

117TH CONGRESS  
2D SESSION

# S. 4239

To establish a democracy advancement and innovation program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 17), 2022

Ms. KLOBUCHAR (for herself, Ms. WARREN, Ms. SMITH, Mrs. FEINSTEIN, Mr. WYDEN, Mr. PADILLA, Mr. MERKLEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. KING, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To establish a democracy advancement and innovation program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Sustaining Our Democracy Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS AND ALLOCATIONS TO STATES

Sec. 101. Democracy Advancement and Innovation Program.

- Sec. 102. State plan.  
 Sec. 103. Prohibitions.  
 Sec. 104. Amount of State allocation.  
 Sec. 105. Procedures for disbursements of payments and allocations.  
 Sec. 106. Office of Democracy Advancement and Innovation.

TITLE II—STATE ELECTION ASSISTANCE AND INNOVATION  
TRUST FUND

- Sec. 201. State Election Assistance and Innovation Trust Fund.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Definitions.  
 Sec. 302. Rule of construction regarding calculation of deadlines.  
 Sec. 303. Severability.

1           **TITLE I—PAYMENTS AND**  
 2           **ALLOCATIONS TO STATES**

3   **SEC. 101. DEMOCRACY ADVANCEMENT AND INNOVATION**  
 4           **PROGRAM.**

5           (a) ESTABLISHMENT.—There is established a pro-  
 6 gram to be known as the “Democracy Advancement and  
 7 Innovation Program” under which the Director of the Of-  
 8 fice of Democracy Advancement and Innovation shall  
 9 make allocations to each State for each fiscal year to carry  
 10 out democracy promotion activities described in subsection  
 11 (b).

12           (b) DEMOCRACY PROMOTION ACTIVITIES DE-  
 13 SCRIBED.—The democracy promotion activities described  
 14 in this subsection are as follows:

15           (1) Activities to promote innovation to improve  
 16 efficiency and smooth functioning in the administra-  
 17 tion of elections for Federal office and to secure the  
 18 infrastructure used in the administration of such

1 elections, including making upgrades to voting  
2 equipment and voter registration systems, voter reg-  
3 istration and nonpartisan voter outreach activities,  
4 securing voting locations, expanding polling places  
5 and the availability of early and mail voting, and  
6 promoting cybersecurity.

7 (2) Activities to recruit, train, and retain non-  
8 partisan election officials and poll workers and to  
9 protect election officials (both nonpartisan and those  
10 elected or appointed to their position) from threats  
11 against them in the course of their work admin-  
12 istering Federal elections.

13 (3) Activities to increase access to voting in  
14 elections for Federal office by underserved commu-  
15 nities, individuals with disabilities, racial and lan-  
16 guage minority groups, individuals entitled to vote  
17 by absentee ballot under the Uniformed and Over-  
18 seas Citizens Absentee Voting Act, and voters resid-  
19 ing in Indian lands.

20 (c) PERMITTING STATES TO RETAIN AND RESERVE  
21 ALLOCATIONS FOR FUTURE USE.—A State may retain  
22 and reserve an allocation received for a fiscal year to carry  
23 out democracy promotion activities in any subsequent fis-  
24 cal year.

1 (d) REQUIRING SUBMISSION AND APPROVAL OF  
2 STATE PLAN.—

3 (1) IN GENERAL.—A State shall receive an allo-  
4 cation under the Program for a fiscal year if—

5 (A) not later than 90 days before the first  
6 day of the fiscal year, the chief State election  
7 official of the State submits to the Director the  
8 State plan described in section 102; and

9 (B) not later than 45 days before the first  
10 day of the fiscal year, the Director, in consulta-  
11 tion with the Election Assistance Commission  
12 as described in paragraph (3), determines that  
13 the State plan will enable the State to carry out  
14 democracy promotion activities and approves  
15 the plan.

