AMERICAN CONFIDENCE IN ELECTIONS ACT

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, providing State 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, and protecting political speech, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Rodney Davis of Illinois (for himself and [see attached list of cosponsors]) introduced the following bill; which was referred to the Committee on ______________

A BILL

To promote election integrity, voter confidence, and faith in elections by removing Federal impediments to, providing State 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, 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,
SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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Sec. 101. Findings Relating to Election Administration.

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1 SEC. 3. GENERAL FINDINGS.

2 Congress finds the following:

3 (1) According to Article 1, Section 4 of the Constitution of the United States, the States have the primary role in establishing “(t)he Times, Places and Manners of holding Elections for Senators and Representatives”, while Congress has a purely secondary role in this space and must restrain itself from acting improperly and unconstitutionally.

4 (2) Federal election legislation should never be the first step and must never impose burdensome, unfunded Federal mandates on State and local elections officials. When Congress does speak, it must devote its efforts only to resolving highly significant
and substantial deficiencies to ensure the integrity of our elections. State legislatures are the primary venues to establish rules for governing elections and correct most issues.

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

(4) States must balance appropriate election administration structures and systems with accessible access to the ballot box.

(5) Political speech is protected speech.

(6) The First Amendment protects the right of all Americans to state their political views and donate money to the candidates, causes, and organizations of their choice without fear of retribution.

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

(8) States must maintain the flexibility to determine the best redistricting processes for the particular needs of their citizens.

(9) Congress has independent authority under the Fourteenth, Fifteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments to ensure elections are conducted without unlawful discrimination.
(10) The Voting Rights Act, which is not anchored in Article 1, Section 4 of the Constitution, has seen much success since its first passage in 1965, and Congress should continue to exercise its constitutional authority in this space as appropriate.

TITLE I—ELECTION ADMINISTRATION INTEGRITY
Subtitle A—Findings Relating to Election Administration

SEC. 101. FINDINGS RELATING TO ELECTION ADMINISTRATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that constitutional scholar Robert Natelson has done invaluable work with respect to the history and understanding of the Elections Clause.

(b) FINDINGS.—Congress finds the following:

(1) The Constitution reserves to the States the primary authority to set election legislation and administer elections—the “times, places, and manner of holding of elections”—and Congress’ power in this space is purely secondary to the States’ power and is to be employed only in the direst of circumstances. History, precedent, the Framers’ words, debates concerning ratification, the Supreme Court, and the Constitution itself make it exceedingly clear
that Congress’ power over elections is not unfe
terred.

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

(3) Quite plainly, Alexander Hamilton, a lead-
ing Federalist and proponent of our Constitution,
understood the Elections Clause as serving only as
a sort of emergency fail-safe, not as a cudgel used
to nationalize our elections process. Writing as
Publius to the people of New York, Hamilton fur-
ther expounds on the correct understanding of the Elections Clause: “T[he] natural order of the subject leads us to consider, in this place, that provision of the Constitution which authorizes the national legislature to regulate, in the last resort, the election of its own members.”. Alexander Hamilton (writing as Publius), *Federalist* no. 59, *Concerning the Power of Congress to Regulate the Election of Members*, N.Y. PACKET (Fri., Feb. 22, 1788).

(4) When questioned at the States’ constitutional ratifying conventions with respect to this provision, the Federalists confirmed this understanding of a constitutionally limited, secondary congressional power under Article 1, Section 4. (“[C]onvention delegate James McHenry added that the risk to the federal government [without a fail-safe provision] might not arise from state malice: An insurrection or rebellion might prevent a state legislature from administering an election.”); (“An occasion may arise when the exercise of this ultimate power of Congress may be necessary . . . if a state should be involved in war, and its legislature could not assemble, (as was the case of South Carolina and occasion ally of some other states, during the [Revolutionary] war.”); (“Sir, let it be remembered that
this power can only operate in a case of necessity, after the factious or listless disposition of a particular state has rendered an interference essential to the salvation of the general government.”). See Robert G. Natelson, The Original Scope of the Congressional Power to Regulate Elections, 13 U. PA. J. CONST. L. 1, 12–13 (Nov. 2010).

(5) John Jay made similar claims in New York. And, as constitutional scholar Robert Natelson notes in his invaluable article, The Original Scope of the Congressional Power to Regulate Elections, “Alexander Contee Hanson, a member of Congress whose pamphlet supporting the Constitution proved popular, stated flatly that Congress would exercise its times, places, and manner authority only in cases of invasion, legislative neglect or obstinate refusal to pass election laws [providing for the election of Members of Congress], or if a state crafted its election laws with a ‘sinister purpose’ or to injure the general government.” Cementing his point, Hanson goes further to decree, “The exercise of this power must at all times be so very invidious, that congress will not venture upon it without some very cogent and substantial reason.”. Alexander Contee Hanson (writing as Astrides), Remarks on the Proposed Plan:

(6) In fact, had the alternate view of the Elections Clause been accepted at the time of the Constitution’s drafting—that is, that it offers Congress unfettered power over Federal elections—it is likely that the Constitution would not have been ratified or that an amendment to this language would have been required.

(7) Indeed, at least seven of the original 13 States—over half and enough to prevent the Constitution from being ratified—expressed specific concerns with the language of the Elections Clause. See 1 Annals of Cong. 799 (1789), Joseph Gales (ed.) (1834). However, “[l]eading Federalists...” assured them “...that, even without amendment, the [Elections] Clause should be construed as limited to emergencies”. Three States, New York, North Carolina, and Rhode Island, specifically made their ratification contingent on this understanding being made express. *Ratification of the Constitution by the State of New York* (July 26, 1788) (“Under these impres-
sions and declaring that the rights aforesaid cannot be abridged or violated, and the Explanations aforesaid are consistent with the said Constitution, And in confidence that the Amendments which have been proposed to the said Constitution will receive early and mature Consideration: We the said Delegates, in the Name and in [sic] the behalf of the People of the State of New York Do by these presents Assent to and Ratify the said Constitution. In full Confidence . . . that the Congress will not make or alter any Regulation in this State respecting the times places and manner of holding Elections for Senators or Representatives unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the Premises’’); Ratification of the Constitution by the State of North Carolina (Nov. 21, 1789) (‘‘That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse or be disabled by invasion or rebellion, to prescribe
the same.’’); Ratification of the Constitution by the
State of Rhode Island (May 29, 1790) (‘‘Under these
impressions, and declaring, that the rights aforesaid
cannot be abridged or violated, and that the expla-
nations aforesaid, are consistent with the said con-
stitution, and in confidence that the amendments
hereafter mentioned, will receive an early and ma-
ture consideration, and conformably to the fifth arti-
cle of said constitution, speedily become a part
thereof; We the said delegates, in the name, and in
[sic] the behalf of the People, of the State of Rhode-
Island and Providence-Plantations, do by these Pre-
sents, assent to, and ratify the said Constitution. In
full confidence . . . That the Congress will not make
or alter any regulation in this State, respecting the
times, places and manner of holding elections for
senators and representatives, unless the legislature
of this state shall neglect, or refuse to make laws or
regulations for the purpose, or from any cir-
cumstance be incapable of making the same; and
that [i]n those cases, such power will only be exer-
cised, until the legislature of this State shall make
provision in the Premises[.]’’).

(8) Congress finds that the Framers designed
and the ratifying States understood the Elections
Clause to serve solely as a protective backstop to ensure the preservation of the Federal Government, not as a font of limitless power for Congress to wrest control of Federal elections from the States.

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

(10) History clearly shows that even in the first Congress that convened under the Constitution, it was acknowledged and understood through the debates that ensued over the Elections Clause provision that Congress’ control over elections is limited.

(11) Similarly, proponent Representative Smith of South Carolina also believed the original text of the Elections Clause already limited the Federal Government’s power over Federal elections to emergencies and so thought there would be no harm in supporting an amendment to make that language express. Annals of Congress 801 (1789) Joseph Gales

(12) Similarly, the Supreme Court has supported this understanding. In *Smiley v. Holm*, the Court held that Article 1, Section 4 of the Constitution reserved to the States the primary “…authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. And these requirements would be nugatory if they did not have appropriate sanctions in the definition of offenses and punishments. All this is comprised in the subject of ‘times, places and manner of holding elections’, and involves law-making in its essential features and most important
(1932).

(13) This holding is consistent with the understand-
ing of the Elections Clause since the framing
of the Constitution. The Smiley Court also held that
while Congress maintains the authority to
“...supplement these state regulations or [to sub-
stitute its own[]”, such authority remains merely “a
general supervisory power over the whole subject.”.
Id.

(14) More recently, the Court noted in Arizona
v. Inter-Tribal Council of Ariz., Inc. that “[t]his
grant of congressional power [that is, the fail-safe
provision in the Elections Clause] was the Framers’
insurance against the possibility that a State would
refuse to provide for the election of representatives
to the Federal Congress.”. Arizona v. Inter-Tribal
The Court explained that the Elections Clause
“...imposes [upon the States] the duty...to prescribe
the time, place, and manner of electing Representa-
tives and Senators[.]”. Id. at 8. And, while, as the
Court noted, “[t]he power of Congress over the
‘Times, Places, and Manner’ of congressional elec-
tions is paramount, and may be exercised at any
time, and to any extent which it deems expedient; and so far as it is exercised, and no farther, the regulations effected supersede those of the State which are inconsistent therewith["]”, id. at 9, the Inter-Tribal Court explained, quoting extensively from the Federalist no. 59, that it was clear that the congressional fail-safe included in the Elections Clause was intended for the sorts of governmental self-preservation discussed here: “[E]very government ought to contain in itself the means of its own preservation[.]”; “[A]n exclusive power of regulating elections for the national government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.”. Id. at 8.

(15) It is clear in every respect that the congressional fail-safe described in the Elections Clause vests purely secondary authority over Federal elections in the Federal legislative branch and that the primary authority rests with the States. Congressional authority is intended to be, and as a matter of constitutional fact is, limited to addressing the worst imaginable issues, such as invasion or other
matters that might lead to a State not electing representatives to constitute the two Houses of Congress. Congress’ authority has never extended to the day-to-day authority over the “Times, Places and Manner of Election” that the Constitution clearly reserves to the States.

(16) Congress must act within the bounds of its constitutional authority when enacting legislation concerning the administration of our nation’s elections.

Subtitle B—Voluntary Considerations for State Administration of Federal Elections

SEC. 111. SHORT TITLE.

This subtitle may be cited as the “Voluntarily Offered Tools for Election Reforms by States Act” or the “VOTERS Act”.

SEC. 112. ELECTION INTEGRITY VOLUNTARY CONSIDERATIONS.

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

(1) by redesignating section 247 as section 248; and
(2) by inserting after section 246 the following
new section:

“SEC. 247. RELEASE OF VOLUNTARY CONSIDERATIONS BY
STANDARDS BOARD WITH RESPECT TO ELEC-
TION ADMINISTRATION.

“(a) IN GENERAL.—The Standards Board shall draw
from experiences in their home jurisdictions and informa-
tion voluntarily provided by and between States on what
has worked and not worked and release voluntary consid-
erations with respect to the administration of an election
for Federal office.

“(b) MATTERS TO CONSIDER.—In releasing the vol-
untary considerations under subsection (a), the Standards
Board shall examine and consolidate information provided
by States and release considerations with respect to each
of the following categories:

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

“(A) deadlines for the return and receipt
of such ballots to the appropriate election offic-
ial;

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

“(C) the process for requesting and track-
ing the return of such ballots; and
“(D) the processing of such ballots upon receipt by the appropriate election official, including the schedule for counting the ballots and the reporting of the unofficial results of such counting.

“(2) The signature verification procedures used to verify the identity of voters in an election, which shall include an evaluation of human and machine methods of signature verification, an assessment of the training provided to individuals tasked to carry out such verification procedures, and the proposal of other less subjective methods of confirming the identity of a voter such as requiring the identification number of a valid government-issued photo identification or the last four digits of the voter’s social security number to be provided along with the voter’s signature.

“(3) The processes used to carry out maintenance of the official list of persons registered to vote in each State.

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

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

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

“(7) The education of the public with respect to the certification and testing of voting machines prior to the use of such machines in an election for Federal office, including education with respect to how such machines are tested for accuracy and logic.

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

“(9) The processes and procedures used to ensure a secure chain of custody with respect to ballots and election equipment.

“(c) RELEASE OF VOLUNTARY CONSIDERATIONS.—

“(1) DEADLINE FOR RELEASE.—Not later than December 31, 2023, the Standards Board shall release voluntary considerations with respect to each of the categories described in subsection (b).

“(2) TRANSMISSION AND NOTIFICATION RE-

quirements.—Not later than 15 days after the date the Standards Board releases voluntary consider-

ations with respect to a category described in sub-

section (b), the Commission shall—
“(A) transmit the considerations to the chief State election official of each State and the elected leadership of the legislature of each State, including the elected leadership of any committee of the legislature of a State with jurisdiction with respect to elections;

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

“(C) notify and transmit the considerations to the chair and ranking minority member of the Committee on House Administration of the House of Representatives and the chair and ranking minority member of the Committee on Rules and Administration of the Senate.

“(d) USE OF REQUIREMENTS PAYMENTS FOR IMPLEMENTATION OF VOLUNTARY CONSIDERATIONS.—A State may use a requirements payment provided under this Act to implement any of the voluntary considerations released under subsection (a).

“(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require compliance with the voluntary considerations released under subsection (a), including as a condition of the receipt of Federal funds.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended—
(1) by redesignating the item relating to section 247 as relating to section 248; and

(2) by inserting after the item relating to section 246 the following new item:

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

Subtitle C—Requirements to Promote Integrity in Election Administration

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

(a) SHORT TITLE.—This section may be cited as the “Non-Citizens: Outlawed from Voting in Our Trusted Elections Act of 2022” or the “NO VOTE for Non-Citizens Act of 2022”.

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Every eligible person who wishes to cast a ballot in a Federal election must be permitted to do so according to law, and their ballot must be examined according to law, and, if it meets all lawful requirements, counted.

(B) Congress has long required States to maintain Federal voter registration lists in a manner that promotes voter confidence.
(C) The changes included herein are not intended to be an expansion of Federal power but rather a clarification of State authority.

(D) The Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the Twenty-Sixth Amendment, among other references, make clear that the Constitution prohibits voting by non-citizens in Federal elections.

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

(F) Congress may further exercise its constitutional authority to ensure the Constitution’s prohibition on non-citizen voting in Federal elections is upheld.

