

17                  (2) While, in general, Congress shall respect the  
18                  determination of State authorities with respect to  
19                  the election of members to each House, each House  
20                  of Congress serves as the final arbiter over any con-  
21                  test to the seating of any putative Member-elect or  
22                  Senator-elect.

23                  (3) These election contest procedures are con-  
24                  tained in the precedents of each House of Congress.

1 Further, for the House of Representatives the proce-  
2 dures exist under the Federal Contested Elections  
3 Act.

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

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

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

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

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

23 (1) by redesignating sections 305 and 306 as  
24 sections 306 and 307; and

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

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

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

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

1 election observer may handle ballots, elections equipment  
2 (voting or non-voting), advocate for a position or can-  
3 didate, take any action to reduce ballot secrecy or other-  
4 wise violate the privacy of a voter, or otherwise interfere  
5 with the elections administration process.

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

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

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

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

4 (2) by inserting after the item relating to sec-  
 5 tion 304 the following:

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

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

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

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

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

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

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

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



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

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

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

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

13 “(1) such dollar amount, multiplied by

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

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

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

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

1 amount in effect for such calendar year under sec-  
2 tion 6041(a)”, and

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

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

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

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

15 (e) CONFORMING AMENDMENTS.—

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

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

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

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

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

5 (b) **ADOPTION OF VOLUNTARY GUIDELINES BY**  
6 **ELECTION ASSISTANCE COMMISSION.**—

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

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

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

16 “(a) **ADOPTION.**—The Commission shall adopt vol-  
17 untary guidelines for election officials on the use of non-  
18 voting election technology, taking into account the rec-  
19 ommendations of the Standards Board and the Local  
20 Leadership Council of the Commission under section  
21 298A.

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

1       “(c) PROCESS FOR ADOPTION.—The adoption of the  
2 voluntary guidelines under this subtitle shall be carried  
3 out by the Commission in a manner that provides for each  
4 of the following:

5               “(1) Publication of notice of the proposed  
6 guidelines in the Federal Register.

7               “(2) An opportunity for public comment on the  
8 proposed guidelines.

9               “(3) An opportunity for a public hearing on the  
10 record.

11               “(4) Publication of the final recommendations  
12 in the Federal Register.

13       “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—  
14 The Commission shall adopt the initial set of voluntary  
15 guidelines under this section not later than December 31,  
16 2025.

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

19       “(a) DUTIES.—The Standards Board and the Local  
20 Leadership Council of the Commission shall assist the  
21 Commission in the adoption of voluntary guidelines under  
22 section 298, including by providing the Commission with  
23 recommendations on appropriate standards for the use of  
24 nonvoting election technology, including standards to en-  
25 sure the security and accuracy, and promote the usability,

1 of such technology, and by conducting a review of existing  
2 State programs with respect to the testing of nonvoting  
3 election technology.

4 “(b) SOURCES OF ASSISTANCE.—

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

11 “(A) The Director of the National Insti-  
12 tute of Standards and Technology.

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

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

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

23 “(2) DETAILEE FROM CISA.—The Executive  
24 Board of the Standards Board may request the Di-  
25 rector of the Cybersecurity and Infrastructure Secu-

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

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

8       “A State may use funds provided under any law for  
9       activities to improve the administration of elections for  
10      Federal office, including to enhance election technology  
11      and make election security improvements, to obtain non-  
12      voting election technology which is in compliance with the  
13      voluntary guidelines adopted under section 298 or to up-  
14      grade nonvoting election technology so that the technology  
15      is in compliance with such guidelines, and may, notwith-  
16      standing any other provision of law, use any unobligated  
17      grant funding provided to the State by the Election Assist-  
18      ance Commission from amounts appropriated under the  
19      heading ‘Independent Agencies—Election Assistance  
20      Commission—Election Security Grants’ in title V of divi-  
21      sion C of the Consolidated Appropriations Act, 2020 (Pub-  
22      lic Law 116–93) for the purposes of enhancing election  
23      technology and making election security improvements  
24      until December 31, 2024.

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

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

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

10 “(2) Election result reporting systems.

11 “(3) Electronic ballot delivery systems.

12 “(4) Online voter registration systems.

13 “(5) Polling place location search systems.

14 “(6) Sample ballot portals.

15 “(7) Signature systems.

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

19 (2) CLERICAL AMENDMENT.—The table of con-  
20 tents of such Act is amended by adding at the end  
21 of the items relating to title II the following:

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Role of Standards Board and Local Leadership Council.

“Sec. 298B. Use of payments to obtain or upgrade technology.

“Sec. 298C. Nonvoting election technology defined.”.

22 (c) TREATMENT OF TECHNOLOGY USED IN MOST  
23 RECENT ELECTION.—Any nonvoting election technology,

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

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

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

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

20 “(1) the extent to which the Director carried  
21 out the Director’s responsibilities under this Act  
22 during the fiscal year, including the responsibilities  
23 imposed under this section and the responsibilities  
24 imposed with respect to the Technical Guidelines  
25 Development Committee under section 222, together



1 with the Director’s best estimate of when the Direc-  
2 tor will completely carry out any responsibility which  
3 was not carried out completely during the fiscal  
4 year; and

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

11 **SEC. 131. 501(c)(3) ORGANIZATIONS PROHIBITED FROM**  
12 **PROVIDING DIRECT OR INDIRECT FUNDING**  
13 **FOR ELECTION ADMINISTRATION.**

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

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

18 (1) by striking “and which does not partici-  
19 pate” and inserting “which does not participate”,  
20 and

21 (2) by striking the period at the end and insert-  
22 ing “and which does not provide direct funding to  
23 any State or unit of local government for the pur-  
24 pose of the administration of elections for public of-  
25 fice or any funding to any State or unit of local gov-

1       ernment in a case in which it is reasonable to expect  
2       such funding will be used for the purpose of the ad-  
3       ministration of elections for public office (except  
4       with respect to the donation of space to a State or  
5       unit of local government to be used as a polling  
6       place in an election for public office).”.

7       (c) EFFECTIVE DATE.—The amendments made by  
8       this section shall apply to funding provided in taxable  
9       years beginning after December 31, 2025.

10   **SEC. 132. FEDERAL AGENCY INVOLVEMENT IN VOTER REG-**  
11                                   **ISTRATION ACTIVITIES.**

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

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

21       (c) AGREEMENTS WITH NONGOVERNMENTAL ORGA-  
22       NIZATIONS.—None of the funds made available for the sal-  
23       aries and expenses of an agency may be used to solicit  
24       or enter into an agreement with a nongovernmental orga-  
25       nization to conduct voter registration or voter mobilization

1 activities, including registering voters or providing any  
2 person with voter registration materials, absentee or vote-  
3 by-mail ballot applications, voting instructions, or can-  
4 didate-related information, on the property or website of  
5 the agency.

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

13 (e) PROHIBITING VOTER REGISTRATION AND MOBI-  
14 LIZATION IN FEDERAL WORK-STUDY PROGRAMS.—Sec-  
15 tion 443(b)(1) of the Higher Education Act of 1965 (20  
16 U.S.C. 1087–53(b)(1)) is amended—

17 (1) in subparagraph (C), by striking “and”;

18 (2) by redesignating subparagraph (D) as sub-  
19 paragraph (E); and

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

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

25 (f) DEFINITIONS.—In this section:

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

4           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

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

9                   (B) the Committee on the Judiciary of the  
10 Senate;

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

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

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

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

20           (b) FINDINGS.—Congress finds that—

21                   (1) the right to vote is a fundamental right of  
22 citizens of the United States, as described by the  
23 Constitution of the United States;

24                   (2) the Committee on House Administration of  
25 the House of Representatives, which is charged with

1 investigating election irregularities, received reports  
2 through its official Election Observer Program for  
3 the 2018 general election and the 2020 general elec-  
4 tion, as well as from other stakeholders, that individ-  
5 uals other than voters themselves were depositing  
6 large amounts of absentee ballots at polling places  
7 throughout California and other States, a practice  
8 colloquially known as “ballot harvesting”;

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

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

22 (5) ballot harvesting invites electioneering activ-  
23 ity at home and weakens States’ long-standing voter  
24 protection procedures, which remain in place at poll-  
25 ing locations, creating the possibility of undue influ-

1       ence over voters by political operatives and other bad  
2       actors; and

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

7       (c) PROHIBITION ON FEDERAL FUNDS FOR ELEC-  
8       TION ADMINISTRATION FOR STATES ALLOWING COLLEC-  
9       TION AND TRANSMISSION OF BALLOTS BY CERTAIN  
10      THIRD PARTIES.—

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

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

18      “(a) IN GENERAL.—Notwithstanding any other pro-  
19      vision of law, no Federal funds may be used to administer  
20      any election for Federal office in a State unless the State  
21      has in effect a law that prohibits an individual from the  
22      knowing collection and transmission of a ballot in an elec-  
23      tion for Federal office that was mailed to another person,  
24      other than an individual described as follows:

1           “(1) An election official while engaged in offi-  
2           cial duties as authorized by law.

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

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

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

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

15           “(1) The term ‘caregiver’ means an individual  
16           who provides medical or health care assistance to  
17           such person in a residence, nursing care institution,  
18           hospice facility, assisted living center, assisted living  
19           facility, assisted living home, residential care institu-  
20           tion, adult day health care facility, or adult foster  
21           care home.

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

1           “(3) The term ‘household member’ means an  
2 individual who resides at the same residence as such  
3 person.”.

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

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

7 **SEC. 134. CLARIFICATION WITH RESPECT TO FEDERAL**  
8 **ELECTION RECORD-KEEPING REQUIREMENT.**

9           Section 301 of the Civil Rights Act of 1960 (52  
10 U.S.C. 20701) is amended—

11           (1) by inserting “including records and papers  
12 of envelopes used to deliver voted ballots by mail and  
13 scanned, electronically preserved records of envelopes  
14 used to deliver blank ballots or absentee ballot re-  
15 quests or used for any purpose other than delivering  
16 voted ballots, ballots, ballot images, chain of custody  
17 records, cast vote records, logic and accuracy test re-  
18 sults and equipment certification, and other mate-  
19 rials related to the Federal election that would be es-  
20 sential for conducting a post-election audit” after  
21 “requisite to voting in such election,”; and

22           (2) by inserting after “shall devolve upon such  
23 custodian.” the following: “Such records and papers  
24 shall be considered public records available for rea-



1 sonable public inspection, including at a minimum,  
2 as defined the law of the State in which the election  
3 is held, the candidates appearing on the ballot in the  
4 election, political parties whose candidates appeared  
5 on the ballot in the election, and any individuals au-  
6 thorized to observe the election.”

7 **SEC. 135. CLARIFICATION OF RULES WITH RESPECT TO**  
8 **HIRING OF ELECTION WORKERS.**

9 (a) PREFERENCES FOR VETERANS AND INDIVIDUALS  
10 WITH DISABILITIES.—

11 (1) PREFERENCES.—In hiring election workers  
12 to administer an election in a State or local jurisdic-  
13 tion, the State or local jurisdiction may give pref-  
14 erence to individuals who are veterans or individuals  
15 with a disability.

16 (2) INDIVIDUAL WITH A DISABILITY DE-  
17 FINED.—In this subsection, an “individual with a  
18 disability” means an individual with an impairment  
19 that substantially limits any major life activities.

20 (b) PREFERENCE AND WAIVER OF RESIDENCY RE-  
21 QUIREMENT FOR SPOUSES AND DEPENDENTS OF ABSENT  
22 MILITARY VOTERS.—

23 (1) SENSE OF CONGRESS.—It is the sense of  
24 Congress that, in hiring election workers to admin-

1       ister an election in a State or local jurisdiction, the  
2       State or local jurisdiction—

3               (A) should give preference to an individual  
4               who is a nonresident military spouse or depend-  
5               ent; and

6               (B) should not refuse to hire such an indi-  
7               vidual as an election worker solely on the  
8               grounds that the individual does not maintain a  
9               place of residence in the State or local jurisdic-  
10              tion.

11             (2) INCLUSION OF INFORMATION ELECTION AS-  
12             SISTANCE COMMISSION CLEARINGHOUSE.—The Fed-  
13             eral Election Commission shall include in any clear-  
14             inghouse it maintains of procedures adopted by  
15             States with respect to the administration of Federal  
16             elections information on the procedures under which  
17             States hire nonresident military spouses or depend-  
18             ents as election workers, as described in paragraph  
19             (1).

20             (3) NONRESIDENT MILITARY SPOUSE OR DE-  
21             PENDENT DEFINED.—In this subsection, a “non-  
22             resident military spouse or dependent” means an in-  
23             dividual who is an absent uniformed services voter  
24             under section 107(1)(C) of the Uniformed and Over-

1 seas Citizen Absentee Voting Act (52 U.S.C.  
2 20310(1)(C)).

3 **SEC. 136. STATE ASSISTANCE IN ASSIGNING MAILING AD-**  
4 **DRESSES WITH RESPECT TO TRIBAL GOV-**  
5 **ERNMENTS.**

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

15 (b) DEFINITIONS.—In this section:

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

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

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

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

7   **SEC. 137. STATE DEFINED.**

8           (a) APPLICATION TO COMMONWEALTH OF NORTH-  
9           ERN MARIANA ISLANDS.—Section 901 of the Help Amer-  
10          ica Vote Act of 2002 (52 U.S.C. 21141) is amended by  
11          striking “and the United States Virgin Islands” and in-  
12          serting “the United States Virgin Islands, and the Com-  
13          monwealth of the Northern Mariana Islands”.

14          (b) CONFORMING AMENDMENTS.—Such Act is fur-  
15          ther amended as follows:

16               (1) The second sentence of section 213(a)(2)  
17               (52 U.S.C. 20943(a)(2)) is amended by striking  
18               “and American Samoa” and inserting “American  
19               Samoa, and the Commonwealth of the Northern  
20               Mariana Islands”.

21               (2) Section 252(c)(2) (52 U.S.C. 21002(c)(2))  
22               is amended by striking “or the United States Virgin  
23               Islands” and inserting “the United States Virgin Is-  
24               lands, or the Commonwealth of the Northern Mar-  
25               iana Islands”.

1 **SEC. 138. VOTER REGISTRATION FOR APPLICANTS WITH-**  
2 **OUT DRIVER'S LICENSE OR SOCIAL SECURITY**  
3 **NUMBER.**

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

7 (1) in clause (i), by striking “Except as pro-  
8 vided in clause (ii), notwithstanding any other provi-  
9 sion of law, an application” and inserting “An appli-  
10 cation”;

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

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

14 “(ii) SPECIAL RULE FOR APPLICANTS  
15 WITHOUT DRIVER'S LICENSE OR SOCIAL  
16 SECURITY NUMBER.—If an applicant for  
17 voter registration for an election for Fed-  
18 eral office has not been issued a current  
19 and valid driver's license or a social secu-  
20 rity number, the State shall assign the ap-  
21 plicant a temporary number which shall be  
22 valid to identify the applicant for the pur-  
23 poses of voter registration only during the  
24 period that begins on the date the tem-  
25 porary number is assigned and ends 30  
26 days after the date that the applicant re-

1 ceives a current and valid driver’s license  
2 or a social security number. If the appli-  
3 cant fails to provide a driver’s license num-  
4 ber or the last 4 digits of the social secu-  
5 rity number (as the case may be) to the  
6 State during the 30-day period that begins  
7 on the date the applicant receives such  
8 driver’s license or social security number,  
9 the applicant’s application for voter reg-  
10 istration with respect to which the tem-  
11 porary number was assigned may not be  
12 accepted or processed by the State.”.

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

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

22 (b) **SUBMITTAL.**—Not later than 2 years after the  
23 date of the enactment of this Act, the Comptroller General  
24 shall submit a report containing the results of the study  
25 carried out under subsection (a) to—

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

7 (c) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that it is in the national interest of the United States  
9 that equipment used for voting in American elections be  
10 developed, programmed, manufactured, and assembled  
11 within the United States under the authority of United  
12 States persons.

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

16 **SEC. 141. SHORT TITLE.**

17 This subtitle may be cited as the “American Con-  
18 fidence in Elections: District of Columbia Election Integ-  
19 rity and Voter Confidence Act”.

20 **SEC. 142. STATEMENT OF CONGRESSIONAL AUTHORITY;**  
21 **FINDINGS.**

22 (a) STATEMENT OF CONGRESSIONAL AUTHORITY.—  
23 Congress finds that it has the authority to establish the  
24 terms and conditions for the administration of elections  
25 for public office in the District of Columbia—

1           (1) pursuant to article I, section 8, clause 17  
2 of the Constitution of the United States, which  
3 grants Congress the exclusive power to enact legisla-  
4 tion with respect to the seat of the government of  
5 the United States;

6           (2) with recognition of the Residence Act of  
7 1790, which Congress passed pursuant to the above  
8 authority and which established the City of Wash-  
9 ington in the District of Columbia as the seat of the  
10 government of the United States;

11           (3) pursuant to article I, section 8, clause 18  
12 of the Constitution of the United States, which  
13 grants Congress the authority to “make all Laws  
14 which shall be necessary and proper for carrying  
15 into Execution” its enumerated powers; and

16           (4) under other enumerated powers granted to  
17 Congress.

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

19           (1) Voter identification requirements in the  
20 District of Columbia are some of the weakest in the  
21 country. Currently, voters in the District of Colum-  
22 bia are required only to provide proof of residence  
23 the first time they vote and are never asked to pro-  
24 vide anything again.



1           (2) In the 2012 general election, the District of  
2 Columbia was wholly unprepared for early voters.  
3 Several polling locations featured only one or two  
4 voting machines. As a result, some voters waited in  
5 line for hours while others waited for hours only to  
6 be turned away as the polls closed.

7           (3) Following the 2012 general election, the ex-  
8 ecutive director of the D.C. Board of Elections testi-  
9 fied that missteps had taken place during the elec-  
10 tion. Voters complained that some precincts weren't  
11 accessible for the disabled, while poorly trained em-  
12 ployees ran sites elsewhere in the District. In other  
13 cases, voters were provided with ballots that were  
14 not correct for their addresses, allowing them to vote  
15 in races in other districts.

16           (4) In the District of Columbia's 2014 April  
17 Democratic primary, voters had to wait several  
18 hours after polls closed before receiving meaningful  
19 election returns because of problems with voting ma-  
20 chines that led to an unusually lengthy and chaotic  
21 tabulation process.

22           (5) In the aftermath of that primary, while the  
23 District of Columbia originally blamed a handful of  
24 voting machines for late election results, the execu-  
25 tive director later clarified that the issue came from

1 a broad computer network failure. As a result, on  
2 election night, ballots did not begin to be counted  
3 until 10:00 p.m. The executive director said “on  
4 election night, polling officials never really did deter-  
5 mine the problem . . .”. All this occurred despite  
6 record low turnout for the primary.

7 (6) Before the 2014 midterm election, the execu-  
8 tive director hoped that ballot counting would be  
9 done before midnight but could not offer any prom-  
10 ises based on the District of Columbia’s previous  
11 history.

12 (7) Following the 2014 midterm election, the  
13 Office of the District of Columbia Auditor performed  
14 an audit of the election and found the following:

15 (A) 23 of 89 precincts visited did not have  
16 the minimum number of poll workers des-  
17 ignated in city election procedures. In total, 168  
18 workers did not come to work as scheduled, and  
19 others that were not trained to perform certain  
20 functions had to take on new jobs.

21 (B) 37 of the 89 precincts inspected fea-  
22 tured polling places not fully accessible to dis-  
23 abled voters. Some issues included missing or  
24 inoperable doorbells to alert poll workers that a  
25 wheelchair-bound voter needed assistance, as

1 well as a lack of accessible parking spaces and  
2 entrances.

3 (C) 57 of the 89 precincts featured election  
4 and non-election equipment issues affecting a  
5 wide range of the Election Day technology—in-  
6 cluding paper ballot readers, electronic poll  
7 books and touch-screen voting machines.

8 (8) In 2016, the Office of the District of Co-  
9 lumbia Auditor released a report titled “The District  
10 of Columbia Voter File: Compliance with Law and  
11 Best Practices”, which included the following:

12 (A) In 2015, the Board of Elections, as re-  
13 quired under District law, sent out written no-  
14 tices to 260,000 inactive voters through the  
15 U.S. Postal Service in an attempt to maintain  
16 accurate voter registration rolls. 38,179, or al-  
17 most fifteen percent of those postcards, were re-  
18 turned as undeliverable.

19 (B) The Office of the Auditor took a sam-  
20 ple of thirty-three decedents who had died be-  
21 tween January of 2011 and December of 2014.  
22 The audit found that all of the thirty-three de-  
23 cedents were still on the District’s voter reg-  
24 istration rolls.

1           (C) The District of Columbia is a member  
2           of the Electronic Registration Information Cen-  
3           ter (ERIC). According to ERIC, 13,651 voters  
4           were registered in the District of Columbia and  
5           another jurisdiction. The D.C. Board of Elec-  
6           tions contacted every voter with a duplicate reg-  
7           istration. 6,000 voters confirmed they now re-  
8           sided outside the District of Columbia and the  
9           other 7,651 or 56 percent of voters with a du-  
10          plicate registration did not respond.

11          (9) The District of Columbia allows for same-  
12          day registration and automatic voter registration. In  
13          2018, the District of Columbia implemented an  
14          Automatic Voter Registration program through the  
15          Department of Motor Vehicles (DMV). Now, any  
16          DMV application automatically serves as an applica-  
17          tion to register to vote or update registration  
18          records, unless the applicant affirmatively opts out  
19          of this registration option.