16 (2) SUBMISSION AND APPROVAL OF REVISED  
17 PLAN.—If the Director does not approve the State  
18 plan as submitted by the State under paragraph (1)  
19 with respect to a fiscal year, the State shall receive  
20 a payment under the Program for the fiscal year if,  
21 at any time prior to the end of the fiscal year—

22 (A) the chief State election official of the  
23 State submits a revised version of the State  
24 plan; and

1 (B) the Director, in consultation with the  
2 Election Assistance Commission as described in  
3 paragraph (3), determines that the revised  
4 version of the State plan will enable the State  
5 to carry out democracy promotion activities and  
6 approves the plan.

7 (3) ELECTION ASSISTANCE COMMISSION CON-  
8 SULTATION.—With respect to a State plan sub-  
9 mitted under paragraph (1) or a revised plan sub-  
10 mitted under paragraph (2)—

11 (A) the Director shall, prior to making a  
12 determination on approval of the plan, consult  
13 with the Election Assistance Commission; and

14 (B) the Election Assistance Commission  
15 shall submit to the Director a written assess-  
16 ment with respect to whether the proposed ac-  
17 tivities of the plan satisfy the requirements of  
18 this Act.

19 (4) CONSULTATION WITH LEGISLATURE.—The  
20 chief State election official of the State shall develop  
21 the State plan submitted under paragraph (1) and  
22 any revised plan submitted under paragraph (2) in  
23 consultation with the majority party and minority  
24 party leaders of each house of the State legislature.

1           (5) RULES FOR STATES THAT DO NOT SUBMIT  
2           A STATE PLAN.—If a State fails to submit a State  
3           plan described in section 102 before the date re-  
4           quired under paragraph (1)(A), under rules estab-  
5           lished by the Director—

6                   (A) for purposes of this title (other than  
7                   section 104)—

8                           (i) each political subdivision within  
9                           the State shall be treated as a State for  
10                          purposes of this title (other than section  
11                          104); and

12                           (ii) in applying this title to such polit-  
13                          ical subdivision, any duties required of the  
14                          chief State election official shall be under-  
15                          taken by the executive official of such po-  
16                          litical subdivision charged with the admin-  
17                          istration of elections;

18                          (B) in applying this subsection to any po-  
19                          litical subdivision of the State—

20                           (i) paragraph (1)(A) shall be applied  
21                          by substituting “the first day of the fiscal  
22                          year” for “90 days before the first day of  
23                          the fiscal year”;

24                           (ii) paragraph (1)(B) shall be applied  
25                          by substituting “30 days after the first day

1 of the fiscal year” for “45 days before the  
2 first day of the fiscal year”; and

3 (iii) paragraph (4) shall not apply;

4 and

5 (C) the amount of the allocation made to  
6 each such political subdivision under the Pro-  
7 gram shall be the sum of—

8 (i) an amount which bears the same  
9 proportion to the amount determined  
10 under section 104 with respect to the State  
11 in which the political subdivision is located  
12 as—

13 (I) the population of the political  
14 subdivision; bears to

15 (II) the population of such State;  
16 plus

17 (ii) an amount (not to exceed 100 per-  
18 cent of the amount determined with re-  
19 spect to the political subdivision under  
20 clause (i)) which bears the same proportion  
21 to the unsubscribed funds of the State  
22 as—

23 (I) the population of the political  
24 subdivision; bears to

1 (II) the population of the number  
2 of political subdivisions within the  
3 State that submitted a plan under  
4 section 102 before the date required  
5 under paragraph (1)(A) (after appli-  
6 cation of subparagraph (B)).

7 For purposes of subparagraph (C)(ii), the  
8 unsubscribed funds of any State is the sum of the  
9 amounts described in subparagraph (C)(i) with re-  
10 spect to political subdivisions in the State which did  
11 not submit a plan under this subsection before the  
12 date required under paragraph (1)(A) (after applica-  
13 tion of subparagraph (B)).

14 (e) STATE REPORT ON USE OF ALLOCATIONS.—Not  
15 later than 90 days after the last day of a fiscal year for  
16 which an allocation was made to the State under the Pro-  
17 gram, the chief State election official of the State shall  
18 submit a report to the Director describing how the State  
19 used the allocation, including a description of the democ-  
20 racy promotion activities the State carried out with the  
21 allocation.