(G) Since the Constitution prohibits non-citizens from voting in Federal elections, such ineligible persons must not be permitted to be placed on Federal voter registration lists.
(H) Improper placement of an ineligible non-citizen on a Federal voter registration list leads to—

(i) confusion on the part of the ineligible person with respect to their ineligibility to cast a ballot; and

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

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

(J) A former Broward County, Florida, elections supervisor has confirmed that ineligible non-voters were able to cast ballots in previous elections and that she was not able to locate as many as 2,040 ballots during the 2018 midterm recount.

(K) This clarification of State authority to maintain Federal voter registration lists to ensure non-citizens are not included on such lists will promote voter confidence in election processes and outcomes.
(L) Congress has the authority to ensure that no Federal elections funding is used to support States that permit non-citizens to cast ballots in any election.

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

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

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

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

(A) many States have not adequately met the requirements concerning the removal of ineligible persons from State voter registration rolls pursuant to section 8 of the National Voter Registration Act of 1993 (52 U.S.C. 20507) and should strive to audit and update their voter registration rolls on a routine basis;
(B) allowing non-citizens to cast ballots in American elections weakens our electoral system and the value of citizenship and sows distrust in our elections system;

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

(D) States should use all information available to them to maintain Federal voter registration lists and should inform Congress if such data is insufficient; and

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

(e) CLARIFYING AUTHORITY OF STATES TO REMOVE NONCITIZENS FROM VOTING ROLLS.—

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

(A) by striking “or” at the end of subparagraph (A);

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

(C) by inserting after subparagraph (A) the following new subparagraph:
“(B) the registrant’s status as a noncitizen of the United States; or”.

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

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

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

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

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

“(7) in the case of a State that allows individuals who are not citizens of the United States to vote in elections for public office in the State or any local jurisdiction of the State, ensure that the name of any registrant who is not a citizen of the United States is maintained on a voter registration list that is separate from the official list of eligible voters with respect to registrants who are citizens of the United States.”.
(e) Requirements for Ballots for State or Local Jurisdictions That Allow Noncitizen Voting.—Section 301(a)(1) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at the end the following new subparagraph:

“(D) In the case of a State or local jurisdiction that allows individuals who are not citizens of the United States to vote in elections for public office in the State or local jurisdiction, the ballot used for the casting of votes by a noncitizen in such State or local jurisdiction may only include the candidates for the elections for public office in the State or local jurisdiction for which the noncitizen is permitted to vote.”.

(f) Reduction in Payments for Election Administration to States or Local Jurisdictions That Allow Noncitizen Voting.—

(1) In general.—Title IX of the Help America Vote Act of 2002 (52 U.S.C. 21141 et seq.) is amended by adding at the end the following new section:
“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOTING.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of a payment under this Act to any State or local jurisdiction that allows individuals who are not citizens of the United States to vote in elections for public office in the State or local jurisdiction shall be reduced by 30 percent.

“(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN ELECTION ADMINISTRATION ACTIVITIES.—Notwithstanding any other provision of law, no Federal funds may be used to implement the requirements of section 8(a)(7) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(7)) (as added by section 121(d) of the American Confidence in Elections Act) or section 301(a)(1)(D) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(1)(D)) (as added by section 121(e) of the American Confidence in Elections Act) in a State or local jurisdiction that allows individuals who are not citizens of the United States to vote in elections for public office in the State or local jurisdiction.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following new item:
(g) Promoting Provision of Information by Federal Entities.—

(1) In general.—Each entity of the Federal government which maintains information which is relevant to the status of an individual as a registered voter in elections for Federal office in a State shall, upon the request of an election official of the State, provide that information to the election official.

(2) Policies and procedures.—Consistent with section 3506(g) of title 44, United States Code, an entity of the Federal government shall carry out this subsection in accordance with policies and procedures which will ensure that the information is provided securely, accurately, and in a timely basis.

(3) Conforming amendment relating to coverage under Privacy Act.—Section 552a(b) of title 5, United States Code, is amended—

(A) by striking “or” at the end of paragraph (11);

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

(C) by adding at the end the following new paragraph:
“(13) to an election official of a State in accordance with section 121(h) of the American Confidence in Elections Act.”.

(h) ENSURING PROVISION OF INFORMATION TO STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED FROM JURY SERVICE ON GROUNDS OF NONCITIZENSHIP.—

(1) REQUIREMENT DESCRIBED.—If a United States district court recuses an individual from serving on a jury on the grounds that the individual is not a citizen of the United States, the court shall transmit a notice of the individual’s recusal—

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

(B) to the Attorney General.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act; and

(B) the term “State” means each of the several States, the District of Columbia, the
Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(i) **Prohibition on Voting by Noncitizens in Federal Elections.**—

(1) **In General.**—Section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) is amended—

(A) by striking “A person” and inserting “(a) **In General.**—A person”; and

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

“(b) **Prohibition on Voting by Aliens.**—

“(1) **In General.**—It shall be unlawful for any alien to vote in any election in violation of section 611 of title 18, United States Code.

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

(2) **Effective Date.**—This subsection and the amendments made by this subsection shall apply with respect to elections held on or after the date of the enactment of this Act.
SEC. 122. STATE REPORTING REQUIREMENTS WITH RESPECT TO VOTER LIST MAINTENANCE.

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

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

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

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following new subsection:

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

“(1) registrants who were inactive according to the criteria described in subsection (d)(1)(B) and the length of time each such registrant has been inactive according to such criteria;
“(2) registrants who voted in at least one of the 
 prior 2 consecutive general elections for Federal of-
 office;

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

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

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

SEC. 123. CONTENTS OF STATE MAIL VOTER REGISTRATION 
 FORM.

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

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

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

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

"
SEC. 124. PROVISION OF PHOTOGRAPHIC CITIZEN VOTER IDENTIFICATION TOOLS FOR STATE USE.

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

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Photo voter identification programs established by the States should be administered without unlawful discrimination and with an eye toward balancing appropriate access to the ballot box with election integrity and voter confidence goals.

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

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

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

(E) Congress acknowledges the important work completed by the Carter-Baker Commission and, by amending the REAL ID Act, resolves the concerns in the Commission’s report that “[t]he REAL ID Act does not require that the card indicates citizenship, but that would need to be done if the card is to be used for voting purposes”.

(F) Photographic voter identification is important for ensuring voter confidence in election processes and outcomes.

(G) Requiring photographic voter identification is well within States’ constitutional competence, including pursuant to the Qualifications Clause of the Constitution of the United States (article I, section 2, clause 2), the Presidential Electors Clause of the Constitution (article II, section 1, clause 2), and the Seventeenth Amendment.

(H) The Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the Twenty-Sixth Amendment, among other references, make clear that the
Constitution prohibits voting by non-citizens in Federal elections.

(I) Congress has the constitutional authority, including under the aforementioned amendments, to pass statutes preventing non-citizens from voting in Federal elections, and did so with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(J) Congress may further exercise its constitutional authority to ensure the Constitution’s prohibition on non-citizen voting in Federal elections is upheld.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the States should implement the substance of the recommendation of the Carter-Baker Commission that, “[t]o ensure that persons presenting themselves at the polling place are the ones on the registration list, the Commission recommends that states [encourage] voters to use the REAL ID card, which was mandated in a law signed by the President in May 2005”.

(c) REAL ID ACT AMENDMENT.—

(1) AMENDMENT.—Section 202(b) of the Real ID Act of 2005 (49 U.S.C. 30301 note) is amended by adding at the end the following new paragraph:
“(10) If the person is a citizen of the United States, an indication of that citizenship, except that no other information may be included with respect to the immigration status of the person.”.

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

(d) RULE OF CONSTRUCTION.—Nothing in this section or in any amendment made by this section may be construed to establish or mandate the use of a national identification card or to authorize any office of the executive branch to establish or mandate the use of a national identification card.

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

(a) REQUIRING VOTERS TO PROVIDE IDENTIFICATION.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

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

(2) by inserting after section 303 the following new section:
``SEC. 304. MANDATORY PROVISION OF IDENTIFICATION
FOR CERTAIN VOTERS WHO VOTE BY MAIL.

(a) Finding of Constitutional Authority.—Congress finds that it has the authority to establish the terms and conditions that States must follow with respect to the administration of voting by mail because article I, section 8, clause 7 of the Constitution of the United States and other enumerated powers grant Congress the power to regulate the operations of the United States Postal Service.

(b) Requiring Provision of Identification to Receive a Ballot or Vote in Certain Cases.—

(1) Individuals requesting a ballot to vote by mail.—Notwithstanding any other provision of law, the appropriate State or local election official may not provide an individual a ballot to vote by mail for an election for Federal office in a case in which the individual requested such ballot other than in person from the appropriate State or local election official of the State at a State designated elections office unless the individual submits with the application for the ballot a copy of an identification described in paragraph (3).

(2) Individuals voting by mail in certain cases.—
“(A) IN GENERAL.—Notwithstanding any other provision of law, in a case in which the appropriate State or local election official provides an individual a ballot to vote by mail for an election for Federal office without requiring such individual to submit a separate application or request to receive such ballot for each such election, the election official may not accept the voted ballot unless the individual submits with the voted ballot a copy of an identification described in paragraph (3).

“(B) FAIL-SAFE VOTING.—An individual who desires to vote other than in person but who does not meet the requirements of subparagraph (A) may cast such a ballot other than in person and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

“(3) IDENTIFICATION DESCRIBED.—An identification described in this paragraph is, with respect to an individual—

“(A) a current and valid photo identification of the individual;

“(B) a copy of a current utility bill, bank statement, government check, paycheck, or
other government document that shows the name and address of the individual;

“(C) a valid driver’s license or an identification card issued by a State or the identification number for such driver’s license or identification card issued by a State;

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

“(E) such other documentation issued by a Federal, State, or local government that provides the same or more identifying information as required by subparagraphs (A) through (D) such that the election official is reasonably certain as to the identity of the individual.

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

“(1) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.);

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

“(3) entitled to vote otherwise than in person under any other Federal law.
“(d) **Rule of Construction.**—Nothing in this section may be construed as prohibiting a State from imposing identification requirements to request a ballot to vote by mail or cast a vote by mail that are more stringent than the requirements under this section.

“(e) **Effective Date.**—This section shall take effect on January 1, 2024.”.

(b) **Conforming Amendments Relating to Existing Identification Requirements.**—

(1) **Treatment as Individuals Registering to Vote by Mail for Purposes of First-Time Voter Identification Requirements.**—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or otherwise not in person at an elections office or voter registration agency of the State”.

(2) **Exceptions.**—Section 303(b)(3) of the Help America Vote Act of 2002 (52 U.S.C. 21083(b)(3)) is amended—

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

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

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

(A) in clause (i)—

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

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

“(III) such other documentation issued by a Federal, State, or local government that provides the same or more identifying information as required by subclauses (I) and (II) such that the election official is reasonably
certain as to the identity of the individual; or”; and

(B) in clause (ii)—

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

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

(iii) by adding at the end the following new subclause:

“(III) such other documentation issued by a Federal, State, or local government that provides the same or more identifying information as required by subclauses (I) and (II) such that the election official is reasonably certain as to the identity of the individual.”.

(c) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (52 U.S.C. 21111) is amended by striking “and 303” and inserting “303, and 304”.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended—
(1) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306; and

(2) by inserting after the item relating to section 303 the following:

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

SEC. 126. CONFIRMING ACCESS FOR CONGRESSIONAL ELECTION OBSERVERS.

(a) SHORT TITLE.—This section may be cited as the “Confirmation of Congressional Observer Access Act of 2022” or the “COCOA Act of 2022”.

(b) FINDINGS RELATING TO CONGRESSIONAL ELECTION OBSERVERS.—Congress finds the following:

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

(2) While, in general, Congress shall respect the determination of State authorities with respect to the election of members to each House, each House of Congress serves as the final arbiter over any contest to the seating of any putative Member-elect or Senator-elect.

(3) These election contest procedures are contained in the precedents of each House of Congress.
Further, for the House of Representatives the procedures exist under the Federal Contested Elections Act.

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

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

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

(7) This section and the amendments made by this section do not establish any new authorities or procedures but are provided simply to permit a convenient statutory reference for existing Congressional authority and activity.

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

(1) by redesignating sections 305 and 306 as sections 306 and 307; and
by inserting after section 304 the following new section:

"SEC. 305. CONFIRMING ACCESS FOR CONGRESSIONAL ELECTION OBSERVERS.

"(a) Finding of Constitutional Authority.—Congress finds that it has the authority to require that States allow access to designated Congressional election observers to observe the election administration procedures in an election for Federal office because the authority granted to Congress under article I, section 5 of the Constitution of the United States gives each House of Congress the power to be the judge of the elections, returns and qualifications of its own Members.

"(b) Requiring States to Provide Access.—A State shall provide each individual who is a designated Congressional election observer for an election with full access to clearly observe all of the elements of the administration procedures with respect to such election, including but not limited to in all areas of polling places and other facilities where ballots in the election are processed, tabulated, cast, canvassed, and certified, in all areas where voter registration activities occur before such election, and in any other such place where election administration procedures to prepare for the election or carry out any post-election recounts take place. No designated Congressional
election observer may handle ballots, elections equipment (voting or non-voting), advocate for a position or candidate, take any action to reduce ballot secrecy, or otherwise interfere with the elections administration process.

“(c) DESIGNATED CONGRESSIONAL ELECTION OBSERVER DESCRIBED.—In this section, a ‘designated Congressional election observer’ is an individual who is designated in writing by the chair or ranking minority member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, or the successor committee in either House of Congress to gather information with respect to an election, including in the event that the election is contested in the House of Representatives or the Senate and for other purposes permitted by article 1, section 5 of the Constitution of the United States.”.

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

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

(1) by redesignating the items relating to sections 305 and 306 as relating to sections 306 and 307; and
(2) by inserting after the item relating to section 304 the following:

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

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

Section 251(b)(1) of the Help America Vote Act of 2002 (52 U.S.C. 21001(b)(1)) is amended by inserting “,

including to conduct and publish an audit of the effectiveness and accuracy of the voting systems, election procedures, and outcomes used to carry out an election for Federal office in the State and the performance of the State and local election officials who carried out the election” after “requirements of title III”.

SEC. 128. CERTAIN TAX BENEFITS AND SIMPLIFICATION WITH RESPECT TO ELECTION WORKERS.

(a) SHORT TITLE.—This section may be cited as the “Election Worker Employer Participation Act”.

(b) EXCLUSION FROM GROSS INCOME FOR CERTAIN ELECTION WORKER COMPENSATION.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139H the following new section:
“SEC. 139I. CERTAIN COMPENSATION OF ELECTION WORKERS.