20          (10) In 2020, voting in the District of Colum-  
21          bia for the June primary election was fraught with  
22          problems. Some voters waited in line for hours, and  
23          thousands of voters who requested absentee mail-in  
24          ballots never received them. As a result, the District  
25          of Columbia allowed voters that never received their

1 absentee ballot to cast their ballots via unsecured  
2 email. During the Committee on House Administra-  
3 tion and Committee on Oversight and Accountability  
4 joint hearing titled “American Confidence in Elec-  
5 tions: The Path to Election Integrity in the District  
6 of Columbia”, witnesses called by Republicans and  
7 Democrats both agreed that casting a ballot via un-  
8 secured email raised serious security and voter iden-  
9 tification concerns.

10 (11) In 2020, the District of Columbia Board  
11 of Elections mailed every registered voter a ballot  
12 for the general election. Voters were still permitted  
13 to vote in-person. The Board mailed 421,791 ballots,  
14 and 48,018 of them were undeliverable, more than  
15 eleven percent. This is a rate more than eight times  
16 higher than the national average.

17 (12) Even after mailing every registered voter  
18 a ballot in the 2020 general election, the District of  
19 Columbia had lower voter turnout rates than states  
20 like Florida, Ohio, and Georgia. In 2020, the Dis-  
21 trict of Columbia reported a roughly 64 percent  
22 turnout while Florida reported 77 percent, Ohio re-  
23 ported roughly 74 percent, and Georgia reported 66  
24 percent.

1           (13) In 2022, the District of Columbia Board  
2 of Elections mailed every registered voter a ballot  
3 for the midterm primary election. Voters were still  
4 allowed to vote in person. The Board mailed  
5 402,323 ballots, and 65,398 ballots, or about sixteen  
6 percent, were undeliverable. This is an increase of  
7 17,380 in undeliverable ballots between the 2020  
8 general election and the 2022 primary election.

9           (14) In 2022, the District of Columbia Board  
10 of Elections mailed every registered voter a ballot  
11 for the November general election. Voters were still  
12 allowed to vote in person. The Board mailed  
13 508,543 ballots, and 87,921 were undeliverable. The  
14 rate of undeliverable ballots mailed out for the gen-  
15 eral election in 2022 was seventeen percent, an in-  
16 crease of about six basis points from the 2020 elec-  
17 tion. In addition, the District of Columbia mailed  
18 over 500 voters an incorrect ballot. At the time of  
19 the 2022 election, the COVID-19 pandemic was  
20 largely over, allowing voters to vote in person with-  
21 out issue, unlike during the 2020 election.

22           (15) Despite mailing every registered voter a  
23 ballot in the 2022 midterm election, the District of  
24 Columbia had far lower voter turnout rates than  
25 states like Florida, Georgia, and Ohio. In 2022, the

1 District of Columbia reported roughly 40 percent  
2 turnout while Florida reported 54 percent, Ohio re-  
3 ported 52 percent, and Georgia reported roughly 57  
4 percent.

5 (16) The Local Resident Voting Rights Amend-  
6 ment Act of 2022 allows noncitizen green-card hold-  
7 ers and illegal aliens to cast a ballot in local races,  
8 as long as the non-citizen voter is at least eighteen  
9 years of age and has resided in the District of Co-  
10 lumbia for thirty days. The law will take effect in  
11 2024. Estimates as to the number of non-citizens of  
12 voting age living in the District of Columbia range  
13 from 21,000 to 42,000, potentially half of whom are  
14 illegal aliens. Even according to the low estimates,  
15 there are more than enough non-citizens of voting  
16 age living in the District of Columbia to impact elec-  
17 tion outcomes in some wards.

18 (17) On February 9, 2023, the U.S. House of  
19 Representatives, by a vote of 260 to 162, passed  
20 H.J. Res. 24, disapproving the Local Resident Vot-  
21 ing Rights Amendment Act of 2022 under the Dis-  
22 trict of Columbia Home Rule Act.

1 **SEC. 143. REQUIREMENTS FOR ELECTIONS IN DISTRICT OF**  
2 **COLUMBIA.**

3 (a) REQUIREMENTS DESCRIBED.—Title III of the  
4 Help America Vote Act of 2002 (52 U.S.C. 21801 et seq.)  
5 is amended by adding at the end the following new sub-  
6 title:

7 **“Subtitle C—Requirements for**  
8 **Elections in District of Columbia**

9 **“SEC. 321. STATEMENT OF CONGRESSIONAL AUTHORITY;**  
10 **FINDINGS.**

11 “Congress finds that it has the authority to establish  
12 the terms and conditions for the administration of elec-  
13 tions for public office in the District of Columbia—

14 “(1) under article I, section 8, clause 17 of the  
15 Constitution of the United States, which grants Con-  
16 gress the exclusive power to enact legislation with  
17 respect to the seat of the government of the United  
18 States; and

19 “(2) under other enumerated powers granted to  
20 Congress.

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

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

25 “(b) REQUIRING PROVISION OF IDENTIFICATION TO  
26 RECEIVE A BALLOT OR VOTE.—



1           “(1) INDIVIDUALS VOTING IN PERSON.—A Dis-  
2           trict of Columbia election official may not provide a  
3           ballot for a District of Columbia election to an indi-  
4           vidual who desires to vote in person unless the indi-  
5           vidual presents to the official an identification de-  
6           scribed in paragraph (3).

7           “(2) INDIVIDUALS VOTING OTHER THAN IN  
8           PERSON.—A District of Columbia election official  
9           may not provide a ballot for a District of Columbia  
10          election to an individual who desires to vote other  
11          than in person unless the individual submits with  
12          the application for the ballot a copy of an identifica-  
13          tion described in paragraph (3).

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

17                 “(A) A current and valid motor vehicle li-  
18                 cense issued by the District of Columbia or any  
19                 other current and valid photo identification of  
20                 the individual which is issued by the District of  
21                 Columbia or the identification number for such  
22                 motor vehicle license or photo identification.

23                 “(B) A current and valid United States  
24                 passport, a current and valid military photo  
25                 identification, or any other current and valid

1 photo identification of the individual which is  
2 issued by the Federal government.

3 “(C) Any current and valid photo identi-  
4 fication of the individual which is issued by a  
5 Tribal Government.

6 “(D) A student photo identification issued  
7 by a secondary school (as such term is defined  
8 in section 8101 of the Elementary and Sec-  
9 ondary Education Act of 1965 (20 U.S.C.  
10 7801)) or an institution of higher education (as  
11 such term is defined in section 101 of the High-  
12 er Education Act of 1965 (20 U.S.C. 1001)).

13 “(E) The last 4 digits of the individual’s  
14 social security number.

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

23 “(A) provides the address of the individ-  
24 ual’s residence; and

1           “(B) such document or other written infor-  
2           mation is of sufficient validity such that the  
3           election official is reasonably certain as to the  
4           identity of the individual.

5           “(c) PROVISION OF IDENTIFICATION WITHOUT COST  
6 TO INDIGENT INDIVIDUALS.—If the District of Columbia  
7 charges an individual a fee for an identification described  
8 in subsection (b)(3) and the individual provides an attesta-  
9 tion that the individual is unable to afford the fee, the  
10 District of Columbia shall provide the identification to the  
11 individual at no cost.

12          “(d) SPECIAL RULE WITH RESPECT TO SINCERELY  
13 HELD RELIGIOUS BELIEFS.—In the case of an individual  
14 who is unable to comply with the requirements of sub-  
15 section (b) due to sincerely held religious beliefs, the Dis-  
16 trict of Columbia shall provide such individual with an al-  
17 ternative identification that shall be deemed to meet the  
18 requirements of an identification described in subsection  
19 (b)(3).

20          “(e) DESIGNATION OF DISTRICT OF COLUMBIA  
21 AGENCY TO PROVIDE COPIES OF IDENTIFICATION.—The  
22 Mayor of the District of Columbia shall designate an agen-  
23 cy of the District of Columbia government to provide an  
24 individual with a copy of an identification described in

1 subsection (b)(3) at no cost to the individual for the pur-  
2 poses of meeting the requirement under subsection (b)(2).

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

4 “(1) METHODS FOR OBTAINING PHOTOS.—

5 “(A) PROVISION OF PHOTOS BY OFFICES  
6 OF DISTRICT OF COLUMBIA GOVERNMENT.—If  
7 any office of the District of Columbia govern-  
8 ment has a photograph or digital image of the  
9 likeness of an individual who is eligible to vote  
10 in a District of Columbia election, the office, in  
11 consultation with the chief election official of  
12 the District of Columbia, shall provide access to  
13 the photograph or digital image to the chief  
14 election official of the District of Columbia.

15 “(B) TAKING OF PHOTOS AT POLLING  
16 PLACE.—If a photograph or digital image of an  
17 individual who votes in person at a polling place  
18 is not included in the poll book which contains  
19 the name of the individuals who are eligible to  
20 vote in the District of Columbia election and  
21 which is used by election officials to provide  
22 ballots to such eligible individuals, the appro-  
23 priate election official shall take a photograph  
24 of the individual and provide access to the pho-

1           tograph to the chief election official of the Dis-  
2           trict of Columbia.

3           “(C) COPIES OF PHOTOS PROVIDED BY IN-  
4           DIVIDUALS NOT VOTING IN PERSON.—The elec-  
5           tion official who receives a copy of an identifica-  
6           tion described in subsection (b)(3) which is sub-  
7           mitted by an individual who desires to vote  
8           other than in person at a polling place shall  
9           provide access to the copy of the identification  
10          to the chief election official of the District of  
11          Columbia.

12          “(2) INCLUSION IN POLL BOOKS.—The chief  
13          election official of the District of Columbia shall en-  
14          sure that a photograph, digital image, or copy of an  
15          identification for which access is provided under  
16          paragraph (1) is included in the poll book which con-  
17          tains the name of the individuals who are eligible to  
18          vote in the District of Columbia election and which  
19          is used by election officials to provide ballots to such  
20          eligible individuals.

21          “(3) PROTECTION OF PRIVACY OF VOTERS.—  
22          The appropriate election officials of the District of  
23          Columbia shall ensure that any photograph, digital  
24          image, or copy of an identification which is included  
25          in a poll book under this subsection is not used for

1 any purpose other than the administration of Dis-  
2 trict of Columbia elections and is not provided or  
3 otherwise made available to any other person except  
4 as may be necessary to carry out that purpose.

5 “(g) EXCEPTIONS.—This section does not apply with  
6 respect to any individual who is—

7 “(1) entitled to vote by absentee ballot under  
8 the Uniformed and Overseas Citizens Absentee Vot-  
9 ing Act (52 U.S.C. 20301 et seq.);

10 “(2) provided the right to vote otherwise than  
11 in person under section 3(b)(2)(B)(ii) of the Voting  
12 Accessibility for the Elderly and Handicapped Act  
13 (52 U.S.C. 20102(b)(2)(B)(ii)); or

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

16 “(h) DEFINITIONS.—For the purposes of this section,  
17 the following definitions apply:

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

22 “(2) TRIBAL GOVERNMENT.—The term ‘Tribal  
23 Government’ means the recognized governing body  
24 of an Indian Tribe.

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

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

5 “(b) ANNUAL LIST MAINTENANCE.—

6 “(1) REQUIREMENTS.—

7 “(A) IN GENERAL.—The District of Co-  
8 lumbia shall carry out annually a program to  
9 remove ineligible persons from the official list of  
10 persons registered to vote in the District of Co-  
11 lumbia, as required by section 8 of the National  
12 Voter Registration Act of 1993 (52 U.S.C.  
13 20507) and pursuant to the procedures de-  
14 scribed in subparagraph (B).

15 “(B) REMOVAL FROM VOTER ROLLS.—In  
16 the case of a registrant from the official list of  
17 eligible voters in District of Columbia elections  
18 who has failed to vote in a District of Columbia  
19 election during a period of two consecutive  
20 years, the District of Columbia shall send to  
21 such registrant a notice described in section  
22 8(d)(2) of the National Voter Registration Act  
23 of 1993 (52 U.S.C. 20507(d)(2)) and shall re-  
24 move the registrant from the official list of eli-  
25 gible voters in District of Columbia elections  
26 if—

1           “(i) the registrant fails to respond to  
2           such notice; and

3           “(ii) the registrant has not voted or  
4           appeared to vote in a District of Columbia  
5           election during the period beginning the  
6           date such notice is sent and ending the  
7           later of 4 years after the date such notice  
8           is sent or after two consecutive District of  
9           Columbia general elections have been held.

10           “(2) TIMING.—In the case of a year during  
11           which a regularly scheduled District of Columbia  
12           election is held, the District of Columbia shall carry  
13           out the program described in paragraph (1) not  
14           later than 90 days prior to the date of the election.

15           “(c) PROHIBITING SAME-DAY REGISTRATION.—The  
16           District of Columbia may not permit an individual to vote  
17           in a District of Columbia election unless, not later than  
18           30 days prior to the date of the election, the individual  
19           is duly registered to vote in the election.

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

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



1       “(b) IN GENERAL.—The District of Columbia may  
2 not permit an individual to knowingly collect and transmit  
3 a ballot in a District of Columbia election that was mailed  
4 to another person, other than an individual described as  
5 follows:

6           “(1) An election official while engaged in offi-  
7 cial duties as authorized by law.

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

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

15           “(4) A family member, household member, or  
16 caregiver of the person to whom the ballot was  
17 mailed.

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

20           “(1) The term ‘caregiver’ means an individual  
21 who provides medical or health care assistance to  
22 such person in a residence, nursing care institution,  
23 hospice facility, assisted living center, assisted living  
24 facility, assisted living home, residential care institu-

1       tion, adult day health care facility, or adult foster  
2       care home.

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

6               “(3) The term ‘household member’ means an  
7       individual who resides at the same residence as such  
8       person.

9       **“SEC. 325. TIMELY PROCESSING AND REPORTING OF RE-**  
10               **SULTS.**

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

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

24               “(c) **REQUIREMENT TO PUBLISH NUMBER OF**  
25       **VOTED BALLOTS ON ELECTION DAY.**—The District of

1 Columbia shall, as soon as practicable after the closing  
2 of polls on the date of a District of Columbia election,  
3 make available on a publicly accessible website the total  
4 number of voted ballots in the possession of election offi-  
5 cials in the District of Columbia as of the time of the clos-  
6 ing of polls on the date of such election, which shall in-  
7 clude, as of such time—

8           “(1) the number of voted ballots delivered by  
9           mail;

10           “(2) the number of ballots requested for such  
11           election by individuals who are entitled to vote by  
12           absentee ballot under the Uniformed and Overseas  
13           Citizens Absentee Voting Act (52 U.S.C. 20301 et  
14           seq.); and

15           “(3) the number of voted ballots for such elec-  
16           tion received from individuals who are entitled to  
17           vote by absentee ballot under the Uniformed and  
18           Overseas Citizens Absentee Voting Act (52 U.S.C.  
19           20301 et seq.), including from individuals who,  
20           under such Act, voted by absentee ballot without re-  
21           questing such a ballot.

22           “(d) REQUIREMENTS TO ENSURE BIPARTISAN  
23           ELECTION ADMINISTRATION ACTIVITY.—With respect to  
24           a District of Columbia election, District of Columbia elec-  
25           tion officials shall ensure that all activities are carried out

1 in a bipartisan manner, which shall include a requirement  
2 that, in the case of an election worker who enters a room  
3 which contains ballots, voting equipment, or non-voting  
4 equipment as any part of the election worker’s duties to  
5 carry out such election, the election worker is accompanied  
6 by an individual registered to vote with respect to a dif-  
7 ferent political party than such election worker, as deter-  
8 mined pursuant to the voting registration records of the  
9 District of Columbia.

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

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

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

17 **“SEC. 327. REQUIREMENTS WITH RESPECT TO PROVI-**  
18 **SIONAL BALLOTS.**

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

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

1           “(1) the individual declares that such individual  
2           is a registered voter in the District of Columbia and  
3           is eligible to vote in a District of Columbia election  
4           but the name of the individual does not appear on  
5           the official list of eligible voters for the polling place  
6           or an election official asserts that the individual is  
7           not eligible to vote; or

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

18          “(c) REQUIREMENTS WITH RESPECT TO COUNTING  
19          PROVISIONAL BALLOTS IN CERTAIN CASES.—If the name  
20          of an individual who is a registered voter in the District  
21          of Columbia and eligible to vote in a District of Columbia  
22          election appears on the official list of eligible voters for  
23          a polling place in the District of Columbia, such individual  
24          may cast a provisional ballot pursuant to section 302 for  
25          such election at a polling place other than the polling place

1 with respect to which the name of the individual appears  
2 on the official list of eligible voters, except that the individ-  
3 ual’s provisional ballot shall not be counted in the election  
4 unless the individual demonstrates pursuant to the re-  
5 quirements under section 302 that the individual is a reg-  
6 istered voter in the jurisdiction of the polling place at  
7 which the individual cast such ballot.

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

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

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

13 “(1) **REQUIREMENT.**—Not later than 30 days  
14 after each District of Columbia election, the District  
15 of Columbia shall conduct and publish an audit of  
16 the effectiveness and accuracy of the voting systems,  
17 nonvoting election technology (as defined in section  
18 298C), election procedures, and outcomes used to  
19 carry out the election and the performance of the  
20 election officials who carried out the election, but in  
21 no case shall such audit be completed later than 2  
22 business days before the deadline to file an election  
23 contest under the laws of the District of Columbia.

24 “(2) **INDEPENDENCE OF AUDITOR.**—No indi-  
25 vidual who participates in conducting the audit re-

1       quired under this section may be an employee or  
2       contractor of an office of the District of Columbia  
3       which is responsible for the administration of Dis-  
4       trict of Columbia elections or of a subsidiary or affil-  
5       iate of such an office.

6       **“SEC. 329. PUBLIC OBSERVATION OF ELECTION PROCE-**  
7       **DURES.**

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

11      “(b) **DESIGNATED REPRESENTATIVES OF CAN-**  
12      **DIDATES, POLITICAL PARTIES, AND COMMITTEES AFFILI-**  
13      **ATED WITH BALLOT INITIATIVES.**—

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

22           “(2) **AUTHORITY AND PROCEDURES DE-**  
23      **SCRIBED.**—The authority of an individual to observe  
24      election procedures pursuant to this subsection is as  
25      follows:

1           “(A) The individual may serve as a poll  
2 watcher to observe the casting and tabulation of  
3 ballots at a polling place on the date of the elec-  
4 tion or on any day prior to the date of the elec-  
5 tion on which ballots are cast at early voting  
6 sites, and may challenge the casting or tabula-  
7 tion of any such ballot.

8           “(B) The individual may serve as a poll  
9 watcher to observe the canvassing and proc-  
10 essing of absentee or other mail-in ballots, in-  
11 cluding the procedures for verification of signed  
12 certificates of transmission under section  
13 330(c)(2).

14           “(C) The individual may observe the re-  
15 count of the results of the election at any loca-  
16 tion at which the recount is held, and may chal-  
17 lenge the tabulation of any ballot tabulated pur-  
18 suant to the recount.

19           “(3) PROVISION OF CREDENTIALS.—The chief  
20 State election official of the District of Columbia  
21 shall provide each individual who is authorized to ob-  
22 serve election procedures under paragraph (1) with  
23 appropriate credentials to enable the individual to  
24 observe such procedures.



1           “(4) EXCEPTION FOR CANDIDATES AND LAW  
2 ENFORCEMENT OFFICERS.—An individual may not  
3 serve as a poll watcher under subparagraph (A) or  
4 (B) of paragraph (2), and the chief State election of-  
5 ficial of the District of Columbia may not provide  
6 the individual with credentials to enable the indi-  
7 vidual to serve as a poll watcher under such sub-  
8 paragraph, if the individual is a candidate in the  
9 election or a law enforcement officer.

10           “(c) OTHER INDIVIDUALS.—

11           “(1) PETITION FOR OBSERVER CREDEN-  
12 TIALS.—In addition to the individuals described in  
13 subsection (b), any individual, including an indi-  
14 vidual representing or affiliated with a domestic or  
15 international organization, may petition the chief  
16 State election official of the District of Columbia to  
17 provide the individual with credentials to observe  
18 election procedures carried out in a District of Co-  
19 lumbia election, as described in subsection (b).

20           “(2) AUTHORITY DESCRIBED.—If the chief  
21 State election official provides an individual with  
22 credentials under paragraph (1), the individual shall  
23 have the same authority to observe election proce-  
24 dures carried out in the election as an individual de-  
25 scribed in subsection (b), except that the individual

1 may not challenge the casting, tabulation, can-  
2 vassing, or processing of any ballot in the election.

3 “(3) EXCEPTION FOR CANDIDATES AND LAW  
4 ENFORCEMENT OFFICERS.—The chief State election  
5 official of the District of Columbia may not provide  
6 an individual who is a candidate in the election or  
7 a law enforcement officer with credentials to serve as  
8 a poll watcher, as described in subparagraph (A) or  
9 (B) of subsection (b)(2).

10 “(d) AUTHORITY OF MEMBERS OF PUBLIC TO OB-  
11 SERVE TESTING OF EQUIPMENT.—In addition to the au-  
12 thority of individuals to observe procedures under sub-  
13 sections (b) and (c), any member of the public may ob-  
14 serve the testing of election equipment by election officials  
15 prior to the date of the election.

16 “(e) PROHIBITING LIMITS ON ABILITY TO VIEW  
17 PROCEDURES.—An election official may not obstruct the  
18 ability of an individual who is authorized to observe an  
19 election procedure under this section to view the procedure  
20 as it is being carried out.

21 “(f) PROHIBITION AGAINST CERTAIN RESTRIC-  
22 TIONS.—An election official may not require that an indi-  
23 vidual who observes election procedures under this section  
24 stays more than 3 feet away from the procedure as it is  
25 being carried out.