22 (f) PUBLIC AVAILABILITY OF INFORMATION.—

23 (1) PUBLICLY AVAILABLE WEBSITE.—The Di-  
24 rector shall make available on a publicly accessible  
25 website the following:



1 (A) State plans submitted under para-  
2 graph (1) of subsection (d) and revised plans  
3 submitted under paragraph (2) of subsection  
4 (d).

5 (B) The Director's notifications of deter-  
6 minations with respect to such plans under sub-  
7 section (d).

8 (C) Reports submitted by States under  
9 subsection (e).

10 (2) REDACTION.—The Director may redact in-  
11 formation required to be made available under para-  
12 graph (1) if the information would be properly with-  
13 held from disclosure under section 552 of title 5,  
14 United States Code, or if the public disclosure of the  
15 information is otherwise prohibited by law.

16 (g) EFFECTIVE DATE.—This section shall apply with  
17 respect to fiscal year 2023 and each succeeding fiscal year.

18 **SEC. 102. STATE PLAN.**

19 (a) CONTENTS.—A State plan under this section with  
20 respect to a State is a plan containing each of the fol-  
21 lowing:

22 (1) A description of the democracy promotion  
23 activities the State will carry out with the payment  
24 made under the Program.

1           (2) A statement of whether or not the State in-  
2 tends to retain and reserve the payment for future  
3 democracy promotion activities.

4           (3) A statement of how the State intends to  
5 distribute resources under the plan, including how  
6 the distribution of resources will address geographic  
7 and racial disparities within the State.

8           (4) A description of how the State intends to  
9 allocate funds to carry out the proposed activities,  
10 which shall include the amount the State intends to  
11 allocate to each such activity, including (if applica-  
12 ble) a specific allocation for—

13                   (A) activities described in subsection  
14 101(b)(1) (relating to election administration);

15                   (B) activities described in section  
16 101(b)(2) (relating to activities to recruit, train,  
17 retain, and protect election workers); and

18                   (C) activities described in section  
19 101(b)(3) (relating to activities to increase ac-  
20 cess to voting in elections for Federal office by  
21 certain communities).

22           (5) A description of how funds allocated under  
23 paragraph (4) will be allocated to political subdivi-  
24 sions of the State.

1           (6) A description of how the State will establish  
2 the fund described in subsection (b) for purposes of  
3 administering the democracy promotion activities  
4 which the State will carry out with the payment, in-  
5 cluding information on fund management.

6           (7) A description of the State-based administra-  
7 tive complaint procedures established for purposes of  
8 section 103(a)(2).

9           (8) A statement regarding whether the pro-  
10 posed activities to be funded are permitted under  
11 State law, or whether the official intends to seek  
12 legal authorization for such activities.

13 (b) REQUIREMENTS FOR FUND.—

14           (1) FUND DESCRIBED.—For purposes of sub-  
15 section (a)(6), a fund described in this subsection  
16 with respect to a State is a fund which is established  
17 in the treasury of the State government, which is  
18 used in accordance with paragraph (2), and which  
19 consists of the following amounts:

20           (A) Amounts appropriated or otherwise  
21 made available by the State for carrying out the  
22 democracy promotion activities for which the  
23 payment is made to the State under the Pro-  
24 gram.

1 (B) The payment made to the State under  
2 the Program.

3 (C) Such other amounts as may be appro-  
4 priated under law.

5 (D) Interest earned on deposits of the  
6 fund.

7 (2) USE OF FUND.—Amounts in the fund shall  
8 be used by the State exclusively to carry out democ-  
9 racy promotion activities for which the payment is  
10 made to the State under the Program.

11 (3) TREATMENT OF STATES THAT REQUIRE  
12 CHANGES TO STATE LAW.—In the case of a State  
13 that requires State legislation to establish the fund  
14 described in this subsection, the Director shall defer  
15 disbursement of the payment to such State under  
16 the Program until such time as legislation estab-  
17 lishing the fund is enacted.

