

118TH CONGRESS  
2D SESSION

# H. R. 9779

To amend the Help America Vote Act of 2002 to confirm the requirement that States allow access to designated congressional election observers to observe the election administration procedures in congressional elections.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2024

Mr. CAREY (for himself, Mr. STEIL, and Mr. MORELLE) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to confirm the requirement that States allow access to designated congressional election observers to observe the election administration procedures in congressional elections.

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 “Confirmation Of Con-  
5 gressional Observer Access Act of 2024” or the “COCOA  
6 Act of 2024”.

1 **SEC. 2. ACCESS FOR CONGRESSIONAL ELECTION OBSERV-**  
2 **ERS.**

3 (a) ACCESS REQUIRED.—Title III of the Help Amer-  
4 ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amend-  
5 ed—

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

8 (2) by inserting after section 303 the following  
9 new section:

10 **“SEC. 304. ACCESS FOR CONGRESSIONAL ELECTION OB-**  
11 **SERVERS.**

12 “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—  
13 Congress finds that, regardless of legislative action, it has  
14 the authority to send congressional election observers to  
15 observe polling locations, any location where processing,  
16 scanning, tabulating, canvassing, recounting, auditing, or  
17 certifying voting results is occurring, or any other part  
18 of the process associated with elections for Federal office  
19 under the authorities granted under article 1, section 5,  
20 clause 1 and article 1, section 4, clause 1 of the Constitu-  
21 tion of the United States. Procedures described herein do  
22 not establish any new authorities or procedures with re-  
23 spect to Congress’ constitutional authority to observe con-  
24 gressional elections but are provided simply to permit a  
25 convenient statutory reference for existing congressional  
26 authority and activity.

1       “(b) REQUIRING STATES TO PROVIDE ACCESS FOR  
2 OBSERVERS.—

3               “(1) REQUIREMENT.—A State shall provide  
4 each individual who is acting as a designated con-  
5 gressional election observer for an election for Fed-  
6 eral office with full access to clearly observe all ele-  
7 ments of election administration procedures, includ-  
8 ing, but not limited to, access to any area in which  
9 a ballot is cast, processed, scanned, tabulated, can-  
10 vassed, recounted, audited, or certified, including  
11 during pre- and post-election procedures.

12               “(2) RESTRICTIONS ON ACTIVITIES OF OBSERV-  
13 ERS.—No designated congressional election observer  
14 may handle a ballot or election equipment (whether  
15 voting or nonvoting or whether tabulating or nontab-  
16 ulating), advocate for any position or candidate, take  
17 any action to reduce ballot secrecy or voter privacy,  
18 take any action to interfere with the ability of a  
19 voter to cast a ballot or an election administrator to  
20 carry the administrator’s duties, or otherwise inter-  
21 fere with the election administration process.

22               “(3) RULE OF CONSTRUCTION.—Nothing in  
23 this section shall prohibit a designated congressional  
24 election observer from asking questions of an elec-

1 tion administrator, election official, or election work-  
2 er, or any other State or local official.

3 “(c) CONDUCT OF OBSERVERS.—

4 “(1) REMOVAL.—

5 “(A) AUTHORIZATION REMOVAL BY ELEC-  
6 TION OFFICIAL.—If a State or local election of-  
7 ficial has a reasonable basis to believe that a  
8 designated congressional election observer has  
9 engaged in or imminently will engage in intimi-  
10 dation or deceptive practices prohibited by Fed-  
11 eral law, or in the disruption of voting, proc-  
12 essing, scanning, tabulating, canvassing, or re-  
13 counting of ballots, or the certification of re-  
14 sults, a State or local election official may re-  
15 move that observer from the area involved.

16 “(B) NOTICE TO COMMITTEE.—If a des-  
17 ignated congressional election observer is re-  
18 moved from an area under subparagraph (A),  
19 the election official shall, within 24 hours of the  
20 observer’s removal—

21 “(i) inform the chair and ranking mi-  
22 nority member of the Committee on House  
23 Administration of the House of Represent-  
24 atives or the Committee on Rules and Ad-

1           ministration of the Senate, as applicable;  
2           and

3           “(ii) provide written notice detailing  
4           the reason or reasons the designated con-  
5           gressional election observer was removed.

6           “(2) RULE OF CONSTRUCTION.—For purposes  
7           of this subsection, the mere presence of a designated  
8           congressional election observer during an observation  
9           of election administration procedures, without any  
10          additional indicia supporting a reasonable basis for  
11          removal, is not a sufficient reason for removal under  
12          paragraph (1)(A).

13          “(3) RIGHT TO REPLACE OBSERVER.—If a des-  
14          ignated congressional election observer is properly  
15          removed under paragraph (1)(A), the chair or rank-  
16          ing minority member of the Committee on House  
17          Administration of the House of Representatives or  
18          the Committee on Rules and Administration of the  
19          Senate, as appropriate, may send another designated  
20          congressional election observer as a replacement for  
21          the remaining duration of the observation of election  
22          administration procedures.

23          “(d) DESIGNATED CONGRESSIONAL ELECTION OB-  
24          SERVER DESCRIBED.—In this section, a ‘designated con-  
25          gressional election observer’ is a House or Senate em-

1 ployee who is designated in writing by the chair or ranking  
2 minority member of the Committee on House Administra-  
3 tion of the House of Representatives or the Committee on  
4 Rules and Administration of the Senate, or a successor  
5 committee, to gather information with respect to an elec-  
6 tion, including in the event that the election is contested  
7 in the House of Representatives or the Senate and for  
8 other purposes permitted by article 1, section 5, clause  
9 1 and article 1, section 4, clause 1 of the Constitution  
10 of the United States.

11       “(e) STATE DEFINED.—In this section ‘State’ means  
12 each of the 50 States, the District of Columbia, the Com-  
13 monwealth of Puerto Rico, the United States Virgin Is-  
14 lands, Guam, American Samoa, and the Commonwealth  
15 of the Northern Mariana Islands.”.

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

20       (c) CLERICAL AMENDMENT.—The table of contents  
21 of such Act is amended—

22               (1) by redesignating the items relating to sec-  
23 tions 304 and 305 as relating to sections 305 and  
24 306; and

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

“Sec. 304. Confirming access for congressional election observers.”.

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