1 **“SEC. 330. REQUIREMENTS FOR VOTING BY MAIL-IN BAL-**  
2 **LOT.**

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

6 “(b) **PROHIBITING TRANSMISSION OF UNSOLICITED**  
7 **BALLOTS.**—The District of Columbia may not transmit  
8 an absentee or other mail-in ballot for a District of Colum-  
9 bia election to any individual who does not request the  
10 District of Columbia to transmit the ballot.

11 “(c) **SIGNATURE VERIFICATION.**—

12 “(1) **INCLUSION OF CERTIFICATE WITH BAL-**  
13 **LOT.**—The District of Columbia shall include with  
14 each absentee or other mail-in ballot transmitted for  
15 a District of Columbia election a certificate of trans-  
16 mission which may be signed by the individual for  
17 whom the ballot is transmitted.

18 “(2) **REQUIRING VERIFICATION FOR BALLOT TO**  
19 **BE COUNTED.**—Except as provided in subsection (d),  
20 the District of Columbia may not accept an absentee  
21 or other mail-in ballot for a District of Columbia  
22 election unless—

23 “(A) the individual for whom the ballot  
24 was transmitted—

1                   “(i) signs and dates the certificate of  
2                   transmission included with the ballot under  
3                   paragraph (1); and

4                   “(ii) includes the signed certification  
5                   with the ballot and the date on such cer-  
6                   tification is accurate and in no case later  
7                   than the date of the election; and

8                   “(B) the individual’s signature on the bal-  
9                   lot matches the signature of the individual on  
10                  the official list of registered voters in the Dis-  
11                  trict of Columbia or other official record or doc-  
12                  ument used by the District of Columbia to  
13                  verify the signatures of voters.

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

15                  “(1) NOTICE AND OPPORTUNITY TO CURE DIS-  
16                  CREPANCY IN SIGNATURES.—If an individual sub-  
17                  mits an absentee or other mail-in ballot for a Dis-  
18                  trict of Columbia election and the appropriate Dis-  
19                  trict of Columbia election official determines that a  
20                  discrepancy exists between the signature on such  
21                  ballot and the signature of such individual on the of-  
22                  ficial list of registered voters in the District of Co-  
23                  lumbia or other official record or document used by  
24                  the District of Columbia to verify the signatures of  
25                  voters, such election official, prior to making a final

1 determination as to the validity of such ballot,  
2 shall—

3 “(A) make a good faith effort to imme-  
4 diately notify the individual by mail, telephone,  
5 or (if available) text message and electronic  
6 mail that—

7 “(i) a discrepancy exists between the  
8 signature on such ballot and the signature  
9 of the individual on the official list of reg-  
10 istered voters in the District of Columbia  
11 or other official record or document used  
12 by the District of Columbia to verify the  
13 signatures of voters; and

14 “(ii) if such discrepancy is not cured  
15 prior to the expiration of the 48-hour pe-  
16 riod which begins on the date the official  
17 notifies the individual of the discrepancy,  
18 such ballot will not be counted; and

19 “(B) cure such discrepancy and count the  
20 ballot if, prior to the expiration of the 48-hour  
21 period described in subparagraph (A)(ii), the  
22 individual provides the official with information  
23 to cure such discrepancy, either in person, by  
24 telephone, or by electronic methods.

1           “(2) NOTICE AND OPPORTUNITY TO CURE MISS-  
2           ING SIGNATURE OR OTHER DEFECT.—If an indi-  
3           vidual submits an absentee or other mail-in ballot  
4           for a District of Columbia election without a signa-  
5           ture on the ballot or the certificate of transmission  
6           included with the ballot under subsection (c)(1) or  
7           submits an absentee ballot with another defect  
8           which, if left uncured, would cause the ballot to not  
9           be counted, the appropriate District of Columbia  
10          election official, prior to making a final determina-  
11          tion as to the validity of the ballot, shall—

12                   “(A) make a good faith effort to imme-  
13                   diately notify the individual either by mail, tele-  
14                   phone, or (if available) text message and elec-  
15                   tronic mail that—

16                           “(i) the ballot or certificate of trans-  
17                           mission did not include a signature or has  
18                           some other defect; and

19                           “(ii) if the individual does not provide  
20                           the missing signature or cure the other de-  
21                           fect prior to the expiration of the 48-hour  
22                           period which begins on the date the official  
23                           notifies the individual that the ballot or  
24                           certificate of transmission did not include

1 a signature or has some other defect, such  
2 ballot will not be counted; and

3 “(B) count the ballot if, prior to the expi-  
4 ration of the 48-hour period described in sub-  
5 paragraph (A)(ii), the individual provides the  
6 official with the missing signature on a form  
7 proscribed by the District of Columbia or cures  
8 the other defect.

9 This paragraph does not apply with respect to a de-  
10 fect consisting of the failure of a ballot to meet the  
11 applicable deadline for the acceptance of the ballot,  
12 as described in subsection (e).

13 “(e) DEADLINE FOR ACCEPTANCE.—

14 “(1) DEADLINE.—Except as provided in para-  
15 graph (2), the District of Columbia may not accept  
16 an absentee or other mail-in ballot for a District of  
17 Columbia election which is received by the appro-  
18 priate election official following the close of polls on  
19 Election Day.

20 “(2) EXCEPTION FOR ABSENT MILITARY AND  
21 OVERSEAS VOTERS.—Paragraph (1) does not apply  
22 to a ballot cast by an individual who is entitled to  
23 vote by absentee ballot under the Uniformed and  
24 Overseas Citizens Absentee Voting Act (52 U.S.C.  
25 20301 et seq.).

1           “(3) RULE OF CONSTRUCTION.—Nothing in  
2 this subsection may be construed as prohibiting the  
3 District of Columbia from accepting an absentee or  
4 other mail-in ballot for a District of Columbia elec-  
5 tion that is delivered in person by the voter to an  
6 election official at an appropriate polling place or  
7 the District of Columbia Board of Elections if such  
8 ballot is received by the election official by the dead-  
9 line described in paragraph (1).

10 **“SEC. 331. REQUIREMENTS WITH RESPECT TO USE OF**  
11 **DROP BOXES.**

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

15           “(b) REQUIREMENTS.—With respect to a District of  
16 Columbia election, the District of Columbia may not use  
17 a drop box to accept a voted absentee or other mail-in  
18 ballot for any such election unless—

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

21           “(2) the District of Columbia provides for the  
22 security of any such drop box through 24-hour re-  
23 mote or electronic surveillance; and

24           “(3) the District of Columbia Board of Elec-  
25 tions collects any ballot deposited in any such drop



1 box each day after 5:00 p.m. (local time) during the  
2 period of the election.

3 **“SEC. 332. SPECIAL RULE WITH RESPECT TO APPLICATION**  
4 **OF REQUIREMENTS TO FEDERAL ELECTIONS.**

5 “With respect to an election for Federal office in the  
6 District of Columbia, to the extent that there is any incon-  
7 sistency with the requirements of this subtitle and the re-  
8 quirements of subtitle A, the requirements of this subtitle  
9 shall apply.

10 **“SEC. 333. PROHIBITING THE USE OF RANKED CHOICE VOT-**  
11 **ING.**

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

15 “(b) **PROHIBITION.**—The District of Columbia may  
16 not carry out a District of Columbia election using a sys-  
17 tem of ranked choice voting under which each voter shall  
18 rank the candidates for the office in the order of the vot-  
19 er’s preference.

20 **“SEC. 334. EARLY VOTING.**

21 “(a) **REQUIRING EARLY VOTING.**—

22 “(1) **IN GENERAL.**—The District of Columbia  
23 shall allow individuals to vote in person in a District  
24 of Columbia election during an early voting period  
25 which occurs prior to the date of the election, in the

1 same manner as in person voting is allowed on such  
2 date.

3 “(2) LENGTH OF PERIOD.—The early voting  
4 period required under this subsection with respect to  
5 a District of Columbia election shall consist of not  
6 more than 10 days during the period of consecutive  
7 days (including weekends) which begins on the 14th  
8 day before the date of the election and ends on the  
9 date of the election.

10 “(b) POLLING PLACE REQUIREMENTS.—Each poll-  
11 ing place which allows voting during an early voting period  
12 under subsection (a) shall have the same hours for each  
13 day on which such voting occurs as the polling place has  
14 on the date of the election.

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

16 “In this subtitle, the term ‘District of Columbia elec-  
17 tion’ means any election for public office in the District  
18 of Columbia, including an election for Federal office, and  
19 any ballot initiative or referendum.”.

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

1 (c) CLERICAL AMENDMENT.—The table of contents  
 2 of such Act is amended by adding at the end of the items  
 3 relating to title III the following:

“Subtitle C—Requirements for Elections in District of Columbia

“Sec. 321. Statement of Congressional authority; findings.

“Sec. 322. Requirements for photo identification.

“Sec. 323. Requirements for voter registration.

“Sec. 324. Ban on collection and transmission of ballots by certain third parties.

“Sec. 325. Timely processing and reporting of results.

“Sec. 326. Ban on noncitizen voting.

“Sec. 327. Requirements with respect to provisional ballots.

“Sec. 328. Mandatory post-election audits.

“Sec. 329. Public observation of election procedures.

“Sec. 330. Requirements for voting by mail-in ballot.

“Sec. 331. Requirements with respect to use of drop boxes.

“Sec. 332. Special rule with respect to application of requirements to Federal elections.

“Sec. 333. Prohibiting the use of ranked choice voting.

“Sec. 334. Early voting.

“Sec. 335. District of Columbia election defined.

4 **SEC. 144. REPEAL OF LOCAL RESIDENT VOTING RIGHTS**  
 5 **AMENDMENT ACT OF 2022.**

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

10 **SEC. 145. EFFECTIVE DATE.**

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

1    **Subtitle E—Administration of the**  
2    **Election Assistance Commission**

3    **SEC. 151. SHORT TITLE.**

4        This subtitle may be cited as the “Positioning the  
5    Election Assistance Commission for the Future Act of  
6    2023”.

7    **SEC. 152. FINDINGS RELATING TO THE ADMINISTRATION**  
8                **OF THE ELECTION ASSISTANCE COMMISSION.**

9        Congress finds the following:

10           (1) The Election Assistance Commission best  
11        serves the American people when operating within  
12        its core statutory functions, including serving as a  
13        clearinghouse for information on election administra-  
14        tion, providing grants, and testing and certifying  
15        election equipment.

16           (2) The American people are best served when  
17        Federal agency election assistance is offered by a  
18        single agency with expertise in this space. The Elec-  
19        tion Assistance Commission, composed of four elec-  
20        tion experts from different political parties, is best  
21        situated among the Federal government agencies to  
22        offer assistance services to citizens and to guide  
23        other Federal agencies that have responsibilities in  
24        the elections space. The Commission is also best  
25        suited to determine the timing of the issuance of any

1       advisories and to disburse all appropriated election  
2       grant funding.

3           (3) To this end, Congress finds that the Elec-  
4       tion Assistance Commission should be viewed as the  
5       lead Federal government agency on all election ad-  
6       ministration matters, and other Federal agencies op-  
7       erating in this space should look to the Commission  
8       for guidance, direction, and support on election ad-  
9       ministration-related issues.

10 **SEC. 153. REQUIREMENTS WITH RESPECT TO STAFF AND**  
11                   **FUNDING OF THE ELECTION ASSISTANCE**  
12                   **COMMISSION.**

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

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

22           (1) by striking “for each of the fiscal years  
23       2003 through 2005” and inserting “for each of the  
24       fiscal years 2024 through 2026”; and

1           (2) by striking “(but not to exceed \$10,000,000  
2 for each such year)” and inserting “(but not to ex-  
3 ceed \$25,000,000 for each such year)”.

4           (c) PROHIBITION ON CERTAIN USE OF FUNDS.—

5           (1) PROHIBITION.—None of the funds author-  
6 ized to be appropriated or otherwise made available  
7 under subsection (b) may be obligated or expended  
8 for the operation of an advisory committee estab-  
9 lished by the Election Assistance Commission pursu-  
10 ant to and in accordance with the provisions of the  
11 Federal Advisory Committee Act (5 U.S.C. App. 2),  
12 except with respect to the operation of the Local  
13 Leadership Council.

14           (2) NO EFFECT ON ENTITIES ESTABLISHED BY  
15 HELP AMERICA VOTE ACT OF 2002.—Paragraph (1)  
16 does not apply with respect to the operation of any  
17 entity established by the Help America Vote Act of  
18 2002, including the Election Assistance Commission  
19 Standards Board, the Election Assistance Commis-  
20 sion Board of Advisors, and the Technical Guide-  
21 lines Development Committee.

22           (d) REQUIREMENTS WITH RESPECT TO COMPENSA-  
23 TION OF MEMBERS OF THE COMMISSION.—Section  
24 203(d) of the Help America Vote Act of 2002 (52 U.S.C.  
25 20923(d)) is amended—

1           (1) in paragraph (1), by striking “at the annual  
2           rate of basic pay prescribed for level IV of the Exec-  
3           utive Schedule under section 5315 of title 5, United  
4           States Code” and inserting “at an annual rate of  
5           basic pay equal to the lesser of the amount of  
6           \$176,300, as adjusted under section 5318 of title 5,  
7           United States Code, in the same manner as the an-  
8           nual rate of pay for positions at each level of the  
9           Executive Schedule, or 90 percent of the annual rate  
10          of pay for a member of the Federal Election Com-  
11          mission (but in no case lower than the rate applica-  
12          ble for the pay period occurring on the date of the  
13          enactment of the ACE Act)”;

14          (2) in paragraph (2), by striking “No member  
15          appointed” and inserting “Except as provided in  
16          paragraph (3), no member appointed”; and

17          (3) by adding at the end the following new  
18          paragraph:

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

1           “(A) the General Counsel of the Election  
2           Assistance Commission determines that such  
3           position does not create a conflict of interest  
4           with the individual’s position as a sitting mem-  
5           ber of the Commission and grants the indi-  
6           vidual approval to hold the position; and

7           “(B) the annual rate of compensation re-  
8           ceived by the individual from such institution is  
9           not greater than the amount equal to 49.9% of  
10          the annual rate of basic pay paid to the indi-  
11          vidual under paragraph (1).”.

12          (e) OFFICE OF INSPECTOR GENERAL.—Section 204  
13          of the Help America Vote Act of 2002 (52 U.S.C. 20924)  
14          is amended by adding at the end the following new sub-  
15          section:

16          “(f) OFFICE OF INSPECTOR GENERAL.—In consulta-  
17          tion with the Office of the Inspector General of the Com-  
18          mission, the Commission shall establish annually a budget  
19          and a number of full-time equivalent employees for the  
20          Office of the Inspector General which will ensure that the  
21          Office has sufficient funding and personnel to carry out  
22          the duties and responsibilities under section 404 of title  
23          5, United States Code.”.



1 (f) EFFECTIVE DATE.—This section and the amend-  
2 ments made by this section shall take effect on October  
3 1, 2025.

4 **SEC. 154. GENERAL REQUIREMENTS FOR PAYMENTS MADE**  
5 **BY ELECTION ASSISTANCE COMMISSION.**

6 (a) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-  
7 ANCE COMMISSION TO MAKE ELECTION ADMINISTRATION  
8 PAYMENTS TO STATES.—No entity of the Federal Govern-  
9 ment other than the Election Assistance Commission may  
10 make any payment to a State for purposes of admin-  
11 istering elections for Federal office, including obtaining  
12 election and voting equipment and infrastructure (includ-  
13 ing software), enhancing election and voting technology,  
14 and making election and voting security improvements, in-  
15 cluding with respect to cybersecurity and infrastructure  
16 (including software).

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

1           **“PART 7—GENERAL REQUIREMENTS FOR**  
2                               **PAYMENTS**  
3   **“SEC. 297. PROHIBITING USE OF PAYMENTS FOR GET-OUT-**  
4                               **THE-VOTE-ACTIVITY.**

5           “(a) PROHIBITION.—No payment made to a State or  
6 unit of local government by the Commission under this  
7 Act or any other Act or any other Federal funds made  
8 available to a State or unit of local government may be  
9 used for get-out-the-vote activity.

10          “(b) DEFINITION.—In this section, the term ‘get-out-  
11 the-vote activity’ means, with respect to a payment made  
12 to a State or unit of local government, any activity which,  
13 at the time the payment is made, is treated as get-out-  
14 the-vote-activity under the Federal Election Campaign Act  
15 of 1971 and the regulations promulgated by the Federal  
16 Election Commission to carry out such Act, or similar ac-  
17 tivity which is targeted, or may be reasonably assumed  
18 to be targeted, at particular voters and groups of voters  
19 on the basis of political affiliation, their expected votes,  
20 their place of residence, or some other demographic fac-  
21 tor.”.

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

1 **“SEC. 297A. REQUIRING COMMUNICATIONS FUNDED BY**  
2 **PAYMENTS TO INCLUDE DISCLAIMER.**

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

12 “(b) CLEAR AND CONSPICUOUS MANNER DE-  
13 SCRIBED.—A statement required under subsection (a)  
14 shall be considered to be in a clear and conspicuous man-  
15 ner if the statement meets the following requirements:

16 “(1) TEXT OR GRAPHIC COMMUNICATIONS.—In  
17 the case of a text or graphic communication, the  
18 statement—

19 “(A) appears in letters at least as legible  
20 as the majority of the text in the communica-  
21 tion;

22 “(B) is contained in a printed box set  
23 apart from the other contents of the commu-  
24 nication; and

1           “(C) is printed with a reasonable degree of  
2           color contrast between the background and the  
3           printed statement.

4           “(2) AUDIO COMMUNICATIONS.—In the case of  
5           an audio communication, the statement is spoken in  
6           a clearly audible and intelligible manner at the be-  
7           ginning or end of the communication and lasts at  
8           least 3 seconds.

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

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

13                 “(B) is made in a written format that  
14                 meets the requirements of subparagraphs (A)  
15                 and (C) of paragraph (1) and appears for at  
16                 least 4 seconds.

17           “(4) OTHER COMMUNICATIONS.—In the case of  
18           any other type of communication, the statement is  
19           at least as clear and conspicuous as the statement  
20           specified in paragraph (1), (2), or (3).

21           “(e) PUBLIC COMMUNICATION.—In this section, the  
22           term ‘public communication’ means a communication re-  
23           lating to the administration of an election for Federal of-  
24           fice by means of any broadcast, cable, or satellite commu-  
25           nication, internet communication, newspaper, magazine,

1 outdoor advertising facility, mass mailing, or telephone  
2 bank to the general public, or any other form of general  
3 public advertising.

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

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

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

13               “(1) The guidance shall be consistent for all  
14 States and units of local government.

15               “(2) The guidance shall be available to the pub-  
16 lic.

17               “(3) If the Commission revises any previously  
18 established and published guidance under this sec-  
19 tion, the revision may not take effect until after the  
20 next regularly scheduled general election for Federal  
21 office, and the Commission shall provide and publish  
22 its reasons for the revision.

23       “(c) **APPLICATION OF GUIDANCE TO AUDITS.**—If the  
24 Commission conducts any audit of the use of a payment  
25 to a State or unit of local government, it shall base the

1 audit on the compliance of the State or unit of local gov-  
 2 ernment with the applicable guidance under this section  
 3 and the applicable requirements of this Act.

4 “(d) UNIFORM TERMS FOR REPORTS.—In coopera-  
 5 tion and consultation with States, the Commission shall  
 6 establish a set of uniform terms for States and units of  
 7 local government to use for any reports submitted to the  
 8 Commission on the use of payments made by the Commis-  
 9 sion under this Act or any other Act.”.

10 (d) CLERICAL AMENDMENT.—The table of contents  
 11 of such Act is amended by inserting at the end of the items  
 12 relating to subtitle D of title II the following:

“PART 7—GENERAL REQUIREMENTS FOR PAYMENTS

“Sec. 297. Prohibiting use of payments for get-out-the-vote-activity.

“Sec. 297A. Requiring communications funded by payments to include dis-  
 claimer.

“Sec. 297B. Guidance on use of payments.”.

13 (e) EFFECTIVE DATE.—This section and the amend-  
 14 ments made by this section shall apply with respect to pay-  
 15 ments made on or after the date that is 30 days after  
 16 the date of the enactment of this Act.

17 **SEC. 155. EXECUTIVE BOARD OF THE STANDARDS BOARD**  
 18 **AUTHORITY TO ENTER INTO CONTRACTS.**

19 Section 213(c) of the Help America Vote Act of 2002  
 20 (52 U.S.C. 20943(c)) is amended by adding at the end  
 21 the following new paragraph:

1           “(5) AUTHORITY TO ENTER INTO CON-  
2           TRACTS.—The Executive Board of the Standards  
3           Board may, using amounts already made available  
4           to the Commission, enter into contracts to employ  
5           and retain no more than 2 individuals to enable the  
6           Standards Board to discharge its duties with respect  
7           to the examination and release of voluntary consider-  
8           ations with respect to the administration of elections  
9           for Federal offices by the States under section 247,  
10          except that—

11                   “(A) no more than 1 individual from the  
12                   same political party may be employed under  
13                   such contracts at the same time;

14                   “(B) the authority to enter into such con-  
15                   tracts shall end on the earlier of the date of the  
16                   release of the considerations or December 31,  
17                   2025; and

18                   “(C) no additional funds may be appro-  
19                   priated to the Commission for the purposes of  
20                   carrying out this paragraph.”.

21 **SEC. 156. ELECTION ASSISTANCE COMMISSION PRIMARY**  
22                   **ROLE IN ELECTION ADMINISTRATION ASSIST-**  
23                   **ANCE.**

24           (a) IN GENERAL.—Except as provided in any other  
25           provision of law, the Election Assistance Commission

1 shall, with respect to any other entity of the Federal Gov-  
2 ernment, have primary jurisdiction to address issues with  
3 respect to the administration of elections for Federal of-  
4 fice.