18 **SEC. 103. PROHIBITIONS.**

19 (a) PROHIBITED USES OF PAYMENTS.—

20 (1) IN GENERAL.—A State may not use a pay-  
21 ment made under the Program to carry out—

22 (A) any activity described in paragraph

23 (2); or

24 (B) any other activity which has the pur-  
25 pose or effect of diminishing the ability of any

1 eligible voter to participate in the electoral proc-  
2 ess.

3 (2) PROHIBITED ACTIVITIES.—The following  
4 are activities described in this paragraph:

5 (A) Activities that intimidate, threaten, or  
6 coerce voters, poll workers, or election adminis-  
7 trators.

8 (B) The restriction of the distribution of  
9 food or nonalcoholic beverages to voters while  
10 waiting at polling places (other than restrictions  
11 on distributions made on the basis of the elec-  
12 toral participation or political preference of the  
13 recipient).

14 (C) The removal of election administrators  
15 from their positions other than for negligence,  
16 neglect of duty, or malfeasance in office.

17 (D) Defending against lawsuits alleging  
18 voter-suppression practices or proposed prac-  
19 tices.

20 (E) The investigation of claims of voter  
21 fraud based on the mere invocation of interests  
22 in voter confidence or prevention of fraud.

23 (F) The performance of audits that—

1 (i) fail to meet best practices estab-  
2 lished by the Election Assistance Commis-  
3 sion;

4 (ii) fail to meet the requirements for  
5 record retention under title III of the Civil  
6 Rights Act of 1960 (52 U.S.C. 20701 et  
7 seq.); or

8 (iii) otherwise jeopardize election  
9 records, voting equipment, electronic poll  
10 books, or election management systems (as  
11 defined under the voluntary guidance  
12 issued by the Election Assistance Commis-  
13 sion under section 311 of the Help Amer-  
14 ica Vote Act of 2002 (52 U.S.C. 21101)).

15 (G) The removal of voters from voter rolls  
16 based on evidence that is not reliable.

17 (H) Activities preventing individuals seek-  
18 ing to have their right to vote or register to  
19 vote restored.

20 (I) The purchase of voting machines that  
21 do not require the use of individual voter-  
22 verifiable paper ballots marked through the use  
23 of a nontabulating ballot marking device or sys-  
24 tem.

1 (b) STATE-BASED ADMINISTRATIVE COMPLAINT  
2 PROCEDURES.—

3 (1) ESTABLISHMENT.—A State receiving a pay-  
4 ment under the Program shall establish uniform and  
5 nondiscriminatory State-based administrative com-  
6 plaint procedures under which any person who be-  
7 lieves that a violation of subsection (a) has occurred,  
8 is occurring, or is about to occur may file a com-  
9 plaint.

10 (2) NOTIFICATION TO DIRECTOR.—The State  
11 shall transmit to the Director a description of each  
12 complaint filed under the procedures, together  
13 with—

14 (A) if the State provides a remedy with re-  
15 spect to the complaint, a description of the rem-  
16 edy; or

17 (B) if the State dismisses the complaint, a  
18 statement of the reasons for the dismissal.

19 (3) REVIEW BY DIRECTOR.—

20 (A) REQUEST FOR REVIEW.—Any person  
21 who is dissatisfied with the final decision under  
22 a State-based administrative complaint proce-  
23 dure under this subsection may, not later than  
24 60 days after the decision is made, file a re-  
25 quest with the Director to review the decision.

1           (B) ACTION BY DIRECTOR.—Upon receiv-  
2           ing a request under subparagraph (A), the Di-  
3           rector shall review the decision and, in accord-  
4           ance with such procedures as the Director may  
5           establish, including procedures to provide notice  
6           and an opportunity for a hearing, may uphold  
7           the decision or reverse the decision and provide  
8           an appropriate remedy.

9           (C) PUBLIC AVAILABILITY OF MATE-  
10          RIAL.—The Director shall make available on a  
11          publicly accessible website all material relating  
12          to a request for review and determination by  
13          the Director under this paragraph, except that  
14          the Director may redact material required to be  
15          made available under this subparagraph if the  
16          material would be properly withheld from dis-  
17          closure under section 552 of title 5, United  
18          States Code, or if the public disclosure of the  
19          material is otherwise prohibited by law.