“(a) IN GENERAL.—Gross income shall not include qualified election worker compensation.

“(b) LIMITATION.—The amount excludible from gross income under subsection (a) with respect to any taxpayer for any taxable year shall not exceed the dollar amount in effect under section 3121(b)(7)(F)(v) for the calendar year in which such taxable year begins.

“(c) QUALIFIED ELECTION WORKER COMPENSATION.—For purposes of this section, the term ‘qualified election worker compensation’ means amounts otherwise includible in gross income which are paid by a State, political subdivision of a State, or any instrumentality of a State or any political subdivision thereof, for the service of an individual as an election official or election worker (within the meaning of section 3121(b)(7)(F)(v)).”.

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139H the following new item:

“Sec. 139I. Certain compensation of election workers.”.

(e) EXCLUSION FROM GROSS INCOME FOR CERTAIN STUDENT LOAN REPAYMENTS OF ELECTION WORKERS.—Section 127(c) of such Code is amended by adding at the end the following new paragraph:
"(8) Special rule for election workers.—In the case of any payment by a State, political subdivision of a State, or any instrumentality of a State or any political subdivision thereof, for the service of an individual as an election official or election worker (within the meaning of section 3121(b)(7)(F)(v)), paragraph (1)(B) shall be applied without regard to the phrase ‘in the case of payments made before January 1, 2026,’.

(d) Information reporting not required by reason of certain amounts excludable from gross income.—Section 6041 of such Code is amended by adding at the end the following new subsection:

"(h) Treatment of certain excludible compensation of election workers.—In the case of any payment by a State, political subdivision of a State, or any instrumentality of a State or any political subdivision thereof, for the service of an individual as an election official or election worker (within the meaning of section 3121(b)(7)(F)(v)), the determination of whether the $600 threshold described in subsection (a) has been met with respect to such individual shall be determined by not taking into account—

"(1) any such payment which is qualified election worker compensation (as defined in section
139I(c)) which does not exceed the limitation described in section 139I(b), and

“(2) any such payment which is excludible from the gross income of such individual under section 127.”.

(c) Effective Date.—The amendments made by this section shall apply to payments made after December 31, 2022, in taxable years ending after such date.

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

(a) Short Title.—This section may be cited as the “Protect American Voters Act”.

(b) Adoption of Voluntary Guidelines by Election Assistance Commission.—

(1) Adoption of Guidelines.—Title II of the Help America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is amended by adding at the end the following new subtitle:

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

“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COMMISSION.

“(a) Adoption.—The Commission shall adopt voluntary guidelines for election officials on the use of non-
voting election technology, taking into account the rec-
ommendations of the Standards Board under section 298A.

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

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

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

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

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

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

“(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—
The Commission shall adopt the initial set of voluntary
guidelines under this section not later than December 31,
2025.
“SEC. 298A. ROLE OF STANDARDS BOARD.

“(a) DUTIES.—The Standards Board shall assist the Commission in the adoption of voluntary guidelines under section 298, including by providing the Commission with recommendations on appropriate standards for the use of nonvoting election technology, including standards to ensure the security and accuracy, and promote the usability, of such technology, and by conducting a review of existing State programs with respect to the testing of nonvoting election technology.

“(b) SOURCES OF ASSISTANCE.—

“(1) CERTAIN MEMBERS OF TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—The following members of the Technical Guidelines Development Committee under section 221 shall assist the Standards Board in carrying out its duties under this section:

“(A) The Director of the National Institute of Standards and Technology.

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

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

“(D) The 4 members of the Technical Guidelines Development Committee appointed under subsection (e)(1)(E) of such section as
the other individuals with technical and scientific expertise relating to voting systems and voting equipment.

“(2) DETAILEE FROM CISA.—The Executive Board of the Standards Board may request the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to provide a detailee to assist the Standards Board in carrying out its duties under this section, so long as such detailee has no involvement in the drafting of any of the voluntary guidelines.

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

“A State may use funds provided under any law for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, to obtain non-voting election technology which is in compliance with the voluntary guidelines adopted under section 298 or to upgrade nonvoting election technology so that the technology is in compliance with such guidelines, and may, notwithstanding any other provision of law, use any unobligated grant funding provided to the State by the Election Assistance Commission from amounts appropriated under the heading ‘Independent Agencies—Election Assistance

“SEC. 298C. NONVOTING ELECTION TECHNOLOGY DEFINED.

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

“(1) Electronic pollbooks or other systems used to check in voters at a polling place or verify a voter’s identification.

“(2) Election result reporting systems.

“(3) Electronic ballot delivery systems.

“(4) Online voter registration systems.

“(5) Polling place location search systems.

“(6) Sample ballot portals.

“(7) Signature systems.

“(8) Such other technology as may be recommended for treatment as nonvoting election technology as the Standards Board may recommend.”
(2) Clerical Amendment.—The table of contents of such Act is amended by adding at the end 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.
“Sec. 298B. Use of payments to obtain or upgrade technology.
“Sec. 298C. Nonvoting election technology defined.”

(e) Treatment of Technology Used in Most Recent Election.—Any nonvoting election technology, as defined in section 298C of the Help America Vote Act of 2002 (as added by subsection (a)(1)), which a State used in the most recent election for Federal office held in the State prior to the date of the enactment of this Act shall be deemed to be in compliance with the voluntary guidelines on the use of such technology which are adopted by the Election Assistance Commission under section 298 of such Act (as added by subsection (a)(1)).

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

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

“(e) Status Reports by National Institute of Standards and Technology.—Not later than 60 days after the end of each fiscal year (beginning with 2023), the Director of the National Institute of Standards and
Technology shall submit to Congress a status report describing—

“(1) the extent to which the Director carried out the Director’s responsibilities under this Act during the fiscal year, including the responsibilities imposed under this section and the responsibilities imposed with respect to the Technical Guidelines Development Committee under section 222, together with the Director’s best estimate of when the Director will completely carry out any responsibility which was not carried out completely during the fiscal year; and

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

SEC. 131. 501(C)(3) ORGANIZATIONS PROHIBITED FROM PROVIDING DIRECT OR INDIRECT FUNDING FOR ELECTION ADMINISTRATION.

(a) SHORT TITLE.—This section may be cited as the “End Zuckerbucks Act of 2022”.

(b) IN GENERAL.—Section 501(c)(3) of the Internal Revenue Code of 1986 is amended—
(1) by striking “and which does not participate” and inserting “which does not participate”, and

(2) by striking the period at the end and inserting “and which does not provide direct funding to any State or unit of local government for the purpose of the administration of elections for public office or any funding to any State or unit of local government in a case in which it is reasonable to expect such funding will be used for the purpose of the administration of elections for public office (except with respect to the donation of space to a State or unit of local government to be used as a polling place in an election for public office).”.

(c) Effective Date.—The amendments made by this section shall apply to funding provided in taxable years beginning after December 31, 2023.

SEC. 132. REQUIREMENTS WITH RESPECT TO ELECTION MAIL.

(a) Short Title.—This section may be cited as the “Election Integrity Mail Reform Act of 2022”.

(b) Prioritizing Election Mail.—Title 39, United States Code, is amended by adding after chapter 36 the following:
CHAPTER 37—ELECTION AND POLITICAL MAIL

§ 3701. Prioritization of processing and delivery of election mail

(a) In general.—The Postal Service shall give priority to the processing and delivery of election mail. In carrying out this subsection, the Postal Service shall at a minimum—

(1) deliver any election mail regardless of the amount of postage paid;

(2) shall, to the greatest extent practicable, process and clear election mail from any postal facility each day; and

(3) carry and deliver election mail expeditiously.

(b) Election mail with insufficient postage.—In carrying out subsection (a)(1), the Postal Service shall process and deliver election mail with insufficient postage in the same manner as election mail with sufficient postage, but may collect insufficient postage after delivery of any election mail with insufficient postage.

(c) Underfunded or Overdrawn Accounts.—The Postal Service shall process and deliver election mail,
under the standards in place under subsection (a), sent from a customer using an account registered with the Postal Service (including a corporate account or an advance deposit account) even if such account is underfunded or overdrawn. Nothing in this section shall be construed to limit or otherwise prevent the Postal Service from seeking reimbursement from any person regarding unpaid postage.

“(d) ELECTION MAIL DEFINED.—In this chapter, the term ‘election mail’ means any item mailed to or from an individual for purposes of the individual’s participation in an election for public office, including balloting materials, voter registration cards, absentee ballot applications, polling place notification and photographic voter identification materials.

“§ 3702. Use of nonprofit permit for cooperative mailings

“Notwithstanding any other law, rule, or regulation, a national, State, or local committee of a political party (as defined under the Federal Election Campaign Act of 1971) which is eligible to mail at the nonprofit rate may conduct a cooperative mailing at that nonprofit rate with a candidate, a candidate’s committee, or another committee of a political party, and may seek reimbursement
§ 3703. Marking or notice on election mail

(a) IN GENERAL.—For the purposes of assisting election officials in processing election mail, the Postal Service shall place a marking or notice indicating that a piece of mail is election mail.

(b) REQUIREMENTS.—The Postal Service may determine the appropriate manner in which subsection (a) is carried out, but at a minimum such marking or notice shall—

(1) be placed, as soon as practicable, at the time the election mail is received by the Postal Service, in a conspicuous and legible type or in a common machine-readable technology on the envelope or other cover in which the election mail is mailed; and

(2) clearly demonstrate the date and time that such marking or noticed was so placed.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring any change to the processes and procedures used by the Postal Service with respect to Postal Service barcodes on envelopes carried or delivered by the Postal Service.
§ 3704. Application to Uniformed and Overseas Citizens Absentee Voting Act

“This chapter shall not apply to balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act and nothing in this chapter shall be construed to alter or otherwise affect the operation of such Act or section 3406 of this title.”

(c) POSTMARKING STAMPS.—Section 503 of title 18, United States Code, is amended—

(1) by striking “Whoever forges” and inserting “(a) Whoever forges”;

(2) by striking “or such impression thereof,” and all that follows and inserting the following:

“or such impression thereof—

“(1) shall be fined under this title or imprisoned not more than five years, or both; or

“(2) if the impression from a postmarking stamp or impression thereof forged, counterfeited, used, sold, or possessed in violation of this section is applied to a mailed ballot for an election for Federal, State, or local office, shall be fined under this title or imprisoned not more than 10 years, or both.”; and

(3) by adding at the end following new sub-section:
“(a) Whoever, with the intent to falsify the date on which a postmark was applied, applies to a mailed ballot described in subsection (a)(2) a genuine postmark that bears a date other than the date on which such postmark was applied, shall be subject to the penalties set forth in such subsection.”.

SEC. 133. CLARIFICATION OF RIGHT OF STATE TO APPEAL DECISIONS THROUGH DULY AUTHORIZED REPRESENTATIVE.

Section 1254 of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the semicolon at the end and inserting a period; and

(2) by adding at the end the following:

“(3) By appeal by a party (including the State as represented by any agent authorized as a party under State law) relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but such appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented.”.
SEC. 134. CLARIFICATION OF FEDERAL AGENCY INVOLVEMENT IN VOTER REGISTRATION ACTIVITIES.

Executive Order 14019 (86 Fed. Reg. 13623; relating to promoting access to voting) shall have no force or effect to the extent that it is inconsistent with section 7 of the National Voter Registration Act of 1993 (52 U.S.C. 20506).

SEC. 135. PROHIBITION ON USE OF FEDERAL FUNDS FOR ELECTION ADMINISTRATION IN STATES THAT PERMIT BALLOT HARVESTING.

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

(b) FINDINGS.—Congress finds that—

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

(2) the Committee on House Administration of the House of Representatives, which is charged with investigating election irregularities, received reports through its official Election Observer Program for the 2018 general election and the 2020 general election, as well as from other stakeholders, that individuals other than voters themselves were depositing large amounts of absentee ballots at polling places throughout California and other States, a practice colloquially known as “ballot harvesting”;
the practice of ballot harvesting creates significant vulnerabilities in the chain-of-custody of ballots because individuals collecting ballots are not required to be registered voters and are not required to identify themselves at a voter’s home, and the State does not track how many ballots are harvested in an election;

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

(5) ballot harvesting invites electioneering activity at home and weakens States’ long-standing voter protection procedures, which remain in place at polling locations, creating the possibility of undue influence over voters by political operatives and other bad actors; and

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

(c) Prohibition on Federal Funds for Election Administration for States Allowing Collec-
TION AND TRANSMISSION OF BALLOTS BY CERTAIN
THIRD PARTIES.—

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

“SEC. 908. PROHIBITION ON FEDERAL FUNDS FOR ELECTION ADMINISTRATION FOR STATES ALLOWING COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES.

“(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be used to administer any election for Federal office in a State unless the State has in effect a law that prohibits an individual from the knowing collection and transmission of a ballot in an election for Federal office that was mailed to another person, other than an individual described as follows:

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

“(2) An employee of the United States Postal Service or other commercial common carrier engaged in similar activities while engaged in duties authorized by law.

“(3) Any other individual who is allowed by law to collect and transmit United States mail, while engaged in official duties as authorized by law.
“(4) A family member, household member, or caregiver of the person to whom the ballot was mailed.

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

“(1) The term ‘caregiver’ means an individual who provides medical or health care assistance to such person in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

“(2) The term ‘family member’ means an individual who is related to such person by blood, marriage, adoption or legal guardianship.

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

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end 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.”.
SEC. 136. CLARIFICATION WITH RESPECT TO FEDERAL ELECTION RECORD-KEEPING REQUIREMENT.

Section 301 of the Civil Rights Act of 1960 (52 U.S.C. 20701) is amended by inserting “including envelopes used to deliver ballots by mail,” after “requisite to voting in such election,”.

SEC. 137. CLARIFICATION OF RULES WITH RESPECT TO HIRING OF ELECTION WORKERS.

(a) In General.—With respect to hiring election workers in a State or local jurisdiction, the State or local jurisdiction may give preference to individuals who are veterans or individuals with a disability.

(b) Individual With a Disability Defined.—In this section, an “individual with a disability” means an individual with an impairment that substantially limits any major life activities.

SEC. 138. UNITED STATES POSTAL SERVICE COORDINATION WITH STATES TO ENSURE MAILING ADDRESSES.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Postmaster General shall, in coordination with the appropriate State executives of each State, carry out a program to identify and assign a mailing address to each home in each State that, as of the date of the enactment of this Act, does not have a mailing address assigned to such home, with a priority
given to assigning mailing addresses to such homes located
on Indian lands.