5 (b) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-  
6 ANCE COMMISSION TO DEVELOP VOLUNTARY GUIDE-  
7 LINES WITH RESPECT TO VOTING SYSTEMS AND NON-  
8 VOTING TECHNOLOGY.—No entity of the Federal Govern-  
9 ment other than the Election Assistance Commission may  
10 develop, adopt, issue, or oversee voluntary guidelines with  
11 respect to voting systems and any related nonvoting elec-  
12 tion technology, as defined in section 298C of the Help  
13 America Vote Act of 2002 (as added by section 129(b))  
14 that are used in elections for Federal office.

15 **SEC. 157. CLARIFICATION OF THE DUTIES OF THE ELEC-**  
16 **TION ASSISTANCE COMMISSION.**

17 Section 202 of the Help America Vote Act of 2002  
18 (52 U.S.C. 20922) is amended—

19 (1) by striking “The Commission shall serve”  
20 and inserting the following:

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

22 (2) in paragraph (1), by striking “including the  
23 maintenance of a clearinghouse of information on  
24 the experiences of State and local governments in  
25 implementing the guidelines and in operating voting



1 systems in general” and inserting “including, in co-  
2 operation with and for the benefit of the States and  
3 their political subdivisions, the maintenance and op-  
4 eration of a Federal forum for the States and their  
5 political subdivisions to discuss with other States  
6 and their political subdivisions their experiences with  
7 election administration processes, equipment, oper-  
8 ations, training, and scheduling, as well as any other  
9 useful information relating to State administration  
10 of elections for Federal office (as described in sub-  
11 section (b))”;

12 (3) in paragraph (2), by inserting “, including  
13 any related nonvoting election technology, as defined  
14 in section 298C of the Help America Vote Act of  
15 2002” after “hardware and software”; and

16 (4) by adding at the end the following new sub-  
17 sections:

18 “(b) FEDERAL FORUM FOR DISCUSSION OF ELEC-  
19 TION ADMINISTRATION EXPERIENCES.—

20 “(1) MEMBERSHIP.—The membership of the  
21 Federal forum described in paragraph (1) of sub-  
22 section (a) shall be comprised of the membership of  
23 the Standards Board and of the Local Leadership  
24 Council.

1           “(2) MAINTENANCE OF CLEARINGHOUSE.—As  
2 part of such Federal forum, the Commission shall,  
3 on behalf of and for the benefit of the States and  
4 their political subdivisions, maintain and operation a  
5 national clearinghouse of relevant information devel-  
6 oped by or provided to the Federal forum with re-  
7 spect to State administration of elections for Federal  
8 office. The Commission may also include other infor-  
9 mation related to election administration that it con-  
10 siders useful to State and local election administra-  
11 tors who administer elections for Federal office, ex-  
12 cept that the Commission may not endorse a private  
13 third party, the information provided or published by  
14 a private third party, or use such information in a  
15 way that suggests that the information was created  
16 or endorsed by the Commission.

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

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

21           “(2) retain personnel qualified to assist the  
22 Commission in carrying out such duties; and

23           “(3) prioritize such duties in all budget re-  
24 quests.”.

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

2 Section 205 of the Help America Vote Act of 2002  
3 (52 U.S.C. 20925) is amended by adding at the end the  
4 following new subsection:

5 “(f) CONCURRENT TRANSMISSIONS TO CONGRESS.—

6 “(1) BUDGET ESTIMATE OR REQUEST.—When-  
7 ever the Commission submits any budget estimate or  
8 request to the President or the Director of the Of-  
9 fice of Management and Budget, the Commission  
10 shall concurrently transmit a copy of such estimate  
11 or request to the Committee on House Administra-  
12 tion of the House of Representatives and the Com-  
13 mittee on Rules and Administration of the Senate.

14 “(2) LEGISLATIVE RECOMMENDATION, TESTI-  
15 MONY, OR COMMENTS.—Whenever the Commission  
16 submits any legislative recommendation, testimony,  
17 or comments on legislation requested by Congress or  
18 by any Member of Congress to the President or the  
19 Office of Management and Budget, it shall concu-  
20 rrently transmit a copy thereof to Congress or to the  
21 Member of Congress involved (as the case may be).  
22 No officer or agency of the United States shall have  
23 any authority to require the Commission to submit  
24 its legislative recommendations, testimony, or com-  
25 ments on legislation to any office or agency of the  
26 United States for approval, comments, or review

1 prior to the submission of such recommendations,  
2 testimony, or comments to the Congress or Member  
3 of Congress under the previous sentence.”.

4 **SEC. 159. MEMBERSHIP OF THE LOCAL LEADERSHIP COUN-**  
5 **CIL.**

6 Subtitle C of title II of the Help America Vote Act  
7 of 2002 (52 U.S.C. 20981 et seq.) is amended by adding  
8 at the end the following new section:

9 **“SEC. 248. MEMBERSHIP OF THE LOCAL LEADERSHIP**  
10 **COUNCIL.**

11 “In appointing members of the Local Leadership  
12 Council, the Commission shall ensure that members who  
13 represent the same State are not of the same political af-  
14 filiation in their professional capacities and should reflect  
15 the goal of soliciting diverse opinions and ideas.”.

16 **SEC. 160. RULE OF CONSTRUCTION.**

17 Nothing in this subtitle or the amendments made by  
18 this subtitle shall be construed as providing the Election  
19 Assistance Commission with additional regulatory author-  
20 ity, other than the regulatory authority required to carry  
21 out the requirements and duties under this subtitle and  
22 the amendments made by this subtitle.

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

4 **SEC. 161. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTION WITH BALLOT INITIATIVES AND REFERENDA.**

8 (a) **SHORT TITLE.**—This section may be cited as the  
9 “American Confidence in Elections: Keeping Foreign  
10 Money out of Ballot Measures Act”.

11 (b) **IN GENERAL.**—Chapter 29 of title 18, United  
12 States Code, is amended by adding at the end the following new section:

14 **“§ 612. Foreign nationals making certain political contributions**

16 “(a) **PROHIBITION.**—It shall be unlawful for a foreign national, directly or indirectly, to make a contribution  
17 as such term is defined in section 301(8)(A) of the Federal  
18 Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A))  
19 or donation of money or other thing of value, or to make  
20 an express or implied promise to make a contribution or  
21 donation, in connection with a State or local ballot initiative or referendum.  
23



1           (3) by adding at the end the following new  
2 paragraph:

3           “(3) a person to knowingly help or assist a for-  
4 eign national in violating this subsection.”.

5           (b) EFFECTIVE DATE.—The amendment made by  
6 this section shall apply with respect to contributions and  
7 donations made on or after the date of the enactment of  
8 this Act.

9 **SEC. 163. PROHIBITION ON CONTRIBUTIONS BY FOREIGN**  
10 **NATIONALS TO CERTAIN TAX-EXEMPT ENTI-**  
11 **TIES.**

12           (a) IN GENERAL.—Section 319(a)(1) of the Federal  
13 Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)),  
14 as amended by section 162(a), is amended—

15           (1) in subparagraph (C), by adding “or” at the  
16 end;

17           (2) by adding at the end the following new sub-  
18 paragraph:

19           “(D) a contribution or donation of money  
20 or other thing of value to an organization that  
21 is described in section 501(c) of the Internal  
22 Revenue Code of 1986 and exempt from tax  
23 under section 501(a) of such Code if the orga-  
24 nization makes or expects to make a contribu-  
25 tion to a political committee during the 4-year

1 period which begins on the date that the foreign  
2 national made such contribution or donation to  
3 the organization; or”.

4 (b) **RULE OF CONSTRUCTION REGARDING PRIVACY**  
5 **OF DONOR INFORMATION.**—Section 319 of such Act (52  
6 U.S.C. 30121) is amended by adding at the end the fol-  
7 lowing new subsection:

8 “(c) **RULE OF CONSTRUCTION.**—Nothing in para-  
9 graph (1)(D) of subsection (a) may be construed to permit  
10 the collection, submission, or disclosure of any information  
11 in violation of the Speech Privacy Act of 2023.”.

12 (c) **EFFECTIVE DATE.**—The amendments made by  
13 this section shall apply with respect to contributions made  
14 on or after the date of the enactment of this Act.

15 **Subtitle G—Constitutional Experts**  
16 **Panel With Respect to Presi-**  
17 **dential Elections**

18 **SEC. 171. SHORT TITLE.**

19 This subtitle may be cited as the “Solving an Over-  
20 looked Loophole in Votes for Executives (SOLVE) Act”.

21 **SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL**  
22 **EXPERTS.**

23 (a) **ESTABLISHMENT.**—There is established the  
24 “Twentieth Amendment Section Four Panel” (in this sec-  
25 tion referred to as the “Panel”).



1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—The Panel shall be composed  
3 of 6 constitutional experts, of whom—

4 (A) 1 shall be appointed by the majority  
5 leader of the Senate;

6 (B) 1 shall be appointed by the minority  
7 leader of the Senate;

8 (C) 1 shall be appointed jointly by the ma-  
9 jority and minority leader of the Senate;

10 (D) 1 shall be appointed by the Speaker of  
11 the House of Representatives;

12 (E) 1 shall be appointed by minority leader  
13 of the House of Representatives; and

14 (F) 1 shall be appointed jointly by the  
15 Speaker of the House of Representatives and  
16 the minority leader of the House of Representa-  
17 tives.

18 (2) DATE.—The appointments of the members  
19 of the Panel shall be made not later than 180 days  
20 after the date of enactment of this Act.

21 (3) VACANCY.—Any vacancy occurring in the  
22 membership of the Panel shall be filled in the same  
23 manner in which the original appointment was  
24 made.

1 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

2 The Panel shall select a Chairperson and Vice  
3 Chairperson from among the members of the Panel.

4 (c) PURPOSE.—The purpose of the Panel shall be to  
5 recommend to Congress model legislation, which shall pro-  
6 vide for an appropriate process, pursuant to section 4 of  
7 the Twentieth Amendment to the United States Constitu-  
8 tion, to resolve any vacancy created by the death of a can-  
9 didate in a contingent presidential or vice-presidential  
10 election.

11 (d) REPORTS.—

12 (1) INITIAL REPORT.—Not later than 1 year  
13 after the date on which all of the appointments have  
14 been made under subsection (b)(2), the Panel shall  
15 submit to Congress an interim report containing the  
16 Panel's findings, conclusions, and recommendations.

17 (2) FINAL REPORT.—Not later than 6 months  
18 after the submission of the interim report under  
19 paragraph (1), the Panel shall submit to Congress a  
20 final report containing the Panel's findings, conclu-  
21 sions, and recommendations.

22 (e) MEETINGS; INFORMATION.—

23 (1) IN GENERAL.—Meetings of the Panel shall  
24 be held at the Law Library of Congress.

1           (2) INFORMATION.—The Panel may secure  
2 from the Law Library of Congress such information  
3 as the Panel considers necessary to carry out the  
4 provisions of this section.

5 (f) FUNDS.—

6           (1) COMPENSATION OF MEMBERS.—Members of  
7 the Panel shall receive no compensation.

8           (2) OTHER FUNDING.—No amounts shall be  
9 appropriated for the purposes of this section, except  
10 for any amounts strictly necessary for the Law Li-  
11 brary of Congress to execute its responsibilities  
12 under subsection (e).

13 (g) TERMINATION.—

14           (1) IN GENERAL.—The panel established under  
15 subsection (a) shall terminate 90 days after the date  
16 on which the panel submits the final report required  
17 under subsection (d)(2).

18           (2) RECORDS.—Upon termination of the panel,  
19 all of its records shall become the records of the Sec-  
20 retary of the Senate and the Clerk of the House of  
21 Representatives.

1       **TITLE II—MILITARY VOTING**  
2                   **ADMINISTRATION**

3   **SEC. 200. SHORT TITLE.**

4       This title may be cited as the “American Confidence  
5 in Elections: Military Voting Rights Study Act of 2023”.

6       **Subtitle A—Findings Relating to**  
7                   **Military Voting**

8   **SEC. 201. FINDINGS RELATING TO MILITARY VOTING.**

9       Congress finds the following:

10           (1) Participation in the voting process by Amer-  
11           icans who serve in the Armed Forces is vital to the  
12           future of the Republic; however, due to the realities  
13           of service around the globe and despite many best  
14           efforts, the Nation has not always lived up to its  
15           commitment to servicemembers that their vote be  
16           counted.

17           (2) The Military and Overseas Empowerment  
18           (MOVE) Act made great progress in solving prob-  
19           lems with voting that many servicemembers faced.  
20           Yet, for many, it is still difficult to exercise the fran-  
21           chise, with many ballots not reaching State elections  
22           officials until after the deadline, negating their voice.  
23           After 14 years, Congress must address the remain-  
24           ing issues.

1           (3) Congress finds that it is a moral imperative  
2 of national importance that every eligible American  
3 servicemember has the opportunity to cast a ballot  
4 in each election and, not only that such ballot be re-  
5 ceived in time to be counted, but that it actually be  
6 counted according to law.

7           **Subtitle B—GAO Analysis on**  
8           **Military Voting Access**

9   **SEC. 211. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
10           **ON IMPLEMENTATION OF UNIFORMED AND**  
11           **OVERSEAS CITIZENS ABSENTEE VOTING ACT**  
12           **AND IMPROVING ACCESS TO VOTER REG-**  
13           **ISTRATION INFORMATION AND ASSISTANCE**  
14           **FOR ABSENT UNIFORMED SERVICES VOTERS.**

15           (a) IN GENERAL.—The Comptroller General of the  
16 United States shall conduct—

17           (1) an analysis of the effectiveness of the Fed-  
18 eral Government in carrying out its responsibilities  
19 under the Uniformed and Overseas Citizens Absen-  
20 tee Voting Act (52 U.S.C. 20301 et seq.) to promote  
21 access to voting for absent uniformed services voters;  
22 and

23           (2) a study on means for improving access to  
24 voter registration information and assistance for

1 members of the Armed Forces and their family  
2 members.

3 (b) ELEMENTS.—

4 (1) ANALYSIS.—The analysis required by sub-  
5 section (a)(1) shall include analysis of the following:

6 (A) Data and information pertaining to the  
7 transmission of ballots to absent uniformed serv-  
8 ices voters.

9 (B) Data and information pertaining to  
10 the methods of transmission of voted ballots  
11 from absent uniformed services voters, includ-  
12 ing the efficacy and security of such methods.

13 (C) Data and information pertaining to the  
14 treatment by election officials of voted ballots  
15 transmitted by absent uniformed services vot-  
16 ers, including—

17 (i) the rate at which such ballots are  
18 counted in elections;

19 (ii) the rate at which such ballots are  
20 rejected in elections; and

21 (iii) the reasons for such rejections.

22 (D) An analysis of the effectiveness of the  
23 assistance provided to absent uniformed serv-  
24 ices voters by Voting Assistance Officers of the

1 Federal Voting Assistance Program of the De-  
2 partment of Defense.

3 (E) A review of the extent of coordination  
4 between Voting Assistance Officers and State  
5 and local election officials.

6 (F) Information regarding such other  
7 issues relating to the ability of absent uni-  
8 formed services voters to register to vote, vote,  
9 and have their ballots counted in elections for  
10 Federal office.

11 (G) Data and information pertaining to—

12 (i) the awareness of members of the  
13 Armed Forces and their family members of  
14 the requirement under section 1566a of  
15 title 10, United States Code, that the Sec-  
16 retaries of the military departments pro-  
17 vide voter registration information and as-  
18 sistance; and

19 (ii) whether members of the Armed  
20 Forces and their family members received  
21 such information and assistance at the  
22 times required by subsection (c) of that  
23 section.

24 (2) STUDY.—The study required by subsection  
25 (a)(2) shall include the following:

1           (A) An assessment of potential actions to  
2           be undertaken by the Secretary of each military  
3           department to increase access to voter registra-  
4           tion information and assistance for members of  
5           the Armed Forces and their family members.

6           (B) An estimate of the costs and require-  
7           ments to fully meet the needs of members of  
8           the Armed Forces for access to voter registra-  
9           tion information and assistance.

10       (c) METHODS.—In conducting the analysis and study  
11       required by subsection (a), the Comptroller General shall,  
12       in cooperation and consultation with the Secretaries of the  
13       military departments—

14           (1) use existing information from available gov-  
15           ernment and other public sources; and

16           (2) acquire, through the Comptroller General's  
17           own investigations, interviews, and analysis, such  
18           other information as the Comptroller General re-  
19           quires to conduct the analysis and study.

20       (d) REPORT REQUIRED.—Not later than September  
21       30, 2025, the Comptroller General shall submit to the  
22       Committee on Rules and Administration of the Senate and  
23       the Committee on House Administration of the House of  
24       Representatives a report on the analysis and study re-  
25       quired by subsection (a).



1 (e) DEFINITIONS.—In this section:

2 (1) ABSENT UNIFORMED SERVICES VOTER.—

3 The term “absent uniformed services voter” has the  
4 meaning given that term in section 107 of the Uni-  
5 formed and Overseas Citizens Absentee Voting Act  
6 (52 U.S.C. 20310).

7 (2) FAMILY MEMBER.—The term “family mem-  
8 ber”, with respect to a member of the Armed  
9 Forces, means a spouse and other dependent (as de-  
10 fined in section 1072 of title 10, United States  
11 Code) of the member.

12 **TITLE III—FIRST AMENDMENT**  
13 **PROTECTION ACT**

14 **SEC. 300. SHORT TITLE.**

15 This title may be cited as the “First Amendment Pro-  
16 tection Act”.

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

19 **PART 1—PROTECTING POLITICAL SPEECH**

20 **SEC. 301. FINDINGS.**

21 Congress finds the following:

22 (1) The structure of the Constitution and its  
23 amendments represents the radical idea that any  
24 sovereign power exercised by the Federal govern-  
25 ment flows either directly from the people or

1 through the States they established to govern them-  
2 selves. In the words of the Ninth and Tenth Amend-  
3 ments, “[t]he enumeration in the Constitution, of  
4 certain rights, shall not be construed to deny or dis-  
5 parage others retained by the people.” “The powers  
6 not delegated to the United States by the Constitu-  
7 tion, nor prohibited by it to the States, are reserved  
8 to the States respectively, or to the people.”.

9 (2) Among the many freedoms it protects, the  
10 First Amendment prevents Congress from making  
11 any law abridging the freedom of speech, the right  
12 of the people peaceably to assemble, or the right of  
13 the people to petition the Government for the re-  
14 dress of grievances.

15 (3) Any proposed Federal action concerning  
16 freedom of speech, protest, or petition must start  
17 with an analysis of the First Amendment. Congress  
18 must ask whether the proposed action would abridge  
19 these freedoms, and any uncertainty must be deter-  
20 mined in favor of fewer restrictions on speech.

21 (4) In particular, political speech, uttered in the  
22 furtherance of self-government, must raise an even  
23 higher bar to congressional abridgement. The mech-  
24 anisms and media used to offer political speech must  
25 realize the same protections.

1           (5) As the Supreme Court has recognized, the  
2           Constitution grants Congress only a very narrow in-  
3           terest in the regulation of political speech, the pre-  
4           vention of corruption or the appearance of corrup-  
5           tion. *Buckley v. Valeo*, 424 U.S. 1, 25–26 (1976);  
6           *Federal Election Commission v. National Conserv-*  
7           *ative Political Action Commission*, 470 U.S. 480,  
8           497 (1985); *Citizens United v. Federal Election*  
9           *Commission*, 558 U.S. 310, 359 (2010);  
10          *McCutcheon v. Federal Election Commission*, 572  
11          U.S. 185, 207 (2014); *Cruz v. Federal Election*  
12          *Commission*, 142 S.Ct. 1638, 1652 (2022).

13           (6) In order to uphold and effectuate the Con-  
14          stitution, any Federal statute that goes beyond this  
15          interest must be repealed, and Congress must exer-  
16          cise its article 1 authorities to do so.

17 **SEC. 302. REPEAL OF LIMITS ON COORDINATED POLITICAL**  
18 **PARTY EXPENDITURES.**

19          (a) REPEAL OF LIMITS.—Section 315(d) of the Fed-  
20          eral Election Campaign Act of 1971 (52 U.S.C. 30116(d))  
21          is amended—

22                  (1) in paragraph (1)—

23                          (A) by striking “may make expenditures”  
24                          and inserting “may make expenditures, includ-  
25                          ing coordinated expenditures,” and

1 (B) by striking “Federal office, subject to  
2 the limitations contained in paragraphs (2), (3),  
3 and (4) of this subsection” and inserting “Fed-  
4 eral office in any amount”; and  
5 (2) by striking paragraphs (2), (3), (4), and  
6 (5).

7 (b) CLARIFYING TREATMENT OF CERTAIN PARTY  
8 COMMUNICATIONS AS COORDINATED EXPENDITURES.—  
9 Section 315(d) of such Act (52 U.S.C. 30116(d)), as  
10 amended by subsection (a), is amended by adding at the  
11 end the following new paragraph:

12 “(2) For purposes of this subsection, a communica-  
13 tion shall be treated as a coordinated expenditure in con-  
14 nection with the campaign of a candidate only if the public  
15 communication is paid for by a committee of a political  
16 party or its agent, refers to a clearly identified House or  
17 Senate candidate, and is publicly distributed or otherwise  
18 publicly disseminated in the clearly identified candidate’s  
19 jurisdiction.”.

20 (c) CONFORMING AMENDMENT RELATING TO INDEX-  
21 ING.—Section 315(c) of such Act (52 U.S.C. 30116(c))  
22 is amended—

23 (1) in paragraph (1)(B)(i), by striking “(d),”;  
24 and

1           (2) in paragraph (2)(B)(i), by striking “sub-  
2           sections (b) and (d)” and inserting “subsection (b)”.