20          (4) RIGHT TO PETITION FOR REVIEW.—

21               (A) IN GENERAL.—Any person aggrieved  
22               by an action of the Director under subpara-  
23               graph (B) of paragraph (3) may file a petition  
24               with the United States District Court for the  
25               District of Columbia.



1 (B) DEADLINE TO FILE PETITION.—Any  
2 petition under this subparagraph shall be filed  
3 not later than 60 days after the date of the ac-  
4 tion taken by the Director under subparagraph  
5 (B) of paragraph (3).

6 (C) STANDARD OF REVIEW.—In any pro-  
7 ceeding under this paragraph, the court shall  
8 determine whether the action of the Director  
9 was arbitrary, capricious, an abuse of discre-  
10 tion, or otherwise not in accordance with law  
11 under section 706 of title 5, United States  
12 Code, and may direct the Office to conform  
13 with any such determination within 30 days.

14 (c) ACTION BY ATTORNEY GENERAL FOR DECLARA-  
15 TORY AND INJUNCTIVE RELIEF.—The Attorney General  
16 may bring a civil action against any State in an appro-  
17 priate United States District Court for such declaratory  
18 and injunctive relief (including a temporary restraining  
19 order, a permanent or temporary injunction, or other  
20 order) as may be necessary to enforce subsection (a).

21 **SEC. 104. AMOUNT OF STATE ALLOCATION.**

22 (a) STATE-SPECIFIC AMOUNT.—The amount of the  
23 allocation made to a State under the Program for a fiscal  
24 year shall be equal to the product of—

1           (1) the Congressional district allocation amount  
2           (determined under subsection (b)); and

3           (2) the number of Congressional districts in the  
4           State for the next regularly scheduled general elec-  
5           tion for Federal office held in the State.

6           (b) CONGRESSIONAL DISTRICT ALLOCATION  
7 AMOUNT.—For purposes of subsection (a), the “Congres-  
8 sional district allocation amount” with respect to a fiscal  
9 year is equal to the quotient of—

10           (1) the aggregate amount available for alloca-  
11           tions to States under the Program for the fiscal  
12           year, as determined by the Director under sub-  
13           section (c); divided by

14           (2) the total number of Congressional districts  
15           in all States.

16           (c) DETERMINATION OF AGGREGATE AMOUNT  
17 AVAILABLE FOR ALLOCATIONS; NOTIFICATION TO  
18 STATES.—Not later than 120 days before the first day  
19 of each fiscal year, the Director—

20           (1) shall determine and establish the aggregate  
21           amount available for allocations to States under the  
22           Program for the fiscal year, taking into account the  
23           anticipated balances of the Trust Fund (including  
24           any amounts appropriated pursuant to section  
25           106(i)); and

1           (2) shall notify each State of the amount of the  
2           State's allocation under the Program for the fiscal  
3           year.

4 In making the determination under paragraph (1), the Di-  
5 rector shall consult with the Election Assistance Commis-  
6 sion, but shall be solely responsible for making the final  
7 determinations under such paragraph.

8           (d) SOURCE OF PAYMENTS.—The amounts used to  
9 make allocations and payments under the Program shall  
10 be derived solely from the Trust Fund.

11 **SEC. 105. PROCEDURES FOR DISBURSEMENTS OF PAY-**  
12 **MENTS AND ALLOCATIONS.**

13           (a) ALLOCATION.—Upon approving the State plan  
14 under section 102, the Director shall direct the Secretary  
15 of the Treasury to allocate to the Election Assistance  
16 Commission the amount provided for activities under the  
17 plan.

18           (b) PAYMENT TO STATE.—As soon as practicable  
19 after receiving an allocation under subsection (a) with re-  
20 spect to a State, the Election Assistance Commission shall  
21 make payments to—

22           (1) local election administrators in the State  
23 with respect to amounts related to activities in the  
24 State plan carried out directly by such local election  
25 administrators; and

1           (2) the State with respect to any amount not  
2 described in paragraph (1).