(b) DEFINITIONS.—In this section:

(1) INDIAN.—The term “Indian” has the mean-
ing given the term in section 4 of the Indian Self-
Determination and Education Assistance Act (25

(2) INDIAN LANDS.—The term “Indian lands”
includes—

(A) any Indian country of an Indian Tribe,
as defined under section 1151 of title 18,
United States Code;

(B) any land in Alaska owned, pursuant to
the Alaska Native Claims Settlement Act (43
U.S.C. 1601 et seq.), by an Indian Tribe that
is a Native village (as defined in section 3 of
that Act (43 U.S.C. 1602)) or by a Village Cor-
poration that is associated with an Indian Tribe
(as defined in section 3 of that Act (43 U.S.C.
1602));

(C) any land on which the seat of the Trib-
al Government is located; and

(D) any land that is part or all of a Tribal
designated statistical area associated with an
Indian Tribe, or is part or all of an Alaska Na-
ative village statistical area associated with an Indian Tribe, as defined by the Census Bureau for the purposes of the most recent decennial census.

(3) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) STATE.—The term “State” has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 139. STATE DEFINED.

Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking “and the United States Virgin Islands” and inserting “the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands”.

Subtitle D—District of Columbia
  Election Integrity and Voter Confidence

SEC. 141. SHORT TITLE.

This subtitle may be cited as the “American Confidence in Elections: District of Columbia Election Integrity and Voter Confidence Act”.

SEC. 142. REQUIREMENTS FOR ELECTIONS IN DISTRICT OF COLUMBIA.

(a) Requirements Described.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21801 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle C—Requirements for Elections in District of Columbia

“SEC. 321. STATEMENT OF CONGRESSIONAL AUTHORITY; FINDINGS.

“Congress finds that it has the authority to establish the terms and conditions for the administration of elections for public office in the District of Columbia—

“(1) under article I, section 8, clause 17 of the Constitution of the United States, which grants Congress the exclusive power to enact legislation with respect to the seat of the government of the United States; and
“(2) under other enumerated powers granted to Congress.

“SEC. 322. REQUIREMENTS FOR PHOTO IDENTIFICATION.

“(a) Short Title.—This section may be cited as the ‘American Confidence in Elections: District of Columbia Voter Identification Act’.

“(b) Requiring Provision of Identification to Receive a Ballot or Vote.—

“(1) Individuals voting in person.—A District of Columbia election official may not provide a ballot for a District of Columbia election to an individual who desires to vote in person unless the individual presents to the official an identification described in paragraph (3).

“(2) Individuals voting other than in person.—A District of Columbia election official may not provide a ballot for a District of Columbia election to an individual who desires to vote other than in person unless the individual submits with the application for the ballot a copy of an identification described in paragraph (3).

“(3) Identification described.—An identification described in this paragraph is, with respect to an individual, any of the following:
“(A) A current and valid motor vehicle license issued by the District of Columbia or any other current and valid photo identification of the individual which is issued by the District of Columbia or the identification number for such motor vehicle license or photo identification.

“(B) A current and valid United States passport, a current and valid military photo identification, or any other current and valid photo identification of the individual which is issued by the Federal government.

“(C) Any current and valid photo identification of the individual which is issued by a Tribal Government.

“(D) A student photo identification issued by a secondary school (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

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

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

“(A) provides the address of the individual’s residence; and

“(B) such document or other written information is of sufficient validity such that the election official is reasonably certain as to the identity of the individual.

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

“(d) SPECIAL RULE WITH RESPECT TO SINCERELY HELD RELIGIOUS BELIEFS.—In the case of an individual who is unable to comply with the requirements of subsection (b) due to sincerely held religious beliefs, the District of Columbia shall provide such individual with an alternative identification that shall be deemed to meet the
requirements of an identification described in subsection (b)(3).

“(e) Designation of District of Columbia Agency to Provide Copies of Identification.—The Mayor of the District of Columbia shall designate an agency of the District of Columbia government to provide an individual with a copy of an identification described in subsection (b)(3) at no cost to the individual for the purposes of meeting the requirement under subsection (b)(2).

“(f) Inclusion of Photos in Poll Books.—

“(1) Methods for obtaining photos.—

“(A) Provision of photos by offices of District of Columbia government.—If any office of the District of Columbia government has a photograph or digital image of the likeness of an individual who is eligible to vote in a District of Columbia election, the office, in consultation with the chief election official of the District of Columbia, shall provide access to the photograph or digital image to the chief election official of the District of Columbia.

“(B) Taking of photos at polling place.—If a photograph or digital image of an individual who votes in person at a polling place is not included in the poll book which contains
the name of the individuals who are eligible to vote in the District of Columbia election and which is used by election officials to provide ballots to such eligible individuals, the appropriate election official shall take a photograph of the individual and provide access to the photograph to the chief election official of the District of Columbia.

“(C) COPIES OF PHOTOS PROVIDED BY INDIVIDUALS NOT VOTING IN PERSON.—The election official who receives a copy of an identification described in subsection (b)(3) which is submitted by an individual who desires to vote other than in person at a polling place shall provide access to the copy of the identification to the chief election official of the District of Columbia.

“(2) INCLUSION IN POLL BOOKS.—The chief election official of the District of Columbia shall ensure that a photograph, digital image, or copy of an identification for which access is provided under paragraph (1) is included in the poll book which contains the name of the individuals who are eligible to vote in the District of Columbia election and which
is used by election officials to provide ballots to such eligible individuals.

“(3) Protection of privacy of voters.— The appropriate election officials of the District of Columbia shall ensure that any photograph, digital image, or copy of an identification which is included in a poll book under this subsection is not used for any purpose other than the administration of District of Columbia elections and is not provided or otherwise made available to any other person except as may be necessary to carry out that purpose.

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

“(1) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.);

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

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

“(h) Definitions.—For the purposes of this section, the following definitions apply:
“(1) Indian Tribe.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

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

“Sec. 323. Requirements for Voter Registration.

“(a) Short Title.—This section may be cited as the ‘American Confidence in Elections: District of Columbia Voter List Maintenance Act’.

“(b) Annual List Maintenance.—

“(1) Requirements.—

“(A) In general.—The District of Columbia shall carry out annually a program to remove ineligible persons from the official list of persons registered to vote in the District of Columbia, as required by section 8 of the National Voter Registration Act of 1993 (52 U.S.C. 20507) and pursuant to the procedures described in subparagraph (B).

“(B) Removal from Voter Rolls.—In the case of a registrant from the official list of eligible voters in District of Columbia elections who has failed to vote in a District of Columbia
election during a period of two consecutive years, the District of Columbia shall send to such registrant a notice described in section 8(d)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(d)(2)) and shall remove the registrant from the official list of eligible voters in District of Columbia elections if—

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

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

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

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

"SEC. 324. BAN ON COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES.

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

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

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

“(2) An employee of the United States Postal Service or other commercial common carrier engaged in similar activities while engaged in duties authorized by law.

“(3) Any other individual who is allowed by law to collect and transmit United States mail, while engaged in official duties as authorized by law.

“(4) A family member, household member, or caregiver of the person to whom the ballot was mailed.
“(c) DEFINITIONS.—For purposes of this section, with respect to a person to whom the ballot was mailed:

“(1) The term ‘caregiver’ means an individual who provides medical or health care assistance to such person in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

“(2) The term ‘family member’ means an individual who is related to such person by blood, marriage, adoption or legal guardianship.

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

“SEC. 325. TIMELY PROCESSING AND REPORTING OF RESULTS.

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

“(b) TIME FOR PROCESSING BALLOTS AND REPORTING RESULTS.— The District of Columbia shall begin processing ballots received by mail in a District of Columbia election as soon as such ballots are received and shall ensure that the results of such District of Columbia elec-
tion are reported to the public not later than 10:00 am on the date following the date of the election, but in no case shall such ballots be tabulated or such results be reported earlier than the closing of polls on the date of the election.

“(c) REQUIREMENT TO PUBLISH NUMBER OF VOTED BALLOTS ON ELECTION DAY.—The District of Columbia shall, as soon as practicable after the closing of polls on the date of a District of Columbia election, make available on a publicly accessible website the total number of voted ballots in the possession of election officials in the District of Columbia as of the time of the closing of polls on the date of such election, which shall include, as of such time—

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

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

“(3) the number of voted ballots for such election received from individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C.
20301 et seq.), including from individuals who, under such Act, voted by absentee ballot without requesting such a ballot.

“(d) REQUIREMENTS TO ENSURE BIPARTISAN ELECTION ADMINISTRATION ACTIVITY.—With respect to a District of Columbia election, District of Columbia election officials shall ensure that all activities are carried out in a bipartisan manner, which shall include a requirement that, in the case of an election worker who enters a room which contains ballots, voting equipment, or non-voting equipment as any part of the election worker’s duties to carry out such election, the election worker is accompanied by an individual registered to vote with respect to a different political party than such election worker, as determined pursuant to the voting registration records of the District of Columbia.

“SEC. 326. BAN ON NONCITIZEN VOTING.

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

“(b) BAN ON NONCITIZEN VOTING.—No individual may vote in a District of Columbia election unless the individual is a citizen of the United States.
“SEC. 327. REQUIREMENTS WITH RESPECT TO PROVISIONAL BALLOTS.

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

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

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

“(2) the individual declares that such individual is a registered voter in the District of Columbia and is eligible to vote in a District of Columbia election but does not provide an identification required under section 322, except that the individual’s provisional ballot shall not be counted in the election unless the individual provides such identification to the chief State election official of the District of Columbia not later than 5:00 pm on the second day which begins after the date of the election.
“(c) Requirements With Respect to Counting Provisional Ballots in Certain Cases.—If the name of an individual who is a registered voter in the District of Columbia and eligible to vote in a District of Columbia election appears on the official list of eligible voters for a polling place in the District of Columbia, such individual may cast a provisional ballot pursuant to section 302 for such election at a polling place other than the polling place with respect to which the name of the individual appears on the official list of eligible voters, except that the individual’s provisional ballot shall not be counted in the election unless the individual demonstrates pursuant to the requirements under section 302 that the individual is a registered voter in the jurisdiction of the polling place at which the individual cast such ballot.

“SEC. 328. MANDATORY POST-ELECTION AUDITS.

“(a) Short Title.—This section may be cited as the ‘American Confidence in Elections: District of Columbia Mandatory Post-Election Audits Act’.

“(b) Requirement for Post-Election Audits.—Not later than 30 days after each District of Columbia election, the District of Columbia shall conduct and publish an audit of the effectiveness and accuracy of the voting systems used to carry out the election and the performance of the election officials who carried out the election.
tion, but in no case shall such audit be completed later
than 2 business days before the deadline to file an election
contest under the laws of the District of Columbia.

“SEC. 329. PUBLIC OBSERVATION OF ELECTION PROCE-
DURES.

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

“(b) DESIGNATED REPRESENTATIVES OF CAN-
Didates, Political Parties, and Committees Affili-
ated With Ballot Initiatives.—

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

“(2) AUTHORITY AND PROCEDURES DES-
CRIBED.—The authority of an individual to observe
election procedures pursuant to this subsection is as
follows:

“(A) The individual may serve as a poll
watcher to observe the casting and tabulation of
ballots at a polling place on the date of the election or on any day prior to the date of the election on which ballots are cast at early voting sites, and may challenge the casting or tabulation of any such ballot.

“(B) The individual may serve as a poll watcher to observe the canvassing and processing of absentee or other mail-in ballots, including the procedures for verification of signed certificates of transmission under section 330(c)(2).

“(C) The individual may observe the recount of the results of the election at any location at which the recount is held, and may challenge the tabulation of any ballot tabulated pursuant to the recount.

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

“(4) EXCEPTION FOR CANDIDATES AND LAW ENFORCEMENT OFFICERS.—An individual may not serve as a poll watcher under subparagraph (A) or
(B) of paragraph (2), and the chief State election official of the District of Columbia may not provide the individual with credentials to enable the individual to serve as a poll watcher under such subparagraph, if the individual is a candidate in the election or a law enforcement officer.

“(c) OTHER INDIVIDUALS.—

“(1) Petition for Observer Credentials.—In addition to the individuals described in subsection (b), any individual, including an individual representing or affiliated with a domestic or international organization, may petition the chief State election official of the District of Columbia to provide the individual with credentials to observe election procedures carried out in a District of Columbia election, as described in subsection (b).

“(2) Authority Described.—If the chief State election official provides an individual with credentials under paragraph (1), the individual shall have the same authority to observe election procedures carried out in the election as an individual described in subsection (b), except that the individual may not challenge the casting, tabulation, canvassing, or processing of any ballot in the election.
“(3) Exception for candidates and law enforcement officers.—The chief State election official of the District of Columbia may not provide an individual who is a candidate in the election or a law enforcement officer with credentials to serve as a poll watcher, as described in subparagraph (A) or (B) of subsection (b)(2).

“(d) Authority of members of public to observe testing of equipment.—In addition to the authority of individuals to observe procedures under subsections (b) and (c), any member of the public may observe the testing of election equipment by election officials prior to the date of the election.

“(e) Prohibiting limits on ability to view procedures.—An election official may not obstruct the ability of an individual who is authorized to observe an election procedure under this section to view the procedure as it is being carried out.

“(f) Prohibition against certain restrictions.—An election official may not require that an individual who observes election procedures under this section stays more than 3 feet away from the procedure as it is being carried out.
SEC. 330. REQUIREMENTS FOR VOTING BY MAIL-IN BALLOT.

(a) Short Title.—This section may be cited as the ‘American Confidence in Elections: District of Columbia Mail Balloting Reform Act’.

(b) Prohibiting Transmission of Unsolicited Ballots.—The District of Columbia may not transmit an absentee or other mail-in ballot for a District of Columbia election to any individual who does not request the District of Columbia to transmit the ballot.

(c) Signature Verification.—

(1) Inclusion of Certificate with Ballot.—The District of Columbia shall include with each absentee or other mail-in ballot transmitted for a District of Columbia election a certificate of transmission which may be signed by the individual for whom the ballot is transmitted.

