

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3301

To establish an Online Voter Registration grant program.

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IN THE SENATE OF THE UNITED STATES

MAY 4, 2010

Mr. WYDEN (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To establish an Online Voter Registration grant program.

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 “Online Voter Registra-  
5       tion Act of 2010”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) Americans have become increasingly com-  
9       fortable with using the Internet for a wide range of  
10      purposes, including gathering information, pur-  
11      chasing items, performing financial transactions,

1 and obtaining information and services from the  
2 Government.

3 (2) In 2008, 74 percent of adults in the United  
4 States reported using the Internet, according to the  
5 Pew Internet and American Life Project. Of those  
6 adults, 89 percent reported using the Internet to  
7 find information, 71 percent made purchases over  
8 the Internet, 70 percent read news online, 56 per-  
9 cent looked up campaign or political information, 55  
10 percent utilized online banking, and 59 percent vis-  
11 ited Government Internet Web sites.

12 (3) The Internet is well-suited to allow individ-  
13 uals to provide and update personal information.  
14 Completing such tasks online saves time, reduces  
15 paper, increases efficiency, and lowers costs.

16 (4) Many States already allow citizens to access  
17 Government services online, including renewing driv-  
18 er's licenses and registering cars.

19 (5) Two States, Arizona and Washington, have  
20 already implemented online voter registration sys-  
21 tems, and a number of other States are in the proc-  
22 ess of adopting online voter registration systems.

23 (6) Although 2008 was the first election cycle  
24 that the online voter registration system was in  
25 place in Washington State, in the month prior to the

1 general election, voter use of the online voter reg-  
2 istration system exceeded that of mail-in registration  
3 cards by more than 20 percent.

4 (7) Younger adults who are registering to vote  
5 for the first time are the most adept Internet users  
6 and expect to be able to accomplish most tasks on-  
7 line. In 2008, 87 percent of adults age 18 to 29  
8 used the Internet. In Washington State, voters age  
9 18 to 24 had the highest rate of use of its online  
10 voter registration system.

11 (8) During the 2008 election cycle, Washington  
12 State processed about 130,000 online voter registra-  
13 tion transactions.

14 (9) Implementing an online voter registration  
15 requires an initial investment to purchase the needed  
16 technology and to input existing voter information  
17 into the registration database. Washington State, for  
18 example, spent \$278,000 to establish its online voter  
19 registration system.

20 (10) Once in place, online voter registration  
21 systems allow the processing of new voter registra-  
22 tions, changes of address or party, and requests for  
23 absentee ballots.

24 (11) Washington State reports that it costs ap-  
25 proximately 25 cents to process paper voter registra-

1        tion cards and 43 cents to process those submitted  
2        via the department of motor vehicles in compliance  
3        with the National Voter Registration Act of 1993  
4        (42 U.S.C. 1973gg et seq.). Voters must also pay  
5        postage costs for registration cards sent through the  
6        mail. Once in place, the online voter registration sys-  
7        tem requires no processing by staff in order to com-  
8        plete a transaction, and therefore has no per trans-  
9        action cost. For the 2008 general election, the online  
10       voter registration system saved Washington State  
11       \$32,500, and saved consumers \$54,600 in postage  
12       costs, which resulted in total savings to the State  
13       and consumers of over \$87,000.

14 **SEC. 3. DEFINITIONS.**

15        In this Act:

16            (1) **ELECTION.**—The term “election” means  
17        any general, special, primary, or runoff election.

18            (2) **PARTICIPATING STATE.**—The term “partici-  
19        pating State” means a State receiving a grant under  
20        the Online Voter Registration grant program under  
21        section 4.

22            (3) **STATE.**—The term “State” means a State  
23        of the United States, the District of Columbia, the  
24        Commonwealth of Puerto Rico, or a territory or pos-  
25        session of the United States.

1 **SEC. 4. ONLINE VOTER REGISTRATION GRANT PROGRAM.**

2 (a) ESTABLISHMENT.—The Election Assistance  
3 Commission shall establish an Online Voter Registration  
4 grant program (in this section referred to as the “pro-  
5 gram”).

6 (b) PURPOSE.—The purpose of the program is to  
7 make grants to participating States solely for the imple-  
8 mentation of online voter registration systems.

9 (c) LIMITATION ON USE OF FUNDS.—In no case may  
10 grants made under this section be used to reimburse a  
11 State for costs incurred in implementing online voter reg-  
12 istration systems at the State or local government level  
13 if such costs were incurred prior to October 1, 2009.