3           (d) **EFFECTIVE DATE.**—The amendments made by  
4 this section shall apply with respect to elections held dur-  
5 ing 2024 or any succeeding year.

6 **SEC. 303. REPEAL OF LIMIT ON AGGREGATE CONTRIBU-**  
7 **TIONS BY INDIVIDUALS.**

8           (a) **FINDINGS.**—Congress finds that the Supreme  
9 Court of the United States in *McCutcheon v. FEC*, 572  
10 U.S. 185 (2014) determined the biennial aggregate limits  
11 under section 315(a)(3) of the Federal Election Campaign  
12 Act of 1971 (52 U.S.C. 30116(a)(3)) to be unconstitu-  
13 tional.

14           (b) **REPEAL.**—Section 315(a) of the Federal Election  
15 Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended  
16 by striking paragraph (3).

17           (c) **CONFORMING AMENDMENTS.**—Section 315(c) of  
18 such Act (52 U.S.C. 30116(c)) is amended by striking  
19 “(a)(3),” each place it appears in paragraph (1)(B)(i),  
20 (1)(C), and (2)(B)(ii).

1 **SEC. 304. EQUALIZATION OF CONTRIBUTION LIMITS TO**  
2 **STATE AND NATIONAL POLITICAL PARTY**  
3 **COMMITTEES.**

4 (a) **IN GENERAL.**—Section 315(a)(1) of the Federal  
5 Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1))  
6 is amended—

7 (1) in subparagraph (B), by striking “a na-  
8 tional political party” and inserting “a national or  
9 State political party”;

10 (2) by adding “or” at the end of subparagraph  
11 (B);

12 (3) in subparagraph (C), by striking “; or” and  
13 inserting a period; and

14 (4) by striking subparagraph (D).

15 (b) **CONTRIBUTIONS BY MULTICANDIDATE POLIT-**  
16 **ICAL COMMITTEES.**—

17 (1) **IN GENERAL.**—Section 315(a)(2)(B) of  
18 such Act (52 U.S.C. 30116(a)(2)(B)) is amended by  
19 striking “a national political party” and inserting “a  
20 national or State political party”.

21 (2) **PRICE INDEX ADJUSTMENT.**—Section  
22 315(c) of such Act (52 U.S.C. 30116(c)) is amend-  
23 ed—

24 (A) in paragraph (1), by adding at the end  
25 the following new subparagraph:

26 “(D) In any calendar year after 2024—

1           “(i) a limitation established by subsection  
2 (a)(2) shall be increased by the percent difference  
3 determined under subparagraph (A);

4           “(ii) each amount so increased shall remain in  
5 effect for the calendar year; and

6           “(iii) if any amount after adjustment under  
7 clause (i) is not a multiple of \$100, such amount  
8 shall be rounded to the nearest multiple of \$100.”;  
9 and

10           (B) in paragraph (2)(B)—

11           (i) in clause (i), by striking “and” at  
12 the end;

13           (ii) in clause (ii), by striking the pe-  
14 riod at the end and inserting “; and”; and

15           (iii) by adding at the end the fol-  
16 lowing new clause:

17           “(iii) for purposes of subsection (a)(2), cal-  
18 endar year 2024.”.

19           (c) ACCEPTANCE OF ADDITIONAL AMOUNTS FOR  
20 CERTAIN ACCOUNTS.—

21           (1) PERMITTING ACCEPTANCE OF ADDITIONAL  
22 AMOUNTS IN SAME MANNER AS NATIONAL PAR-  
23 TIES.—Section 315(a) of such Act (52 U.S.C.  
24 30116(a)) is amended—

1 (A) in paragraph (1)(B), by striking  
2 “paragraph (9)” and inserting “paragraph (9)  
3 or paragraph (10)”; and

4 (B) in paragraph (2)(B), by striking  
5 “paragraph (9)” and inserting “paragraph (9)  
6 or paragraph (10)”.

7 (2) ACCOUNTS.—Section 315(a)(9) of such Act  
8 (52 U.S.C. 30116(a)(9)) is amended by striking  
9 “national committee of a political party” each place  
10 it appears in subparagraphs (A), (B), and (C) and  
11 inserting “committee of a national or State political  
12 party”.

13 (3) STATE PARTY CONVENTION ACCOUNTS DE-  
14 SCRIBED.—Section 315(a) of such Act (52 U.S.C.  
15 30116(a)) is amended by adding at the end the fol-  
16 lowing new paragraph:

17 “(10) An account described in this paragraph is a  
18 separate, segregated account of a political committee es-  
19 tablished and maintained by a State committee of a polit-  
20 ical party which is used solely to defray—

21 “(A) expenses incurred with respect to carrying  
22 out State party nominating activities or other party-  
23 building conventions;

24 “(B) expenses incurred with respect to pro-  
25 viding for the attendance of delegates at a presi-





1 FOR FEDERAL ELECTION ACTIVITY.—Section 323(b)(2)  
2 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
3 30125(b)(2)) is amended to read as follows:

4           “(2) APPLICABILITY.—Notwithstanding section  
5 301(20), for purposes of paragraph (1), an amount  
6 that is expended or disbursed by a State, district, or  
7 local committee of a political party shall be consid-  
8 ered to be expended or disbursed for Federal elec-  
9 tion activity only if the committee coordinated the  
10 expenditure or disbursement of the amount with a  
11 candidate for election for Federal office or an au-  
12 thorized committee of a candidate for election for  
13 Federal office.”.

14 (b) CONFORMING AMENDMENTS.—

15           (1) FUNDRAISING COSTS.—Section 323(c) of  
16 such Act (52 U.S.C. 30125(c)) is amended by add-  
17 ing at the end the following new sentence: “In the  
18 case of a person described in subsection (b), the pre-  
19 vious sentence applies only if the amount was spent  
20 by such person in coordination with a candidate for  
21 election for Federal office or an authorized com-  
22 mittee of a candidate for election for Federal office,  
23 as determined pursuant to regulations promulgated  
24 by the Commission for the purpose of determining  
25 whether a political party communication is coordi-

1 nated with a candidate, a candidate’s authorized  
2 committee, or an agent thereof.”.

3 (2) APPEARANCE OF FEDERAL CANDIDATES OR  
4 OFFICEHOLDERS AT FUNDRAISING EVENTS.—Sec-  
5 tion 323(e)(3) of such Act (52 U.S.C. 30125(e)(3))  
6 is amended by striking “subsection (b)(2)(C)” and  
7 inserting “subsection (b)”.

8 **SEC. 306. PARTICIPATION IN JOINT FUNDRAISING ACTIVI-**  
9 **TIES BY MULTIPLE POLITICAL COMMITTEES.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) While Federal law permits the Federal  
12 Election Commission to engage in certain “gap-fill-  
13 ing” activities as it administers the Federal Election  
14 Campaign Act of 1971, the regulations promulgated  
15 by the Federal Election Commission to govern joint  
16 fundraising activities of multiple political committees  
17 are not tied specifically to any particular provision  
18 of the Act, and while these regulations generally du-  
19 plicate the provisions of the Act, they also impose  
20 additional and unnecessary burdens on political com-  
21 mittees which seek to engage in joint fundraising ac-  
22 tivities, such as a requirement for written agree-  
23 ments between the participating committees.

24 (2) It is therefore not necessary at this time to  
25 direct the Federal Election Commission to repeal the

1 existing regulations which govern joint fundraising  
2 activities of multiple political committees, as some  
3 political committees may have reasons for following  
4 the provisions of such regulations which impose ad-  
5 ditional and unnecessary burdens on these activities.

6 (b) CRITERIA FOR PARTICIPATION IN JOINT FUND-  
7 RAISING ACTIVITIES.—Section 302 of the Federal Elec-  
8 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
9 by adding at the end the following new subsection:

10 “(j) CRITERIA FOR PARTICIPATION IN JOINT FUND-  
11 RAISING ACTIVITIES BY MULTIPLE POLITICAL COMMIT-  
12 TEES.—

13 “(1) CRITERIA DESCRIBED.—Two or more po-  
14 litical committees as defined in this Act may partici-  
15 pate in joint fundraising activities in accordance  
16 with the following criteria:

17 “(A) The costs of the activities shall be al-  
18 located among and paid for by the participating  
19 committees on the basis of the allocation among  
20 the participating committees of the contribu-  
21 tions received as a result of the activities.

22 “(B) Notwithstanding subparagraph (A), a  
23 participating committee may make a payment  
24 (in whole or in part) for the portion of the costs  
25 of the activities which is allocated to another

1 participating committee, and the amount of any  
2 such payment shall be treated as a contribution  
3 made by the committee to the other partici-  
4 pating committee.

5 “(C) The provisions of section 315(a)(8)  
6 regarding the treatment of contributions to a  
7 candidate which are earmarked or otherwise di-  
8 rected through an intermediary or conduit shall  
9 apply to contributions made by a person to a  
10 participating committee which are allocated by  
11 the committee to another participating com-  
12 mittee.

13 “(2) RULE OF CONSTRUCTION.—Nothing in  
14 this subsection may be construed to prohibit two or  
15 more political committees from participating in joint  
16 fundraising activities by designating or establishing  
17 a separate, joint committee subject to the registra-  
18 tion and reporting requirements of this Act or by  
19 publishing a joint fundraising notice.”.

20 **PART 2—PROTECTING FREEDOM OF**  
21 **ASSOCIATION**

22 **SEC. 307. FINDINGS.**

23 Congress finds the following:

24 (1) The First Amendment of the United States  
25 Constitution provides that “[C]ongress shall make

1 no law respecting an establishment of religion, or  
2 prohibiting the free exercise thereof; or abridging the  
3 freedom of speech, or of the press; or the right of  
4 the people peaceably to assemble, and to petition the  
5 Government for a redress of grievances.” See U.S.  
6 Const. Amend. I.

7 (2) The Supreme Court has held that the First  
8 Amendment’s protections apply with equal force to  
9 States and localities as it does to the Federal gov-  
10 ernment. See *Gitlow v. New York*, 268 U.S. 652  
11 (1925).

12 (3) The Supreme Court has held that “implicit  
13 in the right to engage in activities protected by the  
14 First Amendment [lies] a corresponding right to as-  
15 sociate with others.” *Roberts v. United States Jay-  
16 cees*, 468 U.S. 609, 622 (1984). This is commonly  
17 understood as the right of association. It furthers “a  
18 wide variety of political, social, economic, edu-  
19 cational, religious, and cultural ends,” and “is espe-  
20 cially important in preserving political and cultural  
21 diversity and in shielding dissident expression from  
22 suppression by the majority.” *Id.*

23 (4) In *NAACP v. Alabama ex rel. Patterson*,  
24 357 U.S. 449 (1958), the Supreme Court held the  
25 First Amendment’s freedom of association protected

1 the National Association for the Advancement of  
2 Colored People from compelled disclosure of its  
3 members. This was because “on past occasions rev-  
4 elation of the identity of its rank-and-file members  
5 has exposed these members to economic reprisal,  
6 loss of employment, threat of physical coercion, and  
7 other manifestations of public hostility. Under these  
8 circumstances . . . it [is] apparent that compelled  
9 disclosure of petitioner’s Alabama membership is  
10 likely to affect adversely the ability of petitioner and  
11 its members to pursue their collective effort to foster  
12 beliefs which they admittedly have the right to advo-  
13 cate, in that it may induce members to withdraw  
14 from the Association and dissuade others from join-  
15 ing it because of fear of exposure of their beliefs  
16 shown through their associations and of the con-  
17 sequences of this exposure.” *Id.* at 462–463.

18 (5) The First Amendment’s freedom of associa-  
19 tion has been protected and strengthened by the Su-  
20 preme Court for over sixty years. See *NAACP v.*  
21 *Alabama ex rel. Patterson*, 357 U.S. 449 (1958);  
22 *Shelton v. Tucker*, 364 U.S. 479 (1960); *Bates v.*  
23 *Little Rock*, 361 U.S. 516 (1960); *Healy v. James*,  
24 408 U.S. 169 (1972); *Elrod v. Burns*, 427 U.S. 347  
25 (1976); *Roberts v. United States Jaycees*, 468 U.S.

1 609, 622 (1984); *Boy Scouts of America v. Dale*,  
2 530 U.S. 640 (2000); *Americans for Prosperity*  
3 *Foundation v. Bonta*, 141 S. Ct. 2373 (2021).

4 (6) Most recently, in *Americans for Prosperity*  
5 *Foundation v. Bonta*, 141 S. Ct. 2373 (2021), a  
6 California law required *Americans for Prosperity*  
7 *Foundation* and the Thomas Moore Law Center to  
8 disclose the names, contribution amounts, and ad-  
9 dresses of their major donors. *Id.* at 2380. The Su-  
10 preme Court held this substantial intrusion into the  
11 group’s donors was unconstitutional. *Id.* at 2389.  
12 While Attorney General Bonta argued these discl-  
13 sures were needed so California could prevent  
14 wrongdoing by charitable organizations, there was  
15 “not a single, concrete instance in which pre-inves-  
16 tigation collection of [this information] did anything  
17 to advance the Attorney General’s investigative, reg-  
18 ulatory or enforcement efforts.” *Id.* at 2386. Simi-  
19 larly, California’s need for this information before  
20 initiating an investigation was highly questionable as  
21 it was only one of three states to impose this re-  
22 quirement and did not seriously enforce it until  
23 2010. *Id.* at 2387.

24 (7) In short, *Americans for Prosperity Founda-*  
25 *tion* and NAACP both stand for the proposition that



1 compelled disclosure of an organization’s members  
2 can violate an organization’s freedom of association.  
3 This is because effective advocacy of both public and  
4 private points of view, particularly controversial  
5 ones, is undeniably enhanced by group association  
6 and there is a vital relationship between freedom to  
7 associate and privacy in one’s associations . . . See  
8 *Id.* at 2382 citing *NAACP v. Alabama ex rel. Pat-*  
9 *terson*, 357 U.S. 449, 460–462.

10 (8) Unfortunately, the First Amendment’s free-  
11 dom of association protections are under constant  
12 attack. Recently, there have been efforts to enlarge  
13 the size of the Supreme Court because of disagree-  
14 ment with some of its rulings and personal disagree-  
15 ment with some of the justices.

16 (9) On April 9, 2021, the President issued Ex-  
17 ecutive Order 14023 that created the Presidential  
18 Commission on the Supreme Court (the Commis-  
19 sion). Under section 3(iii) of that Executive Order,  
20 the Commission was tasked with providing “[a]n  
21 analysis of the principal arguments in the contem-  
22 porary public debate for and against Supreme Court  
23 reform, including an appraisal of the merits and le-  
24 gality of particular reform proposals.”.

1           (10) In December 2021, the Commission re-  
2           leased its final report. On the issue of adding jus-  
3           tices to the Supreme Court, the Commission con-  
4           cluded “[m]irroring the broader public debate, there  
5           is profound disagreement among Commissioners on  
6           this issue.”.

7           (11) Unfortunately, even though the President’s  
8           Commission would not endorse adding the number  
9           of justices on the Supreme Court, some in Congress  
10          still believe it is necessary. See, for example, H.R.  
11          3422, the Judiciary Act of 2023 that would add four  
12          associate justices to the Supreme Court.

13          (12) Because of this political uncertainty and  
14          the importance that donors in all organizations, no  
15          matter their party affiliation, are protected from  
16          having their membership disclosed and threats of re-  
17          prisal that would follow, it is important that Con-  
18          gress statutorily codifies the Supreme Court’s hold-  
19          ings in *NAACP v. Alabama ex rel. Patterson* and  
20          *Americans for Prosperity Foundation v. Bonta*.

21          (13) Government targeting of tax-exempt orga-  
22          nizations because of disagreement with their political  
23          views is sadly not a hypothetical problem. From  
24          2010 through 2013, the Internal Revenue Service  
25          (IRS) intentionally discriminated against conserv-

1       ative organizations seeking tax-exempt status with  
2       words like “patriot” or “Tea Party” in their names.

3           (14) After years of litigation, in October 2017,  
4       the IRS signed a consent decree in Federal court  
5       and admitted to targeting conservative organizations  
6       from 2010 through 2013. The IRS confessed that  
7       “its treatment of [conservative organizations] during  
8       the tax-exempt determinations process, including  
9       screening their applications based on their names or  
10      policy positions, subjecting those applications to  
11      heightened scrutiny and inordinate delays, and de-  
12      manding of some Plaintiffs’ information that TIGTA  
13      [U.S. Treasury Inspector General, Tax Administra-  
14      tion] determined was unnecessary to the agency’s  
15      determination of their tax-exempt status, was  
16      wrong.”.

17           (15) It is antithetical to the First Amendment  
18      that the IRS or any Federal government agency  
19      would ever be used to target an organization because  
20      of its political beliefs, or who its donors might be.  
21      As such, these organizations need to be protected to  
22      prevent events like what transpired at the IRS be-  
23      tween 2010 and 2013.

1 **SEC. 308. PROTECTING PRIVACY OF DONORS TO TAX-EX-**  
2 **EMPT ORGANIZATIONS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Speech Privacy Act of 2023”.

5 (b) **RESTRICTIONS ON COLLECTION OF DONOR IN-**  
6 **FORMATION.**—

7 (1) **RESTRICTIONS.**—An entity of the Federal  
8 government may not collect or require the submis-  
9 sion of information on the identification of any  
10 donor to a tax-exempt organization.

11 (2) **EXCEPTIONS.**—Paragraph (1) does not  
12 apply to the following:

13 (A) The Internal Revenue Service, acting  
14 lawfully pursuant to section 6033 of the Inter-  
15 nal Revenue Code of 1986 or any successor pro-  
16 vision.

17 (B) The Secretary of the Senate and the  
18 Clerk of the House of Representatives, acting  
19 lawfully pursuant to section 3 of the Lobbying  
20 Disclosure Act of 1995 (2 U.S.C. 1604).

21 (C) The Federal Election Commission, act-  
22 ing lawfully pursuant to section 510 of title 36,  
23 United States Code.

24 (D) An entity acting pursuant to a lawful  
25 order of a court or administrative body which  
26 has the authority under law to direct the entity

1 to collect or require the submission of the infor-  
2 mation, but only to the extent permitted by the  
3 lawful order of such court or administrative  
4 body.

5 (c) RESTRICTIONS ON RELEASE OF DONOR INFOR-  
6 MATION.—

7 (1) RESTRICTIONS.—An entity of the Federal  
8 government may not disclose to the public informa-  
9 tion revealing the identification of any donor to a  
10 tax-exempt organization.

11 (2) EXCEPTIONS.—Paragraph (1) does not  
12 apply to the following:

13 (A) The Internal Revenue Service, acting  
14 lawfully pursuant to section 6104 of the Inter-  
15 nal Revenue Code of 1986 or any successor pro-  
16 vision.

17 (B) The Secretary of the Senate and the  
18 Clerk of the House of Representatives, acting  
19 lawfully pursuant to section 3 of the Lobbying  
20 Disclosure Act of 1995 (2 U.S.C. 1604).

21 (C) The Federal Election Commission, act-  
22 ing lawfully pursuant to section 510 of title 36,  
23 United States Code.

24 (D) An entity acting pursuant to a lawful  
25 order of a court or administrative body which

1           has the authority under law to direct the entity  
2           to disclose the information, but only to the ex-  
3           tent permitted by the lawful order of such court  
4           or administrative body.

5                   (E) An entity which discloses the informa-  
6           tion as authorized by the organization.

7           (d) TAX-EXEMPT ORGANIZATION DEFINED.—In this  
8           section, a “tax-exempt organization” means an organiza-  
9           tion which is described in section 501(c) of the Internal  
10          Revenue Code of 1986 and is exempt from taxation under  
11          section 501(a) of such Code. Nothing in this subsection  
12          may be construed to treat a political organization under  
13          section 527 of such Code as a tax-exempt organization for  
14          purposes of this section.

15          (e) PENALTIES.—It shall be unlawful for any officer  
16          or employee of the United States, or any former officer  
17          or employee, willfully to disclose to any person, except as  
18          authorized in this section, any information revealing the  
19          identification of any donor to a tax-exempt organization.  
20          Any violation of this section shall be a felony punishable  
21          upon conviction by a fine in any amount not exceeding  
22          \$250,000, or imprisonment of not more than 5 years, or  
23          both, together with the costs of prosecution, and if such  
24          offense is committed by any officer or employee of the  
25          United States, he shall, in addition to any other punish-

1 ment, be dismissed from office or discharged from employ-  
2 ment upon conviction for such offense.

3 **SEC. 309. REPORTING REQUIREMENTS FOR TAX-EXEMPT**  
4 **ORGANIZATIONS.**

5 (a) **SHORT TITLE.**—This section may be cited as the  
6 “Don’t Weaponize the IRS Act”.

7 (b) **ORGANIZATIONS EXEMPT FROM REPORTING.**—

8 (1) **GROSS RECEIPTS THRESHOLD.**—Clause (ii)  
9 of section 6033(a)(3)(A) of the Internal Revenue  
10 Code of 1986 is amended by striking “\$5,000” and  
11 inserting “\$50,000”.

12 (2) **ORGANIZATIONS DESCRIBED.**—Subpara-  
13 graph (C) of section 6033(a)(3) of the Internal Rev-  
14 enue Code of 1986 is amended—

15 (A) by striking “and” at the end of clause  
16 (v),

17 (B) by striking the period at the end of  
18 clause (vi) and inserting a semicolon, and

19 (C) by adding at the end the following new  
20 clauses:

21 “(vii) any other organization described  
22 in section 501(c) (other than a private  
23 foundation or a supporting organization  
24 described in section 509(a)(3)); and

1           “(viii) any organization (other than a  
2           private foundation or a supporting organi-  
3           zation described in section 509(a)(3))  
4           which is not described in section  
5           170(e)(2)(A), or which is created or orga-  
6           nized in a possession of the United States,  
7           which has no significant activity (including  
8           lobbying and political activity and the op-  
9           eration of a trade or business) other than  
10          investment activity in the United States.”.