(2) Requiring Verification for Ballot to be Counted.—Except as provided in subsection (d), the District of Columbia may not accept an absentee or other mail-in ballot for a District of Columbia election unless—

(A) the individual for whom the ballot was transmitted—
“(i) signs and dates the certificate of transmission included with the ballot under paragraph (1); and
“(ii) includes the signed certification with the ballot and the date on such certification is accurate and in no case later than the date of the election; and
“(B) the individual’s signature on the ballot matches the signature of the individual on the official list of registered voters in the District of Columbia or other official record or document used by the District of Columbia to verify the signatures of voters.
“(d) NOTICE AND OPPORTUNITY TO CURE.—
“(1) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY IN SIGNATURES.—If an individual submits an absentee or other mail-in ballot for a District of Columbia election and the appropriate District of Columbia election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the District of Columbia or other official record or document used by the District of Columbia to verify the signatures of voters, such election official, prior to making a final
determination as to the validity of such ballot, shall—

“(A) make a good faith effort to immediately notify the individual by mail, telephone, or (if available) text message and electronic mail that—

“(i) a discrepancy exists between the signature on such ballot and the signature of the individual on the official list of registered voters in the District of Columbia or other official record or document used by the District of Columbia to verify the signatures of voters; and

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

“(B) cure such discrepancy and count the ballot if, prior to the expiration of the 48-hour period described in subparagraph (A)(ii), the individual provides the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods.
“(2) NOTICE AND OPPORTUNITY TO CURE MISSING SIGNATURE OR OTHER DEFECT.—If an individual submits an absentee or other mail-in ballot for a District of Columbia election without a signature on the ballot or the certificate of transmission included with the ballot under subsection (c)(1) or submits an absentee ballot with another defect which, if left uncured, would cause the ballot to not be counted, the appropriate District of Columbia election official, prior to making a final determination as to the validity of the ballot, shall—

“(A) make a good faith effort to immediately notify the individual by mail, telephone, or (if available) text message and electronic mail that—

“(i) the ballot or certificate of transmission did not include a signature or has some other defect; and

“(ii) if the individual does not provide the missing signature or cure the other defect prior to the expiration of the 48-hour period which begins on the date the official notifies the individual that the ballot or certificate of transmission did not include
a signature or has some other defect, such
ballot will not be counted; and
“(B) count the ballot if, prior to the expi-
ration of the 48-hour period described in sub-
paragraph (A)(ii), the individual provides the
official with the missing signature on a form
proscribed by the District of Columbia or cures
the other defect.

This paragraph does not apply with respect to a de-
fect consisting of the failure of a ballot to meet the
applicable deadline for the acceptance of the ballot,
as described in subsection (e).
“(e) DEADLINE FOR ACCEPTANCE.—
“(1) DEADLINE.—Except as provided in para-
graph (2), the District of Columbia may not accept
an absentee or other mail-in ballot for a District of
Columbia election which is received by the appro-
priate election official following the close of polls on
Election Day.
“(2) EXCEPTION FOR ABSENT MILITARY AND
OVERSEAS VOTERS.—Paragraph (1) does not apply
to a ballot cast by an individual who is entitled to
vote by absentee ballot under the Uniformed and
Overseas Citizens Absentee Voting Act (52 U.S.C.
20301 et seq.).
“(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as prohibiting the District of Columbia from accepting an absentee or other mail-in ballot for a District of Columbia election that is delivered in person by the voter to an election official at an appropriate polling place or the District of Columbia Board of Elections if such ballot is received by the election official by the deadline described in paragraph (1).

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

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

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

“(1) any such drop box is located inside a District of Columbia government building or facility;

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

“(3) the District of Columbia Board of Elections collects any ballot deposited in any such drop
box each day after 5:00 p.m. (local time) during the period of the election.

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

“With respect to an election for Federal office in the District of Columbia, to the extent that there is any inconsistency with the requirements of this subtitle and the requirements of subtitle A, the requirements of this subtitle shall apply.

“SEC. 333. DISTRICT OF COLUMBIA ELECTION DEFINED.

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

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

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items 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. District of Columbia election defined.

SEC. 143. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to District of Columbia elections held on or after January 1, 2024. For purposes of this section, the term “District of Columbia election” has the meaning given such term in section 333 of the Help America Vote Act of 2002, as added by section 142(a).

Subtitle E—Administration of the Election Assistance Commission

SEC. 151. SHORT TITLE.

This subtitle may be cited as the “Positioning the Election Assistance Commission for the Future Act of 2022”.

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

Congress finds the following:

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

(2) The American people are best served when Federal agency election assistance is offered by a single agency with expertise in this space. The Election Assistance Commission, composed of four election experts from different political parties, is best situated among the Federal government agencies to offer assistance services to citizens and to guide other Federal agencies that have responsibilities in the elections space. The Commission is also best suited to determine the timing of the issuance of any advisories and to disburse all appropriated election grant funding.

(3) To this end, Congress finds that the Election Assistance Commission should be viewed as the lead Federal government agency on all election administration matters, and other Federal agencies operating in this space should look to the Commission for guidance, direction, and support on election administration-related issues.
SEC. 153. REQUIREMENTS WITH RESPECT TO STAFF AND FUNDING OF THE ELECTION ASSISTANCE COMMISSION.

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

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

(1) by striking “for each of the fiscal years 2003 through 2005” and inserting “for each of the fiscal years 2023 through 2025”; and

(2) by striking “(but not to exceed $10,000,000 for each such year)” and inserting “(but not to exceed $25,000,000 for each such year)”.

(c) PROHIBITION ON CERTAIN USE OF FUNDS.—

(1) PROHIBITION.—None of the funds authorized to be appropriated or otherwise made available under subsection (b) may be obligated or expended for the operation of an advisory committee established by the Election Assistance Commission pursuant to and in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2),
except with respect to the operation of the Local Leadership Council.

(2) **No effect on entities established by Help America Vote Act of 2002.**—Paragraph (1) does not apply with respect to the operation of any entity established by the Help America Vote Act of 2002, including the Election Assistance Commission Standards Board, the Election Assistance Commission Board of Advisors, and the Technical Guidelines Development Committee.

(d) **Requirements with respect to compensation of members of the commission.**—Section 203(d) of the Help America Vote Act of 2002 (52 U.S.C. 20923(d)) is amended—

(1) in paragraph (1), by striking “at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code” and inserting “at an annual rate of basic pay equal to the amount of $186,300, as adjusted under section 5318 of title 5, United States Code, in the same manner as the annual rate of pay for positions at each level of the Executive Schedule”;
(2) in paragraph (2), by striking “No member appointed” and inserting “Except as provided in paragraph (3), no member appointed”; and

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

“(3) SUPPLEMENTAL EMPLOYMENT AND COMPENSATION.—An individual serving a term of service on the Commission shall be permitted to hold a position at an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) if—

“(A) the Inspector General of the Election Assistance Commission determines that such position does not create a conflict of interest with the individual’s position as a sitting member of the Commission and grants the individual approval to hold the position; and

“(B) the annual rate of compensation received by the individual from such institution is not greater than the amount equal to 49.9% of the annual rate of basic pay paid to the individual under paragraph (1).”).

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

“(f) Office of Inspector General.—The Inspector General of the Election Assistance Commission may appoint not more than 7 full-time equivalent employees to assist the Inspector General to carry out the duties and responsibilities under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), of whom 2 shall have primarily administrative duties and responsibilities.”

(f) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2022.

SEC. 154. EXCLUSIVE AUTHORITY OF ELECTION ASSISTANCE COMMISSION TO MAKE ELECTION ADMINISTRATION PAYMENTS TO STATES.

(a) In General.—No entity of the Federal Government other than the Election Assistance Commission may make any payment to a State for purposes of administering elections for Federal office, including obtaining election and voting equipment and infrastructure, enhancing election and voting technology, and making election and voting security improvements, including with respect to cybersecurity and infrastructure.
(b) Effective Date.—Subsection (a) shall apply with respect to payments made on or after the date of the enactment of this Act.

SEC. 155. EXECUTIVE BOARD OF THE STANDARDS BOARD

AUTHORITY TO ENTER INTO CONTRACTS.

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

“(5) Authority to enter into contracts.—The Executive Board of the Standards Board may, using amounts already made available to the Commission, enter into contracts to employ and retain no more than 2 individuals to enable the Standards Board to discharge its duties with respect to the examination and release of voluntary considerations with respect to the administration of elections for Federal offices by the States under section 247, except that—

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

“(B) the authority to enter into such contracts shall end on the earlier of the date of the release of the considerations or December 31, 2023; and
“(C) no additional funds may be appropriated to the Commission for the purposes of carrying out this paragraph.”.

SEC. 156. ELECTION ASSISTANCE COMMISSION PRIMARY ROLE IN ELECTION ADMINISTRATION.

Except as provided in any other provision of law, the Election Assistance Commission shall, with respect to any other entity of the Federal Government, have primary jurisdiction to address issues with respect to the administration of elections for Federal office.

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.

(a) Short Title.—This section may be cited as the “Keeping Foreign Money out of Ballot Measures Act of 2022”.

(b) In General.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:
§ 612. Foreign nationals making certain political contributions

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

(b) PENALTY.—Any person who violates subsection (a) shall be fined not more than the greater of $10,000 or 300 percent of the amount of the contribution or value of the donation of money or other thing of value made by the person, imprisoned for not more than 1 year, or both.

(c) FOREIGN NATIONAL DEFINED.—In this section, the term ‘foreign national’ has the meaning given such term in section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)).”.

(e) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

“612. Foreign nationals making certain political contributions.”.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to contributions and
1 donations made on or after the date of the enactment of
2 this Act.
3
4 Subtitle G—Constitutional Experts
5 Panel With Respect to Presidential Elections
6
7 SEC. 171. SHORT TITLE.
8
9 This subtitle may be cited as the “Solving an Over-
10 looked Loophole in Votes for Executives (SOLVE) Act”.
11
12 SEC. 172. ESTABLISHMENT OF PANEL OF CONSTITUTIONAL
13 EXPERTS.
14
15 (a) ESTABLISHMENT.—There is established the
16 “Twentieth Amendment Section Four Panel” (in this sec-
17 tion referred to as the “Panel”).
18
19 (b) MEMBERSHIP.—
20
21 (1) IN GENERAL.—The Panel shall be composed
22 of 6 constitutional experts, of whom—
23
24 (A) 1 shall be appointed by the majority
25 leader of the Senate;
26
27 (B) 1 shall be appointed by the minority
28 leader of the Senate;
29
30 (C) 1 shall be appointed jointly by the ma-
31 ority and minority leader of the Senate;
32
33 (D) 1 shall be appointed by the Speaker of
34 the House of Representatives;
(E) 1 shall be appointed by minority leader of the House of Representatives; and

(F) 1 shall be appointed jointly by the Speaker of the House of Representatives and the minority leader of the House of Representatives.

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

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

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among the members of the Panel.

(c) PURPOSE.—The purpose of the Panel shall be to recommend to Congress model legislation, which shall provide for an appropriate process, pursuant to section 4 of the Twentieth Amendment to the United States Constitution, to resolve any vacancy created by the death of a candidate in a contingent presidential or vice-presidential election.

(d) REPORTS.—
(1) INITIAL REPORT.—Not later than 1 year after the date on which all of the appointments have been made under subsection (b)(2), the Panel shall submit to Congress an interim report containing the Panel’s findings, conclusions, and recommendations.

(2) FINAL REPORT.—Not later than 6 months after the submission of the interim report under paragraph (1), the Panel shall submit to Congress a final report containing the Panel’s findings, conclusions, and recommendations.

(e) MEETINGS; INFORMATION.—

(1) IN GENERAL.—Meetings of the Panel shall be held at the Law Library of Congress.

(2) INFORMATION.—The Panel may secure from the Law Library of Congress such information as the Panel considers necessary to carry out the provisions of this section.

(f) FUNDS.—

(1) COMPENSATION OF MEMBERS.—Members of the Panel shall receive no compensation.

(2) OTHER FUNDING.—No amounts shall be appropriated for the purposes of this section, except for any amounts strictly necessary for the Law Library of Congress to execute its responsibilities under subsection (e).
(g) TERMINATION.—

(1) IN GENERAL.—The panel established under subsection (a) shall terminate 90 days after the date on which the panel submits the final report required under subsection (d)(2).

(2) RECORDS.—Upon termination of the panel, all of its records shall become the records of the Secretary of the Senate and the Clerk of the House of Representatives.

TITLE II—MILITARY VOTING ADMINISTRATION
Subtitle A—Findings Relating to Military Voting

SEC. 201. FINDINGS RELATING TO MILITARY VOTING.

Congress finds the following:

(1) Participation in the voting process by Americans who serve in the Armed Forces is vital to the future of the Republic; however, due to the realities of service around the globe and despite many best efforts, the nation has not always lived up to its commitment to servicemembers that their vote be counted.

(2) The Military and Overseas Empowerment (MOVE) Act made great progress in solving problems with voting that many servicemembers faced.
Yet, for many, it is still difficult to exercise the franchise, with many ballots not reaching State elections officials until after the deadline, negating their voice. After 13 years, Congress must address the remaining issues.

(3) Congress finds that it is a moral imperative of national importance that every eligible American servicemember has the opportunity to cast a ballot in each election and, not only that such ballot be received in time to be counted, but that it actually be counted according to law.

Subtitle B—GAO Analysis on Military Voting Access

SEC. 211. GAO ANALYSIS AND REPORT ON EFFECTIVENESS OF FEDERAL GOVERNMENT IN MEETING OBLIGATIONS TO PROMOTE VOTING ACCESS FOR ABSENT UNIFORMED SERVICES VOTERS.

(a) Analysis.—The Comptroller General of the United States shall conduct an analysis with respect to the effectiveness of the Federal government in carrying out its responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) to promote access to voting for absent uniformed services voters (as such term is defined in section 107 of such Act (52 U.S.C. 20310)).
(b) REPORT.—Not later than December 31, 2023, the Comptroller General shall submit to the chair and ranking minority member of the Committee on House Administration of the House of Representatives and the chair and ranking minority member of the Committee on Rules and Administration of the Senate a report that contains the results of the analysis required by subsection (a).

TITLE III—PROTECTION OF POLITICAL SPEECH AND CAMPAIGN FINANCE REFORM

Subtitle A—Protecting Political Speech

SECTION 301. FINDINGS.

Congress finds the following:

(1) The structure of the Constitution and its amendments represents the radical idea that any sovereign power exercised by the federal government flows either directly from the people or through the States they established to govern themselves. In the words of the Ninth and Tenth Amendments, “[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” “The powers not delegated to the United States by the Constitution, nor prohib-
ited by it to the States, are reserved to the States respectively, or to the people.”

(2) Among the many freedoms it protects, the First Amendment prevents Congress from making any law abridging the freedom of speech, the right of the people peaceably to assemble, or the right of the people to petition the Government for the redress of grievances.

(3) Any proposed federal action concerning freedom of speech, protest, or petition must start with an analysis of the First Amendment. Congress must ask whether the proposed action would abridge these freedoms, and any uncertainty must be determined in favor of fewer restrictions on speech.