3           (c) CONTINUING AVAILABILITY OF FUNDS AFTER  
4 APPROPRIATION.—A payment made to a State by the  
5 Election Assistance Commission under this section shall  
6 be available without fiscal year limitation.

7 **SEC. 106. OFFICE OF DEMOCRACY ADVANCEMENT AND IN-**  
8 **NOVATION.**

9           (a) ESTABLISHMENT.—There is established as an  
10 independent establishment in the executive branch the Of-  
11 fice of Democracy Advancement and Innovation.

12           (b) DIRECTOR.—

13           (1) IN GENERAL.—The Office shall be headed  
14 by a Director, who shall be appointed by the Presi-  
15 dent with the advice and consent of the Senate.

16           (2) TERM OF SERVICE.—The Director shall  
17 serve for a term of 6 years and may be reappointed  
18 to an additional term, and may continue serving as  
19 Director until a replacement is appointed. A vacancy  
20 in the position of Director shall be filled in the same  
21 manner as the original appointment.

22           (3) COMPENSATION.—The Director shall be  
23 paid at an annual rate of pay equal to the annual  
24 rate in effect for level II of the Executive Schedule.

1           (4) REMOVAL.—The Director may be removed  
2           from office by the President. If the President re-  
3           moves the Director, the President shall communicate  
4           in writing the reasons for the removal to both  
5           Houses of Congress not later than 30 days before-  
6           hand. Nothing in this paragraph shall be construed  
7           to prohibit a personnel action otherwise authorized  
8           by law.

9           (c) GENERAL COUNSEL AND OTHER STAFF.—

10           (1) GENERAL COUNSEL.—The Director shall  
11           appoint a general counsel who shall be paid at an  
12           annual rate of pay equal to the annual rate in effect  
13           for level III of the Executive Schedule. In the event  
14           of a vacancy in the position of the Director, the  
15           General Counsel shall exercise all the responsibilities  
16           of the Director until such vacancy is filled.

17           (2) SENIOR STAFF.—The Director may appoint  
18           and fix the pay of staff designated as Senior staff,  
19           such as a Deputy Director, who may be paid at an  
20           annual rate of pay equal to the annual rate in effect  
21           for level IV of the Executive Schedule.

22           (3) OTHER STAFF.—In addition to the General  
23           Counsel and Senior staff, the Director may appoint  
24           and fix the pay of such other staff as the Director  
25           considers necessary to carry out the duties of the

1 Office, except that no such staff may be com-  
2 pensated at an annual rate exceeding the daily  
3 equivalent of the annual rate of basic pay in effect  
4 for grade GS-15 of the General Schedule.

5 (d) DUTIES.—The duties of the Office are as follows:

6 (1) ADMINISTRATION OF PROGRAM.—The Di-  
7 rector shall administer the Program, in consultation  
8 with the Election Assistance Commission, including  
9 by holding quarterly meetings of representatives  
10 from such Commission.

11 (2) OVERSIGHT OF TRUST FUND.—The Direc-  
12 tor shall oversee the operation of the Trust Fund  
13 and monitor its balances, in consultation with the  
14 Election Assistance Commission and the Secretary  
15 of the Treasury. The Director may hold funds in re-  
16 serve to cover the expenses of the Office and to pre-  
17 serve the solvency of the Trust Fund.

18 (3) REPORTS.—Not later than 180 days after  
19 the date of the regularly scheduled general election  
20 for Federal office held in 2024 and each succeeding  
21 regularly scheduled general election for Federal of-  
22 fice thereafter, the Director, in consultation with the  
23 Election Assistance Commission, shall submit to the  
24 Committee on House Administration of the House of  
25 Representatives and the Committee on Rules and

1 Administration of the Senate a report on the activi-  
2 ties carried out under the Program and the amounts  
3 deposited into and paid from the Trust Fund during  
4 the two most recent fiscal years.

5 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF  
6 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—

7 (1) IN GENERAL.—Section 8G(a)(2) of the In-  
8 spector General Act of 1978 (5 U.S.C. App.) is  
9 amended by inserting “the Office of Democracy Ad-  
10 vancement and Innovation,” after “Election Assist-  
11 ance Commission,”.