11           (3) EFFECTIVE DATE.—The amendments made  
12          by this subsection shall apply to taxable years end-  
13          ing after the date of the enactment of this Act.

14          (c) CLARIFICATION OF APPLICATION TO SECTION  
15          527 ORGANIZATIONS.—

16           (1) IN GENERAL.—Paragraph (1) of section  
17          6033(g) of the Internal Revenue Code of 1986 is  
18          amended—

19           (A) by striking “This section” and insert-  
20          ing “Except as otherwise provided by this sub-  
21          section, this section”, and

22           (B) by striking “for the taxable year.” and  
23          inserting “for the taxable year in the same  
24          manner as to an organization exempt from tax-  
25          ation under section 501(a).”.



1           (2) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to taxable years end-  
3           ing after the date of the enactment of this Act.

4           (d) REPORTING OF NAMES AND ADDRESSES OF CON-  
5           TRIBUTORS.—

6           (1) IN GENERAL.—Paragraph (1) of section  
7           6033(a) of the Internal Revenue Code of 1986 is  
8           amended by adding at the end the following: “Ex-  
9           cept as provided in subsections (b)(5) and (g)(2)(B),  
10          such annual return shall not be required to include  
11          the names and addresses of contributors to the orga-  
12          nization.”.

13          (2) APPLICATION TO SECTION 527 ORGANIZA-  
14          TIONS.—Paragraph (2) of section 6033(g) of the In-  
15          ternal Revenue Code of 1986 is amended—

16                 (A) by striking “and” at the end of sub-  
17                 paragraph (A),

18                 (B) by redesignating subparagraph (B) as  
19                 subparagraph (C), and

20                 (C) by inserting after subparagraph (A)  
21                 the following new subparagraph:

22                         “(B) containing the names and addresses  
23                         of all substantial contributors, and”.

1           (3) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to taxable years end-  
3           ing after the date of the enactment of this Act.

4 **SEC. 310. MAINTENANCE OF STANDARDS FOR DETER-**  
5 **MINING ELIGIBILITY OF SECTION 501(C)(4)**  
6 **ORGANIZATIONS.**

7           (a) IN GENERAL.—The Department of the Treasury,  
8           including the Internal Revenue Service, may not issue, re-  
9           vise, or finalize any regulation, revenue ruling, or other  
10          guidance not limited to a particular taxpayer relating to  
11          the standard which is used to determine whether an orga-  
12          nization is operated exclusively for the promotion of social  
13          welfare for purposes of section 501(c)(4) of the Internal  
14          Revenue Code of 1986 (including the proposed regulations  
15          published at 78 Fed. Reg. 71535 (November 29, 2013)).

16          (b) APPLICATION OF CURRENT STANDARDS AND  
17          DEFINITIONS.—The standard and definitions as in effect  
18          on January 1, 2010, which are used to make determina-  
19          tions described in subsection (b) shall apply after the date  
20          of the enactment of this Act for purposes of determining  
21          status under section 501(c)(4) of such Code of organiza-  
22          tions created on, before, or after such date.

1 **Subtitle B—Prohibition on Use of**  
2 **Federal Funds for Congres-**  
3 **sional Campaigns**

4 **SEC. 311. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-**  
5 **MENTS IN SUPPORT OF CONGRESSIONAL**  
6 **CAMPAIGNS.**

7 No Federal funds, including amounts attributable to  
8 the collection of fines and penalties, may be used to make  
9 any payment in support of a campaign for election for the  
10 office of Senator or Representative in, or Delegate or Resi-  
11 dent Commissioner to, the Congress.

12 **Subtitle C—Registration and**  
13 **Reporting Requirements**

14 **SEC. 321. ELECTRONIC FILING OF ELECTIONEERING COM-**  
15 **MUNICATION REPORTS.**

16 Section 304(a)(11)(A)(i) of the Federal Election  
17 Campaign Act of 1971 (52 U.S.C. 30104(a)(11)(A)(i)) is  
18 amended by inserting “or makes electioneering commu-  
19 nications” after “expenditures”.

20 **SEC. 322. INCREASED QUALIFYING THRESHOLD AND ES-**  
21 **TABLISHING PURPOSE FOR POLITICAL COM-**  
22 **MITTEES.**

23 (a) IN GENERAL.—Section 301(4) of the Federal  
24 Election Campaign Act of 1971 (52 U.S.C. 30101(4)) is  
25 amended to read as follows:

1 “(4) The term ‘political committee’ means—

2 “(A) any committee, club, association, or  
3 other group of persons, including any local com-  
4 mittee of a political party, which receives con-  
5 tributions aggregating in excess of \$25,000  
6 during a calendar year or which makes expendi-  
7 tures aggregating in excess of \$25,000 during  
8 a calendar year and which is under the control  
9 of a candidate or has the major purpose of  
10 nominating or electing a candidate; or

11 “(B) any separate segregated fund estab-  
12 lished under the provisions of section 316(b).”.

13 (b) DEFINITION.—Section 301 of such Act (52  
14 U.S.C. 30101) is amended by adding at the end the fol-  
15 lowing new paragraph:

16 “(27) MAJOR PURPOSE OF NOMINATING OR  
17 ELECTING A CANDIDATE.—The term ‘major purpose  
18 of nominating or electing a candidate’ means, with  
19 respect to a group of persons described in paragraph  
20 (4)(A)—

21 “(A) a group whose central organizational  
22 purpose is to expressly advocate for the nomina-  
23 tion, election, or defeat of a candidate; or

24 “(B) a group for which the majority of its  
25 spending throughout its lifetime of existence

1           has been on contributions, expenditures, or  
2           independent expenditures.”.

3           (c) PRICE INDEX ADJUSTMENT FOR POLITICAL COM-  
4 MITTEE THRESHOLD.—Section 315(c) of such Act (52  
5 U.S.C. 30116(c)), as amended by section 304(b), is  
6 amended—

7           (1) in paragraph (1), by adding at the end the  
8           following new subparagraph:

9           “(E) In any calendar year after 2024—

10           “(i) a threshold established by sections  
11           301(4)(A) or 301(4)(C) shall be increased by the  
12           percent difference determined under subparagraph  
13           (A);

14           “(ii) each amount so increased shall remain in  
15           effect for the calendar year; and

16           “(iii) if any amount after adjustment under  
17           clause (i) is not a multiple of \$100, such amount  
18           shall be rounded to the nearest multiple of \$100.”;

19           and

20           (2) in paragraph (2)(B)—

21           (A) in clause (ii), by striking “and” at the  
22           end;

23           (B) in clause (iii), by striking the period at  
24           the end and inserting “; and”; and

1 (C) by adding at the end the following new  
2 clause:

3 “(iv) for purposes of sections 301(4)(A)  
4 and 301(4)(C), calendar year 2024.”.

5 (d) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to elections held dur-  
7 ing 2024 or any succeeding year.

8 **SEC. 323. INCREASED THRESHOLD WITH RESPECT TO INDE-**  
9 **PENDENT EXPENDITURE REPORTING RE-**  
10 **QUIREMENT.**

11 (a) IN GENERAL.—Section 304(e)(1) of the Federal  
12 Election Campaign Act of 1971 (52 U.S.C. 30104(e)(1))  
13 is amended by striking “\$250” and inserting “\$1,000”.

14 (b) PRICE INDEX ADJUSTMENT FOR INDEPENDENT  
15 EXPENDITURE REPORTING THRESHOLD.—Section 315(c)  
16 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
17 30116(c)), as amended by sections 304(b) and 322(c), is  
18 amended—

19 (1) in paragraph (1), by adding at the end the  
20 following new subparagraph:

21 “(F) In any calendar year after 2024—

22 “(i) a threshold established by section 304(e)(1)  
23 shall be increased by the percent difference deter-  
24 mined under subparagraph (A);

1           “(ii) each amount so increased shall remain in  
2 effect for the calendar year; and

3           “(iii) if any amount after adjustment under  
4 clause (i) is not a multiple of \$100, such amount  
5 shall be rounded to the nearest multiple of \$100.”;  
6 and

7           (2) in paragraph (2)(B)—

8           (A) in clause (iii), by striking “and” at the  
9 end;

10           (B) in clause (iv), by striking the period at  
11 the end and inserting “; and”; and

12           (C) by adding at the end the following new  
13 clause:

14           “(v) for purposes of section 304(c)(1), cal-  
15 endar year 2024.”.

16           (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply with respect to elections held dur-  
18 ing 2024 or any succeeding year.

19 **SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RE-**  
20 **SPECT TO CANDIDATES.**

21           (a) INCREASE IN THRESHOLD.—Section 301(2) of  
22 the Federal Election Campaign Act of 1971 (52 U.S.C.  
23 30101(2)) is amended by striking “\$5,000” each place it  
24 appears and inserting “\$10,000”.

1 (b) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF  
2 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)  
3 of such Act (52 U.S.C. 30116(c)), as amended by sections  
4 304(b), 322(c), and 323(b), is amended—

5 (1) in paragraph (1), by adding at the end the  
6 following new subparagraph:

7 “(G) In any calendar year after 2024—

8 (i) a threshold established by sections 301(2)  
9 shall be increased by the percent difference deter-  
10 mined under subparagraph (A);

11 (ii) each amount so increased shall remain for  
12 the 2-year period that begins on the first day fol-  
13 lowing the date of the general election in the year  
14 preceding the year in which the amount is increased  
15 and ending on the date of the next general election;  
16 and

17 (iii) if any amount after adjustment under  
18 clause (i) is not a multiple of \$100, such amount  
19 shall be rounded to the nearest multiple of \$100.”;  
20 and

21 (2) in paragraph (2)(B)—

22 (A) in clause (iv), by striking “and” at the  
23 end;

24 (B) in clause (v), by striking the period at  
25 the end and inserting “; and”; and



1 (C) by adding at the end the following new  
2 clause:

3 “(vi) for purposes of sections 301(2), cal-  
4 endar year 2024.”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to elections held dur-  
7 ing 2024 or any succeeding year.

8 **SEC. 325. REPEAL REQUIREMENT OF PERSONS MAKING**  
9 **INDEPENDENT EXPENDITURES TO REPORT**  
10 **IDENTIFICATION OF CERTAIN DONORS.**

11 (a) REPEAL.—Section 304(c)(2) of the Federal Elec-  
12 tion Campaign Act of 1971 (52 U.S.C. 30104(c)(2)) is  
13 amended—

14 (1) in subparagraph (A), by adding “and” at  
15 the end;

16 (2) in subparagraph (B), by striking “; and”  
17 and inserting a period; and

18 (3) by striking subparagraph (C).

19 (b) CONFORMING AMENDMENT.—Section 304(c)(1)  
20 of such Act (52 U.S.C. 30104(c)(1)) is amended by strik-  
21 ing “the information required under subsection (b)(3)(A)  
22 for all contributions received by such person” and insert-  
23 ing “the information required under paragraph (2)”.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall apply with respect to independent ex-

1 penditures made on or after the date of the enactment  
2 of this Act.

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

6 **SEC. 331. INCREASED THRESHOLD FOR EXEMPTION OF**  
7 **CERTAIN AMOUNTS AS CONTRIBUTIONS.**

8 (a) REAL OR PERSONAL PROPERTY EXEMPTION.—

9 Section 301(8)(B)(ii) of the Federal Election Campaign  
10 Act of 1971 (52 U.S.C. 30101(8)(B)(ii)) is amended—

11 (1) by striking “\$1,000” and inserting  
12 “\$2,000”; and

13 (2) by striking “\$2,000” and inserting  
14 “\$4,000”.

15 (b) TRAVEL EXPENSES EXEMPTION.—Section  
16 301(8)(B)(iv) of the Federal Election Campaign Act of  
17 1971 (52 U.S.C. 30101(8)(B)(iv)) is amended—

18 (1) by striking “\$1,000” and inserting  
19 “\$2,000”; and

20 (2) by striking “\$2,000” and inserting  
21 “\$4,000”.

22 (c) PRICE INDEX ADJUSTMENT FOR EXEMPTION OF  
23 CERTAIN AMOUNTS AS CONTRIBUTIONS.—Section 315(c)  
24 of such Act (52 U.S.C. 30116(c)), as amended by sections  
25 304(b), 322(c), 323(b), and 324(b) is amended—

1           (1) in paragraph (1), by adding at the end the  
2 following new subparagraph:

3           “(H) In any calendar year after 2024—

4                 “(i) the exemption amounts established by sec-  
5 tion 301(8)(B)(ii) or 301(8)(B)(iv) shall be in-  
6 creased by the percent difference determined under  
7 subparagraph (A);

8                 “(ii) each amount so increased shall remain for  
9 the 2-year period that begins on the first day fol-  
10 lowing the date of the general election in the year  
11 preceding the year in which the amount is increased  
12 and ending on the date of the next general election;  
13 and

14                 “(iii) if any amount after adjustment under  
15 clause (i) is not a multiple of \$100, such amount  
16 shall be rounded to the nearest multiple of \$100.”;  
17 and

18           (2) in paragraph (2)(B)—

19                 (A) in clause (v), by striking “and” at the  
20 end;

21                 (B) in clause (vi), by striking the period at  
22 the end and inserting “; and”; and

23                 (C) by adding at the end the following new  
24 clause:

1           “(vii) for purposes of sections  
2           301(8)(B)(ii) or 301(8)(B)(iv), calendar year  
3           2024.”.

4           (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to elections held dur-  
6 ing 2024 or any succeeding year.

7 **SEC. 332. EXEMPTION OF UNCOMPENSATED INTERNET**  
8           **COMMUNICATIONS FROM TREATMENT AS**  
9           **CONTRIBUTION OR EXPENDITURE.**

10          (a) EXEMPTIONS.—

11           (1) EXEMPTION FROM TREATMENT AS CON-  
12          TRIBUTION.—Section 301(8)(B) of the Federal Elec-  
13          tion Campaign Act of 1971 (52 U.S.C.  
14          30101(8)(B)) is amended—

15           (A) by striking “and” at the end of clause  
16          (xiii);

17           (B) by striking the period at the end of  
18          clause (xiv) and inserting “; and”; and

19           (C) by adding at the end the following new  
20          clause:

21           “(xv) any payment by any person in producing  
22          and disseminating any information or communica-  
23          tion on the internet, internet platform or other inter-  
24          net-enabled application, unless the information or  
25          communication is disseminated for a fee on another

1 person’s website, platform or other internet-enabled  
2 application, whether coordinated or not.”.

3 (2) EXEMPTION FROM TREATMENT AS EXPEND-  
4 ITURE.—Section 301(9)(B) of such Act (52 U.S.C.  
5 30101(9)(B)) is amended—

6 (A) by striking “and” at the end of clause  
7 (ix);

8 (B) by striking the period at the end of  
9 clause (x) and inserting “; and”; and

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

12 “(xi) any cost incurred by any person in pro-  
13 ducing and disseminating any information or com-  
14 munication on the internet, internet platform or  
15 other internet-enabled application, unless the infor-  
16 mation or communication is disseminated for a fee  
17 on another person’s website, platform or other inter-  
18 net-enabled application.”.

19 (b) APPLICATION TO DEFINITION OF PUBLIC COM-  
20 MUNICATIONS.—Section 301(22) of such Act (52 U.S.C.  
21 30101(22)) is amended by adding at the end the following:  
22 “In the previous sentence, the terms ‘public communica-  
23 tion’ and ‘general public political advertising’ do not in-  
24 clude communications disseminated over the internet or  
25 via an internet platform or other internet-enabled applica-

1 tion, unless the communication or advertising is dissemi-  
2 nated for a fee on another person’s website, platform or  
3 other internet-enabled application.”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to elections held dur-  
6 ing 2024 or any succeeding year.

7 **SEC. 333. MEDIA EXEMPTION.**

8 (a) EXPANSION OF EXEMPTION TO ADDITIONAL  
9 FORMS OF MEDIA.—Section 301(9)(B)(i) of the Federal  
10 Election Campaign Act of 1971 (52 U.S.C.  
11 30101(9)(B)(i)) is amended to read as follows:

12 “(i) any news story, commentary, or edi-  
13 torial distributed through the facilities of any  
14 broadcasting, cable, satellite, or internet-based  
15 station, programmer, operator or producer;  
16 newspaper, magazine, or other periodical pub-  
17 lisher; electronic publisher, platform, or applica-  
18 tion; book publisher; or filmmaker or film pro-  
19 ducer, distributor or exhibitor, unless such fa-  
20 cilities are owned or controlled by any political  
21 party, political committee, or candidate;”.

22 (b) APPLICATION TO CONTRIBUTIONS.—Section  
23 301(8)(B) of such Act (52 U.S.C. 30101(8)(B)), as  
24 amended by section 332(a)(1), is amended—

1 (1) by redesignating clauses (i) through (xv) as  
2 clauses (ii) through (xvi); and

3 (2) by inserting before clause (ii) (as so redesign-  
4 nated) the following new clause:

5 “(i) any payment for any news story, com-  
6 mentary, or editorial distributed through the fa-  
7 cilities of any broadcasting, cable, satellite, or  
8 internet-based station, programmer, operator or  
9 producer; newspaper, magazine, or other peri-  
10 odical publisher; electronic publisher, platform,  
11 or application; book publisher; or filmmaker or  
12 film producer, distributor or exhibitor.”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to elections held dur-  
15 ing 2024 or any succeeding year.

16 **Subtitle E—Prohibition on**  
17 **Issuance of Regulations on Po-**  
18 **litical Contributions**

19 **SEC. 341. PROHIBITION ON ISSUANCE OF REGULATIONS ON**  
20 **POLITICAL CONTRIBUTIONS.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) From 2010 through 2013, the Internal Rev-  
23 enue Service targeted conservative organizations  
24 seeking tax-exempt status. The result of this tar-  
25 geting was obvious—to discourage conservative orga-

1 nizations and individuals associated with them from  
2 engaging in the 2012 presidential election after an  
3 incredibly successful 2010 midterm election.

4 (2) In response to this treatment, a large num-  
5 ber of conservative organizations sued the Internal  
6 Revenue Service. In 2017, a settlement was reached  
7 and the Internal Revenue Service was required to  
8 issue an apology for its actions.

9 (3) Congress quickly recognized that the Inter-  
10 nal Revenue Service was not the only government  
11 agency that could question or threaten the tax-ex-  
12 empt status of disfavored political groups. The Secu-  
13 rities and Exchange Commission, an independent  
14 government agency, also enjoys some regulatory  
15 power in this area.

16 (4) Beginning in 2015, Congress has included  
17 in every appropriations bill that has funded the Se-  
18 curities and Exchange Commission, an appropria-  
19 tions rider prohibiting the agency from using any of  
20 the funds made available to “finalize, issue, or im-  
21 plement any rule, regulation, or order regarding the  
22 disclosure of political contributions, contributions to  
23 tax exempt organizations, or dues paid to trade as-  
24 sociations.” See Consolidated Appropriations Act,  
25 2016, H.R. 2029, 114th Cong. § 1 (2015); Consoli-



1       dated Appropriations Act, 2017, H.R. 244, 115th  
2       Cong. § 1 (2017); Consolidated Appropriations Act,  
3       2018, H.R. 1625, 115th Cong. § 2 (2018); Consoli-  
4       dated Appropriations Act, 2019, H.J. Res. 31,  
5       116th Cong. § 1 (2019); Consolidated Appropria-  
6       tions Act, 2020, H.R. 1158, 116th Cong. § 1  
7       (2019); Consolidated Appropriations Act, 2021,  
8       H.R. 133, 116th Cong. § 2 (2020); Consolidated  
9       Appropriations Act 2022, H.R. 2471, 117th Cong. §  
10      2 (2022); Consolidated Appropriations Act 2023,  
11      H.R. 2617, 117th Cong. § 2 (2022).

12               (5) This prohibition is too important to be sub-  
13      ject to yearly renewal. Instead, it must be enacted  
14      into permanent law so political organizations of both  
15      political parties can rest assured the Securities and  
16      Exchange Commission will not target them.

17               (b) PROHIBITION.—The Securities and Exchange  
18      Commission may not finalize, issue, or implement any  
19      rule, regulation, or order regarding the disclosure of polit-  
20      ical contributions, contributions to tax exempt organiza-  
21      tions, or dues paid to trade associations.

1                   **Subtitle F—Miscellaneous**  
2                   **Provisions**

3   **SEC. 351. PERMANENT EXTENSION OF FINES FOR QUALI-**  
4                   **FIED DISCLOSURE REQUIREMENT VIOLA-**  
5                   **TIONS.**

6           Section 309(a)(4)(C)(v) of the Federal Election Cam-  
7   paign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is  
8   amended by striking “, and that end on or before Decem-  
9   ber 31, 2023”.

10   **SEC. 352. PERMITTING POLITICAL COMMITTEES TO MAKE**  
11                   **DISBURSEMENTS BY METHODS OTHER THAN**  
12                   **CHECK.**

13           Section 302(h)(1) of the Federal Election Campaign  
14   Act of 1971 (52 U.S.C. 30102(h)(1)) is amended by strik-  
15   ing “except by check drawn on such accounts in accord-  
16   ance with this section” and inserting “except from such  
17   accounts”.