(4) In particular, political speech, uttered in the furtherance of self-government, must raise an even higher bar to congressional abridgement. The mechanisms and media used to offer political speech must realize the same protections.

(5) As the Supreme Court has recognized, the Constitution grants Congress only a very narrow interest in the regulation of political speech, the prevention of corruption or the appearance of corruption.
(6) In order to uphold and effectuate the Constitution, any federal statute that goes beyond this interest must be repealed, and Congress must exercise its Article 1 authorities to do so.

SEC. 302. REPEAL OF LIMITS ON COORDINATED POLITICAL PARTY EXPENDITURES.

(a) Repeal of Limits.—Section 315(d) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(d)) is amended—

(1) in paragraph (1)—

(A) by striking “may make expenditures” and inserting “may make expenditures, including coordinated expenditures,”, and

(B) by striking “Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection” and inserting “Federal office in any amount”; and

(2) by striking paragraphs (2), (3), (4), and (5).

(b) Clarifying Treatment of Certain Party Communications as Coordinated Expenditures.—Section 315(d) of such Act (52 U.S.C. 30116(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:
“(2) For purposes of this subsection, if a public communication paid for by a committee of a political party or its agent refers to a clearly identified House or Senate candidate and is publicly distributed or otherwise publicly disseminated in the clearly identified candidate’s jurisdiction, the communication shall be treated as a coordinated expenditure in connection with the campaign of a candidate for purposes of this subsection.”.

(e) Conforming Amendment Relating to Indexing.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(1) in paragraph (1)(B)(i), by striking “(d),”;

and

(2) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (b)”.

(d) Effective Date.—The amendments made by this section shall apply with respect to elections held during 2024 or any succeeding year.

SEC. 303. REPEAL OF LIMIT ON AGGREGATE CONTRIBUTIONS BY INDIVIDUALS.

(a) Findings.—Congress finds that the Supreme Court of the United States in McCutcheon v. FEC, 572 U.S. 185 (2014) determined the biennial aggregate limits under section 315(a)(3) of the Federal Election Campaign

(b) REPEAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended by striking paragraph (3).

(e) CONFORMING AMENDMENTS.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended by striking “(a)(3),” each place it appears in paragraph (1)(B)(i), (1)(C), and (2)(B)(ii).

SEC. 304. EQUALIZATION OF CONTRIBUTION LIMITS TO STATE AND NATIONAL POLITICAL PARTY COMMITTEES.

(a) IN GENERAL.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)(1)) is amended—

(1) in subparagraph (B), by striking “a national political party” and inserting “a national or State political party”;

(2) by adding “or” at the end of subparagraph (B);

(3) in subparagraph (C), by striking “; or” and inserting a period; and

(4) by striking subparagraph (D).

(b) CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES.—
(1) **IN GENERAL.**—Section 315(a)(2)(B) of such Act (52 U.S.C. 30116(a)(2)(B)) is amended by striking “a national political party” and inserting “a national or State political party”.

(2) **PRICE INDEX ADJUSTMENT.**—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

“(D) In any calendar year after 2022—

“(i) a threshold established by subsection (a)(2) shall be increased by the percent difference determined under subparagraph (A);

“(ii) each amount so increased shall remain in effect for the calendar year; and

“(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.”;

and

(B) in paragraph (2)(B)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and
(iii) by adding at the end the following new clause:

“(iii) for purposes of subsection (a)(2), calendar year 2022.”.

(c) Acceptance of Additional Amounts for Certain Accounts.—

(1) Permitting acceptance of additional amounts in same manner as national parties.—Section 315(a) of such Act (52 U.S.C. 30116(a)) is amended—

(A) in paragraph (1)(B), by striking “paragraph (9)” and inserting “paragraph (9) or paragraph (10)”; and

(B) in paragraph (2)(B), by striking “paragraph (9)” and inserting “paragraph (9) or paragraph (10)”.

(2) Accounts.—Section 315(a)(9) of such Act (52 U.S.C. 30116(a)(9)) is amended by striking “national committee of a political party” each place it appears in subparagraphs (A), (B), and (C) and inserting “committee of a national or State political party”.

(3) State party convention accounts described.—Section 315(a) of such Act (52 U.S.C.
30116(a) is amended by adding at the end the following new paragraph:

“(10) An account described in this paragraph is a separate, segregated account of a political committee established and maintained by a State committee of a political party which is used solely to defray—

“(A) expenses incurred with respect to carrying out State party nominating activities or other party-building conventions; or

“(B) expenses incurred with respect to providing for the attendance of delegates at a presidential nominating convention, but only to the extent that such expenses are not paid for from the account described in paragraph (9)(A).”.

(d) Clarification of Indexing of Amounts to Ensure Equalization of Party Contribution Limits.—For purposes of applying section 315(c) of such Act (52 U.S.C. 30116(c)) to limits on the amount of contributions to political committees established and maintained by a State political party, the amendments made by this section shall be considered to have been included in section 307 of the Bipartisan Campaign Reform Act of 2002 (Public Law 107–55; 116 Stat. 102).
(c) Effective Date.—The amendments made by this section shall apply with respect to elections held during 2024 or any succeeding year.

SEC. 305. EXPANSION OF PERMISSIBLE FEDERAL ELECTION ACTIVITY BY STATE AND LOCAL POLITICAL PARTIES.

(a) Expansion of Permissible Use of Funds Not Subject to Contribution Limits or Source Prohibitions by State and Local Political Parties for Federal Election Activity.—Section 323(b)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30125(b)(2)) is amended to read as follows:

“(2) Applicability.—Notwithstanding section 301(20), for purposes of paragraph (1), an amount that is expended or disbursed by a State, district, or local committee of a political party shall be considered to be expended or disbursed for Federal election activity only if the committee coordinated the expenditure or disbursement of the amount with a candidate for election for Federal office or an authorized committee of a candidate for election for Federal office.”.

(b) Conforming Amendments.—

(1) Fundraising costs.—Section 323(c) of such Act (52 U.S.C. 30125(c)) is amended by add-
ing at the end the following new sentence: “In the
case of a person described in subsection (b), the pre-
vious sentence applies only if the amount was spent
by such person in coordination with a candidate for
election for Federal office or an authorized com-
mittee of a candidate for election for Federal office,
as determined pursuant to regulations promulgated
by the Commission for the purpose of determining
whether a political party communication is coordi-
nated with a candidate, a candidate’s authorized
committee, or an agent thereof.”.

(2) APPEARANCE OF FEDERAL CANDIDATES OR
OFFICEHOLDERS AT FUNDRAISING EVENTS.—Sec-
section 323(e)(3) of such Act (52 U.S.C. 30125(e)(3))
is amended by striking “subsection (b)(2)(C)” and
inserting “subsection (b)”.

SEC. 306. PARTICIPATION IN JOINT FUNDRAISING ACTIVI-
TIES BY MULTIPLE POLITICAL COMMITTEES.

(a) FINDINGS.—Congress finds the following:

(1) While federal law permits the Federal Elec-
tion Commission to engage in certain “gap-filling”
activities as it administers the Federal Election
Campaign Act of 1971, the regulations promulgated
by the Federal Election Commission to govern joint
fundraising activities of multiple political committees
are not tied specifically to any particular provision of the Act, and while these regulations generally duplicate the provisions of the Act, they also impose additional and unnecessary burdens on political committees which seek to engage in joint fundraising activities, such as a requirement for written agreements between the participating committees.

(2) It is therefore not necessary at this time to direct the Federal Election Commission to repeal the existing regulations which govern joint fundraising activities of multiple political committees, as some political committees may have reasons for following the provisions of such regulations which impose additional and unnecessary burdens on these activities.

(b) CRITERIA FOR PARTICIPATION IN JOINT FUNDRAISING ACTIVITIES.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following new subsection:

“(j) CRITERIA FOR PARTICIPATION IN JOINT FUNDRAISING ACTIVITIES BY MULTIPLE POLITICAL COMMITTEES.—

“(1) CRITERIA DESCRIBED.—Two or more political committees as defined in this Act may participate in joint fundraising activities in accordance with the following criteria:
“(A) The costs of the activities shall be allocated among and paid for by the participating committees on the basis of the allocation among the participating committees of the contributions received as a result of the activities.

“(B) Notwithstanding subparagraph (A), a participating committee may make a payment (in whole or in part) for the portion of the costs of the activities which is allocated to another participating committee, and the amount of any such payment shall be treated as a contribution made by the committee to the other participating committee.

“(C) The provisions of section 315(a)(8) regarding the treatment of contributions to a candidate which are earmarked or otherwise directed through an intermediary or conduit shall apply to contributions made by a person to a participating committee which are allocated by the committee to another participating committee.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit two or more political committees from participating in joint fundraising activities by designating or establishing
a separate, joint committee subject to the registration and reporting requirements of this Act or by publishing a joint fundraising notice.”.

SEC. 307. PROTECTING PRIVACY OF DONORS TO TAX-EXEMPT ORGANIZATIONS.

(a) SHORT TITLE.—This section may be cited as the “Speech Privacy Act of 2022”.

(b) RESTRICTIONS ON COLLECTION OF DONOR INFORMATION.—

(1) RESTRICTIONS.—An entity of the Federal government may not collect or require the submission of information on the identification of any donor to a tax-exempt organization.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) The Internal Revenue Service, acting lawfully pursuant to section 6033 of the Internal Revenue Code of 1986 or any successor provision.

(B) The Secretary of the Senate and the Clerk of the House of Representatives, acting lawfully pursuant to section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604).
(C) The Federal Election Commission, acting lawfully pursuant to section 510 of title 36, United States Code.

(D) An entity acting pursuant to a lawful order of a court or administrative body which has the authority under law to direct the entity to collect or require the submission of the information, but only to the extent permitted by the lawful order of such court or administrative body.

(c) Restrictions on Release of Donor Information.—

(1) Restrictions.—An entity of the Federal government may not disclose to the public information revealing the identification of any donor to a tax-exempt organization.

(2) Exceptions.—Paragraph (1) does not apply to the following:

(A) The Internal Revenue Service, acting lawfully pursuant to section 6104 of the Internal Revenue Code of 1986 or any successor provision.

(B) The Secretary of the Senate and the Clerk of the House of Representatives, acting

(C) The Federal Election Commission, acting lawfully pursuant to section 510 of title 36, United States Code.

(D) An entity acting pursuant to a lawful order of a court or administrative body which has the authority under law to direct the entity to disclose the information, but only to the extent permitted by the lawful order of such court or administrative body.

(E) An entity which discloses the information as authorized by the organization.

(d) TAX-EXEMPT ORGANIZATION DEFINED.—In this section, a “tax-exempt organization” means an organization which is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code. Nothing in this subsection may be construed to treat a political organization under section 527 of such Code as a tax-exempt organization for purposes of this section.

(e) PENALTIES.—It shall be unlawful for any officer or employee of the United States, or any former officer or employee, willfully to disclose to any person, except as authorized in this section, any information revealing the
identification of any donor to a tax-exempt organization. Any violation of this section shall be a felony punishable upon conviction by a fine in any amount not exceeding $250,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution, and if such offense is committed by any officer or employee of the United States, he shall, in addition to any other punishment, be dismissed from office or discharged from employment upon conviction for such offense.

SEC. 308. REPORTING REQUIREMENTS FOR TAX-EXEMPT ORGANIZATIONS.

(a) SHORT TITLE.—This section may be cited as the “Don’t Weaponize the IRS Act”.

(b) ORGANIZATIONS EXEMPT FROM REPORTING.—

(1) GROSS RECEIPTS THRESHOLD.—Clause (ii) of section 6033(a)(3)(A) of the Internal Revenue Code of 1986 is amended by striking “$5,000” and inserting “$50,000”.

(2) ORGANIZATIONS DESCRIBED.—Subparagraph (C) of section 6033(a)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting a semicolon, and
(C) by adding at the end the following new clauses:

“(vii) any other organization described in section 501(c) (other than a private foundation or a supporting organization described in section 509(a)(3)); and

“(viii) any organization (other than a private foundation or a supporting organization described in section 509(a)(3)) which is not described in section 170(c)(2)(A), or which is created or organized in a possession of the United States, which has no significant activity (including lobbying and political activity and the operation of a trade or business) other than investment activity in the United States.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(e) CLARIFICATION OF APPLICATION TO SECTION 527 ORGANIZATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 6033(g) of the Internal Revenue Code of 1986 is amended—
(A) by striking “This section” and inserting “Except as otherwise provided by this sub-
section, this section”, and

(B) by striking “for the taxable year.” and inserting “for the taxable year in the same
manner as to an organization exempt from taxation under section 501(a).”.

(2) Effective date.—The amendments made by this subsection shall apply to taxable years end-
ing after the date of the enactment of this Act.

(d) Reporting of names and addresses of contrib-
utors.—

(1) In general.—Paragraph (1) of section
6033(a) of the Internal Revenue Code of 1986 is
amended by adding at the end the following: “Ex-
cept as provided in subsections (b)(5) and (g)(2)(B),
such annual return shall not be required to include
the names and addresses of contributors to the orga-
nization.”.

(2) Application to section 527 organizations.—Paragraph (2) of section 6033(g) of the In-
ternal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of sub-
paragraph (A),
(B) by redesignating subparagraph (B) as subparagraph (C), and

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

“(B) containing the names and addresses of all substantial contributors, and”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 309. MAINTENANCE OF STANDARDS FOR DETERMINING ELIGIBILITY OF SECTION 501(C)(4) ORGANIZATIONS.

(a) IN GENERAL.—The Department of the Treasury, including the Internal Revenue Service, may not issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)).

(b) APPLICATION OF CURRENT STANDARDS AND DEFINITIONS.—The standard and definitions as in effect on January 1, 2010, which are used to make determinations described in subsection (a) shall apply after the date
of the enactment of this Act for purposes of determining
status under section 501(c)(4) of such Code of organiza-
tions created on, before, or after such date.

SEC. 310. INCREASED FUNDING FOR THE 10-YEAR PEDI-
ATRIC RESEARCH INITIATIVE FUND.

(a) SHORT TITLE.—This section may be cited as the
“Jonny Wade Pediatric Cancer Research Act”.

(b) FINDINGS RELATING TO PEDIATRIC CANCER.—
Congress finds that pediatric cancer—

(1) kills over 100,000 children annually world-
wide;

(2) reduces a child’s life expectancy by 69 years
once diagnosed;

(3) increases the likelihood of a secondary can-
cer;

(4) is the leading cause of death by disease in
children;

(5) affects over 300,000 children annually
worldwide; and

(6) gives life-long adverse side effects to the pa-
tient.