12 (2) EFFECTIVE DATE.—The amendment made  
13 by paragraph (1) shall take effect 180 days after the  
14 appointment of the Director.

15 (f) COVERAGE UNDER HATCH ACT.—Clause (i) of  
16 section 7323(b)(2)(B) of title 5, United States Code, is  
17 amended—

18 (1) by striking “or” at the end of subclause  
19 (XIII); and

20 (2) by adding at the end the following new sub-  
21 clause:

22 “(XV) the Office of Democracy Advance-  
23 ment and Innovation; or”.

24 (g) REGULATIONS.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), not later than 270 days after the date of  
3           enactment of this Act, the Director shall promulgate  
4           such rules and regulations as the Director considers  
5           necessary and appropriate to carry out the duties of  
6           the Office under this Act and the amendments made  
7           by this Act.

8           (2) STATE PLAN SUBMISSION AND APPROVAL  
9           AND DISTRIBUTION OF FUNDS.—Not later than 90  
10          days after the date of the enactment of this Act, the  
11          Director shall promulgate such rules and regulations  
12          as the Director considers necessary and appropriate  
13          to carry out the requirements of this title and the  
14          amendments made by this title.

15          (3) COMMENTS BY THE ELECTION ASSISTANCE  
16          COMMISSION.—The Election Assistance Commission  
17          shall timely submit comments with respect to any  
18          proposed regulations promulgated by the Director  
19          under this subsection.

20          (h) INTERIM AUTHORITY PENDING APPOINTMENT  
21          AND CONFIRMATION OF DIRECTOR.—

22                 (1) AUTHORITY OF DIRECTOR OF OFFICE OF  
23                 MANAGEMENT AND BUDGET.—Notwithstanding sub-  
24                 section (b), during the transition period, the Direc-  
25                 tor of the Office of Management and Budget is au-



1       thorized to perform the functions of the Office under  
2       this Act, and shall act for all purposes as, and with  
3       the full powers of, the Director.

4               (2) INTERIM ADMINISTRATIVE SERVICES.—

5               (A) AUTHORITY OF OFFICE OF MANAGE-  
6       MENT AND BUDGET.—During the transition pe-  
7       riod, the Director of the Office of Management  
8       and Budget may provide administrative services  
9       necessary to support the Office.

10              (B) TERMINATION OF AUTHORITY; PER-  
11       MITTING EXTENSION.—The Director of the Of-  
12       fice of Management and Budget shall cease pro-  
13       viding interim administrative services under this  
14       paragraph upon the expiration of the transition  
15       period, except that the Director of the Office of  
16       Management and Budget may continue to pro-  
17       vide such services after the expiration of the  
18       transition period if the Director and the Direc-  
19       tor of the Office of Management and Budget  
20       jointly transmit to the Committee on House Ad-  
21       ministration of the House of Representatives  
22       and the Committee on Rules and Administra-  
23       tion of the Senate—

24                      (i) a written determination that an or-  
25                      derly implementation of this Act is not fea-

1           sible by the expiration of the transition pe-  
2           riod;

3           (ii) an explanation of why an exten-  
4           sion is necessary for the orderly implemen-  
5           tation of this Act;

6           (iii) a description of the period during  
7           which the Director of the Office of Man-  
8           agement and Budget shall continue pro-  
9           viding services under the authority of this  
10          subparagraph; and

11          (iv) a description of the steps that will  
12          be taken to ensure an orderly and timely  
13          implementation of this Act during the pe-  
14          riod described in clause (iii).

15          (3) TRANSITION PERIOD DEFINED.—In this  
16          subsection, the “transition period” is the period  
17          which begins on the date of the enactment of this  
18          Act and ends on the date on which the first Director  
19          is appointed.

20          (4) LIMIT ON LENGTH OF PERIOD OF INTERIM  
21          AUTHORITIES.—Notwithstanding any other provision  
22          of this subsection, the Director of the Office of Man-  
23          agement and Budget may not exercise any authority  
24          under this subsection after the expiration of the 24-

1 month period which begins on the date of the enact-  
2 ment of this Act.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated from the Trust Fund  
5 such sums as may be necessary to carry out the activities  
6 of the Office for fiscal year 2023 and each succeeding fis-  
7 cal year.