18   **SEC. 353. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**  
19                   **MAKE CAMPAIGN COMMITTEE DISBURSE-**  
20                   **MENTS IN EVENT OF DEATH OF CANDIDATE.**

21           (a) IN GENERAL.—Section 302 of the Federal Elec-  
22   tion Campaign Act of 1971 (52 U.S.C. 30102), as amend-  
23   ed by section 306(b), is amended by adding at the end  
24   the following new subsection:

1           “(k)(1) Each candidate may, with respect to each au-  
2 thORIZED committee of the candidate, designate an indi-  
3 VIDUAL who shall be responsible for disbursing funds in the  
4 accounts of the committee in the event of the death of  
5 the candidate, and may also designate another individual  
6 to carry out the responsibilities of the designated indi-  
7 VIDUAL under this subsection in the event of the death or  
8 incapacity of the designated individual or the unwilling-  
9 ness of the designated individual to carry out the respon-  
10 sibilities.

11           “(2) In order to designate an individual under this  
12 subsection, the candidate shall file with the Commission  
13 a signed written statement (in a standardized form devel-  
14 oped by the Commission, and including any applicable  
15 supporting documentation, including a will or trust docu-  
16 ment) that contains the name and address of the indi-  
17 VIDUAL and the name of the authorized committee for  
18 which the designation shall apply, and that may contain  
19 the candidate’s instructions regarding the lawful disburse-  
20 ment of the funds involved by the individual. At any time  
21 after filing the statement, the candidate may revoke the  
22 designation of an individual by filing with the Commission  
23 a signed written statement of revocation (in a standard-  
24 ized form developed by the Commission).

1       “(3)(A) Upon the death of a candidate who has des-  
2 igned an individual for purposes of paragraph (1), funds  
3 in the accounts of each authorized committee of the can-  
4 didate may be disbursed only under the direction and in  
5 accordance with the instructions of such individual, sub-  
6 ject to the terms and conditions applicable to the disburse-  
7 ment of such funds under this Act or any other applicable  
8 Federal or State law (other than any provision of State  
9 law which authorizes any person other than such indi-  
10 vidual to direct the disbursement of such funds).

11       “(B) Subparagraph (A) does not apply with respect  
12 to an authorized committee if, at the time of the can-  
13 didate’s death, the authorized committee has a treasurer  
14 or a designated agent of the treasurer as described in sec-  
15 tion 302(a), unless the treasurer or designated agent is  
16 incapacitated or cannot be reached by the authorized com-  
17 mittee.

18       “(C) Nothing in this paragraph may be construed to  
19 grant any authority to an individual who is designated  
20 pursuant to this subsection other than the authority to  
21 direct the disbursement of funds as provided in such para-  
22 graph, or may be construed to affect the responsibility of  
23 the treasurer of an authorized committee for which funds  
24 are disbursed in accordance with such paragraph to file

1 reports of the disbursements of such funds under section  
2 304(a).”.

3 (b) INCLUSION OF DESIGNATION IN STATEMENT OF  
4 ORGANIZATION OF COMMITTEE.—Section 303(b) of such  
5 Act (52 U.S.C. 30103(b)) is amended—

6 (1) in paragraph (5), by striking “and” at the  
7 end;

8 (2) in paragraph (6), by striking the period at  
9 the end and inserting “; and”; and

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

12 “(7) in the case of an authorized committee of  
13 a candidate who has designated an individual under  
14 section 302(k) (including a second individual des-  
15 ignated to carry out the responsibilities of that indi-  
16 vidual under such section in the event of that indi-  
17 vidual’s death or incapacity or unwillingness to carry  
18 out the responsibilities) to disburse funds from the  
19 accounts of the committee in the event of the death  
20 of the candidate, a copy of the statement filed by the  
21 candidate with the Commission under such section  
22 (as well as a copy of any subsequent statement of  
23 revocation filed by the candidate with the Commis-  
24 sion under such section).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to authorized cam-  
3 paign committees which are designated under section  
4 302(e)(1) of the Federal Election Campaign Act of 1971  
5 before, on, or after the date of the enactment of this Act.

6 **SEC. 354. PROHIBITING AIDING OR ABETTING MAKING OF**  
7 **CONTRIBUTIONS IN NAME OF ANOTHER.**

8 Section 320 of the Federal Election Campaign Act  
9 of 1971 (52 U.S.C. 30122) is amended by adding at the  
10 end the following new sentence: “No person shall know-  
11 ingly direct, help, or assist any person in making a con-  
12 tribution in the name of another person.”.

13 **SEC. 355. UNANIMOUS CONSENT OF COMMISSION MEM-**  
14 **BERS REQUIRED FOR COMMISSION TO**  
15 **REFUSE TO DEFEND ACTIONS BROUGHT**  
16 **AGAINST COMMISSION.**

17 (a) UNANIMOUS CONSENT.—Section 307 of the Fed-  
18 eral Election Campaign Act of 1971 (52 U.S.C. 30107)  
19 is amended by adding at the end the following new sub-  
20 section:

21 “(f)(1) Except as provided in paragraph (2), the  
22 Commission shall defend each action brought against the  
23 Commission under this Act or chapter 95 and 96 of the  
24 Internal Revenue Code of 1986—

1           “(A) through the general counsel, as provided  
2           in subsection (a)(6);

3           “(B) by appointing counsel as provided in sec-  
4           tion 306(f)(4); or

5           “(C) by referral to the Attorney General in the  
6           case of a criminal action.

7           “(2) The Commission may refuse to defend an action  
8           brought against the Commission pursuant to the unani-  
9           mous vote of its Members.”.

10          (b) EFFECTIVE DATE.—The amendment made by  
11          subsection (a) shall apply with respect to actions brought  
12          on or after the date of the enactment of this Act.

13          **SEC. 356. FEDERAL ELECTION COMMISSION MEMBER PAY.**

14          Section 306(a)(4) of the Federal Election Campaign  
15          Act of 1971 (52 U.S.C. 30106(a)(4)) is amended—

16                  (1) by striking “(4) Members” and inserting  
17                  “(4)(A) Except as provided in subparagraph (B),  
18                  members”;

19                  (2) by striking “equivalent to the compensation  
20                  paid at level IV of the Executive Schedule (5 U.S.C.  
21                  5315)” and inserting “at an annual rate of basic  
22                  pay of \$186,300, as adjusted under section 5318 of  
23                  title 5, United States Code, in the same manner as  
24                  the annual rate of pay for positions at each level of

1 the Executive Schedule, which may not be varied or  
2 suspended by executive action”; and

3 (3) by adding at the end the following:

4 “(B) A member who serves on the Commission after  
5 the expiration of the member’s term because the member’s  
6 successor has not taken office may not receive any in-  
7 crease in compensation under this subsection for any pay  
8 period occurring after the expiration of the 4-year period  
9 which begins on the date of the expiration of the member’s  
10 term. A member shall no longer be subject to the previous  
11 sentence if the member is appointed to a new term and  
12 takes office pursuant to that appointment.

13 “(C) A member shall be permitted to hold a position  
14 at an institution of higher education (as such term is de-  
15 fined in section 101 of the Higher Education Act of 1965  
16 (20 U.S.C. 1001)) if—

17 “(i) the General Counsel of the Commission de-  
18 termines that such position does not create a conflict  
19 of interest with the member’s position as a sitting  
20 member of the Commission and grants the member  
21 approval to hold the position; and

22 “(ii) the annual rate of compensation received  
23 by the individual from such institution is not greater  
24 than the amount equal to 49.9% of the annual rate



1 of basic pay paid to the member under this para-  
 2 graph.”.

3 **SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PRO-**  
 4 **CEEDINGS TO ENFORCE FEDERAL ELECTION**  
 5 **CAMPAIGN ACT OF 1971.**

6 (a) 5-YEAR LIMITATION.—Section 406(a) of the Fed-  
 7 eral Election Campaign Act of 1971 (52 U.S.C. 30145(a))  
 8 is amended—

9 (1) by striking “(a)” and inserting “(a)(1)”;  
 10 and

11 (2) by adding at the end the following new  
 12 paragraph:

13 “(2) No person shall be subject to a civil penalty for  
 14 any violation of title III of this Act unless the proceeding  
 15 is initiated in accordance with section 309 not later than  
 16 5 years after the date on which the violation occurred.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
 18 subsection (a) shall apply with respect to violations occur-  
 19 ring on or after the date of the enactment of this Act.

20 **SEC. 358. THEFT FROM POLITICAL COMMITTEE AS A FED-**  
 21 **ERAL CRIME.**

22 (a) FEDERAL CRIME.—Chapter 29 of title 18, United  
 23 States Code, as amended by section 161(b), is amended  
 24 by adding at the end the following new section:

1 **“§ 613. Theft from political committee**

2       “(a) IN GENERAL.—It shall be unlawful to remove,  
3 without appropriate authorization, any funds or any other  
4 item of value from an account maintained for the benefit  
5 of a candidate for Federal office or the candidate’s polit-  
6 ical committee (as such term is defined in section 301 of  
7 the Federal Election Campaign Act of 1971 (52 U.S.C.  
8 30101)).

9       “(b) PENALTY.—Any person who violates subsection  
10 (a) shall be fined not more than \$250,000, imprisoned for  
11 not more than 5 years, or both.”.

12       (b) CLERICAL AMENDMENT.—The table of sections  
13 for chapter 28 of title 18, United States Code, is amended  
14 by adding at the end the following new item:

“613. Theft from political committee.”.

15 **SEC. 359. REPEAL OF OBSOLETE PROVISIONS OF LAW.**

16       (a) PROVISIONS HELD UNCONSTITUTIONAL.—

17               (1) MEMBERSHIP OF SECRETARY OF SENATE  
18 AND CLERK OF HOUSE ON FEDERAL ELECTION COM-  
19 MISSION.—Section 306(a)(1) of the Federal Election  
20 Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is  
21 amended by striking “the Secretary of the Senate  
22 and the Clerk of the House of Representatives or  
23 their designees, ex officio and without the right to  
24 vote, and”.

1           (2) CHOICE OF INDEPENDENT OR COORDI-  
2           NATED EXPENDITURES BY POLITICAL PARTIES.—  
3           Section 315(d) of such Act (52 U.S.C. 30116(d)) is  
4           amended—

5                   (A) by striking paragraph (4) and redesignig-  
6                   nating paragraph (5) as paragraph (4);

7                   (B) in paragraph (4), as so redesignated,  
8                   by striking “paragraphs (2), (3), and (4)” and  
9                   inserting “paragraphs (2) and (3)”; and

10                   (C) in paragraph (1), by striking “para-  
11                   graphs (2), (3), and (4)” and inserting “para-  
12                   graphs (2) and (3)”.

13           (3) PROHIBITING CONTRIBUTIONS BY MI-  
14           NORS.—The Federal Election Campaign Act of 1971  
15           is amended by striking section 324 (52 U.S.C.  
16           30126).

17           (4) INCREASE IN CONTRIBUTION LIMITS FOR  
18           CANDIDATES IN RESPONSE TO PERSONAL FUND EX-  
19           PENDITURES BY OPPONENTS.—

20                   (A) HOUSE CANDIDATES.—The Federal  
21                   Election Campaign Act of 1971 is amended by  
22                   striking section 315A (52 U.S.C. 30117).

23                   (B) SENATE CANDIDATES.—Section 315 of  
24                   such Act (52 U.S.C. 30116) is amended—

25                           (i) by striking subsection (i); and

1 (ii) by redesignating subsection (j) as  
2 subsection (i).

3 (C) CONFORMING AMENDMENT RELATING  
4 TO NOTIFICATION.—Section 304(a)(6) of such  
5 Act (52 U.S.C. 30104(a)(6)) is amended—

6 (i) by striking subparagraphs (B),  
7 (C), and (D); and

8 (ii) by redesignating subparagraph  
9 (E) as subparagraph (D).

10 (D) CONFORMING AMENDMENT RELATING  
11 TO DEFINITIONS.—Section 301(25) of such Act  
12 (52 U.S.C. 30101(25)) is amended by striking  
13 “For purposes of sections 315(i) and 315A and  
14 paragraph (26), the term” and inserting “The  
15 term”.

16 (E) OTHER CONFORMING AMENDMENT.—  
17 Section 315(a)(1) of such Act (52 U.S.C.  
18 30116(a)(1)) is amended by striking “Except  
19 as provided in subsection (i) and section 315A,  
20 no person” and inserting “No person”.

21 (5) ELECTIONEERING COMMUNICATIONS AND  
22 INDEPENDENT EXPENDITURES BY CORPORATIONS  
23 AND LABOR ORGANIZATIONS.—Section 316 of such  
24 Act (52 U.S.C. 30117) is amended—

1 (A) in subsection (b)(1), by striking “or  
2 for any applicable electioneering communica-  
3 tion”; and

4 (B) by striking subsection (c).

5 (6) LIMITATION ON REPAYMENT OF PERSONAL  
6 LOANS.—Section 315 of such Act (52 U.S.C. 30116)  
7 is amended by striking subsection (i), as redesign-  
8 nated by paragraph (4)(B)(ii).

9 (b) PROVISIONS RELATING TO USE OF PRESI-  
10 DENTIAL ELECTION CAMPAIGN FUND FOR PARTY NOMI-  
11 NATING CONVENTIONS.—Section 9008 of the Internal  
12 Revenue Code of 1986 is amended—

13 (1) in subsection (b), by striking paragraph (3);  
14 and

15 (2) by striking subsections (c), (d), (e), (f), (g),  
16 and (h).

17 (c) TECHNICAL CORRECTION.—Sections 307 and 309  
18 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
19 30107 and 30109) are each amended by striking “sub-  
20 pena” each place it appears and inserting “subpoena”.

21 **SEC. 360. DEADLINE FOR PROMULGATION OF PROPOSED**  
22 **REGULATIONS.**

23 Not later than 120 days after the date of the enact-  
24 ment of this Act, the Federal Election Commission shall

1 publish in the Federal Register proposed regulations to  
2 carry out this title and the amendments made by this title.

3 **TITLE IV—ELECTION SECURITY**  
4 **Subtitle A—Promoting Election**  
5 **Security**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Election Security As-  
8 sistance Act”.

9 **SEC. 402. REPORTS TO CONGRESS ON FOREIGN THREATS**  
10 **TO ELECTIONS.**

11 (a) IN GENERAL.—Not later than 30 days after the  
12 date of enactment of this Act, and 30 days after the end  
13 of each fiscal year thereafter, the Secretary of Homeland  
14 Security and the Director of National Intelligence, in co-  
15 ordination with the heads of the appropriate Federal enti-  
16 ties, shall submit a joint report to the appropriate congres-  
17 sional committees and the chief State election official of  
18 each State on foreign threats to elections in the United  
19 States, including physical and cybersecurity threats.

20 (b) VOLUNTARY PARTICIPATION BY STATES.—The  
21 Secretary shall solicit and consider voluntary comments  
22 from all State election agencies. Participation by an elec-  
23 tion agency in the report under this section shall be vol-  
24 untary and at the discretion of the State.

1 (c) APPROPRIATE FEDERAL ENTITIES.—In this sec-  
2 tion, the term “appropriate Federal entities” means—

3 (1) the Department of Commerce, including the  
4 National Institute of Standards and Technology;

5 (2) the Department of Defense;

6 (3) the Department of Homeland Security, in-  
7 cluding the component of the Department that re-  
8 ports to the Under Secretary responsible for over-  
9 seeing critical infrastructure protection, cybersecu-  
10 rity, and other related programs of the Department;

11 (4) the Department of Justice, including the  
12 Federal Bureau of Investigation;

13 (5) the Election Assistance Commission; and

14 (6) the Office of the Director of National Intel-  
15 ligence, the National Security Agency, and such  
16 other elements of the intelligence community (as de-  
17 fined in section 3 of the National Security Act of  
18 1947 (50 U.S.C. 3003)) as the Director of National  
19 Intelligence determines are appropriate.

20 (d) OTHER DEFINITIONS.—In this section—

21 (1) the term “appropriate congressional com-  
22 mittees” means—

23 (A) the Committee on Rules and Adminis-  
24 tration, the Committee on Homeland Security  
25 and Governmental Affairs, the Select Com-

1           committee on Intelligence, and the Committee on  
2           Foreign Relations of the Senate; and

3                   (B) the Committee on House Administra-  
4           tion, the Committee on Homeland Security, the  
5           Permanent Select Committee on Intelligence,  
6           and the Committee on Foreign Affairs of the  
7           House of Representatives;

8           (2) the term “chief State election official”  
9           means, with respect to a State, the individual des-  
10          ignated by the State under section 10 of the Na-  
11          tional Voter Registration Act of 1993 (52 U.S.C.  
12          20509) to be responsible for coordination of the  
13          State’s responsibilities under such Act;

14          (3) the term “election agency” means any com-  
15          ponent of a State or any component of a unit of  
16          local government of a State that is responsible for  
17          administering Federal elections;

18          (4) the term “Secretary” means the Secretary  
19          of Homeland Security; and

20          (5) the term “State” has the meaning given  
21          such term in section 901 of the Help America Vote  
22          Act of 2002 (52 U.S.C. 21141).



1 **SEC. 403. RULE OF CONSTRUCTION.**

2 Nothing in this title may be construed as authorizing  
3 the Secretary of Homeland Security to carry out the ad-  
4 ministration of an election for Federal office.

5 **Subtitle B—Cybersecurity for**  
6 **Election Systems**

7 **SEC. 411. CYBERSECURITY ADVISORIES RELATING TO**  
8 **ELECTION SYSTEMS.**

9 (a) CYBERSECURITY ADVISORIES.—

10 (1) IN GENERAL.—The Director of the Cyberse-  
11 curity and Infrastructure Security Agency of the De-  
12 partment of Homeland Security (in this subtitle re-  
13 ferred to as the “Director”) shall collaborate with  
14 the Election Assistance Commission (in this subtitle  
15 referred to as the “Commission”) to determine if an  
16 advisory relating to the cybersecurity of election sys-  
17 tems used in the administration of elections for Fed-  
18 eral office or the cybersecurity of elections for Fed-  
19 eral office generally is necessary. If such a deter-  
20 mination is made in the affirmative, the Director  
21 shall collaborate with the Commission in the prepa-  
22 ration of such an advisory.

23 (2) PROHIBITION.—The Director may not issue  
24 an advisory described in paragraph (1) unless the  
25 Commission has provided input relating thereto.

1 (b) NOTIFICATION.—If the Director issues an advi-  
2 sory described in subsection (a), the Director, in collabora-  
3 tion with the Commission, shall provide to appropriate  
4 State election officials and vendors of covered voting sys-  
5 tems notification relating thereto.

6 **SEC. 412. PROCESS TO TEST FOR AND MONITOR CYBERSE-**  
7 **CURITY VULNERABILITIES IN ELECTION**  
8 **EQUIPMENT.**

9 (a) PROCESS FOR COVERED VOTING SYSTEMS.—

10 (1) IN GENERAL.—The Director and the Com-  
11 mission (in consultation with the Technical Guide-  
12 lines Development Committee and the Standards  
13 Board of the Commission), shall jointly establish a  
14 voluntary process to test for and monitor covered  
15 voting systems for cybersecurity vulnerabilities. Such  
16 process shall include the following:

17 (A) Mitigation strategies and other rem-  
18 edies.

19 (B) Notice to the Commission and appro-  
20 priate entities of the results of testing con-  
21 ducted pursuant to such process.

22 (2) IMPLEMENTATION.—The Director shall im-  
23 plement the process established under paragraph (1)  
24 at the request of the Commission.

1 (b) LABELING FOR VOTING SYSTEMS.—The Commis-  
2 sion (in consultation with the Technical Guidelines Devel-  
3 opment Committee and the Standards Board of the Com-  
4 mission), shall establish a process to provide for the de-  
5 ployment of appropriate labeling available through the  
6 website of the Commission to indicate that covered voting  
7 systems passed the most recent cybersecurity testing pur-  
8 suant to the process established under subsection (a).

9 (c) RULES OF CONSTRUCTION.—The process estab-  
10 lished under subsection (a), including the results of any  
11 testing carried out pursuant to this section, shall not af-  
12 fect—

13 (1) the certification status of equipment used in  
14 the administration of an election for Federal office  
15 under the Help America Vote Act of 2002; or

16 (2) the authority of the Commission to so cer-  
17 tify such equipment under such Act.

18 (d) EXCLUSIVE AUTHORITY OF ELECTION ASSIST-  
19 ANCE COMMISSION WITH RESPECT TO GUIDELINES AND  
20 CERTIFICATION OF COVERED VOTING SYSTEMS.—No en-  
21 tity of the Federal Government other than the Election  
22 Assistance Commission may issue guidelines with respect  
23 to the minimum standards for the testing, certification,  
24 decertification, and recertification of covered voting sys-  
25 tems.

1 (e) DEFINITION.—In this section, the term “covered  
2 voting systems” means equipment used in the administra-  
3 tion of an election for Federal office that is certified in  
4 accordance with versions of Voluntary Voting System  
5 Guidelines under the Help America Vote Act of 2002, and  
6 includes any related nonvoting election technology, as de-  
7 fined in section 298C of the Help America Vote Act of  
8 2002, as added by section 129(b).

9 **SEC. 413. DUTY OF SECRETARY OF HOMELAND SECURITY**  
10 **TO NOTIFY STATE AND LOCAL OFFICIALS OF**  
11 **ELECTION CYBERSECURITY INCIDENTS.**

12 (a) DUTY TO SHARE INFORMATION WITH DEPART-  
13 MENT OF HOMELAND SECURITY.—If a Federal entity re-  
14 ceives information about an election cybersecurity inci-  
15 dent, the Federal entity shall promptly share that infor-  
16 mation with the Department of Homeland Security, unless  
17 the head of the entity (or a Senate-confirmed official des-  
18 ignated by the head) makes a specific determination in  
19 writing that there is good cause to withhold the particular  
20 information.