(c) FINDINGS RELATING TO PEDIATRIC CANCER RE-
SEARCH.—Congress finds that pediatric cancer research—

(1) increases new treatments for safety and ef-
fectiveness;
(2) increases the likelihood of identifying a secondary cancer after treatment;
(3) increases survival rates for children;
(4) increases the identity factors that may be associated with reducing risk;
(5) enhances our understanding of the fundamental mechanisms of cancer;
(6) increases survivorship research to reduce the long-term adverse effects of cancer and its treatment; and
(7) increases the ability to identify the likely causes of pediatric cancer.

(d) FINDINGS RELATING TO PUBLIC FINANCING OF PRESIDENTIAL ELECTIONS.—Congress finds that—

(1) the Presidential Election Campaign Fund has a surplus of $392 million; and
(2) no major party candidate in the general Presidential election has accepted public financing since 2008.

(e) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2022.”.
(f) **Termination of Fund and Account.**—

(1) **Termination of Presidential Election Campaign Fund.**—

(A) In General.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

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SEC. 9014. TERMINATION.

The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.
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(B) Transfer of Remaining Funds.—

Section 9006 of such Code is amended by adding at the end the following new subsection:

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(d) Transfer of Funds Remaining After Termination. —The Secretary shall transfer the amounts in the fund as of the date of the enactment of this subsection to the 10-Year Pediatric Research Initiative Fund described in section 9008(c)(2), to be available as described in such section and to remain so available until expended.
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(2) **Termination of Account.**—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:
“SEC. 9043. TERMINATION.

“The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.”.

(g) PAYMENTS FOR PRESIDENTIAL NOMINATING CONVENTIONS.—Section 9008 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “under paragraph (3)”;

(B) in paragraph (2), by striking “under paragraph (3)”;

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4);

(2) by striking subsections (c) through (h); and

(3) by redesignating subsection (i) as subsection (c).

(h) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9014. Termination.”.
(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9043. Termination.”.

(i) Sense of Congress regarding NIH Research.—The Congress encourages the Director of the National Institutes of Health to oversee and coordinate research that is conducted or supported by the National Institutes of Health for research on pediatric cancer and other pediatric diseases and conditions, including through the 10-Year Pediatric Research Initiative Fund.

(j) Avoiding Replicate.—Clause (ii) of section 402(b)(7)(B) of the Public Health Service Act (42 U.S.C. 282(b)(7)(B)) is amended by inserting “and shall prioritize such pediatric research that does not replicate existing research activities of the National Institutes of Health” before “; and”.

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.

No Federal funds, including amounts attributable to the collection of fines and penalties, may be used to make any payment in support of a campaign for election for the
office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

**Subtitle C—Registration and Reporting Requirements**

**SEC. 321. REPORTING REQUIREMENTS WITH RESPECT TO ELECTIONEERING COMMUNICATIONS.**

Section 304(a)(11)(A)(i) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(a)(11)(A)(i)) is amended by inserting “or makes, or has reason to expect to make, electioneering communications” after “expenditures”.

**SEC. 322. INCREASED QUALIFYING THRESHOLD AND ESTABLISHING PURPOSE FOR POLITICAL COMMITTEES.**

(a) In General.—Section 301(4) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(4)) is amended to read as follows:

“(4) The term ‘political committee’ means—

“(A) any committee, club, association, or other group of persons, including any local committee of a political party, which receives contributions aggregating in excess of $25,000 during a calendar year or which makes expenditures aggregating in excess of $25,000 during a calendar year and which is under the control
of a candidate or has the major purpose of
nominating or electing a candidate; or

“(B) any separate segregated fund estab-
lished under the provisions of section 316(b).”.

(b) DEFINITION.—Section 301 of such Act (52
U.S.C. 30101) is amended by adding at the end the fol-
lowing new paragraph:

“(27) MAJOR PURPOSE OF NOMINATING OR
ELECTING A CANDIDATE.—The term ‘major purpose
of nominating or electing a candidate’ means, with
respect to a group of persons described in paragraph
(4)(A)—

“(A) a group whose central organizational
purpose is to expressly advocate for the nomina-
tion, election, or defeat of a candidate; or

“(B) a group for which the majority of its
spending throughout its lifetime of existence
has been on contributions, expenditures, or
independent expenditures.”.

(c) PRICE INDEX ADJUSTMENT FOR POLITICAL COM-
MITTEE THRESHOLD.—Section 315(c) of such Act (52
U.S.C. 30116(c)), as amended by section 304(b), is
amended—

(1) in paragraph (1), by adding at the end the
following new subparagraph:
“(E) In any calendar year after 2022—

“(i) a threshold established by sections 301(4)(A) or 301(4)(C) shall be increased by the percent difference determined under subparagraph (A);

“(ii) each amount so increased shall remain in effect for the calendar year; and

“(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.”;

and

(2) in paragraph (2)(B)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iv) for purposes of sections 301(4)(A) and 301(4)(C), calendar year 2022.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections held during 2024 or any succeeding year.
SEC. 323. INCREASED THRESHOLD WITH RESPECT TO INDEPENDENT EXPENDITURE REPORTING REQUIREMENT.

(a) In General.—Section 304(c)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(c)(1)) is amended by striking “$250” and inserting “$1,000”.

(b) Price Index Adjustment for Independent Expenditure Reporting Threshold.—Section 315(c) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(c)), as amended by sections 304(b) and 322(b), is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(F) In any calendar year after 2022—

“(i) a threshold established by section 304(c)(1) shall be increased by the percent difference determined under subparagraph (A);

“(ii) each amount so increased shall remain in effect for the calendar year; and

“(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.”;

and

(2) in paragraph (2)(B)—

(A) in clause (iii), by striking “and” at the end;
(B) in clause (iv), by striking the period at
the end and inserting “; and”;

(C) by adding at the end the following new
clause:

“(v) for purposes of section 304(c)(1), cal-
endar year 2022.”.

(e) Effective Date.—The amendments made by
this section shall apply with respect to elections held dur-
ing 2024 or any succeeding year.

SEC. 324. INCREASED QUALIFYING THRESHOLD WITH RES-
PECT TO CANDIDATES.

(a) Increase in Threshold.—Section 301(2) of
the Federal Election Campaign Act of 1971 (52 U.S.C.
30101(2)) is amended by striking “$5,000” each place it
appears and inserting “$10,000”.

(b) Price Index Adjustment for Exemption of
Certain Amounts as Contributions.—Section 315(c)
of such Act (52 U.S.C. 30116(c)), as amended by sections
304(b), 322(b), and 323(b), is amended—

(1) in paragraph (1), by adding at the end the
following new subparagraph:

“(G) In any calendar year after 2022—

“(i) a threshold established by sections 301(2)
shall be increased by the percent difference deter-
mined under subparagraph (A);
“(ii) each amount so increased shall remain for
the 2-year period that begins on the first day fol-
lowing the date of the general election in the year
preceding the year in which the amount is increased
and ending on the date of the next general election;
and
“(iii) if any amount after adjustment under
clause (i) is not a multiple of $100, such amount
shall be rounded to the nearest multiple of $100.”;
and
(2) in paragraph (2)(B)—

(A) in clause (iv), by striking “and” at the
end;

(B) in clause (v), by striking the period at
the end and inserting “; and”; and

(C) by adding at the end the following new
clause:

“(vi) for purposes of sections 301(2), cal-
endar year 2022.”.

(e) EFFECTIVE DATE.—The amendments made by
this section shall apply with respect to elections held dur-
ing 2024 or any succeeding year.
SEC. 325. REPEAL REQUIREMENT OF PERSONS MAKING INDEPENDENT EXPENDITURES TO REPORT IDENTIFICATION OF CERTAIN DONORS.

(a) REPEAL.—Section 304(c)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(c)(2)) is amended—

(1) in subparagraph (A), by adding “and” at the end;

(2) in subparagraph (B), by striking “; and” and inserting a period; and

(3) by striking subparagraph (C).

(b) CONFORMING AMENDMENT.—Section 304(c)(1) of such Act (52 U.S.C. 30104(c)(1)) is amended by striking “the information required under subsection (b)(3)(A) for all contributions received by such person” and inserting “the information required under paragraph (2)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to independent expenditures made on or after the date of the enactment of this Act.
Subtitle D—Exclusion of Certain Amounts From Treatment as Contributions or Expenditures

SEC. 331. INCREASED THRESHOLD FOR EXemption OF CERTAIN AMOUNTS AS CONTRIBUTIONS.

(a) Real or Personal Property Exemption.—Section 301(8)(B)(ii) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(B)(ii)) is amended—

(1) by striking “$1,000” and inserting “$2,000”; and

(2) by striking “$2,000” and inserting “$4,000”.

(b) Travel Expenses Exemption.—Section 301(8)(B)(iv) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(B)(iv)) is amended—

(1) by striking “$1,000” and inserting “$2,000”; and

(2) by striking “$2,000” and inserting “$4,000”.

(c) Price Index Adjustment for Exemption of Certain Amounts as Contributions.—Section 315(c) of such Act (52 U.S.C. 30116(c)), as amended by sections 304(b), 322(b), 323(b), and 324(b) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:
“(H) In any calendar year after 2022—

“(i) the exemption amounts established by sections 301(8)(B)(ii) or 301(8)(B)(iv) shall be increased by the percent difference determined under subparagraph (A);

“(ii) each amount so increased shall remain for the 2-year period that begins on the first day following the date of the general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

“(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.”;

and

“(2) in paragraph (2)(B)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(vii) for purposes of sections 301(8)(B)(ii) or 301(8)(B)(iv), calendar year 2022.”.
(d) Effective Date.—The amendments made by this section shall apply with respect to elections held during 2024 or any succeeding year.

SEC. 332. EXEMPTION OF UNCOMPENSATED INTERNET COMMUNICATIONS FROM TREATMENT AS CONTRIBUTION OR EXPENDITURE.

(a) Exemptions.—

(1) Exemption from treatment as contribution.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(B)) is amended—

(A) by striking “and” at the end of clause (xiii);

(B) by striking the period at the end of clause (xiv) and inserting “; and”; and

(C) by adding at the end the following new clause:

“(xv) any payment by any person in producing and disseminating any information or communication on the Internet, Internet platform or other Internet-enabled application, unless the information or communication is disseminated for a fee on another person’s website, platform or other Internet-enabled application, whether coordinated or not.”.
(2) Exemption from treatment as expenditure.—Section 301(9)(B) of such Act (52 U.S.C. 30101(9)(B)) is amended—

(A) by striking “and” at the end of clause (ix);

(B) by striking the period at the end of clause (x) and inserting “; and”; and

(C) by adding at the end the following new clause:

“(xi) any cost incurred by any person in producing and disseminating any information or communication on the Internet, Internet platform or other Internet-enabled application, unless the information or communication is disseminated for a fee on another person’s website, platform or other Internet-enabled application.”.

(b) Application to definition of public communications.—Section 301(22) of such Act (52 U.S.C. 30101(22)) is amended by adding at the end the following:

“In the previous sentence, the terms ‘public communication’ and ‘general public political advertising’ do not include communications disseminated over the Internet or via an Internet platform or other Internet-enabled application, unless the communication or advertising is disseminated for a fee on another person’s website, platform or other Internet-enabled application.”.
nated for a fee on another person’s website, platform or
other internet-enabled application.”.

c) EFFECTIVE DATE.—The amendments made by
this section shall apply with respect to elections held dur-
ing 2024 or any succeeding year.

SEC. 333. MEDIA EXEMPTION.

(a) EXPANSION OF EXEMPTION TO ADDITIONAL
FORMS OF MEDIA.—Section 301(9)(B)(i) of the Federal
Election Campaign Act of 1971 (52 U.S.C. 30101(B)(i))
is amended to read as follows:

“(i) any news story, commentary, or edi-
torial distributed through the facilities of any
broadcasting, cable, satellite, or internet-based
station, programmer, operator or producer;
newspaper, magazine, or other periodical pub-
lisher; electronic publisher, platform, or applica-
tion; book publisher; or filmmaker or film pro-
ducer, distributor or exhibitor, unless such fa-
cilities are owned or controlled by any political
party, political committee, or candidate;”.

(b) APPLICATION TO CONTRIBUTIONS.—Section
301(8)(B) of such Act (52 U.S.C. 30101(B)(i)), as
amended by section 332(a)(1), is amended—

(1) by redesignating clauses (i) through (xv) as
clauses (ii) through (xvi); and
(2) by inserting before clause (ii) (as so redesignated) the following new clause:

“(i) any payment for any news story, commentary, or editorial distributed through the facilities of any broadcasting, cable, satellite, or internet-based station, programmer, operator or producer; newspaper, magazine, or other periodical publisher; electronic publisher, platform, or application; book publisher; or filmmaker or film producer, distributor or exhibitor.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections held during 2024 or any succeeding year.

Subtitle E—Prohibition on Issuance of Regulations on Political Contributions

SEC. 341. PROHIBITION ON ISSUANCE OF REGULATIONS ON POLITICAL CONTRIBUTIONS.

The Securities and Exchange Commission may not finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.
Subtitle F—Miscellaneous
Provisions

SEC. 351. PERMANENT EXTENSION OF FINES FOR QUALIFIED DISCLOSURE REQUIREMENT VIOLATIONS.

Section 309(a)(4)(C)(v) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking “, and that end on or before December 31, 2023”.

SEC. 352. POLITICAL COMMITTEE DISBURSEMENT REQUIREMENTS.

Section 302(h)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102(h)(1)) is amended by striking “except by check drawn on such accounts in accordance with this section” and inserting “except from such accounts”.

SEC. 353. DESIGNATION OF INDIVIDUAL AUTHORIZED TO MAKE CAMPAIGN COMMITTEE DISBURSEMENTS IN EVENT OF DEATH OF CANDIDATE.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102), as amended by section 307(b), is amended by adding at the end the following new subsection:

“(k)(1) Each candidate may, with respect to each authorized committee of the candidate, designate an indi-
individual who shall be responsible for disbursing funds in the accounts of the committee in the event of the death of the candidate, and may also designate another individual to carry out the responsibilities of the designated individual under this subsection in the event of the death or incapacity of the designated individual or the unwillingness of the designated individual to carry out the responsibilities.

“(2) In order to designate an individual under this subsection, the candidate shall file with the Commission a signed written statement (in a standardized form developed by the Commission) that contains the name and address of the individual and the name of the authorized committee for which the designation shall apply, and that may contain the candidate’s instructions regarding the disbursement of the funds involved by the individual. At any time after filing the statement, the candidate may revoke the designation of an individual by filing with the Commission a signed written statement of revocation (in a standardized form developed by the Commission).