14 (d) APPLICATION.—A State seeking to participate in  
15 the program under this section shall submit an application  
16 to the Election Assistance Commission containing such in-  
17 formation, and at such time, as the Election Assistance  
18 Commission may specify.

19 (e) AMOUNT AND AWARDED OF IMPLEMENTATION  
20 GRANTS; DURATION OF PROGRAM.—

21 (1) AMOUNT OF IMPLEMENTATION GRANTS.—

22 (A) IN GENERAL.—The amount of an im-  
23 plementation grant made to a participating  
24 State shall be \$150,000.

25 (B) CONTINUING AVAILABILITY OF FUNDS  
26 AFTER APPROPRIATION.—An implementation

1 grant made to a participating State under this  
 2 section shall be available to the State without  
 3 fiscal year limitation.

4 (2) AWARDING OF IMPLEMENTATION  
 5 GRANTS.—

6 (A) IN GENERAL.—The Election Assist-  
 7 ance Commission shall award implementation  
 8 grants during each year in which the program  
 9 is conducted.

10 (B) ONE GRANT PER STATE.—The Elec-  
 11 tion Assistance Commission shall not award  
 12 more than 1 implementation grant to any par-  
 13 ticipating State under this section over the du-  
 14 ration of the program.

15 (3) DURATION.—The program shall be con-  
 16 ducted for a period of 5 years.

17 (f) REQUIREMENTS.—A participating State shall es-  
 18 tablish and implement an online voter registration system  
 19 which individuals may use to register to vote, update voter  
 20 registration information, and request an absentee ballot  
 21 in the State.

22 (g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND  
 23 REPORTS.—

24 (1) IN GENERAL.—The Election Assistance  
 25 Commission shall—

1 (A) develop, periodically issue, and, as ap-  
2 propriate, update best practices for imple-  
3 menting online voter registration systems;

4 (B) provide technical assistance to partici-  
5 pating States for the purpose of implementing  
6 online voter registration systems; and

7 (C) submit to the appropriate committees  
8 of Congress—

9 (i) annual reports on the implementa-  
10 tion of such online voter registration sys-  
11 tems by participating States during each  
12 year in which the program is conducted;  
13 and

14 (ii) upon completion of the program  
15 conducted under this section, a final report  
16 on the program, together with rec-  
17 ommendations for such legislation or ad-  
18 ministrative action as the Election Assist-  
19 ance Commission determines to be appro-  
20 priate.

21 (2) CONSULTATION.—In developing, issuing,  
22 and updating best practices, developing materials to  
23 provide technical assistance to participating States,  
24 and developing the annual and final reports under

1 paragraph (1), the Election Assistance Commission  
2 shall consult with interested parties, including—

3 (A) State and local election officials; and

4 (B) voting rights groups, voter protection  
5 groups, groups representing the disabled, and  
6 other civil rights or community organizations.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) GRANTS.—There are authorized to be ap-  
9 propriated to award grants under this section, for  
10 each of fiscal years 2010 through 2016, \$1,800,000,  
11 to remain available without fiscal year limitation  
12 until expended.

13 (2) ADMINISTRATION.—There are authorized to  
14 be appropriated to administer the program under  
15 this section, \$200,000 for the period of fiscal years  
16 2010 through 2016, to remain available without fis-  
17 cal year limitation until expended.

18 (i) RULE OF CONSTRUCTION.—Nothing in this Act  
19 may be construed to authorize or require conduct prohib-  
20 ited under any of the following laws, or to supersede, re-  
21 strict, or limit the application of such laws:

22 (1) The Help America Vote Act of 2002 (42  
23 U.S.C. 15301 et seq.).

24 (2) The Voting Rights Act of 1965 (42 U.S.C.  
25 1973 et seq.).



1           (3) The Voting Accessibility for the Elderly and  
2           Handicapped Act (42 U.S.C. 1973ee et seq.).

3           (4) The Uniformed and Overseas Citizens Ab-  
4           sentee Voting Act (42 U.S.C. 1973ff et seq.).

5           (5) The National Voter Registration Act of  
6           1993 (42 U.S.C. 1973gg et seq.).

7           (6) The Americans with Disabilities Act of  
8           1990 (42 U.S.C. 12101 et seq.).

9           (7) The Rehabilitation Act of 1973 (29 U.S.C.  
10          701 et seq.).

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