21 (b) RESPONSE TO RECEIPT OF INFORMATION BY  
22 SECRETARY OF HOMELAND SECURITY.—

23 (1) IN GENERAL.—Upon receiving information  
24 about an election cybersecurity incident under sub-  
25 section (a), the Secretary of Homeland Security, in

1 consultation with the Attorney General, the Director  
2 of the Federal Bureau of Investigation, and the Di-  
3 rector of National Intelligence, shall promptly (but  
4 in no case later than 96 hours after receiving the in-  
5 formation) review the information and make a deter-  
6 mination whether each of the following apply:

7 (A) There is credible evidence that the in-  
8 cident occurred.

9 (B) There is a basis to believe that the in-  
10 cident resulted, could have resulted, or could re-  
11 sult in voter information systems or voter tab-  
12 ulation systems being altered or otherwise af-  
13 fected.

14 (2) DUTY TO NOTIFY STATE AND LOCAL OFFI-  
15 CIALS.—

16 (A) DUTY DESCRIBED.—If the Secretary  
17 makes a determination under paragraph (1)  
18 that subparagraphs (A) and (B) of such para-  
19 graph apply with respect to an election cyberse-  
20 curity incident, not later than 96 hours after  
21 making the determination, the Secretary shall  
22 provide a notification of the incident to each of  
23 the following:

24 (i) The chief executive of the State in-  
25 volved.

1           (ii) The State election official of the  
2 State involved.

3           (iii) The local election official of the  
4 election agency involved.

5           (B) TREATMENT OF CLASSIFIED INFORMA-  
6 TION.—

7           (i) EFFORTS TO AVOID INCLUSION OF  
8 CLASSIFIED INFORMATION.—In preparing  
9 a notification provided under this para-  
10 graph to an individual described in clause  
11 (i), (ii), or (iii) of subparagraph (A), the  
12 Secretary shall attempt to avoid the inclu-  
13 sion of classified information.

14           (ii) PROVIDING GUIDANCE TO STATE  
15 AND LOCAL OFFICIALS.—To the extent  
16 that a notification provided under this  
17 paragraph to an individual described in  
18 clause (i), (ii), or (iii) of subparagraph (A)  
19 includes classified information, the Sec-  
20 retary (in consultation with the Attorney  
21 General and the Director of National Intel-  
22 ligence) shall indicate in the notification  
23 which information is classified.

24           (3) EXCEPTION.—

1           (A) IN GENERAL.—If the Secretary, in  
2           consultation with the Attorney General and the  
3           Director of National Intelligence, makes a de-  
4           termination that it is not possible to provide a  
5           notification under paragraph (1) with respect to  
6           an election cybersecurity incident without com-  
7           promising intelligence methods or sources or  
8           interfering with an ongoing investigation, the  
9           Secretary shall not provide the notification  
10          under such paragraph.

11          (B) ONGOING REVIEW.—Not later than 30  
12          days after making a determination under sub-  
13          paragraph (A) and every 30 days thereafter,  
14          the Secretary shall review the determination. If,  
15          after reviewing the determination, the Secretary  
16          makes a revised determination that it is pos-  
17          sible to provide a notification under paragraph  
18          (2) without compromising intelligence methods  
19          or sources or interfering with an ongoing inves-  
20          tigation, the Secretary shall provide the notifi-  
21          cation under paragraph (2) not later than 96  
22          hours after making such revised determination.

23          (4) COORDINATION WITH ELECTION ASSIST-  
24          ANCE COMMISSION.—The Secretary shall make de-  
25          terminations and provide notifications under this

1 subsection in the same manner, and subject to the  
2 same terms and conditions relating to the role of the  
3 Election Assistance Commission, in which the Direc-  
4 tor of the Cybersecurity and Infrastructure Security  
5 Agency of the Department of Homeland Security  
6 makes determinations as to the necessity of an advi-  
7 sory and the issuance of an advisory under section  
8 411(a) and the provision of notification under sec-  
9 tion 411(b).

10 (c) DEFINITIONS.—In this section, the following defi-  
11 nitions apply:

12 (1) ELECTION AGENCY.—The term “election  
13 agency” means any component of a State, or any  
14 component of a unit of local government in a State,  
15 which is responsible for the administration of elec-  
16 tions for Federal office in the State.

17 (2) ELECTION CYBERSECURITY INCIDENT.—  
18 The term “election cybersecurity incident” means an  
19 occurrence that actually or imminently jeopardizes,  
20 without lawful authority, the integrity, confiden-  
21 tiality, or availability of information on an informa-  
22 tion system of election infrastructure (including a  
23 vote tabulation system), or actually or imminently  
24 jeopardizes, without lawful authority, such an infor-  
25 mation system of election infrastructure.



1           (3) FEDERAL ELECTION.—The term “Federal  
2 election” means any election (as defined in section  
3 301(1) of the Federal Election Campaign Act of  
4 1971 (52 U.S.C. 30101(1))) for Federal office (as  
5 defined in section 301(3) of the Federal Election  
6 Campaign Act of 1971 (52 U.S.C. 30101(3))).

7           (4) FEDERAL ENTITY.—The term “Federal en-  
8 tity” means any agency (as defined in section 551  
9 of title 5, United States Code).

10          (5) LOCAL ELECTION OFFICIAL.—The term  
11 “local election official” means the chief election offi-  
12 cial of a component of a unit of local government of  
13 a State that is responsible for administering Federal  
14 elections.

15          (6) SECRETARY.—The term “Secretary” means  
16 the Secretary of Homeland Security.

17          (7) STATE.—The term “State” has the mean-  
18 ing given such term in section 901 of the Help  
19 America Vote Act of 2002 (52 U.S.C. 21141), as  
20 amended by section 138.

21          (8) STATE ELECTION OFFICIAL.—The term  
22 “State election official” means—

23                (A) the chief State election official of a  
24 State designated under section 10 of the Na-

1 tional Voter Registration Act of 1993 (52  
2 U.S.C. 20509); or

3 (B) in the case of Puerto Rico, Guam,  
4 American Samoa, the Northern Mariana Is-  
5 lands, and the United States Virgin Islands, a  
6 chief State election official designated by the  
7 State for purposes of this Act.

8 (d) EFFECTIVE DATE.—This section shall apply with  
9 respect to information about an election cybersecurity inci-  
10 dent which is received on or after the date of the enact-  
11 ment of this Act.

12 **TITLE V—CONGRESSIONAL**  
13 **REDISTRICTING**

14 **SEC. 501. SENSE OF CONGRESS ON AUTHORITY TO ESTAB-**  
15 **LISH MAPS OF CONGRESSIONAL DISTRICTS.**

16 It is the sense of Congress that, while Congress is  
17 authorized under the Constitution of the United States to  
18 ensure that congressional redistricting is carried out in a  
19 manner consistent with the Constitution, only a State has  
20 the authority to establish maps of the congressional dis-  
21 tricts of the State and to determine the procedures and  
22 criteria used to establish such maps.

1 **SEC. 502. AUTHORITY FOR SPEAKER OF THE HOUSE TO**  
2 **JOIN CERTAIN CIVIL ACTIONS RELATING TO**  
3 **APPORTIONMENT.**

4 The Speaker of the House of Representatives or the  
5 Speaker's designee or designees may commence or join in  
6 a civil action, for and on behalf of the House of Represent-  
7 atives, under any applicable law, to prevent the use of any  
8 statistical method, in connection with the decennial cen-  
9 sus, to determine the population for purposes of the appor-  
10 tionment or redistricting of Members in Congress. It shall  
11 be the duty of the Office of the General Counsel of the  
12 House of Representatives to represent the House in such  
13 civil action, according to the directions of the Speaker.  
14 The Office of the General Counsel of the House of Rep-  
15 resentatives may employ the services of outside counsel  
16 and other experts for this purpose.

17 **SEC. 503. CENSUS MONITORING BOARD.**

18 (a) **SHORT TITLE.**—This section may be cited as the  
19 “Citizen Census Monitoring Board Permanent Authoriza-  
20 tion Act of 2023”.

21 (b) **FINDINGS.**—Congress finds the following:

22 (1) The 2020 decennial census of population  
23 was conducted amongst unique and difficult cir-  
24 cumstances which have caused many of its results to  
25 be questioned as regards their accuracy and legality.

1           (2) Privacy limitations prevent the decennial  
2 census from being a transparent process, therefore  
3 limiting the ability of the public and even Congress  
4 or the courts from effectively monitoring the entire  
5 census process.

6           (3) Only an independent bipartisan Board with  
7 the same access to data and documentation as the  
8 Bureau of the Census itself can effectively monitor  
9 the decennial census process.

10           (4) Therefore, in order to achieve these goals,  
11 the Congress finds that a bipartisan Census Moni-  
12 toring Board should be established.

13           (c) ESTABLISHMENT.—There shall be established a  
14 board to be known as the Census Monitoring Board (in  
15 this section referred to as the “Board”).

16           (d) DUTIES.—The function of the Board shall be to  
17 review all aspects of the preparation and implementation,  
18 data and results, and all post-enumeration activities and  
19 procedures, of the 2020 decennial census of population  
20 under section 141 of title 13, United States Code (includ-  
21 ing all dress rehearsals and other simulations of a census  
22 in preparation therefor), and observe and monitor all as-  
23 pects of the preparation and implementation of the 2030  
24 decennial census and each decennial census thereafter (in-

1 cluding all dress rehearsals and other simulations of a cen-  
2 sus in preparation therefor).

3 (e) MEMBERS.—

4 (1) IN GENERAL.—The Board shall be com-  
5 posed of 6 members, appointed as follows:

6 (A) One individual appointed by the major-  
7 ity leader of the Senate.

8 (B) Two individuals appointed by the  
9 Speaker of the House of Representatives.

10 (C) One individual appointed by the minor-  
11 ity leader of the Senate.

12 (D) Two individuals appointed by the mi-  
13 nority leader of the House of Representatives.

14 (2) APPOINTMENT.—Each member of the  
15 Board shall be appointed within 60 days after the  
16 date of the enactment of this Act. A vacancy in the  
17 Board shall be filled in the manner in which the  
18 original appointment was made. Members of the  
19 Board's terms shall expire when the Houses of Con-  
20 gress are reorganized, except that a member shall  
21 continue to serve as a member until their replace-  
22 ment is appointed.

23 (3) COMPENSATION.—Members shall not be en-  
24 titled to any pay by reason of their service on the  
25 Board, but shall receive travel expenses, including

1 per diem in lieu of subsistence, in accordance with  
2 sections 5702 and 5703 of title 5, United States  
3 Code.

4 (4) BIPARTISAN.—The Board shall be bipar-  
5 tisan and each party’s appointees shall caucus sepa-  
6 rately and elect a co-chair from each caucus.

7 (5) MEETINGS.—The Board shall meet at the  
8 call of either co-chair.

9 (6) QUORUM.—A quorum shall consist of four  
10 members of the Board.

11 (7) REGULATIONS.—The Board may promul-  
12 gate any regulations necessary to carry out its du-  
13 ties.

14 (f) EXECUTIVE DIRECTORS.—

15 (1) IN GENERAL.—Each caucus of the Board  
16 shall have an executive director who shall be ap-  
17 pointed by the members of the two most numerous  
18 caucuses, each of whom shall be paid at a rate not  
19 to exceed level IV of the Executive Schedule under  
20 section 5315 of title 5, United States Code.

21 (2) STAFF AND SERVICES.—

22 (A) IN GENERAL.—Subject to such rules  
23 as the Board may prescribe, each executive di-  
24 rector—

1 (i) may appoint and fix the pay of  
2 such additional personnel as that executive  
3 director considers appropriate; and

4 (ii) may procure temporary and inter-  
5 mittent services under section 3109(b) of  
6 title 5, United States Code, but at rates  
7 for individuals not to exceed the daily  
8 equivalent of the maximum annual rate of  
9 pay payable for grade GS-15 of the Gen-  
10 eral Schedule.

11 (B) BOARD RULES.—Such rules shall in-  
12 clude provisions to ensure an equitable division  
13 or sharing of resources, as appropriate, between  
14 the respective staff of the Board.

15 (3) BOARD STAFF.—The staff of the Board  
16 shall be appointed without regard to the provisions  
17 of title 5, United States Code, governing appoint-  
18 ments in the competitive service, and shall be paid  
19 without regard to the provisions of chapter 51 and  
20 subchapter III of chapter 53 of such title (relating  
21 to classification and General Schedule pay rates).

22 (4) FACILITIES.—The Administrator of the  
23 General Services Administration, in coordination  
24 with the Secretary of Commerce, shall locate suitable  
25 office space for the operation of the Board in the

1 headquarters of the Bureau of the Census in  
2 Suitland, Maryland. The facilities shall serve as the  
3 headquarters of the Board and shall include all nec-  
4 essary equipment and incidentals required for the  
5 proper functioning of the Board.

6 (g) OTHER AUTHORITIES.—

7 (1) HEARINGS.—For the purpose of carrying  
8 out its duties, the Board may hold such hearings (at  
9 the call of either co-chair) and undertake such other  
10 activities as the Board determines to be necessary to  
11 carry out its duties.

12 (2) ACCESS TO INFORMATION.—

13 (A) IN GENERAL.—Each co-chair of the  
14 Board and any Board staff who may be des-  
15 ignated by the Board under this subparagraph  
16 shall be granted access to any data, files, infor-  
17 mation, or other matters maintained by the Bu-  
18 reau of the Census (or received by it in the  
19 course of conducting a decennial census of pop-  
20 ulation) which they may request, subject to  
21 such regulations as the Board may prescribe in  
22 consultation with the Secretary of Commerce.  
23 No information may be withheld pursuant to  
24 title 13, United States Code, and all members  
25 of the Board and Board staff shall be sworn to



1 protect the confidentiality and privilege of all  
2 data and information protected by such title.

3 (B) AGENCY INFORMATION.—The Board  
4 or the co-chairs acting jointly may secure di-  
5 rectly from any other Federal agency, including  
6 the White House, all information that the  
7 Board considers necessary to enable the Board  
8 to carry out its duties. Upon request of the  
9 Board or both co-chairs, the head of that agen-  
10 cy (or other person duly designated for pur-  
11 poses of this paragraph) shall furnish that in-  
12 formation to the Board.

13 (3) REGULATIONS.—The Board shall prescribe  
14 regulations under which any member of the Board  
15 or of its staff, and any person whose services are  
16 procured under subsection (e)(2)(A)(ii), who gains  
17 access to any information or other matter pursuant  
18 to this subsection shall, to the extent that any provi-  
19 sions of section 9 or section 214 of title 13, United  
20 States Code, would apply with respect to such mat-  
21 ter in the case of an employee of the Department of  
22 Commerce, be subject to such provisions.

23 (4) DETAIL AUTHORITY.—Upon the request of  
24 the Board, the head of any Federal agency is au-  
25 thorized to detail, without reimbursement, any of the

1 personnel of such agency to the Board to assist the  
2 Board in carrying out its duties. Any such detail of  
3 a Federal employee under this paragraph shall not  
4 interrupt or otherwise affect the civil service status  
5 or privileges of the employee.

6 (5) TECHNICAL ASSISTANCE.—Upon the re-  
7 quest of the Board, the head of a Federal agency  
8 shall provide such technical assistance to the Board  
9 as the Board determines to be necessary to carry out  
10 its duties.

11 (6) USE OF MAILS.—The Board may use the  
12 United States mails in the same manner and under  
13 the same conditions as Federal agencies and shall,  
14 for purposes of the frank, be considered a commis-  
15 sion of Congress as described in section 3215 of title  
16 39, United States Code.

17 (7) SUPPORT SERVICES.—Upon request of the  
18 Board, the Administrator of General Services shall  
19 provide to the Board on a reimbursable basis such  
20 administrative support services as the Board may re-  
21 quest.

22 (8) PRINTING COSTS.—For purposes of costs  
23 relating to printing and binding, including the cost  
24 of personnel detailed from the Government Pub-

1       lishing Office, the Board shall be deemed to be a  
2       committee of the Congress.

3       (h) REPORTS.—

4             (1) 2020 CENSUS.—The Board shall transmit  
5       to the Congress—

6             (A) interim reports, with the first such re-  
7       port due by April 1, 2024;

8             (B) additional reports, the first of which  
9       shall be due by February 1, 2025, the second  
10       of which shall be due by April 1, 2025, and  
11       subsequent reports at least semiannually there-  
12       after;

13            (C) a final report on the 2020 Census shall  
14       be due by September 1, 2025; and

15            (D) any other reports which the Board or  
16       either co-chair considers appropriate.

17            (2) SUBSEQUENT CENSUSES.—With respect to  
18       the 2030 decennial census of population and each  
19       decennial census thereafter, the Board shall transmit  
20       to Congress—

21            (A) an interim report due not later than  
22       September 1 of the second year following the  
23       year in which a decennial census occurs;

1 (B) a final report not later than September  
2 1 of the third year following the year in which  
3 a decennial census occurs; and

4 (C) any other reports which the Board or  
5 either co-chair considers appropriate.

6 (3) FINAL REPORT CONTENTS.—A final report  
7 under paragraph (1)(C) or (2)(B) shall contain a de-  
8 tailed statement of the findings and conclusions of  
9 the Board with respect to the matters described in  
10 subsection (c).

11 (4) REPORT CONTENTS.—In addition to any  
12 matter otherwise required under this subsection,  
13 each such report shall address, with respect to the  
14 period covered by such report—

15 (A) the degree to which efforts of the Bu-  
16 reau of the Census to prepare to conduct the  
17 decennial census—

18 (i) shall achieve maximum possible ac-  
19 curacy at every level of geography;

20 (ii) shall be taken by means of an  
21 enumeration process designed to count  
22 every individual possible;

23 (iii) shall be free from political bias  
24 and arbitrary decisions; and

1 (iv) comply with all legal and constitu-  
2 tional requirements; and

3 (B) efforts by the Bureau of the Census  
4 intended to contribute to enumeration improve-  
5 ment, specifically in connection with—

6 (i) computer modernization and the  
7 appropriate use of automation;

8 (ii) address list development;

9 (iii) outreach and promotion efforts at  
10 all levels designed to maximize response  
11 rates, especially among groups that have  
12 historically been undercounted (including  
13 measures undertaken in conjunction with  
14 local government and community and other  
15 groups);

16 (iv) establishment and operation of  
17 field offices; and

18 (v) efforts relating to the recruitment,  
19 hiring, and training of enumerators.

20 (5) AVAILABILITY OF DATA AND INFORMA-  
21 TION.—Any data or other information obtained by  
22 the Board under this section shall be made available  
23 to any committee or subcommittee of Congress of  
24 appropriate jurisdiction upon request of the chair or  
25 ranking minority member of such committee or sub-

1 committee. No such committee or subcommittee, or  
2 member thereof, shall disclose any information ob-  
3 tained under this paragraph which is submitted to it  
4 on a confidential basis unless the full committee de-  
5 termines that the withholding of that information is  
6 contrary to the national interest.

7 (6) USE OF CONTRACTORS.—The Board shall  
8 study and submit to Congress, as part of its first re-  
9 port under paragraph (1)(A), its findings and rec-  
10 ommendations as to the feasibility and desirability of  
11 using postal personnel or private contractors to help  
12 carry out the decennial census.

13 (i) ACCURACY OF CENSUS.—To the extent prac-  
14 ticable, members of the Board shall work to promote the  
15 most accurate and complete decennial census possible by  
16 using their positions to publicize the need for full and  
17 timely responses to decennial census questionnaires.

18 (j) LIMITATION ON BOARD MEMBERS AND STAFF.—

19 (1) IN GENERAL.—No individual described in  
20 paragraph (2) may—

21 (A) be appointed or serve as a member of  
22 the Board or as a member of the staff of the  
23 Board; or

24 (B) enter into any contract with the  
25 Board.

1           (2) INDIVIDUALS COVERED.—An individual de-  
2           scribed in this paragraph is any individual who is  
3           serving or who has ever served—

4                   (A) as the Director of the Census; or

5                   (B) with any committee or subcommittee  
6           of either House of Congress having jurisdiction  
7           over any aspect of the decennial census as—

8                           (i) a Member of Congress; or

9                           (ii) a congressional employee.

10          (k) EXCEPTION FOR USE OF INFORMATION.—Sec-  
11          tion 9(a) of title 13, United States Code, is amended in  
12          the matter before paragraph (1)—

13                   (1) by striking “or section 210” and inserting  
14                   “ , section 210”;

15                   (2) by striking “1998 or” and inserting  
16                   “1998,”; and

17                   (3) by striking “1997” and inserting “ , or sec-  
18                   tion 502 of the ACE Act”.

19          (l) AUTHORIZATION OF APPROPRIATIONS.—There is  
20          authorized to be appropriated \$7,500,000 for fiscal year  
21          2024 and each fiscal year thereafter to carry out this sec-  
22          tion.

1           **TITLE VI—DISINFORMATION**  
2                           **GOVERNANCE BOARD**

3   **SEC. 601. TERMINATION OF THE DISINFORMATION GOV-**  
4                           **ERNANCE BOARD.**

5           The Disinformation Governance Board of the De-  
6   partment of Homeland Security is hereby terminated.

7   **SEC. 602. PROHIBITION ON FUNDING SIMILAR BOARD OR**  
8                           **SIMILAR ACTIVITIES.**

9           No Federal funds authorized to be appropriated or  
10 otherwise made available may be used to establish any  
11 other entity that is substantially similar to the  
12 Disinformation Governance Board terminated by section  
13 601 or to carry out activities that are substantially similar  
14 to the Disinformation Governance Board terminated by  
15 section 601.

16           **TITLE VII—SEVERABILITY**

17   **SEC. 701. SEVERABILITY.**

18           If any provision of this Act or any amendment made  
19 by this Act, or the application of any such provision or  
20 amendment to any person or circumstance, is held to be  
21 unconstitutional, the remainder of this Act, and the appli-  
22 cation of such provision or amendment to any other person  
23 or circumstance, shall not be affected by the holding.

○