“(3)(A) Upon the death of a candidate who has designated an individual for purposes of paragraph (1), funds in the accounts of each authorized committee of the candidate may be disbursed only under the direction and in accordance with the instructions of such individual, sub-
ject to the terms and conditions applicable to the disburse-
ment of such funds under this Act or any other applicable
Federal or State law (other than any provision of State
law which authorizes any person other than such indi-
vidual to direct the disbursement of such funds).

“(B) Subparagraph (A) does not apply with respect
to an authorized committee if, at the time of the can-
didate’s death, the authorized committee has a treasurer
or a designated agent of the treasurer as described in sec-
tion 302(a), unless the treasurer or designated agent is
incapacitated or cannot be reached by the authorized com-
mittee.

“(C) Nothing in this paragraph may be construed to
grant any authority to an individual who is designated
pursuant to this subsection other than the authority to
direct the disbursement of funds as provided in such para-
graph, or may be construed to affect the responsibility of
the treasurer of an authorized committee for which funds
are disbursed in accordance with such paragraph to file
reports of the disbursements of such funds under section
304(a).”.

(b) INCLUSION OF DESIGNATION IN STATEMENT OF
ORGANIZATION OF COMMITTEE.—Section 303(b) of such
Act (52 U.S.C. 30103(b)) is amended—
(1) in paragraph (5), by striking “and” at the end;

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

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

“(7) in the case of an authorized committee of a candidate who has designated an individual under section 302(k) (including a second individual designated to carry out the responsibilities of that individual under such section in the event of that individual’s death or incapacity or unwillingness to carry out the responsibilities) to disburse funds from the accounts of the committee in the event of the death of the candidate, a copy of the statement filed by the candidate with the Commission under such section (as well as a copy of any subsequent statement of revocation filed by the candidate with the Commission under such section).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to authorized campaign committees which are designated under section 302(e)(1) of the Federal Election Campaign Act of 1971 before, on, or after the date of the enactment of this Act.
SEC. 354. PROHIBITION ON CONTRIBUTIONS IN NAME OF ANOTHER.

Section 320 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30122) is amended by adding at the end the following new sentence: “No person shall knowingly direct, help, or assist any person in making a contribution in the name of another person.”

SEC. 355. UNANIMOUS CONSENT OF COMMISSION MEMBERS REQUIRED FOR COMMISSION TO REFUSE TO DEFEND ACTIONS BROUGHT AGAINST COMMISSION.

(a) UNANIMOUS CONSENT.—Section 307 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107) is amended by adding at the end the following new subsection:

“(f)(1) Except as provided in paragraph (2), the Commission shall defend each action brought against the Commission under this Act or chapter 95 and 96 of the Internal Revenue Code of 1986—

“(A) through the general counsel, as provided in subsection (a)(6);

“(B) by appointing counsel as provided in section 306(f)(4); or

“(C) by referral to the Attorney General in the case of a criminal action.
“(2) The Commission may refuse to defend an action brought against the Commission pursuant to the unanimous vote of its Members.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to actions brought on or after the date of the enactment of this Act.

SEC. 356. FEDERAL ELECTION COMMISSION MEMBER PAY.

Section 306(a)(4) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(a)(4)) is amended by striking “equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315)” and inserting “at an annual rate of basic pay of $186,300, as adjusted under section 5318 of title 5, United States Code, in the same manner as the annual rate of pay for positions at each level of the Executive Schedule”.

SEC. 357. UNIFORM STATUTE OF LIMITATIONS FOR PROCEEDINGS TO ENFORCE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) 5-Year Limitation.—Section 406(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30145(a)) is amended—

(1) by striking “(a)” and inserting “(a)(1)”;

and

(2) by adding at the end the following new paragraph:
“(2) No person shall be subject to a civil penalty for any violation of title III of this Act unless the proceeding is initiated in accordance with section 309 not later than 5 years after the date on which the violation occurred.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 358. DEADLINE FOR PROMULGATION OF PROPOSED REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Federal Election Commission shall publish in the Federal Register proposed regulations to carry out this title and the amendments made by this title.

TITLE IV—ELECTION SECURITY
Subtitle A—Promoting Election Security

SEC. 401. SHORT TITLE.

This title may be cited as the “Election Security Assistance Act”.

SEC. 402. REPORTS TO CONGRESS ON FOREIGN THREATS TO ELECTIONS.

(a) In General.—Not later than 30 days after the date of enactment of this Act, and 30 days after the end of each fiscal year thereafter, the Secretary of Homeland Security and the Director of National Intelligence, in co-
ordination with the heads of the appropriate Federal entities, shall submit a joint report to the appropriate congressional committees and the chief State election official of each State on foreign threats to elections in the United States, including physical and cybersecurity threats.

(b) Voluntary Participation by States.—The Secretary shall solicit and consider voluntary comments from all State election agencies. Participation by an election agency in the report under this section shall be voluntary and at the discretion of the State.

(c) Appropriate Federal Entities.—In this section, the term “appropriate Federal entities” means—

(1) the Department of Commerce, including the National Institute of Standards and Technology;

(2) the Department of Defense;

(3) the Department of Homeland Security, including the component of the Department that reports to the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department;

(4) the Department of Justice, including the Federal Bureau of Investigation;

(5) the Election Assistance Commission; and

(6) the Office of the Director of National Intelligence, the National Security Agency, and such
other elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) as the Director of National Intelligence determines are appropriate.

(d) OTHER DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Rules and Administration, the Committee on Homeland Security and Governmental Affairs, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on House Administration, the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives;

(2) the term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act;

(3) the term “election agency” means any component of a State or any component of a unit of
local government of a State that is responsible for administering Federal elections;

(4) the term “Secretary” means the Secretary of Homeland Security; and

(5) the term “State” has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

SEC. 403. RULE OF CONSTRUCTION.

Nothing in this title may be construed as authorizing the Secretary of Homeland Security to carry out the administration of an election for Federal office.

Subtitle B—Cybersecurity for Election Systems

SEC. 411. CYBERSECURITY ADVISORIES RELATING TO ELECTION SYSTEMS.

(a) CYBERSECURITY ADVISORIES.—

(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security (in this subtitle referred to as the “Director”) shall collaborate with the Election Assistance Commission (in this subtitle referred to as the “Commission”) to determine if an advisory relating to the cybersecurity of election systems used in the administration of elections for Federal office or the cybersecurity of elections for Fed-
eral office generally is necessary. If such a determination is made in the affirmative, the Director shall collaborate with the Commission in the preparation of such an advisory.

(2) PROHIBITION.—The Director may not issue an advisory described in paragraph (1) unless the Commission has provided input relating thereto.

(b) NOTIFICATION.—If the Director issues an advisory described in subsection (a), the Director, in collaboration with the Commission, shall provide to appropriate State election officials and vendors of covered voting systems notification relating thereto.

SEC. 412. PROCESS TO TEST FOR AND MONITOR CYBERSECURITY VULNERABILITIES IN ELECTION EQUIPMENT.

(a) Process for Covered Voting Systems.—

(1) IN GENERAL.—The Director and the Commission (in consultation with the Technical Guidelines Development Committee and the Standards Board of the Commission), shall jointly establish a voluntary process to test for and monitor covered voting systems for cybersecurity vulnerabilities. Such process shall include the following:

(A) Mitigation strategies and other remedies.
(B) Notice to the Commission and appropriate entities of the results of testing conducted pursuant to such process.

(2) IMPLEMENTATION.—The Director shall implement the process established under paragraph (1) at the request of the Commission.

(b) LABELING FOR VOTING SYSTEMS.—The Commission (in consultation with the Technical Guidelines Development Committee and the Standards Board of the Commission), shall establish a process to provide for the deployment of appropriate labeling available through the website of the Commission to indicate that covered voting systems passed the most recent cybersecurity testing pursuant to the process established under subsection (a).

(c) RULES OF CONSTRUCTION.—The process established under subsection (a), including the results of any testing carried out pursuant to this section, shall not affect—

(1) the certification status of equipment used in the administration of an election for Federal office under the Help America Vote Act of 2002; or

(2) the authority of the Commission to so certify such equipment under such Act.

(d) DEFINITION.—In this section, the term “covered voting systems” means equipment used in the administra-
tion of an election for Federal office that is certified in accordance with versions of Voluntary Voting System Guidelines under the Help America Vote Act of 2002 under which such equipment is not required to be tested for cybersecurity vulnerabilities.

SEC. 413. DUTY OF SECRETARY OF HOMELAND SECURITY TO NOTIFY STATE AND LOCAL OFFICIALS OF ELECTION CYBERSECURITY INCIDENTS.

(a) Duty to Share Information With Department of Homeland Security.—If a Federal entity receives information about an election cybersecurity incident, the Federal entity shall promptly share that information with the Department of Homeland Security, unless the head of the entity (or a Senate-confirmed official designated by the head) makes a specific determination in writing that there is good cause to withhold the particular information.

(b) Response to Receipt of Information by Secretary of Homeland Security.—

(1) In General.—Upon receiving information about an election cybersecurity incident under subsection (a), the Secretary of Homeland Security, in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall promptly (but
in no case later than 96 hours after receiving the information) review the information and make a determination whether each of the following apply:

(A) There is credible evidence that the incident occurred.

(B) There is a basis to believe that the incident resulted, could have resulted, or could result in voter information systems or voter tabulation systems being altered or otherwise affected.

(2) DUTY TO NOTIFY STATE AND LOCAL OFFICIALS.—

(A) DUTY DESCRIBED.—If the Secretary makes a determination under paragraph (1) that subparagraphs (A) and (B) of such paragraph apply with respect to an election cybersecurity incident, not later than 96 hours after making the determination, the Secretary shall provide a notification of the incident to each of the following:

(i) The chief executive of the State involved.

(ii) The State election official of the State involved.
(iii) The local election official of the election agency involved.

(B) TREATMENT OF CLASSIFIED INFORMATION.—

(i) EFFORTS TO AVOID INCLUSION OF CLASSIFIED INFORMATION.—In preparing a notification provided under this paragraph to an individual described in clause (i), (ii), or (iii) of subparagraph (A), the Secretary shall attempt to avoid the inclusion of classified information.

(ii) PROVIDING GUIDANCE TO STATE AND LOCAL OFFICIALS.—To the extent that a notification provided under this paragraph to an individual described in clause (i), (ii), or (iii) of subparagraph (A) includes classified information, the Secretary (in consultation with the Attorney General and the Director of National Intelligence) shall indicate in the notification which information is classified.

(3) EXCEPTION.—

(A) IN GENERAL.—If the Secretary, in consultation with the Attorney General and the Director of National Intelligence, makes a de-
termination that it is not possible to provide a notification under paragraph (1) with respect to an election cybersecurity incident without compromising intelligence methods or sources or interfering with an ongoing investigation, the Secretary shall not provide the notification under such paragraph.

(B) ONGOING REVIEW.—Not later than 30 days after making a determination under subparagraph (A) and every 30 days thereafter, the Secretary shall review the determination. If, after reviewing the determination, the Secretary makes a revised determination that it is possible to provide a notification under paragraph (2) without compromising intelligence methods or sources or interfering with an ongoing investigation, the Secretary shall provide the notification under paragraph (2) not later than 96 hours after making such revised determination.

(4) COORDINATION WITH ELECTION ASSISTANCE COMMISSION.—The Secretary shall make determinations and provide notifications under this subsection in the same manner, and subject to the same terms and conditions relating to the role of the Election Assistance Commission, in which the Direc-
tor of the Cybersecurity and Infrastructure Security
Agency of the Department of Homeland Security
makes determinations as to the necessity of an advis-
sory and the issuance of an advisory under section
411(a) and the provision of notification under sec-
tion 411(b).

(c) DEFINITIONS.—In this section, the following defi-
nitions apply:

(1) ELECTION AGENCY.—The term “election
agency” means any component of a State, or any
component of a unit of local government in a State,
which is responsible for the administration of elec-
tions for Federal office in the State.

(2) ELECTION CYBERSECURITY INCIDENT.—
The term “election cybersecurity incident” means an
occurrence that actually or imminently jeopardizes,
without lawful authority, the integrity, confiden-
tiality, or availability of information on an informa-
tion system of election infrastructure (including a
vote tabulation system), or actually or imminently
jeopardizes, without lawful authority, such an inform-
tation system of election infrastructure.

(3) FEDERAL ELECTION.—The term “Federal
election” means any election (as defined in section
301(1) of the Federal Election Campaign Act of
1971 (52 U.S.C. 30101(1))) for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3))).

(4) **Federal entity.**—The term “Federal entity” means any agency (as defined in section 551 of title 5, United States Code).

(5) **Local election official.**—The term “local election official” means the chief election official of a component of a unit of local government of a State that is responsible for administering Federal elections.

(6) **Secretary.**—The term “Secretary” means the Secretary of Homeland Security.

(7) **State.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands.

(8) **State election official.**—The term “State election official” means—

(A) the chief State election official of a State designated under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509); or
(B) in the case of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands, a chief State election official designated by the State for purposes of this Act.

(d) EFFECTIVE DATE.—This section shall apply with respect to information about an election cybersecurity incident which is received on or after the date of the enactment of this Act.

TITLE V—SENSE OF CONGRESS WITH RESPECT TO ROLE OF STATES IN CONGRESSIONAL REDISTRICTING

SEC. 501. SENSE OF CONGRESS WITH RESPECT TO ROLE OF STATES IN CONGRESSIONAL REDISTRICTING.

It is the sense of Congress that, while Congress is authorized under the Constitution of the United States to ensure that congressional redistricting is carried out in a manner consistent with the Constitution, only a State has the authority to establish maps of the congressional districts of the State and to determine the procedures and criteria used to establish such maps.
TITLE VI—DISINFORMATION GOVERNANCE BOARD

SEC. 601. TERMINATION OF THE DISINFORMATION GOVERNANCE BOARD.

The Disinformation Governance Board of the Department of Homeland Security is hereby terminated.

SEC. 602. PROHIBITION ON FUNDING THE ACTIVITIES OF THE DISINFORMATION GOVERNANCE BOARD.

No Federal funds authorized to be appropriated or otherwise made available may be used to establish or carry out the activities of any other entity that is substantially similar to the Disinformation Governance Board terminated by section 701.

TITLE VII—SEVERABILITY

SEC. 701. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of such provision or amendment to any other person or circumstance, shall not be affected by the holding.