8 **TITLE II—STATE ELECTION AS-**  
9 **SISTANCE AND INNOVATION**  
10 **TRUST FUND**

11 **SEC. 201. STATE ELECTION ASSISTANCE AND INNOVATION**  
12 **TRUST FUND.**

13 (a) ESTABLISHMENT.—There is established in the  
14 Treasury a fund to be known as the “State Election As-  
15 sistance and Innovation Trust Fund”.

16 (b) CONTENTS.—There is hereby appropriated to the  
17 Trust Fund \$2,000,000,000 for each of fiscal years 2023  
18 through 2032.

19 (c) USE OF FUNDS.—Amounts in the Trust Fund  
20 shall be used to make payments and allocations under the  
21 Program and to carry out the activities of the Office.

22 (d) ACCEPTANCE OF GIFTS.—The Office may accept  
23 gifts or bequests for deposit into the Trust Fund.

1                   **TITLE III—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 301. DEFINITIONS.**

4           In this Act, the following definitions apply:

5               (1) The term “chief State election official” has  
6           the meaning given such term in section 253(e) of the  
7           Help America Vote Act of 2002 (52 U.S.C.  
8           21003(e)).

9               (2) The term “Director” means the Director of  
10          the Office.

11              (3) The term “Indian lands” includes—

12                   (A) Indian country, as defined under sec-  
13           tion 1151 of title 18, United States Code;

14                   (B) any land in Alaska owned, pursuant to  
15           the Alaska Native Claims Settlement Act (43  
16           U.S.C. 1601 et seq.), by an Indian Tribe that  
17           is a Native village (as defined in section 3 of  
18           that Act (43 U.S.C. 1602)) or by a Village Cor-  
19           poration that is associated with an Indian Tribe  
20           (as defined in section 3 of that Act (43 U.S.C.  
21           1602));

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

24                   (D) any land that is part or all of a Tribal  
25           designated statistical area associated with an

1 Indian Tribe, or is part or all of an Alaska Na-  
2 tive village statistical area associated with an  
3 Indian Tribe, as defined by the Census Bureau  
4 for the purposes of the most recent decennial  
5 census.

6 (4) The term “Office” means the Office of De-  
7 mocracy Advancement and Innovation established  
8 under section 105.

9 (5) The term “Program” means the Democracy  
10 Advancement and Innovation Program established  
11 under section 101.

12 (6) The term “State” means each of the several  
13 States, the District of Columbia, the Commonwealth  
14 of Puerto Rico, Guam, American Samoa, the United  
15 States Virgin Islands, and the Commonwealth of the  
16 Northern Mariana Islands.

17 (7) The term “Trust Fund” means the State  
18 Election Assistance and Innovation Trust Fund es-  
19 tablished under section 201.

20 **SEC. 302. RULE OF CONSTRUCTION REGARDING CALCULA-**  
21 **TION OF DEADLINES.**

22 (a) IN GENERAL.—With respect to the calculation of  
23 any period of time for the purposes of a deadline in this  
24 Act, the last day of the period shall be included in such  
25 calculation, unless such day is a Saturday, a Sunday, or

1 a legal public holiday, in which case the period of such  
2 deadline shall be extended until the end of the next day  
3 which is not a Saturday, a Sunday, a legal public holiday.

4 (b) **LEGAL PUBLIC HOLIDAY DEFINED.**—For the  
5 purposes of this section, the term “legal public holiday”  
6 means a day described in section 6103(a) of title 5, United  
7 States Code.

8 **SEC. 303. SEVERABILITY.**

9 If any provision of this Act or any amendment made  
10 by this Act, or the application of any such provision or  
11 amendment to any person or circumstance, is held to be  
12 unconstitutional, the remainder of such Act and amend-  
13 ments made by such Act and the application of such provi-  
14 sion or amendment to any other person or circumstance,  
15 shall not be affected by the holding.

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